

Introduction: Institutional Choice and Recognition in the Formation and Consolidation of Local Democracy

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Abstract

What are the democracy effects of ‘decentralisation’ reforms and projects? Most developing countries have launched decentralisation reforms for the purpose of improving service delivery, local development and management. In these reforms and projects, however, governments, international development agencies and large non-governmental organisations (NGOs) are transferring power to a wide range of local institutions, including private bodies, customary authorities and NGOs. Recognition of these other local institutions means that fledgling local governments are receiving few public powers and face competition for legitimacy. Under what conditions is the new plurality of approaches and local interlocutors fostering local democratic consolidation or resulting in fragmented forms of authority and belonging? Through case studies in Benin, Guatemala, India, Malawi, Russia, Senegal and South Africa, this issue explores the effects of institutional choices and recognition by governments, international development agencies and large NGOs on three dimensions of democracy: 1) representation, 2) citizenship and 3) the public domain. This article outlines an approach to the politics of institutional choice and recognition while drawing out findings from the articles in this issue.

Keywords: democratic decentralisation, civil society, citizenship, local government, natural resource management, institutional choice, recognition, public domain, foreign aid

INTRODUCTION

WHEN DOES THE MIX OF INSTITUTIONS being created and supported in the name of decentralisation contribute to the formation and consolidation of democratic local government? The articles in this special issue examine the effects of institutional choices by central governments, international development agencies and large NGOs on three dimensions of local democracy: representation, citizenship and the public domain. In some decentralisations elected local governments are receiving support. In most

they are avoided in favour of a plethora of parallel institutions. Is this multiplication of local institutions and the cultivation of identity- and interest-based forms of inclusion over residency-based citizenship fragmenting the local arena into competing and conflicting identity and interest groups? Is the public domain—which we define as the material resources and decisions under public control—being enclosed, diminished and desecularised via various forms of privatisation? Is citizenship—the right and ability of people to be politically engaged and shape the fate of their polity—being undermined as a result of

these processes? This introduction and the articles in this special issue explore the origins and effects of the emerging local institutional mix on local democratisation.

Since the mid-1980s, the majority of developing countries have legislated decentralisation reforms (Crook & Manor 1998; World Bank 2000; Ndegwa 2002). Most claim that they are undergoing ‘democratic’ decentralisation (Ndegwa 2002). The stated aim of these reforms is to establish and democratise local government for purposes of democratisation itself and for improving service delivery, local development and resource management. While adequately justified on the basis that democracy is a good in itself, political and development theorists also emphasise the material benefits of local representation. These reforms—whether administrative or democratic—are believed by many theorists and practitioners to improve efficiency and equity (Mawhood 1983; Crook & Manor 1998).² Local decision makers are expected to be better able to decipher and respond to local needs because they are physically close to the people and are mandated to work on behalf of the whole local population (as in administrative decentralisations), or are systematically accountable³ to the population (as in democratic decentralisations). The general logic of decentralisation is inclusive and public. It is predicated on proximity and democratic processes reducing transaction costs, producing better accountability of decision makers to the population, enabling them to better integrate across local needs and to match decisions and resources to local needs and aspirations (Agrawal & Ribot 1999).

In the name of decentralisation, central governments, international development agencies and international NGOs are transferring power to local private bodies, customary authorities and NGOs. Transfers to these bodies, however, are better labelled as privatisation, participatory or empowerment approaches, NGO and civil society support, social funds or community driven development (Ribot 2003; Pritchett & Woolcock 2004). Each approach empowers different kinds of local institutions or authorities, with potentially different democratic and distributional outcomes. Because of support for and proliferation of local institutional forms, fledgling democratic local governments often receive few public resources or powers and must compete with a plethora of new local institutions (Ribot 1999; Namara & Nsabagasani 2003; Manor 2004; Poteete 2007: 16). Democratic local government is rarely given the means—discretionary authority, technical support, equipment or finances—to represent or to engage local people in public affairs (Crook & Manor 1998; Ribot 2003). Cases in this issue, and in the ‘Institutional choice and recognition’ research programme from which these articles are derived,⁴ illustrate how local government has been fettered in this manner (see and Toni 2007; Xiaoyi 2007 and in this issue Bandiaky; Hara; Spierenburg et al.) as well as how government or external actors have successfully—even if not wholeheartedly—

promoted local representation (Ito 2007; and this issue Chhatre; Larson; Lankina).

This special issue explores the reasons behind local ‘institutional choices’ and the effects of choosing or ‘recognising’ different kinds of local authorities on local democracy. In what are called ‘decentralisation reforms’, central actors are choosing powers to transfer and local institutions to transfer them to. These reforms may be motivated by internal political or public dynamics or by external pressures by donors or social movements. In this article we focus on how these choices shape local authority. Institutional choice refers to the choice of the locus of authority. We use the term ‘choice’ to attribute agency and therefore, responsibility to government and international organisations for their decisions. Governments and international organisations choose local authorities by transferring powers to them, conducting joint activities or soliciting their input. Through their choices, they are transforming the local institutional landscape. The term ‘recognition’ (Taylor 1994) evokes the political philosophy literature on identity politics and multi-culturalism.⁵ We use the concept of ‘recognition’ to better understand these choices and to explore the effects that the chosen mix of local authorities have on representation, citizenship and the public domain. Different forms of local authority imply different development and equity outcomes. Understanding the link between forms of authority and outcomes is critical for motivating and for redesigning decentralisation reforms.

