

Accountability in Decentralization
A Framework with South Asian and West African Cases

by

Arun Agrawal and Jesse Ribot¹

¹Yale University, Department of Political Science, 124 Prospect Street, Post Box 208301,
New Haven CT 06520, Arun.Agrawal@Yale.edu; World Resources Institute, Institutions and
Governance Program, 10 G Street, Suite 800, Washington DC 20002, JesseR@WRI.org

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Decentralization is a word that has been used by different people to mean a good many different things. But what do we see in practice? Experiments with local government that end in chaos and bankruptcy; ‘decentralized’ structures of administration that only act as a more effective tool for centralizing power; regional and district committees in which government officials make decisions while the local representatives sit silent; village councils where local people participate but have no resources to allocate....

Philip Mawhood, *Local Government*

Since the early 1980s, decentralization has reemerged as a valued political and economic goal in most developing countries.¹ According to a recent World Bank study, “out of 75 developing and transitional countries with populations greater than 5 million, all but 12 claim to be embarked on some form of transfer of political power to local units of government.”² Advocates of decentralization justify it on grounds of increased efficiency, more thoroughgoing equity, and/or greater participation and responsiveness of government to citizens.³ Despite these claims, most decentralization efforts end up without increasing much the powers of local authorities or peoples.⁴ Decentralization of natural resource management, the focus of this paper, is especially intricate because it is not only about providing services efficiently. It also requires the devolution of real powers over the disposition of productive resources. In addition, it requires the resolution of divergent interests among a host of actors so that externalities associated with natural resource management are not disproportionately borne by any subgroup.

New institutional economics and public-choice literatures indicate that it is possible to achieve greater efficiency and equity in public decisionmaking by internalizing externalities,

deploying all available information,⁵ and better matching service provision to needs.⁶ In this paper, we suggest that representation and accountability are critical if devolved powers are to serve local needs efficiently and equitably.⁷ We conclude, analyzing four case studies, that the presumed benefits of decentralization become available to local populations only when empowered local actors are downwardly accountable. Actors, powers, and accountability emerge as essential elements of a framework that can help evaluate the effectiveness of decentralization.

However, in many instances around the world, decentralization reforms do not attend to these elements. In Senegal, responsibilities in forest management were devolved to local elected councils without devolving access to the related commercial profits.⁸ In Burkina Faso, powers to cut, sell and manage forests have been devolved to private project-based committees, rather than to representative bodies.⁹ In Zimbabwe's campfire program, powers were transferred to District Development Committees who were largely under the control of central government.¹⁰ In Nepal, one can point to projects that view decentralization as being accomplished simply by directing a stream of monetary benefits toward a group of resource users rather than attempting to create institutions that allow durable decision-making powers to local authorities.¹¹ Perhaps all who conduct research on decentralization are familiar with such examples.

This paper provides a framework to examine whether the policy choices being made even constitute decentralization. Governments often perform acts of decentralization as theater pieces to impress or appease international donors and NGOs or domestic constituencies. Our framework can be seen as an analytical lens for assessing reforms in the name of decentralization. It can be used to identify shortfalls in decentralizations—design flaws or political obfuscation. Identification of such flaws can allow advocates of decentralization to push reforms beyond proclamations and

closer to action on the ground. The framework can be applied to single sectors, pointing up sectoral shortcomings in an otherwise well-crafted institutional initiative, or to a core set of decentralization laws affecting all sectors. However, the framework does not analyze issues of training, physical infrastructure, or education at the local level that may also be necessary if decentralization is to be successful in its stated aims.

Instead of identifying decentralization simply as an institutional reform in the political, fiscal, or administrative realm as is commonly done,¹² our framework shows how a particular reform can be analyzed by referring to changes in actors, powers, or accountability. Using four case studies from South Asia and West Africa, we compare instances of decentralization of resource management and assess the utility of our framework by applying it to understand the extent to which decentralization actually occurred in each case.¹³ The analysis of the cases in light of our framework leads us to focus on downward accountability as a key aspect of decentralization.¹⁴

Definitions and Justifications of Decentralization

Decentralization has been defined as any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy.¹⁵ Devolving powers to lower levels involves the creation of a realm of decision making in which a variety of lower-level actors can exercise some autonomy.¹⁶ *Deconcentration* (or administrative decentralization)¹⁷ is said to occur when powers are devolved to appointees of the central government.¹⁸ *Political decentralization*¹⁹ is different from deconcentration since powers in this case are devolved to actors or institutions that are accountable to the population in their

jurisdiction. Typically, elections are seen as the mechanism that ensures accountability in political decentralization.²⁰

We propose definitions of political decentralization and deconcentration that treat accountability more centrally. When powers are transferred to lower-level actors who are accountable to their superiors in an hierarchy, the reform can be termed *deconcentration*. This is true whether lower-level actors are appointed or elected officials because elections can still be structured in ways that make elected officials upwardly accountable. When powers are transferred to lower-level actors who are downwardly accountable, even when they are appointed, the reform is tantamount to *political decentralization*. Critical to understanding the process, thus, is empirical examination of the structures of accountability in which actors are located.

Most justifications of decentralization are built around the assumption that greater participation in public decision making is a positive good in itself or that it can improve efficiency, equity, development and resource management.²¹ By bringing government decision making closer to citizens, decentralization is widely believed to increase public–sector accountability and therefore effectiveness.²² At its most basic, decentralization aims to achieve one of the central aspirations of just political governance—democratization, or the desire that humans should have a say in their own affairs.²³ In this sense, decentralization is a strategy of governance to facilitate transfers of power closer to those who are most affected by the exercise of power. In the rest of the paper, we use ‘decentralization’ as a shorthand for its political/ democratic form.

A Framework for Analyzing Decentralization

Many analyses of decentralization consider the transfer of powers in three sectors to be necessary for success. Manor, for example, argues, “If it is to have significant promise, decentralization

must entail a mixture of all three types: democratic, fiscal, and administrative.”²⁴ Binswanger, in almost exactly the same terms, asserts, “The three main elements of decentralization—political, fiscal, and administrative—should be implemented together.”²⁵ Although political, fiscal, and administrative arenas are critical for statecraft, they do not hold up as analytical categories. New tools are necessary to understand the principles that make decentralization effective.

We suggest that three distinct dimensions underlie all acts of decentralization: *actors*, *powers*, and *accountability*. Without an understanding of the powers of various actors, the domains in which they exercise their powers, and to whom and how they are accountable, it is impossible to learn the extent to which meaningful decentralization has taken place. In our conceptualization, the political and administrative domains of decentralization are characterized by the mix of these three underlying analytical dimensions. Fiscal, through this optic, is just one of the powers that may be devolved in administrative or political decentralization.²⁶ It is not an analytically distinct type of decentralization.

Actors in Decentralization

Actors in the local arena who exercise powers over public resources may include appointed or elected officials, NGOs, chiefs, powerful individuals, or corporate bodies such as communities, cooperatives, and committees. Each of these actors is typically located in particular relations of accountability and has certain types of powers. These relations depend on the historical, social, and political constitution of the powers of each actor, which may be based on ideology, wealth, heredity, election, appointment or other means. Actors may also be differentiated from each other by their beliefs and objectives, internal structure of their organization, membership, funding sources and the laws to which they are subject.²⁷

Actors are positioned at different levels of social action. Indeed, since decentralization is about changes in how actors at different levels of political authority exercise their power, by definition the actors involved would be located at different level of action. In actual cases, any one or a combination of actors may be seen as the appropriate legal persons toward whom decentralization should occur. Because the dealings of particular actors are impelled by their interests,²⁸ it is likely that the same types of powers devolved to different actors will lead to variations in outcomes. Consequently, the nature of decentralization depends to a significant degree upon who gets to exercise power, and the accountability relations to which they are subject.

Types of powers

We distinguish four broad powers of decision-making as being crucial to understanding decentralization. These powers are a) the power to *create rules* or modify old ones, b) the power to *make decisions* about how a particular resource or opportunity is to be used, c) the power to *implement and ensure compliance* to the new or altered rules, and d) the power to *adjudicate disputes* that arise in the effort to create rules and ensure compliance. Enlarged powers of decision making at lower levels of the political-administrative hierarchy in relation to any of the above four categories constitute some form of decentralization. These four types of powers correspond to three more familiar categories: legislative (creation of rules), executive (making, implementing, and enforcing of decisions), and judicial (adjudication of disputes). Further, the classical issues of separation of powers and checks and balances that apply to central governments also have their corollaries in the decentralized arena.²⁹

The *power to create new rules* is usually held in some domain of decision-making over which governments seek to decentralize control, and in relation to some group of actors. Those who exercise the power to design new rules or modify old ones do so for some kind of resources, and for some groups of people. This set of powers allows decentralized actors to legislate principles that structure decisions and actions concerning who can benefit from given resources or opportunities, how, and to what extent.³⁰

Typically, greater *powers to make decisions* in some domain of action that influences others increases the autonomy of the actor who gains these powers and can be considered a form of decentralization. Such powers enhance the discretionary authority of local bodies, and directly affect the use of resources. Decisions of this type need not affect the behavior of others by prescribing what they must, must not, or may do. Thus if a local body comes to have a larger budget or greater powers of revenue raising, and or greater autonomy to expend the budget as it sees fit, a degree of decentralization has been achieved even if it does not exercise greater powers of rule making. Many decentralization programs result in some autonomy to local governments in raising revenues, or in their spending discretion.³¹ Such an increase in powers of revenue and expenditure can be seen as contributing to the decentralization of fiscal powers.³²

Implementation and ensuring compliance to decisions and rules implies the power to execute, and to meter and monitor whether actors are carrying out the roles they are supposed to perform. It also includes the power to impose sanctions on those who do not subscribe to the tasks they are supposed to perform, and to enforce those sanctions. If a particular group of users are supposed to harvest certain levels of benefits distributed equally among themselves, the power to ensure compliance can include the determination of when they have actually harvested that

level of benefits, and whether the distribution has been equal. Rule makers may have decided upon particular types of sanctions to be imposed on those whose actions violate particular levels of harvests. The power to enforce compliance would also, then, include the ability to ensure that rule-breaking individuals conform to the sanctions imposed because of rule violations. In passing, we should note that devolution of powers to make decisions and rules without the devolution of powers to enforce them can be meaningless; these sets of powers are complementary. Further, all these executive powers require fiscal and administrative resources.

