CHAPTER 6

CONCLUSIONS, FINDINGS AND RECOMMENDATIONS

World over governments are decentralising the governance of resources. But concerns have also been raised as to whether decentralisation can really lead to effective forest management. Thus the central question of the thesis – ‘How best can natural resources be managed?’ This question is very relevant in the present context because the forest sector in India is undergoing a churning as never before. Even as the government implements laws and policies to enable more participatory forest management, communities are beginning to claim forest management rights under the new laws. Even as laws and procedures are being framed by the legislature, the judiciary is playing an even greater role in forest-related issues. The state is pushing forward its own agenda of governance and the people are pushing right back. Hence, the management of forests has always been a political process of balancing and prioritising between different benefits and beneficiaries of different systems of managing forests (Lele and Menon 2014, 1-2). The discourse has indeed shifted from the earlier focus on a utilitarian and preservationist approach to one of sustainable-ecosystem that encourages participation. This has resulted, in the recent years, in considerable restructuring of the institutional arrangements governing natural resource management. This restructuring has taken place in the context of the on-going efforts of decentralisation. Deliberate policy interventions by the state, initiatives by voluntary agencies and local groups, and the impact of market forces on local institutions have all contributed to the institutional change.

In this thesis, we have analysed the factors that influence natural resource management using a comparative framework in which we have looked at different decentralised institutional arrangements and the centralized government institutional setups as well. The result of this study has demonstrated the relevance of institutional arrangements and the extent to which they foster cooperation and complementarity among the governance actors who may affect forest management. We find that institutions help explain the varying levels of performance in this sector. The success of natural resource management as a tool to conserve the forest is closely linked to how public policies affect local-governance patterns. Because of their expressed
intent to empower local-governance structures, this thesis has paid close attention to the effect of decentralisation. The results of the study demonstrated the relevance of institutional arrangements and the extent to which they foster cooperation and complexity among the governance actors who may affect forest governance outcomes at the local level. It is found that these institutions help explain the varying levels of performance of forest governance systems. One of the most significant conclusions from this analysis is that, even though legal reforms and economic incentives are often necessary components of effective natural resource governance, they are insufficient to improve outcomes. In addition to those components, a successful forest governance regime requires a combination of state initiated or community initiated local institutional arrangements that are capable of providing participation, accountability and deepening democracy. Such arrangements need to provide an incentive to conserve, information and ability to empower. Hence to answer the question of ‘How best can natural resources be managed?’ In this thesis we find that it should be a decentralised management system that is characterised by the following factors, keeping in mind the limitation of this study that the conclusions can be generalised only to similar cases but cannot be extended to causally dissimilar cases.

The findings of the thesis are thus:

6.1. Deepening Democracy

The thesis first hypothesized that in villages that are characterised by a decentralised system which includes state initiated and community initiated institutions there will be greater decentralisation in the institutions and greater participation, empowerment and downward accountability relative to either the cases with only state initiated decentralised institutions or a purely centralised system. This hypothesis puts the institutional arrangements at the centre stage of the analysis. We had compared three case studies with different institutional arrangements, they are; Case A which is a system with state initiated decentralized institutions, Case B which is a decentralised system that includes state initiated and community initiated institutions and Case C acting as the control case with centralized state control and no decentralisation. An Index of Decentralisation was constructed in as an attempt to capture the crux of decentralisation, in terms of it being the transfer of powers from central government to lower levels in a political-administrative and territorial hierarchy. Community initiated institutions ranked high on the index and those state initiated institutions that
did so were from Case B villages. The analysis revealed a number of inter linkages between the multiple institutional set up in Case B, they are - experience garnered in the Civil Society Organisations (CSO) helped the VFC (Village Forest Committee) members or officials be more assertive. The presence of CSOs encouraged the people to elect/select members with experience in the CSOs as members of the executive committees in the government initiated decentralised institutions. The tribal panchayats have an indirect effect on the other decentralised institutions, in terms of who are elected/selected as functionaries. Also, the CSOs are involved in the commencement of the government initiated institutions but thereafter are not given space for further participation.

