JESSE C. RIBOT

BUILDING LOCAL DEMOCRACY THROUGH NATURAL RESOURCE INTERVENTIONS
An Environmentalist's Responsibility

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A POLICY BRIEF

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Cover Image Artist: Mor Gueye

Mor Gueye is a renowned Senegalese 'reverse-glass' artist. He paints on the back side of glass to be viewed from the other side. This painting is an illustration by Mor Gueye for a book (for children and select adults) by Jesse Ribot entitled *The Business of Sustainable Development: An African Forest Tale* (unpublished). The story and illustrations can be viewed on YouTube [http://www.youtube.com/watch?v=Li_taFYxA6s], and a discussion with the author of this story can be seen on the television program 'Dialogue' [http://www.wilsoncenter.org/index.cfm?fuseaction=dialogue.thismonth&dialogue_id=132287] of the Woodrow Wilson International Center for Scholars. In this scene the colonial officer is being told by a village chief to stop his cutting. In the meantime, the youth are leaving town and the tree spirits are dying.

Photo of cover art: Franko Khoury

CONTENTS

ACKNOWLEDGMENTS

EXECUTIVE SUMMARY

Decentralization is about potential, it guarantees nothing.

Petrasek et al. 2002:12.

Local democracy is a process whereby local leaders become accountable to citizens and responsive to their needs and aspirations. Environmental laws and interventions can support or undermine local democracy. This policy brief provides natural resource policy makers and practitioners with an approach for evaluating how their policies and projects can support the emergence and consolidation of local democracy.

Democratic processes engage people when the decisions they involve are relevant to people's everyday lives and livelihoods. Natural resource management and use decisions affect rural subsistence and much rural commerce. When these decisions are decentralized, local leaders are empowered to represent the interests of local people in significant public matters. Natural resource policies and projects thus have the potential to engage local people in local democratic institutions—giving them reason to demand services, and to hold their leaders accountable.

Where there is potential, there is also responsibility. Decisions made by environmentalists and environmental professionals have an impact on local democracy; they can undermine, bypass, create, protect, or promote it. Environmental actors are therefore responsible for ensuring that their actions support the global movement to create and foster democratic local government. The challenge they face is to achieve environmental management and conservation goals while supporting the worldwide trend toward the establishment of local democracy.

Environmentalists have at least four theoretical reasons to support local democracy: *sustainability, efficiency, legitimacy,* and *incentive* (Box 3 of main text). Nevertheless, despite high expectations of decentralized governance,

it has been hard to identify or measure results. Decentralization reforms, even when labeled 'democratic,' rarely lead to the creation, on the ground, of empowered democratic local authorities. Two compromised 'democratic decentralization' arrangements are commonly observed in all sectors: democratically elected institutions are created, but given insufficient discretionary powers to play their role as representative bodies; or 2) powers are transferred to people who may be local, but who are upwardly accountable, or unaccountable. These are both outcomes that natural resource policies and projects have helped to produce.

In practice, everything *but* democratic decentralization has taken place in the name of 'democratic decentralization' reforms: privatization, deconcentration, NGOization, selective civil society inclusion, participatory processes, co-management, and committee-based project implementation. The interventions being chosen by environmental policy makers or projects in the local arena are not empowering 'democratic' local partners. They do not support local democracy because they usually lack the two key elements of effective democratic decentralization: *downward accountability* and significant *discretionary power*. While many interventions increase local participation in natural resource decisions, they may do so in non-sustainable ways or in ways that hinder the institutionalization of local democracy within local government.

Environmental projects and policies interact with local partners, strengthening and reshaping the partner institutions they support. In funding and partnering with local institutions, environmental policy makers, donors, and professionals can support or undermine local democratic institutions that are emerging throughout the developing world. Drawing on recent case studies

from Benin, Brazil, China, Guatemala, India, Indonesia, Malawi, Russia, Senegal, and South Africa, and the broader literature, this brief: 1) explores why governments, donors, large non-governmental organizations (NGOs) and environmental professionals (intervening agents) choose their local partners—what we call *institutional choice*; and 2) outlines some of the effects of those agents' choices on the development of local democracy—what we call the *effects of recognition.*

We have learned from institutional-choice case studies and many other papers that institutional choice can shape local democracy—hence, it can be a local democracy tool. The choice of local partners influences the formation and consolidation of local democracy by affecting its three key dimensions: *representation, citizenship,* and the *public domain* (definitions in Box 1 of the main text). To support local societies in which people can influence their rulers, conscious design and implementation of environmental policy and projects is needed. Natural resource management interventions can be structured to build the many facets of local democracy.

While we still have a lot to learn about the best ways for governments, donors, and large NGOs to support local institutions to foster the emergence and consolidation of local democracy, the research for this brief yields a number of important initial recommendations. To support local democracy while conducting local-level environmental interventions, we suggest that intervening agents—central governments, donors, large national and international NGOs, conservation organizations, and development and environmental professionals—take the following actions:

- *Choose democracy by working directly with democratic local authorities:* When engaging local people in decision making, do so through elected local decision makers who are systematically accountable and responsive to the local citizens. Where democratic local government does not exist, work with central government to establish and enable local democracy.

- *Build the public domain by keeping public powers in the hands of representative public authorities:* Place public powers (such as decisions concerning forest management, revenues, or natural resource exploitation) directly or indirectly under the jurisdiction of elected local authorities. These powers constitute what we call 'the public domain', i.e., the realm of public interaction that constitutes the space of democracy. If local elected authorities are enabled to be

responsive to local needs and aspirations, local people will have incentive to engage with them as citizens.

- *Build citizenship by informing people of their right to influence the authorities that govern them and by providing them with the means (channels of communication and recourse) to do so:* Inform citizens of their representatives' powers and obligations, and of the means available to them for holding their leaders accountable.

- *Promote equity by engaging broad-based partners:* Systematically partner with local organizations that represent *all* classes—with an emphasis on organizations of the poor. Level the playing field through policies that affirmatively favor the poor, women, and marginalized groups.

- *Enable local representatives to exercise their rights as public decision makers by informing them of their powers and obligations concerning natural resources, and helping them to exercise those powers and the recourse they have when their rights are denied:* Create safe means for representative local authorities to demand resources from and take recourse against line ministries, police, and other intervening agents, so they are able to effectively perform their role as local representatives.

- *Help local governments engage in collective bargaining for laws that favor the populations they govern by helping local representative authorities to organize, lobby, and demand accountability from government and commercial interests:* Enable local governments to bargain collectively with central government to ensure that they are granted the rights they need to manage resources around them and to ensure that the rights they have been granted in law are transferred to them in practice. Facilitate representation of rural needs and aspirations in national legislatures.

Environmental organizations have been reluctant to embrace democratic decentralization. Yet local government could become the basic institutional infrastructure for popular participation in environmental projects. Democratic local government has the potential to increase the efficiency, equity, sustainability, and legitimacy of local natural resource interventions, as well as generate incentives for local people to become involved. The above summary recommendations offer ways for environmental organizations to support local democracy while attending to their immediate and long-term conservation agendas in a manner that gives their efforts a long-term local institutional home.

This brief is organized into three parts. The first outlines the 'institutional choice and recognition' framework for analyzing the prospects for the consolidation of local democracy in the context of natural resource decentralization reforms around the world. The second identifies and discusses cross-cutting lessons drawn from the case studies. The final part provides detailed elaboration of the summary recommendations outlined above.

INSTITUTIONAL CHOICE AND RECOGNITION— HOW ENVIRONMENTAL DECISIONS SHAPE LOCAL DEMOCRACY

Intervening agencies or agents—here, central governments, international development agencies and large international and national non-governmental organizations (NGOs)—have a significant impact on the local institutional environment through their choice of local partners in the implementation of new laws and in project interventions. Institutional choices are made by legislatures, people within development agencies and NGOs, and front line practitioners. Our research asked: *What are the reasons for the local 'institutional choices' they make?*[1] *What are the effects on local democracy of choosing, and thus 'recognizing', different local institutions?*[2]

The term 'choice' attributes agency and therefore responsibility to higher-scale organizations intervening in the local arena. Governments and international organizations choose local institutions by transferring powers to local actors, conducting joint activities, or soliciting their input.[3] Through their *choice* of local partners, they are *recognizing* new and/or existing local authorities. In choosing institutional partners, intervening agents are *recognizing* new or existing local authorities, and thereby transforming the political economy of the local institutional landscape. The concept of recognition focuses attention on the *effects* of these institutional choices on three key dimensions of democracy: representation, citizenship, and the public domain (definitions in Box 1).

In the name of decentralization, intervening agencies are transferring power to local private bodies, customary authorities, and NGOs. Due to support for, and the proliferation of, local institutional forms, fledgling democratic local governments often receive few public

BOX 1 | DEFINITIONS

Decentralization is any act by which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy. Decentralization is typically divided into *democratic decentralization* and *deconcentration*.

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

Deconcentration (also known as *Administrative Decentralization*) concerns transfers of power to local branches of the central state, such as prefectures, administrations, or local technical line ministries. These upwardly accountable local bodies are appointed administrative extensions of the central state. While some downward accountability may be built into their functions, their primary responsibility is to central government. Deconcentration is considered the weaker form of decentralization because downward accountability is not as well established as it is in the democratic or political form of decentralization.

Institutional Choice is the identification by intervening agencies of the locus of decentralized authority, the local partner with whom intervening agencies work, and therefore to whom they transfer powers or provide support.

Recognition is the acknowledgement of another person, culture, or institution. The choice of local authorities or organizations by the government or by international agencies is a form of acknowledgement or recognition. Local institutions are recognized through the transfer of powers, partnering in projects, engagement by contracts, or via participation in dialogue and decision making. As an analytic concept, recognition helps us focus on the effects of the transfer of powers to, and backing of, select local institutions.

Democratic Representation occurs when a leader is responsive to the needs and aspirations of her or his population. When the population can sanction the leader so as to hold the leader accountable, then the representation can be considered democratic.

Citizenship is the ability to be politically engaged and shape the fate of the polity in which one is involved. Citizenship in a liberal democracy is often associated with entitlement to certain civil, social, and political rights, irrespective of one's identity and interests.

Public Domain consists of the resources and decisions under public control that are the basis for public decision making. The public domain is a domain of powers that citizens may be able to influence. It defines the space of representative democracy.

