

THE PROCESS OF DECENTRALIZATION AND NATURAL RESOURCE MANAGEMENT IN NIGER

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INTRODUCTION

After independence the Republic of Niger operated the first reorganization of its territorial administration with the adoption of law No. 61-50 of December 31, 1961. Through this reform, the old administrative local districts have been transformed into territorial collectivities granted with moral and financial autonomy.

In the following years further legislation was enacted to allow a steady readjustment of the decentralization process. The Act No. 83-26 of August 21, 1983 established a new institutional setting for active participation of the populations in local governance affairs.

Consecutive droughts and increasing population pressure generated an ecological crisis followed by conflicts related to the management of natural resources. Aware of the gravity of these problems, the authorities and external partners encouraged the utilization of participatory approaches for the management of natural resources through the creation new local management structures. The main focus of this strategy was to facilitate the organization of local communities on a democratic basis and to give them responsibility over the management of their environment.

DECENTRALIZATION CONCEPT: THE NIGER PERCEPTION

Over time it has been realized that rural development could not be realized without real decentralization. This is understood as “a principle of administrative organization of a country, based on the recognition of the concept of local interest”. The ultimate objective of this organizational structure is to provide local territorial communities with autonomy or self-government capabilities.

A number of conditions have to be met in order for decentralization to be effective:

- The existence of territorial communities to which the government can recognize a status of moral and judicial autonomy
- The existence of common interests in local affairs within one particular community
- The existence of democratically elected local bodies to manage local affairs subject to the control of both civil society and central authorities
- Fiscal and financial autonomy

The decentralization process implies the willingness to restructure the political-administrative institutional setting and the willingness of the government to share power with local authorities. Grass root democracy allows and demonstrates the willingness of civil society to participate in the governance of local problems.

LOCAL INSTITUTIONS AND NATURAL RESOURCE MANAGEMENT

In 1983, the Société de Développement has established decentralized subunits linked to the regional and local administrative government agencies. Unfortunately, the territorial administrative organization and the participation set up instituted by the “Société de Développement” have remained theoretical in decentralization matter and very insufficient in controlling the populations even though some minor readjustment have been done.

The following bodies have been established:

- At the national level: “Conseil National de Développement” (National Council for Development);
- At the state level: “Conseil Regional de Développement” (Regional Council for Development);
- At the local level: Sub-Regional Council for Development; and
- At the district level: Local Council for Development

Developmental projects operating in the rural sector, have induced the creation of local institutional bodies.

These local bodies or “structures locales de gestion” (SLG) have a variety of forms and names depending on the philosophy of the sponsor or funding donor: some examples are: village management committees, cooperatives, land management committees, rural markets, local Government Natural Resources Management Committee (LGNRMC).

Even though some have failed to accomplish their task, we recognize to these local bodies the following advantages over centralized management structures:

- They have better knowledge of local problems, and can provide better solutions;
- They provide an effective local concertation medium representative of various social groups;
- They allow consensual decision making and ease the implementation process; and
- They increase the bargaining power of rural populations in negotiations.

However, even the supporters of these local management structures recognize that some problems exist:

- They often emphasize more political group dynamics than actual management of natural resources;
- They often have low decision making capability against certain particular interests;
- They sometimes do not have the financial strength to realize specific projects;
- They are generally short-lived and disappear after the completion of the project; and
- They sometimes lack effective judicial status

These local management bodies are sometimes confronted with a problem of legitimacy.

In this regard it is important to notice that any process of decentralization needs an enabling framework, legal and institutional. The central authorities are in charge of providing this setting for local natural resource management bodies to become effective.

Over the years successive governments have legislate and ratified a number of laws on decentralization and administrative restructuring. Some of the most important norms adopted are:

- Act No. 0010/MRA/D of May16, 1994 relates to the creation and attributions of a special commission in charge of the determination of the new administrative (territorial) division of the Niger Republic;
- Law No. 96-05 of February 6, 1996, relates to the creation of administrative constituency and territorial communities. This law has allowed the organization of the republic of Niger in regions, states, local government area and municipalities ;
- Law No. 96-06 of February 6, 1996, determines the fundamental principles of autonomy for the administration of regions, states and municipalities along with their responsibilities and resources, and specifies the deliberating and executing bodies for each governmental level;
- Law No. 98-29 of September 14, 1998, relates to the creation of municipalities, and determines their borders and the names of their capital; and
- Law No. 98-37 of October 6, 1998, modifies and completes the law No. 96-06 of February 6,1996.

DECENTRALIZATION AND TRADITIONAL ORGANIZATIONS

With regard to the ongoing experience at the local level, one has to ask if the implementation of the decentralization process, as it is conceived, does not carry the seed of contestation. It is a reality that this process has already met some obstacles. It

is apparent from the legislation on decentralization that traditional institutions are not part of the new design. The delegation of authority and reallocation of rights and responsibilities concerns only newly created local institutions. Will new conflicts regarding natural resource management emerge between traditional, customary institutions and newly created institutions?

In the end, the decentralization process is a political process. This complex institutional change process not only requires resources to be implemented but also political will, or power.

The territorial approach to natural resources management adopted in Niger may also render more difficult the implementation of the decentralization process.

To our mind the decentralization process will proceed and will be able to rely on the creation of effective local institutions, because local populations support these changes through active involvement and requests for more participatory arrangements.

CONCLUSION

In the new political context of democratization, the centralized practice of natural resources management is giving way to a more decentralized approach that presents a more transparent and participatory form of management.

The main advantage of decentralization is a more effective information flow between users and administrators.

This structural reorganization of Niger's administrative structure not only allows but also requires a mentality and behavioral change of Niger's society. The main opportunities and challenges of the decentralization process for civil society are that:

- The population will be able to participate in the democratization process at the local level through the organization of democratic elections.
- The population will be able to take responsibility for decision-making and management of local affairs through the election of representatives.
- The population will be able to actively participate in local service provision.
- Decentralization will allow better interaction and information flow between population and administration.