# Choosing Representation: Institutions and Powers for Decentralized Natural Resource Management

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### **ABSTRACT**

Decentralization reforms are taking place in most developing nations. Whether or not these reforms involve forest resources, they are transforming the local institutional infrastructure on which local forest management is based. These reforms are believed to produce institutional conditions for more equitable and efficient resource management. Many decentralization reforms, however, are taking place in a manner that does not establish the necessary conditions to produce the positive outcomes that theory predicts. This article argues that the central condition for effective decentralization is representation. Democratic representation consists of downwardly accountable and responsive local authorities. Accountability requires that the local population can sanction the local authorities via various accountability mechanisms. Responsiveness requires powers that enable these local authorities to respond to local demands. Due to resistance by governments and poor choices by NGOs and donors, non-democratic local institutions i.e. institutions that are not accountable to the local populations—are often being chosen for "decentralized" forest management. In addition, they are often given inappropriate and insufficient powers. The paper explores which institutions are being empowered and with what powers. The paper ends with some questions concerning the choice of institutions and powers that practitioners, activists, policy makers, donors or researchers can ask to help evaluate whether decentralization efforts are being legislated and implemented in a manner that theory indicates will result in positive outcomes.

**KEYWORDS:** Decentralization, Representation, Institutional Choice, Natural Resources, Forestry.

### INTRODUCTION: CHOOSE REPRESENTATION

Decentralization reforms are widespread and are transforming the local institutional infrastructure for natural resource management. Almost all developing countries are undertaking decentralization reforms, and many are decentralizing some aspects of natural resource management. Development agents, natural resource managers, and many environmentalists believe that decentralization can be a way of increasing both efficiency and equity in natural resource management (Ribot 2002a). Decentralization of natural resource management may also be a way of leveraging the development of local democracy. What local institutional base will result in effective natural resource decentralization and strengthen local democracy?

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. Following Moore (1997), I define "democratic" in this chapter substantively as the accountability of leaders to the people. The developmentalist logic behind decentralization is that democratic—or empowered and locally accountable—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 (see Ribot 2002c:5). For local people to want to engage these authorities (to hold them accountable), the powers they hold and services they can deliver must also be relevant to local people. Further, these authorities must have some freedom of decision-making (not just the power to implement mandates handed to

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<sup>&</sup>lt;sup>1</sup> See UNCDF 2000:5-11; World Bank 2000; Dillinger 1994:8; Crook and Manor 1998; Tötemeyer 2000:95; Therkildsen 1993:83; Agrawal 2001.

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> 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 fiscal and political crisis, national unification through the integration of 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.

<sup>&</sup>quot;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.

them from above) so as to be responsive in a way that reflects local mandates. Hence, the powers they need must also be discretionary in nature. Without discretion local authorities may be able to implement imposed agendas, but to implement local mandates they need flexibility. In brief, theorists believe that effective decentralization requires representative authorities with discretionary powers over resources that are meaningful to local people (Ribot 2002c, 2004).

In the name of decentralizations that are taking place today, a limited array of forest management powers are being transferred to a wide variety of institutions—including appointed and elected local government authorities, local forest service agents, non-governmental organizations (NGOs), user groups, and traditional authorities. The experiences from community-based forms of natural resource management 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 natural resource management decisions, and that community-level management can have ecologically and socially positive effects. Experience from decentralization indicates that local communities can manage decentralized natural resources well (Larson and Ribot 2004). But, as Larson (2003; 2004) indicates, in addition to the presence of downwardly accountable representation, outcomes also depend on a variety of regulations and incentives that shape use patterns.

In short, the outcomes of decentralization seem to be a function of representation—which is composed of powers and downward accountability—and management incentives. It is clear that local people can manage their natural resources under certain circumstances. This chapter focuses on the implications for representation of institutions being chosen in natural resource decentralizations. The chapter asks which local institutions best serve the function of representation in decentralization reforms? The chapter also queries the choice of powers being devolved to local institutions in natural resource decentralizations since these two elements of decentralization cannot be separated: accountability without powers is empty—there is no responsiveness; power without accountability is dangerous—there is no sanction. Decentralization becomes effective when the two are combined (Agrawal and Ribot 1999; Ribot 2002c).

