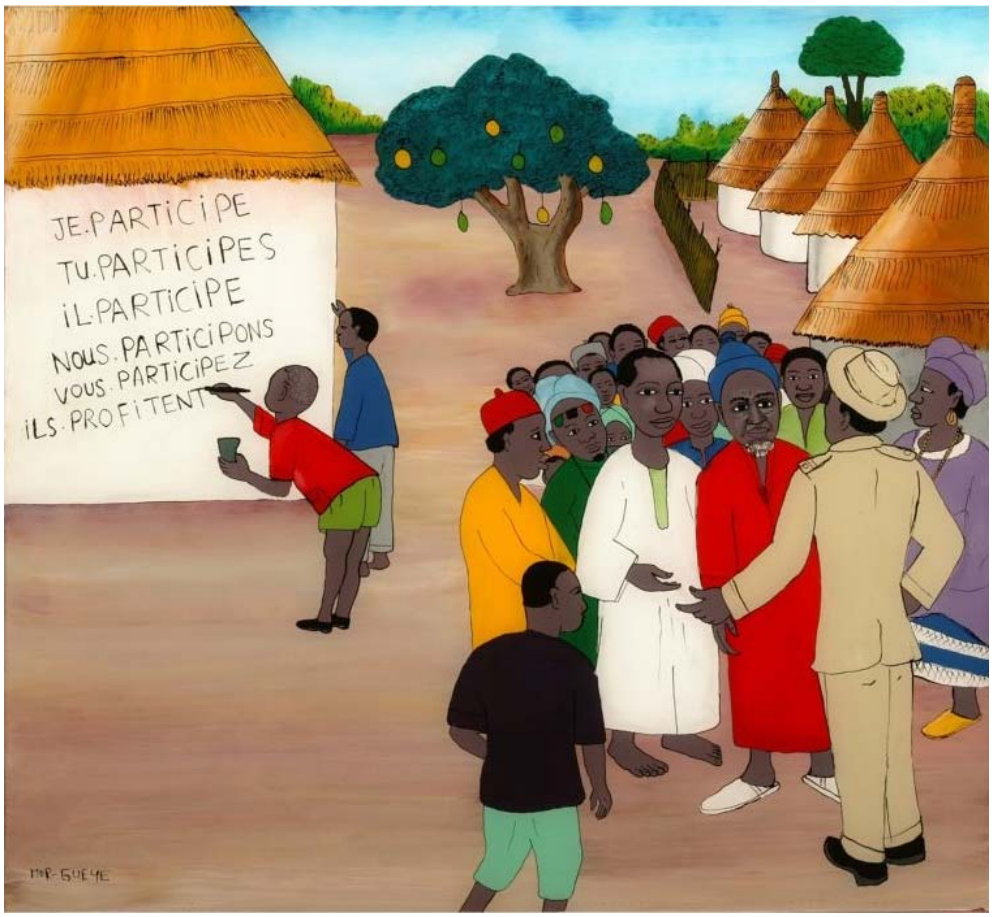
REPRESENTATION, EQUITY & ENVIRONMENT

Working Paper Series



Working Paper 24
Institutional Choice and Recognition: Effects on the Formation and Consolidation of Local Democracy

Minutes of a Comparative Policy Research Workshop

Bradley L. Kinder, Nathaniel Gerhart and Anjali Bhat

December 2006

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Cover Image Artist: Mor Gueye

Mor Gueye is an internationally renowned Senegalese artist. At over 80 years of age, Mor Gueye is considered the 'dean' of Senegal's reverse glass painters. This technique, where he paints on one side of a glass pane to be viewed from the other, is popular in urban Senegal. The reverse glass paintings on the cover were photographed by Franklin Pierre Khoury, the art photographer of the Museum of African Art at the Smithsonian Institute in Washington, DC.

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WORKING PAPER 24

Institutional Choice and Recognition: Effects on the Formation and Consolidation of Local Democracy

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Rapporteurs:

Bradley L. Kinder, Nathaniel Gerhart, and Anjali Bhat

December 2006

WORLD RESOURCES INSTITUTE

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PREFACE

The text that follows is taken directly from notes typed by the rapporteurs during oral presentations at the WRI workshop "Institutional Choice and Recognition: Effects on the Formation and Consolidation of Local Democracy" in Ubud, Bali in June 2006. These minutes are not all accurate. Typing while listening is a difficult task. For some of the participants, English is not their first language. Participants come to the meeting with different accents and pronunciations. Some participants speak faster than others—something to which the rapporteurs will attest. To assure that the intended message of the authors comes across in this text, we have given all of the authors the opportunity to correct their contributions to the dialogue. We asked them to clarify only—not to change what they said. Those participants who did give us comments respected this request. The articles written for this conference are being revised as working papers and articles for publication during the course of 2007.

Many people contributed to the success of this meeting. First and foremost Bradley Kinder organized the logistics of this meeting from the identification of the site to the getting everyone safely to Ubud and back home. The meeting took place as a side event prior to the IASCP's (now called IASC) bi-annual meetings. I would first like to first thank IASCP organizers, especially Executive Director Michelle Curtain, for helping us to locate venues and people in Bali to assist us in setting up our program. We could not have done this without Michelle's assistance. The research feeding into the Bali meeting was generously supported by a number of donors. We want to especially thank USAID's Economic Growth Agriculture and Technology division for funding the authors of the contributing studies during their initial writing phase and for financing the Bali meeting. The Royal Dutch Embassy in Senegal generously funded the contributing studies from Senegal. USAID's Central Africa Regional Program on the Environment supported a study from Cameroon. IASCP gave travel support to six of the participants and the Ford Foundation in China supported participation of our Chinese contributors. This support has been greatly appreciated. We also owe sincere thanks the Dutch Ministry of Foreign Affairs and The World Bank Program on Forests (PROFOR) for supporting the comparative analysis, write up and publication of the outcomes of this meeting in the coming year.

Tomila Lankina and Parakh Hoon and I were the core organizing committee for the content of this project. I owe many thanks to Tomila and Parakh for their substantive input into this project and for the guidance they provided to the participants in feedback on their proposals and first draft articles as well as their role in facilitating the workshop. The workshop could not have happened without their support. Of course, the greatest thanks goes to the participants (who are all listed in Annex A) for taking the time to reflect on the themes of this comparative meeting. The themes were originally outlined in a concept paper that is also attached as Annex B). A special thanks goes to the rapporteurs, Bradley Kinder, Nathaniel Gerhart, and Anjali Bhat who typed hours on end during this four-day workshop as the participants made their presentations and engaged in debate. Theirs was not an enviable task, but it was a task very well done—as is evident in the document that follows.

Special thanks go to Peter Veit and Jon Anderson for encouraging me to take on this project.

Jesse C. Ribot
Washington, D.C.
24 October 2006

Thursday, 15 June 2006

Opening Session

Politics of Choice and Recognition by Jesse Ribot[1]
In the 1990s there was a worldwide decentralization movement. It was not a new phenomenon, decentralization also occurred in the late 1800s and early 1900s, after each World War, and in Africa there have been waves and waves of decentralization. But what was different about the new 1990s wave was its language of enfranchisement, democracy, inclusion, that it picked up from participatory movement which was strong in the 70s and 80s. Could decentralization be an institutionalizing of that movement?

What is happening and what are its effects? How do we characterize it? What is it doing to social service delivery, infrastructure, health, education, and natural resource management? Decentralization was argued for by the new institutionalists for its ability to reduce transaction costs, by neo-classical economists as a means for internalizing externalities in decision-making, by rational choice people as a means of better matching of resources to needs. How do we test these hypotheses, these arguments?

Some positive results of decentralization emerge from existing case studies. In isolated cases there have been greater revenue retention (Uganda and Cameroon) and people have been seen investing these revenues locally. But disappointingly, not much decentralization has actually occurred. In practice, few powers are transferred. Why is it not happening? In the name of decentralization (despite that theory supports devolution to representative institutions) authority is being transferred to a multitude of local institutions, not just to local elected government, but also to NGOs, private voluntary organizations (PVOs), chiefs, private individuals, etc. Also, there has been a lot of privatization.

Establishment and consolidation of local democracy: The authorities don't necessarily have to be elected, but they do need to be accountable to the people to be democratic. I have a bias towards locally elected authorities even though local democracy can be nasty. Is local government better than other options? This is an empirical question to be answered by research.

Why were these patterns of transfers/non-transfer happening, and with what effects? This is what we will be using your case studies to look at.

In decentralization, the instrumental objectives of line ministries were being implemented at the expense of the procedural objectives of democracy and representation. Institutions were being

[1] See Appendix C for the concept paper on which this introductory presentation is based.

chosen to implement projects, not to represent people. It looks more like indirect rule. How do we privilege procedural inclusion (that is, representation) over instrumental aims?

How do we frame this work? Literature on multiculturalism had a big effect on my thinking about development interventions. Multiculturalism addresses marginalization of groups within society. But it's based on Western political philosophy of the individual, resulting in policies that focus on or privilege the individual. The critiques of that view are interesting: what are the effects of trying to privilege culture? Effects like reification of that culture, creating one "authentic" sense of the culture or reducing diversity within those cultures, and subjugating individuals to a culture that may not have fully represented them or been their own. So the result is an individual being represented by an authority that does not represent them—and/or is not accountable to them. If we look at any group with this lens, what happens to representation of people in groups under certain types of culturally constituted authorities? Ie. strengthening of positions that the members of the group may not prefer. This brings me to politics of recognition: politics of choice and politics of recognition.

- Politics of Choice: why do governments, NGOs, and donors, choose certain interlocutors? This term attributes agency and responsibility to governments, large NGOs and international donors. Why are policies being made? We need to relate policies back to that policy making process. How do we map the relation between policies and the logic behind decisions by policy makers?

- Politics of Recognition: Recognition as acknowledgement. Who you choose to interact with is a form of acknowledgment, and recognition. Why and how is local democracy shaped by choices being made higher up?

I've broken the questions concerning the effects of recognition into three categories: Representation, Belonging and Public domain.

<u>Representation:</u> Representation is composed of *responsiveness* and *accountability*. Responsiveness is about the power to translate what people want into a mandate and mandates into a policy that produces outcomes. It may involve internal powers, such as knowledge or external powers such as having material or financial resources, calling in experts, and mobilizing the state.

- If you empower representative authorities, are you strengthening representation? If you empower non-representative authorities, are you weakening representation?
- If you empower multiple institutions, how does their interaction strengthen representation, local democracy? Does pluralism enhance or undermine representation, and under what circumstances?
- Means of transfer: if transfers are conditional or earmarked, are institutions less responsive and more upwardly accountable?

Citizenship and belonging: Different authorities are associated with different forms of belonging with differently constituted constituents. Usually local government is residency-based belonging (usually public belonging is based on inclusive, residency-based citizenship).Then you have those based on identity—such as gender, language, ethnicity or religion. By choosing identity based authorities (chiefs, imams), are you strengthening identity-based forms of belonging and with what effect? The third is interest-based institutions where belonging is based on interests, a subset of the population such as a forest user group, not residency-based belonging; transferring powers to fishers and foresters is narrowing who has access despite the broader public interest.

Public domain: The space of public interaction is usually through the state. If you are transferring authority to public authorities, you are keeping them in the public domain. When they are transferred to private authorities, it encloses or shrinks public domain. If transferring power to identity-based authorities, you get a desecularization of the public domain (GW Bush and faith-based organizations, for example).

In this project we hope to examine these phenomena via a comparative case-based method. Often anthropologists fail to use the case method effectively for comparative research. Let's make it so we can't be written off as just another case, or anecdotal.

What have we found? What methods do we need to use to go deeper? How can we consolidate this into recommendations for policy makers, and researchers? These are the tasks ahead of us for the coming four days.

Objectives and Agenda by Tomila Lankina and Parakh Hoon

Parakh Hoon: The role of the discussant is to discuss the main and interesting parts of the paper in relation to the themes of this workshop (politics of choice and recognition). We will first focus on individual cases and then on cross-cutting themes. Discussion of the paper will follow the presentation by the discussant and then there will be time for the author to respond.

Tomila Lankina: We should provide solid ideas and methods. In conceptualizing institutional choice: is there a normative dimension attached to this? What are the debates surrounding issues of local government? What alternatives to local governments are there? What is the normative desirability of different institutions? The evidence on local governments is quite mixed. What are the politics of empowerment of these institutions?

Methods and evidence:

- We should address the "before and after" questions: how do we know empowered authorities weren't already powerful? Are we fostering conflict if we don't empower these? How can we establish that it was the government/donors that empowered these authorities? Are we seeing differential empowerment/funding: how do we find evidence of this? Marshal evidence on how much funding/resources that each actor got? Also have

to figure out what people actually want through public opinion polls and systematic, qualitative interviews.

- We must also insert the broader context in each case—situation of democracy, GDP, poverty, conflict or post-conflict state, and specific factors such as gender. Can we blame recent decentralization policies for these factors or is it the cultural context? In most cases, we're talking about less than 15 years.

- We should also keep in mind the performance of these institutions. Are the policies what the people want? Sometimes we may be faced with a conflict if the institutions are not downwardly accountable but deliver better services. We should address this conflict.

- In theorizing Institutional Choice, we should keep in mind the policy implications.

Theme I: Politics of Institutional Choice—who is chosen & why?

Session 1: Politics of Institutional Choice

Chair: Parakh Hoon

Case 1: Solange Bandiaky

Discussant: Tomila Lankina

Tomila Lankina

In this case, elected bodies have little say over management compared to the government agency. Locals are being manipulated, bribed, etc., to support the Reserve, even though this may go against the intentions of the donors. This has very rich case material based on field research and interviews.

Critiques/missing pieces:

-Before and after question: Author does not bring out evidence about whether authorities were powerful pre-donors and pre-decentralization. My impression is that donors may have had to work with these already powerful authorities.

-This paper includes an interesting discussion on gender. These institutional choices seem to have reinforced traditional social exclusion. The gender exclusionary practices seem to be long-standing practice. Can we expect external agencies to come in and overnight change these long-standing exclusionary practices? What did the donors do to make the situation even worse? Again, the author should elucidate on the situation before and after the decentralization occurred.

-The author states that local authorities are not skilled and have no expertise in managing this type of Reserve. Should management powers be given to local authorities that do not have the skills? This excuse is made by donors, but raises serious questions about how to address contradictions.

-The author should also discuss what is new about the findings. This should be an issue that each one of us addresses in the case studies.

-Comparative examples from other settings would also be good to include. Are there examples of other places where decentralization was able to overcome social “pathologies” and improve these issues of exclusion? Perhaps these cases are rare.

-Western donors often rush in with templates and try to impose them. But what about the literature that western local councils are filled with white middle class males?

Open Discussion on Solange Bandiaky's paper
Fabiano Toni – If we conclude that the actors were really powerful in the beginning: should they not be supported, or is there no way out and we have to work with them? The latter position is an uncomfortable one.

Fumi Saito – To what extent do we need to address the before and after question? In Africa, the nature of the state is affected by colonialism. For many, after independence – decentralization provides the first opportunity for ordinary people to be involved, it should be highlighted. The traditional way is not necessarily democratic.

Jesse Ribot – Who are the chiefs? In Senegal they were elected (by males) since the passing of a colonial law back in the 30s, but they are not the same as the pre-colonial chiefs. More types of chiefs were reduced to fewer types during the colonial period.

Tomila Lankina – I think it is not very difficult to be able to address the before versus after issue here. This may strengthen argument.

Anne Larson – How do you work with authorities that are already there? In Nicaragua, purposely not working with the powerful group started a counter-revolution. Is this the first chance for local people to participate? Habits of working with those that are already powerful are hard to break. It is a pattern of behavior that people are used to.

Mafaniso Hara – In Africa, the before and after question is critical. Colonial government tried to empower chiefs to collect taxes. Whether or not successful – government usually had say in who became a chief. This was a method of indirect rule. Some post-colonial governments continued this practice.

Marja Spierenburg – Using the term before/after is problematic. Colonialism has had impacts on traditional authorities. Look at the ideas that donors and national governments have about how states and governments should be organized. Many of these ideas of "what Africa was/should be like" have to be examined by looking at the entire history. For example, the movement to support "indigenous knowledge" was influential in supporting customary authorities.

Parakh Hoon – The "before and after" idea may not work. What was legitimate in the past may not be legitimate today. Ideas change over time and there is a constant flux. We are trying to focus in on policy decisions.

Jesse Ribot – Historical context is important. In the literature during colonialism, anthropologists talked about indirect rule much like decentralization is talked about today. Under indirect rule, they said, Africans would be able to develope within their own cultural norms…. What we think we are doing today—all the positive things we talk of about decentralization and partipation—isn't necessarily what's happening on the ground.

Po Garden – Why don't customary authorities take advantage of existing state structures – elections, etc.

Parakh Hoon – Customary authorities – one must look at customary authorities through a historical and state context. Are customary authorities parallel powers or extension of state? Decentralization may be a strategy of cooptation.

Nathaniel Gerhart – We must look at how people talk about decentralization/indirect rule. Many donors talk about decentralization. But, why are choices made? Many lament undemocratic governments. It is important to look at how groups are differentiated and the subsequent effects on belonging. Analysis of the constituents is an excellent method for understanding these effects.

Ashwini Chhatre – Different groups have different interests. Constraints on politics of choice – What are the motives of that particular intervention and look at it in contrast with other motives. The instrumental motivation is conservation whereas 20 years ago the state stepped in with very different motives of equity and social justice. States are driven by money that is thrown at it by donors. NRM decentralization is taking place in degraded forests. Market mechanisms are being inserted. In the past, the motive was social equity when land reform, etc., was not based on the market and not based on state withdrawal, but based on state presence.

Fumi Saito – Are you saying that the state is holding onto productive resources and are letting go of degraded resources.

Jesse Ribot – By and large that is what is happening. In Senegal, for example, by law, management of all production is transferred to local government. However, the forest service has not let that happen.

Ashwini Chhatre – Land reform required large-scale mobilization by the state; if the World Bank and ministries go in without this kind of social/state mobilization, there will not be enough political will to carry out these initiatives.

Jesse Ribot – The chiefs in Senegal are weak. The chiefs backed off after being told that was not their role.

Mafaniso Hara – This issue of capacity and resources is very interesting. We could use this as a theme. When it comes to line agencies, they do not want to lose resources through decentralization. On gender, we have to interrogate the issue of whether women are strong in private, and their views are expressed publicly by other people.

Tomila Lankina –Are chiefs weak? What are the conditions under which mobilization occurs? There is a serious lack of civic culture in Russia. Why is there civic culture in India? What are the incentives from the state for social mobilization?

Anne Larson – Are chiefs really weak? But in this case, people are very much afraid to go against what they say. There is a clear presence of risk/fear in this case. If a project/policy group must figure out how to work with existing authorities, they must also try to create opportunities for democracy. If the people fear losing favor of a key person, the project/policy must somehow compensate.

Jesse Ribot – This point was made by Lungisile Ntsebeza. The chief may be legitimate because there is no alternative. Choosing not to empower local government is a self-fulfilling cycle. This goes back to the instrumental question (and motives for decentralization).

Parakh Hoon – What constraints or opportunities does diversity at the local level represent?

Tomila Lankina – How do we actually establish methodologically the influences of these choices on these identities and senses of citizenship? Perhaps through public opinion polls?

Fumi Saito – We can't talk about women as a homogenous group in terms of education, access, etc. We have to investigate whether different women can be connected together. If decentralization is intended to empower different decision-makers; if women can be connected with each other at different levels, then an interesting opportunity is presented for for a women's social movement across levels. I have seen cases of these connections in Uganda. If these types of connections can be fostered through decentralization measures, that could be one positive effect.

Solange Bandiaky's response
1- Historical context – The community reserve is on the periphery of a National Park created during the colonial period, and extended later. Senegal's natural resource policies have followed all these processes: establishment of reserves, participatory or community-based natural resource management, and now decentralization. Same discourses repeated with different actors at local level.
2. About World Bank working with village management committees – There is a lack of policy. They didn't really talk about how natural resources should be managed; it's not clearly dealt with in the decentralization policy.
3. The rural council is political, party-driven, so people from outside prefer to work with traditional authorities because they feel they don't have a political agenda and won't be contributing to a party that will use whatever they're presented with to try to win votes. If you look at the intentions of the World Bank and ministries, they will say that, and if you look at the rural council you will see how they manipulate people and how they don't really represent them.

She can't blame them for choosing traditional authorities; it's more of a semantic question of what do you mean by participatory approaches?

Case 2: Fabiano Toni

Discussant: Po Garden

Po Garden

This case is interesting in the choice of an international NGO (FVPP) rather than local municipalities because the municipality doesn't have capacity. Are grassroots NGOs representative, as many in Thailand are not registered in the rural areas they try to represent? Fabiano's paper illustrates a division between NGOs and local government. Is there a systematic way that a grassroots NGO should be involved in local politics?

Open Discussion on Fabiano Toni's paper

Parakh Hoon – How do we distinguish between public and private realms? With NGOs getting involved in politics – is there a distinction or do we expect the NGOs to operate differently. How do we draw the line between different bodies?

Nathaniel Gerhart – Foreign NGOs explicitly take an apolitical route, as justification for their institutional choice.

Jesse Ribot – See The Anti-Politics Machine by Ferguson.

Parakh Hoon – NGOs after a while who are established end up in politics, maybe because they understand what grass roots action is about. Wangari Maathai provides a good example – she was an NGO leader and is now a Member of Parliament.

Roch Mongbo – One has to look at local government and if they internalized this marginalized position?

Jesse Ribot – This paper would be enriched if we had more ethnographic information such as a sense of the council itself, the perspective about its role, the view of local people and what they want from these organizations; how does the sense of belonging to the state or to the NGO movement connect with people's desires. Legitimacy follows power.

Parakh Hoon – By choosing NGOs over local governments, there is a reduced capacity for local governance. How do you hold NGOs accountable?

Roch Mongbo – Is the local government passive in this situation? I don't believe that local government would just be passive with this huge influx of funds to the NGOs. You need to investigate the day to day relationship between local government and NGO.

Euclides Goncalves – When local government writes reports, they include NGO actions in their reports and co-opt them as actions that they did: saying "we brought these NGOs in." They concede space, but they try to find a way to gain from those activities.

Anne Larson – The fundamental determinant of the relationship between local government and NGOs in Nicaragua is what political party the local government is with. Whether local government is receiving any of the donor/NGO funding also factors in.

Tomila Lankina – The political party issue is very important. It should be expanded upon in Solange's case. But Fabiano's paper is a rare case of decentralization that has occurred and yet, there is corruption, patron-client relationships, not working as you would expect it to work; but NGOs are actually performing better. If we have evidence that NGOs are better, how do we approach this?

Marja Spierenburg – We want to promote local government but are saying that they can't participate in politics. Taking credit for accomplishments in the district is the basis on which parties are elected. In authoritarian regimes maybe people have to say they aren't involved in politics. If you're saying that you have decentralization and still have corruption, well, welcome to the real world. We have to be realistic. Ideas that donors can choose and that local government cannot engage in politics, but in democratic societies they can't choose.

Roch Mongbo – The idea of NGOs performing better; we can question this clean reputation of NGOs abiding by clean rules, but maybe not all NGOs are like this. In Brazil, some NGOs have business links that as individual entrepreneurs give them interests in forests. Aren't these interests an explanation for why local government might not want to disturb the NGOs?

Tomila Lankina – Expecting local government to always be skilled is unrealistic.

Roch Mongbo – We have to distinguish the power and authority from the technical ability to manage. Local government may lack technical capabilities. Having legal authority does not constitute technical skills.

Jesse Ribot – Local governments can hire skilled people. NGOs are service-delivery industries. They are branches of the donors. Local governments are blamed for non-delivery, but they have under-funded mandates and are not given the resources to hire skilled individuals. This comes back to the corruption problem: corruption happens because of the lack of accountability mechanisms. Why aren't these mechanisms legislated into place? What would local government be if it wasn't corrupt, it wouldn't be any fun! People hold to account authorities that have something to offer.

Parakh Hoon – NGOs versus local authorities – One has to figure out ways to create positive cycles. Do people consider NGOs to be legitimate actors? In Africa, because of scaling back and demonizing the state, NGOs have a greater role and people leave government for the salaries of the NGO sector. Public domain has to be understood. If local governments are excluded, then public domain becomes privatized. In Fabiano's case, we should think about the public domain.

Po Garden – Civil society-state-private synergy is said to create efficiency and is usually the strategy of choice, but sometimes the best thing that international donors and NGOs can do is to oppose government policy.

Tomila Lankina – Public domain is linked to social movements. People have become disillusioned with democratic channels, and this is where social movements come in. The US after the last election serves as an example. People feel certain patterns are hard to change through standard channels.

Ashwini Chhatre – There are two Brazils – pre and post-Lula. There is also Amazon and non-Amazon. Social movements collaborate with state to provide certain services. There is room for coexistence. Sometimes people in local government are part of the social movements, but this is not happening in Brazil case. World Bank and other donors are scared of funding local councils because councils are controlled by small-holders, rubber tappers, etc., and nobody wants to be associated with project that could be associated with deforestation. Deforestation has a negative connotation and noone wants to be associated with that kind of activity. This logic is global. Whereas in the Northeast, the MST is active, and donors help government get land to people. So how did Lula's party bring this about, and how about international discourse giving the Amazon a different hue? This can also be compared with Porto Alegre, the supposed success story.

Roch Mongbo – In the African context, community organizations have been contesting the state and bringing community resources to bear on this.

Parakh Hoon – Recently we are hearing about social movements in Africa, how is the public domain constituted in Africa versus Latin America? If state is corrupt, how do you frame the public domain?

Fabiano Toni
I question Ashwini regarding the two Brazils. I kind of agree with two places theory, but I'd like to know more about pre- and post-Lula claim.

Ashwini Chhatre: I'm trying to put things in an international context and politics of "left turn" in Latin America. In the eyes of the global environmental movement, Amazonia is the key thing that draws the attention of people.

Fabiano Toni
I don't think it's a leftist government in the way they deal with social movements and NGOs, hurting democracy in Brazil, though perhaps just on the surface.

On politics: should NGOs play politics? Yes, they should, but what if you play politics but also receive money from the state? There is conflict of interest. Clientelism – if you perform service for the state, get money for that, and also support the state. There is also a sort of corporatism, too. Groups organized along interest lines that give support to the PT party. For example, the government was trying to build a dam. Social movements organized to block the proposal. Two years ago the government again wanted to build dam, anyway. Now people say we have a good government (with Lula) so we should support it. The social movements have been co-opted by the government. They're doing politics but the wrong way. Used to protest, now when you receive money (a lot by local standards) it becomes a different game. It's not fair.

As far as the role of local governments, are they so passive? Yes and no. They are passive but at the same time, for many mayors, it's a strategic silence. They have strategic interests such as mining and logging. They just want to leave it to the NGOs and keep federal government away from their resources. You'd have to work with some of those mayors who want to do that, but the dialogue is not open between all of these parties. They use this discourse of the lack of capacity. They (supposedly) lack capacity to do anything: how come they can't but the local grass roots organizations can? They are from the same place. There are examples from other regions of local government building capacity. It's possible. It's been done elsewehere in Brazil. It's harder in Amazonia, but there are very good examples. There is some money, you can compete for money from federal government. You propose, I need money for this or that. But it's very little money. Whereas NGOs have a direct channel to the federal government, from the Brazilian Development Bank. It's less competitive, but they are accountable to their donors, international and others.

I agree with Anne, party affiliation matters a lot for collaboration. It's hard to collaborate, but NGOs are in a comfortable position so they don't need to create the openings for dialogue. NGOs feel that local government lacks money, so they should be the ones to open the dialogue. This is connected to the theme of public domain.

Parakh Hoon – How does this case fit in with the bigger picture?

Fabiano Toni – I am upset with social capital discourse and its use by federal government. At Interlakken the guy from Brazilian government wanted "building social capital" put into the final notes. How do you do that? The understanding of this concept is shallow. Giving more power to some who already have it, there are no bridges being built. Social capital is a tool for centralization, you just "hire" local NGOs to go there to implement your policies. That speaks to the issue of representation. They represent the colonists. They don't represent indigenous people

or women. I don't think FVPP are that legitimate as actors. They are an umbrella, but are not truly inclusive.

Roch Mongbo – What is politics of choice? If local government could improve their capacity but choose not to, does politics of choice apply to local government as well, or local interests within them?

Fabiano Toni – There are three levels of choice: choice made by federal government, that made by local government, and the choice made by NGOs.

Case 3 – Tomila Lankina

Discussant: Dorian Fougères

Dorian Fougères

The central argument is about donors, federal and regional governments, and municipalities, and donor-created atmosphere. Decentralization oriented towards efficiency if you get institutions right. And even if you get them right, you still have corruption and inequity. One way out is to look for alternative pathways, including social movements, some good and bad.

Summary of background about Karelia, which historically has had a lot of autonomy.

- What work is the idea of the frontier doing?
- Issue of history: Karelia nexus of global and local relations. Ethnically constituted region. What is the importance of ethnicity here?
- Is there tension between it being autonomous and being prominent in the hierarchy of Russian states?
- What were the earlier federal arrangements that made 1995 significant?
- The EU's ideologically driven agenda associated with decentralization. This could be a theme for the paper, in terms of causality.
- It would be good to have more detail about federal government in 1990s
- The uniqueness of paper is that the EU contrasted with USA vis-à-vis including NGOs in the public domain. You get empowerment of local government institutions, directly involved. Local government is a central node of intervention in decentralization.
- Issue of post-socialist transition to democracy: international context
- Recentralization of power.
- What is administrative paternalism?

Example of how transfer of power affects accountability.

The Recentralization of power needs to be drawn out more. There is little sense of history, data or analysis about before, during, and what came after recentralization.

As far as the cognitive maps are concerned – a definition or citation is needed.

There needs to be linkage between ethnographic detail and what it's telling us about the larger changes.

About external citation of norms: the author should sharpen the argument. What is the significance of this now?

Several times an internal-external dichotomy which is too easy is set up. Flag this and say how you're going beyond this simpler framing.

Fragmented identities or fragmented influences or standards of governance: what exactly is fragmented?

Open Discussion on Tomila Lankina's Paper

Anne Larson – Regarding the discussion of elections and the quote about too many elections – this raises the question if more elections are necessarily good or provide more accountability? Russian government mandates local elections – it looks like more democracy, but what does it really mean? Also, there doesn't seem to be people questioning the idealized view of the West.

Ashwini Chhatre – I liked how the external was problematized. Who is external and who is internal is problematized with respect to nation-state. We have to deal with this because funds are coming from various sources. Here there is some local governance demonstrated by electing mayors. Who made that institutional choice? Seems to be a thriving local democratic transition. At the same time, the state is trying to extend control over resource-rich areas and society. Local governments are drawing on discourse of democracy and practicing it, but is the ideal West being used as an ideological weapon against recentralization? Is it providing ideological resources to resist recentralization? This can be a comparative question. In other regions, recentralization might go further because of the lack of this ideological ammunition.

The choice of Scandinavian funders that local governments must be part of any project, that NGOs are forced to cooperate to build capacity of local governments vs. cases in the US. Institutional choice at the donor level, and this is feeding into local democracy consolidation. There is an emerging/recurring theme: role of donors in affecting government's institutional choices.

Parakh Hoon – Do donors play the role that NGOs played in the Brazil case?

Dorian Fougeres – Donors do this by imposing conditionality, a classic mechanism of neoliberalism.

Parakh Hoon – Is there something normative about this?

Dorian Fougeres – How do we think about the normative values of these decentralizations?

Jesse Ribot – In the case of Uganda, donors overwhelm of the state. Laws get passed but then how they are translated into practice becomes another whole arena of negotiation. Sometimes it's just by money coming in, and sometimes with conditionality.

Parakh Hoon – Scandinavia vs. World Bank/USAID: They have different types of strategies. Botswana, for example.

Jesse Ribot – USAID has non-government strategy versus Dutch funders going through the government. The core funding does not go through line ministries but through central government to change processes.

Parakh Hoon – History of the province, it has done well: why? Because of state neglect, marginalization? Ethnic homogeneity? Is it changing? Will old-style chronyism emerge, or deploy the donors to continue this? Data was thin to support claim of Karelian exceptionalism.

