



Subjecting Nature to Central Authority: The Struggle over Public Goods in the Formation of Citizenship¹

Nyangabyaki Bazaara*

Abstract

Uganda is widely cited for its participatory orientation and strong commitment to implementation with regard to its decentralisation reforms. The implementation and outcomes of Uganda's decentralisation reforms are examined to test the assumption that when decision-making powers over the environment are devolved to locally elected representatives, this increases participation and leads to better environmental outcomes. This article's analysis accounts for actors who have received environmental powers, the central–local government relations, the local government relationship with local population, and social and environmental outcomes. Evidence indicates that collaborative management schemes lack decision-making powers and fail to represent all groups with interest in the resources. The centre retains control of natural resources through deconcentrated functions that are not accountable to the interests of local populations. Under such conditions it is not possible to test whether greater participation leads to better social and environmental outcomes, although it is evident that the current resource management arrangement does not favour sustainable environmental or better social outcomes.

Résumé

L'Ouganda est largement cité pour son orientation participative et son fort engagement concernant l'application des réformes sur la décentralisation. L'application et les résultats des réformes de décentralisation de l'Ouganda sont passés au peigne fin, afin de vérifier l'hypothèse selon laquelle lorsque les pouvoirs de prise de décision concernant l'environnement sont dévolus à des représentants élus localement, le niveau de participation en est accru et l'on obtient de meilleurs résultats environnementaux. L'analyse contenue dans cet article décrit des acteurs ayant reçu un certain nombre de pouvoirs sur le plan de la gestion environnementale, mais décrit également les relations entre le

* Former Director, Centre for Basic Research, Kampala, Uganda.

gouvernement central et local, la relation entre le gouvernement local et la population locale, ainsi que les résultats sociaux et environnementaux obtenus. Les preuves récoltées portent à croire que les plans de gestion collaborative ne comportent pas de pouvoirs de prise de décision assez forts et ne représentent pas tous les groupes ayant un intérêt certain dans ces ressources. Le centre garde le contrôle des ressources naturelles à travers des fonctions décentralisées qui ne représentent pas les intérêts des populations. Dans de telles conditions, il est impossible de vérifier si une meilleure participation produit effectivement de meilleurs résultats sociaux et environnementaux, bien qu'il soit évident que le dispositif actuel de gestion des ressources ne permet pas d'obtenir des résultats environnementaux durables ou de meilleures conditions sociales.

Introduction

Over the past decade, writers on environment and natural resources management have come to believe that the recent decentralisation reforms sweeping Third World countries are enhancing participation in environmental management and producing better social and environmental outcomes (Marcussen 1993; Driciru & Penny 1999; Langoya 1999; Mandondo 2000; Ribot 1999; Wily & Mbaya 2001). Some authors contend that prospects for realising these outcomes are greater in those decentralisation reforms where power over nature is devolved to locally accountable local authorities (Agrawal & Ribot 1999; Ribot 1999; Mandondo 2000). Others have argued that decentralisation generates positive outcomes if significant powers from the centre are transferred to that group in the society perceived as having the strongest and most sustained vested interests in the future of the resource—for example, the forest edge community or forest users (see for example, Driciru & Penny 1999; Langoya 1999; Wily & Mbaya 2001). A few of the writings have begun to associate some decentralisation reforms with environmental problems, calling for caution to avoid power transfers that lead to over-exploitation of forests at the local level (Ribot 2002; Muhereza 2003). This article argues that when the incentive structures are not proper, actors at the local level, for instance, any or all of the people usually included in the term 'local community', will collaborate with users of the forest resources to extract short-term gains, generating negative environmental outcomes. If these assumptions are correct, then there is no better place to test them than in the case of Uganda's decentralisation reform. Uganda is now widely cited as a country that designed a participatory-oriented decentralisation reform, and has shown strong commitment to implementing it (Onyach-Olaa & Porter 2000; Saito 2000; Ribot 2002). This can clearly be seen from Uganda's 1993 Local Governments (Resistance Councils) Statute.² The Statute was quickly followed and reinforced by the 1995 constitution requiring decentralisation

(Republic of Uganda 1995) and the 1997 Local Government Act (Republic of Uganda 1997).

