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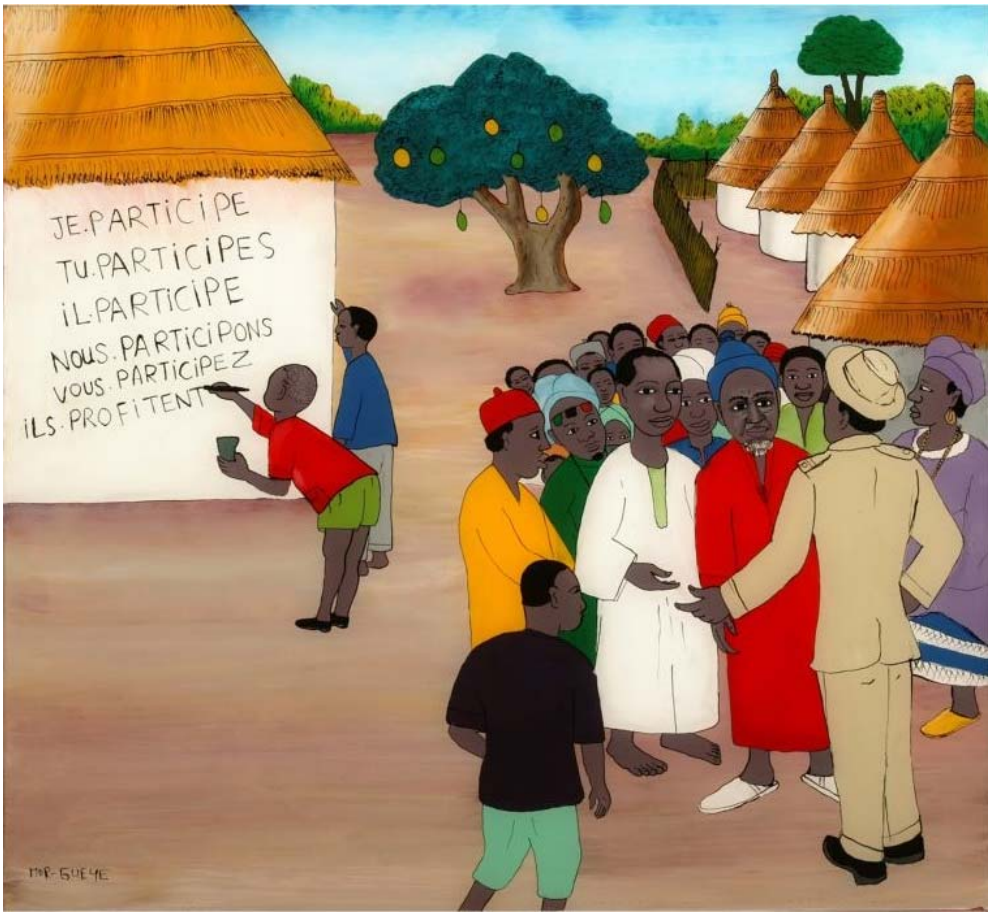

Working Paper 35

Institutional Choice and Recognition in the Formation and Consolidation of Local Democracy

by

Jesse C. Ribot, Ashwini Chhatre & Tomila V. Lankina

January 2008

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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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ABSTRACT

What are the democracy effects of 'decentralization' reforms and projects? Most developing countries have launched decentralization reforms for the purpose of improving service delivery, local development and management. In these reforms and projects, however, governments, international development agencies and large non-governmental 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. Under what conditions is the new plurality of approaches and local interlocutors fostering local democratic consolidation or resulting in fragmented forms of authority and belonging? Drawing on case studies in Benin, Brazil, Guatemala, India, Indonesia, Malawi, Russia, and South Africa, this working paper explores the effects of institutional choices and recognition by governments, international development agencies and large non-governmental organizations on three dimensions of democracy: 1) representation, 2) citizenship, and 3) the public domain. This Working Paper outlines an approach to the politics of choice and recognition while drawing out findings from Working Papers 23 and 26 through 34 in this working paper series.

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INTRODUCTION

When does the mix of institutions being created and supported in the name of decentralization contribute to the formation and consolidation of democratic local government? This synthesis working paper and working papers it draws on (Chhatre, 2007; Spierenburg et al., 2007; Larson, 2007; Hara 2007; Xiaoyi, 2007; Lankina, 2007; Bandiaky, 2007; Toni, 2007; Mongbo, 2007; Ito, 2007—Working papers 23 and 26 to 34) examine the effects of institutional choices by central governments, international development agencies and large non-governmental organizations on three dimensions of local democracy: representation, citizenship, and the public domain. In some decentralizations elected local governments are receiving support. In most they are avoided in favor of a plethora of parallel institutions. Is this multiplication of local institutions and the cultivation of identity- and interest-based forms of inclusion over residency-based citizenship fragmenting the local arena into competing and conflicting identity and interest groups? Is the public domain—which we define as the material resources under public control that are the basis for public decision making—being enclosed and diminished via various forms of privatization and de-secularization of public powers?[1] Is citizenship—the ability to be politically engaged and shape the fate of the polity—being undermined as a result of these processes? This synthesis and the case-study working papers explore the origins and effects of the emerging local institutional mix on local democratization.