The authors in this issue were asked to examine 1) which kinds of local authorities are being chosen and why, and then to focus on 2) the effects of these choices, that is, the ‘effects of recognition’, on democracy and development in their case studies. The public justifications for the choices are varied, including pro-poor agendas, virtues of civil society, superiority of community-based and/or indigenous systems and advantages of direct participation. Behind the public justifications are private interests such as donor pressure, fear of loss of power and authority, fiscal crises, maintaining privilege or cultivating political constituencies. Understanding choice helps to separate the public justifications from the complex of political and private interests driving them, potentially illuminating ways to influence decentralisation policy processes. Understanding the effects helps us to identify approaches most likely to foster dynamic and articulated local democracy.⁶

The cases in this issue focus on decentralisations involving natural resources. Natural resources are a powerful lens on decentralisation because they are important to a multitude of public and private actors. They are a source of subsistence and income for the rural world and of income and wealth for central governments and national elite. Transfer of natural-resource powers from central to local authorities mobilises a wide range of interested parties.

This introduction outlines the ‘institutional choice and recognition’ framework (Ribot 2006) for analysing the prospects for a consolidation of local democracy in the context of decentralisation reforms. The section below outlines our focus on authority. The following section develops the basic concepts of choice and recognition while laying out criteria with which to examine their effects. The third section draws out the findings of the articles in the issue and is followed by a concluding discussion.

RECOGNISING AUTHORITY

Taylor’s (1994) ‘politics of recognition’ describes a set of tenets for redressing identity-based inequities. For Taylor, recognition redresses inequities by privileging cultures and identity groups that have been marginalised. The politics of recognition identifies marginality as a product of ‘misrecognition’ or prejudices against cultures and cultural forms. Taylor argues that misrecognised cultures must be ‘recognised’—promoted, protected and empowered—so as to enable individual members to develop a positive image of themselves and to fulfill their potential as individuals within the broader society. Recognition, for Taylor, is an act of enfranchisement. We observe that states and international institutions are always engaged in recognising new authorities around the world—strengthening some and weakening others. In the process, they are strengthening and weakening different forms of authority and those authorities’ reign over their constituent populations. This article shifts the focus from the recognition of *culture* and *identities* to the recognition of *authority*.⁷ In doing so, we are also promoting a shift in much of the economics, common property and development literature from a focus on ‘property’ and ‘tenure’ to a focus on ‘authority’. While ‘property’ is an enforceable claim (MacPherson 1978), too much attention is trained on the rules of the game rather than the origins and construction of the authorities ‘enforcing’ the rules. We find that critiques of Taylor’s concept of recognition by Fraser (2000), Markell (2000), Tully (2000) and Povinelli (2002) shed light on the enfranchising and disenfranchising effects of recognising different kinds of authorities. As such, the recognition literature provides the conceptual tools for analysing the production of democratic local authority.

Recognition of representative authorities can provide for representation of diverse interests. Recognition of non-representative authorities subjects individuals to the cultural or ideological vagaries of those authorities. Tully (2000: 477) argues, struggles over recognition and distribution are not ends in themselves but must be subject to ‘democratic disagreement, dispute, negotiation, amendment, implementation, review and further disagreement’. To remain democratic, these struggles need to be under democratic authority. ‘A free and democratic society will

be legitimate even though its rules of recognition harbor elements of injustice and non-consensus if the citizens are always free to enter into processes of contestation and negotiation of the rules of recognition’ (Tully 2000: 477). But, rules are not easily contestable when chosen authorities are non-democratic and the choice of those authorities is imposed by inaccessible higher authorities. The central irony of recognising cultural authorities—chiefs, indigenous or ethnic leaders—in the name of freedom or democracy is that this recognition can constrain the very contestation that makes a society free and democratic.

Fraser (2000) argues that Taylor’s recognition of specific ‘misrecognised’ groups, ‘...insofar as it reifies group identities, ... risks sanctioning violations of human rights and freezing the very antagonisms it purports to mediate.’ By reifying culture, Fraser (2000: 112) suggests, the politics of recognition places ‘...moral pressure on individual members to conform to a given group culture. Cultural dissonance and experimentation are accordingly discouraged, when they are not simply equated with disloyalty. So too is cultural criticism, including efforts to explore intra-group divisions, such as those of gender, sexuality and class’. Fraser (2000: 108–111) also argues that privileging culture and identity diverts attention from material and social bases of distribution, potentially reinforcing material injustices. Recognising identity and interest-based authorities impose their notions of culture and their interest on those under their rule—similarly suppressing intra-group difference (see Mamdani 1996). Indeed, by reifying group identity, recognition obscures internal cultural differences and subordinates the ‘...struggles within the group for the authority—and the power—to represent it’ (Fraser 2000: 112; Povinelli 2002: 6–13).