These questions are critical since in recent years many more community-based resource management programs are being shaped by decentralization reforms. In the process, democratic local governments are rarely being empowered, while local forestry offices,

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<sup>&</sup>lt;sup>4</sup> Community-based natural resource management experiments from around the world also provide indications that local populations can successfully and equitably manage natural resources. First, they demonstrate 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 2004). 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).

chiefs, NGOs, and various committees are being chosen to "represent" local people. Are these choices undermining or reinforcing the long-term prospects for local natural resource management? Are these choices reinforcing or undermining the long-term and widespread movement toward local democracy? Are current reforms laying the foundations for sustainable and replicable local institutions?

Democratization and natural resource management (NRM) can be mutually reinforcing through decentralization. It is not just that local democracy may be useful for improving equity and efficiency of NRM. In the democracy-NRM relationship there is an important synergetic link in which natural resources play a special role in democratization and vice versa (see Kaimowitz and Ribot 2002). 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 (Mamdani 1996; Ribot 1999a). 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 and enfranchising rural subjects. It will provide them with meaningful representation and recourse concerning valuable resources.

Despite potential benefits, research shows that central governments and environmental ministries resist choosing appropriate local institutions and transferring appropriate and sufficient powers to local authorities (Ribot 2002; 2004; see USAID 2000:3). 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 (Ribot 2002a). By and large, environmental decentralization laws and their implementation are falling short of producing the most basic conditions necessary for effective decentralization.<sup>5</sup>

In the environmental arena, resistance to decentralization is reflected by central governments' (a) choice of non-representative local institutions, and (b) the devolution of limited and overly specified powers. In the name of decentralization, powers are often transferred to a variety of local institutions and authorities that are not systematically accountable to local populations, and are instead often upwardly accountable to central authorities. Further, 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. 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.

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<sup>&</sup>lt;sup>5</sup> Just before publication of this article, Liz Alden Wily (personal communication from Wily to Carol Colfer, March 2004) provided information indicating that there is a very positive case of natural resource management decentralization in Tanzania that appears to meet many of the conditions for effective decentralization. This case merits further review. Also see Wily and Mbaya 2001.

This chapter sketches a theoretical model of representation against which to examine the institutions being chosen in "decentralized" natural resource management schemes. It then examines some of the practices taking place in the name of decentralization using the "Actors, Power and Accountability" comparative framework described below. The chapter concludes with questions that may help guide local institutional choice and the choice of powers.

# Representation: Powers, Accountability, Sustainability and Replicability

Representation is key to the decentralization formula. Following Manin, Przeworski and Stokes (1999:2), it is useful to break representation into *responsiveness* and *accountability*. They model the policy process as a chain in which preferences expressed through various signals become mandates and are translated into policies and then outcomes. Responsiveness is the relation between signals and policies—the ability of decision makers to deliver. Accountability is the relation between outcomes and sanctions—the ability of people to make demands and threats. "A government is 'responsive' if it adopts policies that are signaled as preferred by citizens." "Governments are 'accountable' if citizens can sanction them appropriately..." A government is representative because it is responsive and/or accountable.

The accountability relation is established through an ensemble of sanctions or "accountability mechanisms." Accountability, defined as counter-power—that is, any power that balances or puts a check on the power of other power holders (Agrawal and Ribot 1999). Accountability is constituted by the set of mechanisms and sanctions that can be used to assure policy outcomes are as consistent with local needs, aspirations and the best public interest as policymakers can make them. Responsiveness is a function of the many factors that enable local authorities to translate local needs and aspirations into policy. These include the appropriate mix of powers to act on behalf of the people and the abilities to analyze and to translate signals into policy. Responsiveness is also a matter of will. It may be motivated by the fear of sanctions or it may be a function of ideology—that is, public spiritedness or a belief in public service. What makes democratic systems unique is that they do not rely on ideology alone to assure that the full policy cycle is representative. Democratic systems rely on a mix of ideology and sanction, with the sanction as the guarantee (Manin, Przeworski and Stokes 1999:2).