Jesse Ribot – I don't know how much we should get into history of donor influences. It has shifted between government/non-government, and between good government/bad government. Yes, things are imposed. Yes, the government has a democratic ethic. Yet, the strategies by central government to recentralize show that decentralization wasn't really its choice, for example gerrymandering, right to remove head of districts or mayors. Is this the strategy because there is now a broader consensus that democracy is good, or because of a popular movement? What creates these subtle strategies versus just pulling it back because they don't like it? The paper needs more context about why policy-makers take these strategies. The paper also needs more explanation of the cognitive maps. Administrative Paternalism: authorities can manipulate power paternalistically to use population as vote banks.

Parakh Hoon – To what extent is this really exceptional? Authoritarian system, but they have local vibrant government. What has allowed this? Is this a historical legacy?

Jesse Ribot – What about the culture of government itself? This could be developed. There is the need to think about how a big, massive state shifts and doesn't shift. Lastly, about electoral structure, this is another strategy happening within Russia. Elections from among local deputies versus from a larger set of candidates. Why that choice by higher levels of government? Is that to capture legitimacy?

Tomila's Response

Regarding the general point about idealizing the West, this paper is part of a broader project about influence of the EU on Russia as a neighbor and how the EU influences development. Western Russian regions get more aid and are subject to more influence. So they are more

democratic in attitude and governance. Karelia not that unique, there are other regions located near the West. There is evidence that the EU has played a very positive role in this region in a situation where central government is really killing democracy, and then donors are trying to do work which central government is not doing. So this plays into idealization of the West.

On the point of historical context and the culture of government, it is self-evident coming from Russia, recentralization is very similar to Soviet system which had fake local "elected" bodies, which were infrastructures to control the population. The government continues to look at local councils as social control bodies, Putin is recreating this as a return of the Soviet system. This clashes with particular Scandinavian donors. There are other comparisons of donor cultures out there. USAID is very neoliberal and suspicious of the state. West European donors have a more statist model of development, with cooperation between municipalities. I have data on EU projects in Russia. There is no real evidence that NGOs are supported more than other bodies. It depends on the region.

Karelia is unique. There is an interactive process with the politics of empowerment. Strong local governments attract more donor money, in other regions other strong actors attract aid, so this process is interactive/mutually constitutive.

The cognitive maps must have come from sociology literature on issue framing.

Jesse Ribot – Where does it come from theoretically?

Parakh Hoon – What is the concept doing for your work?

Tomila Lankina – People shape impressions from connections to Finland, Sweden or Norway. They juxtapose it: "in the civilized world." So they have this fragmented sense. They know what it should be like (the West), but they're in Russia.

Parakh Hoon – Are these identities or sets of ideas getting fragmented?

Tomila Lankina – It's more about ideas. I don't have the data to talk about how identities have changed.

Dorian Fougeres – Subjectivity is important to these ideas.

Jesse Ribot – There is a distinction between changing identities and identity-based groups being favored over other groups. Identities do change as conditions change. For example, this is occurring with faith-based organizations in US.

Fumi Saito – Question about culture of government.

Jesse Ribot – For example, the institutional culture of forest service in Senegal won't change, it's embedded in practices.

Parakh Hoon – There are other terms for this such as administrative culture and bureaucratic culture.

Jesse Ribot – There are patterns of behavior within institutions that reproduce themselves.

Dorian Fougeres – You can't separate the state and civil society [i.e., culture of government is not just a state issue, but society is also implicated], for example, in Indonesian culture, citizens do not criticize officials.

Fumi Saito – Question about empowerment of local government.

Jesse Ribot – Transfer of powers might be a clearer term. Local governments need power and funds in order to mobilize other parts of government to be effective.

Parakh Hoon – Bureaucratic side versus electoral side – Lots of variation exists across the board. If we are going to examine this, we have to clarify: about which part of government we are talking?

Tomila Lankina – This issue of politics versus administration has been talked about for decades. Reform movement in the US has taken place where local government became patronage machines. So they hired managers to do administration who weren't popularly elected but performed better on services. The way councils are elected is also important. What are the procedures: party list? Direct? In India and Senegal cases, what are the institutional mechanisms for setting the balance between politics and administration?

Parak Hoon – In Africa, it gets talked about in terms of development administration, rather than public administration in general.

Jesse Ribot – It used to be called colonial administration.

Case 4 – Bréhima Kassibo

Discussant – Papa Faye was absent so Brehima Kassibo provided a short overview of the paper

Case study of the Rural district of Siby in Mali. Powers were transferred to the village council. What are powers before and after – outcome of politics of choice? The communal authority is the local elected government. Forest management was unsustainable. Implementation of local development compromised and exclusion of certain groups based on identity claims.

Jesse Ribot – Mali underwent decentralization after a 1991 revolution, but it took until 2000. 8000 rural councils have been set up with local elections. The forestry laws attributed management powers to these local councils. A World Bank project from Niger organized village communities around production of firewood, and markets. Donor funding for the Mali project did not include rural councils, but funded local committees that contained chiefs in ex officio positions. Locals created a management system that favored themselves [agriculturalists] over pastoralists, and this heightened identity politics. Shift in taxes from rural councils to committees for management of these projects. So it becomes effectively privatized, representing a deconcentrated reconstitution of the forest service.

How did the rural councils react to this? This is not in the paper. The paper should have more ethnographic material. Paper comments on lack of representativity of committee. How do you measure representativity, or legitimacy?

Peter Hochet – Schizophrenia of donors – on one hand they promote decentralization and on the other at they promote deconcentration and reconstitution of central government power. We need to better understand how donors are making their choices, the paper should provide more detail on this.

Solange Bandiaky – The way the councilors are chosen is similar in Mali and Senegal. Two lists: proportional list (those at the bottom don't have a chance), on the other list, anyone could make it. Setting up the list creates exclusion. Women are always put at the bottom of the list. Can we really say that elections are democratic if elected in that way?

Roch Mongbo – In explaining the attitude of donors, there are conditionalities. Donors come at a moment when local demands rest on an election. How has the people's involvement on political issues changed through Benin's history? People outside state power have come to power and are no longer interested in transferring of power to local levels. Donor differences: people sitting in Denmark versus the front line people who have interests in these conditionalities. This explains the differences between what is in the conditionalities and what happens on the ground.

Euclides Goncalves – We have that in Mozambique. Are donors promoting corruption in Mozambique because of the way the NGO community is maintaining the image of Mozambique as a country in a democratic transition?

Jesse Ribot – Ethics of what should be the behavior of states vs. markets.

Solange Bandiaky – We always blame donors, but we have to look at our national governments. The central government takes the money without really thinking of the effects. What is the effect at the local level and who should take responsibility and be accountable?

Tomila Lankina – It's not just central government. In Russia, local authorities can apply for funding to EU. Donors give money to the more active local authorities.

Jesse Ribot – In Mali, 80% of public budget is donor funded. The World Bank is there with a $53 million loan. What is the World Bank's vision of these huge projects? What are they doing by supporting these interventions? How are they consistent across sectors? Where are they working with local elected institutions?

Parakh Hoon – Two questions: How is donor aid distributed and delivered? But we also must look at the larger debate about aid in general, especially in Africa. Are we making normative claims for or against aid? Sachs says most countries in Africa don't even have the money to enact good governance measures if they wanted to.

Jesse Ribot – The World Bank's funding for Community Driven Development (CDD) is 5 billion plus worldwide. In Mali, in interviewing people at Mali World Bank office, I found that people wanted funds to be given to local government but the funds had to be allocated to private groups. People are caught between need to administer funds and belief they're doing something good.

Mafaniso Hara – In Africa, many conditionalities, and aid only flowed after democratic governments took over.

Ashwini Chhatre – The fuelwood project empowered one group of people and excluded other forest users. This exclusion is very common. Would local governments continue this type of exclusion in residency-based belonging? What about pastoralists, whose residency is more fluid? Are pastoralists more involved with the markets. If sedentary pops are being organized to provide fuel to the market, and pastoralists excluded, what is the framing of this? Markets are big now in livelihoods debates.

Marja Spierenburg – Getting back to the issue of donors, the government also has a role in this by playing donors off each other. Which issues do governments cede to donors? In Senegal, education policy was handed over to UNESCO.

Jesse Ribot – We should put a cap on the donor questions. Institutions are being chosen one way or another. In these cases, we're looking at what happened. We need to focus on the empirical cases.

Roch Mongbo: I was part of evaluation of CDD in Benin, and the government decided this was the wrong direction.

Jesse Ribot – CDD does not have to bypass local government. People implementing are confused. One person will say we have to work with local government while others will say we have to have an implementation unit which can hire anyone it wants.

Brehima Kassibo's Response

The justification of choice of committees came from the Rio meeting as well as the failure of current management. OECD, WB, and other groups decided that the committee level was the most appropriate because it's local. The idea is that locals have to manage their own resources and state has to back off. The local authorities have been pushed aside, despite laws that empower them, it's actually being transferred to committees and NGOs that have excluded other actors such as the pastoralists. Legally it was the local authority's jurisdiction. It has had a negative effect on local governance and maintenance of the resource.

Nathaniel Gerhart – What about the "tyranny of the majority" problem?

Jesse Ribot – How you should solve these problems is different from how to study them?

Parakh Hoon – Where is the agency of local governments? Are they resisting, transforming, or accepting what donors are bringing?

Roch Mongbo – There has been evidence of failure of bureaucracies in education, forest management, and through subsequent bypassing of local bureaucracies. There has been a conflation of technical abilities and politics.

Plenary and Group Discussions

Facilitator – Tomila Lankina

Each group will identify top five cross cutting themes. The issues should come back to the politics of choice. How do we explain institutional framework? Are there patterns that we see in that domain? Are we framing the question correctly? Why did the donors/governments choose the partners they did?

Report back on the five themes identified by break out groups:

Group 1 (Rapporteur – Tomila Lankina):
1. Multi-layered nature of choice: politics of choice might be different at national vs. local levels
2. Role of historical legacies – look at the broader historical context
3. Influence of international donors on choice
4. Party politics affecting choices
5. Politics versus administration – tug and pull – how will agencies perform?

Group 2 (Rapporteur – Nathaniel Gerhart):
1- Administrative culture/culture of government/bureaucratic culture (for example, centralized thinking in forest services)

-including values, norms, practices, self-image that reign in particular government institutions
-for example Botswana culture of enforcement, which then has to change
-internal and external to government: where does the accountability flow?
-question: how does decentralization reconfigure administrative culture of institutions, both those devolving and receiving transfers of authority?

2 – Influences of historical trajectory shaping contemporary changes

-critical juncture/the moment of intervention

3 – Existing "local" power structures and how choice is affected by the powers that are already there

-the constraints on choice
-how it mediates, constrains, and provides opportunities in politics of choice, and how it leads to variation

4 – Discursive realm/justifications of choices in decentralization after the fact, such as the lack of capacity

-map discourses: what is being said?
-is that what is happening on the ground, or is their a gap?

5 – What is democracy in your context?

-What do we think that democracy should be?
-What are our assumptions about the proper locus (this might not be the nation-state) of legitimate and accountable democratic authority, and for what?
-for example, processes of elections and political parties
-participative vs. representative democracy, and other non-Western conceptions of democracy
-what do donors mean by democracy? (for example, supporting NGOs, or pluralism without any relation to questions of representation)

Fumi Saito – How democracy is understood in local context? I would like references on this question (Fred Schafer on Senegal).

Parakh Hoon – We cannot talk about the role of political parties, we must first understand the notion of democracy. Citizenship, representation – what does democracy mean? The Iraq example.

Tomila Lankina – This is one of the most important issues.

Jesse Ribot – Legitimacy does not mean good, it means tolerated without a violent effort to overthrow.

Dorian Fougeres: There are debates in Indonesia about: do we even want democracy?

Group 3 (Rapporteur – Marja Spierenburg):
1. The models that donors impose and differential expectations between the "West" and the "Rest" elsewhere (West local government supposed to be political)
    - In the West, politics is good
    - In the "Rest", politics is bad
    - Chiefs are a political and speak for the entire community
    - political = uncontrollable

2. Political parties and political structure (politics of politics)

3. Motivations for transfer of power to local government/Motivations to decentralize
    - Why did this movement take place now? How does recentralization fit into this?

Jesse Ribot – Article by Arun Agrawal on the term 'community' coming in and out of vogue is a good example. Decentralizations occurred after each World War because governments had to create jobs for returning soldiers. Decentralizations often structured from prime minister's offices, whereas recapture is done mostly in the line ministries. Sectors are last frontier of decolonization.

Friday, 16 June 2006

Theme II: Politics of Recognition – Representation, Citizenship/Belonging, and Public Domain

Introduction of Anjali Bhat from the University of Bonn

Overview and Discussion of Politics of Recognition by Jesse Ribot

The question of institutional choice has got to start with the question of what the policy makers are doing, thinking, and saying. There should be more ethnographic material. I want to see more discussion of what these people think they are doing and why they're doing it. What did the forestry ministry person say about why they're working with traditional authorities? Are they doing what they say? Do they have a theory of causality? Are they embedded in patronage relations? Are they simply choosnign based on expediency?

It is interesting that many people are working in project areas. If interested in what the government is doing, we should work in non-project areas. We think of projects as the point of intervention, but perhaps what's happening outside of project areas gives us a better idea of what the government is doing. We need to bring in experience from non-project areas.

Fumi Saito – This is important. Performance varies even within countries. It would be helpful if this type of variation can be underlined in the presentation of the papers.

Jesse Ribot – Roch's paper does this, comparing project areas and non-project areas.

Parakh Hoon – Over the last ten years community conservation was implemented in the project mode. Are they going to work in project cycles? Do we have to look at this mode differently? The hope is that 5 years down the road things will be institutionalized.

Jesse Ribot – This is an important part of the debate. It is seen in the development literature.

Parakh Hoon – How are you talking about policy? For a policy to be institutionalized, a mandate is needed.

Jesse Ribot – In terms of policy, there are many types with different levels of security—constitutional (most secure), legislative, ministerial decrees (fairly insecure), orders (insecure). These layers of security are important.

Roch Mongbo – This starts with international conventions, starting with Rio. This goes to bilateral agreements between countries, then money is set aside, then from this money projects are proposed, and this is on a 5-10 year cycle.

Jesse Ribot – How do we approach these questions? I like to start in the national-level policy sphere and trace those influences out to the global policies?

Roch Mongbo – We should examine policy making trajectories and the roles of parliaments.

Jesse Ribot – That's an interesting point. What are the roles of Parliaments in policy making? Since the revolution in Mali, no piece of legislation has been introduced by a legislator. Instead legislation is introduced by donor-funded ministries. The same situation exists in Senegal. All legislation originates with the executive branch.

Roch Mongbo – This is a point where we can see differences between donors. In Benin, we can see this way of sending legislation to parliament. The Danes have called for laws to be written, and supported this process.

Jesse Ribot – Another project at WRI, Legislative Environmental Representation, lead by Peter Veit deals specifically with these issues. Now we need to dig in to more cases and try to pull out the empirical material to understand how interventions shape belonging, hierarchy, representation, and public domain.

Solange Bandiaky – In trying to follow the outline, I'm not sure what ethnographic data to put into case unless we understand the concepts and how they relate.

Tomila Lankina – Some of the concepts have not been fully defined. We should flesh out these themes here.

Parakh Hoon – That should come from empirical material in the cases. We should look for examples to think through citizenship, public domain, and local democracy.

Jesse Ribot – I tried to define the terms clearly in the concept paper (Annex B). I feel that I have the weakest grasp of public domain – the decisions over which people struggle and over which their representatives have the right to decide.

Solange Bandiaky – This is clear in the concept paper, but hard to write in.

Tomila Lankina – How to connect philosophical issues with empirical work.

Jesse Ribot – From theory to practice, the framework will fall apart. Let's put this issue on the table and come back to it.

Session 2 – Representation

Chair – Fabiano Toni

Case 1 – Papa Faye

Discussant – Peter Hochet

Peter Hochet
We see deconcentrated state services and promotion of state decentralization. Forest service implements projects based on Inter village committees. The institutional landscape includes the forest service, Sub prefects, Rural communities, Inter village committee, and village committee. In this case, there are three processes of decision-making. The rural communities are threatened by the Sub prefects (merchant interest). This is a case of rural responsiveness. The composition of the village committees is diverted. This shows which groups are represented (the project interests). The local populations and users are not represented. Elected local council does not represent anyone, except maybe themselves. It is clear that the forest service does not want to transfer power to local governments.

Open Discussion on Papa Faye's paper

Solange Bandiaky – In rural communities in Senegal, you find the administrative people and the elected local people. There is conflict in role of who will manage what. The administrative people connected to state think it should be them. On the other hand, elected officials think it should be them. The project intervention bypasses the elected local government, and you get institutional pluralism. How do these institutions work together in natural resource management? Both have different interests and objectives.

Parakh Hoon – This is similar to Solange's case. A World Bank funded project comes in and creates a new set of institutions instead of working with local governments. This is an example of institutional sedimentation, a layering over time among a range of institutions. What kinds of conflicts are you seeing? What is the tension?

Solange Bandiaky – In the community reserve case, normally you should approach the head of the rural community about land allocation questions. On the other hand, the village chief also claims this kind of power and that people should go to him and he will go to the president of the rural community. There are two people at the decision-making level, the customary and decentralized authority All are claiming a role. The policy is very clear, but there is a conflict in claiming powers.

Jesse Ribot – In Faye's case, he looked at an area where a project about democracy and local governance told chiefs they no longer had a role in land issues. The chiefs backed off. About 6 to 8 years ago, land was more in hands of chief and forestry was centralized. The chiefs' roles in forestry were minimal. In this case, a unit was set up within the forest service. They coerced PCR to allow production in the area. They then set up committees that report to the forest service, and those committees were dominated by traditional chiefs because of the way projects wanted to involve chiefs or thought they should be involved. This excluded the rural councils from decisions.

In this case, all of the forests within the rural community are rural community forests, unless they're classified as national reserves. We're just talking about forests that legally belong to rural council.

Parakh Hoon – Different areas of forests are under the domain of different groups. This provides institutional competition with rural council.

Jesse Ribot – The forest zones have no legal basis. These different zones are created by the forest service.

Parakh Hoon – The institutional pluralism is about the politics of choice, but what does this tell us about the politics of recognition?

Solange Bandiaky – External actors can go to village level and work with bodies other than elected government.

Parakh Hoon – What are the decisions regarding public domain?

Roch Mongbo – The local councils are newer than the forest bureaucracy. In Senegal, decentralization is earlier than in other francophone countries. In Benin, the government is split between two main bodies. The Sous-Préfet is linked to Ministry of Home Affairs, taking care of police, security, etc. The other ministries are primarily technical sectors, agriculture, forestry, etc. Even though the Sous-Préfet is part of the government, his job is considered different than the line ministry officials who work in the village committees. The elected governments are meant to replace the Sous-Préfet. That is why the ministry people are not interested in going through the local government. This is important to explaining politics of choice.

Jesse Ribot – There is a question of representation. The rural councilor is frustrated. They are supposed to sign off on projects, but yet get nothing in return. The line ministries use the Sous-Préfet to put pressure on elected governments. Projects go along with this because they want their work started. They don't care about concerns of councils. Also there are powerful merchants who come in and pay off council presidents. By bringing in chiefs in committees, you are bringing in people who were not that involved with forestry before. In a 1972 circular by the

forest service, forest interests were supposed to go through chiefs for negotiation. Now, in some cases, with decentralization, the forest service goes to chiefs if they want increased production.

Parakh Hoon – What are the implications for understanding public domain? The Inter village committees are neither fully public nor fully private, it is a hybrid institution. This challenges our concept of public domain. They also exclude women and minorities.

Jesse Ribot – Here is a case of privatizing the public domain. The resource where rural council should have jurisdiction is taken away. Are chiefs in the public domain? No, chiefs proposed by the heads of households and then appointed.

Marja Speirenburg – The idea of the project is that committees should have been elected, but were not, we need to see more in the paper about how this process happened, and why did it happen differently from elections of rural councils. It is not clear in paper that zones are not legally based.

Ashwini Chhatre – Rural councils are not particularly representative themselves and are upwardly accountable to political parties. We are talking about empowering councils that are not downwardly accountable for structural reasons. There is tension here, the empowerment is conditional on political structure.

Jesse Ribot – There is only one council where the president wants charcoal production. Why is it still happening if almost all of them are saying no?

Solange Bandiaky – What we consider as democratic is different from what villagers consider as democratic. They don't consider nominating chiefs as non-democratic, whereas we assume democratic institutions have to go through fair elections.

Tomila Lankina – Is it rare for chiefs to play these multiple roles?

Solange Bandiaky – It's uncommon for activities to be set up without chiefs and others considered 'wise' people. But if you talk to rural councilors, they portray chiefs as party driven. In my case, the president of village management committee is also elected to the council.

Tomila Lankina – There are similarities with Russia here.

Po Garden – When you focus on agents (charcoal dealer as a citizen), is your analysis of public domain different?

Parakh Hoon – Does it shift depending on who you are asking?

Jesse Ribot – The charcoal producers are migrants from Guinea. The forest service would like the locals to do it, but they don't want to so they hire the migrants.

Case 2 – Ashwini Chhatre

Discussant – Parakh Hoon

Parakh Hoon

This case is unique because the author was been involved as a social movement activist for 10 years. He's reflecting on long process. The paper is a case study of a pilot project implemented in India in early 90s. It is the story of and ecodevelopment project that was implemented over the course of 10 years. The thesis is to explain how parallel institutions were created by the World Bank project and what conditions led to emergence of social movement which voiced grievances to a higher level. This forced lower institutions to be more accountable.

The critical juncture occurred in 1984 with the promulgation of GHNP. In 1994 there was a move towards created ecodevelopment committees. In 1995, people were still unclear about the provisions. The Director of park gave presentations which only highlighted the positives. Two NGOs get involved in sensitizing people about the project. In a few months, dissent begins. In April 1995, GHNP starts to think about addressing dissent. Local representative of central state orchestrates give-aways to locals in the form of pressure cookers. It appears that people who support project or party will get stuff.

At this time, panchayat institutions just began. Panchayat elections become a focal point for an opposition party to benefit from dissent, and different institutions vying to be conduits for project.

People go to local councilor with upward connections, [he responds and there is pressure downward from above to respond to dissent, this actually happens later].

A mix of people is elected between project supporters and opponents.
At this time a huge hydropower project in part of NP begins and the state government signs on. Now you have people at all levels getting together to try to resolve issues. In 1999, with the settlement of compensation there is turbulence. A member of parliament intervenes. New activists contest Panchayat elections. The Panchayat doesn't really have the capacity to deal with this. The Panchayat does get empowered.

The author argues that this process strengthens democracy as the Panchayat becomes more downwardly accountable. The success of CBNRM depends on the extent of accountability. There are multiple processes at multiple scales – a repertoire of mechanisms. Process oriented understanding of how the effects of choice are dependent on multiple factors of interacting political structures. In the context of the state, there is a rich history of balanced oppositions.

Social mobilization and political parties: under what conditions can they contribute to democracy?

How do we trace this process? What has been the impact on politics of recognition? The author explained outcomes by resorting back to broader democratic culture, but was it the higher institutions? Elections are seen as mechanisms to establish accountability, but they are also patrons.

VECD and Panchayat: the latter more accountable because elected? But they do no have the capacity to deal with this project. We didn't learn about process to create VECD. How did protests shake out variably? Was it ethnic, or what?

Open discussion on Ashwini Chhatre's paper

Tomila Lankina – It sounds like party and election systems are very important here. Also India is a federal system and the states are playing a very prominent role in mobilizing constituents for their national parties through the Panchayat.

Jesse Ribot – There is also a degree of competitiveness that determines whether institutions are downwardly accountable. We don't have this in West Africa.

Anne Larson – What I liked best about this paper is the point that accountability is not given but constructed. In this context, pluralism works towards building accountability. Is it existing power relations that really make the difference regarding what processes are possible rather than the institution chosen? Maybe what matters more is the context of local power relations and history?

Tomila Lankina – This raises questions about public domain, with new set of actors, the social movement.

Parakh Hoon – Putnam argues that there is a difference between northern and southern Italy. If there are already entrenched powers, they will parasitize electoral politics. Agrawal's book is also about this state. Do we need civil culture first, is it simultaneous, or what? Huntington proposes that order has to come first before participation.

Tomila Lankina – We need to look at the broader context of Indian democratic tradition.

Parakh Hoon – How do we connect these processes? We need fleshing out of history of this area. Social movements have had a greater role.

Fumi Saito – This is related to culture of government. There are countries which still have policies of parties which are not in power.

Marja Speirenburg – I don't agree that political parties don't matter. Competition between parties gave social movement's action more traction. Cultures are dynamic concepts as well. The broader democratic context is very important. Corruption can also exist in democratic governments.

Parakh Hoon – How do we understand decentralization? We must look at the broader context and history of civic participation. If higher levels are not accountable, use lower levels.

Jesse Ribot – In China, the most-local government (the administrative village) is democratically structured. The elected local mayors complain that they can't influence higher ups because higher levels are not democratic. So, it is not entirely dependent on larger democratic context. In Fabiano's paper, there are interesting insights into civil society and bridging. Maybe we need a comparison of civil society as static, dynamic, subordinate to or opposed to state.

Fabiano Toni – Also, we should keep in mind Migdal's idea of strong society and weak state.

Jesse Ribot – There is an important observation by Anu Joshi; accountability follows power. Fumi made this argument as well.

Ashwini Chhatre's response

This is a case of the mess that democracy is. The fieldwork was undertaken 6 years ago. In trying to adapt data to this framework, some things fell between cracks. I detest the comparison to Putnam. I go back 20, maximum 30 years. Using broader context to demonstrate that GHNP is not an exception in that state, and that state (H. Pradesh) is not an exception even in India. There are other examples. This is not an exception or a once in a lifetime occurrence.

There are no party lists, and any number of independents can take part. At the Panchayat level, people are not contesting as a party, but people know what party they are from. The turnover at all levels is very high. Rarely do incumbents retain power at the state level. Alternation in power of parties drives a lot of the broader context.

Parakh Hoon – What are the effects of this on fragmentation of party landscape (and policy consistency)?

Ashwini Chhatre – The role of social movements is to keep parties to stick to a core issue agenda, like about education or access to credit. These movements (regional or state) ebb and flow but continue to retain mobilizational capacity, so they can mobilize people at short notice. We see a lot of protests, but also a lot of policy continuity. This doesn't focus on that but on consolidation of local democracy, by acting on local institutions that have received powers but

don’t know how to act on them. Local institutions learn through constituents as constituents learn to hold them accountable.

There is violence in both directions, but in the long term view an interactive, iterative process has consolidated democracy over time. This doesn’t work the same everywhere.

The regional state has played a central and stellar role. Community agency is not independent of the regional state, rather people have learned to mobilize through state programs.

Tomila Lankina – Women are empowered by the state. The role of the state should not be dismissed. Social movements and NGOs can be important for consolidation.

Parakh Hoon – This brings a dynamic, process oriented approach which incorporates historical trajectories. I’m missing where this fits into conceptual framework, other than just the process of choice.

Jesse Ribot – This is not necessarily positive or negative, but we have to see what the effects are. Under what conditions do they consolidate democracy? Pluralism with representation is very different from pluralism without representation.

Ashwini Chhatre – Not all social movements are desirable, but they all contribute to the publicizing of the public domain.

Case 3 – Marja Spierenburg

Discussant: Solange Bandiaky

Solange Bandiaky

This case deals with a Transfrontier Conservation Area (TFCA), the Great Limpopo. It is one of the largets TFCAs in the world. TFCAs provide opportunities for economic growth through tourism. But in creating TFCAs there can also be negative consequences for communities. In South Africa and Mozambique, there are different partners are involved in the management of Limpopo. Both countries have adopted neo-liberal policies, and lots of public-private partnerships. There is also some assistance in South Africa from NGOs. Communities don’t necessarily have sole control over land. In Mozambique, alliance with NGOs did not prevent change in land status. Communities in Mozambique that are part of TFCAs are not represented and are at risk of removal. A resettlement committee was established to investigate giving land back to communities. Land claims have been signed but in practice nothing has happened yet.

There has also been a creation of a range of community development projects, as opposed to previous conservation objectives. Who’s interests have been served? Donors are more concerned

with conserving resources in park. There is a conflict of interest in South Africa. NGOs are helping with land claims process. In Mozambique, there was a change of status to park, which led to change in access. There are also external political pressures such as the New Partnership for African Development (NEPAD). They have used this case as an example of inter-regional cooperation working in Africa. Communities resist restrictions, but, in the end, partners are the ones who really have power.

The context is well described, the complexity and history is well framed. The originality of the case is with the TFCA issue and multiple countries' sharing of resources. There are different politics of natural resource management and different historical context in each country. South Africa access to land has historically been based on group membership.
In Mozambique, there is the post-conflict context and depopulation due to cross-border military operations.

Perhaps the author can expand upon the use of theory (bioregionalism) and the public-private partnership in management of the park.

Ashwini Chhatre – This transforms a conservation area into a national park – territorialization under a new guise. Conservationists' colonial objective meets a neoliberal agenda. This is punctuated by resistance of people using whatever resources/partners are available. They are using the land claims process to get around displacement. GTZ turns out to be a mixed ally. This is a story of recognition in a very new context, to be citizens in a state captured by neoliberal agendas and the conservation lobby. This is choice of institutions by local people in an unfolding process of recognition. It is unconventional and fascinating.

Po Garden – When a country transforms ideologically, but individuals don't support that new agenda, say neoliberalism, does it affect their sense of belonging?

Ashwini Chhatre – Neoliberal policies that recognize non-state actors as legitimate reduce the sense of citizenship of being able to approach state agencies for regular services. States are being reconstituted in this region.

Po Garden – Does weak government reduce a sense of belonging?

Jesse Ribot – The level of engagement follows power. In this case, there is less and less citizens can get from the state.

Nathanial Gerhart – Is the converse true? Does disempowerment lead to a reduced sense of belonging?

Mafaniso Hara – In Mozambique and South Africa, the histories are important, the fact that social agitation highly politicizes communities against issues. There is a lot of agitation against

poor service delivery at local level. PR system, list of candidates, so you don't have residency based constituencies at the local level. Who can you hold accountable for service delivery? How is this linked to the case in Mozambique? Are communities as strong?

Jesse Ribot – Civics movement in South Africa.

Mafaniso Hara – They have different ways of organizing themselves.

Nathaniel Gerhart – Proportional representation is more detached from residency-based belonging.

Jesse Ribot – There is residency in terms of who votes. It's still the same engagement.

Nathaniel Gerhart – Elections are residency-based – but the connections of accountability are deterritorialized [in proportional representation systems].

Euclides Goncalves – Mozambique also has proportional representation.

Parakh Hoon: There is lots of flux here, NGOs play critical role, the state plays critical role, not a static understanding of democracy.

Jesse Ribot: There is a compromise between two branches of government, land board and the environment folks, one of which is recognizing these people and the other is not. They have different mandates.

Parakh Hoon: How are the Mozambique and South Africa contexts different? Why are there different outcomes? Previous community-based natural resource management debates about who is community are being revisited (Arun Agrawal's paper). The same problems are emerging with public-private partnerships, at bigger scale.

Mafaniso Hara: The private sector is opening up certain movement for tourists, whereas Makuleke had problems with being represented.

Tomila Lankina: It would be nice to deconstruct the community. It is important to distinguish between interests and preferences within communities.

Ashwini Chhatre: We should take national symbols into consideration. Kruger is a key symbol, both during apartheid and later. The land claims process is crucial to the new South African national imagination. What role does Limpopo play in Mozambique's national imagination?

Euclides Goncalves: There are lots of complexities from both sides, a result of the involvement of private sectors. The government tries to paly a role in protecting it, but most revenues are in private sector, dominated by South Africa, so Mozambique communities are sidelined.

Parakh Hoon: Private sector is also white dominated. Also, elaborate on alliances and importance of establishing representation and public domain.

Response by Marja Spierenburg
The symbols link up with fact that private sector is white dominated. There is tension between fame of Kruger and embarrassment over name of Kruger. Limpopo allows them to change the name. The new political elite are looking for an identity concept that will include the entire population. Trade unionists are joining white businessmen. They are relating to Africa as a wild landscape, nature, wildlife, sustainable development through nature protection. Most of tour operators are white, but they are allying with black economic empowerment interests. Big firms need to give out some shares to black businessmen: this is a requirement, but there is no requirement to work with local communities. The Peace Parks Foundation (PPF) people are white, mostly.