These critiques are not limited to instances where culture-based injustices are redressed through strengthening of cultural identities or privileging of one cultural form over another. By focusing on the role of ‘recognition’ in the construction of local authority, the ‘politics of choice and recognition’ framework extends these critiques to analysis of any reforms where powers are transferred to local authorities. Recognition is not merely an act of acknowledging an existing identity or authority; recognition creates or enforces that authority (Markell 2000: 496–497), and therefore must be analysed as a political act with profound consequences for democracy.

The desire to privilege ‘misrecognised’ cultures often drives international development interventions. Across Sub-Saharan Africa, Southeast Asia and Latin America, for example, ‘indigenous’, ‘customary’ and ‘traditional’ authorities are making a political comeback (Geschiere & Boone 2003; von Benda-Beckmann et al. 2003; Larson, this issue). This reemergence is at least partly cultivated from above—a result of government, donors and international NGOs recognising the authority of chiefs and headmen. The reemergence of customary authority is so

widespread and takes so many forms that it must also be attributed to particular local histories reshaped by global changes that give new life to traditional forms of belonging and identity (Engelbert 2002). Important blind spots, however, are evident in development approaches that favour indigeneity. First, political analysis and judgment of indigenous governance systems are rarely featured in the new approaches (a new kind of ‘anti-politics’, Ferguson 1994). Second, custom and customary authorities are conflated such that customary authorities are favoured rather than custom itself (Moore 1986; Chanock 1991).

Of course, not everything indigenous is ‘good’. Many of the ‘indigenous’ governance systems, when analysed as *political systems* rather than being viewed as *cultural forms*, would be labelled totalitarian, despotic, oppressive, patriarchal, gender biased or gerontocratic. Some indigenous cultures condone and continue forms of servitude and slavery. But when we call them ‘indigenous’, it is as if suddenly the nature of authority and governance is obscured behind a fog of cultural relativism. Those who favour other cultures and indigenous peoples do not want to judge them. The confusion is deepened since many cultural or indigenous authorities are substantively democratic and do indeed work on behalf of their people (Spierenburg 1995; Olowu & Wunsch 2004; in this issue Larson; Spierenburg et al.), while elected local governments often marginalise the poor, women, indigenous peoples and lower castes (Crook & Manor 1998; Crook & Sverrisson 2001; Agrawal & Gupta 2005). Where communities are already highly stratified along the lines of power, income, wealth and social status, recognising local governments can have the effect of ‘obscuring internal differences’ within the village, thereby further marginalising lower castes (Agrawal & Gupta 2005).

Clearly, authority should not be legitimised just because it is labelled ‘democratic’, ‘customary’ or ‘indigenous’, nor should authority over the public domain be transferred uncritically to NGOs or private bodies. While elected local government is often scrutinised, the terms ‘culture’, ‘private’ or ‘NGO’ should not provide protection from political analysis—even if these authorities are locally ‘legitimate’ or considered ‘authentic’ (see Ntsebeza 2004). To avoid double standards, cultural and political authorities as well as community and private leaders should be viewed in the same critical light. This critical equity provides a starting point for a dialogue among cultural and political stances. All local authorities need to be evaluated for how they represent people, encourage citizenship and produce an engaging public domain.

THE POLITICS OF CHOICE AND RECOGNITION

This section outlines an analytic framework for evaluating the enfranchising potential of forms of local authority. The articles in this issue begin to explore the elements of this framework.

The Politics of Choice: Policy Processes in the Establishment of Local Authorities

Decentralisations can provide the infrastructure for popular engagement and expression (Ribot 2003; Heller et al. 2007: 628). They can open spaces for new kinds of local agency to initiate active citizen engagement (Gaventa 2002; Eckert 2006). But, as with any *policy reform*, decentralisations are ‘top-down’ affairs—designed and implemented by central actors. How do these central policy makers and development professionals choose local institutions in democratic decentralisation or local development interventions? Do their institutional choices reflect or graft onto the aggregate aspirations of individuals maximising their own good (*a la* Ostrom 1990)? Do they select authorities and institutions to meet their own narrow economic and political interests (Bates 1981; Frye 1997)? Do local institutions choose themselves and impose themselves on emerging opportunities and decision-making processes (Gaventa 2002; Boone 2003; Eckert 2006; von Benda Beckmann & von Benda-Beckmann 2006)? Clearly all of these processes are in play. Articles in this issue by Chhatre and Hara address the politics of choice (also see Ito 2007; Toni 2007). They describe how policies and decisions of higher level authorities, with or without influence of local citizens, result in the creation, selection or appointment of specific authorities and/or enable local actors to engage or capture new opportunities.

Institutions—whether rules or authorities—are not merely organically emerging solutions to collective action problems. Rather, they are created or cultivated by powerful interests. We start with Bates’ (1981) notion of ‘institutional choice’ to bring attention to the motives and actions of the central authorities crafting decentralisations, and, in the process, shaping the local institutional landscape. Complementing this concept with Taylor’s ‘politics of recognition’ brings in the struggle of social actors to redress historical wrongs that force the state to ‘recognise’ marginalised groups. Combining choice and recognition enables an integration of both choices from above and pressure from below in understanding institutional choices, while the critique of recognition helps to illuminate potential effects of these choices.