The data also suggests that the extent of democratic decentralisation is fairly strong in Case B. This case rates well on all three of the indicators chosen - participation, empowerment and downward accountability. In the villages studied under case B there are more than one institution of natural resource management present. This case is characterised with the presence of the government initiated decentralised institutions and community initiated institutions. The presence of multiple institutions therefore seems to impact the level of democratic decentralisation as per the given indicators. It points to the existence of inter-linkages between decentralised institutions and that the institutions do affect each other in their functioning. It was also found that the presence of parallel institutions, in Case B, have not weakened the institutions created by the state, but on the other hand have moderately strengthened them. It was observed that this is due to two facts, one, the local people are more aware of the need to conserve and two, they perform better as representatives of the village as they have gained experience in management, in the community initiated institutions. The people observe how the institutions of the CSOs function and then demand the same rights in the government institutions. Hence, the assumption, that institutions in Case B (cases with both state initiated and community initiated decentralised institutions) would fare better on a decentralised index than their counterparts in Case A (cases with only state initiated institutions) or Case C (centralised) and on the whole Case B villages would have greater participation, empowerment and downward accountability and therefore deepening democracy, held true in this situation
6.2. A multiple Institutional Arrangement

The thesis also looking into the functions of the different amalgamations of institutions in light of the effect their functioning has on the resource. The study examined the context wherein decentralisation is effective in terms of natural resource management and investigates how the forest has been defined and perceived by different stakeholders and how their perception on resource use has been affected by the presence or absence of institutions of decentralised FRM. From the analysis in the thesis it can be seen that, villages that have any form of decentralised system feel that the condition of the forest is better. The forests are perceived as healthier in these villages. However, when it comes to extraction of products with some commercial value, be it NTFP collection, fodder, grazing or leaf litter, the extraction levels are much higher in Case B than in any of the other cases. The presence of multiple institutions of forest management has increased access to the resource and reduced the restrictive capacity of the forest department. This in turn has led to an increase in extraction of commercially valued forest products. Further, the incentive to harvest exists as the community initiated institutions provide higher prices for the NTFPs and this consequently leads to an increase in extraction.

With regard to the protective instincts of the people in terms of reporting forest fires and reduction of illegal activity, cases that have some form of decentralisation fare much better than the centralised cases. People feel more connected to the forest and are more inclined to have a stake in its conservation when decentralisation exists. In terms of awareness, the presence of multiple institutions has a profound impact. The community initiated institutions play a major role in spreading knowledge among the people and are the key links of communication. However, the message they are spreading needs to be looked at carefully.

We could say that decentralised institutional setups do change the perception of people to the forest in a positive manner. However, two major caveats are needed in this type of institutional set up, one; the resource users need to have an incentive to conserve. If the market gives them an incentive to exploit then over extraction is inevitable. And two; the overall regulation of the state is still required. It is true that, absolute power in the state does not work as can be seen in the case study of a centralised system, but when regulation is tempered with accountability then the
forest department plays an important role in being the enforcer of sustainable harvesting. This is an opinion expressed by the respondents of the survey. When asked what should be the role of the forest department in managing the resource, more than 90% said that it should be a fair regulator.

Hence, this is a case for a multi-tiered system where each tier operates within its sphere of competence. It means the district forest officer, the panchayat and below them the village level institutions, all operate in co-ordination with each other. This is basically a system where one layer of devolution does not take away from the one above it, but instead works with it in coordination rather than in conflict. Each does what they are good at and leaves the application of other functions to others who have the capacity to execute it. It could be concluded that the principle of subsidiarity works within a political economy structure driven by institutions and incentives provided. The institutions have a distinct impact on the outcome of natural resource management and this behaviour is driven by the incentives of the market as well as the regulation of the state.

6.3. Nestedness

While studying the effects decentralisation has on forest resource management, it was found that cases with both state initiated and community initiated decentralised institutions have a unique means of forest governance. It is marked by nestedness of institutional arrangements, fluidity of membership and roles of villagers over time, different meaning of networks to their different members, and a dynamic mix of formal and informal exchange relations. The case studies show that only decentralisation is not enough, to be effective there has to be enough information, resources and power. This framework occurs only when multiplicity of institutions exist on the ground, it also has the potential of supporting mechanisms of accountability. The thesis also points to the importance of communication and inter-linkages between actors and institutions for the effective functioning of forest governance.