Since the mid 1980s, the majority of developing countries have legislated decentralization reforms (Crook and Manor, 1999; World Bank, 2000; Ndegwa, 2002). Most claim that they are undergoing 'democratic' decentralization (Ndegwa, 2002). The stated aim of their reforms is to establish and democratize local government for purposes of democratization itself and for improving service delivery, local development and resource management. While adequately justified on the basis that democracy is a good in itself, political and development theorists also emphasize the material benefits of local representation. These reforms—whether administrative or democratic—are believed by many theorists and practitioners to improve efficiency and equity through proximity and representation of local populations in decision making (Mawhood, 1983; Crook and Manor, 1998).[2] Local 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[3] to it (as in democratic decentralizations). The general logic of decentralization is inclusive and public. It is predicated on proximity and decision-making processes reducing transaction costs, producing better accountability of decision makers to the population, and enabling decision makers to better match decisions and resources to the local mix of needs and aspirations (Agrawal and Ribot, 1999).

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[1] In contrast to Habermas's (1991) focus on *discursive* domain of public interaction, we emphasize the *material basis* of authority, that is, the powers (resources and domains of decision making) over which citizens can interact and attempt to influence public decisions.

[2] But see (Treisman, 2007; Rubin, 2005; Lankina, 2004).

[3] Accountability is counter power (Agrawal and Ribot, 1999) or the ability to sanction (see Manin, Przeworski and Stokes, 1999).

In the name of decentralization, central governments, international development agencies and international NGOs are transferring power to local private bodies, customary authorities and non-governmental organizations (NGOs). Transfers to these bodies, however, are better labeled as privatization, participatory or empowerment approaches, NGO and civil society support, social funds, and community-driven development (Ribot, 2003; Pritchett and Woolcock, 2004). 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 often receive few public resources or powers and must compete with a plethora of new local institutions (Ribot, 1999; Namara and Nsabagasani, 2003; Manor, 2004). Democratic local government is rarely given the means—discretionary authority, technical support, equipment or finances—to represent or to engage local people in public affairs (Crook and Manor, 1998; Ribot, 2003). The working paper case studies illustrate how local government has been fettered in this manner (see working papers Toni, 2007; Bandiaky, 2007; Hara, 2007; and Spierenburg et al., 2007) as well as how government or external actors have successfully—even if not wholeheartedly—promoted local representation (working papers Chhatre, 2007; Ito, 2007; Larson, 2007; and Lankina, 2007).

This collection of working papers explores the reasons behind local 'institutional choices' and the effects of choosing or 'recognizing' different kinds of local authorities on local democracy. In decentralization reforms—a reform being a policy change by government—central actors are choosing powers to transfer and local institutions to transfer them to. These reforms may be motivated by internal political or public dynamics or by external pressures by donors or social movements. In this synthesis working paper we focus on how these choices shape local authority. Institutional choice refers to the choice of the locus of authority. We use the term 'choice' to attribute agency and therefore responsibility to government and international organizations for their decisions. Governments and international organizations choose local authorities by transferring powers to them, conducting joint activities or soliciting their input. Through their choices, they are transforming the local institutional landscape. The term 'recognition' (*a la* Taylor, 1994) evokes the political philosophy literature on identity politics and multiculturalism.[4] We use the concept of 'recognition' to better understand these choices and to explore the effects that the chosen mix of local authorities has on representation, citizenship, and the public domain. Different forms of local authority imply different development and equity outcomes. Understanding the link between forms of authority and outcomes is critical for motivating and for redesigning decentralization reforms.

The authors of the case study working papers were asked to examine which kinds of local authorities are being chosen and why, and then to focus on the effects of these choices or the 'effects of recognition' on democracy and development in their case studies. The public justifications for the choices are varied, including pro-poor agendas, virtues of civil society, superiority of community-based and/or indigenous systems, and advantages of direct participation. Behind the public justifications are private interests such as donor pressure, fear of loss of power and authority, fiscal crises, maintaining privilege, or

[4] Also see Kymlicka (2002) and Fraser (2000).

cultivating political constituencies. Understanding choice helps to separate the public justifications from the complex of political and private interests driving them, potentially illuminating ways to influence decentralization policy processes. Understanding the effects helps us to identify approaches most likely to foster dynamic and articulated local democracy (see Chhatre, 2007).

The cases are mostly rural and focus on natural resource decentralizations. Natural resources are a powerful lens on decentralization because they are important to 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. Transfer of natural resource powers from central to local authorities mobilizes a wide range of interested parties. This synthesis outlines the 'institutional choice and recognition' framework (Ribot, 2006) for analyzing the prospects for a consolidation of local democracy in the context of decentralization reforms around the world.

The next section of this synthesis paper outlines our focus on authority. It is followed by a section developing the basic concepts of choice and recognition while laying out criteria with which to examine their effects. The third section draws out the findings of the working paper case studies and is followed by a concluding discussion.