The Effects of Recognition

Governments and international organisations usually emphasise development and environmental outcomes when promoting decentralisation, and most also give high billing to participation and democracy outcomes. But, the results of their institutional choices on development, the environment or on the emergence and consolidation of local democracy often differ from stated objectives or expected outcomes.⁸ The articles in this issue focus on democracy effects of institutional choice. Is the mix of

recognised institutions helping to establish, strengthen or consolidate local democracy?

The 'politics of choice and recognition' framework extends the discussion of 'recognition' to institutions. Like the recognition of culture or individuals, the recognition of local institutions or authorities confers power and legitimacy, and cultivates identities and forms of belonging. The choice of local authorities or organisations by government or international agencies is a form of recognition. Following Markell (2000: 496) 'recognition' is something used to refer not to the successful cognition of an already-existing thing, but to the constructive act through which recognition's very object is shaped or brought into being'. This recognition takes place through the transfer of powers, partnering in projects, engagement through contracts or via participation in dialogue and decision-making. Recognition strengthens the chosen authorities and organisations with resources and backing, reinforcing the forms of belonging these local institutions engender and the identities of their members. In doing so, recognition shapes three key aspects of democracy discussed below: representation, citizenship and public domain.

Representation

In recent decades many institutions have been created or cultivated with the purpose of increasing popular participation and empowerment in planning and decision-making (Fung 2003; Fung & Wright 2003).⁹ While increased participation may have democratic characteristics by bringing a broader cross-section of the population into decision-making, participatory processes are often neither representative nor binding (Mosse 2001). Following Manin et al. (1999), democratic representation occurs when leaders are both responsive and accountable to the people. Accountability is achieved through positive and negative *sanctions*, and is a defining characteristic of democracy. Responsiveness requires leaders with *powers*—the discretionary power to translate needs and aspirations into policy and policy into practice (Ribot 2003; Pritchett & Woolcock 2004). So, to be democratic, institutions must be representative: accountable to the people and empowered to respond.

In decentralisation and other local development interventions, outside authorities choose to work with, and therefore recognise, local authorities. In doing so, they cultivate these authorities, strengthening and legitimating them. But, how representative are the chosen institutions? In current decentralisations—even those called 'democratic'—governments and international donors are largely choosing to avoid elected local government in favour of other institutions (Romeo 1996; Agrawal & Ribot 1999; Manor 2004; Toni 2007; see articles in this issue by Hara; Bandiaky; for exceptions, see Lankina & Getachew 2006; Lankina, this issue). This choice is critical in that it de-

prives local elected authorities of the powers transferred to the local arena while empowering alternative or so-called 'parallel' authorities. Empowering local line ministry offices, NGOs, customary chiefs, and private corporations can de-legitimate elected local authorities while legitimating parallel bodies. Elected local government is forced to compete and struggle with other local institutions for the legitimacy that follows from control of public decisions and service delivery.

Representative local authorities can be strengthened through recognition (Lankina, this issue). They may be weakened, however, 1) if they receive too little power to be effective (Toni 2007; in this issue see Bandiaky; Hara; Larson; Spierenburg et al.), or 2) if parallel institutions overshadow or pre-empt their ability to serve public interest (by Toni 2007; as described in this issue by Hara; Bandiaky). Manor (2004) describes democracy effects of under-funded local governments with a mandate to manage natural resources operating in an arena with over-funded environment committees. Transferring public powers to parallel authorities in the local arena can take powers away from, and produce competition with, democratic local government. Competition can be divisive (see Toni 2007) or it may lead to more efficiency and better representation all around (Ito 2007; see Chhatre, this issue). It can undermine the legitimacy of local democratic authorities while producing conditions for elite capture, or it may produce a pluralism of competition and cooperation that helps establish and thicken civil society and articulation between society and government (Chhatre; Lankina, this issue).¹⁰

Citizenship

Recognition of different kinds of authorities and organisations entails different forms of belonging (Toni 2007; see in this issue Lankina; Larson; Bandiaky). Under democratic authorities, belonging is inclusive of those who reside in a jurisdiction: residency-based citizenship. In liberal democracies, citizenship is usually associated with entitlement to certain civil, social and political rights irrespective of one's identity and interests (Sparke 2004). But, 'rather than merely focusing on citizenship as legal rights,' Isin and Turner (2002: 4) argue that 'there is now agreement that citizenship must also be defined as a social process through which individual and social groups engaged in claiming, expanding or losing rights.' Citizenship has come to be a process of being politically engaged and of shaping the fate of the polity in which one is involved (Isin & Turner 2002).

