

The Regulatory Community

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Source: Mountain Research and Development, 21(3) : 208-211

Published By: International Mountain Society

URL: [https://doi.org/10.1659/0276-4741\(2001\)021\[0208:TRC\]2.0.CO;2](https://doi.org/10.1659/0276-4741(2001)021[0208:TRC]2.0.CO;2)

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The Regulatory Community

Decentralization and the Environment in the Van Panchayats (Forest Councils) of Kumaon, India

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As a new strategy to conserve resources, decentralization of political authority has displaced earlier coercive conservation policies in many countries. More than 60 countries claim to have decentralized forest control. In these countries, communities are supposed to be involved in joint strategies to conserve forests. The story is similar for other resources such as wildlife, water, and watersheds. Decentralization is becoming ubiquitous even for provision of services, development programs, health and education. This is not surprising. Decentralization aims to

achieve one of the central aspirations of equitable political governance: humans should have a say in their own affairs. Given the ubiquity of decentralization initiatives, 2 questions require critical attention: (1) What accounts for decentralization of political authority toward local decision makers? Voluntary relinquishing of power seems to fly in the face of expected state behavior. (2) Do the actual effects of decentralization policies match claims that decentralization is better on grounds of efficiency, equity, or political empowerment?

Decentralization of environmental management, at its core, constitutes a partnership between governments and communities. Local communities may have long used and managed resources. But now they are being asked to join hands with state officials. The scale of recent decentralization initiatives is far greater than anything in the past.

Decentralization of forest management in the Kumaon Himalaya

Lessons from a study of the Van Panchayats (forest councils) of Kumaon in the Indian Himalaya give us a critical edge in answering the above questions about decentralization. The forest councils of Kumaon are one of the oldest surviving examples of decentralization of forests. They came into being in 1931, more than half a century before decentralization became popular in the 1990s. The formation of the forest councils involved 2 basic institutional steps that characterize all decentralization programs:

- Withdrawal by the central state from a specified domain of activities.
- Transfer of decision-making authority to lower level administrative units.

The forest councils of Kumaon can be traced back to villagers' protests against the efforts of the colonial British regime to take over hill forests. With the building of railways and growing revenues from timber, forests became extremely valuable for empire building in the latter half of the 19th century. In the early part of the 20th century, the British Forestry Department took over nearly 3000 km² of Kumaon forests in the name of scientific forestry. It introduced new strategies of management and protection that tried to restrain villagers from using forests for fodder, firewood, or grazing. But these new procedures also excluded villagers from their own forests.

Protests against these arbitrary appropriations of territory were loud, visible, and remarkably effective: villagers burned large swathes of forests. The Land Revenue Department, which had always found the appropriation of huge territories by the Forest Department inadvisable, pressed for a change in the allocation of forests. A committee set up in 1921 to examine local grievances recommended that villagers be permitted to set up forest councils. Once formed, these councils could manage forests lying within the village boundaries. The Forest Council Rules of 1931 formalized the committee's recommendations. These Rules have encouraged the formation of about 3000 elected councils to manage nearly a quarter of Kumaon forests (Figure 1).

The outcomes of this experiment in decentralization of powers to local bodies have often depended on local variations. But many forest councils demonstrate the capacity for local management and conservation. Where the councils have been able to undertake monitoring and enforcement of rules, their forests are typically rated as being in very good condition. Forest councils have also shown the capacity to manage significant amounts of money and land and interact with government officials to secure benefits for their forests.

The three faces of decentralization

Although what has occurred in Kumaon can be called decentralization for the sake of convenience, it is in reality an amalgam of 3 simultaneous processes.

The first of these processes resulted in the governmentalization of village communities. It redefined the relationship between the community and the state. The Forest Council Rules have helped incorporate Kumaon village communities far more intimately in the governance of forests. Village communities are now more tightly connected to the central government. Relations of authority between the central government and the village communities were established by creating the forest councils, which are new centers of environmental decision making in the villages.