It is certainly possible that in a particular decentralization effort, powers to enforce are transferred to administrative branches of the state rather than to representative local governments at the same level. Whether such a transfer of power leads to effective decentralization depends on the nature of accountability relations (see below), mix of powers that a given actor holds, and horizontal relations among actors at the same level. We suggest that the division between powers of rule making and enforcement can lead to effective decentralization if the actors who possess the powers to enforce are either easily accessible to those with the power to make decisions and rules, or are under the control of those who have the power to make decisions and rules.

The *power of adjudication* is significant whenever new rules are created, or there is a change in the type of decisions made by particular actors. Such changes also signify a modification in the powers of these actors. It is more than likely that when changes in powers take place, contests and negotiations will spill over into the arena of adjudication. Two aspects of adjudication, we suggest are important: accessibility and independence. Local populations who are influenced by devolved powers should have the possibility of appealing to accessible channels of adjudication. Further, these channels of adjudication should be institutionalized such that they

do not have structural links with sectoral interests: constituents should be able to challenge the rules, decision, implementation, and enforcement by those who hold decentralized powers, and the outcomes of such challenges should not be biased in favor of power holders. What is critical about powers of adjudication is not that they be devolved to some representative bodies at the local level. It is more important they be exercised accessibly and without systematic bias.

Accountability in Decentralization

Rulers claim to be responsible to their people; people try to hold them to account.

Accountability is thus the measure of responsibility.

John Lonsdale, "Political Accountability in African History"

The allocation of different sets of powers of decision making and rule making to lower-level actors creates decentralization. The effectiveness of decentralization hinges on a third dimension: accountability. We suggest that if powers are decentralized to actors who are not accountable to their constituents, or who are accountable only to themselves or superior authorities within the structure of the government, then decentralization is not likely to accomplish its stated aims. It is only when constituents come to exercise accountability as a countervailing power that decentralization is likely to be effective.

All modes of accountability are relational. To understand its nature, therefore, it is necessary to attend to the actors between whom relations of accountability exist. Accountability is also about the mechanisms through which counter powers are exercised by those subject to actors holding decentralized power. Accountability in this sense, to paraphrase Foucault, is not in a position of exteriority to power, but depends on the exercise of a counter power to balance arbitrary action. Since this paper focuses on the public actors to whom powers are devolved on

behalf of a constituency, we are primarily concerned with the accountability relations of such actors *downward* to their constituencies. It is downward accountability that broadens participation.

Actors can be held downwardly accountable to local constituencies in numerous ways. The most commonly cited for representative actors are electoral processes.³³ While elections may be important (where they exist), they are not sufficient. Many elected officials are not accountable to their constituents—even when the electoral system is well crafted. Other mechanisms for increasing local or downward accountability—of elected or any other local actors—include: procedures for recall; referenda; legal recourse through courts; third party monitoring by media, NGOs or independently elected controllers; auditing and evaluation; political pressures and lobbying by associations and associative movements; providing of information on roles and obligations of government by the media and NGOs; public reporting requirements for governments; education; embeddedness of leaders in their community; belief systems of leaders and their communities; civic dedication and pride of leaders; performance awards; widespread participation; social movements; threats of social unrest and resistance; central state oversight of local government; and taxation. Although long, this is not an exhaustive list. All these mechanisms can contribute to local accountability. There is always also some degree of upward accountability of appointed and representative actors. Upward accountability can also be structured through many of these same mechanisms.³⁴

Vertical and horizontal ties among branches of government can also shape the relation of accountability between local government actors and their constituencies. Similarly, the relations between customary authorities and their administrative superiors can shape their downward

accountability.³⁵ However, downward accountability of those who receive powers from the central state on behalf of a constituency is the primary dimension of decentralization since it can broaden the participation of local populations and enhances the responsiveness of empowered actors. It is through such greater participation and responsiveness that the many lauded benefits of decentralization are realized.

Cross-Regional Case Studies of Decentralization

In this section we present four case studies of decentralization from South Asia and West Africa. India and Nepal provide the instances from South Asia. Senegal and Mali are the West African cases. Each of the studies focuses on decentralization initiatives in the forestry sector. The cases vary in the type of decentralization that national governments attempted and implemented. Thus we will see that although the framework presented above considers the devolution of four types of powers to be important, only rarely do local actors exercise all four.

The selection of cases from two different regions is motivated by the objective of examining whether the framework we have presented for analyzing decentralization is robust across contexts that vary quite dramatically. The choice of cases from two different regions is rarely attempted in the literature on decentralization.³⁶ But we suggest that it is precisely these types of comparisons that must be carried out if the robustness of a theoretical framework is at issue. Within each of the chosen cases, we witness the devolution of different degrees and types of powers, and the enactment of different mechanisms of accountability. The objective in ensuring variation on these independent variables is to examine how devolution of similar powers, or the implementation of similar mechanisms of accountability might nonetheless have different

implications. Further, such variation is critical to assess whether decentralization has occurred in a given case, and the extent to which it is effective.

Decentralization of forest management in South Asia is, for the most part, a recent phenomenon. In both India and Nepal, the central state asserted control over forests as part of measures to ensure that commercial profits from timber were a monopoly of the state. In India, the British colonial state implemented a policy of centrally directed exploitation of forests that was based on the creation of one of the most systematically organized forest bureaucracies. The policy of central control continued well into the latter half of the twentieth century in most parts of India, and has only recently yielded to new initiatives that involve local populations into forest management.³⁷ But decentralization of forest management started much earlier in Kumaon (in 1931) and the events there prefigure the more recent Indian efforts to gain the participation of local populations. Decentralization of forest management in Nepal also began only in the last two decades with the passage of the Community Forestry Act in 1978.³⁸ Decentralization of forests in the protected areas of Nepal's Terai is of even more recent provenance, depending on a 1993 amendment that has substantially changed the provisions of the 1973 National Parks and Wildlife Conservation Act.³⁹

As former territories of French West Africa, Senegal and Mali share a common political, administrative and forestry history. While practices have differed since independence in 1960, their forestry policies only begin to diverge in the 1990s. In a series of land-tenure laws in 1825, 1848 and 1899, the French colony claimed forests as state property. The first forestry code in 1900 confirmed colonial state control of forests, established a set of usufruct rights, and gave the Governor-General and his delegates the right to allocate commercial permits and concessions.⁴⁰ A

more elaborate forestry code, passed in 1935, placed jurisdiction over forests with the Forest Service that was established in 1923. At independence all forests belonged to the state and remained under Forest Service control. Rural populations possessed only the usufruct rights to gather and use commercially non-valuable products. Commercial rights in timber, woodfuels, bamboo, and wildlife were concentrated in the hands of urban merchants through allocation devices such as producers licenses and production quotas.⁴¹ Independent Senegal revised its code in 1968 and 1974 with no substantive changes, while the French 1935 code in Mali was revised slightly in 1968 and then fines were raised and enforcement made stricter in 1986. Reforms toward more decentralized forestry began in both countries in the early 1990s.⁴²

The forests in India and Nepal are important for subsistence as well as commercial reasons. But in both countries, decentralization policies have devolved to local actors mainly the use of those forest products that are important for subsistence. The Forest Departments have retained significant control over how commercial benefits from the sale of timber will be realized and allocated. In Kumaon, India, local populations get only a small share in the revenues from commercial use of forests. Their access to commercial profits is even more limited in Nepal's Terai. In Mali and Senegal, forests are valued primarily for subsistence and woodfuel. Timber and other commercial products are relatively unimportant. Control over commercial production of woodfuel, the product that creates significant levels of revenues and profits, remains in the hands of the Forest Services of the two countries. To this extent, the decentralization that is being pursued in all four countries is limited because local populations get few or no rights to revenues from commercial exploitation of forests.

Kumaon, India: A Case of Durable Decentralization

Forest management in Kumaon has a long history of political struggles and changing rights.⁴³ At the beginning of the twentieth century, the British colonial state attempted to take over a large proportion of the forests in the region, ostensibly in the name of scientific forestry, but mainly because forests contained rich reserves of commercially exploitable timber. The takeover of forests was accompanied by elaborate new restrictions on forest use. The new regulations, and new territorial limits on usable forests led villagers into widespread protests that were often violent. The government was forced to appoint a committee to look into the demands made by the villagers in 1921. Based on the Committee's recommendations,⁴⁴ the government passed the Forest Council Rules of 1931 that permitted the villagers to form local forest councils and bring forests under council management from non-agricultural lands near village boundaries. This act of decentralization of powers over forests to village-level local bodies effectively met the demands villagers had voiced.

Actors involved in Decentralization

Since 1931, villagers in the three districts of Kumaon—Almora, Nainital, and Pithoragarh—have formed nearly 3000 forest councils. These councils formally manage and control nearly a quarter of the forests in Kumaon.⁴⁵ The control they exercise is mediated and influenced by actors from the Forest Department and the Revenue Department. Forest council officials elected locally by the village population, and Forest and Revenue Department officials, are the three main sets of actors who have received new powers as a result of the decentralization embodied in the 1931 Rules.⁴⁶ The process of forming a forest council is initiated when a third of the village population petitions the District Collector who is the head of the revenue administration in the district. An official surveyor measures and maps the land that is to form the

council's forest. Typically, the council's forest is created over land that is within the village boundary, but is uncultivated. Some villages do not have such land and can petition the district administration to grant them rights over forested land further away from their village. Councils comprise between 5 and 9 members and are headed by a Chief Councilor. All adult villagers are eligible to vote and compete in elections to the councils. Elections are held at periodic intervals in the presence of a Forest Council Inspector who is a part of the Revenue Department and is specifically appointed to supervise the functioning of forest councils. Each Inspector covers between 200 and 400 councils.

Nature of Powers Devolved

The Forest Council Rules of 1931 devolve considerable powers of everyday management to the forest councils. This can be seen primarily to result from villagers' protests in the early part of the century, but also from the relationship between local needs and the products contained in the forests. Since villagers exercise rights to fodder, firewood, and subsistence timber daily, their formal rights continue to have substantial meaning over time.

Government regulations, it is true, specifically forbid certain types of actions. Villagers cannot clear fell the forest. The fines they impose on rule-breakers cannot be higher than a certain level. They can raise revenues and expend them, but only through certain sources such as sale of fodder and firewood for household use and fines. The forest councils have a share in the revenues from the sale of timber and resin from pine trees, but these revenues can be raised only with the cooperation of the Forest Department and transferred back to the village only after permission from the Revenue Department. The process can be cumbersome.