Power transfers authorise. Empowering an authority gives it a role and resources, making it worth engaging, giving people a reason to belong and exert influence. Authorities that are open to influence foster citizenship, while those that impose their will are less inviting of engagement.¹¹ Different authorities also authorise different

forms of belonging. Residency-based citizenship is inclusive and democratic authorities are ostensibly more open to influence by the population. In private groups and NGOs, belonging is more narrow, based on interest—often class or objective driven. Membership can also be based on identity, such as professional or any other entry criteria the members establish. In customary and religious institutions, membership is often based on identity—such as ethnicity, place of origin, language or religion. Self-appointed or hereditary private and customary leaders may be less systematically accountable to their members.

Different kinds of authorities confer different rights and recourse; they are accountable to the population to different degrees. Under some authorities people are citizens—with rights and recourse—under others they are reduced to subjects (Mamdani 1996). Citizenship emerges where there are empowered and downwardly accountable authorities—worth engaging and open to engagement. Choosing the locus of authority establishes, strengthens or weakens citizenship. Where public resources are channelled into private bodies or autocratic authorities, the scope for citizen engagement is diminished.

Public Domain

Without powers, no authorities are worth influencing—even if they are accountable. A ‘domain’ is that which is dominated by an authority. The public domain consists of the powers (resources and decisions) held, or citizen rights defended by, a public authority. It is the set of political powers *vis-à-vis* which citizens are able and entitled to influence public authorities. Retaining powers in the public domain maintains and reinforces public belonging in, and citizen identification with, the public authorities and with other citizens in the polity. Conversely, privatising public resources and powers to individuals, corporations, customary authorities or NGOs diminishes the public domain. Such enclosure shrinks the integrative space of democratic public interaction. Without public powers there is no space of democracy—there is no ‘public domain’ for citizens to engage in.

In decentralisations, the choice to allocate public powers among multiple interest and identity groups may enclose the public domain and fragment society into interest- and identity-based forms of belonging. The privatisation of public powers to NGOs and other private bodies is a form of enclosure. When actors receiving these powers are customary or religious authorities, this enclosure constitutes a de-secularisation of powers. These acts diminish the domain of integrative public action, undermining residency-based belonging and citizenship. A public domain is a necessary part of representation and of the production of citizenship. It is the space of integrative collective action that constitutes democracy. For decentralisations to produce benefits in equity, efficiency and

democratisation, retaining substantial public powers in the public domain is essential.

THE ARTICLES IN THIS ISSUE

The institutional choice and recognition framework was used by a groups of researchers in World Resources Institute’s comparative research programme, ‘Institutional choice and recognition in natural resource decentralisation’, to interrogate the democracy effects of recognition of local institutions and authorities (elected local government, pluralism, privatisation, NGOism, support for customary chiefs). By examining the effects of choosing these different institutional arrangements in decentralisations, researchers can examine the propositions that: 1) the support given to local authorities privileges and strengthens them, whether their constituencies are residency-, identity- or interest-based, and 2) when governments and international agencies empower local authorities, they are enforcing upon the members of the groups the particular forms of comportment, accountability relations, belonging and beliefs of the chosen authorities. The articles from the research programme that are published in this issue are described here.

Ashwini Chhatre’s article (this issue) details the process of democratic consolidation in Himachal Pradesh, India. Here, legislators chose *panchayats* as local interlocutors because local people opted to use them as a channel of influence. Local people chose *panchayats* due to their political connections and their emerging powers under decentralisation reforms. Chhatre describes this political ‘virtuous circle’ linking people to *panchayats* and *panchayats* to legislators as ‘political articulation.’ He defines ‘an articulated democratic system’ as one that will enable local people to influence political authorities. In a disarticulated political system elected representatives are alienated from their constituents and lack incentive or ability to respond to demands from below. The key to Himachal Pradesh’s local government success was the ‘space and opportunity for community engagement’ generated by accountability. Chhatre’s articulation approach enables a dynamic multi-layered analysis of emerging local democracy in which power and accountability are relational and not located in a single authority. Here higher level competition explains how the choices by higher level political authorities helped make lower level authorities locally accountable (Schumpeter 1943). Recognition of the *panchayat* by political parties and via decentralisation explains their consolidation as a local political force and locus of engagement.

Tomila Lankina (this issue) shows that promotion of a local sense of citizenship, belonging and representation transcends the national state. Karelia, a region on the Finnish border of Russia boasts relatively autonomous local government compared to other Russian regions. Western involvement accounts for Karelia’s post-

communist institutional development: the European Union (EU) works with local governments while also urging their cooperation with NGOs. In the 1990s, Karelia adopted the Nordic neighbours' local government models. In 2003 the federal government, however, embarked on recentralisation, including in forestry management, using the pro-Kremlin regional governor as an ally in undermining local government autonomy. Lankina suggests that local citizens and authorities resist being hemmed in by seeking to emulate Nordic and EU practices across the border. By working with local government and by providing an alternative vision of local democracy, external donors in Karelia inspire citizen engagement and struggles for democratic local government. The sense of discrepancy between what people see at home and abroad fosters a productive kind of 'fragmented belonging' that motivates people to emulate their western neighbours. Lankina shows that this fragmentation translates into local institutional choices. The regional capital city councillors have successfully resisted the Kremlin's local government reforms. They attempt to expand citizenship and belonging in their polity by making appeals to democratic norms and the authority of the EU and the Council of Europe. The result is local governments that are more representative and downwardly accountable than in many other Russian regions.