Subsidiarity is the idea that the best level for policy and procedural decisions is the most-local-possible level at which decisions are not likely to produce negative effects for higher scales of economic, social or political-administrative organization.

Source: Isin and Turner 2002; Sparke 2004; Ribot 2004, 2007; Føllesdal 1998; Rocher and Rouillard 1998.

resources or powers, and must compete with a plethora of parallel local authorities, institutions, and organizations (e.g., local line ministry offices, NGOs, customary chiefs, and private corporations).[4] Democratic local government is rarely given the means—discretionary powers, technical support, equipment, or finances—to represent or to engage local people in public affairs. In some cases, local government has been fettered by the proclivity of governments, donors, and large NGOs to choose to work through local institutions that parallel local government (Benin, Malawi, Senegal, South Africa cases); and, in other cases, government or external actors have successfully promoted local representation (Guatemala, India, Indonesia, Russia). Why are different institutional choices made, and what are the effects of these choices on democracy and development? (See Senegal Case Illustration 1; Indonesia Case Illustration 2, and Box 2 on Case Studies.)

The term 'recognition' evokes the political-philosophy literature on identity politics and multiculturalism.[5] This literature provides a framework for exploring the effects of cultural recognition on individual identity, well being, and democracy. The institutional choice and recognition framework outlined in this section extends the discussion to the recognition of *authorities*, which, like the recognition of culture or of an individual, confers power and legitimacy while cultivating identities and forms of belonging.[6] The choice of a local partner by government or an international agency is a form of recognition.[7] This section outlines and explains the choice and recognition framework by breaking the framework down into *the politics of choice* and the *effects of recognition*.[8]

THE POLITICS OF CHOICE

The question of who invests whom with authority may well seem an endless chain of reference to 'bigger authorities' above or beyond the institutions themselves; institutions which are either more powerful, or have successfully established themselves as 'natural authorities', or both. Colonialism was probably one of the largest (though definitely not the last) of such operations, and, as a wealth of studies show, the very orchestration of public authority is not an epiphenomenon but its salt.

Lund 2006:693.

Decentralizations can provide the infrastructure for popular engagement and expression.[9] They can open the spaces to initiate active citizen engagement by promoting inclusive participation and new kinds of local agency.[10] As *policy reforms*, however, decentralizations are 'top-down' affairs—designed and implemented by central actors.[11] So how do policy makers and development professionals choose local institutions in democratic decentralization or local development interventions? Do their institutional choices reflect the aggregate aspirations of individuals

The ten case studies on which this brief is based were commissioned by WRI and have all been published as working papers in our *Representation, Equity & Environment* Working Paper Series (see at http://pdf.wri.org/epe_publications_catalog.pdf). They were chosen for their geographic distribution and the quality of the author's existing data. For these studies, we sought authors who had already completed extensive field research in sites they knew well. We asked each author to analyze their existing data and, if need be, to conduct supplementary field research to gather additional data so as to address a particular set of questions about institutional choice and recognition. Some authors were able to address only a subset of the questions in the choice and recognition frame. Others had more complete data sets.

Each case study author was asked to examine 1) which kinds of local authorities are being chosen and why, and 2) to determine the effects of these institutional choices—the effects of 'recognition'—on democracy and development in their case. Each author was asked to examine the effects of the observed local institutional arrangements on representation, belonging, and the public domain.

The cases are referenced by country in the text. Vignettes and lessons learned from six of the ten case studies, referred to as Case Illustrations, are summarized in special boxes throughout the document.

Case Study Countries	Natural Resource	Case Study Reference	Case Illustration Number
Benin	Forests	Mongbo 2008	5
Brazil	Forests	Toni 2007	6
China	Pasture	Xiaoyi 2007	—
Guatemala	Forests	Larson 2008	—
India	Forests	Chhatre 2008	3
Indonesia	—	Ito 2007	2
Malawi	Fisheries	Hara 2008	4
Russia	Forests	Lankina 2008	—
Senegal	Forests	Bandiaky 2008	1
South Africa	Wildlife	Spierenburg et al. 2008	—

All but the Indonesia case focus on decentralizations involving natural resource transfers. Natural resources are a powerful lens on decentralization because they are important to a multitude of public and private actors. Natural resources are a source of subsistence and income for rural inhabitants, and of income and wealth for central governments and national elites. Transfer of natural resource powers from central to local authorities mobilizes a wide range of interested parties.

maximizing their own good?[12] Do they select authorities and institutions to meet their own narrow economic and political interests?[13] Do local institutions choose and impose themselves on emerging opportunities and decision-making processes?[14] Clearly, all of these processes are in play. The Brazil, Indonesia, India (see Case Illustration 3), and Malawi (see Case Illustration 4) case studies address the politics of choice. They describe how higher-level authorities' policies and decisions, with or without the influence of local citizens, result in the creation, selection, or appointment of specific authorities and/or enable local actors to engage or capture new opportunities.

Institutions—whether constituted by rules or by authorities—are not merely organically emerging solutions to collective-action problems. Rather, they are created or cultivated by powerful interests. Central authorities craft decentralizations, and, in the process,

are shaping the local institutional landscape.[15] Political philosopher Charles Taylor's (1994) notion of the politics of recognition helps us understand how the struggle of social actors to redress historical wrongs can also force the state to 'recognize' marginalized groups. Linking choice to recognition in analyses of local institutional formation enables an integrative view of choices from above and pressure from below.

EFFECTS OF RECOGNITION

The results of institutional choices on the emergence and consolidation of local democracy often differ from governments' and international organizations' stated objectives or expected outcomes. Despite the extreme difficulty of establishing links between institutional arrangements and development or ecological outcomes, a body of data is emerging.[16] Rather than focusing on links to development or environment outcomes, the studies for

Reinforcing Gender, Class, Political, and Ethnic Hierarchies in Malidino Reserve, Senegal — Research by Solange Bandikye

The ostensibly 'gender-neutral' institutional choices of donors and the forest service actually deepen existing gender, class, political, and ethnic hierarchies in the World Bank's Malidino Biodiversity Community Reserve project in Senegal. The decentralization and forestry laws in Senegal give elected local government (rural councils) the right to manage the natural resources in their jurisdiction. The project, however, chose to circumvent the rural councils, creating Village Committees to manage the reserve. The committees were accountable to the forest service, and focused primarily on conservation objectives.

Senegal's forest service selected village chiefs, imams, and village 'wise men' to lead the committees. The project addressed gender by assigning elite women to administrative committee positions, such as treasurer, and giving other elite women fictitious 'paper' positions. The heads of the committees and local women's associations gave women from their families subordinate roles in the project. Like the men on the committees, these elite women allocated resources under their control to women in their families and ethnic groups. Entrenched village hierarchies were reinforced by this elite-based allocation of ostensibly public resources. Committee leaders also excluded opposition political and ethnic identities from reserve benefits.

The forest service appointed a reserve president from the rural community. The president was also an elected rural council member for the party in power. When his Socialist Party lost control of the national presidency to the Senegalese Democratic Party (PDS) in 2000 and he lost his position in the rural council in 2001, he used his position as reserve president to support members of his now out-of-power party. He excluded all PDS adherents from decisions over reserve management and use, as well as from reserve benefits. Rival party members were not invited to committee meetings, and were denied access to project resources earmarked for distribution to the community at large, such as seed and food. The reserve president allocated project food assistance to his family members—of the Pulaar ethnic group—and to his party members, excluding migrants and Mandinka

households. The village was split into two political camps, and divided ethnically. The reserve president was enabled to play this political game against PDS members due to his forest-service-appointed position—from which he could not be voted out. By giving uncontested power over the reserve to a private individual, the project enabled that individual to take those public powers and turn them to his own political ends. The project created an enclosure of the reserve from the larger citizenry, in the service of one political party, a single ethnic group, and associated families.

As Bandiaky argues, even ostensibly fair institutional arrangements would not overcome the entrenched gender distribution of voice and material benefits. The project's uncritical 'village' approach reinforced gender hierarchies. In addition, Bandiaky shows how women are 'dragged into male political rivalries,' dividing women along these same lines and suppressing alternate relations based on gender solidarity. Recognition of the existing hierarchy, Bandiaky concludes, 'only reinforces existing structures of selective exclusion or inclusion based on chieftaincy, sex, age and social status.' While there is no guarantee that empowering the elected council will produce more equitable outcomes, it is clear that recognizing the existing hierarchy precludes change. Under any circumstances, Bandiaky suggests that redressing linked gender-class inequalities will require institutional arrangements that target specific underprivileged and marginalized non-elite women traditionally excluded from local decision making.

Lessons:

- Selecting traditional authorities and elders to serve on forest management committees can reinforce inequalities already present in traditional hierarchies.

- Empowering private individuals with discretion over public powers can enclose the public domain.

- Redressing gender inequalities across class will require interventions that target under-privileged women.

Source: Bandiaky 2008.

Selective Civil Society in Java, Indonesia
— Research by Takeshi Ito

In the Bandung district of Java, Indonesia, powers and resources were successfully transferred to popularly elected district governments, opening new opportunities to influence policy and its implementation at the district (*bupati*) level. 'The most tangible effect of the institutional choice of collaborating with interest groups of village elite is the remarkable improvements in village officials' material well-being. Their lobbying resulted in increasing the flow of subsidies to the villages.' In the pre-decentralization Suharto era, a nearly monolithic state apparatus controlled all levels of the administrative hierarchy. Today, however, the influence of village heads is, as Ito suggests, 'for sale,' and they no longer need to show loyalty to the ruling party. Other parties now compete for the attention of the village heads to build their own political bases. There has been a clear opening of space for political competition; the village heads have gained a significant role in higher-level electoral politics.

Despite advances resulting from this decentralization, Ito shows that a civil society approach to local democracy is systematically excluding poor and marginal populations from democratic decision making—investing in development to serve elites while ignoring the demands of the poor. The *bupati* and district bureaucrats justify working with elites on grounds of efficiency—getting the work done. They choose to work with associations of village officials, such as the association of village headmen, as their development 'partners.' The chosen rural elite are closely aligned with the state. Indonesia's central government chose decentralization to the elected district *bupati,* while in Bandung the *bupati*

systematically chose to work with local elite associations tethered to the state in a web of patronage constituted in the colonial period and refined under the post-colonial Suharto regime. Rather than a broad cross-section of civil society working with local government in a volunteristic and broad-based manner, aligned participants are selected and cultivated. This selectivity contradicts the idea that civil society is self-organizing and independent from the state. The resulting articulation between government and people is starkly class-based—between government and a civil-society elite—while the poor remain disarticulated (Case Illustration 4).

