

Gender equity in Senegal's forest governance history: why policy and representation matter

S. BANDIAKY-BADJI

Rights and Resources Initiative 1238 Wisconsin Ave NW, Suite 204, Washington D.C. 20007, USA

Email: SBandiaky@rightsandresources.org and solbandiaky@yahoo.fr

SUMMARY

This paper highlights the ways that gender analysis has been ignored in the development of forestry and land policy in Senegal. The development of local governance/ rural councils through history and their increased decision-making power that occurred with the 1996 decentralization/ regionalization did not take into account the ways that women's representation (or lack of) on these councils would affect women's ability to access needed resources. This gender policy analysis paper is guided by two main questions: do the main decentralization reforms, which aim for the principles of equity, accountability, ownership and local participation, promote gender equity and tenure rights in access to land and forest resources? How are the forest and land laws and policies gendered and right-based? I argue that, the lack of adequate gender analysis, consideration of local communities' rights, and of accountability mechanisms in forest and land policy reforms is due to the low participation and representation of women in political institutions such as political parties, in legislature, and in local governments and to the fact that the forest sector is not gender sensitive. These traditionally male dominated national and local government institutions are the main causes of inequity and exclusion of marginalized groups mainly women in land and forest governance both at the policy and practical level. As long as forest and land policies remain ungendered and do not have a rights-based approach, women will always be legally and socially marginalized from decision making and benefits from forest and land resources. Before advocating for gender equity and women's rights and tenure in practice, it is necessary and a pre-requisite to have clearly defined gendered national forest and land laws and policies, effective participation and representation of women in political institutions, and gendered accountability mechanisms to hold political leaders, government and local government officials accountable if they fail in practice to recognize women's ownership rights to land and forest resources.

Keywords: Senegal, gender, forest and land policies, representation, accountability, decentralization

Équité de genre dans l'histoire de la gouvernance forestière du Sénégal: importance des politiques et de la représentation

S. BANDIAKY-BADJI

Cet article met en exergue comment l'analyse de genre a été ignorée dans l'élaboration des politiques foncières et forestières au Sénégal. L'histoire du développement de la gouvernance locale/ conseils ruraux et l'accroissement de leur pouvoir de prise de décisions qui s'est produit avec la politique de décentralisation/ régionalisation de 1996 n'a pas pris en compte la manière dont la représentation ou pas des femmes dans ces conseils affecterait les capacités des femmes à accéder aux ressources dont elles ont besoin. Cet article d'analyse des politiques selon le genre est guidé par deux questions centrales: les principales réformes de décentralisation, qui œuvrent pour les principes d'équité, de responsabilité, de propriété et de participation locale, arrivent-elles à promouvoir l'équité de genre et les droits de propriété et d'accès aux ressources forestières et de la terre? Les politiques foncières et forestières sont-elles élaborées en prenant en compte les questions de genre et de droits? Je soutiens que le manque d'analyse de genre adéquate, de considération des droits des populations locales, et des mécanismes de responsabilité/ redevabilité dans les réformes politiques foncières et forestières est dû à la faible participation et représentation des femmes dans les institutions politiques telles que les partis politiques, le pouvoir législatif, et aussi au fait que le secteur forestier n'est pas sensible au genre. Ces institutions du gouvernement central et local, traditionnellement dominées par les hommes sont les causes principales de l'inéquité et de l'exclusion des groupes marginalisés, principalement les femmes, dans la gouvernance foncière et forestière au niveau pratique, et à celui de la politique. Tant que les politiques foncières et forestières ne sont pas analysées selon le genre, et tant qu'elles ne possèdent pas une approche basée sur les droits, les femmes seront toujours marginalisées socialement et du point de vue légal dans les prises de décision et les bénéfices issus des ressources de la terre et des forêts. Avant de plaider pour l'équité de genre et les droits de propriété foncière des femmes dans la pratique, il faut nécessairement avoir établi à la base des lois et des politiques prenant en compte les questions de genre, une participation et une représentation efficaces et effectives des femmes dans les institutions politiques, et des mécanismes de redevabilité pour tenir les dirigeants politiques, ainsi que les membres du gouvernement central et local responsables s'ils ne reconnaissent pas en pratique les droits des femmes à la propriété des ressources de la terre et forestières.

Equidad de género en la historia de la gobernanza forestal en Senegal: la importancia de las políticas y la representación de la mujer

S. BANDIAKY-BADJI

Este artículo pone de relieve el modo en que se ha ignorado el análisis de género en el desarrollo de políticas forestales y de utilización del suelo en Senegal. El desarrollo histórico de la gobernanza local y los consejos rurales y el aumento del poder de toma de decisiones que obtuvieron con la descentralización y regionalización de 1996 no han tenido en cuenta cómo afectaría la representación de la mujer (o la falta de ella) dentro de estos consejos a la capacidad de la mujer de acceder a los recursos que necesita. Este artículo sobre el análisis de políticas de género se centra en dos interrogantes principales: ¿es verdad que las principales reformas descentralizadoras, cuyo propósito es lograr la equidad, responsabilidad, sentido de pertenencia y participación local, fomentan la equidad de género y los derechos de tenencia en cuanto al acceso a la tierra y los recursos forestales? ¿Hasta qué punto considera la legislación y políticas forestales y del suelo los temas de género y derechos de las comunidades? Mi argumento es que la falta de un adecuado análisis de género, el no considerar los derechos de las comunidades locales y la falta de mecanismos de responsabilidad política en cuanto a reformas de políticas de ordenación del territorio y forestales se deben a la baja participación y representación de la mujer en instituciones políticas tales como partidos políticos, cuerpos legislativos y gobiernos locales, y al hecho de que el sector forestal no tiene en cuenta las cuestiones de género. Estas instituciones gubernamentales de ámbito local y nacional han estado dominadas tradicionalmente por hombres y son constituyen las causas principales de desigualdad y exclusión de grupos marginados, principalmente mujeres, de la gobernanza forestal y del territorio tanto en el ámbito político como en la práctica. Mientras que las políticas forestales y territoriales sí tienen en cuenta el enfoque de género y no dispongan de un enfoque basado en los derechos de las comunidades y las personas, las mujeres permanecerán marginadas legal y socialmente respecto a la toma de decisiones y los beneficios que ofrecen el bosque y los recursos del suelo. Antes de abogar en la práctica por la igualdad de género y los derechos de la mujer y la tenencia de la tierra, es un requisito necesario el disponer de leyes y políticas nacionales forestales y del suelo claramente definidas que tengan en cuenta el enfoque de género, así como la participación y representación efectivas de la mujer en las instituciones políticas, y mecanismos de responsabilidad política que tengan en cuenta el género para poder hacer responsables políticamente a los líderes y funcionarios de los gobiernos nacional y locales si en la práctica no consiguen hacer que se reconozcan los derechos de propiedad de la mujer en cuanto a la tierra y los recursos forestales.

INTRODUCTION

Problem statement

In Senegal and in most African countries, women's tenure rights under customary and formal laws remain largely unrecognized; their rights are insufficiently considered in policy and law reforms and in the related national and international agenda and have been understudied and under-addressed. Prevalent forest and land legislative and regulatory frameworks are by and large prejudicial against women, who are usually under-represented in policy discussions. The development of local governance through Senegal history and their increased decision-making power that occurred with the 1996 decentralization/ regionalization did not take into account the ways that women's representation (or lack of) on these councils would affect women's ability to access needed resources. In fact, the lack of representation and low levels of local government accountability can be placed in a broader context. It affects women's access to many types of resources, not just forestry resources but also water resource policy, education policy, and health policy which affect women and children greatly. For this paper I focus on the link between non-gendered decentralized forest and land legislative and regulatory reforms and their implications on women's tenure rights in practice.

Senegal decentralization reforms after the independence in 1960 is distinguished by three main reforms: the 1964 land reform, the 1972 administrative decentralization, and the 1996 political decentralization/ regionalization have been the key frameworks in political representation and access to forestry resources and land. The mechanisms and principles of these different reforms have shaped the Senegalese forest governance processes and practices, the forest service interventions, and the relationships among the different stakeholders involved in forest resource management. Natural resource management has initially witnessed an exclusion of local

communities in protected areas and then a slow inclusion in the name of participation and decentralization.

The 1996 decentralization reform i.e. the state has transfer power to local elected officials is aimed particularly towards local democracy and governance through a redistribution of state political power to local elected officials with a new conception of citizenship, accountability, responsiveness, and autonomy. This policy also has the goal of removing some of the pressure from the national government to meet local development problems. There was also pressure from donors to implement decentralization, since they believed it would lead to accountability, participation, democracy, and better use of development resources.

