

Published Title
The Politics of Decentralization*

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**Resisting Democratic Decentralization in Africa:
State and Elite Strategies for Holding onto Power**
[Editors changed it without asking permission.]

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Introduction

Governments across Africa have undergone repeated decentralization reforms since the early colonial period.[†] Since the late 1980s, decentralization reforms are once again sweeping the continent, as well as the rest of the developing world (UNCDF 2000:5-11).[‡] Ethiopia, Ghana, Mali, Namibia, Nigeria, Senegal, South Africa and Uganda have constitutions that are pro-decentralization recognizing the existence of local government (UNCDF 2000; Töttemeyer 2000:95; Therkildsen 1993:83). In this most recent wave of decentralizations, the language of reform has shifted from an emphasis on national cohesion and the management of local populations to a discourse more focused on democratization, governance, pluralism and rights. According to Oyugi (2000:16) “there is not a single country in Africa in which some form of local government is not in operation,” and, he points out, the stated objective of virtually all decentralization reforms is to strengthen democratic governance and service provision.

Past decentralizations in Africa were designed to manage local populations either through administratively driven “customary” rulers or administrative authorities of colonial and post-colonial governments. Local authorities were expected to carry out orders passed down the political-administrative hierarchy (Mawhood 1983; Mamdani 1996; Crook and Manor 1998). Local institutions were instruments of central authority. Current democratic decentralizations are ostensibly being designed to enfranchise local people through rights and representation in local public decision making. Decentralized local institutions are now being cast as instruments of democratic decision making, so that local people can make decisions based on their own needs and aspirations. For democratic decentralization to serve these ends, it requires transfer of discretionary powers into the hands of representative or at least downwardly accountable local authorities to replace administratively mandated managers (Agrawal and Ribot 1999).

Like current community-based and decentralized approaches, colonial policies of “indirect rule” under the British and “*association*” under the French were also justified in terms of local self-determination (Mair 1936).[§] These policies were advocated by some idealists who believed they would lead to improved local well being. But history has judged these institutions as oppressive instruments of central control (Mamdani 1996). The colonial governments used these ostensibly progressive policies as effective instruments of management and control. This should be taken as a cautionary note. Today’s decentralizations also appear to be proceeding in ways that risk reproducing old patterns of indirect rule—administratively driven local authorities managing people in the name of self determination (Ribot 1999; 2002). As decentralization policies are being

[†] Decentralization in Africa is not new. Since 1917 there have been at least four waves of decentralization in Francophone West Africa—after both World Wars, shortly after independence and in the present decade (Buell 1928:929-30; Schumacher 1975:89-90; Cowan 1958:60; RdS 1972; Hesselting, n.d.:15; RdM 1977; Ouali et al. 1994:7; Diallo 1994; Gellar 1995:48; Crook and Manor 1994; UNCDF 2000). French Central Africa also decentralized just before independence (Weinstein 1972:263-6), and in some countries after independence (Gellar 1995; Therkildsen 1993; Biya 1986:51). The Anglophone and Lusophone worlds have also seen multiple pre- and post-colonial decentralizations (Ahwoi 2000:2; UNCDF 2000; Mamdani 1996; Mbassi 1995:23; Therkildsen 1993; Rondinelli et al. 1989; Buell 1928; Mawhood 1983; Conyers 1984; de Valk and Wekwete 1990; Rothchild 1994).

[‡] 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 (see Dillinger 1994:8, cited in Crook and Manor 1998; cf. World Bank 2000).

[§] Before French and British colonization, German colonizers in Cameroon were concerned with getting indigenous people to “...manage their own affairs” (Mveng 1985:23-40).

formulated and implemented, they are running into resistance at multiple levels—mostly within government and among elite.

Decentralization is promoted on the assumption that greater participation in public decision making is a positive good in itself or that it can improve efficiency, equity, development and resource management. ** By bringing government decision making closer to citizens, decentralization is widely believed to increase public-sector accountability and therefore effectiveness—better matching services to needs and better mobilizing local resources, labor and knowledge. †† Democratic decentralization is its strong form because of the systematic mechanisms that hold local authorities accountable to the population. Administrative decentralization is its weak form, having proximity without democratic accountability (Ribot 2001). Many expectations of decentralization follow from the tenets of “new institutionalism.” Among the adherents are development planners, international financial institutions and agencies, who advocate “getting the institutions rights.” The effectiveness of reforms, however, is profoundly effected by “the broad features of the political-economic context...” in which these institutions and the reforms that would establish them are located (Boone 2003:356). The new institutional theory may be correct that *if* the right institutional arrangements are established certain outcomes will follow. But, the theory fails to take into account the larger political economy that shapes the likelihood of establishing the required new arrangements.

