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WAITING FOR DEMOCRACY

The Politics of Choice in
Natural Resource Decentralization

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NATURAL RESOURCE DECENTRALIZATION

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WASHINGTON, DC

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The cover image was designed by the author and painted by the Senegalese reverse glass-painting artist Mor Gueye. As a government officer organizes a "participatory" meeting, a child is conjugating on the wall "I participate, you participate, he/she participates, we participate, you (plural) participate, they profit." This graffiti was first brought to my attention by Lisa Peattie (personal communication April 2004), who saw this writing on a wall in Paris in 1968. The graffiti was written following President Charles De Gaulle's May 1968 speech in which he spoke of the need for more "participation" and proposed a referendum on the topic (Rohan 1988; Atelier Populaire 1969; Gunn and Iain 1998 at www.marxist.com/1968/may68.html).

Figure 3 © The New Yorker Collection 2001 Charles Barsotti from cartoonbank.com. All Rights Reserved.

CONTENTS

This report is dedicated to the memory of
Dr. Nyangabyaki Bazaara, who directed the
Centre for Basic Research in Kampala, Uganda.
Dr. Bazaara was an intellectual pillar of WRI's
decentralization research program. Reading this
report you will see reflections of his insights and spirit
throughout. He died in Kampala in August 2003
at the age of 42.

ACRONYMS

CBNRM	Community-based natural resource management	**NRM**	Natural resource management
		NWP	Nature, Wealth, and Power
CBO	Community-based organization	**PVO**	Private voluntary organization
CBT	Community-based targeting	**RDM**	République du Mali
CIFOR	Center for International Forestry Research	**RDS**	République du Sénégal
		UNCDF	United Nations Capital Development Fund
GGAOF	Gouvernement Général de l'Afrique Occidentale Française		
		UNCED	United Nations 1992 Conference on Environment and Development
GOC	Government of Cameroon		
NGO	Nongovernmental organization	**WRI**	World Resources Institute

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EXECUTIVE SUMMARY

The majority of developing nations claim to be undertaking some form of decentralization involving natural resource management. This report examines cases from a subset of the countries whose decentralizations are considered the most advanced: Bolivia, Brazil, Cameroon, China, India, Indonesia, Mali, Mexico, Mongolia, Nicaragua, Senegal, South Africa, Thailand, Uganda, and Zimbabwe. This report

- assesses the degree to which proclaimed decentralizations involving natural resources are being established in law and in practice,
- evaluates how these decentralization reforms affect social and environmental outcomes, and
- recommends ways that these reforms could be designed and implemented to improve their social and environmental outcomes.

Theorists promote decentralization reforms based on the following proposition: *IF* institutional arrangements include local authorities who represent and are accountable to the local population and who hold discretionary powers over public resources, *THEN* the decisions they make will lead to more efficient and equitable outcomes than if central authorities made those decisions.

Theory indicates that downwardly *accountable* or representative local *actors* with significant discretionary *power* constitute the necessary infrastructure for effective decentralization. Decentralization advocates, such as governments, donors, and NGOs, aim to "get the institutions right" so as to improve development

and environmental outcomes. By analyzing actors, powers, and their accountability, and by identifying other factors that shape outcomes, this report evaluates the above proposition.

The research in this report addresses public management of local public resources. It does not evaluate private-property regimes or private-sector reforms—except where privatization is taking place in the name of decentralization. The report focuses mainly on decentralizations related to forests located outside of parks or conservation areas. Such reserves usually are centrally managed, and the vast majority of forests and forest-based communities are located outside of these areas. Nevertheless, the findings are relevant to other environmental arenas and to broader decentralization processes.

The audience for the report includes

- international and national policy makers and international donors and development agencies;
- activists, including local-government associations, federations, and other groups representing rural interests, and environment- and justice-oriented NGOs;
- practitioners involved in civic education of local people and public authorities working with natural resources, as well as practitioners involved in the implementation of decentralized natural resource management policies and programs; and
- researchers wishing to deepen our knowledge of the effects of decentralizations and the best ways to leverage, structure, and sequence decentralization reforms.

Based on worldwide research and experience, and on a sample of the vast and growing literature, this report summarizes findings and recommendations on decentralized management of natural resources. A policy brief from WRI's decentralization research program was published under the title *Democratic Decentralization of Natural Resources: Institutionalizing Popular Participation* (see Ribot 2002a). This report details, nuances, and extends the findings of that brief.

MAIN FINDINGS

Case studies from around the world indicate that the institutional arrangements necessary to bring about decentralization are rarely established in so-called decentralization reforms. Instead, many reforms result in privatization and/or deconcentration—the transfer of powers to central government agents in the local arena. In other reforms, governments simply proclaim that they are decentralizing and enact a theatrical image of reform for their donor audiences.

Most decentralizations are not being established in law or they are not being implemented in practice. The failure to create decentralization can be explained, at least in part, by the entrenched resistance that decentralization reforms encounter at every step. While "getting the institutions right" would probably lead to better outcomes, groups that fear losing power in decentralization reforms pose staunch resistance to adequate policy making and implementation. Decentralization is not even getting to IF in the IF-THEN proposition.

Despite the incompleteness of most decentralization reforms, the many case studies of reforms underway provide evidence of their potential outcomes and provide insights into how they might be better structured and sequenced. Positive outcomes attributed to decentralizations involving natural resources include the following:

- local governments have been able to demonstrate capacity and initiative in natural resource management;

- local people have been empowered to protect their forests from outside commercial interests;
- local councils and local people have increased their revenues from resource use;
- marginal and disadvantaged groups have played a greater role in natural resource management and have benefited more from local resources; and
- some cases of sustained forest management have been observed.

Negative outcomes associated with decentralization include elite capture and conflict. Many more poor outcomes are associated with *incomplete* decentralizations. They include

- increased vulnerability of local people when management burdens are transferred without resources;
- the tendency of "decentralized" projects to mobilize local people as mere labor rather than empowering them to make decisions for themselves;
- the creation of new forms of exclusion through double standards that require complex management plans from local communities while allowing large-scale commercial interests to enter and use the resource with little planning and even less monitoring;
- increased public exclusion through privatization of public resources such as forests to individuals, corporations, NGOs, and customary authorities; and
- the delegitimizing of fledgling local democracies by failing to give them discretionary powers and by creating competition when public resources are privatized or managed through donor-led participatory processes.

Case studies and literature on decentralization reforms provide valuable lessons on how to improve institutional arrangements and outcomes. Effective decentralization requires creating a realm of local discretionary powers under representative authorities. To establish, sustain, and scale up these arrangements requires keen attention to the *institutions* and *powers* being chosen for local communities by governments, donors, and development practitioners in decentralization reforms. Most current choices are not enfranchising communities to

manage their own resources and development. They are not providing the basic institutional infrastructure—the politicial-administrative environment—that would enable demand-driven democratic natural resource management.

Most institutions currently being chosen to receive natural resource management powers are not accountable to the local population as a whole. For decentralization to be equitable and efficient, there must be a clear line of accountability from decision makers to the local population. When powers over public natural resources or any other public goods are exercised by private, nongovernmental, or traditional organizations, there must be a line of accountability from these organizations to local representative authorities. Many reforms are now encouraging a plurality of local institutions—such as committees, associations, NGOs, and customary authorities. But such proliferation of institutions that are unaccountable to representative authorities may be a formula for elite capture.[1] For more integrated and representative public decision making, governments, donors, and NGOs should insist that all organizations exercising public powers be accountable to representative authorities. Presently, *publicly accountable integrated decision making* is rarely being established.

Residency-based forms of belonging and citizenship provide a strong basis for democratic participation in natural resource management. Customary authorities and NGOs are often chosen by decentralization designers and practitioners as if they represent or can speak for local people. Customary authorities, however, often base inclusion on identity and interest. They represent only people of certain origins, ethnicities, lineages, and religious identities, while NGOs represent interested parties. Identity- and interest-based inclusion in public decision making may reinforce differences, fragment community, and produce conflict. When governments, donors, and NGOs arrange public inclusion through customary authorities, they subjugate local people to these authorities and their forms of belonging—which are often highly unequal and usually severely gender biased. In the process they legitimize these authorities, delegitimizing democratic authorities that might otherwise have exercised these public powers.

Presently, *inclusive and integrative forms of citizenship* are often being undermined.

Donors, NGOs, and governments also often choose local institutions that are not easily scaled up or sustained. They base inclusion and representation on participatory processes, or membership in NGOs or local committees. These interventions are usually short lived. They are also expensive and labor-intensive. When projects end, efforts at inclusion collapse. They are not sustainable and cannot be replicated or institutionalized across large territories. Basing inclusion on democratic local government would institutionalize participation in empowered representative authorities. These authorities operate across national territories and are sustainable over time and through changes in leadership and regimes. Presently, *scaling up and sustaining broad-based participation* remain significant limiting factors for community-oriented natural resource management.

Local representative decision makers rarely receive meaningful discretionary powers. Instead of transferring lucrative opportunities or powers that would enable local authorities to make decisions over the disposition and use of forests, central authorities often transfer burdens of management with little or no funding. When decisions and responsibilities are transferred, they are usually accompanied by excessive oversight. Most powers are also transferred through insecure mechanisms and can therefore easily be taken back by central agents. Such insecure transfers are a formula for manipulation from above. In addition, powers transferred to local authorities are often limited to small cordoned-off areas while the majority of forests remain under the control of the central government or are privatized. Presently, *insufficient and inappropriate powers* turn most decentralization reforms into charades.

Providing representative public decision making is an essential role of good government. In the past two decades, development agents have favored privatization and civil-society-based interventions. In the process, they have avoided, weakened, and delegitimized representative local-government institutions. Empowering local governments with natural resource management authority could reverse

this trend. To test the proposition that decentralization leads to positive outcomes, governments, donors, and NGOs should choose to institutionalize natural resource management in elected local government or in institutions that account to local democratic authority.

Democratic decentralization is progressing slowly. Not only is it challenged by privatization and civil-society development approaches, it also faces resistance because it threatens entrenched patronage relations enjoyed by the highest-level central officials, as well as by local merchants, local bureaucrats, and front-line forestry agents. It threatens powerful, often urban-based commercial interests who fear losing access to productive resources. It threatens the roles of local elite, traditional authorities, and government administrators already present in the local arena.

Decentralization also evokes fears among environmentalists and environmental agencies that local people will not adequately manage important natural resources. The most commonly expressed fears are that decentralization will lead to destruction of the resource, or that it will lead to conflict among parties interested in and using the resources. Environmentalists also argue that local officials are corrupt and will use their control over natural resources for personal profit. They often feel that local authorities lack the capacity to adequately manage resources and conflicts. At times these fears are founded, but more often they are not.

To mitigate the feared effects of decentralization reform, these actors *choose* inappropriate institutions and powers, often justifying their choices with specious capacity and environmental-menace arguments. Choosing inappropriate institutions and powers is in itself an act of resistance. Their choices compromise legislation and block implementation. These tactics lead to the partially implemented reforms that rarely merit the label of decentralization. Under these circumstances, it is not surprising that the decentralization experiment is in fetters.

Partial implementation has led some policy makers to believe that decentralization of natural resource management is not working. A backlash is forming.

Those who are threatened by decentralization are quick to declare its failure—even where it has never been implemented. It would be a shame if slow and disingenuous implementation were to consolidate a backlash before these reforms have had a chance to be tried.

RECOMMENDATIONS

This report provides two main recommendations: (1) work with democratic local government to institutionalize downwardly accountable representation and (2) transfer environmental powers to create local discretion. In short, downwardly accountable local authorities with discretionary powers must be established so that the decentralization experiment can proceed. Democratic local government appears to be the most-promising local institution for establishing durable and widespread decentralization. During the reform process, resistance must be identified and countered. Measures to help achieve these recommendations are described below and are presented in more detail at the end of this report.

(1) *Work with democratic local government* to strengthen democracy and citizenship, and to establish the basic institutional infrastructure of inclusion that can be sustained and scaled up. Central government agents, donors, and NGOs engaged in natural resource management and use can do the following:

- Develop guiding principles for choosing and strengthening representative local institutions. These principles might include
  - Work with and strengthen local democratic government wherever it exists.
  - Insist that governments establish democratic local government where it does not exist.
  - Insist that governments admit independent candidates in local elections.
  - Work to establish multiple mechanisms—in addition to or in the absence of elections—to achieve downward accountability for local government and for other institutions.

- Ensure public participation by making local institutions that hold public powers—including NGOs, traditional authorities, committees, and private bodies—accountable to democratic authorities.
- Avoid creating a proliferation of new single-purpose local institutions—NGOs, committees, etc.
- Help develop a universal form of inclusion by promoting residency-based citizenship rather than identity-based forms of belonging.

(2) *Develop environmental power transfer guidelines* to encourage the transfer of sufficient, equitable, and secure discretionary powers to democratic local authorities. To accomplish this, governments, donors, and NGOs should take the following steps.

- Establish environmental subsidiarity principles to guide the transfer of sufficient discretionary powers.
  - Subsidiarity principles are needed to help policy makers and practitioners identify the powers that are most appropriate for transfer to specific levels of political-administrative authorities. There are many kinds of powers that can be transferred. Draft subsidiarity principles are proposed in the conclusion of this report. Governments, donors, and NGOs should use such principles to leverage decentralization efforts. Advocacy groups and popular movements could use such principles to demand that their representatives be appropriately empowered.
- Establish uniform minimum environmental standards to help protect the environment, delimit the domain of local freedom, and increase equity.
  - Minimum standards can be a transparent way to codify the domain of local discretionary action within a set of rules designed to protect and sustain resources. Minimum environmental standards specify the minimum requirements for the use and management of the resource base. These standards also provide a domain of freedom or discretion in which people can manage and use surrounding resources. Under

current regulatory systems in the developing world, almost all resource use requires approval of the central authorities, giving ultimate decision-making power to these central actors. The shift to minimum standards complements decentralization by creating space for local discretion, which is essential to decentralized management systems. Governments serious about decentralization should consider a minimum-standards approach.

- Remove double standards in forest management to increase equity and justice.
  - Double standards that favor commercial industry are common. In many countries, forestry laws require more arduous management by local communities than by large-scale commercial industries, creating unjust barriers for community entry into forestry. These barriers prevent transfer of environmental management rights and powers to local authorities. Making minimum standards uniform—treating communities and industries equally—will reduce unjust double standards now applied by forest services around the world.

In addition to these measures, *sequence decentralization of natural resources strategically* to minimize conflict and resistance. Policy makers and practitioners can use sequencing guidelines to push central environmental agency authorities to devolve powers progressively rather than holding everything back based on specious excuses about local capacity or risks to the environment. Some sequencing principles might include the following:

- Establish representative and/or downwardly accountable authorities first.
- Transfer political decisions related to allocation of access and benefit distribution before transferring highly technical resource management decisions.
- Transfer decisions and powers that are not likely to incite violence or lead to environmental damage.
- Transfer finance and revenue-raising powers before transferring management obligations.
- Transfer additional funding with all centrally mandated obligations.

- Transfer powers before requiring demonstration of capacity.
- Establish minimum environmental standards before requiring management planning.

IMPLEMENTATION

Decentralization reforms involve the relocation of power, producing winners, losers, and resistance. To implement any of these recommendations, promoters of decentralized natural resource management, including many environmentalists, local and international NGOs, and both bilateral and multilateral donor agencies, will have to confront and counter this resistance within their own ranks and throughout the larger set of institutions affected by decentralization reforms. Decentralization is about asking the rich and powerful to give up some of their wealth and power to poor and marginalized people. Even if there are long-term benefits for the wealthy, resistance, out of fear and self-interest, is inevitable. Few powerful bodies are willing to give up their power for the sake of equity and efficiency, which is probably why most decentralization takes place during times of economic and political crisis, not through well-planned reforms. Nevertheless, two strategies may move the decentralization experiment forward: *countering resistance* and *opportunism*.

Resistance to decentralization in the natural resources sectors needs to be challenged by everyone interested in decentralization. Supporters of decentralization must be informed by grounded research about the advantages and shortcomings of decentralization reforms and the requirements and opportunities for change. Local populations and federations of interested parties, such as peasant organizations and local government associations, will need to know what their governments are saying and what they are doing. Advocacy NGOs and other activists, as well as donors, must point out the contradictions in current reforms and counter the interests that are sabotaging change.

Opportunities for change arise continually. Sometimes opportunities arise when politicians declare their support for local democracy. Whether their support is genuine or a mere ploy to please constituents and donors, it can become a catalyst for positive change. People, hearing the rhetoric, come to expect local democracy and begin to demand it. Opportunities often arise during economic and political crises that force governments to make reforms. Sometimes progressive politicians and bureaucrats become active within government, creating channels of influence on the inside. These are opportunities that can be taken advantage of if the constituencies interested in democratic decentralization know what they want and understand how to create it. Advocates need to be prepared for opportunity.

"Getting the institutions right" or "getting to IF" is an ongoing challenge. It is a process where the objective is never attained or is attained and lost. Institutional change cannot be removed from its political-economic context. The institutional arrangements of decentralization are embedded in a larger political-economic set of struggles and relations that must be understood and engaged. The promoters of decentralization can only move toward getting the local institutions right by confronting resistance and by identifying and seizing opportunities—again and again.

INTRODUCTION
DEMOCRACY AND NATURAL RESOURCES

Most developing and transitional countries have launched decentralization reforms over the past decade (United Nations Capital Development Fund 2000, 5–11).[2] Many claim to include decentralization of natural resource management in these reforms (Agrawal 2001). Whether or not decentralization reforms directly involve natural resource transfers, these reforms are important to environmental management because—complete or incomplete, well or poorly designed and executed—they are transforming the local institutional infrastructure on which local natural resource management depends. Decentralization is changing the kinds of authorities that make decisions over natural resources; the kinds of decisions that these authorities are empowered to make; and the relations of accountability between the central state, local government, other local institutions, and the local population. These reforms have implications for the way in which local people can derive benefits from natural resources, and how they value, manage, and use them. In short, decentralizations are changing the local institutional landscape for better or for worse.

The current decentralization trend follows several waves of decentralization reforms during the past century.[3] The earlier reforms emphasized national cohesion, effective rule, and the efficient management of rural subjects—particularly under British policies of Indirect Rule and the French policy called *Association* (Buell 1928; Mair 1936; Mamdani 1996a). These earlier reforms, despite being instruments of "European penetration," were described by their architects in terms of local development and self-determination (Mair 1936, 13). The language of earlier decentralizations included laudable goals that we would be happy to see in today's policy objectives. For example, in 1936, Mair (p. 12) wrote, "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."[4] These policies were lauded as liberal and liberating. History, however, has judged them as cruel and coercive (Mamdani 1996a).

The most recent wave of decentralizations, which is the focus of this report, is introducing a new emancipatory language of democracy, pluralism, and rights—implying that local people will be enfranchised and therefore transformed from subjects into citizens. Indeed, most decentralizations are being labeled democratic. Natural resource management also is moving toward premises that are more democratic and rights-based.[5] The new and hopeful language is based on ideals of efficiency, equity, and justice that are believed to stem from local democratic decision making.[6] These enfranchising words seem even more progressive than their colonial precursors: similarly idealistic, but ultimately cruel and oppressive. If put into action, this discourse could create the conditions that decentralization proponents believe will lead to more effective and just outcomes in service delivery, development, and natural resource management.[7]

The colonial experience should be taken as a cautionary tale, however; emancipatory language is not enough. Is the new language of decentralization

being codified in law and translated into practice? Are current reforms integrating the basic elements that would justify calling them democratic decentralization? What are the effects of these new reforms on society and on the environment? Plausible theories tell us that decentralization of authority over natural resources should produce more efficient and equitable outcomes. While theorists and practitioners have high expectations for the current global wave of decentralization reforms, the theory must be approached with caution since surprisingly little research has been done to assess whether the necessary conditions exist or whether they lead to the desired outcomes.[8] This report (1) assesses whether proclaimed decentralizations involving natural resources are being established in law and in practice; (2) evaluates how the institutional arrangements of these decentralization reforms affect social and environmental outcomes; and (3) recommends ways that these reforms and their social and environmental outcomes might be improved.

The research conducted for this report set out to test the hypothesis that decentralization (defined in Box 1) leads to improved efficiency, equity, service delivery, development, and natural resource management. The research found that few cases exist where the institutional arrangements necessary for real decentralization reform have been established. The central hypothesis, therefore, can hardly be tested. For this reason, the report is organized around the analysis of institutional arrangements being established in practice; that is, the accountability of the local actors to whom power is being transferred and the kinds of power they are receiving. The outcomes that have been associated with various elements of decentralization are also presented and discussed. But due to the partial implementation of most reforms, this report focuses more on why decentralization reforms are being blocked and how best to overcome the obstacles than on the outcomes of implemented efforts.

This introduction briefly defines the basic terms and elements of decentralization (addressed in depth in Section I); discusses some mutually reinforcing relations between local democracy and natural resource management; sketches the state of current

fettered decentralization reforms; describes the data sources, research methods and their limitations; and provides an outline for the remainder of the report.

WHAT IS DECENTRALIZATION AND WHY DECENTRALIZE?

Decentralization is usually defined as any act by which central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy (Mawhood 1983; Smith 1985) (see Box 1).[9] Decentralization reforms typically are promoted to achieve six broad objectives:

1. dismantling or downsizing central government,
2. consolidating national unity,
3. consolidating central power (by shedding risks and burdens),
4. increasing local participation and local democracy,[10]
5. improving the efficiency and equity of local service delivery, and
6. strengthening local government (Ribot 2002a).

Environmentalists, natural resource managers, and development agents are also promoting decentralization as a way of increasing both efficiency and equity in natural resource management (Ribot 2002b). More recently, natural resource decentralization is being promoted as a means for giving substance to political rights (Anderson 2002; Kaimowitz and Ribot 2002).

Decentralization comes in two primary forms: *democratic decentralization* (also called political decentralization or devolution[11]), which involves transfers of power to elected local authorities, and *deconcentration* (also known as administrative decentralization), which involves transfers of power to local offices of central government agencies, such as to appointed district officers or local offices of line ministries. Democratic decentralization enables local people to make decisions for themselves through their representative local authorities. While deconcentration does move government decision makers closer to the people they serve, allowing them

Decentralization is any act by which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy.

Democratic Decentralization (often also called **Political Decentralization** or **Devolution**) occurs when powers and resources are transferred to authorities representative of and accountable to local populations. These are typically elected local governments. Democratic decentralization aims to increase public participation in local decision making. Democratic decentralization is an institutionalized form of the participatory approach. Of the two primary forms of decentralization, democratic decentralization is considered the stronger and the one from which theory indicates the greatest benefits can be derived.

Deconcentration or **Administrative Decentralization** concerns transfers of power to local branches of the central state, such as prefects, administrators, or local technical line ministry agents. These upwardly accountable bodies are appointed local administrative extensions of the central state. They may have some downward accountability built into their functions, but their primary responsibility is to central government. Deconcentration is considered the weaker form of decentralization because downward accountability is not as well established as in the democratic or political form of decentralization.

Fiscal Decentralization is a term often used to describe the transfer of funds (block grants or portions of national tax revenue) or fund-raising powers (ability to tax, charge fees, receive grants, or impose fines) to local authorities. But in our framework, this is *not* a form of decentralization. Although funding is essential in decentralizations, it is merely a kind of power that is decentralized. Fiscal decentralization is therefore not an analytic category parallel to democratic and administrative decentralization as it is often used. Fiscal transfers to democratic local government would simply be democratic decentralization, as would be the transfer of regulatory responsibilities to the same body.

Comanagement is when government or donors form partnerships with local bodies for the purpose of soliciting participation in decision making or implementing management programs. Because powers are not transferred with comanagement, it is not a form of decentralization. It is more akin to a contracting arrangement for implementation of programs or the provision of services. (Similar to coadministration, described below.)

Coadministration is the transfer of central mandates to elected local government or other local bodies in such a way that the central state uses these institutions as administrative bodies for central government objectives. This kind of transfer transforms democratic decentralization into a form of deconcentration.

Privatization is the transfer of powers to any non-state entity, including individuals, corporations, and NGOs. 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.

Subsidiarity refers to the principle that the relevant level for decisions is the most-local-possible level at which decision making will not result in negative effects at higher social or political-administrative levels.

Sources: Resosudarmo 2002; Ribot 2002b.

FIGURE 1   FORMAL DEFINITIONS: DECENTRALIZATION, NOT DECENTRALIZATION

In current reforms, powers are being transferred to many institutions in the name of decentralization. Formally defined, however, decentralization only refers to transfers of power within the political-administrative hierarchy of the state.
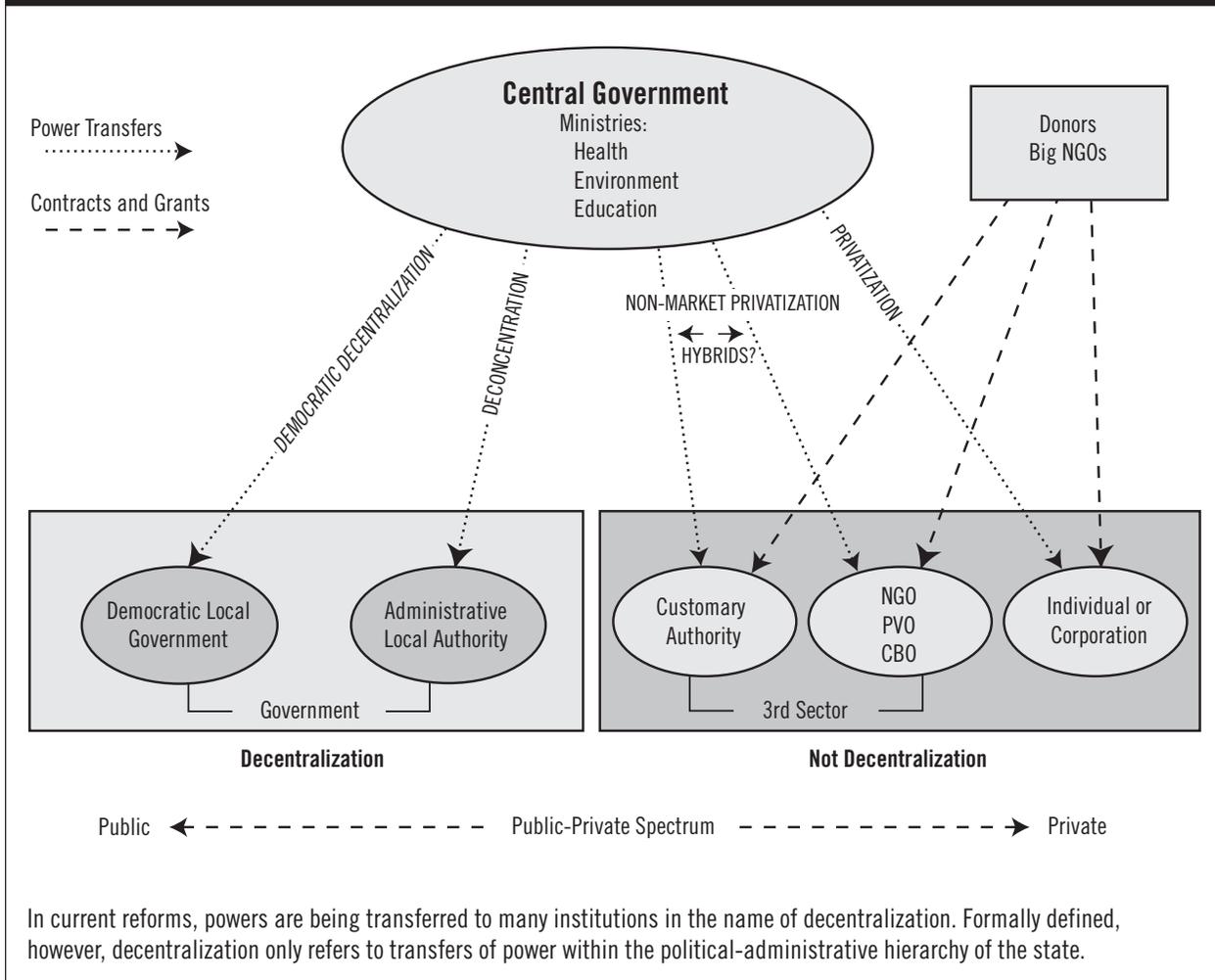
to better understand and serve local needs, it does not empower local people as democratic decentralization does, but rather serves as an extension of central government into the local arena.

Figure 1 illustrates the various institutions being empowered in the name of decentralization. As the diagram demonstrates, not all transfers of power from central government to local institutions constitute decentralization. Local institutions function on a continuum from public to private. All types of institutions can serve both public and private ends. Local government bodies can be captured by elite to

become their private domains of operation, and private industries can be highly dedicated to public service. For the most part, however, local government bodies are intended to serve public interests while private industries serve private interests.

The institutions in the middle of the spectrum, such as customary authorities and NGOs, are public-private hybrids. When state powers are transferred to these institutions, there may be some mechanisms for public accountability, but that public may be a subset of the general population, such as a professional or ethnic group. Also, these groups are

dedicated largely to the interests of their members only. Transferring public resources to these bodies constitutes a form of non-market privatization since these groups may not be commercial but they are usually oriented toward their own private interests (even if those interests include public service).

A decentralization is effective to the degree that it meaningfully represents the local public—that is, the degree to which local authorities and institutions are empowered and downwardly accountable to the local population.

Figure 1 is also organized with stronger forms of downward accountability on the left and weaker forms on the right. The likelihood that a decentralization reform will achieve the benefits that theory predicts depends on the inclusiveness and public accountability of the institutions being established. A decentralization is effective to the degree that it meaningfully represents the local public—that is, the degree to which local authorities and institutions are empowered and downwardly accountable to the local population. The more accountable local authorities are to the population, the more inclusive their decisions are likely to be. In theory, democratic decentralization is considered a stronger form of decentralization than deconcentration is; it is expected to result in greater equity and efficiency since representation is through elected authorities who are (at least through some procedure) systematically accountable to the population. Deconcentration is the weaker form since inclusion is through appointed institutions that, while mandated to serve local populations, are less systematically accountable to them.

Why should decentralization be expected to lead to greater efficiency in achieving certain environmental and social outcomes? According to the logic of current decentralization, efficiency is linked to local enfranchisement or the broad-based inclusion of local people in public decision making. Recent theorists of decentralization assert that "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).[12] The underlying efficiency and equity argument for decentralization is that local institutions can better discern and are more likely to respond to local needs and aspirations.[13] This ability is believed to stem from local authorities having better access to information and being more easily held accountable to local populations due to their close proximity.[14] Representative, or downwardly accountable and responsive, local authorities are central to this formula.[15] When such local authorities have powers to make meaningful decisions over local matters, people are enfranchised and there is reason to believe that greater equity and efficiency will follow (see Box 2). Efficiency is also linked to inter-sectoral coordination by the multi-sectoral decision making of local authorities and to increased flexibility that local integrated decision making affords (Diana Conyers, personal communication, January 2004).

It is important to distinguish between formal and effective democratic decentralization (see Agrawal and Ribot 1999). Formal democratic decentralization refers to power transfers within the state—that is, to local elected or appointed government authorities and line ministry personnel. Effective democratic decentralization refers to the transfer of power to any authority who is accountable to the population. *Formal* decentralization may be more likely to result in effective decentralization than other forms since some accountability mechanisms are likely to be built into local government systems. Power transfers to elected local authorities who are upwardly accountable to the central state constitute effective deconcentration, whereas power transfers to customary authorities who are downwardly accountable to the population constitute effective democratic decentralization. Examples of a spectrum of such cases are presented in this report. The accountability of elected authorities, NGOs, and customary authorities varies widely—from effective democratic decentralization to effective privatization. The accountability—and nature—of local authorities must be determined empirically.

Democracy: Greater participation in public decision making is often argued to be a good in and of itself. Democratic decentralization is believed to promote increased participation.

Equity: Decentralization is believed to help improve *equity* within local jurisdictions through greater retention and more democratic distribution of benefits from local activities.

Efficiency: Economic and managerial *efficiency* is believed to increase by

Accounting for costs in decision making: When communities and their representatives make resource-use decisions, they are believed to be more likely to take into account (or internalize) the entire array of costs to local people. Resource waste may result when outsiders or unaccountable individuals make decisions based on their own benefits without considering costs to others.

Increasing accountability: By bringing public decision making closer to the citizenry, decentralization is believed to increase public-sector accountability and therefore effectiveness.

Reducing transaction costs: Administrative and management transaction costs may be reduced

due to the proximity of local participants and access to local skills, labor, and information.

Matching services to needs: Bringing local knowledge and aspirations into project design, implementation, management, and evaluation may better match actions to local needs. Bringing government closer to people increases efficiency by helping to tap into the knowledge, creativity, and resources of local communities.

Improving coordination: Decentralization is also believed to increase effectiveness of coordination and flexibility among administrative agencies and in development/conservation planning and implementation.

Providing resources: Sharing the benefits of local resources also can contribute both to development and to environmental management agendas by providing local communities with material and revenues.

Producing regulatory agents: Participation in the exercise of environmental regulatory powers can transform local people into "environmental subjects." It is an important part of the development of environmental consciousness. Local people and regulators are also more likely to respect rules they have had a role in creating.

Sources: Agrawal 2001; Ribot 2002b; Larson 2000a.

DEMOCRACY AND NATURAL RESOURCES: MUTUAL REINFORCEMENT, SUSTAINABILITY, AND SCALING UP

What are the links between democracy and natural resource management? How might they have characteristics that are mutually reinforcing? Anderson (2002) and Kaimowitz and Ribot (2002) have argued that local democratic decision making can improve natural resource management while natural resource management can enable local democracy. Democratic decision making has positive effects on natural resource management for several reasons. For

instance, democratic forms of decision making are a good fit for the requirements of natural resource management. Environmental characteristics (e.g., the species of trees or the probability of erosion) vary greatly from area to area and change over time, as do the multiple and overlapping claims and social meanings attached to natural resources. As a result, natural resource management often requires more local knowledge than other sectors, such as health, education, and infrastructure.[16] Democratic representation can help incorporate local knowledge and multiple local voices, and hence the implications of actions, into decision making about resource use. Inclusive local decision makers may, for example,

better weigh the value of harvesting and selling a resource with the value of conserving it.

Just as democratic decentralization may improve natural resource management, equitable natural resource management and public control of natural resources can be a lever to promote local democracy. For two reasons, natural resource management is particularly well suited for reinforcing representative local authorities. First, the great variability of natural resources privileges certain kinds of local knowledge over outside "expert" knowledge. Harnessing this local knowledge requires greater local discretion in decision making over natural resources so that local people can bring this knowledge into decisions—such discretion is an essential element of democracy (see Section I). Second, natural resources can support local authorities by providing them with substantive powers. Natural resources can provide local authorities with finances through taxation and fees and with powers over lucrative activities and subsistence goods that are meaningful and necessary to local people and their livelihoods. By providing a domain of discretion and substantive powers, natural resources have the potential to strengthen, legitimize, and sustain local authorities. They enable local authorities to act in ways that are useful to local people, giving local people reason to engage local government. When government has meaningful powers and is open to influence by the people they represent, local people are transformed from managed subjects into engaged citizens (Mamdani 1996a). (Kaimowitz and Ribot 2002.)

In the long run, the linkage between local democracy and natural resources may also help us to sustain and scale up efforts at greater local participation. To date, most attempts to promote more inclusive and just natural resource management have depended on the following participatory methods facilitated by outside agencies:[17] participatory rural appraisal; participatory mapping; palavers; town meetings; stakeholder jamborees; *terroir*, commons management, adaptive comanagement, and network approaches; and pluralist[18] decision-making processes. These approaches may involve institutions such as economic interest groups, single-purpose and multi-purpose appointed or elected committees, joint-management and comanagement arrangements,

private voluntary organizations (PVOs), community-based organizations (CBOs), nongovernmental organizations (NGOs), government-organized NGOs (GONGOs), and World Bank-organized NGOs (known as BONGOs).[19]

Just as democratic decentralization is believed to improve natural resource management, equitable natural resource management and public control of natural resources may be a lever to promote local democracy.

Participatory approaches and the institutions they create have been used primarily to solicit input of local populations and groups into a decision-making process that they may or may not control. Often they are used to mobilize people to perform specific tasks. These approaches often impose outside agendas and manipulate local populations rather than empower them (Cooke and Kothari 2001). But even when they are used as a means of empowerment or of bringing local voice into decisions, they are difficult to sustain or scale up. These methods require labor-intensive outside facilitation,[20] usually limiting them to the lifetime and location of the outside intervention.

Democratic decentralization, when well structured, provides institutional infrastructure—representation and meaningful powers—for sustained inclusion. It is an institutionalized form of popular participation. Because local government, however imperfect it may be, serves multiple purposes and is a permanent public institution, it can be sustained beyond the end of focused projects and outside interventions. Local government can also be established across whole national territories; therefore, it could be the basis for scaling up popular participation in natural resource management and use. Like direct democracy, these non-institutionalized participatory approaches are impractical, as John Stuart Mills has argued, in all but the smallest of communities (in Green 1993, 3).

Unfortunately, natural resource management can also be set up in ways that undermine democratiza-

tion processes. Natural resource management programs often empower NGOs, other local organizations and associations, and customary authorities in the name of participation and decentralization. But there is little reason to believe that these local institutions systematically represent or are accountable to the local population.[21] Some are and some are not, depending on the particularities of the local history and social relations (Ribot 1999a). Further, stakeholder approaches to participation, in which interested parties are included in decision making, are not a form of democratic popular participation. Democracy is about accountability to the population as a whole, not just the inclusion of "stakeholders" with interests. Empowering these alternative processes, institutions, and authorities with public powers undermines fledgling local democracies by creating competition and denying them essential resources.

Incomplete or misdirected decentralization reforms may ultimately undermine efforts to create sustainable and inclusive rural institutions.

In short, natural resources can be used to leverage the development of local democracy. They can also be used in ways that undermine local democratic institutions. Local democracy, in turn, can support the sustained and scaled up forms of local participation in natural resource management and use. Advocates of both local democracy and of just and sustainable natural resource management can use natural resources for these joint long-term objectives by establishing institutions for democratic management of all local resources and sectors.