Collectively, the 1931 Rules can be seen as a framework for the management of forests rather than a defining straitjacket. They create a domain of relatively autonomous action and rule making in which local residents and their representatives can operate. Within this domain, forest councils possess substantial powers to make rules and enforce them. Their rules facilitate some kinds of actions by villagers and restrict others. Council members meet frequently to discuss, create, and modify specific rules that govern withdrawal of forest products such as fodder, firewood, stones (for construction), and leaf manure. They also create monitoring and sanctioning mechanisms to enforce their own rules as well as the Forest Council Rules of 1931. The council selects guards, fines rule breakers, manages finances, and maintains a record of its meetings, accounts, and local rule infractions. Contributions from villagers and fines from rule-breakers help pay the guard's salary. Councils also use revenues to undertake public works in the village such as construction of school buildings or religious celebrations.

Officials in the Revenue and the Forest Departments supervise and facilitate the activities of the councils. Forest Council Inspectors from the Revenue Department supervise the records maintained by the councils. Forest Department officials coordinate the commercial harvesting of forest products from the council's forest and provide technical assistance in developing the forest's condition. Forty percent of the net proceeds from timber and resin sales are deposited in the name of the forest council, and maintained by the Revenue Department. More importantly for everyday functioning, councils often call upon Revenue Department officials to help in the enforcement of rules. Their own powers of enforcement are limited, and where recalcitrant users refuse to listen, they have little recourse but to appeal to higher-level administrative officials. Many times help only comes after long delays, undermining the authority of the council. Since the

councils have no powers of adjudication, they must rely on formal channels of dispute resolution when conflicts over interpretation of rules and enforcement procedures become intractable. If disputes spill over into courts, cases may drag on for decades without being resolved. The limits on enforcement powers and the problems of adjudication limit the degree of decentralization.

Relations of Accountability

Three principal relations of accountability are obvious among the chief actors empowered by the Forest Council Rules. The first, and most important relationship is between the forest councils and village residents on whose behalf the councils exercise their powers. The Forest Councils hold and exercise substantial formal powers of rule-making and enforcement in relation to local forests.

They are downwardly accountable to their constituents (all village households who have subsistence rights in the forests) through periodic elections in which all adult villagers can vote, are entitled to contest for office, and are selected for office on the basis of a simple majority vote. The number of council members ranges between 5 and 9, and one of them stands for election as the head of the council. Villagers can attend meetings of the council and lodge complaints about its performance. This mechanism of accountability, in comparison to elections, constitutes a specific and timely constraint on arbitrary exercise of power by council members. In addition, the rights of specific council members to hold office can be and sometimes are challenged if evidence of wrongdoing is available. Councils are upwardly accountable to the district administration for accurate record keeping and enforcement of the general provisions of the Forest Council Rules.

A second relation of accountability makes forest users accountable to the councils for following rules. Forest councils enforce this accountability through the guards they appoint. Councils also sometimes create other forms of monitoring: by rotation, and mutual monitoring by

village households. Finally, the guards appointed by the forest councils are accountable to the councils for reasonable performance of their duties. Councils dismiss guards who are lax in the protection of forests, or who are overzealous in enforcing rules.

Nepal's Terai: The Limits of Decentralization

Nepal is one of the leaders among developing countries in setting conservation priorities and creating programs and legislation. Beginning with the passage of the National Parks and Wildlife Conservation Act in 1973, Nepal has established an extensive network of national parks, wildlife areas, and other protected areas that cover nearly 15% of the country's total area. Because coercive forms of exclusionary conservation in protected areas have enjoyed only limited success, His Majesty's Government/Nepal (HMG/N) has crafted new legislation to gain greater involvement of local populations in the management of resources in protected areas. The most important steps have been taken in Nepal's Terai where the greatest number of villagers live in proximity to protected areas. The Parks and People Program was launched with the help of the United Nations Development Program, facilitated by an amendment in 1993 to the Conservation Act of 1973.⁴⁷ Through this amendment to the Act, villagers living in the 1,866 square kilometers of the buffer zone of the protected areas can be constituted into user groups with specific rights over forest resources in the protected areas. By late 1997, 13% of the population residing in the buffer zone had already been constituted into user communities in the hope of reducing the level and intensity of conflicts between local populations and protected area authorities.

Actors involved in Decentralization

Since its launching in 1995, the Parks and People Program has facilitated the creation of more than 400 user groups in the buffer zone settlements of the protected areas in Nepal's Terai.⁴⁸

These user groups are analogous to the forest councils of Kumaon in that they are the chief local bodies to whom rights and powers are devolved through legislative and programmatic initiatives. Their activities are mediated and influenced by officials in the Department of National Parks and Wildlife Conservation, existing protection forces stationed in each protected area, officials in the Forest Department, and the new office holders in the Parks and People Program. The two new bodies that influence activities of the user groups in the buffer zones are the Park Management Unit (PMU) and the Buffer Zone Support Unit (BSU). The Park Management Unit is primarily responsible for protection activities within the boundaries of the protected area. The Buffer Zone Support Unit is charged with the responsibilities to implement development and conservation activities in the buffer zone of each protected area.⁴⁹ The Chief Warden in each protected area coordinates the activities of the two bodies.

Most of the objectives of the Buffer Zone Support Unit relate to the improvement of the livelihoods of local residents in the buffer zone. These objectives are implemented through user groups and their committees. At least for now, informal authority and leadership within the settlement ensures the selection of particular individuals to leadership positions within the user group. But the documents of the Parks and People Program also prescribe formal electoral procedures for choosing leaders. Over time, and as elections continue to take place, these formal electoral processes may lead to the creation of a new leadership.

Type and Nature of Powers Devolved

The nature and types of powers that user groups exercise are at best limited. The chief objective of the Parks and People Program is to enhance participation of local populations in the development activities it sponsors. Despite claims to the contrary, the activities being carried out

by the Program are unlikely to devolve control of decision-making over protected area resources. Thus, Program officials have retained control of most decisions about managing resources, and devolved to local populations only the right to manage their user groups and harvest some subsistence benefits from the protected area.

Existing regulations forbid the use of park resources except for limited periods during the year. Villagers and members of user groups can harvest some grasses from within the protected areas for up to three weeks in a year. In most cases, they also are able to gather firewood from protected area forests.⁵⁰ They also participate in the construction of trenches and planting of vegetation as fencing around the boundaries of the parks. Most of this work is as paid labor. Although local residents and user group members are able to harvest some benefits from forests, they do not have any powers to make rules about how forests can be used, enforce rules that protected area officials make, or monitor and sanction the actions of these officials. In terms of devolution of powers, user groups and their officials possess very limited powers to harvest benefits from protected areas. The existing hierarchy of officials has retained most powers of decision and rule making for the use of protected area forests.⁵¹

In some cases, user groups have come to control and protect small patches of land earmarked as community forests. These lands belong to the Forest Department, and user groups have received them as areas to be protected. Most of these lands have little vegetation cover. Their total extent is also small.⁵² With protection over time, it is possible that these plots of land will come to have vegetation. Thus, users can potentially gain access to fodder and firewood. However, at the moment, few of the local patches of “community forests” provide residents with benefits or opportunities.

Most user groups meet frequently. Formed as savings and credit societies, their main powers are in the arena of raising contributions that can be used to advance loans to those members who demonstrate the greatest capacity to use the loans productively. As savings and credit societies, the user groups have demonstrated substantial success and mobilized the participation of men as well as women. But the creation of funds through savings and the participation in savings and credit societies has had only limited impact in the arena of decentralization of resource use and management. Illegal harvests of fodder and firewood from the protected area forests continue apace. Many of the households who have high levels of assets and incomes, harvest forest products at a high rate even if they participate in the Program's activities.⁵³

The Chief Warden of a protected area, together with the Park Management Unit exercises most powers to make and enforce rules about the forests in the protected areas. The principal actors in charge of enforcement of these rules are units of the Royal Nepal Army that are stationed at the protected areas. The Chief Wardens of the protected areas and the newly constituted Park Management Units and the Buffer Zone Support Unit also informally address small disputes. But there are no formal powers of adjudication that locally accountable authorities exercise on an institutional basis. The usual channels of dispute resolution and adjudication in the shape of the formal court system are for the most part inaccessible to the residents of the buffer zones.

Mechanisms of Accountability

The powers to manage forest resources in the Protected areas and their buffer zones are divided among two sets of actors. The Chief Warden, the Park Management Unit, and the Buffer Zone

Support Unit are responsible for managing existing natural resources in the protected areas, and for much of the buffer zone. The user groups and their leaders hold the power to manage the activities of the user group members in relation to fund raising and advancing loans. Although there are several potential relations of accountability between the local residents and these actors who exercise power over the use of Park resources, there are almost no formal mechanisms in place to ensure the downward accountability of power holders to their constituents. One arena in which there is some accountability of decision makers to their constituents is in terms of the user group officials being held to task by the user group members. Regular meetings in which decisions are made jointly by the members about who should receive loans from the accumulated savings ensures that no one is favored systematically. Organizational relations of upward accountability ensure that the army units patrolling the protected area forests report to the Chief Warden.

The lack of powers of decisionmaking and rulemaking, and the absence of accountability of decision makers such as the Chief Warden and the new management units to local constituents means that benefits to local residents have changed little despite the implementation of the Parks and People Program. Existing patterns of resource use have survived because little has changed in terms of accountability relations in the reverse direction. Army units deter local users only to a limited extent since it is impossible for such protection to be effectively implemented every moment.

Senegal: Decentralization to Upwardly Accountable Local Government

In Senegal's 1994 forestry law "the rights to exploit forests and forest lands in the national domain belong to the State which can exercise them directly or grant them to third parties [concessions to private firms] or local collectives [local governments]...."⁵⁴ Commercial concessions and permits

have been the mode for allocating commercial access to forests since the turn of the century. The new dimension of decentralization in the forestry law is the inclusion of local governments as *possible* actors in forest exploitation to whom production permits could be allocated. This measure was designed to make forest management more ‘participatory.’⁵⁵ If a local government’s elected rural council would like to participate in commercial forestry, it must request that the Forest Service draw up a management plan for their zone. The plans specify when, where and how much wood can be cut, along with methods to be used and reforestation measures that must follow. After the plan is drafted the rural council can assign individuals, cooperatives or corporations exploitation plots within their zone. This new arrangement gives rural councils considerable say in local exploitation.