This chapter is concerned with the multiple levels of resistance emerging against the current wave of democratic decentralization reforms. These reforms are in fetters. They promise enfranchisement and improvements, but are not able to deliver. This chapter first explores some of the ideological, structural, political and practical reasons decentralizations are in trouble and then looks at some of the actors that block decentralizations and the means they use for blocking them.

Fetters on Decentralization

Decentralization reforms have occurred in Africa under colonial rule, military regimes and democratic governments. Crook and Sverrisson (2001:2) argue, however, that “...there is no evidence of a connection between regime type and either the presence of decentralized government itself or the broad type of decentralisation system.” Decentralizations that have taken place to date have been explained as an outcome of pressure from economic crises (Therkildsen 2001:1; Olowu 2001:53); a means for central governments to shed fiscal and administrative burdens (Nsibambi 1998:2); failure of central administration (Wunsch and Olowu 1995); emulation of reforms in other developing countries (Therkildsen 2001:1); of populist political success (Heller 1996; Olowu 2001:53);* a result of donor pressures and conditions as part of structural

** . Arguments defending decentralization on the basis of greater participation of citizens in democratic governance, i.e., De Tocqueville (1945[1835], Green 1993:3 Dahl, 1981:47-49). Webster (1992:129), is the 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; Weimer, 1996:49-50). For a counterinterview that does not see in decentralization any necessary benefits of responsiveness or freedom, see Riker, (1964:142), who says, “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), provide an argument favoring efficiency through decentralization. For efficiency arguments in the context of public choice see Tiebout (1972; Oates, 1972:11-12).

†† . Fox and Aranda, (1996: 1) and World Bank, 1997.

adjustment and other programs imposed from the outside (World Bank 2000; Mutizwa-Mangiza 2000:24; Therkildsen 2001:1); as a response to sub-national splinter groups and pressure to appease incorporate local elite (Olowu 2001:53; Brock and Coulibaly 1999:30; World Bank 2000:108-9; UNCDF 2000:3); and as the consequence of particular configurations of relations between central and local authorities (Crook and Sverrisson 2001:2). Of course, they are most likely a conjunctural result of these and other global, national and local forces.

Regardless of their origins, democratic decentralizations require the establishment of representative local actors who are downwardly accountable to the local population as a whole and who are entrusted with public powers (Manor 1999; Ribot 1999). If a reform involves transfer of powers, but the actors receiving them are not representative or downwardly accountable, then perhaps it is privatization or deconcentration. If a reform creates representative actors with no public powers, then the institutional arrangement is not decentralization. Perhaps it is establishing advisory groups, or a “privy councils” as in the colonial times. The choice by central government of local institutions to empower and the choice of power they are being given are defining aspects of decentralization. Unfortunately, many reforms now taking place in the name of democratic decentralization do not have these basic elements (for a detailed discussion, see Ribot 2002a,b). Resistance at many levels—from the discursive through policy making and implementation—has prevented the transfer of sufficient powers and the creation or empowerment of appropriate institutions. This section discusses some of the obstacles to current decentralizations.

The lean toward democratic forms of decentralization is confronting governments with the contradictions of a century of extractive and productivist policies toward the rural world. As democratic decentralization is legislated and applied, the procedural objectives of new democratic processes conflict with the instrumental objectives of central ministries (Ribot 2002a; Shivaramakrishnan 2000). Because local decisions are often inconsistent with central objectives, many ministries are approaching decentralization with an eye toward using the new ostensibly democratic institutions to pursue centrally defined infrastructure, health, education, and environmental management objectives—by devolving obligations and creating requirements that diminish rather than enhance local discretion. Elected local authorities often turned into administrators of central mandates rather than executors of local interest. Such approaches undermine the core tenets of democratic decentralization.

Decentralization is also compromised when policies that require fiscal transfers coincide with austerity policies or fiscal crisis. Fiscal crisis or the weakening of the central state’s fiscal leverage by structural adjustment programs can weaken the central state’s ability to support local action or to intervene to prevent elite from overriding the needs and wishes of the poor (Crook and Sverrisson 2001:26,33). In Zimbabwe, new powers were officially transferred to local elected governments in 1993, however, the line ministries did not transfer any significant powers to them (Conyers 2001:4). “The main obstacles were a general resistance to decentralization among line ministries and the dilemma of how to decentralize financial resources to local authorities while at the same time reducing public expenditure” which was required by structural adjustment programs. Nevertheless, line ministries began to see decentralization as a means as extricating themselves from service delivery obligations that they could not meet as the economic

situation worsened in Zimbabwe toward the end of 1999. Hence, obligations were transferred, but without adequate financial resources. (Conyers 2001:4.)