FETTERED REFORMS

With all of its theoretical accolades, decentralization has progressed slowly. In practice, there is considerable confusion and obfuscation about what constitutes decentralization. In the name of decentralization, the powers over natural and other resources that are being allocated to local authorities are extremely limited and highly circumscribed by oversight and unnecessary

restrictions (Ribot 1999a; Ndegwa 2002, 15). Further, they are often transferred to a variety of local institutions and authorities that may not be downwardly accountable. Most reforms in the name of decentralization are not structured in ways likely to deliver the presumed benefits of decentralization and participation. In a World Bank survey of thirty African countries, decentralization was seen to have achieved moderate levels of implementation in only half of the cases; nevertheless, all claimed to be decentralizing (Ndegwa 2002). Such incomplete or misdirected reforms may ultimately undermine efforts to create sustainable and inclusive rural institutions.[22]

Non-implementation of decentralization is largely due to government resistance (see Mansuri and Rao 2003; Ribot and Oyono forthcoming).[23] The lean toward democratic forms of decentralization is confronting governments with the contradictions of a century of extractive production-oriented policies toward the rural world. As democratic decentralization is legislated and applied, the procedural objectives of inclusion and enfranchisement conflict with instrumental objectives such as production targets of central ministries or environmental objectives of donors and international NGOs (Shivaramakrishnan 2000; Ribot 2002a; Baviskar 2004).[24] Because local choices are often inconsistent with central objectives, many ministries are designing their sectoral "decentralization" reforms to override local choice by using new elected local institutions to pursue their centrally defined objectives. In doing so, they are devolving obligations and creating requirements that diminish rather than enhance local discretion. Elected local authorities often become administrators of central mandates rather than executors of local interest. Such approaches undermine the core tenets of decentralization.

Decentralization also threatens entrenched patronage patterns from the highest level of central government to the front-line park rangers and forestry agents that are part of its implementation. It threatens powerful, often urban-based commercial interests who fear losing access to productive resources. It threatens the roles of local elite, traditional authorities, and government administrators already present in the local arena. In addition, decentralization evokes

fears among environmentalists and environmental agencies that local people will not adequately manage important public natural resources. The most commonly expressed fears are that decentralization will lead to destruction of the resource, or that it will lead to conflict among parties interested in and using the resources. Environmentalists also fear that local officials are corrupt and will use their control over natural resources for personal profit. They also frequently feel that local authorities lack the capacity to adequately manage resources and conflicts. Many times these fears are founded. Often they are not.

It is not surprising that decentralizations are progressing slowly. Their partial implementation has often led to a perception that decentralization of natural resource management is not working. Those who are threatened by decentralizations are quick to declare their failure—even where they have never been implemented. It would be a shame if slow and disingenuous implementation were to consolidate a backlash before these reforms have had a chance to be implemented and tested. Effective decentralization is about creating a realm of local discretion defined by inclusive local processes and local authorities empowered with decisions and resources that are meaningful to local people. These conditions are not being established.

MEASURING DECENTRALIZATION: CASES, METHODS, LIMITATIONS

The findings in this report derive from case-based comparative research conducted under WRI's Decentralization and the Environment in Africa project in Cameroon, Mali, Senegal, South Africa, Uganda, and Zimbabwe. The report also draws on case studies from Bolivia, Brazil, Cameroon, China, India, Indonesia, Mali, Mexico, Mongolia, Nicaragua, South Africa, Thailand, and Uganda, which were developed for the WRI-organized Conference on Decentralization and the Environment, held in Bellagio, Italy, in February 2002. WRI's Asia-based Resources Policy Support Initiative also provided case material from countries in the Mekong region. These research programs and the Bellagio meeting are described in Annex A. Information on the locations

and themes of the case studies are provided in Annex B. The report also relies on the available literature on the topic. Most of the cases focus on forest resources.[25] Examples are also borrowed from other sectors wherever they shed light on the dynamics in which we are interested.

It would be a shame if slow and disingenuous implementation were to consolidate a backlash before these reforms have had a chance to be implemented and tested.

Had the research for this report focused the empirical analysis solely on decentralization reforms that produce institutional arrangements fitting the definition of democratic decentralization, there would be few cases to study. In decentralization reforms, the discourse is often very progressive, with national presidents and ministers proclaiming their intention to create and empower new local democratic institutions. The laws, however, are often insufficient to create the institutional arrangements that the discourse calls for. Even when the laws are sufficient to create some degree of decentralization they are often only partly implemented or they are transformed in practice, resulting in very little real decentralization on the ground. This disjuncture between discourse, law, and practice makes decentralization and its outcomes extremely difficult to study. Rather than believing the proclamations of governments, the labels given to reforms, or the letter of the laws made in the name of decentralization, it is critical to characterize decentralization reforms empirically.

Most of the case studies presented in this report followed Agrawal and Ribot's (1999) "actors, powers, and accountability" approach to empirically characterize decentralizations (see more detailed discussion in Section I). In this approach, researchers first focus on which actors are receiving new powers, what those powers are, and the kinds of accountability relations in which those actors are located. The researchers then identify outcomes that may be associated with the institutional arrangements they observed. Box 3

describes some of the difficulties in measuring decentralizations and their outcomes. The Africa research teams based their analysis on nine months of fieldwork during 2001 and 2002 using this approach. The participants in the Bellagio Conference on Decentralization and the Environment also developed their case studies using the actors, powers, and accountability framework.

ORGANIZATION OF THE REPORT

This report is organized into four main parts. Section I sketches the theoretical arguments for why decentralization is believed to generate positive outcomes and lays out the framework that guided the research and analysis in this report. The next two sections examine the empirical data on the critical elements of decentralization: Section II considers institutional choice and accountability, and Section III examines power transfers and capacity. Section IV discusses lessons learned, and Section V presents recommendations.

1

THEORETICAL FOUNDATION OF DECENTRALIZATION'S POTENTIAL ENVIRONMENTAL BENEFITS

I s decentralization good for natural resource management? Theories tell us it may be. This section discusses why theory indicates that certain kinds of decentralized institutional arrangements lead to positive outcomes. Theory helps us to identify the main elements of decentralizations and the causal relations between these elements and predicted outcomes. With a basic understanding of decentralization theory, the empirical findings of this study can be used to explain why the necessary institutional reforms do or do not materialize, to evaluate the effectiveness of some of the institutional arrangements of decentralization, and to identify additional factors that must be integrated into our understanding and theories of decentralization. From these findings we can develop new theory and we can also develop recommendations so that policy makers, practitioners, and activists can seize opportunities and avoid pitfalls in their current efforts.

DEMOCRATIC DECENTRALIZATION AND REPRESENTATION: A POLICY PROCESS

Theorists, practitioners, and advocates believe that decentralization can lead to a number of positive outcomes. These include: democratization and participation (Rothchild 1994, 1; Mbassi 1995, 23; Ribot 1996; Crook and Manor 1998); rural development (Uphoff and Esman 1974, xx; de Valk 1991; Roe 1995a, 833; United Nations Development Programme 1999; Helmsing 2001; Ribot 2002b); public service performance (World Bank 2000, 107); poverty

alleviation (Crook and Sverrisson 2001, iii);[26] relief of fiscal crisis (Meinzen-Dick and Knox 1999, 5; Olowu 2001); political and macro-economic stability (World Bank 2000, 107; Prud'homme 2001, 14); and national unity and state building (Mamdani 1996a; Conyers 2000a, 7; Bazaara 2001, 7–13).[27] Most of the local benefits from decentralization are believed to come from increased popular participation, which, in turn, leads to increases in democracy, efficiency, and equity (see Agrawal and Ribot 1999; Ribot 2002b).[28] Like decentralization advocates, natural resource management theorists and practitioners also emphasize the need for local participation as a means for increasing management effectiveness and equity.[29]

Representative local authorities are a means for establishing permanent (institutionalized and therefore sustainable) and large-scale (covering whole national territories) popular participation.[30] Representative local authorities can be a mechanism by which the knowledge, needs, and aspirations of local people are brought into public decision-making processes and translated into policy. Pitkin (1967) and Manin, Przeworski, and Stokes (1999, 2) define representation to be when authorities act in the best interest of the public.[31] Representation is the mechanism that makes decentralized institutions effective (Agrawal and Ribot 1999; Smoke 1999). Representation is part and parcel of democracy, which can be substantively defined as leadership that is accountable to the people (Moore 1997). But representation also includes the means—powers and abilities—to transform popular needs and aspirations into policy (see Manin, Przeworski, and

Stokes 1999, 2). Representation is an institutionalized democratic form of participation.

Manin, Przeworski, and Stokes (1999, 2) break representation into *responsiveness* and *accountability*.[32] They model the policy process as a chain in which preferences expressed through various signals become mandates and are translated into policies and then outcomes. Responsiveness is the relation between signals and policies. Accountability is the relation between outcomes and sanctions. "A government is 'responsive' if it adopts policies that are signaled as preferred by citizens," they write. "Governments are 'accountable' if citizens can sanction them appropriately. . . ." A government is representative because it is responsive and/or accountable. Accountability and responsiveness are the basic elements of representative local institutions and authorities in strong or democratic decentralization.

An institution is democratic to the degree it is accountable to society.

Accountability is the exercise of counterpower to balance arbitrary action (Agrawal and Ribot 1999, 478). It is manifested in the ability to sanction (Manin, Przeworski, and Stokes 1999, 2). The accountability relation is established through an ensemble of sanctions. Accountability is constituted by the set of mechanisms that, in theory, ensure that policy outcomes are as consistent with local needs, aspirations, and the best public interest as policy makers can make them.

Responsiveness is a function of the multiple factors that enable authorities to translate local needs and aspirations into policy. These include the *powers* to act on behalf of the people and the *abilities* to analyze and to translate signals into policy. Responsiveness is also a matter of will. It may be motivated by the fear of sanctions or it may be a function of ideology—that is, public spiritedness or a belief in public service. What makes democratic systems unique is that they do not rely on ideology alone to ensure that the full policy cycle is represen-

tative. Democratic systems rely on a mix of ideology and sanction, with the sanction as the guarantee. (Manin, Przeworski, and Stokes 1999, 2.)

Accountability provides signals. Powers and abilities enable local authorities to translate signals into policies. Hence, representation, and therefore effective decentralization, requires local authorities who are accountable to the local populations *and* who are empowered and able to conduct public affairs. This framework tells us that empowering local institutions that are not accountable to local populations may not produce outcomes that decentralization promises, and creating accountable local authorities without appropriate powers and abilities will certainly not deliver the goods.

In the analysis that follows two central aspects of decentralization will be analyzed: (1) accountability, and (2) powers of local actors. To simplify the analysis, this report does not treat abilities separately from powers.[33] Issues of "*capacity*", which is a kind of internal aspect of ability, will be treated along with matters of power in Section III. Accountability and power are each discussed in more detail below, followed by a discussion of other mediating factors that shape the effects of decentralization. These mediating factors ultimately need to be brought into any model of decentralization.

ACCOUNTABILITY AND PRINCIPLES OF INSTITUTIONAL CHOICE

Accountability, as defined in the preceding section, is a defining characteristic of institutions. Institutions are categorized by *whom* they are accountable to—and often by *how* they are held accountable. We often call an institution democratic if it is accountable through elections. Moore, however, defines democracy "as a sub-species of a broader concept: the accountability of state to society" (1997, 3). With this substantive definition, he extends democracy far beyond elections, to include any system based on a large array of possible accountability mechanisms (see Annex C for a discussion of accountability mechanisms). Hence, an institution is democratic to the degree it is accountable to society.

Accountability

Power Transfers

Contracts and Grants

Central Government
Ministries:
Health
Environment
Education

Donors
Big NGOs

DEMOCRATIC DECENTRALIZATION

DECONCENTRATION

NON-MARKET PRIVATIZATION

PRIVATIZATION

HYBRIDS?

Democratic Local
Government

Administrative
Local Authority

Customary
Authority

NGO
PVO
CBO

Individual or
Corporation

STRONG

WEAK

?

?

Local Populations

Effective decentralization is when powers are transferred to downwardly accountable local institutions. In this diagram, the accountability arrows reflect a mix of what is expected and observed about different institutions. Decentralization is more effective when downward accountability is stronger (Agrawal and Ribot 1999). Democratic decentralization is the strongest form—when it has strong electoral mechanisms of downward accountability. Deconcentration is a weaker form because downward accountability is less systematic. The degree to which customary authorities and other local institutions are downwardly accountability is uncertain and varies greatly.

By the formal definition, decentralization consists of transfers within the political-administrative structure of the state, which is a body that ostensibly has some accountability to the people whether directly (as in democratic or political decentralization) or indirectly (via the central government, as in administrative decentralization or deconcentration). Democratic decentralization and deconcentration are the two kinds of institutional arrangements that fit this definition. They are based on elected and appointed administrative authorities and have varying degrees of downward accountability.

Many other kinds of transfers are made in the name of decentralization. Figure 2 provides a schematic designed to classify reforms where transfers take place to elected local government, local administrative bodies, NGOs, community groups, customary authorities, or private corporations and individuals. Transfers to such bodies as NGOs, user groups, and

customary authorities create public-private hybrids and represent something between decentralization and privatization. The accountability of these hybrids is unsystematic, indeterminate, or ambiguous vis-à-vis the powers transferred to them. Transferring powers to these institutions is a kind of non-market privatization because, although they are not market oriented, they are only accountable to their members; such transfers, therefore, do not represent effective decentralization.

All institutions and individuals, public and private, are accountable to regulatory agencies and are obligated to operate within the bounds of existing laws. Regulatory bodies circumscribe the domain of freedoms for each type of institution. Institutions are defined by the direction of their accountability concerning discretionary actions within their domain of freedom. With respect to their legal discretionary powers, private bodies are not accountable to the public at large. They may use a private forest or private land as they wish without consulting any-one—provided they are not breaking any laws or regulations. This differs from a democratic authority, which owns or holds in trust a forest or plot of land. Public authorities must, like private operators, respect existing regulations, but democratic authorities are accountable to the local population with respect to how that property is used. Since private bodies are not accountable to the population as a whole, trans-fers to private bodies constitute privatization, not democratic decentralization (see discussion under "Privatization is not decentralization" in Section III).

In practice, all institutions operate within a mix of accountability relations. Elected officials are often more accountable to their party than to the people who elected them. Administrators may be profoundly dedicated to serving the needs and aspirations of the people (see Tendler 1997). So-called customary authorities in some places and times may be perfectly democratic (for example see Spierenburg 1995). These categories are not fixed. Rather, they provide a heuristic device for analyzing whether institutions can be considered to be substantively democratic, which is the foundation of effective decentralization reforms. This framework allows us to focus on the elements of decentralization that theory tells us will lead to improved outcomes. It allows us to evaluate empirically whether the institutional conditions are in place—the mix of downward accountabilities and discretionary powers—that are expected to generate positive outcomes.

Principles of *institutional choice* can be developed to guide the selection of local institutions within decentralizations. Downward accountability is the first criterion. The measure of accountability is whether institutions are subject to sufficient account-ability mechanisms, such as elections, public meet-ings, public reporting requirements, recall, account-ability-inducing magic, protest, etc. (see Annex C). Other important institutional characteristics include amenability to influence via legislation, which makes a given choice a policy option; replicability and generalizability for scaling up; and sustainability over time. The advantages of elected local government are amenability to legislative manipulation, national-scale replicability, systematic accountability to the popula-tion (depending on the structure of its electoral system), and sustainability as institutionalized representation. While some forms of customary authority may be representative and sustainable, they cannot be replicated and spread across the national territory. While some NGOs may serve the best interests of local people, their accountability is not systematic and they may not be sustainable. While these principles point toward elected local govern-ment, in many places democratic local government does not exist—or it is captured by central authorities making it upwardly accountable. In these instances Mandondo (2000a) recommends working with whichever institutions are making public decisions while applying multiple accountability mechanisms to these institutions.

Two other issues emerge in local institutional choice when there are multiple institutions involved. Too many local institutions or too many levels of local government can diffuse authority among too many actors, making them all ineffective and undermining their legitimacy to act in the public domain. Competi-tion among local institutions is also believed by some to create greater efficiency in serving public interests, but the evidence does not support this (Tendler 2000). When there are multiple institutions, who

depends on whom is important when public re-sources are involved. NGOs, traditional authorities, and other private bodies holding public powers should be accountable to representative institutions for decentralization to be effective (Blair 2000).

POWERS: DISCRETION AND SUBSIDIARITY

For any democratic process, discretionary powers are necessary so that elected authorities can be respon-sive to their constituents. Unlike mandates, which require local authorities to act on behalf of the mandating agency, discretion enables representatives to act on behalf of their constituents. The domain of local discretion is the basis for local democratic decision making (Ribot 1999a, 2001). Without discretionary powers, local government is merely an administrative extension of central government. Having discretion is what defines meaningful authority in local democracy. Discretion defines effective decentralization.[34]

Effective decentralization of natural resource management requires that local authorities have a domain of discretion related to the management of their natural resources. First, discretion is needed so decision makers can adapt to the great spatial, temporal, and social variations of use and manage-ment. Second, discretion is often needed in making allocative decisions over use and management due to the lucrative nature of the many opportunities that natural resources present. Discretion in allocation can help optimize use by allowing local authorities to sanction abusive users and reward good managers. Discretion in allocating lucrative opportunities also gives local authorities the power to bargain with outside users. Third, discretion is necessary for flexible and locally informed negotiation among the multiple claims by pre-existing authorities, citizens, outside commercial interests, and local government.

The domain of local discretion is important since it is the domain of freedom around which democratic local government, citizenship, and civil society can form and develop. Even if elected, local authorities who do not hold discretionary powers are not demo-cratic since they cannot be responsive. Nor do they have a meaningful domain of action within which the local population can judge and respond to their performance. It is the ability of local people to select their leaders based on performance that makes elections meaningful. It is also the exercise of powers by local leaders that allows them to develop local legitimacy and to cultivate a positive relation with society.

Without discretionary powers, local govern-ment is an administrative extension of central government. Having discretion is what defines meaningful authority in local democracy.

Citizenship crystallizes around empowered local authorities. It is with respect to the powers of local authorities that citizens are motivated to become engaged in self-government and civil society is motivated to organize and apply influence.[35] People do not organize to influence authorities that cannot respond. In addition, Agrawal (2001) argues that local authorities themselves engage positively in manage-ment when they control the means to regulate—in other words, it is by wielding power that local authori-ties become identified with and take up resource management and regulation (see Box 4).

The kinds of powers that can be devolved to constitute a domain of discretion are the classic powers of government: decision making, implemen-tation and enforcement powers (executive), power to make rules or bylaws (legislative), and dispute-resolution powers (judicial) (see Agrawal and Ribot 1999). But devolution of these powers does not necessarily create discretion. Powers can be devolved to give local authorities independent choices, or as mandates to implement policies handed down by higher levels of government. These powers may come funded or unfunded by central government, or they may include powers to acquire funds—such as through loans, taxation, fees, fines, and sale of confiscated goods.

SUSTAINED FOREST MANAGEMENT IN INDIA THROUGH THE TRANSFER OF "MEANS OF REGULATION"

In Kumaon, India, local people became engaged in environmental management when the tools and powers of regulation, the *means of regulation*, were placed in their hands. Kumaon presents one of the longest-standing cases of decentralized environmental management. After a series of local rebellions against British timber extraction in the forests of Kumaon in the 1930s, the British banned commercial timber extraction and devolved the rights to manage forest use to van panchayats (elected local forest councils). Through the experiment in Kumaon the forests have provided livelihoods for more than seventy years.

Agrawal observed that in Kumaon "once the central government created local centers of decision making and granted them the authority to regulate forests, it became possible to use available information effectively in the service of environmental conservation." The transfer to communities of what Agrawal calls "means of regulation," such as rule making and enforcement, leads to the engagement of local people, along with their knowledge and skills, in the management and use of resources. In addition, Agrawal argues, "communities accomplish local regulation at significantly lower costs than any central government can."

It is important to note that in the Kumaon case, local autonomy was limited to management of non-commercial uses. Much of the environmental stability could be attributed to the timber ban. In this case the forests were protected from outside commercial loggers as well as from local interests. But would there have been such a success had there been more local autonomy? Would the forests have been in good condition if local activities had not been limited to raising revenue from fodder and dead trees, but had been extended to deriving revenue from timber sales? This is unclear.

Not all of the communities in the Kumaon Himalya were able to enforce forest management regulations. Agrawal observed that the failure of some of the elected forest councils "to enforce forest-related rules is most evident when villagers do not have sufficient forests under their control, when villages are very small or very large, when levels of migration from specific village to the plains are very high, and when government officials provide little or no support to council members trying to protect the forest." Nevertheless, "the seventy-year history of decentralization in Kumaon demonstrates the possibility that local regulatory institutions can manage resources successfully."

Source: Agrawal 2001, 209–10.

Participation or representation always involves powers—there must be something in which to participate. Which powers local people should hold remains a difficult question in most participatory and decentralized natural resource management. The view that local participation is beneficial for natural resource management was strongly promoted at the United Nations Conference on Environment and Development in Rio de Janeiro (Meinzen-Dick and Knox 1999; Twyman 1998). The conference's Agenda 21 states that "one of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision making" (1992a, sect. 23.1). The Rio Declaration also emphasizes that "environmental issues are best handled with the participation of all concerned citizens, at the relevant level" (United Nations Conference on Environment and Development 1992b, Principle 10).

The words "at the relevant level" are critical. How can the relevant level for decision making be determined? The principle of "subsidiarity" offers guid-

ance. According to this principle, the relevant level for any given decision is the most-local-possible level, provided that making the decision at this level does not cause negative effects at higher social or political-administrative scales (Føllesdal 1998; Rocher and Rouillard 1998). In other words, according to subsidiarity notions, decisions that can be made locally without jeopardizing social and ecological well being should be located at the local level—not precluding some framework of standards and regulations.[36]

Other important questions must be asked in developing criteria to determine which powers belong at which level and under what kinds of authorities. Which powers should be public, private, or collective in nature (Ostrom 1990, 30)? Which should be located at national, regional, district, or local levels? The answers to these questions are technical and political—two dimensions that are often conflated (Bazaara 2003). Some issues have to do with the nature and scale of a natural resource—protecting a watershed or a wildlife species may require some management functions to be decided and implemented at a large political-administrative scale. Some decisions may have to do with economies of scale in technical knowledge or equipment. Some have to do with the effects of local decisions on the broader population—such as when an upstream forest user causes erosion, flooding, and siltation for districts downstream. Others may relate to the need for leveling mechanisms to effect interjurisdictional equity at a national level. Ultimately, all power allocations are political in so far as they create winners, losers, and conflicting interests.

Developing subsidiarity guidelines should take all of these considerations into account. Most fundamentally, these principles must emphasize that discretion is essential to local democracy—which is the key to the ostensible benefits of decentralized management. That discretion, however, must be well chosen and bounded so that its effects do not harm society or the nation as a whole (see "Setting the boundaries on local power" in Section III).

MEDIATING FACTORS: DECENTRALIZATION IS NO PANACEA

Even perfectly representative and downwardly accountable local authorities may over-exploit resources and ignore minority interests if given the unbridled power to do so. Decentralization is not a stand-alone panacea for natural resource management—or for the management of any public resource. When it is profitable, collective decision makers are likely to exploit natural resources rather than conserve them, especially if they do not bear the indirect costs, such as when deforestation by upstream users leads to downstream flooding and dam siltation, or when the present needs are urgent and local costs of exploitation accrue later. Ensuring positive environmental and social outcomes requires some regulations and standards. It requires means for ensuring that nationally defined environmental and social concerns are taken into account. It is naïve populism to assume otherwise.

Even perfectly representative and downwardly accountable local authorities may over-exploit resources and ignore minority interests if given the unbridled power to do so.

The ways in which devolved powers are used depends on the incentives, including, but not limited to, sanctions, that decision makers face. If it is profitable to cut down the forests, then there is little reason to believe that a local collective will or should have different values than an individual. They may, however, weigh those values differently than do outside interests or wealthy individuals. The advantage of collective decisions is that the broader spread of interests may bring certain marginal values into decision making that may be forgotten in a private scheme—helping to "internalize externalities." Collective local decision making may also bring more-detailed local knowledge to decisions and may also weigh the costs of labor differently. Further, the public, as opposed to wealthy corporations, especially if the public consists of poor primary producers, does

not have an exit option that would allow it to exploit the resource and then leave (Bardhan, Ghatak, and Karaivanov 2002). If given the power, local decision makers are likely to block extractive activities that profit non-local actors at the expense of the local population, as they have done in Nicaragua and Senegal (Ribot 2000; Larson 2002). There is also good reason to believe that local people are more likely to respect rules that they have had a role in creating (Agrawal 2001; Jon Anderson, personal communication, January 2004; Larson 2004a).

Nobody reasonably advocates devolution of all powers.

However, if alternative development opportunities are not created or if the benefits to the community as a whole are greater than without over-exploitation, local people are likely to over-exploit the resource (Baviskar in Latif 2002, 38). Decentralization is expected to increase inclusion, equity, and efficiency—even if that leads to democratic, equitable, and efficient transformation of natural resources into other, more-locally-preferable investments. Hence, if there are values that government or society at higher levels wants protected, rules, regulations, and standards are needed—hopefully elaborated in cooperation with local populations. Nobody reasonably advocates devolution of all powers. Local discretion *with* a minimum regulatory infrastructure must be established to bound and protect local freedom.

Larson (2003) points out that "the perfect combination of formal powers and downward accountability [i.e., some ideal decentralization] may never actually exist in practice or, at best, will only exist in a state of dynamic tension. At the same time, it is unlikely that these two factors alone would *necessarily* lead to good management decisions."[37] She argues that additional factors must be brought in to explain the relation between decentralization and outcomes (also see Oyono 2003).[38] These include "power relations among local actors [i.e., among various elite and marginal groups], the overall structure of incentives regarding the resource in question [prices, values, regulatory arrangements], environmental and social ideology [beliefs that shape how resources are valued and used], and local government capacity [its ability to assess and respond to local needs]" (Larson 2003).[39] These factors mediate between decentralization and outcomes (also see discussion in Latif 2002).

The mediating factors between decentralization and outcomes still need further theorizing. The whole range of factors that shape outcomes need to be taken into account in preserving greater public good—but without allowing the greater public good to become an excuse to avoid decentralization. This is one axis of Larson's (2003) "dynamic tension." From these factors, measures for protecting threatened values can be developed to accompany decentralization reforms. Some of these, including minimum environmental standards, are discussed in the analysis section of this report.

2

LOCAL ACCOUNTABILITY—
INSTITUTIONAL CHOICES IN PRACTICE

*Accountability of local governance institutions
constitutes a major problem of democratic
programmes.*

<div align="right">Olowu 2001, 51</div>

*The case that decentralised political bodies can deliver
services more efficiently and more responsibly depends
on adequate mechanisms for political and financial
accountability. Wealthy countries with a long demo-
cratic tradition possess elements of accountability
(educated population, media, administrative and
judicial capacity, regularity of elections, etc.) that do
not necessarily operate well elsewhere. In the absence
of effective accountability mechanisms, there are
dangers that decentralised resources will be improperly
diverted and/or that the benefits of decentralization
will be captured by insiders. Lack of administrative
capacity and of complementary resources may also
prevent political efficiency benefits of decentralisation
from being realised in practice. Assuring accountabil-
ity is critical. . . .*

<div align="right">PMA Grant Study 2001, 29–30
(Plan for the Modernisation of Agriculture, Uganda)</div>

Natural resources have been under administrative
management for a long time. This report is con-
cerned with the ways that current decentralizations
are moving away from this top-down form of man-
agement. In many instances, popular or stakeholder
participatory processes and comanagement ap-
proaches are used to mobilize local populations to
participate in the management and use of local
resources. As discussed in the previous section, these
approaches, though widespread, do not constitute
democratic decentralization since they do not transfer
public powers nor do they create or empower repre-
sentative local authorities. They may at times be
inclusive and may even integrate elected authorities
to represent local populations, but participatory
approaches and comanagement arrangements are not
decentralization because, although they solicit advice
on the exercise of powers and may even share powers,
they do not clearly transfer powers.[40]

The choice of institutions and the ways in which
those institutions are accountable have profound
implications for the effectiveness of decentralization.
Central actors generally choose to devolve powers to
local actors with whom they already have relation-
ships. In addition, they choose policy instruments
that allow them to allocate state-controlled resources
(such as subsidies) rather than those that operate
without central redistribution (such as taxation)
(Bates 1981). Having the power to allocate state
resources allows central state actors to create or
maintain patronage networks. Indeed, it is for this
reason that the "means of transfer" is so important
(see Section III). Means of transfer that permit
central agents to allocate resources permit central
governments to cultivate patronage networks and to
maintain control over politically valuable resources. It
is therefore important to note the choices central
governments and projects are making and how they
construct the authority and the accountability of the
local actors to whom they transfer powers (Ribot
1996, 1999).

Truly democratic local institutions, which are accountable to local populations, may be less likely to support central objectives—either for the patronage purposes of central state actors or for the purposes of the maintenance and reproduction of local elite. It is for this reason that central states consistently choose or construct upwardly accountable local institutions; they do this 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 or NGOs, and by resuscitating customary authorities. In this manner, elite capture and patronage are linked. Central authorities gravitate toward upwardly ac-countable institutions and local elite to forge mutually supportive arrangements.

This section discusses the accountability of actors typically chosen as the local recipients of decentral-ized powers in current reforms. These include elected local government, customary authorities, NGOs and committees, and private bodies. The section also will examine crosscutting institutional-arrangement problems that affect the inclusion of marginalized or poor groups in decision making, issues related to the representation of local populations in the national arena, and the role of the central state.

ELECTED LOCAL GOVERNMENT

Elections are one of the most common means for establishing downward accountability of local authorities.[41] Hence, theorists view elected local authorities as the most appropriate recipients of decentralized powers (Mawhood 1983; Crook and Manor 1998; Agrawal and Ribot 1999; Smoke 1999 and 2001). There is some evidence that elected local authorities can improve natural resource manage-ment. Bazaara (2002a, 29) reported that in Uganda elections led to the conservation of some protected trees (see Box 5). [42] Mehta (1996) reported a case in India in which villagers replaced an old unresponsive elite with new representatives willing to set up a joint forest management scheme.

Evidence from other sectors of the importance of elections is encouraging. Crook and Sverrisson (2001,

<div style="border:1px solid">

BOX 5 | **TREES SAVED BY LOCAL ELECTIONS IN UGANDA**

Local democratic checks and balances in the Mbale District of Uganda appear to have prevented corruption by elected officials, saving protected mahogany trees. A Chinese forestry company asked the Mbale District council to allow it to set up a sawmill in the district. The councilors happily rented the company idle buildings to house the mill.

When the mill was set up, the company approached the forestry officer who then informed them that they had not followed proper procedure and that commercial cutting was not allowed in the district. The councilors tried pressuring the forestry officer, but the officer instructed them to ask the people. Since elections were looming, the councilors did not dare pursue the matter. As Bazaara points out, "the trees were saved because of elections."

Source: Bazaara 2003, 29.

</div>

50) observed 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." Echeverri-Gent (1992) observed that competitive local elections in West Bengal, India, helped make policy more responsive to the poor. Similarly, in Colombia Fiszbein (1997a) found that competitive elections were important in making decentralization effective. In Bangladesh, local council leaders dominated local decision making and used their position for self-promotion, but in elections ninety percent of them were not reelected (Parker 1995, 26). Parker argues that with open elections, locally controlled resources were redirected towards more micro-level public works—precisely because open elections make local politicians more likely to meet felt local needs.

Electoral systems do not always create downward accountability. While openness and competition are

important, another key aspect of electoral systems is the ability of the electorate to choose leaders and to reject incumbents (Manin, Przeworski, and Stokes 1999, 2). But not all electoral systems allow such a choice. 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 analyzed for how candidates are chosen, suffrage, term lengths, and means of recall (Ribot 1999a; Prud'homme 2001). Just because local officials are "elected" does not make them downwardly accountable. Their accountability is at least partly a matter of how they are elected.[43] For example, systems organized around party slates that do not admit independent candidates appear less downwardly accountable than systems with independent candidates.

In countries with independent candidates in local elections, authorities are more likely to be accountable to the people. Unfortunately, independent candidates are relatively uncommon. From among the countries represented at Bellagio, only India, Mali, Mexico, Uganda, and Zimbabwe admit independent candidates in local elections (Agrawal 2002; Baviskar 2002; Bazaara 2002b; Kassibo 2002; Melo Farrera 2002). Nevertheless, the degree to which local authorities in these countries are downwardly accountable in practice varies greatly (Alavi 1973; Parker 1995; Mehta 1996; Ribot 1996, 1999; Crook and Manor 1998). Admissions of independent candidates should, however, help to produce downwardly accountable authorities.

Most African governments have created local governments that are upwardly accountable to the central state (Mawhood 1983; Wunsch and Oluwu 1995; Ribot 1999a; Oyugi 2000; Crook and Sverrisson 2001). Around the world, upward accountability of local elected governments is produced through party-list elections, as in Bolivia, Brazil, Burkina Faso, Cameroon, Indonesia, Ivory Coast, Mongolia,[44] Nicaragua, Niger, Senegal, South Africa, and Zimbabwe. Candidates are effectively appointed by central political parties—usually the party in power. The candidates are often viewed by local people as accountable to the party, rather than to the

local population (Ribot 1999a; Resosudarmo 2002).[45] In places where only the party in power can organize lists across the country and there is no real competition among parties, these systems leave little chance for local populations to choose their own representatives (Ribot 1999a).

There are many examples where representation is dysfunctional due to electoral systems based on party lists or slates (see Ribot 2002a). Under pressure from the political party that put them on electoral lists, local councilors in Senegal allow forest exploitation to continue against the expressed wishes of the people who voted for them (see Box 6). In Zimbabwe, rural councilors overseeing environmental projects have not reinvested in the community; local people attribute this to their accountability to their political party (Mapedza and Mandondo 2002; Mandondo and Mapedza 2003). A similar electoral system in Indonesia also may help to explain forest over-exploitation (Resosudarmo 2002).[46]

Under some conditions, party-list systems can serve their constituents relatively well. Dupar and Badenoch (2002, 11) observed that in Thailand, which has embarked on some of the most ambitious decentralization reforms in mainland Southeast Asia, political parties have sought to strengthen their support in rural areas by increasing the voice of rural constituencies. Democracy theorists believe that these kinds of results are likely when there is significant competition among political parties (Schumpeter 1976[1943]). The problem appears to be that in most developing countries, opposition parties have insufficient resources to organize at the level of local elections; therefore, competition remains low.

Even when the electoral system is well crafted, many elected officials are not accountable to their constituencies. Elite capture and other problems constantly emerge (Alavi 1973; Mehta 1996; Smoke 1999, 17–9; World Bank 2000, 109, 121; Crook and Sverrisson 2001; Ribot 2001a). There are many ways that local elite or political parties are able to capture the electoral process, bringing the local accountability of leaders into question (Crook and Sverrisson 2001). Members of the rural elite manipulate candidacies, electoral processes, and persons in elected or other

In the rural community of Makacoulibantang, in the Tambacounda region of Senegal, villagers have been fighting against commercial charcoal production since the early 1990s. For years, production continued because the forest service insisted that the rural population had no rights over the forests. Foresters told local people that the forests belonged to the nation as a whole and needed to be exploited to supply the capital city with fuel.

In 1998, a new decentralized forestry law gave rural communities and their rural councils (the most-local level of government) three key new rights: (1) the right to manage their forests—albeit following overly elaborate management plans outlined by the forest service, (2) the right to determine who could produce within their forests, and (3) the right to approve, through the president of the rural council, any production within their community before it takes place. The forest service also was supposed to change from a system of nationally fixed production quotas to a system where production quotas would be allocated based on the ecological potential of each forest. A three-year transition period ending in February 2001 was allowed for the full implementation of the new laws.

But in 2003 the national forest service was still making all key decisions. For the 2003 production season, the forest service set a national charcoal production quota and allocated quota shares among professionally licensed forestry firms. The quota was based on the previous year's production of each forestry firm, not on the ecological potential of each rural community's forests. The annual charcoal production quota in Senegal has long been set far below the level of national demand—causing a supply crisis every year that must be resolved by allocating supplementary quotas late in the season. The minister announced at a national meeting that he was lowering the 2003 quota in order to protect the nation's forests.

The head of the national union of commercial foresters called the low quota a "political quota" intended to make donors happy. But it was even more political than that. Setting the quota far below demand creates a patronage resource that the forest service and ministry gets to allocate as extra quotas to make up the difference between the initial national quota and consumption. Contrary to the new laws, after setting and allocating the quota at the national level, the quota is passed to the regional councils to distribute to the merchants in each

leadership positions (Mehta 1996). Local people often vote for elite candidates due to their economic and social dependence on members of the elite for survival (Alavi 1973).

The effectiveness and legitimacy of local authorities can be undermined in numerous ways. Elite capture and upward accountability can compromise the effectiveness of representation and service delivery. The failure of central government to empower elected local authorities also undermines their effectiveness and legitimacy. Local authorities need discretion over meaningful matters in order to serve populations. When they do not or cannot deliver, people lose confidence and interest in elected authorities (see Box 7).

Despite their limitations, elected representatives are essential building blocks for accountable local government. But even where there are well-structured elected local authorities, governments and donors often avoid them in favor of other kinds of local organizations (Romeo 1996). Often, they are avoided for being too "political" (Baviskar 2002; cf. Ferguson 1996) or for being inefficient or lacking in capacity. While these arguments are often wrong (see capacity discussions in Sections III and V), powers are instead transferred to local administrators, customary authorities, committees, NGOs, or other private actors.

While local governments may be more likely to be downwardly accountable, depending on the kind of

BOX 6 | CONTINUED

region. The merchants then launch production by installing their woodcutters in forest villages. The rural councils are not even involved.

Despite widespread popular resistance to charcoal production in Makacoulibantang, the president of the rural council gave his authorization for production when the forestry officer asked for it. Indeed, all of the rural council presidents in the region did the same. When asked why they are allowing charcoal production in their communities when almost everyone is against it, the three councilors interviewed said they had no choice. When pressed further, it became evident that they were under pressure from the ruling party to allow charcoal production. When asked why he did not exercise the right given in the new forestry laws, one council president said, "The law is the state, the party is the state. What can we do?"

This outcome can be at least partly explained by the organization of the electoral system. The local electoral laws in Senegal do not admit independent candidates. Further, they ensure that councils are controlled by only one party by giving half of the council seats to the party with the most votes and dividing the other half proportionally. Hence, if the leading party gains twenty percent of the vote, they get sixty percent of the seats on the rural council—that is half of the seats plus twenty percent of the other half. The ruling party usually leads. The president of the rural council is caught between the law, which is the state, and the minister, who is the state and the party. In short, the president acted against the will of the population that elected him because he is beholden to the party, which selects the candidates on the party slate, and to the state, which allocates the resources his rural community needs. The result is that the forests of the rural communities continue to be cut by migrant woodcutters installed in their forests by urban merchants who have great influence over powerful political actors.

This situation was further exacerbated by a failure of civic education. Based on interviews, rural residents are unaware that the presidents of the rural councils have the power to stop charcoal production in their communities. Armed with this knowledge, they might try to hold the rural councils accountable.

Sources: République du Sénégal 1998; Ribot 2000; Thiaw and Ribot 2003; Interviews by author of rural councilors, village chiefs, and villagers, April 2003.

electoral system and on the particular local cultural and historical context, there are also other advantages to working through local elected authorities. Compared to other local institutions, local governments are formally institutionalized and therefore can be sustainable over time and scaleable over national territories. Sustainability and the ability to scale up need to be explored further, but they appear to be two of the comparative advantages of working with local government.

