

# African Decentralization

## *Local Actors, Powers and Accountability*

*Jesse C. Ribot*

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**UNRISD**

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# Contents

<b>Acronyms</b>	<b>ii</b>
<b>Defining Decentralization</b>	<b>ii</b>
<b>Acknowledgements</b>	<b>iii</b>
<b>Foreword</b>	<b>iv</b>
<b>Summary/Résumé/Resumen</b>	<b>v</b>
Summary	v
Résumé	vi
Resumen	vii
<b>Introduction</b>	<b>1</b>
<b>Decentralization in African History</b>	<b>4</b>
<b>Why Decentralize?</b>	<b>7</b>
Efficiency	8
Equity	9
Service provision	10
Participation and democratization	12
National cohesion and central control	14
Local empowerment, fiscal crisis, development and poverty reduction	15
<b>Dimensions of Decentralization</b>	<b>16</b>
Actors	16
Powers	25
Accountability	29
<b>Implementation</b>	<b>32</b>
Administrative-political relations, oversight and <i>tutelle</i>	32
Planning processes and the problem of instrumentality	34
Enabling environment	36
Sustainability and “means of transfer”	38
Fiscal transfers	40
Capacity	41
Legitimacy	43
Conflict and negotiation	45
Elite capture and patronage	46
Sequencing and implementing the decentralization process	48
Opposition to decentralization	50
<b>Conclusions and Research Priorities</b>	<b>53</b>
<b>Annex A — Research Questions</b>	<b>58</b>
<b>Annex B — Chiefs and Other Customary Authorities</b>	<b>67</b>
<b>Annex C — Accountability Mechanisms</b>	<b>72</b>
<b>Bibliography</b>	<b>77</b>
UNRISD Programme Papers on <b>Democracy, Governance and Human Rights</b>	<b>89</b>

## Acronyms

<b>CIFOR</b>	Center for International Forestry Research
<b>CODESRIA</b>	Council for the Development of Economic and Social Research in Africa
<b>DANIDA</b>	Danish Agency for Development Assistance
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>GBF</b>	Government of Burkina Faso
<b>GOC</b>	Government of Cameroon
<b>IDRC</b>	International Development Research Centre
<b>IDS</b>	Institute of Development Studies
<b>IIED</b>	International Institute for Environment and Development
<b>IMF</b>	International Monetary Fund
<b>NGO</b>	non-governmental organization
<b>ODI</b>	Overseas Development Institute
<b>PRA</b>	participatory rural appraisal
<b>PVO</b>	private voluntary organization
<b>ROM</b>	Republic of Mali
<b>RON</b>	Republic of Niger
<b>ROS</b>	Republic of Senegal
<b>RRA</b>	rapid rural appraisal
<b>SSRC</b>	Social Science Research Council
<b>UNCDF</b>	United Nations Capital Development Fund
<b>UNDP</b>	United Nations Development Programme
<b>UNEP</b>	United Nations Environment Programme
<b>UNRISD</b>	United Nations Research Institute for Social Development
<b>USAID</b>	United States Agency for International Development
<b>WRI</b>	World Resources Institute
<b>WWF</b>	World Wildlife Fund

## Defining Decentralization

**DECENTRALIZATION** is any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy (Mawhood 1983; Smith 1985).

**POLITICAL, OR DEMOCRATIC, DECENTRALIZATION** occurs when powers and resources are transferred to authorities representative of and downwardly accountable to local populations (Manor 1999; Crook and Manor 1998:11–12; Agrawal and Ribot 1999:475). Democratic decentralization aims to increase public participation in local decision making. Through greater participation, democratic decentralization is believed to help internalize social, economic, developmental and environmental externalities; to better match social services and public decisions to local needs and aspirations; and to increase equity in the use of public resources.<sup>1</sup> Through entrustment of locally accountable representative bodies with real public powers, the ideals of public choice and participatory or community-based approaches to development converge.

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<sup>1</sup> See the following literature on participation, public choice and federalism: World Bank 2000; Manor 1999; Hilhorst and Aarnink 1999; Crook and Manor 1998; Hoben et al. 1998; Huther and Shah 1998; Sewell 1996; Romeo 1996; Baland and Platteau 1996; Parker 1995; Hesseling 1994; Cernea 1989; Rondinelli et al. 1989; Cheema and Rondinelli 1983; Musgrave 1965. Participatory or accountably representative approaches to natural resource management are lauded for their contribution to economic efficiency, equity, environmental management and development.

Democratic decentralization is in effect an institutionalized form of the participatory approach. This review uses the terms political and democratic decentralization interchangeably. These are “strong” forms of decentralization from which theory indicates the greatest benefits can be derived (see, for example, Oyugi 2000:15).

**DECONCENTRATION, OR ADMINISTRATIVE DECENTRALIZATION**, concerns transfers of power to local branches of the central state, such as *préfets*, administrators, or local technical line ministry agents.<sup>2</sup> These upwardly accountable bodies are appointed local administrative extensions of the central state. They may have some downward accountability built into their functions (see Tendler 1997), but their primary responsibility is to central government (Oyugi 2000; Manor 1999; Agrawal and Ribot 1999).<sup>3</sup> Generally, the powers of deconcentrated units are delegated by the supervising ministries. Deconcentration is a “weak” form of decentralization because the downward accountability relations from which many benefits are expected are not as well established as in democratic or political forms of decentralization.

**FISCAL DECENTRALIZATION**, the decentralization of fiscal resources and revenue-generating powers, is also often identified by many analysts as a separate form of decentralization.<sup>4</sup> But while fiscal transfers are important, they constitute a cross-cutting element of both deconcentration and political decentralization, rather than a separate category (Oyugi 2000:6; Agrawal and Ribot 1999:476).

**DEVOLUTION** is often used to refer to any transfer from central government to any non-central government body—including local elected governments, NGOs, customary authorities, private bodies and so forth. The term devolution is not used in this review as it is too general.

**DELEGATION** is when public functions are transferred to lower levels of government, public corporations, or any other authority outside of the regular political-administrative structure, to implement programs on behalf of a government agency (Alex et al. 2000:3; Ostrom et al. 1993).

**PRIVATIZATION** is the permanent transfer of powers to any non-state entity, including individuals, corporations, NGOs and so on. Privatization, although often carried out in the name of decentralization, is not a form of decentralization. It operates on an exclusive logic, rather than on the inclusive public logic of decentralization (Oyugi 2000:6; Balogun 2000:155; Agrawal and Ribot 1999).

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<sup>2</sup> In earlier literature, transfers from central to administrative and elected units of local government were often conflated and called *devolution* (Rondinelli et al. 1989:75). This conflation is easily made when theorists and practitioners assume that the choices and needs of local populations are automatically taken into account by local administrators.

<sup>3</sup> Note that local governments may also have technical agents and administrators, but when they are accountable to local representatives (see Blair 2000) it still constitutes part of “democratic” decentralization.

<sup>4</sup> Wunsch and Olowu 1995; Manor 1999; Crook and Manor 1998; Prud'homme 2001.

## Foreword

The concepts and ideological currents that characterize development discourse are constantly changing. “Neoliberalism” remains a dominant approach, but it has been challenged or complemented in recent years by others associated with “good governance” and “rights-based development”. Such approaches have focused on issues of democracy, public sector reform, accountability, participation and equity. In practice, the principal international development and finance agencies have internalized these perspectives by adopting a fairly standardized set of policy recommendations for developing countries. One of the most prominent is “decentralization”, involving the transfer of responsibilities from central to local government with the objective of improving efficiency and accountability in public sector management, as well as the responsiveness of state agencies to local needs.

A central feature of UNRISD’s research agenda has always been to inquire into the effectiveness of new international policy approaches in developing countries. The Institute’s work on the Green Revolution, participation, structural adjustment and sustainable development has shown that there is often a sizeable gap between discourse and reality, and that international agencies often fail to understand how issues of power, culture and social relations affect policy implementation and outcomes. Along similar lines, Canada’s IDRC attaches a great deal of importance to the study of processes of policy formulation and implementation. Past research on these subjects generally failed to take into account political economy issues, such as the political feasibility of policy options, vested interests and governance systems that influence how policies are made and how programmes are implemented and delivered. IDRC attempts to develop in its own programming a systematic approach to these issues. As a result of these concerns, UNRISD and IDRC asked Jesse Ribot to review the literature on the experience of decentralization in Africa.

His findings suggest that the efficiency, equity and democratic goals of decentralization are far from being achieved. There is often a mismatch between the transfer of responsibilities and resources. Furthermore, institutions to ensure downward accountability may be weak, and the benefits of reallocating powers and resources may be appropriated by local elites. Clearly, it is necessary for international agencies and policy makers to be better informed about the realities of decentralization. For this to happen, however, there needs to be systematic comparative research on the implementation and outcomes of decentralization in different country and local contexts. Yet, as the author points out, despite the attention to decentralization in international policy circles, such an inquiry has been extremely limited. In this review, Ribot thus provides an extensive outline of research questions and priorities.

Thandika Mkandawire  
Director  
UNRISD

Jean-Michel Labatut  
Senior Program Officer  
IDRC

## Summary/Résumé/Resumen

### *Summary*

African governments have undergone repeated decentralization reforms since the early colonial period. However, in the most recent wave (beginning in the late 1980s), the language of reform has shifted from an emphasis on national cohesion and the management of local populations to a discourse more focused on democratization, pluralism and rights. This review is concerned with the degree to which the new language is being codified in laws and translated into practice.

Decentralization is any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy. Decentralization reforms are usually about strengthening both central and local governance in ways that support the objectives of national unification, democratization, and greater efficiency and equity in the use of public resources and service delivery. A primary objective of decentralization reforms is to have governments that are able to perform or support all of these functions with appropriate roles at multiple levels. This review focuses on local government and local institutions, as they are the key recipients of decentralized powers.

It has been argued that democratic mechanisms that allow local governments to discern the needs and preferences of their constituents, and that provide a way for those constituents to hold local governments accountable, are the basis for most of the purported benefits of decentralization. The underlying developmentalist logic of decentralization is that local institutions can better discern, and are more likely to respond to, local needs and aspirations. Theorists believe this ability derives from local authorities having better access to information and being more easily held accountable to local populations. Downward accountability of local authorities is central to this formula. When downwardly accountable local authorities also have discretionary powers—that is, a domain of local autonomy—over significant local matters, there is good reason to believe that greater equity and efficiency will follow.

These assumptions must be approached with caution, as surprisingly little research has been done to assess whether such conditions exist or if they lead to the desired outcomes. In practice, there is considerable confusion and obfuscation about what constitutes decentralization. In the name of decentralization, powers over natural and other resources are being allocated to a variety of local bodies and authorities that may not be downwardly accountable or entrusted with sufficient powers. Many reforms initiated in the name of decentralization are not structured in ways likely to deliver the presumed benefits of decentralization and participation, and may ultimately undermine efforts to create sustainable and inclusive rural institutions. The term “decentralization” is also often applied to programmes and reforms that ultimately are designed to retain central control. It has been argued, for example, that the legal and political design of local government in Africa can actually weaken the cultivation of a democratic culture at the local level, and that it can hamper the ability of local authorities to take initiatives in the field of service provision.

Because decentralizations that democratize and transfer powers threaten many actors, few have been fully implemented. In turn, it should come as no surprise that most of the literature on decentralization focuses more on expectations and discourse than on practice and outcomes. On the whole, the decentralization experiment has only taken timid steps in the direction of deconcentration. Many reforms are taking place in the name of decentralization, but they are not setting up the basic institutional infrastructure upon which to base the positive outcomes promised by decentralization. Instead, local democracies are created but given no powers, or powers are devolved to non-representative or upwardly accountable local authorities. Decentralizations must now be assessed to identify those that exist in more than just discourse. When such instances of decentralization are found—that is, downwardly accountable local authorities with discretionary powers—outcomes can then begin to be measured.



This review samples the rapidly expanding literature on decentralization in Africa. It examines design and implementation issues emerging in decentralization and identifies fruitful areas for policy research and analysis in this critical governance domain. From the review of the literature, it appears that decentralization is not taking the forms necessary to realize the benefits that theory predicts, because it fails to entrust downwardly *accountable* representative *actors* with significant domains of autonomous discretionary *power*. The decentralizations under way differ in terms of the level of legal reform involved; the scale and number of layers of “local” government; the kinds of local authorities being engaged and developed; the mix of powers and obligations devolved; the sectors involved; the nature of the enabling environment; and the motives of governments for launching the reforms in the first place. These variables are examined with respect to how they shape expected outcomes.

Jesse C. Ribot (jesser@wri.org) is a Senior Associate in the Institutions and Governance Program (IGP) of the World Resources Institute. He currently directs the Decentralization and Environment Initiative of the IGP’s Environmental Accountability in Africa Project.

### **Résumé**

Depuis les débuts de l’ère coloniale, les gouvernements africains ont mené des réformes de décentralisations répétées. Cependant, avec la dernière vague (qui a commencé à la fin des années 1980), le discours de la réforme a changé et l’accent ne porte plus sur la cohésion nationale et l’encadrement des populations locales mais sur la démocratisation, le pluralisme et les droits. L’auteur s’est ici demandé dans quelle mesure le nouveau discours était codifié par des lois et suivi d’effet dans la pratique.

Par décentralisation, il faut entendre tout acte par lequel un gouvernement central cède le pouvoir à des acteurs ou des institutions d’un échelon inférieur dans la hiérarchie territoriale et politico-administrative. Les réformes de décentralisation ont généralement pour objet de renforcer la gouvernance à la fois centrale et locale de manière à servir les objectifs de l’unification nationale, de la démocratisation et de modes plus efficaces et plus équitables d’utilisation des ressources publiques et de prestation de services. L’un des objectifs premiers des réformes de décentralisation est d’avoir des gouvernements capables de remplir toutes ces fonctions ou de les soutenir, en jouant le rôle approprié à des niveaux multiples. L’auteur s’intéresse surtout aux autorités et institutions locales, auxquelles échoient principalement les pouvoirs décentralisés.

L’argument avancé est que les mécanismes démocratiques qui permettent aux autorités locales de discerner les besoins et préférences de leurs administrés et de permettre à ces derniers de rendre ces mêmes autorités locales comptables sont à la base de la plupart des avantages supposés de la décentralisation. Celle-ci s’appuie sur une logique du développement qui veut que les institutions locales soient mieux à même de discerner les aspirations et besoins locaux et aient de meilleures chances d’y répondre. Les théoriciens attribuent cet atout des autorités locales à un meilleur accès à l’information et au fait qu’elles rendent plus facilement des comptes aux populations locales. La responsabilité des autorités locales devant leurs administrés est au cœur de la théorie de la décentralisation. Lorsque des autorités locales comptables devant leurs administrés ont aussi des pouvoirs discrétionnaires sur des questions locales importantes, c’est-à-dire un espace d’autonomie, on a de bonnes raisons d’espérer une efficacité et une équité plus grandes.

Ces hypothèses doivent être abordées avec prudence, car les recherches faites pour déterminer si ces conditions existent ou aboutissent aux résultats souhaités sont étonnamment rares. En pratique, il règne une grande confusion dans les esprits sur ce qui constitue la décentralisation. Au nom de la décentralisation, des ressources, naturelles ou autres, sont placées entre les mains de diverses entités et autorités locales qui peuvent ne pas être comptables devant la population locale ni dotées de pouvoirs suffisants. De nombreuses réformes engagées au nom de la décentralisation ne sont pas organisées de manière à pouvoir offrir les avantages que décentralisation

et participation sont censées présenter, et peuvent finir par ruiner les efforts entrepris pour mettre en place des institutions rurales durables et sans exclusive. D'autre part, le terme de "décentralisation" est souvent associé à des programmes et réformes conçus en dernière analyse pour que le pouvoir central garde le contrôle. On a prétendu, par exemple, que l'autorité locale, telle qu'elle est conçue sur le plan légal et politique en Afrique, peut en fait freiner à la fois l'implantation de la culture démocratique au niveau local et la prise d'initiatives dans le domaine de la prestation de services.

Comme les mesures de décentralisation s'accompagnant d'une démocratisation et d'un transfert du pouvoir menacent de nombreux acteurs, rares sont celles qui sont totalement appliquées. Aussi ne faut-il pas s'étonner que la plus grande partie de la littérature consacrée à la décentralisation porte davantage sur les attentes et le discours que sur la pratique et les résultats. Dans l'ensemble, l'expérience de la décentralisation n'a avancé que timidement dans le sens d'une déconcentration. Si de nombreuses réformes ont lieu actuellement au nom de la décentralisation, elles ne mettent pas en place l'infrastructure institutionnelle susceptible d'aboutir aux résultats positifs promis par la décentralisation. Au lieu de cela, on a créé des démocraties locales mais sans leur donner de pouvoirs ou, s'il y a cession de pouvoirs, c'est au bénéfice d'autorités locales qui ne sont pas représentatives ou qui sont comptables uniquement devant des instances supérieures. Il importe maintenant d'analyser les décentralisations pour déterminer celles qui sont autres que théoriques. Les résultats ne peuvent être mesurés que lorsqu'on trouve des exemples de décentralisation, autrement dit des autorités locales responsables devant leurs administrés et dotées de pouvoirs discrétionnaires.

L'étude sonde la littérature, en pleine expansion, consacrée à la décentralisation en Afrique. Elle examine les questions de conception et de réalisation posées dans les décentralisations et identifie les secteurs dans lesquels la recherche et l'analyse des politiques pourraient se révéler profitables dans ce domaine délicat de la gouvernance. Il ressort de l'étude de la littérature que les décentralisations ne suivent pas le chemin voulu pour que se concrétisent les avantages exposés par la théorie parce qu'il n'y a pas de transfert à des *acteurs* représentatifs, *responsables* devant leurs administrés, de domaines de compétence importants où ils puissent user en toute autonomie de *pouvoirs* discrétionnaires. Les décentralisations en cours se distinguent les unes des autres par le niveau de réforme juridique nécessaire, l'échelle et le nombre de couches de l'administration "locale", le type d'autorités locales impliquées et mises en place, le dosage des pouvoirs et des obligations cédés, les secteurs concernés, la nature de l'environnement favorable et les motifs pour lesquels les gouvernements engagent ces réformes en tout premier lieu. L'auteur étudie chacune de ces variables en se demandant quelle influence elle a sur les résultats attendus.

Jesse C. Ribot (jesser@wri.org) est associé principal, affecté au programme Institutions et gouvernance de l'Institut des ressources mondiales. Il dirige actuellement l'initiative Décentralisation et environnement du programme sus-mentionné, projet consacré à la responsabilité environnementale en Afrique.

### **Resumen**

Desde el inicio del periodo colonial y en repetidas ocasiones, los gobiernos africanos han realizado reformas descentralizadoras. Sin embargo, en la última ola de reformas (que comenzó a finales del decenio de 1980), el lenguaje utilizado ha dejado de hacer énfasis en la cohesión nacional y en la gestión de las poblaciones locales, para centrarse en mayor medida en la democratización, el pluralismo y los derechos. Este documento analiza el grado en que dicho lenguaje está incorporándose en la legislación y poniéndose en práctica.

La descentralización es todo acto por el que un gobierno central cede formalmente sus poderes a actores e instituciones de niveles inferiores en una jerarquía política-administrativa y territo-

rial. Las reformas para la descentralización generalmente se proponen reforzar tanto el gobierno local como central, en vías de apoyar los objetivos de la unificación nacional y la democratización, así como la mayor eficiencia y equidad en la utilización de los recursos públicos y la prestación de servicios. Un objetivo principal de las reformas descentralizadoras es lograr que los gobiernos sean capaces de realizar o apoyar estos objetivos, desempeñando el papel que corresponda en los diversos planos. Este texto se centra en el gobierno local y las instituciones locales, como beneficiarios principales de la descentralización.

Se ha argumentado que los mecanismos democráticos que permiten a los gobiernos locales identificar las necesidades y preferencias de sus electores, y que proporcionan una manera para que estos electores controlen la actuación de los gobiernos locales, son la base de los principales beneficios que aporta la descentralización. La lógica del desarrollo subyacente a la descentralización es la capacidad de las instituciones locales para discernir y atender mejor las necesidades y aspiraciones locales. Los teóricos están convencidos de que esta capacidad obedece a que las autoridades locales tengan mejor acceso a la información y a que las poblaciones locales puedan controlar más fácilmente su actuación. La rendición de cuentas por parte de las autoridades locales sobre sus actividades es fundamental. Existen razones de peso para creer que la equidad y la eficiencia aumentan cuando las autoridades locales deben rendir cuentas ante aquellos que han delegado en ellas responsabilidades, ya que tienen amplia libertad en el plano local para decidir respecto de cuestiones locales importantes.

Estos supuestos deben enfocarse con cautela, ya que, sorprendentemente, apenas se ha investigado para evaluar si se dan tales condiciones o si éstas conducen a los resultados deseados. En la práctica, el concepto de descentralización suscita una gran confusión y ofuscación. En nombre de la descentralización, se ha facultado a una serie de entidades y autoridades locales para que tomen medidas relativas a recursos naturales o de otro tipo sin que necesariamente se haya previsto que rindan cuentas de su acción. Muchas reformas emprendidas en nombre de la descentralización no están concebidas para obtener los beneficios previstos en materia de descentralización y participación, lo que, en último término, puede obstaculizar los esfuerzos encaminados a crear instituciones rurales sostenibles e integradoras. El término “descentralización” también se ha aplicado a menudo a programas y reformas concebidos en último término para mantener el control central. Por ejemplo, se ha argumentado que la organización jurídica y política de los gobiernos locales en África en realidad puede debilitar la cultura democrática en el plano local, y menoscabar la capacidad de las autoridades locales para adoptar iniciativas en el ámbito de la prestación de servicios.

Dado que los procesos de descentralización democratizadores y de transferencia de poder pueden suponer una amenaza para muchos actores, pocos son los que se han aplicado plenamente. A su vez, no es sorprendente que la mayor parte de los documentos sobre descentralización se giren más bien en torno a las expectativas y la verborrea que en la práctica y los resultados. En general, el experimento de la descentralización apenas ha iniciado su camino hacia la desconcentración. Están llevándose a cabo numerosas reformas en nombre de la descentralización, pero no está estableciéndose la infraestructura institucional básica en la que puedan asentarse los resultados positivos esperados. En lugar de ello, se crean democracias locales pero no se les concede poderes, o se reservan los poderes a autoridades no representativas o que, en principio, sólo deban rendir cuentas ante los niveles superiores. Actualmente, es preciso hacer una evaluación de los procesos de descentralización para identificar los que son algo más que una simple verborrea. Sólo en tales casos—es decir, cuando existan autoridades locales con cierto poder, que deban rendir cuentas a los que han delegado en ellas responsabilidades—cabría esperar que se observara algún resultado.

Este documento da a conocer el gran número de publicaciones sobre la descentralización en África. Se analizan cuestiones de orden teórico y práctico que surgen de los procesos de descentralización y se identifican ámbitos donde pueden realizarse investigaciones y análisis fructíferos en este crítico campo de gobernabilidad. Si se examinan las publicaciones, se observa que los procesos de descentralización no confirman los supuestos teóricos porque no se ha conseguido

que los *actores*, que gozan de *poder* de acción, *rindan cuentas* ante aquellos que han delegado en ellas responsabilidades. Los procesos de descentralización difieren entre sí en función del alcance de la reforma legal emprendida; la gradación y niveles de gobierno “local”; los tipos de autoridades locales que se comprometen y desarrollan; la amalgama de obligaciones y poderes delegados; los sectores involucrados; la naturaleza del entorno de habilitación; y las principales razones que mueven a los gobiernos a emprender reformas. Estas variables se consideran desde la perspectiva de los resultados esperados.

Jesse C. Ribot (jesser@wri.org) es Asociado Principal en el Programa de Instituciones y Gestión de los Asuntos Públicos (IPG) del Instituto de Recursos Mundiales. Actualmente dirige la iniciativa “Descentralización y Medio Ambiente” en el marco del Proyecto sobre la Responsabilidad Ambiental en África, del IPG.



## Introduction

Today Ethiopia, Ghana, Mali, Namibia, Nigeria, Senegal, South Africa and Uganda have constitutions that are explicitly pro-decentralization and formally recognize the existence of local government (UNCDF 2000; Töttemeyer 2000:95; Therkildsen 1993:83). “There is not a single country in Africa in which some form of local government is not in operation”, and the stated objective of virtually all of these reforms is to strengthen democratic governance and service provision (Oyugi 2000:16). More broadly, decentralization is claimed as the centrepiece of major policy reforms under way across Africa and in other parts of the developing world (UNCDF pp. 5–11).<sup>1</sup> Decentralization is by no means a new phenomenon in Africa,<sup>2</sup> but in the country’s most recent wave of decentralization, the language has made the important shift from emphasizing terms of national cohesion and the management of local populations, to a discourse more focused on democratization, pluralism and rights.<sup>3</sup> This review begins to query whether the changes that this new language imply are being codified in laws and translated into practice.

Decentralization in this review is defined as any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy (Mawhood 1983; Smith 1985) (see Defining Decentralization, above).<sup>4</sup> The term “decentralization” is now widely used and has come to promote a variety of objectives.<sup>5</sup> Following a neoliberal agenda, characterized in Africa by structural adjustment programmes, institutions such as the World Bank and the International Monetary Fund (IMF) are supporting decentralization as part of downsizing central governments (World Bank 2000). This position fits with many authors’ promotion of decentralization in reaction to what they see as the failures of “overcentralized” states.<sup>6</sup> Contrary to the tenets of structural adjustment programmes, studies of improved local government indicate that successful decentralization benefits from a strong central state.<sup>7</sup> While structural adjustment programmes promote decentralization at the centre, they appear to undermine the establishment of sound local government by depriving central governments of the funds and staff that are needed to support successful local reforms (Crook and Sverrisson 2001).

Rather than focusing on the shortcomings and downsizing of central states, however, this review examines decentralization with respect to the strengthening of local government. Local government and local institutions are the key recipients of decentralized powers. Many theorists and practitioners involved in decentralization reforms are more interested in strengthening and building up local governance structures than in diminishing central powers (UNDP 1999; Romeo 1996; Roe 1995a:883). For this reason, decentralization is more appropriately viewed as a relative term concerning central-local relations. Reforms in its name do not have to be about dismantling central governments in favour of local institutions. They can be about strengthen-

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<sup>1</sup> Globally, all but 12 of the 75 developing and transitional countries with populations over five million claim to be transferring political powers to local units of government (see Dillinger 1994:8, cited in Crook and Manor 1998; cf. World Bank 2000).

<sup>2</sup> Buell 1928; Schumacher 1975:89–90; Cowan 1958:60; ROS 1972; Hesseling n.d.:15; ROM 1977; Ouali et al. 1994:7; Diallo 1994; Gellar 1995:48; Crook and Manor 1994; UNCDF 2000; Ahwoi 2000:2; Mamdani 1996; Mbassi 1995:23; Therkildsen 1993; Rondinelli et al. 1989; Mawhood 1983; Conyers 1983; de Valk and Wekwete 1991; Rothchild 1994; Weinstein 1972:263–266.

<sup>3</sup> It is important to note that the language of rights and enfranchisement was also present in earlier decentralization. So this is not a complete change, but democratization and rights issues are emerging more frequently.

Wollenberg et al. (2001), Anderson et al. (1998), Alden Wily (2000, 2000a), Meinzen-Dick and Pradhan (2000) and Utting (1999) also point out that natural resource management is moving toward more democratic and rights-based premises.

<sup>4</sup> Note that the formal transfer of power to lower levels of government may sometimes be a centralizing act if the powers being devolved were earlier exercised informally by non-state actors—such as is often the case with natural resources.

<sup>5</sup> Decentralization reforms are commonly promoted with four broad objectives: dismantling central government; consolidating national unity; consolidating central power; and strengthening local government. These are discussed in *Why Decentralize?*, below.

<sup>6</sup> World Bank 2000; Wunsch and Olowu 1995; Mawhood 1983; Bhagwati 1982; Krueger 1974.

<sup>7</sup> Crook and Manor 1999; Tendler 1997; Evans 1997; Mbassi 1995; Conyers 2000a:22; Mutizwa-Mangiza 2000:23.

Conyers (2000a:22) points out:

Ironically, decentralization policies are most likely to be implemented effectively in situations where the government is politically secure and power is concentrated in the hands of a relatively small group of people. A secure government can afford to decentralize a substantial amount of power without threatening its own existence, while the centralization of power enables the key leaders to make and implement policy decisions without undue interference from other interest groups within government.

ing in ways that support the objectives of both national unification, democratization, and greater efficiency, and equity in the use of public resources and service delivery. A primary objective is to have governments that are able to perform or support all of these functions with appropriate roles at multiple levels.

“Underlying most of the purported benefits of decentralization is the existence of democratic mechanisms that allow local governments to discern the needs and preferences of their constituents, as well as provide a way for these constituents to hold local governments accountable to them” (Smoke 1999:10).<sup>8</sup> Steering away from negative arguments about shrinking central governments,<sup>9</sup> the underlying developmentalist logic of decentralization is that local institutions can better discern and are more likely to respond to local needs and aspirations.<sup>10</sup> This ability is believed to stem from local authorities—by dint of their proximity—having better access to information and being more easily held accountable to local populations. Downward accountability of local authorities is central to this formula.<sup>11</sup> When downwardly accountable local authorities also have decision-making power over local matters, there is reason to believe that greater equity and efficiency may follow.

Decentralization can be constructively thought of as the strengthening of local institutions to play a more representative, responsive and constructive role in the everyday lives of local populations and the countries in which they live. Such strengthening usually involves some transfer of financial resources and decision-making power from central government. In some instances, particularly where the central state is weak, it can start with or be based on low-cost reforms, making local governments more representative of their populations and enabling them to mobilize local resources, operate with a degree of autonomy and make decisions that concern local populations. On the whole, the literature indicates that effective decentralization, whether it is to administrative or political local actors, is about creating a realm of local autonomy defined by inclusive local processes and local authorities empowered with decisions and resources that are meaningful to local people. But all of these assumptions must be approached with caution as surprisingly little research has been done to assess whether these conditions exist or if they lead to the outcomes desired.<sup>12</sup>

Administrative and political decentralization (see Defining Decentralization, above) share equity and efficiency objectives and rely on some mix of mechanisms to assure the incorporation of local needs and aspirations into decision making. But these two forms of decentralization are functionally different. They have often been conflated in past theory and practice.<sup>13</sup> Administrative decentralization, also called “deconcentration”, is about performing centrally defined func-

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<sup>8</sup> Uphoff and Esman (1974:xx) imply that accountable representation increases development performance.

Crook and Sverrisson (2001:5) point out that there are two steps in linking local participation or democracy to outcomes. The first is to measure the “responsiveness” of local decision making or authorities to local needs; the second is to measure the relation between the degree of responsiveness and the effectiveness of outcomes. They define institutional responsiveness as “the achievement of ‘congruence between community preferences and public policies’ such that the activities of the institution are valued by the public” (p. 5). “Responsiveness of policies is a matter of the process through which they are defined, the degree of empowerment and ‘ownership’ which is felt by those affected by them...and, therefore, the general legitimacy of the institution and the procedures by which it allocates resources” (p. 5). This is analogous to what I have called accountability of the local and authorities.

<sup>9</sup> For good arguments in support of good government, see Tendler (1997) and Evans (1997).

<sup>10</sup> The term “developmentalist” refers to decentralization that takes place for the purpose of local development. This includes decentralization with the objectives of better service provision, better local management and more-democratic local processes. “Developmentalist” does not include decentralization that is a by-product of downsizing central government, reducing central fiscal burdens, or national unification through the integration of splinter groups or break-away regions.

<sup>11</sup> Prud’homme 2001; Brinkerhoff 2001; Therkildsen 2001; Olowu 2001; Blair 2000; Crook and Manor 1999; Agrawal and Ribot 1999; Shah 1998; Ribot 1996.

<sup>12</sup> For notable exceptions, see Crook and Manor (1998), Therkildsen (2001), Crook and Sverrisson (2001), Saito (2000), Tendler (1997) and Ribot (1995, 1995a, 1999, 1999a).

<sup>13</sup> Conflation of the two is frequent, as administrative bodies are often given discretion in making decisions on behalf of local populations and may be mandated to be responsive to their needs. Elected bodies are often given responsibilities to deliver services deemed necessary by the central state. It is the realm of given responsibilities and that of discretion that are functionally different. One is about administrative obligation, the other about enfranchisement. It is enfranchisement that makes local government a potential realm of independent action in which local populations can act as citizens for their own benefit. It is an enfranchised local government that can be open to the influence of its citizens and civil organizations and can deliver—to the best of its fiscal and technical capacities—according to their wishes. The relationship between administrative and political decentralized bodies is important in shaping the degree of local autonomy. (See also Oyugi 2000:15.)

tions in the local arena—whether it be the efficient delivery of services, support for development activities or tax collection. Political decentralization, also called “democratic decentralization”, is about creating a domain of autonomy in which representatives are enabled to make decisions on behalf of local populations—again this can be about service delivery, development or taxation, but it can also be about the use of local public resources (natural or financial) for investment in whatever the local population needs and desires. Deconcentration concerns central-state management in the local arena. Political decentralization concerns the domain of rights that local government can exercise on behalf of its constituents—it is about enfranchisement and democratization.<sup>14</sup> Concerning the mechanisms of greater local participation and downward accountability by which both forms are believed to render their benefits, deconcentration is the *weak form* of decentralization having less-direct links between decision makers and local populations, while democratic decentralization, being based on local enfranchisement, is the *strong form*. This review examines both, keeping this distinction in mind.