Relations between South Africa and Mozambique: On one hand, Mozambique is described as weaker, dominated by South Africa. But the Ministry of Tourism in Mozambique wants it to be a park; there's an alliance there as well that needs more detail. One of the biggest donors was the German Development Agency, PPF paid for first year because funding was late, and so took control. They have never relinquished control. I am not allowed to write about this. If she writes about German Development Bank losing control of funds, noone will want to work with the project.

There needs to be critical analysis of park, but not so much to make funders pull out and leave people in buffer zone at the mercy of the park officials. Buffer zone, people will not be relocated out of this area because too expensive.

Jesse Ribot: Are buffer zone people dependent on park or representatives?

Marja Spierenburg: People in buffer zone don't vote, and now that it's a park, many of these government structures don't apply within the park. A few local NGOs are represented, but only in an advisory role. In Mozambique, the opposition is more unified, but the strategies are different. There was cross border migration and agricultural investment. All villages are not necessarily poor. People want to get out now that lions threaten their herds and before agriculture becomes totally impossible. But people (many of whom are labor migrants) who are less solvent want to either go to South Africa or stay put and don't see options of relying on agriculture outside of the park.

On South African side, land claims commissioner in this area was enthusiastic, whereas this is not widespread. He suggested setting up this CPA, but there were conflicts over who should be on this CPA. There was new legislation to increase the role of chiefs. In some cases, chiefs partner with mining companies. It's not a static, settled process. Chief received car and house to pay him respect and silence him a bit. There is a lot of unpredictability when dealing with private sector groups. It takes real expertise to deal with even the smallest private sector bodies, much less large MNCs.

Euclides Goncalves: Mozambique civil war depopulated areas, and chiefs who migrated to areas sometimes were recognized as chiefs. If one road doesn't move along, people look for alternatives. The whole process has been top down.

Marja Spierenburg: We imagine territorially bound communities, but they have moved around a lot in this area, partly in order to expand livelihoods through agriculture. Many people do not know how to register land. Even if communities resist, they will run up against South Africa private operators.

Jesse Ribot: There is a nice link here to indirect rule. What is the role of the private sector in indirect rule?

Marja Spierenburg: This area was directly controlled.

Jesse Ribot: The private sector is behind the actions of public institutions. The private sector is occupying space through public institutions.

Tomila Lankina: Are there local elected authorities that coordinate or have been consulted?

Marja Spierenburg: There are no local councils, and the regional governor is appointed, not elected.

Euclides Goncalves: This has links with next case. There is a law, but decentralization is not happening in the districts of Mozambique.

Case 4 – Mafaniso Hara

Discussant: Euclides Goncalves

Euclides Goncalves: This case addresses the whole idea of installing a participatory fisheries management program because the government is trying to recover from problems that had occurred under the centralized system and to benefit local communities. The system was based on the assumption that bringing together all environmentally related programs into a district

association unit would be the better way to capitalize on development, increase democracy, and have better environmental outcomes.

There were two critical junctures. In 1996, the environmental management act that improves devolution of natural resource management to district. And, in 1998, Malawi's decentralization policy came into effect. This set up a complex legal framework at the local level. The institutions set up through these policies included the district assembly, area development committee, and the village development committee (VDC). The VDC is an elected and accountable body. The area development committee followed the administrative boundaries. The VDC reports ideas and agendas to the district assembly who approves these suggestions. A problem was created with institutionalization of the district assembly and natural resource management. All natural resource management and environmental protection is to be discussed at the district assembly level. But who is on this assembly? There were no existing institutions at the village level, so the government created them. One of key people is the local traditional authority, or village headman. District government is promoting elections, while the headman is an ex officio member of the VDC. This creates problem with how the community sees the committee. The chief has sometimes removed the head of this committee and replaced them with friends.

Actors don't understand how the process works. Is it top down directed by government, or bottom up and they should organize themselves? Who is eligible to be on the committee? Women are not on the committee, but they have someone who goes to collect revenue for them. People have contested whether women should take part in elections. Only 30% of the owners of jia participate in the council. Others don't have vested, strong interest in the councils. So most fishers bypass the council because they feel it is represented by a minority and people who don't know about what they are ruling on.

In many cases, the members of the VDC are members of different bodies. There's also a village development association. Government officials end up taking part in the elections and establishment of these committees. The idea is that once set up, these committees will be able to manage themselves. Author highlights lack of technical capacity of staff, narrow revenue base, lack of commitment, and empowerment of decentralization.

The paper fits well into the issues of recognition and representation and shows clearly the effects of institutional choice. It shows how many committees are created with same individuals participating, but with no clear distinction of where government begins and ends, what roles are, etc. There is very little political will by national natural resource administration to transfer powers, as they realized what they would lose in the process.

The author should provide more details on the election process: members of the committee are elected, and elections are organized by government representatives at a local level, but how?

The author should also contextualizing donors' demands for transparency: pinpoint data on what legislation or conditionalities relate to this. Few papers have addressed this issue.

Also, everyone in this area does not take part or has major interest in fisheries issues, therefore, their life is not restricted to the pilot project being implemented, so that allows many to ignore or bypass the institutions. The author should provide more background information on what the other options are for other livelihoods.

The author should also provide an update from the field. This data is from 2001.

The author should also highlight the conflicts have been there before. The argument that institutional choice will enhance already existing conflicts needs contextualization with conflicts before. We need to avoid sense that pre-decentralization was conflict-free.

The author should also suggest an alternative for empowering more people, instead of just particular groups? Whatever you do is likely to benefit certain sectors.

Open Discussion on Mafaniso Hara's paper

Anne Larson: This paper talks about an elected authority and the lack of understanding regarding whether it is supposed to be accountable to the government or the community. It would be interesting to understand more about how the process worked or how accountability worked. What happens when a social movement gets empowered? Who do you feel you represent and why?

Jesse Ribot: Discretional decision making. In indirect rule, it was all mandates, just deconcentration. In decentralization, elected representatives are just carrying out ministry policies. Instead they should be given discretionary power. If they can't respond, why engage with them? Without discretion they cannot respond—just carry out mandates from above.

Marja Spierenburg: You can have discretionary power but not be aware of it; common strategy is to not inform local bodies of their discretionary power. Capacity building is important, but it's bigger, what do you do when activists are now becoming the government? Activists and newspapers are struggling with how to balance loyalties. (South Africa for example).

Parakh Hoon: Discretionary power and loyalty in Malawi: there was 30 years of authoritarian rule. Banda controlled bureaucracy and everything else. Public domain is paternalistic in lots of areas. Decentralization mobilized at a local level in the context of a one party system. So donors have come in to try to do "real" institution building to spark the process, but they get co-opted and have to work with chiefs who often are the only legitimate people on the ground. How does the neo-patrimonial context shape what's happening?

Po Garden: Administrative reform and decentralization are often simultaneous processes. It's important if one process causes failure in the other.

Ashwini Chhatre: There is repeated reference to the fact that institutions are deriving power from government but not from the community. From whom do they derive their power? There is tension: local institutions should realistically derive power from the state and village headmen as well as the community. There will always be multiple sources of power. In terms of process, where is it moving towards? In what direction is it moving?

Is there open access? Who drew the boundaries? Who has property rights to fish? What are the stakes of other people in the river? Are fishers being privileged? How is the landscape changing? How are new property rights influencing these new institutions?

Jesse Ribot: Who is the "Demos"? How do these representation spots get parceled out? And is it interest based? But it's not exclusively interest based, because it's all varied and fragmented. If 70% of the community is outside the user group, what is the relationship between them and the decision-making group?

Parakh Hoon: There are multiple layers of belonging, but which layer is privileged? Certain claims are privileged over others.

Jesse Ribot: Endangered species should not belong to anyone who lives nearby. Who is the demos in that domain?

Mafaniso Hara's response

In the early 90s, the fisheries department decided to pilot user participation in this area. They commissioned a study, which recommended big committees. In 1994, elections for BVCs took place. It was thought that the BVCs would be able to sanction violators. To do that, they would need headmen as members, who at that time had power to sanction (which means they are representatives of the state). Why participatory groups? The fishery had collapsed from 12k tons per year to a few thousand. One reason for establishing participatory groups was to try to stimulate recovery of the fishery. BVCs were meant to assist in enforcing regulations for management of the resource.

In terms of fisheries management, the district fisheries office is divided into areas, each of which has an extension officer collecting data and doing extension activities. The district commissioner chairs the district development commission. There are also two other systems in place: the political system (with the 30 years of authoritarianism, party representatives all the way down to the village level); and a traditional authority system with group headmen and village headman. The BVCs consist of fishermen with village headmen. Elections were supposed to be democratic within the fishing community. But the influence of extension officers in this process was

significant. Thinking that “we” have to elect people to assist the government in managing fisheries (I was a district fisheries officer at the time). Later an analysis showed that BVCs brought on people who were not strictly fishermen. You have gear owners and crew members. There is about a 50%-50% split between gear owner and crew members, who divide it among themselves. Fishermen were defined as gear owners.

Jesse Ribot: This is similar to absentee landlords over a share-cropping arrangement. Who is the “demos” becomes complicated?

Mafaniso Hara: Elections were carried out by village at large, maybe because extension agents wanted more people on committees who did not have direct interests in fishing. In early 90s, decentralization law passed to decentralize district assemblies. The district became the focus of development, however, there was still strong influence from ministers. The district assembly was transferred some powers. The village headmen became ex officio members of the district assembly and other committees. The decision was in the act. They were non-voting members. In some districts, these elections have not yet happened. In the future, things like forestry and fisheries will be decided by District Assembly, so village committees may become defunct. The districts in Malawi are not really local, there are maybe 1000 villages in a district.

Does everyone depend on fisheries? – most people do not. Within the fishing areas it is important.

On property rights: The plan was to devolve power to the BVCs for collecting license fees, registering fishers, and enforcement. License fees were not implemented at this scale because the government wanted to keep this at a national scale. BVCs were donor dependent and so fees were intended to make them sustainable. People move around a lot and so monitoring was not popular because if you deny access to your area, you will be denied access to other areas.

Plenary Session on Themes: Representation, Belonging/Citizenship, and Public Domain

Chair: *Parakh Hoon*
Questions: What patterns are emerging from the cases? What at the unanswered questions that we should be addressing? What are the policy ramifications of these findings?

Jesse Ribot: There are all kinds of people intervening in the local arena. How and why does this strengthen or undermine democracy? There are lots of different theories. I hypothesized that it would cut across three lines (representation, citizenship, public domain): how, who, and over what? Many actions in the name of empowerment, enfranchisement, participation, rural development are not necessarily contributing to democracy and the ability of people to influence those who govern them. Why is it not working some places while it works in others?

What have we learned about how recognition of different institutions shapes these elements of this thing called democracy? Donors, states, international NGOs are making decisions for whatever reasons, and it's important to understand the effects on this value that almost every donor says it's promoting. What suggestions can we make towards this?

Tomila Lankina: What evidence do we have that refutes our hypotheses, supports them, or forces us to rework them? In each case, are we finding evidence one way or the other, and what is it? We should break groups up based on the major themes.

Parakh: How does each of our papers speak to one of the themes? We should link it back to institutional choice and the impact of recognition.

Ashwini Chhatre: Do we need an open session on public domain?

Jesse Ribot: Should we work on defining public domain in the group or open session?

Fumi Saito: I'm confused on the public domain issue. Traditional authorities are sometimes not official government institutions, but they are influential actors. Public domain is not equal to what the government does.

Jesse Ribot: Public domain is influenced by all these parties, but it is the domain in which the negotiation over democracy takes place. It is the object of negotiation via some public authority.

Tomila Lankina: Is there an empirical study that tackles this?

Jesse Ribot: Let's look at a concrete example of forestry in Senegal. What are the powers that the legislature gives to rural elected councils: the right to say yes or no to production, the right to allocate contracts to whom they want, the right to reserve any part of the forest in their jurisdiction. These are all items in the public domain. What powers have been transferred? Licensing, permitting, allocation rights, there may be a spatial dimension. In different layers, one part might be in the hands of central government or local government.

Roch L. Mongbo: I assumed domain was about domain of resources. There is hierarchy in private, collective (people who know each other), common (based on a territorial unit), and public. There are institutions that have the mandate to draw these lines and remove a resource from the private to the collective or public domain. There is a close connection between representation, citizenship, and public domain.

Dorian Fugeres: There needs to be involvement from at least one public institution, it's a realm of decision-making that requires at least one public institution.

Po Garden: If you were to count the functions of the government before and after decentralization, it's the same number but at different levels.

Ashwini Chhatre: If these governments are attached to a line ministry, then decisions are not locally negotiable.

Po Garden: If there are more public meetings, does that mean that there is more public domain?

Ashwini Chhatre – Then the question becomes who is involved, and for what purpose?

Fumi Saito: Public and private decisions are not mutually exclusive in developing countries. Domain is controlled by the government. One of the objectives of decentralization in Uganda is to get partnerships between different groups of government and non-government. In Uganda's health sector, local government and health sector are cooperating. Private hospitals are taking care of 80% of patients. There is collaboration at the local level. The two decisions (public and private) are mutually linked. The district health officer talked to both.

Ashwini Chhatre: This is a good sign for health, but for democracy?

Fumi Saito: What the public stands for is not clearly defined.

Roch L. Mongbo: The public, in some ways, is quantified by the state.

Nathaniel Gerhart: We don't have to break decisions into categories. Society chooses what falls in the hands of government and in the realm of the individual. In the U.S., the Supreme Court establishes what constitutes the public domain. Back to Po's examples – are some government functions privatized? We are testing that.

Anne Larson: Is public domain the realm of decision making that can be influenced? Is it all arenas of negotiation? Is enclosure of public domain always bad? For example, public lands owned by the state are often lands communities have historically used. I support land titles going to those communities. If the land is public, the government has the right to do whatever it wants. Land titles are the only way indigenous (and other) people can reclaim and maintain control of their customary lands.

Nathaniel Gerhart: There is a difference between the decision itself [to enclose public land in favor of communities] and the realm of decision-making to do that [which still rests with the government].

Ashwini Chhatre: The public domain is multilayered. Line ministries are part of the state. When powers over line ministries are transferred, the public domain has been expanded. Hierarchically,

we are interested in one aspect of public domain. State and land claims when transferring public domain to a lower authority, is that authority democratic or not?

Fabiano Toni: The context of Latin America is different. In the transfer of land to indigenous people, it's not about democracy. Land is for the ethnic group, the public domain is enclosed for good.

Parakh Hoon: I'm uncomfortable with just focusing on public domain. In the public space, where is citizenship?

We give the state the authority to manage the public domain for the people. Who was recognized here in context of the democratic system. If it is privatized, citizenship is not exercised. We have a western understanding of the public and private realms. We have to challenge these distinctions and take into consideration the cultural context. We should also look at the linkages of the three themes and how they relate.

Jesse Ribot: The question of authority is central to how we think about transfers. Are the decisions under authority of the public? There is a lot of complicated stuff in that.

Tomila Lankina: I had problem from beginning. What is public and what is domain? We must define and operationalize. What are some empirical studies? Perhaps there is something in the political philosophy literature.

Jesse Ribot: We should bring attention to authority and not tenure.

Parakh Hoon: How is authority constituted? Where does it lie? How is it negotiated?

Tomila Lankina: I'm having trouble of coming up with ways to link the concept and measure it.

Parakh Hoon: Public domain in the US context, it is the global commons (from Wikipedia).

Jesse Ribot: I have the most difficulty nailing down – operationalizing and conceptualizing – public domain. Citizenship is a form of belonging, it belongs to the sphere of influence – this is the public domain.

Dorian Fougeres: Citizenship is usually contested – immigrants, etc. Public domain should not just be citizenship. Public domain – are we looking at enclosure of territory or rights?

Nathaniel Gerhart: We should look both at rights and the realm of decision-making.

Mafaniso Hara: What do we call action space? What is the political action space for people to exercise political freedoms?

Parakh Hoon: Lynn Ostrom.

Ashwini Chhatre: What is the process of expanding political space? Look at Latin American indigenous communities – how have they organized. It is agency that pushes and creates it.

Jesse Ribot: Gramsci's definition of civil society is the space people carve out of the state to protect their freedoms to act.

Parakh Hoon: I see two potential problems. If we go looking for public domain – we won't find it. What are the elements of process that cases are highlighting? We are not going to look for a political party.

Jesse Ribot: The right of the central state (i.e. in allocating permits) – is that the public domain? In the private domain of the state, the may be allocating them for own income reasons. Where is it that state is beyond influence? The state is public, and the state defines private; therefore, private is public construction.

Brehima Kassibo: In case of Mali, all of land belonged to the state. For a private individual/organization to obtain land, they had to go through a whole process. Then it belonged to them, and it was no longer a part of the state. Forests are public domain of the state, but to exploit it you still needed a permit. With decentralization, there were three domains: state domain, local level domain, and private.

The state chose a group, and it was the village to manage the forest. Management inventories gave right to committees. Committees were the only ones that had right to manage the forest. Statute of the forest, it went from non-controlled to controlled, phenomenon of recognition.

Solange Bandiaky: Public Domain is abstract? Or concrete? State has right to determine if it is public or private.

Anne Larson: What if we look at public domain as structure and process: The structural establishment of powers versus the realm of decision-making over which citizens have influence. What's the difference between the state giving land to a private group and allocating it to an indigenous group? It's still enclosure of territory, and is it also an enclosure of public domain?

Nathaniel Gerhart: If the government gave a concession to a private land company, that company may be beyond influence. Territorial enclosure is not necessarily enclosure of the public domain. If the decisions made are beyond influence, that is enclosure of the public domain.

Fumi Saito: It's a structural question. How is the decision and process of decision legitimate? Public domain – is it going to respond to people's needs? We should look at the responsiveness of government to meet aspirations. Does size of space matter? That's very important.

Tomila Lankina: The focus is on elected local authorities and the promulgation of laws. How are citizens represented by authorities?

Jesse Ribot: The same question can come up at any scale.

Parakh Hoon: There is structure versus process versus values. What is the institutional manifestation of those values? We should look at the examples of Mali, indigenous people, etc. Does it map out?

Dorian Fougeres: I don't think we will arrive at any consensus.

Ashwini Chhatre: In thinking about levels – public domain at one level to powers inside or outside at another level. It connects to politics of choice and recognition. Are pastoralists being left out? At a higher level do pastoralists have citizenship?

Parakh Hoon: Which institutions are represented will help us understand the public domain.

Jesse Ribot: We can look at democracy substantively. Are leaders accountable to the people? Are the authorities that are being empowered meeting that criteria? We should expand the narrow definition of local government. To what degree are people being excluded? Are the local elected representatives representative? Do policy shifts expand or shift the exclusiveness? The question is still empirical. I'm not sure if indigenous authority is arbitrary. Who are you transferring powers to?

Anne Larson: The community has lived there for hundreds of years. By giving the indigenous community land title, is it enclosure of public domain – why isn't that also an enclosure?

Jesse Ribot: If the authorities are not representative then it is reducing the public domain.

Anne Larson: We have this assumption that reducing public domain is bad. It is not necessarily.

Jesse Ribot: No, not necessarily.

Tomila Lankina: The break out groups may bring this to light.

Parakh Hoon: Belonging and citizenship determines quality of public domain. It is a neutral term.

Jesse Ribot: Sometimes privatization is very effective in getting the most out of resources. Decentralization is not privatization. If we want to test the effects of privatization, we should focus more on the private domain.

Fabiano Toni: What constitutes privatization, the rights to sell?

Ashwini Chhatre: Not necessarily.

Parakh Hoon: The public domain is the outcome of understanding the other two themes.

The day ended with Group Break out session on the Themes.

Saturday, 17 June 2006

Report back on Group Break out sessions from Friday, June 16.
Chair – *Ashwini Chhatre*

Group 1 (*Nathaniel Gerhart* – Rapporteur)

Our group picked one case and analyzed it in terms of the three themes. How each concept is approached in the case and how they might measure effects on those three realms. We picked Fabiano's case.

In this case, the FVPP, a grassroots NGO monopolized funding at the expense of local democratic government.

Representation: In the theme of representation, some groups were over-represented. Here channeling funds around local government has had negative effects.
Discretionary powers were not actually transferred, but the NGO was able to monopolize funding. This contrasts with Tomila's case in which donors inserted conditionality into the funding requiring NGOs to work with local government. Discretionary power was handled in a different way and had different effects on representation.

Citizenship and Belonging: Fabiano's conclusion was that citizenship and belonging moved into a corporatist model. People interacted with trade unions to get what they wanted from the government. This resulted in a reduced feeling of right to participate. Citizenship fractured along lines of belonging to various interest groups such as the trade union, etc. Even within the group there are class differentiations. For example, former trade unionists had better access to allies. In the fight for credit, there was petitioning to the government for access to credit. In this situation, NGOs had representatives telling people not to petition.

Public domain: Our group had trouble conceptualizing how public domain was measured. We concluded that in each case we have to lay out powers of local government and look at opportunities in which public domain can be expanded. Of the three, public domain is the most difficult to conceptualize and measure. How do we measure the effects on public domain of transferring power to group x versus group y?

Group 2 (*Roch Mongbo* – Rapporteur)
Roch Mongbo: We looked at the Senegal case – Here the choices stem from the colonial period. Institutions were not chosen but imposed. Law was imposed on the people. Here there was a creation of subjects rather than citizens. The colonial power restricted people's rights and access to resources.

There was an attempt to construct public domain from the side of the state and the side of the people. After the colonial period, the postcolonial state worked with the same laws. In the early 1990s there were new laws that created the illusion of representation. There was collaboration with local leaders and apportionment of forest lands. However, the leaders were not really representing local people. In addition, there was a plurality of institutions.

Jesse Ribot: In colonial period, there was no institutional choice? What were the governors doing? They were definitely choosing institutions. It was a social engineering project.

Roch Mongbo: It's difficult to link this institution to citizenship. What was the status of citizens? Instead, people were subjects.

Ashwini Chhatre: In the colonial period, institutional choice was not connected to any idea of public domain or representation. However, it is important to point out there were choices nevertheless.

Jesse Ribot: They chose to produce subjects.

Ashwini Chhatre: A choice was also made not to represent.

Dorian Fougeres: There was an absence of citizenship.

Jesse Ribot: in 1919 van Vollenhoven wrote about the spirit of a chief in forms of management and the role of chiefs as an extension of the colonial administration.

Solange Bandiaky: We can also look at public domain as a space (territory). For example, a park and zone territorial. The park is for the park dept. Public domain is in the territorial zone.

Ashwini Chhatre: However, you must also have the power to decide. You can talk forever, but without the power to decide, it is no public domain.

Solange Bandiaky: In terms of citizenship – if women are excluded from power, what is the status of citizenship?

Ashwini Chhatre: It is linked to a much broader question of citizenship. Citizenship itself may be fraught with danger to life and limb.

Roch Mongbo: Public domain as physical space or interaction.

Ashwini Chhatre: We need to move away from limited conceptualization of public domain.

Parakh Hoon: For Senegal, let's look at Schafer's argument and insert it into the French conception. Choices were being exercised, but perhaps at a different level. What happened when local people did not have the conception of citizenship/democracy. They were subjects, yes.

Solange Bandiaky: We have hybrid notions. How do you translate decentralization? It's hard to find a single one. We must try to adopt it and put something aside. It's hard to have one definition of public domain. Different cases may constitute different definitions. Maybe this is something we should keep in mind.

Third group (Rapporteur – *Marja Spierenburg*)
Our group chose to look at Euclides's case. His case is a bit different. It does not deal specifically with a reserve, park, or other area delimitated. He is looking at land disputes at a place where there is no land shortage. Here there are land claims and disputes between families. It looks at the process of land claims with the implementation of decentralization. The argument is that the introduction of community leaders complicates the existing system which was already a mix of various systems. During pre-colonial period, local figures of authority were consulted when there were disputes. There is now a mix. Colonialism and indirect rule conflated existing pre-colonial land. Chiefs were introduced where there were no chiefs. The figures of authority were not exactly chiefs. They were the local big men for settling land disputes. Decentralization introduced something new – democratic government although it is mainly party-based.

Representation – Decentralization is not fully in place. It results in other forms of authority. They impose themselves, it's not a clear cut situation.

Parakh Hoon: New forms of claims/citizenship emerging – new public domain. New community leaders. This is a situation of flux in the public domain.

Ashwini Chhatre: Community leaders – the result of decentralization and they are elected.

Marja Spierenburg: There are many situations where all kinds of figures claim authority over resources. This provides the ability to shop around. In other cases, elites are trying to control resources.

Citizenship and belonging – The land dispute is about other things as well. Situation is definitely an issue. In South Africa, there is a contested notion of group identity and territory. It follows upon the idea that the African population is organized in tribes. This is a contested issue in SA. A post–apartheid situation. The claiming process based on identity politics coincided with idea of modernizing communal tender and property associations. Recently, there have been changes in the laws. Chiefs have received more powers. People are unable to negotiate with NGOs. Chief is now trying to make claims. Makuleke – there is sometimes conflicts and sometimes working together.

Public domain – In theory the people have decision making powers over exploitation. They are managing jointly with national parks. The area privatized, but state has a big role. The land is not completely privatized – access to the public is possible. However, you need money. Those not at the periphery being denied access. In terms of citizenship, there is a big debate about people involved in the area. Some people cross border as part of lifestyle. Others want to stay in Mozambique. They want to get out before land is destroyed. In the park, local govt no longer exists. No representation exists.

Jesse Ribot: The case Marja described contrasts with language of Solange on territory. We are not equating territory to domain. We need to get away from land-based idea of domain.

Parakh Hoon: There is flux – constructing domain – opens some and forecloses others.

Open discussion

Ashwini Chhatre: Do we see patterns? Is there something larger than looking at individual concepts – idea of flux, contradictions?

In our discussion and sense from presentation, there is the idea of flux – things are changing through actions of people located very asymmetrically. Once we take into account all actors that are contributing, we get a sense of why so much flux. There is no steady state citizenship. It is going to be redefined by which actors gain authority. In terms of social movements – many poor but numerous people get together – their voice itself will change the way themes are. It may change because of the actions of several actors. This is kind of a counterpoint. We are trapped into idea of institutional choice or recognition being linear, it is not. It is in constant flux. What does it do to conceptualization of institutional choices being made?

Tomila Lankina: One example is that, in any democracy, after any electoral cycle, there are favors granted to certain groups depending on who is elected.

Dorian Fougeres: I agree with the idea of flux. In Indonesia, institutions are continually being contested. A big change is never stitched in place, these things are always being contested. It does shape terrain and debate.

Ashwini Chhatre: Empirical task is to excavate those layers.

Dorian Fougeres: Beauty of ethnography, we can trace that. Not stuck with a snapshot

Jesse Ribot: Some laid down over time. Some etched in law others etched in practice. Sediments of history that shape the way things play out after each change.

Dorian Fougeres: Sometimes a rupture.

Jesse Ribot: History is important.

Dorian Fougeres: Important to investigate empirically. Are they the same people there that were there before?

Jesse Ribot: Are there the same structures? Who's doing the operating after revolution?

Parakh Hoon: What are the ambiguities? What was it about politics of representation? In Malawi case, there was a question of identity? Each case has a question – what was it in each case? Share struggle they had in process.

Po Garden: Some laws are clear while other types of laws are unclear. The unclear law requires the person in power to make a judgment. The question about how these judgments are made is the source of ambiguity. We could look historically, how did you make that judgment? Or we could look at the social context and the other power that may influence that judgment. For example, land encroachment in Thailand is not a legal issue until forest officials make a judgment that it is. One person has to look at a satellite image and determine if there is an encroachment. Someone has to go and find out if the people on the land have been there before the protected area law was promulgated in 1973. A committee of a few agencies could be formed to make that judgment. They will have to make a judgment on the process of how that decision is going to be made. An agency and its officials can probably make that decision alone- but for they don't have to. Dealing with encroachment is more legal work for them. They will have to make a judgment about their capacity to deal with the problem. The judgments collectively form a public domain.

Tomila Lankina: Legal nuances, it's possible to list legal functions of different institutions to assess respective or relative powers of agency. We should be concretizing public domain in terms of functions. There are different levels of decision-making. What are functions of various agencies? We should address the public domain question in that way.

Marja Spierenburg: It's not that simple. The functions of the land claims officers are clear, but enormous differences in going about settling claims. Even legislation depends on judgment.

Anne Larson: With land tenure in Honduras, there are 10 different agencies and 50 different laws/policies. Judgment is an issue.

Fumi Saito: 10 agencies – the situation is messy – Is the intention to keep the state agencies or streamline it?

Ashwish Chhatre: Laws are not deciding public domain. It is constructed by acting on laws and ways in which they act.

Jesse Ribot: Po's point is well taken – to whom are those with discretion accountable? Appointed versus elected. Discretion can be arbitrary. Perhaps by definitional necessity. Also, ambiguity may be maintained on purpose – it becomes space of negotiation. It is part of the structure. Discretion is needed – a part of democracy – negotiating ambiguity.

Tomila Lankina: It is dependent on many things. If there is no rule of law – no-one will be obeying or respecting.

Fumi Saito: Uncomfortable with boundaries – something visible – something fixed.

Ashwish Chhatre: In reference to Anne's point – 10 different places with different records of land tenure. Certain areas of authority are clearly defined. It's difficult to define in which domain a case lies. It is left to discretion of either power to decide which domain. Playing one institution against another. There are so many domains. Always boundaries and overlaps.

Solange Bandiaky: We don't want to fix boundaries. It seems like we should make it contextual – domain that is contextual. Public domain does not act the same in each of our cases because of specific context.

Jesse Ribot: This is an important juncture – there are boundaries and spaces of ambiguity. Possession is 9/10ths of the law. It is what law applies itself to. Law is only 1/10th, however, of access. Domain, dominion and domination. It is about power – difficult territory – there are different ways of approaching it. Public domain – who has authority over set of powers? Who is that authority? Is that authority public? Is it religious? Not a question in defining domain, but defining authorities and powers they hold. We must move away from domain as the center of analysis but, rather, put authority in the center – the key question being *who* has and holds power? Over *what* is another question.

Ashwish Chhatre: An alternative way of looking at domain – domain over which they reign.

Roch Mongbo: Some parts are fixed and others aren't.

Jesse Ribot: In thinking about empires, every individual has his/her own empire – constitutional or social hierarchy. Dominion over people. Look at Vincent Ostrom for the top down and legal perspective.

Session 3 – Belonging/Citizenship

Chair: Solange Bandiaky

Case 1: Anne Larson

Discussant: Ashwini Chhatre

Ashwini Chhatre: At the outset, I want to say that this is the best paper. It raises one of the most profound questions in liberal democracy. The notions of indigenous conceptualizations, and the idea that those conceptions challenge notions of liberal democracy. Indigenous communities aspire and desire. There are two sets of claims – one set is decentralization and the other one is indigenous authority. This challenges the claims of the ability of majoritarian rule.

It is a comparative case study and to a certain extent neither case can be refuted. Neither of them is true or false. Reality on ground is complex mix of how people use elected governments or indigenous authority to get what they want. The finding is that neither hypothesis is rejected. There is also an ideological framework that comes into play, the Mayan cosmovision. This ideological framework is used to meet different ends.

Hybrid forms of governance are used. There is an interaction of different institutional forms. Individuals located in these institutions are different. One department was much more open in setting up of forestry office. In one department, the central forestry office not allowed to set up. Indigenous authority eventually collaborated to open.

Role of indigenous authority – cooperative environment and arrangement. In terms of representation of indigenous interests, this is a case of auxiliary (indigenous)/authority collaboration. There was investment in ways of being and indigenous being.

Auxiliary – indigenous / authority collaboration – investment in ways of being and indigenous being. This was incorporated into micro plan, however, it was eventually not put into practice. The Municipal forestry office did not value it enough for them to incorporate it into practice. In the other case, the municipal forestry office was within indigenous authority. They did not enforce permits, but asked people to replant trees. This gives a sense of how the two cases are laid out in terms of collaboration – not direct collaboration of forest office in indigenous authority. In any given situation, there is a complex interplay of state agencies and indigenous

authorities. Guatemala has one of the most far reaching decentralization. There was a protracted civil war. Before the civil war, there was a long history of violence against indigenous people. There is still the memory of violence and assimilation. The majoritarian frameworks are not sufficient to redress historical wrongs.

In a puritanical sense, neither truly represents indigenous people. Ultimately, the two cases bring out that citizenship has to be performed. In circumscribed arenas, it is being performed through the opening of municipal office or by collaborating with municipal forestry action plan. It's less important to see if it is being controlled. The fact of performance is more important. Indigenous people perform their citizenship in order to achieve it.