There are also ideological contradictions within the neo-liberal sphere that pit democratization against the fragmenting tendencies of what is being called “pluralism” or “stakeholder” approaches. In the name of pluralism, donor agencies and governments are empowering and creating a proliferation of non-state institutions—NGOs, PVOs, economic interest groups, corporations, and traditional authorities—as if these authorities represent “the people” or some vaguely defined notion of the public as “civil society.” In doing so, they are taking powers that would otherwise be transferred to democratic local institutions and fragmenting them among multiple organizations, weakening democratic institutions and strengthening this alternative array of private actors. Its practitioners, although well meaning, seem to forget that pluralism without representation sets a scene for elite capture—the most powerful interests dominate.

The uncritical inclusion of traditional authorities as part of this “pluralism” is particularly troubling. It is often based on retrograde neo-traditionalist views of community that pit tradition against democracy—favoring identities bound to custom and autochthony rather than residency-based citizenship (Kassibo 2003; Mamdani 1996). When establishing a democratic decentralization the choice or construction of local institutions is as central as the devolution of discretionary powers. As in the colonial period, many international agencies and governments are appealing to “traditional” leaders, claiming they are representative and legitimate (van Rouveroy van Nieuwaal and van Dijk 1999:6).^{‡‡} But, this legitimacy may be based as easily on fear as on respect or habit, rather than the social good that such an authority performs (Ntsebeza 2002). The inclusion of potentially unaccountable or autocratic customary authorities in a manner that displaces democratic authorities weakens the local institutional base for decentralization.

Much privatization is having a similar effect in undermining local democracy. Public and private are conflated by many practitioners who believe that democracy and decentralization are about letting anyone who is local make decisions and by believing that NGOs and other community groups represent the public. Much privatization of public goods, such as forests and pastures, to individuals takes place in the name of decentralization. Privatization also takes place to NGOs—a kind of non-market privatization—since NGOs are ostensibly non-market, but are nonetheless private institutions. Privatization of public goods and services is taking place a failure to distinguish private and public interests and institutions. In the process, public powers are taken away from local democratic institutions. In this manner, the privatization tendencies of the neo-liberal agenda are undermining local democratization processes.

^{‡‡} Van Rouveroy van Nieuwaal and van Dijk (1999) 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....” Chiefs use this discourse to their advantage in their relation with post-colonial African States. Chiefs use the domain of natural resource management and land allocation to manipulate this relation to their own advantage. “In most cases chiefs succeed in invoking ritual rights from the ‘past’, which they then translate into instruments for ‘hard’ political brokerage. Chiefs negotiate their positions in the context of global discourse on sustainability, environmental awareness and national and international interest in ecological preservation.” (van Rouveroy van Nieuwaal and van Dijk 1999:6).

There are also straight-forward political problems that emerge in decentralization design and implementation. Heller (2001:133) points out that states and those who control them have little interest in shaking up existing patterns of political control and patronage. Line ministries resist giving up their powers (Smoke 1999,2000; Ribot 1999; 2002a). Decentralization diminishes central-ministry control over important allocative patronage resources, such as agricultural extension, permitting processes, market regulation, and natural resources (see Bazaara 2002; Muhereza 2003; Bates 1981). They also threaten ruling parties by replacing local clients, such as party-appointed administrators or party-list councils, with more-independent democratic institutions. In this manner democratic decentralization breaks up clientele networks through which central agents and parties can manipulate rural constituencies, threatening powerful interests. There is great institutional inertia to overcome in the context where the post-colonial states were born of “developmentalism” and were anointed as the prime and central agents of development and change—top down command-and-control systems persist.

Very concrete implementation problems also emerge to block decentralization. Principles of subsidiarity to guide central governments in deciding which powers can be devolved to local bodies have not been developed. Technical or managerial skills may be needed for local governments to act independently. Bureaucrats, administrators, and technical agents often slow decentralization out of genuine fear that the public values they are responsible for will be undermined or that negative outcomes will be generated. Conflicts among local groups often emerge as local authorities and control over resources change. Decentralization is a large task involving development, passage and implementation of new laws, re-deployment of personnel, re-channeling of resources, development of new institutions and individual capacities, etc. (Heller 2001; Ribot 2002a). Further, new elected authorities, state authorities and local populations take time to adjust to a and take advantage of representative authority after so long under a culture of administrative-managerial government (Sturgeon 2003).