This does not mean that nested structures, which are characterised by multiple institutions, have no inter-institutional conflict of interest. Indeed tension between the community initiated institutions and the state initiated institutions, as well as, among the community initiated organisations themselves, do exist. These manifest on two
fronts, one in relation to the way in which the resource is perceived and two, is with regard to the ultimate aim of forest governance. Also, a major drawback of such close ties among the institutions and the multiple roles played by actors is elite capture. The density of local institutions at the village level, leave it vulnerable to elite capture.

Further, it is hypothesised that in villages that are characterised by a decentralised system, whether state initiated or community initiated, there will be more effective forest resource management relative to the centralised case. So does decentralised environmental governance work? There is no straight yes or no answer to this question. The thesis demonstrates that multiplicity of local institution and the presence of community initiated institutions do have a favourable effect on how institutions perform. They enable greater participation, accountability and empowerment by building stronger networks of communication and linkages between institutions. Further, as a result of decentralisation of resource governance, the effectiveness of forest management has increased significantly, but it is conditional to the incentives that markets provide to over extract or not.

The reason there is a difference between formal decentralisation and a decentralisation that is ‘nested’ is that formal attempts to devolve functions were not accompanied by corresponding independence in finance and capacity building. It is only in the community oriented institutions that grew at the local level that these features were observed. The thesis highlights the importance of taking the institutional environment into consideration when seeking to understand resource governance systems. It shows how relative to centralisation, decentralisation functions better. To open up the black-box of what we mean by ‘decentralisation’ the case studies highlight the need for a nested structure with plurality of bodies and networking that is crucial. To a certain point the analysis in the thesis confirms the validity of the premise that cases that have increased local-government along with involvement of community oriented institutions are more valued by the resource users and are more effective in their functioning.

6.4. Best Practice

In summary, the study suggests that the creation of multiple local level institutions can go a long way towards improving the conditions for governance performance of forest resource management. One of the main lessons of the thesis is that local
governments are potentially important players in the arena of environmental governance and could foster better outcomes. However, their potential to positively contribute to natural resource management is importantly shaped by the nature of local institutional arrangements. In general, participation helps the cause of decentralisation of management of the resource, but the creation of institutions that promote inclusion, empowerment and downward accountability increases the effectiveness of management. By paying attention to the incentive structures of the market one begins to appreciate under which conditions resource users will be more likely to conserve natural resources. Such knowledge will be an important element in any effort, whether decentralised or not, that aims at improving the effectiveness of forest governance.

Hence, institutional change has amounted to the redefining of the role of state and has simultaneously furthered experimentation regarding a variety of local government and community forms of management and co-management. These institutional arrangements of nestedness have involved local communities and user groups, joint environment management schemes of the government, non-government organisations based initiatives, and most importantly the resource users themselves. Such a multi institutional setup at the local level has brought about what could probably be a more sustained and equitable form of natural resource management (NRM).

6.5. Constraints

It should be noted that this study also points to a number of shortcomings that were found in a nested structure. For one, there was an increase in extraction of commercially valued forest products. The incentive to harvest by providing higher prices by the community initiated institutions has also led to an increase in its extraction. The community initiated institutions often looked at the forest as a resource that needs to be used. It encourages the perception that the value of a resource only lies in its market value. Though this is not what the NGO officially states, it is how the villagers who participate in its activities perceive the resource. This fact is pointed out by the officials of the forest department. They express their displeasure with the fact that extraction levels of NTFPs are very high in Case B villages and though sustainable harvesting is advised, it is not really practiced. The survey data collected from the households does support this point.
Also, a major drawback of such close ties among the institutions and the multiple roles played by actors is elite capture. The density of local institutions at the village level, leave it vulnerable to elite capture. It is often seen that those who act as heads of the tribe and their family members, tend to be in positions of power in the local government bodies, even if they are elected to the post.