RECOGNIZING AUTHORITY

Taylor's (1994) 'politics of recognition' describes a set of tenets for redressing identity-based inequities. For Taylor, recognition redresses inequities by privileging cultures and identity groups that have been marginalized. The politics of recognition identifies marginality as a product of 'misrecognition' or prejudices against cultures and cultural forms. Taylor argues that misrecognized cultures must be 'recognized'—promoted, protected and empowered—so as to enable individual members to develop a positive image of themselves and to fulfill their potential as individuals within the broader society. Recognition, for Taylor, is an act of enfranchisement. We observe that states and international institutions are always engaged in recognizing new authorities around the world—strengthening some and weakening others. In the process, they are strengthening and weakening different forms of authority and those authorities' reign over their constituent populations. This working paper shifts the focus from the recognition of *culture* and *identities* to the recognition of *authority*. In doing so, we are also promoting a shift in much of the economics, common property and development literature from a focus on 'property' and 'tenure' to a focus on 'authority'. While 'property' is an enforceable claim (McPherson, 1978), too much attention is trained on the rules of the game rather than the origins and construction of the authorities 'enforcing' the rules. We find that critiques (Fraser, 2000; Tully, 2000; Markell, 2000; Povinelli, 2002) of Taylor's concept of recognition shed light on the enfranchising and disenfranchising effects of recognizing different kinds of authorities. As such, the recognition literature provides the conceptual tools for analyzing the production of democratic local authority.

Recognition of representative authorities can provide for representation of diverse interests. Recognition of non-representative authorities subjects individuals to the cultural or ideological vagaries of those authorities. Tully (2000:477) argues, struggles over recognition and distribution are not ends in themselves but must to be subject to 'democratic disagreement, dispute, negotiation, amendment, implementation, review, and further disagreement'. To remain democratic, these struggles need to be under democratic authority. 'A free and democratic society will be legitimate even though its rules of recognition harbor elements of injustice and non-consensus if the citizens are always free to enter into processes of contestation and negotiation of the rules of recognition' (Tully 2000:477). But, rules are not easily contestable when chosen authorities are non democratic and the choice of those authorities is imposed by inaccessible higher authorities. The central irony of recognizing cultural authorities—chiefs, indigenous or ethnic leaders—in the name of freedom or democracy is that this recognition can constrain the very contestation that makes a society free and democratic.

Fraser (2000) argues that Taylor's recognition of specific 'misrecognized' groups, '…insofar as it reifies group identities,… risks sanctioning violations of human rights and freezing the very antagonisms it purports to mediate.' By reifying culture, Fraser (2000:112) suggests, the politics of recognition 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 too is cultural criticism, including efforts to explore intragroup divisions, such as those of gender, sexuality and class'. Fraser (2000:108-111) also argues that that privileging culture and identity diverts attention from material and social bases of distribution, potentially reinforcing material injustices. Recognizing identity and interest-based authorities imposes their notions of culture and their interest on those under their rule—similarly suppressing intra-group difference (see Mamdani, 1996). Indeed, 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' (Fraser, 2000:112; also see Povinelli, 2002:6-13).

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. By focusing on the role of 'recognition' in the construction of local authority, the 'politics of choice and recognition' framework extends these critiques to analysis of any reforms where powers are transferred to local authorities. Recognition is not merely an act of acknowledging an existing identity or authority; recognition creates that authority (Markell, 2000:496-7), and therefore must be analyzed as a political act with profound consequences for the democracy.

The desire to privilege 'misrecognized' cultures often drives international development interventions. Across Sub-Saharan Africa, South-East Asia, and Latin America, for example, 'indigenous', 'customary' and 'traditional' authorities are making a political comeback (Geschiere and Boone, 2003; von Benda-Beckmann et al., 2003, Larson, 2007). This re-emergence is at least partly cultivated from above—a result of government, donors and international NGOs recognizing the authority of chiefs and

headmen. The re-emergence of customary authority is so widespread and takes so many forms that it must also be attributed to particular local histories reshaped by global changes that give new life to traditional forms of belonging and identity (Engelbert, 2002). Important blind spots, however, are evident in development approaches that favor indigeneity. First, political analysis and judgment of indigenous governance systems are rarely featured in the new approaches (a new kind of 'anti-politics', *a la* Ferguson, 1994). Second, custom and customary authority are conflated such that customary authorities are favored rather than custom itself (also see Moore, 1986; Chanock, 1991). Focus on indigenous identity and governance has increasingly shifted from the individual to the collective, and from the culture to the authority.

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, despotic, oppressive, patriarchal, gender biased, stratified, or gerontocratic. Some indigenous cultures 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. The confusion is deepened since many cultural or indigenous authorities are substantively democratic and do indeed work on behalf of their people (Larson, 2007; Spierenburg et al., 2007; Spierenburg 1995; Olowu et al., 2004), while elected local governments often marginalize the poor, women, indigenous peoples, and lower castes (Agrawal and Gupta, 2005; Crook and Manor, 1998; Crook and Sverrisson, 2001). Where communities are already highly stratified along the lines of power, income, wealth, and social status, recognizing local governments can have the effect of 'obscuring internal differences' within the village, thereby further marginalizing lower castes (Agrawal and Gupta, 2005).

Clearly, authority should not be legitimized just because it is labeled 'democratic', 'customary' or 'indigenous', nor should authority over the public domain be transferred uncritically to NGOs or private bodies. While elected local government is often scrutinized, the terms 'culture', 'private' or 'NGO' should not provide protection from political analysis—even if these authorities are locally 'legitimate' or considered 'authentic' (see Ntsebeza, 2005). To avoid double standards, cultural and political authorities as well as community and private leaders should be viewed in the same critical light. This critical equity provides a starting point for a dialogue among cultural and political stances. All local authorities need to be evaluated for how they represent people, encourage citizenship and produce an engaging public domain.

