



CONTESTED RESOURCES
CHALLENGES TO THE GOVERNANCE
OF NATURAL RESOURCES
IN
SOUTHERN AFRICA

EDITED BY TOR ARVE BENJAMINSEN,

CONTESTED RESOURCES

CHALLENGES TO THE GOVERNANCE OF NATURAL RESOURCES IN SOUTHERN AFRICA

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CONTENTS

Contributors	iii
Introduction <i>Tor Arve Benjaminsen, Ben Cousins and Lisa Thompson</i>	1
SECTION 1: CONTESTING 'GOVERNANCE'	
Grounding governance: Power and meaning in natural resource management <i>Pauline E Peters</i>	7
Community-public-private partnerships in CBNRM: The real challenges? <i>Yemi Katerere</i>	20
Co-management as co-governance: Prospects for community-based natural resource management in southern Africa <i>Najma Mohamed</i>	39
Sharing products or power? Intentions, meanings and approaches to community involvement in forest management in east and southern Africa <i>Liz Alden Wily</i>	51
SECTION 2: POWER AND AUTHORITY IN CO-MANAGEMENT OF THE COMMONS	
Lessons from Malawi's experience with fisheries co-management initiatives <i>MM Hara, SJ Donda and FJ Njaya</i>	67
Preconditions for implementation of co-management in small-scale fisheries in South Africa <i>Anne Katrine Normann</i>	78
Community-company forestry partnerships: A popular trend or a true devolution of authority to local communities? The case of South Africa <i>Alice A Ojwang</i>	91
Local institutions and sustainable land-use management in land redistribution projects in rural KwaZulu-Natal <i>Urmilla Bob and Ismail Banoo</i>	98
SECTION 3: EMPOWERMENT AND REDISTRIBUTION	
According to need, greed or politics – redistribution of fishing rights within South Africa's new fisheries policy <i>Moenieba Isaacs and Bjørn Hersoug</i>	115
Community fencing in open rangelands: A case study of community self-empowerment in eastern Namibia <i>Chasca Tnyman, Deborah Sporton, David Thomas and Andrew Dougill</i>	127
Politics, policy and livelihoods in the Kalahari <i>Deborah Sporton, Chasca Tnyman and David Thomas</i>	141
Sharing South Africa's water: Uncovering challenges for development through strategic environmental assesment <i>Dirk Versfeld</i>	152
Institutional evolution in water resources management: Lessons from the Zimbabwean water sector reform programme <i>Claudious Chikozho</i>	157
SECTION 4: COMMUNITIES IN PROTECTED AREAS: WHO'S INTERESTS COUNT?	
The governance of nature conservation in South Africa <i>Stephen Turner</i>	165
Between a rock and a hard place: Contested livelihoods in QwaQwa National Park, South Africa <i>Rachel Slater</i>	181
Conservation and sustainable livelihoods in Bokong and Tschlanyane in Lesotho <i>Taelo Letsela, Kevin Balkwill and Ed Witkowski</i>	192
Transfrontier conservation areas: A framework for managing peace and nature in southern Africa? <i>Maano Ramutsindela and Johannes Tsheola</i>	201
NGOs, 'bushmen' and double vision: The #Khomani San land claim and the cultural politics of 'community' and 'development' in the Kalahari <i>Steven Robins</i>	208

SECTION 5: CONTRADICTIONARY NARRATIVES OF LAND, ENVIRONMENT AND DEVELOPMENT

Discourses everywhere and not a drop to drink: Water as a lens on environmental security <i>Lisa Thompson</i>	231
Debating 'environment' in South Africa's Wild Coast: Land use, livelihoods and development <i>Thembele Kepe</i>	241
Land reform in Namaqualand: Poverty alleviation, stepping stones and 'economic units' <i>RF Robde, TA Benjaminsen & MT Hoffman</i>	255
Visions of equity: Land reform, environment and gender in post-apartheid South Africa <i>Hilde Ibsen</i>	269
Is land reform in South Africa trustworthy? The management regime for resettlement projects in the Northern Cape <i>Thorvald Gran</i>	282
Domains of trust in the southern Kalahari: Production of knowledge, authenticity and community heterogeneity <i>William Ellis</i>	296
Population densities and agro-ecological potential: A critique of regional-scale analyses from Kenya and South Africa <i>RC Fox and KM Rowntree</i>	304

SECTION 6: ECONOMIC ANALYSIS OF NATURAL RESOURCE USE

The contribution of communal rangelands to rural livelihoods in the Maluti District: Valuation of fuelwood <i>Zolile Ntshona</i>	317
Cost-benefit analysis as a policy tool for natural resource management in rural communities: Case study evidence from Sekhukhuneland, Limpopo province <i>Douglas Crookes</i>	328
Accessing natural resources: Implications for sustainable management and livelihoods <i>Delali BK Dovie, Charlie M Shackleton, Ed TF Witkowski</i>	336
Money for nature: Globalisation and renewable natural resource management <i>Carl-Erik Schulz</i>	349

SECTION 7: PARTICIPATORY APPROACHES TO NATURAL RESOURCES

Towards community-based forest management in North West province: Current practices and future challenges <i>Dominic Milazi</i>	363
Building spatial concepts for community-based catchment management: Planning for LandCare in the Kat River valley <i>KM Rowntree, A McMaster and M Duma</i>	371
Natural resources management: Lessons on social forestry in Lesotho <i>Celina Qobo</i>	379
Policy versus praxis: Problems facing the water sector in South Africa <i>Jaqui Goldin</i>	384

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INTRODUCTION

TOR ARVE BENJAMINSEN, BEN COUSINS AND LISA THOMPSON

BACKGROUND

A central issue for development policy across southern Africa is the governance of natural resources such as land, water, forests, rangelands and fisheries. Institutional arrangements for the sustainable management of these resources are now seen as critically important at all levels of government, but also as necessarily involving agents outside of government (communities, non-governmental organisations and the private sector). Governance of natural resource use in southern Africa is rendered inherently complex by some key features of current regimes of use:

- ownership and control by different interest groups is highly skewed
- many resources are in short supply relative to the populations which depend on them
- many resources are held under regimes of property rights urgently in need of democratic reform
- some resource regimes (for example, water catchments and protected areas) are cross-frontier in character
- access and control are increasingly contested, leading to tensions or conflicts between competing interest groups or even national states.

These issues, which are currently being addressed by land reform and other policy initiatives in southern Africa, were explored in a symposium held at the University of the Western Cape in October 2000. The proceedings of this symposium are published in this volume. Central themes include:

- the role of natural resources in livelihoods
- the impact of regimes of property rights on governance
- the role of the state
- modes of co-regulation and co-management between stakeholders, including but not limited to the state and user groups
- the impact of decentralisation of government
- co-ordinated and integrated action and decisions within and between natural resource sectors

- dispute resolution and conflict management
- power, meaning, identities and competing concepts, definitions and discourses of governance and resource management.

The symposium was the first outcome of a joint initiative by two constituent units of the School of Government at the University of the Western Cape, the Centre for Southern African Studies (CSAS) and the Programme for Land and Agrarian Studies (PLAAS). This aims to bring together multidisciplinary and wide-ranging analyses on governance and natural resources. The work of the CSAS and PLAAS on a number of different yet thematically-related projects (for example, water reform, land reform and community-based natural resource management) could thus be brought together, and diverse conceptual frameworks and research approaches debated.

The other aim of the symposium was to allow for the presentation of findings from ongoing research arising out of productive and mutually beneficial partnerships between southern African institutions and a number of Norwegian partners. Within the School of Government, both CSAS and PLAAS are engaged in fruitful collaborative programmes with the Norwegian College of Fisheries Science at the University of Tromsø and the Chr. Michelsen Institute (CMI) at Bergen. PLAAS and other staff of the School are working closely with the University of Bergen in a research programme on trust relations and administrative authority in South Africa. PLAAS and the Centre for International Environment and Development Studies (Noragric) at the Agricultural University of Norway are working closely together in a programme focused on human rights and governance in South Africa's land and agrarian reform. Another of PLAAS's partners, the Centre for Applied Social Sciences (CASS) at the University of Zimbabwe, has collaborated closely with CMI over a number of years, and a number of CASS researchers presented papers at the symposium.

SYMPOSIUM ORGANISATION AND THE STRUCTURE OF THESE PROCEEDINGS

A total of 38 papers were presented at the symposium, and a variety of resource sectors were represented. The organisers of the symposium decided to eschew an approach to the organisation of panels in terms of resource sector in favour of one attempting to focus on key themes in governance, which were flagged in plenary sessions held at the outset of each day's proceedings and then carried forward into the different panels. This approach was used to ensure that ideas could be exchanged across specific case-study contexts. The inclusion of more international relations and development approaches also led to a greater emphasis on the global context within which the research on community-based resource management takes place.

These proceedings are structured in a similar fashion, and papers have been grouped around the following themes:

1. Contesting 'governance'.
2. Power and authority in co-management of the commons.
3. Empowerment and redistribution.
4. Communities in protected areas: Whose interests count?
5. Contradictory narratives of land, environment and development.
6. Economic analysis of natural resource use.
7. Participatory approaches to natural resource management.

Not all the papers which were presented at the symposium could be included in these proceedings, but they nevertheless demonstrate the wide-ranging nature of the discussion and debates which took place.

EMERGING THEMES

One of the predominant themes of the conference, which was introduced early on in the first plenary session in a keynote address by Pauline Peters, was the relationship between academic theories and analysis of governance and the environment, on the one hand, and the world of policy and practice, on the other. As Peters put it in her paper:

It is the interface between ideas and actions which interest me... particularly... the way in which certain ideas or approaches make their way into policy design and implementation, often with no attention being paid to their theoretical premises, and how quickly they become accepted as conventional wisdoms.

Peters reminded us of the need for 'grounding governance' when debating concepts and approaches to natural resource management. This advice was well-heeded by presenters and discussants, and indeed one of the strengths of the conference was that governance-related concepts and theories were debated across disciplinary boundaries and resource-specific research projects. Of course, the gap between academic debate and the practice of natural resource allocation, management and contestation will remain in tension. Yet it was heartening to see so many researchers devoting attention and energy to thinking through ways to narrow the divide between academic discussions and policy processes.

As a cursory glance at the contents of this volume shows, there is nonetheless still a high concentration of micro-studies in areas of resource management such as water, forestry, and land reform. However, we believe that the challenge for researchers in this thematic field is to go beyond the empirical cases studied, and then preferably in teams. It is still important with an empirical approach to understand the day-to-day micro-politics of resource management and its influences on the environment. But our studies of power, meaning and discourses in natural resource management should not stop there. We should also try to trace the lines of influence beyond the cases studied to national and global political and economic debates and struggles.

The international structuration of power is arguably integral to understanding the broader contexts within which national, regional and local policy debates and dynamics take place. The valuable social science contributions to understanding community participation (or 'stakeholder politics', in the language of political studies) can help to highlight how and under what circumstances certain groups are included or excluded, and under what conditions their relational power is positively exercised or not, both within states but also in specific 'developing regions' such as southern Africa. However, as Peters points out, this needs to be done within an analytical context which is at least cautious about the meanings of and relations between concepts such as 'governance' on the one hand, and 'community-based management' on the other. Peters and others in this volume critically examine the academic transformation of the concept of governance into a 'development-speak' cliché, where it implies more than 'government' but is often lacking in any rigorous analytical content. The meaning of community involvement in governance (as opposed to management), and the relationship between the two concepts, is the subject of over-generalisation but also of contestation.



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agreed to open the symposium) and Jannicke Bain of NIHR for their assistance in securing the funds.

Events such as these depend for their success on the backroom efforts of skilled administrative staff, and grateful thanks are extended to Natasha Emmett of PLAAS and Valmarie Haywood of CSAS for their sterling work. They were ably assisted by Vivian Magerman, Bealah Jacobs and Msie Mgija of PLAAS.



SECTION 1: CONTESTING 'GOVERNANCE'



GROUNDING GOVERNANCE: POWER AND MEANING IN NATURAL RESOURCE MANAGEMENT

PAULINE E PETERS

INTRODUCTION

In this keynote address I wish to identify some important ideas and conclusions arising out of recent analyses of theory and practice on natural resource management. I use these in a preliminary attempt to argue that the centrality of power and meaning in processes of ‘governing natural resources’ is not sufficiently addressed in the currently favoured approaches of ‘common property theory’.

My intention is to provide some food for thought as we consider together the specific cases presented in the symposium. I am personally committed to the intersection of scholarship or theory-building with practical action, including policy. Note that I say ‘intersection’ – I do not wish to conflate the academic work of theory-building with the practical work of applying theory to policy, but I also reject their total separation as neither possible nor desirable. It is the interface of ideas and action which interests me. I am particularly interested in the way certain ideas or approaches make their way into policy design and implementation, often with no attention being paid to their theoretical premises, and how quickly they become accepted as conventional wisdoms. Equally interesting is the question of why some ideas and approaches developed by thinkers and researchers do *not* make their way into policy debate. Today, I shall discuss some notions that currently dominate the realm of natural resource management so effectively that they exclude others that might be more appropriate guides.

The title ‘grounding governance’ points to my attempt to alert us to the dangers of overly general or abstract concepts and to question the appropriateness of the premises and implications of some key concepts and approaches in natural resource management, such as community, participation,

local knowledge, or effective institutions. A related danger is reductionism – the reduction of complex and situationally specific interactions among people and their environments to oversimplified models or rules of behaviour. The proliferation of acronyms in the field – NRM, CBNRM, CPR, IPR, NGO, CBO – stands as a warning: beware the reduction of multifarious relationships and conditions to a series of capital letters! We have here one of the lessons of introductory philosophy courses – the fallacy of misplaced concreteness, which warns against reification and abstraction of real, socially-specific interactions. The warning is needed because we have a tendency to blame social reality, especially real people, for the shortcomings of our models (‘those people are incapable of working together in participatory ways to manage their resources’), or we try to get the social realities to fit a model’s expectations (‘these people need to be taught how to participate in order to look after the forest/well/river’). In short, and not to belabour the point too much, my aim here is to push us to reflect on some of our taken-for-granted concepts and practices, and to examine the often unarticulated premises of leading ideas and approaches, in order to refine our understanding, broaden dialogue, and sharpen our practice.

Recently, I read a comment by a southern African policy researcher on the recent meeting in the US of the International Association for the Study of Common Property (IASCP). He said that, despite efforts by the IASCP organisers, ‘the two worlds’ of academics and practitioners ‘failed to achieve much substantive interaction’, and that the conference was dominated by an ‘academic industry’ that was not meaningfully influenced by the practitioners’ experience. He summarised the situation as: ‘the worlds of village project support and of academic



paper-giving at international conferences are very far apart', and asked for ideas on how to avoid replication of this split in the next IASCP meeting expected to be held in Zimbabwe (University of the Western Cape Community-Based Natural Resource Management chat-room). I found myself in two minds about his message.

On the one hand, I agree with the challenge to the academic practice of paper-giving that too often becomes mere theoretical duelling. To the extent that one can convert these rituals into attempts to exchange information and to open rather than to discourage dialogue by challenging various ideas and practices, so much the better. On the other hand, I consider that the danger of assuming a total split between academic theorising and practitioners' actions is a much larger danger, and one I address here. I can agree with the comment 'the worlds of village project support and of academic paper-giving at international conferences are very far apart' in so far as these literal sites are physically removed from one another. Nevertheless, I would argue that they are nevertheless joined in unseen ways that can prove detrimental to understanding and practice. I mean that certain ideas, concepts and models produced in academic studies and conferences often provide the frameworks for how 'village projects' are formulated and implemented. Yet many of these organising frameworks are not appropriate: they hinder rather than help informed practice and they often prove impervious to studies showing how the many practices glossed by the term 'village project support' may contradict the theories from which they derive. It is precisely the links between theories and practice that most need review yet that are unseen because of the force of conventional wisdoms and taken for granted concepts and approaches.

GENEALOGIES OF KEY TERMS

I am old enough and have been long enough concerned with policy debates about land and other resources in southern Africa to want to draw attention to how new this concept of 'governing' resources is. Often we adapt so quickly to new vocabulary that it becomes routinised – second nature – before we quite grapple with its sources and implications. Before coming to 'governance', let us remember that 'natural resource management' is also a relatively new domain in development policy and an outcome of the entry of 'environment' into development policy. Perhaps the single most significant change in development policy debate over the past 20 years is the meteoric rise of environment as a key domain of concern. The emergence of environmentalism as popular movement and a growing dimension of research by scientists and social scientists led to a rapid escalation of

environmental policy-making and administrative actions in the US and, rather more slowly, in Europe during the 1960s and '70s. The 1980s saw a similar move of environmental issues into development policies in the so-called developing nations and, belatedly, into the management of aid by multi-lateral and bilateral donors.

At least for African countries, there are several major differences in the role of environment in policy compared with that in the US or Europe. First, and crucially, the environment as a focus for policy was driven little, if at all, by environmental organisations in the countries themselves but much more by the requirements of 'conditionality' on aid funds, which, in turn, opened the door more widely to an increased role of international environmental organisations. (As in so many other respects, South Africa may be an exception here.) Second, the push towards centring policy on the environment fundamentally displaced the critically important domains of agricultural and rural development. There were several unfortunate results: one was to separate use of natural resources in agricultural and other rural activities (such as pastoralism, forest-based activities, or fishing) from environmental policy and action; second, attention was shifted away from people's livelihoods towards resources themselves; third, in the context of economic stress and cuts imposed by structural adjustment, scarce funds, personnel and administrative resources were concentrated in new offices (or departments or ministries) for environmental affairs, seriously undermining the capacity of the civil service and government officers to maintain routine activities across the range of essential service sectors.

The main issues in the environmental agenda pushed by donors and incorporated into the conditions set on releasing aid funds were those of desertification, deforestation, and the threats to certain habitats and species. One outcome was an escalation in gloomy accounts of the 'degradation' of African environments. There is now a large body of critiques of these overly apocalyptic narratives (Hoben 1996), and specific challenges to interpretations of degradation in rangelands (Scoones 1996), forests (Fairhead & Leach 1996; Tiffen et al. 1994), and other resources (McCann 1995). A second outcome of the environmentalist agendas was the proclaimed need to conserve or preserve environments against the depredations of people. Not only did this eliminate questions about existing human-environment interactions, but the administrative shift away from agricultural and rural development led to a failure to link environmental protection with the use of natural resources in agriculture and other rural activities which, in most African countries, meant



the majority of their populations. The absurdity of this situation became a source of debate within the donor aid groups as well as, to some extent, within aid recipient countries. In 1994, for example, a conference on US Agency for International Development (USAID) natural resource management and environmental policy was held in The Gambia and brought together USAID professional staff in the fields of agriculture, rural development, food security, along with the new one of environment, as well as a range of people working in development, including researchers like myself. There was patent anger at the conference among the many who felt that there had been an environmental 'take-over' with the unwarranted displacement of focus and funds for crucial areas of policy work in agriculture and rural development to environmental issues, and that the opposition between conservation and people or conservation and development was totally at variance with what was critical in Africa.

Similar debates were being conducted in many other places and organisations so that one saw the growth of efforts at linking conservation and development. These included the idea of 'buffer zones' as transition areas around parks and other conservation areas where limited, regulated use could take place. In most cases in southern Africa, such zones essentially legitimised the patterns of use of people living near and off the environmental resources being protected. Another approach, also found in southern Africa, was more radical in facilitating the commercial use of environmental resources, particularly the megafauna beloved of international tourists. These, such as the Communal Areas Management Programme for Indigenous Resources (Campfire) initiative in Zimbabwe, posited the interlocking of the two goals of conservation and development: improving people's benefits through, rather than at the cost of, the protection of the environment made them better stewards of a sustained use of resources.

Experience of the past decade has shown that this attractive outcome is not a given, even with the advantages of high-value environmental activities such as game management, and that it is much harder to achieve with most resources, including forests, lakes and rivers. Moreover, there remains considerable resistance towards the very notion that conservation and development can be joined among biologists and other scientists concerned about biodiversity loss and other environmental threats (Alcorn 1997, Borrini-Feyerabend 1997). Similarly, the attempts to forge closer relationships between agriculture and environment in policy design and implementation are still tenuous. Thus, current efforts at land reform and water policy reform in many countries in southern Africa are going ahead with little reference

to each other and to the environmental issues that cross-cut the two resources. There often remains separation, for example, between departments of agriculture or irrigation and those concerned with the environment. Where there are areas of interface, however, we find the term 'natural resource management'. Historians have shown that colonial administrations in Africa invoked environmental concerns during the 1930s and 1940s, so that we may see those policy debates and actions as forerunners of some of what we see in the contemporary period. Yet I think the main use of the notion of natural resource management and its being given such salience in development policy work are particularly the products of the rise of environmentalism. The outcomes include discussions about what may constitute sustainable development, the many challenges in combining conservation and development, and the critical questions of authority over and responsibility for natural resources. This brings me to the concept of 'governance'.

At least for African studies, political scientists appear to have introduced the concept of *governance* into the debates raging during the 1980s about the 'failures' of African states – the preponderance of 'weak' states, their susceptibility to coups that reproduced rather than replaced the patrimonial structures and autocratic leaders, the inability of states to capture peasantries, the pervasive corruption, the 'rent-seeking' by state elites, and the increasing breakdown of states into warring factions who use sporadic butchery and patronage to punish and reward. The term governance encompassed but went far beyond the conventional sense of government, incorporating not only state legislative and administrative organisation, but the broader panoply of orderly mechanisms in 'civil society' (another newly fashionable concept). These Africa-specific debates were also paralleled and influenced by the rise of neo-liberalism which joined critiques of over-centralised states with a scepticism about government's role in managing economic matters and a promotion of market solutions. Governance is also an attractive notion to those drawing on more populist traditions since it promises more space for popular participation.

Governance has moved far beyond academic debates to become a key focus of the programmes of all major aid donors and, like environmental policy, it has been made part of the conditionality imposed on the transfer of aid funds. Given their similar history, maybe it is not surprising that environment and governance have been joined together to produce the topic for this symposium: the governance of natural resources. Although I am usually wary of faddish inventions in 'dev-speak', such as 'governance', I



think its advantages over the concept 'management' are that authority over resources may be located at any number of levels, and that the term can embody notions of power and authority in a way that 'management' does not.

On the other hand, the analytical context within which 'governance' normally resides leaves much to be desired, and some concerted effort is needed to dislodge the concept from the reigning paradigm's current stranglehold. I refer in particular to what is called 'common property theory' that derives largely from institutionalist approaches in political science. The publication that has most directly influenced the thinking and practice encapsulated in the phrase 'governance of natural resources' is surely Elinor Ostrom's 1990 book *Governing the commons*. The subsequent flow of publications by Ostrom and her large group of collaborators and students has elaborated but not changed the arguments of that book which have had a determining influence on the way common-pool resource management has been formulated and incorporated into policy discourse. I see three main problems with the current understanding of 'governance'. First is the reduction of governance to a set of rules and/or to a set of property rights. Secondly, the narrow focus on rules tends to rely on functionalist logic, so replaying an old lineage of thought that sees contestation or conflict as deviance and as opposed to orderly management. Thirdly, and paradoxically, governance often becomes quite separated from the politics of resource control where power and authority are not secured with 'clearly defined rules' but struggled over. I will discuss these problems with reference to some of the rich and ever-growing literature on natural resource management, including community-based approaches.

CHALLENGING DOMINANT PARADIGMS IN GOVERNING NATURAL RESOURCES

The main source of influence on development policy circles about 'governance' is undoubtedly from institutional economics and political science. One major threshold was the publication in 1968 of Garret Hardin's parable of 'the tragedy of the commons'. The debates generated then and since among theoreticians in these disciplines have been driven by disagreements about the relation between individual rational self-interest and group interest, in particular about the likelihood and conditions for 'collective action'. The resource systems we now refer to as common property regimes have become fodder for these theoretical battles that have no *necessary* connection with the resource systems themselves but, as these theoretical debates about institutional change were picked up by development

theorists and organisations, application of the theories has greatly influenced the way resource systems are understood and directed.

In a recent article, the prolific Elinor Ostrom selects Mancur Olson's 1965 publication *The logic of collective action* as the key exemplar of the 'zero contribution thesis' which, in Olson's terms, is the proposition that 'unless the number of individuals in a group is quite small, or unless there is coercion or some other special device to make individuals act in their common interest, rational, self-interested individuals will not act to achieve their common or group interests' (1965:2, cited in Ostrom 2000:137). Ostrom argues that there is now a large literature that contradicts this proposition as well as the policy conclusion that is drawn from it, namely, that collective action can occur only when 'externally enforced rules' assure it. She summarises the empirical evidence from 'extensive fieldwork' as showing that 'individuals in all walks of life and all parts of the world voluntarily organize themselves so as to gain the benefits of trade, to provide mutual protection against risk, and to create and enforce rules that protect natural resources' (Ostrom 2000:138). These various processes are all glossed as 'collective action'. She also cites findings from experimental games played in laboratories that show that the 'standard model of rational individual action' or what she refers to as the 'rational egoist' is *not* applicable to collective action situations. The experiments overwhelmingly display the propensity of players to find ways of co-operating to achieve common ends.

Taking the management of common-pool resources as typical of collective action problems, Ostrom goes on to argue that empirical studies show that successful management is characterised by certain 'design principles', which she first laid out in 1990 in *Governing the commons*. These design principles, in turn, allow a specification of the 'configuration of rules' in common-pool resource institutions. This is the part of Ostrom's work, of course, which has had most influence in the field of community-based resource management, especially common property regimes. It also reflects one of the central propositions in institutional economics and political science which has proved most problematic in their influence over the field of 'governing natural resources': namely, the definition of institutions as sets of rules.

The major contribution of these 'new institutionalist' approaches in political science to debates about common property regimes (and by extension to other forms of governing resources) is to rescue discussion from the tyranny of 'rational egoist' premises by centring on institutions. (Hereafter, I



shall refer to these approaches as ‘neo-institutional/ist’). Thus, Elinor Ostrom’s efforts to develop an alternative theory of collective action to that typified by Mancur Olson which is underwritten by the assumption of the applicability of ‘the rational egoist’ in all social life, and to draw on and encourage field-based empirical research on people managing resources have been extremely significant. Such a turn in political science, according to Arun Agrawal, has clearly demonstrated the limitations of earlier neo-institutionalist analyses that posited ‘institutions simply as mechanisms for efficiently allocating resources’, and have given more space to ‘the importance of politics’ (1998:59).

Both these points are shared by most other social scientists addressing natural resource governance. We can all agree that key to understanding systems of natural resource use, including common property systems, is an institutional analysis and one that includes politics. Only then can we hope to understand the actions of individual users. As I said some years ago: ‘It is an error to suppose that an individual calculus can explain a commons system – rather, one has to understand the socially and politically embedded commons to explain the individual calculus’ (1987:178). There remains, however, profound disagreement over how to conceptualise ‘institution’ and therefore disagreement over how to theorise, investigate, analyse, and formulate policy for, natural resource management systems. Thus, while agreeing with Agrawal on ‘the importance of politics’, many researchers depart from his premise in the following sentence where he says that political scientists ‘show that institutions are the outcomes of individual choices ... made under the constraints of existing rules, and that they are attempts by social actors to consolidate asymmetric power relations and [to] increase economic gain’ (1998:59).

The main points of disagreement are the reduction of institutions to a set of rules, the reduction of agency to individual choice, the privileging of property rights, the assumption that conflict or contestation is antipathetic to a functioning institution, an exclusive focus on interests that ignores meaning, and the failure to theorise power.

A large literature shows that defining institutions as sets of rules devised over time to regulate human behaviour, acting as constraints on individuals’ self-interest in the provision of public goods, and reducing the ‘transaction costs’ of monitoring others’ behaviour, provides far too narrow a compass for understanding social dynamics. These critiques of the neo-institutionalist theories now dominant in governance and natural resource management (for example, Leach et al. 1997; Mehta

et al. 1999; Klooster 2000) are new and welcome in these fields, but they also pick up on longer-established critiques of methodological individualism and economism (see, among many others, Granovetter 1985; Kahn 1990; Friedland & Robertson 1990; Dillely 1992; Berry 1993; Peters 1993; Stein & Wilson 1993; Halperin 1994; Haworth 1994; Leys 1996; Carrier 1997).

Some of the specific critiques emerging from the research on resource management include the following. The identification of ‘rules of the game’ as common property institutions from studying a particular form of resource management is often spurious in that the actual practices and meanings entailed in that management cannot be neatly excised from a much broader set of social and political relations. An exceptionally well-documented example by Lansing (1991) is the set of irrigation systems in Bali that had worked for generations, not through a specialised common property institution, but through the social and ritual relations centred on a series of water temples. In an example from Zimbabwe, Frances Cleaver was not able to distinguish particular rules or a separate institution that governed water use. Instead, people’s conviction that everyone had a right to water led them to flexible and negotiated practices that depended on their existing social relations (1998).

Of course, specific organisations that focus on natural resource management such as fisheries or irrigation associations do exist. But, in a wide range of situations, the practices of resource use are so embedded in other social relations that deriving institutional rules is selective at best and arbitrary at worst. It seems that it is only when outsiders decide that institutions need to be established or protected that the multiple practices are reduced to a set of principles or rules. Just as defining institutions as rules has the effect of erasing the social and cultural dynamics entailed in how institutions actually work, the term ‘collective action’ operates in the same way. Collective action appears to be used by neo-institutionalist theorists to refer to any instance of joint decision or outcome. Although it is used, therefore, as a gloss for a very wide range of such circumstances, it is defined very narrowly as rational individuals deciding that the benefits of designing, changing, and maintaining rules are higher than the costs. The term ‘collective choice’ appears to be used in the same way and the word ‘choice’ highlights the notion of rational individuals freely choosing to act in a way that promotes joint or collective action.

Several analytical and empirical objections can be made. Political scientist, Daniel Klooster (2000), for example, criticises Ostrom’s framework of ‘crafting institutions’ for limiting the factors favouring



collective action to cost-benefit assessments that incline rational actors to invest in rule change. Using case material from Mexico, Klooster shows that some of the cases of unsustainable management of common property fit Ostrom's posited correlation between lack of success in collective management and the high costs and low benefits faced by individuals. He goes on, however, to show that it does *not* hold in many cases. He asks why so many people in his field site continued to engage in collective action (aimed at dislodging the local 'forestry elite') *despite* their high costs and low benefits (because they continued to fail in their challenges). He proposes that the main explanatory issue was people's sense of outrage at the unjust actions of the forestry elite. He contrasted this moral discourse and response with one of the premises of Ostrom's framework – 'Enforcement increases the confidence of individuals that they are not suckers' (Ostrom 1990:95). This premise, which is common in game theories, posits the concern of the rationally self-interested individual to avoid being made a 'sucker', that is, being taken advantage of by others. Klooster shows that this is not the motivation for the Mexican peasants who acted out of a judgement about the moral appropriateness of actions by particular people in particular social and political relations.

Moreover, the objection is not merely the empirical one that there are other motivations than self-interest at play in social interaction. That would be a truism. The main objection is theoretical: that an explanatory framework that reduces analysis of institutional process and social interaction to the cost-benefit assessments of strategising individuals is insufficient for understanding how and why the perceived 'choices' for action have been produced. It is not enough, as does Ostrom herself, to challenge the primacy in all social interaction of the 'rational egoist', defined as an individual who always puts his/her own immediate advantage first. In rebuttal to this premise of Mancur Olson among others, Ostrom argues that empirical, experimental, and 'evolutionary' theories suggest that 'a mixture of norm-users [i.e. those who value reciprocity, fairness, and trustworthiness] and rational egoists would emerge in settings where standard rational choice theory assumes the presence of rational egoists alone' (2000:144). In practice, however, the theories of collective action in common property and natural resource domains still premise the rational individual assessing whether or not to engage in collective action and institutional 'crafting'.

As David Mosse points out on the basis of his research on tank irrigation in South India (1997:266, his emphasis):

the focus [of the neo-institutionalists]... is on the context-specific structure of incentives which determines the collective provision of rules for [resource] use and which motivate strategizing individuals to commit themselves to follow them (Ostrom 1990, 1992; Tang 1992).

But the model cannot tell us why that particular structure of incentives exists or how it came about. I made a similar point in a critique of the 'rational choice' theory as used by Robert Bates: that methodological individualism as in game theoretic approaches can provide a situational logic that illuminates the strategy of actors at one point in time (what Mosse refers to as the structure of incentives), but it cannot explain the social and cultural dynamics which produce this logic (Peters 1993). When this premise of individual strategising is linked with the assumption that – in Mosse's words – 'institutions of tank management' (or any other resource use) 'can be understood ... as special purpose organizational solutions to the problems of efficient [management of] common property', then the critical point that such institutions are 'embedded in cultural institutions [such as] caste and religion' and power plays among village groups cannot be addressed (Mosse 1997:268). As Mosse's analysis shows, however, the operation of the irrigation tanks in Tamil Nadu cannot be understood properly without seeing how it is inextricably part of local social and political relations between different castes and also deeply influenced by conventional ideas about 'traditional tank management' held by state bureaucrats in Tamil Nadu. In other words, social, cultural and political relations at local level and at broader administrative scales, as well as over time, have to be analysed to understand the operation of the irrigation tanks.

Mosse's concluding comments are apt for many of the other studies I am drawing on here. He says that 'institutional theory' as applied by neo-institutionalists to common property and resource management takes:

little notice of the contests of power in resource use and development ... By focussing on a narrow understanding of economic interest, the institutional models ... tend to render local, historical, and social factors as, at best, of secondary importance and, at worst, as unanalysable random occurrences (1997:278).

The vast majority of studies, like those by Mosse, challenge the neo-institutionalist premises, described in the 'design principles', that effective management of natural resources depends on there being clearly bounded and relatively homogeneous groups, clear rules of operation, collective decision-making, overt monitoring systems, and clearly agreed and applied



sanctions. Instead, the studies show, again and again, that groups of users are highly heterogeneous, resource system boundaries are often flexible and difficult to define outside particular circumstances, and there are often competing interpretations of principles ('rules') governing claims and use. The patterns of use tend to be described as flexible and negotiable and are related to both highly variable ecological conditions, and to their being embedded in complex social and political relations (Leach et al. 1997; Mehta et al. 1999, Cousins 2000).

The dynamic picture emerging from these cases shows processes that cannot be contained in a framework that posits rationally self-interested individuals, each assessing his or her relative costs and benefits in the search for efficient institutional rules. In this institutionalist framework, the multitude of social differences, unequal power, competing interpretations, and contested claims are either assumed away by the premises of 'collective-choice arrangements' (Ostrom's design principle 3) and 'conflict-resolution mechanisms' (principle 6), or are squeezed into the concept of 'heterogeneity'. The assumption that 'community' is equivalent to 'a bounded ... corporate ... relatively homogeneous entity' (Mehta et al. 1999:15) is rejected by studies of community participatory projects showing that most local communities are socially differentiated along a host of dimensions – wealth, rank, political authority, class, caste, gender, age, race, ethnicity, and so forth. Such differences deeply influence the degree and type of participation possible for different categories of persons. The current practice of applying the term 'stakeholder' to entire communities (whether villages, or other units) thus becomes highly problematic. Techniques such as focus groups or participatory appraisal are often unable to bypass socio-economic and political differentiation and, despite the best of intentions, may reflect only highly partial views of 'the community' (Mosse 1997; cf. Fairhead 1993).

We should recall that community participation as an approach and as a desired goal has re-emerged periodically in development circles. The failures of over-centralised, top-down or 'blueprint' projects in the first development decades first turned attention to the other end of the spectrum – grass-roots, bottom-up development. The outcomes included the community development projects of the 1950s and 1960s, the integrated rural development projects of the 1970s, and the many community-based projects in all sectors over the years. Assessments of the various community approaches have shown that, too often, participation became a method for governments to mobilise cheap labour and involuntary contributions, supposed beneficiaries

were treated as recipients of projects rather than architects of their own preferred activities, participation meant the devolution of responsibilities but not of rights, and the decentralisation of tasks but not of resources. (See Hoben et al. 1998 for one review of the promise and perils of participatory approaches).

These problems of earlier generations of community participatory approaches are being rediscovered in the community-based natural resource projects. As Peter Little concluded in his review of the link between local participation and improved conservation, 'community is commonly misused to invoke a false sense of "tradition", homogeneity, and consensus ... [whereas] most rural communities are not free of conflict, nor are they homogeneous' (1994:357). Indeed, the now extensive documentation of community-based resource management provides many examples where differences within groups determine whose voice is heard, whose opinions are translated into action, who benefits and who loses (Park 1993, Mehta 1997, Ribot 1999b). Community-based and participatory projects for managing resources, therefore, often have channelled and exacerbated inequalities based on gender (Carney & Watts 1990, Schroeder 1999), rank and wealth (Mosse 1997, Peters 1994), and socio-economic differences of varying sorts (Peet & Watts 1996; Ferguson & Denman 2000).

Researchers have shown that, lacking real decentralisation of administrative and financial authority and resources, all that gets decentralised to local groups are the requirements for contributions of labour or cash. Moreover, a clear conclusion reached by many researchers working in several world regions is that community and participatory projects often serve to extend the reach of an extractive state, political elites, and private business interests in ways that undermine the ability of local groups to manage their resources (Neumann 1997; Schroeder 1997; Gatmaytang 1997; Colchester 1997; Sivaramakrishnan 1996).

Several conclusions are drawn from such findings. One is the centrality of power in questions of decentralisation, participation, and community-based natural resource management. Jesse Ribot, for example, has provided an exhaustive analysis of so-called participatory forestry projects in several Sahelian countries, showing that duties but not 'powers' are decentralised and that, even when some are extended to local groups, the lack of political accountability of local leaders results in the benefits reaching only a small section of the 'community' (Ribot 1998, 1999a, 2000). The implications for the general problem of ensuring effective and equitable



'community management' and for the specific problems arising from the social heterogeneity of most local groups are that 'locally accountable representation could be a means for ... mediating ... these ... differences' and thus, 'the accountability of community authorities and representatives is a critical matter for current approaches to rural development and environmental management' (1999b:6). A similar conclusion by Pearse and Stiefel places the emphasis on political solutions, stressing that effective participation requires 'organized efforts to increase control over resources and regulative institutions in given social situations on the parts of groups and movements of those hitherto excluded from such control' (cited by Little 1994:350). Similar conclusions have been reached for Amazonian groups (Benavides 2000), for San in southern Africa (Mazonde 2000), and for minority groups in Malaysia (Dentan et al. 1997), among others.

A less welcome conclusion emerging from some of these studies is that there is no neat relation between local control over resources and sustainable use. Although one of the constant rationales for promoting localised authority is that it guarantees more effective and sustainable resource use, empirical research suggests that it does not necessarily do so. On the other hand, an equally common story – though spread by a different set – is that poverty drives people to unsustainable use. In fact, one can find cases where claims are made that local groups are able to manage resources more sustainably (Sponsel 1995 on Amazonian groups), and cases that show that even very poor people are more likely to use resources on a sustainable level than richer groups more interested in short-term profits (Broad 1994 on the Philippines; Bryant & Bailey 1997). There are also, however, cases that show increased local authority over resources leading to increased levels of exploitation, and even destruction, of ecological resources: for example, local groups in the Philippines cut down mangroves and, after putting in some basic infrastructure necessary for an aquaculture operation, sold it to an entrepreneur (Vayda & Walters 1999:174). The reasons for this variable picture, of course, are that there is no single, simple relation between local authority over resources and the sustainability of use. This can only be determined in relation to a whole host of other factors such as alternative uses, assessments by different groups of 'owners' on how best to use the resources, market situations, policies in place, relative power vis-à-vis various outsiders, and so forth. In addition, of course, there is the large problem of how to define sustainable use and over what time frame it is being assessed.

Whatever the relation between local forms of governance and the sustainability of use, the message

of these studies is that resource use and 'management' requires close attention to social and political relations. In addition to the emphasis placed by such studies on the centrality of power plays over resources, the significance of *contestation over meaning* is equally clear. In the competition among differently positioned persons over respective rights and claims to use or manage resources, much of the contestation occurs over definitions and interpretations. Questions are posed such as: what constitutes an acceptable claim to draw water in such and such a well? Is the current shortfall in rainfall to be determined a crisis sufficient to allow a widening of access or perhaps a narrowing of access? This is the fifth time B's cattle have trampled the fence around the well – shall we require him to pay compensation? Should the visitor who has been staying in so-and-so's house contribute to the cost just incurred for a new pump? Each of these and a multitude of other issues entail cultural meanings and negotiations over them that are not captured easily in a notion of clear and accepted rules. One of the most obvious shortcomings of the institutionalist approach in common property theory is its total blindness to the role of meaning in social life and social analysis.

Let me give some examples of how significant this dimension of analysis is. Judith Carney (1988; cf. Carney & Watts 1990) has shown that a critical element in the struggles between men and women over relative authority over fields and crops in a rice project in The Gambia was the specific cultural definitions given to the project fields. If these were defined as *maruo* or compound fields, then husbands retained authority, whereas if they were defined as *kamanyango* or personal fields, then wives (as well as some junior men) could claim authority over them. Because this cultural struggle over definitions remained invisible to project managers and donors, the expected benefits of a rule change placing women's names as holders of the plots did not materialise. The local men had managed to get those fields defined as *maruo* and thus, even though women's names might appear on the books, the authority continued to lie with their husbands.

David Mosse shows in his study of irrigation tanks in Tamil Nadu that a project to establish a village-level society to manage the tank 'was framed in terms of the development model of collective action for utilitarian outcomes' of effective management and local organisation. However, within the village, the 'public service' element of collective action was interpreted by the upper caste as an 'appropriate means to demonstrate leadership and social pre-eminence' and by the lower caste as yet another avenue for their 'subordination and dependence' (1997:271). Thus, the very meaning of the collective action was disputed.



In my own earlier work on deep wells used for livestock in Botswana, I showed that central to the political and social debates about the relative advantages and disadvantages of privately owned wells were plays on meaning of key terms such as 'syndicate', and '*kgotla*'. Much of the social and political manoeuvring over relative claims to scarce water points and to grazing pastures took place through competing interpretations given to key concepts. I argued that 'struggles over resources or over power .. necessarily take place in terms of .. meanings' and suggested that 'struggles over resources' are simultaneously 'struggles over meaning' (1984; cf. 1994).