This arrangement is still in the grips of patriarchy as well. It was observed in a meeting of a women self-help group the women were authoritative and confident in their positions. They spoke of how participation in the SHG had given them a means of becoming financially independent. However, at the end of the meeting a male representative from their tribe arrived at the meeting. Immediately all the women put their heads down and thereafter he was the only one who spoke. Most of these tribes are highly patriarchal and women are spoken of as property and have no say or social rights. Hence, in spite of participating and becoming economically independent this structure is still vulnerable to social structures and constrains.

6.6. Recommendations
A conclusion that can be drawn is that decentralisation plays an important role in making environmental governance effective. Decentralised players deserve attention to help redefine natural resource management. They are at the right social and institutional position to articulate local dynamics and public debates into the state’s policy process. Hence, a few policy recommendations have been made based on this study, with the caveat that though the conclusions cannot be generalised beyond similar cases we can draw from them policy lessons that may apply not only to Tamil Nadu, but also to Indian environment governance as a whole. These policy recommendations are important because the failure of the Indian government to encourage democratic decentralisation of natural resources would reflect on the larger efforts of enhancing local democracy. An area for future research would be for the natural resource sector to be compared with health, education and development to see the degree to which these observations only reflect sectoral peculiarities or whether there is a larger pattern of effectiveness of nested structures.

One of the major recommendations given is that to enable decentralisation, a rights based approach should be followed by policy and law makers. Powers delegated through executive order by central agencies to local authorities are privileges that can
be taken away. This is illustrated by the fact that the members of VFCs and EDCs are accountable to the forest department, who keep them under their thumb by virtue of their insecurity and fear of losing privileges. Powers that are being transferred as rights are less easily taken away by the state, because they have legislative backing. Such rights establish a domain of discretionary freedom. The best instrument available at present is the Forest Rights Act (FRA), which can be used to bring about security of transfer of power. Other such initiatives based on rights should be legislated. The more secure the transfer the more the degree of independence that local authorities have in exercising the powers. However, the government should not just stop at legislation; it should also implement the same.

However, it should be remembered that, the key to ensuring that the transferred rights do not threaten the conservation of the forest is to ensure that the duties of laws like the Forest Rights Act are also implemented with vigor. The same Forest Rights Act has a set of duties listed such as protection of habitats, wildlife and biodiversity etc. There should be equal emphasis on ensuring that local resource users who gain rights are held accountable for upholding their duties as well, because rights without duties are meaningless, counter to the democratic ideal and could lead to disastrous environmental consequences.

For environmental governance at the local level to be successful, another recommendation is that a domain of local autonomy needs to be established. With overbearing systems of environmental management planning and oversight by forest departments, how can local state initiated institutions develop capacity to operate independently and how can they develop legitimacy in their own communities? One of the priorities of decentralisation is the creation of a domain of local discretion. It is observed that this domain is constrained by failure to transfer discretionary powers and restrictive oversight in the form of supervision, approval and management plans. Without local autonomy or local discretionary powers, local state initiated institutions are unlikely to be respected and legitimised in the local arena and are less likely to be the channel of communication and action around which civil society will form. Local representation without a domain of discretion is neither democracy nor decentralisation.
This brings into the discussion the role of powers granted to local authorities. Governments are reluctant to devolve powers before capacity has been demonstrated. But without powers there is no basis on which local authorities can gain experience needed to build capacity or demonstrate that capacity has been gained. This becomes a ‘Catch-22’ situation. The lack of capacity argument is often used as an excuse not to devolve powers. However, the argument that local resource users lack the capacity to use and manage natural resources has been shown as baseless in the thesis. Often when the presidents of VFCs have been successful they have gained capacity by being a part of the community initiated institutions. Also, many local natural resource decisions do not require any special capacities.