Within the new context of decentralization and statutory tenure regime, forest governance remains ambiguous and complex. On the one hand, decentralization in itself is not a type of law. It is difficult within decentralization to clearly distinguish customary, statutory, and local government laws. Local government is the institution that implements/interprets either statutory or customary law (or a combination of both). On the other hand, while customary tenure right is still in force in many rural areas in Senegal, forms of traditional authority/governance have merely been transferred onto the official structures of rural councils. As raised by Idelman (2011), the challenge is the forest and land tenure legitimacy of Local Collectivities in view of that of customary tenure, and how to find the middle ground between the role of local elected officials and the ones that have always been assumed by the traditional leaders. But also, the truth is in the context of formal/ legal framework of decentralization, traditional authority over land and forest governance has been alienated, lost power, and not recognized. Senegal has officially since a longtime ago, abolished customary rights and does not recognize any land management power at the village level (Idelman 2011). This is true in a formal sense, but de facto traditional authority still has power. It raises the dichotomy of legality versus legitimacy i.e. the legal official framework versus reality.

The other challenge in the context of decentralized forest governance in Senegal is the lack of effective transfer of power and with no adequate resources. While the state transfers power to Local Collectivities, the state still holds the ownership of forest and land resources and is declared as the “masters”, “owners”, or “guardian” of resources in the name of general interest. As it is institutionally mentioned in decentralization policies “the state has the control of the legal system and the control of the budget of all activities. The state is the guarantor of resources and local collectivities are resource managers” (Rds 1996). Despite the transfer of power from the state to local collectivities that is supposed to occur with decentralization, environment management in Senegal is a state monopoly and local collectivities intervene generally in land allocation and forest management as delegates.

A great amount of criticism has been voiced about the politics of decentralized natural resource management in Senegal. The way that decentralization is practiced and/or applied does not always follow the way it is defined and presented in policies and the institutional setting. Natural resource management is decentralized in theory but centralized in practice. Even with decentralization, all the decisions are inspired and executed by the state (N'diaye 1994) who remains the main actors.

It is obviously very difficult to talk about gender equity and women's tenure rights within the complexity of a national tenure regime which is a mix of three systems: customary, statutory, and local government. But all these systems, either separately or all together, even though they seem antagonistic and sometimes contradictory; they have one thing in common i.e. a poor track record in serving women's interests. They have served to reproduce inequity and exclusion; and all three converge in a manner that undermines women's ability to collectively address their interests. Since decentralization is a mix of statutory and customary and the current legal framework for forest governance in Senegal; therefore, it could be misleading and with no success to bring social change for a recognition of women's tenure rights to focus the blame

and area of change on traditional authorities (to avoid the traditional and classical feminist theorizing of women in Africa). For women's voices to be heard, it is necessary to act within the existing legal framework of political decentralization. Government reluctance to alienate neo-traditionalist structures of rural local governance (i.e. the institution of chieftaincy) highlights the complex interplay between state-enforced legal rules and socially enforced, though contested, moral rules (Razavi 2001: 17–18).

While feminist studies have criticized cultural and customary tenure as the main cause of women's discrimination and/or marginalization (which is true in many developing countries and has been the case in Senegal for a very long time); now in Senegal, these arguments are not absolutely true from a legal perspective although in practice and in many places customary tenure is still in force. Although no laws in Senegal prevent women's participation and representation in neither political, economic, and ecological spheres, nor their access to land and forest resources; also, there is no related legal constraints; it is absolutely true that no laws¹ and policies including land and forest policies have promoted equitable gendered participation and representation in decision. The laws and policies are gender neutral and gender blind when it comes to recognizing gender equity in access to and ownership of land and forest resources. Women's tenure rights, interests, needs, and constraints in forest governance are not explicit and gender not mainstreamed in both legislative and regulatory reforms, and in forest management. In Senegal the official processes systematically under-represent or exclude women (Ribot 1999).

However, it would be simplistic to say in practice it is just about implementing legal policies for things to work. Formal equality is not tantamount to substantive equality. There is a combined effect of “cultural construction” and “political action” (Sivaramakrishnan 2000) that determine men's and women's participation and representation at the local level. But, although practices are shaped by additional social, cultural, economic, and political factors, elected officials'

¹ Although the law on parity (50/50) adopted by the National Assembly in May 14 2010 is a major step for women's representation in elective and partially elective political institutions (legislative and local); in this paper I have decided not to speculate on implications because it will start to be in force at the next presidential elections in 2012 and the local elections maybe in 2014 (local elections happen generally two years after presidential elections. But it can be postponed for political reasons). The law adopted stipulates all the electoral lists prescribed for prescribed for the Republic institutions should be composed of men and women in an alternate way. The lists that do not obey to this principle will be simply invalidated. Currently and throughout history, women's representation in local government is very low (and had been) and has implications in women's decision making regarding land and forest resources and their tenure rights. In this paper I would like to focus on a historical analysis of women's participation and representation and its gendered implications to tenure reform processes. It is also important to acknowledge, the efforts made for women's numerical representation in elected offices just after the political regime change in 2000. Before the 2002 local elections, thirteen (13) political parties including the party in power drafted and signed a statement recognizing “the strengthening of democracy in Local Collectivities necessitate a massive investment of women in elected offices”. They all believe this initiative, which shows gender awareness raising in political parties where women have always been marginalized, will contribute to accountability, equity, and social justice. This is a major outcome of women's organizations' social movement and advocacy, which since 1996, started a national campaign within political parties and decision making spheres for the institutionalization of at least 30% of women in political parties' electoral lists. Another important outcome is the election of thirty six (36) women in the National Assembly out of one hundred and twenty (120) members of parliament. This shows a gain of fifteen (15) more female seats compared to the last legislative elections. In 2001, the newly elected President, Abdoulaye Wade, nominated for the first time in Senegal political history a woman Prime Minister, Mame Madior Boye.

(rural councilors) practices at the local level are shaped by how their roles, responsibilities, and prerogatives are defined in the laws. They also claim the benefits from resources based on what the laws and policies said about it and when there are disputes over land and forest resources they refer to the laws.

I argue that, before advocating for gender equity (i.e. giving men and women the same opportunities in policy and practice) and women's tenure rights, it is necessary and a pre-requisite to have clearly defined gendered national forest and land legislation and regulations, effective participation and representation of women in political institutions (political parties, legislative, and local government), and gendered accountability mechanisms to hold political leaders, government and local government officials accountable if they fail in practice to recognize women's tenure rights to land and forest resources. Understanding how power relations operate in resources management is important in drafting laws and policies. The lack of adequate gender analysis, consideration of local communities' rights, and of accountability mechanisms in forest governance is due to the low participation and representation of women in policy making and in local governments.

This paper highlights the ways that gender analysis has been ignored in the development of forestry and land policy in Senegal. The development of local governance/ rural councils through history and their increased decision-making power that occurred with the 1996 decentralization/ regionalization did not take into account the ways that women's representation (or lack of) on these councils would affect women's ability to access needed resources.

BACKGROUND

History of the formation of local government in Senegal: from administrative to political decentralization

Colonial period: the creation of the four Communes, citizens versus subjects

Decentralization was instituted first in August 10 1872 by the colonial authority for administrative and political reasons;

and with the creation of the four Communes labeled as *de plein exercice* and the Communes *mixtes* in 1904. The belonging and affiliation to one of the two different types of communes had political impacts in providing French citizenship and the right to vote. The inhabitants of the urban communes de plein exercice of Dakar, Gorée, Rufisque, and Saint Louis enjoyed the rights and privileges of French citizenship. People living in the interior, the Communes mixtes, were reduced to the status of French subjects under the jurisdiction of the colonial administration (O'Brien 1972, Wesley Johnson 1971, Gellar *et al.* 1982). The Senegalese citizens living in the communes enjoyed full political and civil rights while the subjects in the countryside (i.e. the rural area) were subjected to the indignities of forced labor (Gellar 1982).

Post independence administrative decentralization and winner-takes-all electoral system

In 1960, the first act of the independent nation-state was to withdraw the administrative boundaries set up during the colonial period and to bring the administration closer to the people and make it more development oriented. Then, Senegal was administratively divided into 7 régions 28 cercles and 85 arrondissements, replacing the 13 cercles 27 subdivisions and 135 cantons established during the colonial rule. In addition, Senegalese officials replaced French officials in field administration (Gellar *et al.* 1980: 20). Subsequent changes in official nomenclature sought to eliminate all vestiges of colonial rule and reaffirm the national identity of the Senegalese administration. Thus in 1964 the cercle became the département and the old colonial title of commandant was replaced by that of préfet (Gellar 1982: 39), the state administrative agent at the local level.

In 1972 an administrative decentralization reform was put in place aiming at the decentralizing of the administrative structures in order to promote rural development and encourage popular participation in the management of local affairs. Thereby, Rural Communities and Rural Councils were created for the first time as the lowest level administrative unit (Vengroff and Johnston 1987). The Rural Community² refers to a geographic space while the Rural Council³ is the local government decision making institution of the Rural Community comprised of rural councilors (men and women)

² A Rural Community was defined as an administrative agglomeration uniting many villages which belong to the same territory and share common resources (Ministère de l'Intérieur 1972: Loi no. 72.25, Titre I, Article 1). It was the basic unit of government in the countryside, which set the stage for greater popular participation in local government. Rural Communities were conceived as the core political units within a decentralized agrarian socialist society. Each Rural Community had a rural council that was granted broad powers to regulate local markets, fairs, cattle walks, and residential zoning patterns. To prevent domination by rural elites and ensure greater popular participation, village chiefs, cooperative presidents, and those with non-rural occupations were formally excluded from holding the office of president (Gellar 1982).