THE POLITICS OF CHOICE AND RECOGNITION

This section outlines an analytic framework for evaluating the enfranchising potential of forms of local authority. The working papers begin to explore the elements of this framework.

The Politics of Choice: Policy Processes in the Establishment of Local Authorities

Decentralizations can provide the infrastructure for popular engagement and expression (Ribot, 2003; Heller et al., 2007:628). They can open the spaces to initiate active citizen engagement by promoting inclusive participation and for new kinds of local agency (Gaventa, 2002; Eckert 2006). But, as *policy reforms* they are 'top-down' affairs—designed and implemented by central actors. How do policy makers and development professionals choose local institutions in democratic decentralization or local development interventions? Do their institutional choices reflect the aggregate aspirations of individuals maximizing their own good (Ostrom, 1990)? Do they select authorities and institutions to meet their own narrow economic and political interests (*a la* Bates, 1981; also see Frye, 1997)? Do local institutions choose themselves and impose themselves on emerging opportunities and decision-making processes (Eckert, 2006; Boone, 2003; von Benda-Beckmann and von Benda-Beckmann, 2006; Gaventa, 2002)? Clearly all of these processes are in play. Working papers by Chhatre, Ito, Toni and Hara address the politics of choice. They describe how policies and decisions of higher-level authorities, with or without influence of local citizens, result in the creation, selection or appointment of specific authorities and/or enable local actors to engage or capture new opportunities.

Institutions—whether rules or and authorities—are not merely organically emerging solutions to collective action problems. Rather, they are created or cultivated by powerful interests. We start with Bates' (1981) notion of 'institutional choice' to bring attention to the motives and actions of the central authorities crafting decentralizations, and, in the process, shaping the local institutional landscape. Bates' formulation lacks mass politics, social movements, and perhaps, also history—save the threatening urban mobs or organized labour colluding with management. Taylor's 'politics of recognition' brings in the struggle of social actors to redress historical wrongs that force the state to 'recognize' marginalized groups. Combining choice and recognition enables an integration of both choices from above and pressure from below in understanding institutional choices.

Recognition: the Effects of Choice

The effects of institutional choices on the emergence and consolidation of local democracy often differ from stated objectives or expected outcomes of governments and international organizations. Despite the extreme difficulty in establishing links between institutional arrangements and development or ecological outcomes, a body of data is emerging (World Bank, 2000; Conyers, 2002; Mansuri and Rao, 2003; Foster and Rosenzweig, 2004; Heller et al., 2007). Rather than focusing on links to development outcomes, the case study working papers examine democracy effects. Is the mix of recognized institutions helping to establish, strengthen or consolidate local democracy?

The 'politics of choice and recognition' framework extends the discussion of 'recognition' to institutions. Like the recognition of culture or individuals, the recognition

of local institutions or authorities confers power and legitimacy, and cultivates identities and forms of belonging.[5] The choice of local authorities or organizations by government or international agencies is a form of recognition. Following Markell (2000:496) '"recognition" is something used to refer not to the successful cognition of an already-existing thing, but to the constructive act through which recognition's very object is shaped or brought into being'. This 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 authorities and organizations with resources and backing, reinforcing the forms of belonging these local institutions engender and the identities of their members. In doing so, recognition shapes three key aspects of democracy: representation, citizenship and public domain. Representation is about having accountable and responsive leaders; citizenship refers to rights and obligations in a polity, and the ability to engage with leaders to influence their decisions; and the public domain is the material basis of that engagement. Each is outlined below.

Representation

In recent decades many institutions have been created or cultivated with the purpose of increasing popular participation and empowerment in planning and decision making (Fung and Wright, 2003; Fung, 2003).[6] While increased participation may have democratic characteristics by bringing a broader cross-section of the population into decision making, participation is often neither representative nor binding (Mosse, 2001). Following Manin, Przeworski and Stokes (1999), democratic representation is when leaders are both responsive and accountable to the people. Accountability is about positive and negative *sanctions*, and is a defining characteristic of democracy. Responsiveness requires leaders with *powers*—the discretionary power to translate needs and aspirations into policy and policy into practice (Ribot, 2003; Pritchett and Woolcock, 2004). So, to be democratic institutions must be representative: accountable to the people and empowered to respond.

In decentralization and other local development interventions, outside authorities choose to work with, and therefore recognize, local authorities. In doing so, they cultivate these authorities, strengthening and legitimating them. But, how representative are the chosen institutions? In current decentralizations—even those called 'democratic'—governments and international donors are largely choosing to avoid elected local government in favor of other institutions—see the working papers by Hara (2007), Toni (2007), and Bandiaky (2007; also see Romeo, 1996; Agrawal and Ribot, 1999; for exceptions, see Lankina, 2007). This choice is critical in that it deprives local elected authorities of the powers transferred to the local arena while empowering alternative or so called 'parallel' authorities. Empowering local line ministry offices, NGOs, customary chiefs, and private

[5] For example, policies are often created to assure the survival of a given cultural community. "Policies aimed at survival actively 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).

