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**Discussion Paper**

**Some Views on Decentralization  
in a Unitary State and Implications  
for Community-Based Forest Management:  
Lessons from France**

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## TABLE OF CONTENTS

Introduction .....	1
I Decentralization and the Concept of Local Authority.....	2
II The <i>Commune</i> or Municipality (The Community as a Local Authority) .....	4
III Other Levels of Local Authority and Territorial Subdivision .....	7
IV <i>Communes</i> and the Forestry Sector .....	9
Appendix I: Some Notes on Customary Rights.....	11
Appendix II: Some Lessons From Present-day Russia.....	12
Glossary of Key Terms.....	15
REFERENCES.....	19

***ABSTRACT.** This paper presents some perspectives on decentralization under a unitary State and on how such a decentralized system of government can affect the management of forests by institutionalized communities (municipalities). The paper analyzes the experience of France as a prime example of a unitary State with a decentralized government structure, composed of a hierarchy of Local Authorities with full legal standing and run by elected officials. The basic component of this hierarchy is the "commune" or municipality, consisting of a community institutionalized as a Local Authority. French municipalities derive many benefits from their legal standing, including land ownership and management. Many of these municipalities are full owners of forest properties (totaling more than 2.5 million hectares) which are under sustainable management, and are a major source of income and other benefits for the community. The discussions contained in the paper are offered as a contribution to the debates on decentralization and community-based forest management currently taking place in Indonesia.*

## Introduction

The purpose of this paper is to provide some perspectives on how decentralization can operate under a unitary State, and how such decentralization can support the management of forest resources by rural communities.

The Republic of Indonesia is constitutionally defined as a *unitary* State, i.e., one in which there is only one complete government structure for the whole nation, with its executive, legislative and judicial branches. This is in contrast with a *federal* structure, in which a number of small States, each one with its own executive, legislative and judicial powers are bound together in a federation to form a sovereign nation. The term *unitary*, however, does not necessarily mean that all decisions of public interest must be made by a central authority. In fact, history has shown that under a unitary State there is ample room for the transfer of decision power to local levels. However, this transfer takes place under the guidance of a set of laws enacted through the one and only legislature existing in the unitary State.

The discussion that follows is based on the decentralized government structure that currently operates in the French Republic. This structure, which has evolved over the past two centuries (since the French Revolution of 1789), is perhaps the prime historical example of how a decentralized structure of governance can support a stable, open and prosperous society under a unitary State. Additionally, France has a long history of "communal forests," which are owned and managed by local communities. It may appear strange to choose a developed western democracy as a source of lessons of experience for decentralization and community-based forest management in Indonesia. However, France's unitary nature and its stable "communal" forests, which benefit greatly from decentralization, are two good reasons for this choice.

The organization of the paper includes a first section in which the concept of "Local Authority" is examined. This concept is the very foundation of French decentralization and implies unambiguous legal personality. A second section focuses on the *commune* or municipality, which is no more and no less than a community operating as a legally autonomous "Local Authority." A third section covers other (higher) levels of Local Authority and territorial subdivision, which together with the *commune*, form a complete decentralized government structure. The paper is completed by a fourth section, which discusses how *communes* participate in the forestry sector, both as owners and managers of their own forest resources, and as public authorities with decision powers affecting forest resources belonging to all owners within a *commune*'s territory.

Following the body of the paper are two appendices. The first one discusses a few issues regarding customary rights, and how they may be affected by unitary decentralization, and the second one presents ideas on decentralization proposed for present-day Russia by Nobel-prize winner Alexander Solzhenitsyn in one of his most recent works. Both appendices contain ideas that could prove useful in moving forward the Indonesian decentralization process.

## I Decentralization and the Concept of Local Authority

The concept of Local Authority (in French, *Collectivité territoriale* or *Collectivité locale*) is a legal person under public law, which has a certain degree of autonomy and is run by an elected council.<sup>1</sup> As such, these entities are entitled to own property (buy it, sell it, deed it), to enter into contracts, and to take legal action in the court system. They constitute the very basis of decentralization, which in the French system is understood as a transfer of power from the State to Local Authorities (Vallet, 1995).

These Local Authorities are connected with subdivisions of the national territory, although not all territorial subdivisions (in French, *Circonscriptions*) constitute Local Authorities. In order to illustrate this point, Table 1 shows the different levels of French territorial subdivision, and indicates which are and which are not institutionalized as Local Authorities.