Democratic decentralization is also threatened when it is poorly or only partially implemented, thus not delivering the benefits it promises and losing the support of those it is meant to empower. Such failure to deliver also gives discursive fodder to other actors threatened by decentralization reforms—who can claim that the experiment (although it never took place) has failed. While democratic decentralization reforms around Africa have barely been implemented, there is already a growing backlash. Decentralizations that democratize and transfer powers threaten many actors. By and large, the decentralization experiment has only taken small steps, mostly in the direction of deconcentration, which may represent a new geography of state authority, but does not constitute a democratic reform. Many policy changes are taking place in the name of decentralization. Few, however, combine the essential elements *discretionary powers* and *democratic authority* in the local arena. In some cases, local democratic authorities are being created but given no powers. In others, powers are devolved to non-representative or upwardly accountable local authorities.

Means of Resistance: Powers Transfer and Institutional Choice

Decentralizations are often fettered by the tendency of central authorities to hang onto and concentrate powers (Manor 1999; Ergas 1987; Smoke and Lewis 1996; Wunsch and Olowu 1995). “Lack of political will” is often cited as an explanation for why

decentralizations are poorly implemented if at all (Cheema and Rondinelli 1983). But what does this term ‘political will’ mean? If all that it means is that “the rich and powerful have failed to act against their interests,” there is no surprise here (Chambers 1983:161 cited in Dove and Kammen 2000). Some central political actors are certainly threatened by decentralizations. Some are simply reluctant to release powers. Others are threatened by the new local authorities who may change their political base. There is central political support to re-empower chiefs in Mozambique, South Africa, and Zimbabwe. Is this a way for central authorities to maintain political allies in rural areas? Chiefs support central government agendas better than local democracy would? These questions need to be posed to understand better why central governments resist democratic decentralization. It is not enough to know that decentralization is not always in the political interest of central actors (Conyers 2000a:22). Here we examine where and how it is being resisted—which may help to develop strategies for negotiating around this resistance. The examples in this section draw largely on experience in natural resource management as well as on the literature in other sectors.

Different actors use different mechanisms to block decentralizations. Central governments have their particular strategies. The two main areas in which blockage takes place are: 1) in the *transfer of insufficient powers*, and 2) in the *choice of non-democratic local institutions*. In past—as in current—decentralizations, responsibilities have been devolved without devolving discretionary powers, effectively strengthening central authorities through burden shedding (Manor 1999; Crook and Manor 1998; Parker 1995; Ribot 1995; Uphoff and Esman 1974; Alcorn 1999). Hesitancy in creating new more-democratic local authorities and transferring real powers are explained or justified by central authorities and enacted in many ways.

Discursive means of fettering decentralization are very common. Backlashes and subsequent recent realizations are spreading. Governments in Ghana and in Uganda have already begun to argue that decentralization has gone too far and is causing over-exploitation of natural resources (Bazaara 2002; Aaron DeGrasi, personal communication, February 2002). 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 2002; Resosudarmo 2002; Personal comm. Aaron deGrasi 2002). Justifying their backlashes, central authorities have argued that decentralization threatens national unity by weakening the central state. Central governments and their administrations often call on arguably specious scientific reasoning, asserting that decentralization is a threat to environmental sustainability.^{§§} Others, such as forest services and other line ministries, argue that local authorities lack the technical skills and “capacity” to be given any real responsibilities. Yet others have argued that transfers of power and the creation of new local authorities will cause local conflict between customary and new state authorities or among multiple local groups.

When decentralizations are promoted or required by donors, resistance can take the form of obfuscation by officials and agents of the state. Often decentralization is talked of, designed and even implemented as a kind of theatrical performance for donors in which the image is produced but the power distributions do not change. For example, these performances can involve downward transfers through one new law and re-centralization through another, as in the case of Mali where the transfer is well crafted,

^{§§} Many authors have shown such specious scientific reasoning in Environmentalism (Guha 1990; Beinart and Coates 1995; Roe 1996; Fairhead and Leach 1996; Keeley and Scoones 1999; Ribot 2000).

but new structures of oversight (*tutelle*) are being built that could return to central authorities control over approval of every decision (Ribot 1999; 1998; 1998a). Donors pursuing decentralization and other programs also often miss the mark by sidelining elected local authorities or local governments more generally because their charters oblige them to work directly with sovereign—writ central—governments (Sewell 1996:148).^{***}

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. These fears are sometimes founded. Usually, however, they are unfounded or greatly exaggerated (Baviskar 2002; Swift 1999; Ribot 1999b; Fairhead and Leach 1996). Nevertheless, these fears are used to argue against the transfer of powers to local authorities. Arguments that there will be conflict with customary authorities are used in Burkina Faso, Senegal, Mali, South Africa, Zimbabwe, Niger, and Mozambique (Ribot 2001a). There is little evidence, however, that decentralization leads to environmental damage or conflict. Our Malian colleagues feel the conflict risk has been exaggerated. Continued central allocation practices, poorly crafted unregulated transfers or insecurities stemming from the newness of the laws are just as likely to be responsible if such effects are actually being observed.

