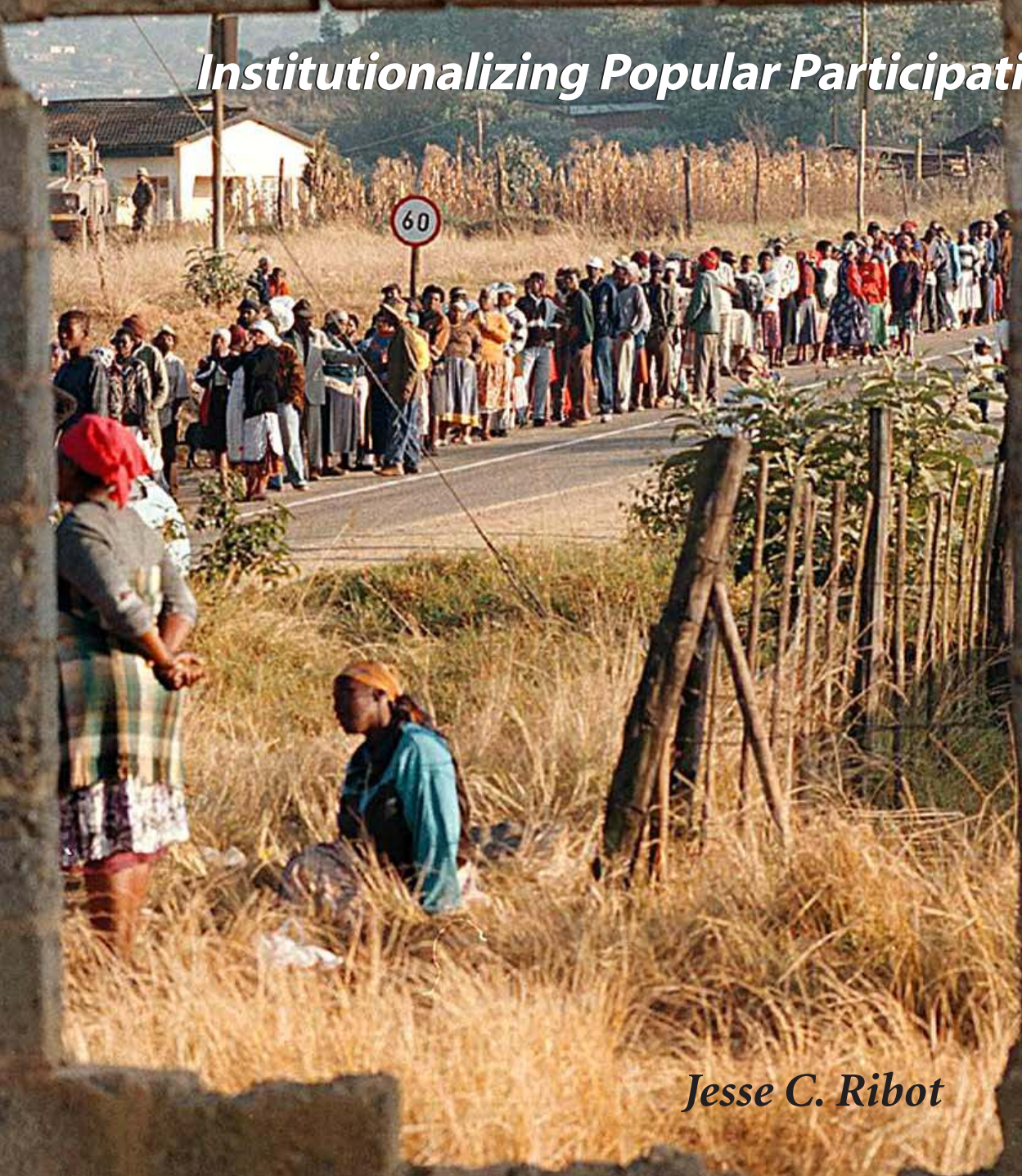


Democratic Decentralization of Natural Resources

Institutionalizing Popular Participation



Jesse C. Ribot



WORLD RESOURCES INSTITUTE

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WORLD RESOURCES INSTITUTE

CAROL ROSEN
PUBLICATIONS DIRECTOR

HYACINTH BILLINGS
PRODUCTION MANAGER

MARTHA SCHULTZ
EDITOR

MAGGIE POWELL
DESIGN AND LAYOUT

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ISBN: 1-56973-522-0

Cover photograph:
In the country's second fully democratic elections in June 1999, South Africans queue up to vote at a polling station in Richmond.

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ACKNOWLEDGMENTS

The research and reflection of colleagues from around the world provided case material and insights for this document. In particular, I would like to thank the members of WRI's Comparative Research Project on Accountability, Decentralization, and Environment in Africa. They are Nyangabyaki Bazaara, Patrice Bigombe Logo, Diana Conyers, Cheick Oumar Diallo, Thierno Diallo, Patrice Etoungou, Juliet Kanyesigye, Bréhima Kassibo, Naffet Keita, Alois Mandondo, Everisto Mapedza, Frank Emmanuel Muhereza, Eugene Muramira, Agrippinah Namara, Xavier Nsabagasani, Lungisile Ntsebeza, Phil René Oyono, and Alda Salomao.

Many other people who also contributed to WRI's Comparative Research Project deserve sincere thanks. In particular, I want to acknowledge our international advisory group, Cheibane Coulibaly, Olivier Dubois, Cyprian Fisiy, Gerti Hesselning, Mahmood Mamdani, James Manor, and Pauline Peters for their support throughout the program through constructive feedback on the research design and their comments on the researchers' working paper drafts. I want to also thank the many peer reviewers who gave detailed comments to each researcher; they include: Tor Benjaminsen, Peter Bolch, David Brown, Jean-Pierre Chauveau, Diana Conyers, Chimère Diaw, Vupenyu Dzingirai, Susanne Freidberg, Mara Goldman, Jane Guyer, Rebecca Hardin, David Hughes, Randi Kaarhus, Alain Karsenty, Jeremy Lind, Christain Lund, Veronique Joiris, Paul Mathieu, Rebecca McLain, Lisa Naughton, Linda Norgrove, Doug Porter, Oumar Sissokho, Marja Spierenburg, Boubicar Thiam, and Matt Turner.

Many thanks also go to the contributors to the Bellagio Conference on Decentralization and the Environment. In addition to Bazaara, Kassibo, Ntsebeza, and Oyono, mentioned above, they include Arun Agrawal, Amita Baviskar, Christian Brannstrom, Ben Cousins, Mairi Dupar, Xu Jianchu, David Kaimowitz, Anne Larson, James Manor, Robin Mearns, Fernando Melo Farrera,

James Murombedzi, Pablo Pacheco, Nancy Peluso, Ida Aju Pradnja Resosudarmo, Roberto Sanchez, and Uraivan Tan-Kim-Yong.

I deeply appreciate Arun Agrawal, Jon Anderson, Nathan Badenoch, Fredrich Kahrl, Anne Larson, Mehr Latif, Tony La Vina, Frances Seymour, and Peter Veit for taking the time to provide careful and invaluable comments that greatly improved this document. Thanks to Martha Schultz for her diligent editing and to Catherine Benson for coordination and assistance during the last weeks of editing and production. Thanks to Maggie Powell for the beautiful cover design and for her help during the layout and publication process. Special thanks to Mehr Latif for excellent rapportage at the Bellagio Conference and logistical support during the writing, review, and publication process.

I want to thank the Center for International Forestry Research (CIFOR) in Bogor, Indonesia for contributing CIFOR's experience and in-depth research to the Bellagio meeting by generously financing the participation of Resosudarmo, Pacheco and Larson. I also want to thank CIFOR-Cameroon, in Yaounde, and the Center for Basic Research in Kampala, Uganda for contributing their findings from a highly productive long-term institutional research collaboration with WRI.

I am grateful to the Africa Bureau and the Mali and Uganda missions of the U.S. Agency for International Development and to the Dutch Government for generously funding WRI and our African colleagues to conduct the research that informs this document. I am also indebted to the Rockefeller Foundation for providing the funds and an inspiring venue for the conference at Bellagio that generated many of the ideas present in this publication. Thanks also to the South Africa office of the Ford Foundation for generously funding the writing and publication.

DEMOCRATIC DECENTRALIZATION OF NATURAL RESOURCES:

Institutionalizing Popular Participation

SUMMARY

In order to increase environmental management efficiency and improve equity and justice for local people, many environmentalists have advocated participatory and community-based natural resource management (CBNRM). Democratic decentralization is a promising means of institutionalizing and scaling up the popular participation that makes CBNRM effective. However, most current “decentralization” reforms are characterized by insufficient transfer of powers to local institutions, under tight central-government oversight. Often, these local institutions do not represent and are not accountable to local communities. Nonetheless, some lessons and recommendations can be derived from the limited decentralization experiments that have taken place in various locations.

Decentralization requires both *power transfers* and *accountable representation*. To identify appropriate and sufficient powers to transfer, principles of power distribution, called *environmental subsidiarity principles*, would be of great use. Such principles could be developed to guide the division of decision-making, rule-making, implementation, enforcement, and dispute-resolution powers among levels of government and among institutions at each level. Security of power transfers also matters. Local representatives remain accountable and subject to central authorities when their powers can be given and taken

at the whim of central agents. For local people to become enfranchised as citizens rather than remaining dependent subjects, their local representatives require a domain of secure discretionary powers and rights. This domain of secure rights must be established in law and protected through representation and recourse. Most transfers being made are insecure.