Some of the recent studies similarly show that many of the contestations over resources now engaged in many parts of the world turn on issues of social identity and the cultural politics of place. The battles over identity and place are as integrally involved in how people use and manage their resources as are their assessments of the material uses to which the resources are put. These studies show that natural resources are not merely assets to be managed on the basis of assessed costs and benefits, but are the basis for ways of life that are inextricably embedded in particular histories, in specific networks of social relations of power, and in matrices of meaning.

Donald Moore (1993) shows, for example, how groups in eastern Zimbabwe draw on common histories of belonging and of past patterns of settlement and displacement by successive governments in their efforts to establish their rights over territory. A parallel story of movement, settlement, and displacement is told for groups at an earlier period of Tanzania's history (Neumann 2000). Broad (1994) argues that a sense of belonging to a place is one of the conditions that can explain how even very poor people in the Philippines work to sustain their resources and protect them against the depredations of richer groups. In Botswana, groups of San Bushmen (Basarwa) lobby the government for allocation of land titles by invoking group histories of using the same areas of land, though at periodic intervals depending on season, year and political events, over generations (Mazonde 2000).

In Mexico, Klooster (2000) describes speakers from one of his research sites explaining their concern with the proper use of their land as deriving from their wish to leave it for their children in a similar state as they had found it. They said: 'We are just here temporarily. We are not owners' (2000:14). Klooster points out that this does not at all fit the conventional institutionalist premise that property rights are key to proper use of resources and to

collective action. According to the property rights theorists, such a sense of *not* being owners would be assumed to lead to *lack* of care. But these speakers were expressing a goal that not merely transcended their self-interest, but that defined the proper relationship between a person and place – a culturally specific meaning.

Similar examples of the nexus of social identity, place, resource use, and political process can be found in all regions: South America (Colchester 1997; Benavides 2000; Chase Smith 1997; Poole 1997), South East Asia (Li 1997; Dentan et al. 1997; Barber 1997; Peluso 1997), South India (Guha 1990; Rangan 1996; Sivaramakrishnan 1996; Agrawal 1998).

CONCLUSION

The critiques I have briefly reviewed here lead to the following conclusions. Currently dominant theories or models of collective action and institutional crafting for resource management (which I have labelled 'neo-institutionalist') have fundamental flaws in their premises and leading concepts. Thus, the common conflation of norms, rules, and behaviour (as in de Janvry et al. 1993) or the equation of 'institutions' and 'organisations' common in economics and in some institutional economics, or the definition of institutions as rules, all result in an impoverished conceptual toolkit for analysing social dynamics surrounding resource use. Anthropology and sociology, for example, have long stressed the importance of distinguishing between 'rule' or 'principle', on the one hand, and 'practice' or 'action' on the other. One of the first lessons taught to an anthropologist is not to confuse what people say they ought to do (stated principles or norms) with what they say they do (statements about practice) and with what they are seen to do (practice or 'behaviour'). More fundamentally, the central issues for anthropologists (and sociologists) are meaning and its relation to action by social actors who are situated within specific social and political relationships. In contrast, theories that privilege the rational individual do not address these issues and, in practice, premise asocial individuals.

Some recent recommendations for more appropriate conceptual and theoretical frameworks for understanding and guiding natural resource management, therefore, promote long-accepted vocabularies of social theory. These include seeing institutions as 'regularised patterns of behaviour between individuals and groups in society' rather than either 'community-level organisations' or sets of rules (Leach et al. 1997:5). A similar approach is to see institutions as 'practices' that are structured in particular social, cultural and political ways, and as



entwined with power and knowledge (Mehta et al. 1999:6). These authors also state that 'institutions need to be seen not as mere rules of the game or rigid organisations but rather as sites of social interaction, negotiation and contestation comprising heterogeneous actors having diverse goals (not all of which are material or economic in nature)' (Mehta et al. 1999:35). A very similar position is expressed by Klooster who concludes: 'Common property theory must address community as a site of contestations, creation and maintenance – not only of rules – but also of the social norms that motivate an individual's action in the commons' (2000:17). Finally, Barber concludes that the notion of a 'community of interest' is inappropriate for most groups divided by differences, and recommends that rather than look to a community or stakeholder analysis, one needs an understanding of 'historical experience, imagined futures, and ... conceptualizations of social class [or other divisions] theorized as dynamic social relations surrounding access to resources' (1997:15).

The place of contestation is placed centrally here and, as I have discussed earlier, has emerged as central in many of the detailed studies of resource use and management. A concept that seems to capture the wide range of social interactions, discursive strategies, negotiated claims of rights and priorities that typify situations of 'governing natural resources' is less that of 'institutional choice' as 'struggle' (Klooster 2000:17). This concept has been used by authors who have been writing about resource struggles as simultaneously 'struggles over meaning' (Peters 1984, 1987, 1994; Berry 1989; Carney & Watts 1990; Moore 1993, 1998) as a way of transcending the dichotomies of material and cultural dimensions of social action, and of structure and agency. Insofar as the critiques of collective action and institutional choice approaches towards natural resource management are concerned, it seems to me that struggle implies competition among differently-positioned people over the very constitution of institutional form and practice whereas 'choice' implies a selection of predetermined options by rational and asocial individuals.

I argue, in sum, that the understanding and analysis of 'institutions' of resource management be broadened considerably beyond mere 'rules', and that power and meaning be more centrally located in theoretical frameworks for analysing the 'governance of natural resources'.

Let me add some caveats in conclusion. Insisting on a more disaggregated and nuanced analytical framework for institutions does not reject the notion of 'rule' altogether. It is the conflation of 'institution' with 'rules' that is rejected. Similarly, drawing on the many cases and analyses of forms and

processes of resource governance to indicate the flexibility of resource boundaries, principles of exclusion, judgements of infringements and sanctions should not be interpreted as arguing that everything everywhere is ambiguous and indeterminate. I have argued elsewhere against an overemphasis on ambiguity in relations over land in Africa and have called for more attention to cases where claims *do* stick and to analysing who benefits (or loses) from ambiguity (Peters 1999).

In Africa, we are faced often with highly complex situations: the layering of institutional arenas and rights systems (for example, customary and statutory, and sometimes various types of custom), the pervasiveness of multi-use resource systems, extensive and long-established movements of people across resources, and overlapping and competing modes of administration and authority (see Cousins 2000). The large literature reveals a wide range of outcomes: for example, apparently endless litigation in multiple arenas may act as a means of keeping political contests open (Berry 1999), may prove disruptive of social life (Kees van Donge 1993), or may have variable effects (Lund 1998). In some cases, too, new and/or intensifying use of, and claims over, valuable resources increase conflict and, where some people have preferential access to knowledge or to institutional arenas, have led to appropriation and dispossession. Thus, in some cases, greater clarification and specification of rules of law are seen to be ways of protecting vulnerable categories of claimants and, in other cases, the need to maintain mobility and flexibility of resource use (as in pastoral, transhumant systems) requires care with too-narrow definitions of rules of access. These more specific needs can be addressed only by seeing institutions of governance over natural resources to be inextricably part of historically produced political, socio-cultural systems. The analytical framework, therefore, has to be fit to the task.

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COMMUNITY-PUBLIC-PRIVATE PARTNERSHIPS IN CBNRM: THE REAL CHALLENGES?

YEMI KATERERE

ABSTRACT

This paper argues that the current focus on partnerships in community based natural resource management (CBNRM) masks the real issues facing natural resource management – that is, of recognising community resource rights so as to ensure effective decision-making and managerial responsibilities.

Globalisation has affected the development of environmental agendas and programmes by pushing southern African states, communities, non-governmental organisations and other actors to define environmental agendas and programmes on the basis of internationally-defined objectives and agendas. In the early 1980s there was a shift of focus in environmental management from the state to civil society as the key actor. Consequently, in the last 20 years states have moved significantly towards devolving environmental authority to local-level actors. In recent years, increasing emphasis has been placed on recognising a multiplicity of actors and thus on developing partnerships.

The author examines the extent to which partnerships on their own can contribute to successful CBNRM without adequately addressing the issue of rights and entitlements of which the unresolved question of devolution of property rights to local actors in the communal areas is a critical aspect. To do this, the paper briefly reviews the history of CBNRM in the region, in particular, how decentralisation and devolution are key to the success of CBNRM. Further, given the centrality of property rights to CBNRM, the current regional trends with respect to rights over land and natural resources are discussed. The concept, principles and structure of partnerships are described, giving

examples where appropriate. In addition, the paper considers who key stakeholders in partnerships are. Partnerships are discussed within the context of CBNRM since, in southern Africa, it is under CBNRM that different forms of community-public-private partnerships (C PPPs) are being promoted and implemented. Given the centrality of CBNRM to the discourse on C PPPs, the paper offers a brief critique of CBNRM in the region. The nature of CBNRM with respect to the different roles of the communities, donors, government and the private sector has a direct bearing on the type of partnerships that communities ultimately enter into. The implications of this for defining partnerships are considered.

The key question is whether or not partnerships can become a panacea for successful CBNRM without adequate devolution of decision-making powers to local actors. This question is particularly important given that CBNRM itself is increasingly becoming a contested resource management concept. There is general resistance from the state and others to finding a lasting solution to the governance issues.

PARTNERSHIPS AS GLOBAL AGENDA

The influence of globalisation on southern Africa, and more specifically on CBNRM, is much more profound than is readily apparent. The effects are visible in the manner in which the CBNRM discourse has been underpinned by global environment and conservation policy. Such policies have been strongly influenced by the donor community with backing of government departments and conservation agencies that are intent on preserving their role. The global influence on CBNRM contributes to continuing inequity in resource distribution and decision-making power,



and is partly responsible for resource degradation (Mayoral-Phillips 2000:2).

In the context of young and weak democracies in southern Africa, globalisation has been able to shape macro-economic policy and decision making without meaningful national democratic scrutiny. For example, the many trade liberalisation policies adopted by regional governments in the past 10 years have not been publicly debated despite the profound impact on the lives of the region's population. The ensuing process of globalisation has created a culture of responsibility to an external constituency and of involvement of external forces in national and regional affairs. National issues of poverty, unemployment, food insecurity, resource inequities, and widening income gaps have all become peripheral and subordinate to external interests. Global institutions, for example, have demanded that issues such as gender, public participation, corruption, and multi-party democracy must be addressed before funding is granted. Simultaneously there has been a steady shift from the international law position that external interference is only justified under conditions of persistent human rights abuses to one of almost unfettered international interference. The global ideology is increasingly seeking to influence adjustments to land-use practices and production systems in the region to align these with global trade regimes. In some extreme cases the international community has gone as far as to resist national efforts to change land tenure regimes, as is evidenced for example in the Zimbabwe Democracy Bill which requires that land ownership be restored to the *status quo* prior to 1 January 2000. These evolving processes of international authority have consequences for natural resources management and economic development that need to be understood and addressed. As will be shown, this culture of embracing external constituency influence has undermined the CBNRM movement in southern Africa.

One consequence of the global influence is the unquestioning acceptance of the role of partnerships in the management of natural resources. Of concern to this paper is the move to a tripartite partnership arrangement between communities, the private sector and the state – CPPPs. Smart partnerships have become the theme of the late 90s and the dawn of the new century as countries seek to confront developmental challenges. Partnerships with the private sector are seen as critical for investment, job creation, transfer of technology and skills, and fostering social responsibility, and are in line with the global trend towards privatisation.

The CBNRM movement is encouraging and promoting partnerships in search of 'win-win'

opportunities. Partnerships with communities are being promoted and facilitated as a means of mobilising local knowledge and greater participation that leads to increased benefits and more equitable income distribution. Underlying all these interventions is a promise to alleviate the poverty trap that many rural communities are mired in.

Governments are also promoting smart partnerships with the private sector and communities as one mechanism for enhancing leadership in development and ensuring poverty reduction. Environmental management has moved from attempts to replace governments with civil society, and concerns about government competing with the private sector, to a realisation that all players have a role. It is this realisation that has led to the growing interest in partnership arrangements between communities and the private sector or promotion of community enterprises that have become the latest panacea to past failures in local-level natural resource management.

Partnerships have also been promoted by civil society groups that are increasingly questioning the monopoly of governments over various aspects of natural resources management. Furthermore, civil society is demanding a greater role in decision-making processes and the actual management of natural resources, including the accrual of accompanying benefits. The struggles with respect to devolution of power have been the single greatest threat to CBNRM in southern Africa, yet, paradoxically, the resolution of this issue may be its strength. It is of concern therefore, that partnerships are now promoted as a panacea for successful CBNRM when the issues of devolution remain unresolved.

CBNRM IN SOUTHERN AFRICA

Historically, inappropriate development policies have led to projects that have displaced local communities and undermined their livelihoods, or resulted in the sub-optimal use of resources. These include the construction of large dams, infrastructure development and resource management initiatives that focus on a single resource. The displacement of local communities and the undermining of their livelihood systems can often result in human and environmental insecurity. In recent years, however, there has been a trend away from these large and top-down projects to smaller, more flexible and participatory programmes. This different approach is intended to focus on strengthening the human rights of local communities, enhancing their control over their local resource base, recognising their priorities, and supporting their participation in higher level decision-making processes. Such



programmes have emphasised local institution-building, capacity development, experimentation and research, and organisational innovation, including, in many instances, support to CBNRM programmes that promote productive, competitive, equitable and sustainable resource use for local benefit. However, they have been severely constrained by the failure to adequately address resource rights (Krugmann 1998:155). It is now widely accepted that, to be successful, CBNRM programmes have to be complemented by appropriate national policies, political and administrative decentralisation and devolution of authority over natural resources management. This must be complemented by the development of rights that are able to support and guarantee such change.

The optimism about and interest in community-based approaches to natural resource management has led to the mushrooming of different CBNRM models linked to specific resources. Shackleton and Campbell (2000:1) provide a useful classification that is in line with the theme of this paper. These are imposed, assisted and organic models (see Figure 1).

In imposed models, the community empowerment process is incomplete and power is located within local-level government structures. As will be shown later, this can be described as de-concentration of central government power to lower-level state institutions such as rural district councils in the case of Zimbabwe's Communal Areas Management for Indigenous Resources (Campfire), or line ministries in the case of Zambia's Administrative Management Design for Game Management Areas (Admade). Many of these local government agencies are under-financed and consequently use CBNRM initiatives as a source of revenue generation. Under these models, there is little community involvement in planning or decision-making, and a large percentage of the revenue is retained by the state agencies. As might be expected, people on the ground are increasingly questioning the purpose and value of these models and in particular whether they are in their interest. 'Imposed' models of CBNRM tend to be those driven by donor, NGO or government interests (Fakir 1998:3). Indeed Leach et. al (1999:235) found evidence that policies of donors not only play a role in directly shaping local approaches to CBNRM, but also influence macro-economic and governance policies that affect local natural resource management. With greater community participation, the 'imposed' models can graduate to 'assisted' or 'organic' models. 'Assisted' forms are those that build on the initial efforts of the community. In these models, power has shifted closer to the community often through the establishment of village-based committees. The assisted models tend to be successful where such

committees remain accountable at the local level. The success of assisted models depends on the degree of devolution and credible external support. Village forest committees in Malawi and village natural resource committees are cited as examples by Shackleton and Campbell (2000:1). In these models, the outside facilitator contributes significantly by assisting the community to set the agenda for CBNRM initiatives. Hence, the views of the facilitator are likely to affect what the community considers to be problems and potential solutions. The danger with this is that, in general, the views of facilitators tend to be informed by conceptual models such as common property theory rather than local history or practice (Turner 1999:649) or by local values and priorities. Consequently, partnerships may undermine community interests.

More recently the value of organic approaches has been recognised. 'Organic' forms of CBNRM are those where communities have ownership with respect to ideas, implementation and generation of benefits. However, there are very few CBNRM models that can be considered truly 'organic' or truly 'community-based' where the real locus of power is the community and decisions and power over resources have been devolved to the community. In the case of the Makuleke community in South Africa, the community successfully reclaimed its rights to land previously under its control (see Box 3 on page 36). However, the land retains its status as a park and the community is forced into a 'partnership' with the park authority. The failure to recognise the real rights of the community is glossed over by the proponents of CBNRM who argue that, given this 'partnership', there has been effective devolution. This forced partnership is manifested as conflict between the community and the South African National Parks (SANP) when the community tries to exercise its rights of ownership (See *Mail & Guardian*, 21 January 2000). In this case it is clear that 'partnership' is a compromise for the community. Ironically the Makuleke case study is cited as a model of best practice although it represents an imposed form of 'partnership' between the community and SANP. Communities increasingly recognise that the only way that they can get 'rights' is through some form of partnership.

The novel feature of 'organic models' is that resource management authority is devolved to local communities. However, if this devolution is to make local communities more responsive, then the approach to local institutional arrangements needs to take into account the complex interactions at the local level between formal and informal institutions and between local political systems and informal networks of local governance. Failure to do this will result in a failure to effectively promote such



‘organic models’ of community resource management. With the expansion of, and growing interest in CBNRM initiatives, a major concern and challenge is the resistance or inability to support the evolution and success of organic models of CBNRM. CBNRM policies are still evolving in many countries in southern Africa. Experience in Zimbabwe and Namibia offers examples where considerable progress has been made, but also illustrates some difficulties that must be overcome if CBNRM is to become a meaningful option for both communities and the environment, and if the development of CPPP partnerships is going to be productive.

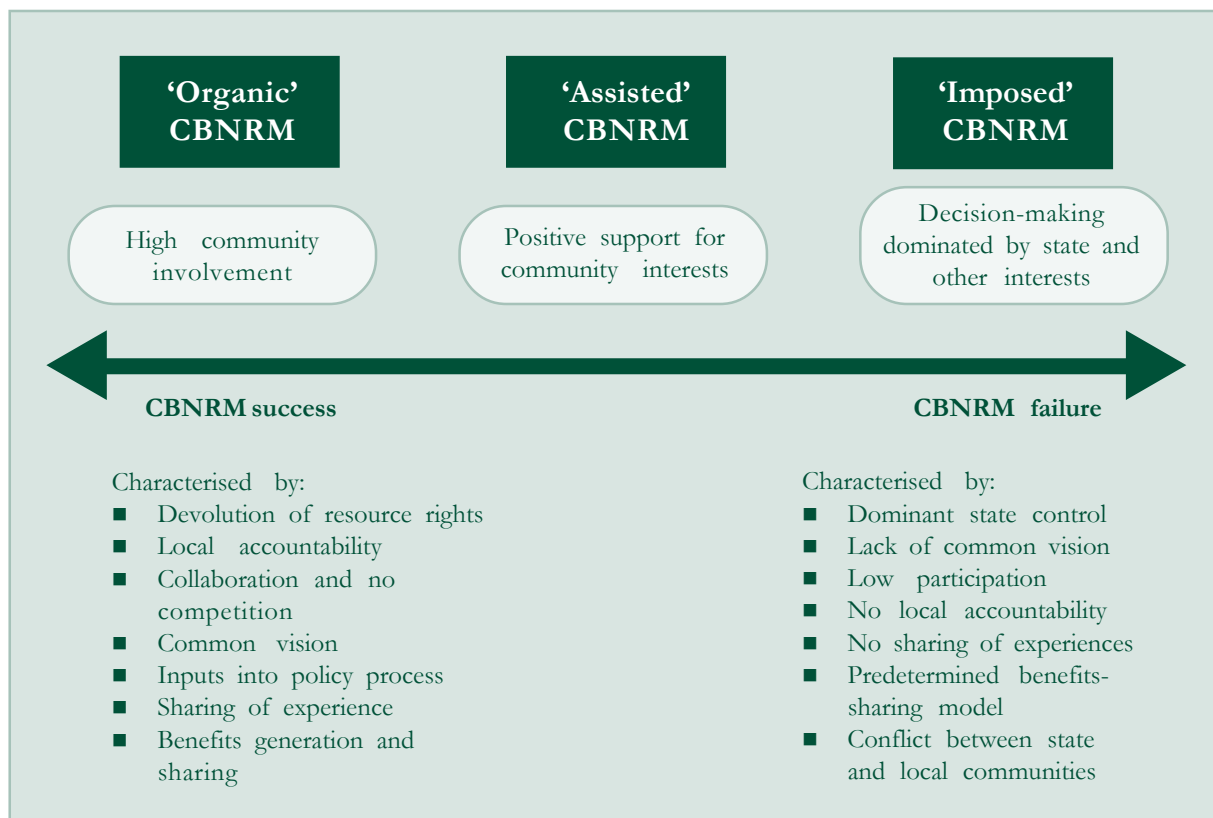
Firstly, like other natural resource management initiatives, the evolution of CBNRM policy in southern Africa has been issue-based. For instance, Campfire in Zimbabwe has, by focusing on large mammals, been able to capture public attention and, therefore, attract funding as the basis for revenue generation. While focusing on a single issue at a time can prove effective in the short term, the temptation to move from one issue to the next is real and also neglects the complex interaction between the different aspects of the environment.

Secondly, it is now evident that CBNRM needs to be capable of addressing local values, needs and interests. Failure to do so undermines the potential of such initiatives. The Forestry Commission in

Zimbabwe, for example, has been experimenting with co-management of forests in Gokwe South District. In this case, the state forest authority sought to mobilise protected forest area neighbours to co-operate in the management of the forest in exchange for economic benefits from the forest. The failure by the Forestry Commission to demonstrate the benefits of co-management in the form of local development is cited as the main reason communities did not support state conservation initiatives (Mamimine 2000:15). Namibia has gone a step further than Zimbabwe by introducing a conservancy programme that seeks to empower communities and not local government authorities to define the basis for the conservancy. Despite the move towards greater community participation, the state retains a degree of control since it is the state that approves the nominated committees and registers the conservancies and, ultimately, has authority to disband them.

Thirdly, it is important that the multiplicity of stakeholders be recognised, although their respective roles need to be carefully addressed. The private sector, NGOs and donors have been shown to play significant roles in facilitating and defining the CBNRM process. This issue is addressed later. The degree to which a particular CBNRM initiative is ‘imposed’, ‘assisted’ or ‘organic’ often depends on the specific role and motivation of this latter group of stakeholders. While much of the success of many

Figure 1: CBNRM models in southern Africa





CBNRM initiatives can be attributed to the dedication of NGOs and investments by donors, the quality of such inputs can easily result in numerous conflicts and, at times, inadvertently undermine the very interests of the beneficiary communities. Still, Shackleton and Campbell (2000:2) found that, in most countries in the region, NGOs and donors have been instrumental in driving the CBNRM agenda towards greater local control over natural resources. Despite these efforts, transfer of rights to local actors in most countries has been partial and mainly designed to diffuse conflicts between the state and rural communities. The main reason for this appears to be a legacy of manipulating and disempowering local institutions by successive governments. Further, a lack of commitment by the state to release power to local actors, despite numerous policies advocating devolution, has seen a trend towards centralisation. In addition, the issue arises as to how we should conceptualise communities. Generally, environmental management including CBNRM treats communities as homogenous and does not take difference into account. It is important that this multiplicity of interest as well as power struggles within communities be recognised.

The diversity of CBNRM in the region has been driven by many factors. In Botswana, Namibia, Zambia and Zimbabwe it has been the conservation sector through wildlife departments that has provided the foundation for CBNRM. This has resulted in programmes such as Campfire in Zimbabwe, Admade in Zambia, and conservancies in Namibia. In South Africa, the land reform process (in particular land restitution) rather than conservation has been the main motivation and impetus for greater equity and more inclusive and broad-based forms of natural resource management (Shackleton & Campbell 2000:5). This process resulted in the successful claim of 24 000ha of land in the Kruger National Park by the Makuleke community (see Box 3 on page 36).

PARTNERSHIPS AND CBNRM

In order to address the issue of whether partnerships promote participation, we need to unpack the nature of partnerships and its approach to stakeholders. The use of the term 'stakeholder' can be problematic since it implies that there are no conflicts between the different actors. Given the fact that there are always competing demands over access and control of natural resources, disputes and conflict are inevitable. Under such circumstances, effective and fair conflict resolution mechanisms at the local and national levels are essential. The provision of a functional and respected legislative and judicial system to protect the violation of rights is absolutely

critical. This is one of the cornerstones of a functioning democracy. An effective government requires an equally strong and empowered civil society to monitor it and ensure that local government structures do not become corrupt and rent-seeking.

Different actors have different potentials to contribute to policy setting based on their levels of power in relation to each other and the resource base as depicted in Figure 2. Any policy outcome is a consequence of the different power interests pulling in different and opposing directions. These power relations are dynamic and actors can negotiate differences in order to legitimise their interests and influence a desired outcome. The process is not a win-win one. There will be losers and winners. What is important is that the process is empowering and that participation generates adequate information and greater democracy. Ultimately the losers and winners are known and losers are stimulated and supported to advocate more strongly for their issues. The issue of partnerships cannot be successfully addressed until clarity is achieved as to who the relevant stakeholders in CBNRM are. It is clear that CBNRM stakeholders are not limited only to the state, NGOs, and communities. The private sector is a key stakeholder that is often overlooked when CBNRM issues are debated. It is possible to distinguish between primary and secondary stakeholders. Those with a primary interest in the management and use of local natural resources and directly dependent on them for their livelihoods can be considered primary stakeholders. The others such as the state and the private sector can be considered secondary stakeholders. Such a classification does not imply absence of both inter- and intra-stakeholder conflicts.

Where there are high-value natural resources with a potential for tourism and sport hunting, the private sector provides the bulk of the investments and consequently is the main generator of revenue. Indeed the private sector is central to income generation in many CBNRM initiatives. The communities through their local representative bodies can enter directly into a variety of agreements loosely referred to as 'partnerships' with the private sector. In some countries, it is either the local government authority or wildlife departments that can enter into agreements on behalf of the communities.

The term 'partnerships' tends to be used very loosely in the region and refers to a range of arrangements between stakeholders. Partnerships can be either based on a formal or informal agreement between two or more of the key players to be engaged in



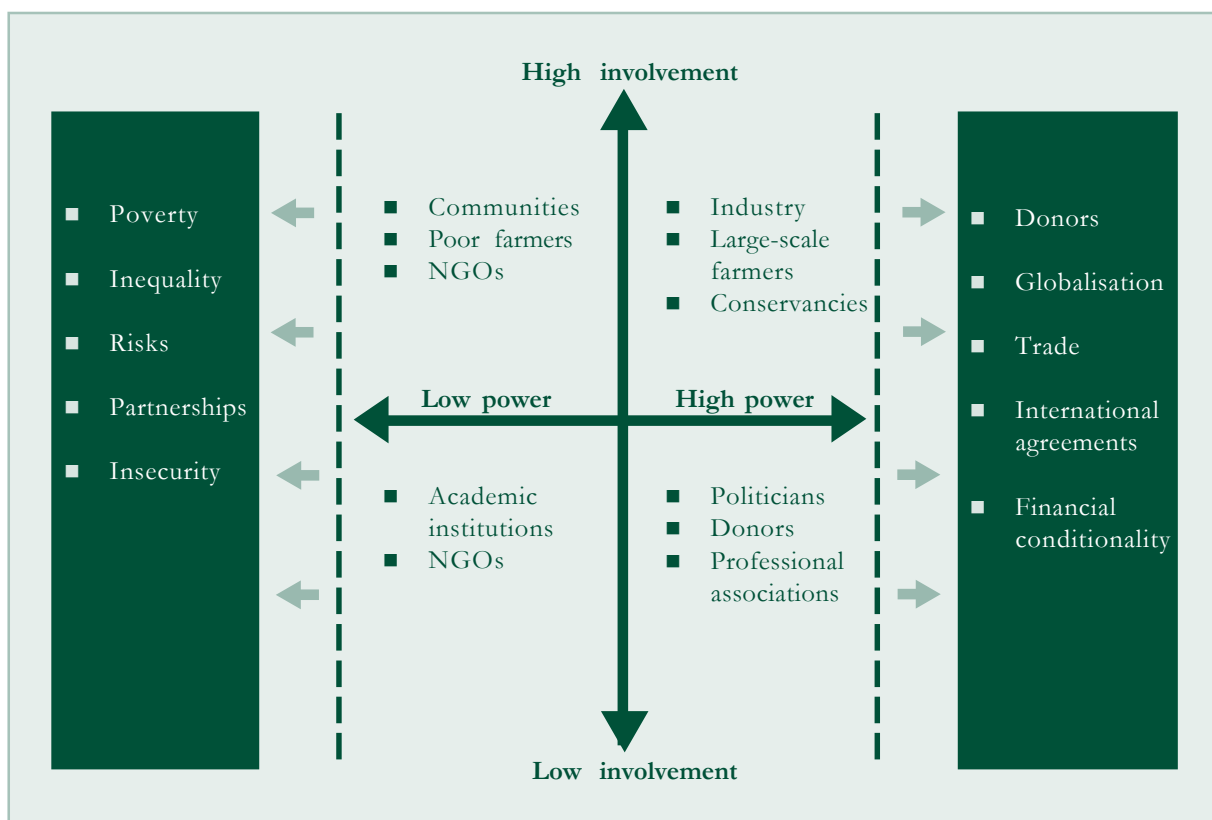
natural resources management activities for the mutual benefit of all, including the resource base. Ideally a partnership should be more than simply an exchange between persons such as in a lease agreement where there is a landlord and tenant relationship. In these circumstances, one party pays for goods and services without joint decision making or sharing a common vision or interest in the resource base. In a partnership, there should be a process of negotiation during which the roles and ambitions of the parties are discussed and agreed upon. Real partnerships are based on trust, transparency, equity and mutual benefits. Regrettably, one common approach is to use participatory systems to create a trade-off with communities – the community receives some benefit for implementing conservation practices (Mohamed-Katerere 2000:2). The contested nature of CBNRM in the region can be partly attributed to the fact that many of the arrangements involving one or more parties are termed partnerships even if issues of equality and roles and responsibilities have been ignored. This leads to misplaced expectations and, ultimately, conflicts.

Each partnership situation will have to address the question of who the stakeholders are and what they want. At times the term ‘stakeholder’ is used to refer to all those who have a significant and specific stake in the resource base, whether they are individuals or

communities (Borinni-Feyerabend 1996:8). Clarity must be achieved about who constitutes a community. A community may refer to a group of people living in a particular locality and sharing a common culture, values and traditions. Many communities, particularly rural ones, are under traditional leadership structures and rely on these local-level institutions for rules and sanctions for the management of natural resources and for mediation in the event of conflicts and disputes over land and land-based resources. Alternatively, it may simply be used in order to refer to a group of people living within a particular geographical locality and is not limited by the variation within communities in terms of priority, interests and value systems.

The notion of community is attractive to both planners and resource managers because it offers a manageable unit comprised of identifiable groups or individual resource users (Madondo 2000:4). However, romanticising such units can be risky since the community is not homogeneous and is in itself complex and dynamic. The community is characterised by diverse and often competing interests and power struggles that need to be understood when planning. The local ‘elite’ can have the capacity to link with state power and private sector interests in a manner that can easily locate accountability outside the community structures and, ultimately, undermine local participation.

Figure 2: Power relations in natural resources management





Globalisation has also affected how people relate to each other and to their natural environment. There is a growing sense of individualism that guarantees certain freedoms and rights that, in themselves, might undermine the ability to manage natural resources. Campbell et. al (2000:7) acknowledge a new era of social relations based on diminishing community values and rising individualism. Community co-operation such as work parties is in decline.

In countries such as Botswana and Namibia, there is legal provision for communities to define themselves, while in Zimbabwe it is the rural district councils that are the lowest legal entity through which communities are defined.

In addition, it is important to consider under what circumstances the private sector or an NGO maybe identified as a stakeholder. The issue of whether communities have priority rights over and above these other stakeholders must be addressed.

Partnership arrangements need to address this multiplicity of stakeholders and the variation within such stakeholder groups. To achieve this, partnerships must not only define entitlement rights and responsibilities, but also governance rights.

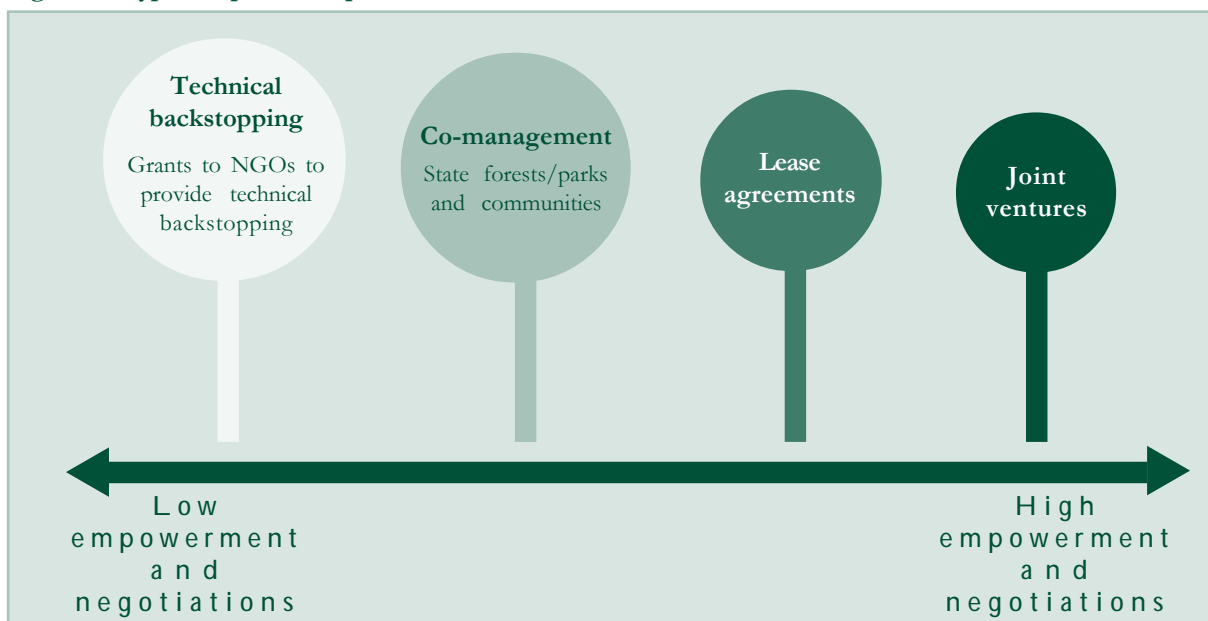
To better understand the nature of partnerships, it is useful to consider a range of possible partnership arrangements that currently occur in the region (Figure 3). In southern Africa there are three common forms of partnerships. These are joint ventures, co-management and technical backstopping.

JOINT VENTURES BETWEEN COMMUNITIES AND PRIVATE INVESTORS

The 'joint ventures' that are common in the region do not always involve joint ownership of the company, but are more commonly based on an agreement where both parties have rights and responsibilities to contribute and benefit from the partnership enterprise. There are two forms of 'joint venture' partnership around CBNRM in southern Africa as follows:

- a) The first is where the investor and the community can enter into a joint venture with the community holding an equity stake. This is an advanced form of partnership and is less common in the region. The Game Safaris case study (Box 1 on page 35) is a good example of an attempt to form a joint venture partnership between a community and a private company. However, this partnership failed due to a lack of a common vision and poorly-defined roles.
- b) The second and more commonly-cited example of a joint venture partnership involves a lease agreement. This may take two forms:
 - 1. An investor develops the facility on communal land under a formal agreement with the community or an appointed representative. Under this arrangement the investor pays a lease fee or levy. The Mahenye case study (Box 2 on page 35) is an interesting example of a partnership between a private company and the Rural District Council (RDC), acting on behalf of the community. The lease fees are shared between the RDC and the community. Neither the community nor the RDC has any involvement in management of the

Figure 3: Types of partnerships in CBNRM





business. This particular case study is interesting in that it also involves an NGO that has been supporting capacity building of the community so that they can implement CBNRM initiatives.

2. A community has control over a hunting quota in its area. The community then leases its area to a hunting operator who in return pays a lease fee and trophy fees for each animal that is hunted (Ashley & Jones, forthcoming:23).

Where the partnership is imposed, communities are more likely to enter into a partnership that is not in their interests and hence not equitable. Assisted forms of partnerships are those that often involve a credible intermediary which tries to support communities in taking advantage of opportunities that they may not be aware of. Ultimately such an intermediary will help to negotiate the best possible partnership in line with the community's vision and expectations. This is the role that many NGOs seek to play at both the regional and national levels. The most successful forms of partnerships are those described as organic. Here the community has a sense of ownership of its resources, a clear vision and often has an idea of the type of partner and partnership it desires. (See Figure 3).

There are no hard and fast rules regarding where individuals or organisations are on the partnership continuum. However, it is important that they know where on the continuum they are positioned and why. More importantly, the position on the continuum will define not only the type of 'partnership', but also the roles and responsibilities of the stakeholders. Some partnerships are based on cash donations, provision of skills, co-management of resources, lease arrangements, and commercial joint ventures. The type and nature of a partnership varies issue by issue (resource, skills) and country by country.

CO-MANAGEMENT

The second category of partnership is based on the co-management of resources such as forests and national parks. In the case of co-management, the parties, which can be a state agency on the one hand and resource users on the other, develop a partnership that specifies the rights and responsibilities of all parties. There are many examples of co-management in the region involving state agencies and communities. A recent example in South Africa involves the Makuleke community and the national parks board (Box 3 on page 36). After successfully reclaiming part of Kruger National Park as their land, the community have entered into joint management of their land with SANP. The land remains part of the national park and representatives of the

community sit on a joint board that oversees the management of the area.

TECHNICAL BACKSTOPPING

The third form of partnership involves donor contributions to support activities that promote CBNRM programmes. These include grants to intermediary organisations such as NGOs who in turn provide technical backstopping to CBNRM activities or act as intermediaries in negotiations between parties interested in a partnership. Good examples include Zimbabwe's Campfire, Namibia's Living in Finite Resources (Life) and Botswana's Natural Resources Management Programme (NRMP). In some instances, donors will directly fund community-based organisations (CBOs) to assist them in initiating various income-generating activities. The risk with technical backstopping is that it is often demand-driven, which may result in 'imposed' CBNRM initiatives.

ARE PARTNERSHIPS A TOOL FOR DECENTRALISATION?

Governance is about the 'rules of the game' in a given system. Different actors in a given system can act and try to use the rules in an attempt to achieve their objectives and serve their own interests. Governance is the socio-political interaction between those who are governing and those being governed. In southern Africa, a more informed civil society is increasingly questioning the role of the state in natural resource management and also demanding greater involvement through devolution. The response of the state to civil society demands for devolution of rights over natural resources has mainly been through some form of decentralisation.

Despite the dedicated efforts of NGOs and donors, it is clear that the devolution process is incomplete and yet these parties are also strong advocates for 'partnerships' with the private sector. Under such circumstances, is it possible for the representative local bodies to be in a position to negotiate and be equal partners in such partnership arrangements?

Decentralisation is seen as a legitimate political and economic means to achieve greater participation, equity and accountability at the lower levels of decision-making as well as more efficient natural resource management. However, for the purpose of natural resource management, decentralisation must include a commitment to devolve rights over productive natural resources to local actors (Agrawal & Ribot, forthcoming:1). While meaningful decentralisation is necessary for local-level resource management, it is not enough for local actors to demand devolution without accepting the responsibility and accountability that go with it.



Although the state has responded to some of these demands by pursuing a policy of decentralisation, in many countries the jury has returned a verdict of 'incomplete or ineffective decentralisation'.

According to Ribot (1999:27) decentralisation occurs when central state assets and powers are devolved to local government or private decision-making bodies. He further distinguishes between 'deconcentration' and devolution. Deconcentration occurs when the central state delegates its powers to local government agencies in an effort to bring state services closer to the people. Devolution of state powers and assets to non-state bodies such as individuals, private groups and NGOs is referred to as privatisation (Ribot 1999:27). The question with respect to CBNRM is whether or not there exists real devolution of powers such that there is power sharing in decision making based on systems of accountability.

While decentralisation *per se* does not guarantee effective development and sound environmental management, its absence certainly undermines any efforts at community participation and decision making. In the southern African context, this must include not only rights of entitlement, but also governance rights. Community involvement in the management of resources requires 'real' power (ability to make decisions around key resources) and rights; requisite competence; economic interest; and the desire to assume such a responsibility and be held accountable. In addition, communities should have adequate representation in decision-making bodies and control over the decisions made. To be effective, devolution should be carried out in a responsible manner such that those who assume power and authority have requisite knowledge and capacity. At the level of local government, institutions must have legitimacy, accountability, and civil society groups should be able to provide the necessary checks and balances. These can be enhanced through the creation of enforceable legal rights pertaining to administrative fairness and justice. This would, for example, include rights to information, the right to be given reasons for decisions, and the right to contest decisions.

In southern Africa, decentralisation has remained predominantly a process of delegating certain central functions of the state to local government agencies and not empowering communities. For example, in the case of Zimbabwe, decentralisation has been to the local government level and not the community. Namibia on the other hand, has gone much further to devolve directly to 'approved' community structures that must be approved and registered by the government.

Given that past failures in CBNRM have been linked to the non-participatory and centralised methods of

planning, decentralisation and empowerment are now considered key to any new natural resource management projects and initiatives. Development NGOs, donors and academics are all calling for new policy frameworks that embrace the principles of empowerment and decentralisation. It is in this context that the CBNRM movement is now advocating for 'partnerships'.

Translating decentralisation into successful resource management models requires a new form of institutionalism that is flexible and responsive to local conditions and needs. To be successful, this new institutionalism has to be backed by a commitment to institutional capacity building for both local communities and development agencies including state institutions. In addition, communities need to have justiciable legal rights that ensure that they are brought in on the basis of equality and that their interests are taken into account. One option is the recognition of rights of 'prior informed consent'. This requires full acceptance of an activity by the community concerned and implies the right to stop the activity from proceeding or halt it if it has already begun (IUCN 1997:90).

Consequently, redefining the role of governments is essential as the new approach places less emphasis on central planning and blueprints for development. For governments to respond to the demands of this new institutionalism, they must become more efficient and accountable rather than weaker. Unfortunately, there is an observable weakening of regional governments through the imposition of global initiatives such as structural adjustment programmes (SAPs) that can threaten CBNRM efforts.