The chosen civil society organizations can hardly be said to represent a broad cross-section of local society. The associations of village officials, though theoretically a part of civil society, represent particular social and political interests which Ito shows are antagonistic to the interests of the poor. The alignment of district government with village elite through their associations reduces the publicity of transactions between the district government and villages, hemming in the public domain by effectively reserving public decisions for village heads and the narrow elite to which they belong. These partnerships also cultivate upward accountability of village officials to their associations, since the associations are receiving government resources that village heads may want to influence. The stratifying effects of the choices of the *bupati* were obscured by the positive civil-society discourse and uncritically promoted by international development institutions. The practice of civil

this brief examined democracy results, asking whether the mix of recognized institutions is helping to establish, strengthen, or consolidate local democracy.

The 'politics of choice and recognition' framework applies the concept of recognition to authority. Like the recognition of culture or individuals, the recognition of local institutions or authorities confers power and legitimacy, and cultivates identities and forms of belonging.[17] The choice of local authorities—local partners—by government or international agencies is a form of recognition. *Recognition takes place through the transfer of powers, partnering in projects, engagement*

by contract, or via participation in dialogue and decision making.[18]

Recognition strengthens the chosen local authorities and their organizations with resources and backing, reinforcing the forms of belonging associated with these local institutions, while shaping their members' identities. In doing so, recognition shapes 'representation'— the accountability and responsiveness of leaders; 'citizenship'—the rights and obligations that enable people to engage with leaders to influence their decisions; and the 'public domain'—the material basis of that

society approaches contributed to the reproduction of local class hierarchy (see also Case Illustration 1, where a similar approach reproduces existing gender hierarchies.).

Whereas in a broad-based democracy, the state has articulations with civil society and a broad citizenry, there is in this case an articulation between the state and a select, narrow elite—hence, Indonesia is using what we will call the 'selective civil-society approach' to develop local democracy as a narrow, elite-based form of rule. Increasing competition to influence decentralized public office should, however, over time, generate incentives for the elite to expand inclusion to wider sections of society, and provide opportunities for poor villagers to influence policy. As Chhatre demonstrates for India (Case Illustration 4), elections at multiple levels over time and several electoral cycles are needed for articulation to trickle down to the most marginalized sections of society. In this sense, the Indonesia case may be more positive than it first appears.

Ito's Indonesia study and Toni's research in Brazil (Case Illustration 6) describe how the recognition of civil society organizations is embedded in the historical relationship between state and civil society. In Brazil, the ruling party aligns with rural labor unions and social movements to shape the choice of local partners. In Indonesia, class congruence and patronage ties drive the choice of partners. In Brazil, while the institutional choice is fragmenting authority at the municipal level, it is based on a pro-poor central-state agenda that seeks to bypass unrepresentative local governments. In Ito's study, decentralization increases financial allocations

to villages on average, but these are highly skewed in favor of the elites. Both cases show movement toward greater representation and equity, and, with increasing political competition, may generate opportunities for positive change.

Lessons:

- A selective civil-society approach can contribute to the reproduction of local class hierarchy. Rural elites in Indonesia are aligned with the state. In this case, it is these elites who are chosen by government to represent and act on behalf of civil society. Consequently, civil society does not participate in a volunteristic and broad-based way: participants are selected and cultivated. This selectivity runs counter to the notion that civil society is self-organizing and independent from the state.

- Increasing political competition to influence decentralized public office may eventually create incentives for elites to expand inclusion to wider sections of society, granting poor villagers opportunities to influence policy.

- Parties have more incentive now to be inclusive, since they want broad-based support. While Ito considers these authorities to be 'for sale,' this 'salability' seems a very positive indication that local representatives have become valuable in higher-level political competition. Hence there is at least an opening for more inclusive democratic processes to emerge.

Source: Ito 2007.

engagement or material space of public interaction. Each is outlined below.

Representation

In recent decades, many institutions have been created or cultivated with the purpose of increasing popular participation and empowerment in planning and decision making.[19] While increased participation may appear democratic by bringing a broader cross-section of the population into decision making, participation is often neither representative nor binding.[20] *Democratic representation is in place when leaders are both accountable*

and responsive to the people.[21] Accountability, which implies positive and negative sanctions, is a defining characteristic of democracy. Responsiveness requires leaders with powers—the discretionary power to translate needs and aspirations into policy and policy into practice.[22] In order to be democratic, institutions must be representative: accountable to the people and empowered to respond.

When outside authorities choose to work with, and therefore recognize, local authorities, they are strengthening and legitimating these authorities. But how representative are these chosen institutions? In current decentralizations—even those called 'democratic

ENVIRONMENTALISTS' REASONS TO SUPPORT LOCAL DEMOCRACY

Recent observations and existing theory provide general guidance on why well-structured local government could serve as the basis for select natural resource management and use interventions. Until better empirical data are available, observation and theory are also our best guide for action—and they provide us with hypotheses to test in practice. Decentralization's potential contributions to environmental agendas include:

- **Sustainability:** Local democracy provides an institutionalized form of the 'popular participation' that environmentalists are almost universally trying to support in their natural resource management and conservation interventions. It is a form of participation through which environmentalists can work, and that should sustain itself after interventions have been completed.

  While participatory processes can increase efficiency and equity as described below, and can even be used to enhance representation in democratic local government, they are labor-intensive and as ephemeral as the projects they accompany. Further, environmentalists' support for parallel local institutions can undermine the formation and consolidation of local democracy by taking away local democracy's functions and powers. Circumventing democratic authorities is a circumvention of democracy. The short-term instrumental aims of environmental interventions should not undermine the procedural objectives of democracy, which may strengthen the instrumental environmental objectives in the long run.

- **Efficiency:** Local democracy promises more efficient outcomes than other kinds of local institutions such as the local offices of environmental ministries, NGOs, project committees, traditional authorities or private individuals and corporations. Since these 'parallel' local organizations do not have to confront the messy and slow processes of democratic

decision making (as representative local government does) they may in the short run be quicker at implementing environmental projects and achieving specific outcomes. But local democratic institutions, because they are representative, can help to internalize externalities, better match resources to needs, draw on a broad base of local knowledge, and—because they are more transparent and accountable—are, in the long-run, far more likely to produce efficient, ongoing, meaningful results.

- **Legitimacy:** Environmental management and conservation interventions often fall prey to sabotage. Many environmental policies are perceived as unjust—often because they *are.* Excluded and un-served segments of the local population—those who lose access to resources or are inconvenienced by environmental projects—often ignore the rules and continue to exploit resources as they have in the past, or destroy a resource when they feel that others are profiting from it at their expense. Representing a full range of concerns in decision making, and gaining the confidence and support of at least a majority of the population, can give interventions social legitimacy, even when these interventions may be unfavorable for some. If more inclusive and legitimate, local democratic processes may also play a role in conflict avoidance, mitigation, and resolution. Further, inclusive practices help to develop trust.

- **Incentive:** Recognized rights and the means to exercise them provide local people with the motive to invest in and reap benefits from resources around them. Within the right regulatory structure, recognition of rights, (*e.g.,* to resources, participation, and a voice, and the ability to exercise them), can create incentives for sound resource management and use.

Source: Kaimowitz and Ribot 2002; Ribot 2004. Cf. Tacconi Siagian and Syam 2006; Blaikie 2006; Andersson and Gibson 2004.

decentralizations'—governments and international donors are largely choosing to avoid elected local government in favor of other institutions (see Senegal, Malawi and Brazil cases).[23] Such a choice is critical in that it is empowering alternative, or 'parallel,' authorities while depriving local elected authorities of the powers transferred to the local arena. Empowering local line ministry offices, NGOs, customary chiefs, and private corporations—all of which work in very different ways—can de-legitimate elected local authorities while legitimating these parallel bodies. Elected local government is forced to compete and

struggle with other local institutions for the legitimacy that follows from control of public decisions and service delivery. While these parallel institutions may cooperate with and support local government, they are doing so with resources that local government could have used to build its own capacities to respond to local needs.

Representative local authorities can also be strengthened through recognition (as in the Russia case). They may be weakened, however, if: 1) they receive too little power to be effective (as in Brazil, Guatemala, Malawi,

Multi-layered Responsiveness and Forestry in Himachal Pradesh, India
— Research by Ashwini Chhatre

In Himachal Pradesh, India, a World Bank-funded state Forest Department project raised the ire of local people when patronage benefits were too concentrated among the cronies of a ruling-party state legislator. A social movement against the project drew the attention of the political opposition party, resulting in the legislative election of the opposition candidate, and the engagement of legislators and their parties with local government (*panchayat*) leaders to garner greater portions of the vote. The contestation of *panchayat* seats was split between pro- and anti-project contingents. In the course of these contests, the constitutionally mandated decentralization took effect, transferring new powers to the *panchayats* and intensifying the engagement of local citizens with them.

In a politically charged process, the local population chose to work through their elected local government (*panchayat*) rather than through project-established Village Development Committees (VDCs). The Forest Department, bypassing the *panchayats*, had constituted the VDC, appointing local cronies as project agents. But local people did not like the VDC objectives of reducing locals' dependence on the Great Himalayan National Park for their livelihoods, and felt the VDCs were corrupt. They organized to oppose the project. To influence the VDC, local people had to appeal to the higher-level authorities in the state Legislative Assembly who oversee the Forest Department. At first, local people tried to go directly to their Legislative Assembly representative. Later, as the *panchayat* was being recognized through decentralization reforms, they began mobilizing *panchayat* authorities for their political-party connections. Despite having no power over the project or natural resource management, the *panchayat* leaders represented local people to the higher-level representatives. Their engagement with the Legislative Assembly set in motion a new engagement of legislators with the *panchayat*. Seeing that local people worked through their *panchayat,* provincial legislators began listening more closely to the *panchayat* leaders, now recognizing the *panchayat* as a potential source of votes. Assembly members even began listening to and serving local opposition leaders in order to secure gains for their respective parties and their own future elections.