Choosing representative and accountable local institutions is key for equity, justice, and efficiency. Accountability of local decision makers to the people—that is, local democracy—is believed to be the mechanism for achieving greater equity and efficiency. When locally accountable bodies such as elected local governments are chosen, democracy is strengthened. When self-interested, nonrepresentative, or autocratic institutions such as interest groups, nongovernmental organizations (NGOs), or customary authorities, are chosen in the absence of overseeing representative bodies, there is a risk of strengthening their autocracy and weakening democracy. Pluralism without representation favors the most organized and powerful groups. It favors elite capture.¹

Secure powers and accountable representation go together. Transferring power without accountable representation is dangerous. Establishing accountable representation without

powers is empty. Most decentralization reforms only establish one or the other. A partial explanation is that many central government agents fear, and therefore block, decentralization. By preventing transfers of meaningful powers to local democratic bodies, or transferring them to local agents who are only accountable to central government, environmental agencies and other line ministries prevent decentralizations from moving forward. To date, the potential benefits of decentralization remain unrealized because government discourse has not resulted in the enactment of necessary laws, or where decentralization laws do exist, they have not been implemented.

**Transferring power without accountable representation is dangerous.
Establishing accountable representation without powers is empty.**

Nevertheless, even partial decentralizations have borne some positive social and environmental outcomes. In addition to meaningful powers and accountability, a complex set of other measures can affect such outcomes. These include environmental standards, policies to improve equity, civic education, dispute resolution, and legal protections for activist organizations. Environmental standards are a necessary and logical complement to decentralization reforms because they define the bounds and the freedoms of local discretionary action. It may be necessary for central government to *mandate* that local government include and serve excluded populations, because decentralization does not fully redress many social inequities, including the disenfranchisement of women, poverty, and the exclusion of marginal groups. Decentralizations can lead to conflict, particularly when they involve the transfer of natural resource management and use powers. Therefore, mediation mechanisms and access to recourse are needed. If local populations and authorities are to act on the rights and obligations that come with decentralizations, they must know the law. Civic education can inform people of these rights and obligations, raising their expectations for meaningful reform, representation, justice, and services. In addition, laws that enable people to organize and demand reforms and government responsiveness can facilitate positive change.

Central governments play key roles in effective decentralization, despite the fact that most resistance to decentralization comes from within government. Decentralization is not about the downsizing or dismantling of central government; rather, it calls for mutually supportive democratic central and local governance. Strong central government is necessary for establishing national objectives, civil rights, and a legal framework to enable civil organizing, representation, and recourse. Additionally, it provides for enforcement and support services. Outside agencies (donors and NGOs) can support governments in their decentralization efforts and help set up accompanying measures.

Contrary to the positive roles they *can* play, governments, donors, and environmental organizations are already forming a backlash to decentralization on the grounds that it has not succeeded. Yet the decentralization experiment is just beginning. Discourse has rarely been translated into law or practice. Where it has, people need time to understand and invest in it. It is impossible to measure decentralization's success before the experiment has been tried. Decentralization will require serious effort and time.

This brief presents preliminary findings and recommendations from research on natural resources in decentralization efforts around the world. The findings derive from the World Resources Institute's (WRI's) Accountability, Decentralization, and Environment Comparative Research Project in Africa, and cases presented at the WRI-organized Conference on Decentralization and Environment in Bellagio, Italy, in February 2002. The Africa-wide research project conducted field studies in Cameroon, Mali, South Africa, Uganda, and Zimbabwe in 2000 and 2001. The papers presented in Bellagio were based on WRI's African research project, WRI's Resources Policy Support Initiative² in South East Asia, plus case studies from Bolivia, Brazil, China, India, Indonesia, Mexico, Mongolia, Nicaragua, and Thailand. All the cases explore the degree to which natural resource decentralizations have taken place and their measurable social and environmental outcomes. Most of the cases focus on forestry, while a few explore wildlife and water management. The cases are listed in Annex A. The brief discusses preliminary research findings and key issues relevant to natural resources management in democratic decentralization. The main recommendations are presented in Box 1.

RECOMMENDATIONS

1 Work with local democratic institutions as a first priority.

Governments, donors, and NGOs can foster local accountability by (1) choosing to work with and build on elected local governments where they exist, (2) insisting on and encouraging their creation elsewhere, (3) encouraging electoral processes that admit independent candidates (since most do not), and (4) applying multiple accountability measures to *all* institutions making public decisions.

2 Transfer sufficient and appropriate powers.

Governments, donors, NGOs, and the research community should work to develop “environmental subsidiarity principles” to guide the transfer of appropriate and sufficient powers to local authorities. Guidelines are also needed to assure an effective separation and balance of executive, legislative, and judiciary powers in the local arena.

3 Transfer powers as secure rights.

To encourage local institutions and people to invest in new arrangements and to enable local people to be enfranchised as citizens rather than managed as subjects, governments should use secure means to transfer powers to local authorities. Secure transfers can create the space for local people to engage their representatives as citizens. Transfers made as privileges subject local people to the whims of the allocating agencies and authorities.

4 Support equity and justice.

Central government intervention may be needed for redressing inequities and preventing elite capture of public decision-making processes. Central government also must establish the enabling legal environment for organizing, representation, rights, and recourse so that local people can demand government responsibility, equity, and justice for themselves.

5 Establish minimum environmental standards. Governments should shift from a management-planning to a minimum-environmental-standards approach. Broad minimum standards can facilitate ecologically sound independent local decision making.

6 Establish fair and accessible adjudication. Governments should establish accessible independent courts, channels of appeal outside of the government agencies involved in natural resource management, and local dispute-resolution mechanisms. Donors and NGOs can also support alternative adjudication mechanisms to *supplement* official channels instead of replacing them.

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

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

9 Develop indicators for monitoring and evaluating decentralization and its outcomes. By developing and monitoring indicators of progress in decentralization legislation, implementation and outcomes can be evaluated and provide needed feedback that could keep decentralization initiatives on track. Rigorous research is always needed.

INTRODUCTION: FROM CBNRM TO DEMOCRATIC DECENTRALIZATION

Decentralization takes place when a central government formally transfers powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy (See Box 2). Almost all developing countries are undertaking

decentralization reforms.³ At least 60 countries are decentralizing some aspects of natural resource management.⁴ While motives for decentralizing vary greatly, most donors and governments justify decentralization as a means for increasing

Box 2

DEFINING DECENTRALIZATION

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

Political or democratic decentralization occurs when powers and resources are transferred to authorities representative of and downwardly accountable to local populations. Democratic decentralization aims to increase popular participation in local decision making. Democratic decentralization is an institutionalized form of the participatory approach. This is considered the “strong” form of decentralization—the form that theoretically provides the greatest benefits.

Deconcentration or administrative decentralization involves the transfer of power to local branches of the central state, such as prefects, administrators, or local technical line-ministry agents. These upwardly accountable bodies are local administrative extensions of the central state. They may have some downward accountability built into their functions, but their primary responsibility is to central government. Deconcentration is a “weak” form of decentralization because the downward accountability from which many benefits are expected are not as well established as in democratic or political forms of decentralization.

Privatization is the transfer of powers to any non-state entity, including individuals, corporations, NGOs, etc. Although often carried out in the name of decentralization, privatization is not a form of decentralization. It operates on an exclusive logic, rather than on the inclusive public logic of decentralization.

SOURCE: Ribot 2002a.

the efficiency and equity of development activities and service delivery, and also for promoting local participation and democracy.⁵ Development agents, natural resource managers, and some environmentalists are also promoting decentralization as a way of increasing both efficiency and equity in natural resource management.⁶ Where decentralization reforms are proceeding, they affect how local people value,

access, use, manage, and voice their claims and concerns about natural resources. Decentralization reforms change the institutional infrastructure for local natural resource management and, in some cases, create an institutional basis for more popular and participatory management and use of natural and other public resources.

Theorists agree that the efficiency and equity benefits of decentralization come from the presence of democratic processes that encourage local authorities to serve the needs and desires of their constituents.⁷ Therefore, democratic decentralization is its most effective form. The underlying logic of decentralization (See Box 3) is that democratic local institutions can better discern and are more likely to respond to local needs and aspirations because they have better access to information due to their close proximity and are more easily held accountable to local populations.⁸ Downward accountability of local authorities—accountability to local populations—is the central mechanism in this formula.⁹ In brief, effective decentralization is defined by an inclusive local process under local authorities empowered with discretionary decisions over resources that are relevant to local people. It is an institutionalized form of community participation. It is local democracy.

The efficiency and equity benefits of decentralization come from the presence of democratic processes.

As called for in the *Rio Declaration* and *Agenda 21*, governments, donors, and international NGOs have experimented widely with participatory natural resource management strategies as a means for increasing efficiency and equity in natural resource management and use.¹⁰ CBNRM experiments, such as CAMPFIRE in Zimbabwe, Joint Forest Management in India, and *Gestion des Terroirs* in Mali, created participatory processes in which local actors have exercised natural resource management responsibilities and decision-making powers. The experiences from CBNRM shed light on some aspects of decentralization. They indicate that democratic local institutions can be the basis of effective local environmental decision making, that communities have or can develop the skills and desire to make and effectively execute

Box 3
**THE LOGIC OF
DECENTRALIZATION'S PROMISES**

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

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

- 1 Accounting for costs in decision making:** When communities and their representatives make resource-use decisions, they are believed to be more likely to take into account (or “internalize”) the whole array of costs to local people. Resource waste may result when outsiders or unaccountable individuals make decisions based on their own benefits without considering costs to others.
- 2 Increasing accountability:** By bringing public decision making closer to the citizenry, decentralization is believed to increase public-sector accountability and therefore effectiveness.
- 3 Reducing transaction costs:** Administrative and management transaction costs may be reduced by means that increase the proximity of local participants, and access to local skills, labor, and local information.
- 4 Matching services to needs:** Bringing local knowledge and aspirations into project design, implementation, management, and evaluation helps decision makers to better match actions to local needs.
- 5 Mobilizing local knowledge:** Bringing government closer to people increases efficiency by helping to tap the knowledge, creativity, and resources of local communities.
- 6 Improving coordination:** Decentralization is also believed to increase effectiveness of coordination and flexibility among administrative agencies and in planning and implementation of development and conservation.
- 7 Providing resources:** Participation in the benefits from local resources can also contribute to development and to environmental management agendas by providing local communities with material and revenues.

