

## Representation, Citizenship and the Public Domain in Democratic Decentralization

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**ABSTRACT** *Jesse C. Ribot analyzes how ‘democratic’ decentralization reforms in most developing countries, rather than empowering representative elected local government, have often resulted in a transfer of power to a wide range of local institutions, including private bodies, customary authorities and non-governmental organizations. This essay explores the logic behind choosing these institutions and the effects of recognizing these institutions on three dimensions of democracy: representation, citizenship and the public domain.*

**KEYWORDS** *community-driven development; participation; local representation; local democracy; desecularization*

### Local institutional proliferation

Several sets of theories predict that decentralization will bring a kind of ‘democratic dividend’ – positive efficiency, equity and development outcomes (Crook and Manor, 1998; Agrawal and Ribot, 1999). Under what conditions does local democracy emerge and consolidate? When are elected or even appointed local authorities representative of local people? When are they self-serving or acting at the service of local or central elites?

The democratic dividend cannot be taken for granted even when government creates and empowers elected local authorities. Nevertheless, with all its shortcomings, electoral accountability is certainly consistent with the public logic and theory of democratic decentralization (Schumpeter, 1943; Crook and Manor, 1998; Agrawal and Ribot, 1999; Ribot, 1999; Crook and Sverrisson, 2001; Ribot, 2004; Lemos and Agrawal, 2006.)

Countries and agencies claiming to undertake or support democratic decentralization of natural resources have widely failed to empower democratic local governments. They transfer few public powers over natural resources to existing and new democratic local governments (Ribot, 2002, 2004; Mansuri and Rao, 2003; Ribot and Larson, 2005).<sup>1</sup> Instead, governments, international agencies and international non-governmental organizations (NGOs) are choosing to transfer these powers to a wide array of other local institutions, 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 Indonesia, in some cases threatening democratic decentralization reform efforts (Ntsebeza, 1999; Jeter, 2000: A1; Manor, 2000; Kassibo, 2004; Muhereza, 2003; Ribot, 2004).

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Almost everywhere, governments, donors and international NGOs work with a mix of NGOs and committees, local offices of line ministries, and private enterprises or individuals (Namara and Nsabagasani, 2003; Ribot, 2004; Manor, 2005). Meanwhile, fledgling 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 with a fragmentation or diffusion of public powers among this new mix of local institutions (Ribot, 1999, 2004; Namara and Nsabagasani, 2003; Manor, 2005; Ribot and Larson, 2005).

Despite the promises of democratic decentralization and widespread programmes to increase local people's participation in decision-making and to promote local democracy, recent years have witnessed 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). The atomized marketplace of institutions may be shattering rather than integrating the public domain (Namara and Nsabagasani, 2003; Ribot, 2004).<sup>2</sup> This pluralism without representation is often a formula for elite capture, not democracy.

### **Choice and recognition: representation, citizenship and public domain**

What are the local democracy effects of institutional choices by governments, international development agencies and other international organizations? Current choices are resulting in problematic outcomes along three dimensions of local democracy: representation, citizenship and the public domain.<sup>3</sup> Elected local governments are receiving little support. Multiplication of forms of belonging and the strengthening of lineage-based and interest-based forms of belonging over residency-based citizenship appears to be fragmenting the local arena into competing

and conflicting identity and interest groups. 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.

What are the motives for local 'institutional choices' and the effects on local democracy of 'recognizing' different local institutions? I use the term 'choice' to attribute agency and therefore responsibility to government and international organizations for the decisions they make.<sup>4</sup> Governments and international organizations choose local institutions by transferring powers to them, conducting joint activities or soliciting their input.<sup>5</sup> Through their institutional choices, they are transforming the local institutional landscape. I use the concept of 'recognition' to explore the effects institutional choices on representation, legitimacy, belonging, citizenship and the public domain (Taylor, 1994; Fraser, 2000; Kymlicka, 2002). Understanding why the choices are being made helps us to link the effects of those choices back to policy. Understanding the effects helps us identify approaches most likely to strengthen local democracy while serving the needs of local people in the context of broader environmental and developmental objectives.