TABLE 1. French Territorial Subdivisions and their legal standing

Territorial Subdivision	Local Authority Status	Rough Indonesian Equivalent
<i>Région</i>	Yes	<i>Propinsi</i>
<i>Département</i>	Yes	<i>Kabupaten</i>
<i>Arrondissement</i>	No	<i>Kecamatan</i>
<i>Canton</i>	No	--
<i>Commune</i>	Yes	<i>Desa</i>

As shown, three of the five subdivision levels (*région*, *département*, *commune*) constitute Local Authorities. These have full legal personality and all have elected deliberative assemblies, which make decisions of public interest within their territorial subdivisions. On the other hand, the *arrondissement* and the *canton* are simply territorial breakdowns (a *département* subdivided into *arrondissements*, which in turn are subdivided into *cantons*), whose function is to facilitate both electoral processes and the delivery of certain government services.

The Local Authority status of the *commune* (or municipality) is particularly significant. In France there are more than 36,000 municipal governments ranging from major cities to small villages of a few hundred inhabitants. All these are run by elected councils that make autonomous decisions.

It is important to point out, however, that this hierarchy of Local Authorities operates under a framework established by law under which higher level authorities prevail over lower ones. In this sense, a decision at the *commune* level cannot contradict a decree from the *département*, which, in

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<sup>1</sup> Under French law, there is a separation between public law (*droit public*) and private law (*droit privé*). Litigation dealing with legal persons under public law is subject to jurisdiction of administrative tribunals, which are separate from the regular judiciary.

turn, must be in accordance with ministerial decrees. Thus, autonomous decisions at local levels (which can be quite substantial) are allowed to the extent that this legal framework is respected. Examples of autonomous decisions are urbanization plans made at the *commune* level, and construction and maintenance of public schools at the *département* level.

The concept of **deconcentration**, is very much linked to that of **decentralization**. While decentralization involves a definite change in the source of decision power, deconcentration involves the transfer of administrative authority from the central administration (i.e., ministries) to levels of local subdivisions without changing the source of power. These two concepts are the major tools of application of the **Subsidiarity Principle**, according to which each problem of public interest must be solved at the authority level closest to the citizens, while the intervention of higher authorities is reserved for fields in which decentralization would be impractical (Vallet, 1995).

While this constitutes an effective set of democratic institutions operating at different levels in a coordinated fashion, the system did not materialize automatically. In fact, there has been a rather long historical process, in which major initial steps were taken in 1789, but the basic legal structure supporting the system was established almost 100 years later, and additional major changes took place in the 1950s, 1960s and even in the 1980s. Therefore, French decentralization has been an evolutionary process, which has rested increasingly upon open elections for the designation of local agents, and has granted them increasingly higher degrees of authority over time.

## II The *Commune* or Municipality (The Community as a Local Authority)

The origin of the term *commune* is no more and no less than what we know as a “community” in common everyday language. As such, the large majority of French *communes* originated centuries ago as natural associations of people, which over time were institutionalized as official and autonomous territorial subdivisions. In short, *communes* are “facts,” as opposed to all other territorial subdivisions (*régions, départements, arrondissements, cantons*), whose origin is more conceptual than factual. Additionally, official forms of municipal governments are centuries old. Ancient Roman law already recognized *municipes* and *civitates* as local governments with legal personality. This legal standing continued to be recognized in various ways throughout history, and was formalized under the Napoleonic Civil Code and a number of subsequent legal texts (Detton et al., 1968).

The French Revolution brought about major changes in the role of *communes*. First, all *communes* were required to have a uniform structure with a Mayor as executive and a Municipal Council (*Conseil municipal*) as a deliberative assembly. Second, while local communities, both large and small continued to run their own affairs, they were assigned additional responsibilities as State agencies over specific areas of the national territory (e.g. the Mayor officiates at compulsory civil wedding ceremonies, delivers building permits, and administers social security, all in the name of the State). Over time, French *communes* have maintained this very uniform structure, and have continued to play this double role of autonomous community and local State authority. However, their autonomy has been increasingly strengthened.

The autonomy of the *commune* rests upon an elected Municipal Council, which is the deliberative branch of the local government. The Council has broad prerogatives, the most important of which are the following:

- the creation and organization of municipal services;
- the approval of the budget and the supervision of its implementation;
- the establishment of regulations pertaining to municipal employees;
- the management of the public domain, especially infrastructure and landscaping plans and decisions regarding public works in the community;
- the administration of the private domain (including communal forests), which may include acquisitions, exchanges and leases;
- granting authorization to the Mayor to enter into contracts and to take legal action in the name of the *commune*;
- communicating wishes and complaints to higher levels of authority on matters concerning the community (Detton et al., 1968).