In practice, there is considerable confusion and obfuscation about what constitutes decentralization. In the name of decentralization, powers over natural and other resources are being allocated to a variety of local bodies and authorities that may not be downwardly accountable or entrusted with sufficient powers. Many reforms in the name of decentralization do not appear to be structured in ways likely to deliver the presumed benefits of decentralization and participation, and may ultimately undermine efforts to create sustainable and inclusive rural institutions.<sup>15</sup> The World Bank (2000:107) understates the problem, observing that “decentralization is often implemented haphazardly”. The term “decentralization”, however, is also applied to programmes and reforms that ultimately are designed to retain central control.<sup>16</sup> Oyugi (2000:10) goes as far as saying that “the legal-political design of local government in Africa tends to weaken the cultivation of a democratic culture at the local level as well as weaken the ability of local authorities to take initiative in the field of service provision”.

By democratizing and transferring power, strong decentralizations threaten many actors. Because of this, few decentralizations have been fully implemented. It should therefore come as no surprise that this review and most of the literature on decentralization focuses more on expectations and discourse than on practice and outcomes. By and large, the decentralization experiment has only taken weak steps in the direction of deconcentration. Many reforms are taking place in the name of decentralization, but they are not setting up the basic institutional infrastructure from which to expect the positive outcomes that decentralization promises. Instead, local democracies are created but given no power, or power is devolved to non-representative or upwardly accountable local authorities. Today we must assess decentralization to identify cases that exist in more than just discourse. When such instances of decentralization—that is, downwardly accountable local authorities with power—are found, then we can ask about measuring their outcomes.

This review samples the rapidly growing literature on decentralization in Africa. It examines some design and implementation issues emerging in decentralization and identifies some fruitful areas for policy research and analysis in this critical governance<sup>17</sup> domain. From a review of the literature, it appears that decentralization is not taking the forms necessary to realize the benefits that theory predicts because it fails to entrust downwardly *accountable* representative *actors* with significant domains of autonomous discretionary *power*. Decentralization that is under way in Africa differs by the level of legal reform involved, the scale and number of layers of “local” government, the kinds of local authorities being engaged and developed, the mix of powers and obligations devolved, the sectors involved, the nature of the enabling environment,

<sup>14</sup> Nkrumah (2000:53) states: “Whereas deconcentration seeks efficiency, the major values of devolution [what we call political decentralization] include participation, effectiveness, and responsiveness—in short, democracy.”

<sup>15</sup> Crook and Sverrisson 2001; Benjaminsen 1997, 2000; Ribot 1995, 1999; Agrawal and Ribot 1999.

<sup>16</sup> Conyers 2000; Mawhood 1983; Alcorn 1999:44; Ribot 1999.

<sup>17</sup> Charlick (quoted in Kassimir 2001:125) defines “governance” as “the ways a society organizes *to use power* to manage public resources, involving the making and implementation of collective decisions, enforcement of rules and resolution of conflicts”.



and by the motives of governments for launching these reforms in the first place. These are all examined with respect to how they may shape expected outcomes.

The first section of this review is Decentralization in African History, which sketches the development of decentralization. The second is Why Decentralize?, examining various justifications behind decentralization reforms. The third section, Dimensions of Decentralization, looks into how decentralization is being structured around actors, powers and accountability relations. The fourth section, on Implementation, then explores oversight, planning, the enabling environment, means of transfer, fiscal transfers, capacity, legitimacy, conflict, elite capture, sequencing and opposition to decentralization. Finally, Conclusions and Research Priorities summarizes and proposes some potential ways forward.

Of particular note to the reader is Annex A, which contains research questions that emerge from the review. They are organized following the outline of the review as a whole, and should be read following each section as they often refer directly to the contents of the section.

## Decentralization in African History

Decentralization is not new in Africa. Since 1917 there have been at least four waves of decentralization in francophone West Africa—after each of the World Wars, shortly after independence in the early 1960s, and in the current decade.<sup>18</sup> Some francophone Central African countries also decentralized just before independence (Weinstein 1972:263–266), and others after independence (Gellar 1995; Therkildsen 1993; Biya 1986:51). The anglophone and lusophone African countries have also seen multiple pre- and post-colonial decentralizations.<sup>19</sup>

In the colonial period, decentralized government—called “association” by the French and “indirect rule” by the British—was set up as a means to penetrate and manage the rural world (Mamdani 1996).<sup>20</sup> These systems were created to manage Africans under administrative rule rather than to enfranchise them. Although now condemned by history, association and indirect rule were accompanied by laudable idealist justifications in which their purveyors believed (Alexandre 1970a:65–68; Buell 1928; Perham 1960).<sup>21</sup> Liberal anthropologist Lucy Mair (1936:12–14), who, as many other analysts, deemed the systems of indirect rule and association to be equivalent, praised indirect rule as a progressive form of community participation allowing self-determination.<sup>22</sup>

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<sup>18</sup> Buell 1928:929–930; Schumacher 1975:89–90; Cowan 1958:60; ROS 1972; Hesselting n.d.:15; ROM 1977; Ouali et al. 1994:7; Diallo 1994; Gellar 1995:48; Crook and Manor 1994; UNCDF 2000.

<sup>19</sup> Ahwoi 2000:2; UNCDF 2000; Mamdani 1996; Mbassi 1995:23; Therkildsen 1993; Rondinelli et al. 1989; Buell 1928; Mawhood 1983; Conyers 1983; de Valk and Wekwete 1991; Rothchild 1994.

<sup>20</sup> As prescribed in Lord Lugard's Dual Mandate of 1922, colonial administration was established to benefit the African peoples and the world economy (Therkildsen 1993:79). The prescription that African governance was to serve external instrumental purposes has been reproduced throughout colonial rule, independence and the current “participatory” era. Whether the purpose be the support of world markets, agricultural production, development or natural resource management, the Dual Mandate sets up serious governance tensions. By foisting outside agendas on governance bodies, it undermines the local legitimacy of government. By being oriented toward mobilization of local populations for external purposes, local governance systems set up under colonialism produced subjects rather than citizens and created systems of management and control rather than representation and enfranchisement.

<sup>21</sup> In 1922 Yves Henry, the Agricultural Inspector General of French West Africa, argued for a participatory model of development “to educate the peasant, give him the means to work well, then progressively bring to his land tenure improvements without which any program would be but in vain” (quoted in Chauveau 1994:31–32). He then asked:

How does one bring together a producer association and what financial means would one put at their disposition to improve tools and cultivation? In French West Africa these associations find an excellent base in the private mutual assistance societies [*société de prévoyance*].... But their existence will not be assured, they will not fill their duties except under the double condition of being truly agricultural associations and of seeing the structure of the current mutual societies broken from their purely administrative organs that are suffocating them. [Because] the peasant does not understand them, his initiative will not be awakened, he will not clearly profit except if these organizations are not extremely supple and if the administrative tutelage needed at the beginning is relaxed bit by bit, to finally disappear and be replaced by a simple power of controle.

With such plans, the administration of French West Africa created an agricultural policy it believed was based on the specificities of African peasants (p. 32).

<sup>22</sup> According to Mair (1936:12–14):

Nevertheless, policies of indirect rule and association created an “institutional segregation” in which most Africans were relegated to live in a sphere of so-called “customary” law (or the *indigénat*, which was an administratively driven form of state-ordained and enforced regulation). Europeans and urban citizens, however, obeyed civil laws. In 1936, British colonial officer Lord Hailey wrote that “the doctrine of differentiation aims at the evolution of separate institutions appropriate to African conditions and differing both in spirit and in form from those of Europeans” (quoted in Mamdani 1996:7). Mamdani points out that “the emphasis on differentiation meant the forging of specifically ‘native’ institutions through which to rule subjects” (p. 8). These local governing institutions were reproduced after independence.<sup>23</sup>

At independence African governments inherited a system in which local governments were tools of administrative management.<sup>24</sup> Under this system, so-called “customary” authorities were privileged as the “representatives” of the rural world and the prefects, *commandants des cercles* and district officers were the appointed supervising managers. The coercive abuses of the colonial state delegitimized local governments and customary authorities. Nevertheless, colonial policy set up the infrastructure for the central state to continue managing rural affairs. They did not leave the structures as they found them, but reformed them to further strengthen central roles. For example, governments at independence depoliticized the role of local government in the anglophone countries by deliberately playing down the role of elected councils in policy and decision making (Oyugi 2000:16).

In the post-colonial period, according to Therkildsen (1993:82), local government had two prominent features: (i) regardless of regime type, ruling groups sought to control local-level public affairs, and (ii) local social groups generally avoided or disregarded subnational political-administrative organizations. After independence, governments across Africa continued to use local governments as administrative units, and major functions of local governments—such as health care, education, road construction and local taxation—were transferred to central government control. Elections to local councils were also abolished or centrally controlled. The tendency toward centralization in the two decades following independence reflected the politics of this heyday of military rule, during which time governments were trying to consolidate political power (Therkildsen p. 82; Oyugi 2000:13). Decentralization was used to expand the reach of the state, so reforms took the shape of deconcentration—extending central administration into the local arena. This was reinforced by the period’s dominance by one-party states and socialist governments, which did not create the space for elected local governments. There was little popular participation in local government. Deconcentration was designed to reinforce “verticality” (UNCDF 2000:2).<sup>25</sup>

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The basic aim of Indirect Rule is the development of an African society able to participate in the life of the modern world as a community in its own right. In territories where it is followed government does not accept the encouragement of European enterprises as a duty, but judges its value in the light of the contribution which it can make to African development. The other aspect of Indirect Rule—the preservation of African institutions where the needs of the Africans themselves do not call for their modification—is almost a natural corollary of this attitude toward European penetration...

Under Indirect Rule the land of the territory is recognized as the property of the native tribes, and, though alienation is still permitted, the ruling principle is always that such alienation must produce beneficial results to the native community and must be accompanied by adequate compensation. Neither the wholesale transference of native populations nor the curtailment of their reserves to dimensions which make them unable to gain subsistence by their accustomed economic methods are permitted under such a system. Village life on the lands protected by the ancestral spirits, work organized through traditional systems of co-operation and fitting into the accustomed rhythm of alternating effort and recreation, by methods improved perhaps, not under the strain of necessity but through the incentive of increased returns, becomes the bases of an economic development, which, if properly guided, can be integrated into the structure of an African society instead of remaining an external disintegrating force.

<sup>23</sup> Mamdani (1996:8) states:

[A]lthough the bifurcated State created with colonialism was deracialized after independence, it was not democratized. Postindependence reform led to diverse outcomes. No nationalist government was content to reproduce the colonial legacy uncritically. Each sought to reform the bifurcated State that institutionally crystallized a State-enforced separation, of the rural from the urban and of one ethnicity from another. But in doing so each reproduced a part of that legacy, thereby creating its own variety of despotism.

<sup>24</sup> Tukahebwa (1998:12) points out: “The local government system that evolved in Uganda was designed to serve the interest of the colonialists.”

<sup>25</sup> At the same time, important deconcentration experiments, such as the “villagization” schemes in Tanzania, were also taking place (Oyugi 2000:13). Much of the reform that took place in these early years focused on “development”. As Oyugi (p. 13) points out, such development “is usually accompanied by a tendency towards centralization”. In practice, these reforms usually meant the shar-

Until the last decades of the twentieth century, decentralization proceeded in the form of deconcentration almost without exception. Southern Africa experienced a wave of such “decentralization” in the late 1950s and early 1960s (de Valk 1990:4). Under one-party rule, Zambia had decentralization reforms in 1969, 1971 and 1980 in which the party’s political control over district administration gradually increased (Therkildsen 1993:82). Kenya decentralized in 1964, 1970, 1974 and 1982, reducing the importance of local government (p. 82). Kenya’s last decentralization, called “district focus”, in 1983, “intended to increase efficiency of central government administration rather than promote local autonomy or popular participation” (Conyers 1993:28).

Francophone West African governments decentralized after independence with the express purpose of introducing “participatory local governments”. However, governments considered to be far advanced in their decentralization, such as in Senegal, maintained a system of ruling-party control and administrative oversight that strangled local autonomy (Ribot 1999). Mali created elected local councils in 1979, but did not give them powers (Diallo 1994:1).<sup>26</sup> Zimbabwe deconcentrated powers to local administrators in 1984, focusing on creating planning committees. There was little impact on the allocation of resources, however, producing frustration and scepticism, but also leading to pressure by the Ministry for Local Government for significant reallocation of powers to existing elected local authorities. In 1993, new powers were officially decentralized to Zimbabwe’s elected rural district councils, but line ministries never transferred significant powers to them (Conyers 2001:2). Nigeria began a stop-and-go decentralization process in the 1970s, introducing elected local government in 1976 and 1983 (Crook and Sverrisson 2001:34). Nigeria devolved major functions including law enforcement, maintenance of roads and bridges, rural development responsibilities, agricultural development, health care, and water and housing provision to elected local governments in 1976 (Rondinelli et al. 1989). In Ghana, Rawlings established “elected” district assemblies in 1987; however, these assemblies have very limited powers and a large portion of their members were appointed by the central state (Rothchild 1994:4).

But in practice, even in Ghana and Nigeria or in the francophone countries where democratic local government was written into the constitution or given special legal protection, “the reforms lead to growing central government control” (Therkildsen 1993:83).<sup>27</sup> Through the 1960s, 1970s and 1980s, decentralizations across the continent failed to produce autonomous representative local government units. They failed to devolve significant powers to local representative bodies.<sup>28</sup> Surveys in the 1970s and 1980s showed that virtually no local government autonomy forms the central state (Oyugi 2000:17). “By the end of the 1970s, it was clear that the state institutional apparatus for decentralised development had neither promoted participation, nor promoted any meaningful economic and social advancement” (UNCDF 2000:2). One West African survey “could not find any local government with control over its budget or any with autonomous policy making powers” (quoted in Oyugi p. 17).

In the 1980s and 1990s, structural adjustment programmes, requiring the cutting down of central governments, forced many governments to develop decentralization reforms. With the fall of the Berlin Wall and the elections in South Africa, these reforms were infused with a new, more democratic language. As one United Nations agency emphasized in the 1990s, “political decentralisation has assumed a new meaning, away from the imposition of centralised monolithic values, towards a much more rights-based culture” (UNCDF 2000:3). Decentralization is now being promoted in a context of pluralist discourse, emphasizing greater representation of citizens as well as state reforms toward market-based development with structural adjustment programmes. In this

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ing of development decision-making power between central ministries and their field offices. It was a focus on administrative decentralization, giving prominence to development planning involving local-level co-ordination of programme design and implementation, being much in character with the era of integrated rural development.

<sup>26</sup> Power transfers were legislated in 1988, but have not been implemented (Diallo 1994). In 1999, local elections launched a new democratic decentralization in Mali under a new regime. Power transfers are still problematic in these reforms (Kassibo 2002).

<sup>27</sup> Compare to Ribot 1999; Crook and Manor 1999; Mawhood 1983.

<sup>28</sup> Mawhood 1983; Manor 1999; Crook and Manor 1999; Mamdani 1996.

context, decentralization is viewed as a way of supporting local governance and improving the efficiency and effectiveness of service delivery to local populations (p. 3).<sup>29</sup> Policies of decentralization are pursued for both developmental and political reasons. De Valk (1990:3–6) argues that emphasis has shifted from the political justifications—national stability, garnering popular support, “petty politicking” and so forth—of the 1950s and 1960s, to the developmental value of decentralization that characterizes the current wave of decentralization, begun in the 1980s.

In the 1990s the discourse on decentralization began to highlight “democratic decentralization” as the preferred reform (Crook and Manor 1999; UNCDF 2000:1).<sup>30</sup> But again (and as discussed in detail in the sections on Actors and on Powers, below), most of the recent reforms taking place in the name of democratic decentralization have neither created the accountable representative local institutions nor devolved the powers that would constitute democratic decentralization (Crook and Sverrisson 2001; Ribot 1999). Donor agencies and theorists now promote democratic decentralization as the ideal form, involving the establishment of “autonomous and independent units of local government” (UNCDF p. 4). Whenever changes have been initiated in the local government sector “the stated objective in virtually every country [in Africa] has been to strengthen them as instruments of democratic governance and efficient and effective service provision”. Nevertheless, to date it appears that “regardless of the design of the local government system, the prevailing centralizing tendencies on the part of central government have rendered meaningful political decentralization a myth” (Oyugi 2000:17).

*See Annex A for research questions emerging from this section on Decentralization in African History.*

## Why Decentralize?

*Most decentralization efforts have both explicit and implicit objectives. Those objectives likely to appeal to the general public, such as local empowerment and administrative efficiency, are generally explicitly stated, while less popular ones, such as increasing central control and “passing the buck”, are unlikely to be voiced.*

*Diana Conyers (2000:9)*

Better understanding of decentralization requires explaining why it occurs, why it takes the particular forms it does, and the relation between those forms and the outcomes they produce. Decentralization reforms have taken place in Africa under colonial rule, democratic governments and military regimes. As Crook and Sverrisson (2001:2) argue, “there is no evidence of a connection between regime type and either the presence of decentralized government itself or the broad type of decentralisation system”. Decentralization has been explained, however, as an outcome of pressure from economic crises (Therkildsen 2001:1; Olowu 2001:53); a means for central governments to shed fiscal and administrative burdens (Nsibambi 1998:2); a failure of central administration (Wunsch and Olowu 1995); an emulation of reforms in other developing countries (Therkildsen p. 1); a result of populist political success (Heller 1996;<sup>31</sup> Olowu p. 53); a result of donor pressures and conditions as part of structural adjustment and other programmes imposed from the outside (World Bank 2000; Mutizwa-Mangiza 2000:24; Therkildsen p. 1);<sup>32</sup> as a response to subnational splinter groups and pressure to appease and incorporate local elites;<sup>33</sup> and as the consequence of particular relations between central and local authorities (Crook and Sverrisson p. 2). Of course, decentralization is most likely a conjunctive result of these and other global, national and local forces.

<sup>29</sup> For an excellent summary of the advantages and disadvantages of “fully decentralized systems”, see Ostrom (1999:38–39).

<sup>30</sup> Alden Wily (2000, 2000a) notes a significant and related shift in the language and orientation of community-based natural resource management in East and Southern Africa. She points out a democratizing trend in this sector.

<sup>31</sup> Heller writes about Kerala, India.

<sup>32</sup> In the 1980s, the World Bank supported twice as many civil-service reform operations in Africa as in all other developing countries combined (Therkildsen 2001:3).

<sup>33</sup> Olowu 2001:53; Brock and Coulibaly 1999:30; World Bank 2000:108–109; UNCDF 2000:3.

Rather than explaining or looking at causes of particular forms of decentralization, this section focuses on the benefits or other outcomes that decentralization is believed to produce. While decentralization may or may not result from pursuit of these benefits, the latter frequently emerge in political discourse. It is worth exploring the theoretical bases and grounded evidence of the assumed benefits in order to assess the potential value of decentralization reforms. At the 1994 Burkina Faso conference on Decentralization in West Africa,<sup>34</sup> country representatives declared various expectations from decentralization:

- Ivory Coast considers it to be a “pragmatic process leading to the sharing of power between central and local levels”;
- for Mauritania, it is “an institutional landmark, a tool for democratization and a way of promoting local development”;
- for Senegal, it is “a fundamental element of a learning process in democracy and people’s participation in development”;
- for Guinea, “decentralization is a project for society based on natural solidarity, oriented towards development”;
- Mali sees it as “the best available instrument to use in reorganizing the State”;
- for the Cape Verde Islands, it is “a tool used in achieving national solidarity”;
- for Benin, “decentralization is an instrument to be used in promoting grassroots democracy and local development”; and
- Burkina Faso expects that “decentralization should reinforce local democracy, grassroots democracy and local development” (Mbassi 1995:24).

These expectations include most of the objectives current in political discourse, with similarly high hopes for decentralization being expressed by many other groups. The World Bank (2000:107) argues that “devolution of powers affects political stability, public service performance, equity, and macro-economic stability” (cf. Prud’homme 2001:14). Others give it the leading role in democratization;<sup>35</sup> rural development (Roe 1995; UNDP 1999); management of the rural world (Mamdani 1996); or state building (Bazaara 2001:7–13). Conyers (2000:7) provides four broad categories to outline decentralization objectives: local empowerment, administrative efficiency and effectiveness, national cohesion, and central control.<sup>36</sup>

Most of the outcomes attributed to decentralization are assumed in the literature and go unquestioned. Whether, when and where these outcomes actually materialize is an empirical question for further analysis. This section examines the benefits believed to come from and used to justify decentralization, and some of the evidence behind these claims. It reviews rationales and evidence in support of links between decentralization and the outcomes of efficiency, equity, service provision, participation and democratization, and national cohesion and central control. These five categories encompass most of the aforementioned concerns. A sixth section briefly covers local empowerment, fiscal crisis, development, and poverty reduction.

### ***Efficiency***

Increased administrative efficiency is the overriding impetus for governments to decentralize (Therkildsen 2001:1; Conyers 2000:8). Many theorists indicate that decentralization is preferable to centralization given the inefficiency of central states in carrying out their mandate, primarily

<sup>34</sup> The conference was entitled *La Décentralisation en Afrique de l’Ouest*.

<sup>35</sup> Crook and Manor 1999; Ribot 1996; Mbassi 1995:23; Rothchild 1994:1.

<sup>36</sup> Kaimowitz et al. (2000:8) show that new decentralization laws in Bolivia were inspired by (i) growing pressure from regional groups, (ii) decentralization occurring in neighbouring countries, and (iii) support from international development agencies. While not an African example, these are germane additions to the list. Conyers (2001:3–5) also explains that the first efforts to deconcentrate during the 1980s led to frustration due to the lack of real change in the allocation of resources. This frustration led the Ministry of Local Government to apply pressure that brought about a later decentralization to elected local governments. However, powers were not transferred by line ministries until economic crisis in 1999 forced them to relinquish obligations that they could no longer meet—enabling them to save face and blame local government for the failure to deliver.

in response to the failures of highly centralized planning efforts in the post-independence years. This inefficiency is attributed to the classic arguments that monopoly (government or private) is inefficient and that central governments have been corrupt.<sup>37</sup>

The governments, donors and private sector have also supported decentralization on efficiency grounds for many of the standard public choice arguments: decisions are more relevant to local needs and conditions are more likely to be effective; local co-ordination is facilitated and transaction costs are reduced by making decisions locally; decentralized decision making can be quicker and more flexible, therefore more efficient; local knowledge and preferences can be drawn on to make decisions more relevant and effective; local knowledge and labour can facilitate implementation, management and evaluation; and because local actors will benefit from reducing the costs of their efforts, they are likely to spend their resources more efficiently.<sup>38</sup>

Economists argue that broad-based participation in decision making can increase economic and managerial efficiency by “internalizing” costs and benefits. That is, it allows local populations who bear the costs of resource-use decisions to make those decisions. This manner of local decision making is more likely to consider the full range of negative and positive consequences (that is, internalizing economic, social and ecological costs). Outsiders or unaccountable locals may consider only the direct costs and the benefits that accrue to themselves, omitting from their calculation the negative outcomes that they do not feel, such as diminished forest productivity or water pollution.

Griffin (quoted in de Valk 1990:5) points out that the most recent wave of decentralization “seems to be based more on the assumption that decentralized planning and participation can achieve effectiveness and efficiency by resolving the implementation problems of rural development planning”. De Valk (p. 7) also points out that implementation is seen to be improved through better co-ordination by decentralized bodies. In addition, decentralization is seen to increase the relevance and sustainability of development, as well as self-help contributions to development.

Arguments that decentralization will result in more efficiency through the better matching of supply and demand for local public goods “need not hold in the less-than-democratic circumstances that apply in some developing countries” (Sewell 1996:147). This is a critical point as many of these arguments are predicated on the notion that there are mechanisms in place to hold local authorities accountable to local populations.

### ***Equity***

If properly structured, decentralization could improve procedural equity. Democratic decentralization is based on locally accountable representative bodies with powers over select local resources and decisions, and with local rights and systems of recourse. To establish such forms of local governance requires a shift in most of Africa, particularly in rural areas, away from the highly inequitable, administratively driven management of the local world. Mamdani (1996) argues that rural people across Africa are managed as subjects under highly inequitable and even despotic circumstances. On the procedural front in Cameroon, Guinea, Mali and Senegal, forestry service authorities allow recourse in forestry disputes only through the forestry service itself—even when the complaints concern forestry service abuses. Without independent adjudication, however, local populations have no real independence in “decentralized” forestry matters. They remain under the Forestry Administration’s discretion. Furthermore, participatory approaches to forestry in Burkina Faso, Gambia, Niger and Senegal involve only economically interested parties. This does not give equal rights to the public in determining the disposition of local forests. More generally, there is little evidence that decentralization is instituting procedures and institutions for representative, accountable and empowered forms of local govern-

<sup>37</sup> See Conyers 2000:8; Tandler 2000:118; Scott 1998; Wunsch and Olowu 1995; Mawhood 1983; Meinzen-Dick and Knox 1999:4, 30; Rondinelli et al. 1989; Bhagwati 1982.

<sup>38</sup> World Bank 2000:108; Conyers 2000:8; Huther and Shah 1998; Sewell 1996; Romeo 1996; Baland and Platteau 1996; Schilder and Boeve 1996:94–117; Parker 1995; Cernea 1989; Selznick 1984; Tiebout 1972; Oates 1972:11–12.

ance. Nonetheless, more democratic experiments appear to be unfolding in Ghana, Mali and Uganda (Ahwoi 2000; Ribot 1999; Karlström 1996).

Distributional equity could result from decentralization. Local democracy may affect intrajurisdictional distribution of government services and the equity of local government decisions. But it is not clear whether it will do so in a positive way. Decentralization, nevertheless, has been argued to provide more equitable distribution in local districts and greater opportunity for the poorest people. While there are some cases suggesting that decentralization can increase distributional equity, there is scant evidence for either in Africa.<sup>39</sup> Local taxation policies can also shape local distribution of income. Property taxes, trade licenses and urban service fees are usually collected from relatively wealthy businesspeople (Smoke 2001:16). Furthermore, income taxes can also be progressively structured. But Smoke (p. 16) points out that the effect of decentralization on income distribution is another poorly studied issue.

Gender equity in representation is a widespread problem. In Uganda this was explicitly redressed in the decentralized rural council system, wherein, since 1995, women are guaranteed at least one third of the seats. Women's representation has significantly increased. The local Government Finance Commission reported that several women have said that "in meetings it is now more comfortable to speak up. But this was not the case before. Husbands mistreated wives before. Husbands either did not allow their wives to attend meetings or did not allow them to speak in meetings" (Saito 2000:5, see also 15–16).

Decentralization also shapes equity among local districts—interjurisdictional equity. Conyers (2000:8) argues that decentralization can result in "a situation in which those regions or localities with good financial or technical resources prosper at the expense of those without". The World Bank (2000:110) points out that such equity is a function of the willingness of the central state to engage in redistribution among regions. Smoke (2001:16) also argues that this kind of redistribution can be accomplished only by central government. More data is needed on this topic in Africa.

### ***Service provision***

Decentralization and deconcentration are believed to increase service delivery. First, central government monopoly of service provision is argued to be the source of many inefficiencies (Tendler 2000:118; cf. Rothchild 1994:3). Following this logic, introducing private firms, non-governmental organizations (NGOs) and even local governments as providers increases competition, thereby increasing efficiency. Competition is believed to create providers that are more responsive to consumer needs and preferences. Furthermore, the public choice logic goes that better matching of services to needs and preferences follows from decentralized and deconcentrated providers being closer to their clients, and therefore having better access to local information.

Evidence that decentralization or deconcentration leads to better service provision is thin. This is partly because the assumed causal relations are difficult to demonstrate (Ribot 1999; World Bank 2000:109). "Given that claims of service improvements are so central to the arguments of decentralization advocates, it is somewhat surprising that so little research has been conducted to see if decentralization indeed increases the level of services delivered and their quality" (Smoke 2001:16). The evidence is mixed. A study of decentralization in 10 developing countries shows increased infrastructure expenditures at national and subnational levels. Where service provision was low, decentralization appears to have increased locally produced services. One large comparative study of service delivery in 75 countries indicates that facilities are better provided by central government, while operation is more effective and less costly when decentralized (Lewis 1998, cited in Smoke p. 17).

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<sup>39</sup> According to Sewell (1996:144), "there is plenty of evidence that subnational jurisdictions systematically incorporate distributional preferences into choices on spending decisions". For example, recent studies of local officials in Albania and elected neighbourhood committees in Uzbekistan (cited in World Bank 2000:111) indicate that local officials and community groups are better than central authorities at identifying and reaching the poor. They conclude from this that local actors have better networks to help them identify needy groups. They also conclude that such targeting of the poor requires funding from central government.

In Uganda, “generally, service providers, either health workers or teachers, claim that decentralization has brought better control over their resources and this is one important reason why civil service staff are supportive of decentralization. Yet on the other hand, service receivers do not express that the services are improved in recent years. This perception gap is a critical challenge which needs to be tackled in the near future” (Saito 2000:11). In health services, most patients find decentralized government clinics unsatisfactory and prefer, if they can, to go to private urban facilities (p. 13). In education, the number of children attending school has increased due to tuition waivers for the first four children of each household, but the service educators claim that the quality of education has deteriorated. Furthermore, parents claim that despite the new laws they are now asked to pay even more, so their burdens are not lessened (pp. 13–14).

Donor evaluations and independent studies concerning social funds—which are one form of service-oriented “decentralization” involving private groups—indicate that private providers can be as insensitive and standardizing as the public sector is considered to be (Tendler 2000:118). In addition, although receiving funds, NGOs may not be active. Part of this problem is that in the domain of service provision, NGOs may “dislike being the mere executors of a ‘paternalistic’ government program” (p. 128 n. 50; see also Hudock 1999).

In any decentralization “there is inevitably some tension between the technical and resource constraints on the supply side and the demands placed on the system by the public” (Smoke 1999:12). In the past, decentralization often meant shedding service responsibilities in order to reduce costs to the central government.<sup>40</sup> But without the fiscal resources to execute these new responsibilities, local governments and other local institutions cannot deliver services effectively. The complaint that funds do not match new responsibilities is heard frequently in Africa.<sup>41</sup>

Another tension in decentralized service provision is the match between what states are willing to support and what local populations desire or need. As Fiszbein (1997) found in Colombia, and Smoke (1999:12) in Asia, the public services that the state suggests or requires local jurisdictions to provide, may not be those which local leaders prefer or which local people ask for in participatory exercises. Here the classic tension emerges between central state instrumentality and democratic pluralism<sup>42</sup> (see *Planning Processes and the Problem of Instrumentality*, below). In the case of Colombia, the central government viewed the investments of local governments as reflecting poor local capacity because they did not fit central government expectations; however, Fiszbein (pp. 2–3) found that local use of funds was efficient in terms of the locally desired outcomes (see *Capacity*, below). In Uganda, Onyach-Olaa and Porter (2000:25) also found efficient and creative use of truly discretionary local funds.

Saito (2000:11) points out yet another tension that can favour some service investments over others. He explains that politicians are less willing to invest in time-consuming social development activities—such as those involving the environment or primary health care—than they are to invest in short-term, high profile activities.

Service delivery requires a complex mix of relations between the central state and local institutions. Central governments are obligated to provide resources, or to enable local institutions to generate resources to provide services required by the central government. Central governments also set standards for the quality and the extent of service delivery—a function that is

<sup>40</sup> Manor 1999; Crook and Manor 1998; Parker 1995; Uphoff and Esman 1974; Alcorn 1999.

<sup>41</sup> Ahwoi 2000:4; Oyugi 2000:8; Alcorn 1999; Manor 1999; Crook and Manor 1998; Parker 1995; Ribot 1995; Uphoff and Esman 1974.

<sup>42</sup> See Selznick 1984:7, 225–226; de Valk 1990:9; Rothchild 1994:8; Shivaramakrishnan 2000:431; Engberg-Pedersen 1995:2–3, 26; Mandondo 2000a; Namara and Nsabagasani 2001.

Two objectives dominate the literature and discourse on developmentalist decentralization: service provision and local democratization. These objectives are compatible in that improved services are believed to result from greater local voice (through mechanisms of participation and accountability) in decision making. Local democracy is believed to improve service provision. They are also at odds, as service provision is a predetermined objective while local democratization is a process of local objective setting and implementation. There is no problem when local people desire the services that the central state deems necessary. But when these services are not local priorities, democratic process comes into conflict with the instrumental objectives of the central state.



often beyond the technical capacity of local jurisdictions and that may be necessary for the greater good on a larger scale. Central states are obligated to provide basic infrastructure and to weigh trade-offs between technical standards for these services and the costs they imply. Smoke (1999:12) warns that in making such a decision the high transaction costs of local involvement need to be taken into account and weighed against whether participation is needed.

Two tensions emerge around what central government requires and expects of local governments. The first is financial and the second is created by the differences between decentralization's instrumental and democratic objectives. Finance and instrumentality are central concerns of service provision and decentralization writ large (see Implementation, below).