In short, powers transferred to authorities chosen through competitive local elections that admit independent candidates appear most likely to be exercised in a locally accountable manner. In addition, when decentralizations are based on democratic local government, they may be more sustainable and scaleable across national territories. Local government is still, nevertheless, subject to elite capture and corruption; also, it often lacks some of the skills necessary to respond effectively to local needs.

Authorities chosen through competitive local elections that admit independent candidates appear most likely to be locally accountable; in addition, they may be more sustainable and scaleable across national territories.

Ghana decentralized powers to elected district assemblies with the expectation that doing so would liberate people. Assemblies were created but given very little power. The money that they had was spent to transport politicians to and from meetings. People were excited about the promise of democratic opportunities, but the outcomes did not meet their expectations and they became cynical and angry.

In one case in Uganda, decentralization led to broad participation in the beginning. However, members of the old village elite learned to assert themselves in local council affairs and started appropriating resources. Local people felt excluded and became angry.

In Senegal, elected rural councilors in the 1980s felt that nobody respected them because they had no significant powers. They were embarrassed to be elected officials. They could do nothing for the people. Since the mid-1990s their powers under the law have increased—but they are not getting to exercise them in practice.

When leadership has nothing to offer, people lose interest. When the leadership is not transparent, people lose trust. The resulting cynicism can poison relations between local government and the local population, but it also can prompt change.

Sources: Hesseling and Smit n.d.; Bazaara and Manor in Latif 2002, 32–3, 45.

LOCAL ADMINISTRATIVE BODIES— DECONCENTRATION

Deconcentration accompanies all decentralizations and often substitutes for them. Deconcentration is a poor second choice to democratic decentralization. It does not establish democratic forms of decision making. In addition, it relies on the perceptions and motives of centrally appointed agents to discern the needs of local peoples. The deconcentration option does not provide representative authorities with discretionary power. Without empowered representatives, the system must rely on the good will of centrally appointed agents and their superiors to make decisions on behalf of local populations, and theorists do not expect to get as effective internalization of externalities. Deconcentration is not very different, however, from decentralization to upwardly accountable party-chosen local representatives. There is, nevertheless, evidence that deconcentration can serve local interests well. In Brazil, for example, Tendler (1997) observed that a system of performance awards led local civil servants to better serve local needs. In India, Joshi (2000) found that front-line foresters and the foresters union helped establish and spread joint forest management arrangements.

It is important to note that empowering local administrative branches of the central state— administrative units and line ministry local offices and agents—is not the only way to create effective deconcentration. As noted in the above section, the way the electoral system is designed matters; some electoral systems can establish downwardly accountable local authorities, while others force them to be accountable to the central state or to a political party—what Resosudarmo (2002) calls "coadministration." Second, the accountabilty of local authorities often follows the kind and source of their powers. If elected authorities are given only the power to implement central mandates, then they are effectively turned into elected central administrators—not local representatives. In colonial times, customary authorities—such as chiefs and headmen—were officially administrators for the colonial powers and they were backed by colonial military force. Coadministration in the name of comanagement can also be a form of central administration of local affairs. So while administrative authorities can be accountable to local populations, many other kinds of authorities can be made upwardly accountable to the central state and, therefore, can be used as administrative units rather than as independent local decentralized political authorities.

> *Authorities chosen through competitive local elections that admit independent candidates appear most likely to be locally accountable; in addition, they may be more sustainable and scaleable across national territories.*

In sum, deconcentration is a weak form of decentralization. Local administrative authorities can be accountable to local people when faced with proper incentives or when ideologically dedicated to their role as public servants. Their downward accountability, however, is usually less-systematically structured than is that of elected authorities.

CUSTOMARY AUTHORITY

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

<div align="right">Porter and Young 1998, 523</div>

Across Africa, so-called traditional or customary authorities, such as chiefs, big men, kings, marabouts, and other religious leaders, have been reasserting their authority in recent years (van Rouveroy van Nieuwaal 1987 in Therkildsen 1993, 84; Brock and Coulibaly 1999, 152; Ntsebeza 1999, 2002; Manor 2000).[47] Traditional authorities may also be gaining strength elsewhere—as in Guatemala, Indonesia or in China's ethnic regions. They play an important role in many decentralization programs. At times, chiefs are evoked as a reason not to decentralize. Sometimes they are identified as the actors to whom decentralized powers should be given. Chiefs find support in international donor agencies as well as in national governments. But are they representative, accountable, and legitimate? Are they appropriate institutions to conduct local public affairs?

In the past several years, customary authorities, with help of their allies in government, and often with donor support, are reemerging as a political

force against local democratization in Mozambique, South Africa, Uganda, and Zimbabwe (Ntsebeza 1999; Jeter 2000, A1; Manor 2000; Bazaara 2003). Muhereza (2001a) has pointed out that "decentralizing" control over forests to customary authorities in Uganda contributes to the strengthening of customary kingdoms at the expense of the democratically elected local council system (see Box 8). In Mali, donors are reconstituting customary authorities as forest managers at the expense of democratically elected local councils (Kassibo 2002a). Kassibo (2001) has argued that traditional authorities are also reemerging in reaction to local democracy and to the woman's movement in Mali. Chiefs in Burkina Faso, Mali, and Niger are also often evoked by members of central government as a threat to democratic local institutions, or as a reason not to decentralize or establish democratic local institutions. Chiefs are threatened by transfer of control over land allocation to democratic institutions and the more general undermining of their authority by alternative representative local institutions. Because of this, they and their allies in central government—who may also lose their rural power base through local democratization—pose a serious threat to decentralizations.

Van Rouveroy van Nieuwaal and van Dijk (1999, 6) have argued 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 resources and land allocation are described as domains in which chiefs' "nostalgic claims to authentic ritual power are effectuated in terms of real political power. . . . 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." In essence, chiefs use this discourse of authenticity to their advantage—particularly with respect to gaining leverage within natural resource management and land allocation.

There are plenty of examples of chiefly influence in natural resource management. Oyono (2002, 12)

BOX 8 | **KING VS. COUNCIL IN UGANDA—WHO BETTER MANAGES THE FORESTS?**

Uganda's Forest Service transferred several forests to the Bunyoro-Kitara Kingdom in the district of Masindi. Following the transfer, these forests were poorly managed. The management trust set up by the king was accused of mismanagement for allowing increased pit-sawing. The district forest officer, a centrally appointed official, observed:

The kingdom was selling trees like cows. They sold standing trees without undertaking an inventory to establish the volume of wood. This had partly contributed to the current over-exploitation of trees in kingdom forests. The kingdom officials refused to allow field extension staff to access their forests and even issued their own licenses for harvested timber, which created a lot of confusion in the department.

In addition, forest villages expressed resentment for not being consulted on the trust's establishment or on the formulation of policies—in which they would have been involved under district jurisdiction. Villagers showed their opposition and disapproval by ignoring the trust's regulations and by setting forest fires to burn trees. In an attempt to redress the situation, the king cancelled all licenses and concessions and fined license and concession holders who did not stop production. The situation remains unresolved. It is interesting to note, nevertheless, that villagers were able to use sabotage to bring the king to be more accountable to them.

In stark contrast, the neighbouring forests are better managed under local-council management. Under the pre-decentralization forestry regime in Masindi District, the licensing fee for charcoal producers was very high (over sixty percent of the producer price of charcoal). Charcoal makers cut more trees to compensate for the high tax. Truckers, however, paid a very low licensing fee (only eleven percent of the sale price for charcoal). Because of this inequity

between producers and truckers, "many charcoal producers grew hostile toward the local and central government authorities [who set the fees], in some cases refusing to pay licensing fees and failing to cooperate with government in other areas" (Muhereza 2003, 8). Because of these problems, the district received less than thirty percent of the revenues expected from charcoal fees. More trees were being cut, and the district was losing almost U.S.$1.4 million per year.

To resolve these problems and increase the revenues, the district executive committee resolved to drastically reduce the fee for producers to about one percent of its original level, and the fee for truckers was increased by forty percent. To further raise revenues, the committee formulated and facilitated the passing of the Masindi District Production and Environment Ordinance of 2002. The ordinance requires landowners to set aside at least ten percent of their land for tree planting and enables the council to penalize delinquent landowners. The ordinance also empowers the district council to make bylaws to ensure sustainable use and revenue collection from the charcoal trade. Together, these measures increased district revenues while improving forest management. Income from charcoal production revenue in Masindi District is used by subcounty councils to subsidize their struggle to deliver services.

Unfortunately, although elected councils appear to manage the resources better and to invest the income in the community, councils control a small portion of the forests in Masindi District. Most of the forests have been privatized and are now controlled by customary authorities, or they have been cordoned off as central reserves. The domain over which councils have jurisdiction has been severely limited, undermining the discretion and ultimately the legitimacy of local councils.

observed that forestry decentralization in Cameroon is allowing village chiefs and management committee members to collude in establishing themselves as a new "forestry elite." In Zambia and Lesoto, Shackelton and Campbell (2001, 8–9) noted that chiefs exerted disproportional influence as wildlife management unit chairs, which allowed them to "divert some benefits from CBNRM [community-based natural resource management] to build their own power base." In Namibia, however, their exclusion resulted in conflict and delays. The chiefs were later coopted into the committees. Shackelton and Campbell (2001, 9) feel that the key to success is to achieve a balance with respect to the power of chiefs in CBNRM by providing traditional leaders with ex-officio or non-executive roles. Oyono (2003) believes that customary authorities need to be included in natural resource management committees in order to help articulate the actions of these new management institutions with pre-existing institutional relations, but he cautions that their inclusion must be subordinated to decision making by elected and representative local authorities.

Customary authorities can at times be a positive force. Manor (in Latif 2002, 41) points out that in Mozambique some chiefs are relatively progressive, and since civil society is weak, chiefs are the only local people with whom government and outsiders can work (also see Alexandre 1970). Under these conditions, even the most progressive organizations work with chiefs if they want to get anything done. Spierenburg (1995) describes highly democratic, locally accountable traditional decision-making systems in Zimbabwe. As mentioned earlier, there are many possible kinds of accountability systems built into chieftaincies or councils of elders. As Manin, Przeworski, and Stokes (1999) point out, even without any accountability mechanisms in place, some authorities will be responsive, and therefore representative, due to their ideology. They may believe their role is one of public service and loyal representation. But, without a *systematic* form of accountability, the responsiveness of customary authorities is more likely to be based on the personality and beliefs of individual leaders.

Under some conditions, customary authorities can pose a threat to the development of local democratic government and to effective decentralization. In Senegal, village chiefs are being used as intermediaries between elected rural councilors and villagers as if they represent the village[48] (Thiaw and Ribot 2003). In this manner, villagers are being disenfranchised and separated from the democratic process—especially because many village chiefs are making decisions that are against the interests of the villagers (Ribot 2000). In the name of legitimacy and tradition, they take powers that would otherwise go to democratic authorities. Ironically, they are not necessarily popular public figures, as is often assumed. Traditional political authorities have often been viewed as the extended arm of the state in the locality, and usually are regarded as inefficient, corrupt, undemocratic, and excluding of women (Therkildsen 1993, 87). Perhaps customary authorities or customary councils are better viewed as private interests, just another elite group, or as members of civil society—a kind of NGO or interest group. Like any other actors, some chiefs are dedicated to public service and some are not.

Whether a chieftaincy accurately represents people concerning public natural resources will depend on the history and personality of the particular person and place. Of course the same is true of even well-crafted electoral systems; however, in electoral systems there are always sanctions that can be applied. The lack of systematic accountability across chieftaincy systems makes it difficult to rely on chiefs and other customary authorities as a generalized form of representation. While some are definitely democratic and some are highly accountable, others are not. Further, customary rulers are often chosen because someone believes them to be legitimate. This too may not be the case, or their legitimacy may come from fear rather than from respect as in one case in South Africa (Ntsebeza 2004).[49] Legitimacy may be an instrumental reason for choosing a local authority, but it is not necessarily a democratic one. In addition, chiefs are receiving public powers that could go to local elected authorities, thereby undermining the establishment of local democracy.

In short, traditional authorities are not a primordial category of ideal legitimate leaders. Closer scrutiny of traditional authorities shows that: they are not necessarily representative, legitimate, or even liked by local populations;[50] they are often constructions of the central state and in many places are still official administrative auxiliaries of central authorities (as under Indirect Rule); they are not necessarily accountable to the local population; and empowering or working with them may not serve the efficiency, equity, or development aims of many decentralization advocates. So-called customary or traditional authorities are sometimes representative and locally accountable, sometimes administrative, and sometimes private actors. Perhaps, as in the 1993 Local Government Transitional Act in South Africa, local chiefs should be defined and treated as just another "interest group" (Ntsebeza 2004). The key question, whose answer will differ from place to place, is how to decentralize so as to draw on the strengths and wisdom of traditional authorities while reinforcing and legitimizing local democracy.

NGOS AND COMMUNITY GROUPS

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.
Brown 1999, 47

According to a definition provided by the World Bank, nongovernmental organizations (NGOs) are "private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development." The defining characteristics of an NGO are "altruism and voluntarism" (World Bank 2003).[51] NGOs are valued by different people for different reasons. Conyers (1990, 25) points out that some NGO supporters "are motivated not by 'developmental' concerns but by the desire to reduce public spending and support capitalist enterprise."[52] Others believe "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. . . . Many supporters of the latter view envisage such organizations working in partnership with decentralized government organizations, not replacing them" (Conyers 1990, 25).

The key question, whose answer will differ from place to place, is how to decentralize so as to draw on the strengths and wisdom of traditional authorities while reinforcing and legitimating local democracy.

NGOs can play a significant positive role in decentralizations by making people aware of their rights as voters and by monitoring elections (Smoke 1999, 11). They also can provide services to local populations and can organize to lobby government to provide greater services to local populations. In Cameroon, for example, NGOs have helped rural communities develop complex forest management plans required by their government (Etoungou 2003; Oyono 2003). 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 (see also K. von Benda-Beckmann 1981; Fox 1990; Ferguson 1994; Lund 1998).

NGOs can also have negative effects on local democracy and therefore on the foundations for effective democratic decentralization. Across Asia, NGOs have been observed trying "to undermine the development of local governments, which are seen as a threat to their powerful position in the community" (Smoke 1999, 11). International NGOs, donors, and other such organizations often choose to work with local NGOs and community groups in order to avoid local governments. This takes from local representative governments valuable opportunities that could support their development and legitimacy. In addition, NGOs can undermine grassroots organizations by dominating local agendas. In a case in eastern Cameroon, the vice president of a village development committee explained to Etoungou (2001) that an NGO had told his village that it had come to follow the village's case. The

vice president had replied that while "we must say thanks to this NGO, we hope that it nevertheless understand that we can fly with our own wings."

Many projects also approach sub-village interest-defined groups—such as fishers, woodcutters, pastoralists, farmers, or women's or youth groups organized into associations, NGOs, or cooperatives. These groups 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. While they are often treated as if they were representative, 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, consequently, nonrepresentative (National Research Council 1992, 35; Guyer 1994, 223; Mazonde 1996, 56). As Utting (1999, 170) points out, we need to ask to whom NGOs are accountable, if indeed they are accountable to anyone.

In Senegal, for example, forestry cooperative presidents—usually powerful notables—treat their cooperatives as private property, often filling them with family or dummy members to obtain state services to which cooperatives are entitled (Cruise-O'Brien 1975, 128; Ribot 1993). In Cameroon, the community forestry law devolves powers to local forest management committees (Government of Cameroon 1998; Brown 1999, 47). To be recognized officially, these committees must be registered by the administration as "common initiative groups" or "associations" (Oyono 2003, 17). They do not necessarily represent the community, however. While the law requires that the committees consult representatives of all segments of the community, it is not clear by whom these "representatives" are chosen, and the results of the consultation are not binding. The consultation is just another process—a kind of ritual to appease the powers that be—that must take place in setting up a community forest (Government of Cameroon 1998, 12). In Mongolia, in reaction to poor pastureland-management laws and circumstances,

civil-society groups are mobilizing to experiment with group pasture management. There remain many questions, however, concerning these groups' representativeness and their legitimacy among non-group members[53] (Mearns 2002, 10–1; 2004).

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). By over-representing NGOs in public decisions, this kind of legislation conflates the importance of having a plurality of voices within a society with the idea of representative democracy. There are reasons to reserve seats on councils for women, as is done in Uganda and in India, who are roughly half of any given population and who are systematically excluded from elected positions in many places (Vijayalakshmi and Chandrashekar 2002; Bazaara 2003).[54] These mechanisms help ensure more even gender representation. There are also good arguments for systematic mechanisms to include poor and marginalized populations (see, for example, Crook and Sverrison 2001). While some NGOs and other interest groups may be composed of marginal actors, many are constituted of segments of the population that are neither marginalized nor under-represented, and whether or not marginal, they are unlikely to be representative.

International or national NGOs not only create problems for local governments when they bypass them in favor of working with local NGOs and community groups, but they sometimes also create problems when they choose to work *with* local governments. One problem is that NGOs sometimes try to push representative authorities to pursue the NGOs' agendas. In Nicaragua, NGOs not only asked local governments to make decisions on issues that local governments were not interested in, but they even asked local governments to take actions that were not legal (Larson 2002, 15). NGOs also caused problems for local governments in Nicaragua when they did work in the name of local government but local government could not follow through because the NGOs did not provide for a way for the work to continue after their project ended. However, despite

the difficulties that NGOs created for local governments in Nicaragua, Larson (in Latif 2002, 40) observed that environmental outcomes were better where there were more NGOs in place.

In short, NGOs and community groups certainly can have productive roles in development. It is important, however, to ensure that these roles do not compete with or undermine those of democratic local authorities.

CROSSCUTTING INSTITUTIONAL ISSUES

There are several crosscutting issues that are important to consider when determining which institutions should receive decentralized powers. This subsection examines

- the problems associated with working with single-purpose as opposed to multi-purpose local organizations,
- the factors that shape equity and inclusion of marginal and poor groups,
- the problems of elite capture and patronage,
- the role of a strong central state, and
- the accountability of the central state and donors to local government.

Single-purpose vs. multi-purpose bodies

"Participatory" or "decentralized" natural resource management activities are often organized through management committees (Conyers 1990, 23–6; Therkildsen 1993, 75; Engberg-Pedersen 1995, 4; Ribot 1995a; Alden Wily 2000a; Etoungou 2001; Muhereza 2001a; Baviskar 2002; Conyers 2002; Cousins and Kepe 2002; Namara and Nsabagasani 2003; Oyono 2003). These committees are usually oriented toward a single objective, such as natural resource management (Manor 2004). They may be elected, self-selected, or appointed. They may be temporary or registered as an NGO or cooperative. They are typically under the close supervision or *tutelle* of a technical agency (such as the forestry

ministry), local administrators, donor programs, or NGOs.

Manor (2004) suggests that earlier decentralizations in the mid-1980s and 1990s were more developing-country driven and were characterized by a leaning toward multi-sector local institutions. The more recent decentralizations, he suggests, are more technocratically driven, and lean toward single-purpose bodies. This appears to be a global change. Manor (in Latif 2002, 74; also see Manor 2004) observes that local bureaucrats like multi-purpose councils because they encourage cross-sectoral coordination. Manor (in Latif 2002, 74) gives the example of a minister in Bangladesh who insisted that fisheries officials and other relevant ministries get involved in a fisheries project to help explore the multi-dimensional problems and achieve better coordination. Technocrats—including environmentalists—however, seem to gravitate toward single-purpose committees in order to achieve their specific aims (Manor and Brannstrom in Latif 2002, 74; also see Manor 2004 and Brannstrom 2004) (see Box 9).

According to Manor (2004), donors, too, favor single-purpose committees because they give the appearance of local consultation while liberating the donor's project from micro-management by government agencies. Such committees are often excessively funded (with mandates that are too ambitious for these committees to carry out), while general-purpose local councils are starved of funds. Dupar (in Latif 2002) also observed this phenomenon in Asian Development Bank-funded river-basin committees in areas where subdistrict governments have few resources. This over-funding undermines the legitimacy of other local authorities. The same phenomenon of over-funding is seen with NGOs.

Government and NGO implementing agencies choose to work with management committees in Madhya Pradesh, India, even though *panchayats* (elected local governments) already exist. Baviskar (2002, 4) points out that this choice is ostensibly made by agencies because officials "perceive tensions between the idea of democratic decentralization as a process that could become 'too political' and the watershed mission as a project that needed to be kept

away from politics. . . . Anxiety about keeping the mission 'free from politics' is used by state officials to justify the political move of separating the watershed committee from the panchayat." But free from politics (which is impossible) would also mean free from the political debates that are the essence of democracy (also see Ferguson 1994). In a forest management project in Guinea, the U.S. Agency for International Development also chose to avoid local democratic institutions in favor of project-created committees. The reason the agency gave was that the local councilors were inefficient and slow (Ribot 1998a).

Manor (in Latif 2002, 19; Manor 2004) points out that single-purpose committees usually are not elected but rather are appointed by government officials. To appear representative, a single-purpose committee often includes a village chief or a member of an elected local council.[55] Even assuming that these members do represent their communities, however, these members are usually only one person among many members on the committees and do not have a deciding vote (Ribot 1996, 1999). For example, Mali's local government representative sits on a committee to allocate quotas for access to commercial forestry resources. The representative, however, is only one among four members, and he is not guaranteed a controlling role. The real decisions about quota allocation are made by the regional governor, who is an appointee of central government (République du Mali 1994, art. 6, 11). The system is very similar in Burkina Faso (Delnooz 1999; Ribot 1999a). Inclusion of a single local representative does not make a committee representative or accountable to the population. In Uganda, community-level committees are occupied by a small elite, also bringing into question who they represent (see Box 10).[56] Further, many of these committees are presided over by the technical service agent who mobilized them; therefore, even if they are representative, they are usually only advisory in nature (Ribot 1999a).

Single-purpose committees appear to be less accountable to local populations, more instrumental, and more prone to elite capture than are multi-purpose institutions (Working Group 3 of the Bellagio Conference, Latif 2002, 47). Even when elected, however, single-purpose user committees are not necessarily

| BOX 9 | MANUFACTURING SUCCESS |

In Madhya Pradesh, India, a "decentralized" watershed management project avoided existing democratic local institutions, set up elected committees of its own, and devolved powers to these committees. The project then circumscribed the committee's powers with guidelines, norms, and overbearing supervision. The project, structured in this way, channeled resources to the better-off farmers in a number of ways. Because the project needed to show success, it focused on the farms that were most likely to succeed. Also, because those with the skills to participate in decision making and project activities were economically best placed, they were more able to take advantage of the project. "Left out from this process are other, less favorably situated villagers, who cannot create networks of mutually beneficial transactions with state officials," observes Baviskar. "These include those adivasis [scheduled castes], whose membership in political organizations demanding control over natural resources such as forests and land threatens to undermine state control."

Source: Baviskar 2002, 8–9.

democratic or equitable. In a case from Uganda, a beekeepers committee was elected, but its mandate was so narrow that only interested parties participated and these beekeepers excluded others from forest use. This divided the community. There was no recourse since the committee was established by a one-time election. Further, the committee's powers and obligations were spelled out by the wildlife authority that created the committee. Therefore, the committee members were upwardly accountable to the wildlife authority, not to the population in the village. (See Namara and Nsabagasani 2003.) Bazaara (in Latif 2002, 75) adds that one reason that single-purpose committees are less accountable to the community and more likely to produce conflict is that their members do not allow others outside of the committee to have

argument that committees and administrative bodies should be accountable to elected bodies.

Single-purpose committees can also serve the interests of marginal populations. In the village of Moangué-Le Bosquet in Cameroon, the democratic process behind the establishment of single-purpose forest-management committees has allowed the marginalized Baka to create a niche for themselves (Oyono 2002). Nevertheless, multi-purpose councils may have some advantages over single-purpose committees. Manor (in Latif 2002, 34) asserts that multi-purpose councils (which he equates with democratic decentralization) usually increase popular participation, legitimacy, accountability, and transparency. They are often more equitable and tend to have special provisions for embracing marginalized groups.

The wisdom on this matter indicates that the best arrangement for single-purpose committees is to be accountable to a multi-purpose democratically established authority—whether they are popularly elected or appointed by that body.

Privileging marginal and poor groups

How can development programs reach poor and marginal groups to include them in decision making? Poverty mapping can be used to identify poor communities (Henninger and Snel 2002), but identifying poor within communities is a more difficult task. Central targeting systems are better at the prior than the latter (Mansuri and Rao 2003, 12). In Peru, for example, Paxson and Schady (2002 in Mansuri and Rao 2003, 14) found that funds that were distributed using geographic targeting methods typically reached the poorest communities but had trouble reaching the poorest households within those communities. A method called community-based targeting (CBT), which relies on information provided by communities themselves, can be used to identify the poor within communities. Studies have shown that CBT produces better information than surveys and questionnaires administered by outside organizations (Mansuri and Rao 2003, 12).

access to the information they control. This partly defeats the objective of democratic decentralization.

Single-purpose committees can, however, be downwardly accountable (Murombedzi in Latif 2002; Conyers 2002). They can be fairly elected or appointed by a locally elected body. Manor (in Latif 2002; also see Larson 2002) argues that the municipal forestry units in Bolivia have advantages over user committees that are accountable to ministries and forest services because the municipal forestry units are constituted by and report to local elected governments. Manor's point is similar to Blair's (2000)

CBT was found to be less effective in more stratified communities, in communities that lacked schools, and in communities with low aggregate funding (Galasso and Ravallion 2001 in Mansuri and Rao 2003, 12). Other factors that influence the effectiveness of community-based targeting include the following: (1) How effectively a given community can mobilize information and monitor disbursement. These tasks can be costly and can furnish opportunities for elite capture or corruption. (2) How interested the community is in equity. Do they want to help the poor? (3) How heterogeneous the community is. CBT will be less effective in communities where multiple and conflicting identities present competing incentives. (Conning and Kevane 2002 in Mansuri and Rao 2003, 13.)

Many factors conspire against including the poor and their concerns in local decision making. Brannstrom (in Latif 2002, 32) points out that increasing the participation of one group may crowd out other groups (also see Cooke and Kothari 2001, 8). For example, the participants who join a project in its early stages may have more voice and opportunities than those joining in later stages, and the poor often arrive late if at all. Bazaara (in Latif 2002, 33) presents an example of a decentralization reform around parks in Uganda in which some local groups have been helped but others have not. In the decentralization reform in Madhya Pradesh, India, the need to produce successful outcomes led the project to invest in better-off members of the community even though the project was intended for the poor (see Box 9, above) (Baviskar 2002; also see Mansuri and Rao 2003, 27–8).

Another dynamic marginalizing poor groups is that they have little ability to express themselves or to sanction decision makers. Larson (2002, 16) argues that stakeholder approaches that bring everyone to the same table are not sufficient because some actors are not willing or able to engage in the process (see Figure 3). Marginal groups must hold real power if negotiations and their outcomes are to be more equitable. Therefore, this form of participation is not enough. Some measures to correct power imbalances are also needed. Society is highly differentiated and access to accountability measures is also unequally

FIGURE 3   THE SILENT MAJORITY
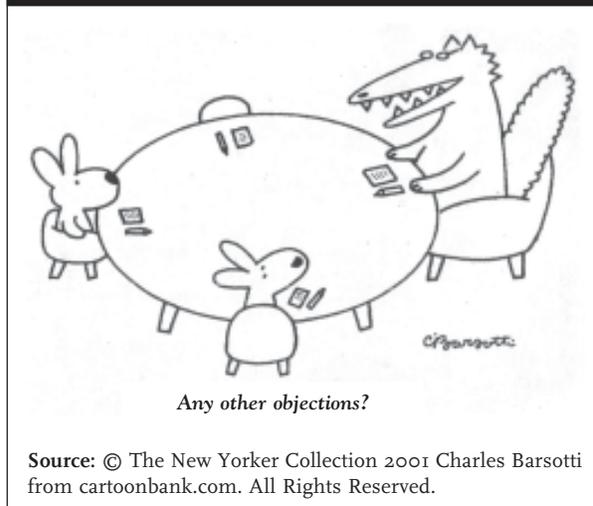
Any other objections?

distributed. Marginal groups are less able to take advantage of accountability mechanisms than more privileged groups. Because of this, mechanisms are needed that privilege marginalized or disadvantaged groups if they are ever to be part of the political process (Young 2000, 8).

Decentralizations in Bolivia, Cameroon, Nicaragua, and Zimbabwe have led to greater inclusion of some marginal populations in forestry decisions (Conyers 2002; Larson 2002; Mapedza and Mandondo 2002; Oyono 2002; Pacheco 2002). The outcomes, however, are mixed. In Bolivia, simultaneously strengthening municipalities while decentralizing forest sector powers "has created new opportunities for indigenous people, small farmers, and small-scale timber producers by increasing their bargaining power with other social actors" (Pacheco 2002, 10). The reform also has weakened outside concession holders and large ranchers. However, in addition to assisting marginal groups, the reform has reinforced the power of local elite merchants, professionals, ranchers, and sawmill operators, who continue to dominate municipalities (Pacheco 2002, 10). Indigenous peoples have consolidated their land claims in municipalities where their candidates have won elections, but they have been marginalized where their candidates have not won. Further, the financial, administrative, and technical obstacles to entry into

Timber concessions are a long-standing means for enclosing forested areas for particular uses and users—usually outsiders. Colonial administrators in the tropical hardwood forests of the southern coast of West Africa cornered the lucrative timber markets for their European clients.

The colonial historian R. L. Buell reported that "before 1924, natives held [forest] concessions and sold wood upon the same basis as Europeans. But the competition became so keen and native cutting so difficult to control that in a 1924 administrative order, the government declared that a native could not cut and sell wood except for his own use without making a deposit with the government of twenty-five hundred francs—a prohibitive sum." He goes on to say that the same system of concessions is used in the French Congo, resulting in "the locking up of the resources of the territory in the hands of a dozen large companies" (Buell 1928, vol. II: 256). In 1930 one such company, the Compagnie Forestière Équatoriale, held 100,000 hectares of lease concessions (Hailey 1938, 1005).

In addition to the unfair allocation of concessions, large fees, which large companies could afford and rural dwellers could not, also were used to prevent rural dwellers from competing with large commercial users. Within the colonies, no commercial exploitation permits were free (GGAOF 1935, art. 79). Concession licenses called temporary permits—lasting twenty-five years, but in special cases up to fifty years—could be allocated after the sale of the plots by public auction. A minimum sale price would be fixed by the lieutenant-governor and the sale would go to the highest bidder. Lieutenant-governors and ministers of the colonies held the power to allocate permits and to set the fees for exploitation rights. Given the scale and duration of the concessions, these prices were beyond the means of local populations and most African merchants.

Large-scale timber concessions today are justified on the grounds that they allow for economies of scale in planning, management, monitoring, and control. But does this justification hold? First, there is no reason that small-scale operations cannot abide by the same kind of guidelines as large-scale operations if the planning is done by local districts (the local government) rather than by the woodcutters themselves. In this manner, areas where extraction is permitted can be designated, and permits for as little as one tree stem can be issued. Remote sensing technologies can also help to monitor cutting outside of designated areas. Second, there may be alternative means of control that are not territorial in nature; for example, monitoring to check the origin of harvested timber and to ensure that woodcutters have the appropriate papers can occur on transport roads and at sawmills and ports. Third, the rules of extraction set out in national laws rarely are followed by large-scale operators; therefore, it cannot be argued that it is more efficient or effective to control at that level.

In Bolivia, eighty percent of the forest is allocated by central government rather than by municipal government. Does allocation—which is primarily a political activity, not a technical one—really need to occur at the central level? Can allocation of concessions be devolved with positive social and environmental consequences?

Sources: Buell 1928; GGAOF 1935; Hailey 1938; Larson in Latif 2002, 28. Also see Pacheco 2002.

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timber exploitation are leading indigenous groups to partner with outsiders (see Box 11). This may not be so unlike the experience in Nicaragua and Cameroon where insiders become intermediaries or stand-ins for outside operators (see Bigombe Logo 2001; Larson 2002; Oyono 2002). Pacheco concludes that "in most cases, previously marginalized groups can benefit from forest resources to improve their livelihoods, but they are constrained by limited access to productive assets and markets" (2002, 14).

In some cases, marginal groups have acquired power through local electoral processes. In Cameroon, when local communities were allowed to create community forests, the Baka acquired the right to manage a forest ecosystem in the village of Moangué-Le Bosquet (Oyono 2004a). Larson (2002, 13) describes two instances in which marginal populations in Nicaragua have been able to make local government work for them. In one area local indigenous groups managed to put their concerns on the municipal agenda through participation in the traditional political system. In another, the *mestizo* (mixed descent) population managed to elect a mayor who took the side of peasant colonists who were invading indigenous territories. The latter case is another example of a mixed outcome––while the reform benefited one marginal group, it allowed that group to further marginalize another (also see Olowu 2001, 54).

In any decentralization process, there is always the risk that some groups and individuals will be excluded. Baviskar (in Latif 2002) points out that decentralized management carries the risk of creating "new enclosures" by excluding non-local actors such as migrants and pastoralists from the power transfer. The example above of the beekeepers committee in Uganda is a case in point (Bazaara in Latif 2002, 15; also see Namara and Nsabagasani 2003). People excluded from the participatory comanagement scheme later came to sabotage the resources. In Bolivia, Pacheco (in Latif 2002, 18) reports that enforcement against illegal practices has been biased against non-resident small farmers. These examples suggest that additional measures and institutions are needed to ensure inclusion of the most vulnerable groups.

Manor (in Latif 2002, 54) points out that central governments tend to be more generous toward the poor than are local governments. Local elite are more prejudiced against the poor than actors at higher levels. Crook and Sverrisson (2001) 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" (2001, 48). Many of the other accountability mechanisms mentioned

above can also help to include marginal groups in public decisions.

In sum, if decentralization is to include marginal populations in decision making, additional efforts beyond standard electoral representation will be required. Poverty mapping is one important tool (Henninger and Snel 2002) and CBT is another (Mansuri and Rao 2003). For inclusion of women, measures might include reserving seats on elected councils, as in India and Uganda (see Vijayalakshmi and Chandrashekar 2002; Bazaara 2003). For other marginalized groups, these might include participatory processes that solicit the needs of marginal populations, and earmarked funds and projects targeted at serving such needs (Galasso and Ravallion 2001; Alderman 2002; and Conning and Kevane 2002 in Mansuri and Rao 2003). It is important to note, however, that such participatory processes should be used as a complement to and not a substitute for representation—they are a tool that representative authorities can use to engage and become informed about marginal groups. Processes that privilege the inclusion of these populations must be developed and implemented (see Crook and Sverrisson 2001, 4). In addition, central governments can promote local equity by issuing mandates that require local communities to include marginal groups in decision making.

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.
<div align="right">Dele Olowu 2001, 54</div>

The objective of decentralizations is to enable all members of society to participate in decision making, but all too often members of elite groups manage to derive most of the benefits of decentralization reforms (Smith 1985; Crook and Manor 1998; Utting 1999, 174). According to the World Bank (2000, 109), "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."

Elite groups were observed to have captured the benefits of decentralization efforts in Bolivia, Brazil, Cameroon, India, Indonesia, Mali, Mexico, Nicaragua, Senegal, Uganda, and Zimbabwe.[57] In Uganda it is expensive to run for election under the current system; therefore, leaders are members of elite groups (Saito 2000, 11). In Cameroon, members of the elite have been able to capture forest resources under new community-based forestry laws by fronting fictive community forests for their own benefit or preempting the establishment of community forests by acquiring more-lucrative commercial licenses (*vents de coupe*) in their place (Brown 1999, 46).[58] Oyono (2002) reports that in Cameroon chiefs and management committee members are colluding to establish themselves as a new "forestry elite." In both Indonesia and Cameroon, local people are being used as proxies for outside commercial interests to gain access to timber (Oyono 2002; Resosudarmo 2002). Similarly, members of the local elite in Senegal captured control of forestry cooperatives in the 1970s and '80s by registering them in their names and filling them with fictive members (Ribot 1993). It is no surprise that Conyers (2000a, 8) concludes that decentralized decision making may only benefit a minority of the population.

But why does elite capture occur? Why do central governments and outside organizations alike so often choose to transfer decentralized power to members of the local elite? Crook and Sverrisson (2001) describe elite capture as the product of both local agrarian social and political-economic structures and of local-central relations. To what degree can elite capture be attributed to the status of the elite within the local arena? To what degree can it be attributed to the desire of central actors to use their resources to maintain local patronage networks—in other words, to create local elite to serve as their agents in the local arena? To what degree are other dynamics at play?

Elite members of society may be favored because they are more able to take advantage of opportunities. Rao and Ibanez (2002 in Mansuri and Rao 2003) and Gugerty and Kramer (2000 in Mansuri and Rao 2003) found that the better networked and educated members of communities derived the benefits of World Bank social funds. They found that "the formation and training of village groups increased entry of wealthier and more educated men and women into leadership positions within the group because of the attractiveness of outside funding" (Mansuri and Rao 2003, 19). In addition, projects (like the one in Madhya Pradesh, India, mentioned above) are likely to favor the most able members of society so that the projects are more likely to succeed (Baviskar 2004).

Which forms of decentralization are more or less prone to elite capture in Africa remains an important question. According to Bardhan and Mookherjee (1999, 2), political scientists commonly presume 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 tradeoff between these two effects." Bardhan and Mookherjee point out, however, that there has been little empirical study of the relative vulnerability of local and national governments to elite capture. They cite a large survey in India that does not support the presumption of greater capture of local governments.

Domination by elite may not be all bad. After all, the "local elite are required for the success of local government systems—they bring resources, knowledge [and] networks that make these systems become fully operational and effective," writes Olowu (2001, 57). And elite capture does not necessarily mean that all of the benfits of a reform go to the elite. Evidence suggests that the poor are also likely to benefit (Mansuri and Rao 2003, 33). However, the more unequal the society, particularly when members of the elite concentrate their powers, the less effective are efforts to target the poor. Olowu proposes public participation, accountability, and transparency as safeguards to prevent the elite from excluding the masses (2001, 57). Crook and Sverrisson (2001, 4) propose central intervention "to ensure progressive or pro-poor outcomes." Although central intervention may be necessary to protect the poor, it is important to remember that central actors are often responsible for local elite capture.

In sum, we need to better understand the relative role of local and central forces in creating elite capture. We need to understand the magnitude of elite capture, the effects of it, and ways to avert it or harness it for public well being.

Role of a strong central state

Studies of improved local government indicate that decentralization benefits from a strong central state.[59] Ironically, structural adjustment programs, which are imposed upon developing countries by the World Bank Group to streamline governments, promote the downsizing of central governments. Downsizing appears 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).

Crook and Sverrison (2001) argue that marginal populations are best served by decentralized authorities when the central state supports poverty alleviation and other programs to serve the interests of the poor. Peluso (2002, 7) points to arguments made after World War II and in the U.S. intervention in Afghanistan that a strong state is needed "to defuse the power of local elite and to neutralize their vested interests." Otherwise, one set of central elite may just be replaced by another more-local elite. Peluso (2002) also points out that violence sometimes accompanies both decentralization and democratization.[60]

In decentralization efforts, violence sometimes erupts over control of natural resources; in democratization efforts, violence can erupt between customary and democratic authorities. A strong central government can help mitigate such violence.