However, to ensure that such power is not misused this thesis recommends that it should operate within a nested structure at the village level. When integrated schemes are recommended in official policies they usually are referring to an amalgamation of government services to provide for forest protection. They tend to envision such an initiative as being restricted to state functionaries. Here we propose an integrated forest protection scheme that involves encouragement of nested institutional structures. This would entail integration and interdependence being fostered among community oriented and state oriented institutions to ensure forest protection. This would ensure institutional choice being available to the resource user, who would have multiple platforms through which they can participate in conservation. If all these institutions are roped into the conservation effort, as shown in the thesis, the likelihood of effectiveness of such a scheme is increased.

The thesis has highlighted the key role played by Non-Timber Forest Products (NTFPs) in financing local environment management institutions and how it acts as an incentive to create and sustain such institutions. This addresses two issues, one firewood extraction and the extraction of other NTFPs like fruits, grass, leaves etc. The recommendation given in relation to NTFPs is that the dependence of villagers on firewood for fuel should be reduced. Persons requiring the fuel wood could obtain their requirement as per the norms of Joint Forest Management (JFM) to ensure sustainable use. This should be based on the principle of no loss no profit. The non-government organisations should not be allowed to commercially profit from the sale of NTFPs. The profit, if any, should only go to the tribes who collect and add value to
the products. But some unscrupulous organisations use the name of the tribes as a cover to privately profit from the collection of NTFPs. These organisations should be brought to book.

Another point that should be reconsidered by the law makers is how they define and view tribes. The government in its conceptualisation of tribes both in its laws and policies is misguided, because they use pink tinted glasses to view them as a primitive class of society who live peacefully in the forest and have no ambitions. This is a fallacy that surprisingly is promoted by many scholars as well. Tribes have a distinct history and a deep seated connection to nature, but in this day and age of information technology they are not isolated. They too have aims of earning more, gaining the comforts of life and improving their standard of living in terms of education and health, among other things. They have every right to dream the dream of a better life. Hence, if they are expected to use their traditional knowledge to conserve the forest, there needs to be a set of incentives in place to encourage them to do so. The government must promote systems of providing incentives to tribes to encourage them to conserve the forest. The market will provide incentives to maximise extractions to meet demands, it is the role the state to use the nested local institutions present on the ground to prevent this.

Though incentives can be both negative, like taxation and user fee, as well as positive such as credits and performance related funding, it would be more productive in this study’s opinion to give positive incentives (Skinner’s (1938) operant theory argues that these have more of an effect on the behaviour of people). These incentives can also be direct or indirect. Indirect incentives are interventions that redirect people to activities that do not degrade the ecosystem and encourage commercial ecosystem services activities like ecotourism. The forest department is using both of these strategies, but to no avail. Direct incentives on the other hand pay for conservation performance directly. If a local institution conserves or even an individual does so they gain direct rewards in the form of cash or kind. Many countries use tax incentives, tradable development permits etc., (Chopra 2005, 132-133). This type of incentive will directly counter the market incentive to exploit and will greatly help the conservation effort.
An institution that could help in this endeavour is the Biological Diversity Management Committees (BDMCs). The BDMCs were not found in the field area. Hence, it is recommended that the Government of Tamil Nadu ensure the establishment of Biological Diversity Management Committees in this region. In line with the recommendation given by the Report of the Western Ghats Ecology Expert Panel (2011, 51) the state should motivate them to levy 'collection charges' as provided in the Biological Diversity Act and fund the BDMCs to document the local ecological setting and biodiversity resources in collaboration with local educational institutions. This would not only further encourage local community members to engage in taking good care of their own environment, but also generate detailed information about the local environmental factors from the people’s perspective.

Such records would also help set up a minimum environmental standard (J. C. Ribot 2003). This approach specifies a set of restrictions and guidelines for environmental use and management. Hence, the levels of extraction, use and incursion into the forest should be specified. Any local institution or resource user operating within those restrictions should not be brought to task by the forest department and should be left alone. But some kind of action should be taken by both the forest department and the resource users themselves in order to maintain the minimum standards. The same standards should apply to the forest department as well. There should be a consultative means of identifying the boundaries between what can and cannot be done. The option of forest department’s direct intervention in case of breech should be the last resort. The domain of local decentralised institution would be that which does not violate the minimum standards. This will ensure both decentralisation, as well as, effective natural resource management.