### ***Participation and democratization***

*But since all cannot, in a community exceeding a small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.*

*John Stuart Mill (quoted in Green 1993:3)*

*Democratic governance cannot be realized at the centre if it does not obtain at the local level. Governance is democratic at the local level to the extent by which people are able to influence the process and substance of decisions made by government that are likely to affect them.*

*Walter O. Oyugi (2000:4)*

Participation is currently a key aspect of most discussions of decentralization and is often uttered in the same sentence (Balogun 2000; Sharma 2000; Engberg-Pedersen 1995:1). In Zimbabwe, "the political banner under which decentralization is advocated is 'participation in development planning'" (de Valk 1990:11). Participation is believed to make plans more relevant, give people more self-esteem, and to help legitimize the planning process and the state as a whole (Conyers 1990:16). Decentralization is argued for on the grounds that public participation and citizen involvement in programs is good in and of itself (Meinzen-Dick and Knox 1999:5).<sup>43</sup>

Arguments defending decentralization on the basis of greater participation of citizens in democratic governance can be found in the writings of Alexis de Tocqueville (1945) and John Stuart Mill (cited in Green 1993:3), and more recently Dahl (1981:47–49). Webster (1992:129) is only one of the later figures to argue that decentralization is "seen as a means by which the state can be more responsive, more adaptable, to regional and local needs than is the case with a concentration of administrative powers" (cf. Bish and Ostrom 1973; Weimer 1996:49–50).<sup>44</sup>

There are plenty of examples in local or "decentralized" natural resource management that are justified as participatory approaches. Familiar ones include: Joint Forest Management in India; Community Forest Management in Nepal; the CAMPFIRE projects in Zimbabwe; Rural Markets in Niger and Mali; the *gestion des terroirs* (commons management) approach so popular across the West African Sahel; and Community Forests in Cameroon. The "participation" of rural populations has become a core principle in natural resource management, and decentralization has more recently become a commonly cited means of achieving it. Participatory approaches to natural resource management are lauded for their potential contribution to economic efficiency, equity and development, just as is decentralization writ large.<sup>45</sup> However, these accolades need

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<sup>43</sup> Participatory approaches to development have popped up around the world over the past decade. In US law, participation in development has been expressed as a principle to guide development intervention. United States Public Law 95-424, 6 October 1987, requires that United States bilateral development assistance "activities shall be emphasized that effectively involve the poor in development by expanding their access to the economy through services and institutions at the local level, [and] increasing their participation in the making of decisions that affect their lives".

<sup>44</sup> For a counterview that does not see in decentralization any necessary benefits of responsiveness or freedom, see Riker (1964:142), who states that "to one who believes in the majoritarian notion of freedom, it is impossible to interpret federalism as other than a device of minority tyranny".

<sup>45</sup> In theory, participation can increase economic and managerial efficiency by: (i) allowing the local populations who bear the costs of forest use decisions to make those decisions, rather than leaving them in the hands of outsiders or unaccountable locals (that is, by

to be taken with caution—while intuitively obvious, there is little empirical evidence to support the claims.<sup>46</sup>

Rural communities are usually highly differentiated by class, caste, livelihood, gender, age, religion, race, origins and ethnicity. While planners have treated communities as uniform in the past, this is rarely the case.<sup>47</sup> It is due to this diversity that questions of community representation arise. Achieving many of the equity, efficiency, environment and development benefits of participation is predicated on devolving decision-making powers and responsibilities to some individual or body representing or in the local community. This requires representative and accountable authorities or groups to whom powers can be devolved, or the creation of such authorities.

Locally accountable representation is a means for integrating across and mediating among these differences. Some local authorities (see Actors, below), such as village chiefs or elected rural councils, presume to represent the community as a whole. Others, such as forestry co-operatives or woman's associations and NGOs, represent only a subset of the community—their members. Decisions on resources such as forest and grazing commons or community development affect the community as a whole. If decisions on such public resources are to internalize costs and local preferences, theory indicates they must be devolved to a body representing and accountable to the community as a whole (see Efficiency, above; and Equity, above). In short, returning to Mill, it appears that some form of systematic representation is necessary even in “a small town”.

If participation is to be more than a temporary component of interventions or projects, if it is to be generalized across space and time, then it must be institutionalized. One form for this institutionalization is local democracy, a central contribution of democratic decentralization. It is about establishing the institutional infrastructure and transferring the necessary resources for increased public participation at the local level. In short, representative and downwardly accountable forms of local government—that form the basis for democratic decentralization—are the institutionalized, and thereby sustainable, form of local participation.

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internalizing economic, social and ecological costs); (ii) reducing administrative and management transaction costs via the proximity of local participants; and (iii) using local knowledge and aspirations in project design, implementation, management and evaluation. Participation could redress inequities by helping to retain and distribute benefits of local activities in the community; thus it could be a tool of social justice. Participation in the benefits from local resources could also contribute to development by providing local communities with revenues. (See Cohen and Uphoff 1977; Cernea 1985; Baland and Platteau 1996; Peluso 1992; World Bank 1996; National Research Council 1992:35.)

<sup>46</sup> Aid organizations and national agencies charged with managing public resources also often assume that community participation in resource management results in better environmental practices (Poffenberger 1994; Shiva 1989). While such a claim has some logical underpinnings, it is not a demonstrated fact (see Little 1994). More research is needed on the participation-environment link (see Western and Wright 1994). Uphoff and Esman (1974:xvii) point out that participation did not have a strong association with agricultural productivity; therefore,

participation may make a positive contribution to raising productivity, and we found no evidence of its impact being negative, but as analyzed in this study it does not appear to be a necessary or sufficient condition for agricultural improvement. The relationship between participation and welfare performance on the other hand was, not surprisingly, greater, with a correlation of .6.

Their indicators of participation include “voting, control over bureaucratic performance, influence on rural development policy, and involvement in resource allocations in rural areas”.

<sup>47</sup> Painter et al. 1994; Agrawal 1997; Berry 1989, 1993; Sharpe 1998; Ribot 1995, 1998.

The *gestion des terroirs* approach—one of the cutting edge, donor-sponsored natural resource management schemes in francophone West Africa—implicitly acknowledges the population of a *terroir* (local community use area or commons) to be a community.

*Gestion des terroirs* refers to the activities of community members as they go about using natural resources within the *terroir* for their livelihoods. By definition, they have a sense of collective claim on the *terroir*, and exercise some degree of social and politically sanctioned control over the terms of access to the resources by community members and outsiders (Painter et al. 1994:450).

Painter et al. also provide a well-developed analysis of the limits of the *terroir villageois* (local village area) concept, pointing out how *terroirs* are embedded in multiple relations that exceed their boundaries.

Painter et al. (1994:455), describe the interacting factors in Sahelian communities as including: terms of access to land; the size and quality of land holdings; gender; seniority; the ownership of livestock; participation in off-farm income-generating activities; status as founding member of the community or as an outsider; the size and maturity of households; access to domestic and extra-domestic labour inputs; wealth; political power; links with the state; access to credit and materials; types of production systems; membership of chiefly or noble lineages or of caste-like categories (such as ex-captives); and the nature and effectiveness of diversification strategies. Sahelian communities are highly stratified.

### ***National cohesion and central control***

Decentralization can serve as a means to maintain political stability when pressures arise from local groups and elites demanding more power. In Ethiopia decentralization was used as an instrument to diminish secessionist tendencies (World Bank 2000:108–109). In Uganda and South Africa too, decentralization was used to consolidate national unity (UNCDF 2000:3). In Mali, the government strengthened the territorial autonomy of Tuareg regions in 1992 as part of a peace negotiation with secessionists (see Brock and Coulibaly 1999:30). Olowu (2001:53) sees decentralization as promising to help resolve conflicts in Angola, the Republic of the Congo, the Democratic Republic of the Congo, Morocco, Senegal and Sudan.

The World Bank (2000:107–108) points out that decentralization can serve as an institutional mechanism to bring secessionists and other subnational groups into a formal bargaining process with the government. Conyers (2000:8–9) argues that governments use decentralization to increase national cohesion and central control in three situations. First, decentralization can be a means of attracting back regions or ethnic groups that are threatening to form independent states, as in Nigeria. Second, strengthening regions can help reinforce or reconstruct national unity after social unrest or conflict, as in South Africa, Uganda and Zambia. Third, where there is risk of national disintegration, decentralization can be used to strengthen the ruling party's control over local-level activities, as in most one-party state decentralizations in the post-independence 1970s and 1980s. Conyers (p. 8) argues that to reinforce the role of the party at the local level is one of the main motives for states to decentralize. Rothchild (1994:1) also observes that decentralization is motivated by these kinds of pressures, explaining that countries prone to decentralize are those ready to respond to “claims for local autonomy in an effort to manage political conflict”. He asserts that the ways in which decentralization unfolds are a function of these state-civil society relations.

Politically, decentralization can be used for state legitimation. States can garner popular support, and meet the needs of individual political actors to establish themselves and their ministries (de Valk 1990:3–4; Conyers 2000:7). De Valk (p. 5) argues that in post-independence Zimbabwe, the demands on the state were that it establish a socialist regime; promote land reform; provide equitable access to social services; and facilitate greater political participation. But, given the high cost of social services and threatening fiscal crisis, “policies to strengthen regional planning through decentralization are seen to ‘kill two birds with one stone’: to establish legitimation without too much expenditure” (Gore 1984, quoted in de Valk p. 5). The government of Ivory Coast also tried to use democratic decentralization as a means to revive the single ruling party. “It was hoped that the election of local councillors and mayors would bring new generations of cadres into politics, and address the perceived problem of public apathy” (Crook and Sverrisson 2001:24).

Deconcentration can be a tool to establish central power in outlying areas. In francophone West Africa, Mbassi (1995:23–24) pointed out that due to the weakness of the state, governments recommended that decentralization include deconcentration of services—in order to maintain a central presence in the local arena. In Kenya, the district focus policy of the 1980s was unapologetically “intended to increase efficiency of central government administration rather than promote local autonomy or popular participation” (Conyers 1983:28). In district focus, therefore, deconcentration was used. After independence, President Mzee Jomo Kenyatta used provincial administrations to establish the ethno-regional base for his rule, and later President Daniel Arap Moi tried to build his political support through district administration (Therkildsen 1993:83). Such use of decentralized authority to manage the rural world is similar to the dynamics of decentralization throughout the colonial period (Mamdani 1996).

A number of authoritarian systems in Africa have called for and actually implemented decentralization measures, largely reflecting their desire to increase their ability to ‘penetrate’ the periphery politically and administratively

and to reduce the burden on the political center by off-loading a set of costly responsibilities upon local actors (Rothchild 1994:2).<sup>48</sup>

In this manner, decentralization can have a paradoxically centralizing impact (Rothchild 1994:2; Crook and Manor 1998; Conyers 2000a). Paul Biya (1986:28), President of Cameroon, wrote, “I consider national integration, which is the ultimate step towards national unity, to be the cardinal, historical task of the highest priority which I have to carry out with all Cameroon people”. But, while arguing for a single party as the necessary tool of integration, he argues for decentralization in which “village communities...will be given special attention and transformed into real decentralized territorial communities with extensive prerogatives to choose their leaders democratically and manage their own affairs” (p. 51). He argued that by countering ethnic forms of unity, this kind of decentralization serves the building of the nation state. Unfortunately, party list elections in rural Cameroon have prevented such local democracy from emerging.

### ***Local empowerment, fiscal crisis, development and poverty reduction***

Many other motives for decentralizing are stated in the literature, including local empowerment, central government burden shedding, donor conditions, development and poverty alleviation.

Local empowerment is advocated by different institutions for different purposes. Local organizations may advocate decentralization for reasons as diverse as forming a breakaway state (as in the Biafran war in Nigeria) or as a means of influencing national policies that affect local affairs. International agencies or NGOs support local empowerment to promote “democracy”<sup>49</sup> or as a means of reinforcing the role of their organizations that are concerned with community development. Central governments may be motivated to empower local communities by a need to prevent secession or build national cohesion, or a local government ministry may promote local empowerment to strengthen local governments on which their own institution’s authority rests (Conyers 2000:7).

Government fiscal crisis can also justify, or force, decentralization (Olowu 2001; Meinzen-Dick and Knox 1999:5). Conyers identifies decentralization as a means to reduce public expenditure as the overriding motive. This motive is part and parcel of structural adjustment programs supported by donor agencies. In most countries undergoing decentralization, there is some form of donor support present, which often pushes the decentralization process. This support is often justified in that decentralization can reduce the financial burden of central government, save revenue by helping to increase the efficiency of local expenditure, and it can expand the revenue base by including revenue sources that can be exploited more efficiently by local government. Reducing public expenditure can strengthen the central state (Conyers 2000:9). However, although a strong central state may be beneficial to decentralization, austerity programmes and the fiscal crisis they produce can undermine decentralization (see Fiscal Transfers, below).

Development too is often argued to be a motive for decentralization.<sup>50</sup> In many ways, this is based on other motives, such as efficiency, equity, participation and democratization, and stability (as outlined in the preceding sections). It is also based on the idea that with greater participation and local democracy, the benefits of local activities may be retained and reinvested in local needs and aspirations. Greater participation or representation is believed to lead to more relevant planning processes and the delivery of more useful local services. A stable environment is believed to help create conditions in which people are more likely to invest (World Bank 2000).

Decentralization can be the basis of “integral local development”. Much of the work now being done on local development appears to be a revival of “integrated rural development” from the 1970s and 1980s, but under a new title and with a few new methods. In lieu of the past method of

<sup>48</sup> Compare to Mamdani (1996), who outlines the functions of decentralization from the colonial period onward.

<sup>49</sup> Although Conyers (2000:7) argues that this is often a *post hoc* justification for decentralization designed to achieve various economic ends.

<sup>50</sup> Helmsing 2001; Roe 1995:833; de Valk 1990; Ribot 2001.

integrating programmes on the planner's desk and then applying the plans in the local arena, representative authorities and participatory processes are becoming the new mechanisms of integration. These mechanisms are in this sense "integral" to the local community. This then makes the development and integrated planning "integral" to the local context. (Ribot 2001, 1999a.)

Poverty alleviation is often assumed to be one of the positive outcomes of decentralized governance that is achieved by empowering and serving the poor. There seems to be no evidence of this as yet. On the contrary, in an important comparative study of decentralization and poverty alleviation, Crook and Sverrisson (2001:iii) conclude that "responsiveness to the poor is quite a rare outcome, determined mainly by the politics of local-central relations". They go on to say that "positive outcomes are mainly associated with strong commitment by a national government or party to promoting the interests of the poor at local level".

*See Annex A for research questions emerging from this section, Why Decentralize?*

## Dimensions of Decentralization

There are a number of frameworks that have been used for the analysis of African decentralization.<sup>51</sup> The "actors, powers and accountability" framework of Agrawal and Ribot (1999) is used here. In this framework the local *actors*, the *powers* they hold, and the *accountability* relations in which they are embedded, are the basic elements for analysing the kind of decentralization taking place. Democratic decentralization, for example, involves representative local actors who are entrusted with real public powers and who are downwardly accountable to the local population as a whole. These are also the elements that circumscribe the domain of local autonomy that constitutes a decentralization. If there are representative actors who have no public powers, then the institutional arrangement is not a decentralization. Perhaps it should be called an advisory group, or a "privy council" as in colonial times. If there are powers, but the actors receiving them are not representative or downwardly accountable, then perhaps it is privatization or deconcentration. The next section examines some of the actors, powers and accountability arrangements that are found (appropriately or not), or that might be useful, in decentralized arrangements.

### Actors

*There is no decentralization without relatively independent and politically responsive local (or more precisely: sub-national) governments.*

*Remy Prud'homme (2001:13)*

*The effectiveness of any particular actor depends very much on the merits of the individual. You can have 'good' councillors and 'bad' councillors, 'good' chiefs and 'bad' chiefs, 'good' public servants and 'bad' public servants, 'good' NGOs and 'bad' NGOs, and so on. In other words, while it is true to say that,*

<sup>51</sup> Olowu 2001; Crook and Sverrisson 2001; World Bank 2000; Balogun 2000; Conyers 1983, 1990, 2000, 2000a; Crook and Manor 1999; Agrawal and Ribot 1999; Smoke 1999; Cohen and Peterson 1997; de Valk 1990; Mawhood 1983.

Crook and Manor (1999) frame decentralization in terms of its political, administrative and fiscal elements. The World Bank (2000) proposes the following framework:

*First*, the decentralisation framework must link, at the margin, local financing and fiscal authority to the service provision responsibilities and functions of the local government—so that local politicians can bear the costs of their decisions and deliver on their promises; *secondly*, the local community must be informed about the costs of services and service delivery options involved and the resource envelope and its sources—so that the decisions they make are meaningful; *thirdly*, there must be a mechanism by which the community can express its preferences in a way that is binding to the politicians—so that there is a credible incentive for people to participate; *fourthly*, there must be a system of accountability that relies on public and transparent information which enables the community to effectively monitor the performance of the local governments and react appropriately to the performance so that politicians and local officials have an incentive to be responsive; *and finally* the instruments of decentralisation—the legal and institutional framework, the structures of service delivery responsibilities and the intergovernmental fiscal system—are designed to support the political objectives [emphases in original].

The basic structure of this framework can be seen as fiscal transfers, information, representation, accountability and consistency between objectives and instruments.

*on average, locally accountable representatives are 'best', the reality is that there are wide variations around the average.*

*Diana Conyers (personal communication, February 2001)*

Who represents the local people and who receives powers in decentralization? Various actors, including elected bodies, customary authorities, administrative appointees, local representatives of technical services and ministers, community groups, "development" committees and NGOs, are receiving powers in rural Africa in the name of decentralization (Ribot 1999; Therkildsen 1993:75; Conyers 1990:23–26). The kinds of actors who are empowered in decentralization shape the outcomes that can be expected. Different actors are embedded in different kinds of accountability relations, and these relations shape the ways in which they exercise their powers. This section examines some of the typical actors to whom powers are being devolved in the name of decentralization.<sup>52</sup>

Prud'homme (2001:13) argues that the rules governing the formation and functioning of local government are integral to decentralization. I believe they tell us far more about the objectives of decentralization than does the current discourse. Processes for choosing or producing upwardly accountable authorities are oriented toward a different kind of outcome than processes that select downwardly accountable ones. Understanding the implications of decentralization requires a detailed understanding of the actors being created, supported and empowered in the local political-administrative landscape and their relation to both the central state and the local population (Olowu 2001).

Elected councils as local authorities in decentralization

"Elected" local bodies are constructed in a number of ways. To understand their likely responsiveness to local needs, it is important to understand the processes of selection (party involvement, rules of candidature and forms of suffrage), term lengths, forms of recall, their discretionary powers, and the forms of administrative oversight they are subject to. This section discusses "elected" local bodies, drawing primarily from experience in francophone West Africa with a few examples from elsewhere on the continent.

Since independence from France in the early 1960s, Burkina Faso, Cameroon, Mali, Niger and Senegal have created elected units of local government. In Senegal, one express purpose of these councils was to facilitate "participation" by local populations via direct suffrage.<sup>53</sup> Blundo and Jaubert (1998:64) also point out that Senegal's reform aimed to replace traditional authorities with modern ones. Participation and local autonomy are also express purposes in Burkina Faso's and Niger's decentralizations (Ouali et al. 1994; Diallo 1994:6ff.; RON 1992).<sup>54</sup> In 1986, Biya also reflected the currency of decentralization rhetoric when he argued for local democracy as a force of modernization and a tool to replace traditional leaders (Biya 1986). In these francophone countries, the smallest units of rural government cover an area that includes from five to 50 villages, referred to here as "rural communes" (similar in scale to counties in the United States). In all but Niger, the rural communes have elected governance bodies, referred to here as "rural councils", and a central government administrator, called the *préfet* (prefect) or *sous-préfet* (subprefect), appointed by the Minister of the Interior.<sup>55</sup>

<sup>52</sup> Participatory forestry projects and recent forestry laws in Burkina Faso, Cameroon, Mali, Niger and Senegal have established institutional structures for local participation in forest management (Ribot 1999; Delnooz 1999; GOC 1998). Some of these structures integrate "interested" parties, others, village chiefs or elected rural councils, to represent rural communities. Some others depend on participatory rural appraisal (PRA) or participatory mapping. The different ways these rural communities are represented in local natural resource management or any other form of decentralized decision making has implications for the ways in which efficiency, equity and development concerns are addressed and internalized in practice. They also have consequences for participation's sustainability and for democratization processes now under way.

<sup>53</sup> Blundo and Jaubert 1998:66; ROS 1972, 1964; Hesselting n.d.:15.

<sup>54</sup> Similarly, Yoweri Museveni set up the local councils in Uganda as "democratic organs of the people" to establish "effective, viable and representative Local Authorities" (Republic of Uganda 1987, quoted in Saito 2000:3).

<sup>55</sup> Among these countries, different names are used to refer to the most-local level of rural government and its elected governance body. In this review, the terms "rural commune" and "rural council" are used to refer to the jurisdiction and its representative body respectively.

In Burkina Faso, each village is divided into committees of youth (men 18–50 years old), elders (men over 50), and women (over 18). At national elections, each committee elects its representatives to the village council. The village council then elects from its members a president, who represents the village on the rural council (GBF 1993). In Senegal, nationally registered political parties present a slate of candidates for rural council elections. The rural council, dominated by the winning slate, then elects a president from among its members. The slate fills three fourths of the rural council, while one fourth of the representatives are chosen by a general council of producer and marketing co-operatives and associations (such as youth and women) for a five-year term (ROS 1972; 1993:arts. 185–195).<sup>56</sup> In Mali, rural council candidates were to be presented by party list, in a system of proportional representation, and elected by universal suffrage for a five-year term (ROM 1995:arts. 4, 7; ROM 1991). Mali's new electoral code, however, provides for independent candidates (ROM 1996).<sup>57</sup>

In Niger, a series of coups d'état has periodically halted decentralization efforts since independence. By the mid-1990s, only 10 per cent of the rural administrative units planned since independence had been established (Diallo 1994:7). The structure of representation in rural administrative affairs was first organized in 1961 through chiefs appointed by the Council of Ministers in each administrative district who presided over elected councils. However, according to Diallo (p. 4) "the district chiefs had no powers at all". In 1983, a system of representation was implemented based on village councils composed of members elected or appointed by "structures of participation" (co-operatives and associations) that were supervised by executive appointees. This system was eliminated in 1991 and appointed state administrators ran rural affairs in consultation with political parties and other organizations (pp. 4, 16). Prior to the 1996 coup d'état, Niger had planned to create elected representatives at the level of arrondissements. Elections were to have been by party list, as in Senegal (Elbow 1996; Diallo). However, arrondissements remain under the authority of appointed *sous-préfets*, and under the new arrangements, "the sous-préfecture effectively presents the same institutional core bequeathed by colonization" (Diallo p. 19). Niger's arrondissements are also divided into customary collectives under "customary chiefs" (Lund 1998:64–65).

While there is universal suffrage in elections in Mali and Senegal, and those proposed in Niger, in Senegal and Niger independent candidates cannot run for rural councils. The same is true in Ivory Coast, where councils are elected on a single, closed-list system, effectively leaving the selection of candidates to the elite (Crook and Manor 1998:162). Because villagers have little influence over national political parties, and lack the resources to form parties, they are unable to present their own candidates. Indeed, villagers in eastern Senegal have often said that rural councils do not represent them, but rather the political parties and co-operatives (author's on-site interviews, 1986 to 1994).<sup>58</sup> As one villager explained, "the Councilors are chosen by Deputies in the National Assembly. Deputies choose people based on those who support them in their elections.... The Councils are chosen by the parties" (interview, Koumpentoum, June 1994). As Hesselning (n.d.:17) writes, based on her research in Senegal in 1983, rural councils "are at times nothing more than sections of the Socialist Party". Furthermore, few parties have the resources to organize local government slates, so there is little competition in local elections.<sup>59</sup>

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<sup>56</sup> In 1994, Ivory Coast, Mauritania and Senegal were the only countries in francophone West Africa considered to have elected local governments that held both deliberative and executive powers. Elsewhere, the powers were mixed with deliberative elected bodies and appointed executives (Mbassi 1995:27).

<sup>57</sup> Whether it is better to have party competition at the local level or whether it is more democratic to include independent candidates was an unresolved debate at the international conference on Local Self-Governance, People's Participation and Development, held in Kampala in 1993. The issue was identified as a topic in need of further discussion (Rothchild 1994:8).

<sup>58</sup> Co-operatives in Senegal are usually dominated by a few powerful notables (Cruise-O'Brien 1975:128; Ribot 1993).

<sup>59</sup> The role of political parties in local government needs to be examined in greater detail. At the end of the colonial period, the question of whether parties should be introduced into local government was already being contested (Cowan 1958:221). Those against party involvement argued that "the matters dealt with in local councils are essentially *local* in nature and that therefore the major parties whose differences may be on matters of national policy have no place in purely community problems" (p. 221). Clearly, in French West Africa those against party involvement lost the debate.

In 1977, when Senegal's rural council system was just being established, it was already evident to one researcher that party politics would undermine popular participation:

The Rural Community could be a body that would organize and steer desired auto-centric development. But for this, it must be removed from political controversies. Unfortunately, it is already becoming a stake for the political parties who are trying to control its executive institution. A politicized Rural Council is at risk of not serving the interests of the community, but those of the party(ies) from which its members are derived. In this manner popular expression is at risk of being strangled, one more time (Andre Carvalho 1977, quoted in Hesselning n.d.:43).

Indeed, in 1994 over 300 of Senegal's 317 rural councils were of the ruling Socialist Party.<sup>60</sup> Similarly, in Ivory Coast, Crook and Sverrisson (2001:25; cf. Crook and Manor 1998) observe how local politics were entirely controlled by the party given the single, closed-list system. Also, among rural council presidents, 74 of the 125 presiding over rural councils outside of the capital resided in the capital, 29 per cent were deputies in the National Assembly, and 9 per cent were ministers or held other high offices in government. They further observe a "lack of connection between elected councillors and electors" to the extent that "58 per cent of respondents in Crook and Manor's survey could not name a councillor" (Crook and Sverrisson p. 25).

These problems are not limited to francophone Africa. In Ghana, the state has chosen to have local governments constituted of independent candidates. The rationale for non-partisan local government is that "the main issues at the local level relate to development and are not of ideological divides that should call for organizing people into political parties" (Ahwoi 2000:7 n. 8). Nevertheless, the Minister of Local Government expressed doubt that one could sustain a non-partisan local government system that depends on a partisan central government. In Ghana, Crook and Sverrisson (2001:32) report that 70 per cent of the population surveyed felt that the elected District Assembly was not responsive to their needs and that 22 per cent felt that the previous system of un-elected authorities was better. There was major incongruence between District Assembly funded projects and expressed popular preferences. The authors attribute these outcomes to resource constraints caused by structural adjustment programs, patronage politics and elite capture, as well as broader institutional factors such as the inability of elected authorities to make higher officials and appointees accountable to them.

In anglophone East Africa, "local peoples appear apathetic toward decentralized local institutions" (Wunsch and Olowu 1995:90–91, quoted in Therkildsen 1993:84). In the anglophone countries, because local governments suffer from a lack of legitimacy and an inability to mobilize resources, "local groups increasingly avoid local governments as formal political-administrative institutions" (p. 84). Concerning legitimacy, the problem goes beyond apathy toward local government to open hostility. In Tanzania, local governments are widely viewed as "corrupt, inefficient, and a waste of time—and 'foreign'" (p. 86). Therkildsen explains that local political leaders have no control over their top executives, who are appointed by central government. This is a legacy from the colonial period, when it was argued that "high-level servants in local governments should be protected from 'unreasonable' pressure from local electorates" (p. 86). Therkildsen points out that it is no surprise that most elected local government representatives are men (and indeed most are men) of little political importance (p. 86). In Nigeria, perhaps because "local governments in Nigeria are not accountable, whether upward—to organisational or governmental superiors—or downward—to clients or citizens," voter turnout, which is likely overestimated due to inflated registration figures, was 50 per cent in local elections and there is little evidence of an active political process (Crook and Sverrisson 2001:35–36).

Uganda, however, appears to have a different experience. People are generally supportive of the new local government system, which was set up progressively during the revolution led by Yoweri Museveni in the 1980s. Museveni's "Movement" system introduced "resistance coun-

<sup>60</sup> The Socialist Party continued to dominate in the 1996 elections (Blundo and Jaubert 1998:101).



cils” throughout the country on taking power in 1986 (Tukahebwa 1998:14). In 1997 these councils were renamed “local councils”. They are elected local governments that are not under the influence of political parties (Saito 2000:1–3). In addition, the government set up a system for electing village presidents—to replace chiefs—that has been reported to have widespread acceptance at the village level (Karlström 1996). Saito (p. 2) attributes the popular acceptance of the Movement system to the prosperity and peace that Museveni established when he overthrew the previous regime.

While the party system is often praised as a way of creating national unity, the experience in Uganda is again different. In 1986, when the local resistance councils were created, parties were excluded from local politics. Local populations expressed their preference for this system over “customary” leaders. Indeed, as Karlström (1996:15–16) reports, “since political parties are excluded from it, the RC system has not been perceived as a vehicle for the manipulation and exacerbation of religious and ethnic divisions. Virtually all of my informants were adamant about the incompatibility of parties with the RC system and the local unity and solidarity that it has produced.”

Even if openly elected, rural councils are usually not independent decision-making bodies. The official role of rural councils in Burkina Faso, Mali, Niger and Senegal is merely to *advise* and *assist* the *sous-préfet* on political and administrative matters. Under the system of *tutelle* (close oversight) inherited from the French, decisions of the rural councils of rural governments must be approved by the *sous-préfet* and *préfet*. So, even in Burkina Faso where rural councils are relatively representative of local populations, they are simply not autonomous decision-making bodies. They are administrative links to the central government, advising the *préfet* in the same manner that colonial village and canton chiefs once did. Today’s rural councillors, like colonial chiefs, are upwardly responsible to their administrative officers, rather than to the local population. So, via two mechanisms, their accountability is oriented upward toward the central state: (i) the administrative system of control, or *tutelle*, under the *préfets*, and (ii) the electoral system of party politics (Ribot 1999, 1995a).

In the francophone African countries, chiefs and rural councils are set up—in different configurations—to be advisory and administrative organs of the central government. Local representatives hold only limited decision-making powers themselves. Detailed case studies in these countries illustrate that the *laws* ostensibly designed to devolve powers to local authorities and to ensure local community participation, may not do so. Neither the organization of representation and local authority nor the distribution of powers are structured to do so (Ribot 1999). In Ghana the most-local level of government, the unit committee, is constituted of elected representatives. These committees perform “duties delegated to them by the Assemblies but without budgets of their own” (Ahwoi 2000:2). In this manner, they are administrative extensions of the assemblies, which are 70 per cent representative bodies operating at the next higher geographic level of political administration.

Furthermore, 30 per cent of the seats in Ghana’s elected local government councils are reserved for government appointees, “to ensure the representation of certain local interest groups such as women and chiefs” (Ahwoi 2000:2–3). Of the chiefs in the assembly, district chief executives are nominated by the President of Ghana, approved by the assembly, and charged with the day-to-day administration of the districts (pp. 2–3). This formula is felt by some to give “too strong of a central government presence at the local level. It is argued that this promotes allegiance and accountability towards the centre rather than the local population” (p. 7 n. 9).

#### Chiefs as local authorities in decentralization

*Traditional political authorities have often been viewed as the extended arm of the state in the locality, and usually regarded as inefficient, corrupt, undemocratic and excluding of women.*

*Ole Therkildsen (1993:87)*

*While Chiefs clearly must not be ignored in environmental management, their representation as uncontentious 'custodians' of natural resources seems unwise.*

*Gina Porter and Einir Young (1998:523)*

In recent years “traditional” leaders have reasserted their authority in Burkina Faso, Chad, Ghana, Ivory Coast, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, South Africa,<sup>61</sup> Tanzania, Zambia and Zimbabwe.<sup>62</sup> But is the inclusion of these authorities really “the basis for the emergence of strong, legitimate regimes in the years ahead”, as Rothchild (1994:7) asserts? Mozambique’s 1992 peace agreement states that “the Government undertakes to respect and not antagonize the traditional structures and authorities where they are currently de facto exercising such authority” (p. 7). The South African constitution also recognizes chiefs as legitimate local authorities (Ntsebeza 1999). How should customary authorities participate in government? While traditional leaders may, at times, be recognized to be “vital social forces in their communities” (Rothchild p. 8), does this mean that they represent and are accountable to society, or can speak or act fairly on its behalf?

Chiefs can play an important role in decentralization. They are evoked as a reason not to decentralize in some places, and as the actors to whom decentralized powers should be given in others. Chiefs find support in international donor agencies as well as in national governments. To understand the important role of chiefs and other “customary” authorities in decentralization, Annex B examines the legal underpinnings of the accountability and power of chiefs—their integration into the colonial administration and their current legal standing. The annex queries who chiefs are and where their authority comes from. Some lessons from closer scrutiny of this category of actors are (i) that chiefs are not necessarily representative, legitimate or even liked by local populations;<sup>63</sup> (ii) that they are often constructions of the central state and at times, even today, are administrative auxiliaries of central authorities; (iii) that they are not necessarily accountable to the local population; and (iv) that empowering or working with them may not serve the efficiency, equity or development aims so often forwarded by decentralization advocates.

In the past several years, customary authorities, with help from their allies in government, have re-emerged as a political force against local democratization in Mozambique, South Africa and Zimbabwe (Ntsebeza 1999; Manor 2000; Jeter 2000:A1). Muhereza (2001) points out that “decentralized” control over forests (taking the form of effective privatization) in Uganda may contribute to the strengthening of kingdoms at the expense of the democratically elected local council system. Kassibo (2001) argues that traditional authorities are also re-emerging in reaction to the establishment of local democracy in Mali. Chiefs in Burkina Faso, Mali and Niger are also often evoked by members of central government as a threat to or a reason against decentralization or the establishment of democratic local institutions (see *Opposition to Decentralization*, below). Because chiefly authority is undermined by the transfer of control over land allocation and other legitimating powers to democratic institutions, chiefs and their allies in central government—who may also lose their rural power base through local democratization—pose a serious threat to decentralization.