Even if decentralisation and devolution are achieved, CBNRM initiatives face a major challenge in dealing with complex rural economies that are characterised by power struggles and divergent interests. The problems of equity and power are often due to diverse and competing interests and incentives that cannot be resolved simply by devolution or decentralisation (Cousins 1995:491). One way of diminishing these problems is by promoting new institutional arrangements that combine desirable elements of the traditional approaches with more formal arrangements (Cousins 1995:491).

It would appear that partnerships alone cannot realistically be expected to be a tool for decentralisation. In many respects they can actually undermine the intentions of decentralisation by legitimising private sector access to natural resources without guaranteeing ownership and access to real benefits. CBNRM should be seen to facilitating a different model that is not paternalistic.



PROPERTY RIGHTS AS A CONSTRAINT

In many respects, where property rights have been conferred to individuals, such as owners of wild resources on private land in southern Africa, this has served as an incentive for the owner or owners to manage the resources effectively. Ownership implies having the powers over the disposition of the resources in question (Murphree 1995:3; Agrawal & Ribot, forthcoming:1). Ownership of resources is credited with facilitating a flourishing wildlife and tourism industry mainly on private land in southern Africa (Murphree 1995:3).

The incentive provided to private landowners by resource ownership has seen a phenomenal conversion of commercial farmland from agropastoral use to wildlife-based enterprises. In South Africa, for instance, at least 7% of the total land area is under private game parks (Patel 1998:9). The same author also estimates that at least 50% of Namibia's land area is under commercial farming with full ownership of wildlife resources. About 10 % of these private commercial farms are dedicated to wildlife-based enterprises. In Zambia about 5% of the land is under private leasehold (Patel 1998:9).

It is the success of private landowners that has been the motivation behind extending this model into the communal areas in the form of various CBNRM programmes. Unfortunately, there has not been a comparable transition of rights in the communal areas. The communal people do not have strong property rights, that is the rights to own, use and disposal of productive resources (Patel 1998:8). The communal lands tend to be organisationally complex entities where individual members have usufruct rights over arable land and collective rights to the commons such as grazing lands and woodlands. Partly as a result of this incentive, it is the private landowners that have been actively engaged in shaping wildlife policy. Consequently, the reality is that there are separate laws and policies dealing with the management of wild resources on public, private and communal lands. There is no unified wildlife policy or legislation that governs the management of wild resources as national assets. The dualistic approach to the treatment of private versus communal lands continues to undermine efforts to broaden the benefits to the poor and to reduce the income gap between communal and private landowners. In many respects this has effectively perpetuated the divide between the region's original peoples and the settler communities who came as a result of colonialism.

The nature of land and resource distribution in the region presents a major challenge to CBNRM in the region. Given the long history of land and resource

expropriation, the temporal and spatial distribution of the region's communal areas has little economic, ecological or social rationale. The colonial authorities set aside the best land in terms of rainfall, soils and proximity to infrastructure for the white-owned settler commercial farms and protected areas; the communal areas comprised the remaining marginal lands. Hence, attempts at introducing CBNRM programmes into these contested lands have, and are likely to continue to meet, insurmountable constraints. The communal lands became a source of cheap labour for commercial farms, industry and the mining sector. For the indigenous population, the communal areas provide nothing more than agricultural subsistence farming. It is in these areas and under these conditions that CBNRM is expected to perform and contribute to the upliftment of the lives of at least two thirds of the region's people.

There is no denying that those who have championed the cause of CBNRM have done so with impeccable commitment and have been successful in influencing policy. This has resulted in the incremental implementation of different CBNRM models in the region. However, we need to consider whether CBNRM in the current context – where the very condition, economically, legally and socially, of the communal lands has not changed since the colonial times – can be a viable option without addressing entitlement issues. The communal people remain mired in poverty with little or no powers over the use and disposal of resources. Murphree (1995:5) laments the fact that the communal people remain marginalised in the post-colonial state. Access to, and control over natural resources is an element of the broader national political and economic struggles. Those with the greatest economic and political power will have the greatest influence on policy direction and practice and tend to be the ones to benefit the most in agrarian-based economies that characterise the Southern African Development Community (SADC) region.

It would appear that the nature of the property rights struggle in southern Africa has not been fully addressed by those that seek to promote CBNRM. The challenge remains how to address the constraints to effective CBNRM caused by the absence of devolution of property rights to local actors, and not to skirt around the issue by continually tinkering with the form of CBNRM. Under these conditions, CBNRM has been unable to move beyond primary use regimes and to contribute to the diversification of the rural economy. Given that partnerships accept the division of rights to natural resources, they are unlikely to offer greater benefits or opportunities for communal residents. The CBNRM movement has become a victim of its



'learning by doing' approach or what has been described as the concept of 'process as policy' (Jones & Murphree 1998:10). The rationale for this approach is that rather than wait for the policy process to be perfect, implementation proceeds and the lessons and information arising from it are used to inform and refine policy. While this is laudable, it means that key issues are not resolved. Where there has been adequate devolution of powers, the process can enable stakeholders to participate and influence subsequent policy evolution. However, 'process as policy' works well where both the institutional and financial capacities exist. In the case of CBNRM in southern Africa, these conditions have yet to be met. Since decentralisation has been incomplete, many actors are powerless to make decisions over valuable resources or the benefits that flow from them. More often than not, decentralisation policies in southern Africa function as tools for controlling and administering local actors.

Since many CBNRM initiatives are essentially supply-driven through donor-funded projects, there is a tendency by intermediary organisations to promote approaches that do not necessarily represent the interests of intended beneficiaries. This trend is exacerbated by a general culture, already referred to, of external constituency influence and involvement of external forces in national and regional affairs. Such influence of external forces has witnessed an acceptance of market-based and trade-driven mechanisms to drive economic development so much that key phrases in development literature are 'entrepreneurship development', 'private sector enterprise' and 'smart partnerships'. In line with these global and regional trends, the CBNRM movement has similarly adopted the concepts of enterprise development and partnerships as concepts that might enhance the success of CBNRM initiatives in the region, and has been promoting them aggressively. This is not surprising given the philosophy of 'learning by doing' that characterises the CBNRM movement in the region. A resistance or failure to confront the complexity of the communal lands construction and the lure of donor funds are logical explanations for pursuing this model of functional implementation of CBNRM. It seems more convenient to move towards CBNRM models based on enterprise development and partnerships than to seek appropriate interventions that can effectively devolve property rights to local actors while ensuring local accountability.

External constituency influence extends to scholarship and the evolution of concepts that have a direct bearing on CBNRM. For instance, CBNRM has been strongly influenced by the common property resource literature. We need to understand the extent to which such literature is creating what

Campbell et al. (2000:13) refer to as 'a theoretical ideal'. Despite the theory, it is not clear that there is an understanding of the nature of common pool resources in southern Africa and the users thereof. CBNRM has to respond to the regional realities such as the complexities and heterogeneity of communities and how power and equity struggles define resource use.

In southern Africa, a clear distinction between 'individual' and 'communal' ownership needs to be made, depending on the type and location of the resource. The case of the Makuleke community in South Africa (Box 3) is cited by Rihoy (1999:6) as a land claim that gives the community real power over their resources. While regaining ownership of the land can be considered as a step better than the previous situation, the 1998 agreement between the Makuleke community and South African National Parks effectively imposed the conservation status of the land as non-negotiable. It further limits 'ownership' by imposing significant restrictions including on direct consumptive use of resources (Shackleton & Campbell 2000:32; *Mail & Guardian*, 20 January 2000). These restrictions assume that by regaining ownership of the land, the Makuleke community will change their individual and communal attitudes and values towards wildlife management and conservation to be in line with those of the park authorities.

DO PARTNERSHIPS GUARANTEE PARTICIPATION?

Closely linked to decentralisation and devolution of power is the concept of participation. The CBNRM approach is underpinned by the acknowledgement that local communities and civil society in general are no longer the destroyers of the environment. Instead they are credited with possessing local or indigenous knowledge that can be combined with science to the benefit of the environment and people. At the same time, while everyone desires less state involvement in natural resources management, it is clear that the state has a positive role to play with regard to institutions. This polarisation between the state and civil society around roles and responsibilities is credited with boosting the notion of participatory approaches to natural resources management (Ribot 1999:28). Participation is now seen as the means to involve civil society in the decisions that were previously the domain of state agencies.

Many new laws and policies in the region in areas such as CBNRM are intended to foster decentralisation and participation in natural resource management with the long-term goal of boosting economic development, eradicating poverty, resolving resource inequities, and improving the



administrative efficiency for the management of land and natural resources. This partially mirrors the changes taking place within international law that prioritise participatory approaches and that increasingly focus on the rights of local communities. Unfortunately the reflection is somewhat distorted as the emerging right of participation, at international law, is proactive in that it creates opportunities for individuals and groups to participate in the formulation of management strategies and their implementation (Mohamed-Katerere 2000:4).

Effective participation requires equally effective devolution and the existence of competent community structures for making decisions that are locally accountable. Where local representative organisations or individuals within a CBNRM initiative cease to be locally accountable for whatever reason, then the entire process of participation is undermined. In fact, in the absence of locally-accountable representation, Ribot (1999:29) argues that there is no community participation.

Local accountability is not only dependent on the existence of elected authority and is possible if 'traditional' institutions are strong enough to enforce controls and be accountable to the people. However, given the long history of traditional institutions being empowered and disempowered by the colonial and post-colonial state, and modernisation of national economies, there has been a gradual but steady weakening of traditional institutions and undermining of 'traditional' values and rights (Mohamed-Katerere 2000). Traditional institutions have lacked the capacity to respond and adjust to the socio-economic changes. The inability of traditional institutions to reform has been complicated by migration of people as they are resettled by the state or try to escape human insecurity, population growth and attendant resource scarcities.

Given this continuous shift in the political and economic authority systems from traditional authorities to the state, it is little surprise that traditional authority has become subordinated and elected officials of local authorities are assuming greater power than traditional leaders. Recent attempts in some countries such as South Africa and Zimbabwe to restore eroded powers of traditional authorities is likely to shift the responsibility to deliver and provide wise stewardship for natural resource management back to traditional authorities. If this transformation were to materialise, then the observed trend of a shift from communal use rights to *de facto* and *de jure* management by restriction and exclusion that is part of the overall 'modernisation' bandwagon can be countered. This would effectively

acknowledge the actual role of traditional authorities and their continued legitimacy in resource management.

PARTNERSHIP'S DRACULA DIMENSION

CBNRM itself implies a form of partnership between individuals within communities, and between communities and public agencies and the private sector. Many partnership arrangements are driven by intermediaries and private sector interests seeking new business opportunities and consequently do not always benefit the communities or national economies. As communities become more empowered, (have the capacity to negotiate, identify opportunities and can access required inputs) then we might begin to see different forms of partnerships evolving.

In some countries the concept of CPPPs has fuelled a phenomenal growth in a new wave of investments in charismatic business ventures such as tourism and sport hunting intended to benefit local 'communities'. Whether this is in fact the case is highly controversial. Madenda (2000:93), for example, is critical of the preferential treatment given to South African investors over Zambians in eco-tourism and timber-harvesting ventures. He describes investors from South Africa as 'natural resource raiders', who take advantage of the under-valuation of natural resources by Zambians to exploit indigenous timber and wildlife. Similar trends are evident in Mozambique that not only give rights to regional investors, but also global investors. Indeed there is a growing regional trend towards the privatisation of control over natural resources, often by transnational companies. This process of globalisation may denote the recolonisation of Africa's resources. This process not only promotes a false sense of scarcity, but undermines the ability of local actors to utilise natural resources in a sustainable manner and accrue economic benefit from them. It may also be an important factor in generating conflict that is yet to be analysed and understood.

To facilitate granting of permits and licences, many such investments are often disguised as 'partnerships' with communities. Similarly, communities deprived of essential social infrastructure due to dysfunctional and corrupt governments become desperate and enter into less than perfect 'partnership' arrangements with the private sector in order to generate some revenue. Under these circumstances, many resource raiders have little long-term commitment in the country (Madenda 2000:93). The resource-raiding phenomenon can be attributed to inappropriate national government policies that are designed to promote direct external investment but instead



encourage pillage of national resources by external actors. In the end, neither the communities nor the national economy benefit from such investments. The resource raiders can be said to have contributed to the current optimism in CBNRM and a general euphoria of partnerships. This they have achieved through the sheer power of the revenue they contribute towards CBNRM initiatives. Essentially, CBNRM initiatives should not be isolated income-generating projects. They need to be an integral component of overall development strategies.

Unless partnership agreements and indeed the private sector recognise that successful CBNRM is not driven by the single variable of revenue, they are unlikely to succeed. Establishing and maintaining successful CBNRM initiatives requires a more nuanced understanding of how community resources are managed and the associated struggles around equity and power within the communities. These local-level complexities need to be recognised and taken into account by CBNRM implementers. At the same time, the role of the state with respect to policies of equity, social justice and conflict resolution between the elite and marginalised and weaker groups cannot be underestimated.

REDEFINING CBNRM AND PARTNERSHIPS

CBNRM is increasingly becoming a contested model for resource management because community involvement in how CBNRM projects are developed and implemented is far from satisfactory. Where relevant and appropriate CBNRM policies exist, local communities do have opportunities to influence CBNRM implementation and subsequent refinement based on experience and local knowledge. Still, in some localities the struggles over decentralisation and devolution create competition and conflict between government and communities over authority and control of natural resources. In some instances, CBNRM is being justified as a means of compensating for weak or dysfunctional governments in that proceeds from CBNRM projects are used to develop social infrastructure that should be provided by governments. While there can be many reasons to explain the growing voices questioning the promise of CBNRM, the most plausible explanation is what Campbell et al. (2000:12) describe as the disparity between the oasis of optimism found in the literature and the desert that is the reality on the ground. While very few would argue against the rationale for CBNRM, problems arise when expectations are not being met. The distribution of revenues from resource utilisation is not sufficient incentive to secure the participation of people in CBNRM activities. A recent study in the Lupande Game Management

Area in Zambia confirms that revenue generation *per se* was not sufficient incentive for communities to support wildlife conservation efforts (Hachileka 2000:15).

The success of any partnership varies from country to country and issue to issue. However, there are several issues that must be addressed, not only for CBNRM, but for all forms of partnerships. These include accountability, economic diversification, rights and entitlements, local values, institutional development, decentralisation, the contestation over resources, and legal systems. These are addressed below

ACCOUNTABILITY

Accountability is a critical point to consider when analysing the impact of partnership arrangements within CBNRM involving significant income generation. The Mahenye case study (Box 2 on page 35) and many other eco-tourism 'investments' are excellent examples of how many communal areas can be transformed together with the people themselves into expendable 'resources' for profit generation through inappropriate partnership arrangements. In the case of Mahenye we have the rural district council acting as an intermediary and demanding a share of the revenue generated through CBNRM, and the private sector providing capital and expertise to generate revenue and profits from tourism.

The exact implications for local accountability of such partnership-based investment patterns in the communal areas are yet to be fully understood. Through these investments, leadership of the local community can gain access to an external power base that is not accountable to local people, thereby undermining local checks and balances. Where this occurs, it can undermine locally-accountable representation, and consequently any community participation which all CBNRM initiatives claim exists.

The partnership models being promoted under CBNRM are transforming traditional communities into new forms of communities susceptible to the power of profit and commercial interests. Such a process threatens to marginalise millions, dismantle and degrade the commons, denigrate cultures and reduce their worth to their value as labour. New forms of resource ownership and use patterns will emerge that will change the nature of CBNRM as it is known today. The end result of the emerging partnership models should be to create viable and sustainable economic bases at the local level, not merely enclosing people into a new form of denial and dispossession.



Another issue of accountability is how the representatives of the group or community are defined. In particular, the extent to which traditional leadership and local government institutions are representative must be considered. The issue of representation is inextricably linked to the issue of legitimacy.

RURAL DEVELOPMENT

A continuing shortcoming of CBNRM and indeed partnerships is its dependence on primary utilisation of natural resources that limit the choices available to communities. If partnerships are to move beyond the failures of CBNRM, then they should be an integral part of a broader rural development strategy with the goal of economic, social and political upliftment. Consequently, partnerships and CBNRM must ensure that communities have access to multiple opportunities so that they can add value to resources through secondary activities and diversify the product base. The private sector can potentially be an important player if it is able to ensure skills development of local level partners. Additionally, the private sector can play an important role in developing the local productive base by acting as guarantor to community and individual loans. The Southern Alliance for Indigenous Resources (Safire), a Zimbabwean NGO, has a programme to address this through guaranteeing local loans.

Current inequities with respect to access to land and other resources are not only the source of many conflicts within the region, they also constrain economic opportunities. Consequently, for partnerships and CBNRM to meet the broader objectives of economic development, they must respond to the challenges facing local actors such as incomplete devolution of decision making. For southern Africa, the big question is whether partnerships and CBNRM are feasible without addressing the issue of inequities with respect to land and other key resources. In the broadest sense, for CBNRM to contribute meaningfully to rural economic transformation, the central causes of the failure of entitlements must be resolved. This means addressing the land question and inequities with respect to access to financial resources, information, knowledge, technology, skills, markets and employment.

RIGHTS AND ENTITLEMENTS

Another key success factor relates to rights and obligations that communities have over land and natural resources. Currently these rights tend to be limited by the rights of other users and institutions, including the state. In many instances, there are no meaningful rights to resources that are enforceable in law and consequently communities are unable to contest use regimes that run counter to their

interests. It is also important for communities to understand whatever rights they may have on the use of resources. Additionally, such rights must necessarily be complemented with obligations related to how such resources are used. The difficulty is that rights and responsibilities are not always clear and at times it is necessary for communities to identify and insist on their rights.

Definition of clear rights and responsibilities over resources could prove more important than area ownership issues, especially in the case of collaborative and co-management of wildlife resources. It might be necessary to consider a flexible approach to rights over natural resources through a process of continued negotiation as economic, social and ecological parameters change.

LOCAL VALUES

Improved management of natural resources by communities demands new arrangements that can combine traditional institutions and knowledge with modern science and vice versa. More important is the need to recognise that local institutions and organisations are part of a hierarchy of institutions and organisation that are involved in management of natural resources (Cousins 1995:495). Ignoring this reality results in misplaced expectations of local-level institutions and organisations and consequently undermines CBNRM.

INSTITUTIONS

Globalisation is transforming traditional institutions and communities faster than they can adapt and modernise. If not managed, globalisation threatens to marginalise millions, dismantle and degrade the commons, denigrate cultures, and have the worth of people reduced to their value as labour. New forms of resource ownership and use patterns will emerge that will change the nature of CBNRM as it is known today. Partnership models should result in viable and sustainable economic initiatives at the local level and not merely enclose people into a new form of denial and dispossession. Globalisation threatens this.

While there is general consensus that devolution of power to local actors is essential for the success of CBNRM and, consequently, CPPPs, the exact mechanisms, including institutions, for making this happen remain ever-elusive. Communities should control their resources so that they can enter into legal agreements with the private sector. The dilemma is that, while less government is desirable, there is an acknowledgement that many local institutions are weak, making it difficult to devolve downwards. This means that a balance between state intervention and community empowerment is essential and that local institutions need to be supported to modernise. Equally important is the



fact that efforts have to be made to ensure that people at the local level appreciate the problems they face so that they can adequately address these and demand their rights. Achieving this requires a holistic approach to resource management that includes addressing the land question.

Within southern Africa, the term 'partnerships' is being abused. In many instances partnerships have become a compromise for communities entered into simply to gain some rights over resources. Tourism investments in both consumptive and non-consumptive safaris have been the main vehicle for CPPPs. These eco-tourism 'investments' are not just examples of partnerships in enterprise development, but also excellent examples of the 'new' struggles for control over resources and territory that have traditionally been used and cherished by others. In an effort to attract direct domestic and foreign investment, regional governments are encouraging an invasion by 'resource raiders'. The 'resource raiders' are nothing more than investors seeking opportunities to get a share of a huge and growing tourism market by entering into 'partnership' with communities. These 'raiders' are defining the terms and conditions of a range of many so-called partnerships. Unless the real rights of local actors are meaningfully addressed, resource-based conflicts can be expected to escalate.

The contested nature of CBNRM from which the concept of partnership derives its meaning inevitably influences the type of CPPPs entered into. Many communal areas are being transformed – together with the people themselves – into expendable 'resources' for exploitation. We have never sought to understand the exact implications of this new wave of investment patterns in the communal areas. Through these investments, leadership of the local communities can gain access to an external power base that is not accountable to local people, thereby undermining local checks and balances.

NGOs and donors have been active in the evolution of partnerships as they are known today through their support to CBNRM in areas of capacity building, exchange visits, supporting policy dialogue and, at times, acting as intermediaries in partnership formation processes. But CBNRM success can only be achieved if local actors have real power to make decisions about key resources and to benefit from their efforts.

The role of external agencies such as NGOs and individuals as intermediaries is absolutely critical to assist communities and the private sector to get a better understanding of each others' needs and to make the partnership successful. However, the intermediaries need to be accountable to a legitimate local constituency and avoid conflict of interest where their own agendas and interests become the motivation for mediating in CPPPs.

LEGAL ARRANGEMENTS

In the context of southern Africa, the focus on communities for CPPPs requires enabling policies and legislation. Legal rights must not only address substantive rights such as those to resources, but also procedural rights that form the basis of good governance, of which a fair and transparent administrative process is one aspect. Such rights must include access to information and the right to be given reasons for decisions.

CONCLUSION

The notion of partnerships is gaining currency as a policy intervention despite the fact that it not only responds to an external constituency, but also attempts to replace the state with the private sector and market mechanisms. This development has major consequences for communities that need to be understood and addressed and not side-stepped, given that many CBNRM initiatives continue to yield lopsided benefits.

The greatest challenge for the region is to ensure that CPPPs graduate beyond their current loose and broad meaning. We need to improve on the partnership-development process so that the partnerships themselves go beyond appeasement of communities through payment of 'fees'. We need a new generation of partnership arrangements defined and driven by the communities and not just the 'resource raiders' and NGOs.

Unless the above steps in the partnership-building process are adhered to, any emerging partnership is likely to be beset with problems and conflicts as in the case of Mr. Collins in Botswana (see Box 1). Effective partnerships add value to the venture so that the outcome is better than if each party acted alone. Successful partnerships are built on collaboration, not competition, and they emphasise areas of synergy and complementarity.



BOX 1: A PRIVATE SECTOR-COMMUNITY JOINT VENTURE CASE STUDY

Example of a failed partnership in Botswana Mr C Collins (Director: Game Safaris)

This case study summarises the experience of Mr Collins, a private safari operator based in Botswana in his efforts to secure a joint venture partnership with a local community.

The advertised tender stated what the communities wanted in the form of camps, how the bid would be handled and the length of the lease. Mr Collins was told to follow the joint venture guidelines in his tender document. Little did he know that the community had already decided who they wished to have as the partner before the tender was even presented.

As a hunting operator, he had chosen a photographic operator to handle the non-consumptive tourism. Mr Collins was awarded the tender by majority vote at a community meeting. He was number 4 in line as far as technical plan was concerned and his money bid was the lowest. After the first meeting with the community, he realised that he was selected because the community thought he was someone else.

Mr Collins went into the first year of the partnership full of enthusiasm and energy, strongly believing that if he performed as he had stated in his management plan, he would create a good image of himself. He said he became 'the money tree' and heard comments like 'if you won't help me you won't get the area next year'. He made it clear at numerous meetings that he was there for the community, not the individuals.

Towards the end of the first year, the community notified him that they were interested in continuing with him for the following year. It became apparent that the community was not interested in a joint venture, they wanted a cash cow. The community was only interested in sharing the benefits, they did not want to take the risks as well. Huge amounts of money were demanded for an extension of the agreement. The parties finally agreed to a 15% increase in lease fees, more employment for the locals and higher salaries for employees. Mr Collins had the sole responsibility of building camps, paying all the salaries (plus rations), providing transport, paying high yearly rental, taking all the risks and providing services to the clientele without support from the community. In addition, the community wanted him to attend all meetings and meet all associated costs. He decided that, in the second year of the partnership, the community should contribute towards projects on a 50:50 basis since they had earned some money. However, the community refused to co-sponsor the football team and the costs of harvesting animals allocated to the community for local consumption.

Because of his efforts to promote the principles of partnership, the community decided to re-tender for the three-year venture rather than continue with Mr Collins. He decided not to re-tender. He felt the community was not willing to work with him as a partner. He felt that the community would not be happy unless they got an operator who could respond to all their demands for money and services.

In his opinion, the community he worked with was not ready for the joint venture initiative. They were preoccupied with resolving their own problems rather than contributing to a joint venture.

For his part, Mr Collins did not understand the potential partner and the two parties had not gone through a partnership-building process. The partnership was characterised by a lack of transparency. In addition, the key principles of equity and mutual benefits were not met.

Source: Collins 2000:43.

BOX 2: A TRIPARTITE PARTNERSHIP MODEL CASE STUDY

The Mahenye village-Zimsum-Campfire partnership

Mahenye Village lies along the vast sands of what becomes the Save River, adjacent to Zimbabwe's Gonarezhou National Park, one of the country's major game parks. The Mahenye people belong to the Shangaan clan of the Limpopo province of South Africa. They were moved when the national park was

created in the 1960s. Because of the location, (near the Mozambique border), the community was neglected during Zimbabwe's liberation war. After independence the community suffered destabilisation during the civil war in Mozambique.

The Campfire (Communal Areas Management Programme for Indigenous Resources) programme in Mahenye was born out of conflict between national park authorities and the Mahenye community over ownership of wild animals. In 1891 wild animals were proclaimed the property of the Crown and the Mahenye Shangaan people were denied access to wildlife. They became classified as 'poachers' since the wildlife was no longer the property of the community. In 1966 the western bank of the Save River was incorporated in Gonarezhou National Park and the Shangaan people were evicted and their villages destroyed. A group of the Shangaan people crossed the Save River to the east and settled on what is now known as Mahenye Island. This marked the creation of a 'rebel' community that continued to hunt for survival.

The conflict between the Mahenye people and the Department of National Parks and Wildlife Management over wildlife ended in the 1980s when a white farmer persuaded the government to allow the Mahenye community a hunting quota with the proceeds going to the community. With the advent of Campfire, the Mahenye community has been earning income from consumptive wildlife utilisation.

Threatened with major environmental problems such as siltation caused by streambank cultivation and human-animal conflicts, the community, which had always prided itself on its treatment of the environment, readily took up a private sector offer to go into partnership in their conservation efforts. They also realised that there was an opportunity to make money for themselves through non-consumptive safaris. These partners came in the form of the Zimbabwe Sun (Zimsun) Hotels and Campfire. The new development of non-consumptive opportunities is enhanced by the Mahenye's proximity to Gonarezhou National Park and Mahenye Island which has riverine forest of great aesthetic and botanical interest.

The hotel group set up Mahenye Safari Lodge and Chilo Safari Lodge. The two lodges have a total capacity of 40 beds. The community in 1998 raised Z\$448 000 from hunting and Z\$590 000 from photography. It also received Z\$430 000 from Zimsun as part of its annual share from tourist occupancy. A total of 880 households received Z\$640 each. So far Z\$340 000 has been raised to build Mahenye's first secondary school.

Through funds generated from the safari lodges, the community has extended the power line from Chilo Lodge to Mahenye business centre, leading to the electrification of the clinic and the community-run grinding mill.

Note: 1 US\$ = Z\$55 (July 2000)

BOX 3: A CASE STUDY OF DEVOLUTION IN SOUTH AFRICA

The Makuleke land claim

In 1969 villages belonging to the Makuleke clan were forcibly removed from some 24 000 hectares of land known as the Pafuri Triangle. Most of the Pafuri – in which nine ecological zones overlap, resulting in extremely high biodiversity – was then incorporated into the Kruger National Park. This move was viewed as a great success by conservationists. To the Makuleke it was a crushing blow, leaving them disempowered and impoverished. With the advent of democracy in South Africa in 1994, legislation was passed that enabled the Makuleke and other dispossessed people to get their land back.

In 1996 the Makuleke lodged a formal claim for the restitution of their land. This claim was the strongest-ever land claim against a Schedule 1 park and was bound to establish an important precedent for South Africa. The Pafuri was viewed as an 'environmental hot spot' and lay at the heart of several planned conservation initiatives for the area. Its prominence as a conservation area meant that decisions on its future would have profound policy implications, including redefining the term 'conservation'. This process was characterised by conflict due to numerous external interests, ranging from animal rights to sustainable use advocates.



After an 18-month negotiation process, an agreement was reached. This recognised the Makuleke as owners of the Pafuri. The Makuleke voluntarily agreed to use the land for conservation purposes, subjecting conservation and land management decisions to a Joint Management Board, consisting of themselves and the South African National Parks (SANP). Essentially, the Pafuri remains an integral component of the Kruger National Park, but the Makuleke have exclusive commercial rights over the area. This deal is now viewed as a template for dealing with similar claims against protected areas throughout South Africa.

The agreement provides the Makuleke with real power in their relationship with SANP and has created a 'win-win' situation. The power given to the Makuleke over their land has enabled them to launch several conservation initiatives. These include the development of an intensive conservation training programme, which integrates modern approaches with traditional knowledge. This is now the largest training programme of its kind in southern Africa and has already resulted in some 20 young Makuleke gaining national diplomas.

Adapted from Riboy 1999.

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CO-MANAGEMENT AS CO-GOVERNANCE: PROSPECTS FOR COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT IN SOUTHERN AFRICA

NAJMA MOHAMED

ABSTRACT

Co-management has recently been put forward as one of the key approaches towards community-based natural resource management (CBNRM) in southern Africa. Co-management in CBNRM involves the building of partnerships between communities and other stakeholders in which decision-making power, responsibility and authority for natural resource management is shared. This paper evaluates the potential of co-management to strengthen local resource governance. The experiences of two long-standing co-management cases, based in Malawi and South Africa, will be drawn upon to assess the prospects for co-management in the region. Fisheries co-management in Malawi, premised on a partnership between government and local-level fisheries committees, was initiated in 1993 and has since been extended to artisanal fisheries management throughout Malawi. In 1991 a contractual national park was proclaimed between the national conservation agency and a local community in the Richtersveld area, South Africa. Despite the stark bio-physical and socio-economic differences between the two cases, they highlight fundamental lessons related to governance issues in co-management. Primarily, they illustrate that initiatives such as co-management that seek to bridge the gap between centralised and local resource governance regimes have yet to achieve joint power sharing that one should find in a co-governance regime.

INTRODUCTION

Community-based natural resource management, a term frequently used since the 1980s, denotes the increasing rapprochement between social justice and conservation management objectives in southern Africa. This can be seen in the proliferation of decentralised, community-based projects and

programmes, such as community wildlife management, social forestry and land use planning. An emerging characteristic of CBNRM programmes in southern Africa has been the development of partnerships between communities and other stakeholders, broadly termed co-management. Limited state capacity to implement conservation and natural resource management policies effectively, and the incapacity of local/community-based institutions to enforce rules, distribute benefits equitably and manage natural resources sustainably, have all contributed to the evolution, development and promotion of partnerships in natural resource management (Lawry 1990). Co-management thus proposes to develop a resource governance regime in which power, authority and responsibility for resource management is shared.

Governance is about finding a way to make 'decisions that reduce the level of unwanted outcomes and increase the level of desirable outcomes' (Ostrom 1998:1). These outcomes in the case of resource governance include efficiency, equitability and sustainability of resource access, management and use. This paper will assess whether co-management contributes towards strengthening these outcomes at the local level. The experiences from two established co-management cases are drawn upon to assess whether shared responsibility, authority and decision making, three key components of resource governance, have been realised.

Co-management of artisanal fisheries in Lake Malawi has been adopted as a national management strategy and essentially involves a partnership between the Fisheries Department and local-level institutions. The Richtersveld National Park, established as a contractual national park in 1991, has many lessons



for the establishment and management of community-based conservation projects. The national park is currently managed jointly by the conservation agency and a local community but was initially premised on the notion of local ownership with management functions resting with the national park. The experiences of these two cases provide valuable insights into the viability of co-management, currently receiving a great deal of attention in resource governance debates in southern Africa. Both secondary research and short field visits informed the findings in this paper.

CO-MANAGEMENT AS CO-GOVERNANCE

Governance of natural resources involves:

the structures and processes of power and authority, co-operation and conflict, that govern decision making and dispute resolution concerning resource allocation and use, through the interaction of organisations and social institutions (Woodhouse 1997:540).

Central to an examination of governance in CBNRM is therefore an assessment of the measures and procedures for 'setting the rules for the exercise of power and settling conflicts over such rules' (Hyden 1998). Furthermore, governance involves the implementation of these rules through a variety of institutional mechanisms such as policies, laws and organisational structures (both formal and informal). Murphree (1999) rightly states that, within the context of CBNRM, one of the key elements of governance is the capacity of communities to participate and contribute to decisions on access to and use of natural resources. What is co-management and how does it relate to governance?

There are many definitions of the term co-management. While some regard it as a middle-range management option situated somewhere between state and community management (Jentoft 1989),

others say that it 'covers various partnership arrangements and degrees of power-sharing and integration of local and centralised management systems' (Pomeroy & Berkes 1997:466). Key issues of power and authority are therefore the degree of local participation in decision making or the extent of devolution to the local level. Co-management arrangements are situated along a continuum, from coerced partnerships which are generally not motivated by local concerns, to an organic partnership, where 'the community has a sense of ownership of its resources, a clear vision and often has an idea of the type of partner and partnership it desires' (Katerere 1999:6). Middle-range arrangements can be classified as co-operative arrangements where decision making is shared by the state and local groups (Sen & Nielsen 1996). Co-management thus spans partnerships in which the varying objectives of actors have to be met (Table 1). However, the weak definition of the concept has also served to empty 'the concept of its value as a precise tool when applying it to the local context' (Hermes & Sandersen 1998:5).

Co-management can be based on a localised coherent group having responsibility for 'their' resources in co-operation with central state agencies or other partners. This type of co-management is often based on a geographical locality and the resources that occur within this area, and can be termed territorial. The second type of co-management is based on a co-operative tradition, where government is co-operating with functional groups, representing the fishers, the farmers or hunters (Isaacs & Mohamed 2000). According to Jentoft (1989), co-management has to include a considerable degree of responsibility for resource management by the users, not only token consultations with them by outsiders.

One of the key benefits put forward by the proponents of co-management is its ability to move beyond the limitations of either state or community management (Taylor 1998). For example, lack of accountability and limited enforcement capacity of

Table 1: The objectives of key partners in co-management initiatives

OBJECTIVES	PARTNERS			
	GOVERNMENT	NGOs	PRIVATE SECTOR	LOCAL GROUPS
Regulation	X			
Redistribution	X	X		
Biodiversity conservation	X	X		X
Service provision	X	X	X	
Facilitation	X	X	X	
Enterprise development and profit			X	X
Socio-economic development	X	X		X



community-based institutions, and limited state understanding of local conditions – shortcomings that seriously undermine both state and local-level environmental management – could be addressed by combining the knowledges and strengths of various partners (Lawry 1990; Taylor 1998). Co-management arrangements thus potentially provide incentives for a variety of actors and objectives. It can result in sustainable natural resource use, power sharing for natural resource management and conservation, participation of local peoples, legitimacy, and an opportunity to introduce enterprise-based partnerships with the private sector (Jentoft 1989; Berkes 1997; McCay 1998; Brosius et al. 1998; Uphoff 1998; Hara 1999). Co-management also requires the development of accountable local institutions to participate in the management and distribution of benefits arising from co-management in an equitable manner.

Recently, a range of criticisms against co-management has developed around the lack of community capacity and state willingness to engage in partnership arrangements such as co-management. Furthermore, evidence is emerging that local elites are capturing the action space created by the co-management paradigm (Isaacs & Mohamed 2000). Thus, limited capacity within local communities could result in the usurpation of local needs and priorities by outside actors in pursuit of their own goals. Community involvement will thus have to move beyond coercion and consultation to participation.

Co-management approaches combine the strengths of the partner institutions and can result in enhanced outcomes such as efficient, equitable and sustainable use of natural resources. It also involves many of the key governance issues raised above: attempts are made to develop joint structures of power and authority, decision making and responsibility for resource use and allocation. Institutional mechanisms are being developed to implement joint decisions. While co-management involves technical management decisions related to resource use, access and management, it also incorporates elements of governance. Has co-management, as displayed in the two cases, strengthened resource governance? Has it resulted in desirable outcomes such as efficient, equitable and sustainable local resource management? Who has benefited from co-management? In the following sections the background and governance aspects of the two cases will be discussed.

CO-MANAGEMENT OF FISHERIES IN MALAWI

In 1993, the government of Malawi, with the assistance of a multi-donor funded programme,

piloted a new management regime for regulating the artisanal fisheries sector in Malawi. The pilot programme, premised on the principles of co-management, was initiated in Lake Malombe and the Upper Shire River, Mangochi District. This project was called the Participatory Fisheries Management Programme (PFMP) and aimed ‘to persuade the fishing community to allow fish stocks to recover’ (Fisheries Department 1993:5) by developing and enforcing mutually acceptable regulations for managing the fishery. This management regime was further extended to the artisanal fisheries sector in the rest of Malawi through the National Aquatic Resource Management Programme (NARMAP), initiated in 1998. The process involved in establishing a mutually beneficial relationship between the Fisheries Department and beach village committees (BVCs), local-level institutions tasked with fisheries management, provides important lessons for the prospects of co-management of natural resources in southern Africa. It is one of the long-standing examples of co-management in southern Africa and presents an opportunity to evaluate whether the benefits claimed for co-management arrangements are being realised in practice.

Malawi is a land-locked country. The second largest inland lake on the African continent, Lake Malawi, covers 20% of the country’s surface area. In addition to fishing on Lake Malawi, the fishing industry on a number of smaller water bodies, such as the Shire River and Lakes Chiuta, Malombe and Chirwa, has an equally important role to fulfil in the rural economy of the country. Ranked in 1993 amongst the poorest 15 countries in the world, Malawi has a very high population growth rate and one of the highest population densities in southern Africa (GoM 1993). The majority of the population is dependent on subsistence farming and fisheries provide a substantial percentage of the animal protein intake (GoM 1996). A lack of manufacturing and industrial development in Malawi means that a large portion of the population is directly dependent on the natural resources of the region.

Mangochi district, the pilot district for the co-management initiative and located in the southern part of Malawi, echoes these statistics. The district suffers from low agricultural productivity, a lack of income opportunities and poor health and social infrastructure. The Mangochi district office of the Fisheries Department has jurisdiction over the south eastern arm of Lake Malawi, the Upper Shire River and Lake Malombe. In Mangochi, fisheries form one of the major sources of livelihood. Lake Malombe and the Upper Shire were selected as the pilot areas because the fishery is primarily artisanal, is highly



productive and 90% of the fishing units operating in Lake Malombe were classified as illegal in 1992 (Fisheries Department 1993). Though only 283km², Lake Malombe provided 17% of Malawi's total fish production (Fisheries Department 1993). The ideas presented in this paper were drawn primarily from the experiences of the pilot programme in Lake Malombe and the Upper Shire River.

TOWARD FISHERIES CO-MANAGEMENT

Mistrust and suspicion characterised the relationship between state officials and artisanal fishers in the decades preceding the introduction of co-management (Hara 2000). Dwindling catches and the collapse of the key species (*Oreochromis spp.*) in the late 1980s, locally known as chambo, prompted the investigation of alternatives to the centralised fisheries management systems in place (Fisheries Department 1993). Several studies were commissioned in the early 1990s to assess the management options for artisanal fisheries management in Malawi. It was proposed that a co-management arrangement, in which the responsibility and authority for fisheries management is shared between the government and a local-level institution, be instituted. With the assistance of donors, a co-management initiative was launched in 1993, and beach village committees were elected to represent the interests of fishers. Traditional leaders, in the form of village headmen or chiefs were incorporated into the BVCs as ex-officio members. The gear owners and crew members were the main target of the co-management programme and were also elected onto BVCs.

The PFMP hinged on a number of activities aimed at broadcasting and facilitating the development of co-management. This includes: policy and legislation; research, monitoring and extension messages;

community participation; public relations and extension; licensing; compensation and income-generating activities and law enforcement (Fisheries Department 1993). The Extension Unit of the Fisheries Department was most active in working with villagers in the establishment of the community structure, the BVCs, which would be pivotal in the co-management structure. Fisheries extension officers are based in the communities to provide assistance to the BVCs. It is therefore evident that this management strategy encompassed transformation of not only the practices, but also the philosophy and policies of fisheries management in Malawi (Chirwa 1998).

The Fisheries Department approached the villages located around Lake Malombe and the Upper Shire with the idea of co-management. It was hoped that the co-management arrangement would eventually evolve to a self-regulated system more akin to classic common property resource management systems. BVCs were elected to represent the interests of fishers. This local-level institution, it was hoped, would enhance the legitimacy of fisheries management and ensure co-operation with regulations. It would also act as a negotiator between the fishers and the department. The BVC members received training from the Fisheries Department, who developed a training programme with the assistance of donors. BVC members are elected for a period of two years after which re-election should take place. Unfortunately elections have not been held on a regular basis. In 1998, a Lake Malombe/Upper Shire River Fisheries Association was formed as an umbrella body to co-ordinate the inputs of the various BVCs in Mangochi District. The key regulatory techniques adopted in the co-management of the fishery include regulating gear types, adhering to closed seasons and checking licences.

Table 2: Responsibilities of partners in fisheries co-management, Malawi

	FISHERIES DEPARTMENT	BEACH VILLAGE COMMITTEES (BVCs)
Key role	To conserve and manage fisheries resources in a participatory manner.	To participate on behalf of fishing communities in conservation and management of the fisheries.
Main functions	To orientate existing services towards facilitating co-management. This includes: <ul style="list-style-type: none"> ■ Policy development ■ Legislation ■ Extension services ■ Training ■ Enforcement ■ Research ■ Monitoring and evaluation 	<ul style="list-style-type: none"> ■ To register all users on the beach ■ To issue licences and maintain records of licences issued ■ To discuss problems with fishers ■ To enforce fishing regulations and expel members who don't comply ■ To control admission and limit access ■ To represent the fishers at higher forums, such as policy development processes

Source: Mkandawire 1996; Hara 2000



Joint management forums at which the various role players are given opportunities to discuss fisheries management issues occur on an annual basis. At this forum BVC members are given an opportunity to input into the development of an annual fisheries management plan and to review fisheries regulations. Inter-BVC meetings are also held in the various areas. The Fisheries Department has also been involved in developing alternative income-generating activities in order to decrease the pressure on the fishery. Support has been provided for small-scale farming, trading, crafts and other retail activities. The dire socio-economic circumstances of many of the rural people in Malawi and the limited production capacity of fisheries require that alternatives be investigated. The primary roles of the various partners in the co-management arrangement are outlined in Table 2.