These prerogatives are to be exercised directly by the Municipal Council, which may not delegate any part of its power to the Mayor. Additionally, the Council may not transfer its responsibilities to the electorate by calling a referendum.

Among the deliberations of the Municipal Council, prior to 1982, it was necessary to distinguish between regulatory deliberations, which were self-executory, and decisions subject to approval. For those that were subject to approval (normally at the *département* level), the higher authority could either grant or refuse approval, but could never modify a deliberation submitted by a Municipal Council (Detton et al., 1968). Since 1982, the approval authority has been considerably weakened, and control by higher levels has become more and more a matter of legality, and less and less a matter of administration, resulting in a higher degree of autonomy for *communes*.

The Mayor, who is elected by the Municipal Council, is the head of the municipal executive power; he represents the State's central power before the *commune*, and the communal power before the State. In his work he is assisted by one or more Deputy Mayors, who are also elected by the Municipal Council from among its members. From a legal standpoint, however, only the Mayor is the administrator of communal affairs, while the Deputies have no legal power (Detton et al., 1968).

As a **representative of the State**, the Mayor is part of the nation's administrative hierarchy. He exercises this authority on specific matters such as the maintenance of civil registers; certain law enforcement functions; publicizing laws and regulations; organization and administration of elections; and management and delivery of social services. In this capacity, the Mayor's decisions can be canceled or adjusted by higher authorities, although they rarely are. However, in his role of **representative of the commune**, the Mayor is a decentralized authority, which is not subject to the State's hierarchy, but only to its power of legal control. In this decentralized role, he is the chief of an autonomous Local Authority and has his own legally established prerogatives, the most important of which is the implementation of the deliberations of the Municipal Council. Other official prerogatives of the Mayor are:

- the preparation of the municipal budget;
- the presidency of the Municipal Council;
- the organization and staffing of municipal services;
- the administration of the communal domain, both public and private;<sup>2</sup>
- the safety and security of the community (Detton et al., 1968).

The Mayor is also the executor of the budget, signs contracts in the name of the *commune*, acts as its representative before the judiciary, provides direction in communal public works, and, in general, takes all necessary measures to implement the decisions of the Council.

Normally, there is no conflict in this dual role of the Mayor (representative of the State and decentralized executive of the *commune*), since both functions are clearly defined by a specific code of laws and regulations (*Code des communes*).

From the standpoint of decentralization, the most important characteristic of a *commune* is its standing as a legal personality, which has unambiguous legislative support. As such, the *commune* is a holder of rights and obligations, and possesses a domain, which it manages freely

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<sup>2</sup> The "public" domain is composed of goods of public use such as roads, municipal buildings, schools, places of worship, cemeteries, public parks, etc. On the other hand, the "private" domain is composed of property that the *commune* may own with full rights, such as houses, forest land, crop land, securities, etc.

under the responsibility of the Mayor and the Municipal Council. The private component of this domain (which includes communal forests) is often a major source of revenue for the Municipal budget. In order to manage this domain and carry out its public service responsibilities, the *commune* calls for competitive bidding, enters into contracts, and may even privatize and eventually subcontract municipal services. Additionally, as in the case of any legal person, its responsibilities may be legally challenged, while it may also take legal action against other parties (Detton et. al., 1968; Vallet, 1995).

Regarding communal property, the possibility exists for small districts or hamlets within a *commune* to have their own rights over specific pieces of property. These small centers of interest (within a larger one) are the *sections de commune*, which have their own legal personality, separate from that of the *commune*, although the Municipal Council and the Mayor have limited authority over them. (Detton et al., 1968).

Among the large number of French *communes* (more than 36,000, as previously mentioned), many are small rural communities with populations of only a few hundred. This is often too small a scale for either the delivery of certain services or the management of certain pieces of property, communal forests in particular. For these reasons the law provides for several forms of unions of *communes* (*syndicats de communes*), which allow for economies of scale to materialize. There are also other forms of association (or *syndicats*), especially in the area of forest management, under which *communes* may join efforts not only with other *communes*, but with other legal personalities as well (Lagarde, 1991). These other forms of association will be discussed further in Section IV.