SOURCE: Ribot 2002a.

natural resource management decisions, and that community-level management can have ecologically and socially positive effects.¹¹

Most CBNRM experiments, however, have been spatially and temporally limited and have taken place under the close surveillance, political protection, and financial support of international donors and NGO projects. Democratic decentralization reforms present the opportunity to move from a project-based approach toward legally institutionalized popular participation. Such reforms establish the necessary institutional infrastructure—empowered representative local authorities—for scaling up these popular-participation efforts across national territories. In concept, the current shift from participatory to decentralized natural resource management approaches is a shift from externally orchestrated direct forms of democratic inclusion to representative forms of democracy under elected local authorities. This shift represents a move from ad hoc and experimental mobilization and inclusion techniques to more institutionalized, more easily replicated, and potentially more sustainable forms of participation through local democracy.

Effective decentralization is defined by an inclusive local process under local authorities empowered with discretionary decisions over resources that are relevant to local people.

Democratization and natural resource management can be mutually reinforcing through decentralization. This relationship is an important synergetic link in which natural resources play a special role. Rural people in the developing world have had limited control over public decision making. They have been governed as subjects rather than empowered as citizens.¹² To enfranchise rural people as citizens requires representation, rights, and recourse in local matters. Because of the dominant role of natural resources in local livelihoods, democratic local governance requires that people have a voice and leverage in decisions over the natural resources they depend on. Successful democratic decentralization of natural resource decisions will go a long way toward transforming rural subjects into citizens. It will provide them with meaningful representation and recourse concerning valuable resources.

Three key variables shape the synergy between environment and democracy: *accountability*, *powers*, and *security*. Accountability of the state to the people defines democracy.¹³ In decentralization, accountability relations are critical for local democratic governance. Applying accountability measures in environmental decision making supports a broader culture of democracy. Conversely, applying these measures broadly supports increased democratic and effective environmental decision making. The legal decentralization of natural resource management provides local authorities with *executive* (decision-making and implementation), *legislative* (rule-making), and *judiciary* (dispute-resolution) *powers*. Having meaningful discretionary powers in any or all of these three domains provides legitimacy for new democratic local authorities by making representatives and their decisions relevant to local people. They also give local people reason to engage as citizens because there are meaningful decisions to influence.

Local authorities need discretionary powers to adapt, act, and react effectively.

Secure means of transfer also help to define both citizenship and meaningful local authority. The distinction between *secure rights* and *insecure privileges* is key in establishing discretionary decision making at the local level. By their very nature, privileges are delegated, and are therefore open to the abuses of the allocating authority, which may give them and take them away at whim.¹⁴ Neither local authorities nor local people will invest in the responsible exercise of powers if they believe they will not hold these powers for long. For this reason delegated privileges do not constitute effective decentralization. When privileges are *delegated*, people remain subjects of higher authorities. Because they fear losing their powers, they may exercise little discretion of their own. The domain of local discretionary autonomy in which local authorities can act *freely* is defined by *secure rights*, which are protected through representation and recourse. In short, secure rights over discretionary powers are a defining aspect of decentralization and, more broadly, of democracy.

Box 4

**INCOMPLETE DECENTRALIZATION
IN MONGOLIA**

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

SOURCE: Mearns 2002.

Decentralization of natural resource management may be better suited to supporting local democratization than to other sectors, such as health or education, which are sinks rather than sources of income, and usually operate on more standardized forms of expertise and planning.¹⁵ As sources of wealth, natural resources can finance both local governance and development. As sources of financial and other discretionary powers, they can help legitimize local authorities. Moreover, devolution of legislative and judicial functions may be more important in decentralized management of natural resources because (1) natural resources are locally specific, diverse, have multiple uses, and therefore require local knowledge in designing their management, and (2) access to natural resources and restrictions to that access involve existing, new, and often multiple overlapping claims that can generate conflicts requiring local mediation. Local governments need flexibility in natural resource management in order to use local knowledge, respond to local needs, and mediate among multiple interests. For these reasons, local authorities need discretionary powers to adapt, act, and react effectively. Consistent with this need, there are many natural resource use and management decisions that do not require outside expertise. The responsibility for making those decisions can be transferred to local authorities without threatening social or environmental well-being.¹⁶ In this manner, powers over natural resource management and use can support and be supported by local democratic processes.

FINDINGS: ASSESSING DECENTRALIZATION AND ITS OUTCOMES

DECENTRALIZATIONS INVOLVING NATURAL RESOURCES ARE INCOMPLETE

One of the first lessons to be learned from decentralization experiences around the world is that despite stated government commitments to decentralization, central governments and environmental ministries resist transferring appropriate and sufficient powers to local authorities.¹⁷ Political leaders and civil servants resist meaningful decentralization for a variety of reasons. Most narrowly, they fear losing economic benefits, including rent-seeking opportunities, from the control they presently exercise over natural resources and the powers that define and support their political and administrative roles. More broadly, their resistance can reflect genuine, but often misguided or vague, concerns about maintaining standards, social and environmental well-being, and political stability.¹⁸ By and large, environmental decentralization laws and their implementation are falling short of producing the most basic conditions necessary for effective decentralization. (See Boxes 4 and 5.)

Despite stated government commitments to decentralization, central governments and environmental ministries resist transferring appropriate and sufficient powers to local authorities.

The *transfer of power* and *accountable and representative local institutions* are necessary elements of effective decentralization.¹⁹ In the environmental arena, resistance to decentralization is reflected by central governments' (a) transfer of limited and overly specified powers and (b) choice of nonrepresentative local institutions to receive those powers. In the name of decentralization, the powers over natural and financial resources being allocated to local authorities are extremely limited and highly controlled through excessive oversight and management planning requirements. Further, these powers are often transferred to a variety of local institutions and authorities that are not systematically accountable to local popula-

Box 5

WELL-STRUCTURED DECENTRALIZATIONS WITH INSUFFICIENT POWER TRANSFERS IN MALI AND UGANDA

Under progressive decentralizations in Mali and Uganda, democratically elected local governments have been established as the recipients of decentralized powers. In Mali, however, the environmental service has not transferred powers to elected local government, although it is required to do so under the country's new forestry laws. Uganda's proposed forestry law of 2001 does not specify guidelines for selecting the powers that will be transferred nor the levels of local government that will receive them.

In both cases, the laws give local authorities the right to manage natural resources, but they are subject to restrictive management requirements and plans imposed by the central government environmental agencies. These management plans re-centralize any autonomy implied by the transfer of rights. Further, in both countries many forests previously in the public domain are being privatized in the name of decentralization. Taking public resources away from democratic institutions and transferring them to customary and other private bodies neither supports nor follows the public logic of democratic decentralization.

SOURCES: Personal communications and meetings with forestry officials in Mali in March 2002; Namara and Nsabagasani 2002; Bazaara 2002b; Muhereza 2001; Ribot 1999b; ROU 2001.

tions, and are instead often upwardly accountable to central authorities. In this manner, many reforms in the name of decentralization are being structured in ways unlikely to deliver the presumed benefits of decentralization and public participation in natural resource management.

In addition to resistance on the part of central governments, there is considerable confusion and obfuscation about what constitutes democratic decentralization, which is often used to avoid democratic reforms. Often deconcentration, delegation, privatization, or just isolated test projects take place in its name. The basic elements of democratic decentralization—

MEASURING DECENTRALIZATION'S OUTCOMES

Has decentralization really occurred? Can social and environmental change be associated with decentralized institutional arrangements? Characterizing decentralization involves evaluating changes in laws, and their implementation, and in local institutions, their powers, and their accountability. Measuring outcomes involves adequate data before and after decentralization, or direct observation of processes affected by new institutional arrangements. These institutional, social, and environmental changes often are difficult to identify and quantify.

Connecting outcomes to decentralization and separating these outcomes from other ongoing changes such as natural variability of biophysical processes is difficult. In Mongolia, for example, it is hard to attribute changes in livelihoods and natural resource management practices to decentralization because of the many overlapping sets of policy reforms. In China, simultaneous liberalization, logging bans, restrictions on steep slope woodcutting, and changes in property ownership all affect forest use and management, as well as local livelihoods, making it impossible to identify the unique effects of decentralization. How does one know whether decentralization is responsible for these outcomes? What are the effects of other phenomena?

In addition, measuring outcomes requires historic baseline data for before-and-after comparisons. Are seemingly inequitable

outcomes less inequitable than what would otherwise have happened? How has inequality changed? In Mali, some local violence may be caused by decentralization, but has local violence increased overall since decentralization began?

Aggregating outcomes is another problematic aspect of measuring decentralizations. Some changes may act in countervailing ways, such as when democratization may lead to reduced forest cover if local people value income over conservation. How do we assess overall outcomes when some are positive and others are negative?

The majority of decentralizations, even the most lauded, are recent or have only been partially implemented. The Indonesian decentralization reform laws were enacted only two-and-a-half years ago and official implementation began only a year ago. Although the Malian decentralization began with elections for local authorities in 1999, the country's environmental department has not officially decentralized any significant powers.

For these reasons, the findings presented in this brief are preliminary. More in-depth research is needed.

SOURCES: Latif 2002; Mearns 2002; Xu 2002; Bazaara 2002a,b; Kassibo 2002; Resosudarmo 2002.

meaningful discretionary powers in the hands of locally accountable representative authorities—are rarely established in law or practice.