Chhatre describes this 'virtuous political circle' (Fox 1996), linking people to *panchayats* and *panchayats* to legislators, as 'political articulation.' He defines 'an articulated democratic system', as one that 'will enable local communities to influence local institutions.' Chhatre postulates that articulation 'is determined by the institutional architecture governing representation at multiple levels, as well as the degree of competition between political actors for the privilege of representing local interests.' In a disarticulated political system, elected representatives are alienated from their constituents, and lack incentive to respond to demands from below. Chhatre notes that the key to the Himachal Pradesh local governments' success was the 'space and opportunity for community engagement.' That space and opportunity is generated by: 1) accountability, or people having means and abilities to make demands on government, and 2) government having the powers and abilities to respond. While having the elements of representation (accountability with power), Chhatre's 'political articulation' framework enables a dynamic multi-layered approach to the analysis of emerging local democracy, in which power and accountability are relational and not located in a single authority (cf. Manin, Przeworski and Stokes 1999; Agrawal and Ribot 1999).

Lessons:

- Committees appointed by central agencies risk skewing representation and benefit distribution. Project committees can be stacked with political allies or clients to favor the political objectives of those running the project—in this case, the Forestry Department.

- Political channels of influence can be used to make government agencies responsive. Representative local authorities can influence higher-level government authorities if the local authorities have something to offer to higher authorities—in this case, votes. When political actors have incentive to respond to demands from below and people have channels for making demands, the political system can generate 'virtuous circles' of demand and response by which the needs of local people are met.

- The ability of local government to respond to local needs can depend on local government's ability to mobilize a response from higher levels of government.

Source: Chhatre 2008.

Mistrusting Local Democracy in Mangochi District, Malawi — Research by Mafaniso Hara

In Mangochi District, Malawi's National Parliament, Malawi's Fisheries Department, and international donors are building local Beach Village Committees (BVCs) and higher-level District Assemblies that represent local people in fisheries management. Headmen in the villages have traditionally played a mediating role in fisheries decisions. However, with donor support, the Fisheries Department chose to represent the whole population of each fishing village through elected committees. The Fisheries Department argued that the committees had to include the whole population in order to balance the vested interests of fishers. Their arguments reflect an assumption that the broadening of representation in fisheries would have a positive effect on fisheries management by bringing in the concerns of non-fishers who may have less of a motive to overexploit the resource for short-term gain.

Subsequent to the creation of BVCs, Malawi's decentralization laws created District Assemblies, to whom the law transferred the power to manage fisheries. While the BVCs had originally depended on the Fisheries Department, under decentralization, they reported to the District Assemblies. The Fisheries Department did not want this shift—which constituted for them a loss of control—to take place. Members of Parliament, also threatened by the creation of District Assemblies, blocked elections and prevented the assemblies from being established. While Members of Parliament and Traditional Chiefs were *ex officio* (non-voting) members of the District Assemblies, they wanted voting rights. The Members of Parliament also voted against raising the salaries of to-be-elected District Assembly members.

Conflict of interest and mistrust shaped choices made by the Fisheries Department, donors and the parliament. The Fisheries Department did not trust the BVCs enough to give them significant powers. Parliament did not want to empower the District Assemblies enough to allow sectoral committees—in this case, BVCs—to be transferred from centrally controlled line ministries to District Assemblies. Indeed, Parliament had no interest in allowing District Assemblies to even come into being. Nor did donors trust local communities enough to allow their elected representatives to control the BVCs. Donors' anti-local-government decisions suggest mistrust of their own local democracy rhetoric. The result was a weak BVC functioning outside the legal framework of a decentralization that never took place. If interests are aligned against democratic decentralization, local democracy is not likely to be the outcome.

Lessons:

- The use of public resources that are profitable to only a specialized sub-sector of society—fisheries and fishers in this case—is subject to tensions between the user group and society's broader interests. To better serve society as a whole, the biases of user groups toward their own interest can be counterbalanced by locating decisions over the resource with more-broadly representative authorities.

- Actors who mistrust local democracy and actors whose powers are transferred to local democratic authorities can block the emergence or empowerment of local democratic institutions.

Source : Hara 2008.

Senegal, and South Africa); or 2) parallel institutions overshadow or pre-empt their ability to serve the public interest (Benin, Brazil, China, and Malawi). It is not uncommon to see under-funded local governments with a mandate to manage natural resources operating alongside over-funded environment committees in the same arena (Senegal).[24] Transferring public powers to parallel authorities in the local arena can take powers away from, and produce competition with, democratic local government. Such competition can be divisive (as with the Brazil case), or it may lead to more efficiency and better overall representation(India, Indonesia). It can undermine the legitimacy of local democratic authorities while producing conditions for elite capture, or it may produce a pluralism of competition and cooperation that helps establish and thicken civil society as well as the links between society and the government (India, Russia).[25]

Citizenship

Under democratic authorities, belonging infers citizenship, and is residency-based. Citizenship is the ability to be politically engaged and to shape the fate of the polity in which one is embedded.[26] In liberal democracies, citizenship is usually associated with entitlement to certain civil, social, and political rights, irrespective of one's identity and interests.[27] The recognition of different kinds of authorities and organizations by intervening agents may bring different forms of belonging into play (as in the cases of Brazil, Russia, Guatemala and Senegal). In private groups and NGOs, belonging is based on shared interest. Membership is limited by the initial members, and rights are contractual. Membership can also be based on identity, such as professional occupation, or any other entry criteria the members establish. In customary and religious institutions, membership is often based on factors of identity, such as ethnicity, place of origin, language, or religion. Individuals usually have simultaneous memberships in multiple private and public organizations. Recognizing different authorities translates into support for different forms of belonging.

Power transfers authorize. Empowering an authority gives it a role and resources, makes it worth engaging, and gives people a reason to belong to it and exert influence within it. Different kinds of authorities confer different rights and modes of recourse. Under some authorities, people are citizens—with rights and recourse; under others, they are reduced to subjects.[28] *Citizenship emerges where authorities are empowered and downwardly accountable*—i.e., when authorities are worth engaging, and are open to engagement. Choosing a locus of authority can establish, strengthen or weaken citizenship. Where public resources are channeled into private bodies or through autocratic authorities, the scope for citizens' engagement may be strengthened for a select few, but is diminished for most.
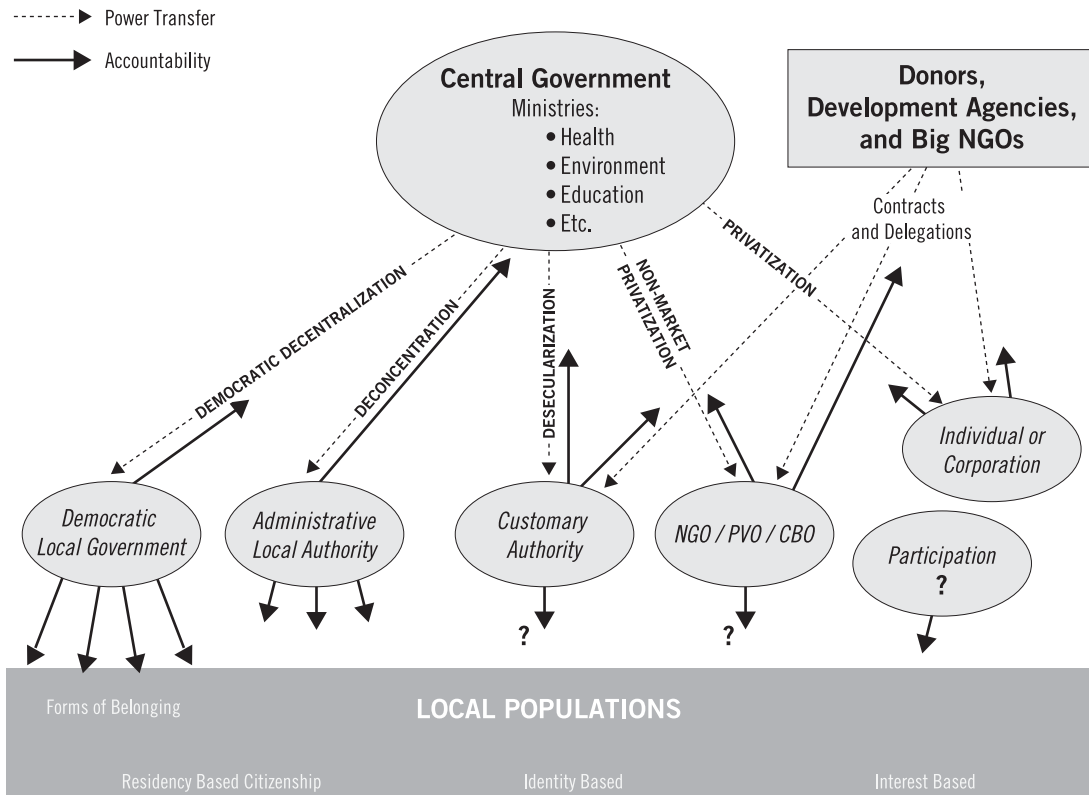
The Public Domain

Substantively democratic authorities are defined as holding power *and* as being accountable to the population. Powers are necessary because, even if local authorities are accountable, leaders are not worth influencing if they wield no power. An authority's[29] power is her or his domain of intervention—with respect to which people may try to hold her or him accountable. A 'domain' is that which is dominated by an authority. The public domain consists of the powers (resources and decisions) held, or citizen rights defended or modified, by public authorities (authorities open to influence by the public).[30] *The public domain is the set of political powers or issues vis-à-vis which citizens are able or entitled to influence public authorities*—authorities that are directly or indirectly democratic. Even when democratically or downwardly accountable authorities exist, there is no democratic space if those authorities wield no public power—there is no 'public domain' for citizens to engage in and to which they can belong.