This model suggests several important dimensions for comparing the appropriateness of local institutions as the recipients of decentralized powers. The accountability side of the equation indicates accountability mechanisms. These can include the many means of sanctioning decision-makers from elections to magic, sabotage and protest. The

<sup>6</sup> Prud'homme 2001; Brinkerhoff 2001; Therkildsen 2001; Olowu 2001; Blair 2000; Crook and Manor 1998; Agrawal and Ribot 1999; Shah 1998 all focus on the accountability angle of representation.

<sup>&</sup>lt;sup>7</sup> Accountability needs to be separated from responsiveness. Manor (Latif 2002:52) makes the observation that responsiveness can be measured by surveys. It is about the degree to which government actions conform to popular preferences. Accountability is described later in the body of the paper.

responsiveness side of the equation indicates powers are important: external powers, such as finances and the ability to mobilize resources and labor; and internal powers, such as the capabilities and knowledge needed to exercise external powers in translating signals into effective policies. Included in the external domain are the classic executive, legislative and judicial powers. There are also a number of extended powers in the external domain that include the ability to mobilize central government to deliver services, technical assistance, equipment and finances. These extended powers can be exercised through legal rights, political pressures, social relations, etc. In short, the key elements of representation can be boiled down to accountability and power.

Accountable actors with powers—the "actors, powers and accountability model"—provides a useful, but static model (Agrawal and Ribot 1999; Ribot 2002, 2004). Effectiveness has temporal and spatial dimensions as well. Sustainability of representation over time and its replicability or ability to be scaled up also matter. Sustainability and replicability need to be further theorized and developed as concepts: how do we choose representative institutions that can also be sustained and scaled up? Certainly there are different bases of sustainability. Customary authorities have endured—with greatly varying degrees of legitimacy—over centuries. NGOs, private voluntary organizations (PVOs) and community groups come and go as a function of local need, finance, and external intervention. Local governments are only as sustainable as the central state that legislates them into existence. But, traditional authorities, even those that are stable and representative, are difficult to replicate elsewhere, while elected local government can be legislated across a national territory (granted to differing degrees of effectiveness and requiring differing time scales to establish).

Further, while ideology may drive some actors to be representative, the absence of accountability mechanisms allows drift toward self interest and power consolidation. The iron law of oligarchy seems to be the rule in non-governmental organizations and social movements. So, while representation can occur without accountability, it is still questionable as to whether it can be sustained without systematic forms of accountability. Lastly, sustainable representation may rely as much on the powers and accountability of individual institutions as it relies on the particular mix and hierarchy of institutions embedded in their particular place and history. That embeddedness may represent simply additional accountability mechanisms or even webs of accountability relations. This observation raises the question of how actors external to the local arena—NGOs, governments, donors—should view institutional hierarchies and the accountability relations among local institutions.

In sum, the important institutional dimensions for effective representation are: powers and accountability mechanisms, and the degree to which these are sustainable and able to be scaled up. At a minimum, it appears that the mix of powers held by local institutions must be sufficient to the mandates, meaningful to local people and discretionary if they are to

 $^{8}$  These extended powers are analogous to Drèze and Sen's (1989) extended entitlements.

<sup>&</sup>lt;sup>9</sup> See Ribot and Peluso 2003 on the topic of webs of access. The notion of webs of access relations may also apply to accountability—one being the web of relations that shape the ability to benefit, the other being the web of relations that force responsiveness.

enable local decision-makers to act independently on matters important to local people. The accountability mechanisms must be systematic and effective. In addition, institutions being empowered should be sustainable over time and replicable across territorial space. Which local institutions are most likely to have these characteristics is an empirical question that still must be answered through research.

# KEY ISSUES IN NATURAL RESOURCES AND DEMOCRATIC DECENTRALIZATION: MAKING CHOICES

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 practitioners and policymakers 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. One 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.