Three comments – role of indigenous authority and
1- What is the role of an indigenous authority and consolidation of a sustained massive indigenous movement.
2- Are dynamics in post-conflict societies different? Does this cause a fracturing and annihilation of trust in authorities?
3- The role of political parties, they were all on the side of opposition – collaborated with annihilists, etc. At local level – there is room for independent candidates. What is the reason of lack of emergence of representation in democratic arenas?

Fabiano Toni: Citizenship is performed. Is it the same case for public domain? One way in which citizenship is performed is through participation and protest. How citizenship is achieved?

Dorian Fougeres: This paper raises issues around decentralization and the movement for autonomy. It brings out tension between decentralization and democratization. I have a request – on page 277 (of the reader), Anne mentions the indigenous mayor's involvement in logging. What are interests of the indigenous authority? (the second request was missed)

Jesse Ribot: This addresses the basic question of liberal political philosophy which is based on ideas of individualism. In Anne's case, there are collective rights—subordination of the individual to the collective. This needs to be on the table. That is the axis on which the question turns – collective authorities – how do they need to relate back to the individual.

By the way, hybrids don't reproduce.

Fumi Saito: There are better ways to express the synchrotism?

Parakh Hoon: This raises the distinction between liberal conceptions? How would political parties differ. Concepts of non-western democracy. Democracy in translation – do these concepts Coexist or are they modified as they confront each other? Something new has to emerge. What direction is this going? Is something new emerging?

Ashwini Chhatre: We must distinguish between nonliberal notions of democracy. Whether we like it or not, there are people out there who don't want it. We can talk about it. There are ways of being that are exercised. Does it have to be local – no! It has to transcend locality.

Parakh Hoon: How can we use local, if it is not meaningful.

Solange Bandiaky: Are traditional leaders democratic? Can the people rely on these leaders? How do we compare?

Jesse Ribot: Different societies have different mechanisms of accountability. The question is: how power is kept in check? Is it reproducible over time? The cults of Zimbabwe are democratic. We can't take their methods to Senegal, however, it won't work? Problematic of policy is its reproduction spatially and temporally. The question is empirical.

Po Garden: How do we approach dealing with an ethnic minority in a unitary state. All local governments are the same through out the country but the situation and the context is diverse. Should the state be blind to ethnicity and how? In Thailand, the state is ethnicity blind in terms of the criminal record of people. Should ethnic minority be represented through election process?

Ashwini Chhatre: What is the interaction between state building and indigenous movements? – a challenging trajectory. This interrupts progression towards a secular state. Everyone everywhere is equal to everyone everywhere. Perhaps in other situations there are other interventions. We should relax some of this baggage. There are ways of being that are not better or worse, but different.

Parakh Hoon: What are the challenges to liberal democratic conceptions? In conservation regions, donors are raising identities, belonging through ecological dimensions.

Marja Spierenburg: Accountability is a process. Do these mechanisms need to be replicable?

Jesse Ribot: Do we know enough about how accountability processes reproduce over time? Electoral systems allow renewal.

Anne Larson's response
Whatever we think, it's a reality that millions of people in this international indigenous movement are challenging the liberal idea of democracy. That's one of the main reasons I wanted to address this issue.

In Chichicastenango, there is an issue about who is who in the indigenous authority. The indigenous mayor is a religious figure head. This mayor is selected for life to organize religious festivities which happen almost daily. But the office of the indigenous mayor (called the auxiliary) is run by a hired indigenous man. He and other high-ranking indigenous leaders are the

ones who have taken on the issue of the environment, not the "mayor". The indigenous mayor is an important cultural figure with regard to identity. This guy is not the same as a chief. There is no communal land; he doesn't allocate community resources. One of the theories is that they chose him precisely because he was a logger. He describes himself as a party lover, so he likes the post. But obviously the pressure is on him – it would be very difficult for him to continue logging.

It's important to understand that in Guatemala, the cultural sphere has been the center of politics because real politics is very dangerous. The main issue has been education – bilingual education. At the ideological level, there has been a rediscovery of the Mayan cosmovision – simplifying a lot, this basically refers to an idealized harmonious relationship between indigenous people and nature.

Conservation organizations work directly with indigenous communities. But some NGOs like the Nature Conservancy (at least in my knowledge of them in Nicaragua) won't buy land if there are people on it. However, indigenous communities don't always have the vision that conservation groups think they have. At the same time, indigenous leaders are not always democratic. They also have a different idea of representation. How does everything get negotiated out?

Most indigenous groups want that autonomous ability to select leaders. There is contestation within indigenous communities. What role does custom play? Where do we go from here? Maybe the key is to support the contestations going on.

Po Garden: In Thailand assimilation has been the key policy in the past. Some people say the result has amounted to making them deny their past. But there could be two things going on-customary governance that is collective based and local government that is individual based-they could figure out how to combine the two systems together or how to deal with a system that has more than one type of governance process.

Case 2: Roch Mongbo

Discussant: Nathaniel Gerhart

This study compares two forest areas with different management structures, so it fits with the comparative approach of this research. Through this comparison, it looks at the effects of different institutional structures, as well as different historical trajectories, which is something that the research project as a whole is attempting to do. It specifically addresses projects as one type of intervention that creates institutions, and contrasts this with a "non-project" area where local government is trying to get involved post-decentralization, but without the presence of new institutions set up through donor-funded projects. So it has the potential to be very instructive in terms of different ways in which powers get transferred. Another strength of this paper is that there is especially strong ethnographic data on the perceptions of villagers of the local government's different attempts to get involved in forest management, and their resistance to

those attempts. So we see a rich description of how the current situation is a result of contested negotiation between villagers and the local government, and not just a situation imposed from above.

As far as this meeting's themes are concerned, the paper focuses on legitimacy and contestation. These two themes are strongly related to issues of representation, the politics of recognition, and the politics of choice. Local government had little legitimacy in the society in general, but the author highlights how different layers of legitimacies accumulate over time, not necessarily fully replacing or erasing each other. In one area, local government was bypassed by the establishment of local level management committees which report to the Forest Service, and when it tried to assert control over management, it was rebuffed by members of these committees. Interestingly, it was also rebuffed by villagers in an area where no new institutions had been set up. The author argues that, even after decentralization reforms, the local government did not even conceive of itself having legitimacy in that realm, which it assumed was being managed by the Forest Service, as before. This case is also complicated because institutions set up in association with the project actually preceded the latest wave of "official" decentralization reforms.

The Forest Service, funded by donors, set up committees at communal, arrondissement, and village levels. The committees are pluralistic, and are made up of representatives of each group of resource users (farmers, hunters, charcoal specialists, etc.). But the author's analysis is that the committees are made up of local elites, who are serving essentially as instruments of the central Forest Service's agenda. Though the committees have been tasked with certain management functions (such as the power to collect fees from forest users), the extent to which power has actually been transferred to them appears to be quite limited, as the funds are not wholly retained at the committee level, which limits their discretionary power. Nevertheless, the committees appear to give their (elite) members more room for maneuver in controlling or maintaining their access to resources, and so they defend this role against encroachment by the local government.

Project forest: local government is trying to compete with management committees established by the project through the Forest Service, in order to control management funds generated through those committees. These funds are currently controlled by the Forest Service and to some extent by the committees, but none are channeled through local government. After the first skirmish, the local government backs off after it realizes it's not going to be let into the structure of funds generated by the committees.
Non-project forest: head of the arrondissement tries to intervene to assert control over forest use and management, and is rebuffed by villagers, who feel entitled to continue a long history of local management.

Roch makes the interesting point that in the project forest case, the government is more aware of the stakes involved in different management structures, which is an unintended consequence of the project. But this doesn't produce greater control by local government. In fact, in both cases the local government's efforts to assert control are contested, and in both cases they essentially

give up. I thought this was a really interesting result, as in some senses it indicates that local government is responsive to the desires of its constituents!

Interestingly, one of the mandates of the committees is to resolve conflicts, which may give us clues as to why they were established by the Forest Service. But in the end, the author implies that the Forest Service's accountability to the committees is limited.

In terms of our framework, one could assume that representation is compromised by the choice of newly established committees. But local governments in both forest areas have little legitimacy or discretionary power, and the committees predate the latest decentralization reforms, so the effects may not be a result of decentralization.

Citizenship/Belonging and Public Domain are not directly addressed in the paper.
The paper still needs to address these themes more directly and in more depth. The evidence is there, but the analysis of it needs to be expanded.

We need more detail on empirical questions about processes:
-how was composition of the committees decided?
-how were the fee levels decided?
-what management structures were in place before?

The author mentions the dominant ethnicities present in each area, but we don't know if ethnicity is a significant factor for analyzing authority, or not.

We also need the background about local government structure to come earlier in the paper, so that we can follow the different levels of authority through the story.

We also need to know more about how the authority in general is divided among these different levels of government, including the forest service and other parts of central governments. That would help us analyze what powers may have been transferred, through decentralization or other means.

How do we analyze cases where no powers have been transferred, or where powers were transferred through processes other than decentralization, such as projects?

Group discussion of Roch's case

Tomila Lankina: The project's effects on outcomes are not brought out.

Anne Larson: Responsiveness: how should local governments interact with existing institutions, both in project area and not? Why did they back off? We assume that local government would more fairly distribute benefits. This is not necessarily the case.

Jesse Ribot: The Northern case has a hierarchical structure. I'd like to know if that difference has a role. See Catherine Boone's Topographies of African States.

Ashwini Chhatre: There is a sense of a lack of state in these two cases. It is generally not there, or doesn't exist. People muddle through without it, or worked through projects. To what extent are these questions even relevant where there is no state presence?

Solange Bandiaky: If the state is represented by the Forest Service, then that is the state, and it is present at a technical level. Also at the institutional level, they are approving projects before implementing. It's only when it comes to project management that you don't see the state.

Jesse Ribot: The paper should bring out the role of the Forest Service. The transfer of power can be looked at comparatively. There are districts where transfer is different, or more or less complete. Did local government just step out? What was their legal right? What was the role of the Forest Service in supporting that withdrawal?

Roch Mongbo's response

There is a lack of state. There is a virtual state at the local level, especially due to the structural adjustment program. The state was most visible through the extension staff living in each village. The logic of reducing state burden – the participation discourse is brought in.
The Forest Services was replaced by local committees which were believed to be more efficient. Even when state staff is present, there is a culture of operating only in a project context. Enforcement is only carried out through, or at the time of, specific mandates/campaigns.

History of conflict: two areas different histories. Non-project area is in the middle of Dahoumeian kingdom, which has different hierarchy, different managing of people and resources. Whereas the project area has different ethnic groups and sequential trends of ethnic migrants. Earlier residents become nominal chiefs, so there are various levels of institutions. Loggers were operating through lineage groups before, which the state didn't like. So it set up committees to improve this situation but it actually created conflict between committees and lineage groups. The Chef d'arrondissement is getting involved to establish legitimacy for himself by bringing in NGOs.

Case 3: Peter Hochet

Discussant: Fumi Saito

Fumi Saito

There is a lot of rich ethnographic material. However, the case needs to start with policy framework in Mali in order for non-specialists to understand the case, hard to see how practice of project linked to policy/regulatory framework.

How is local government structured? What is their role in the case described? There seem to be three layers of local government. How do those layers interact with project activities, and what comes out of that interaction?

There is a lot of rich description, but doesn't capture the issues laid out in the concept paper. How do your observations and analysis fit with the concept paper?

Peter Hochet: In Mali, local government doesn't have the means to implement local public policy. NGOs do this instead. When you look at natural resource management, you are not faced with local government, only with NGOs. To understand institutional choice in natural resource management, those who make the choices are NGOs. Local governments don't do anything in natural resource management, only NGOs.

In the village of Kori, the NGO has been in the village since 1985, and has managed natural resources since then. When rural councils are set up, NGOs ask them what are your competencies [capacity], what are your means, and they answer that they haven't any. So NGOs are told to go ahead and do it instead. When I visited the mayor to talk about natural resources, the mayor first called the NGO to find out what to tell him.

There are two worlds, NGO world with their institutions and their solutions, their ways to construct problems. The other world is the world of the peasant society, with their choices, with their problems, with their social organization. I have tried to describe the encounter of these two worlds.

The state is only really implementing its functions as police, and broad regulatory functions, but all social services are provided by NGOs.

Brehima Kassibo: NGOs are working in place of the state because Mali has been under structural adjustment since 1986 through policies imposed by World Bank. The policy closed all parastatals and compressed the public sector through administrative reform. They liberalized international trade relations, opening them to international markets. The World Bank required civil society to play a larger role in development than the state. So you find on one side the projects (like natural resource management) funded by World Bank, imposed across the region. So they wanted to support the action of civil society through NGOs. Approximately 1000 NGOs in Mali in a country of 11 million (that's one for every 11,000 people), and they are operating in

every domain. International NGOs come in with a philosophy with development through national NGOs.

International NGOs come in without taking into account local views and they just apply their philosophy through their projects. It is interesting to study the institutions that existed before this influx and the implementation of these projects. Project objectives don't correspond to objectives of local actors. Some local actors capture the projects. Cultivated land is the fixed domain that has been captured. So the state has favored agriculture over pastoralism in this case. Land ownership is only related to cultivated land, and pastoralism has no standing/status. Pastoralists pass by on pathways through cultivated land which creates enormous conflicts.

Solange Bandiaky: What kind of relationship is there between NGOs and local government? Do they work together?

Ashwini Chhatre: This reminds me of a paper by Arun Agrawal – *I don't need it but you can't have it* – Here, agriculturalists used the panchayats to throw out the pastoralists. They closed the pasture lands for "environmental reasons". So the pastoralists had to go further away and were gone for longer periods of time. This caused the men to be absent in the village when decisions were made. Fighting and cooperation also happen, it's cyclical, or a seasonal activity. What is the role that local governments are playing in mediating these relationships?

Parakh Hoon: The excitement is in the local relationships that the NGOs can't capture. Joking kinships, useful strangers – what are the patterns of working together over time? The NGOs, after decentralization, try to "fix" relationships that were fluid before. We are getting a sense of conflict and change- cooperative dynamics. This needs to be developed. Is chieftaincy become more institutionalized?

Marja Spierenburg: This is a complicated relationship and should be addressed.

Anne Larson: You have a choice, a decision that happens, but what is it that actually happens in practice to make it an opportunity for elite capture?

Tomila Lankina: Is this the politics of de-recognition, by NGOs choosing to ignore cultural and local differences?

Jesse Ribot: They are imposing their vision of what cultural patterns were or should be; reviving the old customs that they like, that serve them. What about the use of environmental discourse to justify these interventions? There is a static determinism in the assumption that if new institutions don't map exactly onto old ones, they are doomed to fail. How do new institutions come in?

Parakh Hoon: It's more a process. It's about a constant motion that the external actors (NGOs) are not recognizing. In practice things are much more dynamic.

Peter Hochet responds:
It's clear that local governments don't have any role in the regulation of the relationship between agriculturalists and pastoralists. In 1999, when the election happened, the mayor and councilors were already chosen in the village before the election. Everyone knew who would be elected to which roles. So the local governments and the local powers are the same, and they are agriculturalists. They aim to capture NGOs, so the local governments don't have real political function. The villagers who work with NGOs are elected or lobby local government. The NGO is a very big Swiss NGO – 2 million dollars per year. They try to fix relations to simplify complex relations between croppers and pastoralists by saying everyone is agro-pastoralists.

Marja Spierenburg: You must work in more detail. You should elaborate upon the culture of NGOs and how they function, they have brokers working, using their position in NGOs to reach positions of influence. The broker provides only certain info to the NGO, and we need to look at this role/dynamic. The NGOs have to justify expenses means that you have to have detailed plans and logical framework, which is planned from behind the desk. Then it's hard for NGOs to be flexible.

Nathaniel Gerhart: How do elections happen? In Indonesia, everyone in the village knew how everyone was voting. How do people conceptualize representation?

Tomila Lankina: You should clarify radial pastoralism and broader boundary questions.

Marja Spierenburg: Also with elections, who qualifies to be elected?

Jesse Ribot: Does local government really have no role in managing relationships, or is that just in practice this has been captured by NGOs? Look at a 2005 James Maynard article, and Bazarra and Namara articles from Uganda.

Roch Mongbo: There are various ways and institutions that organize the access to villages and their resources. There are already ways to settle this, so newly elected bodies find it quite difficult to enter into this.

Peter Hochet: People don't choose local governments to resolve conflicts. First they go through the priests and prefects. When people resort to the prefect or sub-prefect to resolve conflict it's not morally good, it's poorly viewed. Land priest (chef de terre) is preferred.

Roch Mongbo: You have two institutions. The local state institution in the kingdom and then you have a long hierarchy.

Brehima Kassibo: There is the legal right to manage things under clans, but there is also another level of inter-communal coordination.

Peter Hochet: The legal framework is important, but there is the legislative versus the regulative. Application decrees are never written so it is not applied at the regulatory level.

Case 4: Parakh Hoon

Discussant: Marja Spierenburg

Marja Spierenburg

In this case, a trust is managing a wildlife area representing five villages. There are two themes: citizenship and public domain. It is not always easy to distinguish public and private domain. The case addresses relations between central state and local communities vis-à-vis citizenship and belonging.

Cattle giving and loaning was crucial in structuring relations, but due to a disease epidemic, cattle have lost its importance in that area. Elites have switched to dealing through money, for forging relations. Describes changes in natural resource management in Botswana, where country is divided into several Wildlife Management Areas (WMAs), to be managed by community-based organizations. Communities who've been allocated WMAs to set up organizations to liaise with private sector for uses like hunting. The Trust was set up by 5 villages in Okavango. One village was Basarwa who had been regrouped from several settlements. Part of the standard Botswana village setup is a storehouse for government handouts. National wealth from diamonds has been distributed to country, but difficult to convert this into other economic activities because Botswana is sparsely populated (size of France with only 1.4 million people).

Trust has concluded deal with private safari operator. The lease is expiring and they must decide whether to continue/renew or tender again. Before private operators can offer their plans, these must be approved by the central government. This operator has participated in certain social functions, and so public domain and private are hard to separate. The renewal process is complicated. Wildlife authorities are urging people to put contracts up for tender again. Five villages vote: majority of individual votes among all villages vote for tender, while 3 out of 5 villages vote for renewal. The wildlife authorities urge looking at individual votes because benefits are distributed equally among villages. The contractor complains that this wasn't specified in contract/constitution. So after initial decision for non-renewal, then the decision goes to renewal. The Basarwa were against this. Another vote and majority individuals vote for village votes. Basarwa are not seeing the benefits from this operator and want a new one. They start their own trust, invoking their group identity. But if you look at their voting pattern in the second election, they vote for individual votes.

What happened next to the Basarwa trust? Group identity referred to as Basarwa, ancient Kalahari hunters, the Ancient and the Modern. Their trust was forbidden on the grounds of it being ethnically based. Ethnic-neutral policy of the government, but government policies over the years have favored non-Basarwa cattle owners.

The constitution for the trust was drawn up in English by a lawyer provided by the contractor. Later, there were accusations of corruption on trust board. People became critical of the Board and started elected different, younger people to village committees and trust board.

What happened to the Basarwa trust? The paper should address the recentralization of natural resource management. I didn't see that in the paper. People wanted to make sure village trusts were more accountable, by kicking out people seen as corrupt. Influence of wildlife officers, and attempts to tell people what to do failed. It's better to explain process of contracts being approved by the government in advance.

Jesse Ribot: This is a positive case in learning about establishment of a democratic process. The second term rule: people don't figure out how to use democracy until after two terms. There are examples in India of this rule. How many cases were there where a commercial interest could have shaped line ministries decisions, when these could or should have been taken at local a level. Many people also see this in their cases, this is an interesting pattern.

Po Garden: I'm surprised that private enterprise form the intervention. Is this normal?

Marja Spierenburg: An awareness was created that contractor can lose contract.

Jesse Ribot: It's an articulated political system. There were real sanctions – accountability mechanisms at work.

Marja Spierenburg: How was the first board elected? Who were those people? In these processes, old hierarchical ideas can be challenged.

Jesse Ribot: This is a successful case of representation around a real public good. What in that moment was the pathway to representation? What were the citizenship issues, who was excluded? The role of a public resource being transferred into the hands of the committee in creating the dynamic of inclusion/exclusion, belonging?

Marja Spierenburg: Wildlife projects are generating money and have things at stake more so than less valuable resources. Also the imagination of the Basarwa and who they are.

Nathaniel Gerhart: What's the role of decentralization on a national scale? Did they open up room for the contractor? What is new about this situation?

Jesse Ribot: Do these other variables shift in ways that help us understand the result?

Marja Spierenburg: How did the Basarwa village feel after the changes, how did they contribute to these changes? Did they get represented on the board as well?

Safari operators were active and they resented decentralization because it reduced their efficiency when dealing with communities.

Parakh Hoon responds

This is part of my larger comparative project. Since independence there have been several changes in land use policies (i.e. creating private associations around boreholes for cattle). Land not for cattle was just excluded as wildlife areas. Whole country is zoned. Previously the whole delta was divided into private sector concessions (i.e. hunting areas). There was no role for communities. In the 1990s, with the success of CAMPFIRE, a wave of community-based natural resource management swept Southern Africa. This was largely top down, Chobe was a USAID-funded pilot project. Safari operator said not enough time to establish this, so he hired a lawyer and constructed this trust, through identifying chiefs and other elites. People are learning to respond to what they are faced with. Private sector are like benefactors and one of the only sources of income besides the government. The government Wildlife and NP administration has tried to bulwark communities. They're telling people, benevolent patronage on the part of the state as well as operators. Multi-ethnic state. The whole categorization of the public realm and private realm is blurred. How do we think through this? In the community-based natural resource management process we categorize what can be done. But in practice they already have the informal ties with communities. Really the informal dynamic is what drives things. Is the chief in the public and private realm? Many scholars differentiate. Many say public won't be successful without tapping into private realm. But does this distinguishing strategy help us?

Decentralization is a political project. It is still in project mode and has never been brought into a formal process. The areas are too remote. The state gives handouts, but doesn't need taxes from these people, doesn't need these people. Boone: states encounter different structures at the local levels. Here the central state doesn't care. In different regions, we get different strategies. Recentralization: first 5-8 years of community-based natural resource management is at a critical juncture and is overtaking by ecoregional approaches. In Botswana, there has been lots of critique of community-based organizations for financial mismanagement, etc. The state threatened the community-based organizations with the elimination of community-based natural resource management unless the organizations became transparent. Allowing people to function but under the watchful eye of the state.

Jesse Ribot: Is there local government in these areas?

Parakh Hoon: They didn't go through district councils, but directly to communities. The land board is at the district level. Should wildlife only benefit people who live there, or everyone, like diamonds. Basarwa is minority but the state doesn't recognize ethnicity. But their ancestral claim is one of the only ways for them to make claims based on historical precedence.

Jesse Ribot: Are you seeing changes in representation, in forms of belonging, public domain, linked and explaining outcomes you see? Is it linked in some degree to an electoral process?

Parakh Hoon: This is not an exceptional case. Representation through formal mechanism, artificial communities and have villages figure out a way to engage central state and operators. As people go through process, they challenge norms of state. Citizenship because of claims based on ethnicity. They can't use historical ties to make a claim as this would challenge Botswana's universalist position.

Elections are taking place in the khotla, where historically chiefs would allow for discussion. Colonial and post-colonial the state has co-opted the khotla. People use the norms of the khotla to challenge the state – blending the public and private.

Mafaniso Hara: The historical context about elites is important. There are lots of city dwellers owning land and running cattle. They don't want people to make claims on historical grounds.

Parakh Hoon: Chiefs had most cattle. After diamonds, it was cattle, now wildlife. There are many alliances between cattle owners and those looking to benefit from wildlife.

Anne Larson: Counter point to Ashwini's argument (in his paper) – an authoritarian state.

Parakh Hoon: A single party dominates. The government could kill projects it doesn't like. Authoritarianism is indirect. They are running CBNRM the way they want to do it.

Mafaniso Hara: This is linked to discourses of democracy, and Botswana is supposed to be a democratic state, yet it's only one party.

Parakh Hoon: Chiefs play an interesting role – like a father, but also president. Vice president is son of former president.

Roch Mongbo: But that doesn't mean this isn't contested by the people. People want restructuring of access to power.

Parakh Hoon: It is changing in local arenas. For 40 years the opposition has been unable to organize themselves. They often become fragmented and can't challenge.

Session 4: Public Domain

Chair: Mafaniso Hara

Case 1 – Euclides Goncalves

Discussant: Brehima Kassibo

Brehima Kassibo (Marja Spierenburg –translating)

This presentation is about local democracy and the recognition of authorities in the domain of land management in Mozambique. It explores the consequences of the official recognition of community leaders, which is linked to process of decentralization. The main argument of the paper is that the recognition of these leaders has complicated the local authority situation. It was already complicated because of inheritance of pre-colonial and post-independence authority forms. In some ways this process has led to the re-recognition of traditional leaders. Author asks about impact of recognition of traditional chiefs on democracy in one province. He'll try and simplify and discuss the inheritances of four different periods: pre-colonial, colonial, revolution, and post-rev independence.

In the pre-colonial period you had the figure of the big man. The term means the man of the meeting. In this period people are already very dispersed, but you see an emergence of a leadership. So in these meetings, the person who gets the title of big man is the one who can speak well, and this is the basis of his authority. He needs support of elders to have this authority recognized. First conclusion is that it is a gerontocracy. Now that we have this structure and take it into account in the colonization period. Under colonization, all these big men were integrated into political system – regulados. These regulados were subservient to colonists, with sub-chief called cabo. They were charged with several tasks: tax collection, recruitment of forced labor, there was also an aspect of the policy of assimilation. After independence, there was a civil war that resulted in two opposing parties, FRELIMO and RENAMO. During this period, the regulados were instrumentalized by both parties. The chiefs were used to recruit people for the war, and to collect tax. So after independence the chiefs were banned by FRELIMO because they were accused of collaborating with colonials. With present decentralization, they'll be reintegrated into political structure again. It is important to understand the structure of chiefs during colonization. Important to compare with Mali and Senegal because in those countries chieftainship was abandoned just before independence. There are attempts to incorporate these authorities into decentralized authorities.

In 1994 a law has been decreed in which the authorities are recognized and re-integrated. Their main function was conflict resolution and land use problems. Their social legitimacy was also recognized again. The population has not entirely accepted this reintegration. There a lot of skepticism because the government refers to chiefs role in the past but people know chiefs were tools of both parties.

We need to know more about how the chiefs are implicated in conflict resolution and land issues? Why are they recognized and with what role? This question is very important for researchers because of why traditional chiefs are coming up again through institutional changes. Several factors play a role, among which are the demands by donors for decentralization. So the donors ask for decentralization, but also want chiefs to have a place in that. So you get new systems added, but one system doesn't completely replace the other. The problem is that in the majority of Africa, the reforms don't work. In Mali for example, there are more than 75 parties and the president was elected with less than 30% of the votes. The position of chiefs is abolished, it doesn't work, reintegration doesn't work, nothing seems to work, but everything adds up.

Roch Mongbo: Changing status according to the period, but are these particular categories, is this a family line, what are the categories? I see strong similarities in Benin, cases in a book he mentions, chieftainship remains through lots of changes. At one point, chiefs were banned, and positions were elected, but from chief's lineages. Chiefs banned from public debate, but now they are emerging from everywhere. There are coalitions of chiefs holding meetings and, now, no candidates for election visit a region without visiting them. It's a permanent and resilient institution.

Marja Spierenburg: In Zimbabwe, people called for chiefs but representation situation by chief was not as clear because lots of people had come from elsewhere. Constant shifting back and forth of authority between local governments and chiefs, but neither has discretionary authority.

Jesse Ribot: The lack of power creates this shift, whereas shifts in political parties are seen as strong democracy. I see that a re-shift to chiefs is coming up everywhere and emerging in different forms for different reasons. This formed part of my motive for writing the original concept paper.

Questions for author: Predictions by people in Mozambique (like Jose Negron) that the state will disappear and be replaced by pre-colonial empires: what is the ideology behind this kind of prediction. And what do people think?From your paper I wants more context from the ground up. The chieftaincy issue is more than recognition and more than politics of choice. It needs some airtime.

Tomila Lankina: To what extent is re-emergence of chiefs connected to wave of democratization?

Jesse Ribot: To what degree is this related to decentralization and its ambivalence about who should receive powers?

Solange Bandiaky: Can donors or the state intervene without going through chiefs? In Senegal, he represents the president at the local level. The chief will say he's with the party of the president even when administrations change. They always find a place to put the chief, or else

the chief will claim their role. Sometimes they don't know the role of the chief. You always go to the chief first. The chiefs are from one family, but there are other criteria that are viewed as important. If you don't have those attributes, then maybe the brother or uncle is called for.

Ashwini Chhatre: So what about affirmative action? A lot of affirmative action is done against the wishes of the community members. Maybe externally generated democracy reforms over the wishes of locals are not an evil, necessarily. Normative questions enter in too. How do people become citizens? Agrawal suggests that people become citizens by participating, and trying to change these institutions over time. Can we pronounce judgment after only 5-10 years that they are imposing on a system we prefer?

Marja Spierenburg: Romanticizing about the pre-colonial period, compared with local government which is just broadcasting the desires of the central government. There are differences among villages in whether they respect the chiefs or village development officer more. Bill Kinsey example from Zimbabwe with imposition of traditional authorities on communities that were artificially created. An interesting case of inquisition of local authorities.

Parakh Hoon: There is debate between RENAMO and FRELIMO about recognizing chiefs. FRELIMO says yes. Why are there distinctions between the two parties? Recognized in a decree, constitution does not provide framework. We want something that is Mozambique. Speak to broader constitutional process that frames this debate.

Euclides Goncalves's response
I couldn't present at PAAA because session was hijacked by chiefs! Civil war: RENAMO claimed that their war was war of the spirits, copping the Zimbabwe example, they tried to get chiefs because the former socialist regime had banned chiefs. Towards the end of the war, there was resonance of this idea of bringing back chiefs. The idea emerged that the war had been because FRELIMO had banned chiefs. In 92 when they reached peace agreement, chiefs were put back and collected taxes. They knew they'd be integrated after peace agreement. FRELIMO didn't really want to bring back chiefs, so they created community leader position, which was very broadly construed. But the idea that chiefs were coming back was still there, and chiefs mobilized in this period and many came back to their areas. In the end people who were recognized varies tremendously by region. Many are old party secretaries.

None of these reforms has delivered, and many don't understand what it's for. So there are layers of figures of authority that are mixed.

They claim R to administer land because they have the idea they will work with whoever is in power. They pushed for their right to settle land disputes. "We are the government here." They cited examples from colonial period. It's government driven as well, because people who go there will always call on them. Government officials will not act like there are no other authority figures. You don't just receive orders from central state and rush to implement them, as they

won't succeed. The people put in are supposed to get paid, but are not. These people think they have the legal right to settle disputes.

Ashwini's question: not saying it's good or bad. Community leader may have power in some cases, but he knows he may be bypassed in other places.

Case 2: Po Garden, Louis Lebel, Fasai Viseskul, Nathan Badenoch, Charunee Chirangworapat, and Manogh Prompanyo

Discussant: Fabiano Toni

This case addresses institutional change in Thailand. The main hypothesis is that the approach to local governance varies according to institutional base. It is a comparative analysis of local governments. I see two problems – the institutional base is not thoroughly explained and the hypotheses are not tested.

The institutional choice in action is interesting – refer to the diagram in the paper. The focus of the case is on the Tambon level. A critical juncture occurs at the Tambon council level and with passage of an administrative act. To coordinate the policy at the Tambon level, dialogue takes place. A law was passed to make this official. There was the establishment of the TAO (Tambon Administrative Organization), but very little funding from the district government to TAOs. Civil servants were opposed.

Very good examples here – what happened? In about 5 years, they created over 6,000 TAOs. TAOs are composed of two representatives from each village. Elections became more and more competitive. The effects after the third election is that people started running for those elections. People also started seeking formal education in political science, law, etc. They wanted to have a say in politics. Participation began to increase.

One negative aspect is that the system is difficult to coordinate. There is a web of political relations. Institutional base is complicated. Women are underrepresented – people expect them to make coffee, clean up room, etc. A bias also exists against groups that do not speak Thai. The younger generation is taking over. There is gridlock – inability to solve problems because just too many levels of government. This is a clear example of federal bureaucracy. It is a top down approach.

Open discussion

Ashwini Chhatre: Regarding institutional density, the table does not provide much of a definition.

