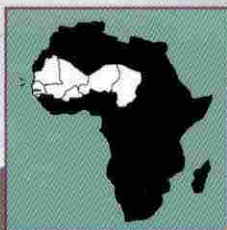


CILSS
*Permanent Inter-State
Committee for Drought
Control in the Sahel*



OECD
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Co-operation and Development*

CLUB DU SAHEL

**REGIONAL CONFERENCE
ON LAND TENURE AND DECENTRALIZATION
IN THE SAHEL**

Praia (Cape Verde)

**Decentralization
in the Sahel**

◆ *Regional Synthesis* ◆

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CILSS – CLUB DU SAHEL

DECENTRALIZATION IN THE SAHEL

Regional Synthesis

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GLOSSARY

- civil society: All forms of organization independent of the State machinery which do not aim to achieve or exercise political power. In this sense, the "civil society" is to be contrasted with "the government" or the "ruling class".
- common property resources: Goods or services, access to which it is physically difficult for users to control and consumption of which is separable (divisible), becoming rivalrous whenever demand exceeds supply (e.g., water for farmers in an irrigation scheme; unfenced rangelands; sea or fresh-water fishing).
- decentralization: A term that, in English, can refer to any of five different types of power transfer: devolution, deconcentration, delegation, deregulation, privatization (q.v.); in French usage, by contrast, "décentralisation" corresponds to the English "devolution", that is, a definitive transfer of decision-making and executive powers from a higher authority to a lower authority (e.g., from the national government to communities); this transfer may be total or partial.
- deconcentration: A form of decentralization involving a non-definitive transfer of decision-making and executive powers within an administrative or technical structure (e.g., from the Ministry of Interior to a governorship or from the national directorate of a service to the regional directorate).
- delegation: A form of decentralization involving a non-definitive transfer of authority from an administrative service to a public or semi-public company, for example.
- democratization: Evolution from an authoritarian political system, in which policy-making and policy implementation are reserved solely for national elites, towards a system open to popular participation.
- deregulation: A form of decentralization whereby a sector of activity previously regulated by a public authority ceases to be subject to such regulation.
- devolution: A form of decentralization involving a transfer of power from a larger to a smaller jurisdiction; this transfer may be total or partial (e.g., transfer to local communities of the powers needed to manage the renewable resources on their village lands).

external effects:	Effects caused directly or indirectly by a human activity which worsen or improve the situation of a person or persons not involved in that activity.
institution:	A set of rules governing human behavior in a specific area.
law:	Official rule established by a convention or a legislative text which may or may not influence human behavior.
local body:	An institution whose scope covers only a part of the national territory, e.g., regions and districts, various levels of administrative divisions, villages, tribes, camps and hamlets.
<i>morgado</i> :	Major land-owner in Cape Verde.
non-governmental organization:	Organization established by one or several persons and not connected to the government.
privatization:	A form of decentralization involving the transfer of ownership of companies from the State to private operators.
"public":	A technical term referring to a set of people experiencing negative or positive external effects generated by human behavior (e.g., herders evicted from their former rangelands as a result of the spread of farming, or downhill farmers whose fields suffer from erosion caused by deforestation on uphill slopes).
public service provision:	A series of policy decisions determining what public services are to be provided (by whom, how, for what amount and with what funding) and setting out the monitoring methods and the criteria for the evaluation of the service provided.
rule-in-use:	Rules which, in practice, guide and channel human behavior (to be distinguished from "laws").
self-governance:	Power of a local jurisdiction officially recognized by a higher or overlapping organ of government, to legislate in specific areas, enforce rules resulting from its legislative processes, settle disputes arising from enforcement of these rules and mobilize resources (in labor, cash or kind) for the operation of local institutions. Synonyms (comparable words): self-management, local autonomy, autonomous political and technical management.

self-management:

See *self-governance*.

State:

The set of people (elected representatives, administrators, civil servants and technical experts) working under the national government and assumed to implement policies and regulations of that government.

ACRONYMS AND ABBREVIATIONS

AV:	<i>Association Villageoise</i> (local body organized in Mali under the State's auspices).
CI:	Community Instructors
CILSS:	Permanent Inter-State Committee for Drought Control in the Sahel
CLC:	Community Learning Center
CR:	<i>Commune Rurale</i> (local government body in Senegal)
CUD:	<i>Communauté Urbaine de Dakar</i> (Dakar Urban Community)
CFAF:	The Franc currency which is legal tender in some French-speaking countries in Africa
EIG:	Economic Interest Group; a form of business enterprise
NGO:	Non-Governmental Organization
PAICV:	African Party for the Independence of Cape Verde
SIAS:	<i>Société Industrielle d'Aménagement du Sénégal.</i>

EXECUTIVE SUMMARY

Decentralization is a topical issue in the nine CILSS countries of the West African Sahel and the Cape Verde Islands. These countries, with the partial exceptions of the Gambia and Senegal, have operated for most of the last century under centralized political systems. Over the past fifteen years, however, the centralized model in CILSS countries has come under increasing criticism. It has worsened rather than helped to solve such fundamental problems as sustainable governance and management of renewable natural resources (the basis of the region's economy), and provision of basic levels of public services. Centralized political systems have slowed national economies and impeded more effective governance. Political reforms have become an issue of urgency. But which reforms?