<sup>61</sup> In South Africa, traditional chiefs are fighting for powers over land tenure arrangements. These hereditary authorities are not representative and empowering them is inconsistent with the democratic principles of elected representation enshrined in the constitution (see Ntsebeza 1999).

<sup>62</sup> Van Rouveroy van Nieuwaal 1987, cited in Therikildsen 1993:84; Brock and Coulibaly 1999:152; Ntsebeza 1999; Manor 2000.

<sup>63</sup> Engberg-Pedersen (1995:16) points out that in Burkina Faso

the two most important institutions for decision-making and implementation at the village level—the chieftainship and the working groups [*groupement villageois* (registered village committees)]—are not democratic. There are no traditions for open discussion of village affairs, for criticism of decisions made by leaders, for public elections of leaders, etc. Not only do leaders try to monopolize the right to take decisions, but others do not consider themselves in a position to make proposals regarding village affairs. They do not even seem to have opinions on these matters, because as some argued in [the village of] Nahirindon, it would be offensive towards village leaders if they had.

Van Rouveroy van Nieuwaal and van Dijk (1999) argue that land and natural resource management are being renewed as arenas for chiefly power. NGOs “appear to have turned chiefly office into an arena of brokerage, thus opening new perspectives and avenues for entrepreneurial activity”. Natural resource and land allocation are described as domains in which chiefs’ “nostalgic claims to authentic ritual power are effectuated in terms of real political power”. Chiefs use this discourse to their advantage in post-colonial African states.

In most cases chiefs succeed in invoking ritual rights from the ‘past’, which they then translate into instruments for ‘hard’ political brokerage. Chiefs negotiate their positions in the context of global discourse on sustainability, environmental awareness and national and international interest in ecological preservation (van Rouveroy van Nieuwaal and van Dijk 1999:6).

In short, customary authorities pose a threat to the development of local democratic government and to effective decentralization. They are not necessarily popular public figures, as is often assumed. Perhaps they are better viewed as just another elite or member of civil society—a kind of NGO or interest group. (See Annex B for further discussion of this topic.)

NGOs as local authorities in decentralization

*History provides us with many examples of non-democratic social organizations that accomplish collective as well as particularistic goals, although with many more that achieve the latter at the expense of the former. What worked in the past may not be workable in the present, but we would be sociologically naïve to assume the quality of outcomes from the equality of a decision-making process.*

*Ronald Kassimir (2001)*

NGOs can play a significant, positive role in decentralization by making people aware of their rights as voters and by monitoring elections (Smoke 1999:11). Ekoko (2000) provides an excellent example of the importance of raising local awareness from Cameroon, where NGOs informed rural populations that they had new rights to a share of the revenues from timber sales in their districts. When the timber corporations refused to provide the due revenues and the government failed to back the claims of the local people, the latter asserted their rights through rebellion: they set the timber trucks on fire. In the resulting settlement, they were able to attain some of the benefits that were rightfully theirs. They were able to hold both the state and the timber corporations to account.

NGOs can provide some services—and can lobby government to provide greater services—to local populations. Some schools (including private companies, voluntary agencies and people’s organizations) favouring NGOs

are motivated not by ‘developmental’ concerns but by the desire to reduce public spending and support capitalist enterprise.<sup>64</sup> However, others are based on the belief that NGOs, and especially local people’s organizations, can often provide a more participatory and responsive basis for development than any bureaucracy can ever hope to do. It should, however, be noted that many supporters of the latter view envisage such organizations working in partnership with decentralized government organizations, not replacing them (Conyers 1990:25).

NGOs can act to achieve collective ends, but as Kassimir (2001) cautions, they are themselves “fields of power and authority” and not merely collective actors supporting democracy.

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<sup>64</sup> Conyers (1990:25) points out that these schools of thought are “closely associated with the ‘Reaganite’ and ‘Thatcherite’ policies which have permeated both development and less developed countries in the last few years”.

NGOs may have very negative effects on local democracy and therefore on the foundations for effective democratic decentralization. In Asia, NGOs have been observed to “try to undermine the development of local governments, which are seen as a threat to their powerful position in the community” (Smoke 1999:11). Local NGOs are often approached by donors and international non-governmental and other organizations seeking to avoid working with government. This too deprives local representative government of valuable opportunities that could support its development and legitimacy. In addition, Utting (1999) observes that grassroots “people’s organizations” can be undermined by NGOs dominating local agendas. Etoungou (2001:27) learned from the vice president of a village development committee in eastern Cameroon that the village was told that an NGO was invited to follow their case, but “we must say thanks to this NGO, we hope that it nevertheless understands that we can fly with our own wings”.

Many projects also approach village subgroups—such as fishers, woodcutters, pastoralists, farmers, and women’s or youth associations. These groups, whether unions, co-operatives, NGOs or associations, however, do not necessarily reflect the concerns of a village as a whole—particularly in matters concerning public resources such as forests, streams, pastures or public works. They are often treated as though they are representative, but they are not. They represent their particular interests, and their representatives or leaders are accountable to their particular constituencies—and often only to themselves. There is no systematic basis for them to speak on behalf of the community as a whole. Spokespersons for various local movements or organizations are often self-appointed, or sponsored by outside aid agencies or NGOs, and are non-representative (National Research Council 1992:35; Mazonde 1996:56; Guyer 1994:223). As Utting (1999:170) points out, there is a need to ask who NGOs are accountable to, if indeed they are accountable.

In Senegal, for example, co-operative presidents—usually powerful notables—treat their co-operatives as private property, often filling them with family or dummy members to obtain state services that co-operatives are entitled to (Cruise-O’Brien 1975:128; Ribot 1993). In Cameroon, the community forestry law devolves powers to NGOs (GOC 1998; Brown 1999:47).<sup>65</sup> These NGOs, however, do not necessarily represent the community. As Brown (p. 47) points out, “the danger is that a small group, probably urban elites of local origin, will use their high level contacts to have a community forest approved in the name of the whole community but through an institution which actually represents only a small part of it”. This is effective privatization. While the law requires that these groups consult representatives of all segments of the community, it is not clear by whom the “representatives” are chosen; and the representation is not binding, it is just a process that must take place in setting up a community forest (GOC p. 12).

Governments too are giving NGOs official roles in “representing” local populations. In Uganda’s decentralization laws, NGOs have been given an official role on the newly established district and local environmental committees (Cappon and Lind 2000). This kind of legislation seems to conflate the importance of having a plurality of voices in a society with the idea of representative democracy.

Kassimir (2001), in an excellent discussion of non-state organizations, argues that “non-state organizations with a capacity to achieve collective ends”, as well as “enfranchisement”, are a relevant and critical challenge in the “production of local politics” in Africa.

#### Management committees

Management committees are frequently used to organize “participatory” or “decentralized” activities for natural resource management or for development.<sup>66</sup> These committees may be elected, self-selected or appointed. They are typically under the close supervision, or *tutelle*, of technical agencies (such as forestry or health ministries), administrators or the NGOs that mobi-

<sup>65</sup> Such NGOs are registered with the state as either Economic Interest Groups or Common Initiative Groups.

<sup>66</sup> Muhereza 2001; Namara and Nsabagasani 2001; Etoungou 2001; Alden Wily 2000a; Ribot 1995; Engberg-Pedersen 1995:4; Therikildsen 1993:75; Conyers 1990:23–26.

lize them for particular programmes and projects. Decentralization programmes and projects often choose to work with such committees despite the existence of elected representative local governments.<sup>67</sup>

To appear representative, management committees often include a village chief or a member of an elected local council as a local “representative”.<sup>68</sup> However, even assuming that the latter do represent their communities, they are usually only one of several committee members and do not have a deciding vote.<sup>69</sup> Their inclusion makes neither the committee nor its decisions representative or accountable to the population. Furthermore, many management committees are presided over by the technical service agent who mobilized them and therefore, even if they are representative, they are only advisory in nature.

The criticisms discussed in the section on NGOs as Local Authorities in Decentralization (above) also hold here. Management committees may not be representative and relying on them may undermine efforts to establish democratic local government. However, like NGOs, they can be a useful tool for implementing activities in a decentralized context when they are directly under the authority of a decentralized representative actor—such as an elected representative of the community, or in a deconcentrated situation when under the authority of an administrative actor.

#### Administrative bodies

Transfers to local administrative bodies constitute deconcentration. The local appointees and technical staff of line ministries, and the administrators and *préfets* of the ministries of the interior, are appropriate recipients of deconcentrated powers. There are several models of deconcentrated power arrangements, based on who would receive the powers and their relation to politically decentralized actors. For example, should planning powers be deconcentrated to a single coordinating body or to the field administration of a particular technical ministry? Such questions are discussed in the section on Administrative-Political Relations, Oversight and *Tutelle*, as well as in the section on Planning Processes and the Problem of Instrumentality (both below).

#### Private bodies

Privatization reforms are often part of the neoliberal “Washington consensus” agenda and often accompany structural adjustment programs. And privatization frequently takes place in the name of decentralization. Many analysts, however, reject it as a form of decentralization because it operates on a different and exclusive logic (Oyugi 2000:6; Balogun 2000:155; Agrawal and Ribot 1999).<sup>70</sup> Decentralization concerns distinctly public resources. Privatization takes

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<sup>67</sup> Baviskar (n.d.:20) asks why the decentralized watershed project “creates an entirely new structure in the form of the watershed Committee rather than using the already existing elected government of the village, the panchayat”. The co-director of the project explained that “the panchayat is not participatory; the sarpanch (elected head) becomes a contractor. The panchayat is a delivery system. The watershed involves everybody. The panchayat is too political. The watershed committee should not be run by someone who is popular.” Baviskar sees this as representing a perception of the need to keep development and politics separate (cf. Ferguson 1994). But it also reflects the ever-present tension between technocratic and democratic objectives of the state (Shivaramakrishnan 2001).

<sup>68</sup> Baviskar (n.d.:21) describes a case in India in which the management committee’s procedures were dictated by the project. In practice, the committee and other participatory processes were created as a charade to create a “record of ‘participation’”, rather than to induce greater inclusion or representation in decisions.

<sup>69</sup> For example, in Mali, the local government representative on a quota committee set up to allocate access to commercial forestry resources is one of four members and is not guaranteed a controlling role. The “mode of allocating the quota” in this committee is left to the order of the regional governor (a central government appointee) (ROM 1994:arts. 6, 11). The system is similar in Burkina Faso.

<sup>70</sup> Balogun (2000:155) argues:

While private sector participation in development is now accepted as a reality and a desirable option, privatization raises questions that are radically different from those of decentralization. For one thing, privatization targets allocation efficiency and does not share decentralization’s concern for equity through the redistribution of power. For another, the former focuses on the contribution of a narrow circle of economic actors (investors, entrepreneurs, and individuals with access to capital or information), whereas the primary objective of decentralization is the dispersal of economic and political power in such a way that the mass of the people have a sense of participating in decisions affecting their life and well-being. Thirdly, once the state surrenders the ownership and management of an enterprise, it (the enterprise) ceases to be part of the ‘public business’ for which government ministers are individually or collectively responsible. In any case, by no stretch of the imagination can privatization be equated with mass participation in development, or regarded as a major landmark in political decentralization.

place when public resources are transferred to private groups, such as individuals, corporations, forest service or donor-organized management committees, NGOs and so on.<sup>71</sup>

NGOs and other private bodies may serve the public interest or only the interest of their members.<sup>72</sup> They may be upwardly, downwardly or horizontally (to their peers) accountable within certain legal and moral bounds, but their objectives are determined by their members—not the public as a whole. Such privatization can lead to more exclusion than participation and to less public accountability (cf. Baland and Platteau 1996; Woodhouse 1997; Hilhorst and Aarnink 1999). Alden Wily (2000a:7) points out, for example, that the intention of Namibia's Communal Lands Reform Bill "to open local commons to individual entitlement, also threatens local forest tenure security". In other places, privatization of public lands takes place through forestry concessions that give private rights to corporations, as in Mozambique (p. 8).

Transfer of powers to other authorities, such as local chiefs, may also constitute privatization, depending on whether the chief is, as is often the case, an administrative auxiliary of the state (hence upwardly accountable), an elected official or a person dedicated to the local population (downwardly accountable) or just an autocratic local actor (an effectively private body).<sup>73</sup> For the purposes of this review, the transfer of public resources to private bodies is not considered decentralization and is therefore considered no further.

### **Powers**

*Without increased local autonomy, increased local representation has little meaning.*

*Ole Therkildsen (1993:88)*

*The most contentious design issue in political decentralization has always been the problem of power-sharing between the centre and the localities.*

*Walter O. Oyugi (2000:9)*

To maintain and build the legitimacy of local institutions, they must control resources and powers that are consequential to the community. Their effectiveness and legitimacy will depend on being able to make and execute meaningful decisions. They must therefore have a domain of discretionary decision-making powers, that is, one of local autonomy. It is with respect to this domain of powers that decentralized actors represent, are accountable to, and serve the local population. Local actors without discretionary powers cannot achieve the benefits that community-based and decentralized approaches promise. Powers are an essential element in establishing local democratic institutions.

Powers are allocated based on various arguments evoking: the national good, standard setting, economies of scale, technical capacity, ecological zoning, demographics, revenue base, equity and subsidiarity. The arguments are as varied as the previously discussed reasons (see *Why Decentralize?*, above) for undertaking decentralization in the first place. However, whichever arguments are used, in practice many important powers that principle would tell us should or

<sup>71</sup> Meinzen-Dick and Knox (1999:4) point out that the private sector can include user groups, but limit them to "individuals or firms, who are accountable to their shareholders, and NGOs, who are accountable to their donors".

<sup>72</sup> Guyer 1994; Fox 1990; Fox and Brown 1998; Conyers 2000a:21.

<sup>73</sup> "Orchestrated participation"—such as rapid rural appraisal (RRA), participatory rural appraisal (PRA), participatory mapping, stakeholder approaches and so on—include techniques to mobilize populations that may increase participation, but are not institutionalized or permanent forms. They are only briefly discussed in this review as they do not represent changes in institutional arrangements, although they may become tools or practices for new institutions and authorities to use. The common overemphasis on rapid survey methods such as PRA for action research in lieu of long-term ethnographic research, however, can lead projects to ignore complex historical processes that are critical in understanding local relationships (Brown 1999:45).

There are also, of course, any number of principal-agent relations that can emerge in decentralization, creating a mix of private and state actors and a set of indirect accountability relations through delegation, subcontracting and so forth. These too should be considered when examining the questions of how local decentralized actors are accountable and the kinds of accountability relations they set up in carrying out their tasks. Indeed, there is scope for such arrangement in some decentralization statutes, such as in Malawi, Mali, Senegal and Uganda.

could be transferred to local authorities, are still retained by central governments. Power transfers are a political matter, taking place within and affecting an existing mix of powers. The appropriate degree and combination of powers to be devolved is a process of brokering that is also linked to a number of important democratization issues, such as the separation and balance of powers and legitimation. This section discusses the kinds of powers that can be transferred, principles of transfer and some implications. Fiscal transfers and other cross-cutting issues are discussed in the section on Implementation (below).

#### Kinds of powers

Four broad powers of decision making at play in decentralization are: (i) to *create or modify rules*; (ii) to *decide* how a particular resource or opportunity is to be used; (iii) to *implement and ensure compliance* with new or modified rules; and (iv) to *adjudicate disputes* that arise in the effort to create rules and ensure compliance (Agrawal and Ribot 1999:476). These four types of powers correspond to three, more familiar, categories: legislative (creating rules), executive (making, implementing and enforcing decisions), and judicial (adjudicating disputes). Decentralization can involve any mix of such powers. While these are not discussed in and of themselves, keeping them in mind helps to identify the range of powers that can be considered for transfer. It is also helpful to keep in mind classical accountability issues—such as separation of powers, and checks and balances—that apply to central governments and have their corollaries in the decentralized arena (see Accountability, below).

Another useful typology of powers is that in which local authorities are given powers in the form of obligations (mandates) and rights. Fully specified mandates from above do not constitute a discretionary power. Indeed, they may disempower an authority if the mandate is not, or is insufficiently, funded, or if the mandate is not what the local population needs or desires. Mandates without discretion can make even elected authorities into deconcentrated administrative extensions rather than decentralized authorities. Rights too may not create a domain of autonomy if there are no means to exercise them. Nevertheless, there are many rights that can be transferred to local authorities that do create real powers and need no funding. The mix of powers that a local authority employs must add up to some domain of autonomy in which it can exercise its discretion.

#### Principles of power allocation

*The services central governments provide should benefit the entire economy or exhibit substantial economies of scale—for example, national defense, external relations, monetary policy, or preservation of a unified national market. Correspondingly, subnational units should provide local public goods. This model, which most established democracies have adopted, is also common to most countries that have recently decentralized.*

*World Bank (2000:115)*

How to devolve planning and implementation powers while retaining sufficient central control over professional and technical standards is a key issue across all sectors (Conyers 1990:22). There is, however, a big difference between powers that could and should be devolved, and those which are devolved. “Past experience with decentralization programmes suggests that in many cases very little significant power is actually transferred, while in others the powers that are decentralised are concentrated in the hands of a small local elite” (Conyers 2000:7). The same has been observed concerning natural resources (Ribot 1998; Agrawal and Ribot 1999). So, while it is important to employ principles to determine which powers belong at which level, it is also very important to examine the politics of transfer and to understand when and why transfers do and do not happen.

Conyers (1990:20) suggests that the types of activities that are transferred are a critical dimension of decentralization. She distinguishes between service and productive activities and between routine services and development activities. She makes the point that control over devel-

opment planning in the local arena requires the appropriate mix of activities if planning is to be effective, as effectiveness is partly a function of the ability of empowered authorities to coordinate among local public service and development activities. She goes on to emphasize that each activity may also be only partially decentralized—as in healthcare and primary education, where standard setting and some financial contributions are retained at the central level while responsibilities for health services and teaching are devolved. Effective local planning and implementation depend on the mix of powers devolved. “This is where the interrelationship between planning and implementation...becomes so important, because decentralization is only really effective if it includes decentralization of the power to make decisions, allocate the resources needed to implement these decision and actually execute them” (p. 21).

Local control of finance is an essential part of effective local planning, but local governments can rarely raise sufficient revenues “to execute all the functions they are legally entitled to perform...let alone take on additional functions” (Conyers 1990:21). While this problem could be dealt with through untied grants (those not “tied” to or earmarked for specific activities) from central government, most governments in Africa are reluctant to decentralize fiscal resources.<sup>74</sup> Fiscal transfers are discussed in more detail in the section on Implementation (below). One basic principle that is evoked in the decentralization literature is that decentralized fiscal resources must be sufficient to cover the cost of decentralized responsibilities. Ethiopia and Uganda have recognized the importance of this and have accordingly developed transfer programs that account for around 30 per cent of central revenues in Uganda and over 40 per cent in Ethiopia (Smoke 2001:20).

The allocation of powers over natural resources is usually based on ecological criteria and arguments concerning the “national good”. Decisions that must be made at a higher level of political-administrative aggregation include those on technical matters of national-scale management or on national minimum environmental standards. Such decisions may include what land to set aside for national or even global heritage, or which practices to require of corporations and citizens to protect the quality of forests, pastures, agricultural lands and rivers. In forestry, they may include restrictions against woodcutting on steep slopes, a list of species to be protected, cutting techniques that optimize natural forest regeneration, or size/age restrictions on harvested species to help optimize the economic value derived from the nation’s forests. In urban areas, such decisions may include those on air quality, sewer systems and treatment plant standards. Local jurisdictions would be obligated to follow nationally set standards and could optionally include their own stricter ones, but they could not violate the minimums set at the national level.

There is also an ecological zone logic that may dictate the lowest political-administrative level that decentralization can take. River systems, watersheds, migrating wildlife, nomadic pastoralist livelihoods, and trans-boundary pollution events cannot always be managed from the most-local level. Some form of higher-level co-ordination and planning is called for. Nevertheless, there are many decisions on the management and use of natural resources that can be devolved to the domains of individual rights, local government and so on.<sup>75</sup>

In current decentralized forestry regulations, many powers remain centralized that could be devolved without any threat to forests. Management requirements and obligations are also being set by the central government that far exceed necessary minimum standards. Forest services

<sup>74</sup> Smoke and Lewis 1996; Conyers 1990:21; Mawhood 1983; Hyden 1980.

<sup>75</sup> For experience with such special districts see Ostrom, Schroeder and Wynne (1993). Also, see Selznick’s (1984:6) discussion of the Tennessee Valley Authority and Baviskar’s (n.d.) discussion of watershed management in India.

It often happens in issues of environmental management that political-administrative jurisdictions and geographic areas do not correspond, as the former rarely match the ecologically logical units—such as watersheds or forests—shaping the latter. Baviskar (n.d.:13) brilliantly points out how an integrated watershed management and development project chose administratively convenient units over the ecological units the programme claimed to be managing; selected beneficiaries and villages most likely to collaborate with the state; concentrated on the moist, fertile lowlands at the expense of the more needy uplands as a “shortcut to ‘success’” or a way of showing quick and dramatic results; and avoided areas with contentious land access conflicts—“rather than risk getting in the thickets of disputed tenure, officials in charge of the watershed mission prefer the easier option of working in the valleys”.



across Africa choose to control the commercial value of forests by fixing through legislation or decree who can cut forests, when they can cut them, who can transport forest products and how, where they can sell the products, who is permitted to sell them and so forth. Furthermore, central governments have set up such complex systems of forest management and management planning that their services are required by local governments in establishing a management plan before making any decisions as to how, when or by whom forests should be used. In effect, only the most trivial decisions and onerous obligations are devolved, while the central-level forest service maintains strict control over aspects of forestry that are either lucrative or help to justify the existence of forestry departments (see Ribot 1999).

There are many powers that cost little or nothing to devolve (Hugodot, cited in Mbassi 1995:51), such as control over cadastral registries; decisions concerning whether or not a local population wants to exploit or conserve its forests; and the collection and use of taxes on forest products. Transferring these or other powers over natural resources helps create entrusted local government. There is a greater realm of autonomy over the disposition of natural resources that could be devolved into local government hands without any threat to local ecology (see Ribot 1995, 1999a). Devolving greater control over natural resources and natural resource management could empower and legitimate local governments by providing both revenues and powers of decision over resources that affect the daily life of their constituencies. The revenues from and powers over natural resources could be combined with the income and powers (over development decisions in other arenas) held at the local level to form the basis for local government action.

The mix of powers and obligations to retain at the centre or to be devolved is a complex matter that requires critical analysis and informed public debate. Without such discourse, forest services across the continent, for example, will continue to micromanage the forestry sector—for power and profit rather than for ecological sustainability and social justice. The principle of “subsidiarity” calls for decision making at the lowest political-administrative level possible without negative effects at a higher level (Føllesdal 1998:190; cf. UNEP 1992:principle 10).<sup>76</sup> This principle could be very powerful in combination with a minimum-environmental-standards approach. Following the subsidiarity principle, decisions that can be made by citizens without any regulation, should be established in the domain of citizen rights. Decisions that can be made by local government—without jeopardizing social and ecological well-being—should be retained at that level. The subsidiarity principle does not appear to be followed in most African environmental decentralizations.

In short, a number of factors shape what might be considered the most appropriate political-administrative level at which to locate various powers. These factors include the degree to which there are externalities for larger scales, whether exercise of the particular power involves economies of scale, the scale of ecosystems and their management requirements, the scale and availability of technical and financial capacity,<sup>77</sup> and the nature of national versus local goods. These factors can be applied differently depending on whether the objective is efficiency, which may be best achieved at intermediate levels of governance, or democracy and participation, which are best matched to the lowest levels and smallest units of governance (Conyers 2000a:19–20). These factors and objectives are also open to political manipulation. Specious scientific arguments can be used by powerful central actors to justify central control of natural resources (particularly those most lucrative), even when there is no technical reason not to devolve powers (Fairhead and Leach 1996; Roe 1996; Ribot 1999b). Central authorities can also use erroneous capacity arguments—concerning literacy, and technical, financial and management skills—to justify maintained central control (see Capacity, below). For these reasons, it is critical

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<sup>76</sup> Føllesdal (1998:190) specifies that “the ‘principle of subsidiarity’ regulates authority within a political order, directing that powers or tasks should rest with the lower-level sub-units of that order unless allocating them to a higher-level central unit would ensure higher comparative efficiency or effectiveness in achieving them”.

<sup>77</sup> Fiszbein (1997:4) argues quite convincingly that scale can be less of a problem than is usually believed. Research she conducted in Colombia on labour capacity (quality of staff), capital (equipment and buildings) and technology (internal organization and management style), “does not support the view that scale is an intrinsic barrier along these three dimensions”.

when devolving powers to separate the technical from the political arguments so that the debate on transfer of powers can proceed.

### **Accountability**

*Rulers claim to be responsible to their people; people try to hold them to account. Accountability is thus the measure of responsibility.*

*John Lonsdale (1986:127)*

*Some analysts might argue that certain benefits of decentralization could be realized through participatory mechanisms that fall short of local elections. Others might suggest that local elections do not automatically lead to greater autonomy or better local government performance, and that some means beyond elections for consulting constituents and improving their ability to hold local officials accountable must be developed. The challenge is to find an appropriate set of governance mechanisms.*

*Paul Smoke (1999:10)*

*The essence of accountability is answerability; being accountable means having the obligation to answer questions regarding decisions and/or actions.*

*Derick Brinkerhoff (2001:2)*

*Citizens can only legitimately authorize representatives and hold them accountable if there are many avenues and institutions through which they engage with both each other and their representatives.*

*Iris Marion Young (2000:8)*

Moore (1997:3) defines democracy as “a sub-species of a broader concept: the accountability of state to society”. By broadening his thinking beyond procedural definitions of democracy, Moore provides a good starting point for examining the multiple relations that hold state authorities accountable to the public. Accountability, in essence, is the exercise of counter power to balance arbitrary action (Agrawal and Ribot 1999:478). Brinkerhoff (2001:2–5) develops a typology for analysing accountability in which he subdivides accountability as “answerability” and “enforcement”. Answerability refers to the obligation to provide information and explanations concerning decisions and actions. Enforcement is the ability to oversee actors and apply sanctions when they give unsatisfactory answers. He distinguishes between accountability that takes place within and outside the state. Actors within are enabled to apply sanctions to other institutions or agents within the state. This “horizontal accountability” is the essence of the separation of powers that defines a democratic system. The ability to apply sanctions from outside the state, or “vertical accountability”, involves an array of means by which the public can sanction state actors. Brinkerhoff (p. 4) points out that vertical accountability is characterized by relations with “accountability agents” within the state—for example if a journalist were to expose a case of corruption, its impact would depend on the judicial system following through with prosecution (cf. Blair 2000).

The most commonly cited means of holding the state accountable to the public—the aspect of vertical accountability that I call “downward accountability”—are electoral processes.<sup>78</sup> As

<sup>78</sup> See Echeverri-Gent (1992) for a study of competitive local elections in West Bengal, India that helped make policy more responsive to the poor. For a similar argument from Colombia about the importance of competitive elections at the local level, see Fiszbein (1997a; cf. Hesselning 1996; Mehta 1996).

An important aspect of electoral systems is the ability of the electorate to reject incumbents. In Bangladesh, local council leaders dominated local decision making and used to position themselves for self-promotion, but in elections 90 per cent of them were not re-elected (Parker 1995:26). The implication is that in open elections local politicians are more likely to try to meet felt local needs. On this count, Crook and Manor (1994, cited in Parker p. 26) found that locally controlled resources were redirected to more micro-level public works.

Citing Crook and Manor, Parker (1995:27) points out that locally elected representatives can also make central government more responsive to local needs:

In Karnataka, decentralization brought more elected representatives into the process of RD [rural development]. The quantity and quality of work undertaken by line agencies was closely monitored and problems reported early, and it became harder for bureaucrats to get away with corrupt acts. The result was enhanced institutional effectiveness and improved coordination among civil servants working for different line agencies.

Crook and Sverrisson (2001:50) observe in their study of decentralization's effects on poverty reduction, "fair and competitive elections were a key factor in developing public accountability in the most successful cases". As a key accountability mechanism, elections need to be carefully scrutinized. While they may be important (where they exist), they are not always well structured or sufficient in and of themselves to guarantee participation. Electoral systems must be analysed for candidate selection, suffrage, term lengths, means of recall and so on. (Prud'homme 2001; Ribot 1999). Many elected officials are not accountable to their constituencies—even when the electoral system is well crafted. Elite capture and other problems constantly emerge (World Bank 2000:109, 121; Smoke 2001:17–19; Crook and Sverrisson). In some countries, such as Ghana, Mali and Uganda, local government is democratically representative in form. Procedural democracy appears to be in place; whether it is accountable in practice is yet another question (Ribot 1996, 1999; Crook and Manor 1998; Parker 1995).<sup>79</sup> It is the substantive element of downward accountability that must be present (Moore 1997). One thing is certain, as Olowu (2001:57) points out, "compared to national elections, local elections have not been seriously studied".

There is wide agreement that "accountability of local governance institutions constitutes a major problem of democratic programmes" (Olowu 2001:51). Governments in Africa generally create local institutions that are upwardly accountable to the central state.<sup>80</sup> For example, many local governments are constituted only of actors effectively appointed by central government (see Actors, above). In countries such as Cameroon, Ivory Coast, Niger, Senegal and Zimbabwe, candidates for local elections can only be chosen by political parties and may be more accountable to the parties than to the local populations that "elect" them (Ribot 2001). Furthermore, even when independent candidates are admitted to local elections, there are many ways that local elites or political parties are able to capture the electoral process, bringing the local accountability of leaders into question (Crook and Sverrisson 2001). Nonetheless, elected representatives are an important building block in the construction of accountable local government so critical in decentralization.

Local governments are usually constituted by some mix of local elected representatives and centrally appointed administrators. In addition to the election process, such public servants may be held accountable via multiple mechanisms, including: legal recourse, separation of powers, polycentricity, balance of powers, third-party monitoring, lobbying, free media, transparency, information provision, public discussions, public reporting, participatory processes, social movements, civic education, discretionary powers for governments, proximity, embeddedness, ideologies, civic dedication, reputation, trust, administrative dependence on local government, taxation, central government oversight, public service performance awards, and performance-based contracts. These are mechanisms that could work to increase downward accountability and reduce some forms of elite capture (cf. Olowu 2001:56).<sup>81</sup> Each of these accountability mechanisms and the literature that addresses them are discussed in Annex C.

In addition to the above means of accountability, attention must be given to making other levels of government accountable to local government. Crook and Sverrisson (2001:32) report poor local government performance as being partly due to local government not being able to make higher officials and appointees accountable to them. In addition to the mentioned mechanisms that make local governments accountable to local populations, Onyach-Olaa and Porter (2000:1, 9) argue that local government's downward accountability is contingent on central government being accountable to local government for delivering timely and accurate policy guidance, monitoring, mentoring, compliance verification and so forth. They make the same arguments for donors in their efforts to support local government. When local government needs the assistance of donors or of district, regional or central government—for either co-ordination of

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<sup>79</sup> In Uganda, with the rural council system, "universal adult suffrage has increased the people's sense of involvement in policy-making processes" (Saito 2000:4).

<sup>80</sup> Oyugi 2000; Ribot 1999; Wunsch and Olowu 1995; Mawhood 1983; Crook and Sverrisson 2001.

<sup>81</sup> See Therkildsen (2001:8) for an excellent discussion of the unrealistic assumptions about and limits to accountability.

large-scale actions or expertise and equipment—mechanisms must be in place to help assure that these services will be adequately delivered in a timely manner. “Local Government accountability, of much concern to the centre and donor agencies, is contingent on accountability of these agencies” (p. 3).

Conversely, the World Bank (2000:121), Crook and Manor (1998) and Parker (1995:27) argue that locally elected representatives—under electoral rules that encourage participation and representation—can make central government more responsive to local needs. Relations of accountability between administrative and representative branches of local government are also important in holding local authorities accountable to local populations (Doug Porter, personal communication, 1999; cf. Onyach-Olaa and Porter 2000). These vertical and horizontal ties within government shape the accountability relation between local government actors and their constituencies (Blair 2000). Similarly, relations between customary authorities and their administrative superiors in government can positively or negatively shape their relations of accountability (in many countries chiefs or headmen are assistants to the *sous-préfet* or district officer) (see Ribot 1999).

Some important limits on thinking about accountability are outlined by Therkildsen (2001:7–8). First, he points out that the ideal of accountability mentioned by Blair (2000)—in which administrators are accountable to elected officials who are in turn accountable to the public through elections—does not hold up even in consolidated democracies. In practice, he argues, bureaucracies are highly complex that are neither tightly rule-bound nor controlled. Bureaucrats do not always loyally implement the decisions made by politicians, and it is often impossible to separate the making from implementation of policy. Often they have reasons to override the irresponsible, opportunistic and self-serving behaviour of elected officials. These phenomena are accentuated when, for example: governments ignore social, ethical, constitutional or legal principles; administrative tasks are poorly specified or overly complex; activities are underfunded; knowledge is limited; information is withheld; checks and balances within the state and between state and society are weak; corruption is widespread; special interests dominate; or patronage is a common mode of operation.