³ A Rural Council according to the 1972 reform was led by a president who has the executive power and two vice-presidents. The headquarters of the Rural Council was based at the administrative (*chef-lieu*) of the Rural Community. Rural Councils had the power to allocate uncultivated land and to revise existing land tenure systems in the areas under their jurisdiction and they had their own small budget (Gellar 1982: 41). The number of councilors in any given council depends on the population of the Rural Community 12 members for Rural Communities (RC) with less than 5000 inhabitants; 15 members for RC with 5001 to 10 000 inhabitants; 18 members for RC with 10 001 to 15 000 inhabitants; and 21 members for RC with more than 15 000 inhabitants (Ministère de l'Intérieur 1972: Loi no. 72.25, Titre II, Article 3). The number of villages varies from one rural community to another.

elected every five years on a winner-takes-all electoral system⁴. Until 1996 before the adoption of the decentralization law, the composition of the rural councils was based on a winner-takes-all electoral system held every five years in which only nationally registered parties could present candidates (Vengroff and Johnston 1987). Consequently, all members of a given rural council came from the same party (PS), as it was almost impossible for an opposition party to win representation in local government (Juul 2006: 832). The Rural Councils became highly politicized over the major battleground of local clan politics (O'Brien 1975, Gellar 1982).

The 1996 "democratic"/ political decentralization: the transfer of power from the state to Local Collectivities

The 1996 decentralization/regionalization political reform and the electoral reform brought new principles, processes, and electoral mechanisms different from the previous administration reform in 1972 and the winner-takes-all electoral system. The state has transferred power to Local Collectivities composed of Regions, Communes, and Rural Communities. Local Collectivities have autonomy in decision-making and in the management of local affairs. The 1996 decentralization reform is aimed particularly towards local democracy and governance through a redistribution of state political power to local elected actors with new conception of citizenship, accountability, responsiveness, and autonomy (SAFEFOD 1997).

The Rural Community, the most-local level of local government is in charge of natural resources such as land and forest resources. The Rural Council is composed⁵ of rural councilors (men and women) elected for five years by universal suffrage and on direct party list and by proportional

representation⁶ based on the rural ratio⁷. This new electoral system installed a dual system for the election of rural councilors, ending the practice of winner-takes-all system promoted by the 1972 decentralization reform. Therefore, the proportional representation permits members from the opposition parties to be represented in rural council. From a multipartism point of view, one can see democracy taking place.

History of decentralized land and forest management in Senegal

Local communities' exclusion from forest resource management is a longstanding practice since the colonial period when protected areas have started to be created. In addition to the exclusion, local communities were displaced. By mid-1990s, following the international community recommendation of people's participation in natural resource management, the forest service changed its approach by collaborating with people living in the outskirts of protected areas. And in 1996 with the new decentralization/ regionalization reforms, the state has transfer management power to local elected officials over land and forest resources. This section presents the different approaches used by the colonial government and the independent nation-state. It shows that even though the national environment discourse has changed over time, on the one hand conservation objectives have been always privileged over people's access to and control over resources, let alone women's and gender issues; on the other hand Senegal forest governance processes and practices are tied to the international environment discourse i.e. donors 'agenda and conditionalities, which all have implications on women's forest tenure rights.

⁴ During that period of single party rule all members of a given Rural Council came from the same party, the Senegalese Socialist Party, as it was almost impossible for an opposition party to win representation in local government (Juul 2006: 832). From the independence in 1960 to 2000, the national political arena in Senegal has been dominated by the Socialist Party (Parti Socialiste - PS) with Leopold Sédar Senghor (the first democratically elected president) until 1981 and then with Abdou Diouf until 2000. The same political dynamics were reflected at the local governments' level by a nationwide formation of the Rural Councils with the single ruling party system. In the beginning of the 1980s, Abdou Diouf liberalized the political system and allowed the formation of a multitude of political parties (Patterson 1999; Villalon 1993).

⁵ According to Law 96 -12 of the Electoral Code, the composition of a Rural Council is as follow: 20 councilors for a Rural Community (RC) with less than 5,000 inhabitants; 24 councilors for a (RC) between 5,000 to 10,000 inhabitants; 28 councilors for a RC between 10,000 to 15,000 inhabitants; and 32 councilors for a RC with more than 15,000 inhabitants.

⁶ The participation and representation of political parties in the council are based on the party list system: majority and proportional. Each party has to submit both lists. The majority list (*liste majoritaire*) is composed of key political leaders. On the majority list, there are the tenured (*titulaires*) and the substitutes (*suppléants*). The tenured are the key party political leaders who will be automatically selected if the party wins. The substitutes are the one selected if for some reasons one of the tenured leaders is not available, resigns, or dies; the substitutes will be chosen based on the order on the list (top to bottom.) The proportional list is composed of well known and established local individuals who are capable of mobilizing voters, the political transhumant (*transhumants politiques* – politicians switching parties, generally crossing party lines for political, personal, and economic reasons). The majority list should have a total number of candidates equal to half the number of seats in the Rural Council. The party that wins the elections will automatically take half of the rural council seats with its majority list; which is called in the Wolof political jargon "raw gäddu" meaning the winner takes the half. The other half of the council will be selected from the different parties proportional lists (including the proportional list of the winner) based on their performance.

⁷ The method for allocating the remaining seats to the different parties is based on the "rural ratio" (*quotient rural*). The rural ratio is the number of votes a party needs to have in order to earn one councilor. To determine the rural ratio, the total number of votes during the election in the Rural Community is divided by the number of councilors in the Rural Council. As many times this ratio is contained in the total number of votes obtained by a party, that party will gain a seat on the council.

The colonial period: exclusion of local communities in forest resource management and priority to commercial agriculture

In regard to natural resource management, the French colonizers had two main objectives: the creation of protected areas for leisure and hunting and the promotion of cash crops for commercial purposes.

The creation of Niokolo Koba National Park in 1933 was the first practice of exclusion and displacement (and the first national park in French West Africa). Indeed, villagers were displaced for the first time and allowed to keep their fields up to 11 km inside the park. From its creation until 1950, the area of the park was 175,000 hectares and it was used as a space for hunting, called “refuge zone”, for the colonizers. In August 19 1954 the area was increased up to 230,000 hectares, therefore reinforcing local communities’ exclusion in access to forest resources.

In addition to conservation objectives, the French colonizers were also concerned with agriculture as income generating activity than people’s access to forest resources and land. The mandate of the colonial Forest Service created in July 4 1935 reflects how agriculture and conservation appeared to have common objectives. In fact, the colonial Forestry Service was always linked to the Agriculture Service under the control of the Water and Forest General Inspectorate in French West Africa (*Inspection Générale des Eaux et Forêts de l’Afrique Occidentale Française - AOF*).

The independent nation-state: following the colonial footsteps in nature conservancy and land ownership

In the aftermath of the independence in 1960, in addition to administrative and political reforms, the newly independent state put in place environmental reforms mainly in land and forest management in order to promote rural development and to escape from the burdens of the remnants of an overly centralized colonial system (Vengroff and Johnston 1987). However, Senegal’s environment politics was mainly based on colonial rules and the application of international conventions and treaties. Rural development rules and practices were still based on colonial rules and custom.

The first land reform, the National Domain Land Reform (*loi sur le Domaine National*), was adopted in 1964. This reform stipulated the possibility of land access by the citizens through the state, the land owner (Article 2, law. No. 64–66, June 17 1964). This law considers the Senegalese state as the owner of all non-registered lands. However, customary laws were still in effect in the rural areas. This law was reinforced in 1972 with the administrative decentralization reform when the Sub-prefect (*Sous-préfet*) as the state representative at the local level was given power to be in charge of land allocation. Even though elective rural councils were in place, they were not in charge of either land allocation or forest resources management, all delegated to government environment institutions.

In the land law⁸, lands in Senegal are divided up in three categories each with its own regime.

- 1 Private land, which exist only in urban areas;
- 2 Public land managed by rural councils but own by the state for the benefit of the general interest (pour des *besoins d’utilité publique*);
- 3 National domain land related to lands in rural areas and falls under the common law regime (*régime de droit commun*). These lands are managed by the rural council and cannot be sold. They are allocated to the populations who should put value on the land.

Niokolo Koba National Park (NKNP) was enlarged twice up to 913.000 ha in May 14 1968 and September 18 1969. The park became three times larger than its size during colonial times and the largest park of Senegal and one of the largest in West Africa. The park was once again totally restricted to any human activities and villagers were displaced and dispossessed of their lands. They were also prohibited access to their fields inside the Park making it worse than during the colonial period when populations were allowed to keep 11 km of land inside the park for cultivation purposes. Despite the park’s extension and the people’s complaints about the lack of cultivable land, the Senegalese state created the classified forest (*forêt classée*) of Diambour in 1968 with an area of 127,500 ha at the periphery of the park therefore creating a buffer zone. The creation of protected areas had led to competitions for access to resources and to conflicts between the park agents and communities at the outskirts.