Based on these expressed fears, arguments that local populations lack the capacity to manage resources and conflict are a very common affront against transferring resources. For example, a Malian Forest Service technical advisor working on the Malian decentralization recently argued, “We cannot transfer responsibilities to the blind.” When asked who is blind: He said “the illiterate elected councilors and the villagers who elected them.” (Interview, Bamako, March 2002). These capacity arguments are backed by technical arguments concerning management requirements and by stories of conflicts and deaths from resource disputes since decentralization began. There is plenty of evidence, however, that there are management and use rights and powers that can be transferred without threatening the resource base or causing new conflicts (Ribot 1999b; Latif 2002). Further, we could find no evidence in any of the cases that conflicts represent an increase from the pre-decentralization period.

“Scientistical” arguments are another common means of retaining central control over natural resources. These include specious technical reasons to keep decisions central. 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. But, 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. These plans are so complex in Cameroon, Senegal and in Mali that the only ways in which local communities can get permission to use the resources is if they have technical assistance from an international donor or NGO (Oyono 2002b; Etoungou 2002; Ribot 1995).

^{***} As Sewell (1996:148) notes, funding problems for local governments in decentralizations “...may pose difficulties for international financial institutions, but they should not be thought of as ‘Dangers of Decentralization’,” as Prud’homme has call them.

There are also a number of problems in the choice of powers being transferred: burdens are being transferred without or in place of positive powers, and non-commercially valuable uses are transferred in lieu of lucrative opportunities. Bazaara (2002) has described in Uganda the fusion of technical with political decisions. He 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. Often there is also confusion between transferring the instrumental objectives of the state to local authorities rather than transferring discretionary powers. The language in Mali recently changed from transfer of “competence” (meaning jurisdiction) to “transfer of missions” (Bamako, March 2002). The question is “Whose mission?” By transferring of central missions or responsibilities to local authorities, central governments are using elected local bodies to implement central agendas. This is not decentralization. This is a form of deconcentration that Resosoudarmo has called “Co-Administration,” where decentralized bodies are treated as implementing bodies for central agendas.

Failure to create a local domain is another common problem. In Cameroon, there are progressive community-based management provisions in the forestry law, but community forests can only be established in a very limited set of areas determined by a “zoning plan”³⁹ and by the forest service (Ekoko 1999; Oyono 2002b). 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 1995; Kassibo 2002). A similar result is achieved through a different process in Uganda. In Masindi District, Uganda, the jurisdiction of local governments was severely restricted by re-classification of forests, placing central reserves under direct central government control and limiting district management to a few local forest reserves. The government re-classified seventeen forests and designated eight forests as local forest reserves. Only two of these eight tiny reserves, Kirebe (49 hectares) and Masindi Port (18 hectares) remained under district council jurisdiction after the government returned the others to the Kingdom of Bunyoro-Kitara in May 2000. The local government was left with almost no decentralized domain. (Muhereza 2003:22-3; Muhereza 2001:17-19).

What Conyès (2001a) calls “means of transfer” mechanisms are commonly used to retain powers in the executive branch. Rather than transfers through legislation, laws include “delays” that leave decisions to Ministerial or administrative decrees and orders. By this mechanisms the transfer of powers is retained as a discretionary decision of the executive actors. 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. Further, under these conditions, local authorities must please the higher authorities to retain their privileges. This turns their accountability upward to the allocating authority, rather than downward to the populations they ostensibly represent and serve.

In Cameroon, the re-centralization of tax revenues illustrates a backlash that took place at multiple levels, where transfers were not securely legislated. In 1994 ten percent of forestry revenues were transferred to village communities. The villagers viewed the forestry tax revenues as a kind of repayment or compensation for generations of exclusion. One villager stated “it is now our turn to drink and eat the money from the forests” (Oyono et al. forthcoming). But, in 1998, the Ministry of Economy and Finance

³⁹ Drawn by the Ministry of forest, the zoning plan is a plan of land use in the whole ‘forested’ Cameroon.

and Ministry of Territorial Administration specified how the revenue must be spent and also re-located the revenues from the village to the local government level. All projects were to be planned jointly by the municipal authorities, the administrative authorities and the representatives of village forestry-fee management committees.