Bates (1981) argued that governments *choose* among policy options based on political utility. For example, they choose to create allocative and rent-seeking opportunities that will help them consolidate their own political and economic power. Like Bates, researchers today need to unpack the explicit and implicit logic governments and international organizations use to choose their local interlocutors. Well-structured elected local government may appear to be a good choice for sustainably improving local public-sector accountability and service delivery. Still central governments, international development agencies and other organizations are transferring power to private bodies, customary authorities and NGOs – all in the name of democratic decentralization. Many of 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 (Pritchett and Woolcock, 2004; Ribot, 2004).<sup>6</sup> Each approach empowers different kinds of local institutions or authorities, with potentially different democratic and distributional outcomes.

The effects of institutional choices on the emergence and consolidation of local democracy may differ from stated objectives or expected outcomes of governments and international organizations. Empirical data linking the institutional arrangements associated with different development approaches to social or ecological outcomes are scarce (Little, 1994; Brock and Coulibaly, 1999: 30; Tendler, 2000; World Bank, 2000: 109; Conyers, 2002: 28–29; Mansuri and Rao, 2003). Researchers need to fill this gap by examining the democracy and service effects of the ensemble of institutions being recognized in the local arena.

The term ‘recognition’ (*a la* Taylor, 1994) evokes the philosophy literature on identity politics and multiculturalism. This literature provides a framework for exploring the effects of cultural recognition on individual identity and individual well being, and on democracy (Taylor, 1994; Fraser, 2000; Kymlicka, 2002). I extend the discussion to the recognition of institutions, which, like the recognition of culture or of an individual, confers power and legitimacy, and cultivates identities and forms of belonging.<sup>7</sup> The choice of a local institution by government or international agencies is a form of recognition.<sup>8</sup> Below, I examine the importance of recognition for the three key aspects of democracy: representation, citizenship and public domain.

## **Representation**

In recent decades, many institutions have been developed with the purpose of increasing popular participation and empowerment in planning and decision-making (Fung, 2003; Fung and Wright, 2003).<sup>9</sup> 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). Following Manin *et al.* (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, 2004). In short, to be democratic institutions must be representative: accountable to the people and empowered to respond.

In current decentralizations, governments and international donors are largely choosing to avoid elected local government – which would in a democratic decentralization ostensibly be the appropriate site for democratic local inclusion – in favour of other institutional forms (Romeo, 1996; Agrawal and Ribot, 1999; Ribot, 2004). This choice is critical in that it at once deprives local elected authorities of powers being transferred to the local arena, while empowering alternative or the so-called ‘parallel’ authorities or institutions such as local line ministry offices, NGOs, Customary chiefs and private corporations. Elected local government is forced to compete and struggle with these other local institutions for the legitimacy that follows from control of public decisions and service delivery.

Representative local authorities can be strengthened through recognition. They may be weakened, however, if they receive too little power to be effective, or if parallel institutions overshadow or pre-empt their ability to serve public interest. Manor (2005) gives the example of under-funded local governments with a mandate to manage natural resources operating in an arena with over-funded environment committees. Competition between different local entities can be divisive, or it may lead to more efficiency and better representation all around. 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.

By shaping accountability, the means used to transfer powers also influences representation. Conyers (2002) argues that when transfers are conditional or insecure, recipients are forced to respond to the needs of those institutions making

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the transfer so as to retain their privileges. Transfers made as privileges can be taken back, thus the threat of withholding powers makes local institutions upwardly accountable. Transfers made as secure rights, however, can be exercised with discretion in response to local needs. Hence, the 'means of transfer' matter deeply in the establishment of local democracy.