[6] Fung (2003) writes, however, about participation of civil society and of people within civil society in processes of decision making. Representation is not central to his approach however. He does not seem to view representative forms of government as sufficient or even necessary to the democratic processes.

corporations can de-legitimate elected local authorities while legitimating parallel bodies. Elected local government is forced to compete and struggle with other local institutions for the legitimacy that follows from control of public decisions and service delivery.

Representative local authorities can be strengthened through recognition (Lankina, 2007). They may be weakened, however, 1) if they receive too little power to be effective (as in Bandiaky, 2007; Hara, 2007; Toni, 2007; Larson, 2007; Spierenburg et al., 2007), or 2) if parallel institutions overshadow or pre-empt their ability to serve public interest (as described by Hara, 2007; Bandiaky, 2007; Toni, 2007). Manor (2004) describes under-funded local governments with a mandate to manage natural resources operating in an arena with over-funded environment committees. Transferring public powers to parallel authorities in the local arena can take powers away from, and produce competition with, democratic local government. That competition can be divisive (see Toni, 2007) or it may lead to more efficiency and better representation all around (see Chhatre, 2007; and Ito, 2007). 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 and articulation between society and the government (Chhatre, 2007; Lankina, 2007).[7]

Citizenship

Recognition of different kinds of authorities and organizations entails different forms of belonging (see Toni, 2007; Lankina, 2007; Larson, 2007; Bandiaky, 2007). Under democratic authorities, belonging infers citizenship and is residency based. Citizenship is about the ability to be politically engaged and shape the fate of the polity in which one is involved (Isin and Turner, 2002). In liberal democracies, it is usually associated with entitlement to certain civil, social, and political rights irrespective of one's identity and interests (Sparke, 2004). In private groups and NGOs, belonging is based on shared interest. Membership is limited by the initial members and rights are contractual. Membership can also be based on identity, such as professional or any other entry criteria the members establish. In customary and religious institutions, membership is often based on identity—such as ethnicity, place of origin, language, or religion. Recognizing different authorities translates into support for different forms of belonging. Individuals usually have multiple memberships—in multiple private and public organizations.

Power transfers authorize. Empowering an authority gives it a role and resources, making it worth engaging, giving people a reason to belong and exert influence. Different kinds of authorities confer different rights and recourse. Under some authorities people are citizens—with rights and recourse—under others they are reduced to subjects (Mamdani, 1996). Citizenship emerges where there are empowered and downwardly accountable authorities—worth engaging and open to engagement. Choosing the locus of authority establishes, strengthens or weakens citizenship. Where public resources are channeled into private bodies or autocratic authorities, the scope for citizen engagement is diminished.

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

Public Domain

Without powers, no authorities are worth influencing—even if they are accountable. A 'domain' is that which is dominated by an authority. The public domain consists of the powers (resources and decisions) held, or citizen rights defended by, a public authority. It is the set of political powers vis-à-vis which citizens are able and entitled to influence public authorities. Retaining powers in the public domain maintains and reinforces public belonging in, and citizen identification with, the public authorities and with other citizens in the polity. Conversely, privatizing public resources and powers to individuals, corporations, customary authorities or NGOs diminishes the public domain. Such enclosure shrinks the integrative space of democratic public interaction. Without public powers there is no space of democracy—there is no 'public domain' for citizens to engage in and belong to.

In decentralizations, the choice to allocate public powers among multiple interest and identity groups may enclose the public domain and fragment society into interest- and identity-based forms of belonging. The privatization of public powers to NGOs and other private bodies is a form of enclosure. When actors receiving these powers are customary or religious authorities, this enclosure constitutes a desecularization of powers. These acts diminish the domain of integrative public action, undermining residency-based belonging and citizenship. A public domain is a necessary part of representation and of the production of citizenship. It is the space of integrative collective action that constitutes democracy. For decentralizations to produce benefits in equity, efficiency, and democratization, retaining substantial public powers in the public domain is essential.

THE CASE STUDIES

The institutional choice and recognition framework was used by case study authors to interrogate the recognition of local institutions and authorities (elected local government, pluralism, privatization, NGOism, support for customary chiefs) for local development. By examining the effects of choosing these different institutions in sectoral decentralizations, such as natural resource or health where real material transfers are taking place, researchers can examine the propositions that: 1) the support of authorities privileges and strengthens them—whether their constituencies are residency, identity or interest based, and 2) when governments and international agencies empower local authorities, they are enforcing upon the members of the groups the particular forms of comportment, accountability relations, belonging, and beliefs of the chosen authorities. The case studies are summarized here.

Ashwini Chhatre's (2007) working paper details the process of democratic consolidation in Himachal Pradesh, India. Here, legislators chose *panchayats* as local interlocutors because local people chose to use them as a channel of influence. Local people chose *panchayats* due to their political connections and their emerging powers under decentralization reforms. Chhatre describes this political 'virtuous circle' linking people to *panchayats* and *panchayats* to legislators as 'political articulation'; defining 'an articulated democratic system', as one that 'will enable local communities to influence

local institutions'. In a disarticulated political system elected representatives are alienated from their constituents and lack incentive or ability to respond to demands from below. The key to Himachal Pradesh's local government success was the 'space and opportunity for community engagement' generated by accountability. Chhatre's articulation approach enables a dynamic multi-layered analysis of emerging local democracy in which power and accountability are relational and not located in a single authority. Here higher-level competition explains the choices by parties that helped make lower-level authorities locally accountable (*a la* Schumpeter, 1943). Recognition of the *panchayat* by parties and via decentralization explains their consolidation as a local political force and locus of engagement.