In addition, the external support that a strong central government can provide local communities contributes to the sustainability of decentralization reforms. While community involvement can make projects more sustainable, after a project is completed, the failure of line ministries to provide support can be the Achilles' heel of sustainability (Mansuri and Rao 2003, 19). Studies in Malawi (Kleemeier 2000 in Mansuri and Rao 2003, 19) and

in countries around the world (Sara and Katz 2000 and Newman et al. 2003 in Mansuri and Rao 2003, 19) also found that poor sustainability is largely due to lack of institutional support from external agencies. In addition, Mosse (Mansuri and Rao 2003, 19) finds that the maintenance of community infrastructure depends on external agents, "hence the need for a well functioning state apparatus does not disappear with CDD [community-driven development, a form of decentralized/participatory development intervention of the World Bank]."

A strong central government is also important in ensuring equity among local districts. According to the World Bank (2000, 110), interjurisdictional equity comes from the willingness of the central state to engage in redistribution among regions. Redistribution can only be accomplished with central government assistance (Smoke 1999 and 2001, 16). Without it, decentralization can result in a situation where regions or localities endowed with good natural, financial, or technical resources prosper at the expense of those without (Conyers 2000a, 8).

In short, a strong central state—with an interest in promoting democratic decentralization and serving marginal groups—can greatly contribute to the success of a decentralization reform. It can protect the reform from vested interests and members of the elite in and out of government, give administrative and technical support to local authorities, provide finances to local authorities, ensure interjurisdictional equity, ensure that marginal populations have a voice and are served, mitigate local conflict, and ensure the sustainability of interventions. Central states may also need to be strong in order to transfer powers to lower tiers of government—central governments need strength and security to delegate and give up certain functions.

Accountability of the central state and donors to local government

For decentralization to be successful, not only must local institutions be downwardly accountable, but other levels of government must also be accountable to local government. Crook and Sverrisson (2001, 32) report that poor performance by local government is

partly the result of the failure of higher officials and appointees to be accountable to local government. Onyach-Olaa and Porter (2000, 1, 9) argue that local government can only be downwardly accountable if central government agencies are accountable to local government by delivering timely and accurate policy guidance, monitoring, mentoring, compliance verification, and so forth. They make the same argument for the accountability of donors to local government. When local government needs the assistance of donors or of district, regional, or central government, either for coordination of larger-scale actions or for expertise and equipment, mechanisms must be in place to help ensure that these services will be delivered in a timely manner.

Locally elected representatives—under electoral rules that encourage participation and representation—can make central government more responsive to local needs (Parker 1995, 27; Crook and Manor 1998; World Bank 2000, 121). For example, citing Crook and Manor, Parker (1995, 27) reports: "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." When local authorities make demands on central government to secure or improve services, central government can become more responsive.

The actions that central governments take (or fail to take) also can affect the legitimacy of local governments. Local government needs the support of central government in order to carry out its functions and to gain the confidence of local people. In Transkei, South Africa, central government administrators failed to even acknowledge local government in their constitutionally sanctioned role in land allocation and in integrated rural planning. The failure of elected local government to perform this role undermined the authority of local representatives and forced local residents to turn back to tribal authorities for access to basic resources—although many residents would have preferred to work with their elected authorities. (Ntsebeza 2004.) In China, democratic local governments are the only level of government that is democratic. Because of this, they have difficulties in making higher levels of government accountable to them for financing and services (Xu and Ribot 2004).

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). Central government is made more accountable to local authorities when deconcentrated branches of central government are required to account to the elected local authorities. These vertical and horizontal ties within government can shape the relation of accountability between local government actors and their constituencies (Blair 2000). Similarly, the 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 hold the official status of administrative assistants to the *sous-préfet, préfet,* or district officer and should be viewed as government administrators) (see Ribot 1999a).

Making central government and its agencies accountable to local elected authorities is an important aspect of decentralization (Blair 2000). Manor (2000, 2) argues that there must be mechanisms for local representatives to hold bureaucrats accountable to them and for people to hold elected representatives accountable to the population (also see Ntsebeza 2004). In practice, however, the central government usually exercises excessive oversight and control over local governments—making local government, elected or appointed, upwardly accountable. This is a major problem in natural resource management where almost all decision-making powers are attenuated through required approval from above.

INSTITUTIONAL CHOICE—ASKING THE RIGHT QUESTIONS[61]

Practitioners, donors, policy makers, and activists need to ask some straightforward questions in order to evaluate whether the institutions being chosen to receive decentralized powers are likely to provide the equity, efficiency, development, and environment benefits that decentralization promises. These questions include the following:

1. What kinds of institutions are receiving powers in the name of decentralization? Are they elected local government bodies, local administrative bodies, local branches of line ministries, traditional authorities, NGOs, private voluntary organizations, community-based organizations, associations, appointed committees, elected committees, etc.?

2. If the local institutions are elected, do the electoral rules help make them representative?
   a. How long in advance are elections announced?
   b. Is suffrage universal? Is it based on residency?
   c. How are candidates are chosen? Do electoral laws admit independent candidates?
   d. What are term lengths?
   e. Are there means for recalling elected officials?

3. To whom are the local institutions accountable with respect to the exercise of the transferred powers?
   a. Through what mechanisms are the local institutions accountable?
   b. Are there multiple mechanisms of accountability?

4. How do the sources of the institutions' funding or powers affect their accountability?
   a. Can the institutions raise revenues locally?
   b. Are the institutions dependent on grants and funding from outside agents?

5. How do the mechanisms through which resources are transferred affect the institutions' accountability?
   a. Are the powers the institutions receive transferred as secure rights?
   b. Are they transferred as privileges that can be taken away?

6. Are the institutions integrative across sectors?
   a. Are the institutions single-sector or multi-sector oriented? Are they single-purpose or multi-purpose?
   b. Do the institutions play a mediating role among sectors?
   c. Are the institutions involved in allocation of resources among sectors?

7. Do the institutions favor procedural matters of democracy or a specific set of instrumental objectives?

8. What basis of inclusion do the institutions use?
   a. Is inclusion residency-based?
   b. Is belonging identity-based (as in ethnicity, race, religion, lineage)?
   c. Is inclusion interest-based (such as by profession or cause)?
   d. Is inclusion narrow and interest-based like stakeholder approaches or broad-based, as in representative systems?

9. Are the institutions favorable toward marginal and poor populations?
   a. Do marginal and poor populations have influence over and voice in the institutions?
   b. Do the institutions provide mechanisms to ensure the inclusion of marginal and poor populations in decision making and benefits?

10. Whose interests are ultimately served by the institutions?
   a. Are the institutions serving the patronage interests of central actors?
   b. Are they serving only the interests of their members?
   c. Are the institutions serving only a subsector or fraction of the population?
   d. Are they serving the population as a whole?

11. Can multiple institutions freely function in the local arena?
   a. Do citizens have rights to organize?
   b. Do citizens and local organizations have rights to lobby government?
   c. Can groups and organizations easily attain legal recognition and status?

12. Are lines of accountability over public decisions mediated through representative authorities?
   a. When non-representative institutions are given public decision-making powers, are they accountable to representative authorities concerning the exercise of these powers?
   b. Do these institutions compete with and undermine representative authorities, or do they strengthen representative authorities?

13. What are the long-term implications of the choice of these institutions for justice, sustainability, scaleability, and the formation of citizenship?
   a. Do these institutions encourage broad-based involvement of local people?
   b. Do they enfranchise people as citizens?
   c. Do they give local people voice and agency?
   d. Do they enable long-term stability?
   e. Are they replicable across territories?

3

RESPONSIVENESS OF LOCAL INSTITUTIONS—
POWER AND CAPACITY

Having local leaders who are willing (whether motivated by sanctions, inspired by personal commitment, or both) to serve the people well is not enough to ensure that local people are well served. Local leaders also must have both the power and the ability to serve the people. Without power and the ability to use it, they cannot be responsive. This section considers the powers that central authorities can and should transfer to local government. It also discusses the issue of local capacity and shows how a discourse on the lack of capacity is often used to justify retaining powers at the central level.

POWER MATTERS

Power transfers in practice

No decentralization or community-based natural resource management advocates should be calling for the transfer of *all* decisions over natural resources to local populations. As discussed in a previous section, advocates of subsidiarity maintain that the most-appropriate level for any given decision is the most-local-possible one, provided that making the decision at this level does not negatively impact the greater common good. They have developed subsidiarity principles to help determine the levels at which certain decisions should be made.

While any well-conceived decentralization reform should involve careful consideration of subsidiarity guidelines, few, if any, have done so. That doesn't mean, however, that the makers of current decentralization reforms have not followed certain principles in

determining how and to whom to transfer power. By examining these decentralizations, we can deduce the implicit principles that have guided the decisions that leaders have made about power transfers. It is noteworthy that the principles of power distribution being followed in practice are nothing like what most promoters of decentralization would advocate.

It is possible to observe how powers are allocated in a given reform by studying the decentralization and sectoral laws, but one must also study the allocation of powers in practice. As one study in Uganda notes, "the statutory description of powers and responsibilities may be a poor guide to how things actually work on the ground. Moreover, practice itself evolves over time" (Plan for the Modernisation of Agriculture Grant Study 2001, 28). In some places, laws are ambiguous, leaving interpretation to the more-powerful actors. In Indonesia, the laws that specify control over natural resources are a case in point. Resosudarmo writes, "The explanation of section 7 of the law states that utilization of natural resources remains with the central government, while section 10 states that regions are authorized to manage natural resources within their territories." Laws may indicate the intentions of policy makers—with ambiguity often being among those intentions. In the final analysis, however, practice is the best indicator of the principles in play.

The most commonly transferred positive powers are the powers to extract tax and fee revenues from natural resources (Agrawal 2001; Conyers 2002; Latif 2002; Mapedza and Mandondo 2002; Pacheco 2002;

Resosudarmo 2002; Bigombe Logo 2003; Muhereza 2003).[62] Income from natural resources has been invested in the development of other sectors, as cross-sectoral subsidies to schools, grain mills, and other public projects (Conyers 2002; Bigombe Logo 2003; Muhereza 2003, 8–11). Sanchez and Mearns (in Latif 2002, 43) insist that fiscal resources are needed for local authorities to fulfill their new roles. While natural resources should not be the sole source of revenue for a district, they can be important. Unfortunately, the fiscal powers transferred to local authorities often do not cover the cost of their mandates, leaving little for investment elsewhere. Without adequate fiscal resources, local authorities have difficulties being effective.[63] It is important to keep in mind that although fiscal powers are important, they may not be the most important powers. Other powers, including allocative powers, decisions over the disposition of significant public resources, rule-making powers, and adjudication powers can also create significant discretion.

The principles of powers distribution being followed in practice are nothing like what most promoters of decentralization would advocate.

While the most commonly transferred positive powers are fiscal, the power to allocate resources has also been transferred in many cases. For example, in Bolivia, Cameroon, Indonesia, Uganda, and Zimbabwe, the power to allocate small concessions has been transferred to local governments (Mapedza and Mandondo 2002; Pacheco 2002; Resosudarmo 2002; Bazaara 2003; Muhereza 2003). But, as illustrated by cases in Bolivia, Mali, Nicaragua, and Uganda, while these transfers represent a great advance in decentralizations, the powers are often attenuated through limits on domain and by excessive oversight (Ribot 1999a; Kassibo 2002a; Pacheco 2002; Muhereza 2003).

In Nicaragua, local governments (municipalities) have been given considerable responsibilities. They are required "to develop, conserve, and control the rational use of the environment and natural resources as the basis for the sustainable development of the

municipality and the country, promoting local initiatives in these areas and contributing to their monitoring, vigilance, and control in coordination with the corresponding national entities" (Municipalities law, quoted by Larson 2002, 4). Municipal governments have also been granted a twenty-five percent share of tax receipts on exploitation contracts. Further, central government is required to consider local government opinion on exploitation requests. In practice, however, municipal governments do not receive the revenues due, and their opinion is often ignored or not requested. Most notable, however, is that "the central government has retained control over those aspects of natural resource management that generate income" (Larson 2002, 5).

In Senegal and Bolivia, similar patterns can be seen. Senegal gave rural council members the right to pre-approve any exploitation, but this right has not been respected. Members of rural councils have been pressured into allowing production in their areas while the councils and local populations have benefited little from exploitation.[64] In Bolivia, Pacheco (2002, 7, 10) explains, the central government has devolved use rights to indigenous peoples but has reserved for itself the right to allocate at least eighty percent of all timber concessions. In addition, while local municipal governments must approve concessions in their twenty percent of the domain, it is still the central superintendent of forests who allocates permits. Indeed, while some exploitation rights have been devolved, indigenous groups and peasants are constrained by a prohibition for small producers on the use of chain saws. This prohibition limits the ability of poor forest users to benefit from the resource—it constitutes an entry barrier. In addition, financial and technical-skill limitations make it difficult for them to engage in harvesting.

In practice, we see that many powers remain centralized that could be devolved to local authorities without threat to the environment (Fairhead and Leach 1996; Ribot 1999b; Goldman 2001; Conyers 2002, 29). Forestry and wildlife agencies transfer usufruct rights while retaining central control over the lucrative aspects of the sector (Ribot 2001b, 2001c, 2002a; Bazaara 2002b). Management requirements are set by central governments that far exceed

necessary measures (Fairhead and Leach 1996; Leach and Mearns 1996; Ribot 1999c). Forest agencies commonly establish complex prescriptive systems of forest management planning, requiring "expert" forestry agent approval before local governments can make any decisions as to how, when, or where forests are used and commercialized; this creates more entry barriers for local people. In most decentralizations, few discretionary powers over natural resources are transferred to local authorities.

Frequently, mandates and burdens, rather than discretionary powers, are transferred to local authorities. These are often activities that central government wishes to rid itself of, such as powers to *implement* management programs defined by the environmental ministries, as in Cameroon, Senegal, and Bolivia (Ribot 1996; Oyono 2002; Pacheco 2002), and powers to *enforce*, as in India and Mongolia (Agrawal 2001; Mearns 2004). Sometimes those activities come as funded mandates and sometimes as unfunded mandates, but in either case they provide very little discretionary power for local leaders. Under such administratively driven decentralizations, the focus is implementation and enforcement (see Mamdani 1996a). The discretionary decision-making aspect of the executive is diminished. When such burdens are transferred to local democratic authorities, local authorities are effectively turned into an administrative branch of the central government agency that gave them the mandate. This arrangement is closer to deconcentration than to democratic decentralization. Resosudarmo (2002, 2) has used the term "coadministration" to describe this very common arrangement. "The lack of discretionary powers at the local government level de-legitimizes authorities in local government who are rightly viewed with skepticism as impotent or as purveyors of state interests" (Muhereza 2003, 3).

In most decentralizations highly lucrative opportunities are retained for central government authorities, while degraded, non-commercial, low-value lands and resources used primarily for subsistence tend to be transferred to local authorities (Ribot 1999b, 2000; Bazaara 2002b, 2003; Resosudarmo 2002; Xu 2002; Muhereza 2003). One way that central governments retain control over lucrative resources is to create

large concessions (see Box 11, above). In Indonesia and Uganda the power to allocate small timber or woodfuel licenses has been devolved, but large licenses and concessions have been retained for central government allocation (Resosudarmo 2002; Muhereza 2003). In Cameroon, local communities have no access to vast concessions that the central government continues to allocate to foreign and domestic commercial forestry corporations (Bigombe Logo 2003; Etoungou 2003; Oyono 2003). In Uganda, the central government is involved in allocating mining and timber concessions, issuing hunting licenses, and managing tourist parks, but has little interest in regulating non-timber forest products for household consumption, firewood, and local fishing resources (Bazaara 2003). As the participants in the Bellagio workshop observed, "use values rather than exchange values are being decentralized" (Bellagio Working Group 1, in Latif 2002, 53).

Sometimes central governments refuse to decentralize natural resource management powers because they are concerned (or claim to be concerned) about the resource. They rightly point out that devolving certain technical decisions can be problematic, but they use this as justification not to devolve natural resource management decisions at all. But allocative decisions, which relate only to *who* can cut trees, are not technical decisions. They can be made at the local level without jeopardizing environmental resources. Principles of environmental subsidiarity are needed so that debates over technical necessity and the instrumental—environmental or political—aims of interest groups do not dominate the setting of laws. For example, Bazaara found that in deciding which resources to devolve authority over, environmental ministries often conflated technical decisions that should be made by the ministry with political decisions of allocation. Technical decisions concerning *how much* to cut, *which species* to cut, *where* to cut, *techniques* for cutting, and *when* to cut, may be subject to technical guidelines. Allocative decisions concerning *who* can cut trees can be devolved without concern for the resource if the technical decisions have already been made. Either over-specifying the technical or retaining the political allocative decisions blocks transfer of appropriate powers.

| **THE LOSS OF LOCAL JURISDICTION IN UGANDA'S MASINDI DISTRICT**

In Masindi District of Uganda, the jurisdiction of local governments was severely restricted by the reclassification of forests under the 1998 Forest Reserves Order. The order placed central reserves under direct central government control and limited district management to the local forest reserves. It reclassified seventeen forests in Masindi as central forest reserves and designated eight forests as local forest reserves.

Only two of these, Kirebe (49 hectares) and Masindi Port (18 hectares), remained under district council jurisdiction after May 2000, when the others were returned to the Kingdom of Bunyoro-Kitara. Then, in 2001, the National Forest Authority gave the kingdom the Masindi Port eucalyptus plantation, leaving only the Kirebe Forest to the Masindi district council. One village forest was established in 1999 in a village called Alimugonza with the help of a conservation and development project funded by the U.S. Agency for International Development. This village forest was declared by resolution of the local government, and was at the time of this study still being managed in an ad hoc manner.

These changes left local governments with very limited areas and almost no forests over which to exercise the powers transferred to them by the decentralization laws. Most of the forests over which they had had jurisdiction were centralized or turned over to commercial interests and customary authorities.

A similar phenomenon is seen in Mali, where the new forestry laws have given new powers to local authorities, but the government has yet to give them a domain over which to exercise these powers.

Sources: Ribot 1999a; Muhereza 2001a, 17–9; Muhereza 2003, 22–3.

Which technical decisions can be devolved and which cannot depends on many factors. Khwaja (2001 in Mansuri and Rao 2003, 16) found that community participation in technical projects in northern Pakistan adversely affected outcomes while in non-technical projects community participation improved outcomes significantly. He also found that community participation led to better maintenance than projects built by local government—not that the two are mutually exclusive. Finsterbusch and van Wincklin (1989 in Mansuri and Rao 2003, 16) found that in fifty-two U.S. Agency for International Development projects with participatory elements, the smaller and less-technically complex projects were more effective.[65] But is this difference due to the nature of the participation? What were the factors that made large, technical projects difficult: high transaction costs, inequality in open social fora, the higher stakes of the more-complex technical projects, or the use of technical complexity by outside agents and members of the elite to retain control?

Limiting the territory over which local authorities have jurisdiction is often used as a strategy to limit local powers. In Uganda, the right to revenues and the ability to allocate concessions and production permits were restricted by establishing central reserves and privatizing forests to customary users (see Box 12). In Cameroon, there is a progressive community forestry law, but community forests where communities are permitted to engage in commercial activities can only be established in a very limited set of areas determined by the forest service (Ekoko 2000; Oyono 2002). In Mali, the very strong decentralization laws that give local councils considerable powers over local forests are undermined because the central state has not established a local domain in which to exercise them (Ribot 1995a; Kassibo 2002a).

In other instances, powers devolved are hemmed in by overly restrictive management requirements or oversight. Often, this right is also shrouded in extensive planning requirements and tight oversight, restricting local discretion—these restrictions are further discussed in the subsection titled "The Capacity Conundrum."

A careful examination of current decentralizations in law and practice reveal the following:

- Few discretionary powers are being devolved, and overbearing oversight is reducing that discretion further.
- Mandates to execute centrally defined programs are being devolved.
- The odium of management is being transferred.
- The most-lucrative opportunities are retained for central control while the least-lucrative activities are being devolved to local authorities.
- Allocation decisions concerning who should receive powers are being retained by central government—even though these decisions could be devolved with little consequence for natural resources.
- Control over subsistence resources (use values) and over resources with little commercial value is devolved.
- Income-generating resources such as forests and agricultural land are being privatized.
- The extent of the territorial jurisdiction over which decentralized bodies have authority is being limited;
- The largest and most lucrative areas (farmland, pasture, and forests) or resources (minerals and oil) are being reserved for private interests or central management.
- Fiscal resources are often insufficient to cover the cost of mandated service provision and management burdens.

The overriding principle that most governments seem to be following is: keep everything of value centralized and transfer centrally defined obligations to lower-level authorities. This is a clear formula for central consolidation. It does not produce democratic decentralization.

To determine whether central authorities *are* transferring the powers that are necessary for democratic decentralization, analysts should answer several key questions. A list of suggested power choice questions is provided at the end of this section.

The overriding principle that most governments seem to be following is: keep everything of value centralized and transfer centrally defined obligations to lower-level authorities. This does not produce democratic decentralization.

Privatization is not decentralization

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.

Balogun 2000, 155

There is considerable confusion in decentralizations concerning which powers belong in the public sphere and which should be private. For example, in Bolivia, Cameroon, Indonesia, Nicaragua, and Senegal, law specifies that forests are under central government management (Ribot 1996; Larson 2002; Pacheco 2002; Resosudarmo 2002; Oyono 2003). This places them in the public domain. But in many places, natural resources are being privatized in the name of decentralization (Ribot 1999a; Alden Wily 2000a, 7–8; Muhereza 2003). In Uganda, for example, forests

are being privatized to customary authorities and customary users (Muhereza 2003) (see Box 8, above). Some resources are appropriately private, but many should remain in the public domain. Better guidelines are needed to determine which resources should remain public and which should be privatized. This is a critical topic for public debate.

As discussed earlier in the report, privatization is not a form of decentralization. Decentralization is predicated on an inclusive logic, while privatization operates on a very different, exclusive logic (Agrawal and Ribot 1999; Balogun 2000, 155; Oyugi 2000, 6). Privatization involves transferring resources in the public domain to private bodies. While it is usually thought of as a transfer to individuals or private commercial interests, this report considers transfers to non-commercial private entities, such as NGOs and management committees organized by donor organizations and forest services, also to be a form of privatization—"nonmarket privatization." This form of privatization is effectively the same in that it removes decisions from the public domain. Both types are oriented toward individual or member objectives—which are not necessarily those of the public.

Transfers to private bodies, whether commercial or noncommercial, do not constitute democratic decentralization. Meinzen-Dick and Knox (1999, 4) point out that the private sector can include user groups, but, in their definition, they limit these groups to "individuals or firms, who are accountable to their shareholders, and NGOs, who are accountable to their donors." Neither user groups who are accountable to donors nor user groups who are accountable to shareholders are likely to be representative of, and accountable to, the local community as a whole. This alone means that transfers to them do not constitute democratic decentralization. Accountability to donors or the state may make them into effective administrative bodies, but transfers to administrative bodies certainly do not constitute democratic decentralization. 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 (effectively a private body).

NGOs, autocratic chiefs, and other private bodies can serve the public interest or only the interest of their members (Fox 1990; Guyer 1994; Fox and Brown 1999; Conyers 2000b, 21). They may be upwardly, downwardly, or horizontally (to their peers) accountable within certain regulatory and moral bounds, but their objectives are determined by their members—not the public as a whole. Privatization to these bodies can lead to more exclusion than participation and to less public accountability (cf. Baland and Platteau 1996; Woodhouse 1997; Hilhorst and Aarnink 1999). For example, in the name of decentralization, Namibia has created the Communal Lands Reform bill. According to Alden Wily (2000a, 7), the intention of the bill is "to open local commons to individual entitlement," but doing so "also threatens local forest tenure security." In other places, privatization of public lands takes place through forestry concessions to corporations, as in Cameroon (Oyono 2003), Mozambique (Alden Wily 2000a, 8), Senegal (Ribot 1996; République du Sénégal 1998), and Uganda (Muhereza 2003).

In addition to reducing the public domain, transfers to private bodies take resources that could otherwise go to strengthening and legitimizing democratic authorities.

Geographic scale

Geographic scale also matters for the distribution of powers (Dupar and Badenoch 2002). For purposes of accountability, representation and participation in forestry, some political or administrative jurisdictions may be too large to really be considered local—such as the most-local level of local government in Burkina Faso.[66] Which scale is most appropriate for which kinds of decisions? Cousins (in Latif 2002, 23) points out a disjunction between types of natural resources concerning the scales of management. Different resources have different scales and boundaries. There is not one appropriate level. Watersheds and forests may not match local government political or administrative jurisdictions.

Matching jurisdictions with ecological formations cannot always be accomplished.

This research program focused on the most-local level of decentralized local government and therefore did not explore higher-scale jurisdictions. Nevertheless, some approaches have been suggested. One approach to multiple geographic scales is to encourage the formation of local government federations and networks so that upstream and downstream constituents can work together for mutual benefits. This may be better than establishing new special-purpose districts (Ostrom, Schroeder, and Wynne 1993). The impulse to recentralize into higher-scale districts makes sense for some resources, but it must be cautiously approached. Adding more scales of governance can take powers away from the local arena, concentrating them at higher levels (see Mandondo and Mapedza 2003). Proliferation of scales, being advocated by polycentric governance proponents, may diffuse powers among too many actors, rather than creating a cogent management system.[67] The formation of federations and networks may keep governance local while attending to multi-scale problems (see Section V).

The "landscape" approach to environmental management, now becoming popular among environmentalists and donors, should be approached with caution. It should not be used as one more excuse to maintain or re-centralize control over natural resources. Perhaps landscapes can be viewed as zones in which different minimum standards apply (see discussion of minimum standards in Section III). In this manner, it could be made to be consistent with principles of decentralization.

Interjurisdictional equity

Both the decentralization of natural resources and that of social services and infrastructure pose issues of interjurisdictional equity. In the cases of social services and infrastructure, a strong argument can be made that financing these activities from local revenues leads to a highly unequal—and hence unjust—distribution of benefits. This implies that rich areas should be made to transfer some of their resources to the poorer

areas. This argument also arises in the context of natural resources with high commercial value, such as petroleum, minerals, and timber. Ironically, in many instances the people living in regions that are rich in natural resources are quite poor precisely because central governments and large companies have traditionally appropriated the great majority of benefits without reinvesting in the local area. In addition, resources are often put into equalization funds or central government agencies for redistribution, but never return to the local arena (see Xu 2002).

In some cases, environmental conservation has been threatened by interjurisdictional inequity. When the Indonesian government transferred to local governments the power to allocate exploitation licenses and permits and to collect taxes on forest products, concerns about interjurisdictional inequity arose because the forests in some jurisdictions are protected while the forests in others are not. Those districts whose forests are protected for conservation feel cheated of income opportunities and tax revenues when they observe neighboring districts profiting from the decentralization reforms. As a result, local districts with conservation areas are seeking to convert them to production areas, threatening their protected status. (Resosudarmo 2002, 18–9.) In short, interjurisdictional equity needs to be taken into account when designing subsidiarity principles.

Security: The "means of transfer" problem

The "means of transfer" problem is another critical dimension of power in decentralization (Conyers 1990, 20; Ahwoi 2000). The security and sustainability of decentralization reforms depend largely on the means used to transfer powers from central government to other entities. Means of transfer can be constitutional or legislative, or they may take place through ministerial decrees or administrative orders.

Constitutional transfers are the most secure or sustainable (see Conyers 2000a). Ethiopia, Ghana, Mali, Senegal, South Africa, and Uganda all have constitutional clauses that ensure some degree of government

decentralization (United Nations Capital Development Fund 2000, 6). 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 decrees and orders, which are less-stable forms of transfer. Powers transferred by orders and decrees can change with the balance of powers among parties or with the whims of the party or administrators in power (Ahwoi 2000).

In Burkina Faso, Cameroon, Guinea, Mali, Senegal, South Africa, Zimbabwe, and certainly elsewhere, decisions concerning the allocation of important powers are made by ministerial or administrative decree. In Mali, for example, decentralization is written into the constitution, while decentralization of powers over natural resources are specified in environmental legislation, such as the 1996 forestry code. However, within the forestry code, 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 specified by order of the state-appointed governor of each region. Like many environmental agencies around the world, Mali's environmental service has yet to officially transfer any powers to local authorities. The decentralization in Mali's environmental sector is thus a discretionary matter for the ministry responsible for forests and its administrative staff. In this manner, what appears to be a constitutional guarantee is transformed into executive-branch discretion (Ribot 2002b). Retaining inordinate discretion in the executive branch also creates opportunities for allocation along political and social lines to serve the interests of central agents. Secure means of transfer may help to reduce such opportunities for corruption.

Like land-tenure security, the security of the transfer of decision-making powers from central government to local institutions affects the sustainability of the reforms and the willingness of local people to believe and invest in the reforms. Until people believe that the rights they have gained are secure, decentralization may cause over-exploitation of resources. When laws change frequently, people do not believe or

invest in them. New rights to exploit forests may be exercised with urgency by people who believe that the government will take these rights away in the near future. Such over-exploitation following decentralization reforms was observed in Kumaon, India, in the 1930s before the situation stabilized, and exploitation has been intense under Indonesia's recent decentralization (Resosudarmo 2002; Resosudarmo and Agrawal in Latif 2002).

Insecurity also discourages the formation of citizenship. Local people may not engage or organize as citizens to influence local government when local government has little or only temporary power. Also, central authorities can subject local people to their will by threatening to withdraw powers—they can transform even elected local authorities from instruments of enfranchisement into central administrative agents.

Setting the boundaries on local power: Planning versus standards

Local people do not necessarily manage local resources "better" than others. Just as non-locals, "local people" may be driven by the profit motive or the desire for personal enrichment; they may have economic needs that promote over-exploitation of resources. It is most likely that there will be different groups of people with different resource needs and interests. To name a few, these may include indigenous populations; NGOs, which may be oriented more toward preservation or more toward sustainable-use conceptions of "conservation," and which may represent broad sectors of local people or only a small élite; groups of peasants or otherwise poor resource users; and capitalist enterprises, which may be run by local people or represented by local intermediaries. Under these circumstances what does it mean to promote local participation?
Anne Larson 2002, 15–6

How can decentralization be structured so that the complex mix of local objectives are achieved without compromising national well being or causing negative outcomes for segments of society upstream and downstream or at larger socio-political and ecological scales? Conservation can contribute to, or be a tradeoff with, subsistence use, poverty alleviation,

vulnerability reduction, or wealth generation. Decentralization should enable local people to exploit resources—for subsistence or cash. The question is, within *which* management parameters and *who* decides what those parameters should be? Powers not only need to be transferred, they must also be bounded. But what is the best way to set boundaries on power with the least compromise to local autonomy and to well being at all levels? This is a political question that needs to be technically informed and publicly debated.

Centrally determined laws, standards, and guidelines, while clearly necessary to protect some public values, put bounds on local discretion. If they are highly specified and restrictive, then the degree of discretion is limited. The setting of regulations and standards is a locus of tension between diverse interests at the national level where they are made, as well as between national and local interests. National regulations and standards circumscribe the domain of local autonomy. Decentralization becomes effective when the domain of local autonomy is high. This is when local authorities have significant discretionary powers.

Since certain forms of regulation may favor local discretion over others, they may better fit the requirements of decentralization. In current decentralizations, central agencies have set highly specified requirements for local authorities to follow in managing their natural resources. Resource use typically is circumscribed by highly elaborate rules and tight central-agency oversight. In current decentralizations, almost all new rights are accompanied by requirements for elaborate management-planning exercises prior to any exploitation of the resource. An alternative to the management planning approach is called minimum environmental standards. Planning and standards are discussed here in turn.

Management planning

Decentralizations often go wrong when they devolve risks and costs that are too great for local groups. The difficulty of complying with complex management plans and bureaucratic procedures required by the government and the cost of the staffing and equipment needed to carry out management and monitoring

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BOX 13 | **OVERLY COMPLEX MANAGEMENT PLANNING**

In Cameroon, communities wishing to set up a community forest under the 1994 forestry law must navigate a complex process. They are required to

- create and register a community forestry management committee with a written constitution,
- make maps of and demarcate their traditional territories,
- compare those boundaries with allowable zones in a government-approved forest-use plan,
- determine the extent of forest to be set aside as a community forest,
- establish a simplified forest management plan, and
- seek approval for the management plan by the local prefecture administrative authorities and the central government.

In 2001, however, under pressure from donors concerning the difficulties these unnecessary requirements pose, the Ministry of Environment and Forests set up a community forestry development unit to provide implementation assistance. Nonetheless, to date, no community has been able to establish a community forest without extensive external assistance from NGOs and donors.

Sources: Ribot 1995a; Etoungou 2001; Graziani and Burnham 2002; Oyono 2003, 2004a, 2004b, 2004c.

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requirements may be too great. In Bolivia, the cost of creating land-use plans was beyond the means of small farmers, making it impossible for them to comply with the laws (Latif 2002, 67). In Cameroon, the process for community engagement in forest management was too complex for villagers to navigate (see Box 13).

In many instances, management plans are not needed or could be simplified. They are often hurdles

to prevent local people from exploiting the resource (see Box 13). They also make local communities dependent on central government or an external NGO for assistance in elaborating plans before they can access surrounding resources. In Mali and Senegal, complex plans have been required for local authorities to use or exploit woodfuels (Ribot 1995b). While many governments, such as Senegal, are now introducing simplified management plans, these plans remain a barrier for local decision making and maintain dependence through approval processes (field interviews in Senegal by author, July 2004). In South Africa's land reform, business plans are required that are not necessary (Cousins in Latif 2002, 61). In all of these cases, management plans become a sticking point in the transfer of powers. In each case, plans are a means for unnecessary centralization of decisions and approval processes.

Management planning can be useful. In forestry, for example, planning can be a tool for minimizing the effects of certain kinds of extraction or for increasing the natural regeneration of trees. Management planning can also serve as a protection for local people since it can codify their forest use rights. An elaborate management plan can also be a negotiating tool for local populations over the use of surrounding resources. At present, however, rather than being a tool to enhance people's security and their ability to benefit from the resource, management plans are a hurdle because they are required for all exploitation activities. While there are many activities that can be conducted without management plans, forest services continue to refuse to acknowledge this.

Minimum standards

Many activists and practitioners believe that local communities are more conservative than are outsiders toward natural resources. While this may be true in some cases, there is still good reason to expect that local communities will convert natural wealth into financial wealth, especially where cash is in short supply, and where cash is viewed as more valuable than, for example, standing forests. Communities may act like private corporations when benefits of resource exploitation outweigh immediate costs—as they well should.

In an example of community choosing exploitation, Larson (2002, 16) describes some cases where increasing incomes of the poor increases environmental degradation—particularly deforestation where peasants consider ranching to be a better means than forestry for escaping poverty. Poverty alleviation and conservation are often trade-offs (see Kaimowitz forthcoming, cited in Larson 2002, 16). Of course, this is just fine where local, national, and societal good is not threatened by the choices being made. Local forest use, or even conversion to agriculture, can be positive: having local people evaluate the necessary tradeoffs is the procedural objective of democratic decentralization.

Minimum environmental standards are more consistent with local autonomy than are complex management plans. They are a logical complement to decentralization.

In an example from Cameroon, Oyono (2002, 12) explains that younger members of communities felt that they had the right to consume forests as a measure of intergenerational justice. The creation of community (village-level) and communal (local government) forestry has caused rifts between young and old over forest exploitation. Young people want to benefit from the forests. As one youth said, "the state, those who are dead, the old persons, and our fathers have eaten too much from the forests; now it is our turn" (Oyono 2002, 12).[68]

Part of the incentive structure that communities should face in making these consumption and forest-conversion decisions should include a minimum set of rules designed to protect the resource base. Environmental standards are typically a set of rules that specify what activities are not permitted and the kinds of measures that must be taken when engaging in others. For example, in forestry, a set of minimum standards might specify which species are not to be cut, the minimum or maximum diameter allowed for the cutting of other species, the height at which a tree must be cut to encourage coppicing, the percentage of

the forest that may be cut each year, the percentage of a given species that may be taken in a given year, etc.

Under a standards approach, anything that is not specified in the law is permitted. This contrasts with a management planning approach, where only activities that are specified are allowed (it is also the polar opposite of Napoleonic code law found in most former colonies of France) . A minimum environmental standards approach would replace the micromanagement approach currently exercised through elaborate plans and planning processes. A set of minimum standards specifies a set of restrictions and guidelines for environmental use and management. Any local government or individual operating within those restrictions needs no management plan to use or manage resources.

Minimum environmental standards are more consistent with local autonomy than are complex management plans. They are a logical complement to decentralization. The minimum-standards approach complements decentralization by specifying the boundaries to the domain of local autonomy without restricting discretion within those boundaries. Standards can allow more room for local flexibility and adaptation, and they eliminate layers of required approval that can block local initiative. Standards could enable local communities to exercise the rights to exploit and profit from forests, or to convert forests to other uses, without causing the kinds of social and environmental damages commonly associated with centrally allocated commercial concessions.

The use of minimum standards does not imply blind trust. It requires central authorities to determine and set the limits of local action in the first place and to monitor and sanction. Local representative authorities must be given incentives to enforce these standards, make public management and use decisions, and mediate disputes among users. This might mean that if standards are not respected, the community will lose its right to exploit the resource for a specified period or until they produce a plan for restoring the damages done by breaching existing standards. It may mean that the community or individual who breaches the standards is fined.

However, great care must be taken in creating punishments so that they do not become a means to exploit local communities. Otherwise, fines might be imposed and restoration of resources might be required even when the actions do not merit a fine and the damage is not significant. To protect against abuses, the standards must be clear and as unrestrictive as possible. If they restrict activities that locals have practiced in the past and know do not damage the resource base, local people will not respect the standards and will not comply with them. It is important to ensure that the setting of minimum standards does not become an opportunity for a new form of coercion and extraction.

The ability of the minimum-standards approach to empower local populations is undermined when technical standards are set too high, as they often are in many sectors (Tendler 1980; Ribot 1995a; Oyono 2003). Excessively high standards can prevent local populations from entering into activities and can impede service delivery by raising costs beyond local means. In some cases, high standards are a means for a technical ministry to impose its control over resources (usually lucrative ones); in some cases, high standards are an artifact of unadapted regulations handed down by colonial governments; and in some cases, high standards are the result of misperceptions about the resource itself.

In natural resources the potential domain of local discretion, in which national good is not threatened and local knowledge is sufficient for management, is very large. It is much larger than environmental ministries are typically willing to admit (Fairhead and Leach 1996; Leach and Mearns 1996; Ribot 1999c). More research and public debate must go into identifying the boundaries between what can and cannot be done without the direct intervention of environmental agencies.