### III Other Levels of Local Authority and Territorial Subdivision

As already mentioned in the first section of this paper (Table 1), French public administration operates under a hierarchy of territorial subdivisions, some of which have legal personality, and some of which do not. Among the subdivisions other than the *commune*, the most important one, both administratively and historically, is the *département*, which has been the main linkage between the central State power and local populations for the past two centuries (i.e., since the Revolution of 1789). The *région*, while much larger, is a much more recent creation which began to take shape in the early sixties as groupings of *départements* for purposes of land use planning and the organization of certain public services. The *régions* did not become local authorities with full legal personality until 1982 (Vallet, 1995).

The *département* was created in 1790 strictly as a territorial subdivision (no legal personality) whose purpose was to serve as seat for State services at the local level. With this purpose in mind, a designated agent of the State, the *Préfet* was established as the *département's* head. In addition to the *Préfet*, the Revolution created a deliberative assembly in each *département*, the General Council (*Conseil général*), whose members (who are currently elected) were originally also designated by the central power. Although the structure, functions and character of the French *départements* have evolved considerably over time, their size and distribution, as well as their centrally designated *Préfets* have remained as constants since their creation. France is at present subdivided into 100 *départements*, all headed by *Préfets*, all of whom are appointed career officers of the Ministry of the Interior.

Since the early 19<sup>th</sup> century, however, the *département* rapidly evolved towards becoming a decentralized Local Authority through the transfer of certain goods (mostly administrative buildings and infrastructure) that formerly belonged to the State. The members of the General Council became elective by law in 1833, and the Local Authority character was officially established by a law of 1838, which granted full legal personality to all *départements* (Detton et al., 1968).

Although both the *département* and the *commune* are both Local Authorities with legal personality, there are fundamental differences. First, while both the *Préfet* of the *département* and the Mayor of the *commune* are leaders of their respective Local Authorities, the *Préfet* is imposed by the State on the *département*, while the Mayor is imposed on the State by the *commune's* population. Second, whereas the *commune* is based on a natural association of people, the *département* is a creation of the State for administrative convenience. Third, while many *communes* have historically possessed important private domains, this is not the case with the *départements*; this has major budgetary implications, since *communes* can rely on the economic performance of their private domain.

The *Préfet* is designated by a decree emanating from the whole cabinet, and while he reports to the Minister of the Interior, he is the representative of all ministries and has authority over the local offices of these ministries (*directions départementales*). As an agent of the State, he has limited hierarchical power over heads of lower level local authorities, particularly the Mayors in their role as agents of the State in their respective *communes*. The *Préfet* also represents the State for both

contracting and legal purposes regarding State affairs taking place in the *département*. As an agent of the *département*, the *Préfet* is the head of this autonomous administration and has as major responsibilities the preparation of the decisions of the General Council and is charged with their implementation. Therefore, the *Préfet* serves as a "bridge" between the two aspects of the entity for which he is responsible: in the *département* as a subdivision of the State, he is the agent of the central power; in the *département* as a decentralized authority, he is the head of the independent legal personality, under which he is responsible for managing its affairs and which he represents contractually and legally.

The main activity of the General Council is the management of the affairs of the *département*. Under this very broad mandate, the Council votes the *département's* budget, creates and organizes its services and manages its domain, both public and private. In this sense, the General Council accepts donations and deeds; decides on acquisitions, alienations and exchanges; and on any legal action to be taken. Concerning public works at the *département* level, the Council decides on plans, and approves all projects and budgets, which the *Préfet* must submit to the Government.

Apart from the public services it manages in its own right, the *département* serves as an intermediary between the central power and the *communes*. In each *département*, there is a committee in charge of coordinating municipal and *département* services (Detton et al., 1968).

The *arrondissement* is a subdivision of the *département*, but does not have legal personality, and therefore does not constitute a Local Authority. These subdivisions are run by appointed *Sous-préfets*, who report to the *Préfets*. Their role is to assist the *Préfets* in carrying out their mission. The *arrondissements* also constitute electoral precincts. As for the *cantons*, these are simple subdivisions of the *arrondissement*, without any particular authority, whether elected or designated. Their only practical value lies in facilitating the organization of certain public services (e.g. rural police, public works, local courts, registration and others).

Finally, a few words regarding the *région*. As previously mentioned, this is a recent concept. Each *région* is composed of a number of *départements*, and the French national territory is covered by 22 *régions*. They were created primarily for purposes of land use planning and for the organization of public services requiring a scale larger than that of the *département*. Their structure is similar to that of the *départements*. Each *région* is headed by a *Préfet de région*, also appointed by the Cabinet and reporting to the Minister of the Interior. The *Préfet de région* is the *région's* executive, and its deliberative assembly is the Regional Council (*Conseil régional*), composed of elected members. Just as in the case of the *département*, most decisions are made by the Council through deliberation and implemented by the *Préfet de région*.