Anne Larson (this issue) argues that poor and excluded indigenous people 'need organisations and collective action, allies, interlocutors and sympathetic, or at least open, government officials' if they are to be heard. In Guatemala, a long history of integrationist policies has shaped indigenous people's healthy mistrust of government and consequently their ability to take advantage of new local government institutions. While the government of Guatemala has chosen to work through local government, many local people have chosen to exercise agency through a mix of parallel institutions and individuals—in one of her cases through their indigenous leaders. These leaders helped translate local concerns into policy by defending indigenous people's rights to be included in political decisions. Larson shows that empowering indigenous leaders can enable communities to influence public policies in their favour, bringing into question whether liberal democracy is the only means for people to achieve representation. The empowerment of customary chiefs with discretionary authority over public decisions carries the risk, flagged by Mamdani (1996), of encapsulating individuals in a customary system they cannot influence—e.g. indigenous chiefs—depriving them of rights while diminishing the public domain for those who are not indigenous. Larson confronts this conundrum of liberal democracy showing that justice may still be better served for the most marginalised populations when indigenous leaders can speak and negotiate for their constituents. Larson suggests that local democracy can be supported through state created spaces for contestation in

which indigenous authorities can play a 'representative' role.

Roch Mongbo (this issue) compares the disengagement of elected local government in the forests of Toui-Kilibo and Lokoly in Benin. In Toui-Kilibo the forest service, under a 'participatory' forestry project, chose to set up forest management committees—pushing elected local government to the sidelines (Manor 2004; see Bandiaky, this issue). These elected local committees carry out project-determined activities, acting as local administrative branches of the central state. The committees implemented activities against the interests of local people. When the local government tried to intervene, the project committee members depicted them as agitators and the local government was intimidated into remaining marginal. By contrast, Lokoly forest is regulated by a customary chief and priest. The local government has limited knowledge of its own stakes in the forest or its management and takes no action to intervene. The head of the *Arrondissement*, the next higher level of government, tried to assert authority over the forests by calling a meeting between the population and environmental NGOs. The NGOs suggested tourism as a viable activity, discouraging other income-generating forest activities in favour of conservation. Villagers and customary authorities asked for infrastructure to help them market forest products. Seeing conflict, the local government was too timid to engage. In Benin, as in Senegal (Bandiaky, this issue), the local public domain is diminished by the failure of local elected governments to exercise their legal powers.

Solange Bandiaky (this issue) shows how donors' and Forest Service's ostensibly 'gender-neutral' institutional choices deepen existing gender, class, political and ethnic hierarchies in the World Bank-funded Malidino Biodiversity Community-based Reserve project in Senegal. Decentralisation and forestry laws in Senegal give elected local government (Rural Councils) the right to manage natural resources. The project, however, circumvented the Rural Councils, creating 'village committees' led by village chiefs, *imams* and village elite 'wise men' to manage the reserve. The project addressed gender by assigning elite women to administrative committee positions, such as treasurer, and by giving fictitious 'paper' positions to elite family women. In turn, these elite women allocated project positions and resources to women in their families and ethnic groups. Male committee leaders, mostly from the ruling Socialist Party (PS), excluded opposition party members from reserve benefits. The Forest Service appointed an elected PS rural councillor as reserve president who allocated project food assistance to his extended kin and PS members. The reserve presidency allowed a private individual to use public powers to further his political agenda (Bates 1981). The project enclosed the reserve from the larger citizenry in the service of one political party and associated families. Bandiaky shows that by failing to confront underlying power relations, ostensibly

gender sensitive arrangements continued to reinforce gender hierarchies. She also shows how women are 'dragged into male political rivalries', dividing women along these same political lines and fragmenting gender solidarity.

In Mangochi district, Malawi, Mafaniso Hara (this issue) shows how the Parliament, the Fisheries Department and the international donors structured two levels of local institutions to represent local people in fisheries management: Beach Village Committees (BVCs) and District Assemblies (DAs). Headmen in the villages traditionally played a mediating role in fisheries decisions. The Fisheries Department with donor support, however, opted for elected committees representing the whole population of each fishing village in order to balance the vested interests of fishers. Subsequent to the creation of the BVCs, Malawi's decentralisation laws created DAs with the power to manage fisheries. The new laws would transfer supervision over the BVCs from the Fisheries Department to the DAs. However, this shift was prevented by concerted opposition from members of Parliament, threatened by the creation of DAs. Conflict of interest and mistrust shaped choices by the Fisheries Department, donors and the Parliament. The Fisheries Department did not trust the BVCs enough to give them significant powers. Central government had no interest in empowering the DAs enough to allow sectoral committees—fisheries in this case—to be transferred out of centrally controlled line ministries. Parliament had no interest in allowing DAs to even come into being. Donors did not trust local communities enough to allow their elected representatives to control the BVCs. The result was a weak BVC functioning outside of the legal framework of a decentralisation that never took place.