The minimum-standards approach is a good complement to democratic decentralization because it creates the space for a high degree of local autonomy while ensuring that local actions do not have negative consequences for others. A shift from a management-planning to a minimum-environmental-standards approach is in order. This does not mean that man-

GREATER LOCAL EQUITY AND REVENUES, FEWER OUTSIDE LOGGERS IN BOLIVIA

Bolivia has enacted one of the most lauded decentralizations in Latin America. The 1994 popular participation law and 1995 administrative reform initiated the transfer of responsibilities from central to departmental and municipal governments, expanded local government jurisdiction beyond urban areas, and established tax-revenue sources for local governments. (In Bolivia, the municipality is the most-local level of local government.) The forestry reforms of 1996 transferred research, extension, conservation, and municipal-level capacity-building responsibilities to department-level governments and gave municipalities the right to monitor forestry activities and to allocate up to twenty percent of the forests in their jurisdictions as community reserves and concessions.

Each municipal government has also been empowered to appoint a municipal forestry unit (MFU) to carry out its new functions. The MFU develops management and use plans that must be approved by the national forest superintendent. Local forest user groups also have been given the right to up to twenty percent of the national lands in each municipal district. (The other eighty percent of the forest remains under national government control.) The local governments are elected by universal suffrage from candidates presented by party lists. Local officials serve five-year terms. Councils choose, and can recall by vote, a mayor from among themselves.

Bolivia's changing institutional arrangements have provided several social benefits. Foremost are the creation of opportunities for a more equitable allocation of resources, greater control by marginal groups over local resources, and increased participation in local government and the management of natural resources. Members of the elite have been forced to recognize and negotiate with marginal groups. Also, indigenous groups and small farmers have been able to gain authorizations for small-scale logging operations and alternative land use due to the election of indigenous people to municipal councils through alternative parties. In reaction to deteriorating livelihoods in pastoral zones, civil society groups have mobilized to increase downward accountability of more receptive local governments. There have also been some positive environmental outcomes. Local governments are helping control non-resident and large-scale timber exploitation, and the chain saw restrictions enacted may be good for the forests. Expenditures on forestry are sharply up due to the portion of forest taxes that municipalities now receive.

The experience has also had its downside. Land-claim processes are too bureaucratic and slow, land-use plans are not very participatory, vigilance committees are not working, public investment is still too urban, and decentralization has opened new opportunities for elite capture. Despite greater revenues, local governments are investing very little in natural-resource projects, timber royalties are insufficient to support the new municipal forestry units, there is little control over illegal activities by locals, chain saw restrictions limit access to forests by poor users, and land-use plans that justify clearing are less expensive than forest management plans for poor farmers.

Sources: Larson in Latif 2002, 27–8; Pacheco 2002, 9.

agement planning should be eliminated. Some kinds of actions may require plans. But unless the activities violate or require modification of the minimum

standards, central environmental ministries should not require permission, direct approval, or plans.

The minimum-standards approach is a good complement to democratic decentralization because it

creates the space for a high degree of local autonomy while ensuring that local actions do not have negative consequences for others.

Local control over outside industries

Many of the problems faced by local authorities and local people are caused when outside commercial interests enter the area, cut their forests, and leave. As Bardhan, Ghatak, and Karaivanov (2002) point out, large, wealthy operators have an exit option. They can leave when the resource is exhausted, causing over-exploitation, and inefficiency and inequity in resource use. Extra measures are needed to discipline large and wealthy operators.

In some instances local authorities have been empowered to confront and stop this kind of exploitation (see Box 14). But in most cases local authorities have little power over extractive activities. These powers are further diminished by the small domain over which they are given authority; most forests are managed by central government, and local authorities have no power over these forests. Local authorities should have more control over the forests within their territorial jurisdictions and more control over who can enter and use the resource.

The right of local authorities to say NO to exploitation in their domain would be one way of addressing this issue (see Ribot 1995a). This does not mean that local authorities automatically should have the right to exploit the resource themselves. But this is one measure of local control that has been established in law in Mali and Senegal—although in Senegal, rural council presidents have all been pressured into saying "yes" to production, despite widespread disapproval by local populations (Thiaw and Ribot 2003 and fieldwork in Senegal by author, April 2003 and July 2004). It empowers local populations to at least conserve the resources around them (Ribot 1995b; République du Sénégal 1998).[69]

Unfortunately, central governments are often unwilling to empower local authorities to deny outside industries access to local forests. Donors and international and local activists can help by pressuring central governments to transfer this power.

THE CAPACITY CONUNDRUM

Capacity is an illusive quality—linked to skills, knowledge, and legitimacy. Local institutions receiving powers they have never held may not have the skills to exercise those powers effectively. Capacity is essential to the exercise of power and to responsiveness. To be responsive to the needs of its constituents, local government may require the following: technical knowledge and skills, financial management skills, ability to call for technical expertise, ability to negotiate, and ability to use courts (Baviskar in Latif 2002, 69).

In decentralization reforms, governments often argue that the choice of local institutions and powers must be a function of the capacity of local institutions. Typically, local authorities are cited as lacking financial management skills and technical knowledge about resource management and use. The capacities needed cannot be separated from the kinds of powers being transferred and the kinds of obligations and mandates accompanying those power transfers. Capacity is necessary for the powers that require skilled action to exercise. Deciding how to conserve or exploit a forest may require some skills or at least some guidelines. However, many powers, such as the power to decide who should exploit a forest that has been earmarked for exploitation by a forest service, do not require special skills. Deciding whether to exploit or conserve surrounding forests also may require little technical knowledge. This subsection explores relations between powers and capacities as well as how capacity arguments are used to disable, rather than to enable, the process of decentralization.

Capacity is a means for achieving a combination of objectives. It can be viewed as the tools that enable the pursuit of a goal. "In that sense, one knows that there is a capacity deficiency when particular organizations or institutional arrangements are under-performing relative to what could be achieved given the available resources" (Fiszbein 1997a). Capacity, therefore, should be evaluated with respect to specific

CAPACITY AS AN EXCUSE FOR RETAINING CENTRAL POWER IN NICARAGUA

The lack of capacity to make technical decisions was the excuse long given by the Nicaraguan Forestry Institute (INAFOR) for not transferring powers to local governments (municipalities). INAFOR officials stated that municipal governments' opinions on milling contracts would not be taken into account unless backed by "rigorous technical argument." Few municipalities, however, had technical personnel.

Then, in 2000, transfers of decision-making powers began to take place when a new director was hired who was committed to deconcentration and decentralization and to eradicating corruption within INAFOR. The new director fought for the transfer of twenty-five percent of the budget to municipalities, arguing that this would get municipalities to take the new legal framework seriously. She met regularly with municipal leaders, providing them with information on logging and the forestry industry. She gained the support of the agroforesters' organization by simplifying the permitting process and by strengthening INAFOR municipal delegations.

Then, in 2001, after making these positive changes and winning the acknowledgement and appreciation of local people, the new director was fired. According to the minister, she was fired because she allowed local governments to over-exploit the forests without controls. According to the former director herself, she was fired because she refused the minister's request to administer illegal logging permits. According to others, she was fired because she married a logger. In any event, INAFOR officials soon after reversed her reforms.

This story indicates two important points. First is that the notion of capacity is used as an excuse to retain central control over lucrative aspects of natural resources. Second, capacity arguments can be a cover for maintaining the corrupt rent-seeking opportunities for central agency actors. These kinds of excuses are heard in almost every country.

Source: Larson 2002, 6.

goals. "When faced with the question of whether local capacity constitutes a bottleneck to successful decentralization reforms, before attempting to offer an answer, one should ask 'capacity to do what?'" (Blair 1997).

Two common fears are expressed by central government agencies involved in decentralization of natural resources. First is that the transfer will lead to the destruction of the resource. Second is that the transfers will lead to local conflict. These problems are often characterized as "risks to manage" by technical agencies. Sometimes these fears are founded. Usually they are not, or they are greatly exaggerated (Fairhead and Leach 1996; Ribot 1999b; Swift 1999; Baviskar 2002). Nevertheless, these fears are used to argue against the transfer of powers to local authorities. Arguments that too much decentralization has caused damage or over-exploitation have led to backlashes against decentralizations in Uganda in 1993 and more recently in Ghana and

Indonesia (Bazaara 2002b; Aaron de Grassi, personal communication, 2002; Resosudarmo 2002). Arguments that there will be conflict with customary authorities have been used in Burkina Faso, Mali, Mozambique, Niger, Senegal, South Africa, and Zimbabwe (Ribot 2001b).

Based on these expressed fears, arguments that local populations lack the capacity to manage resources and conflict are common affronts against transferring resources. These capacity arguments are backed by technical arguments concerning management requirements and by stories of conflicts and deaths from resource disputes since decentralization began. While these fears may not be groundless, there are certainly management and use rights and powers that can be transferred without threatening the resource base or causing new conflicts. Further, according to researchers at the Bellagio conference (Latif 2002), there is insufficient evidence that conflicts increased after any of the decentralization

reforms that have been studied. This issue requires further research.

Capacity arguments often are used as a tool to justify retaining central control and excluding local people from decision making and benefits. The argument that powers cannot be devolved without the capacity to receive them is common and often specious (Conyers 1990, 30; Clauzel 1995, 49; Ribot 1996; Oyugi 2000, 10). While it is clear that capacities matter, the argument by technocrats that local people lack capacity to manage forests is a key obstacle to decentralization. The forest services of many countries—Burkina Faso, Indonesia, Mali, Nicaragua, Niger, Senegal, and Uganda—have used this argument merely to maintain central control (Ribot 1995a, 1995b, 1995c, 1999a; Bazaara 2002b, 4; Larson 2002, 6; Resosudarmo 2002, 6–7; Bazaara 2003, 57; Larson 2003, 3) (see Box 15).[70]

In the vast majority of cases, a lack of capacity is not the real reason for the failings of local governments. In most of the cases in which local people fail to meet certain objectives, they fail for one or more of the following reasons. First, the objectives may not be particularly important to local people. They may be the objectives of central government or other outside groups. In this case, capacity is not the issue—the issue is that central authorities have not respected local priorities. A second reason that local people may fail to meet certain objectives is that local authorities and people lack funds and materials to achieve the objectives. Again, capacity is not the issue—the issue is that complementary resources need to be supplied. And a third reason that local people may fail to meet certain objectives is that the standards or tasks required by government to execute the objectives are unnecessarily too complex for the skills of local people. In this case, capacity may not be the issue either—the technical hurdles need to be rethought: are they justifiably high or are they set high simply to provide an excuse not to transfer powers to the local level?

Many hurdles are erected that prevent local people from managing and using resources. In Bolivia, municipalities have the right to exploit twenty percent of the forested domain. However, because municipalities do not have the means to develop management

plans, these areas are allocated to others by the environmental service. The fact that local authorities have not been able to fulfill the conditions stipulated in the regulations justifies allowing outside producers to clear-cut local forests. (Pacheco 2002, 11.) This same strategy for overriding local initiative is also used by Senegal's and Cameroon's forest services (see Box 13, above). Because these planning approaches are more complex than necessary and much simpler methods could be used, it is the complexity that needs to be reduced, and perhaps not the capacity that needs increasing.

Uganda provides other examples in which central government has erected large hurdles for local governments to overcome. The 1961–62 annual report of Uganda's forestry department states, "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." Bazaara points out that administration was never transferred to local government. The 1963–64 report states that "no action was taken to transfer administration of central forest reserves in Buganda or elsewhere to the appropriate local authorities because it is still being considered that they do not have the money and staff with which to manage these important resources" (Bazaara 2001, 33).

In natural resource management in Africa, it has been a long-standing practice of governments to describe local populations as ignorant and unable to manage their resources. The colonial foresters were quite clear about this. French forester André Bertin (1919, 125–7) compared Africans to "children ten to twelve years old" and advised that "the employer must not be a distant boss but must behave with his workers like the father of the family."[71] Unfortunately, these attitudes persist. In 1994 Mali's central planning unit responsible for coordination of environmental activities reported that "the state should behave as a good father who assists, advises, and controls" (Degnobl 1995, 10).

A related ideological parallel is technocratic paternalism, which is rooted in these same infantilizing attitudes. In 2002, a Malian forest service technical advisor said, "We cannot transfer responsibilities to the blind"; when asked who is blind, he responded, "The illiterate elected councilors and the villagers who elected them" (author was present at this meeting in Bamako in 2002). In participatory forestry, forest villagers are all too often seen as ignorant, land-hungry peasants, lacking the "capacity" to make but a few highly monitored decisions over the disposition of forests, which they would destroy if not constrained (see Blaikie 1985; Guha 1990; Peluso 1992; Thomson 1995, 3; Fairhead and Leach 1996). As in the colonial period, forests are seen as being threatened by the actions of unregulated local populations (Hubert 1920, 421–2, 462–3; Delevoy 1923, 471; Aubréville 1939, 486–7). Foresters have consistently argued that their "expertise" is needed to control this dangerous situation.

The idea that local people are ignorant and lack capacity, however, has been well challenged over the past two decades (see Chambers 1983; Moorhead 1989; Able and Blaikie 1990; Ostrom 1990; Peluso 1992; Fairhead and Leach 1996, among many others). Farvar (1997, 4) argues that "local communities, if assisted in suitable ways and trusted, can ensure the sustainable use and development of local resources." They are capable of "identifying their own problems and needs, analyzing and categorizing them, and identifying priorities. They are also often capable of programming and designing projects." Farvar provides examples from around the world where local communities demonstrate natural resource management capacities. Indeed, there are many cases that demonstrate that local communities have more management capacities than are attributed to them.

In Mali, for example, Kassibo (in Latif 2002, 62) argues that the state gives out permits to harvest forests but no decision-making powers because they believe that the local people will put the forests at risk. State actors (officials and agents) are reluctant to build the capacity of local elected bodies because they are afraid of the enormity of the value they may lose if local bodies become empowered. However, the elected rural council in Mali's Baye Forest began

protecting surrounding forests when it heard that the new decentralization laws would eventually allow the council to manage the forest (Kassibo 2002a). In this case a local community took the initiative and was able to protect a forest without outside assistance. Promises of decentralization created empowering local expectations.

In an example from the early 1990s, the rural community of Makacoulibantang in the Tambacounda region of Senegal proposed in a meeting with the forest service a set of measures to protect forests that the forest service was allocating to outside merchants for exploitation. The rural council and some chiefs had heard that the coming decentralization reforms were to allow them to manage their forests. The rural population requested the following: protection of the Forest of Bokko for village usufructuary and pastoral uses; protection of a band along the Gambian frontier to prevent border conflicts; channeling of woodcutters into specified areas; more reforestation; and benefits for the rural population. Mixed in with these management proposals, the local people expressed strong disapproval of commercial production in their region. The people also expressed disapproval that the authorities were not taking their wishes into account (Ribot 2000). The people of Makacoulibantang clearly demonstrated their capacity to plan, but to date the forest service has not permitted them to take over these aspects of management.

Management plans, controlled by forest services based on arguments that local capacity is lacking, often are used more to deprive local users of the resource than they are to conserve the resource. For example, in the Tambacounda region of Senegal, the forest service continues to allocate charcoal production permits to merchants without requiring them to use management plans. Meanwhile, locals, who feel that the charcoal industry is damaging and would like to see production stopped, are not permitted to engage in production on the grounds that management plans are necessary (see Box 16) (Ribot 1995a, 1998). This kind of double talk and double standard illustrates how management plans are used to allow some actors to benefit from a commercially lucrative resource while depriving others of the opportunity. These double standards give forest services patronage

DOUBLE STANDARDS OR MINIMUM STANDARDS IN SENEGAL

Across Africa rural communities are held to a different standard of forest management than are urban-based commercial forest users. Rural communities are required to create complex management plans before they can use and benefit from forests. Commercial users are given easy access. This double standard creates an uneven playing field on which local villagers are disadvantaged and commercial merchants are favored.

In Senegal rural communities have the right to manage their own forest resources. But to do so, they are required to develop complex forest management plans. Most rural communities in Senegal lack the skills to develop such plans. Meanwhile, large-scale commercial charcoal producers are given licenses, quotas, and permits to conduct exploitation with absolutely no management plans required. Agents in Senegal's national forest service argue that management plans are needed to protect the forests from the local people; yet local people believe the real threat to the

forests are the large commercial producers. Indeed, the local opposition to commercial production is intense. It has led to violence in several areas where the forest service is giving exploitation licenses to commercial charcoal makers. In a recent incident in the rural community of Misira, several local villagers who wanted to stop the charcoal production were thrown in jail for attacking the charcoal makers.

The high management planning hurdles for villagers and easy access for merchants is a double standard applied by the forest service in Senegal. Rural populations are not being allowed to benefit from their forests, while urban-based forestry merchants engage in lucrative production. Unfortunately, this is what "decentralization" amounts to in Senegal's forestry sector. Uniform minimum environmental standards would remove the double standard, leveling the playing field and decentralizing meaningful opportunities to rural communities.

Source: Field interviews and analysis of forestry code by author, Senegal, April 2003.

resources that they can allocate selectively to their wealthy urban merchant clients.

Ironically, the capacity of *central* governments to manage and protect conservation areas is often inadequate. The numbers of personnel are insufficient to monitor and enforce policies over vast areas with difficult terrain; in addition, central government employees often lack basic equipment such as vehicles (Resosudarmo 2002, 15). According to Onyach-Olaa and Porter (2000, 3), "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." But, they continue, 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." In short, local government performance may be more a function of central government and donor accountability than local capacity per se.

Conyers (1990, 30) also 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 at the local level to recognize their own potential and demonstrate their real abilities." Conyers (1990, 30) and Fiszbein (1997a) suggest that the relation between the ability to receive power and local capacity is not unilinear. They also argue that the "capacity" argument is often evoked

BOX 17 **PERVERSE INCENTIVES IN UGANDA**

While 1998 legislation transferred the management of reserves under 100 hectares to local councils, this responsibility came with insufficient funding. Local councils receive only forty percent of the fees collected from those reserves. Sixty percent goes to the central forestry department. Because the forty percent is not sufficient for them to train and hire their own officers, the local governments in Mukono, Mbale, and Masindi are compelled to depend on the "forestry officials employed by and accountable to the central government."

But the forestry department expected the local councils to pay for their services from these same limited revenues. Because they felt that the division of revenues was skewed toward central government, the local council in Mbale refused to pay the forestry department for assistance. In the end, the management of the reserves suffered.

In addition, local governments are expected to transport confiscated illegally harvested timber to Kampala for auction by the forestry department. The forestry service neither pays the cost of transport (vehicles, fuel, or personnel), nor do the local councils receive any of the sale revenues. According to Bazaara, the local councils "regard this policy as another reason they could not carry out responsibilities such as environmental improvement."

Of the three districts studied in Uganda, only two managed to set up environmental institutions, such as district or subcounty environmental committees,

required by the decentralization laws. Mukono, which was one of the earlier districts to be decentralized, has not established environmental institutions. Mukono does not even have sufficient funds to pay allowances for committee members. Masindi and Mbale were able to establish these committees because they received funding from the National Environmental Management Authority. Bazaara concludes that "where there has been no external financial support, districts have not established the institutions stipulated in the law," putting "into question the long-term sustainability of the various environmental sensitization exercises and programs for improving the environment currently being implemented using donor funds."

Council members in Uganda are not investing in natural resource management for a couple of reasons. First, while council members are mandated to maintain and improve the environment, other priorities, including their own allowances and development projects, use up available funds. Secondly and most importantly, elected officials face a conflict of interest between the needs of local people and the mandates handed down by the forestry department. "Councilors want to remain in the good books of their electorate," writes Bazaara. "Therefore, their main interest is in 'development' or 'poverty-alleviation' oriented projects that enhance their possibility of being re-elected come the next round of elections."

Source: Bazaara 2003, 25–8.

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to avoid transferring powers or to avoid reducing the degree of *tutelle* or oversight.

Using his research in Colombia, Fiszbein (1997a, 1) 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." He

attributes what is often perceived as "lack of capacity" to this conflict between national and local preferences. He reports, "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" (1997, 3).

A lack of capacity should not be conflated with a lack of motivation and a lack of interest in central priorities.

In some cases, local populations do not carry out environmental management and other functions because these are not high priorities for them (Engberg-Pedersen 1995, 2; Bazaara 2002b). This does not mean they cannot perform these functions or lack the capacity. It simply means they have other objectives to which to apply their time and skills. Decentralization should be structured so that the instrumental objectives of the center are not being transferred just so that local authorities can implement them. This kind of responsibility transfer amounts to delegation and at times corvée (see Ribot 1995a). The language in Mali recently changed from transfer of "*competence*" (which means "jurisdiction" in French) to transfer of "missions" (Bamako 2002). The question is "Whose mission?"[72] By transferring central missions or responsibilities to local authorities, central governments are using elected local bodies to implement central agendas. This tension between central and local agendas is persistent. In any event, lack of implementation of external agendas should not be taken to indicate the level of local capacity.

Fiszbein 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" (1997a, 3). For example: "When fully accounted, the combination of earmarking and unfunded mandates represented for many municipalities [in Colombia] more than 100 percent 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" (1997, 3). (Also see Box 17.)

Members of the Colombian congress have argued that "no real benefit would be derived from transfer-

ring funds and responsibilities to local governments if their lack of capacity would not allow them to manage them effectively" (Fiszbein 1997a, 1). As opponents, however, have argued, these capacities will only develop "if fiscal resources and responsibilities for service delivery [are] transferred to local governments" (1997, 2). The lessons learned in Colombia are relevant and help us pose important research questions. To what degree is lack of capacity actually a binding constraint on decentralization? To what degree is the capacity question really about political struggle over resources?

Complex mandates for planning and management that require higher capacity than is available or necessary, lack of funds to match mandates, and lack of motivation because natural resources are not a priority investment area should not be conflated with lack of capacity. All of these problems—separately or in combination—block or are used to fetter natural resource management decentralizations. Lack-of-capacity arguments should be viewed with suspicion. Much capacity is needed, but its absence should not be an excuse for inaction. As the literature suggests, even when local governments genuinely lack capacities that are necessary for natural resource management, capacity sometimes will follow power—that is, people learn from exercising power (Fiszbein 1997a; Agrawal 2001).

The minimum environmental standards approach discussed in the previous section is one way to address the technical requirements problem. It helps identify the minimum *necessary* management criteria for a given set of objectives. It does not, however, resolve the political fight over whose objectives should be served, nor does it supply the material or financial means for implementation.

POWER CHOICES—ASKING THE RIGHT QUESTIONS

When confronted with the choice of powers to decentralize, policy makers and analysts should ask several key questions. The following list of questions is based on the observations in this section.

1. Does the transfer of power result in discretion for local decision makers?
2. Are the powers being transferred meaningful to local people?
3. Are the powers being transferred significant enough to engage local people with local decision makers?
4. Are mandates (obligations) being transferred?
   a. Are those mandates sufficiently funded?
   b. Are they within the capacity of local authorities to implement?
5. Are political choices—such as who can use a resource and who can benefit—being retained at the center or transferred to local decision makers?
6. Are resources (such as lands, pastures, forests, fisheries, etc.) that have been accessible to the public and serve public interest being privatized?
7. Are transfers of power made in a secure manner, or can they be taken away at the whim of central authorities?
8. Is there appropriate separation of executive and legislative powers in the local arena and within agencies of central government?
9. Is there sufficient power—executive, legislative, judicial—in the local arena to balance and fight central interests?
10. If exploitation is allowed, are local authorities receiving the right to determine who exploits the resource?
    a. Can they decide who has subsistence access to the resource?
    b. Can they decide who can exploit the resource commercially—i.e., can they allocate exploitation rights?
11. Do local authorities have the right to say NO to commercial exploitation of local resources—that is, do they have the right to conserve the resource?
12. Are the powers transferred well matched with the political-administrative scale and the ecological scale of the resource?
13. Is the environmental service using a system that requires approval for every decision, or are there decisions that can be made locally under an environmental standards framework?
14. Do environmental laws exclude local communities from decision making and benefits by treating communities and commercial interests differently?
15. Is it really necessary from an ecological perspective for local governments to demonstrate capacity before the powers are transferred?

4

LESSONS LEARNED

There are many lessons to be drawn from current research. Only a few of the most salient will be discussed here. Others are highlighted throughout the text and are indicated as recommendations in Section V. This section focuses on insights related to

- accountability and institutional choice,
- subsidiarity principles and the choice and sequencing of powers,
- other factors that affect outcomes, and
- resistance.

How to ensure the accountability of institutions receiving power transfers, how to select the institutions to receive power transfers, how to select the powers for transfer, and how to sequence power transfers are design problems associated with the core elements of decentralization—actors, powers, and accountability. Other factors, such as the legal environment in which decentralized powers are to be exercised, the civic education local people receive, the technical assistance that local people receive, and the incentives that motivate local people, also are discussed. Since decentralization reform is often thwarted by the fierce resistance it encounters, the final portion of this section focuses on resistance. It summarizes the kinds of resistance decentralization faces and suggests ways to overcome this resistance.

Power without accountability is not representation, and neither is accountability without powers.

ACCOUNTABILITY AND INSTITUTIONAL CHOICE

Accountability is an essential element of decentralization. It is partly a matter of the kinds of institutions being chosen and partly a matter of the kinds of accountability mechanisms applied to these institutions—although the two cannot be entirely separated since institutions differ largely by how and to whom they are accountable. Accountability mechanisms are not discussed here—they have been addressed in the main text and are outlined further in Annex C. This subsection focuses on institutional choice.

Implementing decentralization means ensuring that the appropriate local authorities or institutions are chosen *and* that they are given sufficient and meaningful discretionary powers. In some places powers have been transferred to local institutions. In others, democratic institutions have been crafted. But rarely do governments establish downwardly accountable authorities *with* powers. Power without accountability is not representation, and neither is accountability without powers. Partial arrangements do not establish democratic decentralization, and they will not deliver the benefits decentralization promises. Implementation requires powers *and* accountability.

Despite the importance of giving local authorities discretionary powers, in so-called decentralization reforms around the world, public powers are being transferred not to local democratic institutions, but to non-state institutions. This effective privatization of public powers is depriving new democratic institutions of the powers that—according to the logic of demo-

cratic decentralization—they should have received. Instead of going to and strengthening local democratic authorities, powers are being exercised through donor-led participatory processes and are being given to customary authorities, NGOs, and other quasi-private or private institutions and individuals.

Powers are being siphoned away from the representative bodies that could otherwise become the institutionalized form of popular participation that the participatory development movement was striving for.

The institutional "pluralism" and institutional proliferation that has grown out of populist and antigovernment civil-society movements is, ironically, creating competition with and undermining the development of local democratic or elected authorities. Local democracy is in crisis. Powers are being siphoned away from the representative bodies that could otherwise become the institutionalized form of popular participation that the participatory development movement was striving for. The institutional arrangements that are creating and could help head off this crisis are discussed here.

Interinstitutional accountability, plurality, and coexistence— Choose democracy

In the local arena there is typically a mix of institutions. These institutions can compete or cooperate. They can complement or displace each other. The existence of multiple local authorities is not an inherent threat to local representative government, provided these authorities do not undermine local government power and legitimacy. For local institutional pluralism to reinforce democratic decentralization, public resources should be under representative authority (see Figure 4). Blair (2000) argues that other institutions with a role in using or managing public resources should be accountable to the public through the local representative authorities. If they

are not, there is likely to be a weakening and delegitimation of the representative authority by the diffusing of powers over public resources among multiple institutions. Meaningful representative authority requires powers over public resources. If these powers are diffused across many institutions, representative authority can be undermined. If institutions with control over public resources are not accountable to some form of representative authority, then the best-placed and most-powerful authorities and institutions are likely to capture power over resources—whether they are chiefs, NGOs, businesses, or user groups. Without the mediation of representative authority, a plurality of institutions could be a formula for elite capture.

Without the mediation of representative authority, a plurality of institutions could be a formula for elite capture.

Diana Conyers (personal communication, January 2004) argues that a plurality of independent institutions can be positive because it diffuses the effects of elite capture. Since institutions are likely to be controlled by different members of the elite, the more institutions with control over public resources, the more people (patrons and their clients) will have some access to resources. If all institutions have to be responsible to a representative authority, she argues, there is a risk that they will all become dominated by the elite members who control that authority. She points out that the outcome may depend on the number and relative influence of the various elite groups within a particular society. However, protecting against elite capture does not necessarily strengthen and legitimize local elected authorities. Rather than simply asking how elite capture can be avoided, it is of use to ask how local institutions can support the development of local representative government so that elite members have more difficulty dominating public affairs.

Creating or supporting democratic institutions does not reduce the plurality of institutions or require the elimination of other parallel or subordinate institu-

FIGURE 4   ACCOUNTABILITY RELATIONS MEDIATED BY LOCAL GOVERNMENT
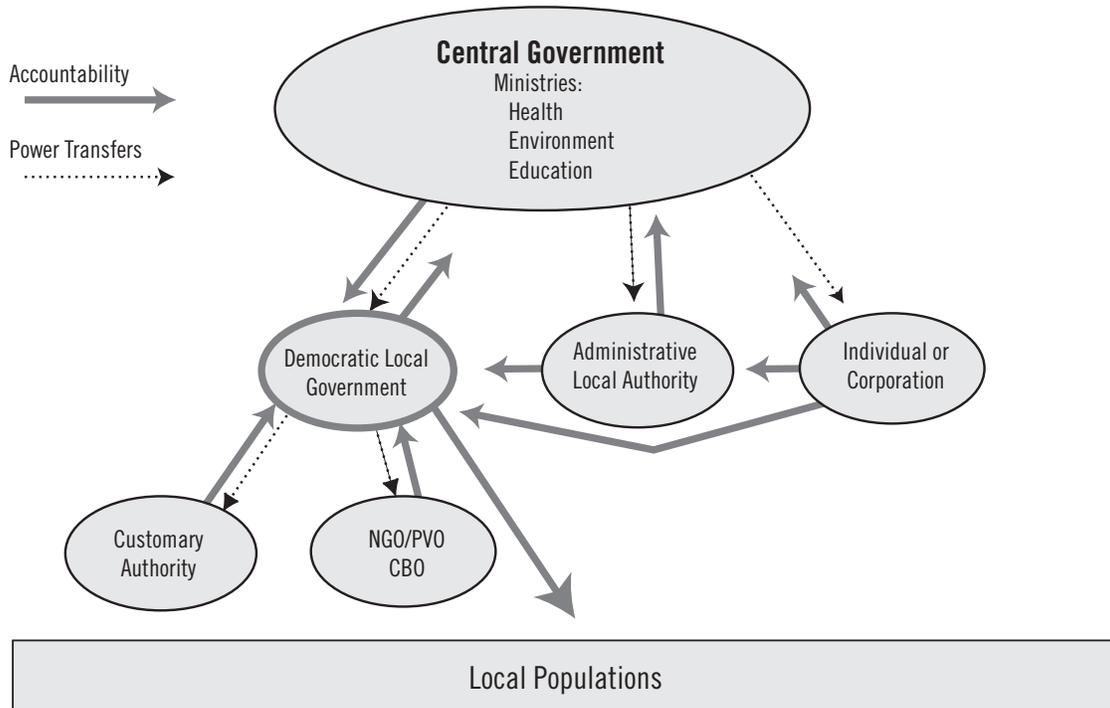
In an ideal democratic decentralization, representative local governments have public powers, and their primary accountability is downward to the local population. Other institutions holding public powers are accountable to the representative local government. In this manner, accountability to the people is channeled through representative local authorities. The central government also must be accountable to local government so that local authorities can demand support services such as equipment, information, and technical expertise.

tions. These institutions coexist with and play important roles in helping local government do its job. For example, if powers over forest access are transferred to democratic local institutions, elected bodies can depend on customary authorities to allocate access, provided the customary authorities do not take actions that conflict with the interests of other segments of local society. There is also no reason that people cannot make decisions or resolve conflicts over forest or land use through the head of a household, a customary authority, a religious leader, or an NGO before or instead of bringing them to the elected local government.[73]

In addition, the existence of elected authorities or courts to which people can turn will influence the ways in which these other institutions behave. The mere option of appeal to elected authorities or courts may increase the likelihood that decisions will be made fairly by non-elected authorities and may reduce the likelihood of conflict. It may discipline the household head, customary authority, or imam to make more equitable decisions and to be more even-handed in arbitrating. The creation of democratic local institutions is not meant to eliminate other local authorities. It is meant to create an alternative that local people can choose.

However, when these other local institutions receive power transfers that should have been given to local representative governments, problems can arise. Transferring power to these other groups reduces the domain of authority of local democratic institutions, forcing them to compete with other institutions for legitimacy. It may make local democracy less likely to succeed (Summers 2001 in Mansuri and Rao 2003, 2). Local accountability is mediated through representation. Therefore, representative authorities should be the hub of the institutional landscape that governs the use of public resources. The choice of local institutions and how they depend on each other is critical for the establishment of effective decentralization.

Representative authorities should be the hub of the institutional landscape that governs the use of public resources.

Institutional choice for scaling up and sustaining representation

Before power is transferred to an institution, it is critical to ensure that the institution is capable of scaling up representation or replicating it on a larger scale; it is also critical to ensure that it can sustain representation over time. Participatory approaches, which have been and continue to be used to include local populations in rural development and natural resource management activities, have severe limitations in both regards. Participatory approaches do not work well at larger scales (Green 1993; Clark 1998), and they often do not survive once the projects that mobilized them are gone. In addition, they are labor-intensive for both those facilitating them and those participating in them, and they are often neither democratic nor just (see Cooke and Kothari 2001). As argued in the introduction of this report, local government appears more likely than any other institution to have the characteristics of generalizability and institutional stability, which are necessary for scaling up and sustaining representation.

Institutional choice and citizenship

Decentralization is believed to be most efficient and equitable when inclusion in decision making is based on the whole population. Democratic systems operate on residency-based citizenship. Customary authorities, however, base belonging on origin, lineage, ethnicity, or religious identity, and NGOs base belonging on interest. Identity- and interest-based inclusion in public decision making can reinforce differences and fragment community. These forms of inclusion may lead to conflict, and they are more prone to political manipulation. Current conflicts over land in the Ivory Coast have been exacerbated by the government's appeal for support to certain groups based on their identities of ethnicity or origin, rather than residency (Chauveau 1994). Examples across Africa of ethnic conflict are common (Geschiere 2003). In Uganda, local professional-based committees caused divisions within communities (Namara and Nsabagasani 2003). Residency-based citizenship appears to be the most inclusive of the different forms of inclusion (Mamdani 1996a).[74] For this reason, democratic authorities whose elections are predicated on residency-based universal suffrage could be a better choice for representation than are many other kinds of local institutions. Mechanisms still must be crafted, however, to ensure representation of the most-marginal and disadvantaged groups.

SUBSIDIARITY: CHOOSING POWERS, SEQUENCING TRANSFERS

Powers must be chosen and transferred. This subsection outlines a few guiding principles that have emerged from this study for identifying powers to transfer and for sequencing their transfer to local authorities.

Subsidiarity principles

Clear environmental subsidiarity principles will help guide the choice of powers to allocate to different levels of authority in and out of government. Principles that might be helpful for activists, practitioners, and policy makers are listed and explained in Box 19, located in the recommendations section.

Decisions as to which powers can be transferred cannot be made solely by interested parties within environmental ministries. Procedures for determining the optimal division of powers must involve multiple parties. Capacity arguments and technical arguments for retaining powers at the center should be weighed with great care. At the center there is much fear of losing power. There are also many false scientific-sounding arguments that can misguide these decisions.

Sequencing points

There is no overall sequence in which a decentralization should take place. Clearly, it helps to have laws that create truly democratic local authorities and that enable the transfer of significant powers to them. The first step is to analyze laws to see if they are adequate. Where adequate laws do not exist, the first step is to work toward establishing them. Beyond this, there are several sequencing guidelines that can be derived from the observations and analysis in this report. Most of these concern the transfer of powers. They are described below.

Which powers first?

The order in which powers are devolved can matter. Powers that are less conflictual should be devolved before those that are more conflictual. Powers that are less likely to threaten long-term sustainability should be devolved before those that are certain to cause damages if misused. Powers that do not require any funding should be transferred before powers requiring funds—if funds are not available. Powers requiring little local skill should be transferred before those requiring high technical or financial management capacity. Powers that can be transferred without requiring planning should be transferred without planning conditionalities. The two big issues in sequencing appear to be capacity and management planning requirements.

Power before capacity

Governments are waiting to transfer powers until local people demonstrate that they have capacity. This

may sound reasonable, but it is absurd to think that people can develop skills without having the powers to exercise and practice them. Many powers can be transferred before capacity is demonstrated because transfer of these powers pose little risk to the resource (Ribot 1999b). Some powers can be transferred because the risks are worthwhile. Once the powers are transferred, local institutions may acquire the capacity (Fiszbein 1997a; Agrawal 2001). The risk that mistakes will be made must be weighed into the cost of decentralization. Usually those mistakes are not so grave. Many forests do regenerate with time. Which powers can be transferred will depend on whether the potential damages are reversible and on the benefits versus the risks of trying.

A power that local people can exercise without having any special capacities is the right to say no to extractive industries.

Standards before planning

The practice of requiring local people to create complex management plans before they are allowed to manage and use local resources is blocking environmental decentralizations. Requiring local users to adhere to minimum standards may be a better option than requiring them to develop complex management plans. The minimum standards approach would allow them to conduct benign activities of extraction and use without having to develop plans. For those who desire higher productivity than natural regeneration affords, guidelines could be available. But requiring multi-step plans that no local community has the technical or financial means to implement fetters local control. One example of a power that local people can exercise without having any special capacities is the right to say NO to extractive industries; in fact, two African countries, Senegal and Mali, have already created legislation giving local people this power. This does not necessarily give local authorities any rights to exploit the resource, but, if enforced, it gives them plenty of new power to negotiate and to conserve the resource. This power cannot be argued to threaten the resource or to require an elaborate plan.

Give decentralization time

Before we judge the impacts of decentralization, we need to be sure that a real decentralization has been established and that the outcomes we observe can be attributed to it. There is a backlash brewing against the decentralization of natural resources, but it is out of sequence. First we need decentralization before any reaction—good or bad—is justified. Even if the decentralization is in place, it needs time to stabilize and produce outcomes. Decentralizations should not be judged in their first years.

Most cases studied involve relatively recent reforms. Indonesia's reform is less than three years old. South Africa's reforms are five to seven years old. It is too early to see the results in either of these cases. Yet backlashes against environmental decentralizations are already forming in Uganda and Ghana (Ribot 2002b). In both countries, the government claimed that people were over-exploiting and attacking the forests. They may have been. Over-consumption immediately following reform has been observed in Indonesia; Kumaon, India; and several other places. Agrawal argues that this instability is likely until people gain confidence that the decentralized control over and access to forests is not just temporary. They need to have a sense of security in the laws. The tendency is to consume while the opportunity is there since it is not likely to last.