In practice, however, fisheries co-management faces many obstacles. With the extension of this philosophy to the rest of artisanal fisheries management in Malawi, it is imperative that these issues be highlighted. Firstly, the constitution of the BVCs met with many obstacles. It did not factor in the existence of the Beach Chairman, an advisor to the Village Headman, and thus potentially an important source of legitimacy. However, while village headmen enjoy support in some villages, in others they view the BVCs as a threat to their power base and conflicts have arisen between BVCs and traditional leaders. Fisheries co-management in Malawi is essentially focused on a particular user group – the fishers – but the composition of many BVCs does not always reflect this. Attempts are being made to include more crew members and gear owners and elections were being held in the area from May to June 2000. In some villages there were also poor feedback mechanisms between the BVC and the villagers. However, a major issue for many is the fact that BVCs are still not legal bodies, despite numerous calls to grant legal status to them. This can be very problematic as BVC members are putting themselves at risk when they confiscate and destroy undersized nets. Instances have already arisen in which BVC members, in the process of confiscating nets, have been involved in altercations with fishers.

A second concern relates to a lack of clarity on the roles and responsibilities of BVCs, the Fisheries Department, the donor agency, local enforcement agents and the Fisheries Association in fisheries management. The Fisheries Association that would have originally played a co-ordinating role is also engaged in enforcement of regulations. Furthermore, allegations of corruption in the police department undermine the decisions taken by the BVCs. For example, a BVC member reported the use of an

undersized net during the closed season to the police department who subsequently fined the offender only for using the net and not for fishing in the closed season. Furthermore, the fines imposed by BVCs are much more stringent than those of the magistrate, but the ‘powers’ of the BVC and the Village Headman in particular to impose fines on offenders have no legal backing. Underlying this is a lack of clarity on resource tenure, responsibility and authority.

A third issue, that of joint decision making, is an issue that many BVC members feel has not been achieved yet. They feel that their opinions are not taken into consideration at annual meetings when fishing regulations are made. Scientific knowledge is still privileged and despite the opportunity provided by annual meetings to voice their concerns, these are not taken into account. Furthermore, limited provision for input into fisheries policy amendments has led to the view that joint decision making has yet to be put into practice.

The failure to uphold promises of training, sitting allowances and transport for BVC members has also hindered the development of joint decision making. Initial commitments to provide compensation to fishers who were changing their mesh size were also not kept. Though a loan scheme was eventually put in place to assist fishers, this has not made the development of co-management any easier. The payment of sitting allowances to BVC members is also problematic as this weakens the development of a sense of self-help and ownership of the programme among the fishers. If the benefits from fisheries co-management that were initially envisioned had materialised, that is, paying licence fees to BVCs to act on behalf of fisher communities, then this conflict might not have arisen. Villages would then have been able to provide administrative support to the BVCs.

Other issues relate to the role of the various donor agencies in the fisheries programme; the lack of harmonisation of natural resource policies and the lack of local ownership of the programme. One Fisheries Department official criticised the donor-dependent character of the PFMP and has said that it was unlikely that the department would be able to provide adequate training for BVC members without donor support. It is also doubtful that the government of Malawi, in view of its current adherence to a structural adjustment programme, will be able to contribute to the programme.

There are many advantages to co-management in Malawian fisheries. There was an overwhelming consensus amongst the BVCs that relations between the Fisheries Department and the fishers have



improved dramatically and fishers feel more empowered through the BVCs to manage the resource. However, many of the benefits that should have accrued from co-management have not yet materialised. It is clear that there are critical issues that emerge from the experience of the pilot areas.

KEY CHALLENGES

Fisheries co-management in Malawi, as in other parts of southern Africa, is increasingly being promoted as a management model. It holds great benefit in reversing the trends of top-down, command and control approaches that characterised fisheries management in Malawi. In line with decentralisation trends observed in governance systems throughout southern Africa, Malawi has also embarked on decentralisation processes in several natural resource departments. Community-based policies and approaches that involve the establishment of local-level structures, such as village natural resource management committees (forestry) and wildlife management authorities (national parks and wildlife) are being developed (Trick 2000). However, contradictions, lack of harmonisation and integration of natural resource policies and practice also hamper fisheries co-management (Trick 2000). Key issues relating to the co-management of fisheries in Malawi can therefore be of relevance to these sectors as well.

The roles and responsibilities of the various partners in co-management remain unclear. Tensions are emerging between the various actors because of this. There are concerns related to the representivity of BVCs and the recent elections attempted to involve more gear owners and crew members in co-managing the fishery. This could enhance the legitimacy and authority of BVCs who are faced with the difficult task of regulating access to the fishery. Joint decision-making structures, such as the annual meetings, are still not functioning to the satisfaction of the BVCs. They feel that their inputs are not counted and that 'the government has more power and that BVCs are not fully empowered yet' (pers. comm., local villager, Mangochi, 2000).

Co-management of natural resources in Malawi is an approach that is increasingly being investigated as a resource management regime. It is an approach that many feel could work in view of budgetary cuts and diminishing government support and capacity for resource management. Local people are being co-opted into the management of natural resources such as forests and wildlife. For co-management to develop, government will have to hand over the stick. As in many parts of southern Africa, governments are still not relinquishing enough power and authority to local-level institutions, such as BVCs. In reality, the BVCs lack the authority

provided by legal standing to manage their resources. Strengthening the legal framework for co-management could thus facilitate the sharing of authority, decision making and responsibility that should characterise local governance of the artisanal fishery.

CO-MANAGING PROTECTED AREAS: THE RICHTERSVELD

The local communities of the Richtersveld, an area of South Africa rich in mineral and natural resources, entered into a contractual agreement with the National Parks Board (NPB)¹ in July 1991. This agreement was a milestone for the implementation of new conservation policies and practices. This biologically rich area, situated in the north-western corner of the country, had long been earmarked as a potential conservation area. The mountain desert environment, with its associated natural endowments, is said to be the most biologically diverse occurrence of this particular biome. With substantial support from the wider conservation community, the NPB entered into negotiations to establish a contractual national park in the Richtersveld. In August 1991, the 162 445ha Richtersveld National Park (RNP) was proclaimed.

The people of the Richtersveld, a former coloured rural reserve² in what is now the Northern Cape,³ South Africa, were subject to not only colonial and apartheid legislation and development schemes, but to the exploitation of the region's mineral wealth by state and private mining operators. In addition to the arrival of colonial settlers in the late 19th century, rich deposits of alluvial diamonds were discovered in the 1920s. While many Richtersvelders were employed in the mining operations, very few benefits and improvements were visible in the towns located in the 'reserve'. Instead, wealth was siphoned away from the area to fill distant coffers.

The Richtersveld communal area consists of four towns, Kuboes and Sanddrif in the north, and Eksteenfontein and Lekkersing in the south. The people of the Richtersveld are poor and 'both infrastructure and service provision is undeveloped' (Eco-Africa 1999). Two of the towns were electrified only in December 1999, but roads remain in poor condition. By way of contrast, infrastructure is strongly concentrated around the mining towns of the region. In addition to employment at the mines and in distant places like Cape Town, the 5 000 souls of the Richtersveld depend on the natural resources of the area for their livelihoods. Livestock farming forms an important source of livelihoods, but the mountainous terrain and mining concessions reduce the amount of land available for grazing. Increased



pressure is therefore placed on existing grazing lands. An attempt to privatise the communal grazing land of the Richtersveld was met with opposition and was challenged in the Supreme Court in 1989. The difficulties in establishing the contractual park have to be seen within the context of this legacy of mistrust.

MOTIVATION AND PROCESS FOR CO-MANAGEMENT

Two decades of negotiation preceded the proclamation of the national park in the Richtersveld. Vehement opposition from the local people to the establishment of the park led to a court interdict at the eleventh hour. Though the park was to be premised on a contractual model, the communities were not satisfied with the compensatory mechanisms, or with many other conditions set out in the draft agreement with the local authority. Negotiations had primarily been taking place between the NPB and the local authority. At the time, people regarded the local authority as having 'sold out' their interests. The *Parkeweerstandsbeweging* (Park Resistance Movement) was formed to ensure that representatives from local communities were included in negotiations around the establishment of the park.

After lengthy negotiations, an agreement was finally reached in 1991. This agreement addressed community concerns and culminated in the signing of a contract between the NPB and the community of the Richtersveld. The contract agreement specified a number of conditions for co-management of the park. The key differences between the 1989 and 1991 agreement are outlined in Table 3.

According to the contractual agreement, a Management Plan Committee (known by its Afrikaans acronym BPK) was set up to guide the management of the park. The park accommodated the seemingly competing land uses of conservation, grazing and mining within its borders. Agreements were reached that existing mining operations could continue and that local stock farmers would be accommodated within the park. The farmers were allowed to graze 6 600 livestock in the park, a figure that was to be reviewed and tested. South African National Parks (SANP), successor to the NPB, would also compensate the stock farmers for the loss in grazing by providing two farms for their use. The contribution of the park can be seen in both direct and indirect benefits for the Richtersvelders (Participatory Research and Planning 1999).

SANP leases the park land from the community and the monies are then distributed by the Richtersveld Community Trust. This charitable trust, which consists of independent board members, administers the funds that are primarily spent on educational and social upliftment programmes in the area. Presently, approximately 16 residents of the Richtersveld are employed at the park in both conservation and other positions. The park has assisted in securing the services of a social worker for the area. No senior positions are occupied by Richtersvelders. The initial fears of the community that stock farming would be phased out (as proposed in the 1989 agreement, see Table 3), have been allayed and the farmers who use the grazing land within the park get assistance and support from SANP. Social ecologists have also been involved in an arts and crafts project involving women from the Richtersveld and a

Table 3: Incorporating community considerations in the RNP contractual agreement (Archer et al. 1996)

THE RICHTERSVELD NATIONAL PARK CONTRACT		
	PRE-1989	POST-1990
Management structure	NPB – with input from an Advisory Board (no decision-making powers) appointed by local government.	Management Plan Committee with four members from the NPB and five elected from and by the community – one for each of the villages and one to represent stock farmers.
Use of the park	Three zones with gradual withdrawal of all use within one year. 'Corridor west' farms as compensation for grazing.	Utilisation of grazing and other natural resources remains. Stock numbers limited to status quo of 1989 But Ceiling of stock numbers to come down as stock enters the 'corridor west' farms for grazing.
Payment of lease	Into coffers of local government.	Trust formed. Community members elect trustees (who are outsiders).
Lease period	99 years	24 years + 6-year notice period



German-funded programme, TRANSFORM (Training and Support for Resource Management), is also actively involved in facilitating sustainable resource management and eco-tourism in the Richtersveld. These tangible benefits do not reflect all the objectives of the contractual agreement, but are nevertheless important signs that some benefits have filtered through to the community.

The primary institutional mechanism guiding the co-management arrangement was the constitution of the BPK. Four town representatives, a stock farmer representative and four SANP officials constitute the BPK. Community representatives are elected on a biennial basis. The key function of the BPK representatives is to ensure that the interests of the Richtersvelders are being met in the management of the park. However, there have been many problems with the functioning of the BPK, such as a lack of active participation in decision making by community representatives of the BPK, as well as poor feedback to communities (Participatory Research and Planning 1995; Reid 2000). BPK representatives have to attend meetings at their own cost and distances between the Richtersveld towns are very far. The poor functioning of the BPK relates both to a lack of capacity to participate in decision making, as well as a lack of community interest in the park. The BPK is seen as an ineffectual committee, but at the same time community attendance at elections or feedback meetings is poor. BPK members are known to only some of the community. Frequent changes in park management do not facilitate continuity on the side of SANP and it becomes difficult to build the rapport required for the BPK to function effectively.

Numerous attempts have been made to strengthen the capacity of local representatives to participate in the BPK. Two of the representatives on the BPK told the researcher that they needed more training, particularly in scientific knowledge, in order to participate effectively. One of the key outputs of the BPK should have been the development of a management plan which, nine years since the signing of the agreement, has not been concluded. This is a critical issue as the tenuous relationship between conservation, mining and stock farming in the RNP needs to be guided by sound management guidelines. As long as these have not been put in place, transgressions by the resource users cannot be effectively monitored and rectified along agreed lines. Research currently being undertaken into the sustainability of grazing within the park could be important in kick-starting the development of a management plan.

The failure of the SANP to deliver on the promises made during the signing of the agreement and the

concomitant social problems facing the Richtersvelders, such as unemployment and poor infrastructure, are other key issues impacting on co-management. However, many of the promises made by the SANP were unrealistic and beyond the scope of a conservation agency (Reid 2000). This has had serious implications in creating a perception that the park had not delivered on its promises. Underlying these issues is a history of tension between the northern and southern towns of the Richtersveld, further undermining the smooth functioning of the park.

In practice therefore, the RNP as it currently stands, is to some people a 'paper park' or as Fakir (1996) puts it, a 'compensatory mechanism' in which SANP is the key decision maker. The community at present does not influence the way in which development in the park takes place. In principle, the process of SANP-community negotiations should have led to community-driven co-management of the RNP. Poor representation of community interests on the BPK has resulted in the conservation agency being, in practice, the lead partner. Important shifts in South African conservation thinking have stemmed from the RNP, such as the framework for co-management of conservation areas. But there have been criticisms that the conditions set out in the contractual agreement have not been met.

However, in the broader political economy of the area, there are presently a number of initiatives that provide an opportunity for restructuring co-management. These external processes add great complexity, but also windows of opportunity for infusing conservation and tourism issues into the broader development debate of the area.

The future of the co-management initiative hinges on the development of much stronger links between the institutions governing conservation, tourism and development in the Richtersveld. Co-management, as Hasler (1998) states, is influenced by institutions and development processes at a number of levels.

KEY CHALLENGES

The contractual national park holds great benefits for the Richtersveld. The RNP has increased the potential of community-based tourism in the area, generated revenue for the community and provided some employment opportunities. The RNP was the first park in South Africa that was established, in its entirety, on a contractual basis. Since 1991, the contractual model has been replicated elsewhere. Broader developments in South Africa that include paradigm shifts in conservation, an increase in land claims in and around national parks, and changes within SANP structure all favour the introduction



of the co-management model (Cock & Fig 1999; Wynberg & Kepe 1999).

The vision of the SANP is 'to acquire and manage a system of national parks that represents indigenous wildlife, vegetation, landscape and associated cultural assets of South Africa' (Joseph & Parris 2000:19). However, as in other sectors, SANP has embarked on a process of commercialisation in which non-core functions, such as lodge development and service provision, will be outsourced. The private sector is well placed, in terms of capacity, skills and capital, to perform non-core functions in conservation areas. However, contractual parks bind conservation agencies to identify communities as key partners in conservation development and the increasing eco-tourism opportunities that accompany these. In a market increasingly driven by economic growth rather than redistributive or ecological principles, contractual agreements could thus entrench local involvement in protected area management. Privatisation is one of the most important challenges for the Richtersveld case.

The establishment of joint management committees is a critical step in giving effect to the principles of contractual parks. There is a need for clarity about the objectives and responsibility of such committees. Local representatives have to understand whom, how and what they are representing. Capacity building and training should be tied closely to this process, as limited organisational capacity has also impacted on joint decision making.

The institutional mechanisms for governing land and natural resources in the Richtersveld are currently being negotiated. It is critical that co-management of the national park be included in this process. If the BPK or another management structure is to attain the authority and legitimacy of a community-based structure, it should become a part of the current debate. The Richtersveld has not capitalised fully on the opportunities presented by co-management of the national park – current institutional development processes thus offer a way to address this.

The challenge for co-managing protected areas is for communities to position themselves to occupy the action space created by the paradigm shifts in conservation. A number of processes broadly aimed at rural restructuring, such as the transfer of communal lands⁴ to the Richtersvelders, local government restructuring, opportunities for community-based tourism development and conservation (conservancies) and trans-frontier conservation initiatives are a few of the processes currently impacting on the area. Moreover, a pioneering court case, in which the Richtersvelders

have instituted a claim against a state-owned mining company, is currently underway. The strengthened proprietorship of the Richtersvelders will require the development of institutions to control access and use of the land. This could be a unique opportunity to ensure that the national park, which remains an important asset for the Richtersveld, can be linked to development issues in the area.

PROSPECTS FOR CO-MANAGEMENT IN SOUTHERN AFRICA

In relation to the three governance issues discussed above, that is, the process of establishing local structures to share responsibility, authority and decision making, neither of the two co-management cases display meaningful power sharing yet. Despite the differences in the nature and history of the co-management arrangements, the Richtersveld being largely territorial and Mangochi being largely functional in nature, the considerable resources committed to these two initiatives have not resulted in fundamental shifts in power. This relates to the difficulty in reconciling the diverging motivations of the key partners, relinquishing power to local groups and capacity constraints. The approach adopted in the two co-management initiatives present glaring similarities that could provide important guidelines to partnership models of resource governance in the region.

In both instances, the key motivation of the state partner for entering into co-management was the conservation and management of natural resources. They were both the initiators of the co-management arrangement. Both state partners made unrealistic promises at the outset of the arrangement. A history of poor relations with local groups and limited experience with participatory management regimes characterised the state partners. The motivations of the two local groups on the other hand are strongly linked to securing access to resources that were important in local livelihoods – grazing land and fisheries. While the motivations of the Richtersvelders had a strong land rights basis, access to a healthy fish resource for socio-economic well-being was the primary motivating factor for the fishers in Malawi to enter into co-management. At the outset of these two initiatives, expectations of remuneration were raised amongst local representatives. Remunerating representatives on local structures has been an issue discussed in both the cases. It illustrates the lack of ownership of the programme and also the need to increase the stake of local partners in co-management.

The state partners in both cases showed very little willingness initially to share real power with the



local groups and participation was seen as a means to achieve their goals of resource conservation and not as a political or governance process. As in the case of decentralisation initiatives in other parts of the world, these co-management approaches 'do not show enough awareness of the very process of disempowerment of communities and usurpation of community resources by the state, even when the reversal of the same process is supposed to be the goal of devolution efforts' (Jodha & Bhatia 1998:4). Several years later, the policies of state agencies in both conservation in South Africa and fisheries in Malawi have changed dramatically. While participatory approaches such as co-management are now virtually entrenched across the region, the willingness of the state to relinquish power still remains in doubt. As Chirwa (1998:61) comments on the co-management of fisheries in Malawi:

...the initiative to institute the co-management arrangements did not come from the fishing community in the area. Instead, it came from the Fisheries Department (FD), donor agencies and other external stakeholders. As a result, the philosophical bases of the programme have not taken root.

The governance components of co-management investigated in both cases relate to the sharing of responsibility, decision-making and authority for resource management. The process of developing institutional mechanisms to implement the new management regime proceeded in a similar manner. New institutional structures (BVCs and BPK) and policies were developed to facilitate joint management of the resource. Uncertainty about the particular responsibilities of the local representatives and structures still persists. According to Symes (1997:5) 'the roles and responsibilities ascribed to user groups [in co-management] should be clear, specific [and] substantive'. The legitimacy of the institutions in the Richtersveld at the time were questionable due to their link with apartheid governance structures, and traditional systems of governance in Malawi should have been investigated more intensively (Hara 2000). Capacity constraints and the low legitimacy and authority status still exist within the two local structures.

The process of decision making also displays clearly that the knowledge and inputs of scientists and experts are still valued above that of local groups. This makes local representatives in both cases feel ill-equipped to participate in joint decision making. In the establishment of these two co-management regimes of governance, it was envisioned that a relationship would be established between the two partners in which meaningful power-sharing would take place. In this sense, the authority and responsibility for local resource management would

be shared. Writing on local resource management, Murphree (2000:4) states that:

Authority and responsibility should be linked. When they are de-linked and assigned to different institutional actors, both are eroded. Authority without responsibility becomes meaningless or obstructive; responsibility without authority lacks the necessary components for its efficient exercise.

Participants in both co-management initiatives listed good relations, trust and respect as the primary benefits that they have derived thus far. Furthermore, co-management in both cases has broadened livelihood opportunities in the areas, by way of the increased community-based conservation and tourism opportunities in the Richtersveld and alternative income-generating activities in Malawi. While conservation objectives have been met in the Richtersveld, the chambo fishery in Malawi has never recovered in the pilot area. Fish catches have fluctuated, but the dramatic collapse that occurred in the chambo fishery has not occurred in the rest of the fishery. While these are certainly desirable outcomes for the state partners in both cases, many of the key outcomes relating to local participation, benefits and ownership have not yet materialised.

I concur with Jodha and Bhatia (1998) that rebuilding community stakes in resource management, increasing local control and using local knowledge and perspectives can make CBNRM more relevant to local groups. The institutional frameworks for co-management are located within the stark realities of much of rural southern Africa – insecure tenure, limited resources and economic opportunities and poor infrastructure. Institutional frameworks for co-management are also being formulated in a context in which local-level social organisation has been altered by the colonialist history that the majority of the countries in the region share. From these two long-standing cases, it is clear that what counts for co-management today clearly does not reflect the aspects of governance discussed in this paper. In view of the considerable resources committed in these two cases, it is debatable whether the willingness and capacity required to develop co-governance regimes in southern Africa exists. The increasing reliance on the inputs of donor agencies and the private sector in CBNRM pose further challenges for the efficiency, sustainability and equitability of co-management initiatives.

CONCLUSION

The move towards privatisation and market liberalisation across the southern African region confirms that the private sector is increasingly



becoming involved in economic development programmes linked to the utilisation of the rich natural resource base in communal areas. While this approach potentially holds benefits for local groups, critical questions are emerging, such as how to reconcile short-term priorities of the private sector (for example, profit generation) with local benefits and goals related to sustainable natural resource use, justice and equity. The experiences from Malawi and South Africa discussed here clearly indicate that joint governance regimes such as co-management have yet to successfully combine the strengths of state and local resource governance systems.

A suite of international and national laws, policies and programmes have created a space for the development of co-management of natural resources, as well as natural resource-based enterprises and industries. Key questions remain. How do we develop a legal and institutional framework for community-based co-management? How do we translate natural resource policies, management structures and laws into a system that addresses the key resource governance issues, such as secure resource tenure, in southern Africa? It is only by responding to these questions that co-management could begin to resemble a system of co-governance in which outcomes such as local participation, joint power-sharing and sustainable local resource management can be achieved.

¹The National Parks Board was renamed South African National Parks (SANP) in 1996.

²This refers to land set aside under apartheid legislation for occupation by people classified 'coloured' by the government of the time.

³The Northern Cape province came into being in 1994.

⁴The Minister of Agriculture and Land Affairs, according to the Transformation of Certain Rural Areas Act 94 of 1998, will transfer the land of the 'coloured' rural 'reserves' to the local municipality or a legal entity. This Act applies specifically to 'coloured' rural areas in South Africa and not the former 'homeland' areas.

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SHARING PRODUCTS OR POWER? INTENTIONS, MEANINGS AND APPROACHES TO COMMUNITY INVOLVEMENT IN FOREST MANAGEMENT IN EAST AND SOUTHERN AFRICA

LIZ ALDEN WILY

ABSTRACT

As is the case more widely on the continent and beyond, forest administrations in east and southern Africa are finding it necessary to directly involve forest-local communities to secure the forests and to halt their degradation and loss. This and related strategic changes are being expressed in a wave of new national forest policies and laws. Helpfully, an important source of guidance derives not from theoretical considerations, but from the accumulating experience of field initiatives – practice that will be further shaped by the dictates of new policy and especially law.

This paper provides an overview of changing forest-people relations in the region as evidenced in both main projects and new forest law. Two main paradigms are identified: one which is founded upon a view of local communities as primarily user beneficiaries co-operands of improved forest management, and another which seeks to involve them as actors in management, endowing them with varying degrees of power to determine and regulate the forest themselves.

Using the case of Tanzania as main example, it is argued that the latter power-sharing paradigm is altogether more transformatory of conventional resource management, and more likely to prove effective. It is suggested that this devolutionary approach will increasingly become the strategy of choice, prompted in part by concurrent increase in the right of local people to secure local land resources, including forests, as their own, and as widespread moves towards decentralised governance take place. Although still very new, a trend towards

community forest owner-management is emerging. This suggests a more definitively community-based forest future than envisaged a decade past and the promise of democratisation in this and related spheres.

THE DEMOCRATISING CONTEXT

As is the case elsewhere on the continent and beyond, ordinary rural citizens living within or next to forests in eastern and southern Africa (hereafter ‘the region’) are being afforded opportunities to participate directly in the processes of retaining and sustaining forests in ways not envisaged a mere decade past (FAO 2000).

This arises out of concern that forests (which in the region are mainly woodlands) have continued to dwindle in all but a few states and the pervasive conclusion is that radical alteration in strategy is required to stem the trend and to place those forests that remain under secure and effective management. Everywhere the response has been towards greater participation of civil society, variously to the private sector and to non-governmental organisations, but most profoundly, to the key target group of citizens in respect of these resources – forest-local communities (Alden Wily 2000a).

In a sector that has fully embraced the command and control approaches so characteristic of 20th century transformation, this shift of necessity involves release of powers from the state, or more specifically from the ubiquitous central government forestry department. It is hesitant and still uneven steps towards this that centres a wave of forest law reform in the region at this time. These gain from wider



forces of devolution and consequent adjustment in the roles of state, as being embedded in a comparable wave of constitutional and other sectoral law reform (Alden Wily 2000b).

Two threads are of special relevance here. First, is the beginnings of a new wave of decentralisation, setting up elected local councils where they have not existed before (Lesotho, South Africa and Rwanda), or where they have been in place for some time, moves to extend democratic governance to more grassroots levels (Uganda, Zimbabwe and Swaziland). The impetus this gives to community level socio-institutional formation will emerge as acutely pertinent to the discussion of this paper.

Of comparable importance to forests and communities are shifts in the land relations rural citizens hold with the state, through widespread land reform, still in early implementation (Foulmin & Quan 2000; Alden Wily 2000a). Decentralisation of tenure administration is itself a common thrust of these developments and influential upon the parameters of forest reform.

The more influential tenure change is in the common commitment to secure the occupancy of those millions of citizens in the region who hold their property in customary or other informal and unregistered ways. Although officially still limited to a handful of states (Uganda, Tanzania and Mozambique), customary tenure systems are gaining, for the first time in a century, direct recognition as legal regimes in their own right (Alden Wily 2000c). *Inter alia*, the customary capacity to hold land (such as forests) in common is seeing new support, including the opportunity to be registrable entitlements as group-owned private property. Elsewhere I have shown how the absence of such commonhold tenure directly facilitated the removal of vast areas of natural forest from people to state during the twentieth century, a process upon which there is now increasing legal constraint (Alden Wily & Mbaya in press).

What the above bespeak are shifts in the balance of power in state-people relations – and broadly to the benefit of the latter.

This point should be kept in mind, for this is by no means always the intention of moves to involve communities in forest management, or a welcome development for officialdom where it occurs. Arguably, the more influential context to date has been one that provides for local participation as a means of securing local co-operation to retained government forest management. Intentions to devolve powers or to alter the tenurial conditions

upon which jurisdiction is founded often could not be further from the strategic thinking upon which early efforts toward participation are launched. There have been exceptions. However, the dominant paradigm has been one which is willing to share use rights or income from a forest with local people but not authority or ownership.

In some cases, this is but a reflection of time-old reluctance of bureaucracies to share power; particularly with a sector of society which predominantly comprises remote rural poor. This sector is not well-rooted institutionally and therefore not easily made accountable, and its capacity to manage resources has been unevenly demonstrated. In other cases, truncation in devolution of forest management is seen in the view of forest-local communities as being concerned only with immediate livelihood returns and therefore with the products and benefits forests may yield. These are citizens, it is premised, who are so poor and so forest-product dependent that they could not possibly be concerned with the tenurial status of the forest or its long-term future, or their own right, power and opportunity to determine this.

Such positions gain encouragement from the livelihood-justified developments of early community participation, especially in India where only local persons who actively depended upon the forest were involved and certain access made legal in return for co-operation and sometimes fulfilment of protection tasks (Alden Wily & Mbaya in press).

Whilst livelihood is very properly the major concern of transformation in forest management as in other spheres, there are clear signs of a more nuanced approach as to how local forest-related dependence may be most sustainably rooted. Ultimately this requires attention about where and how control over the resource itself is vested, and from which resolution and rationalisation of local use more satisfactorily proceeds.

Accordingly, in Asia, for example, greater attention to power-sharing marks the emerging parameters of community forestry in China, Vietnam, Philippines, Laos (Enters et al. 2000) and perhaps most surprisingly, Indonesia, where about three-quarters of the country was appropriated as state forest land in the 1970s (Wollenberg & Kartodihardjo 2000). Demands towards greater power-sharing characterise current critique of developments in Nepal and especially India (Shrestha 1999; Kumar 2000). Awareness of the shortfalls of 'shared management' where benefits, rather than authority, is being shared, is similarly beginning to appear in western Africa, where failure to endow communities with



the level of powers they need to manage resources is beginning to be perceived as frustrating real improvement (Hesse & Trench 2000). Conferences and documentation on 'decentralisation and devolution of forest management' illustrate these shifts.

Further, out of these developments, greater attention of necessity is being paid to the composition of forest-local populations and to the troublesome but critical question of the institutional and socio-legal personality of community. For with devolution comes the question as to whom power is being devolved, within what context and with what measure of accountability – a recurrent problematic of this paper.

In eastern and southern Africa, benefit-sharing approaches received a special thrust from the powerful wildlife-centred programmes of southern Africa, and from the catalytic Communal Areas Management Programme for Indigenous Resources (Campfire) programme of Zimbabwe in particular. The starting point of this, and subsequent initiatives in Namibia, Botswana, South Africa and Mozambique, has been to draw down to dissatisfied local populations at least some share of profits being made by mainly non-local residents, through their access to local woodlands and their wildlife (Vudzijena 1998; Filimao et al. 2000). Whilst alteration of the tenurial and jurisdictional frameworks within which this has been able to occur were not initially part of the plan, over time, it is just such concerns which have begun to permeate; their absence hints at souring these initiatives (Campbell et al. 1999; Katerere et al. 1999).

This is not to say that benefit-sharing projects in the region are not highly beneficial to forest-local communities. Through the introduction of tourists, hunters or timber concessions into the area, local incomes may indeed rise. However, what is occurring in these cases is not participation in forest management but in forest benefit (or access). Although respect for local needs is heightened in management and consultation may occur, core decision making itself continues to be made by forestry departments or the agencies to which they have devolved their powers.

There are other concerns that arise in the user-centric, benefit-sharing approach, which will be illustrated in this paper. A significant drop in the costs of management (a critical objective for most African governments) does not usually occur, and may even rise, as foresters add the task of supervising local use or benefit-sharing to their workload. The project itself may be costly to initiate and sustain. The source of benefit-sharing may emerge as less

stable than anticipated, particularly where it is premised upon tourism.

The tangible return to the community may be less than anticipated, and given that its support is premised and measured in those terms, local commitment may be undermined. A tug of war over the share of resources may evolve, and over-use to meet the escalating 'needs' of the local partner may threaten sustainability. With only immediate benefits on offer, and their custodial interests denied, the incentive for a longer-term perspective to the forest's future may be foregone by communities.

Where benefits are considerable, state commitment to local interest may give way to the greater benefit to be gained by allocating those rights to commercial interests. And, of course, where the community's role is fashioned around their role as users, not guardians or managers, the approach does not easily apply to that multitude of forests which, for reasons of degradation or biodiversity, should see dramatically reduced use or closure to all use. It is not surprising therefore that 'joint forest management', such as it is, has tended to be limited to those forests which are not valuable for their timber nor their biodiversity, or which are too threatened or too precious to be managed by local populations. This has been the case from Nepal to the Cameroon, from Mozambique to China.

The task of this paper is less to expose such shortfalls of the product-centred paradigm than to explore how, in eastern and southern Africa, this approach is giving way to a more profound concern to alter the jurisdictional foundations upon which forest-local participation is based, and through which local livelihood concerns – always of critical importance – may themselves be more securely rooted and community-driven.

Just as important, relocation of product-sharing into a power-sharing paradigm widens to the arena for local-level interest beyond immediate users to those who have interests in the survival of the forest in ways less tangibly defined by either its wood or non-wood product values. These are local people who need the forest for social-environmental reasons as much as for direct product support, and who fear its loss less for the loss of wood and non-wood products than for the loss of catchment function the forest provides, the buffer role it may serve between communities, or the space it provides for sacred rituals or recreation. A narrow focus upon product use may thus disable the community-centred rather than user group-centred interests needed to regulate local use in the least contentious ways.



Below the current and changing positioning of community involvement in forest future is (of necessity, very cursorily) outlined as evidenced from both new law and new practice in a handful of selected states in the region.

CHANGING STATE-PEOPLE FOREST RELATIONS

SOUTH AFRICA

We may begin in the south of the continent with South Africa – a fortunate choice in that it amply illustrates the interconnectedness of land, government and forest reform, and in this case, the particular frustrations caused by long-standing absence of accessible democratic local government. This is only now beginning to be provided, and in ways which fall well short of providing the kind of frameworks needed to catalyse and embed resource or other grassroots governance systems. South Africa also provides a clear example of shifting strategies to forest management, including re-centring of ‘participation’ to imply a good deal more than sharing access and benefits with local populations.

Devolutionary forest management is driven at this time primarily by the post-apartheid land reform programme, and in particular by its commitment to restore lands lost through racially-discriminatory laws (Restitution of Land Rights Act, 1994, Constitution, 1996, White Paper on South African Land Policy, 1997). Much of South Africa’s expansive (±30 million ha) forest estate is held under private and state tenure, variously subject to claims. The National Forests Act, 1998 accordingly provides for communities to apply to, or to be invited to apply, to manage a state forest or ‘any other protected forest area’, jointly with an organ of state, or alone, albeit largely on terms determined by the state (s29–31). This moves some distance from the hope expressed two years earlier in the 1996 Forest Policy that communities would abandon their claims in return for cash compensation.

With each passing year, the need to find workable mechanisms through which forests may be divested and safely managed becomes more urgent. Interest in the new construct of communal property associations (1996) has given way to recognition that less complicated and community-initiated frameworks are required (Grundy in Alden Wily & Mbaya in press). This is frustrated, however, by weak and conflicting local level organisation through years of demise, and emerging new conflict with revived tribal authorities and incipient rural councils (Ntsebeza 1999).

Uncertainty and change thus characterises the handful of state-people agreements under way. This is illustrated in the case of the natural forest reserves

of Dwesa/Cwebe in the Eastern Cape. Recent intentions to set up a trust through which community access and benefit could be managed have given way to yet more recent intentions to help the community devise management over these forests, almost certainly to be returned to their custody (Grundy in Alden Wily & Mbaya in press). Meanwhile, the Department of Water Affairs and Forestry (DWAF) is apparently accelerating privatisation of at least the commercial estates to investors, on terms which protect their leases from cancellation in the event of change of ownership.

Over a quarter of the total forest/woodland resource falls within ex-homelands and trust land. Uncertainty as to whom these lands will ultimately be divested (people directly or tribal authorities) impedes action. Tenure decisions themselves are greatly frustrated by conflicting loyalties and claims within the community (Cousins 2000).

LESOTHO

The devolutionary intent of Lesotho’s new National Forestry Policy, 1997 and Forestry Act, 1999 is striking and, on the surface, simpler. A declared principle is to locate the future of both planted and natural forests in the hands of individuals, communities and co-operatives. With the commencement of the law, the multitude of tiny forests, woodlots and bushlands reserved as *liremo* and *matsema* by chiefs, entered a new class of designated forest – ‘community forests’ (s17).

Even those reserves held by the state are to be divested, through agreements which allow the Chief Forestry Officer to reclaim the reserve should the agreement be breached materially (s11). Again, these are generally small in size, amounting to no more than 10 000ha, and originally planted with community labour (Chakela 1999).

Designation of private forests out of private land, long encouraged in forest legislation throughout the continent, receives extra encouragement in Lesotho’s new law, with assurance that both the land and trees will be held to be private property and subject to private control (s17). These are helpful provisions in circumstances where constitutional and land laws are in conflict as to where title over customary property lies (Alden Wily & Mbaya in press). Failure to resolve conflicting loyalties to state and king have dogged land relations for some years, exacerbated by weak administration, issues which have now been posted to yet another Land Commission to deal with.

In principle, local-level powers to manage forests in justiciable ways has also been recently enhanced with the passage of the Local Government Act, 1996,



which creates elected village governments, drawing in part upon a tradition of village development committees. In practice, this development is not yet implemented and the level of powers they will attain uncertain given contradictory traditional authority in the several of the same spheres.

NAMIBIA

Namibia has been drafting a new National Forestry Policy and Bill since 1998, to be read in Parliament before the end of 2000. Over this period the substance has shifted, from an early focus upon the creation of new state and regional forests, to creation of community forests and the abandonment of the class of regional forests (Shidewa 2000).

Once again, new land policy (1998) and debate surrounding tenure issues has exerted influence upon the rights of communities to woodland resources. Not least, this comes from growing recognition that lands out of which new government reserves might be created are, more properly, already owned, albeit held customarily (Alden Wily 2000c).

Field practice has also had an effect. Both have been realised in the recent establishment of two community forests made out of two of the four vast woodlands in the northern communal lands, originally surveyed to become state forests. Now, the Forest Bill is emphatic that the minister may not create state forests until he is satisfied that 'effective management cannot be achieved through management of that communal land as a community forest' (clause 13(2)).

However, at least in the penultimate versions of the proposed law, provisions for community forests remain limited. Although intended to be community-owned, the meaning of this remains ambivalent for as long the state continues to be the owner of communal lands, as is the case under the Constitution (1990, Schedule 5(1)). The intention of the Communal Land Reform Bill, 2000 to open local commons to individual entitlement also threatens local forest tenure security. Although rejected by Parliament, this bill is being redrafted. It may be optimistic to think that Namibia will follow the innovative lead of Tanzania, Uganda and Mozambique by providing for registrable customary commonhold entitlements in the resubmitted bill.

Provision for local management is also limited. Management associations, which need not necessarily include local representatives, may manage the community forest on their behalf (clause 15). The emphasis is upon the community receiving rights to use the area. Critical management powers, such as the capacity to issue permits, apply fines or sanctions

upon illegal users, appear not to be vested in community committees but in government-appointed honorary foresters and headmen (clause 8). Nor is there any provision for forest-local communities to be involved in the management of state forests, beyond needing to be consulted prior to the preparation of management plans for those areas (clause 12).

Pilot practice thus far mirrors (and may have influenced) these limitations. It is the Honorary Forester rather than the Ontanda Community Forest Village Committee, for example, who patrols the forest and may issue permits whilst the committee is responsible for mobilising a lengthy list of public works associated not only with the forest, but on-farm developments as well (Shidewa 2000). Numerous foresters advise and the whole is underwritten by a substantial donor-funded project which may be difficult to sustain. Still, this and two other donor-supported initiatives (Okongo Community Forest development, Oskani Community Woodlot Project) are new, and likely to evolve fairly quickly into more community-centred arrangements as the need to make community-based operations more community-driven come quickly to roost.

MOZAMBIQUE

Mozambique has an invaluable natural forest resource of at least 30 million ha, but one where overlapping rights frequently exist, complicating definition of ownership rights and potential management powers over forests. This arises from extensive population dislocation from years of civil war. Even major reserves like the 196 000ha Mecuburi Forest Reserve are now occupied by thousands of people, whom the state is unwilling to evict (Mushove in Alden Wily & Mbaya in press). Community organisation has also been badly affected. Traditional leaders may vie with each other and with politico-administrators sent by the central state (McGregor 1997). Elected local government does not exist outside municipal areas.

The situation is now complicated by the issue of concessions and leases for timber extraction, hunting, safari and agricultural enterprise. Local inhabitants have rarely been consulted as to this *de facto* reallocation of their commons (Kloock-Jenson 1999).

These factors combine to undermine the intention of Mozambique's new Reform Land Law, 1997 to recognise customary land rights and to encourage the recording of these rights. A main task of regulations under the Act (1998, 1999) has been to ease the passage towards this, but with more development clearly still needed.



The Forest and Wildlife Act 1999 has not significantly facilitated this development in respect of forest land, although this is being addressed. The law itself is perceptibly more concerned to promote and regulate the still-burgeoning concessionaire culture. No strategy is advanced for harnessing the thousands of communities located in forested areas as a conservation and management force.

The law does, however, make improvement in the potential of forest-local populations as forest owners, managers and users. Although they have no power to halt the issue of licences or concessions, they must now be consulted prior to issue (article 17). Communities may themselves apply for permits and enter concession contracts of up to 50 years (articles 15 and 16), an unlikely event given better-funded competition from the private sector.

More usefully, communities may now secure some forests as their own through the introduction of a new class of protected forest, 'areas of historical and cultural value' (article 10). However, these may only be created and used for social and subsistence purposes (articles 1 and 13). The state may also delegate its forest management powers to 'local communities, associations or the private sector' (article 33). Local resource management councils may be created to ensure that there will be local participation 'in the exploitation of resources and in the benefits generated through such utilisation' (article 31).

This mandate reflects the dominant perspective of local populations as beneficiaries in mainly private sector enterprise, rather than as forest managers in their own right. This was the hallmark of the first wave of community projects in the mid-1990s, building directly upon the revenue-sharing Campfire programme (Filimao et al. 2000). Accordingly, Tchuma-Tchato, the heavily-funded flagship programme, set out to secure a share of the revenue being garnered by a licenced safari operator. This was achieved through a tax-sharing agreement between community, operator and government. The project has since extended into the Daque area and exists alongside a handful of other benefit-sharing initiatives (Mushove 2000). Issues of sustainability afflict these programmes, given the instability of the tourist market which underpins them, and the often-expensive administrations established to support them (Filimao et al. 2000; Negrao 1998). Nonetheless, creation of local committees has increased local interest to secure the resource as their own (Filimao et al. 2000).