Fabiano Toni (2007) shows how in the state of Para, Brazil, the national ruling party, local government authorities, donors and national bureaucrats marginalize elected local government. In Brazil, the ruling party is supported by a union-based social movement while local government authorities are dominated by an opposition party. In Para, the ruling party is allied with an NGO Foundation representing some 100 grassroots movements. The lack of political overlap between the Foundation-supported ruling-party and opposition-supported local government—most mayors being of the opposition—has institutionalized local government marginality. Further, donors sideline the few elected pro-poor ruling-party mayors or councillors due to mistrust of local authorities and choose to work instead through the NGO Foundation, which, despite its pro-poor stance, does not appear to represent the 'grassroots'. Toni describes the NGO Foundation as a government-'paid service sector' accountable to the higher bodies and provides examples of the marginalization of women within the movement. In Brazil's Amazon rather than fostering broad-based citizen engagement, the current politics of choice institutionalizes social divisions between the traditional elite and the newly empowered social movement. Such choices fragment the local public domain, and prevent the consolidation of local democracy.

Takeshi Ito (2007) describes a dynamic decentralization in the Bandung district of Java, Indonesia under which powers and resources are transferred to popularly elected district governments, opening new opportunities to influence policy and its implementation at the district (*bupati*) level. The *bupati*, however, chose to collaborate with 'interest groups of village elites'. The new elite-based civil-society approach to decentralization gives village heads significant influence. Other parties now compete for the attention of the village heads, who no longer need to show loyalty to the ruling party. There is a clear opening of space for political competition in which the village heads have gained a significant role in higher-level electoral politics (also see Chhatre, 2007). Despite the advances of decentralization, Ito shows that a 'civil society' approach to local democracy is systematically excluding marginal populations from 'democratic' decision making. Indonesia's central government chose democratic decentralization to the elected district *bupati*, while in Bandung the *bupati* systematically chose to partner with local rural elite associations tethered to the state in a web of patronage. These associations do not represent a broad cross-section of civil society working with local government in a voluntary and broad based manner. The resulting articulation (see Chhatre, 2007) is starkly class based—it is between government and elite, while the poor remain

disarticulated and unrepresented. The alignment of district government with village elite associations—whose interests are antagonistic to those of the poor—is hemming in the public domain by effectively reserving public decisions for village heads and the narrow elite they belong to.

Tomila Lankina (2007) shows that promotion of a local sense of citizenship, belonging and representation transcends the national state. Karelia, a region on the Finnish border of Russia boasts relatively autonomous local government compared to other Russian regions. Western involvement accounts for Karelia's post-communist institutional development: the European Union (EU) works with local governments while also urging their cooperation with NGOs. In the 1990s, Karelia adopted the Nordic neighbors' local government model. In 2003 the federal government, however, embarked on recentralization, including in forestry management, using the pro-Kremlin regional governor as an ally in undermining local government autonomy. Lankina suggests that local citizens and authorities resist being hemmed in by seeking to emulate Nordic and EU practices across the border. By working with local government and by providing an alternative vision of local democracy, external donors in Karelia inspire citizen engagement and struggles for democratic local government. The sense of discrepancy between what people see at home and abroad fosters a productive kind of 'fragmented belonging' that motivates people to emulate their western neighbours. Lankina shows that this fragmentation translates into local institutional choices. The regional capital city councillors have successfully resisted the Kremlin's local government reforms. They attempt to expand citizenship and belonging in their polity by making appeals to democratic norms and the authority of the EU and the Council of Europe. The result is local governments that are more representative and downwardly accountable than in many other Russian regions.

Anne Larson (2007) argues that poor and excluded indigenous people 'need organizations and collective action, allies, interlocutors and sympathetic, or at least open, government officials' if they are to be heard. In Guatemala, a long history of integrationist policies has shaped indigenous people's healthy mistrust of government and consequently their ability to take advantage of new local government institutions. While the government of Guatemala has chosen to work through local government, many local people have chosen to exercise agency through a mix of parallel institutions and individuals—in one of her cases through their indigenous leaders. These leaders helped translate local concerns into policy by defending indigenous people's rights to be included in political decisions. Larson shows that empowering indigenous leaders can enable communities to influence public policies in their favor, questioning whether liberal democracy is the only means for people to achieve representation. The empowerment of customary chiefs with discretionary authority over public decisions carries the risk, flagged by Mamdani (1996), of encapsulating individuals in a customary system they cannot influence—e.g. indigenous chiefs—depriving them of rights while diminishing the public domain for those who are not indigenous. Larson confronts this conundrum of liberal democracy showing that justice may still be better served for the most-marginalized populations when indigenous leaders can speak and negotiate for their

constituents. Larson suggests that local democracy can be supported through state created spaces for contestation in which indigenous authorities can play a 'representative' role.