Under the new arrangements funds would be allocated to the regional level of local government and then handed down to local levels and projects. In this manner, the villages lost discretionary power over the revenues—government agencies gained power. Milol and Pierre (2000) and Bigombe Logo (2002) found at the regional level are misappropriated by the municipal administrative authorities. Funding often goes to fictional projects. When it goes to real projects, the beneficiary communities are under the strict control of outside actors including the mayor, the sub-divisional officer, and agents of the Ministry of Forestry. Djeukam and Nguiffo (2002) noted that “the downgrading of village development committees in the political process of managing the forestry fees, to benefit of the committees chaired by mayors who were appointed...by the governor, is, to a certain extent, part of the logic of the patrimonialist and neo-patrimonialist sharing of the revenue from forestry between the [central] authorities and the local political elite...” Further centralization of these funds for an inter-regional redistribution scheme is now being discussed at the national level.

Excessive oversight and overbearing approval processes are another means used almost universally to reduce local discretion. Examples include management-planning exercises (mentioned above) that are overly complex and restrictive, or that determine every move that anyone will make. In Cameroon, the path from demarcation of community forest boundaries through the signing of management agreements and final exploitation, is long and slow. The forest service is omnipresent throughout the process. Over the past four years in Cameroon, 150 applications have been submitted to the Ministry of Forestry: 36 have been accepted, 14 have been rejected and 100 remain stuck in the system. Further, these agreements are signed for merely a five-year period. If the forest is poorly managed—in the judgment of the Ministry of Forestry—the agreement is withdrawn. The transfer then becomes a political allocation rather like a conditional loan—not a secure transfer of powers. This kind of transfer is open to abuse. Excessive oversight often includes conditionalities on capacity where transfers are not made unless certain capacity criteria are met (Ribot 1999). Communities are told that they will get powers when they demonstrate capacities defined by the technical services.

Front line administrative authorities also often resist change toward more inclusive less-oversight-intensive approaches—decentralization often threatens their roles. Elected local bodies may be given the power to take over decisions civil servants have been used to making. In Cameroon, Etoungou (2002a:40-7) and Bigombe Logo (2002:37-53) observed that state agents lack a “participatory culture” and maintain old command reflexes. State agents at the provincial and regional levels deny village communities a mature political role and continue to use them as instruments for their own projects. In Burkina Faso, Mali, Senegal and Cameroon forestry services require elaborate and often un-needed forest-management plans that only the ‘experts’ of the forest services must design or approve (Ribot 1999; 2002). These power-retaining strategies are partly explained by a survival reflex of agents whose livelihoods are based on the rents from their administrative positions. These all function to keep decision making within the administrative branch.

In Mali, rural civil service agents were highly resentful of having lost their former role and anxious about what role they would play in the future (Ribot 1998a; also see Conyers 1990:30 and 2000a:22; cf. Sturgeon 2003). In Ghana the Minister of Local Government lists "...uncertainty among civil service personnel..." as a factor that sets back decentralizations. Therkildsen (2001:35-6), in Malawi, also describes bureaucrats' apathy, cynicism and feelings of being marginalized and resentful when faced with restrictive reforms that came down from external pressures the Ministry of Finance and IMF as well as political and bureaucratic elite. Therkildsen (2001:36) also points out that in South Africa and Uganda "One of the many reform paradoxes is that the same elite, whose past decisions and behaviors are being challenged by the present reform initiatives, are often deeply involved in their implementation. Some of them may not be committed to reforms for ideological reasons. Others may be outright against reforms when these aim to restrict former privileges and powers and diminish rent-seeking possibilities." He cites Oyugi (1990:69) as pointing to class orientation of the bureaucracy as a barrier to changes that are not in their interest (Therkildsen 2001:37). (Also see Heller 2001; Sturgeon 2003).

Central control over local authorities is another attenuation. Although local governments may be elected, central governments often establish control over local elected representatives. In Cameroon, for example, Mahwood (1993) observed the whittling down of local elected authority through "financial supervision of local governments by senior divisional officers." Very recently, in Cameroon, the Ministry of Territorial Administration proposed the creation of a sub-ministry of decentralization. Local actors now fear an escalation of administrative and authoritarian control and a delayed transition to local democracy. In Senegal, while local government is elected, the state has given local governments too little power to have a meaningful relation with local populations. They have nothing to offer (Hesseling n.d.). Further, the accountability of elected officials may be so circumscribed in the regulations as to render them accountable to the central government rather than to the people who elected them. As in many francophone countries, local governments in Cameroon are under the supervision of the Ministry of Territorial Administration. Although the rural councils in Cameroon are elected and the council then elects a mayor from among its members, in practice, the mayors are rarely accountable to the municipal council, and more rarely to the local communities (Bigombe Logo 2002:4857).

Counter to their proclaimed backing of decentralization policies, donors and NGOs often avoid local government owing to their general lack of confidence in any form of government,^{†††} favoring non-state bodies (as in joint forest management, rural markets and *Gestion de Terroir* approaches) (Romeo 1996) or, out of their concern to show sensitivity toward 'indigenous' claims, preferring to work with customary authorities. This is a long-standing mistrust for government—democratic or otherwise—in donor circles.^{‡‡‡} This has led many programs to avoid local governments even when

^{†††} See Evans 1997; Tendler 1997 who question the basis of this lack of confidence.