Aid dependence and windfall income can also weaken the kinds of accountability discussed above. Therkildsen (2001:8) points out that it is difficult to expect government to be accountable to citizens when finances come from outside donors. Donors require governments to account to them, weakening other lines of accountability. As Moore (1997) also points out, states are not likely to be accountable to a population from whom they do not earn their income through taxation.<sup>82</sup> Countries that draw most of their income from extractive industries such as oil, timber or mining exports, are less dependent on their people for revenues, also creating a disconnect between state and society (Yates 1996; Watts 1987). These structural problems concerning aid dependency and other financial flows—along with broader issues such as separation of powers and the structure of the political system—put accountability into a larger perspective.

There is another very important consideration about the relation between accountability and representation. Society is highly differentiated. More-marginal groups within society will be less able to take advantage of certain accountability mechanisms, thus skewing accountability toward more-privileged groups. Because of this, there is always a need for multiple mechanisms that privilege marginalized or disadvantaged groups if they are to be included in the political process (Young 2000:8). Crook and Sverrisson (2001:48) point out that for serving the poor, “the most successful cases were the ones where central government not only had an ideological commitment to pro-poor policies, but was prepared to engage actively with local politics..., to challenge local elite resistance if necessary and to ensure implementation of policies”. Many of the other mechanisms mentioned above and discussed in Annex C can also help to include marginal groups in public decisions.

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<sup>82</sup> For other pertinent discussions of state-society relations and taxation, see Beck (2001) and Guyer (1992).

This discussion, along with Annex C, illustrates that there are numerous means by which accountability can be constructed or enhanced. All of these means can help make elected or non-elected leaders more locally accountable. Some can be used as policy tools, others are less amenable to manipulation. There remain many questions concerning why more of these measures are not already in use, how to get them in place and what their individual and interactive effects actually are. These measures increase the responsiveness of state to society. Whether, how and under what conditions the increase of responsiveness leads to more efficient and just outcomes is yet another question and should not be forgotten.

*See Annex A for research questions emerging from this section on Dimensions of Decentralization.*

## Implementation

*The tendency of democratic participation to break down into administrative involvement requires constant attention. This must be seen as part of the organizational problem of democracy and not as a matter of the morals of good will of administrative agents. ... Like all conservative or pessimistic criticism, such a statement of inherent problems seems to cast doubt upon the possibility of complete democratic achievement. It does cause such a doubt. The alternative, however, is the transformation of democracy into a utopian notion which, unaware of its internal dangers, is unarmed to meet them.*

*Philip Selznick (1984:265)*

There are important cross-cutting issues that emerge when designing and implementing decentralization. Some have been evoked above, others are introduced below. This section briefly examines administrative-political relations, planning processes, enabling environment, means of transfer, fiscal transfers, capacity, legitimacy, conflict and negotiation, elite capture, and sequencing. Decentralization takes place in a larger political-administrative hierarchy. How decentralized local authorities are situated in this bigger context shapes the extent to which they can exercise their powers and the extent to which they are locally accountable as decentralization is being implemented.

### ***Administrative-political relations, oversight and tutelle***

*Central governments in decentralizing countries tend to compensate for their loss of direct control by stepping up their regulation of subnational governments.*

*World Bank (2000:120)*

In the early 1960s, four types of decentralization were identified by a United Nations study group on decentralization (Oyugi 2000:8):

1. the *comprehensive local government system*, in which most government services at the local level are rendered through multipurpose local authorities;
2. the *partnership system*, in which some direct services are rendered by field units of central agencies and others;
3. the *dual system*, in which central ministries administer technical services directly, with local authorities having autonomy to perform services and do what they can to foster local development but actually performing few, if any, technical services either directly or on behalf of central agencies; and
4. the *integrated administrative system*, in which central agencies directly administer all technical services with the help of central government area co-ordinators or district administrators responsible for field co-ordination. Such rural local authorities as exist have little control over government activities.

On the administrative side, Oyugi (2000:8) describes two kinds of arrangement: first, an *integrated prefectural system*, in which the *préfet* appointed by and responsible to the central state is superior to and co-ordinates the local activities of all ministry agencies and local authorities; and second, an *unintegrated prefectural system*, in which the *préfet* is “first among equals”—line ministry agents answer directly to their parent ministries and the *préfet* interacts with ministry agents and local authorities but is not superior to them.

In francophone Africa, the integrated prefectural system of *tutelle* (close oversight) is in place to maintain a strong state presence throughout each country. Under *tutelle* the autonomy of elected local authorities is severely limited by their subordination to the *préfet* or *sous-préfet*—usually requiring prefectural approval of significant decisions—by an administrative appointee (see Ribot 1999, 1998).<sup>83</sup> There is broad agreement that a strong state, maintaining a real presence throughout the country, is necessary for successful decentralization. Because states are relatively weak in Africa, countries inheriting the French administrative system have justified accompanying decentralization by deconcentration of services to the level of local government to maintain coherence (Mbassi 1995:24).

Anglophone African countries tend to operate under the unintegrated system. But in practice the two systems are similar, both run in an “integrated” manner with strong *tutelle*. Oyugi (2000:10) observes that “there has always been a tendency on the part of the parent ministry to regard various units of local authorities merely as its administrative appendage”. After examining constitutions and legal acts of parliament in Botswana, Kenya, Tanzania, and others, Oyugi determined that ministries of local government enjoy overwhelming power over local administrative and political authorities.

*Tutelle* may be one of the most insidious ways in which the achievements of decentralization are taken back. In Senegal’s forestry sectors, planning processes are being implemented that make almost all decisions concerning the exploitation and use of forest products into technical decisions requiring forest service oversight. This system determines who can cut wood, when, how much and where. It also determines who can trade and transport wood products, and the prices at which they can be sold. Local populations are integrated into the production process as labourers, and in some cases the labours they are required to perform if they are to engage in woodcutting are not worth the benefits reaped. Not only are they not worthwhile, but they are not even technically necessary. Villages, however, risk losing their forests to outside commercial interests if they do not decide to “participate” in this form of forest management. Here there is little local autonomy created. Local populations are faced with the choice of performing excessive labour or losing control of surrounding forests (Ribot 1995).

In Mali, progressive decentralization has given new powers over forests to elected rural councils. Mali’s forest service director, however, described the new councillors as “ignorant” and “illiterate” and therefore not ready to manage forests on their own (interview, November 2000). Plans are being developed for slowly releasing management powers to local populations—contrary to the laws of decentralization that give these powers without such conditions. This form of *tutelle*, in which the forest service judges when local authorities have the capacity to manage their own affairs, may never result in true decentralized forestry. In Mali’s co-operatives, the agricultural service historically had the power to determine when a co-operative was mature enough to manage its own finances and to request loans directly from the banks

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<sup>83</sup> Since 1917 there have been at least four waves of decentralization in francophone West Africa (see Decentralization in African History, above). Each “decentralization” has created geographically smaller units of governance, appointed *administrators to manage* these units, created *councils to advise* these administrators, devolved responsibilities to these new governance structures and centralized approval of all decisions in a hierarchy now extending from the *arrondissement sous-préfet* (also overseeing rural communities and villages), through the department *préfet* and the region governor, to the minister of the interior and president at the federal level. Before independence, this hierarchy extended up through the lieutenant-governor of each colony, the governor-general of French West Africa and the minister of colonies, to the president of the French Republic. These administrators are all executive appointees of the central government.

(rather than going through the agricultural service). Very few co-operatives were ever promoted to full co-operative status under these regulations (Ribot 1998a).

Blair (2000:21–23) points out that the appropriate elected-administrative relations in a politically decentralized local government system are that elected authorities be accountable to the population and that administrative bodies be accountable to the elected authorities. Local governments often do have their own administrators and technical agents under their direct control. There are also technical and administrative agents of the central state, who rarely appear to be accountable to elected local authorities. There are mechanisms to subordinate these central authorities to local elected authorities (see Accountability, above, and Annex C). Clearly, however, there are other functions of deconcentrated authorities that must remain accountable to the central state. This brings us back to the question of which powers *should* be local and which should be central (see Powers, above).

The critical point for democratic decentralization is that there must be a domain of local autonomy for elected local authorities. Therefore, the powers designated for local government should not be subject to administrative approval. In Mali there is ongoing discussion about shifting the function of *tutelle* from that of approval to “legal control”. As a legal control body, the prefecture or the line ministry would have the job of assuring that local government exercises its powers within the law. It would not, however, have the authority to direct how those powers are used. They may also have an advisory role in local matters, but they would not have decision-making powers over those matters deemed to be for local elected authorities.

The difference between administrative and political local bodies is that the former need to be not accountable but responsive to local populations, while the latter do need to be downwardly accountable. Administrative bodies can be accountable to the central state or to local political representatives. The degree to which political bodies are downwardly accountable to the local population depends on the extent of their democratic nature. All systems of local governance have a mix of upward and downward accountability and of administrative and representative structures. But without a domain of local autonomy in the hands of a downwardly accountable local body, there cannot be said to be democratic or political decentralization.

Based on a study of five district councils and more than 100 subcounty councils in Uganda, Onyach-Olaa and Porter (2000) observe that it is also necessary that the roles of central government be played in a timely and effective manner for local government to be effective. They point out that the efficacy of local government depends on the accountable actions of central government in providing funds, technical and policy advice, compliance verification and backstopping. These functions enable the domain of local autonomy of elected local government.

### ***Planning processes and the problem of instrumentality***

*If the objectives associated with decentralized planning are to succeed, the design of the local-level organization must be such as to allow for democratic governance. ... [P]opular participation can have meaning only where the structures exist for meaningful, not symbolic, participation. A spirit of ‘give and take’ must prevail among the participants...[a]nd here lies the major obstacle facing the realization of meaningful participation. The process of give and take is one that takes place only among equals, which is not the case in the kind of situations that obtain in development organizations.*

Walter O. Oyugi (2000:14)

Conyers (1990:16) indicates some typical justifications for decentralization as a planning and development tool: “increase popular participation in planning and development; make plans more relevant to local needs; facilitate co-ordinated or ‘integrated’ planning; increase speed and flexibility of decision-making; generate additional resources; and encourage more efficient use of existing resources”.

But Oyugi (2000:13) points out that the advantages mentioned above are “claims and expectations and not hard facts”. These kinds of outcomes depend on conditions such as real power sharing and meaningful participation. Without these, the effects may counter the objectives. These conditions often do not attain. Planning for development is usually accompanied by centralizing tendencies. Much of administrative decentralization has taken place for development purposes. This has been about sharing of powers between central ministries and their field units to enhance project design and implementation.

Montgomery and Esman argued in 1971 (cited in Oyugi 2000:14) that where joint decision making is conducted between government and people, the tendency is for the government representative to use participation “as a means of control”. The available evidence indicates that popular participation has contributed little to local-level planning. Instead, what occurs is that the national inter-sectoral planning organization and the individual ministries usually create ad hoc teams that take over the process. “Therefore, it could be said that the act of producing a regional/district plan in the field under the guidance of central government with local participation (including central government field officers) does not constitute local-level planning” (p. 14).

Oyugi (2000:15–16) also points out that when interventions are meaningful to local populations—when they “perceive their participation to be beneficial in a development situation”—they are willing to contribute. In this sense there is ample evidence, such as the experience of Kenya’s *harambe* self-help movement, that resources can be mobilized in local-level planning. But the evidence also indicates that when the benefits fail to materialize, interest and contributions decline in these planning and development initiatives.

Local development committees have been created across anglophone and francophone Africa. They are consistently administrative bodies co-ordinated by political administrators, such as provincial administrators in Kenya, district administrators in Botswana, regional and area administrators in Tanzania, *préfets* in Senegal and Ivory Coast, and so on. Oyugi (2000:15) points out that in the more developmentalist states, such as Tanzania, Zambia and Zimbabwe, these committees were creations of the central government and were consistently directed by the ruling party. In the more laissez-faire capitalist states (including Botswana, Kenya and Lesotho), the committees lacked co-ordination due to the lack of authority of the responsible administrative officers and insufficient powers to make binding decisions. These committee-based approaches have not lived up to expectation (p. 15).

Oyugi (2000:15) also points out that the assumption that local-level development committees can make quicker and more flexible decisions cannot hold where they are embedded in a hierarchy. What he calls “strong” decentralization—presumably with more empowered and independent local authorities such as during Kenya’s early years of “district focus” in the 1980s—must obtain, which it rarely does.

Planning processes pose major problems in decentralization. There may be important contradictions between notions of national planning that embody goals such as development or environmental management and the goals of the local populations that decentralization ostensibly gives a greater role in decision making. The central problem is integrating local needs and aspirations into the national planning process without losing the broader development objectives that planning can serve or undermining the inclusive/participatory processes that decentralization is supposed to embody. It is the problem of integrating national with local objectives through inclusive and just processes.

Among these state-local tensions, there is always a “tension between the technocratic practices of development managers and the newly pluralistic political practices created by processes of democratization” (Shivaramakrishnan 2000:431; cf. Engberg-Pedersen 1995:2–3, 26). As was observed in the early 1940s in US grassroots development efforts, “the pressure to ‘get things done’ has tended to encourage appointment rather than elections” (Lewis, quoted in Selznick 1984). Unfortunately, as Conyers (1990:28) points out, “the sort of decentralization programme



which is likely to maximize efficiency in the delivery of services or co-ordinate planning is unlikely to also maximize popular participation". Similarly, "the approach which is most appropriate for the implementation of national development policies is often not that which will best meet local needs and priorities" (p. 28).

There is a frequent contradiction in decentralized and participatory policies between means and ends. Both decentralization and participation are about creating a domain of local autonomy for local populations. This is a matter of process. But decentralization and participation are often used as instruments for achieving particular development goals, such as better environmental management. When they become instrumental, "councils and development committees will de facto turn into advisory boards and meetings into hearings" (de Valk 1990:9). Utting (1999:154) observes that "participation has often been reduced to getting local resources users (a) to support externally designed initiatives motivated by an outsider's perception of what constitutes an environmental problem and how it should be addressed, and (b) to involve themselves in project implementation by providing labor and other resources in return for what amounts to a minimal benefit". He goes on to state that "this 'instrumental' approach to participation contrasts sharply with the 'transformative' or 'empowering' notion of participation referred to elsewhere".

By decentralizing, central governments lose some control over local development and management. This may be a good thing or a bad thing depending on whose point of view is taken into consideration. Donors too may lose some control over the local arena, where priorities may differ from their own. As Rothchild (1994:8) points out "international agencies often emphasized programs to increase agricultural production, whereas local citizens were primarily concerned with improved amenities and social services". In Uganda, environmentalists have expressed frustration because the local council's executive committee ignores environmental issues. The committee is charged with production, marketing and the environment. However, it is mostly interested in issues of development rather than environment and, consequently, financial support for environmental activities is not forthcoming (Saito 2000:14).

In Mali, as the state is setting up democratic decentralized local government, the forest service is creating a system of planning that threatens to recentralize powers (see Administrative-Political Relations, Oversight and *Tutelle*, above). By requiring management plans for every village, they are placing almost all discretionary decisions that decentralization laws have placed in the local domain back in the hands of the forest service. While less democratic in the local arena, similar planning processes are centralizing control over forest management in Senegal, Cameroon and Uganda (Ribot 1998, 1999; Brown 1999; Cappon and Lind 2000:43).

There are two areas of planning that are important to keep separate. The first is local planning, which is a matter of how local authorities will use the powers and resources in their domain of local autonomy. The second is national planning, where the problem is how to have a process that does not override local initiative in the domain deemed to be under local control. Again, this refers to the need for a clear division of powers between central and local government and the maintenance of that division in planning processes.

Planning and co-ordination are necessary management tools on every scale of action. They must be exercised with care so that they do not become recentralizing mechanisms by which powers are devolved through legislation to local government and recaptured by centrally controlled planning authorities in the name of technical necessity or *tutelle*.

### ***Enabling environment***

*DD [democratic decentralization] without wider institutional, political and economic reform is a contradiction...*

*Dele Olowu (2001:55)*

Decentralization of any sector depends on decentralization writ large. It is useless to speak of environmental-sector decentralization, for example, without speaking first of local representation, rights and recourse. These basic elements of good governance form the enabling environment for transferring powers to downwardly accountable actors in the local arena. There are a number of key legal elements that shape how decentralization takes place and its consequences. Decentralization requires not one or another of these elements, but the appropriate configuration of them all.<sup>84</sup> These elements are organized below under *actors*, *powers* and *accountability*, the essential components of local institutional configurations that make up decentralization. But there are other factors, such as co-ordination, that can also foster the decentralization process.

The characteristics of **ACTORS** empowered in decentralization are shaped by the very structure of government and the ways in which various actors are chosen. *Constitutions and "organic codes"* (laws detailing political-administrative hierarchies in francophone countries) play an important role. These set up the levels of government (federal, regional and local) among which powers and responsibilities are divided over such areas as infrastructure, health, education, natural resources and policing. They shape the scale of different jurisdictions—which has important implications for efficiency and for participation (Conyers 2000a). These codes determine the actors present in each level of government, which of them are to be elected and which appointed, and the relation between elected and appointed officials. Constitutions also determine the *legislative processes* and the array of legal instruments with which governments can make or limit laws and associated rights. They determine the balance of powers and the relative strength and independence of the executive, legislative and judiciary branches of government. *Electoral codes* shape who is represented by elected officials and with what degree of accountability. These laws determine the nature and frequency of elections, who can run and who can vote.

The **POWERS** held by different actors are determined primarily by technical and tax codes. *Technical codes* are bodies of law that concern specific sectors of society and the economy, such as land tenure, forestry and pastoral. They specify who gets to make what decisions over the sector in question—appointed officials, elected representatives, technical services (such as the forest service), corporations, co-operatives, NGOs, or private citizens. Smoke (1999:9; 2001:20) points out that "clearly defined responsibilities for local governments" are a central element of the enabling environment. The structures of oversight, *tutelle* and *encadrément* (training, in the French directive sense "to make fit in") that ministries use to maintain control over sectors and the people who work in them are mostly set out in sectoral technical codes. These are important and often hidden instruments that determine the distribution of the power to control people and natural resources.

*Tax codes* help define the source and magnitude of financial powers at each level of government—and in a very important sense, taxes influence the accountability relations of a given unit of government (see Moore 1997). They also structure certain fiscal incentives concerning the use of natural resources. Taxes on natural resources are often specified in technical codes. Fiscal transfers are also specified in various technical codes. What appears most important in enabling local government effectiveness is that these fiscal resources—whether obtained through transfers or taxes—accompany the responsibilities and expenses that local governments are faced with (World Bank 2000:124).

**ACCOUNTABILITY** can also be enabled by legal instruments. *Judicial, criminal, civil, penal and police codes* uphold the above laws determining who has official jurisdiction over the management and disposition of resources. They also clearly set the framework for channels of recourse and the ability of citizens or local authorities to defend rights in general. *Laws governing associations, co-operatives, economic interest groups, and lobbying* are critical for providing protection to individuals and groups in society that want to organize and act for social, cultural, economic or political purposes. Environmental associations, co-operatives and NGOs may not be able to oper-

<sup>84</sup> "What the African experience tends to suggest is that the political and economic environment within which local authorities operate renders them ineffectual as instruments of good governance and development" (Oyugi 2000:17).

ate without the legal status these laws can provide. These laws can create the enabling framework for local groups to organize into private voluntary organizations (PVOs), NGOs, co-operatives, associations, and so on (see Wolfire et al. 1998:19). Such groups may be able to enhance local and central government accountability.

Laws governing *forms of citizenship* shape how people identify with territory (residence-based citizenship) or ethnicity (ethnic-based citizenship). These identities are very important for access to resources. In Mali, for example, “the visiting Bambara, Fulani and Maure must accept, largely, the terms dictated to them by those who can claim to be proper Dalonguebougou residents” (Brock and Coulibaly 1999:152). Citizenship can empower people to make demands on government authorities and representatives. Citizens have representation, rights and recourse. Under most current local governance systems in Africa, these basic elements are lacking. Rather than being citizens, people are managed under political-administrative arrangements (Mamdani 1996; Ribot 1999). Creating citizenship requires the same wide array of legal protections that enable decentralization writ large.

Smoke (2001:20) points out that another important element of an enabling environment is co-ordination among the various central agencies affected by decentralization (particularly through loss of power). He points to the relatively successful cases of Ethiopia and Uganda. These countries have set up special-purpose agencies that are more neutral than other agencies involved and operate with higher-level mechanisms to oversee and co-ordinate reforms. In Ethiopia the agency is attached to the prime minister and in Uganda to the permanent secretary for local government. Mali also has such an agency attached to the prime minister’s office.

There are broader political and economic “enabling” and “disabling” environments that also need to be addressed. Utting (1999:178) observes that

the policies, programs and projects promoting [the participatory conservation] approach generally focus narrowly on forests, tree planting and soil conservation, and the democratization of decision-making processes associated with their design and implementation, but often fail to address broader structural and systemic ‘causes’, for example, economic degradation, poverty and ‘disempowerment’.

He also cites structural adjustment and “the concomitant impoverishment and migration to upland areas” and a hemorrhaging of financial resources for debt servicing, as “root causes” of environmental decline. Hence, to enable decentralization to address these issues, the broader economic policy environment needs to be addressed.

The macroeconomic enabling or disabling environment is of especially great importance. Decentralization is always challenged by bad economic conditions and contrary macroeconomic policies. Crook and Sverrisson (2001:24, 33) give examples where fiscal crisis and structural adjustment programmes undermine the effectiveness of local authorities by depriving them of fiscal resources (cf. Utting 1999:175–176). As Conyers (personal communication, February 2001) points out, there are real difficulties in “(a) decentralising powers effectively while at the same time making drastic cuts in public expenditure; and (b) establishing effective local governments in the harsh macro-economic environment which tends to accompany structural adjustment reforms”. These macro-policy issues need much more discussion, but are beyond the scope of this review.

### ***Sustainability and “means of transfer”***

*It is important to secure both local government and decentralisation in the constitution. Once that is done, it is no longer possible to treat local government as a game of football, with each successive government playing it according to its taste and changing its form, structure and content by legislation. Indeed if national constitutions were to change as often as our*

*local government structure and systems are changed by legislation, there would not have been the required stability for growth and development.*

*Kwamena Ahwoi (2000)*

Conyers (1990:20) makes a brilliant contribution to the literature on decentralization by proposing “means of transfer” as a critical dimension of decentralization. Sustainability of decentralization reforms rests on the means used to transfer powers from central government to other entities. Means of transfer can be constitutional, legislative or they may take place through ministerial decrees or administrative orders. Constitutional transfers are the most sustainable (see Conyers). Ethiopia, Ghana, Mali, Senegal, South Africa and Uganda all have constitutional clauses that assure some degree of government decentralization (UNCDF 2000:6).<sup>85</sup> While these clauses do not specify which powers are decentralized, they provide leverage for lawmakers to establish and maintain decentralized governance arrangements. The specification of the powers to be decentralized—whether or not there is constitutional support for decentralization—usually takes place through legislation or through decrees and orders. These are less stable forms of transfer and can change with the balance of powers among parties or the whims of the party in power.

Conyers (1990:25) distinguishes between legislation and “non-legal” means of decentralizing powers. Legislation can be divided into constitutional and ordinary (the former common in federal states, the latter in unitary states). Non-legal means include political, administrative and military directives (in the form of orders or decrees). The means of transfer determines the effectiveness and permanence of the transfer. As Conyers (p. 26) points out, “a political directive is likely to be more effective than an administrative one, but legislation is likely to be more effective and more permanent than either, and constitutional legislation, which is more difficult to change than ordinary legislation, is usually the most effective and permanent—but therefore also the least flexible—means of all”.

In environmental legislation in Burkina Faso, Cameroon, Guinea, Mali, Senegal, Zimbabwe and certainly elsewhere, decisions concerning the allocation of important powers are left to ministerial or administrative decree. In Mali, for example, decentralization is called for by the constitution, while decentralization of powers over natural resources are called for in environmental legislation such as the forestry code. But, in the forestry code ratified by the National Assembly in 1996, the powers to be devolved are left to be specified by decree of the minister responsible for forests. The procedures to resolve disputes over forestry matters are to be set by order of the state-appointed governor of each region. The legislation provides no guidelines for distributing decision-making powers. Hence, decentralization in Mali’s environmental sector is ultimately at the discretion of the ministry responsible for forests and its administrative staff. In this manner, what appears to be a constitutional guarantee is transformed into the discretion of the executive branch. These legal arrangements concerning environmental decentralization, which are common elsewhere, make environmental decentralization vulnerable to political manipulation and make the benefits of such decentralization less secure for local populations (Agrawal and Ribot 1999).

Oyugi (2000:7) suggests that “decentralization does not involve the *right* to control or determine the course of action to be pursued on the part of subordinates, since those receiving delegated authority act for those who delegate it, whether by law or administratively” (emphasis added). There is an important distinction, however, between rights and privileges that Oyugi fails to bring out. Local governments in political decentralization can have rights. The distinction between rights and privileges is key in the construction of local autonomy, whether for governance units or for individuals. Privileges are delegated. Privileges are subject to the abuses of the allocating authority, which may give them and take them away at will.<sup>86</sup> Rights, however, are held by *citizens*, who have representation and recourse in the event that their rights are denied.

<sup>85</sup> Decentralization was written into Ghana’s new constitution in 1992 (Ahwoi 2000:2).

<sup>86</sup> For example, across the continent usufructuary rights in forestry cannot be allocated or taken away by the forest service except in well-specified circumstances, such as the formation of a reserve or the temporary protection of a particularly degraded zone. However, commercial permits are allocated by the forest service. Senegal’s forest service often allocates permits along social and political lines, abusing its power, but it cannot—legally—do the same for usufructuary rights (Ribot 1993).

The domain of local autonomy in which individuals and local authorities can act freely is defined by rights and protected through representation and recourse. Without these, individuals and local authorities become subject to the whims of higher administrative powers. They are managed as *subjects* rather than enfranchised as citizens. They are given privileges that can be revoked, rather than rights that can be defended. Franchise is a constitutional or statutory right or privilege. Enfranchisement is about establishing such constitutional or statutory rights or privileges. By definition, democratic decentralization—the form from which we expect the most benefits—is about local enfranchisement. Hence, whether powers are transferred by delegation or by legislation is a core matter in democratic decentralization.

Transfers made in the form of rights—whether rights over property or over decisions—rather than delegated privileges, reflect the degree of government commitment to the decentralization process. In examining natural resource management and issues of property, Meinzen-Dick and Knox (1999:13) argue that “transferring property rights as part of devolution programs demonstrates a commitment on the part of government to the devolution process”. While a mix of means of transfer is usually required, an unbalanced mix of mechanisms leaving inordinate control with the executive branch can often represent reluctance on the part of central government to decentralize.

### ***Fiscal transfers***

*One must come to the painful conclusion that a combination of centralizing tendencies at the centre and structural weaknesses of local authorities have deprived them of operational autonomy and consequently made them more dependent on the central government in the discharge of their responsibilities. In the process, they have lost voice and therefore initiative in the governance process, and, as a result, they cannot be regarded in any way as having contributed positively to either democratic governance or democratic development. This is likely to remain so as long as local authorities continue to rely on the centre for resources required for their own operation and even existence.*

*Walter O. Oyugi (2000:12–13)*

*The guiding principle of revenue assignment is straightforward: finance should follow function.*

*World Bank (2000:117)*

Much of the decentralization literature evokes the need to devolve fiscal powers sufficient to deliver services local government is responsible for (see Crook and Manor 1998; UNDP 1999). Fiscal resources are a critical part of all of the powers mentioned above. Without them, local authorities may have difficulty operating and may not be able to implement or enforce their decisions. But the lack of revenue mechanisms—whether local taxation powers, rights to a fixed portion of national government revenues, or block grants from central government—has stymied decentralization everywhere. The failure to empower local government with fiscal resources or revenue-generating powers undermines its effectiveness in the short run and its legitimacy over the long run.

Local authorities can derive revenues by numerous means. They can be allocated a portion of national tax revenues; be given unrestricted or earmarked block grants; or be empowered to collect land, income or commodity taxes locally.<sup>87</sup> Each of these mechanisms has implications for interjurisdictional equity, accountability and legitimacy. Each has a differing degree of reliability, room for political and social abuse, and so forth. Different means of fiscal transfer—involving earmarking or required cost sharing—may also have implications for whether local populations take part in the activities the resources support.

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<sup>87</sup> Areas rich in natural resources have opportunities to resolve revenue problems through resource taxation or usage fees. Areas poor in natural resources require other sources of income to manage successfully. In this manner, fiscal policy can have a profound effect on natural resource management, and natural resources can support the fiscal health and effectiveness of local government.

In Ghana all three mechanisms—a portion of national tax, grants and local taxation—are in place. Nevertheless, a number of issues emerge. The transfers and taxation powers are for the district assemblies. This is not the most local level of government, although there are 110 such assemblies nationally (Ahwoi 2000:1–3). This is a rather large scale to call “local”. Furthermore, the transfers are made with excessive executive control since “the ceded revenue is centrally collected by the Internal Revenue Service and shared annually to the District Assemblies based on a formula approved by Cabinet. The formula is presented by the Minister for Local Government and Rural Development” (p. 3). Note that distribution remains at the discretion of the executive branch, as the cabinet and minister presenting the formula are both situated there. Nevertheless, in Ghana, the minister for local government still lists “inadequate funding to enable DAs [District Assemblies] to perform the newly transferred functions, while the Ministries and Departments from which these functions have been transferred continue to hold the funds in their budgets at the centre” (Ahwoi p. 4; cf. Porter and Young 1998:515).

Financial crisis can also undermine the success of decentralization. Structural adjustment programmes can also impede decentralization by depriving the central state of resources it would need to support local government reform. Crook and Sverrisson (2001:33) point out that in Ghana, if all of the factors impeding decentralization “are combined with the resource constraints, both administrative and financial, which resulted from the coincidence of the decentralisation programme with a series of structural adjustment programmes, then it is not difficult to see why the development performance of the Assemblies [elected local governments] had little responsiveness to the needs of the poor”. They also help explain local government programme failures in Ivory Coast by pointing to the “severe financial crisis of the Ivorian state over the period 1990–1995, during which time cuts in public spending led to the virtual collapse of most of the communes’ development programmes” (p. 26).

Fiscal transfers are important in decentralization. They may or may not be the most important form of power transfer. It is beyond the scope of this paper to review the large debates on fiscal decentralization.<sup>88</sup>

### **Capacity**

*The tendency, largely influenced by political considerations, to upgrade a ‘lesser’ local authority to a higher status without any change in either its resource base or managerial capacity, often ends up in frustrating the expectations of the people who are supposed to be served by local authority. What usually follows such action is the emergence of crisis as local authorities fail to live up to the general expectations. Ironically, the central government has realized this and justified its intervention on the grounds that a local authority is unable to discharge its responsibilities. The Kenyan experience in this regard has been typical. Persistent intervention or interference in the activities/functioning of local authorities denies the latter the prerogative to cultivate a sense of responsibility and accountability, which are the hallmarks of grassroots democracy.*

*Walter O. Oyugi (2000:10)*

The 1961–1962 annual report of Uganda’s forestry department states that “the administration of Crown forests (i.e. Central Forest Reserves) shall be transferred to Local Governments when the Central Government is Satisfied that the Local Governments have the resources and staff to administer them properly. Meanwhile, they will continue to be administered by the Central Government” (quoted in Bazaara 2001). Bazaara later points out that administration was never transferred to local government. The 1963–1964 report states that “no action was taken to transfer administration of central forest reserves in Buganda or elsewhere to the appropriate local

<sup>88</sup> For more in-depth discussion of this topic, see Prud’homme (2001), Conyers (2000), Oyugi (2000), Steffensen and Trollegaard (2000), Smoke (1999, 2001), Huther and Shah (1998), Shah (1998) and Musgrave (1965).

authorities because it is still being considered that they do not have the money and staff with which to manage these important resources” (quoted in Bazaara p. 33).

“Most often it is argued that until there has been a marked improvement in Local Government capacities and institutional practices, they will fail to respond to needs expressed by their constituencies, will tend to neglect national policy priorities and, in the main, behave in unaccountable and inefficient ways” (Onyach-Olaa and Porter 2000:3). But important research in Uganda has made it “increasingly evident that Local Government performance is greatly dependent on and is actually being constrained by inability of central government agencies and their donor partners to deliver on their mandated responsibilities” (p. 3). In short, local government performance may be more a function of central government and donor accountability than local capacity per se.

Conyers (1990:30) points out that “it is frequently argued that decentralization should not take place until the necessary capacity exists; but this tends to be a ‘chicken and egg’ type of argument, since more often than not it is only the pressure of decentralization which motivates the action necessary to improve capacity—and motivates the existing staff and the local level to recognize their own potential and demonstrate their real abilities”.

Ahwoi (2000:4) lists the lack of adequately trained human resources as a local government problem in Ghana. The argument that powers cannot be devolved without the capacity and the resources to receive them is common and may well be specious (Clauzel 1995:49; Oyugi 2000:10; Ribot 1996). But, as Conyers (1990:30) and Fiszbein (1997) indicate, the relation between the ability to receive power and local capacity is not unilinear. The “capacity” argument is often invoked to avoid transferring powers or reducing the degree of *tutelle* or oversight. But it appears that capacity can follow power.

Fiszbein (1997a:1), conducting research in Colombia, shows that “what appears to some analysts and policy makers as lack of capacity, might in fact be the reflection of a conflict in the objective function used, on the one hand, by those analysts/policy makers and, on the other hand, by the local people” (see Planning Processes and the Problem of Instrumentality, above). She attributes what is often perceived as “lack of capacity” to such conflict between national and local preferences. She reports that “many of those local governments might have unusual or perverse preferences—at least from the national perspective—but they sure had no lack of capacity to achieve their objectives” (p. 3).