There is a catch, however. Rural councils can request a plan to engage in commercial production. Rural councils wishing to forbid commercial exploitation of forests within their territorial jurisdiction, however, have no legal mechanism to do so. If they are not interested in commercial exploitation the Forest Service can grant commercial concessions in surrounding forests to private producers. If they choose not to ‘participate’ in exploitation themselves (via a management plan) they risk losing surrounding forests to commercial concessions. In other words, rural populations can participate in the Forest Service *exploitation* plans or lose their forests. They do not get to ‘participate’ in decisions as to whether or not the forests will be commercially exploited. They lack the right to say ‘no’ to production or to conserve surrounding forests.

Actors Involved in Decentralization

Rural councils in Senegal, the basic units of local government, are the recipients of new powers to exploit the forests in their domain commercially. They can engage individuals or any legally recognized group to exploit forests within the areas fixed by the Forest Service's management plans. Individuals, cooperatives, corporations and interest groups recognized by the government can apply to rural councils for permission to work in commercial forestry. Most powers, however, remain with the local branch of the Forest Service via their control over management plans.

Nature of Powers Devolved

The rural council has gained the power 1) to request permission to exploit, and 2) to allocate the right to exploit (i.e. labor opportunities) to individuals or any legally recognized group (once the Forest service grants them a management plan). Local populations have gained the right to engage in forest exploitation under the guidance of their rural councils.⁵⁶ Prior to these laws urban merchants with licenses and permits would come into a zone with their own migrant laborers and conduct the exploitation without engaging the local population.

The Forest Service has retained powers over commercial forestry decisions. Forest Service management plans outline the extent of and procedures for exploitation and management, usually aimed at supplying urban centers with woodfuel. The Forest Service determines whether the forest will be commercially exploited, how much will be cut and at what rate. Local populations do not have these choices. Further, if the rural population does not request a production management plan, the Forest Service can allocate production rights to commercial interests. Hence, the rural council's real choice is between commercial exploitation under Forest Service terms or the risk of losing the forests to outside commercial interests. In short, decentralization has not given rural councils decision-making powers over the disposition of

forests since they do not have the power to say ‘no’ to production. This power has been reserved for the Forest Service.

The Forest Service is setting up a national forestry fund over which it has retained disbursement powers. The fund is fed by fines, taxes, and other fees.⁵⁷ “Subsidies and reimbursements, not totaling in excess of 20 percent (i.e. it can be as low as zero percent) of the annual amount of the National Forestry Fund, *can* be allocated to Rural Councils and local organizations, to public and private establishments, as well as to physical persons who are distinguished by their acts of environmental protection and reforestation.”⁵⁸ This is effectively a discretionary fund for the Forest Service to reward good forestry practices.

Accountability

Senegal’s rural councils who receive most of the newly transferred powers are elected. These elections, however, do not make the councils representative of nor accountable to local populations. Candidates for Rural Councils can only be presented for election by nationally registered political parties. In a winner-take-all election the winning slate sits on the council for a five year term. The slates fill three fourths of the council. The remaining one fourth of the representatives are chosen by a general council of state-organized producer and marketing cooperatives and associations (such as youth and women). The winning council then elects a president from among its members.⁵⁹

Given this system of elections, villagers often feel that Rural Councils do not represent them. Rather, they represent political parties and the cooperatives.⁶⁰ Villagers do not get to choose candidates and few parties have the resources to organize local government slates. So there is little competition in local elections.⁶¹ As one villager (in Koumpentoum, June 1994)

explained: "the Councilors are chosen by Deputies in the National Assembly. Deputies choose people based on those who support them in their elections.... The Councils are chosen by the parties." Hesselting (n.d.: 17) writes, based on her research in Senegal in 1983, that councils "...are at times nothing more than sections of the Socialist Party [the party in power]...." Indeed, in 1994, the ruling Socialist Party dominated over 300 of Senegal's 317 rural councils. In short, the elections in Senegal are not structured to create a downwardly accountable rural council.

The Forest Service agents, who retain most powers over forest use and management, are upwardly accountable to the Regional and National Forest Services. There are no formal mechanisms that make them accountable to Rural Councils or rural populations. Any disputes in forestry (even disputes with foresters) are officially referred to the local foresters and can be appealed to the Director of the National Forestry Service. These disputes cannot go to an independent judiciary.

Further, the private bodies to which the rural council chooses to give commercial production opportunities will be accountable to the rural council, and to the Forest Service. Both the councils and Forest Service have the ability to revoke or not renew access to these productive opportunities. These private bodies are also accountable to the Forest Service by dint of the Forest Service's power to sanction.

In matters of dispute between the Forest Service and others, problems are brought to the courts. The Forest Service director can make its own prosecution and has rights of appeal.

Mali: Decentralization to Downwardly Accountable Local Government

Forestry Service practices in Mali have undergone a major transformation since the 1980s, in great part because of the 1991 revolution. In the 1980s, particularly with the highly restrictive

1986 forestry reforms, forestry in Mali was an unfortunate farce. Forestry field agents, a form of paramilitary forest police, were famous for cooking up charges of forest fire setting, tree cutting and branch breaking, and using these trumped up—or real—charges to extract exorbitant fines from rural populations.⁶² During Mali's 1991 revolution, popular discontent at the old regime's draconian enforcement of the forestry laws boiled over. Angry rural residents chased state forestry officials from the countryside, and in some cases reportedly burnt them alive. The events of 1991 are only the most dramatic illustration of the conflicts and resentments that state forestry policies have provoked in the Sahel. Since the colonial period, forestry policies have consistently penalized rural communities in the name of "conservation" and served the interests of political and economic élite.⁶³ In 1995 new participatory forestry laws were passed.⁶⁴ The local-government-based participatory portion of this law is only now going into effect as the first local government elections were held in 1999.

Actors Involved in Decentralization

At the central level the Mission of Decentralization (in the Prime Minister's office) determines the territorial extent of the forested domain of local governments. The Ministry for Forests⁶⁵, in conjunction with the Director of the Forest Service, is charged with the development of the forestry laws that allocate powers to the local governments (called Decentralized Territorial Collectives, by which we mean the elected local councils).⁶⁶ Within the local arena, decentralization primarily involves the Forest Service from whom powers are being devolved, and the newly elected local governments in whom devolved powers are to be vested.

According to the new laws, any individual or group wishing to engage in commercial woodfuel cutting will be required to form a Woodfuel Management Structure (WMS) which can

be any kind of organization (cooperative, corporation or association) recognized by the state. These are groups of private individuals interested in commercial exploitation. Under these laws, the WMS or local government must request that the Forest Service develop a management plan for them. Under new proposed legislation, however, local governments will be allowed to develop their own management plans, giving local representatives more control.⁶⁷ In either case, the local government's elected council must approve the plan before work can begin.⁶⁸ If local governments develop their own plans, a forester or an auditor from the central government will still have to approve it. The plan includes an annual production quota not to exceed the sustainable yield of the domain in question. The annual quota will be set by an *ad hoc* committee of two members from the WMS, one from local government and one from the Forest Service.⁶⁹ Given the contentious nature of quota fixing, there will also be a regional quota conflict resolution committee organized by the Minister of Forests.⁷⁰ Once the management plans and quota are approved by all parties, the Forest Service will deliver a cutting permit upon receipt of a forest exploitation tax.⁷¹

Nature of Powers Devolved

Powers of the elected council of the local government include: 1) the ability to reserve part or all of any forests in their domain for any purposes they see fit, 2) the right to develop or to reject forest management plans presented by the Forest Service, and 3) the right to a 'portion' of the forestry tax (this portion is to be determined by ministerial decree). Under the laws still in force, the Forest Service has reserved for itself 1) some control over the elaboration of commercial forest management plans, 2) the right to adjudicate disputes over the quantities allowed for commercial exploitation, and 3) the role of collecting forestry taxes and of delivering permits.

Through its influence over forest management plans and the quota-fixing process the Forest Service can set *how much, where, when, how and with which management obligations* exploitation will take place. This power is balanced, however, by the local government's ability to reserve its forests and to veto proposed plans. Nonetheless, adjudication remains in the hands of the Ministry for Forests. This tips the balance of power for quota fixing back toward the Forest Service. Other matters of adjudication are also vested in the Ministry for Forests. The powers and rights of local individuals remain restricted to the historical set of use rights. Because Forest Service agents, under the laws reviewed, have the power to develop management plans and withhold or delay their services and approval, they also have the power to prevent commercial production from taking place. In this manner, local governments and anyone wishing to engage in commercial production remain dependent on the Forest Service agents.⁷²

It is important to note here that the powers of local government to reserve or exploit its forests are only as extensive as the local forested domain they receive in a process that will divide rights to forests among National, Regional, *Cercle* and Local levels of government.⁷³ In this process local governments will be left only with forests that do not interest any other level of government. This residual territory (whose extent is yet to be determined) could be extremely limited. Further, the forests attributed to other levels of government all certainly have 'local' people living in and around them who depend on and use these forests. Hence, much of the forested domain may not be decentralized to local actors. Its management and use may remain at a level of authority distant from and inaccessible to the local populations that live in and use the forests in question.

Accountability

The process outlined by the Decentralization Ministry to distribute forests among different levels of government favors higher levels. This process is to be determined by ministerial decree. The minister is accountable to the President in what is effectively a one-party dominated system. In effect, the critical process of allocation of the forested domain will not be systematically accountable to local populations or any of their representatives. In addition to the extent of the local domain, the portion of the tax to be devolved and the mode by which disputes will be resolved are to be determined by ministerial decree. Although these decisions determine the extent of powers local government and local populations will ultimately have, there is no downward accountability built into the decree process.

Forest Service agents are upwardly accountable to the director of the forest service who is appointed by the Minister for Forests. These agents are only downwardly accountable in so far as they must save themselves the work of re-doing their planning exercises to avoid rejection by local government representatives. It is ambiguous whether the local government can hold the Forest Service accountable so that the forestry tax, a portion of which is earmarked for the local government's coffers will return to the local level. The local government's primary mode of accountability is through elections. Local government elections in Mali admit independent candidates. The WMS are accountable to local governments and Forest Service agents. They are required to exploit in accordance with the management plan—including any conservation measures that are specified. They are held to account by the fines that the forest Service can levy for illegal exploitation and by the fact that the Forest Service can revoke their exploitation privilege.