The councils in Kumaon are accountable to government officials. Government rules define the limits of local autonomy: councils cannot clear fell their forests or impose high levels of fines; they can raise revenues directly only through sale of fodder and dead trees; to sell timber or resin from pine trees, they must ask the Forest Department for help. Revenue Department officials supervise the forest councils. But the Rules of 1931 also give the councils significant leeway in everyday management. Residents have equal claims on forest products and they elect their council representatives on the basis of majority voting procedures. The elected councils meet frequently, fix levels of extraction of fodder and firewood, decide upon the fees each village resident must pay to use forest products, select guards, fine rule-breakers, manage finances, and maintain records. The fact that councils have to maintain records of their meetings and finances, of allocation of forest products, and of local rule infractions has formalized local decision making. Written records also make their activities more easily visible to central government officials.

The governmentalization of communities went hand in hand with the creation of regulatory communities. This is perhaps the most critical aspect of any program of environmental decentralization. Lower level units in a territorial-administrative hierarchy, such as the forest councils, are granted powers of governance from a central authority. But in turn they are required to regulate the actions of their members—the common villagers—



FIGURE 1 Members of a Forest Council in Ranikhet Development Block, Kumaon. (Photo by Arun Agrawal)

far more closely and carefully. This aspect of decentralization redefines the relationships between communities and their members.

Communities accomplish local regulation at significantly lower costs than any central government can. Unless decentralization initiatives launch this process of localized regulation, either through existing communities or new organizational forms, the process cannot be called decentralization. Community members in Kumaon have always possessed the information necessary to shape the conduct of other community members. But once the central government created local centers of decision making and granted them the authority to regulate forests, it became possible to use available information effectively in the service of environmental conservation. The new rules that the forest councils have created can be enforced only through localized enforcement embodied in village forest guards. These rules are very detailed, and their externalized enforcement would be prohibitively expensive.

There are many mechanisms of rule enforcement from which councils in Kumaon can choose (Figure 2). The 2 broad categories are mutual monitoring and third-party monitoring. Under mutual monitoring, there are no specialized guard positions. Within this category,

FIGURE 2 Types of enforcement mechanisms in Kumaon Forest Councils. The presence of these forms of monitoring suggests that, whereas Kumaon village leaders had tried to oppose forest management in the early part of the century, they now govern themselves, villagers, and forests and want government officials to support their governance efforts.

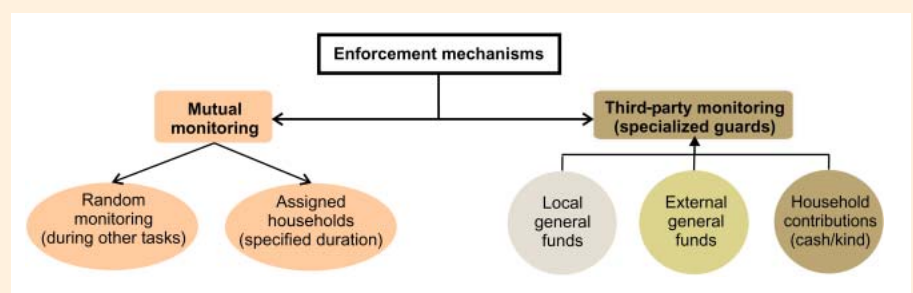




FIGURE 3 Common land under the control of the Revenue Department, Uttar Pradesh Government, 1993. (Photo by Arun Agrawal)



FIGURE 4 Common land under the control of the Forest Council, Almora District, Kumaon, 1993. (Photo by Arun Agrawal)

households can either monitor each other in the course of performing other tasks or be assigned monitoring responsibilities for a given duration. Under third party monitoring, specific persons have the power to ensure that others are following rules. But the payments for this specialized job can come from several different sources.

While the above 2 institutional aspects of decentralized management are important, subjective aspects in Kumaon have been equally important. At the beginning of the century, rather than accept institutionalized, centralized control, villagers protested by setting fire to their own forests. But today they accept regulatory controls and do not complain that these protection efforts are illegitimate. This third aspect of decentralization refers to the redefinition of the relationship between humans and their environment. Institutionalization of localized enforcement and better forest conditions go hand in hand with changes in villagers' desires to protect their forests. The spreading perception that the environment and forests are fragile and need protection is crucial to the legitimacy of conservation policies.