The state also promoted environmental tourism for leisure similar to practices of the colonial period. Hunting zones, eight units of 2,315,500 ha in total, were created under the jurisdiction of the forestry service. Hunting permits started to be distributed to private operators in 1988.

State practices after independence showed how the national authorities took over the colonial administration’s efforts to promote nature conservancy. The French colonial legacy continued to have a profound impact on the Senegalese administration and administrative practices (Gellar 1982). The creation of protected areas for national and international conservation objectives did not take into consideration any of the rights of the populations thus eliminating any form of property rights, which often involved conflicts between the populations and the forestry service agents.

From the 1970s to the 1990s: community participation in forest resource management?

The rural opposition to government policies on rural development called *malaise paysan* (i.e. a period during which peasants refused to repay government loan from 1968 to the 1970) further underlined the need for change (Schumacher 1975, Gellar 1982, Waterbury 1983, Caswell 1983). This

⁸ Loi du régime foncier n° 64-46 du 17 juin 1964 relative au Domaine national ; Décret d’application n° 64-573 du 30 juillet 1964; Loi de la Décentralisation du 22 mai 1996; article 11 de la loi 96-06 16 à 27 de la loi 96-07 et 336 de la loi 9-06, régies par le Code des collectivités locales voté en 1996.

revolution is one of the reasons the Senegalese government put in place the administrative decentralization reform in 1972 to encourage popular participation in the management of local affairs. But as stated by Vengroff and Johnston (1987: 275), "the type of system adopted in Senegal does not represent a major departure from the French administrative practices in the sense that the state and its agents retain the supervisory control over all aspects of local level actions".

In the middle of the 1970s and beginning of the 1980s the need for integrating local populations into forest resource management appeared. At this time, the international community defined new concepts and new ways of governing the commons. Progressively, the new environment discourses became appropriated by national governments who started ratifying international treaties and conventions, and implementing national action plans and environmental programs. In Senegal, a new discourse on participation with the slow involvement of the population in natural resource management started emerging. The Forestry Code was revised⁹ in July 18 1974 to address increasing resources degradation, following the 1970s drought. In this context, partners in development and donors focused on large-scale reforestation programs for desertification alleviation in Senegal. However, these approaches were interventionist rather than participatory.

By mid-1990s, community-based reserves (CBR) management is added to the discourse of participation. Many community-based reserves have been implemented in the periphery of protected areas run by the forest service and funded by international donors. The mushrooming of CBRs focused more on creating buffer zones for biodiversity conservation purposes than for community participation in natural resource management.

Following the Earth Summit in 1992 in Rio de Janeiro, international organizations, donors and national governments started recognizing the necessity of including citizens in environment management. National policies on natural resource management were drafted in conformity to international conventions that have been signed and ratified. Senegal ratified the convention on biodiversity conservation and adopted *Agenda 21 Principles*, which stipulate community participation. The principle 10 recommend the participation of all concerned citizens, that each individual shall have appropriate access to information concerning the environment that is held by public authorities, and the opportunity to participate in

decision-making processes. States are urged by donors to facilitate and encourage public awareness and participation by making information widely available. The forest service, then, needed to reconcile with local people living in the periphery of protected areas with whom they have been in conflict for a long period. Therefore, the forestry service became more open to social and cultural values in natural resource management.

The 1996 decentralization reform: transfer of power to local elected officials in land and forest resource management

With the 1996 decentralization/ regionalization reform, the state has transferred power to Local Collectivities¹⁰ composed of the Regions, Communes, and Rural Communities¹¹. Local Collectivities have autonomy in decision-making and in the management of local affairs and are in charge of nine functions¹² including land, environment and natural resource management. Local Collectivities are managed by decentralized institutions, the Regional Council, the Municipal Council, and the Rural Council. The Rural Council, the most local level of local government is in charge of natural resources such as land and forest resources. It also drafts a Local Development Plan and gives its opinion in all development and environmental projects regarding the rural community. The taxes and fines collected from the use of forestry resources and land allocation contribute to the rural council budget.

The transfer of power to local government over natural resource management with the 1996 decentralization/ regionalization reform brought a new dimension – electoral politics – to natural resource management. The Decentralization/ Regionalization Reform adopted on March 22 1996 by law no. 96-06 was political and environmental. The rural council is the decision maker in regard to land allocation and use in the rural community, precisely the territory zones (*zones de terroir*). Although, the National Domain Law of 1964, which gave power and ownership to the state of all non-matriculated lands, is still maintained.

The rural council, as the decision-making body, has also the power to define the rights of land use and planning for habitat, tourist camps, and cultivation based on the decentralisation laws. The inhabitants of the rural community can make a formal request to the rural council, which deliberates every year before May 15 to avoid disputes over cultivated land during the cultivation period (which is during the rainy

⁹ The first forestry code was drafted in February 9 1965 by-law no. 65-23 and by-decree no. 65- 078 of February 10 1965. This law gave exclusive management power of forestry resources to the forestry service.

¹⁰ Local Collectivities represent the administrative and geographic agglomerations. The institutions are respectively the Regional Council, the Municipal Council, and the Rural Council.

¹¹ According to laws 96 - 06 of March 22 1996 bearing code of the Local Collectivities, a Rural Community is defined as 'an administrative agglomeration uniting many villages which belong to the same territory and share common resources. The prerogatives and political mandate given to rural councilors have changed comparing to the 1972 administrative decentralization. The number of rural councilors per Rural Community (RC) are as follow: 20 members for RC with less than 5 000 inhabitants; 24 members for RC with 5 000 to 10 000 inhabitants; 28 members for RC with 10 000 to 15 000 inhabitants; and 32 members for RC with more than 15 000 inhabitants (Rds 1996: laws 96 - 06 of March 22).

¹² The nine functions are: 1- land 2- environment and natural resources management, 3- health, population, and social action, 4- youth, sport, and leisure, 5- culture, 6- education, literacy, promotion of national languages and professional training, 7- planning, 8- land use, 9- urbanism and habitat.

season from June to September). Any land allocated should have value added to it either by the beneficiary or members of his/her family. In the rural area, individual or group beneficiaries can use the land for an unlimited time but do not have a definitive or absolute right. The allocated lands cannot be sold or rented. The usage right disappears when the association/group is dismissed or the individual beneficiary dies (in this case the heirs could have the usage rights if they can continue to add value to the land). This form of land use under the decentralization system happens only in the rural area and is not applicable in urban settings.

Major environment policies were drafted in accordance with decentralization mechanisms and participatory approaches as recommended from the Earth Summit in 1992: the Environmental National Action Plan (PNAE) was drafted in 1997, the Forestry Code was redrafted in 1998, and the Environment Code was revised¹³. These frequent changes are mainly political. The Senegalese government needed to follow the international community recommendation of popular participation in natural resource management and through institutionalized and legal settings of decentralized institutions to benefit from funding.

Questioning the sustainability of policy reform in Senegal, Utting and Jaubert (1999) argue that it has come about largely in response to foreign influences and donor conditionality rather than any national movement or pressure. Under influence from the donor community, significant reforms were made. The environmental discourse and policies of developing countries and development agencies have undergone significant change. "Attention has shifted from top-down and authoritarian approaches in the field of conservation to community based natural resource management. Many developing countries have decentralized some aspects of their natural resources for multiple political, economic, social, and ideological reasons, and often with support and pressure of aid agencies" (Ribot 2002).

THEORIZING ACCOUNTABILITY AND REPRESENTATION IN "DEMOCRATIC" DECENTRALIZATION AND FEMINIST POLITICAL SCIENCES

My aim in this theory section is to use institutionalists, decentralization theorists, and feminists' political science theorizing of political participation, representation, and accountability in political institutions to analyze women's forest and land tenure rights and gender equity in policy making and agenda setting of Senegal forest governance system.

Gendered representation

Feminist political scientists theorizing gender in local electoral politics state there are two challenges facing women

in local government: institutional transformation to allow women's voices to be validated and women's interests to be routinely addresses in policy making (Goetz 1998); and the creation of linkages between elected representatives and constituencies of women who would be able and willing to challenge existing patterns of resource allocation (Kabeer 1994). They have looked at how the electoral systems affect women's representation in political institutions such as political parties, in legislature, and in local governments; and observed that for women citizens in most democracies, there is a problem of both representation and accountability.

While feminists agree that increasing women's numerical representation in political institutions is important, they diverge on its impacts, effectiveness, the ways women should be represented, and who are the women elected officials that should represent women. They are aware of the fact that election of more women does not necessarily ensure better representation of women's interests. Yet others find that women's numerical representation (increase in number) in local government affects not just the articulation and promotion of local politics, but also the character and conduct of local politics (Ahikire 2003: 213). The rationale for increasing the number of women in elected positions is that "there are particular needs, interests, and concerns that arise from women's experience and these will not be adequately addressed in a politics that is dominated by men" (Phillips 1998: 233).