## IV *Communes* and the Forestry Sector

As already mentioned in Section II, *communes* normally possess a private domain with full property rights, which often includes communal forest land. In many cases these communal forests have been parts of a *commune*'s heritage from time immemorial, and on the whole, more than 2.5 million hectares of forest land are owned outright by *communes*. Full property rights include all kinds of usage rights, as well as the right of disposal. In other words, a *commune* is free to sell or exchange its forest property if it so chooses, a decision that belongs with the Municipal Council. In reality, however, the sale of a communal forest is extremely rare, since forests are a major source of revenue and other benefits for the *commune*, and while some individuals may be, at times, interested in selling, there is usually enough opposition to a sale in the Council. Within this framework of full rights, a basic restriction applies: like any other property owned by the *commune*, a communal forest may not be subdivided among the *commune*'s inhabitants.

Regarding the management of communal forests, the fact that a *commune* is a legal personality under public law (see footnote 1, p. 3) is an important factor. In general, all forest lands that can be sustainably managed, belonging either to the State or to public legal personalities, are subject to the Standard System of Forest Management (*Régime forestier*), which is a complex set of rules and regulations that has evolved over time to ensure the improvement and the protection of forest resources. Basic features of forest areas "submitted" to the Standard System are the formal requirement of a management plan for each forest and the prohibition of forest land clearing, except under explicit authorization. While manageable forests belonging to the State are automatically submitted to the Standard System, a "submission" authorization is required for communal forests. The "submission" procedure is based on an agreement between the National Forestry Office (*Office national des forêts*) and the communal authority, in which either party may take the initiative. If the parties agree, the *Préfet* issues a submission decree; if they disagree, the Minister of Agriculture (France has no Ministry of Forestry) rules on the issue by ministerial decree. Disagreements are rare, and virtually all communal forests are subject to the Standard System. An important incentive for communal forests to be submitted to the Standard System is that it allows them to qualify for concessional financial aid from the National Forestry Fund (*Fonds forestier national*): forests belonging to public legal personalities do not qualify for this aid unless they are "submitted" (Lagarde, 1991).

Being subject to the Standard System, communal forests are required to have a management plan, which establishes the objectives to be pursued, and the means to achieve them over a specific period of time. These management plans are prepared by the National Forestry Office in consultation with municipal authorities. The implementation of each management plan is formally authorized by the *Préfet de région*, based on regional forest sector plans. These regional plans are prepared with the participation of all stakeholders, and *communes* have a major role

As previously discussed, *communes* are allowed to establish formal unions (*syndicats*) with other *communes* and other public legal personalities. These associations are important for communal forest management in the sense that they permit the creation of larger management units that can make forest management more efficient (economies of scale). Several options exist:

- *Syndicat communal de gestion forestière* (Communal forest management union), in which only *communes* can participate, and each *commune* maintains its property rights.
- *Syndicat mixte de gestion forestière* (Mixed forest management union), in which not only *communes*, but several other public legal persons (*départements*, *régions*, public utilities, chambers of commerce, etc.) can participate, while each maintains its property rights.
- *Groupement syndical forestier* (Forestry union group), similar to the *syndicat mixte* regarding eligible participants, but the property rights are transferred to the group, and the associated forests become joint property (Lagarde, 1991).

Regarding the benefits derived from communal forests, these normally occur through sales of wood and other products in the open market and through usage rights internal to the *commune*, which may be leased. Sales normally occur through competitive offers of standing timber, either directly or through public auctions, depending on the decision of communal authorities. Internal usage rights consist in most cases of a certain volume of annual harvest which is reserved for the *commune's* inhabitants. Depending on the decision of the Municipal Council, the product of this particular harvest can either be distributed to the members of the community or sold in the open market. In the case of a sale, the proceeds are either distributed to the individual members, or kept as communal revenue. Other usage rights in communal forests are connected with grazing areas on forest land which the *commune* may lease, provided that livestock belonging to the *commune* has first priority on these areas (Lagarde, 1991).

French *communes* owning forests are grouped into a National Federation of Forest *Communes* of France (*Fédération nationale des communes forestières de France*), whose mission is to defend their interests by means of:

- participation of these *communes* in all institutional structures;
- dialogue with the public powers (executive, legislative, judicial); and
- keeping elected officials informed.