Building public authorities' powers builds public belonging by providing for citizen identification and engagement with public authorities; such an act of recognition enhances the public domain. Conversely, transferring public resources and powers to individuals, corporations, customary authorities or NGOs whose activities may not be publicly driven can diminish the public domain. Where democratic authorities exist, the transfer of powers (rights and resources) to 'parallel' actors or authorities can shrink the integrative space of democratic public interaction. *A transfer of powers to non-democratic actors constitutes an enclosure of the public domain.*

In decentralization efforts, the choice to allocate public powers to multiple interest- and identity-based groups may enclose the public domain and fragment society into interest- and identity-based forms of belonging (as occurred in the Senegal study). The privatization of public powers to NGOs and other private bodies is a form of enclosure. When actors receiving these powers are customary or religious authorities, this enclosure constitutes a desecularization of public powers. These acts diminish the domain of integrative public action, undermining residency-based belonging and citizenship. A public domain is a necessary part of representation and of the production of citizenship. It is the space of integrative collective action that constitutes democracy. For decentralizations to promote equity, efficiency, and democratization, investment of substantial public powers in the public domain is essential. Figure 1 illustrates some of the typical institutions involved in local natural resource management and the relations among them.

Figure 1.   Schematic of Decentralized Institutional Relations

Arrows represent the transfers of power (dashed) and accountability relations (solid). As the diagram illustrates, the type of transfer is a function of the type of institution receiving the powers: e.g., democratic decentralization obtains when transfers are to downwardly accountable local government; when the transfer of power is made to a private body, we call it privatization. Note that there is no line to the 'participation' bubble since participation rarely involves any real transfer of powers. Between decentralization and the other extreme of privatization, we find transfers to non-secular bodies and non-market private bodies, labeled as desecularization and non-market privatization of power. Indeed, the diagram illustrates that we have classified institutions according to their accountability relations. We call a body democratic when it is accountable to the people. We call it private when it is not accountable to the public vis-à-vis a specific domain of powers (delimited, of course, by law). The question marks represent uncertainty in the accountability relations.

LESSONS LEARNED

uch is already known about the effects of different institutional choices on equity, efficiency, democracy, and development or environmental outcomes.[31] This section is not exhaustive. Rather, below, we outline the findings and lessons on institutional choice and recognition that follow from the case studies (see Box 2 for case study author and publication information; for more details refer to Case Study Illustrations 1 through 6).

THE CHOICE OF LOCAL PARTNERS MATTERS

*Choosing the **local offices of environmental or other line ministries** (deconcentration) can strengthen central line ministry control over resources, disempowering local governments and local communities.* Further, when local communities cannot influence policies and bargain with line-ministry bodies, they may meet their own ignored needs by violating new regulations. Line ministries' ignorance of local institutions can result in a mismatch between external interventions for natural resource management and existing local institutions and their ways of managing resources, stymieing implementation (China).

*Working through **committees appointed by central agencies** risks skewing representation and benefit distribution.* Project committees can be stacked with political allies or clients to favor the political objectives of those running the project (India), and forest-management user committees constructed by forest services can sideline elected local government (Benin). The appointed committee approach was also seen to reinforce traditional gender and ethnic hierarchies within communities (Senegal).

*Transfers to or partnership with **user groups** may cause tensions between the user group's specialized interest in a public resource and society's broader interests* (Malawi).

*Transfers to **indigenous leaders** also pose democracy dilemmas.* Due to majority rule, electoral democracy is not always the best way to serve marginal populations. There are, however, tradeoffs between working with non-elected indigenous leaders and establishing representative local government (to which indigenous leaders may be elected). Working through hereditary indigenous leaders may encapsulate individuals in their subject status, while a shift to democratic government may help engage people as citizens. In the South Africa case, the solution was for local people to elect their traditional chief as their 'democratic' leader (Spierenburg et al.).

Clearly, however, local government cannot represent all interests. ***Other organizations** are need to articulate the needs and aspirations of marginal groups, and protect their rights.* It will be important to explore how these 'other' organizations can best be articulated with local government so as to support the development of democracy and the interests of marginal peoples (Guatemala).[32]

***A selective civil society approach** can contribute to the reproduction of local class hierarchy when elite 'civil society' organizations or associations are chosen by government to represent and act on behalf of the people.* Under these circumstances, civil society does not participate in a volunteristic and broad-based way. Rather, participants are select government allies. This selectivity runs counter to the notion that civil society is self-organizing and independent from the state (Indonesia).

Weak Local Government in Toui-Kilibo and Lokoly, Benin
— Research by Roch Mongbo

Toui-Kilibo and Lokoly forests share colonial histories and are today subject to the same decentralization laws, but divergent local institutional histories in each location have led in different ways to the marginalization of local government. In these two cases, local government failed to emerge as a legitimate local representative authority.

In the forest of Toui-Kilibo, the forest service, under a 'participatory' forestry project, chose to set up user committees to manage public forests—pushing elected local government to the sidelines. Although locally elected, the committees were project clients or instruments. Because they carried out project-determined activities such as tree planting, they were effectively local administrative branches of the central state (an example of administrative decentralization without discretion). While enthusiastic at first, their constituencies lost interest and withdrew as they learned that their own interests were not served by the committees. 'They [the committee members] win animosity from implementing their [forest service] mandate, part of which consists of controlling and fining the use of forest resources.' The local government, aware that it had the right to manage the forests, tried to intervene and claim resources generated by the project. Local government officials stated in their local development plan that 'the management of natural resources

legally falls under the jurisdiction of local governments and would hence no longer be the exclusive domain of any council outside the local government'. But project committee members portrayed elected local authorities as agitators, and the local government remained marginal.

In Lokoly, forests are regulated by the customary chief and priest, with very little interference from central authorities. Local government authorities have limited knowledge of their own jurisdiction over the forest, and of how forests are managed. They take no action to intervene in the domain of the chiefs and priests. The head of the *arrondissement* (the next highest level of local government) tried to assert authority over the forests by calling a meeting between the population and environmental NGOs. The NGOs insisted on tourism as a viable activity—discouraging income-generating forest activities in favor of conservation. Villagers argued for infrastructure to help them market forest products. The local government authorities played only a small role in the discussion, and did not question the customary institutions. The local government authorities told the NGOs that private activities for tourism were fine, as long as they did not interfere with local people's activities. The authority relations in Lokoly remained 'horizontal,' being established

Donors and higher-level government mistrust of local government *and preference for civil society also marginalizes local government*. Central government or donors choose civil society (or committees, in one case) because they do not trust local government to achieve their poverty or environmental objectives. In both cases, the instrumental objectives of government and donors trump the procedural objectives of democracy. In the short run, the result may be pro-poor or environmentally sound. But, in the long run, we do not know if local government could have been transformed to also become a more positive, pro-poor, pro-environment force (Brazil, Malawi).

Mistrust of local democracy *is widespread*. Actors who mistrust local democracy, and actors whose powers are transferred to local democratic authorities, can block the emergence or empowerment of local democratic

institutions (Malawi). Perhaps due to local patron-client relations and other interdependencies, local people elect elites—even elites who may not serve the interests of the local majority. We need to understand more about how supporting local government may reproduce elite domination or weaken it in favor of pro-poor local leaders. Local democracy means accepting those leaders elected by local people—but we need to understand better how local people's choices are shaped by history and embedded social and political hierarchies (Brazil, Guatemala).

Many interventions ***reproduce gender, identity, and class inequalities***. Selecting traditional authorities and elders to serve on forest management committees can reinforce existing inequalities that may be part of traditional hierarchies. Redressing gender inequalities across classes will require interventions that target under-privileged

and contested among local actors; in Toui-Kilibo, authority relations were 'vertical,' with committees directly dependent on the forest service. Despite these differences, local government remained marginal in both cases. According to Mongbo, the institutions chosen by law—local governments—were circumvented, in one case by the forest service, and in another by their own failure to assert their authority in a disputed arena.

In both cases, because of the weak role that local governments took in forestry, society lost a local-level bottom-up opportunity for local democracy and national state building. This seems at least partly due to local governments' lack of power. While forest management in Benin is 'decentralized' in law, in truth it is *not* decentralized, because powers must still be transferred to the local government by forest service decree. Mongbo suggests that the powers of local government authorities could be leveraged by collective lobbying: 'Within the present forest law, a *commune* [local government] cannot claim any classified [reserved] state forest unless the state issues a specific decree that passes the forest on to the commune. Of course, such an event cannot be expected in the near future, as forest service staff are the right people to draft such a decree. Unless the local governments concerned take

radical concerted action that forces the government in such a direction, nothing will change in the near future.'

In the Lokoly case, as in Bandiaky's Senegal study (Case Illustration 1), local government is systematically marginalized by a project, while committees constituted by the forest service use elites to carry out their strategy. The Benin cases (again, as in Senegal) also show how, despite laws that transfer forest control to local government, the local public domain is hemmed in by the failure of forestry services to support that transfer.

Lessons:

- Forest-service-constituted forest-management user committees can sideline elected local government.

- Local governments' lack of knowledge of their rights in forest management can prevent them from playing a decisive role.

- Failure of forest services to transfer powers to local authorities can prevent local authorities from playing their legally given role in forest management.

Source: Mongbo 2008.

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women (Senegal). Again, empowering private individuals with discretion over public powers can enclose the public domain (South Africa, Senegal).

POWER TRANSFERS

The failure of natural resource management agencies to transfer powers to local authorities can prevent local authorities from playing their legally given role. As in the Benin case (Case Illustration 5), enclosure can take place through a limiting of powers and the imposition of burdens in the form of fees or other administrative requirements. The limiting of representatives' powers can attenuate people's right to representation. Rights over land or resources can also be attenuated by regulations that restrict use, or the imposition of costs that make owning land a liability rather than an asset. Public-

private partnerships can also result in the expropriation of rights and resources from communities, further enclosing public space (South Africa). The ability of local government to respond to local needs requires powers: local government needs the ability to mobilize a response from higher levels of government (India). Power transfers may include structuring local government such that central authorities are forced to work through and respond to local authorities (also see Power Choice Questions outlined in Box 5). Empowering local authorities in this way would also make them indispensable to the central government, *i.e.*, in central authorities' efforts to garner local support, thus increasing the central government's accountability to local administration.

Marginalizing Elected Local Government in Para, Brazil
— Research by Fabiano Toni

Brazil's ruling party marginalized elected local government with the support of a union-based social movement and the policies of donors and national bureaucracies. In a self-perpetuating dynamic evidenced in each election cycle, parties and movements have become channels for distributing political patronage and spoils. Movements, romanticized in some studies, are in this case part of a well-oiled patronage machine, which precludes local government from becoming an alternative mechanism of accountability and citizen representation. In the state of Para, the ruling party is allied with Fundacao Viver, Produzir, Preservar (FVPP—The Live, Produce, Preserve Foundation)—an NGO representing some 100 grassroots movements. The lack of political overlap between the FVPP-supported ruling party and opposition-dominated local government has institutionalized the marginalization of local government.