DECENTRALIZATION CAN HAVE POSITIVE OUTCOMES

Measuring the effects of decentralization is difficult. (See Box 6.) Nevertheless, some decentralization experiments have been observed to produce positive outcomes. In Kumaon, India, decentralized democratic authorities have sustainably managed forests for over 70 years.²⁰ In Nicaragua and Bolivia,

decentralized forest management has resulted in some local councils—where local councils were more open to popular influence—protecting forests against outside commercial interests. (See Box 7.)²¹ Decentralizations in Bolivia, Cameroon, Nicaragua, and Zimbabwe have led to greater inclusion of some marginal populations in forestry decisions.²²

In Nicaragua, for example, indigenous groups have managed to put their natural resource concerns on municipal council agendas, where they have chosen to run their own candidates for municipal office.²³ The democratic processes behind establishing management committees in Cameroon's commu-

Box 7

**ELECTED LOCAL GOVERNMENT SOMETIMES
SERVES LOCAL INTERESTS**

Decentralization in Nicaragua, which involved the establishment of elected local governments and the transfer of some limited decision-making powers over natural resources, affected local attempts to protect resources from outsiders. Local groups protested against mining concessions in El Castillo and Bonanza, and both convinced their local governments to take their side. The central government did not cancel the concession in either case, but neither of the companies involved has ever chosen to act on the concessions. While protests against nationally allocated timber or mining concessions are just as likely to happen under centralized conditions, when local government joins protesters it lends them credibility and force.

This success is tempered, however, by the fact that in other municipalities, the councils have supported outside interests in logging. In Rosita, the concession was canceled, despite council support, after two years of protest by local and national opposition. In Cuá-Bocay, the council first supported the protesters but later changed its vote in favor of the company after, according to one councilor, payoffs were involved. In a third case in El Sauce, one local community demanded a halt to logging. In protest against the failure of the municipal council to support them, they blockaded the road, forcing the local government to negotiate an ordinance temporarily suspending existing logging permits and requiring community approval for new ones.

In Nicaragua, local government councils are elected by party list. There are no independent candidates, which means that the councils are as likely to be accountable to the party hierarchy as to their local constituency. They may or may not respond to the needs and aspirations of the local population.

SOURCE: Larson 2002.

nity-forestry schemes has allowed marginalized Baka villagers in Moangué-le-Bosquet to create a niche for themselves in forest management.²⁴ Increased local revenues have also been generated through environmental decentralizations in Zimbabwe, India, Indonesia, Bolivia, Nicaragua, and

Cameroon.²⁵ In Cameroon, for example, new forestry laws earmark timber stumpage fees for elected local councils. Promises of decentralization involving natural resources have also created empowered local authorities. In Mali, the state promised that forests would come under the control of rural councils. After years of waiting for the government to transfer powers to them, elected rural councilors whose jurisdiction includes Mali's Baye Forest lost patience and began to protect the forests on their own.²⁶ Despite the Mali Forestry Department's claims that local councils lack knowledge and ability to manage local resources, their initiative demonstrated a strong local desire and capacity to protect and manage forests for future use.²⁷

**In Kumaon, India, decentralized democratic
authorities have sustainably managed forests
for over 70 years.**

Some decentralization reforms have been associated with environmental problems. In cases from Cameroon, Indonesia, and Uganda, transferring exploitation rights to local bodies has reportedly resulted in overexploitation of timber (*See Box 8*), primarily due to the need for income for local governments and local people. There is no reason to expect that local authorities will not convert natural wealth into financial wealth, especially where cash is in short supply and is viewed as more valuable than standing forests. Communities may act like private corporations when benefits far outweigh perceived immediate costs. Local youth in Cameroon, for example, have expressed their desire to profit from the forests, citing the fact that previous generations and the government have done so before them, so why shouldn't they.²⁸ It is not clear in these cases whether local practices have been any worse for the resource base than the central government's common practice of allocation of commercial concessions. Decentralization should enable local people to exploit resources for subsistence or cash. The question is, who decides, and within what management parameters? This question is a political one that needs to be technically informed and publicly debated. (See discussion of environmental standards and subsidiarity, below.)

Some social problems, including elite capture and violence, have also been associated with decentralization. In some

Box 8

**INCENTIVES CAN BACKFIRE—
DECENTRALIZED FORESTRY IN INDONESIA**

In Indonesia, local authorities can allocate small-scale timber licenses. This measure was designed to create an incentive to curb illegal logging. Because these local permit holders bear the loss from fraud, they are believed to be more likely to control and report illegal logging. This outcome, however, has not been demonstrated. Local revenues to local government have increased greatly due to their ability to allocate small-scale licenses and to charge other fees. Unfortunately, one of the new means of revenue generation has led to the effective legalization of illegal timber harvesting. Rather than confiscating and auctioning illegal timber, the district authorities are now assessing a fee on the timber and issuing documentation allowing resale and transport. This practice could have negative effects on the controllability of the industry.

SOURCE: Resosudarmo 2002.

districts in Brazil, Bolivia, Cameroon, India, Indonesia, Mali, Nicaragua, Mexico, Senegal, Uganda, and Zimbabwe, elite groups have captured the benefits of decentralization efforts for their own use.²⁹ In Cameroon, chiefs and management committee members are colluding to establish themselves as a new “forestry elite.”³⁰ In Indonesia and Cameroon, local people are being used as proxies for outside commercial interests to gain access to timber.³¹ In addition, decentralizations change the distribution of powers in complex ways, creating new winners and losers. Violence among resource users has been reported within decentralization efforts in Indonesia, Mali, and Cameroon.³² In Mali, conflict among farmers and pastoralists has reportedly increased, but it is not clear that this increase is due to decentralization or to other changes in land occupation and herd management.³³

**KEY ISSUES IN NATURAL RESOURCES
AND DEMOCRATIC DECENTRALIZATION**

This section discusses some issues that emerge concerning three basic elements of decentralization—*accountability*,

discretionary power, and *security*—as well as other key reforms that can help activists and policy makers bring out the positive aspects of decentralizations involving natural resources while minimizing negative effects. Legislating and implementing decentralization are the first steps. But even where secure decentralization has been implemented, support and accompanying measures from central government and others are needed to assure that natural resources are not over exploited, that equity is not compromised, and that legislation and implementation do not work against each other.³⁴ Some of these efforts include minimum environmental standards and alleviating poverty, as well as accompanying measures for civic education and conflict mediation. Central government must play a key role in advancing reforms needed to achieve effective decentralization. In practice, an end-point of decentralization reform is never reached, since reform entails an ongoing political struggle between local and central interests.

**ACCOUNTABILITY MATTERS: CHOOSE AND BUILD
ON REPRESENTATIVE AND ACCOUNTABLE LOCAL
INSTITUTIONS**

Central ministries are targeting and allocating powers to a variety of local institutions in the name of decentralization. To evaluate whether local institutional choices will lead to effective decentralization, the key question is whether the selected institutions represent and are accountable to the populations for whom they are making decisions. Often they are neither locally representative nor accountable, since effective decentralization is not the only purpose of those choosing local institutions. Central authorities depend on local institutions for implementing central agendas, legitimizing state projects, incorporating break-away groups and regions, garnering popular support, obtaining an electoral base, cultivating patronage networks, and so forth. International donors and NGOs depend on local institutions for implementing their specific environmental, health, educational, and infrastructure agendas—whether or not local people are interested.³⁵ Local and national elites also have interests in capturing and using local institutions and the powers being earmarked for them under current decentralizations. Faced with these powerful competing interests, locally accountable and representative institutions are often sidelined.

Because of these countervailing forces, choosing and building on representative and accountable local institutions is a critical aspect of decentralization.

No local authority is perfectly accountable to local people. *Electoral accountability* can be strong or weak, depending on the electoral process. For example, among the countries studied, only India, Mali, Uganda, and Mexico have chosen to strengthen local accountability by admitting independent candidates in local elections.³⁶ In Burkina Faso, Cameroon, Senegal, South Africa, Zimbabwe, Brazil, Bolivia, Nicaragua, China, Laos, Indonesia, and Vietnam local elections take place by party list. The elected authorities are often more accountable to their parties than to the local population.³⁷ In Bolivia, some councils have acted on behalf of local populations in keeping timber concessions out of their forests, while others allowed them to operate locally, despite popular opposition.³⁸ In places where only the party in power has the means to organize candidate lists across the country and there is no real competition among parties, these systems leave little chance for local populations to choose their own representatives.³⁹ But even where there are elected local governments, central governments and donors often avoid them in favor of other kinds of local organizations. In many instances governments, donors, and NGOs avoid local elected bodies as being too “political,” or as being inefficient or lacking in capacity.⁴⁰ It is the very political nature of local elected bodies that make them accountable to local needs and aspirations.⁴¹ Further, elections may not strengthen environmental accountability where natural resources are not a key local issue.⁴² When locally accountable and surrounded by a plurality of voices, elected institutions can serve as an integrative mechanism for local decision making.⁴³

Other groups in the local arena are often empowered in decentralization reforms. These include central government administrators or line ministries, membership organizations, NGOs, single-purpose committees and user groups, and customary authorities. How democratically accountable are these institutions to local populations? The current wisdom in democratic decentralization is that for management of public resources such as forests, pasture lands, and fisheries, accountability should run from these groups through elected local

Box 9

MANAGEMENT COMMITTEE PROLIFERATION

In Uganda, a class of local elite developed whose role was to participate in the various committees being set up by outside donors, projects, and local government. These “professional” committee members emerged from the proliferation of local committees and the demand for “participation” by the many single-purpose programs being established in the area around Mabira forest. The proliferation of local institutions also diffuses authority among too many local institutions and takes powers away from democratic bodies. On the positive side, this new cadre of committee members has gained significant management and negotiation skills.

SOURCE: Namara and Nsabagasani 2002.

bodies to the people.⁴⁴ However, these nonelected organizations are often empowered as if they are themselves representative or democratic, which they often are not. Even though local governments may not always be democratic, these alternative institutions have even less systematic accountability to the public at large. Local accountability of elected local governments may increase if both groups—empowered nonelected groups and elected government—are monitored and offered assistance by deconcentrated central government offices, surrounded by interest groups and NGOs, and are faced with active customary authorities in the local arena. But empowering such institutions in place of elected authorities can be anti-democratic.