Differences in villagers' acceptance of the need to conserve the environment correlate in significant measure with their

involvement in processes of rule making and enforcement. In Kumaon, environmental decentralization has given villagers significant participatory control over their decision makers. But there are variations in the nature of enforcement. Enforcement in the form of mutual monitoring elicits the participation of many village residents. But ultimately, it is not as cost-effective as third-party enforcement. Within third-party enforcement, those forms in which villagers directly control the salary of the guard require higher levels of participation than those in which the guard is paid out of general funds or external sources of revenue (see Figure 2). The effects of participation in enforcement are strikingly visible in the levels of rule infraction. Where villagers contribute directly to guard salaries, rule infractions are typically far lower than when the guard is paid from external sources. Thus, higher levels of participation in regulation transform villagers' perceptions about the environment and levels of rule infraction (see Figures 3, 4).

Explaining decentralization

Current efforts at decentralization result from the combination of interests of 3 important forces:

- Significant elite support within the government.
- Pressures from international donors.
- Demands from local actors.

Each of these actors offers different strengths to make decentralization programs a reality and a success. Central government actors have the power to launch decentralization programs as formal legal initiatives. But they do not have the capacity to ensure that there is significant participation from local actors. Donors can provide monetary and financial incentives to prompt central governments into creating decentralization programs. But they cannot monitor whether decentralization leads to actual and substantial devolution of power. The continued involvement of local actors at many levels is critical to making decentralization meaningful. But by themselves, local actors are too weak to

create sufficient pressures on a central government to undertake a decentralization program. Further, without support and demand from local actors, opponents of decentralization can ensure that actual changes are limited.

This complex mosaic of interests and capabilities means that, if only one of these actors is in favor of decentralization, little substantive institutional change is likely to take place. In the case of the Kumaon forest councils, we see that, although no international donors provided funds for initiating decentralization, it still took place. The interests of 2 of the other actors resonated with each other. The demands of local actors matched the interests of officials in the Revenue Department to reduce the territory controlled by the Forest Department. It is not just a coincidence that the decentralization program creating the forest councils placed them under the supervision of the Revenue Department. The Forest Department, although its arena of activities was forestry and the environment, was marginalized because the colonial central government judged it unable to play the necessary facilitating role to encourage locally autonomous governance of the environment.

In other parts of the Himalaya such as Nepal, programs of environmental decentralization have sometimes been initiated mainly because of donor pressures (eg, the Parks and People Program in the Terai, in which the United Nations Development Program has played an important role) or a combination of donor efforts and central government initiatives. But even in these, the presence and participation of local actors tend to have an important effect on whether real power is transferred. For example, in Community Forestry in Nepal, the presence of a Federation of Community User Groups has made a difference in the ease with which the government can retract concessions it made to local user groups. Thus, the presence of local demands may not be necessary to initiate a decentralization program, but such demands are certainly necessary for meaningful changes in political relations.

Effects of decentralization in Kumaon

Decentralization of environmental government in the Kumaon Himalaya has meant that Kumaoni villagers now possess the right and the power to use and manage their forests, as illustrated above. It is fair to say that the 70-year history of decentralization in Kumaon demonstrates the possibility that local regulatory institutions can manage resources successfully. There are, of course, instances where a forest council is unable to undertake adequate monitoring, where management rules are contested strongly, and where the forest is in a deteriorating condition. Such variations in outcome provide a basis on which to make generalizations about when decentralization and local government of forest resources is most effective in its aims.

Typically, the inability of forest councils to enforce forest-related rules is most evident when villagers do not have sufficient forests under their control, when villages are very small or very large, when levels of migration from a specific village to the plains are very high, and when government officials provide little or no support to council members trying to protect the forest. Reasonable levels of forest endowment (around 0.5 ha of forest per household), medium-sized villages (between 30 and 100 households), low levels of emigration, and administrative support from the Revenue Department correlate positively with better institutional performance and better conditions in forests.

Comparative studies of forests under different institutional regimes in Kumaon also suggest that the condition of council-managed forests compares favorably with that of forests controlled by the Forest Department. It is true that some areas under the Forest Department are in very good condition. But on average, council forests are not only in good condition but have provided villagers with a livelihood for nearly 60 years. Certainly, council-managed forests are in far better condition than forests under the Revenue Department. This is strong evidence in favor of transferring further forest areas to decentralized management.

The British colonial regime created new rules that permitted the forest councils to be formed, and it provided them legal space within which they could regulate community members according to specified and well-defined procedures. The forest councils continue to function today, in many cases with resounding success.

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