Jesse Ribot: How do you define governance? There are some interesting ideas, but there is a definite framing problem. There is no definition of density, network interplay. Governance is not operationalized. How is it measured? What is bad and good governance? Make sure that your definitions are coherent.

Parakh Hoon: Elaborate upon the hypotheses in the concept paper. There is an interplay of institutions – why should it be either/or?

Tomila Lankina: This is a rich paper, but confused on focus. What is density? A particular set of policies or resource? Sections dealing with many different topics – extremely complicated. Different authorities managing these.

Jesse Ribot: There is a need for a more systematic grid. You are jumping from one example to the next, and each example jumps from a different domain. Simplification is needed.

Anne Larson: In Po's argument, the interplay of actors is what matters. Do we have solid evidence that the choice of institutions is important, or is it civic culture and historical dynamics of the local arena? There is a lot of evidence in some of the cases here that things are bad no matter which institutions are chosen.

Jesse Ribot: This is a good point. Perhaps it is not the choice that matters. To what degree does it matter? What kinds of effects does it have? Under what conditions does it consolidate and what conditions does it undermine democracy? Where is the interplay?

Tomila Lankina: What are the indicators of institutional density?

Parakh Hoon: There is creation of a new entity – rearranging and consolidating. Other institutions working together at the sub-district level. There is an attempt of creating newer layers of organization.

Po Garden's response
First I would like to explain how we get to the density concept. In Thailand local government is the same everywhere but we think that the differences about how they function might depend on the levels of economic activity. The more economic activities the more rules and institutions that are in play to governed the activity- to regulate them or in many cases to de-regulate them. But diversity of economic activity is another element. For example, a district with one type of farm at a level of an economic output could have less institution density than a district with cash crop farms and traditional farms- traditional authority governs traditional way of life of folks who do traditional farming. The cash crops farms will have market institutions and other sets of people making it work- loan sharks, banks, competition, and so on. A district with entertainment venues, farms, factories, is likely to have more institutional density than the ones with same economic output with just farms. Number of rules or rule sets is the definition of institutional density.

When one set of institutions causes changes in another set of institutions – that is institutional interplay.

For example, in Thailand there are two governing structures at the local level. The old one that belongs to provincial government- we will call it the headman system. It came about in 1900. Thailand was never colonized. But it could be described as if Bangkok colonized the rest of country. Since then in a village there is a headman and his committees. In 1990, a new local government structure was instituted. In the realm of the ministry of interior two different departments, the provincial government department and the local government department and both of them were working out a way to improve local democracy. Each one has its own set of rules, decrees, bureaucratic culture and so on. But at a village level their first try was to let headman join local government, the result was that the provincial government and the bureaucracy hijacked the local government. Now there are three representatives working together in a village and their interactions- along with the rest of the system forms a level of interplay.

Jesse Ribot: This brings up the issue of cooperation versus competition. This relates to models of thickening in civil society. As civil society organizations grow, you get a critical mass of institutions – interaction upward and with people – virtuous cycles of positive/negative interactions with the state.

Parakh Hoon: DeSoto – regarding density, it basically takes 50 steps to get a business started. There is lots of red tape. What is the hierarchy of groups?

Po Garden: The red tape could be a type of vertical interplay.

Jesse Ribot: It's hard to get at it analytically.

Po Garden: In theorizing interplay, in a red tape 50 step task- does a change in one set of institution cause change in another set?

Dorian Fougeres: Quantification in your paper versus an ethnographic sense. You should take what we've done and quantify it.

Po Garden: The use of density and interplay is not quantification- it's about comparative values.

Jesse Ribot: The interplay may be in the transfers of power to multiple institutions. What is the interactive effect – overfunded committee and underfunded local elected authority? With interplay, how do we sort out interactions? Elite capture or integrative outcome?

Tomila Lankina: The diversity of economic activity has an impact. Elite was consolidated – after communism in Russia. Resource rich versus poor. In Russia, resource rich municipalities had

more competition in rural councils. In poor localities, there was much less competition. There is a difference between municipalities.

Po Garden: In poor areas where the business of governing is the most difficult. Systematically, the quality and the capacity of the local government councils to deal with the challenge are bad.

Tomorrow's agenda – Jesse Ribot

For the remainder of the day, we will have a plenary session on emerging themes lead by Fumi Saito. As far as tomorrow's sessions are concerned, here is the breakdown:
Session 1 – A look at cross cutting findings and what other variables should we compare across cases. (i.e. the reemergence of customary authority)
Session 2 – Research questions for the future
Session 3 – Policy ramifications
Session 4 – Where to go from here

Plenary – Emerging Themes by Fumi Saito

Let's take a look at this in the context of the three themes touched upon in the concept paper.

Representation – We should be asking the question to elected representatives – do you want to be reelected? A lot of village level representatives would say no. They are very frustrated in being leaders. This would be an interesting way to have some discussion. We think of leaders in terms of corruption and patronage. There are high expectations, but, especially at the local government level, little resources are given to act.

Similarly, we should ask these questions to the constituency, are constituents satisfied with the leaders? Some would say "I saw them only in the election". Village leaders may see them informally. However, many of the constituents do not know what their leaders are doing. There is a lack of knowledge regarding the activities of representatives.

Some of these questions are very useful. We may have raised these questions in fieldwork. It would make for some good background information to strengthen our arguments.

Public domain – Public domain is still problematic in the sense that the term 'public' must be used carefully. One of the assumed objectives of doing decentralization is the creation of more opportunities for collective action. One simple way to think about decentralization is if opportunities have taken place. Is public domain – more effective? Not in the sense of government offices. To what extent is decision-making relevant to society? Obviously local governments cannot resolve issues – particularly in case of natural resource management. We should look at the opportunities for collective action – what would be the basis behind changes in

action? Perhaps Jesse intentionally avoided term ‘governance.’ Governance is a difficult term to define.

Citizenship, belonging, and identity: the idea of citizenship is based on the notion of rights. In remote areas next to national parks, there are marginalized people. It may be difficult to exercise those rights. Citizens or residents in a country entitled to have rights; however, exercising rights is extremely difficult. The institutional choices effect the way these marginalized people exercise these rights. In areas of natural resource management, services are quite often treated in a zero sum way – some of the concessions have been already falling out. There is conflict in how and to what extent rights should be exercised. Who are supporting those marginalized people in exercising those rights?

Ashwini Chhatre: I’m interested in the use of the words ‘leaders’ and ‘representatives.’ Local governments and officials talk about themselves as representatives of people. However, this is often not how villagers refer to them. The obligations of representatives and leaders might be different. There are high levels of expectation. People expect them to be leaders. In some situations, the leader is expected to bring in projects of economic development. If they don’t then they are failing the people.

Fumi Saito: In Uganda, we often talk about leaders. People follow leaders, and it also means there is responsibility. There is the expectation that the leader must bring x, y, z to the village. The expectations are usually not very congruent with each other. Different people expect different things.

Jesse Ribot: In Senegal, rural councilors are very frustrated. One rural councilor that was interviewed indicated that he would not do this again. He was very frustrated. He felt intense pressure from above and when he finally gave in to the higher ups, the people were mad. Collective action must be around discretionary powers. Over what domain did they decide for people to follow them?

Solange Bandiaky: There are other leaders that have a fear of not being reelected. Leaders often change behavior before elections. After one year, they usually have not done anything. They are representative of the people when they know an election is upcoming. How do we measure the way leaders are representative to the people.’

Parakh Hoon: If leaders are upwardly or downwardly accountable.

Jesse Ribot: Line ministries deliver services. This helps to legitimate them. What does representation constitute?

Ashwini Chhatre: There is a temporal dimension. In panchayat elections, there was an amendment that reserved one third of the seats for women. After the first election in 1995, many

women found it very difficult and frustrating. They didn't run for reelection – other women took their place. In 2005, the women are now running again as they have determined that life outside of the office is not as good as they thought.

Dorian Fougeres: As elected representatives, do you want to be reelected? What's a simple question that captures public domain?

Jesse Ribot: These are interesting issues. With representation, what have we found? How do we demonstrate that there was representation? In actions taken by councilors, did they correspond to what people expected? Did they do it in that way because they know they will be held accountable? The tool of surveys of consumer satisfaction may be useful. Interviews are ways to know whether representatives know that people want, and we need to measure if the representatives do what the people want.

Roch Mongbo: What were the expectations of the leader in office, and how did it clash with followers? Of course, the type of election is not up to the candidate alone.

Fumi Saito: Other questions that may be important: Do you feel comfortable in saying something in public meetings? Many women may not feel appropriate to say something.

Sunday, 18 June 2006

Theme III: Comparative Analysis and Findings

Plenary: Comparative Research Results – Emerging patterns

Facilitators: Nathaniel Gerhart & Dorian Fougeres
1. Comparative Analysis of Electoral Structures – Tomila Lankina
2. Comparative Analysis of Choice and Recognition Outcomes/Findings

Jesse Ribot – There are different comparative questions on horizontal and vertical cases. What can we come up with? What are the questions that we can best answer? The first session is to define the comparative and the last session is for pulling out the policies.

Tomila Lankina
I will focus mainly on political parties as they are present in most of the cases. It seems that they have played an ambiguous role. Perhaps in one out of ten the role of the political party was key. The national parties are trying to get votes and forge links with the local councils. We have to factor in political parties as important actors. In terms of the roles of other actors, it depends on the chiefs. To what extent are they perceived to be legitimate. A lot of cases seem to suggest that local people perceive them as legitimate. There is a question of external agency. The traditional authority introduces an interesting dimension especially as people go to them.

Dorian Fougeres – There seems to be two questions. One of which is political parties. Did anything jump out where the role of the parties was most emphasized? I'm trying to get a sense of the spectrum of diversity. Parties seem to be prominent in Fabiano's, Ashwini's, Anne's and Solange's case.

Parakh Hoon – Are we talking about countries or cases?

Nathaniel Gerhart – In what cases do parties have the strongest effects on the issues that we are looking at?

Euclides Goncalves – These are not factors that are present consistently. In times of elections, parties are more important. These things are not consistent.

Dourian Fougeres – Other authors engaged chiefs.

Parakh Hoon – In all Southern African cases, chiefs have shaped outcomes.

Dorian Fougeres – How do we address parties and/or chiefs?

Tomila Lankina – In reading the papers, I noticed that people didn't really address the party question in depth. They may have provided some examples, but little explanation/details. People are struggling with the answers. Is the influence strong, weak, etc.?

Jesse Ribot – Policitcal parties is an important arena for investigation. However, the question is not if there are parties, but the role of parties. Why the party lost and why the party won brings up big transitional questions. The way the party is an instrument of the state is also important. We want to compare across the functions of parties.

Ashwini Chhatre – Are parties a mechanism of representation? This function is not adequately addressed. We haven't identified parties as one mechanism of representation.

Jesse Ribot – We need to model this. There is a demand for services from people that work within it. People are paid subsistence wages. Articulated and disarticulated – categories of difference.

Fumi Saito – Reinforcing what Jesse said – Tanzania is a single party system, at the grassroots level, it is not as authoritarian or oppressive. Uganda – in a non party system – there is a similar structure. Whose instrument is the party?

Anne Larson – It's not an issue of strong or weak, but causal mechanisms. What are the causal mechanisms?

Tomila Lankina – We are comparing the way in which the party system in different countries affects how councils function. This links with the national parties and it effects the degree to which councils represent.

Anne Larson – In the studies, we are trying to identify basic indicators. Is the result actually representative? We are starting to get some very specific causal indicators.

Jesse Ribot – A methods question. How much more in depth do we really have to go to unravel issues?

Anne Larson – It's important to know how candidates are selected for local elections. Are there independent candidates? What is the structure of elections, etc.?

Ashwini Chhatre – It's interesting to look at special interest seats in India, Uganda, TZ, etc.

Nathaniel Gerhart – Which of the ten cases said parties were weak? Which ones would we guess had a weak effect on how representation is put into practice? In Roch's case, was there strong party influence? How do we know if there was a strong or weak party influence?

Mafaniso Hara – People are going to choose those that are in power?

Nathaniel Gerhart – Why is this phenomenon so widespread?

Jesse Ribot – It's about resource access and the nature of African state. All of these are single party arenas.

Euclides Goncalves – It's the work with the government that really matters, not the party?

Ashwini Chhatre – There is a lack of theory in trying to ask the questions themselves. There has been a lot of work done on citizens and political parities. There are institutionalized party systems and a lack thereof. There are 17 parties in Papua New Guinea. There are many different party systems – some institutionalized, some are not. How do we understand if they are representing people?

Jesse Ribot – How do parties affect the way local governments represent people? Local government is the entry point. Is there competition among parties? Are arty list systems less effective?

Anne Larson – Good discussion, but what really is our question?

Nathaniel Gerhart – How does (blank) affect the ways local governments represent people?

Po Garden – In some areas of Thailand, political parties are taking control of the local arena. This creates the situation where the local government may be ignored by the national government (if they are of opposing parties).

Marja Spierenburg – This is occurring in Mozambique as well.

A short discussion occurred here on ruling parties and citizen movements in Malawi/Mali (The Ministry of parties in Mali)

Tomila Lankina – We need to bring in theoretical literature and theorize the subnational function.

Fumi Saito – In discussing issues related to decentralization, we must discuss the nature of the state. In what ways can we characterize the state? The nature of the state defines the way in which politics of choice is shaped. In Uganda/Tanzania – one party behaves the same way. It's important to look at if parties are institutionalized?

Parakh Hoon – We should pay attention to the context in which the state is dealing (Cathy Boone). Example of Eastern versus Southern Senegal and the role of political parties and chiefs. We must understand the difference of Uganda in 1990 and Uganda today. Difficult to theorize – mid range questions.

Nathaniel Gerhart – Nature of the state or chiefs. Parakh is saying some of the factors are deeper in the background. Should we go back to the background?

Dorian Fougeres – Perhaps we should spend time discussing the role of chiefs?

Nathaniel Gerhart – Instead of theoretical topics in general, perhaps we should focus on what is happening in the cases in particular?

Roch Mongbo– Both parties and chiefs are important instruments.

Nathaniel Gerhart – We need to pay attention to election factors. Who is suitable for elections?

On customary authorities

Parakh Hoon – Are customary authorities reemerging? What are some of the examples?

Nathaniel Gerhart – It will vary through history. We should identify where chiefs are waxing or waning?

Parakh Hoon – Are they at the local, national, or both? In the Mozambique case, there is ambiguity Upper house is tied with access over land – a consolidated chieftaincy. The national level in Botswana.

Jesse Ribot – The term 'legitimate' needs to be deeply interrogated. Everybody says chief is legitimate, but no-one likes the chief – let's hash that out. How are they linked to representation of what people actually want or what they are conscious of?

Tomila Lankina – How do we define legitimacy?

Jesse Ribot – Legitimacy can be defined as toleration without violent overthrow.
Let's be careful – there is a difference between legitimate and good. They are there – but what do they do with respect to representation? These are issues that need to be hashed out.

Fumi Saito– Rather than saying emerging or subsiding, we should say acceptance or resistance? This seems to be more helpful.

Parakh Hoon – Legitimacy is the popular acceptance? Widespread acceptance?

Tomila Lankina – Why are they accepted? Is it because of important resources or out of fear?

Parakh Hoon – Legitimacy is not separated from power.

Mafaniso Hara – Chiefs extract resources.

Anne Larson – There are different models of chiefs. What powers do they actually have?

Euclides Goncalves – We are conflating chiefs and traditional authority. Do chiefs equal 'traditional authority'? There may be other sorts of authorities. What are people resorting to in different circumstances? There might be one authority figure for some key issues.

Jesse Ribot – Also, we shouldn't conflate custom and customary authority. Reification of custom is a danger. Reducing it to traditional authority is also dangerous.

Tomila Lankina – Who decides what's bad or good?

Jesse Ribot – Other questions: Are chiefs more or less representative? Or more or less just? What is the importance of chiefs in relation to local government?

Nathaniel Gerhart – Linking chiefs and representation.

Marja Spierenburg – There are cases when people put chief at the forefront since they are disappointed in local government.

Nathaniel Gerhart – Is there a case where this happened?

Jesse Ribot – A chief being reinstated?

Ashwini Chhatre – On the question of chiefs, representation, and people. We should look at the role of rural elites. They may be recognized as local authorities. Potential sources of access to outside, extraction, and the link between localities. What resources do rural elites control and how? (example of Botswana) How do they control resources? Are they also recognized as traditional authority?

Parakh Hoon – Take this further. What are the sources of authority? Rather than saying chiefs are good or bad, they are wearing multiple hats. It's more about rural elite structures which are grounded in wealth and accumulation.

Po Garden – An empirical question, what does the chief lead? What entity? Could it be better described than a community or a village? Also, in my mind I think of rural elites as artists and craftsmen- not necessary wealthy but influential. There are rich men who aren't necessarily elites.

Solange Bandiaky – Must understand that this is our tradition. Don't want people to disrupt the way it's supposed to be – NGOs or forestry service – don't want to disturb the way people live – modernity and tradition – to what extent respect tradition. We really need to question tradition, not romanticize it.

Marja Spierenburg – We are talking about access to resources. Chiefs can be very extractive. We must look into those things as well.

Parakh Hoon – Differentiating in tradition – chieftaincy means and mechanisms.

Tomila Lankina – On the point about rural elites, it is elites that will be at the helm of power. Elites will always end up in power – dynastic politicians? It is normal. Most ordinary people don't want to be burdened with power – convenient for them to delegate authority (i.e. western democracies). There are generations upon generations in politics. Is it any different from the way it is in the West?

Roch Mongbo – (the comment I did not quite catch) – The chief decided who will chair the burial because the person is from a specific zone. It is an institution – initiated. It's been increasing in the last years.

Parakh Hoon – The public role of chiefs is very different in Latin America (than in Africa).

Fumi Saito – A table may help – with acceptance, resistance and national level and local level.

Parakh Hoon – We must put roles there as well. Think about ways to capture this – a table might help.

Jesse Ribot – The table would be helpful, we can use this, but it doesn't mean we have to put this in the article. A lot of cases are trying to do comparisons, there are pairs of cases that tell us things. When we talk about chieftaincy or elites, what are the cultural or ethnic formations? What are the dynamics between legitimating and reinforcing? We know there are transfers taking place – powers come from all kinds of places. We should focus back on policy. How do policy makers and large-scale actors affect authority?

Parakh Hoon – What happens in instances where rural elite become those local authorities?

Jesse Ribot – If everyone wants to elect elites, it's OK. But how are they held accountable?

Parakh Hoon – Tapping into older notion of context in Botswana.

Jesse Ribot – Why was it that the traditional authority accepted being reframed by a constitution? It's not about elimination of tradition – but the affects on representation. What are effects of working with these projects on representation?

Mafaniso Hara – If MPs are judged ineffective, they are in jeopardy of losing their seat. No-one wanted to lose their position as MP.

Ashwini Chhatre – I'm beginning to see more clearly the link between representation and citizenship. Chiefs play a role in a way to contribute to sense of belonging. Sense of belonging is what is called citizenship – nation building. In Latin America, the majority of indigenous populations were obliterated by a national project. This has detrimental effects on the feeling of belonging. The sense of belonging cannot be like in India. One kind of sense of belonging – there is tension in defining citizenship – issue of representation and chieftaincy.

Jesse Ribot – This is a debate that we should get into – state-building in colonization and assimilation. There are unbending integration policies that deny difference. The problems exist in the U.S.

What other dimensions need to be on the table?

List and prioritize some of the other questions and compare across cases.

Nathaniel Gerhart – Let's throw it open to suggestions. What are the major factors to compare?

Fumi Saito – Parties and Chiefs.

Nathaniel Gerhart – Do political parties engage with identity questions?

Parakh Hoon – What kinds of belongings should be recognized (i.e. minorities)? How they are represented?

Nathaniel Gerhart – Instrumentalization of identity.

Parakh Hoon – It is fluid and changing – how is it used to what end? Botswana – don't recognize ethnic level. This brings up a claims question.

Jesse Ribot – Identity and belonging as strategies of local elites. What are the mechanisms by which public domain is enclosed? Privatization? Desecularization?If powers leave one domain they go to another – customary, religious, and private domain.

Parakh Hoon – We must use public/private carefully. Desecularization is the private domain.

Nathaniel Gerhart – What about more positive mechanisms? What is the locus of cooperation or inclusion? Where do these processes happen? Is there cooperation between local groups at the local level?

Jesse Ribot – Let's list the elements that we need to address and then prioritize.

Questions of outcomes:
Efficiency
Equity
Ecological change
Line ministries as domain of technical knowledge
Local democracy

Fumi Saito – Are we trying to list all things that are related?

Anne Larson – Cross cutting themes.

Jesse Ribot – After the coffee break, we'll get back to the question of methods. List out what was on previous list of the first day.

Anne Larson – Cross-cutting themes from first day:
-Administrative culture
-Culture of government and how it is reconfigured
-Local power structures and constraints on choice
-Justifications for choices
-What constitutes democracy – assumptions in democracy – in your area? Meanings of this for donors versus locals?
- Differential expectations of local governments
-Political parties/structure

Summary of cross-cutting themes:
-Political Parties
-Nature of the state and the relationship of society
-Historical trajectory – critical junctures
-Distribution of discretionary power to local governments and transfer between private, public, and other domains and the ability to respond
-Identities – belonging and citizenship
    -Instrumental recognition
    -Subjective identification

-Strategic use/mobilization
-Privatization – desecularization as enclosure of public domain
-Chiefs
-Tradition/Custom

Plenary: Comparative Research Approach and Methods—how to proceed?

Facilitators: Jesse Ribot, Roch Mongbo and Ashwini Chhatre

Ashwini Chhatre – When we have 8 or 10 causal mechanisms, we can discuss how these are contingent upon history, the nature of the state, etc.

In recognition of parallel institutions by the World Bank in conjunction with Forest Department, the effect was mobilization against non-representative institutions. The causal mechanism was an articulated political system, witnessed personally through ethnography.

Fabiano Toni – In my case, it was similar; recognition of social movement through a local NGO; effect was more efficient delivery of services and goods to a specific group, that was positive as they had been previously excluded in some ways; also negative because some groups were excluded. Causal mechanism was mobilization and donors' agenda. Community divisions which were there previously were (probably) sharpened. Interviews of people from different backgrounds illustrated there were no previous services.

Tomila Lankina – External donors and central government; the former chose local and regional governments and encouraged cooperation. The effect was when recentralization was attempted, local government made more democratic institutional choices; causal mechanism was the effect of conditionality and donor aid.

Parakh Hoon – Donors and central government create new institutions/community-based organizations; this created weak forms of ethnic regionalism, created openings for minority groups to make claims based on ethnicity (there had not been an institutional forum that recognized these claims before (effect on citizenship)); created stronger downward accountability mechanisms but weaker upward accountability mechanisms, but these were not institutionalized up the chain. At district level, district tries to recentralize it; some competition. This is still unfolding. It allows younger, educated people to challenge older, established…. Elections are the causal mechanism. Ethnographic, focus groups, and survey.

Solange Bandiaky – Water and Forests Ministry and World Bank created management committees. Reaffirmation of traditional authorities was the effect. Composition/structure of village committee with ex officio members (chief, imam, one rural council); they did not think to invest new people with authority but just chose these people. President is elected rural councilor

in village (chosen by World Bank and WFD, who started working with this guy and so he was seen as the right man for the president's job).

Jesse Ribot – Could there have been another outcome in that form of decision-making?

Solange Bandiaky – The chief is considered the moral leader of the committee. The imam and leaders of women's association they think of and place them inside.

Roch Mongbo – What if you designated that the committee should be made up of forest workers?

Euclides Goncalves – Chiefs are not reemerging, but were there and are gaining power again. It's more gray than we've been portraying it. People consult them when they need to.

Jesse Ribot – The causal mechanisms: hierarchical society, also decision to form committee at that level.

Roch Mongbo – There is a pre-given structure of committee

Marja Spierenburg – These are not controlled experiments, but dynamics and processes.

Anne Larson – Recognition: in Guatemala, the Forest Institute chose local governments as the local actors to have more authority over forests. This meant (among other things) greater enforcement of the central government's forestry agenda at the local level; in the two sites there was more enforcement in one area, more opposition to that in another. The mechanism was central government establishment of municipal forest offices that regulated domestic firewood permits and promoted logging, both of which were often opposed locally. In the one case, the indigenous authority ended up taking over requirements for permitting, but the larger struggle is over who has rights to decide about natural resources in our municipality. My analysis is that the indigenous authority agreed to greater enforcement, taking over this function of the central government, in order to retain local power over resources; they agreed to this one point to be upwardly accountable, in the sense that they didn't want to do something too illegal that might jeopardize the broader struggle.

Ashwini Chhatre – The fight was about struggle to define the decision-making authority over natural resources when people were more inclined to indigenous forms of decision-making. In one case they forced the authority to compromise because the indigenous authority stepped in, in one, opposition was even less organized.

Jesse Ribot – Did local governments not like the forest regulations? Did they carry out the mandate? Did the mayor request that it happen? The mayor had discretion over whom?

Anne Larson – In the second case (where there was not so much opposition), it was the local government that asked the forestry institute to help them establish the municipal forestry office. Formally, the mayors have no discretionary power over forestry.

Jesse Ribot – Interesting – was this part of the causal mechanism? Was there any ability for that to be redressed through another institutional form?

Anne Larson – It was addressed through the municipality, through the forestry office and flexible enforcement of the domestic permit law for example. The forestry officer was accountable to the municipal government.

Nathaniel Gerhart – Greater enforcement – was this the result of a power struggle?

Jesse Ribot – How do we compare causal mechanisms?

Ashwini Chhatre – The effects of recognition are conditioned on the politics of choice that went before, and the rich evidence to connect it, then what are the contingencies why it happens one way or the other. Institution's existence and its powers have a place and people choose to fill it with chiefs, so the chiefs are recognized. Had they made a different choice, there may have been a different effect of recognition. Lots of different groups can get recognized.

Jesse Ribot – If no choice, there is no transfer. There is a choice about what institution gets recognition. Who is choosing them? Policy makers?

Fabiano Toni – What are the effects of choice?

Jesse Ribot – Having been chosen, you are recognized.

Parakh Hoon – There is a distinction colloquially. Politics of choice and then recognition.

Ashwini Chhatre – These are not interchangeable. There is a choice being made by someone else. Recognition is not only by one who made that choice.

Jesse Ribot – The institution that was chosen here was an institution that had particular functions – another could have been chosen. A different choice may have resulted in a different outcome.

Rene Oyono – Is it an object of institutions or individuals? It may be linked to individuals.

Jesse Ribot – The institution can include a private individual.

Marja Spierenburg – You have chosen an institution which is also recognized. Individuals may also be institutions themselves.

Parakh Hoon – You are using institutions as actors. Recognition is more of an effect.

Jesse Ribot – It may be self evident that when you choose an institution, it may have an effect. We are seeing some of those effects on representation. There is interplay between representation and belonging.

Fumi Saito – This exercise encompasses many institutional choices and usually means at which level of government, which mechanisms.

Jesse Ribot – I don't use 'institution' as new institutionalists do, as every rule or social structures; I articulate it through the idea of actors embedded in hierarchies and arrangements.

Parakh Hoon – Unidentifiable.

Jesse Ribot – I wanted to get back to Ashwini's question.

Ashwini Chhatre – The role of donors, but not much on the role of national governments. Is that an artifact of us not looking for it?

Jesse Ribot – How many cases are in areas where there is a donor project? (About half or a bit more?) or policy? – There is a mix.

Ashwini Chhatre – I looked at the WB more than the 73rd amendment.

Marja Spierenburg – Donor involvement doesn't necessarily mean project involvement. In Mozambique, without donors there wouldn't have been a national park.

Fumi Saito – Usually donor presence or interventions of various kinds are not always completely coherent with each other. These things themselves are contradictory, this creates contradictions as well as room for maneuver for governments at different branches, and may be positive or negative depending on context.

Parakh Hoon – Some papers have drama with donors and may have to privilege that aspect. Each case cannot address everything.

Jesse Ribot – Sometimes we go to project areas – this gives us different lenses on a particular reality. There are two aspects – policy and project law.

Parakh Hoon – Ideas that donors bring in (Sikkink), ideas and the constraints that come with those ideas/ideologies. Donors come in with certain ideas – and that's the other aspect of project policy.

Jesse Ribot – Everyone should think through this.

Fabiano Toni – Both twisting local government arms and colonizing minds

Jesse Ribot – How many cases were in a project area? (7-8, 2 of the 8 are comparing project and non-project.)

Tomila Lankina – At a national level and donor level. Which had more influence?

Ashwini Chhatre – When we see the role of national and international actors, we're getting into policy realm and not just project realm.

Jesse Ribot – We need the politics of choice to figure out how policy creates effects.

Tomila Lankina – External actors either reinforcing existing structures (Solange) or creating resistance

Anne Larson/Ashwini Chhatre – Why in one case do we get resistance but not in another?

Marja Spierenburg – Does a lack of resistance mean that authorities are legitimate? Have to look at broader historical context?

Ashwini Chhatre – The kind of democratic forces that are unleashed as an effect. This produced resistance in my case even though it was set up in a similar way to Solange's case. There is the question of how it works out. It unleashed something that was latent in the society. There are opportunities for democratization that are completely unintentional. There might also be negative ones. There is an unleashing of forces in society. We have to think in terms of a dynamic context, a choice and the forces it unleashes.

Fumi Saito – The difference between what we can think of and what we can write. We have to reduce, simplify [or ground] our arguments. We may have to introduce some sort of guide…

Jesse Ribot – We can't use all the data, come back to the general level, not the vague level. Have to attend to causal relations in our cases, and begin to see patterns emerge. Cite each other's cases and draw materials. Now you know why people don't do it: comparative studies are hard.

Solange Bandiaky – Anne, Marja, and Kassibo's cases are related.

Fumi Saito – We know they (the themes) are mutually related. One thing we can do is to draw out how the three are connected. What are the essential factors or variables connecting the three?

It's a way to help us think. If all the cases have something like this, maybe patterns will emerge in comparing those.

Jesse Ribot – (Referring to flip chart) Circles are where you are characterizing those things. Boxes are factors that affect changes in those domains. Representation is an outcome, a state, something to be characterized. The previous WRI research program tried to characterize representation. It was hard because not much representation was seen, so we backed off to focus on what's happening in the name of decentralization. In your cases, look at the institutions chosen, characterize the level of representation, characterize their effects on Belonging and Public domain.

Fumi Saito – This could be useful like the table in showing interconnectedness. If we substituted something in the circle for Public domain, we would be changing the framework. The boxes capture the comparative elements we tried to list.

Jesse Ribot – The things that shape the causal relation go in the box.

Roch Mongbo – Use the boxes for processes and comparing processes.

Jesse Ribot – Trying to find patterns in causal mechanisms. Different kinds of authority shape belonging through the mechanisms in the box.

Fumi Saito – But in each case, where are the mechanisms having an effect in your case?

Jesse Ribot – How can we extract policy implications from this project?

Fabiano Toni – Who are we going to target? Mainly donors? Different to make recommendations to national governments. We don't have conclusions yet.

Solange Bandiaky – What do we mean by policy lessons and implications?

Marja Spierenburg – Donors expect general models, and content based models. But it's more useful to give method or process-based recommendations. It's often a struggle, they want best practices models to repeat in different places. You need method/process-based recommendations instead of content based. There is still this tendency to deal with diversity in communities. That's an important lesson that we can give donors. You can't impose one model on communities. Since we're all working in natural resource management, part of the reasons for the back to barriers movement is a disappointment with communities because they're so hard to deal with. Community-based natural resource management doesn't work, so they go back to fines and fences. But we know that that doesn't work. The idea that local government is always good is flawed.

Jesse Ribot – Let's back off towards principles: the right questions, the right approaches, principles like scale, representation, variability.

Parakh Hoon – Conservation objectives and poverty objectives – How do we reconcile them using decentralized mechanisms? How do you balance these outcomes (poverty, local democracy, etc.?

Marja Spierenburg – Donors need to be more aware of their priorities and be aware that there are trade-offs.

Nathaniel Gerhart – Given that working through projects vs. working through local government might have equally poor chances of success at strengthening representation; and given that projects that are able to strengthen representation and access are difficult to repeat or scale up because of the diversity both within and among communities; without saying that working through local government is by definition better, might it not be easier to replicate methods- and process-based objectives through local government than it is through projects?

Ashwini Chhatre – Short term and long term objectives.