Because the representative of local government on the quota committee is only one of four members, this committee cannot be considered downwardly accountable; the single local representative seldom has a decisive say in outcomes. In this role, the representative can only be considered to be advisory. The committee is dominated by those who have an interest in exploitation—foresters and WMS members. Further, the “...mode of allocation of the quota...” is still to be specified by order of the Regional Governor (another central government appointee). Adjudication of disputes on quotas are internal to the Ministry for Forests, hence, this cannot be considered to be independent adjudication. Adjudication of other disputes with the Forest Service can be taken to the courts, however, the Forest Service director can appeal or annul decisions with the agreement of the public prosecutor.⁷⁴

Lessons from Case Studies

Far different from deconcentration... is the creation of bodies separated by law from the national center, in which local representatives are given formal power to decide on a range of public matters. Their political base is the locality and not—as it is with the commissioners and civil servants—the nation. Their area of authority is limited, but within that area their right to make decisions is entrenched by the law and can only be altered by new legislation. They have resources which, subject to the stated limits, are spent and invested at their own discretion. This is the meaning of *decentralization*....

Philip Mawhood, “Traditional Political Authority in African Pluralism”

The four cases above depict both deconcentration and political or democratic decentralization.

However, they also demonstrate the variations that are possible within the two broad types. The

India and Mali case studies illustrate political decentralization. In India, considerable powers of decision and rule making over everyday management have been devolved to elected forest councils. These elected officials are accountable to villagers. In Mali similar powers are being devolved to elected local governments. But the territorial extent of forests over which local governments can exercise authority is different in the two cases. In Kumaon, the forest councils control nearly a quarter of the total forests in the region. The portion of forests to be devolved to Mali's local government is still in question. Since devolution of powers is only as complete as the forested area over which the powers apply, it is still difficult to determine the extent of local power in Mali. Further, the extent of local powers and the degree to which they will be shaped by administrative appointees is yet to be established.

In the Indian case, the forest councils also possess monitoring and sanctioning powers. The power to sanction is limited in that the councils can only impose a few kinds of punishments. For stricter enforcement they must appeal to higher level government officials in the Revenue or the Forest Department. In Mali, the powers of rural councils to enforce are even more limited and they must call on higher enforcement bodies. In India and Mali adjudication occurs through the courts. In Mali, however, some adjudication is still under the control of the Forest Service and the Forest Service has considerable power to appeal or annul judgments. Therefore, we can hypothesize, there is still some bias in adjudication toward the interests of the Forest Service in Mali. In light of our framework, decentralization has occurred in both India and Mali, but more effectively in Kumaon than in Mali. Note that in both cases, decentralization policies were initiated following popular demands for political change.

Nepal and Senegal can be seen as instances of deconcentration. In both, the balance of powers are transferred to bodies upwardly accountable to the central state. It is true that the central governments initiating the policies construe their acts as political decentralizations. But an examination of the provisions in the relevant documents suggests that the new policies empower actors whose decisions reflect the needs of the local populations only to a limited extent. In Nepal, the new bodies that have received powers to make decisions and rules to manage forests in protected areas are the local arms of the state. The officials of the user groups, elected by a majority of the local residents, exercise few powers worth the name. Although they have the power to make decisions over community forests, the extent and benefits of such forests is small. In Senegal, elected “local representatives” are upwardly accountable to the central state because of how elections are structured. They are, in effect, extensions of the state bureaucracy instead of representing the rural populations who elect them. It is only the political-administrative incentives imposed from above that can lead the decision makers in each case to represent the interests of their constituents in the local population. Such incentives have proved insufficient in Nepal. It may be too early to say what will finally happen in Senegal, but the current structure of relationships and powers can only be characterized as deconcentration.

As in Mali, the Senegalese councils can call on higher authorities for assistance with enforcement. In Nepal, enforcement powers are available to the new bodies (the Park Management Unit and the Buffer Zone Support Unit) with the help of the Park’s Chief Warden. Finally, in neither case are arenas for adjudication of disputes easily accessible to local residents over whom decentralized actors exercise power. In Nepal, adjudication is so prohibitively expensive that few users ever resort to it. As a result, there are few institutional checks on state

officials who manage the forests in the protected areas. In Senegal in past practice, disputes among forest users and between forest users and the Forest Service are referred to local forestry agents and if unresolved they move up the bureaucratic hierarchy to the national Director of Forestry. Under the new forestry Code disputes are to be referred to the courts. In our framework, these cases cannot be counted as decentralization.

India and Mali illustrate political or democratic decentralization according to our framework. In Kumaon the powers devolved are significant while in Mali the powers are carefully circumscribed. As a result, Mali's decentralization may be less effective. In Nepal and Senegal, deconcentration has taken place in the name of decentralization. In the latter two cases, different strategies are used to limit the downward accountability of actors who exercise decentralized powers. In Nepal it is administrators rather than representatives who have received powers. In Senegal, although it is elected representatives who have received powers, they are upwardly accountable through a centralizing electoral system. They therefore have few direct incentives to use their powers to benefit their electoral constituents. In both these cases of deconcentration, the powers devolved also remain rather limited.

More generally, in at least one of the cases the effectiveness of decentralization is diminished by biased or inaccessible adjudication arrangements. Even in Kumaon, where adjudication is through the existing court system, it is relatively inaccessible to most villagers. Resolution of disputes favors those with more wealth and the ability to be involved in a protracted legal engagement. In the other three cases, disputes over the exercise of decentralized powers are first addressed by local actors whose interests mesh with those of the Forest Service or of the Park authorities. Adjudication, however, does not belong within institutions that are inaccessible,

or partial to particular sectoral interests. The discussion in the case studies shows that powers of adjudication should 1) be devolved so that more marginal actors can avail of them when disputes arise, and 2) be independent from systematic bias toward elite or sectoral interests. They should follow basic principles of separation of powers.

Thus two necessary conditions for effective decentralization are borne out by the cases under consideration: 1) local governments should have the power to make and enforce decisions and rules, and 2) locally empowered actors should be downwardly accountable to their constituents. Adjudication plays a dual role. It is a power that local governing bodies exercise in resolving conflicts among constituents or individuals. But it is a means of accountability when citizens use it to challenge the decisions of governing bodies. It is this latter aspect of adjudication that must remain independent of governing bodies. Although there is some amount of deconcentration of powers and decentralization in all of the cases, the critical questions to ask in each case relate to the nature of powers that are devolved and the type of accountability that is instituted. Thus, if elected bodies are accountable to superior officials rather than to those who elect them, what has take place is a species of deconcentration, not political decentralization.⁷⁵

The case studies also indicate that to assess whether the two necessary conditions for effective decentralization are in place, it is important to attend to the complexities of the various laws that affect decentralization rather than simply to a single text or rule. Forestry laws may tell only part of the story. Provisions in electoral laws, judiciary codes, administrative codes, and penal codes may have a significant bearing on decentralization. Each strand in the bundle of powers that is devolved needs analysis if we are to understand the resulting relations of power and accountability. These different components may be all within the same legal act or may be spread

across a number of legal texts. For a full analysis, it is crucial to examine the multiple texts and institutions that circumscribe the meaning of decentralization in a given context.⁷⁶

The studies confirm the tendency of central governments to retain control even in the context of decentralization initiatives.⁷⁷ Although in each case the government proclaimed decentralization as the goal of reform, the type of decentralization reforms produced was incomplete. Even in the Kumaon case that illustrates the most thoroughgoing decentralization, the colonial government initiating decentralization ensured limits on the powers of local bodies. It did not devolve commercial rights to the sale of timber, and it created supervisory officials who limit the autonomy of the downwardly accountable forest councils. In the other three cases, the nature of decentralization is even more limited. Where devolution of powers to lower-level bodies actually takes place, we find that they are upwardly accountable, strengthening the central government. Where local bodies are downwardly accountable, they seldom receive significant powers.

A Concluding Discussion

The tendency of democratic participation to break down into administrative involvement requires constant attention.

Philip Selznick, *TVA and the Grassroots*

The application of the framework to the case studies revealed some specific issues that we discussed in the previous section. But certain general issues also emerge from the discussion of the four cases. The first and most important of these, perhaps, relates to the institutional underpinnings of decentralization and by extension, to whether it will endure or be generalizable

over a large territory. All of the cases we have examined involve permanent institutions—local governments, elected forest councils, local administrative bodies. Projects that create temporary institutions or processes, such as participatory mapping that temporarily mobilizes populations to inform a process or engage in activities, may not produce enduring or ‘sustainable’ decentralization.⁷⁸ Further, temporary and spatially limited activities may not be as amenable to generalization as are legislated state institutions—such as representative local governments—that can be replicated across an entire nation by legislative acts. Similarly problematic are acts of decentralization that rely primarily on NGOs. All too often, NGOs are accountable only to a minority: their members, donors, and leaders.⁷⁹

Sustainability is also linked to the form in which reforms are encoded. Many powers are re-allocated via ministerial decree, administrative order, concession or even through permits. These changes, however, do not represent legislated reforms. They are matters of administrative discretion. As seen in the West Africa cases, with matters of fiscal allocations and procedures for adjudication, reforms are often left to decree or order. To be sustainable, however, we argue that reforms must be legislated so that their very existence is assured within broader relations of accountability, and national-level separation and balance of powers. Decrees and orders are useful tools for lower-level actors to exercise their powers. When used to determine lower-level ‘decentralized’ powers by higher-level political and administrative bodies they compromise the autonomy of decentralized actors. Although an in-depth discussion of generalizability and sustainability issues is beyond the scope of this paper, these two aspects of decentralization are relevant to any vision of long-term and widespread reform.

The paper discusses the nature of powers that are devolved and the arenas in which devolution takes place. But it is important also to examine why some powers are not devolved. It is precisely by an examination of what is not devolved that the hidden politics of decentralization becomes visible, and the influence of these hidden interests becomes amenable to analysis. For example, in none of the four cases that we describe do local actors gain the power to decide about the disposition of commercial profits from forest resources. Forest Departments, merchants, or conservationists control how the most valuable forest products will be utilized, and how the profits from these products will be allocated. Even in successful cases of decentralization, local actors come to gain only subsistence benefits, far smaller in comparison to the potential commercial revenues. Control over commercially valuable products and species is retained in the name of more scientific management of forests, alleged inability of local actors to husband and use forests, reluctance to give up real power, or simple cupidity. Ultimately, we suggest, decentralization occurs only when local populations and their downwardly accountable representatives gain control over resources necessary to govern.