Due to a history of patron-client relations, local people elect local mayors and council members who are under the domination of elite landowners, most of whom belong to opposition parties. Representatives are widely considered corrupt, and tend to address issues of narrow interest to the landed rich, manipulating the councils to support mining and other interests to the detriment of small farmers and

the environment. But Toni debunks the oft-cited donor and government argument that because local governments are dominated by elite interests (such as ranchers and loggers), local governments are not worth working with. Toni describes how mayors and councilors are also sidelined by donors in the exceptional localities where candidates from the pro-poor ruling-party were elected. Donors' mistrust of local authorities precludes their working through these bodies; NGOs get preferential treatment and resources. Although the FVPP cares about the interests of the poor, Toni questions the degree to which FVPP is a 'grassroots' body. He points out that FVPP is used by the government as a 'paid service sector' and is accountable primarily to the higher bodies within the government (also see Resosudarmo, 2005). In addition, he challenges the FVPP's allegedly representative function by citing the marginalization of women within the movement.

Donor choice of NGOs is backed by rhetoric on civil society and social capital that serves to reinforce this politics of local government non-recognition. Toni shows how Ministry of the Environment and donor rhetoric on local governments' lack of capacity is not reflected in practice in arenas such as agriculture and forestry management. For Toni, the 'politically

MULTI-LAYERED DEMOCRACY

Local government is always embedded in a political-administrative hierarchy. Local governments can be used to make central government agencies more responsive, and vice versa. If representative local authorities have something to offer to higher authorities, *e.g.,* votes, they can influence higher-level government authorities. When political actors have incentive to respond to demands from below, and local people have channels for communicating their needs to their leaders, the political system can generate 'virtuous circles' of demand and response by which needs of local people are met (India). Increasing higher-level political competition to influence decentralized public office may eventually create incentives for elites to consider the needs of wider cross-sections of society, creating opportunities for poor villagers to influence policy. With decentralization, political parties (since they want broad-based support)

have more incentive to be inclusive. Local representatives become valuable in higher-level political competition (Indonesia).

HISTORY MATTERS

Oppressive histories can discourage indigenous people's participation in democratic local government. Long histories of state repression and class-based rule do not end with the introduction of democratic local authorities (Brazil, Case Illustration 6, and Guatemala and Senegal studies). A history of oppression influences the extent to which indigenous people trust, and are therefore able to take advantage of, new elected government institutions (Guatemala). Where the government has managed people as subjects, government agents will find ways to use new elected local governments to continue their known and comfortable, exclusive ruling practices. Citizens, too,

correct' rhetoric on social capital and civil society is used to justify a neo-liberal preference for bypassing the government while working with private bodies (whom donors pay to implement donor agendas) that have little to do with social capital or civil society. In a two-tiered politics of choice and recognition, the FVPP, financed by government or donors, likewise neglects to work with elected local authorities, instead allocating its funds to NGOs.

The marginalization of local authorities is demonstrated by the fact that, over a period of six years, no FVPP or donor project targeting natural resource management and development was channeled through Toni's sample of 30 local governments. Toni's case contrasts starkly with that of Karelia, Russia, where the EU encourages cooperation with local government (Lankina 2008). In Brazil's Amazon, as much as donors and national governments have complained about local governments' elitist makeup and other weaknesses, they have done little to address these weaknesses. Rather than fostering broad-based citizenship, the current politics of choice institutionalize social divisions between the traditional elite and the newly empowered social movement. They divide the local public domain, and do little to bring local governments back in as representative bodies.

Lessons:

- Mistrust of local government and preference for civil society can marginalize local government. Federal government is pro-poor while local government is not. Central government chooses civil society because it does not trust local government to achieve its poverty objectives. In the short run, the result may be pro-poor. But in the long run, we do not know whether local government could have been transformed to also become a more positive pro-poor force.

- Local people elect elites—even elites who may not serve the interests of the local majority. This may be due to local patron-client relations and other interdependencies. We need to understand more about how supporting local government may reproduce elite domination or weaken it in favor of pro-poor local leaders.

- Local democracy means accepting those elected by local people—but we need to understand better how local people's choices are shaped by history and embedded social hierarchies.

Source: Toni 2007.

take time to learn that they have new rights, how to vote, voice their needs and aspirations, or sanction governing authorities.

CIVIC EDUCATION

Lack of knowledge of their rights and functions in natural resource management can prevent local government from playing a decisive role. The Benin case is instructive here. Citizens and their representatives must be informed. Knowledge of democratic local government practices in other countries can be translated into demand by citizens and leaders for improving the accountability and responsiveness of local government at home (Russia).

It is clear from the case studies and the broader literature that institutional choice by policy makers, donors, and environmental professionals has an

impact on local democracy. The choice of local partners implements particular understandings of representation, citizenship, and of the public domain and its importance to communities at large. Institutional choice, then, can become a tool for supporting, and in some cases creating, local democracy. Natural resource management interventions can be designed and implemented in ways that support the many elements of local democracy. While more research is needed to determine the best ways for governments, donors, and large NGOs to support local institutions in the emergence and consolidation of local democracy, it is clear from our assessment that more conscious and strategic design of policy and projects will be needed to promote the existence and wellbeing of local societies in which people exert influence over their rulers.

RECOMMENDATIONS

Democratic decentralization reform institutionalizes local public participation in important local public decisions. Effective decentralization requires local authorities whose use of discretionary powers is responsive to local needs and aspirations; effective decentralization also requires local people to be empowered to hold these local authorities accountable, through positive and negative sanctions, or transparent measures of accountability.

Most decentralizations do not establish these very basic conditions. Without discretionary powers, or without downward accountability, there is no democratic decentralization. Rather, there is deconcentration, autocracy, privatization, etc. The recommendations below encourage natural resource management and conservation policy makers, donors, NGOs, and practitioners to try the democratic decentralization experiment, and offer a guide for implementing policies and projects in ways that enable local representative democracy to develop and ultimately take on a life of its own (also see Box 3).

In the recommendations below, lessons from the case studies conducted for this project are integrated among lessons derived from a broader literature. We recommend that intervening agencies promoting environmental interventions, or working in the local arena, take the following four-tiered approach (each recommendation, in bold, is elaborated further below).

*The first and most important step is to **choose democracy** by working with or building democratic institutions.*

The second set of interrelated actions aims to increase the powers of democratic organizations and their ability to function. It includes:

- **building the public domain** by placing powers with representative public authorities and by **encouraging subsidiarity**
- **placing 'parallel' institutions under the umbrella of elected local authorities** to further strengthen these representative public actors,
- **reinforcing institutional tenure** by transferring these powers to representative public authorities securely, and
- **helping local governments to engage in collective bargaining for greater powers** so that they can protect and expand their domain of intervention.

In the exercise of power and the implementation of any natural resource management policy or project, one general principle also needs to be applied so as to guarantee that implementation is accompanied by democratic processes: **Do not allow the instrumental objectives of natural resource management to trump democracy's procedural objectives.**

The third set of actions concerns the accountability of local authorities to their population. These include:

- **promotion of multiple forms of accountability for those making natural resource management decisions,**
- **building of citizenship** so that people know to hold local authorities accountable, and
- **harnessing of elite capture** so that the elites who capture power can be made to effectively serve the people.

The fourth set of recommendations aims to help ensure equitable and sound environmental outcomes. While representative authorities will be interested in and work towards these outcomes, they may not be prepared to do so effectively. Recommendations in this set include the systematic **promotion of equity** and the **application of minimum environmental standards** so that the broader values of human and environmental well being can be maintained. Each set of recommendations is detailed below.

THE BASE RECOMMENDATION

- **Choose Democracy:** Place public decisions in the hands of public decision makers. Public decision makers should be accountable and responsive to the public (see Institutional Choice Questions outlined in Box 4). Central governments, donors, NGOs, and development and environmental professionals (intervening agents) should work with elected local authorities when they exist. Choosing to work with and implement democratic procedures rather than attending only to the instrumental objectives of environmental interventions may slow implementation, but it may make environmental programs more sustainable over the long run.

Where democratic local government does not exist, or where 'democratic' processes (suffrage, candidate selection, election procedures, discretionary powers exercised, separation of powers, party dominance, excess upward accountability, or indefinite terms) interfere with the downward accountability and responsiveness of elected local government authorities, intervening agents should identify weaknesses and their consequences, while working with government and others to enable real local democratic processes. Insisting that local elected authorities be held downwardly accountable and be enabled to be responsive also constitutes choosing democracy.[33] Choosing democracy means that participatory processes, NGOs, Private Voluntary Organizations (PVOs), customary chiefs, or private corporations and individuals wielding public powers should support and be accountable to public authorities. *Decentralization without downward accountability is merely another form of either deconcentration or privatization—a transfer to upwardly or non-accountable actors.*

MEASURES FOR BUILDING THE POWERS OF LOCAL DEMOCRATIC INSTITUTIONS

- **Build the Public Domain:** Intervening agencies must work to create a set of public powers directly or indirectly under the jurisdiction of elected authorities. These powers will enable elected authorities to be responsive to local needs and aspirations, and thus make them worth engaging. To create space and opportunity for broad-based popular engagement, public powers must be under the jurisdiction of accountable and responsive public institutions. Elected local authorities need meaningful discretionary powers to gain respect and to be responsive to local needs. Public powers are the substance of democracy.

- **Promote Subsidiarity:** Environmental subsidiarity principles, which have been developed elsewhere (see Box 6 and Ribot 2004), promote the production of the local public domain. Subsidiarity is a dynamic process. It always entails a struggle among multiple levels of political administrative organization (the vertical dimension) and different groups within society (the horizontal dimension). Subsidiarity, like the recognition of authority, is located within political-economic struggles—including the reproduction of the state itself and the struggle for powers by all actors within state and society. As such, subsidiarity is a process that will be subject to continual backlash, and needs to be leveraged forward. Policymakers and all other intervening agents must recognize subsidiarity as an ongoing iterative process.