Of the 20 or so forest management projects now operating in Mozambique, only the more recent seek

to involve local communities more fully in management roles. This is the case, for example, in the Food and Agriculture Organisation/Dutch-funded programme to assist residents of the unreserved Narini woodlands and the reserved Mecuburi Forest to respectively establish community-based and partnership management regimes (Mushove in Alden Wily & Mbaya in press). Even more forcefully, it is the case in the Chipanje Chetu Project in the north of the country, helping occupants of a 400 000ha woodland put village-based forest management in place (Anstey 2000).

In such efforts, difficulty with the weakness of local-level organisation impedes success. In borrowing from the village-based forest management strategies of neighbouring Tanzania, Chipanje Chetu, for example, has been unable to access or devise community rules which have the same legally-binding effect as Tanzania's village by-laws (described later). Nonetheless, such efforts break new ground, identify institutional and legal needs more clearly, and are serving to slowly relocate forest management interests towards more locally-based regimes.

MALAWI

A clearer strategic orientation towards community interests is given in Malawi's National Forest Policy, 1996 and subsequent Forestry Act, 1997 towards facilitating *access* to forest resources. To realise this however, the law promotes 'the communal and individual ownership of forests and forest resources' (Policy:2.2.1–2.2.3). No competing role is given to the commercial sector.

Local ownership is to be restricted to the poorer, unreserved forest patches and woodlands of customary lands, those forests which the state has not already declared to be reserves. Creation of village forest areas is not new, but builds upon a tradition begun some 80 years ago, when headmen were directed to demarcate and manage such areas, and allegedly did so successfully up until their relocation into the hands of new district councils in the 1960s (Dubois & Luwore 2000).

Now this construct is being revived with helpful new assurance that the forest will be community-managed and the land community-owned (s30). This is important in an environment where land policy and law has seen customary lands steadily diminish under mainly leasehold tenure, prominently absorbing commons in unaccountable ways (Alden Wily 2000c). Still, exactly what is meant by 'community-owned' is again, like Namibia, unclear, awaiting finalisation of new tenure policy and law. Drafts of the former (GoM 2000) do not yet offer a



commonhold option and favour vesting customary lands in headmen, albeit strictly in trust, not as an estate private. This is designed to inhibit the tendency of customary authority to confuse the boundaries of customary jurisdiction with customary tenure. This has been a common problem in the region, prompted in part as resistance against the reallocation of communal lands by state agencies into freehold and leasehold tenure. In the interim, the formation of village trusts, through which group-held property such as forests might be secured, has been considered by some development projects (Dubois & Luwore 2000).

No opportunity is afforded communities to retrieve forest reserves, nor to be designated their manager (s21). They may be party to state management through agreements, the terms of which the Director controls (s25). This includes possible access to bare areas of reserves for planting and their right to freely dispose of the produce offered (s36–37). Contrarily, the draft National Land Policy strongly eschews even this limited right (GoM 2000).

Limitation of local involvement in respect of reserves is clear in the case of Chimaliro Forest Reserve, the first such initiative. Three adjacent communities have informal permission to extract minor products and graze livestock in blocks amounting to only 400 of the 16 000ha estate. Rights to harvest wood are excluded (Dubois & Luwore 2000). In return, the communities patrol against encroachers, maintain fire breaks and carry out approved early burning; typical arrangements of many so-named co-management projects in the region at this time where, in reality, local decision making has no role.

The Forestry Act, 1997 provides for village natural resource management committees as the approved institution of unreserved forest management. These may source funds but lack legal person status (s3). They may make rules but subject to the approval of the Minister, who retains regulatory powers and determines the sharing of costs and benefits between his department and the committee (s32–33; 74). It has taken three years for the first project to seek approval for minor rules (the South African Development Community-funded Mwanza Project) (Mauambeta 2000). Facilitating and, perhaps, through experience, easing such processes, will be the task of the new United States Agency for International Development-funded Compass programme, mandated to enhance government and NGO capacity to support community-based natural resource management in 27 districts (*Commons Southern Africa* 2000).

ZAMBIA

A literal approach to joint forest management characterises developments in Zambia, aptly illustrated in ungazetted Chinyunyu Forest near Lusaka, where communities patrol against illegal immigrants and charcoal burners at the directive of the local headman, but report offenders to the Forestry Department (Lukama 2000). Lack of community authority to actually regulate access characterises other small initiatives.

A rather different development operates over nearly 1 million ha of intact woodland in North Western Province. Whilst described as joint management, this Muzama programme does not in fact involve communities in forest management, but has created a substantial support framework for international marketing of honey and wood products by some 70 local licenced user groups (Uchi Makula Trust 2000). In 1999 the Forestry Department did not renew the licences for pit-sawing; instead it advertised the area as being available for commercial logging. The forest lost the stewardship certification upon which international trading was premised, leading to the collapse of incomes and heated protest, a dispute which remains unresolved a year later. A much smaller project has been launched in Chiulukile Forest in Eastern Province.

Both initiatives may now fail. It is tempting to conclude that had either sought to entrench community management roles and rights in the forest (and ideally local ownership of these still unreserved areas), a rather different outcome might have resulted.

In practice, securing tenure of unreserved forests is not easy in Zambia where the Land Act, 1995 provides no avenue for acknowledged customary rights to be secured, other than through individual leasehold entitlement.

Nor does the new Forests Act, 1999 provide for community forests, a mechanism through which local custodianship could be entrenched. There is considerable constraint on the extent to which communities may actually manage forests, including even those they may consider their own and denoted as such in the law as 'open areas' (unreserved). No opportunity is availed for local participation in the management of the important category of state forests. Even in respect of local forests and unreserved woodlands, local management is to be expressed through joint management committees, more notable for their prescribed representation of central government bodies, local government, tribal authorities and licencees than for the token representation of local people (s26). Once formed, the committee may apply to have part of a local



forest or open area declared a Joint Forest Management Area (JFMA).

The committee may 'hear submissions' from communities in drafting the management plan for the JFMA (s31), which will be subject to the approval of the proposed Forest Commission (s32). Whilst, in principle, formal agreement between the Commission and a committee could endow substantial management responsibilities upon the latter, sections dealing with the issue of licences, collection and use of revenue, and apprehension of offenders do not suggest this is likely. The more powerful clauses embed control in the hands of the proposed Forestry Commission, the creation of which is undoubtedly the main purpose of the new law.

KENYA

This will also be the main preoccupation of implementation of Kenya's Forest Bill, 2000, should it be enacted as planned. Ownership of all state forests is to be vested in the proposed Kenya Forest Service, as a way of removing authority over these lands from the Commissioner of Lands who has in recent decades excised a great many areas from reserves, and decreasingly for other public purposes (Alden Wily & Mbaya in press). Local forests are to be vested directly in county councils which already hold these and other trust land areas in trust for inhabitants. No provision at all is made for creation of community forests out of either the millions of hectares of unreserved woodlands in Kenya, or through divestment of already reserved areas.

Nonetheless, through three iterations, the final version of the Forests Bill provides for local people to take on management responsibility for any forest in the country (clause 45). This may be achieved only through formation of a forest association, which may then 'apply to the Chief Conservator for permission to participate in the conservation and management of the forest' (clause 45(2)). How a forest association is to be constituted is not described, other than providing that any person/s may form one as long as they live within 5km of a forest edge (clause 3). Such provisions as given indicate their character as NGOs, likely to be formed by local elites which have the means to register such organisations. Unfortunately, in spite of ample evidence of the importance in Kenya (as elsewhere) of involving all members of (only) those villages which directly border the forest in its management, these bodies have no obligation to involve such persons. Local communities may well find themselves excluded in any real sense.

Kenya has very little in the way of field pilots upon which to build genuine community-participation processes in the law; those it has point clearly to the

kind of tenorial and jurisdictional problems facing community-based forest management in that country. One initiative helps coastal groups gazette tiny ritual forests (*kaya*) as 'ancient monuments' or (government) reserves in order to prevent their reallocation by county councils or the Commissioner of Lands. Another persuaded local owners of a larger unreserved coastal forest to sell it to a trust in order to provide a corridor for elephant movement, and in return gain tourist revenues. Yet another coastal development promotes buffer zone development around Arabuko Sokoke Forest Reserve, famed for its endemic bird life, to secure local co-operation with conservation (Alden Wily & Mbaya in press).

The only direct community-management initiative so far involves Loita Forest, a trust land forest in Maasailand, under threat nonetheless from the intentions of the County Council to declare it a local forest under its own aegis in order to lease it to a safari company (Alden Wily & Mbaya in press). Local protest resulted in the submission of the issue to the Constitutional Court, yet to rule after three quiet years.

In such an environment, it is rewarding to observe that one or two NGOs in the country are taking note of developments elsewhere in eastern Africa, and beginning to at least plan small projects which will involve forest-adjacent communities as management partners. Such an initiative relates to Rumuruti Forest Reserve (KFWG/Salama Marmanet Wildlife Forum 2000).

UGANDA

Since the mid-nineties, limited buffer zone development combined with issue of permits to selected local user groups has characterised early initiatives in Uganda in six forest parks managed by the Uganda Wildlife Authority (Bwindi, Mgahinga, Elgon, Kibale, Ssemliki, Ruwenzori). This was aborted in the last two areas, partly due to security problems. Only in Mount Elgon has the programme evolved to include several of the 57 forest-adjacent parishes in management, and to a very limited degree, whereby they mainly supervise extraction of certain agreed resources (Hinchley in Alden Wily & Mbaya in press). The same project has launched two other agreements as to the use of trees planted on the boundary. Ranger enforcement continues to dominate management.

Since 1998, more significant local involvement is emerging through pilots launched by the Forest Department itself in several small forest reserves (Scott in Alden Wily & Mbaya in press). In both Tororo (369ha) and Namatale (663ha), one hundred or so households from several villages have entered agreements to protect adjacent parts of the reserves



in return for the right to plant degraded areas with their own trees. The agreements are structured as long-term plans offering considerable local security in the local partnership. The approach is extending gradually to more parts of the reserves and to other similar degraded reserves.

A new National Forestry Policy and Forestry Act is nearing final draft in late 2000 but, as yet, only general parameters through which local involvement might be developed are acknowledged as essential. Local involvement is posed as collaboration with the proposed National Forestry Authority in respect of central forests and with district and sub-county councils in respect of minor local forests which together account for some one million hectares. Note will have to be taken in due course of the provision of the Land Act 1998 that communities may seek the review of the status of a reserve in their vicinity (s45(6)).

Of greater note is the effect of recognition of customary rights as fully justiciable tenure by both the 1995 Constitution and Land Act, 1998 (s3–27), which renders most of the several million hectares of still unreserved forests legally owned, and accordingly less easy to appropriate for the creation of more government reserves. A further provision of the Land Act is for the creation of communal land associations, a construct through which either unreserved or reserved forest land might be accountably held and managed. Such developments lead logically towards provision for a new class of community forests, a construct curiously undeveloped in draft policy and law thus far.

TANZANIA

Forests in mainland Tanzania represent a resource of an estimated 33 million ha, some 14 million of which is reserved (national and local authority forests). The remaining 19 million ha occur within or adjacent to village lands, over which village communities may secure tenure, under the terms of new land law (Land Act, 1999, Village Land Act, 1999).

Community-based forest management has advanced steadily since 1994, mainly through donor-supported projects, as is generally the case elsewhere in the region. Today nearly 600 village forest reserves have been declared, ranging from ten to 10 000ha, each managed by its owner-manager community (Alden Wily 2000d). Some twenty other communities co-manage parts of eight national forest reserves with government.

A draft Forest Bill, 2000 now makes devolution of responsibility for the management of forests 'to the lowest possible level' – a main objective (clause 3(2)).

Guidelines have been drafted to guide forests in all districts towards achieving this and adopting broadly the same processes for government and non-government reserves (FBD 2000).

The Bill greatly amplifies the general commitments of the National Forest Policy 1998 to community participation, building directly upon experience in the field. It recognises non-government reserves already declared and devolves formal declaration of future local reserves to the district level, to speed up the process and enable communities to avoid the costly procedures typically incurred in national level gazetting (clause 39).

There are three constructs laid out in the law for community-based forest management: village land forest reserves (VLFRs), community forest reserves (CFRs), and village forest management areas (VFMA). The first two are declared out of village lands and are different only in that a CFR caters to owner-management by groups smaller than a whole village community. Some 28 CFRs have already been declared (Alden Wily & Monela 1999). The core distinction of the third is also tenurial: VFMA are areas within government reserves delegated to an adjacent community to manage.

VLFRs will derive mostly from common lands within a village's area, and may be registered as such once commencement of the Village Land Act, 1999 is gazetted. That law directly encouraged formation of VLFRs by preventing registration and entitlement of individual properties within each village area until the community has set aside and registered its common properties (s13). This provision promises a break upon the attrition of woodlands, swamps and pasture to uncontrolled encroachment and subdivision. It also inhibits the creation of new government reserves out of these lands. Even if the minister seeks to create more national or local government reserves, he or she will now be obliged by the proposed forest law to justify why the forest could not be better managed as a community-owned and managed estate (clauses 30–31).

VLFRs and CFRs will be autonomously managed. The Director of Forestry is to provide guidelines to village forest management committees, but with the caveat that they are not legally bound to take the director's advice (clause 41(6)). They are, however, bound to manage in full consultation with the community members who appoint them to manage their forest (clauses 40(2); 41(4)). The support of the elected village government (village council) is also essential, given that it will delegate the significant enforcement powers it holds as a local government to the committee.



Unlike any other law in the region, the Tanzanian law is precise as to the rights and responsibilities of committees as managers (clauses 40; 47; 53; 56). This includes drawing up and implementing simple management plans, to be approved by the whole community, as to how the forest may be used and not used, zoned for protection and use, access regulated, permits and licences issued, fees collected and expended, fines to be levied on illegal users, and forest rehabilitation and development. Rules within this plan may be made legally binding upon themselves and others through iteration in a village by-law to be approved by the district council.

In regard to government's own forests (national and local authority reserves), participation in management by communities which share boundaries with the forest is posed as obligatory in the Bill. This will be delivered either through management planning or in response to an application by the adjacent community. Through a formal agreement, it may be agreed that the community will manage the VFMA autonomously or in operational partnership with the forester (clauses 34 and 46). Nor is there legal impediment to the transfer of such areas eventually to the community: on a case-by-case basis the Minister may reclassify a reserve or part thereof as a village or community reserve (clauses 29(5) and 36(1)).

COMMUNITY INVOLVEMENT AS MANAGEMENT RIGHTS

Taken as a whole, emerging new strategies locate forest-local communities in ways which contrast sharply with those of last century. Whilst old laws tended to focus upon the level of dry fuelwood collection they should be permitted, new laws are locating these same citizens as more and more central to management processes. It is no longer a question of whether communities should be involved, but on what terms and with what powers. Different levels of power-sharing most clearly distinguish approaches among states, but with indications that the balance is commonly in flux, and likely overall to become more, not less, devolutionary. The practicalities of implementation and expansion of involvement has been identified as a likely catalyst towards this. Already the impact of a somewhat unusual but pleasing level of praxis between practice and policy may be noted in this particular field of rural development.

Arguably, the case of Tanzania stands, at this point in time, as most cogent and fulsome in its expectations of the role communities could and should play in the future security and sustenance of dwindling forest resources. The reasons for this deserve some attention. The first is that efforts to

involve communities began from the outset within a context that could not long avoid addressing matters of jurisdiction, and then forest tenure. Where many developments in southern Africa in particular took their starting point as an attempt to secure local populations a share in benefits from forests (often private sector forests), in Tanzania, the fundamental question of 'who owns this forest?' and 'who will be the most effective manager of this forest?' centred the field.

SUSTAINABLE MANAGEMENT THROUGH DEVOLVING JURISDICTION

The early case of Duru-Haitemba Forest may suffice as example. This was a 9 000ha hilly *miombo* woodland surveyed and demarcated along with several larger forests to become a National Forest Reserve during 1990–1994 (Alden Wily 1997). Forest guards were posted and local communities abandoned customary limitation upon forest clearing or farming. Instead, considering their custodianship ignored, villagers proceeded to extract as much as they could from the forest before it was 'lost' to them. Outsiders from the area joined in, arguing that as it was now government's property, it belonged to everyone. By 1994 the forest was severely encroached, degraded and critical hill springs it supported had dried up (Alden Wily 1997). Concerned foresters offered legal access for basic needs as the way forward but could not accept the extensive 'essential needs for livelihood' listed. These included charcoal burning and felling for incomes, bark-stripping for making grain stores, and movement of the boundary to exclude in-forest farms which had been established. Challenged during heated meetings to demonstrate their claim that if the forest were returned to them, they would manage it better than government, the communities responded with unexpected alacrity. Each of the eight villages on the boundary formed forest management committees, appointed volunteer forest guards and drew up simple action plans for that part of the forest which it was agreed (with some inter-village disputation) as logically falling within their respective spheres.

Access rules formed a central part of these plans, including the banning of the very uses such as charcoal production and felling which the same villagers has claimed, a mere month previously, as indispensable to livelihood (Alden Wily 1997). Leaders explained: 'it is different if it is our forest'. Those who had encroached were forced to return to the village and outsiders were banned from entering the forest. Each village closed off degraded areas to any use. Government withdrew the forest guards.

Within the space of a few months, it was obvious to foresters and villagers alike that, at no cost to



government, the forest was on the road to recovery. It was also clear that what had been traded to achieve this was not access rights at all, but control. The approach was applied to a larger and more threatened forest (Mgori) also nearing final gazettement as a National Forest Reserve. Today, Mgori and Duru-Haitemba are managed as, respectively, five and eight discrete village forest reserves (Alden Wily 2000d). With one variation or another, the stratagem has been adopted in 18 districts and has come to form the foundation of policy and now legal commitment to what is accurately described in Tanzania, not as joint forest management, but as community-based forest management.

During the early trial months of community management of Duru-Haitemba, matters of tenure came to the fore and strengthened the local case. Whilst at first villagers only sought to retrieve control over the forest, they soon established the forest as firmly within respective village lands. Survey records of each village's boundaries, prepared for planned entitlement, showed this to be the case.

LIMITS OF CO-MANAGEMENT

If there have been marked failures thus far in Tanzania, it has been in respect of early co-management of several national forest reserves where government has firmly retained not just ownership of the estate but, more critically, authority over it. These involve villagers as largely co-operating users, in much the same way as is characteristic of 'joint management' more widely in the region.

Urumwa Forest Reserve may serve as example. In 1996 the Forestry Division drew up 'joint management agreements' with five villages adjacent to Urumwa Forest Reserve in Tabora Region, and with another more distant village, and the local prison authority (Alden Wily & Monela 1999). Each of the seven parties were permitted to harvest coupes demarcated by the foresters in return for keeping the forest clear of illegal users. By late 1998, enthusiasm had waned. Villagers explained that the coupes only benefited villagers who had the tools and transport to harvest and sell. Also, whilst they were content that certain more general uses had been legalised, they felt that ultimately they had lost more than they had gained through collaboration. In particular they resented the inclusion of the distant village and prison department, which had no traditional interests in the forest. They considered their own custodial interests had been ignored, downgraded to mere use rights: 'We gained fuelwood collection, but lost the forest' (Alden Wily & Monela 1999).

Newer projects involving government reserves in Tanzania have learnt from such experiences and now seek to designate villages as outright managers in agreements reached, Foresters playing technical advisory and watchdog roles only (Alden Wily 2000d). Operational co-management is increasingly reserved for occasions where the operational and decision-making presence of foresters is considered essential, such as where commercial plantations are involved (Iddi 2000). The more powerful strategy in respect of such forests is in any event, privatisation, with ample provision for this in the proposed new law.

SEPARATING MANAGEMENT AND USE

Moreover, where communities are involved in national forest management, it is not as users, but as managers. Accordingly, it is only those communities which directly share a boundary with the reserve who are targeted, not those who may also have been using the forest but live in villages slightly more remote from the forest. Whilst practice and now proposed new law requires that customary access be considered in the use regimes drawn up by the forest-managing community, such persons have no role in this decision making, the preserve of management.

So too, members of the community-designated management have varying interests in using the forest and some may make no use of the forest at all. Nonetheless, posed in the community-wide rather than user-centred context, decisions as to the management regime to be pursued are agreed by majority decision of the entire community (Alden Wily 2000d).

SOCIO-INSTITUTIONAL COMMUNITY

All these attributes are founded upon the fact that rural communities in Tanzania have a level of discrete socio-institutional community that is unique in the region, and one which in addition enables the community to act as, in effect, a legal person, and have significant powers vested in it.

This characteristic has its origins in the village-making policies of the 1970s, whereby groups of several hamlets were reconstructed (sometimes with movement) into new, named village entities; each with its list of registered members, and own discrete and described 'village area' (Alden Wily 1998). In addition, each village community represented a constituency permitted to elect its own government (village council). This is a level of government which has seen increasing powers bestowed upon it through legislation, not least in recognition of the practical self-reliance necessitated at the grassroots in the absence of significant infrastructural or other provision from either the district level of local government, or central government.

ENFORCEMENT CAPACITY

One of these powers has been the capacity of village councils as governments to legislate upon issues directly affecting the community and local resources. Village by-laws are promulgated by village councils with majority approval of the constituent community assembly and enter law on the approval of the district council. Adoption of this instrument has been mainly where communities have faced challenge to their rules, either by individuals in the community disgruntled by majority decisions about forest access, or by outsiders who have no social incentive to adhere to community rules (Alden Wily 1997).

BINDING COMMUNITIES AS MANAGERS

Through the use of village by-laws, communities and their forest management committees have not only been able to defend their management regimes in local courts, but have in turn found themselves equally bound (Alden Wily 1997). This is because the act of legislating as to the management and use of a forest (whether belonging to community or state) has the effect of reserving that area for forestry, preventing it from later use for settlement and agriculture. It also binds the community to the management regime expressed in the by-law. Whilst neither central nor local governments have so far taken a community to court for failing to meet these commitments, the possibility that it could do so is very real.

If the advantages of developed socio-institutional formation at the community level in Tanzania has tangibly facilitated power-sharing in forest management, so too has its absence elsewhere obstructed this development. Frustrations caused by difficulties in defining who is the community and especially enabling its decisions to be enforced has been repeatedly noted in the country reviews above. Legal provision for forest associations in Kenya, management authorities in Namibia and natural resource management committees in Malawi go some way towards filling the vacuum, if imperfectly so. Nonetheless, it could well prove the case that the creation of these embryonic community institutions marks out the path towards the formation of more profoundly rooted community governance – a development through which not just community participation in social change is promoted, but community itself may be empowered.

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SECTION 2:
POWER AND AUTHORITY IN
CO-MANAGEMENT OF THE COMMONS



LESSONS FROM MALAWI'S EXPERIENCE WITH FISHERIES CO-MANAGEMENT INITIATIVES

MM HARA, SJ DONDA AND FJ NJAYA

ABSTRACT

Co-management initiatives were launched on Lakes Malombe and Chiuta in 1993 and 1995 respectively. The contrasting outcomes of the regimes so far provide some important lessons about the introduction of co-management arrangements in Malawi. One of the critical aspects is the tension that is created around two organisational aspects. The first concerns the struggle for authority and power between the (supposedly) democratically elected management bodies such as beach village committees (BVCs) and the existing hereditary (undemocratic) traditional authorities. The second source of tension is attributable to the source of initiative and drive for co-management – whether top-down from government or bottom-up from the fishers themselves. As a fisheries management institution, the BVC has to achieve a balancing act among three forces namely the Fisheries Department, the village headmen and the fishers, each seemingly pulling it in a different direction in terms of influence and derivation of power and authority. Probably the most formidable but necessary task in the reform of the management regime towards co-management is crafting local management institutions that are independent enough to command the respect and confidence of fishers, that at the same time do not rival or antagonise the village headmen, and that are not contradictory to the aims and objectives of government. Other areas of concern have been the negative effects of short-term donor funding, ineffective enabling legislation and the prevailing socio-economic conditions. The cases also provide some insights on the practicability and applicability of co-management theory in contexts such as Malawi. Finally, the multiplicity of factors that determine decisions about exploitation patterns of user communities means that while co-management might be a positive reform, it will not on its own

provide for a complete shift towards patterns of exploitation that could translate into sustainable fisheries management.

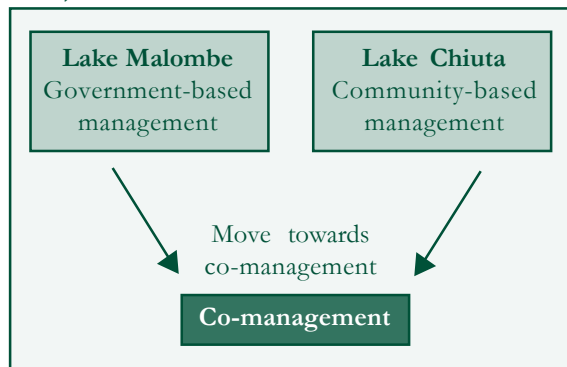
INTRODUCTION

The last two decades have witnessed an increasing paradigm shift in fisheries management towards co-management. Two such arrangements were introduced in Malawi on Lakes Malombe and Chiuta in 1993 and 1995 respectively.¹ While the introduction of co-management was in response to a particular crisis in each lake, government had motivated and facilitated the partnership in the former while fishers themselves initiated it in the latter (Figure 1).² Because of these differing backgrounds in terms of motivation, the two cases offer an interesting perspective about how the formulation histories of such partnerships can be important determinants of the *institutional arrangements, patterns of interaction* and *outcomes* of the regime.

WHAT IS CO-MANAGEMENT?

Although the definition of co-management remains widely debated, most scholars agree that co-management is a form of institutional and organisational arrangement between government and user groups for effective management of a defined resource³ (Berkes 1997). The general functions of co-management can be identified as: the encouragement of partnerships; provision of local incentives for sustainable use of resources; and the sharing of power and responsibility for conservation. As a management strategy, co-management is a compromise between government concerns for the conservation and efficient utilisation of the resource on the one hand, and resource users' concern for equal opportunities, self-determination and self-control on the other. The co-management solution is

Figure 1: Shifts in management approach in Lakes Malombe and Chiuta (Adapted from Donda 2000)



based on two assumptions: that local people must have a stake in conservation and management and secondly that partnership between government agencies and resource users is essential for sustainable exploitation. Co-management advocates a shift away from autocratic and paternalistic modes of management to approaches that rely on the joint efforts of government agencies and users. The basic concern is the reshaping of state interventions so as to institutionalise collaboration between administration and resource users and end those unproductive situations where they are pitted against one another as antagonistic actors (Baland & Platteau 1996).

In the Western approach, three arguments have been used to justify the increasing adoption of co-management: that concerned interests should be heard; that the information from users would result in improvement of management decisions; and that co-management would improve legitimacy of the management system, thereby reducing 'transaction costs' (Hanna 1995; Hersoug & Rånes 1997). In developing countries, community participation is increasingly being introduced as part of conditionalities for development aid in the resource management sectors as part of the democratisation project (Hara 2000). Apart from the preceding arguments, there has been a growing recognition – among managers, scientists and politicians – that no management scheme will work unless it enjoys the support of those whose behaviour it is intended to affect (Hersoug & Rånes 1997). Evidence shows that if fishers willingly accept the regulations as appropriate and consistent with their existing values, the regulatory agency and the scheme will gain legitimacy with the fishers (Kuperan & Abdullah 1994). Regulatory schemes that have high legitimacy among fishermen face much-reduced problems of non-compliance with the regulations. It is in this area of securing legitimacy that co-management shows promise of being a better resource management approach for fisheries. As Hersoug and Rånes (1997)

have stated, while the problems of lack of co-management and fishers' participation have been widely documented, the scientific challenge remains demonstrating what kind of co-management has been successful and under what conditions. This article is a contribution towards this challenge, particularly in the context of sub-Saharan Africa.

This study draws upon the Institutional Analysis Development (IAD) framework (Oakerson 1992) as adapted for application in the International Centre for Living Aquatic Resources Management/Institute of Fisheries Management/National Aquatic Resources Systems (ICLARM/IFM/NARS) Coastal Resources Co-management Project (Sen & Raakjær Nielsen 1996; ICLARM/IFM 1998). The adapted research framework and approach enable comparisons to be made between case studies, country research and co-management models.

REASONS FOR SEEKING AN ALTERNATIVE REGIME

On both lakes, the decline in catches was one of the main reasons for seeking an alternative regime. Thus main objective in each case was to stem the decline and put the fishery on a course of recovery. While there seems to have been a reversal in the negative catch trends and a stabilisation of catches in Lake Chiuta (Figure 2), this has not been the case in Lake Malombe (Figure 3). The question to pose therefore is why the shift to a co-management regime has had a positive impact in the former but not in the latter.

If we disregard the probability of environmental factors, one of the main reasons for the lack of real progress in recovery of the fishery in Lake Malombe could be attributed to the fact that the regime has not, as yet, resulted in any real noticeable change in fisher behaviour that could have translated into sustainable patterns of exploitation. Fishers have continued to use illegal nets and also to disregard other regulation such as the closed season (Banda 1996). Measures that were intended to introduce limited access in order to limit and reduce capacity are viewed as unwelcome by most fishers. This can be contrasted to Lake Chiuta, where co-management seems to have resulted in greater adherence to regulations and continuing denial of access for what are seen as 'destructive' fishing gears.

WHY THE PRESENT OUTCOMES?

While many factors could have contributed to the present contrasting outcomes, the reasons for the lack of genuine positive impact of the new regime in Lake Malombe compared to Lake Chiuta can be explained as being a result of a cluster of factors, the main ones being: the role of government in the partnership and the organisational set-up; power and



Figure 2: Estimated total catch from Lake Chiuta (data source: Fisheries Department, Malawi)

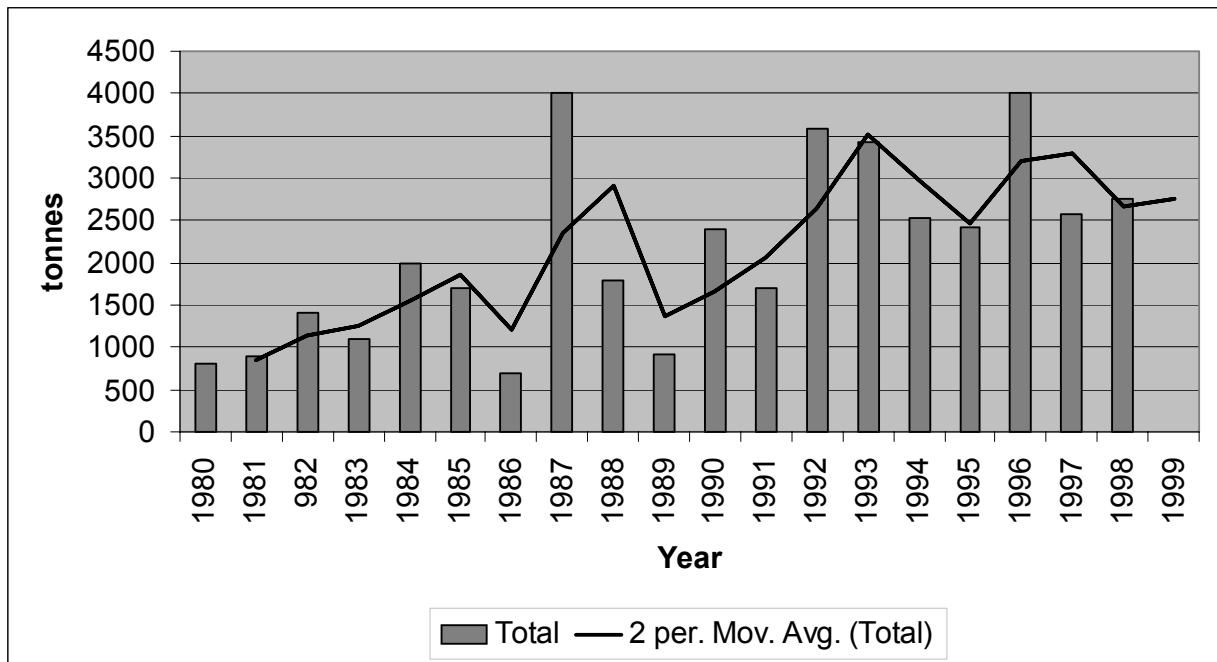
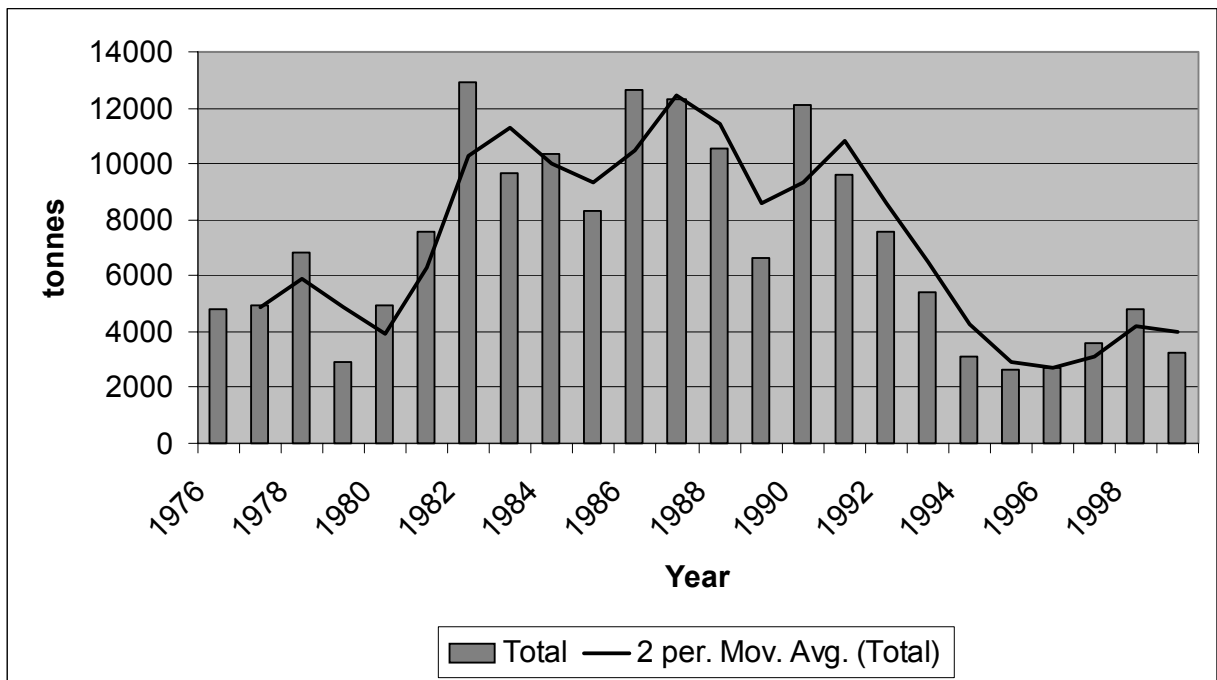


Figure 3: Estimated total catch from Lake Malombe (data source: Fisheries Department, Malawi)



authority struggles between the new management groups (BVCs) and the existing traditional authority (village headmen); the extent to which vested interests in the fishery participate in the management regime, issues of legitimacy and the incentives for participation; effects of limited short-term external (donor) funding on the programme; ineffective and ambiguous enabling legislation; and the effects of prevailing socio-economic conditions on operational decisions and resulting dilemmas around the implementation of limited access. These factors have

greatly influenced the levels of compliance to regulations and, in the end, are likely to be crucial for the sustainability of the new regimes. We elaborate on each of them below.

THE ROLE OF THE FISHERIES DEPARTMENT

In the Lake Malombe/Upper Shire River Programme, the Fisheries Department's role as facilitator and funder (mostly through donor projects) had great influence on the objectives for co-management and



also, allegedly, on the composition of the beach village committees.⁴ Due to this, BVCs are seen as representing the Fisheries Department. Currently, most BVCs feel that they derive their powers and authority from the Fisheries Department. Because BVCs have assumed what are still viewed as Fisheries Department duties such as enforcement and licensing, the impression that they represent the department has been strengthened. This in turn has resulted in the alienation of BVCs from their constituency, greatly affecting their effectiveness and authority within the fisher communities.

In contrast, the user-based arrangement on Lake Chiuta was largely mobilised by the fishers, with the objective of getting support and approval for the expulsion of migrant *nkachā* fishers. Because the impetus came from the fishers themselves, the fishers see themselves as having largely determined the objectives of the initiative. Because the fishers conducted elections of BVCs on their own without the facilitation of the Fisheries Department, they have a much stronger feeling that these committees are their own creation.

The legitimacy of the BVCs in the fisher communities is related to their perceived source of authority and also their representivity. In addition, the source of the initiative for the partnership is a crucial determinant of the sense of ownership of the process and support for the regime. In this context, there is a much greater sense of ownership of the BVCs and their functions on Lake Chiuta than in Lake Malombe. This has also meant that, in case of Lake Malombe, government has had to continue driving the process. When such support is linked to short-term project funding, reduced support after project phase-out is having an increasingly negative effect on the BVCs and the regime as whole, as will be shown below.

STRUGGLES FOR POWER AND AUTHORITY

The creation of BVCs in Lake Malombe/Upper Shire River and Lake Chiuta has presented problems around the conflict of powers and authority between the new bodies and the village headmen. The functions and authority of BVCs, in some instances, infringe on the powers, authority and economic privileges of village headmen. BVCs were intended to be strong, independent user-community representative bodies which could eventually assume delegated management responsibilities from government. The organisational model gave village headmen presumed honorary positions on the BVCs as ex-officio members. However, in the village setting, decision-making and authority have historically been dominated by the village headman (Mamdani 1996). While issues may be discussed in an

open forum or by the council of elders and a consensus reached, the village headman retains the ultimate authority for making the final decision. Village headmen can even issue authoritative decrees without consultation (Donda 2000). By being a member of the BVC, the village headman becomes the *de facto* leader of the BVC, even though he is not the chairman. In this context, the village headmen are prone to ignoring the authority of BVCs since, by historical tradition and custom, they hold the ultimate authority. Where BVCs have resisted being taken over by village headmen and have established some semblance of independent authority, the fishers have often been confronted with a situation of dual authority in which village headmen continue to exercise their traditional authority in parallel (Donda 2000).

By custom and historical tradition, village headmen derive economic privileges from the fishery through their positions. As local administrators under the colonial government's 'indirect rule' policy (Mamdani 1996), village headmen were allowed to collect taxes, which came in many forms (monetary or material). While village headmen are no longer allowed to collect taxes in form of money, the system of coercive material contributions to village headmen remains widely practised. For example, when a migrant fisherman comes into the village he normally has to seek permission from the village headman to stay and has to pay something to the chief as a token of thanks. In addition, all fishers landing their fish in his area are supposed to give him a determined amount of fish, locally called *mawe*, as an honorarium every week. Under the co-management arrangement, incoming migrant fishers have to seek permission from BVCs. This directly infringes on the powers and privileges of village headmen. In some cases, gear owners saw the new arrangement as a chance to cut out headmen by encouraging BVCs to challenge such practices. For example, on Lake Chiuta, fishermen are increasingly refusing to give *mawe* to their village headmen and the BVCs seem to be conniving with the fishermen in this development (Njaya et al. 1999). The challenge to their powers and privileges has left strong village headmen with no option but to try and curb the powers of BVCs. It is in this context that village headmen such as Kadewere disbanded the elected BVCs by removing members who would stand up to them and replacing them with others who would support them (Hara 1996). In such cases, the fisher communities feel that BVCs largely act for and represent the interests of the village headmen, which may be different to their own interests.

It is interesting that village headmen have been largely kept out of BVCs in Lake Chiuta. Since the fishers elected the BVCs on their own without the



facilitation of the Fisheries Department, they were able to ignore the Lake Malombe model that incorporated village headmen as *ex-officio* members. To a large extent, this was also due to the fact that the village headmen had alienated themselves from the fishers following allegations of corruption and collusion with *nkacha* fishers.⁶ As far as fishers were concerned, to include village headmen on BVCs after the role they had played in the saga around the expulsion of *nkacha* fishers would have been unacceptable. The fishers have argued for the exclusion of village headmen from BVCs and fisheries issues in general by saying that village headmen should limit themselves to the administration of land issues and leave fisheries to fishers (Njaya et al. 1999). But the sidelining of the village headmen in the composition of BVCs and the growing reluctance of fishermen to give *manwe* is increasing the tension between the BVCs and the village headmen. Thus while BVCs have so far functioned effectively in keeping *nkacha* fishers out, it remains to be seen whether they can continue to do so without the blessing and involvement of village headmen in the context of growing antagonism between the two power bases.

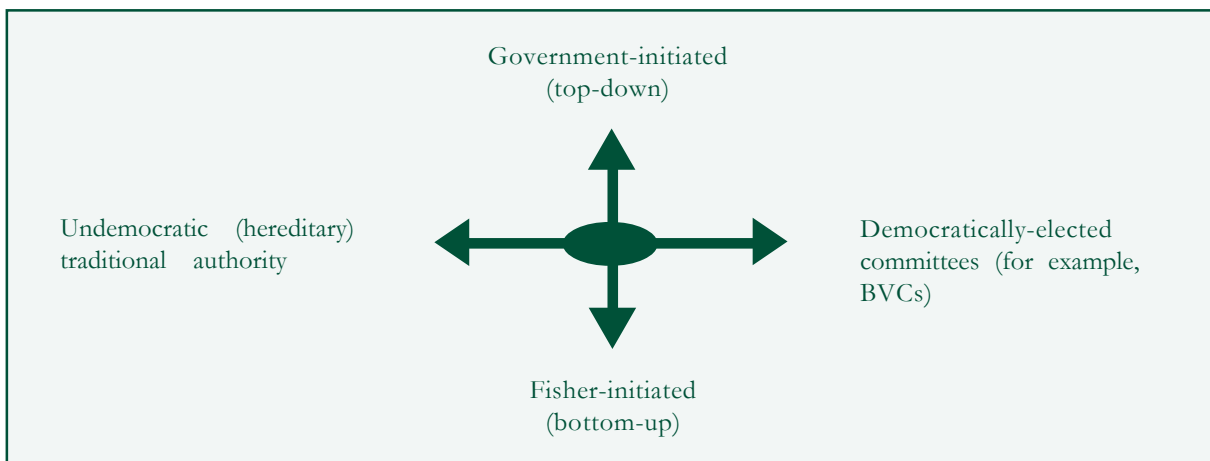
While there is need to have reasonably independent management bodies, it seems to be necessary to also ensure that these are somehow complementary and accommodating to the existing traditional authority and powers of village headmen. It is likely that the traditional and customary system of justice, under traditional authorities, will play a role in administering justice and sanctions in community-based management arrangements (Hara 2000). Thus village headmen cannot be completely excluded from a community-based regime. It would appear, in the first instance, that building the new institutions around the existing traditional authorities could provide a possible solution. But since the traditional

authority institution is not seen as incorruptible, especially with the dire economic situation that exists in rural areas, this necessitates the formation of new organisations that should be reasonably independent from the traditional authorities.