The Asia Group at the Bellagio conference described a "crisis of expectations" phenomenon in Indonesia, in which people over-exploited the forest resource because they did not have confidence that the reforms would last (see Box 18). They therefore tried to take advantage of the exploitation opportunities while they lasted (Latif 2002, 67). Short time horizons and uncertainty as to whether reforms will last created opportunism and over-extraction. At Bellagio, Baviskar argued that the Kumaon case illustrates that "we expect too much too soon from decentralization" (Latif 2002, 11). She suggested that conflict and frustration are part of the nature of transition. Agrawal then pointed out that Kumaon's archives show that in the first years of the reform, the foresters talked of the reforms as if they were temporary and unlikely to succeed. They did not believe the councils could manage the forests. But a more stable regime emerged gradually and the forest councils are still active seventy years later. If decentralizations are to unfold, they will need time to stabilize and for people to have confidence that the powers they received will stay.

BEYOND ACTORS, POWERS, AND ACCOUNTABILITY: OTHER FACTORS AFFECTING OUTCOMES

There are many factors, aside from those associated with the actors, powers, and accountability model, that affect the social and environmental outcomes of decentralization reforms. Some of these factors can be legislated or provided by central government. These include the following: attention to inter- and intra-jurisdictional equity; legal recognition for local organizations; legal protections for organizing, lobbying, and filing suit; availability of technical support from central government; ability of local governments to mobilize technical assistance and equipment that central government has to offer; civic education; government education; the right and ability to federate local authorities and organizations; and the right of local authorities to control outside extractive industries. The legislation associated with these factors is in addition to the legislation that is basic to creating decentralized authorities, such as appropriate electoral codes and laws that transfer executive, legislative, and judicial powers.

Some other factors that directly shape environmental outcomes in decentralized arrangements include: the kinds of environmental standards in place, the match between geographic scale of natural resources and the scale of political/managerial jurisdiction, quality of technical assistance from outside NGOs, and non-environmental priorities of local authorities and communities. Environmental standards and the scale issue are discussed with powers problems in Section III and in the subsection on resistance, below. Technical assistance from NGOs can clearly be a positive force in improving environmental outcomes and should be encouraged.

One issue of particular concern to environmentalists is the engagement of local authorities in environmental issues. To ensure good environmental management through local authorities, those authorities need incentives to become engaged. According to Larson, local authorities can be motivated by the desire to generate municipal revenue, by a specific conflict or crisis, by pressure from projects or an NGO, or by recognizing a particular problem (Agrawal 2001; Larson 2002, 13–4; Bazaara 2003, 24; Namara and Nsabagasani 2003, 47). Larson found that a mix of the first three incentives was common. She claims that in some cases these led to the fourth. This last factor appears to be part of a learning process resulting from the other three factors. Agrawal (2001) makes a similar point when he observes that better management in Indian van panchayats came with the transfer of regulatory powers. These powers induced the development of environmental consciousness and concern. Along the same lines as Larson, Bazaara (2002a, 24) writes that there are four factors that explain why local governments do not exercise the environmental powers they hold: lack of concern about environmental issues, financial constraints, lack of clear institutional relationships, and conflicts of interest.

Local authorities need specific incentives to get involved in environmental issues. They have competing problems to attend to. In interviews conducted by the author in the winter of 2003–04, World Bank project team leaders reported that local communities rarely choose natural resource management projects if they have a choice of alternative investments. Their first priority is to invest in productive activities that meet immediate income needs. For local communities to invest in natural resource management, local leaders must see the interest in it, or they must have sufficient funds to meet their first priorities, as well as natural resource management needs. Central governments, donors, and NGOs can all play a role in creating incentives for local authorities to invest in natural resource management.[75] Reasonable environmental standards also create an incentive (fear of sanction) for local leaders and people to better manage the environment.

BOX 18 | **DECENTRALIZING OVER-EXPLOITATION IN INDONESIA— GET IT WHILE IT LASTS**

As part of decentralization reforms, Indonesia's forest service made it possible for local authorities to allocate small-scale timber licenses to create an incentive to curb illegal logging. Because these local permit holders bear the loss from fraud, they were expected to be more likely to control and report illegal logging. This outcome, however, has not been demonstrated.

In fact, these changes have led to the effective legalization of illegal timber harvesting. Rather than confiscating and auctioning illegal timber, the district officials are now assessing a fee on the timber and issuing documentation allowing resale and transport. These practices could have negative effects on the controllability of the industry. (Resosudarmo 2002, 13–4.) Peluso (2002, 8) also observes a greatly increased level of potentially damaging illegal logging due to the emergence of new mechanisms of illegal extraction and the participation of military forces in such exploitation.

These negative consequences may be associated with two shortcomings of Indonesia's decentralization reform. First, the local authorities in Indonesia are elected from party lists and may not be downwardly accountable to the local population. Peluso points out that it also may just be that some leaders in Indonesia are using decentralization as an excuse to disobey national law and to make their own policies. In either event, the leaders do not appear accountable to their constituents. Second, the national ministry responsible for forests is already threatening to re-centralize permit allocation powers. It may be that because local officials do not believe they will be able to keep these powers, they are attempting to capitalize on them while they last.

Sources: Peluso 2002, 7–8; Resosudarmo 2002, 13–4.

If democratic decentralization takes place, accompanying measures will help ensure that democratic decentralization will serve not only the interests of local communities, but also the long-term and larger-scale concerns of society.

(EN)COUNTERING RESISTANCE TO DEMOCRATIC DECENTRALIZATION: SEIZING OPPORTUNITIES

Historically, decentralization initiatives have not enjoyed great success, largely for two reasons: despite their rhetoric central governments have often not really wanted to devolve any real power to the local level; and, when significant authority has been devolved, a disproportionate share of the benefits has been captured by local elites. The new democratic variant of decentralization, however, promises to overcome these problems by introducing increased participation, accountability, and transparency in local governance, along with empowerment for previously marginal groups.

Harry Blair 1997

Decentralization advocates were hopeful that democratic decentralization would produce more equitable and just outcomes than earlier decentralization reforms had done, but, unfortunately, many of the problems of earlier reforms are occurring in the new reforms. States are still using decentralization to concentrate power rather than as a means of redistributing power to a greater portion of society. This section summarizes some of the key fetters on decentralizations (also see Ribot and Oyono forthcoming). As laws are written and implemented around the world, many actors who are threatened by decentralization are holding it back. Central actors do so by hanging onto powers and by choosing local institutions they can most easily control. Members of the local elite do so by capturing the powers that are being transferred.

Resistance to the transfer of powers

Resistance to power transfers is justified through a number of often specious arguments and practiced through multiple means. Some of the most common arguments are summarized here.

Capacity arguments are commonly used as an excuse not to devolve powers to local authorities. By arguing that local people lack capacity, central governments have managed to retain control over many decisions that could be transferred to local people.

Means of transfer are commonly used that enable governments to retain powers in the executive branch (see Conyers 2002). Rather than transferring power through legislation, legislators are making laws that include "delays," leaving decisions to ministerial or administrative decrees and orders. In this way, the transfer of powers is retained as a discretionary decision of executive-branch ministers and administrators. When powers are transferred, they are allocated as privileges that can be withdrawn at executive will rather than as secure rights for local people to invest in.

Failure to create a local domain, or the reduction of local jurisdiction, hems in local powers. In Cameroon, there is a progressive community forestry law, but community forests can only be established in a very limited set of areas determined by the forest service (Ekoko 2000; Oyono 2002). In Mali, the very strong decentralization laws that give local councils considerable powers over local forests are undermined because the central state has refused to establish a local domain in which to exercise them (Ribot 1995a; Kassibo 2002a). In Uganda, privatization and reserves leave few forests under local government control (Muhereza 2003, 8-11).

"Scientistical" arguments—specious, technical-sounding arguments—are another common means of retaining central control over natural resources. Even though we now know that there are many environmental use powers that can be transferred without threat to the resource base—and even without any need for enhanced capacities (see Ribot 1999b; Fairhead and Leach 1996), forest services systematically refuse to acknowledge this. Further, these kinds of arguments have led to the establishment of overly complex management-planning

requirements that have often made it impossible for local communities to use or manage surrounding resources with any degree of independence.

Choice of powers being transferred is another way to resist. Burdens and mandates are being transferred without or in place of positive powers, and non-commercially valuable uses are transferred in lieu of lucrative opportunities. In Uganda, Bazaara (2002a) observed that central authorities were treating technical and political decisions alike, and since they could argue that some technical decisions are more appropriately made at the central level, they were retaining power over political decisions, as well as technical decisions. Bazaara argues that acting as if commercial allocation decisions are technical decisions for the forest service to make hides the fact that the central agencies are reserving for themselves what are ultimately political choices. In addition, central authorities often conflate transferring the instrumental objectives of the state with transferring discretionary powers. There is a big difference between the two: discretionary powers give local authorities real power, while the instrumental objectives of the state saddle local government with central mandates, turning them into effective administrative branches of central government.

Local institutions differ in the degree to which they represent and are accountable to local populations; therefore, the degree to which transfers to them can be considered decentralization differs.

Excessive oversight and overbearing approval processes are used almost universally to reduce local discretion. Examples include management committees presided over by foresters, management planning that requires forest service approval before any exploitation can occur, and the withholding of transfers until certain capacity criteria are met as judged by central authorities. Communities are told that they will get powers when their plans are approved or when they demonstrate capacities defined by the technical services.

These are the most common ways in which power transfers are restricted, stopped, or reversed. The result is that decentralizations are rarely creating the space for *discretion*, which local democracies must have to be meaningful.

Institutional choices as a form of resistance

Choosing the appropriate local institutions is critical for establishing decentralization. Local institutions differ in the degree to which they represent and are accountable to local populations; therefore, the degree to which transfers to them can be considered decentralization differs. Even when elected local institutions exist, less-democratic institutions are being chosen. This undermines decentralization. Governments and donors are often choosing deconcentrated bodies, customary authorities, NGOs, elected and appointed local committees, or private corporations and individuals in lieu of elected local bodies. These choices attenuate the effects of decentralization by taking powers that would otherwise have been given to elected local institutions. These choices create competition for local democracy—competition that local democracy may not be capable of standing up to.

Institutional choice is also important because power imparts *legitimacy* to those who acquire it, and power creates *capacity* in those who acquire it. Elected bodies without powers will never be legitimate. Governments often use the argument that they are giving powers to customary authorities because customary leaders are legitimate and the elected bodies are not. In addition, they often allocate powers to administrative bodies or to committees of their own creation because they argue that the elected bodies lack capacity to manage resources and conflict. These choices defeat the democratic aspect of decentralization and prevent democratic authorities from functioning. Central authorities often refuse to acknowledge that local representative authorities cannot acquire legitimacy and capacity if they are not given any powers. Instead, they use a lack of legitimacy or capacity as justification for avoiding placing secure discretionary powers in the hands of indepen-

dent local authorities. These tactics are used to fetter the transfer of powers to democratic local institutions that may not be easily controlled by central ministries.

Resistance by local actors

Elite capture, which has been common in decentralizations, may attenuate the expected positive outcomes of decentralization. This phenomenon, in which members of the local elite capture the benefits of decentralization reform, cannot be separated from the institutional choices and patronage relations being cultivated by central actors. In other words, members of the local elite are not alone responsible for elite capture. Central actors often encourage it for their own purposes. The prevalence of elite capture reinforces the need for multiple accountability mechanisms and well-structured accountability relations (see Annex C for a list of such mechanisms).

Countering resistance

Resistance to decentralization can easily be seen in the arguments that are used to justify not transferring powers and not choosing or creating representative local institutions. To counter this resistance, these arguments must be met with counterarguments. These counterarguments can become tools for constituencies to understand and then challenge the discourses and practices of obfuscation and obstruction. The dominant arguments used against decentralization and some counterarguments that can challenge them are outlined here. These are followed by brief discussions of education and voice as additional means to counter resistance.

Countering arguments

1. *Argument:* Transferring natural resource management powers to local people leads to environmental destruction.
   Counterargument: Many fears of environmental destruction are unfounded. Environmental subsidiarity principles based on grounded research

can help identify the powers that do not threaten long-term sustainable use of natural resources. Further, local people should have the right to use and change the resources around them. Destruction to one observer may be a positive change to another. What is and is not environmental destruction should be a point of interpretation and political negotiation.

2. *Argument:* Transferring natural resource management powers to local people will incite conflict and violence among competing interests, and local authorities will be unable to control the violence.
   Counterargument: Some power transfers carry little risk of sparking conflict. It is imperative to determine when conflict arguments are real and when they are excuses not to transfer powers. The powers that can be transferred without creating conflict should be identified and transferred. As for power transfers that might result in conflict, central authorities might accompany these transfers with mediation devices to prevent conflict from becoming violent.

3. *Argument:* Local authorities lack the capacity to manage natural resources.
   Counterargument: This argument is often specious. There are many examples in the environmental sector, as well as other sectors, that reveal how this argument has been used as an excuse not to transfer power over lucrative resources. Many powers can be transferred that do not require any special local skills. Many skills that are ostensibly needed can be hired—not everyone need be a forester to cut down trees or to decide who should be involved in forest management (no more than one needs to be a mechanic to drive a car).

4. *Argument:* Local authorities have insufficient fiscal resources to manage their natural resources.
   Counterargument: Many powers over natural resource management and use do not require fiscal resources. These powers could be identified and transferred first. If central government authorities are really as concerned about management activities as they claim to be, they can transfer the fiscal resources to local governments to carry them out. If central government does not have these resources, then this argument is an absurd basis for recentralizing.

5. *Argument:* Customary or traditional authorities are more legitimate than local government, and customary authorities, NGOs, and other local institutions are more efficient than local government.
   Counterargument: Legitimacy follows power. Customary authorities may be legitimate if they are given powers to yield. However, their legitimacy does not necessarily mean that people like them. It may derive from fear or just from habit. In addition, central authorities often are less interested in transferring powers to local institutions that are legitimate and efficient than they are in transferring powers to institutions that are likely to do the bidding of central agents. In short, this argument is often used as an excuse to make an institutional choice that would facilitate elite capture or external manipulation.

Armed with well-grounded arguments, constituencies can organize to hold government accountable for the pronouncements they make in their decentralization discourses. These local, national, and international constituencies can organize to help ensure that democratic decentralization will be codified in law and established in practice.

Civic and government education
To counter local resistance—that is, the resistance that comes in the local arena after the laws are passed and implementation has begun—people need to know their rights (if and when they have any), and they need to know the obligations that government has toward them (Shrestha 1999, 34). Civic education can help. In addition to educating local constituents, it is also necessary to educate local government representatives about their powers and their obligations to local people. Providing civic and government education may involve publishing manuals written in local languages that explain the laws.

Awareness of rights can create popular demand for more-responsive government or for nationally recognized local rights. In Mali's decentralization, the laws require the government forestry agency to transfer powers to newly elected rural councils. The agency has refused to do so. However, local councils in the Forest of Baye, having heard that they have

rights over the forest, its management, and use, began to organize forest protection in anticipation of the formal transfer of powers. Dupar (in Latif 2002, 78) points out that in Cambodia, donor agencies supported a legal literacy campaign that emboldened local people, especially women. When rights exist, civic education can encourage people to exercise those rights as full citizens.

Informing people of their rights, explaining new laws in clear, accessible language, and translating civic educational materials into local languages can encourage citizen engagement and local government responsibility. It can encourage citizens to demand that government serve them. Central government, donors, and NGOs can support these local civic educational efforts.

Multiple channels for local voice: Federations and legislative representation
The weakness of decentralization in the rural areas—which is where natural resources are located—reflects the weaknesses and marginality of rural people in the developing world. Rural people have rarely had a strong voice in the making and implementation of national policy. They have rarely had control over their own local affairs. Democratic decentralization represents a radical change. If it is to succeed, it will need a broad constituency with leadership that is responsive to the needs of rural people. Creating democratic local institutions is not enough. Multiple channels of voice and recourse are needed so that national policies favor rural needs and so that there is pressure to implement these policies. In a democratic system where influence on government is possible and representatives are accountable and responsive, multiple voices and channels of influence can have leverage.

Associations of local representatives and federations of peasant organizations and farmers unions may be productive channels. Federations of NGOs and of local governments already are emerging in the study countries. In Mali and Senegal, there are national associations of local elected representatives. In Botswana, the Botswana Community-Based Organisation Network (BOCOBONET) is a federation

of representatives of community-based organizations (CBOs). BOCOBONET facilitates information exchange, advocates to government for CBOs, coordinates capacity building and training of members, and ensures that technical services are delivered to the organizations of its members (Botswana Community-Based Organisation Network 2003).

Deputies and members of parliament are also potential channels for local voice in national policy making. Veit et al. (forthcoming) argue that four factors determine whether deputies and members of parliament will represent the interests of local populations. These factors are: downward accountability, autonomy from the executive to perform their environmental representation responsibilities, authority or power to fulfill their representation roles, and ambition. While most parliamentary representatives do not attend to the environmental concerns of their constituencies, there may be measures that can be taken to encourage representatives to be more responsive to these concerns. Courts may be another channel of local influence up the political-administrative hierarchy.

In this set of studies, federations, legislative representation, and courts were not explored. However, they are worth exploring as a way of enhancing the voice of local people in the national arena.

5

RECOMMENDATIONS

The most general recommendations of this report can be summed up as follows: 1) Design and implement reforms that merit the name of democratic decentralization; 2) If these reforms are established, study the positive outcomes to identify the constellation of measures and circumstances that make those outcomes possible.

Two sets of recommendations are presented below. The first recommendations concern the establishment of democratic decentralizations writ large. Democratic decentralization establishes the necessary infrastructure for decentralizing natural resource powers. The second set of recommendations is aimed at improving natural resource decentralizations. These lists, however, are by no means exhaustive. Many more recommendations are implied by the case material discussion in this report.

ESTABLISH THE INSTITUTIONAL INFRASTRUCTURE OF DEMOCRATIC DECENTRALIZATION

IF the institutional arrangements of democratic decentralization are established, THEN we can test whether decentralization will lead to improved outcomes and under what conditions. Establishing decentralization is key. The institutional infrastructure of democratic decentralization is also the necessary infrastructure for the decentralization of natural resource management. To establish this infrastructure, the following recommendations may be helpful.

1. ***Work through elected local government to scale up and institutionalize popular participation.*** Governments, donors, and NGOs who wish to create sustainable participatory local institutions that operate locally across whole national territories should work through elected local government.

2. ***Foster downward accountability of all local authorities.*** Governments, donors, and NGOs can foster local accountability by
   - choosing to work with and build on elected local governments where they exist,
   - insisting on and encouraging their creation elsewhere,
   - encouraging electoral processes that admit independent candidates since most do not,
   - insisting that all administrative and private institutions and authorities dealing with public resources in the local arena are accountable to elected local government, and
   - applying multiple accountability measures to all institutions making public decisions.

3. ***Ensure that NGOs and traditional authorities are accountable through democratic authorities.*** Everyone involved in the design and implementation of decentralizations should insist on democratic lines of accountability. For decentralization to be effective, there must be a clear line of accountability from those who make decisions over public resources to local people. On public decision-making matters, nongovernment and traditional institutions must be accountable to representative

authorities who are accountable to the people (Blair 2000).[76]

4. ***Base inclusion on residency rather than identity.*** Those involved in decentralization should work with elected local authorities because these authorities generally represent people through a system of residency-based citizenship, rather than other more-exclusive forms of belonging. Basing representation and inclusion on whole populations, as residency does, is believed to produce more efficient and equitable decentralizations. Customary authorities base belonging on origin, lineage, ethnicity, or religious identity, and NGOs base belonging on interest. Identity- and interest-based forms of inclusion in public decision making can reinforce differences and fragment community, sometimes leading to conflict and a greater susceptibility to political manipulation. Representing citizens based on residency—provided the special needs of mobile populations are taken into account—may be more inclusive.

5. ***Privilege procedural over instrumental objectives.*** To establish democratic and inclusive processes in the local arena, some of the instrumental objectives of environmental management may have to be subordinated to the procedural objectives of inclusion. Favoring democratic process in the short run will help build the institutions that in the long run could serve to make and implement just and sustainable policies. Environmentalists should support the procedural objectives of institutionalizing democratic and representative authorities.

6. ***Transfer sufficient and appropriate discretionary powers.*** Governments, donors, and NGOs must transfer significant and meaningful discretion to local authorities. Discretionary powers must be transferred if decentralization is to interest local people, emancipate them, and empower local authorities.

7. ***Transfer powers as secure rights.*** So that local institutions and people will invest in new arrangements and so that local people can be enfranchised as citizens rather than managed as subjects,

governments should use secure means to transfer powers to local authorities. Secure transfers can create the space for local people to engage their representatives as citizens. Transfers made as privileges subject local people to the whims of the allocating agencies and authorities.

8. ***Support equity and justice.*** Central government intervention may be needed for redressing inequities and preventing elite capture of public decision-making processes. Central government also must establish a legal environment that enables people to organize, appeal to their representatives, demand their rights, and take recourse when needed.

9. ***Establish fair and accessible adjudication.*** Governments should establish accessible independent courts, channels of appeal outside of the government agencies involved in natural resource management, and local dispute resolution mechanisms. Donors and NGOs can also support alternative adjudication mechanisms to supplement official channels—not to replace them.

10. ***Support local civic education.*** Governments, donors, and NGOs can inform people of their rights, write laws in clear and accessible language, and translate legal texts into local languages to encourage popular engagement and local government responsibility. When there are meaningful rights, it is critical for people to know them. Educating local authorities of their rights and responsibilities also can foster responsible local governance.

11. ***Support multiple forms of local representation in the national arena.*** Governments, donors, and larger NGOs can support organizations such as
    - national associations of local elected authorities;
    - federations of farmers, fishers, forest dwellers, and pastoralists, as well as federations of local NGOs;
    - farmer and peasant unions; and
    - local representatives in national assemblies and parliaments.

    These groups and individuals can help to represent the needs and protect the rights of local populations in the formulation of national policies—

| BOX 19 | PROPOSED ENVIRONMENTAL SUBSIDIARITY PRINCIPLES |

The research suggests some principles of subsidiarity to guide the transfer of power. Many others might be appropriate. Subsidiarity principles can be helpful, but ultimately where powers are located within society is a social and political decision. The following are some subsidiarity principles designed to enhance local enfranchisement in control over natural resources:

- *Create discretion:* Transfer discretionary powers to local authorities to give them some independence. Without discretion, local authorities cannot be democratic.
- *Provide significant powers:* Devolve powers such as control over land and forest access. These powers are meaningful to local people and, as a result, they reinforce the authority of those who hold them.
- *Fund mandates:* Provide sufficient fiscal resources and technical support to fulfill mandates. In addition, mandates should never be the only powers transferred to local authorities.
- *Transfer funds and fund-raising powers:* Earmark funds for local authorities and transfer revenue-raising rights to local authorities. Transfer powers to borrow, to tax, to charge fees, etc.
- *Transfer lucrative opportunities:* Transfer commercially valuable resource-use opportunities to local authorities, as well as subsistence-oriented usufruct rights.
- *Do not conflate technical with political decisions:* Do not conflate technical decisions, such as which species to protect or cut, with political decisions, such as who should have access to resources.

Some technical decisions need to be made at the central level, whereas political decisions concerning use of resources may be made at the local level.

- *Maintain the public domain:* Keep public resources—including most forests, fisheries, and pastures—within the public sector. They should not be privatized.
- *Ensure security:* Transfer powers to representative local authorities as secure rights and not as retractable privileges.
- *Separate powers:* Separate and balance executive, legislative, and judicial powers at each level of government.
- *Balance powers in government:* Balance powers given to each level of government with those of other levels so that each level of authority has the ability to use its powers and to negotiate with other levels of authority.
- *Balance powers over commercial resources:* Give local authorities the power to restrict the access of outside industries to local resources. Outsiders have an exit option and therefore do not treat the resource with respect (Bardhan et al.).
- *Match powers to scales:* Take into account the scale of a resource with respect to the financial and technical resources available to manage that resource. Transfer powers to the most-local level and encourage those local jurisdictions to form federations to manage resources they share. Creating federations to manage resources that span multiple local districts may be preferable to creating special districts or giving powers to higher levels of authority.

concerning such critical matters as the setting of minimum standards and the selection of powers to transfer to local governments. These coordinated voices help to redress the gross power imbalance between national and local actors.

12. *Give decentralization time.* Judge decentralization only after it has been tried. Give it sufficient time to stabilize and bear fruit.

DECENTRALIZE THE MANAGEMENT OF NATURAL RESOURCES

The following recommendations are more specific to the decentralization of natural resource management and use.

1. *Develop environmental subsidiarity principles.* Governments, donors, NGOs, and the research community should work to develop environmental subsidiarity principles (see Box 19) to guide the transfer of appropriate and sufficient powers to local authorities.

2. *Establish minimum environmental standards.* Governments should shift from the management-planning approach to the minimum-environmental-standards approach. Broad minimum standards can facilitate ecologically sound independent local decision making without saddling local people with the burden of creating and implementing elaborate management plans. Establishing just and sound standards will help balance efforts to protect the environment with the needs and aspirations of local people. To establish truly minimum standards, however, will require an analytic review of the poorly evidenced environmental orthodoxy that promotes over-regulation and over-protection of the environment and of natural resources.

3. *Remove double standards in forest management.* Foresters and environmentalists must apply management standards and requirements uniformly. Local communities typically are required to produce more-detailed management plans and to conduct reforestation that is more rigorous and labor-intensive than commercial industry is required to do. They are also more closely monitored.

4. *Transfer to local authorities the right to say NO to extractive activities.* New environmental legislation must give local communities veto power over resource extraction. This right does not threaten the resource. It is a simple way of giving local populations access control. It also gives them leverage to negotiate with outsiders.

5. *Develop indicators for monitoring and evaluating decentralization and its outcomes.* Donors and NGOs should develop and monitor indicators of progress for decentralization legislation, implementation, and outcomes to provide needed feedback to keep decentralization experiments on track.

6. *Sequence decentralization of natural resources strategically.* Policy makers and practitioners can sequence decentralization to minimize conflict and to avoid excuses to block the transfer of powers. Consider the following proposed sequencing principles:
   - Establish representative and/or downwardly accountable authorities first.
   - Transfer political decisions concerning the allocation of access and benefits before transferring highly technical decisions concerning how to manage resources.
   - Transfer decisions and powers that do not threaten to cause violence or environmental damage before transferring more problematic powers.
   - Transfer decisions that do not require finance before transferring those that do.
   - Transfer finance and revenue-raising powers before transferring management obligations.
   - Transfer sufficient finance with any centrally mandated obligations.
   - Transfer powers before requiring capacity.
   - Establish minimum environmental standards before requiring management planning.

COUNTER RESISTANCE AND SEIZE OPPORTUNITY

Two strategies may help to implement the above recommendations and to move the decentralization experiment forward: countering resistance and seizing opportunity.

1. Resistance to decentralization in the natural resources sectors needs to be challenged by everyone with an interest in decentralization. Grounded research must be available that identifies the successes and shortcomings of decentralization reforms, as well as the requirements and opportunities for change. Communities, peasant organizations, federations of interested parties, and local government representatives will need to know what their governments are saying and what they are doing. Decentralization advocates, including NGOs and donors, will need to point out the contradictions in current reforms and to counter the interests sabotaging them.

2. Opportunities for change arise continually. Sometimes opportunities arise when politicians talk of local democracy—whether or not they intend it to take root—leading people to expect and demand it. Sometimes opportunities arise when governments have economic and political crises that force them to make reforms, opening new spaces for policy influence. Sometimes progressive politicians and bureaucrats become active within government, creating channels of influence on the inside. These are all opportunities that can be taken advantage of if the constituencies interested in democratic decentralization know what they want and understand how to achieve it. Advocates need to be prepared for opportunity. "Getting the local institutions right" is still the hardest challenge of all; it requires confronting resistance and identifying and seizing opportunities.

FURTHER RESEARCH

Research is essential for policy making, monitoring, and evaluation. Policy research is a critical tool for learning and providing constructive feedback about the implementation and effects of policies. Elsewhere, the author (Ribot 2002a) has developed a detailed decentralization research agenda. This report brings into focus several arenas that require further research: Institutional arrangements, incentives, local access to lucrative markets ("economic decentralization"), accountability, and state building. These are discussed briefly below.

Institutional arrangements: The effects of institutional choices being made by policy makers and practitioners in decentralization reforms are still poorly understood. What are the effects of empowering different kinds and different mixes of institutions in the local arena on such values as democracy, equity, efficiency, conflict, citizenship, and sustainability? What are the effects of competition among multiple local institutions? How does consolidation of service functions in one institution serve local populations? Are single-purpose or multi-purpose institutions better placed to manage natural resources? How do single-purpose institutions work most productively with multi-purpose democratic institutions? What are the implications of different institutional arrangements for the long-term prospects of democracy and social well being? What are the effects of interest groups and traditional authorities in the local democratization process? How does empowerment of customary chiefs shape citizenship and belonging? These issues must be researched, debated, and better understood.

Incentives: Local authorities generally do not invest in natural resource maintenance or protection. Many project, NGO, and government personnel attribute this lack of interest to: local people have other more immediate needs; natural resources being public goods, hence people do not want to invest in something from which others also will reap benefits; the wait for economic and subsistence returns being too long; and the scale of environmental management being perceived to be too large for meager local means. These assumptions need to be explored. Alternative hypotheses also must be tested. Perhaps local people do not engage in natural resource management because they are not compensated. Unlike in health, education, or infrastructure, local people are often expected to invest their labor in natural resource management with no financial compensation—as if environmental work is not labor. In some places, the reason for the lack of interest in environmental protection may be cultural, theological, or cosmological.[77] In other places people may not invest in natural resources because they know that most of the benefits will be appropriated by government and commercial interests—as has been their widespread experience in the past. Different people

hold different ideas about the bounty of nature that may make them more or less likely to invest. Many hypotheses can be spun out. Grounded field research is needed to understand why local authorities and local people generally do not invest in this arena. Research is also needed to understand why and under what circumstances local people are motivated to manage surrounding resources.

Access to lucrative markets: As decentralizations take place, local communities are ostensibly gaining more powers to manage the resources around them. But are they gaining access to lucrative markets for these resources? Many activists assume that decentralization will increase local benefits and profits. Although some public powers are being devolved, profits from local resources are still out of reach for most rural communities and individuals. This is because access to lucrative opportunities and to rural-urban and international resource markets are still controlled by government and private monopolies, monopsonies, oligopolies, and oligopsonies—usually secured by regulatory systems that require management plans, licensing, permitting, and production quotas that enable extractive industries to capture resource markets (Ribot 1998b; Peluso and Ribot 2003). Rural people may control land and forests in some places, but they still do not reap the benefits because they are dependent on outside merchants who control marketing channels. Local people need to gain access to the great wealth that continues to be extracted from their territories so that they can invest in their own priorities and development. If local people are to participate in profit, "economic decentralization"— the opening of access to lucrative opportunities—will be essential. Research is needed to better understand how political and administrative decentralization shapes economic decentralization and on how the distribution of access to profits is changing under decentralization reforms.

Accountability mechanisms: Downward accountability is an important ingredient in representation, local democracy, and decentralization. Work is needed to identify and better understand accountability mecha-

nisms that can be applied to local institutions holding public powers (some of which are identified in Annex C). It is clear that elections are insufficient to make local governments accountable. Other mechanisms that can be used systematically must be identified, and it is necessary to identify the institutions to which these mechanisms can be applied. Which mechanisms are appropriate for holding elected and appointed local government authorities accountable? Which mechanisms should be generalized to all actors and institutions whose actions affect public resources or affect public well being? More research is also needed on the effects of centralized financing systems, unitary states, federalism, and political parties on the accountability of local elected authorities. In particular, local elected authorities are usually more accountable to the party that backed them than to the people who elected them. This phenomenon needs to be explored. Is it due to the lack of inter-party competition in poor countries? Is it a function of the nature of presidential regimes where power is concentrated in the executive branch and resources are allocated strictly along party lines? Do independent candidates resolve these problems?

State building: For decentralized democracy to emerge, the state will need to be a central part of the project. Boone (2003, 9–13) poses several important questions: What conditions in the local arena make local democracy possible? How do patron-client relations, histories of leadership forms, the wealth and strength of local elite, property relations, and difference in the interests and bargaining powers of rural leaders shape the establishment of local democracy? Most importantly, what are the conditions that make local democracy part of the state-building ambitions of central authorities? Local democracy could be a means to legitimize the State—starting locally and building toward the center. Responsive government may draw in constituents and help to strengthen and legitimize government. If research can show that local democracy has a positive effect on the way local people perceive the central state, it might help motivate central authorities to promote local democracy.

ANNEX A: WRI RESEARCH ON DECENTRALIZATION AND THE ENVIRONMENT

M any of the findings in this publication derive from WRI's Decentralization and the Environment in Africa comparative research project and cases presented at the Conference on Decentralization and the Environment, which was organized by WRI and held in Bellagio, Italy, in February 2002. WRI's Asia-based Resources Policy Support Initiative also provided case material.

The **Accountability, Decentralization, and the Environment Initiative** is part of the Institutions and Governance Program's Environmental Accountability in Africa project at WRI. As part of this initiative, policy research and analysis have been conducted over the past three years to better understand the effects of decentralization on ecological and social changes in Cameroon, Mali, Senegal, South Africa, Uganda, and Zimbabwe. Working papers on the topic were also contributed by researchers working in Mozambique, Tanzania, and the Central African Republic. The goal of the project is to improve the design and implementation of decentralization policies currently sweeping through sub-Saharan Africa so that they promote social equity and environmental sustainability. Following is a list of the researchers who have contributed to this project, according to the country for which they conducted research. Their papers are listed in the Works Cited.

Cameroon: Patrice Bigombe Logo, Patrice Etoungou, and Phil René Oyono
Central African Republic: Rebecca Hardin
Mali: Thierno Diallo, Bréhima Kassibo, and Naffet Keita

Mozambique: Alda Salomao
South Africa: Lungisile Ntsebeza
Tanzania: Mara Goldman
Uganda: Nyangabyaki Bazaara, Juliet Kanyesigye, Frank Emmanuel Muhereza, Eugene Muramira, Agrippinah Namara, and Xavier Nsabagasani
Zimbabwe: Diana Conyers, Alois Mandondo, and Everisto Mapedza

The **Bellagio Conference on Decentralization and the Environment** examined research findings related to decentralization and the environment around the world. The conference considered cases from Africa: Cameroon, Mali, South Africa, Uganda, and Zimbabwe; from Asia: China, India, Indonesia, Mongolia, and Thailand; and from Latin America: Bolivia, Brazil, Mexico, and Nicaragua.

The conference provided a forum for inter-regional and interdisciplinary dialogue among researchers working on the decentralization-environment relationship. The objective of the conference was to examine how decentralizations are unfolding in order to improve, mainstream, and sustain the positive aspects of decentralizations both for the environment and for local livelihoods.

Papers were contributed by Arun Agrawal, Amita Baviskar, Nyangabyaki Bazaara, Christian Brannstrom, Ben Cousins, David Kaimowitz, Bréhima Kassibo, Thembela Kepe, Anne Larson, James Manor, Robin Mearns, Fernando Melo Farrera, Lungisile Ntsebeza, Phil René Oyono, Pablo Pacheco,

Nancy Peluso, Ida Aju Pradnja Resosudarmo, Jesse C. Ribot, Uraivan Tan-Kim-Yong, and Xu Jianchu. Their contributions are listed in Works Cited (most are published in Ribot and Larson 2004).

The **Resources Policy Support Initiative** at WRI provided research exchange forums and conducts research on decentralized and transboundary natural resource management in the Mekong River basin. Research was conducted in Cambodia, China, Laos, Thailand, and Vietnam by Dang Thanh Ha, Hoang Huu Cai, Le Van An, Nguyen Quang Dung, Pham Thi Huong, Sith Sam Ath, Tran Duc Vien, and Zuo Ting. Their research has been summarized by Mairi Dupar and Nathan Badenoch, referenced in Works Cited.

ANNEX B:
CASE STUDY DESCRIPTIONS[78]

This annex presents descriptions and abstracts of the case studies produced under WRI's Accountability, Decentralization, and the Environment research initiative. These case studies serve as the base documents for this research report.

The twenty-five cases in fifteen countries are listed in alphabetical order by country. They are followed by two crosscutting studies. Many other case studies were drawn on and are cited in the text.

COUNTRY CASE STUDIES

COUNTRY AND SITE	BOLIVIA, Bolivian lowlands
FOCUS OF CASE STUDY	Forestry
CASE DESCRIPTION	This article discusses the implications of decentralization on forest resources in the Bolivian lowlands. Bolivia's forest management systems are the most decentralized of any Latin American country. Deforestation is also lower in Bolivia than other countries, and revenue from the forest sector is less than two percent of the country's GDP. Bolivia covers 1,098,581 square kilometers and has approximately two million inhabitants in the lowland areas. Eighty percent of the country's fifty-three million hectares of forest is located in these lowlands. The Bolivian lowlands region has a heterogeneous set of actors and land-tenure systems. The population includes cattle ranchers, collectors of non-timber products, forest concessionaires, indigenous farmers, larger landholders, small-farm colonists, and small-scale timber operators. The land-tenure systems include private property regimes and indigenous communal systems. The lowland economy consists of commercial farming and ranching, small-scale food production, cocoa cultivation, mining, and petroleum and natural gas production. Although Bolivia has made progress, true democratic decentralization is still incomplete.
ABSTRACT	Bolivia has undertaken important policy reforms since the mid-1990s aimed at institutionalizing popular participation and promoting democratic decentralization. In the forestry sector, municipal governments have received responsibilities, and various mechanisms have been established to hold these governments accountable to local populations. Although Bolivia's reforms are among the most advanced forestry sector decentralizations, the democratization of decision making is limited, with

local governments being primarily responsible for monitoring forest management and illegal activities, and for promoting forest management by local users. The national government has retained the right to define standards and allocate forest resources. Still, the decentralization has created conditions for local forest users and municipal governments to become stronger players in natural resources governance. Outcomes of decentralization are mixed, mainly due to municipal resources and capacity, local power relationships, and the degree to which local economies depend on forest resources.