- **Place 'Parallel' Institutions under the Umbrella of Elected Local Authorities:** Intervening agencies should channel public resources to any intervening local institution through or under the auspices of elected authorities. Pluralism (a proliferation of local institutions), when unbridled by representative authority, supports elite capture. Local institutions wielding public powers should be subordinate to public institutions, not just to the interests of the elite. Private bodies, NGOs, and customary authorities can be parallel to each other, but when they wield public powers, should depend on and answer to democratic authorities (Figure 2).[34] While parallel institutions should also enjoy their own autonomy within the domain of their private powers, the decision to privatize should be a publicly debated one (part of any subsidiarity process), and not a hidden transfer made in the name of decentralization. *It is appropriate that parallel institutions have private powers—but it should be recognized that a transfer of public powers to these institutions is an act of privatization.*

It is not possible in a short brief to provide exhaustive guidelines for choosing democracy, nor for evaluating all of the complex implications of institutional choice. But practitioners, donors, policymakers, and activists can ask straightforward questions in order to evaluate whether the institutions being chosen are likely to provide the equity, efficiency, and development and environment benefits promised by decentralization reforms. These questions include:

1. What kind of institution is receiving powers in the name of decentralization?
   a. Elected local government?
   b. Local administrative authorities, local branches of line ministries, traditional authorities, NGOs, PVOs, associations, appointed committees, elected committees, etc.?

2. If the local institutions are elected, do the electoral rules help make them representative?
   a. How far 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 terms in office?
   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 the institution's funding or powers affect its accountability?
   a. Can they raise revenues locally?
   b. Are they dependent on grants and funding from outside agents?

5. How does the mechanism through which resources are transferred affect the institution's 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?

● **Reinforce Institutional Tenure:** Make the powers, roles, and rights of local government secure. This is best done by establishing them in the constitution. The second best option is to inscribe them in legislation. Ministerial decrees and administrative orders are much less secure and should be reserved only for small adjustments to a decentralized system. Development and environmental analysts–typically overly concerned with land tenure–pay scant attention to institutional tenure. *But authorities and citizens will not invest in or engage with institutions that do not have secure, or at least significant, roles and powers.*

While civil society can support local democracy, what happens when civil society organizations disappear? Civil society institutions usually exist as long

BOX 4 | INSTITUTIONAL CHOICE QUESTIONS

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 mechanisms in place to assure the inclusion of marginal and 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 a narrow membership?

   c. Is the institution serving only a sub-sector or fraction of the population?

   d. Is the institution serving the population as a whole?

11. Can multiple institutions freely function in the local arena?

   a. Do citizens have rights to organize?

   b. Do citizens and local organizations have rights to lobby government?

   c. Can groups easily attain legal recognition and status?

12. Are channels 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, and the formation of citizenship?

   a. Do these institutions encourage broad-based involvement of local people?

   b. Do they enfranchise people as citizens?

   c. Do they give local people voice and agency?

   d. Do they enable long-term stability and sustainability?

   e. Are they replicable across territories?

Source: Ribot 2004.

as they have a role and funds. That role may change with the changing priorities/needs of funders, and the changing powers of government. But democracy needs title to a permanent home—secure tenure—if people are to invest in, work with, and identify with it.

In addition to the need for significant powers, the *means* by which institutions are empowered also matter deeply for both the accountability of local government and the security with which it holds public powers. *The means used to transfer powers to local authorities influence whether those authorities represent local people: conditional and insecure transfers lead to upward accountability and central control.* In contrast, transfers made as secure rights can be exercised with discretion in response to local needs.[35]

The following questions should be asked when evaluating the degree to which powers that could and should be devolved are in fact being devolved.

1. Does the transfer of power result in discretion for local decisionmakers?

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 mandates within the capacity of local authorities to implement?

5. Are political choices—such as who can use a resource and who can benefit from it—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 enclosed via privatization?

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 against the wishes of central interests?

10. If exploitation is allowed, are local authorities receiving the right to determine who exploits the resource?
    a. Can they decide who has subsistence access to the resource, and can they mediate disputes?
    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 refuse 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 and the ecological scale of the resource?

13. Does the environmental service system require approval for every decision, or can some decisions be made locally under an environmental standards framework?

14. Do environmental laws exclude local communities from decision making and benefits while privileging commercial interests?

15. Are the skills required to be in place before transfers occur really necessary from an ecological perspective, or can decisions be transferred prior to demonstrating capacity?
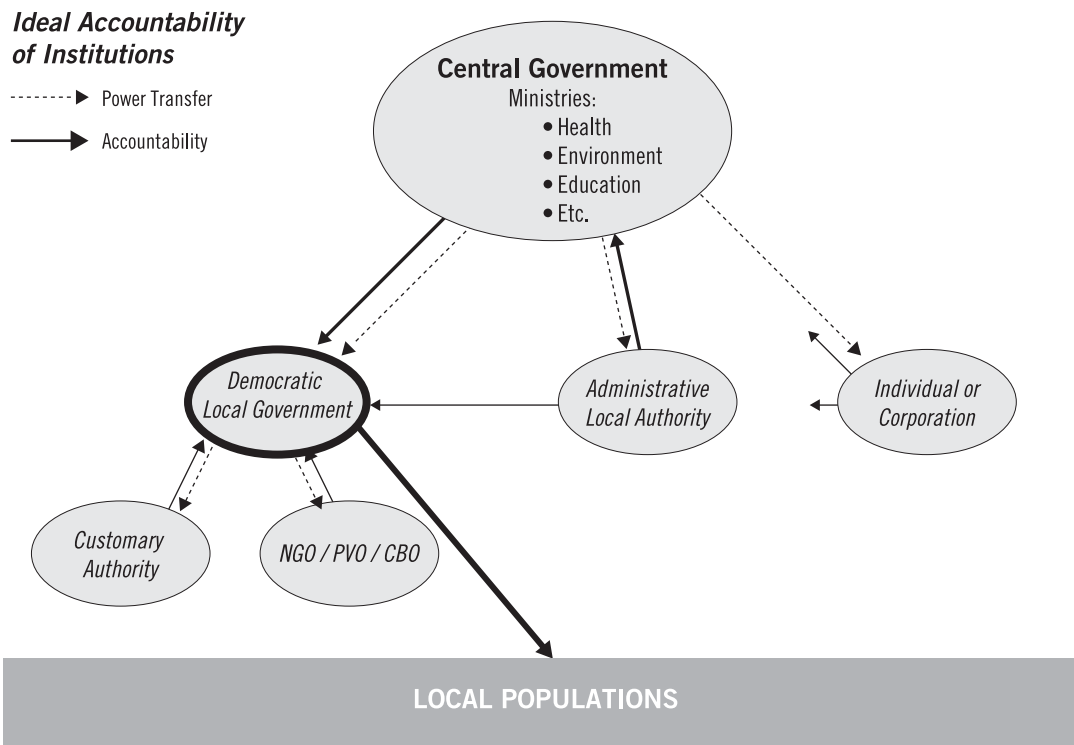
Source: Ribot 2004.

Determining the location of powers within society is ultimately a dynamic social and political decision. Research suggests that, while other methods may also work, some principles of subsidiarity can guide power transfer decisions. The following are principles that may help optimize local enfranchisement in control over natural resources:

- **Create Discretion:** To give local authorities some independence, discretionary powers must be transferred. Without discretionary powers, local authorities cannot be democratic.

- **Provide Significant Powers:** Powers must be of value to local people. Devolve powers, such as land and forest access control, which are meaningful to local people and, due to their significance, reinforce recipients' authority.

- **Fund Mandates:** Mandates must be matched by sufficient fiscal resources and technical support, and should not be transferred to local authorities without these requisites.

- **Mandate Funding:** Transfer revenue raising rights to local authorities. Transfer powers to borrow, to tax, to charge fees, etc.

- **Devolve Lucrative Opportunities:** Commercially valuable resource-use opportunities should be transferred to local authorities, not just subsistence-oriented usufruct rights.

- **Do Not Conflate Technical with Political Decisions:** Technical decisions (such as which species to protect), some of which need to be made at a central level, must not be conflated with political decisions concerning use of resources (such as who should have access to and benefit from them).

- **Maintain the Public Domain:** Public resources—including most forests, fisheries, and pastures—should be kept within the public sector. They should not be privatized.

- **Assure Security:** To assure the security of transfers, powers should be transferred to representative local authorities as secure rights, not as retractable privileges.

- **Separate Powers:** Balance and separate executive, legislative, and judicial powers at each level of government.

- **Balance Powers in Government:** Powers given to each level of government should be sufficiently balanced with those at other levels such that each level has the ability to use its power and to negotiate with other levels of authority.

- **Balance Powers over Commercial Resources:** Give local authorities control over whether outside industries can operate in the local arena. Because outsiders have an exit option, they may not treat the resource with respect.

- **Match Powers to Scales:** Account for scale of resources, and for financial and technical economies of scale. Rather than creating special districts or giving powers to higher levels of authority, opt first to allocate powers at the most local level, and federate local authorities to address a given higher scale problem.

- **Match Political to Ecological Boundaries:** Where political-administrative boundaries are not too socially or politically sensitive to change, it may be advantageous to match political-administrative boundaries to ecological ones, such that ecozones can be better managed, and upstream and downstream effects can be internalized in decisions.

Source: Ribot 2004.

- **Help Local Governments Engage in Collective Bargaining for Greater Powers:** Local governments need to bargain collectively with central government to ensure that they are granted the rights they need to manage forests and other resources, and that the rights they have been granted in law are transferred to them in practice. Associations of mayors or local councilors are examples of forums in which collective bargaining can develop.

- **Do Not Allow the Instrumental Objectives of Natural Resource Management to Trump the Procedural Objectives of Democracy:** Natural resource policymakers, professionals, and activists should choose the slower path of working with democratic local institutions when implementing their policies and projects. *While their top objective of resource management or conservation may take longer to achieve, it is likely to be more sustainable over the long term if it supports democratic processes.*

Figure 2.   Accountability for Institutions Holding Public Powers

**Ideal Accountability
of Institutions**

- - - - ▶ Power Transfer

──────▶ Accountability

Central Government
Ministries:
- Health
- Environment
- Education
- Etc.