Deconcentration to *local branches of central ministries* is not very different from decentralization to upwardly accountable, party-selected local representatives. Deconcentrated institutions lack some of the local accountability that is believed to make decentralization work. Nevertheless, there is evidence that deconcentration can serve local interests well. In Brazil, for example, a system of performance awards led civil servants to better serve local needs.⁴⁵ Local-line ministry offices can support local democratic authorities, but should not substitute for them.

Grassroots groups and *NGOs* may also not be accountable to or representative of local people in a systematic manner. Rather, they are constituted to represent the interests of their members. In addition, the internal democracy of grassroots groups and *NGOs* is not assured. Transferring powers to these organizations cannot be considered more democratic or representative than privatization—which is not a form of decentralization. Spokespersons for various local movements or organizations are often self-appointed or sponsored by outside aid agencies or international *NGOs*.⁴⁶ While grassroots organizations and *NGOs* can be very positive forces in rural development and in holding elected bodies accountable, the development literature provides many cases where membership organizations have failed to sustain their development efforts, or have benefited only a privileged minority.⁴⁷

The current wisdom in democratic decentralization is that for management of public resources such as forests, pasture lands, and fisheries, accountability should run from these groups through elected local bodies to the people.

Projects and policies often prescribe the establishment of local *NGOs* or committees to manage and use natural resources. (See *Box 9*.) In Cameroon, India, and Uganda these committees are sometimes elected. At times in Cameroon, Mali, Bolivia, Mexico, Nicaragua, Uganda, and Zimbabwe, they are organized around interest groups. In contrast, in Mali, Bolivia, and some cases in India, user committees and groups are self-constituting and must present themselves to the elected local authorities for recognition. After some of these committees are constituted, local elected authorities allocate management and use powers to them. This strategy both strengthens local elected authorities and places with them the burden of balancing interests among users. In this case, as is appropriate when public resources are involved, the chain of accountability is from the committee to the elected local government, and from the local government to the people.

Chiefs, headmen, and other so-called “customary authorities” are often targeted by central governments, donors, and *NGOs* as appropriate local authorities in decentralization efforts. Central government in South Africa, Burkina Faso, Zimbabwe,

and Uganda are reviving these authorities as the recipients of decentralized powers.⁴⁸ Customary authorities, however, are rarely democratic. They often inherit their positions, and their degree of local accountability depends on their personalities and local social and political histories. They may or may not be accountable to local populations. While they are often depicted as legitimate, their legitimacy may be as much a product of fear as of respect,⁴⁹ or may come entirely from powers and backing given to them by central government or donors.

Rather than enfranchising local people under democratic decentralization, choosing nondemocratic authorities may—as under the colonial policies of “indirect rule” and “association”—subject local people to arbitrary authority without representation, rights, or recourse.⁵⁰ Customary authorities are notorious for entrenched gender inequalities and for favoring divisive ethnic-based membership over the residency-based forms of citizenship so fundamental to most democratic systems.⁵¹ Today there is a troubling convergence of state and donor efforts to find the “real,” “traditional” natural-resource managers and to empower them to manage the resources. But, giving powers to customary authorities does not strengthen democratic decentralization.

Institutional plurality is important, but, unmediated by representation, it may serve only the best organized and most powerful interests and elites.

When managing public resources, committees, *NGOs*, and customary authorities become problematic if these bodies—whether membership based, self-appointed, elected, or oligarchic—are not accountable to elected local government. In avoiding local government by selecting such semiprivate or alternative representative bodies, public decision-making powers are given to them that could have been allocated to elected bodies. Taking such action diminishes the role and authority of elected local government. However, regardless of whether local authorities are elected or hereditary, they appear to be accountable to the donors and ministries that are transferring management roles and powers to them, rather than to the local people. Their accountability follows the purse

strings.⁵² They also lack discretion due to a limited set of roles imposed from above. Due to these constraints, they often function as implementing agents for central authorities, rather than as local independent discretionary decision makers. While these institutions have many positive roles, they do not represent the public. Institutional plurality is important, but, unmediated by representation, it may serve only the best organized and most powerful interests and elites.⁵³

Many countries lack viable representative local governments. Accountability measures, with or without representative local government, can foster a degree of downward accountability of whichever authorities hold powers over the environment. Elections are not an exclusive means of achieving such accountability. Where elected local governments exist, working with them is a first step toward supporting local democracy. Strengthening them is a second step. Where they do not exist at all, insisting that they be established is a priority. Reinforcing multiple forms of accountability for existing local institutions is the next best option. Based on observations in Zimbabwe's CAMPFIRE wildlife management program, one researcher recommended a strategy of progressively implementing multiple accountability measures for all actors involved.⁵⁴ Nonelectoral accountability measures can include:

- accessible legal recourse;
- separation and balance of powers among governing branches in both central and local arenas;
- free media;
- freedom of association for third-party organizing, monitoring, and lobbying;
- public discussion, public reporting, and participatory and consultative processes;
- fiscal and political transparency through information provision;
- local government finance through local taxation;
- performance-based contracts;
- civic education;
- public service and civic dedication, promoted through public service performance awards;
- social movements and other forms of popular resistance or protest; and
- central government oversight.⁵⁵

In addition, attention must also be paid to making administrative bodies and other levels of government accountable to

local governments so that they can deliver the services local people expect and demand. One strategy is to choose, build on, or create democratic local institutions, then apply measures to assure the accountability to all institutions—democratic or not—to improve the responsiveness of all local groups and authorities to local people.⁵⁶

DISCRETIONARY POWERS MATTER: ENVIRONMENTAL SUBSIDIARITY PRINCIPLES ARE NEEDED

For effective decentralization to take place, meaningful discretionary power transfers are critical. Without discretionary powers, even the most accountable democratic local authorities can be irrelevant. In Senegal, rural councils felt marginalized and useless because they had nothing to offer their people.⁵⁷ Discretionary powers enable local authorities to respond flexibly to local needs and aspirations, making them relevant to their constituents. Discretionary powers also give local people a reason to engage with the state and to begin demanding that decisions conform to their needs. Civil society begins to organize and crystallize around empowered representative authorities.⁵⁸ There is no reason to organize and lobby representatives who hold no meaningful powers because they cannot be held accountable. While power transfers without accountable representation can be dangerous, representation without powers is empty.

Customary authorities are notorious for entrenched gender inequalities and for favoring divisive ethnic-based membership over the residency-based forms of citizenship so fundamental to most democratic systems.

In current decentralization initiatives, many powers remain centralized that could be devolved to local authorities without threat to the environment.⁵⁹ Forestry and wildlife agencies transfer use rights with no commercial value while retaining central control over the lucrative aspects of the sector.⁶⁰ Management requirements are set by central governments that far exceed necessary measures.⁶¹ Forest agencies commonly establish complex prescriptive systems of forest management planning, requiring “expert” forestry agent approval before

local governments can make decisions as to how, when, or where forests are used and commercialized. In most decentralizations few discretionary powers over natural resources are transferred to local authorities.

The most commonly transferred positive powers are tax and fee revenues from local natural resources. These revenues have made significant contributions to local communities to build schools, grain mills, and other public projects. The power to allocate small concessions has been transferred to local governments in Bolivia, Cameroon, Indonesia, Mali, and Zimbabwe. In all of these cases, these rights have increased the power, and quite likely the legitimacy, of the local authorities wielding them. While this represents a great advance in decentralizations, the right to revenues and the ability to allocate concessions or production permits is restricted in all of these cases to a small portion of the forested area under exploitation. The rest is reserved for the central government to exploit. Often, this right is also shrouded in overly extensive planning requirements and tight oversight, unduly restricting local discretion. (See Box 10.)

Research has identified several systematic problems in the selection and balance of powers being transferred to local authorities. Obligations and instrumental objectives of the state are being transferred to local authorities in lieu of powers that create a domain of discretionary local decision making. These mandates are often unfunded. Tax and fee revenues, when available, do not always cover the cost of obligations. Uses with no commercial value are transferred instead of lucrative opportunities. Technical decisions, such as which management techniques should be used or which resources can be harvested and when, are often conflated with nontechnical decisions concerning who should have access to natural resources. Treating commercial and subsistence allocation decisions as technical decisions for the forest service to make hides the fact that central government agencies are reserving for themselves what are ultimately political choices. These nontechnical decisions are being retained centrally, though they are precisely the kinds of decisions that could be made by local authorities with little threat to the resource.⁶²

Geographic scale also affects the distribution of powers. For purposes of accountability, representation, and participation,

Box 10

OVERLY COMPLEX MANAGEMENT PLANNING

In Cameroon, communities wishing to set up a community forest under the 1994 forestry law must navigate a complex process. They are required to (1) create and register a community-forestry management committee with a written constitution; (2) make maps of and demarcate their “traditional” territories; (3) compare those boundaries with allowable zones in a government approved forest-use plan; (4) determine the extent of forest accessible for the community forest; (5) establish a simplified forest management plan; and (6) seek approval of the management plan by the local prefecture administrative authorities and the central government. Recently, however, under pressure from donors concerning the difficulties these requirements pose, the Ministry of Environment and Forests set up a Community Forestry Development Unit to provide implementation assistance. Nonetheless, to date no community has been able to establish a community forest without extensive external assistance.

“Scientistical” arguments—arguments that speciously evoke scientific authority—are another common means of retaining central control over natural resources. These include technical-sounding arguments to keep decisions central. However, there are many environmental management and use powers that can be transferred without threat to the resource base, even without any need for enhanced local capacities. But forest services systematically refuse to acknowledge this. 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.

SOURCES: Oyono 2002a; Etoungou 2002; Ribot 1995; Graziani and Burnham 2002.

some political or administrative jurisdictions may be too large to be considered local, which is the case for the lowest level of local government in Burkina Faso.⁶³ Often the relevant question is which scale is most appropriate for which kinds of decisions. In practice, matching jurisdictions with ecological formations cannot always be accomplished because water-

sheds and forests may not fall within a single local political or administrative jurisdiction. One approach to multiple geographic scales is to encourage the formation of local government federations and networks so that upstream and downstream constituents can work together for mutual benefits. This may be a better option than establishing new special-purpose districts.⁶⁴ The impulse to recentralize into higher-scale districts makes sense for some resources, but it must be cautiously approached. Adding more scales—or layers—of governance can take powers away from the local arena and concentrate them at higher levels.⁶⁵ The proliferation of scales being advocated by multicentric-governance proponents may diffuse powers among too many actors, rather than creating a cogent management system. The formation of federations and networks may be an effective approach to keeping governance local while attending to multiscale problems.