In 1969 the Makuleke people were evicted from South Africa's Kruger National Park. Marja Spierenburg, Conrad Steenkamp and Harry Wels (this issue) describe how, in the 1990s, the Makuleke used existing law to reclaim their land from the South African National Parks authority (SANParks). To reduce tensions between the Makuleke and SANParks, Germany's international development agency (GtZ) introduced a multi-stakeholder platform so the Makuleke could bargain with SANParks. But the South Africa Land Claims Commission rejected the stakeholder approach and introduced an advocacy-based approach emphasising the differences in interests between the Makuleke and SANParks. In lieu of 'negotiating a compromise', the commission helped the Makuleke articulate and defend their position. The Makuleke chose the Land Commission's adversarial approach and brokered a solution with SANParks. The Makuleke established a Communal Property Association (CPA) to collectively manage their land, including the entire Makuleke community and an elected leadership. They elected their traditional chief as chairperson. SANParks, however, attenuated the Makuleke's gains with long term

use restrictions. In addition, the CPA signed a 99 year lease with a private hunting concession, further restricting their land use options in exchange for a potential future benefit stream. In this process, a global commons shifted from an ostensibly national South African public under the control of SANParks to the control and management of a private communal land association (the CPA) that represents a local identity-based, and perhaps residency-based, public (the Makuleke), to a private firm. As control over resources and lucrative opportunities changed hands, the public domain was simultaneously expanded and shrunken at different scales.

DISCUSSION AND CONCLUSION

The governments of India, Brazil, Indonesia, Russia, Guatemala, Benin, Senegal, Malawi and South Africa have launched processes ostensibly designed to enable local people to govern their own affairs. In all of the case under study, central government, donors or development professionals proclaimed a belief in democratic local government. This belief seems to have driven choices in India, Indonesia, Russia and Guatemala. In Brazil, Guatemala and Malawi mistrust of local government, however, compelled politicians, government agencies and donors to choose alternative local authorities. Mobilisation of a union social movement in Brazil and an indigenous social movement in Guatemala, instrumental management objectives in Malawi, Benin and Senegal, belief in civil society in Brazil, Indonesia and Senegal, and a line ministry's support for group rights in South Africa drove the choice toward parallel local authorities. The outcomes of these choices were mixed. Recognition of local government in India, Indonesia, Russia and Guatemala helped local governments to become relevant and more representative. In Brazil, Malawi, Benin and Senegal, the circumvention of elected local government channelled resources into 'deconcentrated' project committees and other private 'civil society' organisations. In South Africa, recognition of collective private rights produced a democratically chosen ethnic leader.

The empowerment of local government in India and Indonesia illustrates how democratic competition shapes the political articulation of citizens with the state (Ito 2007; see Chhatre, this issue). While in India citizen engagement is broad-based, in Indonesia engagement is between the state and narrow elite. This narrow engagement followed from a selective civil society approach to local democracy in which policy makers choose or cultivate an elite state allied civil society. While the Indonesia case shows the limits of a 'civil society' approach to local democracy and development,¹² increasing competition to influence decentralised public office could, over time, generate incentives for elite to expand social inclusion, providing opportunities to poor villagers to influence policy (Ito 2007). As Chhatre (this issue) argues, competi-

tive elections at multiple levels over time and several electoral cycles are needed for articulation to trickle down to the most marginalised sections of society. Lankina (this issue) also shows how the struggle for local power in Russia has engaged deputies with the population in a more articulated political struggle. The governor, aligned with the Kremlin, is at odds with municipal deputies who are actively cultivating a local citizenry and appealing to European donors and governance standards as part of their struggle to consolidate their locality's political power and autonomy.

The selective civil society approach was also used in project implementation by the Forestry and Fisheries Departments in Senegal, Malawi and Benin where projects produced 'civil society' committees composed of hand-picked local actors allied with project objectives. In these and the Indonesia case, civil society approaches are used to selectively empower class, party, ethnic and gendered allies, reproducing and entrenching existing social stratification. This civil society approach is not enabling all groups within society to influence governance on an equal basis. In Brazil, however, the state chose an arguably pro-poor local union movement as its institutional ally and in Guatemala the self-selected indigenous leaders did effectively protect the interests of their marginalised population. Where civil society emerged from social movements, it appears that a civil society approach was effective at broad-based representation and serving interests of the poor. Similarly, in the India case, a locally constituted social movement against a forestry project articulated broad-based representation through local government: the *panchayat*.

Democratic deepening is shaped by the way 'unequal social relations and uneven institutional environments impinge upon the exercise of citizenship' (Heller et al. 2007: 627). In most of the case studies, transferred powers—whether discretionary or merely the implementation of mandates—follow the contours of existing divisions and inequalities shaping national and local politics. The powers took on the contours of a balanced political competition in Himachal Pradesh, India. They divided along party lines in Para, Brazil.¹³ They articulated via class divisions in Bandung, Indonesia. They fractured along indigenous and settler-integrationist lines in Guatemala. Where few discretionary powers are transferred, as in Benin and Senegal, project funds and interventions still flow along lines of traditional ethnic and gender hierarchies. Agrawal and Gupta (2005) argue that decentralisation can exacerbate existing socio-economic inequality unless decentralisation programmes are specifically biased towards disadvantaged groups, rather than being formally neutral in their design and implementation. Bandiaky (this issue) also shows that gender biases are not addressed by gender neutral projects and argues for skewing recognition toward women and other marginalised groups.