Roch Mongbo (2007) compares the disengagement of elected local government in the forests of Toui-Kilibo and Lokoly in Benin. In Toui-Kilibo the forest service, under a 'participatory' forestry project, chose to set up forest management committees—pushing elected local government to the sidelines (see Bandiaky, 2007; Manor, 2004). These elected local committees carry out project-determined activities, acting as local administrative branches of the central state. The committees implemented activities against the interests of local people. When the local government tried to intervene, the project committee members depicted them as agitators and the local government remained marginal. By contrast, Lokoly forest is regulated by a customary chief and priest. The local government has limited knowledge of its own stakes in the forest or its management and takes no action to intervene. The head of the Arrondissement, the next-higher level of government, tried to assert authority over the forests by calling a meeting between the population and environmental NGOs. The NGOs suggested tourism as a viable activity—discouraging income generating forest activities in favour of conservation. Villagers and customary authorities asked for infrastructure to help them market forest products. Seeing conflict, the local government was too timid to engage. In Benin, as in Senegal (Bandiaky, 2007), the local public domain is diminished by the inability of local elected governments to exercise their legal powers.

Solange Bandiaky (2007) shows how donors' and Forest Service's ostensibly 'gender-neutral' institutional choices deepen existing gender, class, political and ethnic hierarchies in the World Bank-funded Malidino Biodiversity Community Reserve project in Senegal. Decentralization and forestry laws in Senegal give elected local government (rural councils) the right to manage natural resources. The project, however, circumvented the rural councils, creating 'village committees' led by village chiefs, imams and village elite 'wise men' to manage the reserve. The project addressed gender by assigning elite women to administrative committee positions, such as treasurer, and by giving fictitious 'paper' positions to elite family women. In turn, these elite women allocated project positions and resources to women in their families and ethnic groups. Male committee leaders, mostly from the ruling Socialists Party (PS), excluded opposition party members from reserve benefits. The Forest Service appointed an elected PS rural councilor as reserve president who allocated project food assistance to his extended kin and PS members. The reserve presidency allowed a private individual to use public powers to further his political agenda (*a la* Bates, 1981). The project enclosed the reserve from the larger citizenry in the service of one political party and associated families. Bandiaky shows that by ignoring underlying power relations, ostensibly gender-neutral arrangements continued to reinforce gender hierarchies. She also shows how women are 'dragged into male political rivalries', dividing women along these same political lines and fragmenting gender solidarity.

In Mangochi District, Malawi, Mafaniso Hara (2007) shows how the parliament, the Fisheries Department and the international donors structured two levels of local institutions to represent local people in fisheries management: Beach Village Committees

(BVCs) and District Assemblies. Headmen in the villages traditionally played a mediating role in fisheries decisions. The Fisheries Department with donor support, however, opted for elected committees representing the whole population of each fishing village in order to balance the vested interests of fishers. Subsequent to the creation of BVCs, Malawi's decentralization laws created District Assemblies with the power to manage fisheries. The new laws would transfer supervision over BVCs from the Fisheries Department to the District Assemblies. However, this shift was prevented by concerted opposition from Members of Parliament, threatened by the creation of District Assemblies. Conflict of interest and mistrust shaped choices by the Fisheries Department, donors and the Parliament. The Fisheries Department did not trust the BVCs enough to give them significant powers. Central government had no interest in empowering the District Assemblies enough to allow sectoral committees—fisheries in this case—to be transferred out of centrally controlled line ministries. Parliament had no interest in allowing District Assemblies to even come into being. Donors did not trust local communities enough to allow their elected representatives to control the BVCs. The result was a weak BVC functioning outside of the legal framework of a decentralization that never took place.

In 1969, the Makuleke people were evicted from South Africa's Kruger National Park. Marja Spierenburg, Conrad Steenkamp and Harry Wels (2007) describe how, in the 1990s, they used existing law to reclaim their land from the South African National Parks authority (SANParks). To reduce tensions between the Makuleke and SANParks, Germany's international development agency (GTZ) introduced a multi-stakeholder platform so the Makuleke could bargain with SANParks. But the South Africa Land Claims Commission rejected the stakeholder approach and introduced an advocacy-based approach emphasizing the differences in interests between the Makuleke and SANParks. In lieu of 'negotiating a compromise', the commission helped the Makuleke articulate and defend their position. The Makuleke chose the Land Commission's adversarial approach and brokered a solution with SANParks. The Makuleke established a Communal Property Association (CPA) to collectively manage their land—including the entire Makuleke community and an elected leadership. They elected their traditional chief as chairperson. SANParks, however, attenuated the Makuleke's gains with long-term use restrictions. In addition, the CPA signed a 99-year lease with a private hunting concession, further restricting their land-use options in exchange for a potential future benefit stream. In this process, a global commons shifted from an ostensibly national South African public under the control of SANParks to the control and management of a private communal land association (the CPA) that represents a local identity-based, and perhaps residency-based, public (the Makuleke), to a private firm. As control over resources and lucrative opportunities changed hands, the public domain was simultaneously expanded and shrunken at different scales.