Capacity arguments are consistently used by central ministries to block the transfer of powers to local authorities. “Capacity” is a chicken and egg problem. There is reluctance on the part of central governments to devolve powers before capacity has been demonstrated, but without powers there is no basis on which local authorities can gain the experience needed to build capacity. Nor is there any basis for demonstrating that capacity has been gained. Further, arguments based on the lack of capacity are often used as excuses, rather than justified reasons, for not devolving powers.⁶⁶ Strategies must be developed to deal with this problem. More research is needed to identify how capacity arguments are used by governments in order to determine when are they based on actual local constraints and when they are used merely as excuses not to transfer funds. Some important questions include: Which transfers can be made without additional local capacity? How can power transfers be used to build capacity? What kinds of capacities are actually needed? Strategies are needed so that powers can be transferred before capacity is demonstrated so that local empowerment has a chance of occurring.

The mix of powers and obligations to be retained at the center and those to be devolved to lower political-administrative scales is a matter that requires critical analysis and informed public debate. Otherwise, environmental agencies are likely to continue to retain powers and micromanage environmental

sectors, whether such measures are necessary or not. The principle of “subsidiarity” calls for decisions to be made at the lowest possible political-administrative level.⁶⁷ Following this principle, decisions that can be made by citizens should be established in the domain of citizen rights. Decisions that can be made by representative local government—within some framework of standards⁶⁸—should be retained at that level. The subsidiarity principle is not followed in most environmental decentralizations.

A set of principles is needed for guiding the division of executive, legislative, and judiciary powers among levels of government. These principles could include the following:

- Discretionary powers must be transferred to give local authorities some independence.
- These powers must have value or significance to local people.
- Mandates must be matched by sufficient fiscal resources and technical support, and mandates should not be the only powers transferred to local authorities.
- Commercially valuable resource-use opportunities should be transferred to local authorities in addition to subsistence-oriented usufruct rights.
- Technical decisions, some of which need to be made at a central level, must not be conflated with political decisions concerning use of resources (i.e., who should have access to and benefit from them).
- Attention should be paid to the separation and balance of powers at each level of government.

Further, *public* resources—including most forests, fisheries, and pastures—should be kept within the public sector. They should not be privatized.

SECURE POWER TRANSFER MATTERS

Means of transfer is another critical dimension of decentralization.⁶⁹ Security and sustainability of decentralization reforms rest largely on the means used to transfer powers from central government to other entities. Means of transfer can be constitutional, legislative, or may be accomplished through ministerial decrees or administrative orders. *Constitutional transfers* are the most secure and sustainable.⁷⁰

Ghana, Ethiopia, Mali, Senegal, South Africa, and Uganda all have constitutional clauses that assure some degree of government decentralization.⁷¹ While these clauses do not specify which powers are decentralized, they provide leverage for lawmakers to establish and maintain decentralized governance arrangements. The specification of the powers to be decentralized, whether or not there is constitutional support for decentralization, usually takes place through decrees and orders, which are less stable forms of transfer that can change with the balance of powers among parties or with the whims of the party or administrators in power.⁷²

In environmental legislation in Burkina Faso, Cameroon, Guinea, Mali, Senegal, South Africa, Zimbabwe, and elsewhere, decisions concerning the allocation of important powers are made by ministerial or administrative decree. In Mali, for example, decentralization is called for by the constitution and decentralization of powers over natural resources is called for in environmental legislation, such as the 1996 forestry code. But, within the forestry code, the powers to be devolved are specified by decree of the minister responsible for forests. The procedures to resolve disputes over forestry matters are specified by order of the state-appointed governor of each region. Like many environmental agencies around the world, Mali's environmental service has yet to officially transfer any powers to local authorities. The decentralization in Mali's environmental sector is a discretionary matter for the ministry responsible for forests and its administrative staff. In this manner, what appears to be a constitutional guarantee is transformed into executive-branch discretion.⁷³

Until people believe that the rights they have gained are secure, they are not likely to invest in them. New rights to exploit forests may be exercised with urgency by people who believe that the government will take these rights away in the near future. In this manner, decentralization reforms may cause over-cutting. Such overexploitation following decentralization reforms was observed in Kumaon, India, in the 1930s before the situation stabilized. More recently, exploitation has been intense under Indonesia's decentralization.⁷⁴ Insecurity also discourages the formation of civil societies. Local people may not engage or organize as citizens to influence local government when local government has little or only temporary power. Also, central authorities can subject

local people to their will by threatening to withdraw powers, or can even transform elected local authorities from instruments of enfranchisement into central administrative agents.

As with land-tenure security, the security of transfer of decision-making powers from central government to local institutions shapes the sustainability of the reforms and the willingness of local people to believe and invest in the reforms. Transfers made by legislative reforms are more secure than those made by ministerial decrees, administrative orders, or the discretion of administrative authorities. Insecure means of transfer discourage local people from investing in new decentralization laws. The environmental ramification of this phenomenon is that people are more likely to overexploit resources while they can, and are less likely to invest in environmental maintenance if they do not believe their new privileges will last. In Indonesia, overexploitation of forests may be due to this kind of dynamic.⁷⁵ Retaining inordinate discretion in the executive branch also creates opportunities for allocation along political and social lines to serve the interests of central agents. Secure means of transfer may help to reduce such opportunities for abuse and corruption.

ACCOMPANYING MEASURES AND CENTRAL GOVERNMENT ROLES FOR EFFECTIVE DECENTRALIZATION

Decentralization can benefit from a strong central state.⁷⁶ Ironically, structural adjustment programs that promote decentralizations at the center often appear to undermine the establishment of sound local government by depriving central governments of the funds and staff that are needed to support successful local reforms.⁷⁷ Many powers belong with central government, such as establishing the legal enabling environment for decentralization, setting national environmental priorities and standards, establishing poverty-reduction strategies, and assuring compliance with national laws. Central government also has roles in supporting a variety of local efforts with finance and technical services.

Minimum Environmental Standards: A Necessary and Logical Complement to Decentralization

Even perfectly representative and downwardly accountable local authorities may overexploit resources and ignore minority interests if given the unbridled power to do so. (See Box 11.) When it is profitable, decision-makers are likely to exploit natural resources rather than conserve them, especially if they do not bear the indirect costs. For example, deforestation by upstream users leads to downstream flooding and dam siltation. When the present needs are especially urgent, and local costs of exploitation aren't immediately incurred, resources are exploited. Assuring positive environmental and social outcomes requires standards and means for ensuring that nationally defined environmental and social concerns are taken into account. Of course, outcomes also depend on the local history and culture of conservation, cooperation, and social stratification.

No decentralization advocates are calling for the transfer of *all* decisions over natural resources to local populations.

Subsidiarity principles are one means for determining which powers can be transferred to local people without threatening the integrity of natural resources or social well-being. Minimum environmental standards are a complementary means for codifying these principles in law, thus establishing greater local autonomy in natural resource management and use. The minimum-standards approach complements decentralization by specifying the boundaries to the domain of local autonomy without restricting discretion within those boundaries.

A minimum environmental standards approach would replace the centrally directed micromanagement approach currently exercised through elaborate plans and planning processes. A set of minimum standards specifies a set of restrictions and guidelines for environmental use and management. Local governments and individual operating within those restrictions do not need management plans to use or manage resources. Local representative authorities must enforce these standards, make public management and use decisions, and mediate disputes among users. Some kinds of actions may require plans in order to maintain the minimum standards, but permission is not required from central environmental ministries unless the activities violate or require modification

Box 11

CONSERVATION IS NOT ASSURED WITHOUT ACCOMPANYING MEASURES

In many of Cameroon's forests, local communities exploit surrounding forests as commercial concessions. One villager explained that people want "to eat and drink now with the money from forests." Based on statements of this kind, Cameroonian researchers feel that decentralization without accompanying measures may well be "ecologically counter-productive." Minimum environmental standards could enable local communities to exercise the rights to exploit and profit from, or convert forests to other uses, without causing the kinds of social and environmental damages commonly associated with centrally allocated commercial concessions.

SOURCE: Oyono 2002a.

of the minimum standards. Most current approaches require planning and supervision for any commercial use.

More research and public debate must go into identifying the boundaries between what can and cannot be done without the direct intervention of the central government's environmental agency. The domain of action that does not interfere with the minimum standards is part and parcel of the domain of local autonomy that makes for effective decentralization. A shift from management-planning to a minimum-environmental-standards approach in regulating local uses is in order. Establishing minimum standards is a role of central governments.