What can be deduced from the preceding sections is that, probably, one of the most critical aspects in the introduction of co-management arrangements is the tension that is created around two organisational aspects. The first problem concerns the struggle for authority and power between the (supposedly) democratically elected management bodies such as BVCs and the existing hereditary (undemocratic) traditional authorities, while the second source of tension can be attributed to the source of initiative and drive for co-management, whether this is top-down from government or bottom-up from the users themselves (Figure 4).

The balance between traditional power and authority/democratic representation on the one hand and top-down/bottom-up initiatives must gravitate towards the centre (Figure 4) in order to produce effective and legitimate management bodies and institutional reforms. For the regime to be seen as being legitimate and representative, the fisher community must feel that they own the process and the resulting management bodies in terms of the way in which the arrangement was initiated and how the representatives were elected. Too much influence from the Fisheries Department or village headmen results in a process and bodies that are seen as being alienated from the stakeholders they are supposed to represent. The most formidable but necessary task in the reform of the management regime towards co-management is probably the crafting of local management institutions that are independent enough to command the respect and confidence of fishers, while at the same time not antagonising the

Figure 4: Two dimensions of tension relevant to introduction of co-management in Malawi (adapted from Hara 2000)



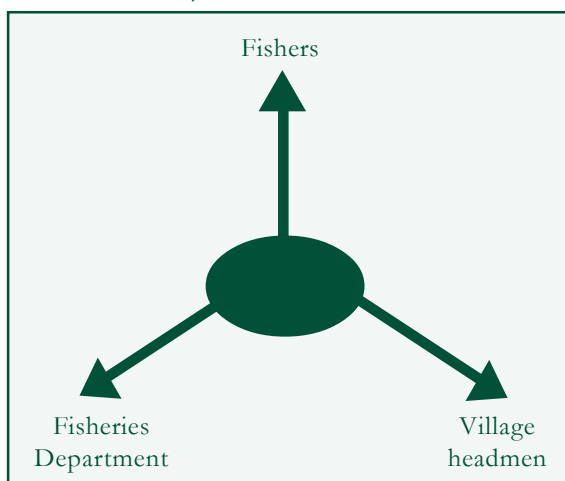
village headmen or being contradictory to the aims and objectives of government.

As the focus or vehicle for user participation in the partnership, the BVC is located between three forces – the Fisheries Department, village headmen and the user community – each of which seems to be straining to control and influence it. BVCs must achieve a balance between the three in terms of influence and derivation of power and authority (Figure 5). The government's main aim for BVCs is that they should act as a vehicles for implementing and achieving its conservation objectives. At the same time, BVCs must contend with the intolerance of village headmen losing any of their traditional powers and authority in the villages. In addition, BVCs must try to fulfil their obligations of representing the interests of their constituency – the fisher communities – even if these might not be in line with objectives of the Fisheries Department or interests of village headmen. The BVCs on Lake Chiuta represent and act in the interests of the users more effectively than those on Lake Malombe. As a result, users on Lake Chiuta see the BVCs as theirs. In contrast, most of the Lake Malombe BVCs are more closely aligned with either the Fisheries Department or village headmen. It would therefore appear that, for an effective locally based regime, the influence and stamp of the users on the management and representative bodies should be greater than those of the Fisheries Department and the village headmen.

THE PARTICIPATION OF VESTED INTERESTS AND INCENTIVES FOR PARTICIPATION

The issue of the active participation of vested interests is crucial. This is related to the gear ownership and organisational structure of the

Figure 5: The three forces straining to influence the BVCs as a management institution (adapted from Hara 2000)



industry in the two lakes. In Lake Chiuta, most gear owners are also active fishers themselves whereas in Lake Malombe the majority of gear owners employ crews to fish on their behalf. In the latter case, the operational decisions out on the lake are taken by the crew members. In terms of the Fisheries Act, it is the gear owner, not any crew member, who is legally responsible for any infringement of the regulations. Thus, whereas in Lake Chiuta it is the legally responsible gear owners who make most of the operational decisions, crew members, who are not legally responsible for the decisions they make, take such decisions in Lake Malombe. Since the benefit-sharing systems between the gear owner and crew members are based on the size of the catch, and the crew members' security of tenure within a fishing unit depends on their performance, there is great pressure on crew members to engage in activities that could possibly increase their catches. For the gear owners, keeping a good and productive crew is essential. Gear owners tend to avoid interfering with operational decisions that will determine the size of the catch and therefore the benefits to the crew. In general, the sharing systems and the lack of long-term tenure within fishing units encourages crew members to take operational decisions based on short-term economic maximisation, in the event encouraging illegal activities that would increase the amount of catch. In view of this, who participates and is represented on the management bodies and in the management processes in general becomes a very important factor.

In Lake Malombe, fishers (gear owners and crew members) comprised only 30% of the BVC members compared to 80% in Lake Chiuta in 1999 (Donda 2000). Moreover, most of the 30% were gear owners rather than crew members. As a result, most fishers in Lake Malombe shun or boycott meetings called by BVCs and are inclined to ignore the resolutions that are passed by BVCs. They complain that BVCs take decisions on fishing issues that they have little knowledge about. Some fishers have gone as far as saying that they feel that BVCs take decisions that are meant to punish fishermen. For example, most fishers said that the BVCs did not consult them about the decision to change the closed season taken in 1998 (Donda 2000). They claim that the BVCs did not have the mandate from the fishers to make or agree to such a proposal. One effect of the high percentage of non-fishers on BVCs in Lake Malombe is that there is great feeling among the BVC members that they ought to get paid for their services since they do not benefit directly from the fishery (Hara 1996). In contrast, there is a very high sense of ownership of decisions and regulations in Lake Chiuta due to the high participation of vested interests (gear owners) in both the actual fishing and in the management bodies. Material incentives have not, so far, been an



important factor for involvement in management functions. Another observation is that, because of the high percentage of vested interests in both fishing and BVCs in Lake Chiuta compared to Lake Malombe, peer monitoring is much more common in Chiuta than in Malombe. Moreover, the fishers, led by BVCs, carry out enforcement activities on their own on Lake Chiuta. Enforcement of the regulations by the fishers among themselves rarely happens in Lake Malombe.

The greater the participation of vested interests, the greater the possibility of creating effective management bodies. The involvement of crew members – the people who take operational decisions out on the lake – is particularly important if BVCs are to function effectively as management institutions.

NEGATIVE EFFECTS OF SHORT-TERM EXTERNAL (DONOR) FUNDING

The introduction of co-management on Lake Malombe/Upper Shire River has been implemented as a multi-donor funded programme (Fisheries Department 1993). This raises the usual issues about donor-funded projects such as the dependence syndrome and sustainability of activities after the project is phased out. Already, the Lake Malombe/Upper Shire River programme has been severely affected as most donor projects that supported the programme were phased out before the regime could be firmly entrenched (Donda 2000; Hara 2000). Unlike the programme in Lake Malombe, the setup in Lake Chiuta is run by fishers without outside financial assistance. The only government assistance the Chiuta group received towards institutional setup was training during the initial stages of implementation of the programme. The fishers make contributions towards a fund and this money is used to pay for agreed items of necessary expenses (Njaya et al. 1999). They call their own meetings and enforcement is carried out using their own fishing vessels. Because it does not rely on outside assistance, the programme on Lake Chiuta would appear to have a much greater chance of being sustained than that on Lake Malombe. In addition, the impression seems to have been created in the case of Lake Malombe that co-management is a donor-funded government project of limited duration rather than a long-term partnership that should move towards being self-sustaining. Even the incentives for participation are largely seen as monetary.

INEFFECTIVE AND AMBIGUOUS LEGISLATION

While the revised Fisheries Act of 1997 seems to provide adequately for most of the needs for a co-management regime, there are still some aspects in

which it seems to fall short. Two of these are the transfer of property rights and the right of local management institutions to prosecute offenders and apply sanctions.

The legal transfer of property rights was also seen as being important for implementing limited entry/access in order to reduce capacity and effort in the fishery. The changes in the powers of the various courts under the new judicial system have the potential to hamper the ability of the traditional courts to prosecute and apply sanctions (Hara 2000). Under the new system, criminal offences must be heard in magistrates' courts. Because traditional authorities are now permitted only to hear civil cases, they may no longer adjudicate fisheries offences, because these are criminal matters. In addition, under the new system, village headmen can no longer impose fines. The revised Act might still be inadequate because its provisions do not enable local-level institutions under a community-based regime to carry out their assigned tasks efficiently and effectively. However, the main problem is that, two years after it had been passed, most of its provisions had not yet been implemented. This has affected the programme in the areas of the legal authority of BVCs, the legality of enforcing the revised regulations, and in the legality of ploughing part of the license fee funds back into the communities to pay for incentives and some of their administrative costs under the arrangement.

THE EFFECTS OF PREVAILING SOCIO-ECONOMIC CONDITIONS

Mangochi, the district in which Lake Malombe is located, is characterised by very adverse socio-economic indicators; high unemployment; high population growth; inadequate land size holdings; low agricultural productivity; high rates of illiteracy; a low spirit of voluntary self-help; and weak micro-enterprises (Government of Malawi/United Nations Development Programme 1998). Poverty is widespread in the district. The inability of seasonal agriculture and the formal sector to absorb most of the economically active proportion of the population means that fisheries is the main economic sector in which most people work. The increase in the number of crew members has continued even though the number of fishing units has been declining during most of the 1990s (Hara and Jul Larsen, forthcoming) is a clear indicator of this phenomenon. This absorptive role that the fishing industry has to play is putting fisheries under ever-increasing pressure.

One of the underlying reasons for government introducing co-management on Lake Malombe/Upper Shire River was that this could facilitate the



introduction of measures to limit access and entry into the fishery, thereby reducing overall fishing effort. In the context of Lake Malombe and the Upper Shire River, measures that could limit or reduce effort in order to improve the fishery and thus incomes in the long-term were seen as desirable in principle but unpalatable in the short-term due to the economic hardship and possible social disruption they could bring about (Bell & Donda 1993). In addition, there are moral and strategic dilemmas for fishers as far as proposals to limit access are concerned. Fishers are adamant about accepting the proposal to introduce limited access due its implications as a form of privatisation of a common pool resource in which everyone has historically been free to fish (Hara 1996).⁷ Secondly, the fishers have expressed the worry that they risk being excluded from other fishing areas to which they seasonally migrate during the closed season as a tit-for-tat by other fishers from other areas. Jentoft (1993:24) captures this moral dilemma in fishing communities highly dependent on fishing accurately in what he terms the 'lifeboat dilemma':

*What is to be done when the life boat is full?
Should one more be taken aboard at the risk of
sinking, or should those aboard row hard to get
away from all those crying to be saved?*

Clearly, the success of measures aimed at limiting effort would be dependent on the ability of the general economy to act as a sink for excess labour from the fishing communities. So long as employment opportunities in the other sectors of the economy remain low⁸ and the fishery continues to act as an employer of last resort, such measures are likely to be viewed unfavourably within the fishing communities. In Lake Chiuta, fishers combine fishing with farming as the area has adequate farming land. With the growing population and increasing commercialisation as the area becomes opened up through improved communications, similar problems are likely to become prevalent in that area too.

In the first instance, the rural setting of most communities, the 'community' character of their social structures and traditional authority systems of governance would appear to provide favourable conditions and ambience for community-based management systems. In reality though, most of the fisher communities have not remained untouched by market economies. Thus, this 'rural community' character should not be assumed without question any more. Here, the point is that whereas most rural fisher communities might have fished for subsistence in former times, their objectives nowadays are clearly economic.

In the 1990s, the World Bank/International Monetary Fund Structural Adjustment Programme, together with increasing trends towards globalisation, have resulted in the increasing collapse of local manufacturing industries and the shrinking of the sector (National Economic Council 1998). Unable to find work in the formal sector, most people of working age are increasingly being forced to derive income and livelihood from natural resource-based activities such as farming, fishing and selling firewood. With the average population growth rate standing at over 3% per annum (Government of Malawi/United Nations Development Programme 1993), this pressure on natural resources can only increase.

Communities are finding it increasingly difficult to apply controls around limiting the exploitation of fisheries, and natural resources in general, due to the prevailing socio-economic conditions. Whether co-management could influence the fishers to adopt sustainable patterns of exploitation is rather doubtful.

SOME THOUGHTS ON THEORY AND PRACTICE

In the West, there has been increasing distrust among the public about line-agency discretion in the management of natural resources (Lawry 1994). The last two decades have therefore seen growing demands and advocacy for public involvement in environmental issues. The Brundtland Report (World Commission on the Environment and Development 1987), which argued that communities should have greater access and control over decisions affecting their resources, enshrined this growing movement. Following the end of the Cold War in the early 1990s, donors have demanded political democracy and transparency as essential conditions for development aid. Community participation, which is seen as part of the general drive towards empowerment of the formerly disenfranchised local people, has increasingly been one of the conditions for donor aid. In this sense, donors seem to believe that the subsidiarity principle being commonly applied in the West should also be applied in developing countries as this would result in greater accountability at local level, resulting in improved resource management and positive socio-economic effects on user communities (Lawry 1994).

In view of the foregoing, how serious is the commitment of recipient governments to community participation? Are they just going along with the approach in order to get the much-needed donor money into their cash-strapped departments and programmes? In this context, it is possible that communities are being forcibly co-opted into participating so as to meet donor-funding requirements. In general, there seems to be a weak link



between the theoretical basis for introduction of co-management and its applicability and practicability.

Secondly, how appropriate is a regime based mainly on the Western democratic principles that 'concerned interests should be heard' and the idea that public environmental advocacy can take root easily in communities which have been subjected to dictators at national level and autocratic and undemocratic traditional authorities at local level? Such historical contexts have relevance in that, given a political environment in which people are not used to arguing with their village headmen and government officials, providing people with a formal platform for expressing their views and suggestions will not necessarily empower them to do so. In this sense, what is left unsaid could be more important than what is said. This will usually manifest itself in actions that might be contrary to what was apparently agreed by the group at public forums. The question remains: is the real objective for community participation to enforce participatory democracy or to achieve better resource management? Whether Western-type democracy and advocacy can work and be of benefit to management of fisheries in developing countries such as Malawi is an important agenda for research. However, it is important to note that most decisions in the communities are still taken either by consensus or by means of the autocratic authority of the traditional leaders, not through some type of democratic institution.

The third question pertains to the practical issue of reliance on what is usually short-term donor funding for what are essentially programmes for long-term institutional reform. If governments and donors are serious about the introduction of institutional reforms towards community-based regimes, then long-term human and financial commitments will be necessary. The effects of short-term commitments that abandon programmes in mid-implementation, could be very harmful for the trust between government and user communities. Since the phasing out of most projects in the Lake Malombe/Upper Shire River Programme and the resulting scaling down of activities, BVCs have expressed the view that the Fisheries Department lacked commitment towards the programme.

Finally, one of the critical aspects of introducing co-management is that the diagnosis of problems is based on models fostered by 'outsiders', in this particular context, the Fisheries Department and donors. The 'outsiders' influence the problems that will be considered and it is common for such models to use templates that assume a direct cause and effect connection when analysing a problem (Turner 1999). In adopting co-management, it was assumed by the Fisheries Department that making the user community responsible for management of 'their'

own fishery could rectify the problem of over-exploitation by making them morally conscious about their negative patterns of exploitation and illegal activities. The guilt they would feel could reduce illegal activities and make them more responsible towards the regulations. But problems concerning fishers and why they choose particular strategies for exploitation of the fishery are usually far more complex than such a simple characterisation would allow.

Despite the foregoing, the apparently positive achievements of the user-based management regime on Lake Chiuta provides a valuable lesson. Where co-operation with government is initiated and driven by the fishers themselves, the regime appears to have much greater potential for achieving positive management outcomes in terms of sustainable exploitation patterns and optimum socio-economic benefits for the concerned stakeholders. The Lake Chiuta case gives hope that, given the right conditions and appropriate government interventions, it is possible to introduce viable community-based regimes in Malawi.

CONCLUSION

In this article, we have attempted to analyse and draw lessons from the contrasting outcomes of the two co-management regimes in Malawi. We have argued that both internal and external factors have had great impact on the outcomes of the regime. In the context of the internal factors, organisation for co-management, struggles for power and authority, the level of involvement of vested interests and the incentives for participation have been crucial to the workability and stability of the arrangement. The external factors that have impinged on the regime include limited financial support, the inadequacy the revised legislation and most of all, the prevailing socio-economic conditions.

There is little doubt that the increasing over-exploitation of most capture fisheries in Malawi is dangerously eroding the very basis of livelihoods for fishing communities. Whether the real solution lies in institutional reform of management regimes towards co-management is an important question. In great part, though, the solution might lie outside the immediate sector, as problems in the fishing sector are also related to the macro-economy of the country. The main problem is the narrow economic base of rural communities, with their extreme dependence on the extraction of natural resources such as fish for their economic needs. Broadening the economic base and widening job opportunities will be indispensable to any solutions to problems experienced in the sector. Thus while co-management might be one positive reform, it will not be sufficient on its own to solve the increasing crisis in fisheries management.



¹Lakes Malombe and Chiuta are in the southern part of Malawi at grid locations 14° 21' to 14° 45' south and 35° 10' to 35° 20' east for the former and 14° 30' to 15° 00' south and 35° 45' to 36° 00' east for the latter.

²The difference in importance attached by the Fisheries Department to the two lakes can be seen in that more research and management attention had been given to Malombe than to Chiuta. In its 1971 annual report, the Fisheries Department indicated that Lake Chiuta was not a priority in its management and conservation mandate because it was sufficiently remote and relatively unimportant.

³This broad definition of co-management will be used for the purposes of this article.

⁴BVCs are committees that had been instituted through a 'democratic' process as vehicles for the participation of fishing communities.

⁵*Nkacha* is the local name for an inshore seine net that is used for catching kambuzi (*lethrinops spp.*). It was invented in the late 1970s in Lake Malombe to target offshore kambuzi, as a response to the declining availability of chambo and kambuzi in the inshore areas.

⁶Village headmen are said to have given no support to local fishers in their quest to expel the migrant *nkacha* fishers because, allegedly, they had been bribed. Fishers had to solicit and get the support of government officials (the Fisheries Department, the District Commissioner and the police) in order to effect the expulsion. Even then, the local fishers had to forcibly evict the *nkacha* fishers who refused to leave because, apparently, some village headmen had tacitly given them permission to stay even after they had been officially told to leave.

⁷Brox (1990) demonstrates this problem.

⁸In 1996, an estimated 75% of the people in the economically productive age bracket did not have formal full time employment (Government of Malawi/United Nations Development Programme 1998).

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PRECONDITIONS FOR IMPLEMENTATION OF CO-MANAGEMENT IN SMALL-SCALE FISHERIES IN SOUTH AFRICA

ANNE KATRINE NORMANN

INTRODUCTION

Fisheries management is basically politics. Politics is about distribution and allocating resources. Fisheries management is largely about distributional politics – the basic and conflictual issue is ‘who gets access to what’. The socio-economic side of the politics is a central issue, which in South African fisheries management means focusing on the redistribution of licences and quotas. The fisheries management policy in South Africa is still in a trial phase and is the subject of much controversy. In general, there are many different management options, which can be classified within three broad institutional orders: state, market and community. The *state alternative* is broadly characterised by hierarchical order, bureaucratic structures and authority relations. The *market alternative* promotes competition, economic efficiency and rationality, with impersonal and goal-oriented relationships, and is often represented by a management system of individual transferable quotas. The *community alternative* implies close interpersonal ties, egalitarian and often multiplex social networks and shared identities among the actors. Belonging to the latter category are models of co-management, which seek to integrate fisheries management in local community structures in order to increase legitimacy of resource regulations (Hersoug & Holm 2000). Co-management as a decision-making arrangement has been gaining ground worldwide over the last decade. In southern Africa, there are several co-management arrangements in different resource management systems. While there are many examples of co-management setups in the Western world, Hara (1999) argues that there is no proof that co-management is more viable than other decision-making models. In most countries where it is being practised, co-management is still at the trial and experimental stages. Hara criticises the

fact that this model is being exported to developing countries, often without its applicability having been considered. South Africa has for a decade been in a transition towards democracy. A huge challenge for the government is to achieve development and improved living standards for previously disadvantaged groups. Regulating the use of natural resources through redistribution of access is seen as one way of enabling those groups to escape the situation of poverty and dependence in which they are currently locked.

The intention of this paper is to discuss whether the institutional preconditions for implementing co-management are present in South Africa, and which modifications could lead to proper institutions for co-management to be viable. The implications of the new management policy on issues of importance to co-management such as ‘action space’ with its enabling and constraining structures, democracy and development, and empowerment are studied in the light of the ideology around co-management. The state has an important role in co-management – the additional role the state should take on in this particular context for achieving the goals of democracy and development in fisheries management is also discussed. The paper also looks into the area of property rights. Co-management does not ‘recommend’ what kind of property rights will be suitable. Quotas are used in South African commercial fisheries. Few analyses are done on whether co-management is compatible with quota regulations, and which institutional conditions work to achieve redistribution and poverty reduction. Experiences from this transition phase of South African fisheries management can contribute to co-management theory, with a view to using the South African experience to developing co-management



models which are appropriate for developing countries.

CO-MANAGEMENT AND ITS RATIONALES

Management consists of a chain of procedures. The different levels of management are *design* (policy formulation), *implementation* (access right decision, establishment of quotas, rules for conduct of the fishery); and *enforcement* (monitoring, control and surveillance) (Jentoft et al. 1998). Co-management is an ongoing collaborative and communicative process, where resource users, together with government representatives and other actors, are in an entrepreneurial and creative role. The bottom line is that government agencies and local user groups form organisations through which they share management power and responsibility for management functions. The government and the user groups have different but complementary roles in the management scheme. The fishing authorities may delegate exclusive management authority to the local user groups over a given fish resource or a given sea territory. It is decisive that the fishers have a collective voice, that they appear as a group instead of as dispersed individuals (Jentoft 1989; Jentoft et al. 1998; Hernes & Sandersen 1998). The specific context determines at what level management user-groups and the state can and should co-operate, and what aspects of management activities co-management will cover. There are limitations on what functions can or should be transferred to the fishers' organisations. The subsidiarity principle is that management should be exercised at the lowest feasible level. For example, the setting and management of total allowable catch is better suited for non-community management than the management of space and gear, while it is good democracy that user groups may provide input to the process of deciding on the total allowable catch (Jentoft et al. 1998).

There are different rationales for participating in co-management arrangements, and why governments and users embark on institutional change in fisheries management. The *biological rationale* is based on the fact that top-down, bureaucratic and science-based approaches have not prevented resource crises and experience shows that such management systems have mixed success (Jentoft et al. 1998). Thus, there has been an overall need for a change. One argument is that fishers possess experience-based biological knowledge which, if properly used, may add to science and enhance legitimacy. If the users are involved at an early stage, the hypothesis is that they are more eager to conserve the resource because they are 'given' more responsibility. Critics claim that it is too late to involve users when the crisis has already

happened. Involving user groups and utilising their knowledge of biology should be part of a strategy to prevent resource crises and improve management (Hara 1998; Maurstad & Sundet 1998). The *social rationale* is linked to the conditions of the decision-making procedures. Jentoft and McCay (1995) say that, at a general level, the issue of institutional design in fisheries management decision making is analogous to issues that are addressed within theories of democracy: participation, and at what level participation takes place. Co-management is consistent with the aims of democratisation and empowerment (Pomeroy & Berkes 1997). Decentralisation and involvement of the grassroots in decision making will, according to Pomeroy and Berkes, eventually lead to greater democratisation and development of local communities. Sandersen and Koester (2000) support this line of reasoning, and say that more participation by user groups in decision making will foster more democratic management and strengthen the regulatory process. As pointed out by Jentoft et al. (1998), empowerment of users and participatory democracy are important goals in themselves, and sharing and delegation of management authority are ways to realise them. When responsibility is delegated, and users are given more responsibility, and they take on new roles within the management system, which in turn can change the system further. This is closely related to the *psychological rationale*, which has to do with legitimacy and compliance. A worldwide problem in fisheries management is that existing regulation regimes in general have little legitimacy, due to failed management both biologically and socio-economically. Jentoft (1989) argues that the legitimacy of fisheries regulations depends on whether fishers accept the regulations as appropriate and consistent with their persisting values. In addition to the question of values, there is also the matter of survival – when there are no alternative ways of generating an income, fishers will transgress the regulations. If the fishers find the regulatory scheme legitimate, it is more likely that they will follow the rules. A legitimate fisheries management regime will enhance compliance. Users are likely to become more knowledgeable of, committed to, and supportive of regulations if they have had a say in the process. When users obtain more management responsibility in functional terms, they are likely to behave more responsibly in moral terms, which in turn leads to greater compliance (Jentoft 2000b). Jentoft (1989) presents four dimensions of legitimacy, each of which requires taking the fishers' point of view into consideration:

1. The *content of regulation*: the more that regulations coincide with the way fishers themselves define their problems, the greater will be their legitimacy.



2. The *distributional effects*: the more equitably restrictions are imposed, the more legitimate the regulations will be seen to be.
3. The *making of the regulations*: the more the fishers are involved in the decision-making process, the more legitimate the regulatory process will be perceived to be. Legitimacy depends on the decision-making process. If it is fair and just, the majority rule is more likely to be followed by all.
4. The *implementation of the regulations* implies that the more directly involved the fishers are in instilling and enforcing the regulations, the more the regulations will be accepted as legitimate.

The first two points above have to do with content legitimacy – their focal point is the content and quality of regulations. Points 3 and 4 can be characterised as having to do with process legitimacy: they concern the organisation and decision-making process.

Other rationales include *donor influence*, where there may be pressure from international donor agencies for government in developing countries to embark on a co-management arrangement. In such a case, the co-management procedure can be said to be donor-driven, or induced from the top down. *Cost* is another rationale. Fisheries management has been a government responsibility – a heavy and costly burden. Devolving some of the management responsibility, for instance enforcement, may reduce the costs for government. The level of conflict between resource users is often high, and co-management may improve the chances of avoiding such conflicts.

Co-management arrangements may open up new possibilities. For many groups, participation and democratisation imply a widened ‘action space’. In order to enable fishers to participate, there will, in general, be a need for empowering the fishers.

SOUTH AFRICAN FISHERIES AND METHODOLOGICAL CONSIDERATIONS

The basis of the policy in South Africa is the White Paper (RSA 1997) and the Marine Living Resources Act of 1998,¹ which promotes the objectives of ‘equity, sustainability and stability’. The existing regulatory system for *commercial fisheries* is mainly based on catch control and leasing of rights to persons or firms. The rights are partially transferable and the duration is limited (Hersoug & Holm 1999). A category of fishers created to accommodate previously disadvantaged groups who do not fall into

the commercial fisher category is *subsistence fishers*. A Subsistence Fisheries Task Group (2000) suggested policy to be applied to this group. This differs from the policy applied to the commercial fishers. In neither case does the government commit itself to co-management. The notion of co-management in South Africa is used more or less uncritically by academics, government officials, policy makers, and fishers’ representatives and typically more in the subsistence than the commercial sector of the industry. Only a few projects in dispersed fishing communities are using co-management on an experimental basis. It is only in the subsistence fishery sector that co-management is being suggested as a way of managing the resources (Subsistence Fisheries Task Group 2000). Official documents on how to proceed with institutional change often give a skewed picture about what actually happens when the changes are implemented. It is how the policy is implemented that matters, that is, what is actually taking place at the grassroots. This can be studied only by data collection in the communities, talking to fishers and listening to their opinions about what is going on, and analysing this data through triangulation. Resource users’ interpretation and opinions on issues such as efficiency, equity and sustainability of management systems are rarely investigated. Such research is not common before or after the design and implementation of fisheries management schemes. Instead, government relies on input from organised user groups. Since many users do not belong to an interest organisation, there is a risk that the picture becomes skewed. Management systems may not have legitimacy and enjoy support at grassroots level, because the organisations that managers consult are not representative of all user groups (Jentoft 2000b). This is supported by Endresen’s (1994) argument that, in social research, the first step is to identify and label social phenomena, the second is to establish to what extent phenomena are related and form systems, and the third is to trace structural principles and properties of society by observing the actions of individuals. This paper is based to a large degree on information from the actors in communities, collected in the Western Cape² between February and March 1998, and between November 1998 and July 1999. During this fieldwork, fishers, organisational representatives and government officials were interviewed.

THE CONSTRAINING AND ENABLING STRUCTURES OF AN ‘ACTION SPACE’

By scrutinising the Marine Living Resources Act of 1998, it can be deduced that an action space is created. Action space is defined as a possibility for people to challenge and improve their working and living



conditions and to create alternatives to their present situation. It refers to a constellation of the structures and institutions that form the arena in which individuals exist and interact. Grove (1998) sees action space as the space for poor people themselves to resist and to challenge their conditions and to create alternatives. Tarrow (1998) says that the context determines whether people act or not. The levels and types of opportunities people experience, the constraints on their freedom of action, and the threats they perceive to their interests and values vary from time to time and place to place. Participation and democratic decision making have to do with power sharing and power redistribution between the state and communities, and between different interest groups in communities. When it comes to redistribution of rights and quotas, and when favouring previously disadvantaged groups, this is a job only the state can do (Hersoug & Holm 1999). Pomeroy and Berkes (1997) claim that little is written on the roles and activities that states and governments take on in a co-management setup. They emphasise the importance of having an appropriate government administrative structure and an enabling legal environment, either to sustain existing local-level fisheries management systems, or to develop new co-management systems. The delegation of authority and power-sharing to manage fisheries may be one of the most difficult tasks in establishing co-management. Government must not only foster conditions for fisher participation, but sustain it. One issue Pomeroy and Berkes (1997) mention is that the fishers must be given access to government and its officials to express their concern and ideas. Implementing co-management means starting an institutional change in a revolutionary way. Institutional change means changing the rules. This will most probably be challenged by people who do not want a change of the rules, people who benefit more from keeping the system as it is. This means that the state will be challenged, at the same time as it has an important role with respect to the local-level fishers. Pomeroy and Berkes (1997) say that only government can legally establish and defend user rights and security of tenure, and it can contribute to the creation of legitimacy and accountability for the local organisation. Supportive legislation, rights and authority structures must be recognised. This will legitimise the right to organise and to make and enforce institutional arrangements at the local level. The government's role may also stretch to providing assistance and service to support local organisations and institutional arrangements.

The Marine Living Resources Act of 1998 is based on a compromise by the various stakeholders in South African fisheries. Nevertheless, the implementation of the law in South Africa has been challenged on various occasions, and the government has been

taken to court by actors who claim that they are being unfairly treated. The first time the new management principles were implemented, a share of the total quota for the West Coast rock lobster for the 1998/99 season was redistributed. The government was immediately challenged by 'old' quota-holders who sued the government for prematurely reducing their quotas. The 'old' quota-holders won the case, for strictly juridical reasons. The law created an action space, not only for the previously disadvantaged groups, but also for people who are strong enough to sue the state – for the previously advantaged groups. The state did not secure the formal requirements for institutional change to a sufficient extent, and it expected all stakeholders to act according to the intentions of the new Act. The means the government has used to promote its policy is to focus on 'the local', on improving the situation of impoverished communities through improving their access to the fish resources, and by calling on the whole industry to demonstrate solidarity with the new measures. However, this strategy has already met much resistance, as exemplified by the court case. There is a move towards local 'participation' and 'empowerment', where the emphasis is on civil society, participation and ordinary people. Mohan and Stokke (2000) describe the tendency of participatory development to mistake and treat 'the local' as an harmonious community. This is often reflected in the way in which participatory rural appraisal (PRA) tends to promote a consensual view. Mohan and Stokke warn against romanticising 'the local', and thus downplaying social inequalities and unequal power relations. In the literature on co-management, the user groups are often treated as a homogenous mass of people who agree on what their interest is. This fails to make visible the powerful competing interests at the intra-community level between the local élites and the grassroots, and between different groups at the grassroots.

Another effect of 'going local' is that the state is downgraded in importance. The state has been seen as being too centralised, but better localised research will see that bureaucrats often consider local aspects and thus help to achieve more appropriate development. This assumption 'forgets' the ways in which the state has used 'the local' politically through material and discursive practices that disempower instead of empower. One example Mohan and Stokke give is the apartheid system that at one level politicised local differences in order to govern. They warn against romanticising the role of local civil society in development theory and practice (Mohan & Stokke 2000).

In sum, the structures that form the action space for commercial fishers in South Africa are a combination



of the fact that the resources are scarce, and access has been reduced for some actors and increased for others. Even though the Act provides a possible entrance for new actors, there are certain restrictions for new entrants to the industry – for instance, complex application procedures and business plan requirements. How people go about handling the criteria, who they are affiliated to and the financial capital for investment they possess are decisive for who is in and who is out of the fishing business. Actors with well-developed human and financial capital have a marked competitive advantage. Another restriction is the state of the physical infrastructure. The varying distance to the centres of power correspond with the varying possibilities for influencing decision making. The action space is widened in terms of an increased right to be heard, but information about the opportunities for interaction between the government and communities is lacking. How the action space is perceived by different actors depends on how the Act is interpreted and whether the different actors are able to take advantage of it.

THE NATURE OF PARTICIPATION

Democracy and development are concepts which are closely related to the social rationale for co-management. Democracy and development cannot exist unless they co-exist, and the conviction is that there can be no democracy without the pursuit of ‘the good life’ (Touraine 1998). Part of the process of achieving democracy is including civil society in decisions that influence them directly, an element which is in keeping with the co-management ideology. In the White Paper which forms the background to the Marine Living Resources Act of 1998, it is stated that ‘local communities, labour, scientists and resource users will play an active role in the management of marine resources’ and that ‘all resource users will be required to keep data for management purposes’ (RSA 1997:13).

Without being precise, the White Paper is alluding to participation in all phases of management, including biological data collection. While this is encouraging in a co-management perspective, there are few firm guidelines on *how* to achieve active user group participation. In the law, the issues of user-group participation and poverty relief are referred to in the following way (emphasis added):

The Minister and any organ of state shall in exercising any power under this Act, have regard to the following objectives and principles:...

b) the need to achieve to the extent practicable a broad and accountable participation in the decision-making processes provided for in this Act...

j) the need to restructure the fishing industry to address historical imbalances and to achieve equity within all branches of the fishing industry (Marine Living Resources Act of 1998, chapter 1 section 2).

There are no guidelines as to when and at what level participation will and can take place, nor is there a definition of who the previously disadvantaged are, or what is meant by ‘historical imbalances’. The ‘active participation’ of users that is referred to in the White Paper is omitted from the Act. Participation of user-groups and co-operation between government and industry are not new to South African fisheries management.

Hutton et al. (1999) report that extensive government-industry partnerships characterised the fisheries management policy process over the last few decades. Structures were set up at various levels of the decision-making process in order to formalise the management arrangements between industry associations and the government in the form of resource management committees. However, this took place only between big business and government. In these co-operative arrangements, the state was devolving decision-making powers to big business. Devolution of decision-making powers is an important principle for co-management to work. The new policy is meant to benefit the previously disadvantaged but, because most are not as well organised as big business, they do not have the weight to back demands that power be devolved. This is a general problem. According to Sverdup-Jensen and Raakjær Nielsen (1998), experiences from case studies on co-management in African countries show that governments seem reluctant to devolve power, legal rights and authority to user groups. Devolution of management authority requires changes in laws, policies and administrative procedures. Section 79 in the Marine Living Resources Act of 1998 says the following about delegation of powers.

(1) The Minister may...

b) by notice in the Gazette, delegate any power conferred upon him or her in terms of this Act, excluding the power to make regulations, to an authority in the local sphere of government, and

(c) No delegation of any power shall prevent the exercise of such power by the Minister or the Director-General.

The picture is that while at the present the South African government is to some extent positive



towards the idea of decentralisation,³ it is reserving the right not be 'disempowered' itself. This is consistent with government as the institutional pillar of state management. One explanation for the reservation is the uncertainty connected to giving powers to an industry with a low degree of coherence, co-ordination and organisation. Decentralisation of management authority away from the fisheries administration to user groups may be one of the most difficult tasks of co-management. As Pomeroy and Berkes (1997) emphasise, it takes two to tango, and for the government to be able to disempower itself, there must be someone appropriate for the state to hand over power to. It must know who is at the 'receiving end', which can be problematic since the government generally lacks knowledge about communities. The user groups must be able to handle the responsibility of management. In Europe, fishers are often organised and appear as a strong collective voice, and are thus able to manage, for example, quotas in a reasonably fair manner.⁴ Pomeroy and Berkes (1997) say that policies favouring co-management are a necessary but not sufficient condition for successful co-management. The participation of the users – organisations and communities – is an important element. A concern is the significance of leadership, skills of fishers, resources, and capabilities of local institutions. While responsibility will increase the possibility of influencing decisions, it also demands a certain effort from the users. But user-groups may not have the aspirations nor the capabilities to undertake enhanced fisheries management responsibilities (Hersoug & Holm 2000).

The coastal communities of South Africa are seldom the kind of 'close knit' communities found in many other countries. Being a close-knit community is an advantage when taking on responsibilities and managing for the benefit of the community. The South African situation is due, among other things, to apartheid policies which led to forced removals and the use of 'divide and rule' tactics which contributed to making communities heterogenous. A large number of fishers live far away from where they fish, and they have to travel long distances to get to sea. The capacity and competence to administer and distribute resources is lacking in most coastal communities. Poverty, lack of housing, alcoholism, unemployment and illiteracy are pertinent features of coastal communities in the Western Cape. In general, the level of organisation is low, meaning the ability to take on administrative tasks is very low (Hersoug & Holm 2000).

The application procedures for quotas in South Africa as elaborated by the government demand a lot from applicants. If people are to be successful

applicants in the bid for quotas, they must be part of business organisations, rather than acting as interest organisations or unions. The companies must elaborate a detailed business plan and show how they will create employment for the previously disadvantaged. This may seem premature and, as Hersoug and Holm (1999) put it, it is unrealistic to expect people who have been discriminated against through all their lives to become professional businesspeople within five years – the time limit for quota holders to prove they can adapt to the new system.

The South African Commercial Fishermen Corporation is an example of fishers turning into businesspeople. It was created by former poachers, so-called 'informal fishers', and its 3 000 members⁵ belong to 24 different co-operatives along the coast of the Eastern Cape and the Western Cape. The corporation followed the prescriptions and criteria of the law and received quotas for several species in 1998/99. It transformed itself from a resistance movement in the middle of the 1990s to a business with a complex organisational structure which intended to become one of the biggest fishing companies in the country. Fishers are linked to the corporation by conditional employment. According to the policy and practice, when a company receives a quota, it is given the responsibility of managing this quota in order to fulfil the intentions of the Act and its own business plan. This is seen as a situation in which the previously disadvantaged groups have the opportunity to act.

In a context of action, power plays a decisive role. In both neo-classical and Marxist theory, power is treated as exogenous to economic systems and processes. In her study of agricultural change in Africa, Berry (1993) found that understanding resource access and resource use is not simply a matter of tracing rational actors' responses to relative factor prices and rules governing the property rights. Farmers' access to and uses of the means of production have also been shaped by the mobilisation and exercise of power and the terms in which rights and obligations are defined. This also applies to a fisheries management context, in which the issue of access to the fish may be a highly controversial issue and a source of multiple conflicts.