Apart from management prerogatives on their own forests, *communes* play additional roles within the forestry sector, which affect all forest land in the *commune's* territory regardless of ownership (private, communal, State). Some of these roles are: representation in the Board of Directors of the National Forestry Office; representation in the High Council of Forests and Wood (*Conseil supérieur de la forêt et du bois*), which is a national forestry policy advisory board; the authority to either designate protected forest areas or allow the harvesting of trees and forest land clearing in accordance with communal land use plans; the participation in the establishment and management of national parks, buffer zones and other protected areas; and the collection of various taxes on private forest lands.

In summary, French *communes*, as institutionalized communities with full legal standing, have a high degree of participation in the forestry sector, both as owners and managers of millions of forest hectares and as public authorities who participate in the making of forest policies and their implementation at local levels.

## Appendix I: Some Notes on Customary Rights

Although examples of customary rights have long existed throughout French history, they virtually disappeared after the French Revolution, and the uniform institutionalization of *communes* was instrumental in their elimination. Before the Revolution, large areas of France were dominated by aristocratic elites, for whom local customs were a major power basis, and the suppression of such elites was entirely in line with the revolutionary spirit. However, not all local customs supported elites. In fact, there were stable customary democracies, particularly in mountain valleys of both the Alps and the Pyrenees, with broad freedoms in the management of their public affairs, including their own fiscal structures. In the Alpine area, Switzerland is the prime example of a nation that was formed on the basis of a number of customary mountain democracies (the Swiss Cantons) which freely organized themselves into a Federal State. French neighboring Alpine communities used to have similar forms of government (Vallet, 1995).

Another prime example of customary democracy existed in the pre-revolutionary Basque country of the western Pyrenees, on both the French and Spanish sides of the mountains. Although there were local variations, all Basque provinces presented a fairly homogeneous aspect. The people were free everywhere and authority was exerted by elected officials. Freedoms were guaranteed by written customs (*fors* or *fueros*) aimed at protecting individuals and social groups from the abuses of the central power as well as the encroachment of one social group upon another. Local assemblies controlled the enforcement these customs and established their own local budgets. At the end of the 18<sup>th</sup> Century in France and the first half of the 19<sup>th</sup> Century in Spain, these socio-political structures, which developed and evolved over centuries, suddenly fell to pieces and disappeared (Allières, 1992).

While the traditional customary structures no longer exist, present-day French communities benefit from a stable democracy and from decentralization under a unitary State based on autonomous Local Authorities. This type of decentralization, although extremely uniform, can substitute, at least to some extent, for the loss of local customary rights, in the sense that it allows for a broad exercise of democratic freedoms. This raises two important questions: a) To what extent is a uniformly decentralized system a substitute for customary rights? b) If customary rights are recognized as a basis for the autonomy of communities that can legitimately claim such rights, on what basis will autonomy be granted to communities that have no customary rights history?

It is worth mentioning that in the French part of the Basque country, many traditional rights and customs have been preserved, such as the usage of collective goods in a *commune* or a valley comprising several *communes* (Elsó, 1991). For example, in many cases, ancient usage rights on pasture lands operate nowadays under the structure of communal unions (*syndicats*). This suggests that while the customary rights structure is gone, local customs have managed to adapt to the new and uniform rights structure. Finally, the modern French government structure has not prevented the Basques from maintaining their particularly strong ethnic and cultural identity.

## Appendix II: Some Lessons From Present-day Russia

What follows is simply a list of quotations from the French translation of a recent work by Alexander Solzhenitsyn on socio-political issues in Present-day Russia.<sup>3</sup> Russia is now enduring a serious chronic economic crisis, and the author proposes a form of decentralization rooted in Russian History as an essential factor of long-term stability for his country. Some of his ideas may be of relevance to the situation Indonesia faces today.