Feminist literature has been concerned with the ways in which representative democracy might be enhanced to ensure women's equal participation (Phillips 1991, Young 1990, Williams 2003). Sapiro (1998) raises most of the questions that relate to the debate: What is political representation of women? And to what degree and under what circumstances are political institutions and decision-makers responsive to female citizens? Under what circumstances are political systems representative of women? Under what circumstances do they act in the interests of the represented – in this case, women? These questions need always to be kept in mind while analyzing gender issues in policy making and women's participation representation and representation in local government.

According to Phillips (1991: 19), increasing the proportion of women elected need not increase the representation of women *per se*, for it is only when there are mechanisms through which women can formulate their own policies or interests that we can really talk of their 'representation'. The presence of women in decision-making arenas is necessary for women's interests to be translated within political institutions and in the decision-making process (Lovenduski and Norris 1996: 2). Therefore, women's presence is needed to enforce gender equity in decisions and policies and to hold male political leaders accountable. When women are representatives in political institutions, as insiders they should develop strategies to have their voices heard and be able to

¹³ The first Environment Code was drafted in January 28 1983 by-law no. 83-05. It focused on issues such as classified forests, water pollution, noise pollution, and air pollution.

address specific interests. The role of women in representative politics should be “standing for” and “acting for” women and their interests (Pitkin 1967: 232). Women’s effective participation should be measured through equity and efficiency of programs and policy. And as stated by Agarwal (2001: 1637), women’s simple presence in decision making is insufficient to solve inequities. Efficiency of process involves a consideration of “women’s knowledge in rule making, by allowing them to formulate rules that are not only fairer but also perceived by them to be so”.

Gendered accountability

Although “Democratic” decentralization scholars favor elected local governments as arguably downwardly accountable and responsive to local citizens (Ribot 1995, Agrawal and Ribot 1999, Smoke 2000); local elected actors have poor records in terms of serving women, the poor, and marginalized groups, unless it is a requirement from the central government (Crook and Sverisson 2001, Ribot and Larson 2004). Even though its aim is equity, local governments can be elite dominated (Mawhood 1993, Pieterse 2001, World Bank 2001) and upwardly rather than downwardly accountable (Edwards and Hulme 1996). Accountability has two dimensions: the notion of “answerability” where power holders are obliged to explain and justify their actions, and the notion of “enforceability”, where power holders suffer sanctions for mistakes or illegal behavior (Schedler 1999, Manin, Przeworski and Stokes 1999). Citizens can hold the politicians accountable based on their leverage; accountability can also operate through institutional supervision (O’Donnell 1999).

While the rhetoric of the mainstream decentralization theories emphasizes that “democratic” decentralization results in efficiency and equity gains through proximity and representation of local populations in decision making (Mawhood 1983, Carney 1995, Manor 1999, Smoke 2000, Crook and Sverisson 2001, Ribot 2005) as well as marginalized groups (Smoke 2000); it has failed to analyze how decentralization policies, local government structures and processes might shape women’s participation and representation in forest governance. Democratic decentralization theorists recognize electoral representation as the basis for democracy because it makes elected actors more accountable (Agrawal and Ribot 1999, Ribot 2004); and decentralization is expected to promote “greater responsiveness to citizens, improved decision making, and improved efficiency in service delivery” (Parry 1997: 211). However, they do not ask how does accountability shape gender equity and have not used gender to analyze democratic principles of equity, accountability, and representation; whereas feminism has major implications for the way we should think of democracy (Lovenduski and Norris 1996).

Feminist political scientists have recognized that women’s political representation is meaningless if not linked to accountability. Political leaders should be accountable and responsive to the population and particularly to women who have specific needs and concerns as a group. According to Goetz (2003), accountability is a key issue in representation; it has become one of the signs by which a democracy can be

known. Accountability mechanisms make authorities answer for meeting standards of gender equity in policy and service delivery. However, “government and opposition parties fail to promote political accountability to women by refusing to problematize gender biases in existing and proposed legislation, by failing to back up national commitments to gender equity with budgetary commitments, and by failing to consult with women’s interest groups when formulating policy (Goetz 2003: 32)”. Being able to ask for ‘answerability’ and to impose ‘enforceability’ are the first democratic principles. She is echoed by Phillips (1998: 99) who states that accountability is always the other side of representation, and, in the absence of procedures for establishing what any group wants or thinks we cannot usefully talk of their political representation. Accountability is a necessary condition for women’s effective representation.

How does local accountability shape gender equity? (Goetz and Hassim 2003) By asking this question, contemporary feminist theorists on local politics have moved from the mainstream democratic decentralization theorists who have analyzed accountability from ethical and legal perspectives. Local elected officials should be accountable and responsive to women’s specific needs. Yet, local government is still an under-theorized subject in the feminist literature whereas it offers a prospect for a better understanding of social and cultural norms, such as, how traditional patriarchies differently shape men’s and women’s participation and representation in local electoral politics.

Why gender equity, rights, and tenure matter in decentralized forest governance?

Although, feminist political science scholars’ focus on the local level in new democracies and on political parties is a major shift in theorizing gender and electoral politics in Africa, they have failed to link it with policy making regarding access to and ownership over forest resources and land, major livelihoods sources for rural women. Gender within the context of decentralized forest governance legislative and regulatory framework has not yet received extensive attention. Agarwal (2001), as a feminist environmentalist approaches decentralization as an arena for participatory exclusion. However, decentralized legislative and regulatory framework and electoral and party politics as they relate to other structures of potential exclusion and marginalization of women do not receive extensive treatment in her work.

Feminist political scientist theorization of women’s political representation is mainly based on institutional level analysis and the challenges women face to be included. It is only during the last decade that the focus on local government has slowly emerged. While focusing on gendered representation at the national level and to a lesser extent at the local level, feminist political scientists did not consider the importance of women’s access to natural resources. Certainly, institutional representation is important.

However, when it does not consider women’s basic needs, constraints, and interests in the natural resources that constitute their livelihoods, then poor and voiceless rural women are

excluded from that representation. Access to forest resources and land is crucial to theorizing women's political representation in the context of rural Senegal. "Natural resources are at once critical for local livelihoods (subsistence and income generation), and are also the basis of significant wealth for government and national elites" (Ribot and Larson 2004). Natural resources are fundamental to poor rural women's livelihoods and their importance is contextual (social, economic, and political) and based on women's "material realities" (Agarwal 1997).

Goetz, who is also policy oriented suggests that women's political representation is not just getting them through the door of politics. Women's practical needs and interests must be translated into policies and political agendas (2003). Sapiro's (1998) question, "when are (women's) interests interesting in political institutions?" can be answered from a basic needs standpoint. That would be when the interests relate to women's livelihoods (i.e. access to economic and natural resources) and when those economic and environmental resources are translated into public policy and political agendas. Understanding the political arenas within which women's interests are cast is also important.

Gender differences crucially affect how natural resources (including forest resources) are managed and used, and gender relations shape, and are themselves shaped by, women's and men's access, use and control of resources (Leach 1994). Forest resource management cannot be understood without a concern for gender and the consideration of local people's own perspectives. The consideration of tenure rights and responsibilities in control, access, use and management of resources are also key to understanding local social contexts, perceptions, and concerns.

I state that national decentralization forest and land laws and policies are neutral regarding "democratic" principles such as equity and gender issues. Instead of theorizing and analyzing gender differences in access to, control and ownership over resources and looking for a "transformational approach" (Cornell 1999); rather, legislative and regulatory policies emphasize on technical aspects and on the role and responsibilities of local government and administrative bodies in managing resources. "The different environmental policies and action plans redrafted within the decentralization context in Senegal are generally gender blind, gender neutral, or include women's issues in very general terms (Bandiaky and Tiani 2010: 147)". A feminist approach, however, seeking for social change puts an emphasis on class and gender, addresses inequalities and inequities, challenges power relations, and hierarchical structures, and questions the gender equality of these practices (Mayoux 1995). When issues of gender, power, and difference are ignored, existing inequalities, exclusions, or antagonisms are often perpetuated (Lennie 1999: 108).

From a feminist environmentalist standpoint, I am interested in policy making and its implication on women's

participation and representation in decision making and in the implications on their tenure rights; also, in how power relations shape women's participation within natural resource management institutions and how their voices are heard and interests served within decision-making processes. I do a gender analysis of decentralized forest and land management policies in Senegal using feminist political scientists' analytical parameters such as decentralization principles of equity and accountability, women's participation and representation. I am asking the following specific questions: how principles of accountability, equity, and rights are theorized within Senegal decentralization policies (administrative, political, and environmental)? What are the implications of the main decentralization policy reforms on women's tenure rights in practice? How do power relations shape women's participation within natural resource management institutions and how their voices are heard and interests served within decision-making processes?