# Institutional Choices: Choose and Build on Representative 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 are accountable to the populations for whom they are making decisions. Often they are not, 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 (Schroeder 1999; Ferguson 1996; Baviskar 2002, 2004). Local and national elite 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.

*Electoral accountability* can be strong or weak, depending on the electoral process. India, Mali, Uganda, and Mexico have chosen to strengthen local accountability by admitting

<sup>10</sup> Anne Larson (personal communication by phone July 2002) provided many of the insights for this section.

independent candidates in local elections (Agrawal 2002; Baviskar 2002; Bazaara 2002; Melo Farrera 2002; Kassibo 2002; Dupar and Badenoch 2002). In Burkina Faso, Cameroon, Senegal, South Africa, Zimbabwe, Brazil, Bolivia, Nicaragua, China, Laos, Indonesia, and Vietnam, however, local elections take place by party list. The elected authorities are often more accountable to their parties than to the local population (Dupar and Badenoch 2002; Resosudarmo 2002; Ribot 1999a). 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 (Pacheco 2004). 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 (Ribot 1999a). 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 (Baviskar 2002; also see Ferguson 1996). It is the very political nature of local elected bodies that make them accountable to local needs and aspirations (Romeo 1996:4; Evans 1997). Further, elections may not strengthen environmental accountability where natural resources are not a key local issue (Dupar and Badenoch 2002; Larson 2003). When locally accountable and surrounded by a plurality of voices, elected institutions can serve as an integrative mechanism for local decision-making (Ribot 2001a).

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 (see Manor 2004; Larson and Ribot 2004). 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 bodies to the people (Blair 2000). However, these non-elected 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 non-elected 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 antidemocratic.

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 (Tendler 1997). Local line ministry offices can support local democratic authorities, but should not substitute for them because such substitution can delegitimize and undermine the stronger form of democratic decentralization.

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 (National Research Council 1992:35; Mazonde 1996:56; Guyer 1994:223). 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 (see Fox and Butler 1987:2.). 

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Projects and policies often prescribe the establishment of local NGOs or committees to manage and use natural resources. In Cameroon, India, and Uganda these committees are sometimes elected. At times in Cameroon, Mali, Uganda, Zimbabwe Bolivia, Mexico, and Nicaragua, they are organized around interest groups. In contrast, in Mali, Bolivia, and some cases in India, user committees and groups may be 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 gives them the role 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 Burkina Faso, South Africa, Uganda, and Zimbabwe, and are reviving these authorities as the recipients of decentralized powers (Ribot 1999a; Ntsebeza 2002; Cousins 2002; Bazaara 2002; Muhereza 2001). Some traditional authorities are very accountable to their people (Spierenburg 1995). Many, however, are not (Ntsebeza 2004; Kassibo 2002a; van Rouveroy van Nieuwaal and van Dijk 1999; Thiaw and Ribot 2003). 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 (Ntsebeza 2002, 2004), 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 non-democratic authorities may—as under the colonial policies of "indirect rule" and

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<sup>&</sup>lt;sup>11</sup> 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).

"association"—subject local people to arbitrary authority without representation, rights, or recourse (Mamdani 1996; Ribot 1999a). Customary authorities are notorious for entrenched gender inequalities and for favoring divisive ethnic-based membership—rather than the residency-based forms of citizenship so fundamental to most democratic systems (Vijayalakshmi 2002). 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, merely giving powers to customary authorities does not strengthen democratic decentralization.

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 (see Mamdani 1996). They also often 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 (Ribot 2002a).

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 can be 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 (Mandondo 2000:15). Non-electoral accountability measures can include: accessible legal recourse;

<sup>&</sup>lt;sup>12</sup> There are good arguments that using local tax revenues to support local government will increase accountability. See Ribot 2002a and 2002b.

<sup>&</sup>lt;sup>13</sup> 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,

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 (Ribot 2002a; 2004; also see Dupar and Badenoch 2002 on consultative processes).