The study of cases across regions emphasizes an enduring insight garnered during earlier cross-cultural scholarship, one often ignored in recent comparative political analyses. We note that the same phenomenon, across cases, can have such different meanings and implications that it is simply incorrect to use a common word to refer to it in the different cases. This observation is true when the phenomenon in question is decentralization of formal powers. But it is also true when we consider forms of accountability in detail. Elections to the forest councils in Kumaon are very different from the elections to rural councils in Senegal. In one case, elections imply the selection of officials who are selected from among the local residents, and whose tenure depends

on how well they are seen by local residents to make decisions reflecting the reasons for which they were elected. In the other case, elected officials are elected from a restricted slate, their performance is judged not by their constituents but their superiors, and their reelection depends not on who local residents want but on who senior actors in the political-administrative bureaucracy deem reliable. These differences in the meanings of elections become visible in the investigation of the legal-administrative and political context.

Our paper thus fulfills two important objectives. It underlines the need to undertake carefully contextualized empirical work that can throw into relief the implications of any underlying theoretical framework. Two, it demonstrates the utility of our framework for analyzing decentralization reforms in diverse settings and multiple sites.

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Endnotes:

1. This global pursuit of decentralization, even if it appears novel, is not the first time governments have attempted the decentralization of fiscal responsibilities or institutional powers. In francophone West Africa, for example, beginning in 1917 at least four distinct waves can be discerned. In each case, decentralization accompanied and perhaps was sparked by fiscal crises of the state. See Jesse C. Ribot, "Decentralization, Participation, and Accountability in Sahelian Forestry: Legal Instruments of Political-Administrative Control," *Africa* 69, no. 1 (1999), p. 51. In South Asia, at least three waves are visible since the mid 1800s. The first of these occurred as early as the 1860s according to Michael H. Fisher, *Indirect Rule in India: Residents and the Residency System, 1764-1858* (New Delhi: Oxford University Press, 1991). The second wave of decentralization can be seen to have taken place after independence through efforts at community development. A third wave is currently under way.

2. William Dillinger, *Decentralization and Its Implications for Urban Service Delivery*. Urban Management Program Discussion Paper 16 (Washington, DC: World Bank, 1994), p. 8, cited in Richard C. Crook and James Manor, *Democracy and Decentralization in South-East Asia and West Africa: Participation, Accountability, and Performance* (Cambridge: Cambridge University Press, 1998), p. 1. Norman T. Uphoff, wondering about how to think of the 1990s in the context of development, sees them as possibly the "decade of deregulation, democratization, and decentralization," in his and Milton J. Esman's "Local Organization for Rural Development:

Analysis of Asian Experience,” RLG No. 19, Rural Development Committee, Special Series on Rural Local Government (Ithaca, NY: Cornell University, 1974), p. 607. Several other authors also speak of decentralization in the same breath as democratization. See Gerhard Totemeyer, “Challenges for Democracy, Decentralization, and Empowerment in Africa,” *Regional Development Dialogue* 15, no. 1 (1994): 49-61; and Harry Blair, “Spreading Power to the Periphery: An Assessment of Democratic Local Governance,” Program and Operations Assessment Report No. 21 (Washington, DC: United States Agency for International Development, 1998). But clearly the two are quite different as seen in works by Jonathan Fox and Josefina Aranda, *Decentralization and Rural Development in Mexico: Community Participation in Oaxaca’s Municipal Funds Program* (San Diego: Center for U.S.-Mexican Studies, University of California, 1996); and Xu Wang, “Mutual Empowerment of State and Peasantry: Grassroots Democracy in Rural China,” *World Development* 25, no. 9 (September 1997): 1431-42.

3. Arun Agrawal, with Charla Britt and Keshav Kanel, in *Decentralization in Nepal: A Comparative Analysis* (Oakland: Institute for Contemporary Studies Press, 1999), presents a discussion examining the justifications advanced for recent attempts at decentralization around the world. Ribot, “Decentralization, Participation, and Accountability,” pp. 23-65, presents a more historical discussion for francophone West Africa.

4. Crook and Manor, *Democracy and Decentralization*; Richard Crook and James Manor, “Enhancing Participation and Institutional Performance: Democratic Decentralization in South

Asia and West Africa” (Report to the Overseas Development Administration, on Phase Two of a Two-Phase Research Project, January 1994); Andrew N. Parker, “Decentralization: The Way Forward for Rural Development?” (Washington DC: World Bank, 1995); David K. Leonard, “Analyzing the Organizational Requirements for Serving the Rural Poor,” chapter 1, *Institutions of Rural Development for the Poor: Decentralization and Organizational Linkages*, Research Series Paper No. 49, edited by David K. Leonard and Dale Rogers (Berkeley: Institute of International Studies, 1982); and Stephen S. Cohen, John Dyckman, Erica Schoenberger, and Charles R. Downs, “Decentralization: A Framework for Policy Analysis” (Report to United States Agency for International Development by Project on Managing Decentralization, Berkeley, CA, February 1981) for references dating to the mid-1800s.

5. Decentralization strives to allocate decision-making powers to those who have the greatest information about a particular resource. But the availability of greater information does not necessarily lead to the use of that information in favor of the people on behalf of whom decisions are made. Information can also be used to favor the decision makers themselves or for their friends and cronies.

6. Elinor Ostrom, Larry Schroeder, and Susan Wynne, *Institutional Incentives and Sustainable Development: Infrastructure Policies in Perspective* (Boulder, CO: Westview, 1993).

7. In theory, decentralization can increase efficiency by helping internalize costs and reducing transactions costs. See the *1988 World Development Report* which asserts that “decentralizing

both spending and revenue authority can improve the allocation of resources in the public sector by linking the costs and benefits of local public services more closely” (World Bank, *World Development Report 1988* [New York: Oxford University Press, 1988]), p. 1. The devolution of decision-making to local actors can reduce administrative and management transaction costs via the proximity of local participants to decision-makers and the access to local skills and information. See Crook and Manor, *Democracy and Decentralization*; and Jeff Huther and Anwar Shah, “Applying a Simple Measure of Good Governance to the Debate on Fiscal Decentralization,” Policy Research Working Paper No. 1894 (Washington, DC: World Bank, March 1998), p. 1. See also Henry Bienen, Devesh Kapur, James Parks, and Jeffrey Riedlinger, “Decentralization in Nepal,” *World Development* 18, no. 1 (January 1990): 61-75, who argue that in Nepal, decentralization worsened information flows, thereby increasing transactions costs. Decentralization is usually believed to increase effectiveness of coordination and flexibility among administrative agencies and in development/conservation planning and implementation. Decentralization is also seen to increase equity at the local level by greater local retention of revenues and more equal distribution of benefits from local activities. See David Slater, “Territorial Power and the Peripheral State: The Issue of Decentralization,” *Development and Change* 20 (July 1989): 501-31, who emphasizes the role of centralization in reducing inequalities and the response by Dennis A. Rondinelli, “Decentralization, Territorial Power, and the State: A Critical Response,” *Development and Change* 21 (July 1990): 491-500. See also R. Prud’homme, “On the Dangers of Decentralization,” World Bank Policy Research Working Paper No. 1252 (Washington DC: World Bank, 1994).

8. Jesse C. Ribot, "From Exclusion to Participation: Turning Senegal's Forestry Policy Around?"

World Development 23, no. 9 (September 1995): 1587-89.

9. Pascale Delnooz. *Gestion des Ressources Forestières: La Communauté, L'État et le Marché:*

Etude de Projets D'Amanégament au Burkina Faso. Unpublished doctoral dissertation,

Fondation Universitaire Luxembourgeoise, Louvain-la-Neuve, Belgium, December 1999.

10. See Stephen Thomas, "The Legacy of Dualism and Decision-making: The Prospects for Local Institutional Development in 'CAMPFIRE'." Branch of Terrestrial Ecology/ CASS Joint Working Paper No. 1/1992, Harare, Zimbabwe; and James Murombedzi, "The Implications for the Land-tenure Commission for Rural Land-Tenure Systems, Renewable Resources and Development in Zimbabwe. CASS Occasional Paper—NRM Series, CPN 90/1997. Harare, Zimbabwe.

11. There are, of course, success stories. Decentralized healthcare provision in Ciera, Brazil is argued by some to be a great success. See Judith Tandler, *Good Government in the Tropics* (Baltimore, MD: Johns Hopkins University Press, 1997). Local governments in South America have experienced successful fiscal decentralizations. See Ariel Fiszbein, "Decentralization and Local Capacity: Some Thoughts on a Controversial Relationship" (paper presented at the FAO/UNCDF/World Bank Technical Consultation on Decentralization, Rome, 15-8 December 1997). Uganda instituted elected representatives at the village level in the mid-1990s. See Mikael Karlström, "Imagining Democracy: Political Culture and Democratization in Buganda," *Africa* 66, no. 4 (1996). These successes, however, are usually partial: Uganda's new representatives lack

powers; in Brazil the efficiency of health services provision has increased but central control has scarcely declined.

12. James Manor, *The Political Economy of Democratic Decentralization* (World Bank: Washington, DC, 1999); and Hans Binswanger, "Technical Consultation on the Decentralization of Rural Development," Unpublished Proceedings of Development Conference, Rome, 16-18 December 1997 (Rome: FAO, 1999). In their recent book John Cohen and Stephen Peterson, *Administrative Decentralization: Strategies for Developing Countries* (West Hartford CT: Kumarian Press, 1999), pp. 69-70 propose a framework in which accountability figures centrally. However, they characterize it as an outcome rather than as an element of administrative design.

13. The comparative strategy we use is best classified as the "comparative case-oriented method" described by Charles Ragin, *The Comparative Method: Beyond Qualitative and Quantitative Strategies* (Berkeley: University of California Press, 1987). See also Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China* (New York: Cambridge University Press, 1979); Theda Skocpol and Margaret Somers, "The Uses of Comparative History in Macrosocial Inquiry," *Comparative Studies in Society and History* 22 (January 1980): 174-97; and Mark I. Lichbach and Alan S. Zuckerman. "Research Traditions and Theory in Comparative Politics: An Introduction," in Mark I. Lichbach and Alan S. Zuckerman, eds., *Comparative Politics: Rationality, Culture, and Structure* (Cambridge: Cambridge University Press, 1997), pp. 3-16.