Poverty Alleviation and Inclusion of Marginalized Groups Requires Additional Measures

Decentralization shapes equity among local districts. Such interjurisdictional equity depends on the government's willingness to engage in redistribution of resources among districts. Decentralization can result in a situation where regions or localities endowed with good natural, financial, or technical resources prosper at the expense of those without.⁷⁸ The World Bank points out that remedies to such inequalities require the willingness of the central state to engage in

redistribution among regions.⁷⁹ Such redistribution can only be accomplished with central government assistance.⁸⁰

Central governments tend to be more generous toward the poor than local governments. In decentralizations concerning natural resources, inequitable local decision making and benefit distribution is frequently observed. Local elites may be more prejudiced against the poor than those at higher levels. Dominant ethnic groups can use their new powers to take advantage of weaker ones.⁸¹ Yet, poverty alleviation is often assumed to be one of the positive outcomes of decentralized governance. On the contrary, a very important comparative study of decentralization and poverty alleviation concludes that “responsiveness to the poor is quite a rare outcome,” and “positive outcomes are mainly associated with strong commitment by a national government or party to promoting the interests of the poor at the local level...”⁸²

Local Mediation Mechanisms

Decentralizations redistribute rights over and benefits from resources, producing winners and losers. Conflicts emerge as decision-making processes change, as has happened across Mali amidst overlapping claims by pastoralists, farmers, and forest users.⁸³ Tensions arise within communities over the investment of new revenues from natural resource fees and taxes, as has happened in Cameroon.⁸⁴ Conflicts will also emerge among users, local authorities, and governmental natural resource management agencies. In most cases, conflicts over natural resources are adjudicated by the government agency responsible for the resource in question. But this arrangement creates conflicts of interest and unfair outcomes due to the failure to separate executive from judiciary functions. In addition, single-purpose committees, even when elected, can cause conflict when the specific task for which the committee was elected involves policing to exclude the rest of the community from the resource.⁸⁵

Local dispute-resolution mechanisms, accessible courts, and channels of appeal outside of the government agencies involved are needed to facilitate a smooth transition from central management to decentralized systems of environmental governance. Setting up official adjudication systems is the

responsibility of central government. Alternative dispute-resolution mechanisms designed to supplement, but not replace, a fair judiciary can also be enabled by central government and supported by communities, donors, and NGOs.

Civic and Local Government Education

Central government, donors, and NGOs can support local civic education efforts. Civic education can assure that people know their rights, as well as the obligations that government has toward them. In turn, education can assure that local governments know their powers and understand their obligations to local people. These can include publication of manuals explaining relevant laws and the translation of laws into local languages.

Awareness of rights can create popular demand for more responsive government and nationally recognized local rights. In Mali, the government forestry agency is required by law to transfer powers to newly elected rural councils, but the agency has refused to do so. (*See Box 5.*) Having heard that they have rights over the forest and its management and use, elected local councils in the forest of Baye began to organize forest protection plans in anticipation of the formal transfer of powers. When rights exist, civic education can encourage people to exercise those rights as full citizens.

Informing people of their rights, writing new laws in clear and accessible language, and translating new legal texts into local languages can encourage citizen engagement and local government responsibility.

CONCLUSION

The potential of decentralization to be efficient and equitable depends on the creation of democratic local institutions with significant discretionary powers. But there are few cases where democratic institutions are being chosen *and* given discretionary powers. Ironically, a backlash is already forming against decentralizing powers over natural resources. Environmental agencies in Uganda, Ghana, Indonesia, Nicaragua, and elsewhere have argued that too much decentralization has caused damage or overexploitation.⁸⁶ These calls to re-centralize control over natural resources are premature.

Before decentralizations can be judged, time is needed for them to be legislated, implemented, and take effect. First, locally accountable representation *with* discretionary power must be established. Then, accompanying measures must be identified to assure environmental protection, justice, and freedom from conflict. To encourage the decentralization experiment and test the conditions under which it yields the

benefits that theorists and advocates promise, decentralization must fully tested, monitored, and evaluated.

Box 1 in the summary section outlines some key recommendations for moving the natural resource decentralization experiment forward.

ANNEX A: WRI RESEARCH ON DECENTRALIZATION AND THE ENVIRONMENT

Many of the findings in this publication derive from WRI's Decentralization and Environment Comparative Research project in Africa and cases presented at WRI-organized Conference on Decentralization and Environment in Bellagio, Italy, in February 2002. WRI's Asia-based Resources Policy Support Initiative also provided case material.⁸⁷

The **Accountability, Decentralization, and the Environment Initiative** is part of the Institutions and Governance Program's Environmental Accountability in Africa project at WRI. This initiative has conducted policy research and analysis over the past two years to better understand the effects of decentralization on ecological and social changes in Mali, Cameroon, Uganda, Zimbabwe, and South Africa. The goal of the project is to improve the design and implementation of decentralization policies currently sweeping through Sub-Saharan Africa so that they promote social equity and environmental sustainability. The following researchers have contributed to this project: Patrice Bigombe Logo, Patrice Etoungou, and Phil René Oyono from Cameroon; from Mali, Thierno Diallo, Bréhima Kassibo, and Naffet Keita; from Mozambique, Alda Salomao; from Uganda, Nyangabyaki Bazaara, Juliet Kanyesigye, Frank Emmanuel Muhereza, Eugene Muramira, Agrippinah Namara, and Xavier Nsabagasani; from South Africa, Lungisile Ntsebeza; and from Zimbabwe, Diana Conyers, Alois Mandondo, and Everisto Mapedza. Their papers are listed in the References.

The **Bellagio Conference on Decentralization and the Environment** examined findings of research on decentralization and environment around the world, including cases from

Africa: Cameroon, Mali, Uganda, Zimbabwe, and South Africa; from Asia: China, India, Indonesia, Mongolia, and Thailand; and from Latin America: Bolivia, Brazil, Mexico, and Nicaragua.

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

Papers were contributed by Arun Agrawal, Amita Baviskar, Nyangabyaki Bazaara, Christian Brannstrom, Ben Cousins, Xu Jianchu, David Kaimowitz, Bréhima Kassibo, Anne Larson, James Manor, Robin Mearns, Fernando Melo Farrera, Lungisile Ntsebeza, Phil René Oyono, Pablo Pacheco, Nancy Peluso, Ida Aju Pradnja Resosudarmo, Jesse C. Ribot, and Uraivan Tan-Kim-Yong. Their papers are listed with the References.

The **Resources Policy Support Initiative** at WRI provides research exchange forums and conducts research on decentralized and transboundary natural resource management in the Mekong River Basin. Cases were conducted in Cambodia, China, Laos, Vietnam, and Thailand, with Dang Thanh Ha, Hoang Huu Cai, Le Van An, Nguyen Quang Dung, Pham Thi Huong, Sith Sam Ath, Tran Duc Vien, and Zuo Ting. This research has been summarized by Mairi Dupar and Nathan Badenoch, and is cited in the References.

ENDNOTES

1. Of course, pluralism with representation can also result in elite capture and domination by the best-organized and most-powerful groups, as in U.S. politics, where powerful interests sway environmental policy.
2. See Dupar and Badenoch 2002.
3. UNCDF 2000:5-11; World Bank 2000; Dillinger 1994:8; Crook and Manor 1998; Töttemeyer 2000:95; Therkildsen 1993:83.
4. Agrawal 2001.
5. The term “decentralization” is now widespread and is used to promote a variety of objectives, including: dismantling or “downsizing” central governments; streamlining central administration; consolidating national unity; consolidating central power; and strengthening local government. They have been launched by economic crises, revolutionary and secessionist movements, and by donor conditionalities (Ribot 2002a).
For efficiency and equity arguments see Therkildsen 2001:1; Smoke 2000:16; World Bank 2000:108; Conyers 2000:8; Huther and Shah 1998; Sewell 1996; Romeo 1996; Baland and Platteau 1996; Schilder and Boeve 1996: 94-117; Parker 1995; Cernea 1985; Selznick 1984 [1949]; Tiebout 1972; Oates 1972:11-12. On service delivery, see Tendler 2000:118; Rothchild 1994:3; Smoke 2000:16; Smoke and Lewis 1996; Saito 2000:11; Hudock 1999; Manor 1999; Crook and Manor 1998; Parker 1995; Uphoff and Esman 1974; Alcorn 1999; Onyach-Olaa and Porter 2000:25; Fiszbein 1997:2-3. On participation and democracy as motives, see Oyugi 2000:4; Balogun 2000; Sharma 2000; Engberg-Pedersen 1995:1; de Valk 1990:11; Conyers 1990:16; Menizen-Dick and Knox 1999:5; Bish and Ostrom 1973; Weimer 1996:49-50.
6. Ribot 2002a.
7. See Smoke 1990:10. Uphoff and Esman (1974) imply that accountable representation increases development performance. Crook and Sverrisson (2001:5) point out that there are two steps in linking local participation or democracy to outcomes. First is in measuring the “responsiveness” of local decision-making processes or authorities to local needs, second is in measuring the relationship between the degree of responsiveness and the effectiveness of outcomes. They define institutional responsiveness as “the achievement of ‘congruence between community preferences and public policies’ such that the activities of the institution are valued by the public. . . .” Further, “Responsiveness of policies is a matter of the process through which they are defined, the degree of empowerment and ‘ownership’ which is felt by those affected by them . . . and, therefore, the general legitimacy of the institution and the procedures by which it allocates resources.” This is analogous to what I have called accountability of the local and authorities.
8. This sentence describes the “developmentalist” logic, as opposed to the more persuasive political logic. The term “developmentalist” refers to decentralizations that take place for the purposes of local and national development. This includes decentralizations whose objectives are cheaper and better service provision, better local management and more democratic local processes. “Developmentalist” does not include those decentralizations that are a byproduct of downsizing central government, reducing central fiscal burdens, national unification through the integration splinter groups, or break-away regions. See, for example, Fox and Aranda 1996:1. Crook and Manor 1998:1-2. Also see Huther and Shah 1998:1.