Decentralization: The Major Issues

Should power and authority be transferred from central governments to local communities and, if so, how, when and to what extent? Farmers and pastoralists, technicians and policy-makers, staffs of non-governmental organizations (NGOs) and financing agencies active in the region, are seeking answers to these and other questions.

How capable are local communities of self-governance? What impact would decentralization policies have on the effectiveness and even existence of the national government?

Are there contradictions between local autonomy and national planning? May ethnic groups start or continue armed conflicts with each other if power and authority are devolved? What role should NGOs play in more decentralized systems? Should aid agencies support decentralization and, if so, how should they go about it? How will private-sector operators function in non-centralized systems?

It is difficult to answer these questions, partly because there is little information in CILSS countries about how non-centralized systems function. Little formal decentralization has yet occurred in the region. Senegal's experience is instructive but limited. It reveals little, for instance, about costs and benefits of authorizing communities to function as autonomous local governments using community government structures rather than imposed ones. Practical examples and evidence of the consequences of decentralization are rare.

Elites in CILSS countries who have run national governments and the staffs of many aid agencies that have financed development activities in the region know little about systems where power has been devolved to grass-roots communities. These officials were trained in the structures and procedures of centralized political systems. Many have spent their entire professional careers administering such systems. It is understandable that they lack alternative models and experiences.

As a result, they find it difficult to imagine how government business can be conducted in non-centralized, or rather *multi-centered systems*, where no single government holds ultimate authority over all issues. They also have difficulty envisaging potential advantages of devolving authority and power to communities and local governments, and of basing operating procedures on local initiative rather than administrative supervision.

Strategy and Content of Decentralization Synthesis Report

The synthesis report provides information to both supporters and opponents of decentralization in the CILSS countries. This information is designed to make discussions of decentralization problems more productive. The report encourages readers to think in a more nuanced way about decentralization, by defining more precisely the advantages, costs and limits of decentralization as a formal policy designed to help people in CILSS countries manage renewable resources better and obtain better-quality public services.

It examines why decentralization is a useful solution for certain types of problems, but in no way holds up decentralization as the remedy for all ills.

The report places efforts at decentralization in CILSS countries in historical context and clarifies decentralization terminology. It proposes a method for thinking about decentralization issues. Case studies illustrate the advantages and disadvantages of decentralization. Finally, the report highlights major issues in decentralizing governance (Fr.: *gestion politique et technique*) in CILSS countries.

The paper makes distinctions between the terms applied to the decentralization process. The most important is between *deconcentration* (non-definitive transfer of power and authority to *subnational* administrative or technical units) and *devolution* (the definitive transfer of power and authority from a higher to a lower, autonomous jurisdiction). Administrative regulations that authorize field foresters to apply forestry code provisions are examples of deconcentration. *Permanent enabling legislation*, created by the national government to authorize local communities to organize as autonomous jurisdictions with power to govern, manage and exploit local woodstocks, illustrates the concept of *devolution*.

The Core Issue: Improving Problem-Solving Capability

The report begins with a basic assumption: problems occur on various scales and create publics of corresponding sizes. Members of any public so created are all affected by the problem. They share a common interest in resolving it. Their "public" interest may actually be intense enough to justify organizing to address the issue. They, not outsiders, should have the authority to decide whether or not the problem is serious enough to warrant action. (Readers will note that this approach to the decentralization question is quite different from the assumptions underpinning current discussion of the relationship between the State and civil society.)

In the problem-based approach adopted here, decentralization should take the form neither of uniform deconcentration of administrative power, nor of thorough-going devolution of power from, for example, the national government to communities. Rather, the extent of decentralization, and indeed whether decentralization is appropriate at all, depends on the problem in hand. The first step in the proposed pragmatic approach to solving any given collective problem is to understand what causes that problem. Human behavior often creates a problem or aggravates an existing one. Deforestation, for example, increases wind and water erosion, making agriculture even more difficult.

To think effectively about solutions, we must analyze the *incentives* that lead individuals and groups to behave in a certain way, for example by harvesting more wood than is currently produced.

Incentives flow from three sources:

- the *economic characteristics of goods and services (and the technologies used to produce them)* involved in the problem;
- the *characteristics of communities* that face the problem;
- the *nature of the rules* that influence behavior concerning the problem.