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 (See Ribot 2002a).

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. 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. 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.

In current decentralization initiatives, many powers remain centralized that could be devolved to local authorities without threat to the environment (Ribot 1999b; Conyers 2001:29; Fairhead and Leach 1996; Goldman 2001). Forestry and wildlife agencies transfer use rights with no commercial value while retaining central control over the lucrative aspects of the sector (Ribot 2001b, 2002a; Bazaara 2002). Management requirements are set by central governments that far exceed necessary measures (Fairhead and Leach 1996; Leach and Mearns 1996; Ribot 1999a). Forest agencies commonly

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."

<sup>&</sup>lt;sup>14</sup> In the 1980s and 90s in Senegal, rural councils felt marginalized and useless because they had nothing to offer their people. Now they feel constrained because although they wield greater powers, their ostensibly discretionary decisions are being controlled by the political parties that presented them as candidates. In essence, they still have little discretion. See Ribot 1999a.

<sup>&</sup>lt;sup>15</sup> Anu Joshi, personal communication, Institute for Development Studies, Sussex 1999.

<sup>&</sup>lt;sup>16</sup> For a notable exception in the case of Tanzania, powers over non-government forests (and by agreement, some government forests) have been transferred to "...community-level governments..., including the power to determine exactly how the forest is defined, who may use it, how it may be used, and to establish regulations in the form of statutory by-laws, raise funds, set and levy fines on those who break the rules..., set and levy fees for forest use and issue licenses..." (Liz Alden Wily (personal communication to from [Carol, is this meant to be to and from or just from? Between?] Wily to Carol Colfer, March 2004).

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.

Research has identified several systematic problems in the selection and balance of powers being transferred to local authorities. Obligations and instrumental objectives of the central 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 non-technical 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 non-technical 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 (Bazaara 2002).

Geographic scale also affects the distribution of powers. For purposes of accountability, representation and participation, 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. 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 watersheds 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 (Ostrom, Schroeder, and Wynn 1993). 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

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<sup>&</sup>lt;sup>17</sup> Based on work in India, Agrawal (2001) points out that decentralization success can be fettered by jurisdictions being too large or even too small.

governance can take powers away from the local arena and concentrate them at higher levels (See Mandondo and Mapedza 2002). The proliferation of scales being advocated by polycentric-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.<sup>18</sup>

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 (Brown 1999; Ribot 1999a; Fairhead and Leach 1996; Conyers 2001). 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 they are 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 (Follesdal 1998; Rocher and Rouillard 1998). 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 standards 19—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: 1)

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<sup>&</sup>lt;sup>18</sup> In recent years, the landscape approach is being introduced in natural resource management, moving decision making powers to higher and higher scales that are geographically and technically designed and managed, rather than placing decision making in the hands of residents of these landscapes (see for example, Diamond 2004; CARPE web page, ). These so-called landscape approaches must be explored for how they take power away from both the local populations and national governments while placing them in the hands of technical agencies and donor communities who claim to know the best manner in which to manage the resources.

<sup>&</sup>lt;sup>19</sup> 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.

discretionary powers must be transferred to give local authorities some independence; 2) these powers must have value or significance to local people; 3) mandates must be matched by sufficient fiscal resources and technical support, and mandates should not be the only powers transferred to local authorities; 4) commercially valuable resource-use opportunities should be transferred to local authorities in addition to subsistence-oriented usufruct rights; 5) 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); and 6) 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.<sup>20</sup>

# Secure Power Transfer Matters

Means of transfer is another critical dimension of decentralization (Conyers 1990:20; Ahwoi 2000). 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 (see Conyers 2000).

Ethiopia, Ghana, Mali, Senegal, South Africa, and Uganda all have constitutional clauses that assure some degree of government decentralization (UNCDF 2000:6). While these clauses do not specify which powers are decentralized, they provide leverage for lawmakers to establish and maintain decentralized governance arrangements. The specification of the powers to be decentralized, whether or not there is constitutional support for decentralization, usually takes place through decrees and orders, which are less stable forms of transfer that can change with the balance of powers among parties or with the whims of the party or administrators in power (Ahwoi 2000). These powers are delegated, not securely transferred. As Oyugi (2000:7) suggests, "those receiving delegated authority act for those who delegate it..." Also see Bates 1981.