^{‡‡‡} Images of the 'bad' state and the 'good' society in what Tendler calls 'mainstream development thinking', has deeply influenced the ways development practitioners give advice, orienting them toward policies that limit public sector 'damages' by limiting government (Tendler 1997:1-2). In the last decade the left and the right's attacks on the state have converged with the growth of a populist movement that sees everything local and indigenous as good and everything of the state as bad (Western, Wright and Strum 1994; Shiva 1989; Singh and Titi 1995; Escobar 1995; Scott 1976). This negative view of the state seems to have erased the state, as powers were believed to be devolving downward toward NGOs and 'the people'

those local governments are ostensibly democratically elected. This is true, for example, in USAID's natural resource management programs in Guinea^{§§§} and has occurred in other programs in Mali, Niger, Burkina Faso, The Gambia and elsewhere (Ribot 1999). Ironically, this mistrust can also be damaging to democratization processes by restricting the state's ability to do good and to therefore develop a positive role and legitimacy of its own (Evans 1997). Clearly, this resistance to local democracy also constitutes a blockage for democratic decentralization. In notable exceptions, DANIDA has worked out an agreement to directly work with local government in Uganda, and the UN Capital Development Fund is supporting local government in Uganda, Mali and other countries in Africa (Saito 2000:6).

Customary authorities present a common excuse for not devolving powers and a common challenge to decentralization in practice. Central authorities evoke arguments of potential conflict with "customary" or "traditional" authorities (as in Zimbabwe, South Africa and Burkina Faso) as a reason not to empower local representative authorities (Ribot 1995a; Ntsebeza 1999; Mandondo 2000).^{****} This problematic set of arguments needs to be explored. Local chiefs are often as much administrative creations of the colonial state as local governments are creations of the post-colonial states, and further, they are not necessarily, downwardly accountable or representative. Customary authorities are often promoted by donors and other outsiders who view them as a romantic category of legitimate popular local leader (CARE-Mali 1993; World Bank cited in Porter and Young 1998:523).^{††††} This too diverts attention from the need for more democratic local institutions. As Geschiere (1993:169) points out: "In all areas discussed [in Cameroon], the position of chiefs is deeply affected by processes of (post)-colonial State formation. This makes it difficult to view the chiefs as a real alternative to State power."

A related question that needs investigation is whether in privileging "customary" local authorities, projects undermine the establishment of more-accountable replicable representative local governments. Does the privileging of customary and other non-governmental bodies ultimately help keep rural populations as the subjects of administrative managerial authorities, rather than enfranchising them and helping them become citizens (see Mamdani 1996). Whether and when these arguments are just excuses by central governments to avoid devolving powers or whether customary authorities pose either a real threat or a positive alternative to rural democratization is an

and upward toward the Global arena (Rosenau 1993). Further, channeling of international aid only through central governments or NGOs (as the alternative, anti-governmental route) has also conspired to blot out local government from the picture (Romeo 1996:4).

^{§§§} Based on interviews I conducted in Guinea in late 1998.

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

^{††††} CARE-Mali (1993) is a good example of the privileging of customary authorities. Porter and Young (1998:523-4) also cite an example of the privileging of chiefs in natural resource management in Ghana, but they comment "While Chiefs clearly must not be ignored in environmental management, their representation as uncontentious 'custodians' of natural resources seems unwise. In addition to the difficulties commonly associated with stool disputes (which occur not infrequently) there is ample evidence to indicate the extent of chieftaincy interests in—and wrangles over—natural resources such as salt in the coastal zone over this century and the dangers of undue dependence on chiefs representing the diverse interests of their subject populations."

open question. The creation of elected, downwardly accountable local-government authorities in this contentious environment may be the Achilles heel of effective decentralization.

Other local elite can also block decentralization reforms. In Lesotho, Ferguson (1994: 194-227) documented political resistance to a ‘decentralized’ integrated rural development project in the late 1970s and early 80s. Ferguson (1994:226) reports that “...the project, by its nature, was not equipped to play the political game it suddenly found itself in the midst of. Having taken on ‘decentralization, and with it the entrenched power of the governing classes in Maseru [District], the project had no teeth available to it to chew what it had bitten off.” In this classic example, Ministers also systematically resisted relinquishing any power to local integrative or decentralized bodies (1994:203).