Central questions to be aware of with respect to previously disadvantaged groups (although undefined) are who has power, why they have it, and how power is exercised. The grassroots in general have little power when negotiating with the state and other stronger stakeholders. But among the fishers, there are élites that have been able to grasp the possibilities provided for in the law, and have set up

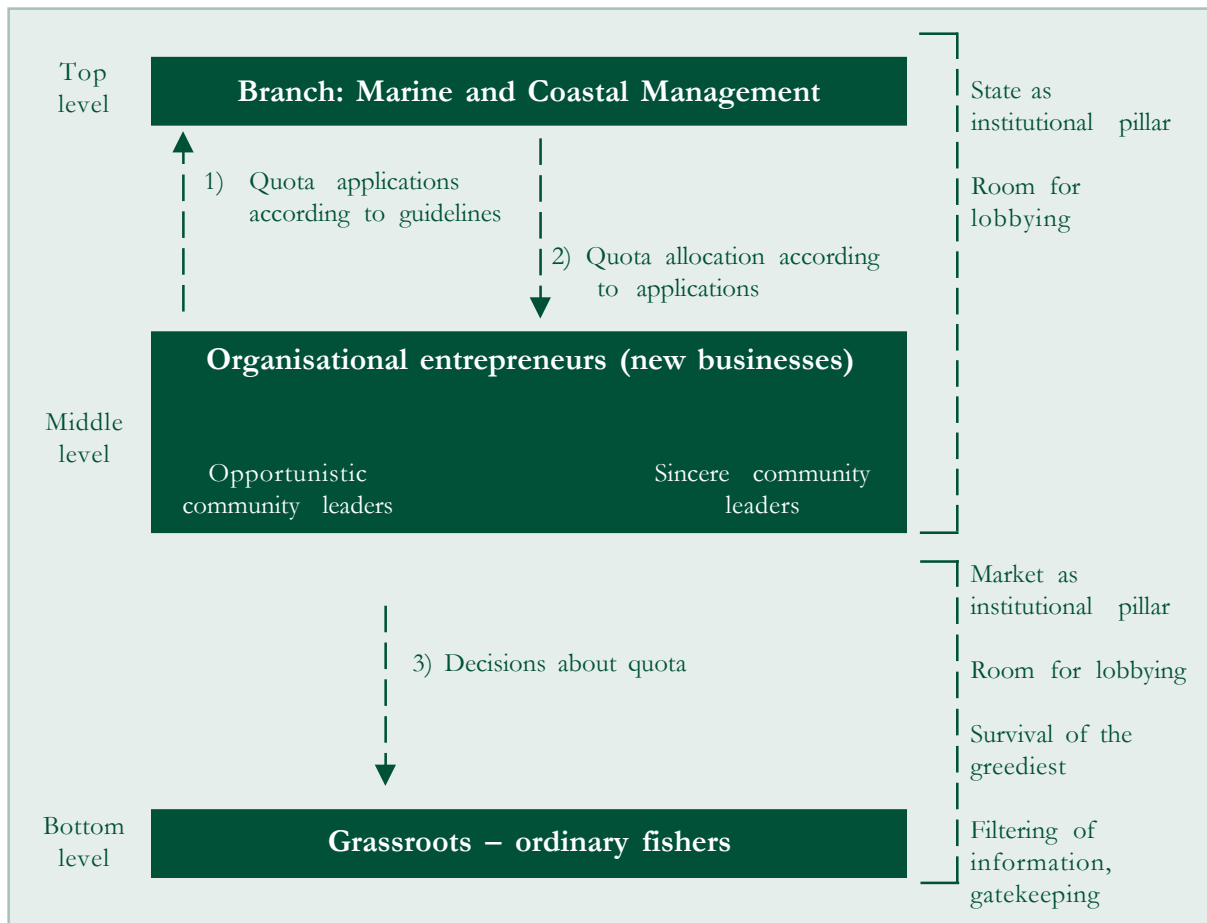


businesses according to the relevant criteria. A large number of fishers reported that they had been approached by what is here referred to as organisational entrepreneurs in order to form part of a new, small company that would apply for quotas. The fishers were told that they would be part of the company 'staff' that would be employed, and they were a vital part of the compulsory business plan. Affiliation to a company is a requirement for consideration as a commercial fisher. Fishers agreed and signed the application as proof that they formed part of the company. Several fishers reported that they had been 'kicked out' of the company whose application they had signed once the company had received a quota. Others were left in the dark, with no information given on questions like how the quota is to be 're-redistributed' and many felt that they were being misinformed. Figure 1 illustrates the relations between the different levels of actors in South African fisheries management.

Information about how to apply for quotas according to the new policy is provided by the government (top level) to the organisational entrepreneurs (middle level). The organisational entrepreneurs apply for quotas according to the laid-

down criteria, and some successful applicants are allocated a quota. There is a strong element of state control, and the state may consider the needs of the previously disadvantaged favourably in order to address historical imbalances in the society. There are few guidelines with respect to how to redistribute the resources and how to define previously disadvantaged groups, but there are strict guidelines on the procedure to be followed when applying for a quota. However, there is much room for lobbying, as the distance from the 'people' to the state is much smaller with the ANC-led government than was the case before it took power in 1994. The stronger actors have a better chance of making a successful application. When the successful applicants have received their quota, further action depends on the organisational entrepreneurs. At the risk of oversimplifying, the organisational entrepreneurs are split into an 'opportunistic' group which tends to want the quota primarily for its own benefit, and a group of 'sincere' representatives whose intentions are to benefit the whole community. Unfortunately, field research indicates that the majority of organisational entrepreneurs are opportunistic.⁶ The fate of many fishers depends on the decisions of the organisational entrepreneurs, the group which is also

Figure 1: Organisational entrepreneurs between the government and the ground (elaborated from Normann and Isaacs 1999)





responsible for providing information to the fishers. Between the middle and the bottom level, the market is the institutional pillar. Even though there might be room for the fishers to lobby, it is a game of 'survival of the fittest' and, by the same token, 'survival of the greediest' (Normann & Isaacs 1999). The fishery policy is in line with the South African government's neo-liberal, market-oriented macroeconomic policy Gear (Growth, Employment and Redistribution) (Bond 2000). Another aspect is that the middle level operates as a 'filter of information'. To a large extent, the government expects organisational entrepreneurs to inform the fishers on the grassroots about what is happening at the policy level. Field data shows that often the information from government does not get past the middle level, keeping the grassroots in the dark. The middle level also blocks information going the other way – much information from the bottom level that would be of interest to government never reached the right person at the top.

The reason that this kind of gatekeeping activity can continue after the advent of democracy can be explained by the fact that the previously disadvantaged have been underprivileged and disempowered for decades. Most people living in fishing communities are very poor and have little education. They have problems with orientating themselves to democracy, and know little about the new policy structures and laws that have created an action space which they could use. There is a need for empowerment and education if the grassroots are to participate. Empowerment is meant to enable the previously disadvantaged to take advantage of the new dispensation. While empowerment in South Africa is thought of as financial empowerment (through means like business share schemes), empowerment has much to do with 'social capital', which can be defined as 'features of social organizations, such as networks, norms and trust, that facilitate coordination and cooperation for mutual benefit' (Putnam 1993).

Social capital is found at the local level. The level of social capital may explain why there are differing degrees of success in responding to the macro-policy environment. Social capital will foster reciprocity, and facilitate information flows for mutual benefit and trust. Local communities are presented as being characterised by trust, networks, reciprocity and associations. A critique of the general discourse on social capital is that controversial features of communities, as power, class, gender and ethnicity are not addressed. Strengthening of social capital can take place through organisational activities and networking, mobilising and utilising local resources and energies for problem solving (Mohan & Stokke 2000). These authors see two ways of implementing

participation as part of an empowerment process. The 'revised' neo-liberal position represents a 'top-down' strategy for institutional reform because it is an effort by central decision makers to make institutions more efficient and include groups in development processes. Power resides within individual members of a community and can increase with the successful pursuit of goals.

Empowerment of the powerless could be achieved within the existing social order without any significant negative effects upon the power of the powerful. In contrast to this perspective is the post-Marxist view, in which focus on empowerment is on the 'bottom-up' social mobilisation in a society, challenging hegemonic interests within the state and the market. Key elements are the Freirean concept of *conscientização* and collective identity formation around common experiences of economic and political marginalisation. Power is conceptualised here in relational and conflictual terms. Empowerment of the powerless requires a structural transformation of economic and political relations towards a radically democratised society. What these two contradictory directions have in common is that social equality and welfare growth will not be ensured by the state or the market alone. Local actors, knowledge and interventions are additional key features in the conceptualisation of development.

In the White Paper (RSA 1997), the responsibility for empowerment is partly given to big business. This form of empowerment takes the form of share schemes in companies. There are doubts to whether this mechanism is benefiting the previously disadvantaged. Workers of one fish factory which had practised the share scheme policy for two years did not feel that they had more influence or responsibility than before, and they did not refer to any improvement in socio-economic benefits. So far, no real structural transformation in South African fisheries has taken place. The 'powerless' are still powerless and dependent, the difference is that now, instead of depending on the state, they now depend on organisational entrepreneurs. Responsibility for achieving empowerment has been transferred to existing and new companies.

Participation is supposed to take place at various places in the management chain: design, implementation and enforcement. In the process leading to the Marine Living Resources Act of 1998, which is the planning and design phase (1995–98), stakeholders were called upon to give their input. Several hearings were held in Parliament before the Act was passed, and different stakeholders gave their input to the policy process along the way (Hersoug & Holm 1999). The press actively reported on the process. Users were included in the planning and



design phases and informed about the milestones in the process. However, at the time of the fieldwork (1998–99) many fishers claimed that they were never part of any policy process and that they did not know how they were represented in the process. They complained that the outcome as the fishery policy is far from anything they hoped for or expected. One common thread that those who participated as fisher representatives were not representative of the fishers at the grassroots, their needs and skills.

The design and planning process was revolutionary in that it included the previously disadvantaged in the process, but this was not enough to increase the government’s legitimacy at the grassroots level. Poverty, the lack of skills to obtain and absorb information, and the speed at which the policy formulation process happened may explain why the grassroots claim they were not properly informed of developments and why they say they have not received the benefits they expected from policy reform.

With respect to implementation of the policy, the government established an advisory board, the Consultative Advisory Forum, to provide advice on how to set the total allowable catch for different fisheries and how to distribute quotas. The Branch: Marine and Coastal Resource Management, with assistance and input from the Consultative Advisory Forum, decides who among applicants are granted quotas. Once quotas are allocated, the state does not do much follow up work. In practice, its responsibility ends, as it has delegated the task of ‘re-distributing’ the quotas to the members or employees of the new companies or organisations. When it comes to enforcement (monitoring/control/ surveillance) of the regulations, the state has

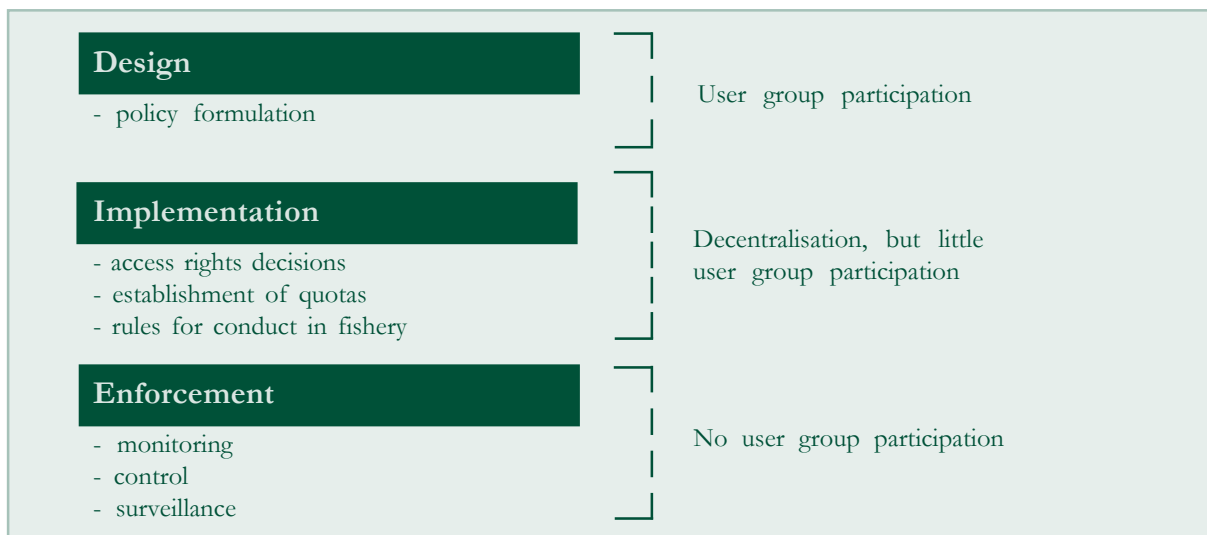
sole responsibility. There is little checking of what happens from the ‘middle level’ and below to find out whether organisational entrepreneurs are fulfilling their business plans. The state hardly plays this ‘watchdog’ role at all, leaving the fishers to the mercy of the organisational entrepreneurs on whom they depend. Only commercial fishers can ‘climb’ the socio-economic ladder, but in a market-driven environment such as the quota system it will be very difficult for the state to perform the role of protector. Figure 2 illustrates the degree of user group participation in the different management phases.

LEGITIMACY

Legitimacy is both a precondition and a result of successful co-management. The previous apartheid government did not enjoy legitimacy. In general, during the process of creating a new policy, high expectations were created by the government. When their expectations were not met, people felt deceived. According to Hersoug and Holm (2000), one of the most serious management problems in South Africa is the widespread lack of trust in the administration, their regulations and their officers. The legitimacy ‘balance’ is fragile. While co-management is thought to improve legitimacy, legitimacy must also be present in order for user groups to be motivated to co-operate.

Legitimacy is conditional, and often depends on the situation ‘here and now’. The government promised a lot to the previously disadvantaged – promises that have been hard to meet within the short time that has passed since the Act has come into force. The view people have of government and the feeling of trust they have in it varies from time to time. For instance, the group of leaders in one of the 24 co-operatives belonging to the South African Commercial

Figure 2: Participation in different phases of management





Fishermen Corporation was interviewed a few days after the company had received its first quota, late in 1998. The group was quite pleased and praised the new policy, now that it could see that the government had delivered what it had promised and was listening to 'the people on the ground'. The group acknowledged that, had the interview had taken place a month before when further demonstrations were being planned to show their lack of faith in the government and its promises, it would have expressed a different view. A few months after the interview, the government lost the court case to the 'old' quota-holders. One consequence was that the quota allocated to the South African Commercial Fishermen Corporation was temporarily withdrawn, so government legitimacy was reduced again and the disappointment among the fishers and their communities reached new heights.

The fishers were distrustful early in the process, not only of the government, but also of the companies or quota-holders with which they had affiliated themselves. Since most members did not participate in meetings of the leaders, many of them felt that the South African Commercial Fishermen Corporation was withholding information, that the leaders were corrupt, and that the hopes that had taken root in the communities were based on false promises. There are strong feelings of disappointment and of being deceived as expectations fail to materialise. It is premature to draw conclusions about how the South African Commercial Fishermen Corporation will benefit the grassroots fishers in the future. As the policy functions presently, the future of the people on the grassroots level depends on their own actions to a limited extent – they are strongly dependent on how the organisational entrepreneur leaders take care of them.

Legitimacy depends on the content of the policy decision on whether fishers are allowed to operate as commercial fishers or not (a decision made by government). In South Africa, this is indirectly linked to the effects of regulations on distribution (decisions taken by government and organisational entrepreneurs). When it comes to process legitimacy, the majority of the fishers feel that they have not been part of the making of the regulations. But the perception that informs legitimacy is individual. The actors and groups that benefit from the new policy will ascribe more legitimacy to the government than those who do not.

LESSONS FROM SOUTH AFRICA ON CO-MANAGEMENT

A property rights system involving individual transferable quotas, as is the case in the South African system, implies exclusion of many actors wishing to

participate in the fishery. Quotas have not been successful in terms of improving the socio-economic situation for previously disadvantaged *bona fide* fishers. Jentoft opposes individual transferable quota systems that adhere to market principles. He advises managers and decision makers to avoid the designs that threaten the social fabric of fishing communities – designs that make communities disintegrate and become more stratified (Jentoft 2000a). Managers should adopt designs that could potentially restore and reinforce the solidarity and cultural qualities of fishing communities.

However, this has been an extremely difficult task. The social fabric of South Africa has been damaged for decades and communities have been actively disintegrated and stratified. The quota system does not seem to alter this situation. If anything, quotas are likely to exacerbate this problem. Existing management practices in South Africa have so far created more disruption, especially since people had high (perhaps unrealistic) expectations. The fisheries management regime in its current form does not confront concerns such as atomisation and stratification of communities. At a small-scale level and in poor societies in transition to democracy, quota systems expressed as individual transferable quotas are not good. Quota regulations as seen in South Africa work in a co-management setting at a 'big business' level, where the players are few and the distance from the industry to the power's corridor is short. It would not be fair to draw final conclusions about the South African situation because the new fisheries policy has been in place for such a short time. It is possible that the policy could work in the way it is supposed to if applicants followed their business plans. The state should perform a control function in order to be a protector of previously disadvantaged groups. Quotas are too valuable to be left to organisational entrepreneurs or businesses, a situation which has led to high levels of conflict and inequality in communities. Those on the receiving end suffer from lack of empowerment and have few sanctions at their disposal when the law is violated. The system in its current form relies on entrepreneurs, but there are few 'good' entrepreneurs who serve the 'common good' intention of the policy.

O'Riordan (1999) supports Jentoft's arguments and claims that the quota system in South Africa is inappropriate for developing the fishing sector. Since it requires that all applicants establish a commercial company complete with a business and marketing plan, he claims that it places the sector in a straightjacket, since quotas will only be awarded to certain types of company structures. In most fishing communities, literacy and education levels are low, and the technical and commercial nature of the



application forms will make it almost impossible for most *bona fide* fishers to receive quotas. The only way for most fishers to become legal commercial fishers is to submit to a more resourceful person and become a part of that person's team, albeit without being able to influence the decisions made. Hersoug and Holm (2000) are of the opinion that it is unlikely that the market principle the quota system embodies will work in favour of the previously disadvantaged groups. While fisheries management is about distribution of access, it is also about controlling use of a scarce resource. International experience shows that even though there are certain limits to the concentration of fishing rights (monopolisation), it is seldom a policy to involve as many people as possible in the fishing industry. The fish resource is a scarce resource, and this creates a huge dilemma about who is included and excluded from being an actor in the industry.

To sum up, co-management signifies that the state and user groups share the responsibility of managing the resources, and they must co-operate on a continuous basis and take due care of the various stakeholders' interests. This is in line with the school of development which places emphasis on the importance of 'participation', 'local knowledge' and 'putting the last first'. The co-management concept is often used uncritically and is often too wide. Some critics argue that all management is co-management, because at some level or another the state and the users will interact, have discussions and exchange viewpoints.

The South African government is highlighting its dedication to development and the eradication of poverty to empower people and make people responsible for their own lives – elements which are found in all co-management thinking. The fishery policy is not committing the government to participation, and there are few co-management parallels. Fishing communities have gained legal recognition for the fisher profession, either as commercial or as subsistence fishers, but they are now at the mercy of the organisational entrepreneurs or what the government decides with respect to subsistence fisheries.

Implementation of the policy is far from what was envisaged. At the outset, the previously disadvantaged groups were in focus. As the fishery policy has developed, the issue of poverty has been separated from the quota question. The government's practice has clearly been to favour businesses and organisational entrepreneurs, a goal which does not promote poverty reduction. Market principles rule. To be able to participate in the game, the previously disadvantaged must be empowered, and the social

capital of society must be enhanced. Mohan and Stokke (2000) say that the state's role in enabling or destroying social capital is often undermined, and it is vital not to forget that social capital depends on an interplay of the state's willingness and its capacity to encourage or dismantle social capital. This is an important precondition for co-management and, so far in the policy process, empowerment has been limited to economic enrichment of the few.

The traditional role of the state as a provider of legal frameworks is not enough when the objective is more equitable distribution of access to resources. Instead of letting the market take over from the level of organisational entrepreneur and grassroots communities, the state should perform a watchdog role to ensure that the objectives of the policy are being met. The state should perform the role of protector, but without playing 'dictator'.

As far as the development of co-management theory is concerned, this case highlights the need to define a role for the state in settings where resources are to be redistributed in terms of quotas and the decisions are challenged by strong actors who will lose out if the new policy is implemented. Pomeroy and Berkes (1987) are among the few who mention the role of the government as protector in co-management, although they do not elaborate on this point. They suggest that the government should oversee local arrangements and deal with abuses of local authority and conflict management, because co-management requires a clear commitment on the part of government to the sharing of power and authority. Hersoug and Holm (1999) agree that the state is essential, and that redistribution should be a political and administrative process – since the local competence is weak, the organisation of the fishers is weak, and there is a mutual lack of trust between the state and the organisational entrepreneurs.

When identifying who benefits most from the way the South African democratic institutions function, there is a tendency to look back at what existed before and how things have changed. This will inevitably show that poor people have made significant gains. Opportunities for people to influence policy are greater now than ever before, but their influence is still proportionately less than that of other interest groups (Barberton 1998). Most fishers in impoverished communities will not agree with the assessment that they have benefited. So far, redistribution efforts have not reduced poverty, and as long as the grassroots feel that they are not influencing policy any more than under the previous regime, there is a long way to go to fulfil the necessary preconditions for successful co-management of small-scale fisheries in South Africa.



¹The Marine Living Resources Act of 1998 covers such areas as administration, management of marine living resources, marine protected areas, prohibited activities and stowage of gear, law enforcement, and judicial matters.

²In the fishing communities of Cape Town Harbour, Hout Bay, Lamberts Bay and Ocean View.

³Decentralisation refers to the systematic and rational dispersal of power, authority and responsibility from the central government to lower or local-level institutions: provincial, regional and/or local governments, or to community associations. Increasing local autonomy is a focal point in the decentralisation process (Pomeroy & Berkes 1997).

⁴What "fair" means is itself a matter of contention and cultural definition. To some people allowing neutral "market" forces to work in a fishery through the transfer of fishing rights is the fairest way of making allocative and distributional decisions. To others and in other contexts, "fair" includes the special claims of fishery-dependent coastal communities or regions, or some notion that there be a level playing field at the outset, so that some players in the new market are not "unfairly" positioned with regard to access to capital and other resources enabling them to better adapt to the new system (McCay 1995).

⁵An approximate number.

⁶A PhD student at the University of the Western Cape is studying how entrepreneurs go about obtaining quotas, what they do with them if their applications are successful, and who benefits.

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COMMUNITY-COMPANY FORESTRY PARTNERSHIPS: A POPULAR TREND OR A TRUE DEVOLUTION OF AUTHORITY TO LOCAL COMMUNITIES? THE CASE OF SOUTH AFRICA

ALICE A OJWANG

ABSTRACT

South Africa's forest sector is undergoing restructuring fuelled by the wave of globalisation and the influence of neo-liberalism as reflected in South Africa's Growth, Employment and Redistribution (Gear) macro-economic policy – a policy that significantly informed the making of a new forest policy. The argument continuously advanced by this line of thought is that the withdrawal of the state from the key sectors of national economies is imperative for a flourishing investment environment which, in turn, will result in a competitive market economy.

Based on ongoing PhD research, this paper assesses the role played by globalisation and other factors in determining the direction of the new forest policy that paved the way for restructuring the management of state forest assets. It discusses the challenges these pose for the development of the forest sector, especially in trying to address the needs of rural communities with stakes in the industry. Of particular interest to this author is emerging community-company partnerships in the forest sector, floated by the government to cover up for the exclusion of rural communities and smaller black businesses from direct ownership of state-owned forest assets. In this context, partnerships are understood as alliances between local communities and private investors, with the state playing a mediating role in the management of the forests and forest assets. The partnerships expected between the new owners of state-owned forest assets and rural communities are perceived as a way of helping build up local institutions, local capacities and in achieving a wider redistribution of benefits from forestry. The

responsibility of addressing the needs of the rural communities has been loosely transferred to the prospective private bidders for the forest assets. In addition, issues related to land ownership and unclear or previously distorted boundaries between communities and state-owned forests will constrain the establishment of partnerships. Until land claimants are identified and a definition of 'communities' obtained for the purposes of creating partnerships, local communities may be in for a long wait before they may be permitted to share in the management of adjacent forest resources.

Inasmuch as governments and other agencies have popularised partnerships as the way forward to opening up the forestry sector to rural communities, these efforts need to be supported and guided by national forest policies and not left to the private sector, which is primarily motivated by profit-making. Proper and timely negotiations with local communities as an interested party is crucial to the success of partnerships and so is the recognition of their rights of access, use and governance of these resources. This will ensure that the partnership arrangement is fair in the allocation of responsibilities, the risks as well as the resultant benefits.

RESTRUCTURING THE MANAGEMENT OF FORESTS

The government of South Africa is gradually giving up ownership and management of forests and forest assets in what has been described as the fastest and the largest single privatisation on record (Kasrils 1999). At the same time, some of the forest woodlands previously under the management of the former



homelands and currently managed by the Department of Water Affairs and Forestry (DWAF) are being devolved to rural communities adjacent to these assets, especially in the Eastern Cape province where there is a relatively large concentration of woodlots. The reason for devolving state-owned woodlots to rural communities is to rescue DWAF from having to manage loss-making forest assets while expecting that the transfer of the management responsibility to communities would help improve their management abilities and capacities (Evans 1998a). These two processes are important outcomes of the new forest policy. Government's withdrawal from active involvement in forestry and other sectors is perceived by the proponents of Gear as favourable to the lowering of public expenditure while creating further opportunities for growth through enabling private sector involvement in key economic sectors. Yet, in transferring the state forest assets to the private sector, the government has opted to retain ownership of forest land, thereby falling short of full privatisation.

The government's decision to undertake a partial privatisation of forests by retaining ownership of the land is to ensure security of tenure since some of the plots are subject to claim under the national land restitution programme, and to protect local people's land rights where these exist (Evans & Von Maltitz 1999). Moreover, the Interim Protection of Informal Land Rights Act 31 of 1996 restricts the government from transferring or selling any land on which ownership claims are outstanding until these are settled. The unique South African experience in the forest privatisation process can be compared to diverse policy approaches in other countries. It illustrates the need to tailor policy to the national context rather than submitting to international pressure to replicate macro-economic policies that may have worked in countries with different economic and social conditions. The same could be said of the decision by the government to devolve certain forest plots to adjacent local community control. These are government's attempts to redress inequalities perpetuated by apartheid policies through facilitating participation of rural communities in the management of local resources and access to their benefits. Yet, these political responses conflict somewhat with the economic principles adopted by the government which advocate full privatisation and emphasise market forces.

The current approach also exemplifies the contradictions inherent in privatisation processes, especially since it involves land-based resources. Introducing multiple players to the forest sector could be seen as a way of intensifying competition to achieve a thriving industrial forest sector, but this

may not necessarily result in positive benefits for adjacent rural communities. Critical issues of local governance which have been given little attention in the past can no longer be sidelined or ignored. An enabling environment where these issues can be addressed is mandatory when we consider the daunting challenges inherent in multiple alliances. This could be attributed to the differences in needs and the conflicting objectives of various parties, the imbalance of power due to the financial strength and human resource capacity of private companies, and the lack of proper valuation of community's stake in natural resources, especially the land resource.

While privatisation of forests is intended to open up the sector to multiple players to enhance competitiveness of the sector and to create an enabling environment for the economic empowerment of previously excluded communities, the position of rural communities as players has not received meaningful attention. Attempts have been made to facilitate the entry of emerging black entrepreneurs into the sector through the forging of partnerships with more established private players, aided by the reservation of a 10% shareholding for communities in the lease document. But the forest-edge communities are in too weak a financial position to establish consortiums with other private companies. In the absence of special arrangements to facilitate their entry into private sector forestry, only selected local communities and individuals with successful land claims to the forest assets will benefit through land rentals that will accrue to them from the state.

Yet, if we critically assess the meaning of empowerment in the context of natural resource management, rental would be considered as a form of compensation and, by itself, is incapable of contributing to the empowerment of communities or individuals. Foy et al. (1998:2) define empowerment as 'a process whereby previously disadvantaged communities or individuals benefit from taking effective control and responsibility for the decision making, over the assets that they own'. The implication is that benefits to communities or individuals is not limited to finances (through rentals), but that they have governance over their resources, retain control over related assets and obtain value-added benefits gained from the processing of these resources. To give practical meaning to the debate around 'local governance' and elude the trap of inapplicable academic paper writing, it is necessary to question or assess what the wider community and individuals (other than those with formal land claims to the forests) perceive as their stake in these forest resources. Studies undertaken in parts of the Eastern Cape indicate that communities regard the forest land as their own and



the plantations as belonging to the state (Evans 1998b). It is therefore necessary to address the role of the rural communities in the management of the forest resources. But these efforts should go further – they should integrate forestry activities into other rural development initiatives in the fight against rural poverty.

The rural development challenges facing South Africa is what lies behind the recognition of the need to achieve a more equitable redistribution of benefits from natural resources and the need to include local communities in private sector forestry. The current tendency to systematically exclude local communities seems to be the result of trade-offs between government, private investors and others to try to minimise investment risk. This is clearly demonstrated by the failure of private companies (apart from the Eastern Cape Forestry Consortium comprising Hans Merensky and the Eastern Cape Development Corporation) to establish partnerships and offer the 10% reserved shareholding to community entities. Instead, most private bidders have found it safer and more convenient to team up with black empowerment businesses.

Previous studies have pointed to the reluctance of private companies to engage directly with local communities because of the legal and operational complexities involved. Private companies are also understood to have low levels of capacity to understand social dynamics (Evans & von Maltitz 1999) while communities may lack the financial capacity, expertise and a well-defined organised entity that could encourage private investors to team up with them to bid for the forest assets. Should these factors prevent the active entry of local communities into private sector forestry? Were these forest-edge communities given prior information about the restructuring of state forests and did they have a chance to explore other options that could have facilitated their entry into private sector forestry? Do black economic empowerment initiatives only target a few affluent black businesses at the expense of the rural black majority who, over the years, have been directly affected by afforestation practices through forced removals and other discriminatory practices? These questions are unavoidable when we consider the government's formal recognition of local people's underlying land rights, the local people's proximity to these assets, in line with the principles and global trends in sustainable forestry development that greatly influenced South Africa's new forest policy.

It is clear that the most viable state forest assets (Category A forests) will be transferred to private forest companies. Local communities may only benefit as junior partners in a process that has been

left to the successful private bidders to decide. Though private bidders were required to give details of facilitating black empowerment objectives, it remains unclear what strategies successful companies will employ. However, envisaged is an increase in partnerships and the creation of new ones aimed not solely at producing fibre for the industry but, this time around, such partnerships are perceived as instruments to achieve integrated rural development. Partnerships with communities will be varied, assuming that different players employ different models, hence creating opportunities for research into the changing nature of the forest industry.

THE EVOLUTION OF PARTNERSHIPS IN SOUTHERN AFRICA

In southern Africa, partnerships have evolved differently and are often specific to the region and type of natural resource in question. Some partnerships have emerged as a result of private companies' initiatives to accumulate raw materials and to contribute to social and economic development of the rural areas (Mayers 2000). An example is the decade-old household-based contracts introduced by Mondi and Sappi in parts of rural KwaZulu-Natal. Others are outcomes of conflicts and claims to land and the management of land resources as exemplified in the case of Makuleke community and the Kruger National Park (Koch & Massyn 1999). There are also examples of partnerships arising after legal battles between transnational corporations and local communities over the management and benefits of local resources. A recent example in South Africa is the case between the Royal Bafokeng Nation and Impala Platinum over proceeds accruing from the mining of platinum (Khunou 1999). Governments have also managed to influence the creation of partnerships through policy intervention to improve local incomes and to enhance the equitable distribution of benefits from local resources as currently being attempted in South Africa's forestry sector. Such initiatives have increased with the spread of neo-liberal economics advocating for minimal, if not complete absence of, governments in the ownership and management of national economic enterprises. On the other hand, concerns have intensified for more local community involvement in the running and the management of these resources. Hence government-initiated partnerships are efforts to find solutions in reducing rural poverty and enhancing local capacities through encouraging collaboration of local actors and private investors.

In South Africa's forest sector, community-company relationship is a relatively new phenomenon while partnerships between individual households



and companies are already well-established (Ojwang 1999). Previously, private companies preferred to engage in contracts with individuals for outsourcing purposes, the basis of which was purely business. Attempts have been made to initiate partnerships with blocks of communities rather than household-based contracts. The North East Cape Forests (NECF) comprises Anglo American Corporation, De Beers Holdings, Industrial Development Corporation (IDC) and Mondi Limited in conjunction with rural communities in the former Transkei. NECF has initiated a joint venture model for the purposes of growing timber for processing within the Eastern Cape (Keet 1997).

New partnerships expected in the forest sector are a result of the government's policy requirement that private companies intensify their contribution towards rural development. Partnerships are therefore expected to facilitate the entry of mostly small-scale black business people into forestry and forest-based downstream entrepreneurial activities such as milling.

Secondly, the withdrawal of the state from the management of these resources has also created the need for new strategies in addressing and representing the interests of local communities. Issues of local governance are central to development debates and respond to the need to boost local management capacities and the need to gain other social benefits from forestry.

WHY COMMUNITY-COMPANY PARTNERSHIPS?

Globalisation trends and subsequent pressure for change in developing countries are stimulating the creation of alliances between private companies, communities, civil society and governments in community-based natural resource management (CBNRM). Partnerships are also emerging because of civil society demands for greater accountability and social delivery from governments. As governments continue to streamline and reduce public expenditures, the need to rethink strategies for poverty alleviation has increased. Hence partnerships with the private sector are seen as critical for investment, the generation of benefits, local capacity building, the creation of jobs, and keeping abreast with fast-changing technology and skills (Katerere 1999).

In CBNRM, partnerships are often attempts to promote equity of benefits basically accruing from natural resources between the private sector and/or government and local communities (Ojwang 2000). These relationships are characterised by processes of negotiation where the roles and responsibilities as

well as the distribution of benefits are clearly spelt out. Therefore community-company partnerships have been promoted as a shift away from the less-popular top-down intervention strategies that alienated rural communities from the management of natural resources and undermined their livelihoods (Katerere 1999). Unlike these previous interventions, partnerships promote pluralism in natural resource management, focus on strengthening the decision-making capacities of rural communities, and recognise and enhance their rights and access to local resources.

The fragile land situation in South Africa is also influencing the move toward partnerships. The current land debate has already implicated existing private companies as claims are made on some parts of their plantations. Partnerships that involve outsourcing from individually-owned or community-based land resources shield the forest companies from tenure disputes, as they do not have to continue with directly investing in the land. Since the interests of these private companies may be compromised through land claims, they recognise the need to strengthen partnerships with communities in order to maintain and improve access to raw material supplies.

In addition, due to the previous land policies of apartheid that denied blacks ownership of land and often subjected them to displacement, the communities, who recall the previous policy practices which over generations saw them excluded from the more fertile lands, have always viewed forestry activities with suspicion. As a result, there have been cases in which conflicts have been so intense that forest resources have been destroyed. The private companies recognise the need to forge close relationships with communities adjacent to their projects by involving them in forestry activities to allow benefit flow to the communities. Through community involvement in forestry activities, it is presumed that conflicts would be minimised, thus these relationships are partly viewed as a security measure against arson and other prohibited uses of the forest resource. Sappi acknowledges that through integrating small-scale farmers into its projects, it is fulfilling its social responsibility to create development opportunities for the impoverished rural communities adjacent to its projects. It thus views its relationship with communities as a tool for rural development (Ojwang 1999).

NEW FOREST PARTNERSHIPS: THE CHALLENGES

Most practices of resource sharing, partnerships and joint management of natural resources indicate a shift away from exclusive private control and

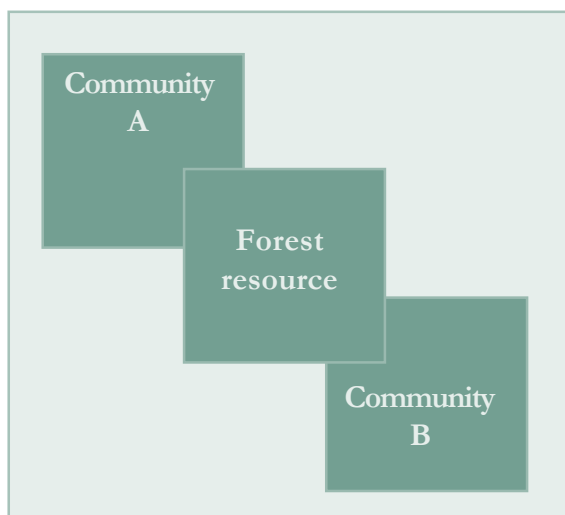


management of these resources to more pluralistic approaches. The underlying motivation is to create an environment that fosters increased participation in management and decision-making processes and, more importantly, a fair redistribution of forest benefits to all stakeholders. Yet, there are enormous constraining factors that characterise the processes of creating partnerships. As a current requirement of the government of South Africa, on taking over the respective state forest assets, private companies are expected to establish alliances with communities living adjacent to the forest resources. It is possible that the most daunting challenge is to obtain a clear definition of 'community' for the purposes of implementing partnerships.

WHO DOES THE GOVERNMENT DEFINE AS 'THE COMMUNITY'?

There is a general consensus that the term community has a wide range of meanings, but it has often been loosely used to denote some homogenous entity comprising members sharing common resources, common problems and even similar solutions to these problems. Murphree (1999) re-evaluates the definition of communities and concludes that the principles of communities of place, interest and use pose problems for common property theory. He prefers a more functional approach, but recognises the significance of boundary delineation in CBNRM. Likewise, in implementing forestry partnerships, boundary delineation is a prerequisite for identifying membership. This is likely to be a complex process, given that some of these resources fall in areas that were once under traditional authorities and were later haphazardly removed from communal ownership and turned into woodlots by the state in complete disregard of existing boundaries (see Figure 1).

Figure 1: Overlapping rights to forest resources



At one level, private companies are expected to forge alliances with individuals or groups of individuals whose claims to the leased-out forest packages or portions of the forest packages will be successful. They will be recognised as rightful owners and will also benefit through rentals paid by the company in question to the state. However, the land will be held in trust by the state in accordance with the binding lease agreement. Due to the fact that in some cases there are overlapping claims on the same forest resource between two or more such communities, there is a looming problem of lumping together in a partnership individuals who may have little in common other than land claims to the forest. This poses a potential threat to the success of the partnership.

It is also understood that the Department of Land Affairs will be embarking on a nation-wide roadshow-type identification process of land claimants. This is expected to clarify the position of forest land rightfully belonging to communities and individuals formerly displaced. The speed with which partnerships can be finalised depends on the success of this process.

On another level, private companies are also expected to reach out to the wider community, that is, people living adjacent to the forests, those interested in the resource and those communities who derive certain benefits from the forests. What criteria will be used to determine the 'closeness' of communities to these resources to enable a fair redistribution of benefits from the partnerships?

Until the transfer of the forest assets to the successful bidders is finalised, the approach to these crucial issues in implementing partnerships will remain unclear. Different companies are believed to have different strategies that they will employ to establish partnerships. Rural communities are also expected to play a significant role in deciding how they want to define themselves and what legal structures to put in place.

ARE RURAL COMMUNITIES INTERESTED IN FOREST PARTNERSHIPS?

Research undertaken in parts of KwaZulu-Natal reported an initial reluctance by rural communities to engage in forest partnerships (Ojwang 1999). Communities have always viewed afforestation practices with suspicion because they have associated these with past policies that led to their dispossession and displacement. At the same time, there is a high degree of dependence on products from plantations and people expect these benefits to continue and become intensified (Evans 1998a).



Besides, communities regard the land as their own and the forest plantations as belonging to the state. They recall the initial boundaries before land was expropriated, the promises of compensation and access that were never honoured, and the lack of negotiation that accompanied their displacement. In the light of these perceptions, these communities have expressed their rights to preferential local employment, the right to benefits, the right to determine the direction of management of the forests, the right to be consulted in cases of possible changes in management, and ownership of the trees and the right to receive revenue and rentals (Evans 1998).

It is understood that such demands by communities contributed to the poor turnout of international investors to compete for the forest assets. Private companies are driven by profit and will face enormous challenges in trying to reconcile community demands with their own objectives of maximising profits. Successful community collaboration with private companies is likely to be dependent on how far they are willing to negotiate on the redistribution of benefits and on according communities what they perceive to be their rights.

For communities and companies who will explore further opportunities for afforestation, the scenario is expected to differ from the existing contract partnerships that were based on the volume and quality of the tree product at harvest. If afforestation is to be done on land under communal tenure, the value of the land is likely to be taken into account as the community's stake in the partnership. But can the land resource be fairly valued to ensure equitable redistribution of forest benefits to the communities? What is the perception of the private companies about value-addition in forestry to enable producers to achieve further benefits from the processing of their resources?

STRUCTURES OF COMMUNITY REPRESENTATION

It would be wrong to assume that every member of the 'community' would be interested in taking part in the partnerships or that private companies would consider negotiating partnerships with whole communities. For effective local governance of the process, it is likely that communities will form legal representative bodies that will be accountable to the broader community. A communal property association would be useful for holding communal land while other legal structures could be explored for purposes of managing benefit flows to the communities. Structures that could be employed to facilitate communal participation include Section 21 companies, community trusts, co-operatives or interest groups (Foy et al. 1998). The choice of the

structure of governance rests with the communities in question, but it is expected to be effective in the co-management of the forest resource, the redistribution of benefits, informed decision making and the ability to carry out its activities in a transparent and accountable way.

CONCLUSION

Community-company partnerships in forestry are a growing trend facilitated by the government to enable the active participation of local communities in the forest industry. It is a phenomenon which is likely to mushroom in several forest-growing regions of South Africa. Due to the fast pace of the restructuring exercise, the inefficient flow of information from the government to the communities, and their financial constraints, communities have missed the chance to gain direct entry into private sector forestry as owners. Partnerships with private companies is the option currently being tried out, yet there are potential obstacles pertaining to implementation such as the definition of the concept, boundary delineation and the setting up of legal institutional structures. These are communal processes that could be defined even prior to the arrival of private investors so that their entry into partnerships is based on careful planning and clear negotiation strategies.

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LOCAL INSTITUTIONS AND SUSTAINABLE LAND-USE MANAGEMENT IN LAND REDISTRIBUTION PROJECTS IN RURAL KWAZULU-NATAL

URMILLA BOB AND ISMAIL BANOO

ABSTRACT

The question of who gets access to and controls land resources is often highly political and contested. This paper examines the efficiency and equity consequences of natural resource and land management institutional practices in land redistribution projects in rural areas in KwaZulu-Natal (KZN). Case studies of redistribution projects in KZN as well as findings from secondary sources are used to examine the following questions: What institutions are present to regulate and manage the use of land resources in the communities? What are the characteristics in terms of membership and decision-making processes of these institutions? What mechanisms exist to address the needs of households and individuals in terms of land use? How are conflicts related to land-use management addressed? Which factors determine the presence and effectiveness of such institutions? What are the relationships between socio-economic characteristics, common property management and natural resource sustainability in these communities? A multi-conceptual framework coalesces several themes relating to sustainable land use management including historical dimensions, policy frameworks, distributional concerns as well as cultural dimensions. Furthermore, future challenges around building institutional capacity, appropriate indicators and relevant training as well as information dissemination programmes pertaining to sustainable land use management in land reform projects are examined.

INTRODUCTION

Whoever owns land (or is perceived to own the land) generally commands power. Land is the most important asset that a human being can possess in that social, cultural, economic and political clout and power can be determined by the status that

ownership of land accords. Land reform is generally undertaken to address political, social and economic imperatives (Masilela 1999). The key political objective entails changing land relations, especially in terms of ownership and control patterns, so as to redistribute power in South Africa. The social redress goal is aimed at ensuring redistributive justice. In terms of the social objectives, access to land for residential, productive and subsistence purposes to previously disadvantaged groups are deemed important. The economic objectives promote production and efficiency in terms of the utilisation of land and labour. In this regard, a central concern is the role of agricultural production in enabling food security as well as industrial crop production. In addition to these imperatives, environmental sustainability considerations are gaining widespread support. A major challenge facing land reform policymakers and implementers in South Africa is how to balance these often-conflicting land reform imperatives.