Decentralization is an opportunity for women, who are key electoral constituencies (more than 50%) with voting power, to hold policy and decision makers accountable for equitable gendered policies in the forest governance legal and regulatory framework. Giving women legal power can translate with more political, economic and social power in terms of participation, representation, ownership over resources, and benefit sharing.

The 1996 decentralization reform has created a paradigm shift in theorizing gender power relations in land and forest resource management, which is not per se between the dichotomy women and traditional leaders/ customary tenure, women and statutory tenure, but mainly a new dimension (not yet fully captured by feminists) i.e. local electoral politics, decentralized local government, policy making and agenda setting. With the 1996 decentralization law, the power to manage land and forest resources has shifted from traditional leaders and the forest service to local elected officials. The forest service is in charge of classified forests and state forest reserves and the Division of National Parks of national parks (forests, wildlife, and birds). Any land that does not fall in protected areas i.e. the "zones de terroir"¹⁴ is under the jurisdiction of the rural council. Based on the primacy of legality over legitimacy and the fact that decentralization is the recognized legal framework of forest governance in Senegal and in force in practice and applied to all stakeholders and users, a current gender analysis for recognition of women's tenure rights should focus on decentralization.

GENDER POLICY ANALYSIS

In 2006 the Senegalese population is estimated at 11,583,000 inhabitants and women represent 5,835,000 meaning 50, 3%. In some regions women represent 53% due to male migration.

¹⁴ Zone de terroirs are territories which do not fall into the national domain i.e. classified or reserved forest, national parks, and biosphere reserves.

The rural population is estimated at 6,744,000 compared with 4,839,000 urban populations (ILC/ FAO 2011). The third General Census of Population and Habitat realized in 2002 shows that 70% of the populations of which 52% are women live in the rural area. Women represent 39% of the active population, are in charge of 90% of domestic work and 85% of agricultural work. Rural people's mainly rural women's livelihoods depend on forest resources. However rural women have less access to forest resources and land due to institutional, political, and traditional factors.

In the Constitution of Senegal¹⁵, it is mentioned in the preamble « the respect of cultural specificity, the respect of fundamental liberties, and access to all citizens without discrimination, to exercise power at all levels, reject and elimination of all forms injustice, inequalities, and discrimination ». Regarding property and tenure rights it is clearly stipulated in article 8 that economic and social rights same as collective and property rights are guaranteed. In article 15 « men and women have equally the rights to have access and ownership of land under conditions defined by the law ». It is not mentioned in the Constitution that land rules and regulations are defined by customary tenure although it exist in practice. It also does not mean as stated in the International Land Coalition (ILC/FAO) 2011 tenure database while analyzing article 15 of the Senegalese Constitution that “therefore, women's land right is recognized”.

The aims of this gender policy analysis section are: 1- To analyze how the formation of local government from colonial to post-independent and independent nation-state has contributed or not to women's effective political representation and participation. 2- Analyzing the history of forest resources and land management in Senegal through a gender lens, two main questions are asked: do the main decentralization reforms promote gender equity in access to land and forest resources? How are the forest and land laws and policies gendered? 3- This historical analysis will also show that women's lack of representation on the rural councils actually is hindering their access to land/ forestry resources. The implications will be linked to why it matters that women don't have adequate resource access because of their lack of representation on local councils. Why do women need access to forestry resources and to land?

Gendered Political Participation and Representation: from colonial to independent nation-state

Colonial period: late right to vote, massive participation in male nationalists' elections, and no representation in political institutions

During the colonial period women's political participation as citizens was late to come and there were no women representatives. Women obtained the right to vote only in 1945 a century later after Senegalese men started voting in 1848.

Women's right to vote and political participation and representation were shaped by the status of “citizen” and “subject”. Women considered as “subjects” (i.e. inhabitants of the countryside/rural area) started voting in 1946. The colonial perception of who has the right to vote was based on who knows how to read and write in French. The women “subjects” (inhabitants of the rural area) who were considered illiterate were therefore legally excluded. The women “citizens” who were from the four communes and went to school were considered ‘advanced’ (in opposition to backward) and ‘assimilated’ (into French civilization).

After obtaining the right to vote, women's political participation was a determining factor in electing nationalist leaders to end the colonial era in 1960. During the municipal elections in 1945, women's massive participation (21% of the electoral voters in Dakar) allowed Senegalese male leaders to have control of the four communes, therefore eliminating the White colonial political supremacy (Lacroix and M'baye 1976). Women had been involved in the new political parties created in the aftermath of the Second World War, and participated in large numbers within the parties in the anti-colonial political struggle.

However, most of the nationalist political parties' processes and practices did not really focus on women's interests, but instead had used them as an electoral maneuvering force (N'diaye-Sylla 2001). Despite the fact that Senegalese nationalist male politicians had been rallied around by women who allowed them to have the majority of voters, they never proposed in their party, a program for women (MFEF 1993: 13). As stated by Gellar, “in the postwar period, although [women] have been given suffrage and were active in urban Senegalese politics, Senegalese women held no major political office (1982: 101–102)”. This marginalization of women confirms the thesis that women have been used as an instrument to achieve political parties' and male political leaders' electoral objectives (Diop 1998).

Senegalese women's rights to vote acquired after the World War II created awareness of women's important role in elections. It also acted as a wakeup call for women to enter the political arena. However, women were not considered effective political actors in decision making and were not represented at all the political institutions. During the colonial and post-world war period, neither the political parties nor the elected leaders promoted local democracy. They have also shown conservatism over the advancement of women at the decision making level, furthermore they did not have a clear political vision for women's issues (MFEF 1993).

Decentralization reforms in post-independent nation-state: slow and low women's political participation and representation in local government

During the single party system under President Senghor women were not represented in the local government put in place in 1972. Women in local government were absolutely

¹⁵ Title I, article 1 mentions « all citizens are equal before the law, without discrimination based on origin, race, sex, and religion ». Article 7 states “All human beings are equal before the law. Men and women are equal in laws”.

invisible and not of great interest to the different political parties.

A gender assessment of women's representation in rural councils done by the Ministry of women's affairs (MFEF 1993) with a focus on Thiès region where the 1972 administrative reform was first implemented¹⁶, underlines that the reform followed the pre-existing political structures in ignoring women's specific issues. In 1980 (eight years after its implementation), Thiès had only four women out of five hundreds rural councilors. In 1990 among the three hundreds and seventeen (317) Rural Communities nationwide, there were only three women as Rural Communities presidents. This slow and low representation is surprising considering the international context of the women's decade (1975–1985) when all the national governments were urged by the United Nations to work closely with women and for women. The winner-takes-all electoral system had shaped the local government electoral politics led by elective rural councils and was in favor of the party in power, the Socialist party (PS), which had national and local political monopoly.

In the post-independent nation-state, the 1972 administrative decentralization reform was put in place trying to be more inclusive of local population. However, this reform has followed in the step of the pre-existing political structures ignoring women's specific issues and political representation. Neither the start of multi-party democracy promoted women's local political representation nor the 1972 administrative decentralization reform which aimed to increasing local and popular participation in politics have promoted women's political representation. Rather, women's local representation and their political interests have been ignored.

The 1996 “democratic” decentralization/regionalization: decline in women's representation and introduction of the 30% quota

In principle, the 1996 decentralization/regionalization as a new phase in local democracy aims for the transfer of power to local elected officials through popular participation and equity in decision making. From a gender perspective, what does local democracy mean? Do the decentralization reform and the new electoral system improve women's local political participation and representation in local government?

As stated in the introduction, no laws prevent women's political participation and representation at the decision-making level; however, it is absolutely true that no laws have promoted more-equitable gendered political participation and representation in decision making. Even though there is no

legal constraints to women's political participation in local affairs, gender is still not acknowledged in decentralization policies. The Local Collectivities Code of the 1996 decentralization law (composed of 372 articles) gives power to local deliberative organs [the councils] to “ensure good living conditions to all of the population without discrimination”. The Code also refers to women councilors in a general way only in three laws (Articles 28, 98, and 202) about the decision-making bodies (IED 2006, Bandiaky and Tiani 2010) without really describing their level and power in decision making.

A comparative analysis of women's political representation before the decentralization/ regionalization law in 1996 and the 2002 local elections (COSEF 1999, CAEL 2005) reveals that before the 1996 decentralization political and electoral reforms, women represented 14,46% of local elected actors (regional, municipal, and rural councilors) and 7,64% were in the executive board of the local councils. Only two women were Presidents of Rural Communities (PCR) in Malem Hodar and N'diass (MFEF 1993).

After the adoption of the 1996 decentralization reform, women's local political representation at the decision making level drastically dropped. It is rare in Senegal to find a woman president of a rural council. The results of the May 12 2002 local elections show that women represent 10,90% (1002 women) of local elected actors out of 89,1% of men (8194); and 9,37% of women (90 women) are on the executive board of the local councils out of 91,63% of men (870 men). These statistical information are drawn from the census report of May 12 2002 local elections, done by the *Centre d'Appui aux Elus Locaux* (CAEL) in 2005.