Fiszbein (1997a:3) further points out that the perception of poor capacity is fostered by poorly designed incentives for local government or “an inadequate design of incentives in a principle-agent relationship”. For example,

when fully accounted the combination of earmarking and unfunded mandates represented for many municipalities [in Colombia] more than 100% of the untied portion of the automatic inter-governmental grant they were receiving.... Thus, the observation that few municipalities were complying with those mandates...was more a reflection on the absurdity of the policy than on the local capacity (p. 3).

Based on their perceptions, members of the Colombian Congress argued that “no real benefit would be derived from transferring funds and responsibilities to local governments if their lack of capacity would not allow them to manage them effectively” (Fiszbein 1997a:1). Opponents, however, argued that “only if fiscal resources and responsibilities for service delivery were transferred to local governments would those capabilities develop” (p. 2). Similar debates are taking place in Africa. The lessons learned in Colombia are relevant and help us pose important research questions concerning the degree to which lack of capacity is actually a binding constraint on decentralization or whether these arguments are reflections of poorly designed incentives and/or political struggles over resources.

In natural resource management in Africa, it has been a long-standing practice of governments to represent local populations as ignorant and unable to manage their resources. However, this has been well challenged over the past two decades (see Ostrom 1990; Peluso 1992; and Fairhead and Leach 1996, among many others). Nevertheless, the arguments that local people are unable to manage local environmental resources is still very common (Ribot 1999), and was presented by the director of Mali's environment service as recently as November 2000.

Capacity should not be conflated with motivation. Local populations often do not carry out environmental management and other functions because these are not high in their priorities (Engberg-Pedersen 1995:2). This does not mean they cannot do it or lack the capacity. It means they have other objectives to which to apply their time and skills. Decentralization should be structured so that the instrumental objectives of the centre are not being transferred just so that local authorities can implement them. This kind of responsibility transfer amounts to delegation and at times *corvée* (colonial-style forced labour) (see Ribot 1995). This tension between central and local agendas persistent (see Planning Processes and the Problem of Instrumentality, above). In any event, lack of implementation of external agendas should not be taken to indicate the level of capacity.

It is clear that implementing decentralization requires co-ordination, action plans and civic education campaigns. It also requires orientation and training programmes, and "awareness raising" for local parties receiving new powers and responsibilities (Utting 1999:183). But without powers, people may be less likely to learn or to even engage in capacity-building efforts. Risks must be taken to transfer powers ahead of capacity so that capacity building can have meaning.

### **Legitimacy**

*By accommodating pluralism and allowing people to play a role in the management of their own affairs, decentralisation complements the spirit and norms of democracy regarding greater freedom for societal initiative in the process of self-governance. In a practical sense, enabling people to set their own priorities at the local level is likely to make them more prone to accept the need for governmental transactions—and the costs, in terms of higher taxes, associated with these actions.*

*Donald Rothchild (1994:3)*

Legitimacy, according to Max Weber, derives from tradition, charisma or legal-rational beliefs. Jeremy Bentham (quoted in Therkildsen 1993:77), offers an alternative definition, arguing that power is legitimate when "it conforms to established rules (unwritten or informal conventions; legal codes); these rules are justified by reference to beliefs shared by both the dominant and the subordinate; and there is evidence of consent by the subordinate to the particular power relations through concrete or symbolic actions".

Therkildsen (1993:76) takes the ability of local government to tax as an indication of its legitimacy,<sup>89</sup> because "if local authorities cannot mobilize local revenues it indicates a lack of legitimacy which, in turn, constrains their ability to be effectively involved in NRM [natural resource management] on a consensual basis". Without legitimacy, coercion becomes the only basis for local government involvement in natural resource management (p. 76).<sup>90</sup> Moore (1997) makes a complementary argument that taxation engages local people with the state, giving them a basis on which to legitimately expect the state to provide services.

<sup>89</sup> Compare to Beck 2001; Moore 1997; Yates 1996; Guyer 1992.

<sup>90</sup> Conservation and other management and production objectives have often been coerced at the local level in Africa—natural resource management examples can be found in Tanganyika, Kenya and Mali (Therkildsen 1993:81; Peluso 1993; Mamdani 1996). As Mamdani points out, for governments to promote production, coercion is necessary when there are no markets.



It appears, then, that legitimacy follows relations of power. De Tocqueville (quoted in Therkildsen 1993:78) wrote that “it is important that, in general, men’s affections are drawn only in the directions where power exists”. By empowering local governments, decentralization can serve to bolster their legitimacy. Because of their weak state, local governments are being questioned by local populations across Africa (p. 86). Consequently, they are not able to serve as a platform around which civil society actions, struggles and mediations can crystallize (Anu Joshi, personal communication, 1999). For example, “farmers perceive decentralisation as a threat that may take their existing power to control resources in their *terroir* [commons] out of their hands and give it to the commune. The village however is likely to play an active role in commune politics in order to retain control of decisions made about resources” (Brock and Coulibaly 1999:31). In this manner, when real powers are transferred to local government they can serve to engage populations with government, overcoming some of the alienation of the past.

The legitimacy of elected local government—or any other hereditary, appointed or elected local authority—is also critical for its effectiveness. Decision-making powers (over financial, natural resource and other important local matters) can be a significant aspect of legitimacy. Bodies with no power may have difficulty gaining legitimacy. In Senegal, elected rural councillors have experienced embarrassment since they cannot offer anything meaningful to their constituents (Hesseling n.d.). There are few decisions they can make and they have few resources to work with, so people have little reason to approach them. In Burkina Faso, one of the local project personnel working for a UNDP forestry project in the Nazinon forest related that many villagers now go to merchants for advice, reflecting the legitimacy that comes with merchants’ empowered position. Having power to deliver on the needs of villagers, or to make meaningful decisions that affect their lives, requires that representatives have resources and an autonomous domain of decision making concerning matters of importance to the local community.

In Senegal, rural councillors feel powerless and disrespected. They said they were embarrassed to hold their positions because they could do nothing for their constituents. Indeed, rural populations have little respect for their elected councillors. Senegal’s rural councils are charged with resolving tenure problems, under the supervision of the *sous-préfet*, in accordance with the Law of National Domain (ROS 1964, 1972). Most land conflicts, however, are resolved not with the rural council’s help, but rather among the families involved and through village authorities such as chiefs, *marabouts* (religious leaders) and elders (cf. Hesseling n.d.:41). Some councillors interviewed felt that people do not seek their services because they have none to offer. Instead, people go to the chief, *marabout*, or even a merchant who can at least help resolve local land, labour or marital conflicts. The frustrations of such councillors are illustrated in the following conflict that occurred in eastern Senegal, recounted by councillors and villagers.

In 1988, a charcoal truck made a deep rut in front of the entry to a villager’s compound. The trucker refused to help fill it in. The man who’s home it was said, “I could not get his wagon out of the compound. My children couldn’t get out.” The villagers got together and said that they would not let any more charcoal trucks go through the village. The truckers then complained to their patron (a small charcoal merchant in Koumpentoum). The patron came to the village to tell the residents to let the trucks through. The villagers blocked the route with branches. When the truck driver and patron tried to pass, the villagers confronted them with sticks and said “go around the village”. The residents explained that “officially we could complain to the forest service or the rural council, but both are in the pockets of the big charcoal patrons like Soppowo Yimbe and Borum Gorkati”.<sup>91</sup> One rural councillor expressed exasperation, saying, “it’s true. We have no power. The president of the council and the *préfet* make the decisions.” He was embarrassed to be a councillor. (Interviews, Daru Fall, Senegal, June 1994.)

Government officials often maintain that the weakness of newly elected bodies derives from the strength and legitimacy of village chiefs and other authorities. They use this as an argument to not strengthen rural councils—because it would cause conflict. However, this may be a self-

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<sup>91</sup> Pseudonyms are used for the charcoal companies.

fulfilling strategy as it is partly the council's lack of powers that makes using other authorities more attractive to villagers. Hesseling (n.d.:40–42) argues that in Basse Casamance, Senegal, there is general mistrust of the administrative and tenure reforms. This is exacerbated by slow council response, which councillors blame on the long time taken for approval by administrators and in litigation.

An elected body that is not empowered to effectively address the needs of its constituents is not likely to be highly respected in the community. Indeed, villagers in the region south of Ouagadougou in Burkina Faso said that they often consult merchants rather than the village authorities in both personal and community matters (Ribot 1999; see Ouali et al. 1994:21). If the legitimacy of these new governance structures is to grow, they will need to have substantial decision-making powers over real resources (independent of the *préfet's* approval), and they will need to have resources to invest back in the community as a whole. That way they can compete with the merchants and chiefs.

Crook and Manor reported that “satisfying communities’ perceived needs is a central requirement to maintain legitimacy of authority. Thus, in Karnataka, decentralization caused resources to be directed away from government services and toward the construction of micro-level physical works, such as roads, bridges and buildings. This reallocation is in part a reflection of the strong local demand for such types of projects, support for which was not realized under a more centralized political system” (quoted in Parker 1995:26). It is this type of action that generates interest and confidence in local government.

Taking a sectoral view, Therkildsen (1993:86) argues that weak local government “has contributed to a vacuum in the institutionalization of natural resource management”. Various civil groups have moved into this vacuum. Central government, parastatals and absentee private capital are also playing a more important role. He continues:

The political-administrative vacuum at the intermediate level contributes to two phenomena. Natural resource management decisions are taken *outwards* from formal state organizations towards associations based on kinship, gender, locality and ‘traditional’ political institutions. Management decisions, furthermore, move upwards within the formal state apparatus. Conflicts about resource management and use can therefore only be mediated at higher levels in the hierarchy, where local representation is limited, or fought out on the ground, often among unequal groups (p. 86).

Without powers, local governments cannot gain the legitimacy they need to effectively represent local populations. This was the case in Senegal, where local people avoided elected councillors, going instead to village chiefs or merchants for assistance and advice (Ribot 1999). They went to those authorities empowered to respond. The lack of empowered local authorities may even impede the formation of civil society. In India, civil society organizations were observed to crystallize around empowered local government (Anu Joshi, personal communication, 1999). It is only logical that organizations will form when there is a chance that they can have influence. A local government that has no powers or is not at all downwardly accountable is an ineffective rallying point for civil action.

These observations point to the critical role of legitimate representative government in the local arena. This legitimacy seems closely linked to the kinds of powers local government holds, from taxation to any decision affecting people's lives.

### ***Conflict and negotiation***

In Mali during 1999–2000, more than 300 deaths were attributed to disputes over natural resource management (Cheibane Coulibaly, personal communication, 2000), mostly between pastoralists and farmers, brought on by decentralization reforms. By transferring powers from central to local authorities, decentralization changes local power dynamics. For example, in Mali

many decisions that central government had simply neglected were the default jurisdiction of local “traditional” authorities and are now being “decentralized” to local government. Local populations and non-state authorities perceive this shift to be a government takeover of their territorial rights. This can lead to conflict.

In Senegal and Cameroon, new laws were drafted giving local populations rights over commercial forest use. When the timber corporations in Cameroon arrived with the backing of the state forest service, local populations demanded benefits that they now believed to be their due. When the timber corporations and forest service ignored them, the villagers set the timber trucks on fire. In negotiations that followed, the local population obtained a share of the revenues (Ekoko 2000). In a similar situation in Senegal, villagers rebelled by threatening violence against any migrant woodcutters who dared to cut in their local forests. A compromise was reached through negotiations and the buying off of local chiefs by the urban-based merchants for whom the woodcutters worked (Ribot 2000).

Conflict is also frequent between central government and local governance units. Oyugi (2000:7) points out that centralization and decentralization are competing organizational forms of governance. As noted earlier, Oyugi argues that decentralization does not involve rights, but rather delegation by superior authorities (a “means of transfer” problem—see Conyers 1990:20). He casts the conflict between centre and localities, whether political or administrative, as a failure of localities to appreciate this “inherent limitation”. This is in addition to the “tendency of the centre to abuse its relative legal/administrative strength in the interactive process” (Oyugi p. 7).

Dispute resolution mechanisms are needed in the local arena. The power to adjudicate, however, must be carefully located outside of the sectors in dispute. In Burkina Faso, Cameroon, Guinea and Senegal, the forest service adjudicates forestry disputes. This is not appropriate in situations where the forest service or its agents are among the parties in dispute. Forest service directors often have the final say in forestry disputes. These types of cases may have no legal means of entering the independent judiciary. In Uganda, as elsewhere, the executive and the judiciary are fused in local government (Oloka-Onyango 1994:463; cf. Mamdani 1996). This common failure to separate powers undermines the checks and balances that could make decentralized systems democratic. An independent judiciary could help keep elected leaders, and the forest service, in the bounds of their legal rights and could serve as a means for rural populations to force these institutions to provide the services they are mandated to provide.

Courts and legal council may be inaccessible to people (Ribot 1995a). While the issue of legal access did not emerge in the few pieces reviewed that address dispute, it is a complaint I often heard from farmers and woodcutters in my fieldwork in the West African Sahel. Access to dispute resolution mechanisms and the judiciary may be among the critical issues.

### ***Elite capture and patronage***

*In many instances, it is local elite rather than the most vulnerable that capture decentralised power—which is then utilised to repress local minorities—including women and other marginal groups.*

*Dele Olowu (2001:54)*

Elite capture is often cited as a problem affecting decentralization (Utting 1999:174; Crook and Manor 1998; Smith 1985). It is the product of both local agrarian social and political economic structures and of the structure of local-central relations (Crook and Sverrisson 2001). Most attention, however, has focused on the fact that elite capture takes place, and on the configuration of the locally stratified landscape into which it fits. Less attention has been paid to the role of central government and elites in cultivating such “capture”. The question that needs to be asked is: To what degree can local elite capture of resources in the local arena be attributed to their local status, and to what degree can it be attributed to the needs of central actors to maintain local agents by using central resources to maintain their patronage network?

There are many examples of local elite capture. In Uganda it is expensive to run for election under the current system and therefore leaders are elites (Saito 2000:11). As the World Bank (2000:109) indicates, “conceding power to local governments is no guarantee that all local interest groups will be represented in local politics. It may simply mean that power is transferred from national to local elites”. In Cameroon, for example, elite actors have been able to capture forest resources under new community-based forestry laws by fronting fictive community forests for their own benefit, or by pre-empting the establishment of community forests by acquiring more-lucrative *vente de coup* (small-scale commercial licenses) in their place (Brown 1999:46).<sup>92</sup> Similarly, local elites in Senegal captured control of forestry co-operatives in the 1970s and 1980s by registering them in their names and filling them with fictive members (Ribot 1993). It is no surprise that Conyers (2000:8) concludes that decentralized decision making may benefit only a minority of the population.

The challenge is to explain why this happens and what its implications are for decentralization. These outcomes are at least partly about the ways in which the central state is related to local actors and the ways in which it transfers powers into the local arena. It is about the kinds of powers that are transferred, the means of transfer and the choices central government makes concerning the local actors who will receive these powers. Bates (1981) argues that central states choose policy instruments that allow them to engage in allocating state-controlled resources (such as subsidies) rather than those that operate without central redistribution (such as taxation). These state resources are then allocated along lines of political economic alliances between central state actors and the patronage networks they need to maintain their political base. Indeed, it is for this reason that the discussion of means of transfer is so important. Having the means to allocate permits central government to cultivate patronage networks and to maintain control over politically important resources.

It is equally important to note the ways in which the central state constructs the authority and accountability of the local authorities to whom it transfers powers (Ribot 1996, 1999). Truly democratic local institutions that are accountable to local populations may not support local elites—either for the patronage purposes of central state actors or for the purposes of their own maintenance and reproduction. I believe it is for this reason that central states consistently construct or choose upwardly accountable local institutions, by using party list electoral systems; by transferring the most significant powers to the appointed local administrators rather than elected bodies; by creating ad hoc committees rather than depending on democratic bodies; and by resuscitating customary authorities. In this manner, elite capture and patronage are linked phenomena. This link, and the role of centrally cultivated patronage networks in undermining the emergence of local democratic institutions needs further study.

The assumed magnitude of this problem also needs some query. According to Bardhan and Mookherjee, it is commonly presumed by political scientists that

the lower the level of government, the greater is the extent of capture by vested interests, and the less protected minorities and the poor tend to be.... If the conventional presumption is correct, the advantage of decentralizing delivery mechanisms to local governments with access to superior local information would be compromised by greater capture of these programs by local elite. The case for such reforms of decentralization would then depend on the resulting trade-off between these two effects (1999:2).

Bardhan and Mookherjee (1999:3), however, point out that despite the importance of the issue, there has been little empirical study of the relative vulnerability to elite capture of local and na-

<sup>92</sup> Brown (1999:47) states:

An additional danger [in Cameroon] is that once a community has invested in the inventory, and timber resources of high value confirmed, unscrupulous government officials might be tempted to find evidence of an *infraction* (breach of the rules) on the part of the community in question, allowing a logging company to step in and exploit the area as a conventional *vente de coup*, benefiting from the inventory work already done at no extra cost to itself.

tional governments. The available empirical evidence (they cite one large survey in India) does not support the presumption of greater capture of local governments. Which forms of decentralization are more or less prone to elite capture in Africa remains an important question.

In sum, we need to better understand the relative role of local and central forces in creating the perceived problems of elite capture, its magnitude, its effects and potential solutions. As Olowu (2001:57) argues, “local elite are required for the success of local government systems—they bring resources, knowledge networks that make these systems become fully operational and effective. At the same time, they must not be allowed to exclude the masses of the people—otherwise serious problems of equity, responsiveness and corruption at the local level are raised”. Olowu (p. 57) proposes public participation, accountability and transparency as the solution. “The ‘elite capture’ problem”, however, leads Crook and Sverrisson (2001:4) to conclude that “central intervention is nearly always needed to ensure progressive or pro-poor outcomes”. Ironically, we need to also recognize the important role of this same central intervention in cultivating this problematic elite.

### ***Sequencing and implementing the decentralization process***

There is increasing recognition that greater care must be taken in considering the order and rate of implementation of the complex and interdependent set of factors that constitute decentralization (Smoke 1999:13). At present there is little guiding wisdom but there are many questions. Decentralization is a learning process for everyone involved. Some ideas and questions about sequencing implementation are sketched below.

#### Democratic local government first

The kinds of outcomes expected from decentralization are predicated on some form of downwardly accountable local representation. It would appear that establishing representative institutions would be a priority—perhaps an *a priori*. Establishing representative institutions is a matter of legislation. Often it takes only small legislative changes, such as the move made by Mali and Senegal to incorporate independent candidates in local elections—rather than depending on party lists. In other places, such as Gambia, it may involve widening suffrage and creating term limits for elected local government representatives, rather than appointing them for life (Ribot 1995). These small changes form the foundation for democratic decentralization. Without systematic means for public participation and voice in local decisions over decentralized powers, transfer of powers to the local arena becomes deconcentration or privatization by default.<sup>93</sup>

#### Freedom within oversight: Establishing a domain of local autonomy

With such overbearing systems of *tutelle* exercised by line ministries, local government ministries and ministries of interior (Oyugi 2000:7–8; Ribot 1999), how can local authorities develop capacity to operate independently and how can they develop legitimacy in their own communities? One of the priorities, indeed one of the defining characteristics, of decentralization is the creation of a domain of local autonomy. This domain is constrained by (i) lack of powers (of decision making, rule making, enforcement, adjudication and implementation), and (ii) restrictive oversight. These elements must be attended to even to create the seeds of local autonomy. Without autonomy, local authorities are unlikely to be respected and legitimate in the local arena and they are less likely to be the channel of communication and action around which civil society will form. Local representation without a domain of autonomy is not decentralization.

In transferring powers to produce autonomy in the local arena, powers that do not depend on continuous central allocation may be good ones to focus on first. These may include local alloca-

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<sup>93</sup> Many donor agencies and governments engage NGOs rather than working with or helping to establish representative local governments. This practice is detrimental to establishing empowered local government because it may take away public powers that would otherwise be in the domain of local government. Similarly, administrative bodies serving and acting as representatives of local people can undermine the legitimacy of local representatives by competing with or taking away their role. This set of issues requires more reflection. Some might argue that such competition is what increases efficiency, but this is not clear (cf. Tendler 2000; Porter and Onyach-Olaa 1999).

tion of lands and of rights to use other natural resources in the local arena. Land allocation is critical and has played a legitimizing role for local authorities in the past.<sup>94</sup> Transferring these powers to elected local governments can help legitimate them. Such transfers may also include powers to make rules concerning land or resource use and to adjudicate certain kinds of disputes among citizens in the local domain. Decision making on commercial exploitation of natural resources and allocation of access to commercial rights may also be included.

Local revenue-generating powers—such as the ability to tax land, income, or natural resource exploitation—may also create greater local independence and legitimacy. The natural resources sector is a very lucrative arena. In Zimbabwe, fees and tax revenues from wildlife management have funded new primary school buildings and other public works. Conyers (2001:25) explains that “the ability to fund activities in this way increases the status and legitimacy of local institutions and makes the concept of community planning meaningful”. In the western United States, stumpage fees from timber have traditionally supported specific local government functions. These revenues have typically been earmarked for supporting school systems on the Pacific Northwest Coast. In Nepal, revenues from natural resource management have been used to support healthcare and education (Jon Anderson, personal communication, December 2000). This cross-sectoral financing through local government can be highly productive. And drawing on local revenue sources need not be independent of redistribution functions of the central state. Central government can still tax or take a portion of these revenues for such purposes.

Of course, the use of some of these powers may require oversight, but this should take place from a distance and should only be used to assure that local action is within the law, not to micromanage local authorities or to approve every decision they make. It appears to date that few if any local authorities are free from such strict administrative oversight.

#### Power before capacity

Given the above discussion of “capacity” it is clear that there is a chicken-and-egg problem. There is reluctance on the part of central governments to devolve powers before capacity has been demonstrated—but without powers there is no basis on which local authorities can gain the experience needed to build capacity, and there is no basis on which they can demonstrate capacity has been gained. Strategies must be developed to deal with this problem. More research is needed to identify how capacity arguments are used—are they real reasons or just excuses not to transfer funds?

Local decisions must conform with certain nationally set minimum standards. Some of these may be technically complex or require skill to interpret or apply. But, before asking whether local people have the technical capacities, the first question is whether these standards are necessary or overly complex. In forestry in the Sahelian countries, for example, most of the environmental planning requirements are not needed. The complex requirements are used as an excuse to allow the forest service to maintain control over commercial forestry.

Claims that technical management or skills are needed are often argued on specious “scientific” grounds. These cannot easily be challenged by local governments or local people. Minimum sets of standards must be identified through independent research and public debate. The agencies directly involved may have too much of an interest in maintaining excessive requirements. Local democracy involves the risk of allowing local people to make their own decisions—within some *minimum* set of guidelines—even when the outcomes are not optimal from a central government perspective. Of course, the *offer* of technical support and training to accompany power transfers could help local authorities to achieve more effective decision making and implementation.

<sup>94</sup> Mamdani 1996:140; Chanock 1991:64; Hesselting n.d.; Watts 1993; Bassett and Crummey 1993; Downs and Reyna 1988; Fisiy 1995:50; Geschiere 1993:166.

### Taking time

The pressure to “get things done” has often led governments to circumvent democratic processes and to develop and implement programmes from the top (Selznick 1984:37). In Guinea, environmental officers of the United States Agency for International Development (USAID) insisted that their appointed committees were more efficient than elected local authorities (interviews, Guinea, 1999). This impatience with democratic process in order to achieve external aims undermines some basic principles of decentralization. Based on this kind of impatience, democratic processes are circumvented and the institutionalizing of the representative aspect of decentralization is marginalized.

Conyers (2001:37–38) provides an example from the CAMPFIRE natural resource management programme in Zimbabwe, where the community learned both democratic and practical lessons from an incident in which an elected committee did not serve the community’s interests. The community bought a grinding mill with a loan from the Ward Council and some programme income, but the CAMPFIRE committee did not maintain it and did not manage it well. The committee could not pay for the loan and the Council retained the programme income. The community lost income and had no mill. In the end, “a new and more responsible CAMPFIRE committee had been elected and the committee members decided to lease the mill to a private operator rather than run it themselves” (p. 38). Conyers concludes: “This system, although not without its problems, has so far proved to be reasonably effective.”

Utting (1999:182–183) points out that implementation takes time and that technical agents, particularly environmentalists, must have patience. There is learning to be done and adjustment to be made. There is now reaction against decentralization before it has even been implemented (p. 183). The crisis mentality of environmentalists is partly responsible in the environmental field. Fads in development circles can also affect how long a given reform will be entertained before the development community moves on to new initiatives.

The bottom line is that decentralization reforms cannot be judged unless they are actually implemented and given time to take root.

### ***Opposition to decentralization***

Local democracy and decentralization threaten, and are threatened by, various actors—central governments, donors, civil servants, customary authorities, and other local elites.<sup>95</sup> These threats create new and different alliances. Democratic decentralization is a threat because it creates new authorities and transfers powers among authorities; and it becomes threatened when the actors react to such changes. It also becomes threatened when it is poorly or only partially implemented, thus not delivering the benefits it promises and losing the support of those it is meant to empower. It is further threatened by policies requiring that fiscal transfers coincide with austerity policies or fiscal crisis. Shortcomings in the design and implementation of decentralization have been discussed throughout this review. Some political and economic oppositions are considered in this section.

Decentralization is often influenced by the tendency of any central authority to attempt to hang onto and concentrate powers.<sup>96</sup> In past, and current, decentralization, responsibilities have been devolved without devolving powers, effectively strengthening central authorities through burden shedding.<sup>97</sup> Hesitance in creating new, more democratic local authorities and transferring real powers is explained or justified by central authorities in several ways. Some argue that decentralization threatens national unity by weakening the central state. Some call on arguably specious “scientific” reasoning, asserting that decentralization is a threat to environmental sus-

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<sup>95</sup> On opposition to decentralization in natural resource management, see Howie G. Severino in Utting (1999).

<sup>96</sup> Manor 1999; Ergas 1987; Smoke and Lewis 1996; Wunsch and Olowu 1995.

<sup>97</sup> Manor 1999; Crook and Manor 1998; Parker 1995; Ribot 1995; Uphoff and Esman 1974; Alcorn 1999.

tainability.<sup>98</sup> Others, such as forest services and other line ministries, argue that local authorities lack the technical skills and “capacity” to be given any real responsibilities. Yet others have argued that transferring powers and creating new local authorities will cause local conflict between customary and new state authorities.

When decentralization is promoted or required by donors, resistance can take the form of obfuscation. Decentralization is often talked of, designed and even implemented as a kind of theatrical performance for donors, producing an elaborate image but not a change in power distribution. Such performances can involve, for example, downward transfers through one new law but recentralization through another, as in the case of Mali, where the transfer is well crafted but new structures of *tutelle* are being built that could return to central authorities control over approval of every decision (Ribot 1999, 1998, 1998a). Donors pursuing decentralizing and other programmes also often miss the mark by sidelining elected local authorities or local governments more generally because their charters oblige them to work directly with sovereign—writ central—governments (Sewell 1996:148).<sup>99</sup>

Donors and NGOs may also avoid local government owing to their general lack of confidence in any form of government,<sup>100</sup> favouring non-state bodies (as in joint forest management, rural markets and *gestion des terroirs* approaches) (Romeo 1996) or, out of their concern to show sensitivity toward “indigenous” claims, preferring to work with customary authorities. There is a long-standing mistrust of government—democratic or otherwise—in donor circles.<sup>101</sup> This has led many programmes to avoid local governments even when they are ostensibly democratically elected. This is true, for example, in USAID’s natural resource management programmes in Guinea (interviews, Guinea, late 1998) and has occurred in other programmes in Burkina Faso, Gambia, Mali, Niger and elsewhere (Ribot 1999). Ironically, this mistrust can also be damaging to democratization processes by restricting the state’s ability to do good and to therefore develop a positive role and legitimacy of its own (Evans 1997). Clearly, this resistance to local democracy also constitutes a blockage for democratic decentralization. In two notable exceptions, the Danish Agency for Development Assistance (DANIDA) has arranged to work directly with local government in Uganda, and the United Nations Capital Development Fund (UNCDF) is supporting local government in Uganda, Mali and other countries in Africa (Saito 2000:6).

Opposition to decentralization also often emerges in the civil service, as it threatens the roles that many frontline civil servants play. Elected local bodies may be given the power to take over decisions civil servants have been used to making. This was evident in Mali, where rural civil service agents were highly resentful at having lost their former role and were anxious about what role they would play in the future (Ribot 1998a; see also Conyers 1990:30; 2000a:22). The Ghanaian Minister of Local Government has listed “uncertainty among civil service personnel” as a factor that sets back decentralization. In Burkina Faso, Cameroon, Mali and Senegal, for example, elaborate and often unnecessary forest management plans are required in “decentralized” natural resource management that only forest service “experts” must design or approve (Ribot 1999). These situations all function to keep decision making within the administrative branch.

Therkildsen (2001:35–36) also describes Malawian bureaucrats’ apathy, cynicism and feelings of marginalization and resentment when faced with restrictive reforms resulting from external

<sup>98</sup> Many authors have evidenced such erroneous scientific reasoning in environmentalism (Guha 1990; Beinart and Coates 1995; Roe 1996; Fairhead and Leach 1996; Keeley and Scoones 1999; Ribot 2000).

<sup>99</sup> As Sewell (1996:148) notes, funding problems for local governments in decentralization “may pose difficulties for international financial institutions, but they should not be thought of as ‘Dangers of Decentralization’”, as Prud’homme has called them.

<sup>100</sup> See Evans (1997) and Tandler (1997), who question the basis of this lack of confidence.

<sup>101</sup> Images of the “bad” state and the “good” society in what Tandler calls “mainstream development thinking”, has deeply influenced the ways development practitioners give advice, orienting them toward policies that limit public sector “damage” by limiting government (Tandler 1997:1–2). In the past decade, attacks on the state by the left and the right have converged with the growth of a populist movement that sees all things local and indigenous as good, and all things state as bad (Western et al. 1994; Shiva 1989; Singh and Titi 1995; Escobar 1995; Scott 1976). This negative view of the state seems to have erased it, as powers were believed to be devolving downward to NGOs and “the people” and upward to the global arena (Rosenau 1993). Furthermore, the channelling of international aid only through central governments or NGOs (as the alternative, anti-governmental route) has also conspired to blot local government out of the picture (Romeo 1996:4).



pressure by the Ministry of Finance and the IMF, as well as from internal pressure by political and bureaucratic elites. Therkildsen (p. 36) explains that in South Africa and Uganda, “one of the many reform paradoxes is that the same elite, whose past decisions and behaviors are being challenged by the present reform initiatives, are often deeply involved in their implementation. Some of them may not be committed to reforms for ideological reasons. Others may be outright against reforms when these aim to restrict former privileges and powers and diminish rent-seeking possibilities.” He cites Oyugi (1990:69) as pointing to the class orientation of the bureaucracy as a barrier to changes that are not in their interest (Therkildsen p. 37).

Customary authorities present a common excuse for not devolving powers, and a common challenge to decentralization in practice. Central authorities evoke arguments of potential conflict with “customary” or “traditional” authorities (as in Burkina Faso, South Africa and Zimbabwe) as a reason not to empower local representative authorities (Ribot 1995a; Ntsebeza 1999; Mandondo 2000).<sup>102</sup> This problematic set of arguments needs to be explored. Local chiefs are often as much administrative creations of the colonial state, as local governments are creations of post-colonial states, and furthermore, they are not necessarily downwardly accountable or representative. Customary authorities are often promoted by donors and other outsiders who view them as a romantic category of legitimate popular local leader (CARE-Mali 1993; World Bank, cited in Porter and Young 1998:523).<sup>103</sup> This, too, diverts attention from the need for more democratic local institutions.

A related question that needs investigation is whether in privileging “customary” local authorities, projects undermine the establishment of more accountable, replicable representative local governments. Does the privileging of customary and other non-governmental bodies ultimately help keep rural populations as the subjects of administrative managerial authorities, rather than enfranchising them and helping them become citizens (see Mamdani 1996)? Whether and when these arguments are only excuses by central governments to avoid devolving powers, or whether customary authorities pose either a real threat or a positive alternative to rural democratization, is an open question. The creation of elected, downwardly accountable local government authorities in this contentious environment may be the Achilles heel of effective decentralization.

Other local elites can also block decentralization reforms. In Lesotho, Ferguson (1994:194–227) documented political resistance to a “decentralized” integrated rural development project in the late 1970s and early 1980s. He reports that “the project, by its nature, was not equipped to play the political game it suddenly found itself in the midst of. Having taken on decentralization, and with it the entrenched power of the governing classes in Maseru [District], the project had no teeth available to it to chew what it had bitten off” (p. 226). In this classic example, ministers also systematically resisted relinquishing any power to local integrative or decentralized bodies (p. 203).

Furthermore, the articulation between newly decentralized powers and the powers already exercised in the local arena can affect the degree or kind of decentralization.<sup>104</sup> Local populations

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<sup>102</sup> It should be noted that many of the powers to be devolved, however, have not been in the hands of chiefs or other traditional local authorities since the beginning of the colonial period. Hence, devolution of these powers to local government does not constitute a direct taking from customary authorities. This is particularly the case for commercial forest resources such as woodfuel and timber (Ribot 1999a).