A cursory examination of the new Ugandan laws under which the decentralisation reform is being implemented shows that many decision-making powers, including powers over natural resources, have been devolved to elected local governments (Republic of Uganda 1995; Republic of Uganda 1997). This would suggest that local governments have space within which they can make autonomous decisions regarding the environment; they have discretionary powers to make binding decisions without reference to the central government. It has been argued by several scholars on democratic decentralisation that the involvement of elected authorities can become a basis for representing the 'public', which is believed to be critical for developing institutions for sustainable use of natural resources and conferring benefits to all (Manor 1999; Mandondo 2000; Ribot 2002). Others believe that empowering elected authorities can also result in poverty reduction (for example, Villadsen & Lubanga 1996; Nsibambi 1997; Wagaba 1998; Saito 2003). These scholars imply that people can make meaningful decisions regarding natural resources, especially those in the 'public' domain when they are citizens—that is when they are represented as part of the 'public'. To become citizens entails true participation in the making of binding decisions regarding natural resources (and other public decisions)—or the ability to be able to influence the decision making process by those who represent them and are repositories of decentralised powers.

In order to study the powers that have been decentralised, how these are exercised, and the consequences, the various actors have to be identified and their relationship with those who hold the decentralised powers examined. This article argues that natural resources in the 'public' domain that are not under representative authority do not foster the formation of a citizenry. They simply become part of another domain in which people are directly or indirectly 'subject' to various forms of central authority. This conclusion is based on primary research on decentralisation in Uganda which took place beginning in 1993/1994 (Muhereza 2001).³ It also draws insights from secondary literature of the various studies that formed the basis of the Africa-wide research collaboration between the Centre for Basic Research and the World Resources Institute on 'Decentralisation and Environment in Africa' carried out between 2000 and 2003.⁴

The research shows that current decentralisation reforms have not enabled resource users to participate in the making of binding decisions and to hold accountable those to whom decentralised powers have been transferred—implying that these reforms may not be contributing to the formation of

citizenship. This has undermined all efforts aimed at democratising natural resources management. However, suffice it to mention that these conclusions are tentative, as more nuanced research is needed before solid conclusions can be made. To understand the implementation and outcomes of the decentralisation reform in Uganda this article examines: (a) the actors who have received environmental powers; (b) the central-local government relations; (c) the local government relation with local population, and; (d) the social and environmental outcomes.

Actors in environmental management

Under the 'Decentralisation and Environment in Africa' project, research in Uganda focused on four themes: (i) the politics of environment-related decentralisation in Uganda (Bazaara 2003); (ii) decentralisation reforms in Uganda with specific reference to the forest sub-sector (Muhereza 2003); (iii) local institutions for decentralised natural resources management with specific reference to co-management committees in protected area management (Namara and Nsabagasani 2003), and; (iv) community participation in decentralised natural resources management with specific reference to collaborative forest management models (Kanyesigye and Muramira 2003).

Before decentralisation reforms started in Uganda, decision-making powers over forestry and wildlife resources were in the hands of the relevant ministries and departments (Ministry of Water, Land and Environment; and the Ministry of Trade, Tourism and Industry, respectively). The conservation policy of these ministries entailed exclusion of all other groups with interests in those resources from participating in the decision-making process or accessing the resources (UWA 2000a, 2000b). In order to monopolise control over resources, the Forestry Department and Wildlife Authority projected the idea that all other groups, such as timber merchants or peasant cultivators living around the resources, had only one interest: that of cutting down the forests or hunting down all the animals.⁵ From this perspective, these groups had to be excluded from the decision-making processes and prevented from accessing the resources. It is not surprising then to find that the relevant ministries undertook management decisions regarding protected resources. Usually this involved drawing up five to ten year management plans without consulting other interest groups.

Nevertheless, here and there, a forestry officer, for example, could decide to allow some individuals to collect non-commercial or subsistence resources such as herbs or mushrooms from a forest reserve. Indeed, in the history of forest management people were also allowed to settle in forest reserves for a temporary period and under specific conditions (Uganda Protectorate 1957).