From the March 22 2009¹⁷ local elections, Senegal counts 23,370 local elected officials serving in 543 Local Collectivities divided up in fourteen (14) Regions, one hundred and thirteen (113) Communes of Common Rights (*Communes de droits communs*) and 46 Communes of Districts (*Communes d'Arrondissement*), and 370 Rural Communities. Gender disaggregated data of the composition of regional councilors show: a total of 780 regional councilors of whom 688 men (88.21%) and only 92 women (11,79%). All the 14 regional councils' presidents are men (one president for each of Senegal's fourteen regions). Among the 89 elected mayors, 80 are men and 9 women.

In April 5 2011, President Abdoulaye Wade signed a decree for a new administrative decentralization, replacing the councils of ten rural communities by Special Delegations (*Délégations Spéciales*)¹⁸, which now have institutional

¹⁶ The implementation of the administrative reform was done progressively throughout the seven regions of Senegal at that time (In 2011 there are fourteen): Thiès 1972; Sine-Saloum (Kaolack and Fatick) 1974; Diourbel (Diourbel and Louga) 1976; Casamance (Ziguinchor and Kolda) 1978; Fleuve (Saint Louis) 1980; Senegal Oriental (Tambacounda) 1982; and Dakar 1984 (Ministère de l'Intérieur 1984: 9; Vengroff and Johnston 1987: 276).

¹⁷ Initially, the local elections were scheduled in May 18 2008. But, because of the new administrative zoning i.e. the creation of the new regions Sédhiou, Kaffrine, Kédougou February 1st 2008; the National Assembly voted a new law to postpone the local elections until March 22 2009. Therefore, the mandate of the local elected officials (regional, municipal, and rural councilors) was extended for one more year.

¹⁸ The special delegations were first created in November 11 2001 by a constitutional law (n°9/2001), to be in charge of regional, municipal, and rural councils until May 12 2002. It was political strategy from the newly elected President (Abdoulaye Wade) and his government in power to break up from the former regime (the Socialist Party-PS) and its elected officials whose mandate was expiring in November 2001.

power. Fifty one (51) persons are nominated members of the special delegates including seventeen (17) as head by orders N° 6151 to 6155 of May 24 2011. In this newly and controversial¹⁹ creation of the Special Delegations, there are only three women nominated and no woman as a head of the delegations. Although, these delegations are not elective offices where gender parity is stipulated in the parity law of May 14 2010; gender equity is again relegated as secondary for political reason.

Paradoxically, the 1996 decentralization and political regime change in 2000, which was seen as opportunities for gender equity, did not improve women's representation in local councils instead one witnesses a decline. The 1996 decentralization/regionalization reform aimed at transferring power to local elected actors created new forms of political patronage and exclusions in access to local government decision making. Patronage networks are an important factor in limiting women's access to political power.

Does it mean decentralization is still looking for its mark or there should be more specific mechanisms and practices for gender equity in local governance? The process of exclusion and subordination of women is legitimated in different ways both within the structuring of the political arena (organization and functioning of political parties) and the familial and socio-cultural constraints (N'diaye-Sylla 2001). Since the colonial period to present days, women constitute the majority of the electorate; however, they continue to occupy a marginal place in political decision making spheres. Although they are theoretically and legally eligible, they have never constituted a third of the political representatives, let-alone met gender parity (law adopted in May 2010 and will be in force starting the presidential elections in 2012).

The national statistics above show that women's representation in local councils and their executive board (the decision-making level) after the local elections in 2002 and 2009 is very low. Senegalese women participate in *masse*²⁰ in electoral politics; however, they have a low representation as elected officials. They are generally relegated to masters of ceremony and mobilization roles in political meetings and electoral campaigns. A minority of women is candidates in local councils and those who are candidates are relegated to secondary roles.

Women's lack of effective participation at the local government decision-making level could be explained by four main factors. First, the political arena is dominated by

men who are more concerned with political positioning and rivalries with opposition parties than women's representation. Second, political parties in power use women as instruments to achieve their political goal of reelection. Third, women's role is reduced to brightening political meetings and electoral campaigns instead of being leaders in decision-making. And four, decentralization laws are gender neutral.

The past and current structure of local government has implications on decision making regarding forest and land management by men and women, women's interests and tenure rights because they shape and reproduce unequal power and authority. Yet to understand the local social and political dynamics of inclusion and representation, it is essential to be aware of the position of men and women vis-à-vis formal and informal institutions at the local, national, and international levels. Local government institutions serve as channels for access to resources (Berry 1989). Understanding how institutions work and for whose benefit (Robbins 1998) is important for a gendered questioning of power relations in natural resource management.

For the section below, I will do a gender analysis of Senegal forest and land policies to show the link between women's access/control over resources or not and the representation or lack of in local government institutions.

Gender, local governance, and land/forest resource management in Senegal: from exclusion to participation- to decentralization

The French colonial administration's objectives of protected areas and commercial agriculture had negative impacts on people's access to land and forest resources, particularly on women. Commercial agriculture reduced women's access to land and confined them to small farming for family consumption while men were concentrated in peanut fields for exportation. The people's participation in forestry resources management and women's access to land and resources were not issues of importance.

Although the Agenda 21 states, "women have a vital role in environmental management and development. Their full participation is, therefore, essential to achieve sustainable development (Principle 20)", Policies related to participatory approaches in the 1980s and 90s were mainly political and did not take into account community participation, let-alone

¹⁹ In the Code of Local Collectivities article 193 of the law n° 96-06 of March 22 1996 it is stipulated that "in case of merging or fragmentation of rural communities, the rural councils are *de jure* dismissed and replaced by a special delegation. Elections are organized within six months from the dissolution date". Therefore all the elected rural councilors are replaced by designated/nominated members of the special delegates by the central government. This act is considered by the opposition parties as unconstitutional, undemocratic, and a false politics of administrative decentralization. In fact, this government (political party in power, the Senegalese Democratic Party-PDS) initiative is seen by the opposition parties on the one hand as political to weaken the opposition in territories where they gained more representatives and constituencies during the last local elections in 2009; on the other hand, the special delegations are illegal and treat the population as subjects and not citizens. However, according to the central government, this new administrative decentralization is economic and cultural.

²⁰ During the local elections in 1993 the gendered participation in local electorate at the Rural Communities nation-wide was: total voters 1,404,092 of which 753,372 women and 650,720 men (IAD 2000). For the general elections, women represent 51% of the electorate (Third General Census of Population and Habitat 2003)

women's issues. Even though the main policy documents, the first Forest Development Action Plan (*Plan d'Action Forestier de Développement*) in 1981, the Desertification Report in 1984, and the Forestry Plan in 1992, promoted the inclusion of people's economic needs in forest conservation; they did not acknowledge women's role in desertification alleviation or the impacts of desertification on women's lives.

1964 National Domain law and 1972 Administrative Decentralization Reform

The land reforms of 1964 and 1972 stipulated equal access to land to all people living in a specific territory and a fair allocation of available land to those who could put value on it (*mettre en valeur* i.e. through agriculture production, market gardening, etc.). The law on national domain land has no explicit discrimination regarding equality between men and women. However, the law is neutral on equality between men and women in land ownership (Faye 2003). Actually, this rhetoric is different from practice when analyzed through a gender lens. In the rural areas customary laws have been applied in parallel to state laws, which is part of what prevented women from being land owners. The majority of peasant women (mainly the poorer ones) generally had access to land through their husband or a male member in the family. Even when they had access to land, it is small pieces of land, which did not allow them to do a large-scale agriculture production (MFEF 1993). Women also did not have space to talk about their constraints in access to land; they also could not put value on the land as stipulated in the land reform laws because they are very poor and hardly have access to input and fertilizers.

The rural councils when created in 1972 was in charge of providing provision credit, agricultural implements supply and equipment distribution to the peasants. Peasants' cooperatives were part of the rural councils and were in charge of the management of peasant affairs. However, the co-operative officials, in fact were often male local notables chosen by the government. Therefore, they were in a position to turn the institutions to their own economic advantage. Economic inequalities in rural society were thus strongly reinforced by the co-operatives (O'Brien 1975, Gellar et al. 1982). Cooperatives, who were put in charge of distributing seeds, fertilizers, and farming technology were given priority to male heads of household and land owners. Therefore, women generally had to go through their husbands to have access to the supplies and benefits offered to the peasants by the cooperatives.

The gendered land and forest implications of the 1996 Decentralization/Regionalization

The Local Collectivities Code of the 1996 decentralization law in Senegal (composed of 372 articles) gives power to local deliberative organs [the councils] to "ensure good living conditions to all of the population without discrimination". Although the Code refers to women councilors only in three laws (Articles 28, 98, and 202) about the decision-making

bodies (IED 2006); it is more related to electoral politics. The decentralized forest and land management policies are still gender neutral and gender blind. Local elected officials fail to include women's needs and constraints in their budget and agenda and tend to reproduce social hierarchy and inequality in the public domain, and give women secondary roles in decision making.