“Social movements and a range of organizational actors with an interest in development issues, among them grassroots and international NGOs, have shown that approaches that take people’s aspirations more seriously can sometimes enjoy at least modest, local success. . . .” (Agrawal and Ostrom 1999:20). Also see Cohen and Uphoff 1977; Cernea 1985; Baland and Platteau 1996; Peluso 1992; World Bank 1996; National Research Council 1992:35; Agrawal et al. 1999. Hypotheses concerning efficiency and equity in decentralization must be approached with caution. Surprisingly little research has been done to assess whether the appropriate conditions exist or if and when they lead to desired outcomes. For notable research efforts, see Crook and Manor 1998; Therkildsen 2001; Crook and Sverrisson 2001; Saito 2000; Tendler 1997; Ribot 1999a; Anderson, 2002; Shackelton and Campbell 2001.
9. Prud’homme 2001; Brinkerhoff 2001; Therkildsen 2001; Olowu 2001; Blair 2000; Crook and Manor 1998; Agrawal and Ribot 1999; Shah 1998.
10. Decentralization reforms converge with a long participatory trend in environmentalism. In the 1960s, Schumacker’s (1973) “Small Is Beautiful” outlined an agenda for populist localism and self-determination. In the 1970s, other populist impulses joined in to inspire “appropriate technology” and “eco-development” approaches, leading to a global participatory development movement. By 1978, the U.S. Congress International Development and Food Assistance Act required all U.S. agencies to conduct development for the poor “through institutions at the local level, increasing their participation in the making of decisions that affect their lives.” (The act also contains definite Schumaker-type language on favoring labor-intensive investments.) Over the past three decades the developing world has been inundated with participatory projects, programs, and laws, argued to be the basis of increased equity and efficiency (Cohen and Uphoff 1977; Cernea 1985; Baland and Platteau 1996; World Bank 1996; National Research Council 1992:35). The 1992 United Nations Conference on Environment and Development in Rio de Janeiro etched the principles of participation into the global environmental canon in the *Rio Declaration* and *Agenda 21* by stating that decisions over nature should be made with the greatest participation at the most local level possible.

11. See for example Ostrom 1990; Conyers 2001; Shackelton and Campbell 2001; Wollenburg, Anderson, and Edmunds 2001. Unfortunately, much reporting on CBNRM, particularly by donors and practitioners, cannot be relied on due to what Baviskar (2002) calls “manufacturing success.” Also see Schroeder 1999; Ferguson 1996.
12. Mamdani 1996; Ribot 1999a.
13. Following Moore (1997:3) democracy is “a subspecies of a broader concept: the accountability of state to society.”
14. As Oyugi (2000:7) suggests, “those receiving delegated authority act for those who delegate it. . . .” Also see Bates 1981.
15. See Kaimowitz and Ribot 2002.
16. Fairhead and Leach 1996; Leach and Mearns 1996; Tiffen, Mortimore, and Gichuki 1994; Ribot 1999b.
17. See USAID 2000:3.
18. Ribot 2002a.
19. Agrawal and Ribot 1999; Ribot 1999a.
20. Agrawal 2001.
21. Pacheco 2002.
22. Pacheco 2002; Oyono 2002a; Larson 2002; Conyers 2002; Mapedza 2002.
23. Larson 2002:13.
24. Oyono 2002a:11.
25. Mapedza 2002; Conyers 2002; Larson 2002; Resosudarmo 2002; Agrawal 2001; Bigombe Logo 2002.
26. Kassibo 2002.
27. CBNRM experiments from around the world also provide indications that local populations can successfully and equitably manage natural resources. First, they demonstrate local communities have the capacity to protect forests and foster regeneration (Dembélé and Dembélé 2001). Second, they demonstrate that local democratic processes can lead to the protection and management of resources for local community use (Conyers 2002). Lastly, they have demonstrated that local management can generate revenues for local public works (Bigombe Logo 2002; Larson 2002; Pacheco 2002). But it is important to keep in mind that these project-based approaches occur under close outside supervision and with intensive assistance, and therefore do not reflect what would occur under a more generalized decentralization scenario. It is difficult to determine from project-based experiences the degree to which success is engineered from above or is the result of local conditions and initiatives (see Baviskar 2002; Schroeder 1999).
28. Oyono 2002a; 2002b.
29. Brannstrom 2002; Pacheco 2002; Oyono 2002b; Baviskar 2002; Resosudarmo 2002; Kassibo 2002; Larson 2002; Melo Farrera 2002; Ribot 1999a; Bazaara 2002; Muhereza 2002; Mandondo and Mapedza 2002.
30. Oyono 2002a.
31. Resosudarmo 2002; Oyono 2002a.
32. Peluso 2002; Resosudarmo 2002; Kassibo 2002; Latif 2002.
33. Personal communication, Cheibane Coulibaly, Bamako, Mali 2001; Bréhima Kassibo, Bamako, Mali 2002.
34. Anne Larson (personal communication by phone July 2002) provided many of the insights for this section.
35. Schroeder 1999; Ferguson 1996; Baviskar 2002.
36. Agrawal 2002; Baviskar 2002; Bazaara 2002; Melo Farrera 2002; Kassibo 2002; Dupar and Badenoch 2002.
37. Dupar and Badenoch 2002; Resosudarmo 2002; Ribot 1999a.
38. Pacheco 2002.
39. Ribot 1999a.
40. Baviskar 2002; also see Ferguson 1996.
41. Romeo 1996:4; Evans 1997.
42. Dupar and Badenoch 2002.
43. Ribot 2001a.
44. Blair 2000.
45. Tandler 1997.
46. National Research Council 1992:35; Mazonde 1996:56; Guyer 1994:223.
47. See Fox and Butler 1987:2. Fox and Butler (1987:4) define membership organizations as “private development organizations which are at least under the nominal control of the majority of the members.” But, as they also point out (1987:5), it is difficult to know whether a group is truly under membership control without doing detailed research into power relations and participation practices in each particular case. In addition, groups that begin as democratic may later become authoritarian, or vice versa (1987:5).
48. Ribot 1999a; Ntsebeza 2002; Cousins 2002; Bazaara 2002; Muhereza 2001.
49. Ntsebeza 2002.
50. Mamdani 1996; Ribot 1999a.
51. Vijayalakshmi 2002.
52. See Mamdani 1996. There are good arguments that using local tax revenues to support local government will increase accountability. See Ribot 2002a and 2002b.
53. Ribot 2002a.

54. Mandondo (2000:15) argues: "The initial front of engagement could include advocacy for transparency and accountability . . . for instance through: providing information to peasant communities on the structure and function of governance structures, emphasizing potential areas of local empowerment; ensuring that there is effective participation during by-law formulation at RDC [Rural District Council] level; ensuring that communities are effectively consulted before the by-laws are approved; advocating for transparent and timely disbursement of CAMPFIRE revenues to local communities; advocating for more community representatives in the RDDC [Rural District Development Committee] and helping community representatives in the RDC to demand that the RDDC reports and is accountable to the council; advocating that RDCs demand greater coordination among research, development and advocacy organizations working within their areas; and, intervening at ministry, cabinet and national assembly levels to ensure that local interests are taken on board during the preparation of legislation with implications on natural resource governance."
55. Ribot 2002a; also see Dupar and Badenoch 2002 on consultative processes.
56. See Ribot 2002a.
57. Ribot 1999a.
58. Anu Joshi, personal communication, Institute for Development Studies, Sussex 1999.
59. Ribot 1999b; Conyers 2001:29; Fairhead and Leach 1996; Goldman 2001.
60. Ribot 2001b, 2002a; Bazaara 2002.
61. Fairhead and Leach 1996; Leach and Mearns 1996; Ribot 1999a.
62. Bazaara 2002.
63. Based on work in India, Agrawal (2001) points out that decentralization success can be fettered by jurisdictions being too large or even too small.
64. Ostrom, Schroeder, and Wynn 1993.
65. See Mandondo and Mapedza 2002.
66. Brown 1999; Ribot 1999a; Fairhead and Leach 1996; Conyers 2001.
67. Follesdal 1998; Rocher and Rouillard 1998.
68. Of course, what can be decided locally without social or ecological harm depends also upon the constraints of nationally set social and environmental standards. If standards are set for the type of, extent of, or techniques for timber harvesting, then harvesting decisions can be devolved to local authorities contingent on respect for those standards.
69. Conyers 1990:20; Ahwoi 2000.
70. See Conyers 2000.
71. UNCDF 2000:6.
72. Ahwoi 2000.
73. Ribot 2002a.
74. Ida Aju Pradnja Resosudarmo and Arun Agrawal, in Latif 2002.
75. Resosudarmo 2002.
76. See Crook and Manor 1998; Tendler 1997; Evans 1997; Mbassi 1995:24; Conyers 2000a:22; Mutizwa-Mangiza 2000:23. As Conyers (2000a:22) points out, "Ironically, decentralization policies are most likely to be implemented effectively in situations where the government is politically secure and power is concentrated in the hands of a relatively small group of people. A secure government can afford to decentralise a substantial amount of power without threatening its own existence, while the centralisation of power enables the key leaders to make and implement policy decisions without undue interference from other interest groups within government."
77. Crook and Sverrisson (2001:33) point out that in Ghana, if all of the factors impeding decentralizations "are combined with the resource constraints, both administrative and financial, which resulted from the coincidence of the decentralisation programme with a series of structural adjustment programs, then it is not difficult to see why the development performance of the Assemblies [elected local governments] had little responsiveness to the needs of the poor." They also help explain local government program failures in Ivory Coast by pointing to "severe financial crisis of the Ivorian state over the period 1990-5, during which time cuts in public spending led to the virtual collapse of most of the communes' development programmes" (Crook and Sverrisson 2001:26).
78. Conyers 2000:8.
79. World Bank 2000:110.
80. Smoke 2000:16.
81. James Manor, in Latif 2002:54; also see Crook and Sverrisson 2001.
82. Crook and Sverrisson 2001:iii.
83. Cheibane Coulibaly, personal communication, Bamako, Mali, February 2001.
84. Oyono 2002a; Bigombe Logo 2002.
85. When a committee focuses on a single use, such as bee keeping in Mabira, Uganda, only those interested in bee keeping become involved. The wildlife service, however, asks the committee to protect the forests from all other uses in exchange for the privilege to keep bees. The committee then acts against the will of the majority of forest users by protecting its domain of use. Were these decisions in the hands of a multipurpose decision-making body, such as elected local government, the conflicting objectives would be balanced within the decision-making process. Here they quickly become a social division within the village community (Namara and Nsabagasani 2002).
86. Bazaara 2002; Resosudarmo 2002; Aaron deGrasi, personal communication, 2002; Anne Larson, in Latif 2002.
87. See Dupar and Badenoch 2002.

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