However, the access of these individuals to protected resources did not amount to a right that the individuals could enforce; it was a privilege that could be withdrawn anytime by the forestry officer.

Decisions regarding resources on private lands or customary-tenure lands were in the hands of communities⁶ or private owners. However, there were secondary laws related to prevention of erosion that defined the decision-making powers of private landowners and customary authorities such as clans. Big trees on these lands could only be cut with the permission of the forestry officer or animals could only be killed with permission of the wildlife department. In short, harvesting of resources on these lands for commercial purposes required the permission of the forestry officer, in the case of trees, and the game department in the case of animals.

Thus the key actors regarding the management of the natural resources were the ministers and the associated departments. In the particular case of protected resources, other groups with interests in the natural resources had no decision-making powers: these included peasants (interested in herbs, mushrooms, animals, cultural trees, firewood, etc.), and timber merchants (interested in wood trees). Participation in the decision-making processes was narrowly confined to a few individuals and so were the benefits. It is not surprising that when the government was unable to enforce the rules, illegal encroachments, illegal pit sawing and poaching took place without due regard to the future supplies.

Central and local government relations

Under the decentralisation reform, a range of powers has been devolved to local authorities. For purposes of clearly discerning the kinds of environmental powers devolved, we briefly describe the character of Uganda's decentralisation. The local government system is based on institutions called Local Councils. 'Local Councils' is generic term that replaced Resistance Councils, which were institutions developed during the guerrilla struggle in the 1981–86 period. In rural areas the local government structure has five levels of local councils, the lowest being the village council and the highest being the district council. In between, there are Parish, Sub-county and County councils. In urban areas, the city council is equated to a district council and the city division is equated to a sub-county council. In municipalities, local governments are the municipal councils and municipal-division councils. In towns, local governments are town councils.

It is important to note that not all levels of the councils are deemed local governments. Local Governments are those institutions with legislative and executive functions. In rural areas these are the sub-county and the district councils. In urban areas these are the city councils and the city division

councils; in the municipality these are municipal and municipal division councils and in towns these are town councils. Other levels—county, parish and village councils in rural areas and parish and ward councils in urban areas—are considered administrative bodies. Local Councils at all levels (i.e. local governments and the administrative councils) are constituted through elections based on universal adult suffrage. Unlike in the 1960s and in other countries such as Senegal, where elections are organised around political parties, in Uganda, individuals stand as independent candidates on their own ‘merit’.⁷ Despite the elaborate provisions for local participation in the decentralisation statute, few decision-making powers regarding natural resource management have been devolved to local government. With regard to protected area resources (forests and wildlife) the central government retains legislative and management powers.

In 1993, the year during which the first local government act was passed by parliament, the government transferred authority over protected resources to local governments. However, in 1995, government suddenly retracted those powers and handed them back to the line ministry (see Republic of Uganda 2001). It is not clear why the government decided to re-centralise the powers. However, according to some forestry officials, the transfer of authority was done without prior preparations to ensure that local governments were psychologically, technically and financially prepared to manage them on a sustainable basis. They argue that within two years many local governments went ahead ‘to chop them [trees] down without a plan’. However, this argument is not convincing given the fact that many officials in the forest department were involved in rackets of cutting down trees for private accumulation (IGG 1999). That corruption was, of course, equally detrimental to the sustainability of the forest resources. The next section examines which powers have been devolved and which ones the centre has retained.

Powers devolved to local governments over protected areas

When the central government re-centralised the forest resources in 1995,⁸ it still was confronted with the old problem of conflicts arising because of groups that wanted to access the protected resources and were using illegal means to make their point. Both the forestry and wildlife departments resorted to ideas that had been afloat in international conservation circles, namely community collaborative management. A number of pilot collaborative management projects were established, for example, around Bwindi Impenetrable Forest Reserve, Mt. Elgon Forest Park, Budongo Forest Reserve and Mabira Forest Reserve. These collaborative management schemes were justified in the name of improving participation of the local people in the

management of the resources, redressing past injustices and alleviating poverty of the poor communities (Republic of Uganda 2001; UWA 2000).