### Citizenship

Different institutional forms entail different forms of belonging. In democracy, belonging, which infers citizenship, is residency based – where citizenship is the ability to be politically engaged and shape the fate of the polity in which one is involved (Isin and Turner, 2002). In private groups and NGOs, belonging is based on shared interests. In customary and religious institutions, belonging is often based on identity – such as ethnicity, place of origin, language or religion.

What are 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.<sup>10</sup> 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.<sup>11</sup>

### Reifying culture 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 in-

tragroup divisions, such as those of gender, sexuality and class. (Fraser, 2000: 112)

Fraser (2000: 112) notes that the identity model labels such as critique as 'inauthentic', and it 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 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.<sup>12</sup>

To avoid this double standard, 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.

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). I would argue that these critiques can be extended to instances where any non-democratic *authority* is privileged – an assertion that should be subject to empirical study.

Not only is multiculturalism subject to Fraser's critique, but so are many forms of institutional support (pluralism, privatization, NGOism and support for customary chiefs) now being promoted in the name of 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 test the propositions that: support authorities privileges and strengthen those authorities – whether their constituencies are residency, identity or interest based, and when governments and international agencies empower local authori-

ties, they are enforcing upon the members of the groups the particular forms of comportment (and accountability relations) of the chosen authorities.

The implication of Fraser's (2000) arguments are important for institutional choice. Recognition can reify identities producing a singular 'authentic' authority, enabling these recognized actors to define authenticity. 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.

### 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 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. 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 (Manin *et al.*, 1999; Ribot, 2004).

In decentralizations, distributing 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, customary authorities and other private bodies is a form of enclosure. When the authorities receive

ing these powers are customary or religious authorities, this enclosure constitutes a desecularization of powers (Asad, 2003). These acts diminish the domain of integrative public action, undermining residency-based belonging and citizenship (Ribot, 2004).

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.

### Conclusion

Systematic comparative research on institutional choice and recognition is still needed to help identify the most likely institutional arrangements for establishing, consolidating and sustaining local democracy. My bet is that elected local government will play an important role – since elections can systematically contribute to accountability, and because elected local governments can be legislated into existence and are reproducible over space and time. But electoral systems must be scrutinized so that they are not just sets of procedures to hide continued autocratic rule – via controlled party lists, exclusion of independent candidates, lack of electoral competition or power deprivation. But even if elections are structured to increase downward accountability (which they often are not), elected authorities are not a substitute for other institutional forms nor are they exempt from needing multiple other accountability mechanisms (Ribot, 2004). Rather elected local government is part of institutional pluralism – it is the institution that should hold public powers in the local arena and with which citizens and all local institutions can interact to coordinate and improve public accountability and responsiveness – so that decisions and services reflect local aspirations and needs.

### Notes

- 1 WRI's recent 15-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).

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- 2 Producing multiple alternative channels to voice citizen concerns can also be a positive part of democratization.
- 3 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.
- 4 My use of 'institutional choice' differs from that of Ostrom (1999: 193), who explores the choices by local individuals 'among available alternatives' for how these choices lead to institutional formation. I am talking of choices made by governments and international organizations that *impose* the "available alternatives" on local individuals – thus constraining their options.
- 5 Local institutions are also actively choosing, postulating and imposing themselves for the opportunity to speak for local populations – this article's focus, however, is on effects of government and international organizations' choices.
- 6 In 30 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.
- 7 For example, policies are often created to assure the survival of a given cultural community.
- 8 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. I use the term recognition as 'acknowledgement' following Li (2001: 625). The acknowledgment of local institutions, assessed by some agent as 'asked for or deserved', has multiple effects that can shape democratic inclusion.
- 9 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.
- 10 Fraser (2000: 108) argues that recognition as an approach is marginalizing, eclipsing and displacing redistributive struggles. She calls this phenomenon 'displacement'.
- 11 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).
- 12 We don't hesitate to judge political systems as fascist, totalitarian or democratic. Yet when we label other systems as 'culture', we suspend judgement 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.

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