SOURCE	Pacheco 2004

COUNTRY AND SITES	BRAZIL, Bahia, Paraná, and São Paulo
FOCUS OF CASE STUDY	Water resources
CASE DESCRIPTION	This study examines Brazil's decentralization of water resources to determine if participation of municipalities was the best indicator of downward accountability. This theory was tested using three case-study areas, each of which defined decentralization differently. In the state of Bahia, a deconcentration policy is in place. Regional district municipalities in the Grande River valley (32,200 sq. km.), located in the far western portion of Bahia, remain upwardly accountable to the state. In Paraná's Tibagi River valley (24,712 sq. km.), the state has empowered firms and municipalities as water users to the exclusion of civil society. In the Sorocaba-Tietê River valley (12,099 sq. km.), located near the city of São Paulo, the state mandates equal participation of state officials, municipalities, and civil society representatives.
ABSTRACT	Recent studies of decentralization of natural resource management have advanced two related claims: participation of municipalities encourages downward accountability to local populations and single-issue decentralization encourages upward accountability to higher levels of government. This article examines a case at the intersection of these arguments: participation of municipalities in single-issue decentralization. Evidence from Brazil's water-resources decentralization indicates that participation of municipalities is not the best indicator of downward accountability; rather, the nature of social and business groups and the mechanisms that encourage their participation better predict downward accountability. Single-issue decentralization may have unintended positive effects on downward accountability.
SOURCE	Brannstrom 2004

COUNTRY AND SITES	CAMEROON, Twenty forest villages in South Province and East Province
FOCUS OF CASE STUDY	Forestry tax system
CASE DESCRIPTION	This study was conducted in five districts in the southern forest zone of Cameroon, specifically in East and South Provinces. In East Province, areas included Dimako, Lomié, and Yokadouma Districts. In Lomié District, the villages of Eschiembor, Kong, and Ngola were covered, together with the Lomié rural council. Two areas were studied in South Province: Ebolowa and Kribi. In Ebolowa, the study was conducted in the villages of Afanenegong, Feeyop, and Ma'amezam in the Ebomam sector, and in the villages of Mvoula and Nselang in the Mbilbekon sector. In Kribi, the study was conducted in the villages of Ebondja I and II, Nlende-dibe, and Lolabe, together with the Kribi rural council. The region is part of the Congo Basin, the second largest forested area in the world. The East Province of Cameroon alone generates seventy percent of southern Cameroon's total forest revenue. This region was chosen as a research area for its diverse ethnic mix, including the Badjoué, Baka, Bakola-Bagyéli, Batanga, Bulu, Konabembe Kwassio, Maka, and Nzimé. These sites are the largest forestry tax-generating areas in Cameroon and will soon receive revenue from the Chad-Cameroon pipeline.
ABSTRACT	The study examines the changes in the local management of forestry revenue in South Province and East Province resulting from the decentralized forestry taxation system introduced in 1994; it considers the political, socio-economic, and ecological impact at the local level. The 1994 forestry reforms introduced new procedures for access to, and local management of, forestry revenue. Unfortunately, the decentralization process implemented in this context is authoritarian decentralization. Imposed from above and ignoring the real needs and expectations of the local communities, it retains many of the powers of the central state. State control is both direct and indirect, imposed through the rural councils and forestry fees management committees. It represents predatory and neo-patrimonial alliances between the central state, the decentralized bodies, and the forestry fees management committees, and between the authorities of the central state, the local administration, and local political figures. Efficient and transparent management of forestry revenue only can be guaranteed in a dynamic of democratic decentralization, in which real powers over the local management of forestry revenue are devolved to local institutions and actors who are accountable to the local populations for the exercise of those powers. The study demonstrates the need to see the decentralization of forest management in general, and the local management of forestry revenue in particular, as part of the overall framework of political and administrative decentralization in Cameroon.
SOURCE	Bigombe Logo 2003

COUNTRY AND SITES	CAMEROON, Messamena and Lomié Counties in eastern Cameroon
FOCUS OF CASE STUDY	Community forests
CASE DESCRIPTION	Community forests in Messamena and Lomié Counties, located in eastern Cameroon's Upper Nyong region. According to the Koozimé people, who inhabit these counties, tension exists between the local populations and the NGO communities.
ABSTRACT	Cameroon's 1994 forestry law introduced a new approach to natural resource management. The 1996 constitution introduced decentralized authorities, whose role is to enable the economic, social, and cultural development of its peoples. Although the regulatory laws for this decentralization reform are still forthcoming, the new legal framework for environmental policy and the overhaul of the constitution demonstrate the government's willingness to decentralize and to improve forest resource management. At the same time, though decentralized management might not seem to be inappropriate, it may be a foreign notion to forest dwellers. This study examines the community forests in Messamena and Lomié Counties to analyze factors that have not been fully taken into account in the current process of establishing community forests. These include exorbitant technical, financial, and human costs; the ambiguous role of some international and local NGOs; virtual, rather than substantial, common initiative groups and associations; and the disregard of traditional law, despite its legal primacy in African states. Because decentralization and forest management have been tied to the "development" of forest populations, many misunderstandings have resulted. These findings suggest the question: are community forests the best ways to achieve decentralized management in eastern Cameroon?
SOURCE	Etoungou 2003

COUNTRY AND SITES	CAMEROON, East, South, Northwest, and Southwest Provinces
FOCUS OF CASE STUDY	Local forest management
CASE DESCRIPTION	This study tests the hypothesis that improvements in standard of living, equity, and ecological sustainability are both compromised and delayed when local management systems are implemented without the proper institutional arrangements already in place. The research included central, regional or mid-level, and local actors in thirty villages, located in five different sites: Dimako/Mbang and Lomié (both in East Province); Ebolowa (South Province); Mount Cameroon (Southwest Province); and Oku (Northwest Province). The Dimako site contains a council forest, while Lomié is an experimental site for the establishment of community forests. Work on the decentralized management of forestry fees was carried out at Mbang, Dimako, and Ebolowa. Oku, in Northwest Province, was selected for comparative purposes and is outside the forest region where the study was focused. It was chosen because of its distinctly different political culture and its traditional social systems.

ABSTRACT	Decentralization in Cameroon's forestry sector has opened opportunities for peripheral actors to participate in forest management. But local governance structures created to represent local communities are not grounded in local realities. Instead, these committees obey instrumental and administrative priorities, resulting in weak structures that are not supported by sound institutional arrangements or local collective action. This weak organizational infrastructure has generated inefficiency in local management of forests and related benefits, a new social stratification, and the hijacking of committees by a self-interested elite connected to state authorities. The process also has led to ecological uncertainty, due to local opportunistic behavior.
SOURCE	Oyono 2004a, 2004b, and 2004c

COUNTRY AND SITE	CHINA, Yunnan Province
FOCUS OF CASE STUDY	Forest Management
CASE DESCRIPTION	This article focuses on the effects of decentralization policies on forest management in Yunnan Province, located in southwestern China. Yunnan, or "South of the Clouds," borders Laos, Myanmar, and Vietnam. The mountainous region is relatively poor and ethnically diverse. Yunnan has a population of 42 million, which includes twenty-five distinct ethnic groups, such as the Bai, Dai, Hani, Jingpo, Lisu, Miao, and Yi. The majority of the population is Han Chinese. China's transition to a market-based economy has affected all of these groups. Forest livelihoods play a complex and central role in Yunnan. China's new economic system allows the population greater market access, but at a price to China's forests. The forests are critical for conservation, including erosion and climate control. Construction in this area is also threatening the ecological health of Yunnan.
ABSTRACT	Over the last two decades, China has introduced forest resource management reforms aimed at protecting forests and enhancing rural livelihoods. As part of these reforms, some powers over forestry management have been decentralized to village-level institutions. However, this decentralization has so far failed to give local communities adequate control over forest resources, especially in areas like Yunnan, where the ethnic minority population is heavily dependent on these resources for its livelihood. Insufficient powers have been decentralized, the village-level institutions are not sufficiently accountable to the public, and some of the reforms designed to protect forest resources have had a negative impact on rural livelihoods.
SOURCE	Xu 2002; Xu and Ribot 2004

COUNTRY AND SITES	GHANA, Accra, the Eastern Region, and Kumasi
FOCUS OF CASE STUDY	Subsidiarity principles
CASE DESCRIPTION	Ghana is touted as the model of democracy in Africa. Successful power devolutions, some of which are more than twenty years old, have made Ghana an ideal location to evaluate decentralization. Interviews for this study were conducted with academics, government officials, international donors, and local and international NGO staff members in Accra, the Eastern Region, and Kumasi. While the fieldwork and interviews were carried out in these places, the arguments in the paper cover the entire southern forest zone and the transition zone. Cocoa, oil palm, cassava, and maize are the main crops in the study areas. Land quality is good. Absolute population densities are relatively high, and many communities (dominated by Akan politico-ethnic structures) include people from local areas as well as people from the northern regions who migrated to the area at different times throughout the twentieth century.
ABSTRACT	Despite Ghana's reputation for having established collaborative and community-based management of its forests, most forest management power in Ghana remains in the hands of a centralized forestry administration. Throughout the twentieth century, Ghanaian regimes have allowed forest resources to be used by state agents, traditional authorities, and domestic and international firms. When challenged to devolve forest management powers to local people, these regimes have misconstrued agro-ecological processes to justify retaining control. They essentially have used subsidiarity principles to argue that forest management powers must remain centralized for the good of the public. This paper provides recommendations for stopping this misuse of subsidiarity principles. It recommends conducting participatory empirical studies of forest agro-ecological management and creating inclusive processes for formulating and interpreting policies and laws.
SOURCE	de Grassi 2003

COUNTRY AND SITE	INDIA, Kumaon, in the Indian Himalayas
FOCUS OF CASE STUDY	Forest communities
CASE DESCRIPTION	This article examines forest councils in Kumaon, in the Indian Himalayas. Kumaon's forest councils were formed in 1931, making them one of the oldest examples of decentralization of forests.
ABSTRACT	As a new strategy to conserve resources, decentralization of political authority has displaced earlier coercive conservation policies in many countries. More than sixty countries claim to have decentralized forest control. In these countries, communities are supposed to be involved in joint strategies to conserve forests. Decentralization aims to achieve one of the central aspirations of equitable political governance Humans should have a say in their own affairs. Given the ubiquity of decentralization initiatives, two questions are given critical attention in this study

(1) What accounts for decentralization of political authority toward local decision makers? Voluntary relinquishing of powers seems to fly in the face of expected state behavior. (2) Do the actual effects of decentralization policies match claims that decentralization is more efficient and equitable and provides more political empowerment for local people than centralized policies?

SOURCE	Agrawal 2001

COUNTRY AND SITE	INDIA, Madhya Pradesh
FOCUS OF CASE STUDY	Watershed development
CASE DESCRIPTION	The article focuses on Jhabua District in Madhya Pradesh, India. Caste-Hindus and a trading class of caste-Hindus and Muslims dominate the majority Scheduled Tribes of the Bhil and Bhilala populations. This region is extremely poor, with seventy-five percent of the population living below the poverty line. Many of Jhabua's population use this land in addition to their own small plots, resulting in tension between the population and forestry officials.
ABSTRACT	This article examines the watershed development mission in Madhya Pradesh, India, where the pressure to show tangible "success," combined with the bureaucratic imperative to retain control, subverts the decentralized structure of participatory resource management. Project and funding imperatives have helped to undermine the very processes that they purport to support. Yet decentralized management is not simply empty rhetoric; its success or subversion depends on the active collaboration of the state government and villagers. Villagers and lower-level bureaucrats bring diverse agendas and perspectives to development projects, co-opting new institutions and assimilating them into ongoing individual and collective projects of social survival and gain. In conclusion, the article suggests ways to improve accountability in resource management.
SOURCE	Baviskar 2004

COUNTRY AND SITES	INDONESIA, East Kalimantan, West Kalimantan
FOCUS OF CASE STUDY	Forestry
CASE DESCRIPTION	Examples for this case are drawn from the district level, including Kapuas District, Kutai Barat District located in East Kalimantan, Sintang District located in West Kalimantan, and Malinau District. The Indonesian archipelago consists of 1.9 million square kilometers and contains 17,000 islands. Indonesia is characterized by diverse economic, geographic, and social disparities, particularly between the residents of the highly populated Java island and the larger outer islands of Kalimantan, Papua, Sulawesi, and Sumatera. The Ministry of Forestry controls approximately 120 of the 190 million hectares of Indonesia's land area. Forests contribute substantially to both local and national economies. The forest estate is classified into areas for agricultural production, for conservation and protection, and for timber production.
ABSTRACT	For more than thirty years, Indonesia's central government controlled its forests, the third largest area of tropical forests in the world. Driven by serious political, administrative, and economic demands for reforms, the central government has begun to decentralize, transferring new powers to the district and municipal levels. Decentralization in the forestry sector has included transferring income from permits and logging and reforestation fees, as well as transferring the right for these lower levels of government to issue logging permits. This sudden new access to Indonesia's lucrative timber market has led local peoples and governments to rush to take advantage of a resource to which they previously had little right. The result has included the proliferation of permits with little regard for the effect on forest resources. Large areas, including some protected areas, are being destroyed and threatened with conversion to other uses. Local peoples, however, appear not to have been the ones receiving the primary benefits; they have been taken instead by those who have the required capital for permits and logging.
SOURCE	Resosudarmo 2004

COUNTRY	INDONESIA
FOCUS OF CASE STUDY	Violence
CASE DESCRIPTION	The discussion in this paper is based on observations made by journalists, other researchers, NGOs, public officials, and human rights observers in newspapers, reports, papers, Internet resources, and other primary and secondary documents. The paper is exploratory in the sense that it is not based on the author's own, systematically planned field research intended to compare violent and non-violent cases of the transition to decentralized resource management. Nevertheless, the author draws on her knowledge of and extensive field experience in Indonesia— spanning the past twenty-five years—and her recent professional work on the political ecology of violence and its relationship to environmental management.

ABSTRACT	Indonesia, like many other countries, has experienced violence either preceding the implementation of a decentralization reform, following the implementation, or during the implementation process. This is an exploratory paper about the relationships between decentralization of resource management and violence, with particular reference to Indonesia. The author considers a few of the many instances in Indonesia where decentralization has been preceded, encouraged, or accompanied by violence. In other words, violence has either been a cause, an effect, or a characteristic of the decentralization process. The author hopes to raise some questions about the kinds of circumstances in which we might expect violence to occur and at the very least to be provocative about the pros and cons of decentralization in contemporary Indonesia.
SOURCE	Peluso 2002

COUNTRY AND SITES	MALI, Mopti region, including the Baye and the Youwarou communes
FOCUS OF CASE STUDY	State of decentralization
CASE DESCRIPTION	This study examines approaches to environmental management through Mali's first, second, and third republics. The concept of decentralization was introduced in the third republic, and this report tests its effectiveness in environmental management with two case studies. The two areas analyzed are the forestry sector in Baye commune and pastureland in the Youwarou commune.
ABSTRACT	This study outlines the legal, political, and economic context in which major institutional changes in post-colonial sub-Saharan African states were carried out. Further, it shows the relation between political changes and changes in the philosophies of those in control of the state at various epochs. This work establishes direct links between the concepts of liberal democracy, the decentralization of environmental management, and democratic participation. The report defines democratic decentralization as the institutional expression of the participatory approach; it measures the powers transferred by the central state to local institutions and the accountability conferred upon them in the arena of natural resource management. It analyzes the functioning of the participatory approach as the basis of institutional arrangements. Specifically, it examines arrangements at two sites in the Mopti region, one focusing on forestry and the other on herding. The report demonstrates how power is allocated to the key players in Mali in the natural resources domain and identifies the institutional arrangements that determine how these powers are utilized in natural resource management. It is clear from the study that the state retains the dominant role in management of the environment in spite of the legislative innovations of Mali's third republic, which are designed to encourage broad popular participation but remain inoperative due to a lack of concrete application.
SOURCE	Kassibo 2002a; 2004

COUNTRY	MONGOLIA
FOCUS OF CASE STUDY	Pastureland management
CASE DESCRIPTION	This case study examines pastoral livelihoods in rural Mongolia throughout the 1990s. The author's ongoing management of the World Bank's support for "pro-poor" rural development in Mongolia, as well as published secondary sources, provide additional insights. Mongolia is one of the most sparsely populated countries in the world. Although its land area is approximately the size of western Europe, the total population is only 2.4 million. There is approximately one person to every square kilometer in Mongolia. Consequently, high quality service delivery and governance is difficult to achieve with such a dispersed population. The study areas represent diverse ecological and market-access conditions.
ABSTRACT	Mongolia's post-socialist transition since 1990 has included, among other changes, reforms toward democratic decentralization. For natural resource governance, and pastureland management in particular, decentralization has been at best incomplete and at worst "empty." It has created an institutional vacuum that herders and others have sought to fill with recourse to formal and informal, new and old arrangements. Herding households are also rapidly increasing against a background of economic hardship and vulnerability. The effects include an altered distribution of grazing pressure, with discernibly adverse impacts on the pastoral environment, and acceleration of already rising inequality. Democratic decentralization could help to restore environmental and social justice.
SOURCE	Mearns 2004

COUNTRIES	MOZAMBIQUE, with comparison to Namibia, and Zambia
FOCUS OF CASE STUDY	Wildlife and forestry legislation
CASE DESCRIPTION	This study examines the role played by multiple actors, the accountability of representatives, and the delegation of power in community wildlife management and forest user rights in Mozambique at the national level.
ABSTRACT	The objective of this working paper is to assess whether the legal provisions for community-based natural resource management (CBNRM) contained in the Mozambican environmental laws take into account the various factors that shape the effectiveness of participation and decentralization. It also assesses whether the legal provisions take into account the elements that promote the achievement of the dual objective defined for CBNRM. This paper focuses on the provisions of the Republic of Mozambique's Wildlife and Forestry Law of 1999 and draws comparisons with provisions of the wildlife management acts of Namibia and Zambia. It analyzes decentralization studies that propose an assessment of actors, powers, and accountability mechanisms in the context of decentralization and participatory natural resource management. Granting natural resource management powers and the right to accrue benefits from such management to local communities is a

complex task; the political, legal, and institutional issues must be addressed in order to enable the effective exercise of management powers by local communities. Powers devolved to local communities not only help communities to meet their economic and social needs but also to achieve the desired conservation results. This paper shows that what are commonly called "rights" are nothing more than simple privileges given and taken at the discretion of state authorities without real transfer of decision-making powers to local communities. Representation mechanisms proposed in laws, as well as procedures established for CBNRM processes, still need to be better clarified for these initiatives to achieve the declared objectives. While upward accountability mechanisms for local actors can be found in most laws, downward accountability mechanisms are lacking.

SOURCE	Salomao forthcoming

COUNTRY AND SITES	NICARAGUA, north Atlantic, southern Atlantic, and north Pacific
FOCUS OF CASE STUDY	Forest-management authority
CASE DESCRIPTION	This article draws from research on forest management authorities located in 21 of Nicaragua's 151 municipalities. These municipalities represent all of the main agro-ecological zones of Nicaragua, but particularly the forested areas. Six of the municipalities included in the study are located in the Bosawas rainforest reserve in the north Atlantic, two are found in the Indio-Maiz reserve in the southernmost Atlantic regions, and four are in the Las Segovias pine forests. The remaining nine municipalities are located in the more deforested north Pacific regions, four in the plains and five in the drier inland areas.
ABSTRACT	This article argues that decentralization of natural resource management is a political process resisted by the central government due to the fear of losing power and/or economic resources to local governments. In Nicaragua, although the formal process of power transfers largely stagnated from 1997 to 2003, decentralization "from below" continued to advance thanks to political pressure from civil society and municipal governments and the increasing legitimacy of local authority. At the same time, many municipal governments have little interest in resource management where there are few apparent economic benefits. However, these local governments can be motivated to take on natural resource management responsibilities; pressure from constituents and NGOs, for example, can motivate them to do so. Local and grassroots processes are necessary conditions to make formal decentralization democratic and responsible.
SOURCE	Larson 2004b

COUNTRY AND SITES	SOUTH AFRICA, Transkei region, Eastern Cape Province
FOCUS OF CASE STUDY	Land and local government reform
CASE DESCRIPTION	Two districts were examined in the case studies the Tshezi area, located in the Transkei region's Wild Coast, and the Xhalanga area. The areas have different backgrounds, but each demonstrates the unresolved function, issues, and roles of traditional tribal authorities, particularly related to land issues. Tshezi has a stronger tradition of chieftainship and traditional power structures, while the Xhalanga community historically has shown more resistance to state-controlled local governments.
ABSTRACT	Post-apartheid South Africa embarked on an important democratization process that included reforms in local government and land administration in the former Bantustans. A new conception of "developmental local government" introduced the notion of elected local leadership and an emphasis on improving the quality of life of previously disadvantaged sectors. Nevertheless, this democratization process risks serious compromise due to the concessions being made to traditional rural authorities—the same autocratic local authorities who enjoyed significant powers under apartheid. In particular, the legal transfer of land administration to elected officials has not occurred, leaving this important power under the authority of unaccountable local chiefs and headmen. Is democratic decentralization compatible with traditional authorities (chiefs of various ranks) who inherit their posts? While some chiefs and headmen may choose to promote local participation, the freedom to choose ones' leaders is automatically excluded, seriously limiting downward accountability. The article argues that the central government must recognize this incompatibility and support the rights of rural residents to full citizenship.
SOURCE	Ntsebeza 2003, 2004

COUNTRY AND SITES	SOUTH AFRICA, Transkei region, Eastern Cape Province
FOCUS OF CASE STUDY	Ecotourism
CASE DESCRIPTION	This article examines a failed community-based ecotourism development project in the Mkambati area, one of the poorest rural regions of South Africa, located in the Wild Coast of Eastern Cape Province. In the Mkambati project, both local and non-local actors and agencies have been involved in the complex politics of land and natural resource rights, and the question of who decides (and therefore who benefits) has been central to the many-sided conflicts that have erupted. The project is located within the former Transkei "homeland" of South Africa, in northeastern Pondoland; it is one of several projects targeted for high profile spatial development initiatives. The area is inhabited by the mPondo people, who speak a Xhosa dialect (IsiMpondo). The case study focuses on three sub-areas within the wider Mkambati area that are under different tenure regimes communal tenure settlements to the west; 11,000 hectares of state land in the center, formerly used by a now defunct parastatal agricultural project; and the 7,000-hectare state-owned Mkambati Nature Reserve to

the east. The communal tenure area comprises seven villages that make up the Thaweni Tribal Authority.

ABSTRACT	A failed ecotourism project in South Africa illustrates the weakness of decentralizations that place insufficient emphasis on democracy. The project promoted "empowerment" of local communities (and entrepreneurs) and government facilitation of community "partnerships" with private-sector investors. Neglected were the devolution of effective powers and the accountability of local bodies to community. Project planning failed to promote local participation, which would have allowed a clear understanding of local livelihoods and of deep-seated land and resource tensions. Entrepreneurial elite attempted to capture project benefits, and ordinary community members resisted. Severe conflicts erupted, stalling the project. To overcome these challenges, democratic decentralization requires a strong central state to provide resources for land-tenure reform and to promote devolution of powers and the accountability of local bodies.
SOURCE	Cousins and Kepe 2004

COUNTRY AND SITES	TANZANIA, Maasai ecosystem in northern Tanzania (multiple sites)
FOCUS OF CASE STUDY	Community-based conservation
CASE DESCRIPTION	The boundaries of the Northern Maasai Ecosystem were designed to enclose the movements of migratory wildlife species, which are found outside of the national parks for six months every year. This area highlights the ecological compatibility of Maasai pastoralism with wildlife conservation. It also demonstrates the importance of wildlife conservation outside of park boundaries. Land management plans that can be changed easily are critical; however, zoning and land use planning and portioning are still employed. The area covers 370,000 hectares and includes Tarangire National Park, Lake Manyara National Park, the Simanjiro Plains, and the Kwakuchinja corridor. There are 263 villages across five districts inhabited mainly by the Maasai people and Dorobo hunter-gatherers.
ABSTRACT	This working paper analyzes the evidence surrounding government policy supporting the building of a new community-based conservation (CBC) program in Tanzania. CBC shifts the focus of conservation from nature as protected exclusively through state control to nature as managed through inclusive, participatory, community-based endeavors. To effectively make this shift, CBC devolves natural resource management to local communities and hence is often referred to as community-based natural resource management. This paper outlines how, despite the rhetoric of devolution and community participation, conservation planning in Tanzania remains a top-down endeavor in which the knowledge-claims of local people remain relegated to the margins. This paper also addresses how the challenges posed by an inclusive and participatory CBC are particularly salient in the Maasai ecosystem in northern Tanzania where many of the consequences or "constellations" of unsuccessful conservation projects further challenge the implementation of CBC initiatives. The paper discusses the need to

address these challenges and engage the Maasai as active knowing agents in the conservation process; doing so will produce a better match between the political, rhetorical, social, and ecological goals of CBC. It also suggests that in addition to the difficulties associated with the transfer of power from state to community hands, there are also complex challenges that CBC poses to the culture or institution of conservation. The intended (and at times unintended) landscapes of conservation are crafted for legibility, manageability, and foreign scientific expertise, leaving little room for the inclusion of indigenous or local knowledge claims, even though "the community" has become the catchall solution for effective conservation and development. CBC initiatives that favor the inclusion of complex local knowledge are difficult to administer and do not fit into the managerial categories of conservation and, therefore, challenge the current landscape of conservation. Local communities, therefore, have become viewed as tools for, or "commodities" of, conservation rather than as active knowing agents who must be granted substantive decision-making power.

SOURCE	Goldman 2001

COUNTRY AND SITES	THAILAND, Chom Thong, Sam Muen, and Mae Tho-Omlong in Chiang Mai Province
FOCUS OF CASE STUDY	Watersheds
CASE DESCRIPTION	This paper examines three distinct arrangements of actors and accountability in the watersheds of Chiang Mai Province. Chom Thong, located in the southern district, is home to Doi Inthanon National Park. The area contains both mountains and valleys and more than thirty villages in the upland and highland areas. A growing population in the area's thirty villages and increasing agriculture use have led to competing natural resource agendas. Karen farmers who have been in the area for more than one hundred years formed a coalition to protest Hmong immigrants to the area. (The Karen are an ethnic group originally from Burma.) The Mae Klang watershed supplies water for vegetables cultivated for city markets in northern Thailand and Bangkok. Both the lowland and the upland Karen farmers enjoy good relationships. Sam Muen also contains multiethnic communities who comanage forests. Omlong, located on the western range of the Thai-Burma border to the south of Chiang Mai City, is the central cultural area for the Karen. The Karen's sustainable agriculture and forest practices have been used as successful models of development. Now, with the addition of the Hmong in the Me Tho area, the dense green forests have been deforested and land use changes have resulted in conflict over overlapping uses.
ABSTRACT	In Thailand decentralization reforms have been underway for almost two decades, starting from the early steps of public debate and implemented in several pilot schemes. In 1997, the enactment of the "New Constitution" has marked a radical change in political reform. Decentralization has been a "politics-led process." Through three cases, this paper discusses (1) whether the recent political process is creating conditions for decentralization, (2) how decentralization is practiced and constrained at local levels, and (3) the preliminary impacts of decentralization at the local level.
SOURCE	Tan-Kim-Yong 2002

COUNTRY AND SITES	UGANDA, Masindi, Mbale, and Mukono Districts
FOCUS OF CASE STUDY	Decentralization
CASE DESCRIPTION	This study used a case-study approach in three districts in Uganda Masindi, Mbale, and Mukono. Masindi's population is 479,000 and the district is forty-nine percent protected. The district has three kingdom reserves, one local forest reserve, and fifteen central forest reserves. It is surrounded by large lakes. One of Uganda's most populated districts is Mbale, home to 826,000 people. Within these districts, land is in great demand and often dominates local politics. Mbale's few forest reserves are divided among central forest reserves, local forest reserves, and national parks. Mukono District was one of the first thirteen districts in Uganda to experience decentralization reforms. Swamps, wetlands, and open water make up sixty-eight percent of the district. Fifty-eight central forest reserves and ten local forest reserves are located in Mukono. Human encroachment and agriculture have caused extensive land degradation and soil erosion. Mbale District has only 13 square kilometers of official forest reserves, compared to 570 square kilometers in Mukono and 1,030 square kilometers in Masindi.

ABSTRACT	The devolution of decision-making powers over natural resources to publicly accountable local authorities is frequently advocated as a means of achieving social development and enhancing environmental management. The experience of Uganda's current decentralization reforms, however, suggests that the extent to which such benefits occur depends on the character of the decentralization. Uganda's decentralization is renowned internationally for its local origins, participatory character, and political commitment. However, an analysis of the reforms from an environmental perspective indicates three major problem areas. First, there has not been an effective or consistent devolution of powers over natural resource management. In the case of forestry, for example, powers have been decentralized and re-centralized several times since the reforms began in 1993. The reason for this is that decentralization has been used primarily to resolve the government's financial and legitimacy problems, rather than as a means of achieving either public participation per se or improved environmental management. Second, local governments have failed to exercise the limited powers they do have since control over the necessary financial and human resources has remained centralized. Case studies of three districts—Mukono, Mbale, and Masindi—reveal that they have only been able to exercise such powers when donor assistance has been available. Third, when local governments have attempted to influence environmental matters, the social and environmental outcomes have not always been positive due to conflicts of interest among the actors involved in natural resource utilization at the local level. The study suggests that there is a need for the central government to devolve effective environmental powers to local governments, for local governments to increase their revenue-raising capacity in order to achieve greater financial autonomy, and for the introduction of checks and balances to prevent the misuse of powers to achieve personal gain.

SOURCE	Bazaara 2002a, 2003, 2004a

COUNTRY AND SITE	UGANDA, Masindi District
FOCUS OF CASE STUDY	Forest management powers
CASE DESCRIPTION	This study focuses on the transfer of forest management powers to local jurisdictions in Masindi District, an area rich in natural wealth located in western Uganda. Research was conducted at study sites in the district, including the Budongo, Karujubu, and Pakanyi areas; in addition, interviews were conducted with members of the central government. The population of Masindi District has an annual growth rate of five percent; 466,204 people live in the district, a figure nearly double that of ten years ago. The forest cover is patchy as a result of the burgeoning population and the diversification of land use. Today, seven of Masindi's eight reserves have been designated as local reserves.

ABSTRACT	Uganda's decentralization of natural resource management has become a model for environmental decentralizations elsewhere in Africa. This study set out to determine the extent to which significant discretionary powers have shifted to popularly elected and downwardly accountable local government actors. Effective political or democratic decentralization depends on the transfer of discretionary powers to local governments. The research showed that very little forest management power was transferred to democratically elected and downwardly accountable local governments. Instead, the decentralization reform returned forests to unelected traditional authorities; it also resulted in the privatization of limited forest management powers to licensed user groups. The forestry department was interested in transferring only those powers that served to increase its revenues and reduce its expenditures. The limited transfer of forest management powers through a combination of devolution and privatization satisfied the state's desire to increase its legitimacy and support among pivotal rural constituencies; to a large extent, it accomplished this by transferring powers as a form of patrimony. The shift of powers through decentralization, therefore, was carefully measured to consolidate the base of support upon which the state drew its legitimacy and power. It did little to increase the power and legitimacy of local governments, which were left in an uncertain and weak bargaining position in relation to the central state. Rather than increasing local discretion over the management of natural resources, Uganda's decentralization reforms actually prolonged state control and power over natural wealth. However, the reforms did not wholly produce the outcomes that central authorities had hoped for. While privatization did result in higher forestry department revenues, the tradeoff was greater involvement of private sector actors in the department's decision making. In fact, to the dismay of the forestry department, private sector user groups were able to influence decision making up to the highest levels of the forestry sector. The recipients of the new forest management powers began to challenge state decisions regarding the management of forest reserves and to lobby for the transfer of further powers. Ultimately, however, the state retained significant powers to manage forests, while selectively "decentralizing" limited powers to district and sub-county councils. Over time, powers shifted upwards and downwards. The forestry department regained control of the coveted larger central forest reserves established in 1998. The unsteady progression of decentralization reforms in Uganda points to an unwillingness to transfer real discretionary powers over the management and use of forest reserves to popularly elected and representative district and sub-county councils.

SOURCE	Muhereza 2003

COUNTRY AND SITE	UGANDA, Bwindi Impenetrable National Park
FOCUS OF CASE STUDY	Protected area management
CASE DESCRIPTION	Bwindi Impenetrable National Park is located in southwestern Uganda, near the Democratic Republic of the Congo. It was the first national park in Uganda to test the collaborative management approach. In addition, a defined institutional framework pilot-tested the principles of participation and local government decision making in Bwindi and its sister park, Mgahinga National Park. The park is located on the edge of the Western Rift Valley, on the Kigezi Highlands; it comprises the districts of Kabale, Kanungu, and Kisoro. The diverse forest area is home to rare and endemic flora and fauna. The surrounding areas compose some of Uganda's most densely populated areas, with 102 to 320 persons per square kilometer. The majority of the population originally was attracted to the area because of the enormous opportunity provided by the forest, much of which has now been cleared, partly due to population pressure. Agriculture is the main livelihood in the area although animal husbandry and beekeeping are also popular. The park has had a varied history as a forest reserve, an animal and game sanctuary, and, most recently, as a World Heritage site.

| **ABSTRACT** | This working paper focuses on the roles of local institutions involved in natural resource management under the community conservation approach to protected area management in Bwindi Impenetrable National Park. It deals specifically with questions of competing interests and distribution of decision-making powers among the actors. It also describes and analyzes the current institutions involved in protected area management and investigates the extent to which decentralized institutional arrangements guarantee effective local participation in decision making. Findings show that community conservation and collaborative management as practiced in protected areas in Uganda today do not offer sufficient opportunity to produce democratic governance of natural resources. Community participation under community conservation and collaborative management does not adequately and effectively translate into community empowerment and control over resources. There are several contributing factors. Central authorities and supporting agencies remain in control both of resources and of the policy framework, which was formulated with insufficient community and local government input. Also, the principles upon which collaborative management is based were not developed out of mutual agreement between the communities and the other partners. The conservation and tourism interests of the Uganda Wildlife Authority and the donor-funded agencies often override the interests of the local communities who have no mandate to deal with the most critical problems affecting them. The authors conclude that local government interests lie mainly in activities that generate revenue and enhance human rights and benefits, not in environmental conservation. The national government overestimates the readiness, willingness, and capacity of local governments to assume responsibility for conservation of the environment; they fail to recognize that local populations should not take on responsibilities that surpass their decision-making powers. The above weaknesses in collaborative management have grossly undermined downward accountability of local institutions to the communities they serve; these weaknesses have limited the democratic governance of natural resources. |

| **SOURCE** | Namara and Nsabagasani 2003 |

COUNTRY AND SITES	ZIMBABWE, Binga District
FOCUS OF CASE STUDY	CAMPFIRE Wildlife program
CASE DESCRIPTION	Binga District, one of fifty-seven administrative districts in Zimbabwe, is located in northwestern Zimbabwe, near the Zambian border. The estimated population is 100,000, consisting mostly of the Tonga ethnic group. Wildlife is abundant in Binga District, an area in which the CAMPFIRE program has played a substantial role. The Binga people have had an unusual history in the area. Originally, the Binga were characterized as living in "subsistence affluence" by the river and enjoying a rich cultural and economic life. However, in the 1950s, the Kariba Dam was built and the area where they were living was flooded, forcing the Binga to relocate. Consequently, they lost many of their social and cultural ties; a national survey rated the district as suffering from the most severe poverty in all of Zimbabwe. More recently, the Binga have become actively involved in trying to ameliorate their fate; they voted overwhelmingly for the opposition party in the last election and are increasingly seen as an important force in national politics.
ABSTRACT	This working paper details the efforts to decentralize wildlife management in Zimbabwe since 1980 and uses the well-known CAMPFIRE program to illustrate some of the major challenges in implementing such programs effectively. While early efforts created an interest in decentralization within local communities and with ministry officials, very little real decentralization took place. This was primarily due to a lack of financial support and to political resistance to changing power structures. These past decentralization efforts set the stage for the creation of the CAMPFIRE program, the primary goals of which are to foster sustainable community management of wildlife and to reduce human/wildlife conflicts. To accomplish these objectives, CAMPFIRE delegates responsibilities to regional councils who are required to follow strict managerial guidelines. Although CAMPFIRE has had a number of positive effects, the program has failed to achieve its goals and to effectively decentralize wildlife management. The CAMPFIRE program effectively restricts councils and local communities to managing wildlife populations within the guidelines set by, and therefore under the control of, national authorities. These guidelines have been ignored largely because they were imposed on communities in a top-down manner. One of the reasons that guidelines were imposed at the central level is that national authorities distrust the ability of local communities to manage wildlife effectively; in addition, local councils failed to exert pressure on national authorities to grant them the power necessary to make decisions and set guidelines. While these are important factors, the most significant obstacle to decentralizing wildlife management in Binga is that leaders in the Department of National Parks and Wildlife Management have vested financial and political interests in the management of wildlife, especially in the awarding of lucrative safari contracts. As a result of this resistance, there have been, and will be, no net positive effects from CAMPFIRE's efforts, and the program continues to be at risk for hijacking by local elite who often use program funds and dividends for personal gain.
SOURCE	Conyers 2002

COUNTRY AND SITES	ZIMBABWE
FOCUS OF CASE STUDY	Forests
CASE DESCRIPTION	Zimbabwe consists of 390,759 square kilometers. Its population is divided into two main ethnic and linguistic groups, the Ndebele, who mostly inhabit the southwest, and the Shona. This study explores the political economy of the allocation of natural resource governance powers among actors at a variety of scales of organization in Zimbabwe. It examines natural resource legislation along with a broad set of other relevant laws since control over natural resources is intricately linked with other components of local governance. Much of the study is a review of the 1988 Rural District Councils Act, which is based on the ideology of decentralization and provides structural and operational arrangements for rural local governance. The act provides the legal basis for, among other things, the demarcation and establishment of distinct spatial units for rural administrative purposes, designated rural districts, and the establishment of rural district councils to preside over such districts. It also prescribes the structure of these councils and the process for constituting their membership; it specifies the roles and responsibilities of the councils, which include the planning and implementing of development programs and related taxing and fiscal authority; and it bestows on them minor legislative powers that enable them to enact bylaws.
ABSTRACT	Based on an analysis of relevant legislation, this study reviews the political economy of the allocation of powers over natural resource management between the central state, the rural district councils, and the local communities. The allocations are critically examined in relation to citizen empowerment. An analytical toolkit, derived from a review of relevant literature, is provided for holistically scrutinizing the extent and operation of accountability between and within decentralized governance units and other units above and below them. These theoretical tools are then used to argue that, contrary to establishing the institutional infrastructure for decentralized natural resource management in Zimbabwe, most legislation re-centralizes power at the district level, doing so at the expense of meaningful citizen participation in natural resource governance. Only the "privilege" of initiating development plans appears to have trickled down to the grassroots level. The state and its closest actors still retain the complementary roles of approval, implementation, and fiscal control. The study concludes by considering ways for addressing the contradiction between the decentralization that the state claims to have achieved and the re-concentration of power at the district level that is actually taking place, assessing the scope for both incremental and radical approaches.
SOURCE	Mandondo and Mapedza 2003

COUNTRY AND SITES	ZIMBABWE, Mafungautsi State Forest in Chemwiro-Masawi and Batanai
FOCUS OF CASE STUDY	Resource Management Committees
CASE DESCRIPTION	The Mafungautsi State Forest, located in west central Zimbabwe, is in Gokwe South District. The forest makes up nearly ten percent of Zimbabwe's forest reserves and covers 82,100 hectares. The two study sites, Chemwiro-Masawi and Batanai, border the Mafungautsi State Forest. Each site is represented by a resource management committee formed by Zimbabwe's forestry commission. Timber is commercially extracted from Chemwiro-Mawai, and few people live in the forest. In contrast, the Batanai area was formerly forest land from which many people were evicted. Batanai's resource management committee is considered successful while Chemwiro-Mwai's committee is considered a failure.