Under the collaborative management schemes the forest department discusses with communities the kinds of resources that can be harvested, in what quantities and during what periods. Resource-user institutions are setup in which these communities are supposed to be represented. Government departments believe that these projects or schemes promote participation and reduce conflicts since in principle they are bound by the collective decisions. This arrangement has been termed by some people as being a hybrid form of decentralisation. What powers do these institutions actually have and what are the consequences of their decisions to environment and social structure (poverty)?

Our research on collaborative management arrangements around Bwindi (Namara and Nsabagasani 2003), Mt. Elgon and Mabira (Kanyesigye and Muramira 2003) reveal that the resource user committees have no decision-making powers. It is the line ministry, for example the forest department, which designs the collaborative project and invites the communities to participate in it. Representatives of the communities cannot veto or change decisions already made by the forest department. Communities may be consulted but the central government has no obligation to take into account their feelings or views. In the collaborative management experience of Uganda a series of meeting may be held to reach an agreement on what resources may be harvested, by whom and when. Such meetings are usually dominated by the central government, which eventually has a say on types and amounts of resources that can be harvested (Driciru and Penny 1999; Langoya 1999). Moreover, decisions regarding lucrative timber trees remain an exclusive preserve of the forestry department (Muhereza 2003). Such commercial resources can be accessed only after payment of fees set by the forestry department—these fees are beyond the means of local communities around the forests.

These institutions are still being developed on a pilot basis. It is not clear in which direction they may develop. However, it is clear for now that the government (the forestry department, in the case of forest reserves, and the Uganda Wildlife Authority [UWA], in the case of national parks), and not the communities, that initiate these institutions. These institutions are not a product of community self-organisation. These programmes appear to serve a mechanism of the central government to legitimise its conservation policies and to ensure that its actions are beyond reproach.

Resources user institutions only represent a fraction of the groups with interests in the natural resources. Only those groups that get direct benefits

from collaboration in terms of accessing certain types of resources are interested in participating in these schemes. Those groups that feel that their interests are not addressed by these institutions do not respect them and engage in acts of sabotage such as burning the forests or illegally harvesting forest resources (see for example Muhereza 2001, 2003). Because they do not represent all interests, resource-user institutions do not, therefore, meet the objectives for which they were set up, namely, reducing conflict, redressing injustices, and reducing poverty.

The relationship between the communities and the government (Forestry Department and the UWA) spelled out in the memorandum of understanding is biased against the interest of the communities. First, meetings are always initiated by the forest department, which organises a series of meetings to 'consult' the communities at which they 'agree' on what resources can be harvested and during what periods. In practice, our research revealed that meetings are used to legitimate decisions that the forest department made in advance (Kanyesigye and Muramira 2003).

Second, the forests constitute a major source of livelihood for different social categories (such as women or youths), who depend on the gathering of mushrooms, firewood, and other products. The forest department, however, often enforces access through quotas that are clearly inadequate for these community needs. For example women around Mabira and Mt. Elgon reserves indicated that the amount of firewood they were allowed to collect from the forests were inadequate. In that case women were compelled illegally to collect extra firewood. The youth, whose interests were never represented in the Mabira and Mt. Elgon resource user institutions, also harvest forest resources illegally (Kanyesigye and Muramira 2003).

Third, the imbalanced relationship between communities and the government is clearly revealed in the arbitration procedures. When wild animals from the game park damage peasants' crops or kill a peasant, the matter is supposed to be settled 'amicably' between the Park authorities and the affected party. In reality, of course, it is the park authorities that decide on the kinds of compensation and the amount. When a peasant is found harvesting resources illegally, this is deemed a criminal case to be handled by the police and may involve imprisonment (Namara and Nsabagasani 2003). Thus the mechanism of arbitration does not promise justice, and we found that peasants do not trust them. This is unfortunate since trust is a very important element in realising meaningful participation and the construction of the 'idea of a public good'.