Anne Larson – We need to take into account timeframes and the importance of processes, build processes that can get beyond the failures of all the structures that have been attempted. Maybe it's not the structures, but the processes.

Po Garden – Support local government to diversify and be creative and flexible

Rene Oyono – Discussions and papers are shaped by research issues like institutional choice, recognition, public domain, citizenship, belonging, emergence of chiefs. These are shaped by 3 global issues: national policies, donor strategies, local dynamics. These may be affected by global and regional variability and factors. These research issues could be linked at a global level: for example, structural adjustment, poverty reduction strategies, international/regional processes and trends (FLEG, for example in central Africa), all of which may affect the above three issues. Fourth is post-conflict realities such as new ways of addressing resources and land tenure. Land claims based on identity issues may affect national policies, donor strategies, local dynamics as they interact with research issues. Fifth is change in political regimes. In Latin America, I think that this will shape national policies, donor strategies, local dynamics. The structure of international timber market in some areas more specifically. Urbanization and intensification of relationships between rural and urban areas can have influences as well. There is emergence of a new generation of reforms and a new generation of human rights discourses emerging globally. Information technologies should be taken into consideration. Last is global responses to climate change and the effects on the resource base. Global variables can influence national policies, donor strategies, local dynamics, and therefore if you talk about policy implications you need to take these into account.

Plenary: Policy Lessons—policy implications

Facilitators: Fabiano Tony, Marja Spierenburg & René Oyono

Fabiano Toni – Tomila's presentation was helpful. Recommendation would be to fund projects involving local NGOs, social movements, and local government. Let's hear from Peter and then Mafa.

Peter Hochet – The report for French Agency for Development and made recommendations from Mali, Senegal and Burk Faso. Links with Ngo interventions. They think local governments can match their activities more closely to the local dynamics. Because local governments with NGO help can identify which agreements, institutions local stakeholders make together, then local governments can give them a legal dimension and they can work on the content of rules of access to natural resources, enforce these rules, resort to various local actors, to monitor if rules apply or don't, enforce sanctions, so local government can have a key role in local natural resource management. Problem is how to identify local agreements and arrangements, because it's clear that NGOs reinforced local powerful actors because they do not recognize the local dynamics. Local governments can play a key role but for many people decentralization is a local centralization because previous government was very far away. With decentralization local government can become very strong and many believe that decentralization is a local recentralization.

Jesse Ribot – This locates at a little higher level what they had previously controlled themselves.

Peter Hochet – Prefect is getting stronger because NGOs work with prefects. Another problem is that communal territory is not always a relevant level of intervention to implement natural resource management or representation. With local government, one of the various risks with natural resource access can be highly politically charged.

Different problems with local government, so they recommended to permit local government to recognize their local political pluralism, to try to organize the sharingof power in local society; powers are fragmented, so when you recognize only one chief, you exclude others and leave all the power with one chief, so try to organize the hierarchy between different…

Jesse Ribot – In summary, their recommendation was that the project was to work through local government so that local government could coordinate a plurality of local authorities/chiefs to avoid conflict—a coordinating function.

Ashwini Chhatre – A lot of policy in India is moving in this direction. Most projects were creating new bodies; then they started asking projects to channel through panchayats, and became subcommittees to the panchayats.

Marja Spierenburg – NGOs need to deal with diversity and pluralism. Local communities are often viewed as nice little harmonious/homogenous units.

Rene Oyono – You have to indicate who needs to do what.

Peter Hochet – The French donor, AFD

Ashwini Chhatre – The state government (H. Pradesh) is the one asking people to do this.

Rene Oyono – There are some recommendations that can only be addressed to central government, or others.

Roch Mongbo – Even if we address recommendations to donors, donors still act as if national governments have the responsibility. If the central government does not take as obligation to allocate resources to local government, then it won't work: should attach conditionality that a percentage of national wealth go to local governments and someone should check how these resources are used.

Marja Spierenburg – We also have to be specific about who we're talking to among donors, not all NGOs are operating at the same level. Bigger organizations trying to develop models for use worldwide need different kinds of recommendations. Central governments have to work with and allocate resources to local governments.

Roch Mongbo – The case against local government. We are now pushing hard to bring local government back into the scene. For five years I've been working with local government and it's not easy at all. To get them to take action on people's everyday concerns is very difficult. Sees similarities to Brazil case, in that he had to interest local government in applying for funds. They are not the good guys. If we don't invest in developing a culture of checks and balances.

Jesse Ribot – Belgian study about payback for donors of funding research.

Po Garden – I have a real story to tell. I worked on an air quality management issue in Chiang Mai. There were two technical assistance projects one by US environmental department in Maryland and the other by a joint effort from municipality and a university just outside of London. They each pick a local government as their partners. Maryland picked the municipality and London picked a larger local provincial government. The Maryland effort ended as soon as the project stopped. The London project fell apart because local officials did not take it seriously. The Thai Research Funds on the other hand picked the Chiang Mai University outfit. Although it

does not have any authority and politically it is not on friendly terms with the local government, they did a long series of activities – public meetings and workshops directly with the civil society and they actually produced more results and got better responses from the local government.

Anne Larson – What do we do with local governments to pressure them to represent marginalized peoples of various types? How do we respond to indigenous models that argue that this other model does not fit with their lives?

Jesse Ribot – Perhaps, since we're not trying to replace one form with another, has competition for legitimacy been observed between indigenous institutions and local government to see who can serve the community better (Tendler competition between elected governments and line ministries producing better services from local governments)? That kind of competition can generate a positive outcome.

Fabiano has heard of municipal and state governments competing like this in Paraguay.

Ashwini Chhatre – India case and comparing 6 countries – multiple levels of government competing for service delivery was good.

Jesse Ribot – Multiple levels could also be a central government strategy to fragment lower levels.
Please put recommendations for improving representation in the papers.

Roch Mongbo – The best thing is to recommend something and then do the opposite!?

Mafaniso Hara – The government chose to create big village committees and this has led to selective representation. Committees are mainly dominated by fishers. Recommendations for residency based citizenship and belonging. Issue of gender: most women are marginalized, but also fish traders, and others. Although they can attend meetings, they might not get to vote. There is fear of creating two power bases (related to chiefs), at the expense of democratic decision making.

Recommendations on structure and composition of committees. The type of people I would include within management groups – balance between vested interests and the rest of the committee. Who should have the greatest say? Fishers have argued that they don't want people not actively involved in fishing to be involved.

Jesse Ribot – Different means for establishing? A different body establishing the committees?

Mafaniso Hara – Two issues. The objectives of committees for government was to improve management, it wasn't about democratic decision-making. Should the focus be on representation instead?

Ashwini Chhatre – There is a larger issue. The committees in the GHNP were to reduce people's dependence on the park. Here they were set up to recover the fishery. They were meant to constrain over fishing, so it conflicts with democracy from any perspective.

Jesse Ribot – Instrumental vs. process objectives.

Ashwini Chhatre – Different people than those who screwed up the fishery are tasked with fixing it.

Solange Bandiaky – Who should be involved at different stages: donors plan in their offices, and they want others to implement what they've already set up. How should we involve people at earlier stages?

Marja Spierenburg – Some people feel like stakeholders while others think they should not be stakeholders, for example environmental NGOs feel entitled to protect a piece of land, and in her case the NGO brings in another stakeholder that the community didn't feel should be a stakeholder. There are different motives. In her case, what they said was not what they were doing. They didn't change their policy, but they did change their website to say what they were really about.

Mafaniso Hara – The government had different objectives rather than democratizing decision-making at local level. Can you allow fishers to wreck the fishery if they want to?

Jesse Ribot – Technical issue of conservation involving multiple scales of social value. Nobody has said that everything should get decentralized. The bigger market and absentee fishers sucked the fish out, but once the technical debate is settled, the things that are negotiable, who should have a stake in them? On what criteria do we judge inclusion and belonging? Residency-based? And within community, do people who don't fish have a right to influence this? These are important belonging questions. Stakeholder is a term that depoliticizes the question of belonging. The question has to engage the form of belonging that determines the community that will decide and the mechanisms used. Many of the justifications of going local have to do with inclusionary factors' effects on efficiency, equity, etc.

Roch Mongbo – Can't deny that committees are doing politics.

Brehima Kassibo – Why does decentralization not work in Africa? Because there is no transfer (of powers). Authorities cannot work, they are not representative, there is no legitimacy and no responsibility. Transfer is the main question in the decentralization process.

Jesse Ribot – There is no public domain over which they have dominion.

Parakh Hoon – You have to go back to central government's motives of why decentralization?

Nathaniel Gerhart – Why is decentralization happening in each country? [to avert political crisis; a crisis of legitimacy; separatist movements; donor-/debt-driven/structural adjustment; social movement agitation; democratic transition; post-conflict or post-authoritarian transition; a combination of these?]

What conjunctures brought it about? Who supported it? Who opposed it? How is it justified by government, or other actors? How do the justifications change depending on who you talk to, or over time? How did the public understand decentralization and why it is being undertaken? What is it called (in Indonesia it's called *otonomi daerah*, or "regional autonomy")? How do these factors help us explain the why of institutional choice?

Fabiano Toni – Decentralization should be sequenced – don't decentralize everything at once.

Jesse Ribot – It's important to keep in mind what motivates decentralizations. Most decentralizations take place after a political or fiscal crisis of the state (few exceptions in India). The discourse of equity does not link up with the state's motivations.

Fumi Saito – In many cases in Asia and Africa, sufficient centralization hasn't yet happened, making decentralization of a weak state problematic. It's a redefining of what each layer of government has to do. Efficient centralization can sometimes be more effective than spreading it out. If central government is ineffectively providing services, [how does it help to spread this out]?

Mafaniso Hara – The central government has been inefficient in managing fisheries. They are attempting to reverse exploitation by devolving what they couldn't manage.

Marja Spierenburg – Donors need to analyze motivations for decentralization, but NGOs also have hidden motives.

Ashwini Chhatre – When we talk about state consolidation, even the 73rd amendment took 8 years and ten years after that for its effects to be observed and felt at local level. For it to be adapted to "scheduled areas" it took another 8 years (in indigenous areas). Maybe the Indian case is the case of massive state consolidation that cannot be compared to other cases. In India, the World Bank can't push around any level of government. That kind of leverage doesn't exist in other places. Donors don't have leverage in India.

Jesse Ribot – Issue of weak state/state failure: I'm interested in the consolidation of local democracy. Local democracy does not always require the subtraction of powers from the central government, but often only requires the recognition of something that isn't controlled by central

government. Beware of discourses of the very weak state. Yes they lack funds, but they are powerful in other senses.

Plenary: Where to go from here?

Chair: Tomila Lankina

Tomila Lankina – What are the possible next steps?

Jesse Ribot – Objective of this session is to determine what we are going to produce. We have high quality articles – across the board – a little bit of a push would make good journal articles. One option would be to produce a special issue targeted at Development and Change. Is this what people want to do? There is a limit to the number of papers they'll accept for a special issue. We'll first revise, get comments, and submit again. Several may get rejected because they don't match with journal style and/or bad luck. Those that are not published, we will target to get published in other places. If not, we need to discuss alternatives.

Tomila Lankina – What does the journal expect?

Jesse Ribot – World Development and *Development and Change* are leading journals. Development and Change more case study-oriented and rural political-economy focused. What are some other options?

Tomila Lankina – Comparative Politics? Requires a lot of theory.

Euclides Goncalves – Third World Quarterly?

Ashwini Chhatre – Studies in Comparative International Development? *Conservation and Society*? *Society & Natural Resources*? (as a backup)
Contemporary Studies in Society and History? (too high up)

Jesse Ribot – European Journal of Development Research

Parakh Hoon – Journal of Environment and Development

Jesse Ribot – Doesn't have to be enclaved in environment. Journals on democracy?

Tomila Lankina – Larry Diamond's *Journal of Democracy*

Nathaniel Gerhart – What about African Journals?

Marja Spierenburg – Brill Journal on African and Asian Studies (not widely read)

Jesse Ribot – (African journals) *Africa*, requires a lot of diligence and historical perspective.

Tomila Lankina – How much more work is everyone willing to do?

Jesse Ribot – Dividing the group up may be less difficult.

Parakh Hoon – We could try *Development and Change* for the first round. The rest of the articles we'll have to shop around.

Jesse Ribot – We'll have to commit to work together. We must have the willingness to revise and comment upon each other's articles. If someone's article really needs work, someone will have to volunteer to edit. These are labor intensive things.

Ashwini Chhatre – It's labor intensive, but exciting.

Jesse Ribot – As far as deadlines are concerned:
August 15th – Submission of revised papers
Then two weeks to read each of these and two more weeks to revise.
It's important to have a deadline fairly soon!

Parakh Hoon – For those that need to conduct further field work – allow for that time??? We can wait on those papers.

Ashwini Chhatre – We should determine if data will help improve it. Is paper sufficiently advanced? It doesn't have to answer everything.

Solange Bandiaky – We may need to contextualize the article and bring in the historical aspect which would require additional literature review.

Tomila Lankina – That us the easiest part. We can do it for each other by suggesting articles and books to read.

Jesse Ribot – The limit for each article should be tenthousand words. We should flesh out the causal mechanisms – understand the variables – how is it that a transfer of power leads to a particular result?

Ashwini Chhatre – We should highlight the importance of the case study. Case study method – useful piece to go through. Read: "Case study, what is it good for?" 2004 article, John Gerring, American Political Science Review.

Jesse Ribot – This is the beginning of something – not the end.

Further research questions:

Jesse Ribot – Are there research programs that we want to do? Research and writing proposal, it's a big life commitment. Reprioritization of research aims.

Parakh Hoon – There are two levels – individuals that want to do more research. We can intellectually support it and help find linkages – through Jesse's network or outside of it. We should have a listserve or set of emails. It's not the end, but the beginning of something. Content question – everyone should try to have in conclusion – some new research questions. Include some recommendations. Paper should be what it is – See if there is some sort of conversation that begins?

Jesse Ribot – In summary the deadlines are:
Revised papers are submitted by August 15th.
Comments from two reviewers are submitted by August 30th.
Revised papers submitted and sent to external peer review – September 30th.

APPENDIX A – PARTICIPANT LIST

Name	Affiliation
Anjali Bhat	University of Bonn
Anne Larson	Center for International Forestry Research
Ashwini Cchatre	Duke University
Brad Kinder	World Resources Institute, USA
Brehima Kassibo	Institute of Social Sciences, Mali
Dorian Fougeres	Royal Netherlands Institute for Southeast Asian Studies
Euclides Goncalves	Eduardo Mondlane University, Mozambique
Fabiano Toni	Universidade Federal do Rio Grande do Norte, Brazil
Fumi Saito	Ryukoku University, Japan
Jesse Ribot	World Resources Institute, USA
M.J. Spierenburg	Vrije Universiteit, the Netherlands
Mafaniso Hara	University of Western Cape, South Africa
Nathaniel Gerhart	University of California, Berkeley, USA
Parakh Hoon	American University
Peter Hochet	IRD
Po Garden	Chang Mai University, Thailand
Rene Oyono	Center for International Forestry Research
Roch L. Mongbo	Universite d'Abomey-Calavi, Benin CEBEDES
Solange Bandiaky	Clark University, USA
Tomila Lankina	World Resources Institute

APPENDIX B: MEETING AGENDA

INSTITUTIONAL CHOICE AND RECOGNITION: EFFECTS ON THE FORMATION AND CONSOLIDATION OF LOCAL DEMOCRACY

A Comparative Policy Research Meeting

World Resources Institute

Arma Resort
Ubud, Bali, Indonesia
15-18 June 2006

Meeting Objectives: What are the effects of decentralization of natural resource rights (management and use rights) on the formation and consolidation of local democracy? How do we study these effects? This project examines why governments, donors and other large organizations choose different local institutional interlocutors, and focuses on the effects on local democracy of these choices. Understanding why the choices are being made helps to link the effects of those choices back to policy. Understanding the effects, which is the main focus of the research, helps us to identify approaches most likely to strengthen local democracy while serving the needs of local people in the context of broader environmental and developmental objectives. This meeting will take a comparative look at 1) the empirical evidence concerning decentralization and its local democracy effects, and 2) how to best research the relation between decentralization and local democracy.

Wednesday, 14 June 2006

7:00 Pre workshop dinner
Venue: TBA

Thursday, June 15, 2006

Opening Session

9:00 to 9:15 Welcome
Jesse Ribot

9:15 to 9:45 Introductions
Bradley Kinder

9:30 to 10:15 Politics of Choice and Recognition
Jesse Ribot
Discussion

10:15 to 10:35 Meeting Objectives and Agenda
Tomila Lankina and Parakh Hoon
Discussion

10:35 to 10:45 Logistics
Brad Kinder

10:45 to 11 – ***Coffee Break***

Organization of Case Study Sessions

Themes*:* The case study sessions are divided between Theme I: "Politics of Choice" and Theme II: "Politics of Recognition: representation, citizenship and public domain." These themes do not constitute fixed categories since each paper address all of the themes and sub-themes of the meeting. The purpose of the themes is to insure that we address all of the sub-themes as the meeting progresses, regresses and digresses.

Chair Role*:* Keep time and facilitate discussion.

Organization of time: Each case-study session is 45 minutes broken up as follows:

Discussant [15 minutes]

- Briefly describe the case. (~5 min.)
- Comment on and bring out the paper's "critique" of and contribution to the overall themes of the project, with a focus on the particular theme of the panel. Comment on use of the literature, theory and evidence in the paper. (~10 min.)

Open Discussion [20 min.]

Discuss the case with respect to the meeting and panel themes. What does the paper contribute; what additional theoretical links and empirical evidence is needed?

Author responses [10 min.]
Respond to a *select key* set of questions that are brought up during the session. Elaborate on how the paper specifically contributes to or critiques the particular panel theme and on the empirical evidence that the paper brings to the theme.

Theme I: Politics of Institutional Choice—Who is chosen & why?

11:00 to 12:30 Session 1: Politics of Institutional Choice
Chair: Parakh Hoon

Case 1: Solange Bandiaky
Discussant: *Tomila Lankina*

Case 2 Fabiano Toni
Discussant: *Po Garden*

12:30 to 1: 45 – ***Lunch***

1:45 to 3:15 Session 1: Politics of Institutional Choice—continued
Case 3 Tomila Lankina
Discussant: *Dorian Fougeres*

Case 4 Bréhima Kassibo
Discussant: *Papa Faye*

3:15 to 3:30 – ***Coffee Break***

3:30 to 5:30 Plenary and Group Discussions
Facilitator: Tomila Lankina
3:30 to 3:50 Brief synthesis and cross-cutting theme discussions
3:50 to 4:30 Break-out groups
4:30 to 5:30 Groups report and plenary discussion

Friday, June 16, 2006

Theme II: Politics of Recognition—Representation, Citizenship/Belonging and Public Domain

8:30 to 9:00 Overview and Discussion of Politics of Recognition
Jesse Ribot

9:00 to 10:30 Session 2: Representation

Chair: Fabiano Tony

Case 1: Papa Faye
Discussant: *Peter Hochet*

Case 2: Ashwini Chhatre
Discussant: *Parakh Hoon*

10:30 to 10:45 – ***Coffee Break***

10:45 to 12:30 Session 2: Representation—continued
Case 3: Marja Spierenburg and Harry Wels
Discussant: *Solange Bandiaky*

Case 4: Mafaniso Hara
Discussant: *Euclides Gonçalves*

12:30 to 2:00 – ***Lunch***

2:00 to 3:15 Breakout Groups: Representation, Belonging/Citizenship, and Public Domain
Chair: Parakh Hoon

Questions: What patterns are emerging from the cases? What are the unanswered questions that we should be addressing? What are the policy ramifications of these findings?

3:15 to 3:30 – ***Coffee Break***

3:30 to 5:00 Plenary Discussion
Chair: Parakh Hoon

3:30 to 4:00 Breakout Group Reports (10 minutes each)
4:00 to 5:00 Open Discussion

Saturday, 17 June 2006

8:30 to 9:30 Plenary: Identifying and focusing attention on emerging critical themes

Chair: Jesse C. Ribot
Panel: Fumi Saito, Anjali Bhat, Doug Porter

9:30 to 11:00 Session 3 Belonging/Citizenship
Chair: Solange Bandiaky

Case 1: Anne Larson
Discussant: *Ashwini Chhatre*

Case 2: Roch Mongbo
Discussant: *Nathaniel Gerhart*

11:00 to 11:15 ***Coffee Break***

11:15 to 12:45 Session 3 Citizenship—continued

Case 3: Peter Hochet
Discussant: *Fumi Saito*

Case 4: Parakh Hoon
Discussant: *Marja Spierenburg*

12:45 to 2:00 – ***Lunch***

2:00 to 3:30 Session 4: Public Domain
Chair: Mafaniso Hara

Case 1: Euclides Gonçalves
Discussant: *Bréhima Kassibo*

Case 2: Po Garden, Louis Lebel, Fasai Viseskul, Nathan Badenoch, Charunee Chirangworapat, and Manogh Prompanyo
Discussant: *Fabiano Toni*

3: 30 to 3: 45 ***Coffee Break***

3:45 to 4:00 Questions for Tomorrow
Jesse Ribot

Sunday, 18 June 2006

Theme III: Comparative Analysis and Findings

8: 30 to 9:30 Plenary: Remodeling the Research Framework (findings, theory, methods, policy relevance)

Chair: Parakh Hoon and Tomila Lankina

Panel Discussion: Roch Mongbo, Anne Larson, Ashwini Chhatre,

9:30 to 10:45 Plenary: Identification of Comparative Research Results—what patterns are emerging?

Facilitators: Nathaniel Gerhart and Dorian Forges

10:45 to 11:00 – ***Coffee Break***

11:00 to 12:00 Plenary: Identification of Policy Lessons—are there policy implications?

Facilitators: Doug Porter and Marja Spierenburg

12:00 to 1:00 Plenary: Comparative Research Approach and Methods—how to proceed?

Facilitator: Tomila Lankina and Brehima Kassibo

1:00 to 2:30 – ***Lunch***

2:30 to 3:00 Plenary: Where to go from here?
Chair: Tomila Lankina

- Publications: Minutes, Joint Papers, Working Papers ,Journal Special Issue(s)
- Further Research
- Schedule

3:00 to 3:30 Wrap Up

Jesse Ribot

6:30 Reception
Venue: TBA

APPENDIX C: CONCEPT NOTE

Representation, Citizenship and the Public Domain: Framing the Local Democracy effects of Institutional Choice and Recognition

A Local Democracy Research Program Concept Paper

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Abstract

This article frames the analysis of the democratizing effects of 'democratic decentralization' reforms and projects. Many developing countries have launched decentralization reforms to establish and democratize local government for the purpose of improving service delivery, local development and management and to ensure a shift from a simple "needs-based" towards a "rights-based" approach to natural resource management, whereby the local communities themselves have a voice in managing local resources. Rather than empowering local government in the name of democracy itself, however, governments, international development agencies and other organizations are transferring power to a wide range of local institutions including private bodies, customary authorities and NGOs. Recognition of these other local institutions means that fledgling local governments are receiving few public powers and face competition for legitimacy. Despite a long history of attempts at integrated rural development, initial studies show that this new trend, with its plurality of approaches and local interlocutors, can result in fragmented forms of authority and of belonging, dampening long-run prospects for local democratic consolidation. We do not yet know under what conditions current patterns of local institutional choice result in fragmentation or consolidation. This article (when it is done) will draw on comparative data from natural resource decentralization cases around the world to explore the effects of institutional choice on the formation and consolidation of democratic local government. The article will focus on how to analyze the effects of institutional choices by governments, international development agencies and other organizations on three dimensions of democracy: 1) representation, 2)citizenship, and 3) the public domain. This preliminary draft establishes the theoretical basis for a framework for the analysis of the democracy effects of choice and recognition.

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I. Introduction: Choice, Recognition and Local Democracy

Research on democratic decentralization around the world indicates that the mix of institutions being created and supported in the name of democratic decentralization is undermining the formation and consolidation of democratic local government (Ribot 2004; Ribot and Larson 2005). This paper develops a framework for analyzing the effects of the institutional choices made by governments, international development agencies and other international organizations on three dimensions of local democracy: 1) representation, 2) citizenship, and 3) the public domain.[2]

Are current choices are supporting the establishment of these three critical dimensions of local democracy? Findings from recent research casts some doubts. Representative forms of local government are receiving little support (Larson and Ribot 2005). Multiplication of forms of belonging and the strengthening of lineage- and interest-based forms of belonging over residency-based citizenship are fragmenting the local arena into competing and conflicting identity and interest groups (Namara and Nsabagasani 2003; Mansuri and Rao 2003; Manor 2005; Ntsebeza 2005; Bazaara 2006). The public domain, which is in principle the domain of democratic public decision making, is being enclosed and diminished via various forms of privatization and de-secularization of public powers (Ribot 2004). The framework presented in this article is designed to illuminate the effects of the emerging mix of local institutions on these three dimensions of local democratization processes and on efficiency and equity outcomes of specific local interventions such as natural resource management and service delivery.

The vast majority of developing nations have launched decentralization reforms over the past two decades (Crook and Manor 1998; World Bank 2000; Ndegwa 2002).[3] Theorists define decentralization as the transfer of powers from central government to lower levels *within* government's political-administrative hierarchy (see Mawhood 1983; Conyers 1983; Manor 1999). Reforms are called administrative decentralization or deconcentration when powers are transferred to local administrative staff of central government, including district officers, prefects or to any line-ministry staff such as local forestry or health service offices. They are called democratic or political decentralization when the transfer is to democratically elected local government. Most developing countries claim to be undertaking democratic decentralization. The stated aim of their reforms is to

[2] I use the term public domain in distinction to what Fung (2003) calls the public sphere. Fung is interested in public interaction. I am interested in the powers (resources and domains of decision making) with respect to which the public can interact and over which public decisions are taken.
[3] See Ndegwa 2002; World Bank 2000; and Dillinger 1994:8 cited in Crook and Manor 1998.

establish and democratize local government for purposes of democratization itself and for improving service delivery, local development and management.[4]

Decentralization reforms—whether administrative or democratic—are theorized to result in efficiency and equity gains through two mechanisms: proximity and representation of local populations in decision making (Mawhood 1983; Manor 1999).[5] Under these reforms, decision makers are supposed to be better able to decipher and respond to local needs because they are physically close to the people and are mandated to work on behalf of the whole population (as in administrative decentralizations), or are systematically accountable[6] to the whole population (as in democratic decentralizations). Democratic decentralization is considered the stronger form of decentralization because the accountability of decision makers to the population is more systematic, via electoral representation. The general logic of decentralization is inclusive and public. It is predicated on proximity and democratic processes reducing transaction costs, producing better accountability of decision makers to the population, enabling them to better integrate across local needs and to match decisions and resources to local needs and aspirations (Agrawal and Ribot 1999).[7]

What are the political, economic and cultural conditions under which the expected positive outcomes of democratic decentralization materialize? The liberal democratic vision and the theories that predict that elected local authorities will improve representation and bring a kind of 'democratic dividend'—positive efficiency, equity and development outcomes—must, of course, be placed in a larger political economy. Under what conditions are elected or even

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[4] Under the rubric of decentralization, all but twelve of the seventy-five developing and transitional countries with populations over five million claim to be transferring political powers to local units of government (World Bank 2000; Dillinger 1994:8, cited in Crook and Manor 1998). In a World Bank survey of thirty African countries, all claimed to be decentralizing (Ndegwa 2002). Across Africa the stated objective of virtually all decentralization reforms is to strengthen democratic governance and service provision (Oyugi 2000:16). At least sixty countries claim to be undertaking some form of decentralization of natural resource management (Agrawal 2001).

[5] It is important to avoid romanticizing the "local" (Hart 2001:653). This concept paper focuses on local development and local institutions, but not as a contrast to global, nor as an attack against the central state nor of government. Rather, one of the concerns of this project is to bring attention to the naïve populist notions behind much rural development and civil society approaches. Like Evans (1997), this project is querying how government can be brought back in as part of the landscape of representation and inclusion.

[6] Accountability can be defined as counter power (Agrawal and Ribot 1999). It is about the ability to sanction (see Manin, Przeworski and Stokes 1999). An institution is considered accountable to those who can sanction it. It is therefore important to describe the multiple mechanisms by which local people can sanction and hold to account each institution in question (see Annex C in Ribot 2004 for a non-exhaustive list of accountability mechanisms). These may range from magic or violence to public reporting or elections. The idea is to characterize the primary relations of accountability of local institutions who are receiving powers—both accountability upward to those transferring the powers and downward to the population or to a segment of the population. We are, however, most interested in downward accountability and in characterizing the degree to which these local institutions represent the population as a whole, or some specific segment of that population.

[7] See Ribot 2004 for a more detailed discussion of definitions and the logic of decentralization.

appointed local authorities accountable to local people, and when are they upwardly accountable to the state? When do they represent local people—that is when are they responsive and accountable to them—and when are they self serving or acting in the service of local or central elites? In short, the democratic dividend cannot be taken for granted even when government creates and empowers elected local authorities. Predicted improvements follow from a complex set of assumptions, whose veracity is a political and historically contingent empirical matter. Nevertheless, electoral arrangements for producing accountability and responsiveness of local authorities is often argued to be among the best options (Schumpeter 1943; Crook and Manor 1998; Crook and Sverrison 2001; Ribot 1999; Agrawal and Ribot 1999). Whether or not sufficient in itself, electoral accountability is certainly consistent with the public logic and theory of democratic decentralization.

Democratic decentralization, or the establishment of elected local authorities is not the only intervention that is believed to lead to improved outcomes. Decentralization should be contrasted with interventions based on forms of privatization (private or civil) and of participation. Privatization works on an exclusive logic of competition and self interest, the World Bank's 'social funds' are predicated on market competition among private providers. Civil-society approaches are supposed to produce multiple voices (of non-market private interest groups) calling for accountability of elected or appointed government decision makers. Both approaches differ from decentralization in that they transfer funds to private bodies.

Participatory approaches differ from decentralization in that they usually do not involve *transfers* of powers, but rather provide for *inclusion* of local people in decisions made or orchestrated by outside entities. Following a long history of participatory approaches to rural development that have come and gone and have been spatially limited, democratic decentralization emerged as a potentially sustainable and scaleable form of inclusion (Ribot 2002). While many participatory approaches have been promoted on similar efficiency and equity grounds, decentralization has been sold as a form of participation that is territorially generalized and institutionalized through law within the existing structures of government (Ribot 2004). As such, it has the potential advantage of being a form of sustainable and scaled-up democratic local governance.[8]

While well-structured elected local government may appear to be a good bet for sustainably improving local public sector accountability, rather than empowering democratic local government, central governments, international development agencies and other organizations are transferring power to a wide range of local institutions including private bodies, customary authorities and non-governmental organizations (NGOs)—all in the name of democratic decentralization. Many of

[8] I generally avoid the term 'governance', however, it is getting harder to avoid as this term gains wider circulation. For the purposes of this article, I define governance as the manner in which power is exercised.

these ‘decentralization’ transfers fit under different development intervention styles, such as privatization, participatory or empowerment approaches, NGO and civil society support, social funds, and community driven development (Ribot 2004; Pritchett and Woolcock 2004).[9] Each approach empowers different kinds of local institutions or authorities, with potentially different democratic and distributional outcomes. Because of support for and the proliferation of local institutional forms, fledgling democratic local governments are receiving few public resources or powers and they are in competition with a plethora of new local institutions. Little formalized democratic decentralization is taking place and democratic local government is not being given the opportunity to represent or to engage local people in public affairs (Manor 1998; Crook and Manor 1998; Ribot 2004).

The failure to empower democratic local governments can be seen clearly in recent research in countries claiming to undertake democratic decentralization of natural resources. In these countries few public powers over natural resources are being transferred to existing and new democratic local governments (Mansuri and Rao 2003; Ribot 2002, 2004; Ribot and Larson 2005).[10] Instead, governments, international agencies and international NGOs are choosing to transfer these powers over natural resources management and use to a wide array of other local institutions. They are empowering chiefs, headmen and other customary leaders across Africa, in Burkina Faso, Niger, Mali, Mozambique, South Africa, Uganda and Zimbabwe, as well as in Guatemala and certain projects within Indonesia, in some cases threatening reform efforts (see Annex A for discussion of the re-emergence of customary authorities).[11] Almost

[9] In thirty World Bank “community driven development” (CDD) project appraisal documents, it is difficult to determine how community is defined (by profession, self selection, ethnic group, residence-based citizenship), nor how—that is through what mechanism—community “drives” or is represented in development decisions. Most Bank staff on these projects do not know how communities are represented. (this is based on interviews done by the author with nine task team leaders at the World Bank in 2004). Defining community is part of the way in which outside projects shape and reshape local identities.