14. In their collection of essays on accountability, Fox and Brown simply state that accountability is the process of holding actors responsible for their actions. See Jonathan Fox and David Brown, eds., *The Struggle for Accountability: The World Bank, NGOs, and Grassroots Movements* (Cambridge, MA: MIT Press, 1998), p. 12. See also Samuel Paul, "Accountability in Public Services: Exit, Voice, and Control." *World Development* 20, no. 7 (July 1992), for a discussion of problems of accountability in public agencies. Crook and Manor, *Democracy and Decentralization*, p. 2, see accountability as a "crucial link between enhanced participation and enhanced institutional performance."

15. Philip Mawhood, *Local Government in the Third World* (Chichester: John Wiley, 1983); Brian C. Smith, *Decentralization: The Territorial Dimension of the State* (London: George Allen, 1985). We should note that the formal transfer of power to lower levels of government may sometimes be a centralizing act if the powers being devolved were earlier exercised informally by non-state actors.

16. Booth's discussion of decentralization in France discusses how it led to greater autonomy for local governments, but at the same time also prompted a struggle for the redefinition of the roles of different levels of government. Philip Booth, "Decentralization and Land-Use Planning in France: A 15-Year Review," *Policy and Politics* 26, no. 1 (January 1995): 89-105. For a short statement on the degree of local autonomy in several developing countries, and the relationship of such autonomy to the colonial experience, see Paul Smoke, "Local Government Fiscal Reform in Developing Countries: Lessons from Kenya," *World Development* 21, no. 6 (June 1993): 901-2.

17. “Bureaucratic decentralization” is another name given to deconcentration. See Giancarlo Rolla, “Autonomy: A Guiding Criterion for Decentralizing Public Administration,” *International Review of Administrative Sciences* 64 (1998): 27-39.

18. Ladipo Adamolekun, “Promoting African Decentralization,” *Public Administration and Development* 22 (1991): 285-86, points out that deconcentration often takes place in the name of decentralization and that the two are confused.

19. Political decentralization is also called *democratic decentralization* by some authors. See Manor, *Political Economy*. Harry Blair, “Spreading Power to the Periphery: An Assessment of Democratic Local Governance,” Program and Operations Assessment Report No. 21 (Washington DC: USAID, 1998), p. 1, talks of democratic decentralization as “democratic local governance.”

20. When powers are ceded from the state to non-state bodies such as private individuals or corporations, the process can be termed *privatization*, which we do not consider to be decentralization. When, under governmental supervision, powers and specific responsibilities are allocated to public corporations or any other special authorities outside of the regular political-administrative structure, it is called *delegation*. See Ostrom, Schroeder, and Wynne, *Institutional Incentives and Sustainable Development*, p. 166. *Devolution* describes “the increased empowerment of local organizations with no direct government affiliation” such as NGOs, private

bodies, corporations, community groups, etc. See Michael Maniates, "Organizational designs for achieving sustainability: The opportunities, limitations, and dangers of state-local collaboration for common property management" (paper presented at the First Annual Meeting of the International Association for the Study of Common Property, 27-30 September 1990), p. 1.

21. Arguments defending decentralization on the basis of greater participation of citizens in democratic governance are given by Alexis De Tocqueville in *Democracy in America*, (New York: Vintage, [1835] 1945), and John Stuart Mill, cited in Philip Green (ed.) *Democracy: Key Concepts in Critical Theory*. (New Jersey, Humanities Press: 1993), p. 3, and more recently by Robert Dahl, "The City in the Future of Democracy," in *Politics and Government of Urban Canada* edited by L. D. Feldman (London: Methuen, 1981), pp. 47-49. Neil Webster, in "Panchayati Raj in West Bengal: Popular Participation for the People or the Party?" *Development and Change* 23, no. 4 (October 1992): 129, is only one of the later figures to argue that decentralization is "seen as a means by which the state can be more responsive, more adaptable, to regional and local needs than is the case with a concentration of administrative powers." See also Robert L. Bish and Vincent Ostrom, *Understanding Urban Government*. (Washington DC: American Enterprise Institute for Public Policy Research, 1973); and Bernhard Weimer, "Challenges for Democratization and Regional Development in Southern Africa: Focus on Mozambique," *Regional Development Dialogue* 17, no. 2 (1996): 49-50. For a counterview that does not see in decentralization any necessary benefits of responsiveness or freedom, see William H. Riker, *Federalism: Origin, Operation, Significance* (Boston: Little Brown, 1964), p. 142, who says, "To one who believes in the majoritarian notion of freedom, it is impossible to interpret

federalism as other than a device of minority tyranny.” Ard Schilder and Bram Boeve, in “An Institutional Approach to Local Economic Development: The Case of Sublocational Initiatives in Three Districts in Kenya,” *Regional Development Dialog* 17, no. 2 (1996): 94-117, provide an argument favoring efficiency through decentralization. For efficiency arguments in the context of public choice see Charles M. Tiebout, “A Pure Theory of Local Expenditures,” in M. Edel and J. Rothenberg, eds., *Readings in Urban Economics* (New York: MacMillan, 1972); and William E. Oates, *The Political Economy of Fiscal Federalism* (Lexington, Mass: Lexington Books, 1972), pp. 11-12.

22. Jonathan Fox and Josefina Aranda, *Decentralization and Rural Development in Mexico: Community Participation in Oaxaca’s Municipal Funds Program* (San Diego: Center for U.S.-Mexican Studies, University of California, 1996), p. 1, and World Bank, *World Development Report 1997: The State in a Changing World* (Oxford: Oxford University Press, 1997).

23. The relationship between decentralization and democracy is discussed by several authors. See Jacques Mariel Nzouankeu, “Decentralization and Democracy in Africa,” *International Review of Administrative Sciences* 60 (1994): 214-15; and Celina Souza, “Redemocratization and Decentralization in Brazil: The Strength of Member States,” *Development and Change* 27 (July 1996): 529-55.

24. Manor, *Political Economy*, p. 7. He goes on to argue that decentralization, when it offers some promise, occurs in this tripartite mixture. He also suggests, against *World Development*

Report 1997, that such tripartite mixtures are reasonably common.

25. Binswanger, “Technical Consultation,” p. 2.

26. Although accountability can be seen as dependent on the relationship between actors and the types of powers they exercise, we treat it as a separate dimension because of its critical role in the politics of decentralization. It is through different mechanisms of accountability that those exercising powers are held to account for their actions.

27. Many analysts do not consider devolution of powers to Non-Government Organizations to be decentralization. See World Bank, *World Development Report 1997*; Crook and Manor, *Democracy and Decentralization*; and Manor, *Political Economy*. We include NGOs in our list of possible actors since they are often recipients of public powers in the name of decentralization. They therefore deserve analytical attention. Whether a transfer of public powers to an NGO or any other non-state body constitutes decentralization is an empirical question. Such actors are often neither representative nor downwardly accountable. See Fox and Butler, “Study of Membership Organizations”; and Jane Guyer, “The Spatial Dimensions of Civil Society in Africa: An Anthropologist looks at Nigeria,” in *Civil Society and the State in Africa*, edited by John W. Harbeson, Donald Rothchild and Naomi Chazan (Boulder, CO: Lynne Rienner, 1994), pp. 215-229.

28. Interests of actors are always in the process of formation. The particular social, political, and

economic contexts in which actors operate are instrumental in the formation and perception of interests, and in constraining interest-based actions.

29. See Joe Oloka-Onyango, "Judicial Power and Constitutionalism in Uganda: A Historical Perspective," in *Uganda: Studies in Living Conditions, Popular Movements and Constitutionalism*, edited by Mahmood Mamdani and Joe Oloka-Onyango (Kampala: Journal für Entwicklungspolitik and Center for Basic Research, 1994), pp. 463-518; and Mahmood Mamdani, "Indirect Rule, Civil Society, and Ethnicity: The African Dilemma" *Social Justice* 23, Nos. 1-2 (Spring-Summer 1996), pp.145-6, who attributes the failure of the rule of law in colonial Africa to the fact that "...judicial and administrative activity was fused."

30. For a discussion of these categories in terms of property rights, see Edella Schlager and Elinor Ostrom, "Property-Rights Regimes and Natural Resources: A Conceptual Analysis," *Land Economics* 68, no. 3 (1992): 249-62.

31. See Ole Therkildsen and Joseph Semboja, "Short-term Resource Mobilization for Recurrent Financing of Rural Local Governments in Tanzania," *World Development* 20, no. 8 (August 1992): 1101-13.

32. Martin Doornbos of the Institute for Social Studies at The Hague (personal communication, November 30, 1999) points out that decentralization may result in an increase of the power of the central state as in the case where devolution of powers to tax is in exchange for central transfers

of funds and the local tax base is limited.

33. See John Echeverri-Gent, "Public Participation and Poverty Alleviation: The Experience of Reform Communists in India's West Bengal," *World Development* 20, no. 10 (October 1992): 1401-22, for a study of competitive local elections in West Bengal, India that helped make policy more responsive to the poor. For a similar argument from Colombia about the importance of competitive elections at the local level, see Ariel Fiszbein, "The Emergence of Local Capacity: Lessons from Colombia." *World Development* 25, no. 7 (July 1997): 1029-43.

34. For a more developed discussion of this list of accountability means see Jesse C. Ribot, "Integral Local Development: Authority, Accountability, and Entrustment in Natural Resource Management," Regional Program for the Traditional Energy Sector Working Paper, Africa Region (Washington, D.C: World Bank, 1999); and Guillermo O'Donnell, "Horizontal Accountability in New Democracies" *Journal of Democracy* 9, no. 3 (1998):112-126.

35. Personal Communication, Doug Porter, United Nations Capital Development Fund, Kampala, Uganda, October 1999; cf. Doug Porter and Martin Onyach-Olaa, "Inclusive Planning and Allocation for Rural Services," *Development in Practice* 9, nos.1-2, February (1999); Tandler, *Good Government in the Tropics*.

36. A notable recent exception is the careful comparison carried out for the same two regions (but different countries and sectors) by Crook and Manor, *Democracy and Decentralization*.