Elite capture of community management by civil servants and political elites is also an important attenuation of community involvement in natural resource management. In Cameroonian villages where community forests have been established, elite have begun to take interest in and join management committees (Oyono 2002b). They also establish alliances with logging companies to whom they promise the village forests (Klein et al. 2001). Some elite have also invented methods to “urbanize” management committees and take over the community forestry planning and management process.

These are among the most common ways in which decentralizations are restricted, stopped or un-done. The result is that decentralizations are rarely creating the space of discretion that is critical for local democracy to be meaningful.

Conclusions

Decentralization is an institutional arrangement involving local authorities, relations of accountability and public powers. The central issues in democratic decentralizations concern the institutional form of local representation and responsiveness, and the kinds of powers local authorities hold. A review of the literature reflects surprisingly little empirical research on the institutional forms that decentralizations are actually taking (Ribot 2002a). First indications are that there are almost no instances of strong or democratic decentralization—that combine accountable representation with discretionary powers—being created. Most reforms follow the contours of weak decentralization or deconcentration. The literature reflects extreme reluctance of governments to transfer meaningful powers to representative local authorities. Often various forms of delegation or privatization occur in the name of decentralization.

Powers and institutional choice matter in whether a decentralization is democratic or not, and whether it might have a chance of being efficient and equitable. But the cases in which *both* discretionary powers are being transferred *and* democratic institutions being chosen are very few. The clearest points that come from existing research are that 1) discretionary powers must be transferred for there to be meaningful decision making in the local arena, but the powers now being transferred rarely establish such a domain of local discretion; 2) discretionary powers must be transferred to democratic, as in downwardly accountable, local institutions, but the institutional choices now being made do not support democratic decentralization—they frequently empower non-democratic institutions at the expense of democratic ones; and 3) transfers are made more as insecure privileges than as rights, hence slowing the transformation of rural people from subjects to citizens.

At present democratic decentralizations are in fetters. These fetters take the form of arguments and actions that block the transfer of powers and the choice of appropriate democratic local institutions in so-called decentralization reforms. Peluso (1992) wrote that for each form of state control there is a corresponding form of peasant resistance. Here, if decentralizations are to advance, for each fetter being tied, we will need to envision and mobilize to create counter-actions. Resistance needs to be met with well thought out counter-resistance to un-fetter the process—to make decentralization emancipatory.^{****}

While there is a current trend favoring democratic decentralization, the challenge before us is to assure that this trend moves from the realm of discourse into law and from law into practice. The primary challenge is to assess decentralizations to see whether legal reforms reflect the discourse in national political circles, and to assure that the practice reflects the laws when they are indeed laws designed to establish real decentralization. The biggest challenge to decentralization on the horizon is the reemergence or resuscitation of chieftaincy and custom to challenge the formation of local democracy. This trend is supported often by actors within the state and by international donors who favor customary authorities in choosing local actors with whom to interact. It constitutes a serious backlash against decentralization and local democracy, and may prove to block democratic change.

There are many other challenges on the path toward strong decentralization. This path will need to be paved by a multitude of local constituencies who believe they will benefit from decentralization—they need to constitute a counter power to the centralizing tendencies of states. It will also need to be paved by grounded research^{§§§§} on decentralization, which is surprisingly scarce in Africa. In short, we need to map mechanisms of central retention of control. We need to find corresponding mechanisms of counter power to leverage the transfer of power to local elected bodies. We need to get the experiment underway so that we can ask what the effects are of democratic decentralization on the environment, social well being and justice.

Decentralization is about the transfer of powers among individuals and institutions. There will be winners and there will be losers both will fight. The losers, however, are now in power. They will resist and countering them will not be easy.

^{****} For examples from the resistance to environmental-sector decentralizations:

1. To ecological destruction arguments, in the Hardenist school, we need to respond with good environmental analysis and propose a set of principles of environmental subsidiarity. As Bazaara (2002) observed, we need to use this kind of environmental analysis to separate technical (or ecological) from political decisions—devolving those that are political. We also must question the need for complex management plans and ask whether a minimum environmental standards approach might not better match a decentralization strategy than does a planning approach that allows forestry and other environmental ministries to prescribe when, where and by whom every last branch that will be snipped.
2. In reaction to conflict arguments, risks need to be assessed—are they reasons to be cautious or are they excuses? Which powers can be transferred without causing conflictual situations? Are there means to transfer powers along with mediation devices so that conflicts don't become violent?
3. In reaction to capacity arguments, we need to present the multiple counter examples and to analyze carefully the ways in which this argument has been used in the environmental and other sectors throughout history (Ribot 1998).
4. In reaction to legitimacy and institutional efficiency arguments, we need principles to guide institutional choice and we need talk about the political nature and implications of this choice.

^{§§§§} An extensive research agenda is outlined in Ribot 2002a.

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Endnotes