In sum, resource user groups developed around protected resources are a form of de-concentration. Decision-making powers remain with the central

government. Resource user institutions are simply advisory and can be closed down if and when the line ministries deem fit. Another example of an imbalanced relationship is related to revenue sharing schemes, which the central government assumes are important in getting the communities to respect the protected resources. In the forestry sector, government collects revenue from the permits it issues to pit-sawyers and is then required to remit forty percent of these revenues to local government (Muhereza 2001). The revenue-sharing scheme was designed by the central government. Given that many local governments are unable to raise enough fiscal resources to run their activities, the complaints are galore. Finally given endemic corruption in the forest department (discussed briefly below) and that local authorities are not informed of how much money is collected, local governments are dissatisfied with the revenue scheme.

Powers of local governments over non-protected resources

Local governments have some limited legislative and executive powers regarding the environment. Local Governments are allowed to manage local forest reserves of less than 100 hectares. However, in the present circumstances they do not have resources to hire forestry officials. They have to rely on those employed by the central government whose approach to the management of resources remains 'commandist and top-down'. Most of these local forests are reserved for water-catchment protection or to prevent soil erosion. For practical purposes they are closed off from local populations.

Local governments can play a legislative role; the passing of bye-laws on any aspect of the environment ranging from preventing soil-erosion, burning of grass to planting of trees, provided those bye-laws do not contradict national laws. Besides, the environmental officers, the District Environment Committee and the Sub-county Environmental Committees are supposed to advise local governments on any environmental impact of their development programmes (Bazaara 2002; 2003). It is not clear for now whether the Local Governments remain autonomous in deciding whether to accept or to refuse the advice.

Local communities access resources of commercially insignificant nature from public land without seeking permission of local authorities or the central government. However, once the harvesting of any resource is deemed commercial, for example, producing charcoal for sale in urban areas or felling trees for commercial timber, permits have to be procured (Muhereza 2003). The power to issue permits rests with the forestry department, not the Local Government. Thus the forestry department fuses both technical and political power over forestry resources. We shall shortly demonstrate that this arrangement leads to corruption in the forestry department, social inequalities and could be leading to negative environmental consequences.

In terms of wildlife management, the role assigned to local government is one of vermin control and dealing with 'problem animals' (Namara and Nsabagasani 2003). Still here local governments do not have decision-making powers let alone enough resources. If it is discovered that a problem animal exists in a certain locality, the local government can only report to the game department which decides whether or not the animal is indeed a problem animal. The game department then decides what should happen and which mechanism can be used. This decision has to appear in the government gazette!

Local government–local populations relations

One important aspect of the decentralisation reform in Uganda is the element of regular elections and the provision that non-performing elected representatives can be recalled. This is a radical departure from the post-1966 changes in which the central government simply appointed councillors who in turn were upwardly accountable. It is no longer possible for an elected representative to ignore the interests of the electorate.

In the past, chiefs and employees of the central government were responsible for environmental matters at the local level. These actors were not accountable to the local populations and did not mediate the different interests. Chiefs combined legislative, executive and judicial powers. As such they often misused those powers without check by the local populations (Bazaara 2002). In the current circumstances, legislative and executive powers have been transferred to elected local authorities provided the bye-laws made do not contradict national laws. The national environmental policies and laws require the local governments to ensure that environmental issues are catered for in all projects implemented in the locality. In fact they are supposed to draw up environmental action plans. The reality is that local populations are more interested in poverty alleviation than the environment. Environmental action plans read more as poverty alleviation projects rather than plans to protect the environment for future generations. It is worse in instances where donors organise the communities to draw up these environmental action plans. Communities perceive the exercise as likely to lead to funding by the donors and tailor the plan in that direction.

Councillors also perpetuate this syndrome because they would like to prove to the electorate that they garner foreign resources. Many would like to enhance their popularity with the local population. In instances where the struggle for resources is intense they can side with the electorate. Many forest resources were encroached upon because the local politicians were using these resources for vote catching (Bazaara 2002). In addition, many local councillors lack the skills and knowledge of wider environmental concerns.

In many instances, the technocrats trained in the old 'commandist' perspectives drive the environmental planning processes. In a way then, although they are downwardly accountable, local populations' ability to hold councillors accountable is still circumscribed. This is where civil society organisations may become helpful in providing support to councillors in terms of education and other forms of skills for environment planning.