[10] WRI’s recent fifteen-country comparative decentralization research project showed that despite the democratizing discourse associated with natural resource decentralizations and decentralization writ large, few decentralizations appear to be transferring significant powers to democratic local bodies (Ribot 2004; Ribot and Larson 2005).

[11] See Ntsebeza 1999; Manor 2000; Jeter 2000:A1; Kassibo 2003; Ribot 2004. In the past few years, customary authorities, with help of their allies in government, are re-emerging as a political force against local democratization in South Africa, Mozambique, and Zimbabwe (Ntsebeza 1999; Manor 2000; Jeter 2000:A1). Muhereza (2003) has pointed out that ‘decentralized’ control over forests (taking the form of effective privatization) in Uganda may contribute to the strengthening of Kingdoms at the expense of the democratically elected Local Council system. Kassibo (2003) has argued that traditional authorities are also re-emerging in reaction to the establishment of local democracy in Mali. Chiefs in Mali, Burkina Faso and Niger are also often evoked by members of central government as a threat to or a reason not to decentralize or establish democratic local institutions. Government authorities argue that supporting new democratic institutions will lead to conflict with customary authorities. Because chiefs are threatened by transfer of control over land allocation to democratic institutions and the more general undermining of their authority by alternative representative local institutions, they and their allies in central government—who may also lose their rural power base through local democratization—pose a serious threat to

everywhere, governments, donors and international NGOs work with a mix of NGOs and committees,[12] local offices of line ministries, and private corporations or individuals. Meanwhile, elected local authorities are often frustrated by a lack of power as they languish on the sidelines while other local institutions are recognized and empowered by central governments and international institutions to take the initiative and make decisions in rural development. The result is a proliferation of local institutional forms and a fragmentation or diffusion of public powers among this new mix of local institutions (Ribot 1999, 2004; Namara and Nsabagasani 2003; Ribot and Larson 2005; Manor 2005).

In addition, the diffusion of powers among diverse local authorities appears to be undermining the development of democratic local government. Despite the promises of democratic decentralization and despite widespread programs to increase local people's participation in decision making and to promote local democracy, recent years are witnessing a spectacular comeback of less-inclusive authorities such as customary chiefs, and a re-emergence of claims to autochthony and authenticity that are narrowing forms of belonging rather than expanding citizenship (Geschiere and Boone 2003). Further, despite four decades of attempts at integrated forms of rural development, development-new-style,[13] with its plurality of approaches and local institutional interlocutors, seems to be resulting in competing and conflicting fragmented forms of authority and of belonging, dampening the long-run prospects for local democratic consolidation. The atomized marketplace of institutions appears to be shattering rather than integrating the public domain (Namara and Nsabagasani 2003; Ribot 2004).[14]

To understand the phenomenon we are observing, researchers need to break the problem in two: the reasons behind local 'institutional choices'[15] and the

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decentralizations. For Guatemala and Indonesia, see Larson 2005; Li 2001. See Annex A for more discussion of customary authority.

[12] Manor 2005; Namara and Nsabagasani 2002; Ribot 2004.

[13] See Geschiere and Boone, 2003.

[14] Fragmentation has advantages and disadvantages. Producing multiple alternative voices to voice citizen concerns can be a positive part of democratization. Three dimensions appear important. First, what is the effect of the distribution of voice among different interest groups and authorities? What are the effects of the unequal distribution of power among these groups? Second, how representative are these authorities. Do they speak for their constituents, or are they merely elite capturing the parole? Third, what are the differences between such a plurality of voices in the presence or absence of strong democratic local government? How do the relations among these groups and democratic local government effect their representativity and their ability to influence broad representation. See discussion of pluralism below.

[15] I want to distinguish here my use of the term 'institutional choice' from that of Ostrom (1999:193). Ostrom uses the term to refer to the choices by local individuals among available alternatives (based on costs and benefits)—she is interested in how these choices lead to institutional formation. I use the term to refer to the choices made by governments and international organizations that impose the 'available alternatives' on local individuals—thus constraining their options. The two usages are not inconsistent. I, however, would argue that the choice of the institutions (for Ostrom institutions are basically rules) is not by the individual nor is it by any 'aggregation rule' by which individual choices result in larger scale change. I do not think that institutions are merely organically emerging solutions to collective action problems. In this

effects of 'recognizing'[16] different local institutions on local democracy. I use the term 'choice' to attribute agency and therefore responsibility to government and international organizations for the decisions they make. Governments and international organizations choose local institutions by transferring powers to them, conducting joint activities or soliciting their input. Through their institutional choices, they are transforming the local institutional landscape. I use the concept of 'recognition' to interrogate the effects that the choice of local institutions has on representation, legitimacy, membership, belonging, citizenship and the public domain. These are effects of being 'recognized' via the choices made by intervening agencies.

The analysis takes place where the politics of choice and the politics of recognition intersect. Why are different institutional choices are being made, and what are the effects of these choices on democracy and development? Understanding why the choices are being made helps to link the effects of those choices back to policy. Understanding the effects helps to identify approaches most likely to strengthen local democracy while serving the needs of local people in the context of broader environmental and developmental objectives. The framework aims to analyze local democratic consolidation and to provide a means for developing institutional-choice recommendations to foster local democracy and strengthen the infrastructure for sustainable public participation in development.

The framework outlined in this article is 'top down' on purpose. The objective is to understand the role of *policy*—among other factors—in shaping the local institutional landscape. Decentralization *is* often a top-down affair that in itself, particularly where there are no strong local social movements, and even where there are, can provide the infrastructure for popular engagement and expression (Ribot 2004). As Gaventa (2002) puts it, decentralization can open the spaces to initiate a more active citizen engagement by promoting inclusive participation. It can open the space for new kinds of local agency. So, the focus of research should be on the effects of policy. The object is not to exclude local institutional categories nor to downplay local agency in the articulation between outside intervention and local institutions. Local institutions define and choose themselves and impose themselves on outside actors (Boone 2003; Bierschenk 2005). But they do so facing constraints and enabling conditions. Research done with this approach should bring attention to the structure and effects of those constraints and conditions.

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concept paper, I am trying to bring attention to institutions as they are created or cultivated by powerful interests. Arun Agrawal (pers. comm.) rightly points out that even choices made at institutional and governmental levels are ultimately made by individuals, and therefore these choices could still fit within Ostrom's framework. Nevertheless, as Sikor (forthcoming) points out, Ostrom's framework de-emphasizes the effects of larger political economic context on the formation of institutions. This research project chooses to explore the effects of institutional choice within a larger political economic context.

[16] I take the term 'recognition' from Taylor 1994; Kymlicka 2002; and Fraser 2000. See discussion further down in this concept paper.

A group of researchers are currently testing this approach via sixteen comparative place-based ethnographies of institutional choice and recognition in natural resource decentralization reforms in Africa Asia and Latin America (see Annex B). The natural resource lens is a powerful optic into the dynamics of decentralization and local democracy. Natural resources are important for a multitude of public and private actors. They are a source of subsistence and income for the rural world and of income and wealth for central governments and national elites (see Ribot 2002, 2004; Anderson 2002). As such, natural resources are a point of conflict and cooperation between central and local authorities and among local interests, mobilizing a wide range of interested parties when natural resource powers are transferred from central to local authorities. Nevertheless, the natural resource lens does not mean that the studies do not look at other sectors. The expected success of decentralization is, at least partly, predicated on the ability of local authorities to integrate across and coordinate among sectors in their decision making. The cases are in countries where democratic decentralization and natural resource decentralization reforms are well underway. Nevertheless, the relation among different sectors is being taken into account in the case studies, since the studies are ultimately interested in democratic decentralization writ large.[17]

Sections II and III develop the basic concepts of choice and recognition, and lay out criteria with which to examine their effects. Section IV proposes an approach to this.

II. Politics of Institutional Choice: Why Choose Different Institutions

Robert Bates (1981) argued that governments choose among policy options based on political utility. For example, although subsidies and taxes may have equal effects in a welfare economics analysis, governments consistently choose subsidies because they can be allocated along political patronage lines. They choose to create allocative and rent-seeking opportunities that will help them to consolidate their own political and economic power. This sub-portion of the research framework focus on the question: on the basis of what explicit and implicit logics do governments and international organizations choose their local interlocutors? While this question is significant, it will have a secondary importance to the questions posed in the next section under ‘the Politics of Recognition’.

[17] It is important to ask how single sectors—such as natural resources—policies, behavior and choices shape the larger project of integrative representative decision making. As will be seen later in the discussions, natural resource sector choices can fragment or help consolidate democratic decentralization writ large. Certainly the same is true of other sectors and these phenomena must be explored.

Although democratization, poverty alleviation, development, service delivery and natural resource management are stated objectives of laws and projects, policy makers and project designers choose local institutions based only partly on these stated aims. They are also making choices to consolidate their political base through patronage or allocation of goods in exchange for political and economic allegiance. While they may be making choices for political or economic gains, the justifications of their choices are embedded in decision makers' political positions, ideological positions and theoretical orientations on rural development.[18] Understanding the politics of choice—why decision makers choose the institutions they choose—requires an understanding of both stated and unstated objectives, the understandings of causality informing decision makers' choices, and their awareness of the effects of these choices.

Policy makers and development professionals have a mix of objectives when choosing or creating local institutions as their interlocutors. When they choose or create local institutions to empower, work with or to implement their policies and projects, these objectives can work at cross purposes. Some local institutions are chosen to get specific work done or to legitimate activities that national or international decision makers would like to accomplish.[19] These instrumental objectives may be inconsistent with the procedural objectives of democratization. While democratization is often a stated objective of governments and donors, the instrumental objectives frequently override democratization objectives by using local institutions for outside objectives rather than fostering them as a means of locally rooted action. For representative institutions to form and take root, procedural concerns must precede instrumental concerns.

But, even where democratization is a clear objective, different ideologies and theories of causality inform decision makers' vision of the democratization process—which procedures and institutions are privileged may differ from one

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[18] In contrast to Bates (1981), in the current world, national governments are not the only policy makers. International bi- and multi-lateral donors as well as large international NGOs intervene in policy making (via conditionalities and other political pressures) and in project design and implementation—another domain of policy. As Lund (1998) has argued, projects themselves create their own local domain of law—project law. Further, in contrast with Bates arguments, while I assume that governments and international actors are making instrumental decisions, their instrumental choices are driven by (often unacknowledged) theory and ideology. While a project manager may make choices in order to produce the indicators of success, such as implementation of a forest management plan, they do so believing that democratic decentralization is more efficient and equitable than are other approaches, or they bring with them a Thatcher-Reganism mistrust of anything government or a populist belief in NGOs or in popular participation. How they justify their actions and their beliefs may differ greatly from what they do in practice.

[19] Transnational corporations are also taking the instrumental approach. Shell Corporation, for example, as they express in an ad in the *Malaysian Naturalist* journal, searches for "…individuals and organizations who share our global vision and local values, our business concerns and community interests. People with the right attitude, aptitude and with the experience to match." (Shell 2005).

decision maker's vision to the next. The choices being made are informed by ideas about causality. While it may seem obvious that under a democratic decentralization effort one would support elected local government, for many decision makers informed by the anti-government stances of the Thatcher-Reagan 'revolution' and by civil society movements, government is something to avoid (even if representative) and democratization is produced through a plurality of voices created through the support of civil society. This vision would steer decision makers toward NGOs and other local authorities. These visions of democracy—rooted in liberal democratic philosophy, populism, beliefs in the rights of indigenous peoples—serve also as theories of causality that inform the structuring of policy.

Institutional choice is not a linear decision that leads systematically to a desired outcome. The decision to work with NGOs, elected or appointed single- or multi-purpose committees, user groups, interest groups, village chiefs, religious leaders, local line-ministry representatives or elected local governments is justified by a number of conflicting arguments.[20] Each local institution and authority is attributed a different logic and value, and also subject to divergent judgments.[21] Institutions may not have the effects that policy makers and project designers expect. Choice does not lead to a singular outcome. Each institution

[20] Local people are touted as having special local (or for some 'indigenous') knowledge, while others describe them as ignorant and in need of technical assistance and oversight. Local people are attributed self interest leading to effective local management of services and resources, and simultaneously viewed as selfish, hungry peasants who will over-exploit resources out of poverty and need. The local is sold as the place of higher efficiency through mobilization of local knowledge, transaction-cost reduction, better matching of services to needs, higher accountability due to transparency and embeddedness, but also as the place where this same embeddedness leads to nepotism and elite capture. Many want to see the local as uniform and harmonious communities, but it usually turns out to be highly stratified by caste, class, clan, religious, age and gender, and sometimes political affiliation. The local is *der heimat*, Shangri La or some place of primordial bliss, and the place of isolation, constraint, provincialism, conservatism and parochialism to flee. It is the place of reified tradition or of backwardness. While easy to romanticize, the local rural world or local 'community' is all of these things.

[21] Customary authorities are held up as either the 'legitimate' representative of the people, or they are represented as being gender-biased and abusive patriarchal horrors. NGOs are private groups that pursue public interests or interest groups pursuing their own ends. Many development experts believe NGOs represent the public, while critics argue they are usually captured by elite or charismatic leaders. Often NGOs, while claimed to be 'of the people', are chosen to serve the implementation interests of outside organizations. They are of the people but they are subject to the iron law of oligarchy and they are also subject to corruption. They build and thicken civil society and pluralism, or they fragment the local into competing and conflicting groups. Elected local government is corrupt and inefficient or it is the democratically elected representative of local people. Elected local government is a place to institutionalize service delivery or public participation in decision making, it is also avoided as being too slow and inefficient. With all of these conflicting qualities, how is it that governments, World Bankers, bi- and multi-lateral donors, and large NGOs choose the local authorities who are to represent public interests in the local arena? All of the above arguments and more are used to justify current choices. The choices are sometimes based on theory, sometimes on ideology, most often on expediency and the instrumental objectives (technical or political) of national and international agents.

must contend with other institutions. The institutions chosen by one policy maker may interfere with or reinforce those chosen by another—for the same or opposite purposes. Outcomes may depend on the mix of institutions and of objectives at play in the local arena—in addition to being a function of the nature of the specific institution empowered by outside interests. A plurality of institutions may interfere with consolidation of representative local government. The need for quick and efficient service delivery may be inconsistent with the slow process of public decision making through cumbersome democratic processes.

Institutional choices are at least partly based on the objectives of governments and international organizations. They are also based on the history and powers of existing local institutions and the relation of those institutions to government bodies and donors. Across Africa, chiefs were weak and mistrusted at independence due to their association with colonizers. More recently, in cases such as Mozambique, chiefs were strong due to their role in the revolution. Governments may be obliged to work with chiefs or other local institutions based on their social and political economic roles. Nevertheless, there is some choice on the part of central authorities and international bodies. The objective of this concept paper is to bring attention to and frame an analysis of the effects of these outside agents. But understanding the role of policy also requires attention to the articulation between outside agents and existing local institutions and actors who present themselves, resist, engage and choose their forms of action and interaction with respect to the objectives of outsiders.

As democratic decentralization is legislated and implemented, the procedural objectives of new democratic processes conflict with the instrumental objectives of central ministries (Ribot 2002; Shivaramakrishnan 2000).[22] These may be informed by ideological bent or by a specific outcome-orientation, or may be informed by the political needs of those who allocate resources. In Guinea in the late 1990s, USAID's natural resource management division refused to work through local government because it was "inefficient" and "slow." Instead, they

[22] This project focuses on local democracy. Local democracy is argued to have instrumental and intrinsic values. Services and development are instrumental values. They can be delivered with or without democratic institutions. If instrumental objectives are carried out through democratic institutions there are good arguments democratic decision making will increase the long-run efficiency and sustainability of instrumental objectives while reinforcing the intrinsic value of democracy. In these arguments, downward accountability of institutions is key to efficiency (Manor 1999; Agrawal and Ribot 1999; …..). But, if services are delivered through private or civil society institutions, which claim greater efficiency (at least in the short run), the instrumental leverage of accountability is diminished while delegitimating democratic authorities. While there are acknowledged interactions between service delivery/development interventions and local democracy, the priority of many agencies is on services and development. Democracy is seen as secondary. In addition to undermining democratic institutions, what is lost in favoring the instrumental objectives of service delivery and development are the potential long-term instrumental benefits of institutionalized forms of public accountability. Is the need for development agencies to show quick results undermining the long-term procedural objective of democracy?

created their own NRM management committees to implement reserve management programs (author's field work 1998). In Mali, SOS Sahel chose to revive defunct customary leaders. They worked with these authorities believing that 'traditional' authorities would better manage the forests than would new democratic authorities. In doing so, they undermined the authority of fledgling local democratic institutions (Kassibo 2003). In Indonesia, international NGOs work with indigenous groups whose practices are consistent with conservation (Li 2001, also see Shell Corporation 2004**)**. On the other hand, in Zimbabwe the rural local government authorities were effectively designated local conservation authorities in the early 1990s, and a close relationship was established between the previously autonomous CAMPFIRE Association and the elected Rural District Councils that, in significant if-complicated ways, empowered the Rural District Councils (Hammar 2001). These kinds of choices and justifications are common.[23] They shape whether the local authorities chosen are representative of local citizens, are privates bodies exempt from public scrutiny, or are managerial units to implement outside agendas.

One major factor that drives local institutional choice under decentralization reforms may be characterized as resistance to decentralization by donors, governments and international NGOs (see Ribot and Oyono 2005). Choice and resistance must be viewed in parallel. Contradictory discourses and actions are about the contradictory incentives that actors face. Decentralization may be idealized and promoted for its ostensible development outcomes while being resisted and undermined due to the threat it poses to those who must make and implement decentralization policies. Institutions may chose and promote certain policies and the institutional interlocutors who will carry them out. They may also and simultaneously resist these policies and undermine the very logic of the choice they are making. These two cannot be seen as separate. They must be linked in the analysis of choice.

Understanding what drives the decision makers who are currently choosing local institutions will help to target recommendations for improving the effects of choice.

III. Politics of Recognition: Outcomes of Institutional Choice

[23] Senegal and South Africa provide additional examples. In Senegal, central government has chosen to create local elected authorities through a party list system that leaves local councils upwardly accountable to the ruling party—by transferring management powers to these bodies, they are able to control the decisions local authorities make over lucrative forest resources (Ribot 2004). In South Africa, the land commission is working with customary authorities (despite the presence of elected local government and a constitution requiring land distribution via democratic local institutions) based on notions of the legitimacy of these authorities, but also probably based on their importance as patronage resources (Ntsebeza 2001).

The effects of institutional choices on the emergence and consolidation of local democracy may be very different than expected outcomes or objectives of governments and international organizations. Empirical data that link the institutional arrangements associated with different development approaches to social or ecological outcomes are scarce (Tendler 2000; Little 1994; Brock and Coulibaly 1999:30; World Bank 2000:109; Conyers 2001:28-9; Mansuri and Rao 2003). Decentralizations in the natural resource sector rarely establish the basic institutional arrangements of empowered and locally accountable institutions, making it difficult to measure decentralization's effects (also see Ribot and Larson 2005; Oyono 2005). This framework broadens the scope of research by facilitating empirical interrogation of the democracy and natural resource management effects of the ensemble of institutions being recognized in the local arena.

The term 'recognition' (*a la* Taylor 1994) evokes the political philosophy literature on identity politics and multi-culturalism. This literature provides a framework for exploring the effects of cultural recognition on individual identity and individual well being, and on democracy (see Taylor 1994; Kymlicka 2002; Fraser 2000). I extend the discussion to the recognition of institutions, which, like the recognition of culture, confers power and legitimacy, and cultivates identities and forms of belonging.[24] The choice of a local institution by government or international agencies is a form of recognition.[25] Here, I use the term recognition as "acknowledgement" following Li's (2001:625) formulation of the three social processes that comprise recognition: cognition, memory and acknowledgment. Cognition is about classification, the ability to identify something; memory draws upon experience rooted in emotional or imaginative projection; acknowledgment "…is about giving recognition they [others] ask for or deserve" (Li 2001:652). The acknowledgment of local institutions, assessed by some agent as 'asked for or deserved', has multiple effects that can shape democratic inclusion.[26]

The framework being developed in this paper is designed to help measure these effects of recognition by focusing on three democracy outcomes. Each is discussed below under the sub-headings representation; citizenship; and public domain. The following sub-sections define the parameters of these components

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

[25] This type of recognition takes place through the transfer of powers, partnering in projects, engagement through contracts, or via participation in dialogue and decision making. Recognition strengthens the chosen institutions, reinforcing the forms of belonging they engender and the identities of their members.

[26] While Li (2001:652), quoting Fabian (1999:66) points out that recognition as acknowledgment "…cannot be 'doled out like political independence or development aid'," acknowledgment—via the dialogical interactions of power transfers and association—is being allocated in the name of development. This acknowledgment may not be "asked for or deserved," nevertheless, it has multiple effects that can shape democratic inclusion.

of democratic inclusion so that comparative ethnographies on the effects of institutional choice can benefit from common frames of analysis.[27]

Representation

In recent decades many institutions have been developed with the purpose of increasing popular participation and empowerment in planning and decision making (Fung and Wright 2003; Fung 2003).[28] While increased participation may have democratic characteristics—bringing a broader cross-section of the population into decision making—participation is often neither representative nor binding (Mosse 2001). What makes a political system representative is the presence of systematic mechanisms by which society can hold decision makers accountable—that is, both positive and negative forms of sanction (Manin, Przeworski and Stokes 1999). M. Moore (1997) defines democracy substantively as the accountability of leaders to the people. Following Manin, Przeworski and Stokes (1999), democratic representation is when leaders are both responsive and accountable to the people. Local democratic institutions must have the power to be responsive to local people's needs and aspirations if democratic institutions are to develop a meaningful role within the local community (Manin, Przeworski and Stokes 1999). To be responsive, leaders need powers—the discretionary power to translate needs and aspirations into policy and policy into practice (Ribot 1999,2001; Agrawal and Ribot 1999; Pritchett and Woolcock 2004). In the simplest sense, then, democratic institutions are accountable to the people and are empowered to respond. In short, they are representative.

In the case of decentralization (and other forms of development intervention), outside authorities choose, and therefore recognize, local authorities. In doing so, they cultivate these authorities—strengthening and legitimating them. Using the framework developed herein, researchers can explore the degree to which chosen institutions are representative, that is, 1) the degree to which they are accountable to the populations in question; and 2) the degree to which these institutions are empowered and enabled to respond. In current decentralizations, governments and international donors are often choosing to avoid elected local government—which would in a democratic decentralization ostensibly be the appropriate site for democratic local inclusion—in favor of other institutional forms (Romeo 1996; Ribot 2004). This choice is critical in that it at once deprives local elected authorities of the powers being transferred to the local arena, while empowering alternative authorities—such as local line ministry offices, NGOs,

[27] The parameters of what is the "public domain" as a component of democracy clearly overlap with issues of representation, belonging and citizenship. Nevertheless, I treat public domain as a separate component of democracy here in order to highlight how certain institutional choice effects can be analyzed in terms of whether they enclose or expand the scope of public powers.
[28] Fung (2003) writes, however, about participation and governance as if representation is not key. All of his categories are about participation of civil society and of people within civil society in processes of decision making. He does not seem to view representative forms of government as sufficient or even necessary to the democratic processes.

customary chiefs, and private corporations. It delegitimates elected local authorities in favor of legitimating the alternative authorities. The choice is setting up a dynamic in which elected local government is competing and in contention with other local authorities concerning power and legitimacy to make public decisions and to deliver services.

Democratic (downwardly accountable) local authorities can be strengthened through recognition. They may be weakened if 1) they receive too little power, or 2) if other local institutions are empowered in a manner that causes competition or pre-empts their ability to serve public interest. Manor (2005) describes, for example, underfunded local governments with a mandate to manage natural resources which must operate in an arena with over-funded environment committees. Empowering other institutions in the local arena with public powers can 1) take powers away from democratic local government, and 2) it can produce competition with local government. That competition can be divisive or it may lead to more efficiency and better representation all around. It may also lead to conflict. It can undermine the legitimacy of local democratic authorities while producing conditions for elite capture, or it may produce a pluralism of competition and cooperation that helps establish and thicken civil society.[29]

Recognition is not only a process of reinforcement and legitimization, it can also be transformative. Receiving powers or being chosen as a partner can re-shape the accountability of local institutions. Conyers (2002) has argued, for example, that when transfers are conditional or insecure, recipient authorities are forced to respond to the needs of those institutions making the transfer if they are to retain their privileges. She points out that when transfers are made as privileges that can be taken back by central government or other outside agencies, local institutions become upwardly accountable. Whereas, transfers made as secure rights can be exercised with discretion in response to local needs. As Conyers puts it, the “means of transfer” matters in the establishment of local democracy (2002). How does recognition reconfigure accountability relations? Under what means of transfer do local institutions become more upwardly or downwardly accountable when recognized? Transfer of secure discretionary powers enables authorities to carry out their own agendas independent of the transferring agency. The transfer of mandates makes an authority accountable to those who hand down the mandate. Conditional transfers orient accountability toward the conditions of maintaining privilege. Hence, the ‘means of recognition’ will certainly be a factor shaping representation.

In sum, recognition may shape democratic representation directly by strengthening or weakening democratic institutions, or indirectly by creating competition for power and legitimacy between democratic and other institutions.

[29] It is worth making the link to arguments about virtuous cycles between state and civil society made by Fox (200__). In this link, positive relations develop between civil servants and the population. It is worth asking if this kind of link can develop in the absence of civil servants with sufficient resources. [**Re-read Fox article and cite in bibliography.]

In decentralizations, the means of transfer by which recognition takes place can determine the upward or downward accountability of local institutions, shaping the character of representation. In characterizing the representativeness of local institutions chosen in decentralizations, this framework trains the focus on whether institutions are both downwardly accountable *and* empowered to respond to local people's needs.

Citizenship

> Citizenship rights "…involve 'the many' obtaining control of the legitimate means of violence, the state, in order to enforce protections or rights against élites who wield public and private power. Equally important, citizenship involves protecting 'the few' who have little power (e.g. minorities of race, class, gender, and religious affiliations) who need shelter from the tyranny of 'the many' and/or élites. These rights and protections also involve obligations or duties to interact within and promote the commonwealth and the political system in as much as they are needed. At a foundational level, all citizenship rights are legal and political because citizenship rights are legislated by government decision-making bodies, promulgated by executive orders, or enacted and later enforced by legal decisions."
>
> Janoski and Gran 2002:13

Janoski and Gran (2002:13-14) define citizenship as "…passive and active membership of individuals in a nation-state with universalistic rights and obligations at a specific level of equality." The elements are *membership*, *active* ability to influence politics, *passive* right to exist within the legal system, *universalistic rights* applied to all citizens, *equality* in the procedural domain and in some substantive arenas.

The concept of citizenship is predicated on both individual and group rights. Liberals emphasize the individual with a focus on equal liberties for all persons. Communitarians focus on the society or nation and are concerned with justice and cohesion. Republican theorists tend to emphasize individual and group rights with a focus on conflict and competition as the means for changing those rights. With challenges in the past two decades to the authority of the state and legitimacy of the nation, the question of rights has also shifted. This shift has brought into question the state as the locus of rights. "Rather than merely focusing on citizenship as legal rights, there is now agreement that citizenship must also be defined as a social process through which individual and social groups engaged in claiming, expanding or losing rights" (Isin and Turner 2002:4). Citizenship has come to be a process of being politically engaged and shaping the fate of the polity in which one is involved (Isin and Turner 2002).

The shift that is taking place from rights-based to process-based citizenship parallels a larger shift taking place from adherence to rules to engagement with rules through authority. As citizenship shifts from a set of rights and obligations that are granted to a process of engagement, the rule makers take on greater

importance.[30] Authority becomes key. The citizen's job is to make authorities accountable to citizens. Authorities open to influence facilitate citizenship. Authorities that impose their will are less inviting of engagement.[31] In this sense, they are less amenable to the production of citizenship. In this way, the accountability structure of authorities and their means of transfer have effects for public conceptions of citizenship and citizen engagement in a democracy. Using this framework, researchers should take into account process-based conceptions of citizenship in order to discern the effects of institutional choice on citizen engagement and the accountability of recognized authorities.

In particular, researchers can use this approach to examine the potential effects of recognition of identity-based forms of authority and belonging. Taylor's (1994) 'politics of recognition' describes a set of tenets for redressing inequities that stem from identity politics. Recognition redresses inequities by privileging cultures and identity groups that have been marginalized. It identifies marginality as a product of their 'misrecognition' or prejudices against cultures and cultural forms. In focusing on identity-based misrecognition, Fraser (2000) argues that the politics of recognition loses sight of the role of redistribution and material equity in redressing injustices.[32] Fraser (2000:108) adds that "…insofar as the politics of recognition displaces the politics of redistribution, it may actually promote inequality; insofar as it reifies group identities, it risks sanctioning violations of human rights and freezing the very antagonisms it purports to mediate."[33] In short, the politics of recognition perpetrates a double crime. In ignoring material inequality, it reinforces material injustices. By reifying culture, Fraser argues (2000:112) it places "…moral pressure on individual members to conform to a given group culture. Cultural dissonance and experimentation are accordingly discouraged, when they are not simply equated with disloyalty. So

[30] Michael Mann (1987 cited by Isin and Thurner 2002:6) makes the striking point that to pair rights with obligations has its dangers. "The notion that citizenship might entail obligations has strategically been appropriated by right-wing governments who wish to use citizen charters as techniques for regulating public utilities" (Isin and Turner 2002:7). But Isin and Turner do not throw out obligation—they speak of a "need to evolve a language of obligation and virtue" which would include such virtues as the respect for other cultures. Because they believe it should be based on virtues of respect along with a strong sense of place and tradition, they see citizenship as the answer to fundamentalism, racism and nationalism (Isin and Turner 2002:9).

[31] Engagement does not have to be invited. Resistance is also a form of engagement that is used to confront imposed authority.

[32] Fraser (2000:108) argues that recognition as an approach is marginalizing, eclipsing and displacing redistributive struggles. She calls this phenomenon 'displacement'. She argues that recognition struggles "…serve not to promote respectful interaction within increasingly multi-cultural contexts, but to drastically simplify and reify group identities." She believes that they tend "…to encourage separatism, intolerance and chauvinism, particularism and authoritarianism." She calls this the problem of "reification."

[33] Recognition based on culture (identity politics), for example, may displace redistributive struggles. Privileging the misrecognition or depreciation of culture and identity as the causes of inequality embedded in "free floating discourses" often wholly ignores material and social bases of distribution. In this way, material inequality may be seen as merely an outcome of misrecognition (Fraser 2000:110-111).

too is cultural criticism, including efforts to explore intragroup divisions, such as those of gender, sexuality and class."

Fraser (2000:112) notes that "…the tendency of the identity model is to brand such critique as 'inauthentic'." Her analysis brings up the uncomfortable issues of judging authenticity and judging other cultures. She argues that the identity model supposes "…that a group has the right to be understood solely in its own terms—that no one is ever justified in viewing another subject from an external perspective or in dissenting from another's self-interpretation." She points out that this runs counter to the Hegelian dialogical view which presupposes that cultural identity is an auto-generated self-description, "…which one presents to others as an obiter dictum." She continues "seeking to exempt 'authentic' self-representation from all possible challenges in the public sphere, this sort of identity politics scarcely fosters social interaction across differences: on the contrary, it encourages separatism and group enclaves."[34] To avoid this double standard, researchers should view cultural and political authorities as well as community and private leaders in the same critical light. The results of such an analysis will be the starting point for a dialogue among cultural and political stances.

Fraser (2000:112) argues that by reifying group identity, recognition obscures internal cultural differences and subordinates the "…struggles within the group for the authority—and the power—to represent it." It subordinates individuals to the recognized cultural forms—encouraging "…repressive forms of communitarianism, promoting conformism, intolerance and patriarchalism" (Fraser 2000:112). These critiques are not limited to instances where culture-based injustices are redressed through strengthening of cultural identities or privileging of one cultural form over another. I would argue that these critiques can be extended to instances where any non-democratic *authority* is privileged—an assertion that this framework is designed to test.