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

<sup>&</sup>lt;sup>20</sup> To remain public does not mean being central-government property, it means being owned or managed by a body—at whatever level of political-administrative organization (preferably more local)—that represents local people.

appears to be a constitutional guarantee is transformed into executive-branch discretion (Ribot 2002a).

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 (Ida Aju Pradnja Resosudarmo and Arun Agrawal, in Latif 2002). 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 (Resosudarmo 2002). 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 (See Crook and Manor 1998;
Tendler 1997; Evans 1997; Mbassi 1995:24; Conyers 2000a:22; Mutizwa-Mangiza 2000:23). 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. Many powers belong with central government, such as establishing the legal

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<sup>&</sup>lt;sup>21</sup> 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."

<sup>&</sup>lt;sup>22</sup> 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

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. 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.

Foresters and environmentalists often complain that local people cannot make all natural resource management decisions. No reasonable decentralization advocates, however, 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—that is, without requiring preapproval by government agents.

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

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).

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 breach 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 an important role of central governments. But it is a role that must be done within an open political process following clear subsidiarity principles so that central government cannot, as it has want to do, retain unnecessary control over forest management. Central government does not want to give up control over resources any more than the fox wants to give up access to the hen house.

# **Uniform Minimum Standards**

In forest management, different rules and requirements are often applied to different actors. Communities are often required under many national laws to manage forests more rigorously than are corporations. The entry barriers posed by multiple requirements on local communities can prevent communities from entering into forest management. Uniform minimum standards—that require the same thing of communities as of corporations—can help avoid double standards that exclude local communities (see Ribot 2004).

# 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 (Conyers 2000:8). The World Bank points out that remedies to such inequalities require the willingness of the central state to engage in redistribution among regions (World Bank 2000:110). Such redistribution can only be accomplished with central government assistance (Smoke 2000:16).

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 (James Manor, in Latif 2002:54; also see Crook and Sverrisson 2001). Yet, poverty alleviation is often assumed to be one of the positive outcomes of decentralized governance. On the contrary, a 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..." (Crook and Sverrisson 2001:iii).

### **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. <sup>23</sup> Tensions arise within communities over the investment of new revenues from natural resource fees and taxes, as has happened in Cameroon (Oyono 2002a; Bigombe Logo 2002). 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 (Bazaara 2002; Resosudarmo 2002; Aaron deGrasi, personal communication, 2002; Anne Larson, in Latif 2002. Also see Dupar and Badenoch 2002). <sup>24</sup>

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. 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.

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<sup>&</sup>lt;sup>23</sup> Cheibane Coulibaly, personal communication, Bamako, Mali, February 2001.

<sup>&</sup>lt;sup>24</sup> 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).

### **CONCLUSION**

The potential of decentralization to be efficient and equitable depends on the representativeness of local institutions. But there are few cases where democratically accountable local institutions are being chosen *and* given discretionary powers. Before decentralizations can be evaluated, time is needed for them to be legislated, implemented, and to 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 tested, monitored, and evaluated. Research will be needed to determine: 1) if decentralizations are being established; and 2) what their social and environmental effects are. To begin with, practitioners, donors, activists, policymakers and researchers can ask questions to determine whether a decentralization effort is serious and is likely to result in the conditions that theory tells us will produce positive outcomes. These basic questions are listed in the two boxes below.