Ultimately, when we talk of recommendations in ensuring better environment governance we should ensure that environment conservation laws and policies are actually implemented and enforced. It is often said that India has good laws and policies, but weak implementation. We reiterate this point here. The local bodies should be empowered to monitor and ensure strict compliance of existing Acts and Rules, laws and legal measures by Forest and Wildlife, Revenue Departments. The activities under participative schemes like Tamil Nadu Afforestation Programme and the National Afforestation should be suitably improved to get the desired results of
forest conservation. At the same time in the implementation of laws and policies the community initiated institutions should be involved in all conservation activities. Steps should also be taken by the government to promote social forest plantations and they should share the profit with the local community.

Another recommendation that emanates from the finds in this thesis is that there should be greater knowledge dissemination. As demonstrated in the thesis, knowledge is essential to empowerment. Information should be easily accessible to resource users. The current attitude of the forest department to guard the information it has should be changed and they should embrace the new era of the ‘right to information.’ The local institutions should be made the repositories of information as this will ensure easy access. Also collaborative inputs from R&D Centres, Universities and other scientific institutions in the area should be taken into consideration to enhance the management of the forests. These experts live in the area and are familiar with the local issues. Hence, seeking expert advice from elsewhere becomes redundant. Also local bodies have easy access to local centres of expertise. This will demystify the ‘science’ of forest management and ensure accountability.

Another measure that can strengthen accountability is to make state initiated and community initiated institutions answerable to each other. From the thesis it can be seen that is a very effective way of ensuring that accountability exists. It is recommended that the main organisations to whose operations this should apply is the forest department. However, such accountability should be made reciprocal among all the institutions involved. It will also foster a degree of downward accountability of whichever institution that holds powers over the natural resources. Elections are not the only means of accountability. Other forms of keeping each institution accountable should also be developed. For example, the forest department should maintain a register of non-governmental organisations involved in forest management and such registration should be made compulsory. In turn, the forest department should compulsorily consult the local community initiated institutions before implementation of any program in the area. This is just one example; a series of accountability measures could be applied to improve the responsiveness of local authorities to local people. Based on findings the study can argue for an incremental application of accountability measures for democratising natural-resource governance.
However, to implement any of these functions the government should provide adequate funds and fund raising power to decentralised forest management institutions. Only this will enable them to fulfil their mandate. The fund raising power should include the powers to borrow, levy charges, fine or grant compensations, raise fees and transfer funds. Hence, these recommendations aim at promoting a participatory; bottom-up, decentralised approach to forest management in the Nilgiris District of Tamil Nadu.

6.7. Conclusion

Hence, in light of the objectives and research questions this thesis set out to answer, we find that the first step forward from the current status of laws and policies would be to implement the decentralisation provisions to the fullest. This should involve identifying appropriate powers to transfer (and those that need to be kept with the forest department). As shown in the thesis each institution is effective in different sphere. The forest department as a regulator, the state initiated institutions as platforms of collective bargaining and the community initiated institutions in creating awareness and capacity development. All of these institutions have a significant role to play, including the forest department. It would involve building the kinds of representative, locally accountable institutions that make decentralisation effective. This means including local state institutions, community organisations and local communities. Decentralisation therefore is the establishment of multiple channels of influence that communities and individuals can use to keep authorities who wield power over them accountable and is a key part of the democratic process. Yet, people also need knowledge and awareness to know that they have channels of influence, and they also must learn to exercise the power that is available. It is here that the role of community initiated institutions becomes crucial. However, the true challenge facing decentralisation in India today is developing effective strategies for avoiding elite capture and countering patriarchy at every turn. It is also found that nested structures, particularly as found in Case B in this thesis, are imperative to overcome central government resistance to democratic decentralisation. The inclusion of community initiated institutions in understanding decentralisation becomes imperative, but it is important that they be kept in check via dependence on state initiated institutions of decentralisation that are representative. Therefore, we should not limit our understanding of decentralisation to just devolution of powers from the centre to the
local but instead should understand it as a process that allow different platforms for participation and empowerment of the people, which in turn helps them realize their democratic rights as citizens of the country.