Not only is multiculturalism subject to Fraser's critique, but so are many forms of institutional support (pluralism, privatization, NGOism, support for customary chiefs) now being promoted in the name of natural resource management and local development. By examining the effects of choosing these different institutions in natural resource management decentralizations, this project will test the following propositions. The support of authorities privileges and strengthens those authorities—whether their constituencies are identity-based or interest-based. When governments and international agencies empower local authorities, they are enforcing upon the members of the groups the particular forms of comportment of the chosen authorities.

[34] Yet, people are always judging others—as good or bad, just or unjust. We don't hesitate to judge other political systems as fascist, totalitarian or democratic. Yet when we label other systems as 'culture', we suspend judgement. It is as if the term 'culture' provides political protection. By naturalizing others as 'cultural,' differences are essentialized and judgement reflects only a relative perspective that cannot have moral weight. Emic is privileged over etic.

The implication of Fraser's (2000) arguments are important in the context of institutional choice. Recognition can reify identities producing a singular "authentic" authority, enabling these recognized actors to define authenticity.[35] These chosen authorities are enabled to recognize other actors as authentic, or to discipline those they consider inauthentic. They are able to determine who belongs and who does not. Recognition can reify cultural and non-cultural authorities. Criteria are necessary to judge the likely human rights and material equity effects of choosing particular authorities. Fraser (2000:115) does so by proposing the ideal of "participatory parity," by which all citizens and citizen groups, regardless of identity, must have equal opportunity to participate in democratic institutions. The proposed framework is designed to help test whether recognition of substantively democratic—downwardly accountable—authorities in fact reinforces these inclusions and enfranchisement, and how these effects compare to the effects of recognizing authorities that are coercive of, or not accountable to, their members.

Culture or identity-based authorities are particularly coercive because belonging may not be voluntary—someone is born into a certain phenotype, lineage, ethnic group, religion, location, language group or accent.[36] By dint of these identity markers, the strengthened authority may be empowered to reign over them. For example, Mamdani (1996) describes indirect rule under colonialism as a system in which the individual is "encapsulated" in culture. Via colonial backing, individuals are subject to the cultural authority. Under indirect rule, cultural authorities were chosen by colonial governors based on arguments about their legitimacy and based on their willingness to comply with the administrative needs of the colonial powers.[37] Culture—the particular culture of the cooperating authority—was enforced on the individual. As Fabian (1999:65) notes, colonial powers "…pretended to act within existing legitimacy when they appointed so-called traditional chiefs in order to establish indirect rule (incidentally revealing tradition as a potentially hypocritical notion)." Chiefs were not chosen for representation or justice (although colonial authorities claimed these concerns—see von Vollenhoven 1920; Buell 1928; Mair 1936; Deschamps 1963).

For interest-based authorities, liberal philosophers tend to view belonging as voluntary. Hence, strengthening interest-based authorities seems to escape Fraser's (2000) criticism of coercion. But, giving power to a particular individual may create opportunities under their authority that require adherence for anyone wishing to participate in what may be critical productive activities or resources. In this sense, belonging may not be voluntary—it may determine access to

[35] The search for "authentic" customary authorities was a significant feature of the colonial project of indirect rule, especially in Africa (see Annex A on this point, and its importance given the current resurgence of customary authorities in Africa).
[36] Clearly some identities are ascribed and others acquired. Some can be voluntarily changed and others cannot.
[37] The need to confer legitimacy on these authorities produced in many cases early iterations of the authenticity rhetoric critiqued by Fraser above.

subsistence opportunities or shape people's scope for advancing. It will certainly shape their range of opportunities for what political philosophers like to call 'living the good life'. In the context of rural poverty alleviation and development or natural resource management and use, such necessity often drives belonging. By recognizing local interest-based institutions, decentralization and other forms of local or community-based intervention carry similar risks to those described by theorists focused on the recognition of culture. Again, 'recognition' reinforces the recognized authority. As such, the framework for analysis enables researchers to scrutinize equally identity- and interest-based institutions and forms of belonging.

Recognition of one authority over another produces new forms of belonging and exclusion, and potentially conflict. State or international-agency recognition of traditional authorities enforces tradition—squelching as non-traditional or non-authentic those who dissent from the positions of the state-backed leader. In the process, the skewed material distribution and patterns of access to resources and markets that is at the basis of local stratification and inequality are obscured by arguments that the chosen authorities are legitimate and/or efficient for outside instrumental objectives. In the same manner, state recognition of interest groups (whether private actors, user groups, community-based organizations or non-governmental organizations) privileges these groups in decision making over what might be public resources, giving them power to include or exclude actors following their own narrow (private) definition of interest or criteria for belonging. This study will test the hypothesis that, in the name of democratic decentralization, pluralism and participation, many institutional choices are weakening individuals' influence over their leaders. In particular, this study will examine the notion, common in pluralistic approaches, that including as many different interest-based institutions as possible in the mix of 'stakeholders' actually produces a more representative outcome.

Pluralists such as Dahl (1967) and civil-society and social capital theorists such as Putnam (1993) argue that engagement and interaction among a plethora of institutions results in more-democratic forms of decision making (also see Wollenburg, Anderson and Lopez 2005; Prichett and Woolcock 2004). These theorists assume that some generally accepted rule of law is in place to guide interactions, and that there are responsive political decision makers for the plurality of institutions to influence (Dahl 1989; Putnam 1993). Putnam (1993), for example, uses the concept of social capital to explain how and why some governments are more accountable and responsive to local people. He implicitly views social capital as an input to an existing system of governance. But practitioners seem to assume that social capital in itself or a plurality of institutions produces democratic outcomes—as if it alone can create the very infrastructure of "participatory parity." They conflate pluralism and social capital (as an input) with the system of democratic governance itself. By creating a plurality of institutions at the expense, however, of representative local authority, does the pluralist approach undermine the checks and balances of democracy that make pluralism consistent with democratic processes? It is important to note

that pluralism is a configuration of interests and inputs—it is not a governance structure. By keeping this distinction in mind, researchers and theorists can investigate what the effects are of a plurality of institutions on democratic governance institutions and processes.

Institutional choice by governments and international authorities has likely played a large role in the emerging volatile new mix of local identities and conflicts across Africa. Geschiere and Boone (2003) at least partly attribute Africa's new local institutional landscape to weakening of the African state. They note that as nation states lost status in international relations, new and volatile forms of local belonging and identity sprung up. Ideas of belonging shifted from ethnicity toward a language of 'autochthony', which carried with it claims for the exclusion of 'strangers' or late comers and migrants. Under these conditions, localist forms of belonging, according to Geschiere and Boone (2003), imply "…a direct attack on the very idea of national citizenship and the formal equality of all citizens before the law." They can privilege 'first comers' over later settlers, producing new divisions and conflicts. In a sense, they are attributing these new identities to the failure of the state to impose more integrative forms of belonging and citizenship—due to the state's weakening and fragmentation.

Geschiere and Boone (2003) also point out that it is "…certainly not only external influences that are at play here. Local forms and popular anxieties—reinforced by an increasing feeling of deprivation in the face of an ongoing pauperisation—acquire a new lease on life in connection with the broader trends [of globalization and a weakening state] mentioned above." They also attribute these changes to the success of customary authorities in becoming intermediaries in 'development new style' (predicated on the proliferation of new local institutions). Geschiere and Boone (2003) point out that "…belonging is becoming a central issue not only through external influences and political strategies 'from above'…" but belonging under growing conditions of insecurity also "…strikes a deep chord among the population." The re-emergence of customary authority within 'development new style', the kinds of institutional choices being made in local development, the weakening state and exposure of local people to the vagaries of markets and international policy, certainly all converge to produce what appears to be a fragmentation of local forms of belonging and identities.

By reinforcing and creating authorities, institutional choices are strengthening and creating forms of belonging and the identities that accompany them. Yet the form of belonging most commonly associated with representative democracy is residency-based citizenship. It is associated with a person's identification as a local and national citizen. Part of the task of democratization is the production of a sense of citizenship—a sense of agency and the entitlement to influence those who rule. Underpinned by its universalism and its residential basis, this sense of a citizen's right and ability to participate in public politics are what comprise the concept of the "public domain."

Public Domain

The transfer of powers to non-representative institutions can reinforce forms of belonging and associated identities. It follows that retaining powers in the public domain—the public political space where citizens feel able and entitled to influence their authorities—maintains and reinforces public belonging and identity. Conversely, privatizing public resources and powers to individuals, corporations, customary authorities or NGOs diminishes the public domain. This enclosure shrinks the integrative space of democratic public interaction. Without public powers there is no space of democracy. Without public powers in the hands of representative government, there is no representative democracy (Manin, Przeworski and Stokes 1999).

Public action forms the domain of democratic process. Enclosing it diminishes the space of democracy. When the authorities receiving these powers are customary or religious authorities, this enclosure also constitutes a desecularization of powers (Asad 2003). Perhaps this is exactly the strategy of the Bush administration when it channels public resources to religious groups to deliver public services. In doing so, the administration has succeeded in empowering religious authorities while diminishing the public domain—all in the name of effective social service delivery. In essence, the Bush administration is enclosing the domain of the secular and the public. It is carrying out the conservative agenda of shrinking the state but is doing so by expanding the legitimacy, reach and powers of Christianity and the private sector.

Citizenship develops when there is a space of public power and decision making in which people can engage. Empowered public institutions are a site of citizen engagement. For example, Anu Joshi (pers. comm., IDS, 2001) observed that people engage with and adhere to authorities that can make meaningful decisions and deliver needed goods and services. She noted that civil society organizes to influence such empowered authorities when these authorities are accessible and open to influence by individuals and civil society. In this sense, empowering democratic local government and the creation of a public space of engagement can encourage the production of citizenship—by providing an integrative public domain where citizens can engage in collective decision making and action.

Public domain is about the location of discretionary powers and the accountability of the institutions that hold them. Public domain is also an arena to which society adheres and around which people form identities. These identities are embodied in representative authority and other government institutions with discretionary powers to be responsive to people’s desires and needs. In this sense, the creation of a political identity around the public domain has much in common with

the ideas of citizenship discussed above.[38] Despite these overlaps, this project will also use the concept of public domain to examine who has discretion and the effects of this on public identity and citizenship.

In decentralizations, distributing public powers among multiple interest and identity groups may fragment society into interest- and identity-based forms of belonging. In this sense, the particular distribution of decentralized powers has consequences for the coherence and divisions within local society. The privatization[39] of public powers to NGOs, customary authorities and private bodies diminishes or encloses the domain of integrative public action, undermining residency-based belonging and citizenship while fragmenting the local arena into multiple interest- and identity-based forms of belonging (Ribot 2004).

In short, public powers held in the public domain are part of the production of citizenship and of the space of integrative collective action that is democracy. These powers are the substance of democracy, they constitute the substance with respect to which people are represented. In what ways a transfer of powers expands or encloses the public domain is another criterion which research should assess the effects of institutional choice in natural resource management decentralizations. For decentralizations to produce benefits in equity, efficiency, and democratization, the expansion of the public domain through the maintenance of public powers is essential. Public powers are what citizens engage in. They are what representatives decide over. Without them democracy is empty.

IV. Research Approach

My current research is bringing together existing case material that can shed light on the politics of institutional choice and the politics of recognition in natural resource management decentralizations. The objectives are 1) to derive policy lessons from the literature and from existing cases through comparative analysis; and 2) to assess the effectiveness of the above framework (questions and methods) for more in-depth comparative research.

The researchers will be brought together for a meeting in June 2006 to share their cases. The meeting will be held just after the International Association for the Study of Common Pool Resources (IASCP) to be held in Bali from 19-23 June 2006. All researchers in the program will be expected to present their

[38] As mentioned above, the separation of these two categories of democracy outcomes is largely heuristic.

[39] I use the term ‘privatization’, rather than simply ‘transfer’ here in order to indicate that all of these bodies receiving powers are ‘private’ in the sense that they are not systematically accountable to the public writ large, but rather to individuals or their members.

findings at IASCP and at the comparative research findings meeting that will be a few days prior to IASCP. At the research findings meeting we will tease out lessons and outline pertinent comparative research findings, questions and methods. Preliminary findings will be presented when I present this framework—but, as you might guess, the are not ready for the writing of this framework article.

The product of this effort will be a policy brief and a more in-depth comparative research proposal for further comparative study of the links between center-transfers and the local democratization process. If the authors of the case studies feel it is useful, these papers may be published as a special issue of an international journal and/or an edited volume.

Research Questions and Methods

The research focuses on the effects of institutional choices by governments, international development agencies and other international organizations on three dimensions of local democracy: 1) representation, 2) citizenship, and 3) the public domain.

The project will explore the degree to which chosen institutions are representative, that is, 1) the degree to which they are accountable to the populations in question; and 2) the degree to which these institutions are empowered and enabled to respond.

Research described in the body of this concept paper indicates that the institutions being chosen by governments and international organizations in the name of democratic decentralization are undermining the formation and consolidation of democratic local government. Representation seems to be undermined because: chosen institutions are not substantively democratic; and chosen institutions compete with democratic local government for powers and legitimacy. Citizenship, collective identity and collective action appear to be undermined because: identity- and interest-based recognition are fragmenting the local arena into multiple forms of belonging; and institutional choices are resulting in the enclosure of the public domain.

Below are some research questions that may help us to interrogate phenomena discussed in this paper. These are preliminary questions that need further development and focus.

Research Questions

Institutional Choice Research Questions: What individuals and institutions are governments, donors and international NGOs choosing to work with in the local

arena? How do they explain and justify their choice of local institutions? Is their actual choice consistent with their explained reasoning? How do they explain the difference between their justifications and actions if there is one?

Representation Research Questions: To which local institutions are central governments, aid agencies and international NGOs transferring powers? What kinds of powers are being transferred and under what conditions? Are these institutions representative? How does recognition reshape accountability and the extent to which these institutions are representative?

Citizenship and Belonging Research Questions: Are institutional choices cultivating inclusive or exclusive forms of belonging and identity? Are they cultivating citizenship or subject status among local populations? Under what conditions does a plurality of institutions produce more-democratic forms of identity and belonging? Are current patterns of recognition producing competition with democratic authority, forms of belonging and identity? Are they producing inter-group conflict? Are they producing positive and productive forms of competition?

Public Domain Research Questions: Are the current patterns of power transfer and institutional choice enclosing the public domain? Are they diminishing those domains of decision making that people identify with collective goods and collective action? Are they enclosing the space for integrative decision making? Is the public domain being enclosed via privatization and empowerment of non-market private bodies such as NGOs, chiefs and religious leaders? Is the secular domain being enclosed in favor of religious and cultural forms of authority, identity and belonging?

Political Economic and Social Context: Research using this framework can help explain when and how local representation emerges or is suppressed in processes called democratic decentralization. This implies explaining institutional arrangements in terms of policy choices, but also in terms of social and political economic conditions at multiples scales—such as present and historical relations of dependence and reciprocity, party politics, changing economic conditions, stratification, violence and conflict, patterns of access to resources and finance, etc. Local histories, local actors and their political-cultural institutions also shape local political-administrative and institutional arrangements—and reshape the choices made from above (see Guyer 1992; Boone 2003; Bierschenk 2005). These are not to be ignored. Nevertheless, the focus of research should remain on how policy shapes outcomes—in the context of these other forces. While the focus is on representation, the explanations must take into account all relevant variables.

Outcomes Research Questions: What substantive outcomes can be correlated or traced from institutional arrangements observed? Can the causal links be drawn between more or less representative arrangements and the following: patterns of

natural resources management and use; increases in well being or income; changes in equity and distribution of benefits; conflict or cooperation; and social cohesion?

Research Methods

Approaching the above questions requires several methods. Researchers should first characterize changes in institutional arrangements (actors and their powers) before and after powers are transferred (whether or not it is called decentralization). That is, it is necessary to assess changes in the central and local institutions present, and to evaluate which institutions are receiving which new powers. Then researchers should characterize the forms of accountability and changes in accountability relations of each institution. Then the key problem is to relate these changes in institutional arrangements—actors, powers and accountability (see Ribot 2004 for a discussion of the actors, powers and accountability approach)—to outcomes. Clearly there are many methods that can be applied to querying these variables. These include participant observation, interviews, surveys, mining of the literature and other typical approaches used by ethnographic researchers. The methods discussed below are only suggestive.

Representation

To whom are local decision makers/empowered institutions accountable? Who is being represented by those institutions with powers? Representation is made up of sanction and responsiveness. Both are variables that can be observed.

There are many approaches to measuring accountability. Accountability is counter power (see Agrawal and Ribot 1999). It is the exercise of sanctions in order to influence others. To measure the use of sanctions requires careful observation. Are local people sanctioning their leaders—via magic, protest, third party monitoring, communication, sabotage, electoral behavior, and so forth (there is a list of accountability mechanisms in Ribot 2004:Annex C).

To whom do leaders respond? This can also be observed by exploring who is served by the projects and decisions of leaders. It can also be observed through interviews of leaders and a careful analysis of the constraints under which they perceive themselves to be working.

Representation is also often measured through surveys that correlate the wishes of local people with the actions of decision makers. Are the decisions of leaders consistent with the articulated wishes of the local populations?

But, accountability and representation are not always linked. If decision makers do not have the means to respond, then no amount of accountability can force them to deliver the services people want. Hence, representation must be

explored with respect to the powers that decision makers hold. Are they responsive where they are able to be responsive? Why? How? What mechanisms are in place to influence their actions and to make them responsive and therefore representative?

Citizenship and Belonging

Citizenship and belonging are variables that must be measured through close observation and interviews. Do people engage the state? Do they engage local authorities? If so, through what practices? Do they feel they belong to and have a right to make claims on particular groups and authorities? To what groups do they consider themselves to be members? How do they feel about other categories of belonging? What are the bases of conflicts among groups? Has the locus of conflict and cooperation among identity or interest groups changed with the changes in institutional arrangements? What does conflict and cooperation indicate about changes in citizenship and belonging?

Public Domain

This is a variable that requires more reflection. It is the space of public action. Has it grown or shrunk? Are there public projects? Do people engage in them, and if so, how? Are collective powers shrinking through privatization and desecularization? Do people feel more or less included in collective action? Are there more or less opportunities for participation in collective projects and their benefits? How is this manifested in practice?

V. Conclusion

The object of this exercise is to problematize and theorize local democracy and it s component parts, representation, citizenship and belonging, and the public domain, so as to develop sharper methods for analysis of change and progress. For empirical study, researchers can use this framework to develop their own indicators and approaches to measuring and describing these variables, their importance and their evolution (before and after powers are transferred). The first step is to test whether these are the relevant variables for understanding the causes and effects of institutional choices and recognition. Are these the variables that characterize substantive local democracy? What other factors must our research take into account?

Annex A: The Case of Re-emergence of Customary Authority in Africa

One important institutional transformation taking place across rural Africa is the re-emergence of so called “customary” and “traditional” authorities. This re-emergence is at least partly cultivated from above—a result of government, donors and international NGOs recognizing these chiefs and headmen. The re-emergence of customary authority is so widespread and takes so many forms that it must also, of course, be attributed to particular local histories reshaped by global changes that give new life to traditional forms of belonging and identity.

This re-emergence parallels increased attention to themes of indigeneity in literature on cultural politics and development. The past several decades have witnessed the emergence of multiculturalism from the struggles of liberal democratic philosophy to grapple with cultural difference (Taylor 1994; Frasier 2000; Povinelli 2002). The multicultural movement resonated with the naïve populism of social capital approaches and many other forms of participatory development. Today, a large portion of development critics (Escobar…) and professionals alike believe that indigenous peoples and their cultures should be favored in, and should control, development interventions.

But several important blind spots are evident in development approaches that favor indigeneity. First, political analysis and judgment of indigenous governance systems are not featured in the new approaches. Second, custom and customary authority are conflated such that customary authorities are favored rather than custom itself. Focus on indigenous identity and governance has increasingly shifted from the individual to the collective, from the culture to the authority, and from the cultural authority to both interest-based and identity-based authorities.

But, not everything indigenous is ‘good’. Many of the ‘indigenous’ governance systems, when analyzed as *political systems* rather than being viewed as *cultural forms*, would be labeled totalitarian, fascist, despotic, oppressive, patriarchal, gender biased, stratified, gerontocratic, and so forth. Some indigenous cultures even condone and continue forms of servitude and slavery. But when we call them ‘indigenous’, it is as if suddenly the nature of authority and governance is obscured behind a fog of cultural relativism. Those who favor other cultures and indigenous peoples do not want to judge them.

Elizabeth Povinelli (2002:6) identifies some of the contradictory effects of this new multiculturalism:

> “Franz Fanon and members of Subaltern Studies have suggested how colonial domination worked by inspiring in colonized subjects a desire to identify with their colonizers. The Australian example suggests that multicultural domination seems to work, in contrast, by inspiring subaltern and minority subjects to identify with the impossible object of an authentic self-identity; in the case of indigenous

> Australians, a domesticated non-conflictual 'traditional' form of sociability and (inter)subjectivity. As the nation stretches out its hands to ancient Aboriginal laws (as long as they are not 'repugnant'), indigenous subjects are called on to perform an authentic difference in exchange for the good feelings of the national and the reparative legislation of the state. But this call does not simply produce good theatre, rather it inspires impossible desires: *to be* this impossible object and to transport its ancient pre-national meanings and practices to the present in *whatever* language and moral framework prevails *at the time of enunciation*" [italics in original].

Povinelli points out that there are limits to the cultural recognition that Aboriginals receive in Australia. On the one hand, they have to be different enough to "merit" a cultural denomination different than their white compatriots. But their cultural practices cannot be too different to offend the larger society's liberal sensibilities. Povinelli (2002:13) says of "those who consider themselves liberal" that "they encounter instances of what they experience as moments of fundamental and uncanny alterity: encounters with differences they consider too abhorrent, inhuman, and bestial, or with differences they consider too hauntingly similar to themselves to warrant social entitlements—for example, land claims by indigenous people who dress, act and sound like the suburban neighbors they are." Nevertheless, in the intermediate space between repugnance and sameness, we find tolerance of political systems we would ordinarily—were they not "traditional" or "indigenous"—condemn as unjust and unfair. Tolerating these systems subjects people to traditions we would not tolerate in our own societies.

But, the liberal and populist project makes one more slip of hand. Rather than enabling indigenous tradition to flourish, it subsumes it within notions of indigenous *authority*.[40] Traditional and customary authorities become the interlocutors for all indigenous peoples. But can tradition be represented by non-traditional authorities (quite separate from the question of whether traditional authorities are even 'traditional')? Custom and customary authority are not always separable (see Mann and Roberts 1991 for a discussion of law as process). Their fusion and conflation both in indigenous and outsider practice undermines the potential for representing custom, tradition, or culture—the desire, needs and perspectives of indigenous peoples—through democratic authority. How does democratic authority in the presence of process-based legal systems articulate with 'tradition' 'custom' or culture—does it replace traditional authority or operate in parallel or in hierarchy? Certainly parallel or hierarchy. How is power divided among them if they do work in parallel? In the colonial period, European powers chose to recognize and work through traditional authorities.

[40] Conflation of tradition and traditional authority is common. While tradition and traditional authority cannot always be separated, in some instances customs can be recognized and represented by non-traditional authorities such that custom can enter into decision making without the intermediary of customary authority. This was the case in the affirmative action movement in the US.

Recognized by the state or by international organizations, traditional or customary authorities are transformed, as were the colonial chiefs in Africa. Their powers backed from the outside, their accountabilities are turned upward, producing the room for abuse that was legion across the colonial world. Customary authorities played an important role in the colonial period as the local administrators for European powers—under the French system of 'Assimilation' and British 'Indirect Rule'. Colonial rulers backed their control over land enabling them to implement the colonial economic management and extraction projects (Watts 1993). The colonial project used chiefs to legitimate their own presence. The search for the 'authentic' chief was part and parcel of the colonial legitimization project. By independence, chiefs and headmen lost the favor of local populations and of government due to their colonial collaboration. The recent revival of 'authentic' customary authority in Africa is especially troubling given their role as instruments of colonial domination.

Today customary authorities are re-emerging as a political force across a variety of sectors. They are mobilizing and being recognized by governments, donors and international NGOs. While the phenomenon of chiefly comeback is not sector specific, it has been especially salient in natural resource issues.[41] Over the past decade, "customary" or "traditional" leaders—chiefs, headmen, kings, etc.—are having a renaissance. They have reasserted their authority in Burkina Faso, Ghana, Niger, Chad, Côte d'Ivoire, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa; Tanzania, Uganda, Zambia and Zimbabwe (Therkildsen 1993:84 citing Van Rouveroy Van Nieuwaal 1987; Brock and Coulibaly 1999:152; Ntsebeza 1999,2002,2005; Manor 2000; Muhereza 2003; Jeter 2000:A1).

The resurgence of customary authorities has implications for the relationship between central and local governments, and therefore bears on decentralization efforts in several different ways. As discussed in the main text of this concept paper, transfer of powers to non-democratic institutions (including, but not limited to, customary authorities) instead of local government may inhibit the formation of robust local democracy. In South Africa, Mozambique, Uganda and Zimbabwe, the comeback of customary authorities is supported by allies in government and is undermining elected local authorities (Ntsebeza 1999; Manor 2000; Jeter 2000:A1). Muhereza (2003), for example, has pointed out that 'decentralized' control over forests (taking the form of effective privatization) in Uganda may contribute to the strengthening of Kingdoms at the expense of the democratically elected Local Council system. Similar cases of chiefly strengthening at the expense of elected government are found in South Africa (Ntsebeza 2003) and Mali (Kassibo 2004).

[41] Although it would take a more systematic comparison among sectors, I would speculate that they have been favored more systematically in natural resource management due to widespread ideas about indigenous peoples being closer to nature. The naturalization of indigenous peoples goes hand in hand with the indigenization of the management of nature. See further discussion below of the role of customary authorities in natural resource management.

Members of central government in Mali, Burkina Faso and Niger also often evoke chiefs as a threat to or a reason not to decentralize or establish democratic local institutions. Government authorities argue that supporting new democratic institutions will lead to conflict with customary authorities. As such, the resurgence of customary authorities threatens democratic local government reforms. Because chiefs are threatened by transfer of control over land allocation to democratic institutions and the more general undermining of their authority by alternative representative local institutions, they and their allies in central government—who may also lose their rural power base through local democratization—pose a serious threat to decentralizations. These examples illustrate that a variety of political motivations at different levels—not just central government—is driving the reemergence of customary authorities.

In natural resources, the empowerment of customary authorities, on the grounds of legitimacy and on arguments that these authorities represent local people, is common (see Ribot 1999; 2004). Van Rouveroy, van Nieuwaal and van Dijk (1999:6) have argued that across Africa land and natural resource management are being renewed as arenas for chiefly power: NGOs "appear to have turned chiefly office into an arena of brokerage, thus opening new perspectives and avenues for entrepreneurial activity;" natural resources and land allocation are described as domains in which chiefs' "nostalgic claims to authentic ritual power are effectuated in terms of real political power." Chiefs use this discourse to their advantage in their relation with post-colonial African states. Chiefs use the domain of natural resource management and land allocation to manipulate this relation to their own advantage. "In most cases chiefs succeed in invoking ritual rights from the 'past', which they then translate into instruments for 'hard' political brokerage. Chiefs negotiate their positions in the context of global discourse on sustainability, environmental awareness and national and international interest in ecological preservation" (van Rouveroy, van Nieuwaal and van Dijk 1999:6). In many countries where land issues are politically charged, chiefs mobilize their past roles as authorities over natural resources in order to maintain their political relevance to (and advance their power struggle with) national political authorities.

In a first round of research on decentralizations involving natural resources (Ribot 2004), these patterns observed across Africa indicates that problems around the choice and recognition of local institutions by governments, international agencies and international NGOs may be affecting democracy at the local level. This re-emergence needs further investigation. Is the inclusion of these authorities in public decision really making "the basis for the emergence of strong, legitimate regimes in the years ahead," as Rothchild (1994:7) asserts? Mozambique's 1992 peace agreement states that "The Government undertakes to respect and not antagonize the traditional structures and authorities where they are currently de facto exercising such authority" (Rothchild 1994:7). The South African constitution also recognizes chiefs as legitimate local authorities

(Ntsebeza 1999).[42] Given that in places like South Africa and Mozambique customary authorities are already written into the constitution, the question now becomes: how should customary authorities participate in government? What should their relation to emerging local democratic governments be? While traditional leaders may, at times, be recognized to be "vital social forces in their communities" (Rothchild 1994:8), does this mean that they represent and are accountable to society or can speak or act fairly on its behalf? Does it mean they have a right to rule?

As discussed above, challenge to local democratic institutions is not just from chieftaincy. Local democratic institutions are also challenged through privatization and the transfer to NGOs of public powers—both very common in natural resource management decentralizations. This project aims to use the natural resource lens to better understand the effects of the choice and mix of local institutions on democratic decentralization.

[42] In South Africa, traditional chiefs are fighting for powers over land tenure arrangements. These hereditary powers are not representative and their empowerment is inconsistent with the democratic principles of elected representation enshrined in the constitution (Ntsebeza 1999). Customary authorities are also insinuating their way into ostensibly democratic local government structures. In 2000 their representation on local government councils was increased from ten to twenty percent and functions, such as land management, that even the constitution requires to be executed democratically have been transferred into the domain of chiefly authority (Ntsebeza 2002). The Municipal Structures Second Amendment Bill (section 81.1a—still pending) states: "Despite anything contained in any other law, a traditional authority observing a system of customary law continues to exist and to exercise powers and perform functions conferred upon it in terms of indigenous law, customary and statutory law, which powers and functions include – (a) the right to administer communal land…" (Ntsebeza 2002:9).

Annex B: The Case Studies

Participant Papers are divided into four thematic groups:

Group I – Institutional Choice and Recognition in Natural Resource Management: Competition, Cooperation and Conflict among Local Institutions

1. Papa Faye – Institutional Pluralism in Forestry Decentralization in Senegal: The Stakes for Local Democracy
2. Renata Marson Teixeira de Andrade-Downs - The Proliferation and Fragmentation of Authority in River Preservation and Fisheries Management on the Lower São Francisco River, Northeast Brazil
3. Po Garden - The Consequences of Institutional Interplay and Density on Local Governance of Water Resources in Northern Thailand
4. Ashwini Chhatre - The Boomerang Effect: Transitivity of Accountability with Respect to Natural Resource Management in Democratic Institutions [India]

Group II – Institutional Choice and Recognition in Natural Resource Management: External Patrons, Local Clients

1. Solange Bandiaky - Village Management Committees versus Local Collectivities in Malidino Biodiversity Community Reserve in Senegal
2. Fabiano Toni - Institutional Choices on the Brazilian Agricultural Frontier: Strengthening Civil Society or Outsourcing Centralized Natural Resource Management?
3. Marja Spierenburg and Harry Wells - The Quest for the Global Commons: Public-Private Partnerships, External Actors, and Community Land Rights in the Great Limpopo Transfrontier Conservation Area [Southern Africa]
4. Mafaniso Hara - Decentralisation or Line Ministry Institutional Empowerment in Fisheries Management? The Case of Mangochi District, Malawi

Group III – Institutional Choice and Recognition in Natural Resource Management: The Re-Emergence of Customary Authority

1. Euclides Gonçalves - Decentralization Reforms and the Re-Emergence of Traditional Authority in Mozambique: Study of the Inharrime District
2. Anne Larson - Forests, Indigenous People and Municipal Governments: Exploring Representation [Nicaragua and Guatemala]
3. Roch L. Mongbo - Institutional Traps of Participatory Approaches: Traditional Authority and Natural Resource Management and Decentralisation in Benin
4. Peter Hochet - Institutional Choices and Local Custom in Minyankala, Southeastern Mali

Group IV – Institutional Choice and Recognition in Natural Resource Management: Governing the Commons in a Centralist State

1. Wang Xiaoyi - Central Government Environmental Policies and Failures of Grassland Management: A Study of Inner Mongolia, China
2. Bréhima Kassibo - Democratic Decentralization, Institutional Pluralism, and Accountability in Forest Stock Management: A Study of the Community of Siby, Mali
3. Tomila Lankina - Central State Re-centralization, Karelian Forestry Administration and Community Governance [India]
4. Parakh Hoon - Can the Tail Wag the Dog? Contrasting institutional choices for governing natural resources in Botswana and Zambia

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APPENDIX D

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WORKING PAPER #24. *Institutional Choice and Recognition: Effects on the Formation and Consolidation of Local Democracy, Minutes of a Comparative Policy Research Workshop.* Rapporteurs: Bradley L. Kinder, Nathaniel Gerhart, and Anjali Bhat. December 2006.

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