CONCLUSION

The governments of India, Brazil, Indonesia, Russia, Guatemala, Benin, Senegal, Malawi and South Africa have launched processes ostensibly to enable local people to govern

their own affairs. In all, central government, donors or development professionals proclaimed a belief in democratic local government. This belief seems to have driven choices in India, Indonesia, Russia and Guatemala. In Brazil, Guatemala and Malawi mistrust of local government, however, shaped the choice of local authorities in practice. Mobilization of a union social movement in Brazil and an indigenous social movement in Guatemala, instrumental management objectives in Malawi, Benin and Senegal, belief in civil society in Brazil, Indonesia and Senegal, and a line ministry's support for group rights in South Africa drove the choice of local authorities. The outcomes of these choices were mixed. Recognition of local government in India, Indonesia, Russia and Guatemala helped local governments to become relevant and more-representative. In Brazil, Malawi, Benin and Senegal, the circumvention of elected local government channelled resources into 'deconcentrated' project committees and other private 'civil society' organizations. In South Africa, recognition of collective private rights produced a democratically chosen ethnic leader.

The empowerment of local government in India and Indonesia illustrates how democratic competition shapes the political articulation of citizens with the state (see Chhatre, 2007; Ito, 2007). While in India citizen engagement is broad based, in Indonesia engagement is between the state and a narrow elite. This narrow engagement followed from a selective civil-society approach to local democracy in which policy makers choose or cultivate an elite state-allied civil society. While the Indonesia case shows the limits of a 'civil-society' approach to local democracy and development, increasing competition to influence decentralized public office could, over time, generate incentives for elite to expand social inclusion, providing opportunities to poor villagers to influence policy. As Chhatre (2007) argues, elections at multiple levels over time and several electoral cycles are needed for articulation to trickle down to the most marginalized sections of society. Lankina (2007) also shows how the struggle for local power in Russia has engaged deputies with the population in a more articulated political struggle. The governor, aligned with the Kremlin, is at odds with municipal deputies who are actively cultivating a local citizenry and appealing to European donors and governance standards as part of their struggle to consolidate their locality's political power and autonomy.

The selective civil-society approach was also used in project implementation by the forestry and fisheries departments in Senegal, Malawi and Benin where projects produced 'civil society' committees composed of hand-picked local actors allied with project objectives. In these and the Indonesia case civil society approaches are used to selectively empower class, party, ethnic and gendered allies, reproducing and entrenching existing social stratification. This civil-society approach is not enabling all groups within society to influence governance on an equal basis. In Brazil, however, the state chose an arguably pro-poor local union movement as its institutional ally and in Guatemala the self-selected indigenous leaders did effectively protect the interests of their marginalized population. Where civil society emerged from social movements, it appears that the civil society approach was effective at broad-based representation and serving interests of the poor. Similarly, in the India case, a locally constituted social movement against a forestry project articulated broad-based representation through local government—the *panchayat*.

Democratic deepening is shaped by the way 'unequal social relations and uneven institutional environments impinge upon the exercise of citizenship' (Heller et al., 2007:627). In most of the case studies, transferred powers—whether discretionary or merely the implementation of mandates—follow the contours of existing divisions and inequalities shaping national and local politics. The powers took on a balanced political competition in Himachal Pradesh, India. They divided along party lines in Para, Brazil. They articulated via class divisions in Bandung, Indonesia. They fractured along indigenous and settler-integrationist lines in Guatemala. Where few discretionary powers are transferred, as in Benin and Senegal, project funds and interventions still flow along lines of traditional ethnic and gender hierarchies. Agrawal and Gupta (2005) argue that decentralization can exacerbate existing socio-economic inequality unless decentralization programs are specifically biased towards disadvantaged groups, rather than being formally neutral in their design and implementation. Bandiaky (2007) also shows that gender biases are not addressed by gender-neutral projects and argues for skewing recognition toward women and other marginalized groups.

The cases show that distributive aspects of recognition are not solely local. Mechanisms are needed to ensure that marginal populations can engage in their own governance. Local and central government play roles in assuring both inclusion and empowerment of marginal groups. In the Indonesia case the choice of elite civil society is biasing distribution by channeling investments toward elite interests. In Guatemala and South Africa, however, it appears that marginal populations are being served by their own local institutions—while in South Africa that success came with the support of the central government's land commission. When does local authority or local democracy serve the poor? Are Crook and Sverrisson (2001) right that local democracy does not serve the poor without central mandate to do so? How significant is Foster and Rozenzweig's (2004) research showing that democratic local governments in India are more pro-poor than autocratic local authorities or Heller et al.'s (2007) findings that all categories of respondents—including farmers, unions, scheduled castes and women found improved service delivery following democratic decentralization reforms? Clearly, democratic decentralization can serve the poor, but targeting women, low castes, and underprivileged groups with focused attention on biased hierarchy is probably a needed complement to any local authority if local democracy is to redress entrenched inequity (also see Mansuri and Rao, 2003:11-14; and Heller et al., 2007:629).

More than progressive targeting of the poor, of women and of marginalized castes and ethnicities are required. Criteria are needed 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. In the institutions chosen by governments and international organizations, inclusive parity is not always evident. 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. In the cases we have explored, chosen actors are shaping who belongs and benefits—they are choosing by gender, migrant status, indigenousness, ethnicity and by interest. Recognition is enabling cultural and non-cultural authorities who can in turn

shape the boundaries of inclusion and determine what resources and decisions are made by a broad public and which are to serve individual and collective private ends. To produce and maintain the ‘opportunity’ for equal inclusion will require built in bias in favor of poor and marginal groups.

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