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37. See K. Sivaramakrishnan, "Forests, Politics, and Governance in Bengal: 1794-1994, Unpublished PhD dissertation, Vols. 1&2. (Department of Anthropology, Yale University, 1996).
38. K. Basnet, "Conservation Practice in Nepal: Past and Present," *Ambio* 21 (1992): 390-93; and Joel T. Heinen and B. Kattel, "A Review of Conservation Legislation in Nepal: Past Progress and Future Needs," *Environmental Management* 16 (1992): 723-33.
39. R. B. Keiter, "Preserving Nepal's National Parks: Law and Conservation in the Developing World," *Ecological Law Quarterly* 22 (1995): 591-675.
40. GGAOF (Gouvernement Général de l'Afrique Occidentale Française), "Réglementation forestière," Colonie du Sénégal, Service de l'agriculture et des forêts (Saint-Louis, Senegal: Imprimerie du Gouvernement, 1916).
41. The allocation to urban merchants was required under colonial law where licenses and permits could only go to French "citizens," defined as those living in one of the urban communes and fluent in French.
42. RDS, "Code Forestier, Loi No. 93-06 du 4 Février 1993" (Ministere de l'Environnement et de la Protection de la Nature, 1993); RDM, "Loi No. 95-004, Fixant les Conditions de Gestion des Ressources Forestieres," (Bamako: Presidence de la Republique du Mali, 18 January 1995).

43. See Vishwa Ballabh and Katar Singh, "Van (forest) Panchayats in Uttar Pradesh Hills: A Critical Analysis," Research Paper no. 2 (Anand, India: Institute of Rural Management, 1988), Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (New Delhi: Oxford University Press, 1989), and E. Somanathan, "Deforestation, Property Rights, and Incentives in Central Himalaya" *Economic and Political Weekly* 26 (1991): PE37-46.

44. Kumaon Forest Grievances Committee (KFGC), *Report of the Forest Grievances Committee for Kumaon* (Government of Uttar Pradesh, 1921).

45. Arun Agrawal and Gautam Yadama, "How Do Local Institutions Mediate the Impact of Market and Population Pressures on Resource Use?" *Development and Change* 28, no. 3 (July 1997): 435-65.

46. *Van Panchayat Rules* (Lucknow: Government of United Provinces, 1931).

47. United Nations Development Program (UNDP), "Parks and People Project Document" (Kathmandu, United Nations Development Program/His Majesty's Government (HMG), 1994).

48. HMG/UNDP, *Parks and People Program Annual Report 1997*. HMG/N Department of National Parks and Wildlife Conservation and UNDP (Kathmandu, Nepal: HMG/N, 1997).

49. HMG/UNDP, *Parks and People Program Annual Report 1996*. HMG/N Department of National Parks and Wildlife Conservation and UNDP (Kathmandu, Nepal: HMG/N, 1996).

50. A number of studies of parks and protected areas in Nepal point to the limited powers of use and management that local populations exercise in the Terai. Joel T. Heinen, "Park-people Relations in Kosi Tappu Wildlife Reserve, Nepal: A Socio-economic Analysis," *Environmental Conservation* 20, no. 3 (Fall 1993): 225-34; Sanjay K. Nepal and K. Weber, "A Buffer Zone for Biodiversity Conservation: Viability of the Concept in Nepal's Royal Chitwan National Park," *Environmental Conservation* 21 (Winter 1994): 333-41.

51. One reason for such limited devolution of powers may be the very nature of protected areas. A large number of small user groups making varying decisions about the part of the protected area under their control, it can be argued, will be unable to produce coherent rules to manage the withdrawal of benefits from the protected area. The argument depends in part on the assumption that protected areas constitute an identifiable ecological unit. For arguments defending ecologically based boundaries around protected areas, see Daniel M. Olsen and Eric Dinerstein, "The Global 2000: A Representation Approach to Conserving the Earth's Most Biologically Valuable Ecoregions," *Conservation Biology* 12, no. 3 (June 1998): 502-15.

52. This information has been gleaned from the various issues of the *Quarterly Bulletin of the Parks and People Program* published between 1995 and 1997 by the Parks and People Program

in Nepal.

53. Agrawal and Ostrom, "Property rights."

54. RDS, "Code Forestier, Loi No. 93-06 du 4 Fevrier 1993," p. 1.

55. RDS, "Projet de Decret Portant Code Forestier (Partie Reglementaire)" (Ministere de l'Environnement et de la Protection de la Nature, 1994), p. 1.

56. The right to transport and sell wood products has not been granted to local populations or rural councils. It is in this upstream part of forest product marketing that most of the profits are made. There has been no attempt to decentralize powers to grant access to distribution or retail outlets. Therefore, local producers are still obligated to sell to urban merchants at very low producers' prices. See Ribot, "Decentralization, Participation, and Accountability."

57. RDS, "Code Forestier, Loi No. 93-06 du 4 Fevrier 1993," art. L. 3.

58. RDM, "Loi No. 95-003 Portant Organisation de l'Exploitation du Transport, et du Commerce du Bois" (Bamako: Presidence de la Republique du Mali, 18 January 1995), art. D55, emphasis added.

59. RDS, "Decret no. 72-636 du 29 mai 1972 relatif aux attributions des chefs de circonscriptions

administratives et chefs de village,” *Journal Officiel de la République du Sénégal* (17 June 1972); RDS, “Code Forestier, Loi No. 93-06 du 4 Fevrier 1993,”art. 185-195.

60. Cooperatives in Senegal are usually dominated by a few powerful notables. See Donald Cruise-O'Brien, *Saints and Politicians: Essays in the Organization of a Senegalese Peasant Society* (London: Cambridge University Press, 1975); and Ribot, “From Exclusion to Participation.”

61. The role of political parties in local government needs to be examined in greater detail. At the end of the colonial period, the question of whether parties should be introduced into local government was already being contested. Those against party involvement argued “that the matters dealt with in local councils are essentially *local* in nature and that therefore the major parties whose differences may be on matters of national policy have no place in purely community problems.” L. Gray Cowan, *Local Government in West Africa* (New York: Columbia University Press, 1958), p. 221. Clearly, in French West Africa those against party involvement lost the debate.

62. Jesse C. Ribot, “Participation Without Representation: Chiefs, Councils and Rural Representation,” *Cultural Survival Quarterly* (Fall 1996). Special Issue on Participation edited by Pauline Peters. Cf. Tor A. Benjaminsen, “Natural Resource Management, Paradigm Shifts, and the Decentralization Reform in Mali,” *Human Ecology* 25, no. 1 (June 1997), p. 131.

63. Ribot, "Participation without Representation"; and Jesse C. Ribot, "Local Forest Control in Burkina Faso, Mali, Niger, Senegal and The Gambia: A Review and Critique of New Participatory Policies" (Washington, DC: World Bank, Africa Region, 1995).

64. RDM, "Loi No. 95-004 Fixant les Conditions de Gestion des Ressources Forestieres," (Bamako: Presidence de la Republique du Mali, 18 January 1995).

65. We use the term "Ministry for Forestry" since the legal texts speak of "the ministry responsible for forests," the exact name of which has changed several times over the past decade. At the time of writing this article, Forestry was under the "*Direction Nationale des Ressources Forestieres, fauniques et Halieutiques.*"

66. RDM, "Loi No. 95-002 Portant Creation de la Direction Nationale des Ressources Forestieres Fauniques et Halietiques" (Bamako: Presidence de la Republique du Mali, 18 January 1995).

67. According to Yafong Berthe, the former Director of Mali's Forest Service and currently in the Malian Ministry of Rural Development, new laws are about to be passed according to which a simplified management plan can be developed by the local government or by a consultant hired by the local government (Personal Communication, December 1999). The forest service will then play the role of verifying its legality. Its approval will require a signature by an appointee of the

central state whose role will be to verify legal compliance.

68. RDM, "Loi No. 95-004."

69. RDM, "Loi No. 95-004." Again, according to Berthe (Personal Communication, December 1999), the Forest Service agent on this committee will be replaced in the new laws by someone from local government or someone with local expertise who is hired by the local government.

70. RDM, "Loi No. 95-004."

71. RDM, "Loi No. 95-004"; RDS, "Projet de Decret Portant." These laws are currently being revised. (Berthe, Personal Communication, December 1999).

72. Benjaminsen, "Natural Resource Management, p. 135, notes that because the local-level forest agent will be an employee of the appointed local-government officials, "it is not entirely clear whether [the forester's] role will be advisory, or if he will also control permits for use and sanctions for misuse of natural resources." Further, the attitude that "if the government decides to leave the management of the land to peasants, the trees will be finished off in short time" is prevalent in today's Forest Service. Whether the devolution of these decision-making powers to local elected authorities will occur with the implementation of the new laws is uncertain.

73. RDM, "Loi No. 96-050, Portant Principes de Constitution et de Gestion du Domaine des

Collectivités Territoriales," adopted 16 October 1996, Bamako. Berthe suggests that categories have been changed to Global, National and Local (Personal Communication, Koudougou, Burkina Faso, December 1999). However, Ribot on a recent visit was unable to locate a decree or law stating such a change.

74. RDM, "Loi No. 95-004."

75. In a comparable vein, if state officials at lower levels receive new powers and are downwardly accountable to constituents over whom they exercise power, then it is possible to argue that the unfolding process is one of political decentralization, not deconcentration or bureaucratic decentralization.

76. Ribot, "Decentralization, Participation, and Accountability."

77. Paul Smoke and Blane Lewis, "Fiscal Decentralization in Indonesia: A New Approach to an Old Idea," *World Development* 24, no. 8 (August 1996): 1281-99, Andrew N. Parker, *Decentralization: The Way Forward for Rural Development?* (Washington DC: World Bank, 1995); and Crook and Manor, *Democracy and Decentralization*.

78. In November 1999 the World Bank hosted the "International Conference on Upscaling and Mainstreaming Participation of Primary Stakeholder." Most of case discussion centered around the mobilization of participation in project design, monitoring, and assessment. See Maria

Aycrigg, "Participation and the World Bank: Success, Constraints, and Responses," Social Development Paper No. 29 (Washington, DC: World Bank, November 1998); and World Bank, "The World Bank and Participation," Operations Policy Department, World Bank (Washington, DC: World Bank, 1994). The goal of "upscaling and mainstreaming" that the World Bank emphasizes is less about institutionalizing participation through representation or permanent institutions, and more about the adoption of temporary participatory interventions.

79. Fox and Butler, "The Study of Membership Organizations"; Guyer, "The Spatial Dimensions of Civil Society"; Isaac Ncube Mazonde, "The Basarwa of Botswana: Leadership, Legitimacy and Participation in Development Sites," *Cultural Survival Quarterly* (Fall 1996): 54-56; Adil Najam, "NGO Accountability: A Conceptual Framework," *Development Policy Review* 14 (April 1996): 339-53; and World Bank, *World Development Report 1997*.