It is important to recognise from the outset that the relations between rural people and land are influenced by specific historical, socio-economic and physical environments under consideration, and are location-specific. The nature of human activities and their varied relationships to land differ significantly across these contexts. Furthermore, the availability of and uses of land resources are also influenced by diverse situations. For the purposes of this paper, we are mainly concerned with rural communities who are land redistribution beneficiaries in KZN. Forces driving land use management and changes in land reform projects are complex. Many parameters interact, each with its own power, temporal and spatial dynamics.



Figure 1: Kwazulu-Natal land redistribution projects under study





The focus is not on land *per se* but the aspects of land that are potentially useful to household and communities such as water, place for shelter, land quality, wood, wild foods, gardens and medicinal plants. The major concern is whether land redistribution projects consider and are able to effectively integrate local institutions in the management of land in the communities. An additional consideration is whether existing policies and practices of land management challenge social, political and economic disparities that tend to reinforce inequitable patterns of ownership, accessibility and control.

This paper outlines pertinent findings of studies undertaken in land redistribution projects in KZN. First, the *Kwazulu-Natal quality of life survey report* (Bob 1998) and *Quality of life survey report* (May et al. 2000) are used. Second, information is drawn from the *Compliance to business plans in land reform projects* study conducted for the Department of Land Affairs (DLA) Monitoring and Evaluation Directorate (Bob 1999). For the purposes of the *Compliance to business plans in land reform projects* study, three land reform projects in KZN were chosen as part of a national research endeavour. Land use planning, implementation and management were key aspects raised in the research undertaken. Fieldwork conducted in Ekuthuleni as part of an intensive study aimed at examining gender and land reform is also used. Additionally, findings are drawn from research that is currently being conducted in Thembelihle pertaining to community conflicts in land redistribution projects. The specific land redistribution projects are denoted in Figure 1. Fieldwork in the form of interviews and participatory techniques such as resource mapping and Venn diagrams with different stakeholders were conducted in the various research endeavours in KZN. Although a number of issues raised in the studies underscore sustainable land management and institutional concerns, the scope of this paper permits the examination of only a few aspects.

SOME DEFINITIONAL CLARIFICATIONS

According to Stromh et al. (1994), land use involves the human activities that are directly related to land, making use of its natural resources or having an impact on it. It is important that other facets in addition to biophysical conditions are included to fully understand land-use dynamics in poor rural communities. Political, institutional and cultural considerations are significant in shaping land-use strategies.

The most widely used definition of sustainable development is 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED

1987). Sustainability is often viewed as integrating and balancing ecological, social, economic (both issues of productivity and viability) and political interests. The term 'sustainable development' and its related 'sustainable natural resource management' and 'sustainable land management' (SLM) are receiving increasing attention in the development, research and academic arenas. Herweg et al. (1999:26) assert:

SLM seeks to harmonise the often conflicting objectives of intensified economic and social development, while maintaining and enhancing the ecological and global life support functions of land resources.

According to Pieri (1997), there is need to move away from concepts and prescriptive approaches to an integrated approach to the physical planning as well as the social and institutional dimensions of land management. Sustainable land-use management provides improved options for productive ventures as well as longer term social, economic and environmental sustainability considerations.

Goetz (1995) states that institutions need to be understood as sets of formal and informal rules which shape social perceptions of people's needs and roles, while organisations administer these rules and respond to needs. Institutions and organisations can differ in terms of physical arrangements, management and leadership styles, ideological positions and the purpose for its existence. These manifestations of institutional attributes often reflect strong biases. This paper will demonstrate some of these tendencies in land management structures in redistribution projects.

SUSTAINABLE LAND MANAGEMENT

The majority of people in land redistribution projects in KZN remain dependent on some level of subsistence agricultural production, reliance on outside remittances such as pensions, limited employment opportunities and access to natural resources such as fuelwood, water, medicinal plants and wild foods (Bob 1998; May et al. 2000). Land concentration which has characterised many of the projects in KZN implies that a growing number of rural families have to share decreasing land resources. Additionally, declining living conditions which reflect the lack of income-generating opportunities and the inability to implement and sustain viable agricultural projects mean that households become increasingly reliant on the natural resource base for wild foods, fuelwood and water. Furthermore, subsistence production tends to be extended to marginal, low agricultural potential land. These are illustrated in Figure 2.



The *Compliance to business plans* study (Bob 1999) raises concerns pertaining to whether business plans truly reflect realistic goals and conditions of communities or whether they merely serve the purpose of legitimising the transfer of land. Another issue is whether projects are being threatened because communities fail to implement the business plans. A great deal of resources, especially finance and person-power, have been invested in the development of business plans for land reform projects in the hope that the projects will be viable socially, environmentally and economically.

The White Paper on South African Land Policy (DLA 1997) states that land reform needs to be conducted in an environmentally sustainable manner and that land transfer must be associated with acceptable levels of environmental impact. Turner (1997) and Watson (1998) assert that environmental considerations in the implementation of land reform have thus far been incidental rather than integral to the process. Watson (1998:1) suggests:

There is concern that the failure to integrate environmental considerations in the land reform process will prevent beneficiaries from 'escaping the poverty trap' and have very serious detrimental environmental repercussions.

The results of the environmental impact assessments conducted by Watson (1998) in redistribution

projects in KZN indicate that, to a large extent, the long-term viability of land reform projects will be threatened. Although the communities exhibited a wealth of indigenous knowledge about their environment, many practices mitigated against sustainable environmental usage. This can directly be attributed to the poverty levels of the communities and their lack of access to sufficient natural resources.

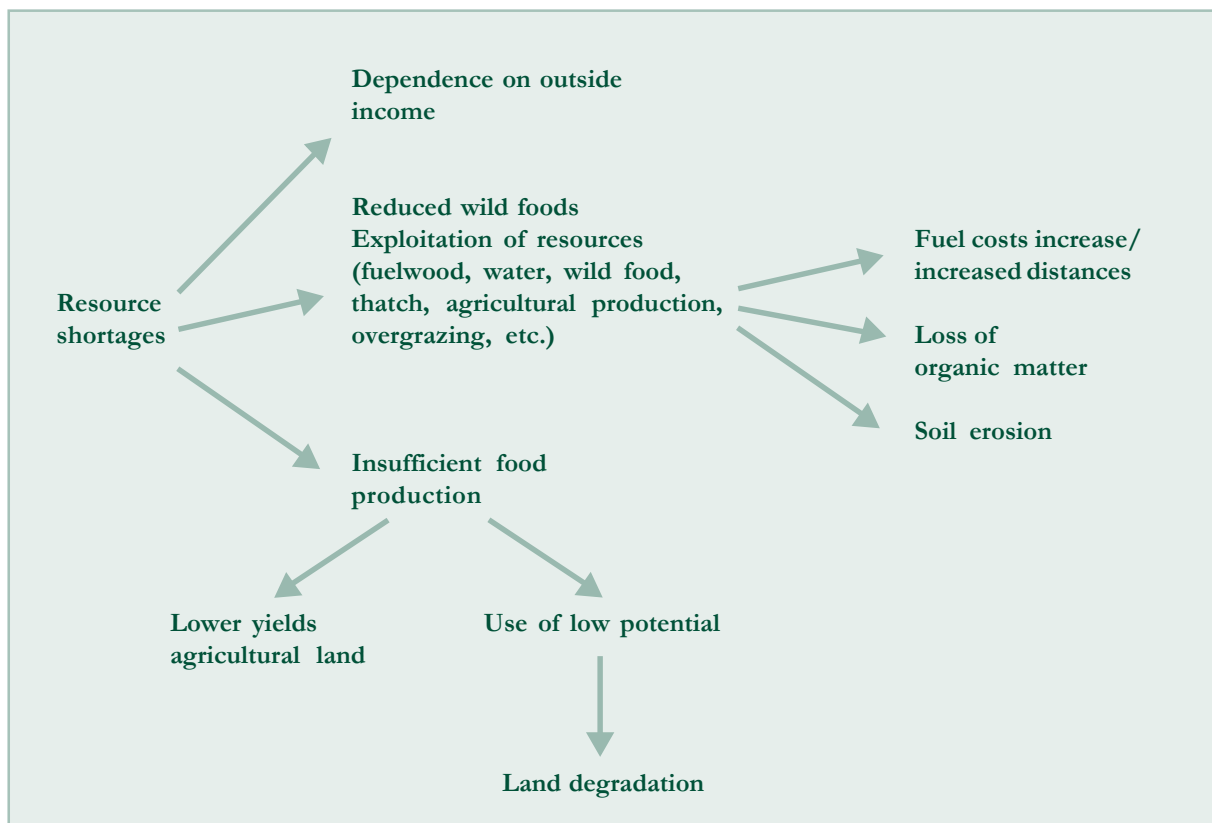
Furthermore, the research has clearly illustrated that in some instances the communities have been settled on fragile land that is susceptible to erosion, is of low arable quality, have already been overgrazed (bush encroachment has already started), with poorly sited, constructed and maintained surface roads and footpaths. Watson's (1998) findings support Turner's (1997) assertion:

...there can be little doubt that unacceptable risks are being taken in many current redistribution projects. The common instances where the number of 'beneficiaries' is increased in order to make up the number of R15 000 grants (now R16 000) needed to buy the land show the way in which ownership and settlement motives take precedence over questions of environmental (or economic) sustainability.

This contention still remains relevant today.

Results from the studies conducted in various land redistribution projects indicate that perceptions of

Figure 2: Links between resource shortages and unsustainable land use practices





natural resources differ considerably among community members, community organisations as well as outside stakeholders such as non-governmental organisations (NGOs), planning consultants and DLA officials. A major reason for these differences is often associated with whether the particular individual or group is focusing on short-term costs and benefits or on long-term social and ecological imperatives.

Managing sustainable land-use practices needs to incorporate a focus on the human component – the users of the land. This includes managing the way information is disseminated, the issue of leadership and representation, the handling of conflicts (both intra-community and inter-community) as well as sustaining community involvement and participation in decision making. It is worth noting that, although land redistribution projects are often referred to as communities, these are often artificially constructed with diverse interests and needs that are often contradictory and competitive (Turner 1997). For the purposes of this paper, land redistribution projects are often referred to as communities and denote specific geographical locations ascribable to a particular group (in this case the redistributed land and the beneficiaries). However, due consideration is given to social differentiation and conflicts within the community.

INSTITUTIONAL STRUCTURES

Specific institutions that have received particular attention for their roles in land management in redistribution projects include communal property associations (CPAs) or community trusts, community-based organisations such as land and water committees, traditional structures such as the chieftaincy, NGOs and government departments such as DLA, the Department of Water Affairs and Forestry as well as the Department of Agriculture. CPAs or trusts are the legal entities that manage redistribution projects. Together with land management committees, they are responsible for land-use arrangements and practices as well as mobilising and organising for the delivery of services to the projects. These institutions play differing roles in management of land resources. Their roles often vary from place to place and there is some confusion about which institution takes responsibility for what.

Generally, the institutional framework present in redistribution projects in KZN tends to focus on documenting rules and procedures relating to how land should be used. This includes aspects such as carrying capacity, water rights, fuelwood collection points and demarcation of grazing areas. However, very often these procedures are ignored. This is linked to rural livelihood decisions made in poor households which have very few options available to

them. However, this can also in part be attributed to the lack of clarity and the ability of the legal entities and other relevant organisations to enforce regulations pertaining to sustainable land-use practices.

The Venn diagrams (Figures 3 and 4) compiled in two redistribution communities in KZN are illustrative of the dominance of males in most community structures. The overlap of circles show members who concurrently belong to more than one structure. During the discussions it became clear that a few people in the community dominate most decision-making structures. Also evident is the fact that there are individuals and organisations outside the community that influence decisions within the community. Some of the most influential structures are DLA, NGOs, local government departments and planning agencies. The key decision-making forum in the community is perceived to be the land committee. The outside groups are viewed as being more important than the structures in the community. The assistance expected from outside organisations, especially government structures, is explicitly reflected.

Goldman et al. (2000) suggest that institutions and organisations need to be viewed as assets, as part of the community's social capital. In land redistribution projects, it is important to understand that beneficiaries do not only have needs, but also have resources or assets that often manifest themselves in formal and non-formal organisations as well as social networks. Although some institutions, such as legal entities and land committees, are the result of land redistribution, they are in many ways an extension and reflection of existing organisational structures as will be discussed later in this paper.

LEGAL ENTITIES AND OTHER COMMUNITY ORGANISATIONS

Legal entities are the custodians and key managers of land redistribution projects. Their collective decisions and action will ultimately determine the social, economic and environmental sustainability of land redistribution communities. As May et al. (2000:xv) assert:

The capacity of land reform beneficiaries to organise themselves into various forms of management structures is a central element of the land reform programme. Group ownership of projects implies that the absence of institutional capacity could easily undermine the potential success of the programme.

The formation of legal entities guided by a constitution and democratic principles can be



Figure 3: Institutional relationships in Thembelihle

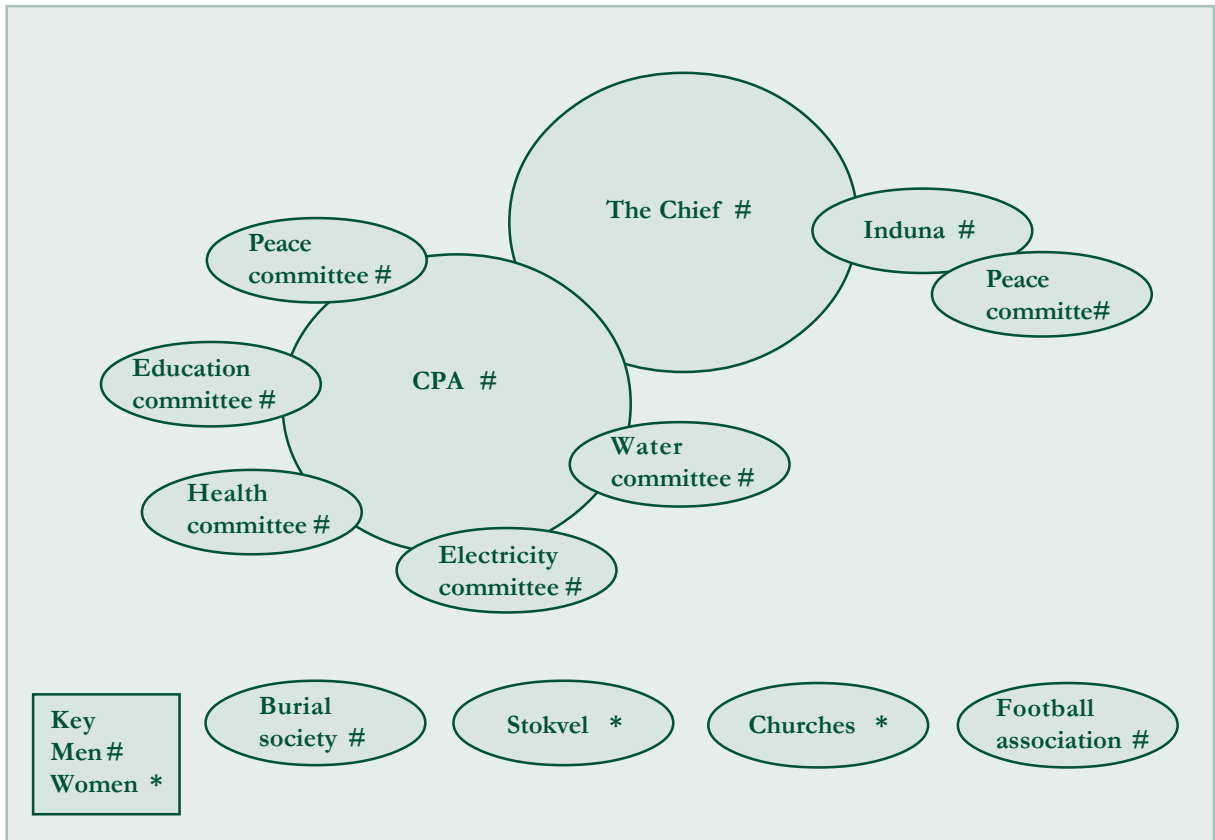
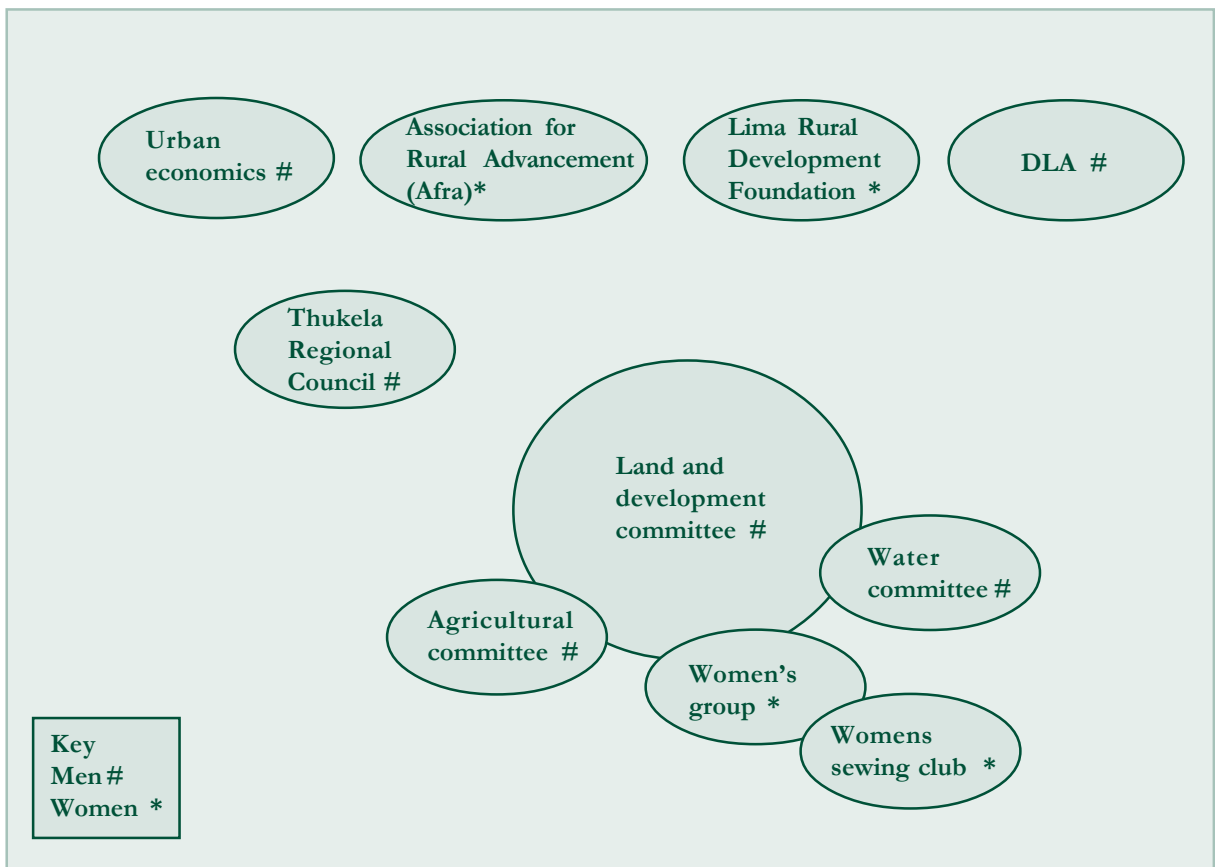


Figure 4: Institutional relationships in Ekuthuleni





viewed as implementing radical institutional change in the countryside. Yet, despite this radical institutional change, legal entities have remained problematic in relation to managing land use concerns in most of the communities under study. What is clear is that beneficiaries remain unclear about the nature of their land rights. Some indicate that they have usufruct rights while others felt that they were owners. This confusion is further manifested in the common practice of periodically re-allocating land, especially parcels of the communal areas, to other users. Additionally, the legal entities face a major problem in that their positions are not well defined.

In terms of the creation of the legal entities, especially the election of leaders, very few respondents could answer with certainty how community leaders were chosen. They felt that better-off, male community members and representatives from traditional structures such as chiefs or headmen often occupy key leadership positions. Most of the powers are invested in representatives who are generally either chiefs or elected males. There was also the perception that legal entities were formed by the DLA officials. This implies that legal entities are viewed as being created and controlled by government.

In terms of the functioning of the legal entities, the following national findings by May et al. (2000) support concerns discernable in KZN projects:

- Many participants have no or limited knowledge of the management of the project and how funds, especially land grant money, is used. This opens opportunities for corruption and misuse of community funds.
- The most common types of conflicts pertaining to legal entities arise between trustees or committee members, and relate to the distribution of income generated from projects and the allocation and use of land.
- Participation in decision making by beneficiaries is a major cause for concern and will be discussed in greater detail in this paper.

THE ROLE OF TRADITIONAL AUTHORITIES

In addition to their participation in legal structures, traditional leaders often compete with legal entities for prominence in some land redistribution projects, for example, Thembelihle and Cornfields. This conflict has become a central point of contention at the local level. McIntosh et al. (1995) and Erskine (1997) indicate that in some areas traditional tribal authority management structures are being pressurised to transform by rural communities who are increasingly supporting democratically-elected

management structures. While some traditionally leaders are heeding this call, others have opted to vociferously challenge this notion.

Traditional structures and land tenure arrangements are an important aspect of rural life in KZN which affects the sustainable exploitation and management of land resources. The chieftaincy as an institution and stakeholder in land allocation, management and control processes continues to be highly controversial. Cousins (1996), McIntosh et al. (1995) and Levin and Mkhabela (1997) argue that the land allocation function is critical to traditional leaders because it is one of the few remaining actual powers and sources of influence they have. As Levin and Mkhabela (1997:161) state:

Control over land allocation constitutes the centrepiece of the coercive power of the chieftaincy. This is not only because chiefs are placed in a position to determine who may have access to land for different uses, but also because they have the formal power to refuse their opponents entry into a given territory or to banish them from it.

The question of land allocation and management has become a major point of contention around land reformation processes in KZN. In this region, as is the case in many parts of South Africa, applications for land under redistribution and restitution components are often submitted via chiefs in the communities.

The problem of conflicts between tribal authorities and legal entities is alleviated in circumstances where the beneficiaries are part of one tribal structure with existing relationships that are stable.

In the Amantingwa project, for example, the beneficiaries benefit from organised leadership that gains the support from most households. They built the board of their trust around their existing tribal structure. Erskine (1997) states that traditional community management structures, provided they are well defined and supported in the community, can play a pivotal role in raising environmental issues.

However, Erskine (1997) warns that they alone may not be able to resolve the complex present-day problems created by the competition for land and the over-exploitation of natural resources.

ROLE OF NGOs AND GOVERNMENT STRUCTURES

There are differing perceptions and experiences related to the role of external agencies in managing



and supporting land projects. Where NGOs were present, there were positive responses that they were prominent in terms of facilitating grant applications. However, there is also evidence that NGO action in some of the communities contradicts the general philosophy of co-operation and co-ordination. Some responses, especially from traditional and CPA leaders, indicates that NGOs tend to 'take sides' and often perpetuate factions and conflicts in the community. In contrast to these sentiments, women particularly stated that NGOs supported their interests and played a major role in their empowerment.

The DLA is responsible for central land reform functions. Other government departments which are often referred to as line-function departments are critical service providers for land reform beneficiaries. These include the provincial Department of Agriculture, the national Department of Water Affairs and Forestry as well as the provincial Department of Local Government and Housing.

Extension services are an important component in natural resource management, especially in terms of land use relating to production ventures. In terms of extension services, half of the projects indicated that an extension officer had visited their communities. However, in most cases, the officer visited projects once and no tangible benefits were accrued. Furthermore, the extension officers usually spoke to the men in the households and the communities. The neglect of land redistribution projects by service providers is disconcerting. This paper now examines the extent and nature of participation in institutions.

PARTICIPATION

Sustainable land use management practices are best achieved by effective participation of local people

and organisations (Farrington & Boyd 1997). It is at these levels that local knowledge can be harnessed and effective policies and practices can be developed. In development circles, the notion of participatory development has become extremely popular. However, Guijt and Shah (1998) warn that within participatory development processes and projects there are grave inequalities that can be attributed to resources disparities, time constraints, discriminatory practices and power dynamics. These factors influence the activities, priorities, framework, extent and quality of participation. One needs to remember that the development of the land reform programme was not a broadly participatory process. In fact, communities, NGOs and activists raised objections to the form and the content of the land reform programme.

The DLA Monitoring and Evaluation Directorate's 1998 study on participation (DLA 1998) supports Farrington and Boyd's (1997) observation that participatory management under common property arrangements such as CPAs in land reform projects is difficult to achieve. The tendency is for a few individuals, usually male, to dominate decision-making processes.

In all the communities, participation was not sustainable. Groups were enthusiastic during the initial stages but their participation waned in later phases. The results of beneficiary participation in land redistribution projects in KZN indicate that participation in specific land reform processes is inadequate and lower than the national average (Table 1). During discussions, the respondents said that their 'participation' meant being told about decisions. It is during the land reform processes that decisions about resource use, allocation and priorities are made. The lack of participation

Table 1: Household responses in *Compliance to business plan* study: Participation in land redistribution processes (%)

PROCESS	KZN N=12	NATIONAL N=70
Settlement needs identification	8	49
Preparation of application	25	50
Identification of land	25	56
Appointment of consultant	-	36
Preparation of business plan	-	47
Beneficiary selection	-	34
Settlement planning	-	21
Formulation of project rules	-	31



suggests that the needs and aspirations of members of the communities will be neglected since their inputs and representation in decision-making processes in the communities are limited. Additionally, very few beneficiaries participated in the formation of the legal entities which are the bodies mandated to represent and manage the community. Also, the election of this group is supposed to be a democratic process with all adults within the beneficiary households participating. Very few respondents stated that they participated in forming and electing members of the relevant trust or CPA. Additionally, very few respondents stated that they took part in capacity building and skills development initiatives. This is despite the fact that both the DLA and local NGOs had organised various workshops and training sessions.

PARTICIPATION AND REPRESENTATION OF WOMEN

The subject of women and land resources merits special attention because many studies have shown that women and men interact in different ways with the land resource base (Deshingar 1994; Rangan 1997). Rights to resources, their interaction with land via the work patterns and experience with land policy and programmes are highly gendered. The research conducted in KZN shows that within institutions in land redistribution projects, the representation of women with effective decision-making capacity is uniformly inadequate. Active participation of rural women is constrained by cultural and social barriers as well as limited time available due to their multiple roles and responsibilities. In the context of rural KZN, the multiple burdens on women are particularly acute due to women's economic dependence on men, reinforced by cultural traditions and religious practices that dictate women's relationships and roles in societies as well as the relationships to resources, especially land. Extensive research show that in comparison to men, women are generally at a disadvantage in terms of control and access to resources, including land (Kabadaki 1994; Rangan 1997; Small & Kompe 1991). Yet, women are key environmental managers and consumers. Their vast knowledge about the land they use is key to sustainable development in rural areas.

Figures 3 and 4 clearly show that women's presence in key decision-making structures such as land, agricultural and water committees is limited. This is an important concern since during the fieldwork female respondents often stated that they felt that they do not have the power to make important decisions. These remain the domain of the men. There was a general sense that women were unable to tackle the larger issues that face them as women

relating to issues such as access to good-quality agricultural land for subsistence production, the need for electricity (women spend a great deal of time collecting fuelwood because it is not easily available), and accessibility to building materials.

The results from the research conducted in KZN show that women are unable to participate equally in legal entities. Whilst CPA and trust constitutions might make legal provision for women's equal participation, this fails to consider the non-legal factors such as cultural attitudes and workloads that prevent women's participation. Some women are elected committee members. However, in these cases, gender roles are clearly evident. Women usually occupy secretarial positions. Most of the women attend meetings only if they are able to do so.

Moser (1993:101) outlines three reasons why women must be incorporated fully in development processes. These are also relevant to participatory land use management more generally.

- Participation is an end in itself. Community members have the right and duty to participate in the execution of projects which profoundly affects their lives.
- Participation is a means to improve project results. The exclusion of community members can negatively affect the outcome of a project, while their active involvement can often help its success.
- Participation in project activities stimulates participation in other spheres of life. Participation in projects has been seen as an important mechanism to overcome apathy and lack of confidence and it can make marginalised groups visible in the community.

Furthermore, marginalised groups such as women possess highly useful localised knowledge and practical experience that is different to those who are in power.

HOW ARE CONFLICTS MANAGED?

Conflicts over governance in land redistribution projects have the potential to reach violent levels, as is the case in Thembelihle and Cornfields in KZN. At the very least, they pose numerous problems to productive development and environmental sustainability. In the projects under study, many respondents indicated that there were aware of community tensions. The factors that seemed to influence tensions in the community and among the leaders were attributed to political and social differences as well as competing needs related to land use.

A major source of conflict in land reform projects as identified in the *Compliance to business plan* study



relates to community expectations and implementation realities. The most important persons and/or groups in charge of settling disputes in the community were identified as:

- the elected committee/legal entity
- government officials
- the chief/*induna*.

As illustrated earlier in this paper, the functionality and representation of the elected committees were questioned in some cases. Thus, it is conceivable that the involvement of some of the groups identified above may escalate rather than resolve conflicts. Conversations in some communities that indicated that elected committees were primarily responsible for settling disputes in the community also showed that committee members often do not feel that they have the necessary skills or support in the community to take on their roles.

In most of the communities the respondents stated that there were no clear and effective procedures in place to deal with a situation if someone in the community has a grievance or disagrees with a decision made by the committee. Furthermore, there are no steps in place to discipline community members who do not adhere to rules such as limits on the number of cattle permitted per household. Thus, the sustainability of some projects is threatened because there are no procedures in place to ensure that the specified activities and decisions are being adhered to by all beneficiaries.

An issue for concern is that conflicts and contestations pertaining to land use in projects are often viewed as problems which need to be managed or resolved. However, this is a limited and problematic way of conceptualising conflicts. It is important to address the underlying structural causes of the conflicts. In the redistribution cases, the inadequacy of the land grants, inability to provide sufficient arable and grazing land for household and community needs, the superficial construction of communities, the lack of after-care support for projects, as well as the persistence of discriminatory practices are some underlying causes of major conflicts.

LAND TENURE ARRANGEMENTS

The responses from KZN support national findings (May et al. 2000) that indicate that most respondents were not able to report a secure manner of confirming their ownership to land. It was generally expressed that people 'just know' which land is theirs.

There are a variety of land uses discernable in projects including residential use, grazing, subsistence

production, commercial enterprises, leaving land fallow and community gardening. Generally the legal entities are mandated to manage the land uses. May et al. (2000) suggest that the current institutional arrangements in the form of legal entities are unlikely to be the optimal choice for land reform enterprises since their form and function are generally geared towards generating economically sustainable profit enterprises (commercial ventures) rather than subsistence-orientated livelihood projects. The latter projects remain the major expressed need of most beneficiary households in KZN. Thus, it may be more appropriate to encourage the development of alternative types of institutions that are more responsive to differing land needs and options.

Another major area of concern in land redistribution projects is common pool resource management and land sustainability. Farrington and Boyd (1997) define common pool resources as those that contribute to livelihoods but are not privately-owned. These include water sources (rivers and dams), forests and rangelands. Poorer households and women generally in rural areas are much more dependent on common property resources than men of the same households. The importance of access to public land or communal lands was mentioned by most of the respondents. This illustrates that the historical advantages of accessing common property forests and other public land remains. This has provided multiple resources to households, especially among historically disadvantaged groups. In periods of food insecurity, for example after a poor harvest or loss of income-generating activity, a considerable amount of time is spent gathering and processing wild foods. Their access to these types of resources is important in times of crisis and is generally essential for poorer households.

Common pool resources in the community are usually managed through common property arrangements but may include open access resources that are appropriated opportunistically. Common property arrangements, according to Hillhorst (1999), involves a broad variety of local stakeholders in decision making, implementation and monitoring. Various forms of environmental degradation such as disappearing forests, deteriorating soil conditions and depleting water supplies are bound to impact on land redistribution projects. A major cause of this is the inability to significantly challenge the concentration of resources in the hands of a few. Furthermore, the erosion of community resource management systems has compounded these problems.

A major conflict discernable in the KZN land redistribution projects is around water resources.



The management of both natural water resources as well as boreholes was an often-cited problem by many institutions and members of the community. This is despite the fact that most projects have established water committees.

POLICY IMPLICATIONS

A central focus in many of the land and development debates is the integral role of policy in promoting equality and sustainability. This is important because the experience of land mismanagement can be seen as a product of institutions, where it is the outcome of institutionalised patterns of distributing resources. The success of natural resource and land policies, and their ability to inform practice and thus change conditions on the ground, is largely influenced by the capacity of institutions that are responsive to sustainable natural resource and land management issues.

Getting policies right is concerned with understanding the relationships between patterns of development management and development outcomes. From a social perspective, it is important to highlight that policies and institutions have not been right for poor rural communities generally. Policies and institutions often limit land options depending on discriminatory practices related to gender, sexual orientation, class, race, religion, political affiliation and ethnicity in different contexts.

In many instances, international environmental policy initiatives such as Agenda 21 and the Rio Declaration have, at least in principle, been accepted by government structures. South Africa, like a number of other governments, has ratified international conventions regarding the environment, revised parts of its legal codes, passed new legislation or set up environmental committees to acknowledge the importance of addressing environmental issues.

However, despite these legislative and structural steps forward, achievements towards the real integration of environmental issues in the process of development remains limited. Evidence from many studies indicates that social institutions and development organisations continue to produce outcomes which are detrimental to the natural resource base.

Getting land management policies right is concerned with understanding the relationships between land reform policies, land reform management and land reform outcomes. There is therefore a critical need to de-institutionalise privilege in land redistribution structures and integrate land sustainability imperatives.

CONSTRAINTS AND CAPACITIES

Several factors reinforce the problems pertaining to institutional capacity relating to the sustainable management of land use in redistribution projects. These are:

- perceptions and ambiguities around the role of legal entities and traditional authorities within the communities
- larger farmers and/or more powerful members of the community colluding with officials and using legal entities to secure preferential access to natural resources
- strong suspicion by some members of the communities that revenue generated from productive ventures is not being used for the benefit of the entire community
- inefficiency of the leadership of the institutions
- inter-community and intra-community conflicts around land use.

The community representatives identified the following types of assistance that is required to facilitate the implementation process:

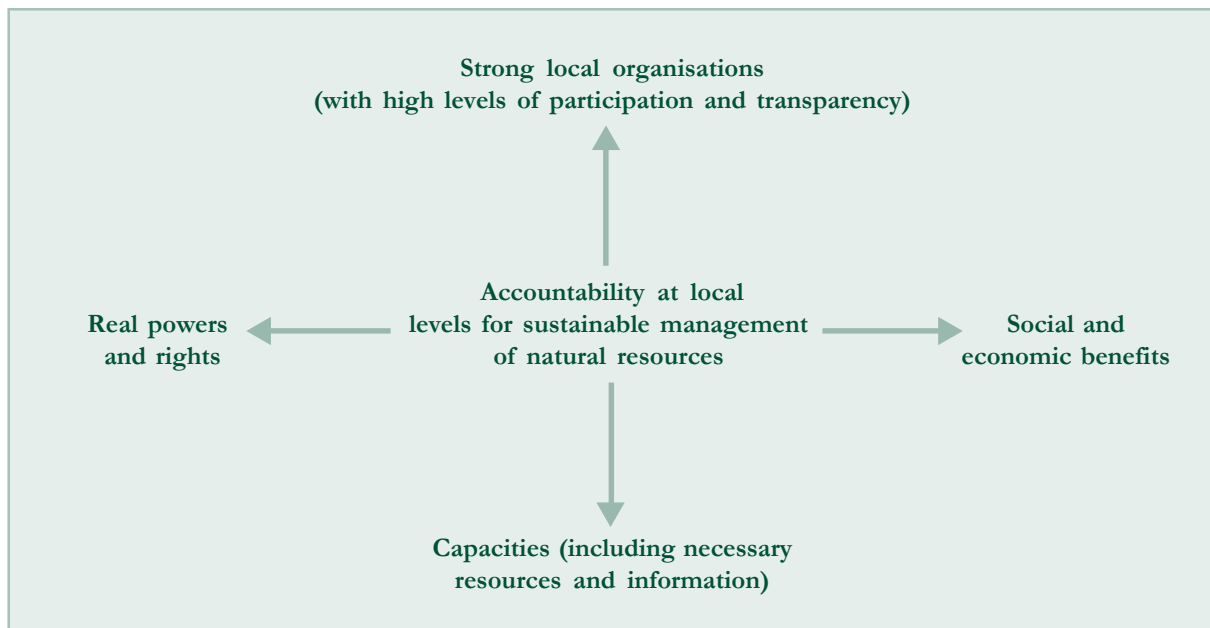
- financial assistance (especially post-transfer support)
- capacity building and training in the community
- access to information and services
- conflict resolution mediation.

Land use and environmental assessment data are key parameters to analyse natural resource management strategies and conflicts in communities. Additionally, this type of information is often used to monitor changes in agricultural strategies as well as consequences of changed environmental and socio-economic conditions (Fog 1995). Availability of such information is also crucial for the relevant bodies to undertake informed decisions pertaining to land-use development. Although DLA has collected a great deal of socio-economic information on most land redistribution projects via its quality of life studies, the environmental indicators remain neglected. Thus, planning and development in communities often take place without due consideration for the natural resource base. In the long term, this can have serious implications for the viability and sustainability of the projects as well as the natural environment.

Despite these general problems, some projects are co-operating to reduce conflicts and maintain sustainable land practices. The potential capacity of communities to co-operate among themselves and jointly engage in sustainable land-use practices remains. This is particularly discernable in projects that are smaller, have access to income-generating ventures and where participation in decision making by many members of the community is evident.



Figure 5: Basic conditions for local responsibility



BROADER INSTITUTIONAL SUPPORT

The co-operation between different departments and structures interested in rural development is currently weak and ineffectual. Meer (1997) supports this contention by stating that there is little evidence that services reflected in the KZN Department of Agriculture's budget are reaching the beneficiaries of land reform.

It is imperative that land reform impacts go beyond redistributing land to also address the question of survival and improved standards of living of the rural poor. Bonti-Ankomah (1997) says this requires several government policies and programmes to be integrated, but they are implemented in isolation from each other and, in some cases, contradict each other.

The roles of agencies and structures outside the government and communities must also be integrated, strengthened and supported. In many instances, these structures are closer to rural communities. They may be in a better position to contribute towards their empowerment. Partnerships with NGOs are important to tap into existing experience, knowledge and skills as well as financial and other resources. NGOs can also play a critical role in monitoring land use as well as acting as a pressure group.

The following basic resources for effective institutions dealing with sustainable land use management need to be enhanced and developed in land redistribution projects:

- *Leadership*: This is one of the most important resources likely to contribute to the success of institutional intervention in sustainable land use management.
- *Financial capacity*: This is necessary for continued operation and effectiveness. The concomitant implications are the need to raise funds and to have expertise in financial management.
- *Human resource capacity*: There is a dire need for training and development in all segments of the beneficiary communities.
- *Time*: The demands of everyday life tend to be highly gendered and often compete with involvement in institutional structures and processes. These need to be taken into consideration.
- *Information*: access to information is critical to ensure informed decisions relating to land-use issues. Furthermore, for institutions, knowledge about how to work with other institutions is critical for capacity building and mobilising resources.
- *Mechanisms for transparency and accountability*: Conflicts of interests over land resources are best managed by ensuring openness and community accountability. Figure 5, which is adapted from Erskine (1997:8), illustrates how accountability can be achieved.

CONCLUSION

Herweg et al. (1999) indicate that the sustainable use of land resources is a precondition for sustainable rural development. This becomes increasingly necessary as the natural resource base becomes



increasingly degraded. This paper suggests that developing an enabling institutional environment is critical for sustainable land resource management in land redistribution projects. Sustainable land-use management in redistribution projects cannot be achieved without the willing and effective participation of all stakeholders, especially community members and organisations. Furthermore, there remains a dire need to devise institutions and structures that are sensitive to ecological considerations and will integrate the views of local people with other stakeholders and support structures. Such institutions, Humpreys (1996) contends, will serve to scrutinise the activities of those actors with a stake in the natural resources available (especially in relation to sustainability concerns) and serve to ensure the active participation of actors from the community (ensuring that their views are heard with equal status alongside external interests). In essence, 'a qualitatively new type of institution is necessary in which all actors may effectively participate' (Humpreys 1996:24).

At the most general level, this study suggests that there are contradictions in the social redress and environmentally-sensitive policies embedded in land reform and the actual implementation and management of these programmes. As indicated, policies and programmes stress the importance of ensuring social, economic and environmental sustainability. This is further supported by some of the rhetoric associated with the broader programme of agrarian reform in South Africa. The central importance of households' multiple survival strategies and activities linked to the land resource base has been highlighted in this paper. The reality, however, is that the key issue that will enable sustainable use of land resources must include changing institutional structures and capacity in relation to managing access and control over economic and natural resources.

At a national level, the institutional problems pertaining to land management practices highlighted in this paper can also be linked to the absence of a comprehensive government policy towards sustainable land and natural resource management in land reform projects. Additionally, there is a lack of mechanisms to co-ordinate the activities of institutions at the project level.

Dumanski (1997) asserts that rural communities in most developing countries, and this applies to many land redistribution projects in KZN, are poorly equipped to address natural resource and land management issues on their own. Furthermore, the persistence of poverty often limits land users' choice of land-use options. Thus, unsustainable land-use practices are not always the result of the lack of

awareness or deliberate degradation of the environment on the part of the users. Strong partnerships with governments, the research community, businesses and NGOs are necessary to address the concerns raised in this paper. It is becoming clear that the direct involvement of beneficiaries at all levels of decision making and implementation pertaining to natural resource use is required for long-term sustainability. This needs to be supported by technical, financial and institutional backstopping from other stakeholders. Thus, sustainable land management is directly linked to the effectiveness of land management institutions and appropriate support.

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