Social and environmental outcomes

Social outcomes in protected areas

In social terms, the collaborative management schemes have an inherent weakness of not being all-inclusive. For this reason, not all interests benefit from the forest resources. When all is said and done, the biggest beneficiaries of the protected resources are the economically and politically powerful. Given that the collaborative management institutions do not have powers to exclude—which have remained with the relevant central governments—the permission to harvest lucrative resources such as timber goes to the wealthy and politically well-connected. Local rural populaces end up with resources, which in comparative terms, are insignificant and aimed at poverty alleviation. In social class terms, the collaborative management schemes tend to favour those who are able to access the protected area resources. In terms of generational and gender terms, the youth and women tend to be marginalised.

Social outcomes in non-protected resources

As for resources on public land, the current arrangements lead to social differentiation. One important element around which this differentiation is taking place concerns the permits given out by the forest department and the level of land tenure security. The permit is procured by those who are relatively well off. These can use it in two ways. First, they approach charcoal producers and give them advance payment to produce the charcoal. When the charcoal producer has produced the necessary amounts he or she is paid the full amount. The important point to note here is that the permit holder pays the charcoal producer at low prices. The other way the permit holder can use the permit is to hire it out to anyone who wants to trade in charcoal. The permit does not specify the number of trees that should be felled and in which part of the district. So it is possible for different traders to use the same permit at the same time. The permit holder in this regard earns permit rents: the traders earn exorbitant profits and the loser is still the rural charcoal producer (see Muhereza 2003).

Environmental outcomes

In environmental terms, collaborative management schemes appear not to lead to sustainable environmental outcomes. These schemes lead to conflict and some social categories adopt a private rather than public goods approach to the resources. The perception of those who have directly benefited from the protected resources has changed; they are now expressing the need to manage resources in a sustainable manner. However there are those who have not benefited and have not changed their practices such as illegal entry into the forests reserves. It has been presumed that these schemes can have positive impact on the environment if they are all-inclusive and armed with decision-making powers that gradually transform individuals in the communities into citizens who are conscious that protected resources are a public good.

However, conditions necessary for this to happen have not been established. We assume better environmental outcomes can only result when individuals go through the participatory process for some time, a process that changes their outlook so that they are tolerant to other viewpoints and they begin to trust the institutional framework as truly being capable of taking their interests into account. The institutional framework must be able to coordinate interests of all groups in ways in which all parties obtain some benefit, however, unequal. For example, when the institution is armed with decision-making powers—powers to decide who accesses the forests—it can tax those who cut timber, for instance, and invest the taxes in projects that benefit the rest of the groups. If negotiated with all groups, those who do not cut timber will respect the forest resources.

Conclusion

We set out to test the assumptions that when decision-making powers over the environment are devolved to locally elected representatives, this increases participation and leads to better environmental outcomes. We have seen that decision-making powers over protected area resources, such as wildlife and forests, remain squarely in the hands of the line ministries. While collaborative management schemes have been established purportedly to improve participation, lessen conflict, and reduce poverty, the evidence so far reveals that these institutions lack decision-making powers and do not represent all groups with interest in the resources. In protected area resources, decentralisation amounts to de-concentration of powers, which the centre can shift (manipulate, withdraw, or reallocate) at anytime. On the local scene, the forestry officers hold management powers. These officials are accountable to the line ministries and not to the local population. Under these conditions

it is not possible to test whether greater participation leads to better social and environmental outcomes.

On public land, local populations have some say on the management of natural resources, but subject to overriding powers of the forestry or wildlife departments. Harvesting of natural resources for commercial purposes requires express permission of the forestry or wildlife departments. Foresters hold both technical and political powers with such permits because they conflate technical issues, such as which trees should be cut, how and when, with political issues concerning who should cut them. These powers do not have to be fused and they do not have to be wielded by the forestry or wildlife departments alone. The technical decisions (what, when, how and where) can be retained by the forestry department while permits allocation (who) can be done by the local government. Given that the forestry and game departments are upwardly accountable, they do not make decisions that take into account the differing interests of varied groups. Separation of the technical and political will enable local elected authorities to conduct the work of balancing among these interests.