ABSTRACT	Although governance innovations that involve moving powers closer to the citizens are receiving increasing policy support, their implementation is not without problems. This study uses a review and case-study approach to critically examine the contradictions and ambiguities of "peasant empowerment" in a comanagement venture between Zimbabwean foresters and peasant communities. The institutional infrastructure for comanagement was derived from and superimposed upon a complex web of local power bases, further fragmenting existing networks of interest, affection, and association, and thus limiting the scope for comanagement. The legislative environment, at least during the pre-2000 period, supported the expropriation and control of the land and resources of peasant communities, thus contradicting the underlying principle of comanagement, which is that of equal partnership. Powers over natural resources have remained centralized in the national state; the little power that has been decentralized has been transferred to levels that are not close enough to the citizens. Furthermore, there is no legislation that gives a legal mandate and fiscal autonomy to units closer to the citizens than the district level. The comanagement venture is supply led rather than demand driven, originating in international development assistance circles and implemented on the terms and conditions of their allies in the state bureaucracies responsible for natural resource management. However, in spite of their marginalization, peasant communities have a wide repertoire of tools that enable them to significantly penetrate local and national political processes. The study identifies the need for fundamental changes in the comanagement system, including the creation of downwardly accountable institutions and experimentation with new comanagement relations. It argues that such changes require related reversals in the ways that researchers, policy makers, civil society organizations, and other facilitators have traditionally conducted their business. The central thesis is that the state and other external actors have sought to mould and discipline local institutions in order to achieve top-down conservation objectives.

SOURCE	Mapedza and Mandondo 2002

CROSSCUTTING CASES

The following cases do not focus on any one particular region or country; instead, each draws lessons on decentralization from multiple countries or regions.

FOCUS OF CASE STUDY	Natural Resources as a Lever for Local Democracy
CASE DESCRIPTION	Multiple cases
ABSTRACT	This article compares service and infrastructure with natural resource management in order to bring attention to unique aspects of natural resource management that make it well suited to support more democratic approaches to decentralization. The objective of this article is to show that natural resources can foster local democracy— as an end in and of itself and in order to improve the effectiveness of decentralizations in all sectors. The management of local natural resources has various characteristics that make it difficult to approach as a centrally mandated and funded sector and that make it difficult to ignore legislative and judiciary functions. The differences among sectors are all matters of degree and not kind. The authors' aim is to use natural resource management's particular mix of characteristics to throw aspects of all decentralization reforms into relief. Those are the aspects that need attention in order to balance the immediate technical or instrumental objective of meeting national social and economic ends with the longer-term participatory, inclusive, and empowering procedural objectives of local democracy.
SOURCE	Kaimowitz and Ribot 2002

FOCUS OF CASE STUDY	Committees
CASE DESCRIPTION	Multiple cases
ABSTRACT	Decentralizations in the 1980s transferred powers to multi-purpose local governments. In recent years international donors and central governments are increasingly turning toward single-purpose user committees. Although these committees appear to be less democratically accountable and less representative than local government, donors view user committees as a mechanism to give local peoples greater say over the development decisions that affect them. Central government officials establish user committees at the insistence of donors but then manipulate them by selecting committee members and by reining in their powers. The article explores how these proliferating single-purpose committees are undermining the democratic processes that were presumably institutionalized with the creation and strengthening of elected local governments in developing countries. This new approach fragments local participation, reducing its coherence and effectiveness and leaving the poor quite possibly worse off than before. These committees appear to usurp local government functions and deprive local governments of revenues. These myriad problems result in destructive conflicts and the undermining of local government authority.
SOURCE	Manor 2004

ANNEX C:
ACCOUNTABILITY MECHANISMS

Below is a list of 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 for organizing an analysis of accountability. This list, however, is not systematized around either framework. Nevertheless, it illustrates that there are multiple mechanisms that policy makers can use to establish greater public accountability of government and of other local authorities that hold public powers.

Legal recourse through courts is an important means of accountability. Independent judiciaries are critical for holding public figures accountable. Often the judiciary is not independent for numerous structural reasons. For example, local authorities who may very appropriately have the power to adjudicate among local citizens should not adjudicate inter-jurisdictional cases or cases between themselves and others (Oloka-Onyango 1994, 463; Mamdani 1996a; Agrawal and Ribot 1999). Regardless of whether courts are well structured, they are inaccessible to many citizens in Africa. They are often too far away or too expensive or complex for average citizens to use. Public interest law associations can help to ensure that poor and marginal populations have greater access to legal recourse (Veit and Faraday forthcoming). Rothchild cites the office of the tribunal *administratif,* which was introduced by the French, and the office of the ombudsman as two useful recourse structures (Rothchild 1994, 6). Such complaint officers have been established in South

Africa, Tanzania, and Zimbabwe (Therkildsen 2001, 27, fn. 26, 29–30).[79]

There is often a failure to **separate powers of the judiciary, legislative, and executive,** particularly at the local level. Without separation of powers, there is no balance of powers within government and 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, 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 *indigenat* courts of the French system and in the British system of Indirect Rule. This failure to separate powers denies recourse, as it does in Uganda's local governments. It is a problem in many other countries as well. The failure to separate powers often denies recourse to individuals who have disputes with technical services. (Mamdani 1996a; Oloka-Onyango 1994, 463.)

Ostrom (1999) argues that **polycentricity** of government and the **balance of powers** are important structural aspects of accountability. A balance of powers in which there are counterpowers to the central government can increase accountability by increasing the number of actors with a voice in politics and 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 sub-national governments. Ostrom (1999) 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 whose role is to protect people from the excesses of power of local elite 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 (since NGOs are private bodies and are not necessarily accountable or representative), they can monitor local and national government to ensure they are meeting their legal obligations. They can also inform the local population and/or file suit if the government is not living up to its requirements. NGOs and associations can also, of course, lobby on behalf of the portion of civil society that they represent.

The literature contains good examples of independent monitoring. Blair (2000, 24) describes Bolivia's vigilance committees, which were created to monitor elected bodies; its members are "selected" from traditional local governance systems, including peasant unions and neighborhood councils. In Canada, Native American women recently blamed tribal chiefs of "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 accountability of the Native American chiefs and of the members of Canada's government who support them. The group also has put together a document recounting numerous instances of corruption and have held "hearings" on the matter around the country. They also have delivered their findings to Canada's Senate.

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

Transparency—that is, openness to public scrutiny—is an accountability mechanism frequently called for by international organizations.[80]

The members of working groups at the 1993 international conference titled "Local Self-governance, People's Participation, and Development" held 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). Another means to increase transparency is to **provide information** on the roles and obligations of government. This information can be provided by the media, by NGOs, and even by government as indicated in public reporting requirements.

It is important, however, to remember that transparency is not enough. In many countries corruption is transparent. It is often plainly visible that ministers and other government officials drive cars and live in houses that they could never afford on their salaries. But nothing is done. Transparency does not work by itself. Other accountability mechanisms enabling people to sanction government in reaction to new information must also be available.

A **free media** can also play a monitoring role. A free media can shape public action. Sen (1981) argues that free media can avert famine. The media also can

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 at the national scale in terms of free media and legal protections of freedom of expression. It is direly needed in the most local arenas, where women and minorities are often unable to express themselves freely—particularly in public meetings and through representatives.

The practice of **public discussion** also can increase transparency. This practice is often used in Africa where elders gather to discuss community matters in public. Also, in the Mhondoro cults of Africa, spirit mediums speak and are interpreted in public to express the will of ancestors (Spierenburg 1995). The practice of holding **public meetings** with representatives to discuss budget and policy decisions also can increase transparency. In Uganda, many local people did not feel listened to by their representatives. Nonetheless, people felt it was very important to gather and to exchange views with each other at local council meetings. One survey reported that sixty-three percent of Ugandans claim to participate in the local council decision-making process (Saito 2000, 8). Public fora have serious limits since marginalized groups, such as women, religious minorities, or immigrants, may not feel comfortable voicing their opinions. As a result, public fora should not provide the only opportunities for people to express themselves. A requirement of **public reporting,** such as the weekly posting of budgets in local papers or just on the wall of the local government building, is another mechanism to render government accountable. If budgets, decisions, and planned programs and spending are publicly posted, people will have an easier time discerning whether local government is serving their interests. This is a very easy mechanism to legislate.

Participatory processes also can be employed to improve dialogue between government and people.

Through facilitated processes of participation in which information is exchanged, 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 also can 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, as a way of avoiding government. This use of participation can undermine the legitimacy and accountability of local government.

Civic education is important for building accountability of government. It empowers people to *know their rights* and to *know 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 [their] money." Explaining democratic local government to people can engage them in 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 on their representatives.

Placing **discretionary powers** in the hands of local leaders can increase the accountability of government and increase the engagement of civic organizations in public affairs. Cofinancing, in which communities are required to provide a portion of the funds for a given program, has been proposed as a way to give communities "ownership" of local programs. While "experience so far is that this is both patronizing and empirically difficult to substantiate," cofinancing may produce some positive outcomes, according to Onyach-Olaa and Porter (2000, 25). They observed that where the funds transferred were truly discretionary and seen as a supplement to 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.[81] "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" (Onyach-Olaa 2000, 25). Joshi (personal communication, Institute of Development Studies, Sussex 1999) observed that in India civil society organizations begin to form around and lobby strong local governments; this supports the argument that having discretionary powers within 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.

Proximity of leaders to their community and their **embeddedness** in local social relations can also make some difference. Community-based natural resource management is believed to increase accountability because the community is nearby and is closely involved in the formulation and implementation of natural resource management (Hue 2000, 4). The way authorities are embedded in social relations within their communities may help to make them more accountable to the local population. Authorities 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** or 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, 15) shows that public sector workers can be highly dedicated to their jobs. This was in the context where civil servants were given greater autonomy than usual and performed quite well at their jobs. "On the 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," Tendler continues, "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." Along these lines, awards for community service can be another accountability mechanism. Codes of conduct for politicians and civil servants can be another means of moral leverage; these have been applied in South Africa, Tanzania, and Uganda (Therkildsen 2001, 27, fu. 26).

Reputations that societies hold people to and people want to maintain can also shape their public and private behavior (Bordieu 1977). **Trust** is another element that, if developed, is believed to improve the accountability of local governments. Putnam (1993) argues 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 within state, market, and civil society. This in turn is argued to lead to more efficient government and a more synergetic relation between state and civil society. (Evans 1997; Bebbington and Kopp 1998, 13)

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 within 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 contract out service provision, to provide it in-house when appropriate, and to have control over the advisors and experts they hire or who offer them 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 account-

ability of these service providers (cf. Therkildsen 2001, 27, fn. 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—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 organizations and NGOs accountable to local government by requiring local government approval for the use and management of commonly held public resources. For outside projects involving ad hoc or permanent planning and coordination committees, local government authorities would have the final decision-making power over their activities to ensure that these activities were under representative community control. The law can make local administration (even deconcentrated services) subordinate to elected local government. In this manner, local elected government 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.

According to some analysts, **taxation** arrangements can seriously affect the relations of accountability between people and their governments. Moore (1997) has forcefully argued that governments that depend on taxes derived from the earned income of their populations are more likely to have populations that make demands on government and hold their governments accountable. (Therkildsen (2001, 30) has found that user charges serve a similar function.) Moore also has argued the converse, that governments dependent on outside assistance are not likely to be accountable to their populations. (Also see Guyer 1992; Yates 1996.) In much of Africa, local governments have had difficult times collecting taxes. Local tax rates and collection have declined in countries such as Kenya, Nigeria, Tanzania, and Zimbabwe (Therkildsen 1993, 84–5). In southern Nigeria, rates fell from eight percent of income in 1968 to less than two percent for poorer farmers by 1988. "With such low contributions … ," writes Guyer, "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" (Guyer 1992, 57, in Therkildsen 1993, 85).

Central government can play the role of ensuring accountability of local government; it also must be accountable for some services to local government. Central government's **oversight** of local government can help ensure that local government is accountable to local populations (cf. Tendler 1997, 15). Uphoff and Esman (1974, xx) state, "*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 (1997), 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 ensure 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). However, as the participants in a 1994 conference on decentralization in Ouagadougou agreed, 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 for enabling the formation of groups ranging from NGOs, peasant organizations, and vigilance committees, to whole social movements.

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ENDNOTES

1. It is important to note that a plurality of institutions and views is a fact and can be a very positive thing. However, this plurality needs mechanisms of mediation if it is not to become a "marketplace" of institutions and ideas in which the strongest actors dominate. Adams et al. (2003, 1916) and others have called for mediation among this plurality of "stakeholders," institutions, and views as a way to achieve better policy outcomes. Representation can be such a mediating mechanism because it privileges the broadest cross-section of society by recognizing citizens as the primary stakeholders.

2. Globally, all but twelve of the seventy-five developing and transitional countries with populations over five million claim to be transferring political powers to local units of government (Dillinger 1994, 8, in Crook and Manor 1998; World Bank 2000). 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 (Therkildsen 1993, 83; Tötemeyer 2000, 95; United Nations Capital Development Fund 2000; Bazaara in Latif 2002, 14). "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). In a World Bank survey of thirty African countries, all claimed to be decentralizing (Ndegwa 2002). Also see Shackelton and Campbell (2001) for cases of decentralizations in southern Africa.

3. The current global pursuit of decentralization is not the first time governments have attempted to transfer fiscal responsibilities or institutional powers to lower-level institutions. In francophone West Africa, for example, beginning in 1917 at least four distinct waves

can be discerned. In each case, decentralization accompanied and perhaps was sparked by fiscal crises of the state (Ribot 1999a). (For some history of decentralization in Africa, see Buell 1928; Cowan 1958, 60; République du Sénégal 1972; Weinstein 1972, 263–6; Schumacher 1975, 89–90; République du Mali 1977; Mawhood 1983; Conyers 1983; Rondinelli et al. 1989; de Valk and Wekwete 1991; Therkildsen 1993; Crook and Manor 1994; Diallo 1994; Ouali et al. 1994, 7; Rothchild 1994; Gellar 1995, 48; Mbassi 1995, 23; Mamdani 1996a; Ahwoi 2000, 2; United Nations Capital Development Fund 2000; Hesseling n.d., 15.) In southern Asia, at least three waves of decentralization are visible since the mid-1800s. The first of these occurred as early as the 1860s according to Fisher (1991). The second wave of decentralization took place after independence through efforts at community development (see Ribot 1999a; Shackelton and Campbell 2001). A third wave is currently underway. In Indonesia, decentralizations were taking place in the 1950s and '60s (Resosudarmo 2002, 2).

4. This description is suspiciously similar to descriptions of modern-day participatory approaches: "The broad aim of participatory development is to increase the involvement of socially and economically marginalized peoples in decision-making over their own lives" (Guijt 1998, 1, in Cooke and Kothari 2001, 5).

5. Anderson, Clément, and Crowder 1998; Utting 1999; Alden Wily 2000a; Meinzen-Dick and Pradhan 2000; Wollenberg, Edmunds, and Anderson 2001.

6. Uphoff and Esman 1974, xx; Agrawal and Ribot 1999; Smoke 1999, 10; Crook and Sverrisson 2001, 5.

7. There is plenty of evidence that local people can manage their own resources sustainably (see Onibon, Dabié, and Ferroukhi 1999; Adams, Brockington,

Dyson, and Vira 2003, 1915). Community-based natural resource management experiments from around the world also provide indications that local populations can successfully and equitably manage natural resources. First, they demonstrate that local communities have the capacity to protect forests and foster regeneration (Dembélé and Dembélé 2001). Second, they demonstrate that local democratic processes can lead to the protection and management of resources for local community use (Conyers 2002). Lastly, they demonstrate that local management can generate revenues for local public works (Bigombe Logo 2001 and 2003; Larson 2002; Pacheco 2002). But it is important to keep in mind that these project-based approaches occur under close outside supervision and with intensive assistance and, therefore, do not reflect what would occur under a more generalized decentralization scenario. It is difficult to determine from project-based experiences the degree to which success is engineered from above or derives from local conditions and initiative (see Schroeder 1999; Baviskar 2002).

8. For notable exceptions, see Ribot 1995a, 1995c, 1999a, 1999c; Tendler 1997; Crook and Manor 1998; Saito 2000; Crook and Sverrisson 2001; Therkildsen 2001; Anderson 2002. The Plan for the Modernisation of Agriculture Grant Study (2001, 29) points out that while some analysts argue that decentralization is a good in itself because it fosters participation, these arguments are still subject to verification: "in practice little research has been done." On the lack of substantive research on the effects of The World Bank's community-driven development programs, also see Mansuri and Rao (2003) and Wassenich and Whiteside (2003).

9. 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.

10. On participation and democracy as motives, see Bish and Ostrom 1973; Conyers 1990, 16; de Valk 1991, 11; Engberg-Pedersen 1995, 1; Weimer 1996, 49–50; Meinzen-Dick and Knox 1999, 5; Balogun 2000; Oyugi 2000, 4; Sharma 2000; Cooke and Kothari 2001.

11. I prefer to avoid the term "devolution" because it is used in so many different ways.

12. Uphoff and Esman (1974, xx) imply that accountable representation enhances development performance. Crook and Sverrisson (2001, 5) point out that there are two steps in linking local participation or democracy to

outcomes. The first step is to measure the "responsiveness" of local decision-making processes or authorities against local needs; the second step is to measure the degree of responsiveness against the effectiveness of outcomes. Crook and Sverrisson 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. . . . 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" (2001, 5). This is analogous to what I have called accountability of the local authorities.

13. The term "developmentalist" refers to decentralizations that take place for the purposes of local development. This includes decentralizations whose objectives are better service provision, better local management, and more-democratic local processes. "Developmentalist" does not include those decentralizations that are a byproduct of downsizing central government, reducing central fiscal burdens, or national unification through the integration of splinter groups or break-away regions.

14. They have argued that greater local knowledge is needed in natural resource management to understand both the complex physical characteristics of resources and the culturally specific patterns of resource management and use. Because natural resources sustain local livelihoods and are also an important source of national wealth, they are the locus of potential conflict and tension. Extra sensitivity to local livelihood strategies and political dynamics is required in the making and implementation of any environmental interventions. Further, given the need for local labor and knowledge in implementation, many authors have argued that local people must be included at every stage in order to build their sense of ownership of reforms. This will help garner local support and prevent sabotage and disaffection. Also, because natural resources are a source of wealth, many authors have argued for participation as a way of increasing local incomes (See Ostrom 1990; Poffenberger 1994; Western, Wright, and Strum 1994; Baland and Platteau 1996; Agrawal and Ribot 1999; Agrawal and Gibson 2001; Plan for the Modernisation of Agriculture Grant Study 2001, 28).

15. Ribot 1996; Crook and Manor 1998; Shah 1998; Agrawal and Ribot 1999; Manin, Przeworski, and Stokes 1999, 2; Blair 2000; Brinkerhoff 2001; Olowu 2001; Prud'homme 2001; Therkildsen 2001.

16. The fine adaptation of service provision to local conditions and in response to local needs and priorities is one of the reasons behind decentralization. Nevertheless, to a certain extent, a school, a clinic, or a bridge in one location is not very different from a similar item in another location. Thus, the social service ministries and social investment funds achieve substantial economies of scale by designing national curricula, health programs, and construction prototypes for the entire country. In contrast, natural resources are inherently much more location specific.

17. The democratic impulse behind the current global wave of decentralizations was already present in the participatory development movement of the 1970s, '80s, and '90s, when development theorists and practitioners used a variety of participatory methods to increase the equity and the effectiveness of development. By 1978, the *International Development and Food Assistance Act* required all U.S. agencies to conduct development for the poor "through institutions at the local level, increasing [poor people's] participation in the making of decisions that affect their lives." (The act contains definite Schumaker-type language on favoring labor-intensive investments. I believe that the impulse in the U.S. toward "participatory" approaches grew out of the post-inner-city riots of the 1960s' "advocacy planning" movement.) Popular participation was also promoted by the United Nations Conference on Environment and Development in its Agenda 21 and the Rio Declaration (1992a and 1992b). (Agenda 21 (chapters 23.1–3, and 27.1–4) calls for "broad public participation in decision-making" but, in contradiction to this statement, goes on to speak almost exclusively of NGO participation. The Rio Declaration calls for the "participation of all concerned citizens.") Over the past three decades, the developing world has been inundated with participatory projects, programs, and laws (Cohen and Uphoff 1977; Cernea 1985; Satish and Poffenberger 1989; Peluso 1992; Banerjee et al. 1994). Such participation is argued to result in increased equity and efficiency (Cohen and Uphoff 1977; Cernea 1985; National Research Council 1992, 35; Baland and Platteau 1996; World Bank 1996). This is a questionable assumption. Participatory approaches are often unjust (Cooke and Kothari 2001).

18. An important distinction between pluralist and most participatory approaches is that pluralist approaches do not seek consensus (Jon Anderson, personal communication, January 2004).

19. Chambers 1983; Fisher 1997; Steins 2001; Cooke and Kothari 2001. These approaches can be divided into two major camps: popular and stakeholder approaches. The participatory movement originated with the desire to achieve popular inclusion—along the lines of popular democracy. The movement later spawned "stakeholder" and "pluralist" approaches, which created fora for interested (and sufficiently organized and funded) individuals and civil society groups to negotiate and inform decisions. This report is concerned with popular forms of inclusion since these are the forms that decentralization theory expects to represent the broadest cross-section of society. Stakeholder approaches, which favor those who are organized or interested, rather than all the citizens of a given jurisdiction, are not considered representative or popular forms of inclusion.

Even the popular approaches spawned by the participatory movement have drawbacks. In the public fora of direct democracy and participatory approaches, many of the most marginalized people are not comfortable or safe expressing their opinions (Cooke 2001). Villages and settlements and other small communities are usually highly stratified along age, gender, class, caste, ethnic, livelihood, race, religious, and political lines, as well as along lines of indigenous versus migrant or foreign origins (Ribot 1995a; Cooke and Kothari 2001, 5). Local elite often dominate social and political discourse, making it difficult for marginal populations to participate. Representative forms may be better than direct forms of democracy, but they too under-serve marginal groups (see Crook and Sverrisson 2001).

20. Cohen and Uphoff 1977; Chambers 1983; Cernea 1985; Satish and Poffenberger 1989; World Bank 1996.

21. Van Rouveroy van Nieuwaal and van Dijk 1999; Kassibo 2002; Ntsebeza 2003.

22. Ribot 1995a, 1999; Benjaminsen 1997, 2000; Agrawal and Ribot 1999; Oyugi 2000, 10; Crook and Sverrisson 2001. The World Bank (2000, 107) understates the problem, observing that "decentralization is often implemented haphazardly." Equally damaging, the term "decentralization" is also applied to programs and reforms that ultimately are designed to retain central control (Mawhood 1983; Alcorn 1999, 44; Ribot 1999a; Conyers 2000a). Oyugi (2000, 10)

goes so far as to say 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."

23. See Mansuri and Rao 2003; Ribot and Oyono forthcoming.

24. For example, decentralization has left Senegal's forest service face to face with local people who want to use their new forest-management rights to stop commercial cutting. The forest service, however, wants them to manage the forests to provide the capital with woodfuel.

25. Forestry was chosen as a focus because it is a classic collective resource for which monitoring and exclusion are difficult, and on which rural livelihoods around the world depend. As a diffuse resource, forests are a good candidate for the kind of diffuse control and management that decentralization offers.

26. Crook and Sverrisson (2001, iii), however, "concluded that responsiveness to the poor is quite a rare outcome."

27. Design and implementation of decentralizations follows from the motives for decentralizing. Why they take place helps explain why they take the particular forms they do and the kinds of outcomes they produce. The theoretical efficiency or equity benefits are rarely the only reasons for a central government to give up central powers. Decentralizations have resulted from

- pressure from economic crises (Olowu 2001, 53; Therkildsen 2001, 1; Muhereza 2003; Bazaara forthcoming);
- the need for central governments to shed fiscal and administrative burdens (Nsibambi 1998, 2; Bazaara forthcoming);
- management failures of central governments (Wunsch and Olowu 1995);
- emulation of reforms in other developing countries (Therkildsen 2001, 1);
- populist political success (Heller 1996; Olowu 2001, 53);
- donor pressures and conditions as part of structural adjustment and other programs imposed from the outside (Mutizwa-Mangiza 2000, 24; World Bank 2000; Therkildsen 2001, 1);
- pressure from subnational splinter groups and local elite (Brock and Coulibaly 1999, 30; United Nations Capital Development Fund 2000, 3; World Bank 2000, 108–9; Olowu 2001, 53); and

- particular configurations of relations between central and local authorities (Crook and Sverrisson 2001, 2).

Kaimowitz et al. (2000, 8) show that new decentralization laws in Bolivia were inspired by (1) growing pressure from regional groups, (2) decentralizations occurring in neighboring countries, and (3) support from international development agencies. Of course, they are most likely a conjunctural result of these and other global, national, and local forces.

As Conyers (2000a, 9) has so eloquently pointed out: "Most decentralisation 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."

28. I use the term "popular" to modify participation to indicate that I am not talking about stakeholder methods and to ensure that I am not misunderstood as advocating participatory techniques, which have been duly critiqued (e.g., Cooke and Kothari 2001).

29. Although this is often not the case, participatory joint forest management has been observed to create greater marginalization and loss of livelihoods for disadvantaged groups (Hildyard, Hegde, Wolvekamp, and Reddy 2001). The basic assumption is one of equality in the process. If this does not hold, the theories do not stand up.

30. Arguments defending decentralization on the basis that it encourages greater participation of citizens in democratic governance are given by Alexis de Tocqueville (1945), John Stuart Mill (in Green 1993), and, more recently, by Robert Dahl (1981, 47–9). Neil 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" (see also Bish and Ostrom 1973 and Weimer 1996, 49–50). For a counterview that does not see in decentralization any necessary benefits of responsiveness or freedom, see Riker 1964, 142; he writes, "To one who believes in the majoritarian notion of freedom, it is impossible to interpret federalism as other than a device of minority tyranny." Schilder and Boeve (1996, 94–117) argue that decentralization deserves support for the efficiency that it provides. For efficiency arguments in the context of public choice, see Tiebout 1972 and Oates 1972, 11–2.

31. Also see discussion of public environmental hearings in Crook and Sverrisson 2001 and Overdevest 2000.

32. Accountability needs to be separated from responsiveness. Manor (in Latif 2002, 52) makes the observation that responsiveness can be measured by surveys. Responsiveness reflects the degree to which government actions conform to popular preferences. (Also see discussion of public environmental hearings in Crook and Sverrisson 2001 and Overdevest 2000.)

33. Powers in this framework are the classic executive, legislative, and judicial arenas of action—and the resources needed to execute actions. Ability is an aspect of power composed of internal and external factors. Internal factors include the skills of the people and institutions that exercise powers. External factors include the physical, legal, and social environment in which the powers are to be exercised, the accountability of the central state to local government, and the responsiveness of both central and local government in providing assistance to local people. In this report, the internal and external aspects of ability are folded into discussions of power and are discussed where they emerge throughout the report. For simplicity, they are not treated as a separate category. The internal aspect is dealt with, at least in part, in discussions of "capacity." Capacity merits additional discussion because it is at once a necessary aspect of responsiveness and it is used by policy makers and practitioners as an excuse not to empower.

34. Mansuri and Rao (2003, 16–7) present evidence that education projects where participants are given greater discretion also produce more effective outcomes. For example, school management in El Salvador, Nicaragua, and the Philippines was found to be more effective when greater autonomy was given to schools and to parent teacher associations.

35. Anu Joshi (personal communication, 1999) has argued that civil society organizes and crystallizes around empowered representative authorities. In Mongolia, Mearns (2002, 4) reports a pattern in which there is substantial political decentralization with little administrative and fiscal transfer. Under these circumstances, he observes, "there is little opportunity for elected assemblies to exert any influence over technical department staff and quality of service delivery at their respective level of government, and therefore little incentive for local populations to express their views to elected representatives."

36. Of course, what can be decided locally without social or ecological harm depends also upon the constraints of nationally set social and environmental standards. If standards are set for the type, extent, and techniques of timber harvest, then harvesting decisions can be devolved to local authorities contingent on respect for those standards.

37. Italics in original.

38. Oyono (2003) also argues that in Cameroon, conservation is not ensured without accompanying measures. In many of Cameroon's forests, local communities prefer to exploit surrounding forests as commercial concessions. One villager explained that people want "to eat and drink now with the money from forests." Based on statements of this kind, Cameroonian researchers feel that decentralization without protective measures may well be "ecologically counterproductive."

39. Power shapes how non-government actors make demands and act as counterpowers to local government—the strongest and best organized are likely to have more influence. Incentive structures (the economic needs of local government, the value of the resource economically and for local uses, and environmental and social ideologies, such as environmental or frontier ethics) can drive use patterns. Local government capacity to effect change also matters. (Larson 2003, 20–3)

40. Indeed, "participatory approaches have proved compatible with top-down planning systems, and have not necessarily heralded changes in prevailing institutional practices of development" (Mosse 2001, 17). Some authors have also argued that participatory approaches and the rhetoric of participation are used to mask centralization in the name of decentralization (Cooke and Kothari 2001, 7).

41. Despite the importance of local elections, "compared to national elections, local elections have not been seriously studied" (Olowu 2001, 57).

42. In Uganda's local council system, "universal adult suffrage has increased the people's sense of involvement in policy-making process" (Saito 2000, 4).

43. In Kenya, people line up behind candidates' pictures; however, this does not constitute true voting (Manor in Latif 2002, 44). In Nicaragua, where elections are also by party slate, some mayors are responsive to constituents, others just to the nation's president (Latif 2002, 56).

44. Upward accountability can be crafted into representative systems in different ways. In Mongolia, the powerful governors, appointed by the higher-level assemblies, are primarily upwardly accountable and are the key decision makers in the management of local space. The elected assemblies at each level, who are more accountable to their constituencies, hold very limited powers of oversight and play a primarily advisory, rather than decision-making, role. (Mearns 2002, 3–4)

45. In Indonesia, powers have been devolved, but the accountability of local authorities is questionable (Resosudarmo 2002).

46. In Indonesia, elections are not effective accountability mechanisms because of the party-list system. People do not know who the candidates are for a given party, and the candidates are inaccessible. These local elected authorities in Indonesia are reportedly over-exploiting the forests (Resosudarmo 2002; Latif 2002, 47).

47. Examples can be found in Burkina Faso, Chad, Côte d'Ivoire, Ghana, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Tanzania, Zambia, and Zimbabwe (Ribot 2002a, 2002b). In South Africa, traditional chiefs are fighting for powers over land tenure arrangements. These individuals are not representative, and their empowerment is inconsistent with the democratic principles of elected representation enshrined in the constitution. (See Ntsebeza 1999, 1004.)

    Land is being transferred from the state to individuals and others. The implementation has been weak and incomplete. There are many ambiguities around the appropriate unit for land ownership—private individuals, customary authorities, etc. It is not in the interests of the state to resolve these ambiguities because people within the central government want the votes that chiefs can garner. (Latif 2002, 55)

    It would be worth exploring whether such traditional authorities have been reasserting their authority in Asia and Latin America.

48. This observation is based on fieldwork that the author conducted in Senegal in 2003 and 2004.

49. Ntsebeza (2004) points out that many people consider chiefs to be "legitimate" because people still go to them for various kinds of decisions—such as land allocation. But he also points out that this logic is flawed since these people have no alternative. They are not *choosing* to go to the chiefs, they are forced to. Hence, their actions cannot be construed as indicating the legitimacy of chiefs.

50. Engberg-Pedersen (1995) 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 [village committees registered as *'groupement villageois'*]—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 make 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."

    Peluso (2002, 9) reports that in Indonesia village leaders are bribed by illegal timber extractors, causing splits within villages.

51. Lissu (2000) also defines them as groups acting in the "public interest or interest of a group of individuals or organizations." Hence, they are private in nature but can act on behalf of public or private collective interest.

52. These motives, Conyers (1990, 25) points out, are "closely associated with the 'Reaganite' and 'Thatcherite' policies which have permeated both developed and less developed countries in the last few years. . . ."

53. Mearns (2002, 11–2) reports that in Mongolia's pastoral areas, "a 'tragedy of open access' has emerged in the institutional vacuum created by incomplete decentralization. . . ." According to Mearns, social vulnerability in the face of natural hazards has increased at least partly due to the devolution of management responsibilities without financial resources to carry them out and without accountability reforms that would subject local government to public scrutiny.

54. But even this form of inclusion, while it may increase women's presence, does not necessarily translate into power due to broader issues that hinder women's participation (Vijayalakshmi and Chandrashekar 2002; Bazaara 2003).

55. Baviskar (Forthcoming, 21) describes a case in India in which the committee's procedures were dictated by the project, and 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.

56. Hildyard, Hedge, Wolvekamp, and Reddy (2001) have argued that "unless participatory processes take into account the relative bargaining power of so-called stakeholders, they are in danger of merely providing opportunities for the more powerful."

57. See Ribot 1999a; Baviskar 2002; Bazaara 2002; Brannstrom 2002; Kassibo 2002a; Larson 2002; Mapedza and Mandondo 2002; Melo Farrera 2002; Oyono 2002; Pacheco 2002; Resosudarmo 2002; Muhereza 2003.

58. "An additional danger [in Cameroon] is that once a community has invested in the inventory, and timber resources of high value [have been] 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* [small-scale commercial license], benefiting from the inventory work already done at no extra cost to itself" (Brown 1999, 47).

59. See Mbassi 1995, 24; Evans 1997; Tendler 1997; Crook and Manor 1998; Conyers 2000b, 22; Mutizwa-Mangiza 2000, 23; Peluso 2002, 7; Xu 2002, 14.

    As Conyers (2000b, 22) points out, "Ironically, decentralisation 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 decentralise a substantial amount of power without threatening its own existence, while the centralisation of power enables the key leaders to make and implement policy decisions without undue interference from other interest groups within government."

60. Decentralizations change the distribution of powers in complex ways, creating winners and losers. Violence among resource users has been reported during the implementation of decentralization reforms in Cameroon, Indonesia, and Mali (Kassibo 2002a; Latif 2002; Peluso 2002; Resosudarmo 2002). In Mali, conflict among farmers and pastoralists has reportedly increased, but it is not clear whether this increase is due to decentralization or to other changes in land occupation and herd management (Cheibane Coulibaly, personal communication, Bamako, Mali, 2001; Bréhima Kassibo, personal communication, Bamako, Mali, 2002).

61. I owe great thanks to Crescencia Maurer of WRI for suggesting the development of these questions.

62. Increased local revenues have also been generated through environmental decentralizations in Bolivia, Cameroon, India, Indonesia, Nicaragua, and Zimbabwe (Agrawal 2001; Conyers 2002; Larson 2002; Mapedza and Mandondo 2002; Resosudarmo 2002; Bigombe Logo 2003). In Cameroon, for example, new forestry laws earmark timber stumpage fees for elected local councils.

63. For more in-depth discussion on this topic, see Musgrave 1965; Huther and Shah 1998; Shah 1998; Smoke 1999, 2000; Conyers 2000a; Oyugi 2000; Steffensen and Trollegaard 2000; and Prud'homme 2001. Also see Ribot 2002a for a summary discussion.

64. This observation is based on fieldwork that the author conducted in Senegal in 2003 and 2004.

65. Finsterbusch and van Wincklin (1989 in Mansuri and Rao 2003, 16) also found that participatory projects in more-developed countries were more effective than in less-developed areas.

66. Based on work in India, Agrawal (2001) points out that decentralization success can be fettered by the size of jurisdictions. Jurisdictions that are too large or even too small can hamper decentralization success.

67. This observation was inspired by Joel Barkin's comments on a decentralization panel at the November 1996 annual meeting of the African Studies Association, which was held in San Francisco, Calif.

68. Oyono (2002, 14) points out that in many places there is a local majority that want to consume forests. He cites Fomété (2001) who argues that "local communities largely express the wish to see forests surrounding them transformed into concessions and exploited at once." Based on this observation, Oyono argues that decentralization may well be "for the moment ecologically counterproductive."

69. Some municipalities in Nicaragua have negotiated the privilege to reject commercial interests; however, this privilege is not protected by law (Anne Larson, personal communication, January 2004).

70. In Uganda, the central government decentralized powers over forests in 1993, but recentralized them a few years later because they claimed that the local people were not "psychologically, technically and financially prepared to manage them on a sustainable basis" (Bazaara 2002, 4; 2002a, 57).

71. Bertin, concerned about disciplining laborers, goes on to ask, "How, in effect, can one pursue a native who, most of the time has nothing to confiscate, and escapes in this manner all manner of civil constraint?" The answer Bertin provides is that "one must treat the un-educated natives like children, which they are in reality." It was the very lack of markets in land—created by the systems of *Association* and Indirect Rule and their need to collectivize land to give their local cadres a basis for power—that also drove the colonizers to use coercive means to obtain and discipline laborers.

72. The question of "whose mission?" is very similar to the question of "whose resource?" Both questions suggest a more basic question: who should make decisions on behalf of local people with respect to resources and other projects that affect them?

73. In Europe and the U.S., there are many "customary" institutions and authorities that have not been replaced by democratic institutions. When a crime is committed among siblings, the siblings may go first to their parents for help. If this fails, they may go to their synagogue or mosque or even to binding arbitration well before they even consider going to the courts.

74. Of course, provisions also have to be made for migrant and nomadic communities (Ngaido 1996; Bazaara in Latif 2002, 15).

75. World Bank Community Driven Development teams, for example, have lowered copayments on natural resource management investments and required natural resource management measures as part of other investments. These incentives, however, reflect outside priorities that may best be inscribed in publicly debated standards and regulations, rather than imposed in an ad hoc manner.

76. The independent exercise of public powers by a plurality of local institutions does not guarantee popular inclusion. While pluralism is a good thing, pluralism unmediated by accountable representation allows the strongest institutions, not necessarily the most efficient or just, to rule. The articulation between state and non-state, formal and informal, institutions must be carefully worked out. Democracy is not intended to replace tradition. It is meant to represent all people and their traditions.

77. See, for example, Adams et al. 2003, 1915.

78. This annex was composed by Catherine Benson.

79. "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).

80. 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."

81. This observation may challenge Moore's (1997) claims, discussed below.

ABOUT THE AUTHOR

Jesse C. Ribot is a Senior Associate at the World Resources Institute where he currently directs a policy research program on decentralization and the environment. Before coming to WRI, Dr. Ribot was a research associate at the Harvard Center for Population and Development Studies, a fellow at the Yale Program in Agrarian Studies, and a lecturer in Urban Studies and Planning at Massachusetts Institute of Technology. He has conducted research and published widely on local democracy, decentralization, environmental justice, social vulnerability, access to natural resources, and the effects of resource markets on local livelihoods. You may write to the author at JesseR@wri.org.

ABOUT WRI

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10 G Street, NE
Suite 800
Washington, DC 20002
www.wri.org