1. How can we build an authentic democracy in total economic anarchy, in total political instability?... But this political instability is only the consequence of inept reforms (p. 31).
2. Private property is the natural and fair means to favor human activity. It develops enjoyment in work and interest in what one does; but it must imperatively be supported by a very strict legislation (p. 39).
3. Local self-management, which did not reach its fullness before the revolution, and then was crushed by the Bolsheviks is none other than the *zemstvo*. This is the people's power. Only the *zemstvo* can allow the people to breathe and to get used gradually to democracy (p. 91).
4. Since the 15<sup>th</sup> Century at least, the fundamental tradition of Russian governance was the unity and the one-ness of the State, which would come together in the best periods with the *zemstvo*. During the following six centuries, neither the need, nor even the idea of a Russian federative organization had seen the light of day. It is Lenin who brought it forth based on his theoretical schemes, and he is the one who introduced it by the sword of the Bolshevik dictatorship (pp. 205-206).
5. As history shows, true federations are created only by the unifying aspirations of semi-statal entities, for purposes of mutual help and a more stable common existence. (Like the Swiss Cantons, the German Länder and the States of North America). In contrast, following Lenin's revolutionary project, the **federation** of peoples was declared starting from a unitary Russia (p. 206).
6. We have heard the ruling elite voluptuously repeating the slogans of federalism without understanding that federations can only exist owing to centripetal, and not centrifugal forces (p. 208).
7. Just like a society cannot hold together if it has not assimilated the sense of responsibility, a multiethnic country cannot subsist if the responsibility regarding the common State is lost (p. 261).

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<sup>3</sup> Soljénitsyne, Alexandre. 1998. La Russie sous l'avalanche. Fayard, Paris.

8. Four-fifths or more of the concrete and everyday life of men does not depend on events at the scale of the whole State, but on local vents, starting from *local self-administration*, which rules the course of life at the district level. This is the way life is run in Western countries: by an efficient local self-administration in which each individual can participate in decisions that determine his existence. Only this order of things can be called democracy (p. 315).
9. In Russia, so immense and diverse, the central power that spreads from the top down is not in a condition to ensure the prosperity of the people. An action in the opposite sense, i.e., bottom-up, is indispensable (p. 323).
10. Four centuries ago, in Muscovite Russia there was a system of "contractual letters" between a given location (village, region) and the supreme power, stipulating the obligations of the location, what it owes the State, and, in return, the obligations of the central power (p. 323).
11. Thus, since the 16<sup>th</sup> Century, Russia was familiar with local self-administration, the *zemstvo*. It was eliminated under the Petersburg dynasty, was reconstituted under Alexander II and continued to exert a vivifying influence until the revolution (p. 324).
12. The *zemstvo* is the union of all persons who live and work in a given location. It is a non-political, non-partisan and non-ethnic union. It could not depend on either political or ethnic criteria, otherwise it would lose its sense and its mission. The *zemstvo* system is a form of popular self-administration linked to the interests and needs of the people at all levels... it opens the way to representatives of the people who are worthy and responsible, permanently, before the voters of their region (p. 324).
13. The *zemstvos* must have all power of sharing local means in a diversified manner, i.e., the local educational system, health, environmental protection, fire and disaster control, agriculture, soil conservation, roads, utilities, aid to the needy, indigenous culture, statistics, and so many other promising fields. They must not become a power in the literal sense of the term, like the administrator at the top end of the government structure, but an entity that would heal, reinvigorate, educate, convince, and open a vast space for reasonable and living forces of the population (pp. 325-326),
14. In a global sense, for the country, four degrees of self-administration are imperative: local, district, region, and pan-Russian (p. 326).
15. The introduction of the *zemstvo* system must be very gradual... It is only after successfully introducing the local *zemstvo* that it will be possible to expand it and develop tested methods to create the district *zemstvo*, and then the regional *zemstvo*... This development by levels will take several years, so that each level will have enough time to become familiar with the objectives and promote its representatives to the higher level (p. 330).
16. This "vertical structure" of the *zemstvo*, established independently from the central government's vertical structure (whose prerogatives, broader at the top would shrink considerably as one gets closer to the bottom), would create in Russia a joint power structure,

that would depend both on the State and the *zemstvos*. This would allow maintaining the central administration of the State, while at the same time giving the people the concrete possibility of running their lives. At each level – local, district, regional and supreme –, the government's vertical structure would control the rigorous enforcement of the law by the *zemstvos*, while the vertical structure of the *zemstvos* would verify the honesty and transparency of government actions... Thus the government must build itself both from the top-down and from the bottom-up (pp. 331-332).

## Glossary of key terms

**Arrondissement:** Territorial subdivision into which a *Département* is broken down. The *Arrondissement* has no legal personality and therefore is not a Local Authority. *Arrondissements* are run by *Sous-préfets*, who are appointed career officers of the Ministry of the Interior.

**Canton:** Territorial subdivision into which an *Arrondissement* is broken down. The *Canton* has no legal personality and therefore is not a Local Authority. Unlike the *Arrondissement*, the *Canton* has no officer in charge of its management.