*Democratic
Local Government*

*Administrative
Local Authority*

*Individual or
Corporation*

*Customary
Authority*

NGO / PVO / CBO

LOCAL POPULATIONS

MEASURES FOR BUILDING ACCOUNTABILITY OF LOCAL AUTHORITIES TO THEIR POPULATION

- **Promote Multiple Forms of Accountability for Those Making Natural Resource Management Decisions:** Even in the rare instances that they are well structured, elections alone are inadequate for ensuring leaders' accountability. They may be necessary, but they are certainly not sufficient. Multiple means of accountability are necessary for any institution (elected or unelected) exercising public powers. *Intervening agents should use as many means of public accountability as are culturally appropriate.* These include any processes that inform elected local government and through which elected local government can inform the citizens. Some examples are: participation, hearings, participatory budgeting, public posting of budgets, recall mechanisms, watchdog organizations, and rights to public assembly.[36]

- **Build Citizenship:** When public authorities are worth engaging (that is, when they are empowered and representative), people are inspired to engage with them. But the existence of a public domain in the hands of downwardly accountable authorities is not sufficient for democracy to thrive. People need to *know* what powers and obligations their representatives have, and they need to know citizens' means for holding their leaders accountable. *Armed with knowledge, people can become active citizens.* Local democracy only works if leaders have something worth offering, and citizens have the rights and means required to hold leaders accountable. Civic education is an essential element of effective representation and to meaningful rights and recourse.

- **Harness Elite Capture:** Elite capture is pervasive if not inevitable. Enable the people to capture the elite who capture power. *Assure that ruling elites are systematically held accountable to the majority and to poor and marginal populations through all of the above means.* This is democracy.

MEASURES TO HELP ENSURE EQUITABLE AND SOUND ENVIRONMENTAL MANAGEMENT

- **Promote Equity:** *Structure civil-society approaches to include all classes of citizen:* Using a 'selective civil society approach', governments, donors and large NGOs choose local NGOs that represent their own elite class interests. This 'selective' approach helps articulate the needs and aspirations of elite civil society organizations to government and other decision makers at the cost of poorer local organizations, and the non-organized—and usually poorer—segments of society. Measures must be taken to bring marginal people and groups into decision making to ensure that the poor and marginalized segments of society have equal voice in public decision-making processes (see 'Promote multiple forms of accountability…' above, and 'Target the poor…' below). While selective engagement cannot be avoided, recognizing that most intervening agents naturally choose along class lines will enable intervening organizations to systematically introduce policies that seek to engage poorer and more marginalized sectors of civil society.

  Target the poor, women and marginalized groups. Unless interventions are skewed in favor of the poor, women, and other marginalized groups, interventions will likely reinforce existing class, gender, and other (ethnic, religious, or origin-based) hierarchies. When governments or other intervening agencies allocate resources, create jobs, or set up decision making structures, they should systematically favor disadvantaged groups to help level the currently uneven playing field.

- **Establish Minimum Environmental Standards:** Governments should establish minimum environmental standards.[37] Broad minimum standards can facilitate ecologically sound, independent local decision making. Establishing just and sound standards will require an analytic review of the poorly evidenced environmental orthodoxy that promotes over-regulation and over-protection of the environment and of natural resources. Since local governments do not usually have the incentives, information, or technical skills needed to manage resources around them to promote all of society's values, some standards of environmental management must be set at a higher level of the political-administrative hierarchy. Historically, nationally set environmental laws have ignored local needs and have been unnecessarily restrictive;[38] these, too, should be subject to democratic processes and intensive scrutiny. In short, the qualifier *'minimum'* is key. *So as to 'maximize' local discretion and the space for local democracy, standards need to be simple and restricted to essential protections.*

Guidelines or recommendations may be based on objectives that contradict other objectives of those actors they aim to influence. The procedural objectives of democracy may interfere with the instrumental objectives of conservation or service delivery. *Guidelines are therefore needed to help intervening agents support democracy while working to achieve their stated environmental or development objectives.* If guidelines are developed for supporting local democracy, different intervening agents will then have to make explicit the contradictions between their desire to promote local democracy and their instrumental objectives. Contradictions will have to addressed through conscious choice.

The recommendations above are general. This brief does not offer a comprehensive tool kit; nor does it provide definitive rules. More directive guidelines, however, based on the insights now available from practice, further case studies, and the broader and emerging literature, could be developed in the future.

NOTES

1. This use of the term 'institutional choice' differs from Ostrom's (1999:193) and that of many other new institutionalists. Ostrom uses the term to refer to the choices by local individuals among available alternatives (based on costs and benefits)—she is interested in how these choices lead to institutional formation. We use the term to refer to the choices made by governments and international organizations that impose the 'available alternatives' on local individuals—thus constraining their options.

2. The concept of 'recognition' in this essay is drawn from Taylor 1994; Kymlicka 2002; and Fraser 2000.

3. This is not to say that local institutions are not actively also choosing, postulating, and imposing themselves for the opportunity to speak for local populations. This essay, however, focuses on the role of government and development institutions.

4. Ribot 1999; Namara and Nsabagasani 2003; Manor 2004; Larson and Ribot 2007.

5. Taylor 1994; Kymlicka 2002; Fraser 2000.

6. For example, policies are often created to ensure the survival of a given cultural community. 'Policies aimed at survival activity seek to create members of the community, for instance, in their assuring that future generations continue to identify as French-speakers [in Canada]' (Taylor 1994:58).

7. This type of recognition takes place through the transfer of powers, partnering in projects, engagement through contracts, or via participation in dialogue and decisionmaking. Recognition strengthens the chosen institutions, reinforcing the forms of belonging they engender and the identities of their members. We use the term recognition as "acknowledgement" following Li (2001:625). The acknowledgment of local institutions, assessed by some agents as 'asked for or deserved,' has multiple effects that can shape democratic inclusion.

8. We use the term 'public domain' in contradistinction to what Fung (2003) calls 'the public sphere.' Fung is interested in public interaction. We are interested in the powers (resources and domains of decision making) with respect to which the public can interact, and over which public decisions are taken.

9. Ribot 2003; Heller et al. 2007:628.

10. Gaventa 2002; Eckert 2006.

11. Decentralizations are reforms that must be legislated from the top—even if they are motivated by social movements or civil society action from the bottom. By nature, a decentralization reform is the putting in place of the laws that constitute the institutional infrastructure of decentralization—the creation of local government institutions, local electoral codes, the transfer of powers, etc. This brief does not address the motives behind the reform process itself.

12. Ostrom 1990.

13. A la Bates 1981; also see Frye 1997.

14. Eckert 2006; Boone 2003; von Benda-Beckmann and von Benda-Beckmann 2006; Gaventa 2002.

15. We use Bates' (1981) notion of 'institutional choice.'

16. World Bank 2000; Conyers 2002; Mansuri and Rao 2003; Foster and Rosenzweig 2004; Heller et al. 2007.

17. Taylor 1994:58.

18. Following Markell, '"recognition" is a concept that refers not to the successful cognition of an already-existing thing, but to the constructive act through which recognition's very object is shaped or brought into being' (2000:496).

19. See Fung and Wright 2003; Fung 2003. Fung is concerned with the participation of people within civil society in processes of decisionmaking. The concept of 'representation,' however, is not central to his approach; he does not seem to view representative forms of government as necessary to democratic processes (2003).

20. Mosse 2001.

21. See Manin, Przeworski and Stokes 1999.

22. Ribot 2003; Pritchett and Woolcock 2004.

23. Also see Romeo 1996; Agrawal and Ribot 1999.

24. Manor 2004.

25. This is not to deny the importance of competition between public and private agencies, or with local governments, for efficient provision of public services (see Lankina, Hudalla and Wollmann 2007).

26. Isin and Turner 2002.

27. Sparke 2004.

28. Mamdani 1996.

29. An authority is defined as a 'legitimate power holder'.

30. For this framework, a public authority is one that acts on behalf of, and is in some way constituted and able to be influenced by, the whole public—all those citizens of a state or jurisdiction. Granted, there can be many publics (see von Benda Beckman 2000 or Sikor, Barlösius and Scheumann 2008, who argue for multiple public domains). Many authorities form their own 'publics,' and these may be hierarchically related, or exist in parallel to each other and to the state's public domain as we are defining it. Our 'public domain' is the domain of citizens under state authority. This domain may be constituted under a local public decentralized or deconcentrated authority, or it may be under national authority.

31. See Ribot 2004; Ribot, Chhatre and Lankina 2007.

32. The question becomes whether public resources should be channeled into supporting these other institutions, or whether they should emerge on their own. There are good arguments for channeling some public funds to these private groups where, due to their marginality and poverty, they are otherwise unable to function. But doing so must not drain public institutions of the resources they need to respond to public demands.

33. Even well-structured elections are an insufficient means of ensuring downward accountability. Local electoral systems must be scrutinized to make certain that they are not just a set of procedures that conceal and enable autocratic rule. Elected authorities are not exempt from the need for multiple accountability mechanisms.

34. Institutional pluralism or 'parallel institutions' carry risks: Where there are democratic local governments, a plurality of parallel institutions can either a) push local government to perform better, through lobbying and enhancing public accountability, or b) drain democratic authorities of resources and take over their functions, undermining their legitimacy. Without democratic local institutions, pluralism can enable the strongest groups to capture decisions. By giving local government a clear oversight role for the allocation of public resources and decision making, institutional arrangements can be structured to support local democratic government.

    The pluralist civil society approach presumes that representative authorities empowered to act on behalf of the population exist, and that decisions of concern to citizens are in representatives' hands. Civil society groups attempt to influence those ostensibly representative institutions. But when powers are given to parallel institutions, representative authorities are circumvented and weakened. These parallel local institutions act in place of government. While local elected government has some systematic accountability to the population, these parallel institutions are accountable only to their members—rather than to the public at large. Under what conditions does pluralism enhance local democracy? Some basic principles for a plurality of institutions to strengthen local representation through government include: local representative government must make decisions that are important to local people, and citizens and their organizations must be obliged to appeal to the government to influence those decisions. When parallel non-government institutions make decisions themselves, the elite who are able to organize and capture powers from higher authorities are the winners. Pluralism without representation is a formula for elite capture.

35. Conyers 2002.

36. See Ribot 2004.

37. See Ribot 2004.

38. See Ribot 2004; Fairhead and Leach 1998.

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