#### **BOX 1: Institutional Choice Questions**

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

- 1. What kind of institution is receiving powers in the name of decentralization?
  - Are they elected local government or local administrative authorities; local branches of line ministries, traditional authorities; NGOs, PVOs, CBOs, associations, appointed committees, elected committees, etc.?
- 2. If the local institutions are elected, do the electoral rules help make them representative?
  - a. How long in advance are elections announced?
  - b. Is there universal suffrage? Is it residency based?
  - c. How are candidates chosen? Do electoral laws admit independent candidates?
  - d. How long are term lengths?
  - e. Are there means of recall?
- 3. To whom is the local institution accountable with respect to the exercise of the transferred powers?
  - a. Through what mechanisms is the local institution accountable?
  - b. Are there multiple mechanisms of accountability?
- 4. How does the origin of their funding or their powers affect their accountability?
  - i. Can they raise revenues locally?
  - ii. Are they dependent on grants and funding from outside agents?
- 5. How does the mechanism through which resources are transferred affect their accountability?
  - a. Are the powers they receive transferred as secure rights?
  - b. Are the powers transferred as privileges that can be taken away?
- 6. Is the institution integrative across sectors?
  - a. Is the institution multi- or single-sector oriented? Is it multi or single purpose?
  - b. Does its role include mediating among sectors?
  - c. Does its role include allocation of resources among sectors?
- 7. Does the institution favor procedural matters of democracy or the specific set of instrumental objectives?
- 8. Is the form of inclusion, belonging or citizenship based on residency, identity, or interest?
- 9. Is the institution favorable toward marginal and poor populations?
  - a. Do marginal and poor populations have influence over and voice in the institution?
  - b. Are there mechanisms to assure the inclusion of women and of other marginal or poor populations in decision-making and benefits?
- 10. Whose interests are ultimately served by the chosen local institution (s)?
  - a. Is the institution serving patronage interests of central actors?
  - b. Is the institution serving only the interests of its members?
  - c. Is the institution serving only a sub-sector or fraction of the population?
  - d. Is the institution servicing the population as a whole?
- 11. Can multiple institutions freely function in the local arena?
  - a. Do citizens have rights to organize?
  - b. Do citizens and local organizations have rights to lobby government?
  - c. Can groups easily attain legal recognition and status?
- 12. Are lines of accountability over public decisions mediated through representative authorities?
  - a. When non-representative institutions are given public decision-making powers, are they accountable to representative authorities concerning the exercise of these powers?
  - b. Do these institutions compete with and undermine representative authorities, or do they strengthen representative authorities?
- 13. What are the long-term implications of the choice of institutions for justice, sustainability, scaling up, the formation of citizenship?
  - a. Do these institutions encourage broad-based involvement of local people?
  - b. Do they enfranchise people as citizens?
  - c. Do they give local people voice and agency?
  - d. Do they enable long-term stability?
  - e. Are they replicable across territories?

SOURCE: Ribot 2004.

#### **BOX 2: Power Choice Questions**

Here are some questions that should be asked when evaluating the degree to which powers that could and should be devolved are being devolved.

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

SOURCE: Ribot 2004.

### **ACKNOWLEDGEMENTS**

The contents of this article are condensed from two published articles (Ribot 2002c, 2004). The materials in these articles could not have been compiled without the help of many colleagues around the world. Many of these colleagues are cited throughout the paper. I owe great thanks for case material provided by the members of WRI's Research Project on Accountability, Decentralization, and Environment in Africa: Nyangabyaki Bazaara, Patrice Bigombe Logo, Diana Convers, 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. I am also grateful to the participants in the Bellagio Conference on Decentralization and the Environment whose research and observations all contributed to this document. 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, Mehr Latif, 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 want to thank the Center for International Forestry Research in Indonesia and Cameroon, and the Centre for Basic Research in Uganda for partnering in these efforts. I want to give special thanks to Jon Anderson of the US Agency for International Development's Economic Growth, Agriculture and Technology division for funding much of the research that made this contribution possible and being supportive of field-based policy research. Rockefeller's Bellagio Center, Ford Foundation, MacArthur Foundation, the Dutch Government and the Africa Bureau of the US Agency for International Development have also contributed substantially to these efforts. Most of all, I want to thank Peter G. Veit at World Resources Institute for his collegial support throughout the decentralization and environment research program. May thanks to Carol Colfor of CIFOR and to two anonymous reviewers for their constructive comments.

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