The decentralization/regionalization laws only stipulate the conditions of land use but do not focus on women's constraints, interests, and opportunities for access to and control of land. Women can have legal access to land with decentralization, however they have difficulties in access to input and fertilizers; also they do not have economic means for commercial agriculture. Even though *de jure*, women have access to land *de facto* rural women's access to and use of land is still dependent on local social norms, which favor men (IED 2006). Rural women generally have access to land via the rural council as a collectivity through their associations/groups. « The small irrigated agricultural zones and market gardening and orchards around well drilling and wells are very easily allocated to women as collective or individual lands by men and rural councillors (Faye 2003) ». The collective land is generally used for vegetable gardens and orchards. The products are used both for family consumption and for sale; the money collected from the sale is kept in the association account to meet certain needs.

However, the land allocated to them is usually less than one hectare for an average of 30 to 40 women per association (MFEF 1993). Here, one witnesses a 'collectivization' of land allocation, which does not promote women's agency and individual ownership and control of land. It is very rare in the rural area to see a woman making a request for land, as an individual to the rural council.

A broader question emerges: is it only gender norms that prevent women's ability to obtain land as individuals? Women face other structural constraints which include their lower levels of education, their inability to fill out needed forms, their reliance on male relatives to help them figure out the bureaucracy for policy making, and the propensity of donors and the state to push women's groups to acquire land for group projects.

The 1996 decentralization reform and the forest policies drafted after that (the Environment National Action Plan, the Forestry Code, and the Environment Code): Even though there was openness to communities' participation in nature conservancy, the relationship between women and their environment was not of specific interest.

Women's relationship with the environment has started to be recognized as an issue in Senegal environment policies with the Environmental National Action Plan (PNAE in 1997). It acknowledges the inequalities among social categories and classes, as well as between men and women in access to natural resources. Women play an important role in the management of their environment and women's associations/groups are very active in desertification alleviation. Therefore state institutions should give women more prerogatives in environment management. However, women's and gender issues on natural resources are not adequately or effectively stated in policies and not considered in practice.

Moreover, the environment policy documents are too technical and juridical for discussing gender issues. They focus on the physical environment (the different types of pollution) and environment impact assessment. There are no references to social, cultural, and gender issues. The different environment policies and action plans redrafted within the decentralization context in Senegal are generally gender blind, gender neutral, or women's and gender issues are only mentioned as generalities. Gender is disregarded in policies, laws, and agendas, which undermines women's interests and opportunities accessing environmental resources.

The new formal structures that emerged with decentralization have not brought women in power on the issue of natural resources.

CONCLUSION

This gender policy analysis paper draws four main observations: first, decentralization in both colonial and post-independent nation-state did not contribute to women's effective political representation and participation in local government. Second, decentralized land and forest resources management structures, processes, and practices did not allow women's better access to and control over land and forest resources. Third, gender and forest governance are not automatically and inherently served by localization. It is also about national legislative and regulatory reforms and international politics. Forth, the legal framework of decentralization allows spaces and opportunities for gender equity.

Senegalese women's full right to vote in 1946 allowed recognition of women as citizens and political actors. Women have played a key role in electing the Senegalese nationalist leaders facilitating the path towards independence. However, their status as political leaders during the colonial period and up to now is yet to be recognized. The number of women elected officials has increased, but it is slow and little. The two main decentralization reforms, which aimed for popular participation and representation, did not allow a better representation of women in local government. These two reforms are gender neutral so do the different electoral systems. The political regime either single-party rule or multi-party democracy did not favor women's political representation, which has implications on women's economic and ecological needs. The Senegalese "politician politics" (i.e. the machine style politics) based on political patron-client relationship has been a real obstacle for gender and women's issues to be at the center of political objectives and agendas.

The evolution of environment discourses, processes, and practices in Senegal shows colonial linkages and neo-colonialism in governing the commons. The Earth Summit conference in Rio in 1992 and the adoption of Agenda 21 have created a trigger point in Senegal environment policies to take into account women's issues. However, at both international and national levels women's environmental issues have been conceptualized in a very essentialist way. The discourse is based on women's roles in environment protection, omitting the impacts of environment degradation in women's lives,

women's needs and constraints in access to land and forest resources. Women's issues in Senegal forest governance policies have been poorly conceptualized.

In Senegal national processes of electoral politics, the electoral system is institutionalized but it lacks democratic principles and mechanisms in choosing political leaders. There is no requirement for equal representation between men and women. This lack of institutionalization of gender equity (until the parity law is effective in 2012) lowers women's representation in the rural council and weakens their voices. The patron-client relationship and party loyalty of the electoral system undermine women's political leadership and common interests. In addition to that, there are no accountability mechanisms to hold political leaders and local elected officials. Therefore, they use non-democratic practices such as favoritism, friendship, and kinship to achieve their electoral objectives and personal interests to the detriment of the population mainly of women. The power of cultural and traditional perceptions of women's secondary roles and status is prevalent in male elected officials. In most of the rural councils, women are relegated to the gender committee with specific domestic roles instead of being members of the board or strategic committees such as land, environment, or finance. The context of local electoral politics in Senegal shows a reproduction of the beliefs on women's secondary place in the household into the public and political arena. Decentralization has allowed women to be legal land owner through the council. However, women's lack of economic power prevent them from making good use of the land, they are only involved in small scale farming.

The conclusion want to moves beyond the social and political complexities in which rural women are embedded to end with a call to seize, the as yet, untapped spaces and opportunities for gender equity and equality that still may be realized within the politics of decentralization. Decentralization as an institutional and constitutional framework can be used to enforce gender sensitive laws that go beyond nominal representation and, rather, aim for social change.

In spite of the failure to date, I suggest more explicit use of even transformation of decentralization by women, as an opportunity to influence policy and decision makers. It offers institutionalized and legal spaces and opportunities for gender equity even though it has not yet achieved it and guarantee it in the future. Decentralization may be simply a necessary but not sufficient condition for women's full participation and representation in resource governance and equal access to forest resources in Senegal and beyond. For political decentralization to be more truly democratic there is a need for greater consideration of gender differences in interests, constraints and preferences in land and forest management and for appropriate shifts in analytical methods moving from mechanic and technical laws/ policies to doing the anthropology of law.

My aim is to go beyond judgment of decentralization as good or bad and if more women's representatives will serve women's interests or not (Senegal is not there yet because the parity law is just adopted and not implemented until 2012; and even after that there is need for time for better assessment

and judgment) to investigate what are the spaces and opportunities available to gender equity in decentralization?

Who are the actors that are going to make a difference for promoting gender equity between men and women, in practice, and especially in access to natural resources? Who are the explicitly political and state affiliated actors?

Decentralization laws state democratic principles such as accountability, responsiveness, equity, and efficiency, which are part of the foundation of gender equity and good local governance. All elected actors, men and women, have the same legal rights to be part of decision making. Poor rural women have become formal political leaders within the local state, which was almost impossible before decentralization. Women have always been community leaders and had potential for political leadership. Women can challenge patriarchy without fearing any exclusion. With decentralization, women's rights as political actors and citizens are recognized. They have access to laws and can apply legal pressure. Traditional beliefs and cultural norms are deeply rooted, therefore not easy to challenge although culture is subject to challenge and change. Laws, however, can be challenged by social movements and civil society. All local elected officials are elected under the same electoral code and laws. They have the same rights and are elected by the community, yet nobody is above the laws. If legal structures, and processes with accountability mechanisms, were to be introduced, gender and class inequality could be tackled.

The lack of guarantees for gender equity in decentralization emerges, on the one hand, from other locally entrenched political, social, and cultural factors that shape women's lives. On the other hand, it derives from the lack of law enforcement and the interests (personal and mainly political) members of parliament who make the laws.

The adoption of the parity law in May 2010 in representation will bring more women into political institutions in the next presidential and local elections within the African women's decade (2010–2020). The parity law in Senegal has brought a new paradigm shift which requires a new feminist discourse of what it means to be women's representative in the same number as men (50/50) and at the same level (alternate men and women in while dressing an electoral list). When the law will be implemented and in a time period that allow better assessment and judgment, the feminist rhetoric and discourse in theorizing women's political representation in Senegal will move beyond numerical representation and embrace the new trend challenging the myth of women's incorruptibility, essentialist notions of women's higher moral nature, and assumed propensity to bring this to bear on public life and particularly on the conduct of politics (Goetz 2007). "Politics is the worst place to ignore difference between women: arrangements for the inclusion of women in politics that are insensitive to differences of race, class, and ethnicity between women will see elite women capturing public office. Is it useful to analyze problems of governance – or accountability failures – from a gender perspective? This is a question about what governments can do for women, as opposed to what women can do for good governance" (Goetz 2007: 88–89).

I am saying that women elected officials need to be held accountable. It is important to question their accountability and how they represent and are responsive to poor rural women's environmental and livelihoods interests from local places to the broader national sphere. Women can and should bring change in the ways of doing politics through fair, equitable, and representative structures, processes, and practices of good governance.

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