**Circonscription:** Official subdivision of the national territory, which may or may not constitute a Local Authority with legal personality. This term applies to *Régions*, *Départements*, *Arrondissements*, *Cantons* and *Communes*.

**Collectivité territoriale (locale):** Legal person under public law that has a certain degree of autonomy and is run by an elected council. This term applies to *Régions*, *Départements* and *Communes*. It does not apply to *Arrondissements* or *Cantons*.

**Communal forest management union:** See *Syndicat communal de gestion forestière*.

**Commune:** A municipality. This is a Local Authority, composed of an elected deliberative assembly (the Municipal Council) and an elected executive (the Mayor), in charge of a Territorial Subdivision of the lowest level. In France there are more than 36,000 *communes*, some of which are major cities, while most are small villages.

**Conseil général:** Elected deliberative assembly of the *Département*.

**Conseil municipal:** Elected deliberative assembly of the *Commune*.

**Conseil régional:** Elected deliberative assembly of the *Région*.

**Decentralization:** The transfer of power from the State to Local Authorities. This involves a definite change in the source of decision power.

**Deconcentration:** The transfer of administrative authority from the central administration (i.e., ministries) to levels of local subdivisions without changing the source of power.

**Département:** A Local Authority, composed of an elected deliberative assembly (the General Council) and a centrally appointed executive (the *Préfet*), in charge of a Territorial Subdivision of the second level below the overall State. France is subdivided into 100 *Départements*.

**Fonds forestier national:** Special account of the French treasury designed to provide financial assistance to forest owners for purposes of reforestation and other forestry investments.

**Forestry union group:** See *Groupement syndical forestier*.

**General Council:** See *Conseil général*.

**Groupement syndical forestier:** Formal association or union which includes forest-owning *communes* as well as other public legal personalities, with the purpose of establishing larger management units, in which property rights are transferred from the associates to the association.

**Local Authority:** See *Collectivité territoriale (locale)*.

**Mixed forest management union:** See *Syndicat mixte de gestion forestière*.

**Municipal Council:** See *Conseil municipal*.

**National Forestry Fund:** See *Fonds forestier national*.

**National Forestry Office:** See *Office national des forêts*.

**Office national des forêts:** French National Forestry Office, responsible for the preparation and implementation of management plans on all forests “submitted” to the Standard Forest Management System, which normally covers all State forests and forests belonging to other public legal personalities including *communes*.

**Préfet:** Officer of the Ministry of the Interior designated by the full cabinet as executive authority of a *Département*. The *Préfet* represents the State and all of its ministries, and has formal authority over all ministerial services at the *Département* level.

**Préfet de région:** Officer of the Ministry of the Interior designated by the full cabinet as executive authority of a *Région*. His prerogatives are similar to those of the *Préfet*, but on a larger territorial subdivision (the *Région*), which is composed of several *Départements*.

**Régime forestier:** A complex set of rules and regulations which has evolved over time to ensure the improvement and the protection of forest resources. In general, all forest lands that can be sustainably managed, belonging either to the State or to public legal personalities, are subject to the *Régime forestier*.

**Région:** A Local Authority, composed of an elected deliberative assembly (the Regional Council) and a centrally appointed executive (the *Préfet de région*), in charge of a Territorial Subdivision of the first level below the overall State, composed of several *Départements*. France is subdivided into 22 *Régions*.

**Regional Council:** See *Conseil régional*.

**Sous-préfet:** Officer of the Ministry of the Interior designated as administrative authority of an *Arrondissement*. *Sous-préfets* report to the *Préfets* and assist them in carrying out their mission in their respective *Arrondissements*.

**Subsidiarity Principle:** Principle according to which each problem of public interest must be solved at the authority level closest to the citizens.

**Standard Forest Management System:** See *Régime forestier*.

**Syndicat communal de gestion forestière:** Formal association or union established to create larger forest management units, in which only *communes* can participate, and each *commune* maintains its property rights.

**Syndicat de communes:** Generic name of a formal association of *communes* that can be established for joint efforts leading to efficiency improvements.

**Syndicat mixte de gestion forestière:** Formal association or union which includes forest-owning *communes* as well as other public legal personalities, with the purpose of establishing larger management units, in which property rights are maintained by each associate.

**Territorial Subdivision:** See *Circonscription*.

**Unions of communes:** See *Syndicat de communes*.

**Zemstvo:** Traditional Russian structure of local governments prevalent before the Russian revolution of 1917.

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