<sup>103</sup> CARE-Mali (1993) is a good example of the privileging of customary authorities. Porter and Young (1998:523–524) also cite an example of the privileging of chiefs in natural resource management in Ghana, but they comment that

while Chiefs clearly must not be ignored in environmental management, their representation as uncontentious ‘custodians’ of natural resources seems unwise. In addition to the difficulties commonly associated with stool disputes (which occur not infrequently) there is ample evidence to indicate the extent of chieftaincy interests in—and wrangles over—natural resources such as salt in the coastal zone over this century and the dangers of undue dependence on chiefs representing the diverse interests of their subject populations.

<sup>104</sup> Ntsebeza 1999; Mwebaza 1999; Delville 1999; Blundo and Mongbo 1998:2.

The members of a 1998 conference on Decentralization, Local-Level Politics and Social Networks, held in Cotonou, Benin, however, rejected the classic dichotomy between wholly top-down and bottom-up decentralization (Blundo and Mongbo 1998:1–2; cf. Conyers 1983). While it most often appears to be initiated from the top, it always involves complex dialogue among multiple actors. Many non-state actors appropriate decentralization, presenting it as if it were an old, well-known form of African political organization. Far from being politically neutral, the administrative processes of decentralization are reappropriated by various actors in what is effectively a redistribution of powers between central states and local societies. Decentralization attempts to create new local rules and institutions, but never finds a blank local institutional slate. (Blundo and Mongbo 1998:2.)

already exercise considerable responsibility in the management of local public affairs—particularly in the case of natural resources (Fairhead and Leach 1996; Painter et al. 1994). What looks like decentralization from the centre can be a centralizing force when it reallocates a power that was by default exercised in the local arena to a different or even new set of local institutions. These new—conflictual and complementary—relations are thrown into relief in the decentralization process. The conflicts and ambivalent interactions that emerge may play a role in deterring effective decentralization. The legitimacy and efficacy of newly decentralized institutions, the powers they receive, and the kinds of accountability relations that emerge, are matters of the mesh of state and local ideology, vantage point, and understandings of decentralization itself.

Fiscal crisis or the weakening of the central state's fiscal leverage by structural adjustment programmes can also block decentralization (Crook and Sverrisson 2001:26, 33). This can weaken the central state's ability to support local action or to intervene to prevent elites from overriding the needs and wishes of the poor. In Zimbabwe, new powers were officially transferred to local elected governments in 1993, however, the line ministries did not transfer any significant powers to them (Conyers 2001:4). "The main obstacles were a general resistance to decentralization among line ministries and the dilemma of how to decentralize financial resources to local authorities while at the same time reducing public expenditure", which was required by structural adjustment programmes (p. 4). Nevertheless, line ministries began to see decentralization as a means as extricating themselves from service delivery obligations they could not meet as the economic situation worsened in Zimbabwe toward the end of 1999. Hence, obligations were transferred, but without adequate financial resources (p. 4).

"Lack of political will", too, is often cited as an explanation for decentralization that is poorly, if ever, implemented (Cheema and Rondinelli 1983). But what is the definition of "political will"? If all that it means is that "the rich and powerful have failed to act against their interests", there is no surprise here (Chambers 1983:161, quoted in Dove and Kammen 2000). Some central political actors are certainly threatened by decentralization. Some are simply reluctant to release powers. Others are threatened by new local authorities who may change their political base. There is central political support for re-empowering chiefs in Mozambique, South Africa and Zimbabwe. Is this a way for central authorities to maintain political allies in rural areas? Would chiefs support central government agendas better than local democracy would? These are all questions that must be addressed to bring about a better understanding of why central governments resist democratic decentralization. It is not enough to know that decentralization is not always in the political interest of central actors (Conyers 2000a:22). We need to more carefully identify and comprehend the threatening aspects of decentralization, and determine how to negotiate a way beyond those threats.

*See Annex A for research questions emerging from this section on Implementation.*

## **Conclusions and Research Priorities**

Decentralization is an institutional arrangement involving local authorities, relations of accountability, and public powers. The central issues of democratic decentralization concern the institutional form of local representation and responsiveness, and the kinds of powers local authorities hold. A review of the literature reflects surprisingly little empirical research on the institutional forms that decentralization is actually taking. First indications are that there are almost no instances of strong or democratic decentralization—combining accountable representation with powers—being created. Most reforms follow the contours of either weak decentralization or de-concentration. The literature reflects extreme reluctance on the part of governments to transfer meaningful powers to representative local authorities. Often varying forms of delegation or privatization occur in the name of decentralization.

Without the appropriate institutional forms and powers, decentralization will not deliver the theoretically expected benefits, such as efficiency, equity, service provision and development. Furthermore, until basic institutional infrastructure is in place and powers are transferred, it is not possible to determine whether decentralization delivers the outcomes theory predicts. The first step in understanding decentralization, then, is to assess whether it is being established by characterizing the local actors involved, the accountability relations they are located in and the powers they hold. From this starting point questions can be posed concerning outcomes, as well as the causal relations between different institutional forms and the outcomes.

In addition to the accountability and powers of local actors, the literature outlines several other important institutional factors that structure decentralization. These include

1. the sustainability and security of decentralization, which is shaped by the “*means of transfer*” or of “*reform*” used to establish them, such as—in descending order of security—constitutional reform, legislation, and decrees or orders;
2. the *legal enabling environment*, including the structures of representation, legal protection for government and non-governmental entities to act on their own behalf and to express their needs, and the forms of recourse and conflict resolution accessible to local governments, organizations and citizens;
3. the *macroeconomic enabling environment*, which structures the resources available to central and local authorities to support decentralization programmes;
4. the ways in which nested levels of *planning* for national and local purposes proceed and are organized in support of the domain of decentralized local autonomy; and
5. the ways in which local autonomy is limited and supported by higher levels of political-administrative *oversight*.

These factors all play key roles in support of decentralization reforms. If not carefully attended to, they can also play a key role in hindering decentralization.

The sticky issue of “*capacity*” also often emerges in discussions of decentralization. Capacity is a factor that central governments frequently use to judge whether local institutions are able to receive powers. Central government actors often wrongly interpret local preference and choice that differ from their own—and the inability of local jurisdictions to carry out unrealistic, centrally imposed requirements—as lack of capacity. Because few governments have trusted local actors enough to transfer powers to local jurisdictions, whether decentralization can proceed before “*capacity*” is built remains unclear. Preliminary indications are that power should proceed capacity, to form the basis for gaining the latter. However, in the absence of clear criteria and research on this topic, governments and their line ministries take the conservative stance of withholding transfers. This has the unfortunate effect of delaying decentralization and of denying local authorities the very powers they would need to hold in order to improve their technical and managerial skills.

The *sequencing* of decentralization reforms has not been well researched but appears important to the success of decentralization. Sequencing is, of course, partly a matter of the objective of the reform. It may be different when it aims primarily at local democratization than when it seeks to relieve central government of service delivery burdens. In reading through the literature, it is evident that relieving central government of service delivery is one of the more common objectives. This overwhelming focus on service delivery in decentralization takes attention away from other central issues, such as whether local democracy should not be the primary objective and even whether efficient and equitable local service delivery can precede local democratization. Democratic decentralization is about enfranchisement. The powers local populations can hold may concern services, but they also concern any or all aspects of local public action: decision making, rule making, implementation, enforcement or adjudication. Keeping these issues central in sequencing decentralization may help form a stronger basis for local service delivery.

Decentralization is an extremely important reform in the current era of African democratization. Powers devolved to the local arena will follow the contours of the local political economy to which they are transferred. If that arena is one of autocratic or administrative rule, then decentralization will strengthen autocracy and administrative control. If the local arena is democratic, then decentralization has the opportunity to strengthen democracy. The most basic elements of democracy are at stake. Citizenship is about having representation, rights and recourse. This is part of the basic infrastructure of strong decentralization. Creating a space of citizenship is one of the most difficult aspects of democratic reform in a context where the colonial system of governance handed independent governments a well-organized system for administratively managing people as subjects. Most rural Africans are still subjects of the political-administrative orders under which they live. Strong decentralization is about citizenship and is therefore charged with the difficult task of producing real local enfranchisement.

The local arena holds more than just democratic, oligarchic or autocratic actors. There is always a mix of local authorities. If governments choose to empower their local administrative authorities or “customary” chiefs, rather than to support new democratic institutions, “decentralization” can reinforce administrative or autocratic rule. These kinds of arrangements do not reinforce local democracy or democratic decentralization. If public powers are transferred to private bodies (such as individuals, corporations and NGOs), this too can undermine local democracy by depriving it of powers that could strengthen and legitimate local democratic institutions—not to mention the exclusion of local populations from previously public resources in ways quite contrary to the spirit of decentralization. The importance of the choice of local authorities in current local governance reforms cannot be overemphasized. The literature shows that in practice this choice is often inconsistent with the democratic discourse of decentralization.

Because of the radical changes that democratic decentralization implies, there are many actors threatened by, and posing a threat to, decentralization. Opposition to decentralization requires urgent attention. Because local democracy threatens chiefs, they and their central government allies oppose local democracy in Mozambique, Niger, South Africa and Zimbabwe. Political actors in central government may also be threatened by local democracy and decentralization if it changes their political base and the patronage resources central government can allocate to political constituencies. Civil servants also are threatened by decentralization when they lose control over resource allocation and decision-making powers. Civil servants may also resist being transferred from a central ministry to work directly for a local government. As all of these actors are threatened by decentralization, they in turn pose a threat. They resist directly or through obfuscation.

There are also threats to decentralization that emerge from its incomplete or poor implementation. Decentralization is threatened when the wrong mix of powers is devolved, encumbering local authorities without giving them sufficient resources and authority to be effective. It is threatened when non-representative or unaccountable actors are empowered, taking authority away from democratic actors or from the public arena. It is also threatened when local actors are so restrained by oversight that they have no room to act independently on behalf of local people. When local authorities cannot deliver goods or respond to local needs they cannot gain respect and legitimacy or engage local populations in public action. These threats are playing a big part in delaying decentralization across Africa. Non-implementation may also not always be independent of the threats posed by decentralization opponents. Poor design and implementation can be the result of obfuscation. Political actors know that creating accountable representation without appropriate powers is empty. They also know that devolving powers without representation is not political or democratic decentralization. Nonetheless, these are the kinds of incomplete reforms they are enacting. Is this an accident?

In short, then, some of the more important lessons from this review are that

1. critical attention must be paid to the institutional arrangements being created in the name of decentralization as many of these arrangements do not reflect their stated aim;
2. “means of transfer” are an important element in the sustainability and stability of decentralization reforms—the degree to which decentralization provides new *rights* (securely transferred powers) versus just providing allocated new *privileges* (delegated powers) depends on the security of the “means of transfer” or “reform” being used;
3. planning processes and oversight (*tutelle*) must be carefully organized to reinforce the domain of local autonomy, rather than allowing it to be taken over by higher-level planners and administrators;
4. “lack of capacity” is often a paternalistic excuse for not devolving powers, even though research indicates that capacity can follow rather than precede power transfers;
5. the sequencing of reforms is relevant and is an undertheorized and understudied area of concern;
6. civil society may crystallize around strong democratic local government, civil society should be viewed as a complement, rather than alternative, to representative government; and
7. there are threats to decentralization that may seriously fetter it if left unaddressed.

While there is a current trend favouring democratic decentralization, the challenge before us is to assure that this trend moves from the realm of discourse into the realms of law and practice. The primary challenge is to assess decentralization to see whether legal reforms reflect the discourse in national political circles, and to assure that practice reflects the laws when they are indeed designed to establish real decentralization. The biggest challenge to decentralization appearing on the horizon is the re-emergence or resuscitation of chieftaincy and custom to challenge the formation of local democracy. This trend is often supported by state actors and international donors who favour customary authorities when choosing local actors with whom to interact. This trend constitutes a backlash against decentralization and local democracy, and may prove to block its progress. There are many other challenges along the path to strong decentralization. This path requires a solid footing of research on decentralization, which is surprisingly scarce in Africa.

There has been little grounded research aimed at characterizing decentralization to see whether reforms are following appropriate institutional arrangements. There is need for an Africa-wide assessment of whether the institutional infrastructure necessary for decentralization is being codified in law and whether laws on decentralization are being implemented. Assessing decentralization concerns identifying the kinds of actors being empowered, the ways in which they are accountable to local populations, and the powers they are receiving, in order to determine whether a local domain of autonomy is being established under downwardly accountable representative control. Such a basic assessment reveals the kind of reform taking place and helps identify its strengths and weaknesses. Where we can establish that decentralization is actually taking place, the first question is whether these reforms can be correlated with the hoped for political, social, economic or ecological outcomes. If so, can researchers establish the mechanisms by which decentralization achieved them? Such research would aim to locate successful outcomes, to determine whether they can be attributed to decentralized institutional arrangements and to identify the specific means by which they are achieved.

Many basic questions cannot be answered with existing data. Indeed, as Smoke (1999:9) observes “so little useful comparative work has been done on decentralization...in the developing

countries".<sup>105</sup> The causal relations between institutional arrangements, knowledge, powers, accountability, competition and better and more just services are poorly understood. These causal relations are very difficult to isolate and to measure (Agrawal and Ribot 1999; World Bank 2000:109; Crook and Sverrisson 2001). However, a better understanding of the relative role of these factors—and, perhaps most importantly, the specific mix of actors involved, divisions of power, and mechanisms of accountability that hold authorities responsive to their constituents—could help improve local democracy and local services. The field is wide open for research that could help focus development assistance on the specific elements that are believed to shape the efficiency and equity of local government decision making, resource management and service delivery.

Research questions of particular importance that could help strengthen decentralization reforms concern the kinds of powers that can be most successfully transferred, and the kinds of accountability mechanisms that have worked and that can be written into or enabled by reforms. There is a great need to focus on the politics of decentralization, including the dynamics of resistance to decentralization; the politics of rural authority and the different local actors being chosen by governments and donors; the dynamics behind successful and unsuccessful resource transfers; the reasons that various means of transfer are chosen by governments; and the politics of administrative oversight. Another particularly important arena for comparative research concerns the multiple forms of opposition that decentralization reforms must contend with. What is the relative importance of each of these threats? How can they best be addressed?

The sequencing of decentralization reforms is another field ripe for systematic comparative research. There are a number of areas where analysis could shed light on successful ordering of decentralization measures. Should local democratic institutions be established before powers are transferred? Can downward accountability measures be successfully applied to local authorities before procedural democracy is established? Should powers that can be exercised with little cost be transferred before burdensome responsibilities? What happens when powers are devolved before capacity has been demonstrated? How can we assure that local government obligations and burdens are matched with corresponding fiscal resources, implementation powers and technical support? These are some of the most salient sequencing questions in the literature.

There is a serious gap in the social science research capacity in Africa that would be required to conduct the above research.<sup>106</sup> Any research programme aiming to create a long-term, Africa-based interest in ameliorating decentralization processes must address this gap. There are numerous ways in which international organizations and donors can intervene in decentralization. They have supported research and implementation and have provided technical advice to African governments. In some cases they have pushed for decentralization through structural adjustment programmes and other conditionalities, and in other cases through the mere funding of decentralization activities. Donors are in a unique position to ask difficult research questions that nationals may not be able to ask without donor backing, particularly concerning the often wide gaps between national discourse, law and practice. Externally funded research can query the degree to which national discourse is being codified in law, and whether laws are being seriously implemented. In the process, such research can promote the development of a new generation of policy analysts and policy research institutions with a focus on decentralization and its subtleties.

*See Annex A for additional, specific research questions corresponding to the sections of this review.*

<sup>105</sup> Notable exceptions are Crook and Sverrisson (2001), Therkildsen (2001), Agrawal and Ribot (1999) and Ribot (1999).

<sup>106</sup> Talented young African social scientists are being enticed to leave research for consultancies, NGOs and donor organizations (SSRC 1999). They are attracted by higher salaries to produce quick-turnover analyses and reports or into project management. Many young researchers interviewed by the author during reconnaissance trips for the World Resources Institute (WRI) Decentralization, Accountability and Environment Program were seeking opportunities to remain in research. Indeed, they saw this programme as a chance to invest in their personal intellectual capital. They regretted, however, that there are almost no opportunities to proceed along a research path. The demand for training is clear: they are writing, submitting manuscripts, and applying for grants and scholarships (Jane Guyer, personal communication, January 2000). The opportunities, however, are few. This set of problems has left many countries with an older generation of researchers lacking a younger generation to follow (Mkandawire 1995).

## Annex A — Research Questions

This annex contains additional, specific research questions that emerge from the review. They are organized following the outline of the review as a whole, and should be read following each section as they often refer directly to the contents of the section.

### *Decentralization in African History*

Reforms of the past are a rich source of data on decentralization. A number of research questions on the history of decentralization are pertinent:

- Decentralization took place in Africa after both World Wars, then again in the early 1970s and in the 1980s. What drove these waves of decentralization? In motivating these changes, what was the importance of fiscal crisis of the state; of returning war veterans placing demands on the state; of subnational groups threatening to split off; or of ideological shifts, such as the wave of democratization driven by the end of the Cold War?
- To what degree has each new decentralization fostered greater local autonomy? To what degree have these reforms represented the extension of the central state further into everyday life?
- What political, economic and social ends have decentralizations of the past served? What were the constituencies behind them?
- With the wave of decentralization that began in the 1980s, is democratic decentralization actually occurring in practice, or are we seeing further central state expansion through deconcentration and central government shedding of service responsibilities?

### *Why Decentralize?*

#### Efficiency

Some questions on the link between decentralization and efficiency include:

- Are the conditions that are believed to foster more efficient outcomes being established in current decentralization in Africa?
- In practice, can greater efficiency be measured in decentralization, and under what conditions (see Fiszbein 1997; Crook and Sverrisson 2001)?
- Of the many causal links hypothesized between decentralization and greater efficiency, which can be shown to be in operation? Which of the causal links is most effective in fostering greater efficiency?
- In what ways does a deconcentrated planning process contribute to efficiency outcomes, and for whose purposes are they ultimately more efficient—local populations or the central government?

#### Equity

Several important research questions follow from the expectation of achieving equity through decentralization:

- Are the local authorities that are being mobilized in the name of decentralization representative and downwardly accountable? Are there systems of recourse? That is, are there reasons to believe that they will produce greater equity?
- Are local populations being incorporated as citizens into new local governance arrangements, or are they being managed as “subjects” as in the past?
- Do the local authorities that are being mobilized have the powers necessary to affect either procedural or distributional equity?

- Can changes in procedural or distributional equity be measured in current or past decentralizations?
- Where changes in equity can be measured, what are the causal mechanisms or circumstances that have led to such changes?
- Do local governments serve the poor better than central governments do? Does deconcentration serve the poor better than democratic decentralization does?
- What are the necessary roles of central government in serving poor and marginalized populations (see Crook and Sverrisson 2001)?
- Are local taxes progressive or regressive overall?
- Under what circumstances is elite capture of local powers avoided? What measures or circumstances affect its likelihood?
- Is elite capture greater or lesser at lower levels of government?
- What has been the experience with equity among decentralized districts within a country? What national-level policies have been able to assure greater equity and how can their success be explained?

#### Service provision

Questions on decentralized services include:

- Where has decentralization been associated with improved service delivery and how can these improvements be explained?
- What mix of institutional arrangements increases the efficiency of service delivery?
- What roles do competition and accountability play in improving services?
- Through what mechanisms can service delivery institutions—whether central states, local governments, NGOs or private institutions—be held downwardly accountable to the populations they serve? What are the best means for also holding them accountable to central government standards?
- What are the best arrangements for financing service provision?
- Which decisions concerning service provision should be retained by the central government? Which require local decision making and participation? How can the transaction costs of participatory approaches be weighed in this balance?
- Service provision is an important aspect of decentralization, and it has recently been at centre stage. There is a need to better understand the sequencing of service provision with respect to other aspects of decentralization such as the establishment of democratic local authorities, the establishment of revenue mechanisms and so forth. Comparative research on sequencing is very important. Indeed, the question could be posed: Are decentralizations that place service delivery too early in the process running into problems, or is service provision a good lead activity?

#### Participation and democratization

Decentralization is frequently portrayed as a means of democratizing. Nevertheless, any time public resources are transferred to local institutions, a number of important questions emerge. These include:

- Are institutions that are being empowered in participatory or decentralized reforms representative and downwardly accountable?
- Participatory approaches and decentralization, in an attempt to support pluralism, often create competition for representative institutions such as newly elected representative local governments. Do non-government-based participatory programmes weaken democratic local government where it has been established?



Does this competition strengthen or undermine the legitimacy of these new democratic institutions?

- Conversely, in the natural resource management sphere, the resources being decentralized are often revenue-generating. Can the income derived from local control over natural resources be a source of democratic local government legitimacy and strength? Can the allocation powers associated with any other local government decision, such as service provision or land dispute resolution, be a source of support and legitimacy for local democratic institutions?
- To what degree and under what conditions can participatory approaches that are short of local democracy contribute to strengthening the objectives of decentralization? In what ways can they serve as complements to democratic local government?
- Have there been processes by which local populations have been able to participate in national decentralization policy formulation? How have these processes worked? Have they had positive outcomes?

National cohesion and central control

National unity and strengthening of the central state are common motives for decentralization. These important functions bring up several important comparative questions:

- Under what conditions does decentralization serve nation building?
- How effective has decentralization been over the long run in creating more-integrated nations?
- Has democratic decentralization served better than deconcentration in reintegrating splinter groups in the nation and/or in strengthening central state presence in hinterlands?
- Which forms of decentralization have produced the most stability over time?
- Are decentralizations motivated by nation building likely to achieve their efficiency, equity, service provision and developmental functions? What are the trade-offs among different targeted objectives?
- It is assumed that decentralization can strengthen central government by reducing its financial burden. Has this been borne out in practice?

### ***Dimensions of Decentralization***

Actors

There are many important research questions on the topic of actors. Comparing the different kinds of actors is important in understanding the nature of decentralization.

- Who to devolve powers to in the local arena is the most important problem facing decentralization today. If powers are devolved to administrative bodies, then deconcentration is the best result that can be expected. If they are devolved to representative bodies, then democratic decentralization and the benefits it promises may result. Devolution to bodies such as chiefs, NGOs, committees or political cronies involves a mix of privatization of public resources and deconcentration for the cultivation of political relations (cf. Bates 1981). There needs to be a critical assessment of the actors receiving powers in the name of decentralization to determine to what degree democratic decentralization is even part of the mix. In a comparative context this kind of assessment could be used to determine why and when local democracy is being established. Where there is democratic decentralization, the history of its emergence can be examined. To date, however, conflation of the different actors being targeted under what is called “decentralization” leaves us not knowing what kind of reforms are really taking place.
- How does local political culture and its history affect decentralization? How does it affect the establishment of representative authorities? How does it shape

the engagement of civil society (see Putnam 1993)? What measures need to be taken to articulate decentralization measures in this local environment? What is the experience across Africa?

- The system of integrating “traditional” or other local authorities into elected councils, as in Ghana, needs to be questioned. Blair (2000:24) asserts that integrating NGOs, for example, is a way “to ensure representation”. The degree to which this practice strengthens or weakens the breadth of representation when representatives are chosen locally (by NGOs, for example), and upward accountability to the central state when they are appointed (as in Ghana), would be an excellent topic for research.
- Which authorities—elected, customary, appointed or non-governmental—better serve the objectives of decentralization? Which can be shown to be more equitable, efficient, better at service delivery, most effective at local empowerment, and more important for national unification?
- Which interests—national, international, political, commercial, local and so on—are served by the choice of chiefs, elected local authorities, NGOs, management committees, or private individuals, as targeted recipients of decentralized powers?
- Why do governments, donors and international NGOs choose to work with chiefs or local NGOs when there are elected local governments in place?
- What is the most effective relation among local actors in achieving the benefits listed above that theorists and activists expect? Should appointed bodies oversee, advise or work for elected authorities? Should NGOs dealing with public matters be subject to supervision by elected bodies?

#### *Elected councils as local authorities in decentralization*

- Local elections are often structured in ways that do not present real choices to local populations, nor do they create downwardly accountable authorities. An example of ingenuous elections include party list slates without independent candidates. There is a great need for comparative research on the ways in which local elections are structured and the consequences of these procedures for representation and accountability of “elected” officials.
- What factors play a role in legitimating elected authorities in the local arena? How have local elected authorities taken on an active and positive role in representing local populations?
- See also the questions under Accountability (below).

#### *Chiefs as local authorities in decentralization*

- Chiefs often find support in central governments. What role do they play in the politics of central government? Do they play a role in consolidating the power of national assembly or parliament members?
- How powerful are chiefs in national politics?
- How powerful are they in local politics?
- How does central government contribute to their legitimacy and power?
- To what degree is the attention to appeasing chiefs an “excuse” versus a “reason” to not decentralize? When government officials speak of threats of violence or of resistance if democratic bodies are empowered, when are these threats real and when are they simply presented to deter the pursuit of real democratic local empowerment?
- There are examples of downwardly accountable and public-minded customary systems of authority. Do these systems shed light on the ways in which democratic local authorities could be established elsewhere?

### *NGOs as local authorities in decentralization*

- It is clear that NGOs could have many positive roles to play. How can they best play these roles without undermining the new democratic push accompanying current decentralization?
- What powers if any should be transferred to NGOs? Which powers and protections will enable NGOs to play a role supportive of local and national democracy?
- How should NGOs be involved in service delivery in a way that supports good local government? Should they be considered as subcontractors to elected local governments?
- How should NGOs be involved in decision making? Should they be given advisory roles, or should there be public meetings in which members of NGOs have the right, as do other private citizens, to speak their minds?

### *Appointed authorities*

Appointed local authorities are the basis of deconcentration and can be a complement to political decentralization. The questions on appointed authorities concern mostly the roles they should play and the relations they should have with other decentralized actors. These are addressed in the questions above and will re-emerge in discussions of accountability and powers.

### Powers

- Separation of powers is an important principle of democratic central government. This principle is often violated at the local level, undermining accountability relations in decentralized governance (Mamdani 1996; Oloka-Onyango 1994:463). What are the best models for local-level placement of adjudication powers for avoiding the detrimental fusion of executive, legislative and judiciary?
- In practice, which powers are transferred? How does this compare with the powers that could be transferred following subsidiarity principles? How can the difference be explained? Why have subsidiarity principles been so difficult to follow?
- Which kinds of powers are most important for building legitimacy of local governance bodies?
- Which powers are most important for engaging civil society with local government?

### Accountability

- Each mechanism discussed in the Accountability section, and in Annex C, requires much scrutiny to understand just how it works, how effectively and under what circumstances. Research on each of these mechanisms and on how to establish them is scarce.
- Local elections have not been studied sufficiently (Olowu 2001:57). They are often left unscrutinized by development agents and social and political scientists. There is a great need for research on the kinds of local democratic procedures that establish substantive democracy (see Moore 1997). Procedures that appear democratic often are not. More research is needed to advance this critical accountability/democracy frontier.
- Many of the discussed accountability mechanisms are easy to apply at very little cost. Some are more difficult to implement. Which mechanisms are being used, under what circumstances, and how effective have they been?

- Is it the source of revenues (following Moore 1997; Yates 1996) or the accountability relations of those who hold discretionary funds (Onyach-Olaa and Porter 2000) that determine the efficiency with which funds are used?

### **Implementation**

Administrative-political relations, oversight and *tutelle*

- What is the best configuration/hierarchy of political bodies that assures (i) a domain of local autonomy for political bodies and (ii) the support and controls that these political bodies may require?
- How do the horizontal relations between elected and appointed bodies in the local arena affect the downward accountability of elected bodies?
- To what degree should administrative bodies be downwardly accountable and through what means?

Planning processes and the problem of instrumentality

Planning processes then bring up a number of important research questions:

- Using what mechanisms can local planning in the domain of local autonomy be strictly subordinated to the authority of local representatives?
- What mechanisms or recourse channels can be used to assure that regional- and national-level planning initiatives do not infringe on the domain of local autonomy that defines democratic decentralization?

Enabling environment

- Is a well-structured enabling environment a prerequisite for successful democratic decentralization?
- Are some elements of the enabling environment less important than others, or is it necessary to have the whole context set for democratic decentralization to take shape?

Sustainability and "means of transfer"

Comparative work needs to be done on the mechanisms of transfer being employed in different contexts and on the effects of the use of different mechanisms.

- What are the effects of more-stable means of transfer? Do they reduce political allocation? Do they support local government legitimacy?
- What are the consequences of frequent changes in the law that are more likely with discretionary mechanisms? Do they undermine the formation of civil society? Do they undermine the legitimacy of local authorities?
- Have constitutional guarantees played a role in establishing democratic decentralization? Have they been used in the courts by local authorities or citizens to demand rights and services that they cover?
- Do the means of transfer used shape people's sense of engagement with the state?
- Do the means of transfer used shape people's sense of citizenship?
- Is constitutional legitimacy a prerequisite for effective decentralization (Smoke 1999:9)?

Fiscal transfers

- In establishing legitimate and representative local government, are fiscal powers necessary? Can powers of decision and powers over the use of local resources suffice as the basis of an operating democratic local government?

- The failure to transfer sufficient fiscal resources from the centre is almost universal. Where sufficient or substantial transfers have taken place, why has it happened? What circumstances led to such transfers?

### Capacity

- Fiszbein (1997:2) poses the following set of important questions: “Is lack of capacity a binding constraint for a successful process of decentralization? Does decentralization lead to stronger—more capable—local institutions (as, for example, some of the Colombian reformers speculated [see the section on Capacity in this review])? What types of external interventions are most effective in promoting the development of local capacity?”
- Why is capacity lacking in the central government’s ability to provide the necessary services to enable local action?
- The “capacity” excuse stands as a major stumbling block in decentralization. Are there examples that can be used to challenge this accepted but apparently specious “wisdom”?

### Legitimacy

- How does taxation shape the legitimacy of local authorities?
- How do the powers that local authorities hold shape their legitimacy?
- When downwardly accountable representative authorities play an advisory role to administrative authorities, versus a decision-making role in the local arena, how does this affect their legitimacy and role in the local community? Is downward accountability of local authorities sufficient to legitimate them, or does this need to be complemented by significant powers?
- Control over land had been the basis of “customary” authorities in Africa. How does the control over land allocation shape elected and customary authorities today and the relation between them?
- Legitimacy is linked to power. To what degree is legitimacy also linked to other forms of accountability? Taxation is legitimating in so far as it moves people to make claims on the taxing authority because they feel entitled to returns on what has been taken from them. In the same sense, different mechanisms of accountability could create channels of interaction and a basis for trust between government and people. What is the evidence along these lines?

### Conflict and negotiation

- How common is the inaccessibility of courts and what is that inaccessibility based on? Is it based on social identity and status, ability to pay, distance to courts, education, awareness? What can be done to improve the situation?
- How should the separation of powers be structured in local government? Is it different than in central states? Why are the judiciary and executive so frequently fused at the local level and how could this be restructured to create a viable conflict resolution mechanism?
- Numerous dispute resolution mechanisms have been experimented with in natural resource management and in other decentralized arenas in Africa. It is beyond the scope of this review to review them. What are these mechanisms and which have proved to be effective?

### Elite capture and patronage

- Is there a differing degree of elite capture in centralized versus decentralized systems?

- What means are there for reducing elite capture in the local arena?
- See also the questions under Equity (above).

### Sequencing and implementing the decentralization process

The above discussion can be transformed into questions. Sequencing of implementation is an important arena for comparative research in decentralization.

- What lessons about decentralization can be learned from the long experience of African countries since the beginning of this century? Are there any instances of deconcentration in the past—either under indirect rule and association or in the early years after independence—being successfully transformed into democratic decentralization? How have past attempts to democratize local government—as in Cameroon, Guinea, Guinea Bissau—fared? Have they remained democratic or have they too been engulfed by administrative directive?
- Does the establishment of local democracy threaten deconcentrated authority? Does deconcentrated authority block local democratization?
- Many decentralizations appear to begin with the empowering of NGOs, committees, customary authorities and other non-representative bodies to deliver services or to manage resources. How does this affect attempts to establish and legitimate elected local authorities?
- What evidence is there that systems that begin with deconcentration move toward democratic decentralization? What evidence is there that democratic local authorities are likely to remain democratic and to be more effective in decentralization?
- Are there instances where oversight is not overbearing? How do these circumstances compare with highly monitored and managed situations? Is there any evidence that starting with autonomy or with greater *tutelle* leads to stronger or more effective local governments?
- Is there evidence that might show that revenue-neutral or revenue-generating powers are a better starting point for decentralization than central government transfers?
- Is it better to begin with sector-led decentralization or political/administrative decentralization? What evidence is there?
- Is there a sequencing of sectoral decentralization that can optimize on the interactions among sectors? If revenue-generating sectors, such as environment, precede revenue-consuming service sectors, are there any advantages?
- Comparative research would help to better understand the relations between powers and capacity. How have capacity-building programmes in the absence of power transfer fared? How have power transfers without capacity building done?
- How can monitoring and evaluation systems be set up that are not overbearing and that can provide positive, reinforcing feedback?

### Opposition to decentralization

- There are many threats to decentralization. Which are real and which reflect the political motivations of particular actors? Are chiefs a plausible threat? Do they have to be appeased? Where and why? Or, are arguments that chiefs are a threat just part of a central political game? Is there evidence and counterevidence concerning the importance of chiefs in rural areas and in blocking the emergence of local democracy and democratic decentralization?
- Each blockage to decentralization requires serious evaluation. Who creates the blockage? What is their interest in it? Are their arguments built to serve those interests, or can it be shown that there is a measurable threat?

- Where there are blockages and conflicts, what kinds of measures have been used to overcome them? How effective have these measures been?
- Where there is conflict, how can it be explained? Does it derive from the threats described or from others? Are the conflicts against decentralization per se, or against the manner in which it is being done?