The cases show that distributive aspects of recognition are not solely local. Mechanisms are needed to ensure that marginal populations can engage in their own governance. Local and central government play roles in assuring both inclusion and empowerment of marginal groups. In the Indonesia case the choice of elite civil society is biasing distribution by channelling investments toward elite interests. In Guatemala and South Africa, however, it appears that marginal populations are being served by their own local institutions, while in South Africa that success came with the support of the central government's land commission. When does local authority or local democracy serve the poor? Are Crook and Sverrisson (2001) right that local democracy does not serve the poor without central mandate to do so? How significant is Foster and Rosenzweig's (2004) research showing that democratic local governments in India are more pro-poor than autocratic local authorities or Heller et al.'s (2007) findings that all categories of respondents—including farmers, unions, scheduled castes and women—found improved service delivery following democratic decentralisation reforms? Clearly, democratic decentralisation can serve the poor, but targeting women, lower castes and under-privileged groups with focused attention on biased hierarchy is probably a needed complement to any local authority if local democracy is to redress entrenched inequity (Mansuri & Rao 2003: 11–14; Heller et al. 2007: 629).

More than progressive targeting of the poor, of women and of marginalised castes and ethnicities are required. Criteria are needed to judge the likely human rights and material equity effects of choosing particular authorities. Fraser (2000: 115) does so by proposing the ideal of 'participatory parity', by which all citizens and citizen groups, regardless of identity, must have equal opportunity to participate in democratic institutions. In the institutions chosen by governments and international organisations, inclusive parity is not always evident. Chosen authorities are enabled to recognise other actors as authentic, or to discipline those they consider inauthentic. They are able to determine who belongs and who does not. In the cases we have explored, chosen actors are shaping who belongs and benefits—they are choosing by gender, migrant status, indigenesness, ethnicity and by interest. Recognition is enabling cultural and non-cultural authorities who can in turn shape the boundaries of inclusion and determine what resources and decisions are made by a broad public and which are to serve individual and collective private ends. To produce and maintain the 'opportunity' for equal inclusion will require built-in bias in favour of poor and marginal groups.

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Notes

1. In contrast to Habermas's (1991) focus on *discursive* domain of public interaction, we emphasise the *material basis* of authority, that is, the powers (resources and domains of decision-making) over which citizens can interact and attempt to influence public decisions.
2. For counter arguments see (Lankina 2004; Rubin 2005; Treisman 2007).
3. Accountability is counter power (Agrawal & Ribot 1999) or the ability to sanction (Manin et al. 1999).
4. The articles in this issue are from the World Resources Institute research programme entitled 'Institutional choice and recognition: Effects on the formation and consolidation of local democracy'. Not all of the articles in this programme are published in this issue due to their lack of sufficient conservation content for *Conservation and Society*. See (http://governance.wri.org/project_description2.cfm?ProjectID=44) for other articles. Accessed My 2008.
5. Also see Kymlicka (2002) and Fraser (2000).
6. On political articulation, see Chhatre, this issue.
7. Including instances where the authorities being recognised are created by those recognising them.
8. Despite the extreme difficulty in establishing links between institutional arrangements and development or ecological outcomes, a body of data is emerging (World Bank 2000; Conyers 2002; Mansuri & Rao 2003; Foster & Rosenzweig 2004; Heller et al. 2007).
9. Fung (2003) writes, however, on participation of civil society and of people within civil society in processes of decision-making. He does not, however, seem to view representative forms of government as sufficient or even necessary to the democratic processes.
10. This is not to deny the importance of competition between public and private agencies, or local governments, for efficient provision of public services (see Lankina et al. 2008).
11. Engagement does not have to be invited. Resistance is also a form of engagement that is used to confront imposed authority.
12. Ito (2007) shows that in Java, Indonesia, powers and resources are transferred to popularly elected district (*bupati*) governments. The *bupati*, however, chose to collaborate with 'interest groups of village elites'—usually organised around village heads. This new selective elite-based civil society approach to decentralisation gave village heads significant influence and it is systematically excluding marginal populations from 'democratic' decision-making since the *bupati* systematically chose to partner with local rural elite associations tethered to the state in a web of patronage. The alignment of district government with village elite associations—whose interests are antagonistic to those of the poor—is hemming in the public domain by effectively reserving public decisions for village heads and the narrow elite they belong to.
13. Toni (2007) shows how in Para, Brazil, the national ruling party, local government authorities, and donors marginalise elected local government. Brazil's ruling party is supported by a union-based social movement while local government authorities are dominated by an opposition party. Central government and donors funded the union movement while sidelining even the few elected pro-poor ruling-party mayors or councillors due to the political history and a general mistrust of local governments.

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