From the available evidence, the current resource management arrangement is not bound to lead to sustainable environmental or better social outcomes. Participation schemes as they have appeared in the history of natural resources management seem to be more about legitimising decisions made by the central government than about fostering behaviour and consciousness about natural resources as 'public goods'. Resource user groups developed around protected resources under co-management arrangements are a form of de-concentration. Decision-making powers remain with the central government. Resource user institutions are simply advisory and can be closed down as and when the line ministries deem fit.

Recommendations

- (a) Government and donors should devolve powers to elected individuals representing a cross-section of interests. Representative authorities should be able to negotiate tradeoffs and coordinate benefits from natural resources;
- (b) The forest and wildlife departments should wield only technical powers. Political power to decide who should access resources that are allowed by the technical departments should be transferred to the local government;
- (c) The local government should then take over the collection of revenue from fees and take the bulk of it. There is a need, however, for more

transparency in, and accountability for fees collected in exchange for permits;

- (d) Civil society organisations should undertake programmes that strengthen local governments to understand technical jargons in order for technical officials to be transformed into servants of local governments;
- (e) Some of the innovations by local governments attempted so far, for example, the Mukono idea of five trees planted in replacement for one tree cut, should be explored and given the necessary legal backing;
- (e) Local Governments should issue permits for harvesting resources but the permit should specify the amount to be harvested.

Notes

1. This article written by Dr Bazaara was finalised and edited posthumously by Frank Muhereza and Jesse C. Ribot. An earlier version of this article was presented at the conference on Decentralisation and the Environment organised by the World Resources Institute (WRI) held in Bellagio, Italy, 18-22 February 2002. The author revised this paper in the spring and summer of 2003 for inclusion in a special issue on decentralisation and the environment of the *European Journal of Development Research* (vol. 16, no. 1, 2004). Due to his untimely death in August 2003, the paper could not be included in the special issue. The arguments in this article have not been changed in any substantive manner.
2. The Local Government (Resistance Councils) Statute, 1993, *Uganda Gazette* No. 55 Vol. LXXXVI, December 31, 1993.
3. Uganda's decentralisation reform has been implemented in phases. Initially, only thirteen districts implemented the decentralisation reform on a pilot basis in 1993/1994 (Muhereza 2001). Fourteen districts followed thereafter in 1994/1995 and twelve districts in 1995/1996. In 1997, nine new districts were created and immediately embraced the decentralisation reform. Districts did not initiate the reform at the same time and implementation is uneven for technical and financial reasons and due to setbacks in northern parts of Uganda arising from civil wars.
4. The full title of the programme is 'Accountability, Decentralisation and the Environment: Local Democracy and Natural Resources in Sub-Saharan Africa'. Reports from this programme are available at <http://pubs.wri.org/>
5. This view is still advanced by some forestry officials we interviewed. See also Kaboggoza (1996).
6. The concept community is used here to include society that is differentiated. It is a term referring here to those who live in the area of concern or the jurisdiction under study. This usage is different from that used in some branches of anthropology where community is projected as undifferentiated people with bonds of solidarity. See also Ribot 1999 for a discussion of this term.

7. In the early years, the election was through lining behind preferred candidates. However, the system of lining up was found to be dangerous to voters and was abandoned in favour of a secret ballot system. Furthermore, the earlier arrangement became less democratic in the higher levels of the local councils. In the old arrangement all adults eighteen years and above were automatically members of the village council. These elected nine people who became the executive committee of the local council. All the executive members of all villages formed a parish council. This council in turn elected an executive committee of nine people. All executive members of all parishes in the sub-county formed the sub-county council. The sub-county council elected nine people as executive committee. All executive members of the sub-county constituted the District Council. The District Council elected nine persons who became the executive committee.
8. In 1995, the second schedule of the Local Governments (Resistance Councils) Instrument of 1995 was amended by Statutory Instrument No. 2 of 1995, in which all Forest Reserves, land, mines, minerals and water resources were defined as central government resources.

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