## Annex B — Chiefs and Other Customary Authorities

To understand the important role of chiefs and other “customary” authorities in decentralization, it is helpful to look in greater depth at who they are and where their authority comes from. This annex, again, draws more on materials and experience from francophone West Africa, and is supplemented with comparative material from elsewhere. Despite differences, there are many similarities in rural administration between the French and British colonial experiences.

In the West African Sahel, *villages* are the most common unit of social aggregation around which local use and management of agriculture, fisheries, woodlands and other natural resources are organized by both local populations and outside agents. Each village, typically 100 to 1,500 people, usually has a chief. Other poles of authority in villages include forest chiefs, land priests, sorcerers, *marabouts*, imams, pastoral chiefs, griots, merchants, heads of certain castes (hunters in Mali, for example), and *maasamari* (chiefs of the young, in Niger).<sup>1</sup> Colonial rulers, however, relied on village chiefs, disproportionately shifting power to them.<sup>2</sup> While these other figures are involved in resource management (cf. CARE-Mali 1993), most state and outside organizations still privilege chiefs as their primary village interface.

Most references in the literature on colonialism and chieftaincy examine the canton, district or paramount chiefs that operate on larger territorial-administrative scales. The French did, however, work with, depose, appoint and regulate right down to village-level authorities, deeply shaping the current legal standing and powers of village chiefs. The position of chiefs at all levels was established or deeply transformed by the process of state formation in the colonial period.<sup>3</sup> Chiefs were heavily tainted by the colonial experience, which had strengthened their powers through subjugation followed by European backing, but which had at the same time undermined their legitimacy through the excesses and contradictions that external backing and the exigencies of colonial administration produced (Cooper 1996:12; Mawhood 1983; van Rouveroy van Nieuwaal 1987).<sup>4</sup>

Throughout the colonial period and into the present, village chiefs have been integrated as an administrative extension of the state (Alexandre 1970a; Suret-Canale 1966; Lund 1998:67). This role has been fraught with ambiguity and tension due to the dual allegiance of chiefs downward to their people and upward to the central state; the competing sources of chiefly power and legitimacy within local culture; and their role as links to and agents of the outside world. This section briefly examines the legal underpinnings of the accountability and powers of chiefs; their integration into the colonial administration; and their current legal standing.

Pre-colonial chiefs derived their authority from a variety of sources: rights of conquest, control over land, direct descent from great ruling ancestors; and membership in a particular ruling family.<sup>5</sup> In 1896, shortly after the French military conquest of French Sudan, Governor Colonel Louis de Trentinian argued for a native tribunal system in order to relieve French commandants of “little affairs”. Trentinian instructed his administrators: “Do not get mixed up in the many conflicts without significance, which demand understanding of the morals and traditions of the population. Instead, give additional prestige and authority to the native leaders, who are our indispensable intermediaries” (quoted in Roberts 1997:89). These “native leaders” included notables, village chiefs and *marabouts* (p. 89). Trentinian’s approach to native justice was later codi-

<sup>1</sup> See Ouédraogo 1994; Bassett and Crummy 1993:6; Roberts 1997; Kini 1995:21; Brock and Coulibaly 1999.

<sup>2</sup> Buell 1928; Suret-Canale 1970; Cowan 1958; Deschamps 1963; Perham 1960; Alexandre 1970, 1970a.

<sup>3</sup> Geschiere 1993:151, 165; Bayart 1993:78; McIntosh 1990:27; Cowan 1958; van Rouveroy van Nieuwaal 1987; Fisiy 1992; Alexandre 1970a:24; Suret-Canale 1966, 1970; Ranger 1993; Roberts 1997.

<sup>4</sup> Chiefs were given a meager salary and expected to collect taxes, recruit *corvée* workers and soldiers, and so on. Chiefs were therefore often in conflict with both their *commandant de cercle* and their own people (van Rouveroy van Nieuwaal 1987). For an example from French Sudan, see the case of Faama Mademba Sy, King of Sinsani (Roberts 1991).

<sup>5</sup> See Alexandre 1970; Crowder and Ikime 1970:xi; Fisiy 1992; Spierenburg 1995; Fortes and Evans-Pritchard 1987:10–11; Schumacher 1975:87; Roberts 1997.



fied in law in a November 1903 decree, appointing the village chief and elders to preside over civil disputes. Courts of appeal were established at the province and *cercle* levels in French West Africa. Roberts suggests that the 1905 appeal of a property case by local litigants to the higher courts already “hints at significant erosion of the ‘principle’ of collective property rights and the powers of the village chiefs” (p. 85).

As the French worked through and began to back local chiefs, they chose them—“as far as possible”—by “custom” (Alexandre 1970a:52–53). But this was not very far. “In general, the first ‘chiefs’ [recognized by the French] were people who had served or entered into other relationships with the European authorities” (Bayart 1993:135–136; cf. Buell 1928:990; Foltz 1965:12–13). Under French colonial rule, Africans, such as cooks, translators or soldiers, could be made into chiefs, even if they were not from the region in which they were appointed (van Rouveroy van Nieuwaal 1987:6–7). In some cases in Central Africa, pre-colonial authorities sent captives or other caste persons to work with the Europeans (Bayart pp. 135–136; cf. Geschiere 1993). In the 1930s, due to resistance to colonial rule, the French made a greater effort to align the appointment of chiefs with what they believed was local custom (van Rouveroy van Nieuwaal).

In 1934, a French decree covering Guinea required that village chiefs be “designated by the authority of family heads” (Alexandre 1970a:52–53).<sup>6</sup> Then, in 1936, the colonial French West African government required that “the people” be consulted through the medium of village chiefs about the choice of a canton chief (Cowan 1958:177), reflecting presumed representativity and legitimacy of village chiefs.<sup>7</sup> By the 1940s, the British in Cameroon also emphasized the need to introduce elections (Geschiere 1993:163). Chiefs were to be replaced by elected “native authorities”. In 1944, a district officer in an area with “four times as many ‘strangers’ as natives” argued for elections:

Here you are, the Bakweri Native Administration receiving approximately 1,500 pounds sterling a year in tax money of which the strangers in your midst pay almost exactly half. You benefit by their money and you decide how their money shall be used.... This is absolutely contradictory for the things we British believe in and it is against the very things for which we are now fighting a war (quoted in Geschiere p. 163).

Ironically, as Geschiere points out, the British adage in the zone became “no taxation without representation”. The Bakweri opposed elections, however, for fear of being outnumbered in their own region. They blocked elections until 1958. In 1947, the French West African colonial government issued a decree on Indigenous Rule in Senegal stating that “village chiefs and commissions are elected by direct universal suffrage by the electors, male and female” for a four-year term (Alexandre 1970a:58).<sup>8</sup> But in 1957, the colonial government of French West Africa introduced legislation again limiting suffrage to household heads (as in 1934) and a specified list of notables, while limiting candidacy for the position to those from “families who have a right to the chieftaincy” (p. 61).<sup>9</sup> No limits were set on their term.<sup>10</sup> This system was in place at independence.

As instruments of French rule, chiefs were backed by the French military, allowing them to make and enforce native laws (through the *indigénat*, the system of native tribunals) and gather and deliver tax revenues and recruit *corvée* workers and soldiers. During the 1940s, however, chiefs lost much of the power attributed to them by the French colonial state. Powers were shift-

<sup>6</sup> Governor General J. Brévié proposed such a policy for the whole West African colony in 1932 (Cowan 1958:44).

<sup>7</sup> Proposed canton chiefs then had to be approved and appointed by the administration, *Arrêté* of 28 December 1936 (Cowan 1958:177).

<sup>8</sup> It would be worth digging through the colonial record to find the story behind this short reign of universal suffrage and limited terms at the village level.

<sup>9</sup> In the late colonial period, 29 of 30 village heads of household elected a chief who was “not of aristocratic origins, nor was he even from that region”, and he was not the customary inheritor of the chieftainship. Unfortunately, the administrator objected on the grounds that it would be “a blow to indigenous authority” (Cowan 1958:178).

<sup>10</sup> In South Africa, the governor of the colony could appoint and remove chiefs, and these chiefs were minor deputies to the governor since 1891 (McIntosh 1990:28–29).

ing away from chiefs as the cadres of professional administrators and specialists within the bureaucracy grew and Africans were elected to political office. At the same time, the authority of chiefs was weakened as they lost the power to recruit and use forced labour, as the role of technical services increased, and with the activities of political parties among rural constituencies. As Cooper (1996:276, 553 n. 13) writes of French West Africa, “the ultimate sign of a shift in the nature of authority was that ‘traditional chiefs’ in the 1950s tried to organize themselves into trade unions”, to be set up regionally and regrouped under Union Fédérale des syndicats des chefs coutumiers de l’A.O.F. By the end of the colonial period, chiefs had risen to and fallen from the peak of their power.

At independence, the French-educated young leaders of the new West African nations—Boigny, Touré, Senghor and Keita—turned against chiefs. Indeed, countries across Africa excluded chiefs from formal political structures. In Tanzania they were excluded from office, and in Nigeria their role was reduced immediately after independence. In Sudan they were later excluded by the People’s Local Government Act in 1985 (Therkildsen 1993:83). From 1983 to 1987, President Thomas Sankara of Burkina Faso challenged chiefs by creating rival, village-level institutions (Brock and Coulibaly 1999:152). But chiefs persisted. As in the French colonial administration, chiefs in the new independent states were incorporated into the administration as civil servants, in pursuit of national unity (van Rouveroy van Nieuwaal 1987:9, 21). Despite their transformation, village chiefs continue to be a principal authority in the great majority of rural West African villages.<sup>11</sup> However, as noted by Ouali et al. (1994:16) from Burkina Faso’s Decentralization Commission, their legitimacy is “full of ambiguity”. Being aware that chiefs were often creations of the administration caused “the *évolué* [a term used by the French for French-educated Africans] to look upon the chief not as a representative of a way of life which is essentially African, but as a tool in the hands of the administration” (Cowan 1958:186). While chiefs cannot often oblige governments to take any positive action, however, everywhere in Africa they possess the power to hinder government policies by showing—as discretely as they wish—that they do not favour popular co-operation. And so, although it is seldom mentioned in the speeches and development plans, government officials in most countries go out of their way to obtain the local chief’s consent to initiatives of various kinds (Mawhood 1983:231).<sup>12</sup>

In independent Senegal, Mali, Niger and Burkina Faso, there are still state-structured processes for choosing village chiefs.<sup>13</sup> In Senegal, village chiefs (usually the head of the hereditary male line) are elected by heads of households, who are virtually all male (ROS 1972:968). This system is identical to the colonial system first instituted in Guinea in 1934 and later throughout the French West African colonies (Alexandre 1970a:52–53). In Mali, under the new laws of decentralization, village chiefs are selected by a village council (of five to seven members) elected by universal suffrage in each village, but from a list of candidates *selected* by the appointed state administrator (who also presides over the village council) at the level of the *cercle* (ROM 1995:arts. 62, 70). The term of the village council and chief is five years (ROM 1991:art. 171).<sup>14</sup>

In Niger, “traditional chiefs” have been officially recognized since the mid-1970s and their current status is laid out in the 1993 Ordinance 93-028 (cited in Ngaido 1996), according to which only those “of a given traditional or customary collectivity can be candidate to the chieftaincy of the considered collectivity, if he has customary right to it” (art. 7). As Ngaido (p. 19) points out, “chieftaincy becomes a caste in which only birth members can postulate to role of chief”. Chiefs have the status of “administrative magistrate”, allowing them to preside over local customary, civil and commercial matters. Chiefs in Niger also preside over a village council “elected or des-

<sup>11</sup> Alexandre 1970a:24; Fisiy 1992; Ouali et al. 1994:16; van Rouveroy van Nieuwaal 1987:23.

<sup>12</sup> Indeed, as van Rouveroy van Nieuwaal (1987:23) states:

When we speak of chiefs in Africa in the present context we are not speaking about an extinct or even a dying species. We are speaking at most about a threatened one, threatened by the intervention of the legislator and the administration, who are all too often of the opinion that through legal reforms, institutions such as that of chieftaincy, still firmly entrenched in African society, can be blotted out or robbed of their legitimacy.

<sup>13</sup> GBF 1993; ROM 1995; Ngaido 1996; ROS 1972.

<sup>14</sup> The term of the chief is not specified, but presumably the position turns over with the council.

ignated” by “local structures of participation” that include youth associations, co-operatives, socio-professional groups and Islamic associations (the imam).<sup>15</sup> The village council *advises* the local state administrator. “Customary and traditional communities are hierarchically integrated in the administrative organization...placed under the tutelage of administrative circumscriptions and territorial collectivities” (Ngaido art. 2; see also Diallo 1994:12–13; Ngaido pp. 17–20).

Village chiefs in these Sahelian countries are not necessarily representative of or accountable to the populations over whom they preside. The official processes in Senegal and Burkina Faso systematically underrepresent or exclude women—but to a much lesser degree in Burkina Faso, where women have one third of the village vote. In Niger and Senegal, chiefs hold their position for life. They neither represent—in any procedural sense—nor are they systematically accountable to the village as a whole. Furthermore, in Niger only members of an elite line, or “caste”, can run for the office. In Burkina Faso and Mali, the process for choosing village council presidents and village chiefs appears more accountable due to regular, periodic elections. In Mali, however, under the new decentralization laws chiefs are effectively administrative appointees confirmed by periodic local elections. Chiefs elsewhere in Africa are also not obvious representatives of their communities, as post-independence experience in the anglophone countries indicates (Mamdani 1996). For example, in Uganda under Idi Amin in the 1970s “the counties, sub-counties, parishes and sub-parishes (villages) were headed by paramilitary chiefs who had undergone specific military training” (Tukahebwa 1998:12).

Aside from the systems of chief selection, there are various social mechanisms—not explored in this review—that can hold village “customary” authorities or elites locally accountable.<sup>16</sup> These, however, may not assure the accountability of chiefs. Some are despots, others responsive community leaders, depending on the personality of the chief, the specific history of the village in question, and its location in a larger political economy.<sup>17</sup> For example, in a 1994 forest rebellion involving 30 villages in Makacoulbantang, Senegal, about half of the chiefs acted in line with the wishes of villagers, who by and large were against commercial woodcutting in their area. The other chiefs were “bought for a few sacks of rice” by the wood merchants. In eastern Senegal, village chiefs have a difficult time denying access to powerful merchants. These merchants often are close to political and religious leaders, and villagers rely on them for access to loans and connections in urban centres. Village chiefs are pulled by local wishes and by the broader relations in which they are embedded. (Ribot 1995, 2000.)

In many instances, the authority of chiefs—through whom international development agencies often establish ties to local populations—is still legally structured by the state. Chiefs are not nec-

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<sup>15</sup> The Nigerian state has viewed these institutions as means of managing the rural world. They are highly defined and structured by the state, making them “tools with which to achieve the political management of society” (decentralization study, quoted in Elbow 1996:34).

<sup>16</sup> See Fisiy 1992:213; Spierenburg 1995; Mamdani 1996; cf. Hirschman 1970; cf. Scott 1976; Thomson 1995:14.

Hirschman (1970) observes that the negotiating position of subordinate classes was strengthened by their “exit options” (cf. Scott 1976). Bayart (1993:22) notes that because of this,

the dependents were not without a voice within either lineage or central societies. They were (more or less) represented in a range of councils, associations and societies in which they often had important functions. One author estimates that over a third of the monarchies and the chiefdoms he investigated included councils of commoners who were involved in political decision making and that more than three quarters of the chiefdoms, and the quasi-totality of the monarchies, had created lay courts of justice. These figures provide some indication of the limitations which the subordinate actors were able to impose upon the leaders.

Bayart then gives the example of how village chiefs imposed by the powerful Yatenga monarchy were not forced on the population. Chiefs named by the king, but unwanted or unliked, could be met with silent resistance and obfuscation until “a new assignment [was] found for the unfortunate chief” (p. 23).

<sup>17</sup> The notion that indigenous African chiefs were despots was used during the early colonial period to justify subjugating them to European standards of conduct. For example: “When the French undertook the occupation of West Africa they were confronted with a number of native tyrants who cruelly exploited their subjects. Life and property were insecure; slavery and human sacrifice prevailed in many areas. In a few cases, local Almanyans had imposed a form of discipline, maintained by terrorism, upon thousands of unwilling subjects” (Buell 1928:987). Much of this view was probably European projection that served to justify the “civilizing” mission of colonization. It was clear, however, that under the French, indigenous chiefs were despotic when they could hide behind their French backing. This latter problem helped justify the curtailing of chiefs’ powers over “judicial matters, land and tribute”, and more direct control by the French administration (p. 987). But these criticisms of chiefs by no means constitute a comparison with or excuse for French colonial administrative practices, which were certainly also despotic, cruel and violent, and fostered despotism among chiefs (1928; Suret-Canale 1966).

essarily an alternative to the state, but are often a particular manifestation of state intervention. In the countries of the West African Sahel, current village chiefs chosen through state-sanctioned processes typically inherit the position via patrilineal ties to warriors, the founding family of the village, or families chosen by colonial powers to replace antagonistic local leaders. But to view chiefs as indigenous, “traditional”, local, and accountable representatives of rural populations is to assume too much. Intervening through chiefs may be, as Mamdani (1996) suggests, the continued encapsulation of individuals within community through the administratively driven empowerment of these so-called “customary” decision makers to “represent” local people.

The important point has been made by Geschiere that what now pass as traditional offices in Southern Cameroon are often ‘essentially modern positions of power’, which ‘colonialists and chiefs alike...have made consistent efforts to...’traditionalise’—though often with rather little success and limited acceptance by the supposed subject populations (Brown 1999:45).

The important things to retain from this analysis are that (i) chiefs are not necessarily representative, legitimate or even liked by local populations; (ii) they are, even today, often constructions of the central state and are at times administrative auxiliaries of central authorities; (iii) they are not necessarily accountable to the local population; and (iv) empowering or working with them may not serve the efficiency, equity or development aims so often forwarded by decentralization advocates.

## Annex C — Accountability Mechanisms

This annex lists accountability mechanisms that emerge in the literature. Brinkerhoff (2001) provides an excellent analysis, making accountability issues much more legible. Hirschman's (1970) analysis of exit, voice and loyalty may be another frame in which to organize an analysis of accountability. This list, however, is not systematized around either framework. Nevertheless, it illustrates that there are multiple mechanisms that policy makers could put in place to establish greater public accountability of government.

**LEGAL RECOURSE** through courts is an important means of accountability. Independent judiciaries are critical for holding public figures accountable. The judiciary is often not independent for numerous structural reasons. Local authorities who may very appropriately have the power to adjudicate among local citizens, for example, should not adjudicate interjurisdictional cases or cases between themselves and others (Agrawal and Ribot 1999; Mamdani 1996; Oloka-Onyango 1994:463). Courts are inaccessible to many citizens in Africa. Regardless of whether courts are well structured, they are often too far to travel to, or too expensive or complex for average citizens to access. Public interest law associations can help to assure that poor and marginal populations have greater access (Veit and Faraday, forthcoming). The French system of having a *tribunal administratif* has been cited as one useful accountability mechanism (Rothchild 1994:6). The ombudsman is another recourse structure that has been of use (p. 6). Such complaint officers have been established in South Africa, Tanzania and Zimbabwe (Therkildsen 2001:27 nn. 26, 29, 30).<sup>1</sup>

There is often a failure to **SEPARATE POWERS** of the judiciary, legislative and executive branches, particularly at the local level. Without separation of powers there is no balance of powers within government, and there are no alternative routes for people to challenge representatives and administrators or to change or even enforce the rules by which all branches of government operate. This is what O'Donnell (1999:38, quoted in Brinkerhoff 2001:3) calls "horizontal accountability". In the colonial period, the judiciary and executive branches were fused in the local arena both through the *indigénat* courts of the French and in the system of indirect rule. This failure to separate powers denies recourse. This is still the case in many places, such as in Uganda's local governments and in most disputes with technical services. (Mamdani 1996; Oloka-Onyango 1994:463.)

Ostrom (1999) argues that **POLYCENTRICITY** of government and the **BALANCE OF POWERS** are important structural aspects of accountability. A balance in which there are counterpowers to the central government can increase accountability by increasing the number of actors with a voice in politics, and by increasing the ability of non-central actors to scrutinize central institutions. The World Bank (2000:112) suggests that there is a need to institutionalize the balance of powers between national and local governments through rules that protect and limit the rights of subnational governments. Ostrom supports the notion of "polycentricity of government", suggesting it introduces such a balance. She argues that multiple loci of power—combined with higher levels of government that protect people from power excesses by elite, lower-level actors—are necessary for balancing power.

**INDEPENDENT OR THIRD-PARTY MONITORING** by elected comptrollers, NGOs or the associative movements, can help construct downward accountability. In some countries, such as the United States, there are elected town comptrollers. These officials monitor the affairs of local government for the local community. NGOs and other associations can also play a monitoring role. While they should have no powers over community resources or decisions (because NGOs are private bodies and are not necessarily accountable or representative), they can monitor local and national government to assure that they are meeting their legal obligations. They can also

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<sup>1</sup> "The Zimbabwe ombudsman handles on average 100 complaints a month, while the Tanzanian handled 200 cases per month during its first 20 years of existence" (Therkildsen 2001:29).

inform the local population and/or file suit if the government is not fulfilling its requirements. NGOs and associations can also, of course, lobby on behalf of the portion of civil society that they represent.

Blair (2000:24) describes Bolivia's vigilance committees to monitor elected bodies with members "selected" from traditional local governance systems, including peasant unions and neighbourhood councils. Native American women in Canada recently blamed tribal chiefs for "rigging elections, stealing government money, and going on fancy gambling vacations in the States, while their people live in third world poverty" (Brooke 2001:A3). These women have formed the First Nations Accountability Coalition. One member has used hunger strikes to demand the accountability of Native American chiefs and of the members of Canada's government who support them. The group has also put together a document recounting numerous instances of corruption and has held "hearings" on the matter around the country. They also delivered their findings to Canada's Senate.

Confederations, federations and unions of associations and other groups in society can constitute an associative movement. One example is Senegal's Federation of NGOs (FONG), which is a nationally constituted lobbying group representing a variety of rural associations throughout Senegal. Such associative movements can be supported by enabling legislation permitting associations, federations and confederations to form, and through organizing assistance. They can foster accountability by monitoring, informing and lobbying. Political pressures and **LOBBYING** by associations and associative movements can monitor and apply counterpressure. Lobbying has been supported as an activity to hold governments to account, but this activity can be very difficult and risky in the absence of recourse and other enabling legislation that allows people to organize and pressure their governments. Of course, lobbying can reduce accountability toward the less powerful and be highly skewed toward more powerful interest groups.

**TRANSPARENCY**—openness to public scrutiny—is an accountability mechanism frequently called for by international organizations.<sup>2</sup> The members of working groups at the 1993 international conference on Local Self-Governance, People's Participation and Development in Kampala "stressed again and again the necessity for greater transparency and accountability at all levels of government to ensure efficiency and honesty. ... Democratic reforms and checks and balances at all levels of government are needed to ensure that good governance can be sustained over time" (Rothchild 1994:6). **PROVIDING OF INFORMATION** on roles and obligations of government by the media and NGOs, or by government through public reporting requirements, is one means of increasing transparency.

A **FREE MEDIA** can also play such a monitoring role. A free media can shape public action, as Sen (1981) showed its role in averting famines in India. The media can also serve to disseminate important information to local populations on what their rights are and what they can expect from their local government leaders (cf. Tendler 1997:15). The participants in a 1994 conference on decentralization in Ouagadougou agreed that while representation is necessary, "citizen participation in local affairs is necessarily limited when there are constraints on the freedom of association and the liberty of expression" (Mbassi 1995:28). **FREEDOM OF SPEECH** more generally, then, is an important issue. It is needed on a national scale in terms of free media and legal protection of freedom of expression. It is also a problem for women and minorities in the most-local arenas, as described below.

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<sup>2</sup> According to Therkildsen (2001:27):

Transparency, translated into clear and explicit managerial targets combined with increased managerial autonomy and incentives to perform, makes it easier to establish the basis for managerial accountability and to achieve outputs (without which the notion of accountability becomes irrelevant...). This, in turn, increases political accountability in two ways. By making targets explicit, it is easier for managers—in dialogue with politicians—to match them with political priorities. And by monitoring the extent to which targets are met, politicians can, in turn, hold managers accountable for their performance or lack of it.

Practices of **PUBLIC DISCUSSION** can also increase transparency, as with the elders of many villages across Africa, or with the use of spirit mediums by the Mhondoro cults (Spierenburg 1995). Important, too, are practices of required **PUBLIC MEETINGS** with representatives on all budget and policy decisions. In Uganda, many local people did not feel listened to by their representatives. Nonetheless, people felt it was very important to gather and exchange views at local council meetings. One survey reported that 63 per cent of Ugandans claim to participate in the local council decision-making process (Saito 2000:8). Public fora have serious limits because marginalized groups—such as women, religious minorities or immigrants—may not feel comfortable voicing their opinions, so these cannot be the only fora. But they can be positive. The requirement of **PUBLIC REPORTING**—such as the weekly posting of budgets in the local newspaper or government building—is another mechanism to render government accountable. If budgets, decisions, and planned programmes and spending, are publicly posted, people will have an easier time discerning whether local government is serving their interest. This is a very easy mechanism to legislate.

**PARTICIPATORY PROCESSES** can also be employed to improve dialogue between government and people. Through facilitated processes of participation that exchange information, people can learn which services government can provide, and expectations can be built. In this manner, people can learn to make more demands on their representatives. Orchestrated participation can also increase public participation in decision making in a way that complements or strengthens other representative organs and adds to the public's ability to make demands on local authorities. The danger is when “participatory” methods are used as an alternative to representative and accountable government—indeed, a way of avoiding government. This use of participation could undermine the legitimacy and accountability of local government.

**CIVIC EDUCATION** is important for building the accountability of government. It is about people *knowing their rights* and *knowing the powers and obligations of their representatives*. In Uganda, many local people do not know how the elected local councils work. Many are suspicious that “the local leaders are eating our money”. Explaining democratic local government to people can engage them with governing processes. One Ugandan woman, to whom decentralization was explained for the first time, said, “in the past I was unwilling to pay my tax, because I was not clear how the money was used. Now I am willing to pay it since I now know how it is used” (Saito 2000:10). **EDUCATION** writ large is also important for forming a critical citizenry. General education—which includes literacy, numeracy, analytical skills, history and other information dissemination—is another way to empower people to make demands of their representatives.

**DISCRETIONARY POWERS** in the hands of local leaders can have positive effects on accountability and on the engagement of civic organizations. Co-financing in which communities are required to provide a portion of the funds for a given programme has been proposed as a way to give communities “ownership” in local programmes. But “experience so far is that this is both patronizing and empirically difficult to substantiate” (Onyach-Olaa and Porter 2000:25). Onyach-Olaa and Porter (p. 25) observe, however, that where transferred funds were truly discretionary and seen to supplement local funds, local councils “have no difficulty in principle contributing a major share of their revenue”; and where there is no required contribution, local councils “have begun to utilise the funds in very inventive ways”, with higher efficiency and “multiplier” effects.<sup>3</sup> “If truly discretionary resources are made available, experience so far suggests that room begins to be created for better ‘downward accountability’, to local constituents who expect and demand that Councilors will stretch the resources as far as possible.” Anu Joshi’s observation (personal communication, 1999) that in India civil society organizations begin to form around and lobby strong local governments, supports the argument that having discretionary powers in the local arena is one way to make local government accountable. Without powers, there is actually no reason for anyone to even try to hold local government to account.

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<sup>3</sup> This observation may challenge Moore’s (1997) claims, discussed below.

The **PROXIMITY** of leaders to their community, and their **EMBEDDEDNESS** in local social relations, can also make some difference. Community-based natural resources management is lauded for increasing accountability by dint of a community being close and involved in formulation and implementation of natural resources management (Hue 2000:4). The way authorities are embedded in social relations in their communities may help to make them more accountable to the local population. Authorities based within the communities they govern must live with the consequences of their decisions on people they know and who know them. This fact may influence their decision making. Clearly, different **IDEOLOGIES**—belief systems of leaders and their communities—can also have an influence on accountability relations, although these may be less amenable to policy intervention. For example, the Fon (Ghanaian chief) feels that the community is in his hands and that this is a responsibility he has inherited.

**CIVIC DEDICATION** can play an important role too. Tendler (1997) shows that public-sector workers can be highly dedicated to their jobs. This was observed in the context of civil servants being given greater autonomy than usual and performing quite well at their jobs.

On one hand, workers wanted to perform better in order to live up to the new trust placed in them by their clients and citizens in general. The trust was a result of the more customized arrangements of their work and the public messages of respect from the state. On the other hand, the communities where these public servants worked watched over them more closely. The state's publicity campaigns and similar messages had armed citizens with new information about their rights to better government and about how public services were supposed to work (p. 15).

Along these lines, awards for community service can be another accountability mechanism. Therkildsen (2001:27 n. 26) points out another area of moral leverage—codes of conduct for politicians and civil servants, which have been applied in Tanzania, Uganda and South Africa.

**REPUTATIONS** that societies hold people to, and that people want to maintain, can also shape their public and private behaviour (Bourdieu 1977). **TRUST** is another element that, if developed, is believed to improve the accountability of local governments. Putnam (1993) argued that environments with numerous civil society organizations, social networks that link people to government, society and business, and relations based on shared values and trust, enjoy greater levels of mutual accountability among state, market and civil society. This is argued to in turn lead to more efficient government and a more synergetic relation between state and civil society. (Bebbington and Kopp 1998:13; Evans 1997.)

**ADMINISTRATIVE DEPENDENCE** on local elected authorities can increase administrative accountability to local populations. Blair (2000) points out that administrative bodies should be accountable to elected authorities and elected authorities should be accountable to the people. Entrusting local government to manage service and development activities in the public domain involves making public-resource users and public-service providers accountable to local government. This can be accomplished by enabling local government to subcontract service provision, to provide it in-house when appropriate, and to have control over the advisors and experts who are hired or who offer services from NGOs or the central state. Creating mechanisms so that local government can contract competitively with line ministries or private service providers and experts may effect the accountability of these service providers (cf. Therkildsen 2001:27 n. 26). This strategy attempts to create competition among service providers and incentives for providing better services. For this purpose, it may require central government to commit to providing local government with a budget—drawn from the resources central government would ordinarily have spent directly supporting line ministries—or it may require taxation powers.

Administrative dependence may also involve making private and other non-governmental organizations accountable to local government through the latter's approval of the use and man-



agement of commonly held public resources. For outside projects involving ad hoc or permanent planning and co-ordination committees, local government authorities would have the final decision-making power over their activities to assure that these activities were under representative community control. The law can subordinate local administration (even deconcentrated services) to local elected government. In this manner, the latter can have decision-making powers, veto powers or other forms of control over the decisions of central government ministries in matters determined to be within local jurisdiction.

**TAXATION** arrangements have been argued to seriously affect accountability relations between people and their governments. Moore (1997) forcefully maintains that governments dependent on earned-income tax revenues from their populations are more likely to have demands made of them and to be held accountable by those populations (cf. Therkildsen 2001:30 on user charges serving a similar function). He has also argued the converse, that governments dependent on outside assistance are not likely to be accountable to their populations. (See also Yates 1996; Guyer 1992.) In much of Africa, local governments have had a difficult time collecting taxes. Local tax rates and collection have declined in places such as Kenya, Zimbabwe, Tanzania, Nigeria (Therkildsen 1993:84–85). In southern Nigeria—where rates fell from 8 per cent of income in 1968 to under 2 per cent for poorer farmers by 1988—Guyer explains that

with such low contributions...financial management becomes a poor basis for people's demands for accountability; with no graduation of taxation there is no official theory of inequality and no way for the poorer majority to demand higher contributions from their wealthy brethren; with no property tax there is no basis for...growing outside business in the area to support its development.... The material basis for a [Western style] form of democratic struggle for accountability and control is more or less defunct (1992:57, quoted in Therkildsen 1993:85).

Central government can play roles in assuring local government accountability, and must also be accountable itself for some services to local government. Central government **OVERSIGHT** can play a role in local government's downward accountability. Oversight of the local state by central government, making sure they carry out their duties, is another means of assuring that local government is accountable to local populations (cf. Tendler 1997:15). Uphoff and Esman (1974:xx) state that "*sanctions* to control the acts of leaders of local organizations should be balanced both from above and from below to get the best performance" (emphasis in original). Parker (1995:35) also argues for central monitoring and sanctions to "penalize institutions that do not carry out their functions appropriately". Tendler, however, cautions against this sanction-based approach, pointing out that greater degrees of local autonomy can improve government performance of community services (cf. Evans 1997). A system of internal performance audits can also assure accountability (Rothchild 1994:6).

**SOCIAL MOVEMENTS** are another effective tool for holding governments accountable to their people (Mamdani and Wamba-dia-Wamba 1995). Resistance and threats of resistance can motivate governments to act on behalf of concerned populations when other accountability mechanisms fail. Social movements, resistance, sabotage and other forms of rebellion can be effective ways for local populations to create a domain of local autonomy or to make government responsive (Ribot 2000; cf. Scott 1976). The participants in a 1994 conference on decentralization in Ouagadougou agreed that while representation is necessary, "citizen participation in local affairs is necessarily limited when there are constraints on the freedom of association and the liberty of expression" (Mbassi 1995:28). Such freedoms are critical to enable organizing by groups from NGOs, peasant organizations and vigilance committees, to whole social movements.

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