The combination of incentives *varies* from situation to situation. It is thus important to analyze each situation individually, rather than assume that apparently similar problems are the same and that a single solution that can be imposed through formal legislation.

Once people's motivations have been clarified, it may be possible to change the incentives they face and so help solve the problem. Often this is most easily done by amending rules. But the rules which must be amended are the "rules-in-use", the rules that effectively influence people's behavior. These may be, *but are not necessarily, formal laws and regulations.*

Devolving collective authority to deal with problems may be one way to use rules to change people's incentives. If residents of communities or local governments can decide how to provide primary education services, they may take a greater interest in the issue because they can design systems to fit the needs of their children, rather than having access to a single, standard form of education. Another rule-based approach might privatize control over an issue, e.g., by granting property rights over certain species of trees to those who own the land on which they grow. Another approach might authorize several levels of government, as well as private-sector operators, to join in addressing a specific problem such as watershed management or road maintenance.

Case Studies

To illustrate these points, the report draws on five case studies. *While the details presented in the cases are assumed to have been accurate when collected, they should not be*

considered as precise descriptions of present realities but rather as examples intended to illustrate issues and principles.

They include two problems of renewable natural resource governance and management, two service provision issues and one minority rights question:

- water allocation dilemmas in an irrigation system in Cape Verde;
- problems in managing a large forest subject to multiple and partly rivalrous uses in Niger;
- NGO efforts to involve communities in providing primary education and so improve schooling in the Gambia;
- a collaborative effort, involving neighborhoods and the Dakar city government, to improve urban sanitation;
- efforts to protect a pastoral minority in Mali.

Common Issues and Recommendations

Inherent in all these problems are issues that must be addressed if sustainable solutions to problems are to be found. The synthesis report recommends that:

- National governments recognize the legitimacy of communal government authority and of the *myriad ways* local people organize themselves for self-governance, rather than insist that all local governance systems conform to a centrally imposed model.
- National governments create enabling legislation to devolve, to community and local governments that request it, the types of power and authority that any government requires if it is to channel behavior effectively to reduce or solve a given problem, i.e.:
 - authority to make and enforce rules, punish infractions and settle disputes about those rules;
 - authority to mobilize resources (through local taxes, fees, etc.) so that they can fund their collective activities on a non-voluntary basis.
- National governments recognize *citizens' authority* to create new jurisdictions for special purposes, e.g., managing renewable resources or providing services.
- All government jurisdictions strictly respect the principle of subsidiarity, that is, that public problems be dealt with by the smallest jurisdiction capable of addressing them effectively.

- All government jurisdictions promote multiple recourse (political, legal, constitutional, etc.) for citizens to seek remedies against abuses, to reduce incentives for officials to misuse their powers for personal profit.
- National governments, aid agencies, NGOs and citizens support transparency measures, free circulation of information, and training mechanisms so that Sahelians can inform themselves about officials' performance and public problems, and acquire the skills needed to survive in a changing world.

Having analyzed the costs and benefits of these principles and issues, the report examines ways of providing security for minority groups. Successful resolution of this problem in any CILSS country will count as a major achievement. The goals of such a pragmatic quest for sustainable solutions to common and persistent problems are as follows:

- to improve general standards of living,
- to promote peaceful co-existence among communities,
- to reinforce the equity of political decisions taken within local institutions.

A. INTRODUCTION

1. Background

Sahelian countries face many problems. Most other countries only became aware of these problems through media coverage of the 1973 drought, and then of the 1984-85 drought. The 1984-85 drought received less attention, although it was more severe in some respects.

What was most shocking for others was the sudden and acute scarcity of natural resources. Many were unaware that, for some time, those resources had been over-exploited and are heavily degraded in many regions.

What apparently also surprised many "foreign observers" was the discovery of many other problems: the inadequacy of public services; deplorable living conditions, particularly in disadvantaged communities (often national minority groups); the violence of ethnic clashes, which are becoming more widespread; the weakness of institutions responsible for settling such problems; and the limited financial resources available to national governments and communities to cope with the problems and find appropriate and sustainable solutions.

This last fundamental issue clearly captured the attention of State and donor representatives. Since the end of the 1970s, the donors had been increasingly preoccupied not only by the scarcity of financial resources, but also by the manner in which Sahelian national governments managed their resources. From 1980, donor agencies systematically pressured the States to establish other forms of resources management. However, as early as 1975, it became clear to the "elites" that the welfare State system (which was often predatory) was falling apart or had already ceased to function.

It is against such a grim background that the issue of decentralization was raised. Many administrators, development workers and technical advisors were tempted to see decentralization as a panacea for all problems.

This simplistic conception is fraught with error. These errors include: confusion over the concept of decentralization, which is often equated with simple deconcentration of technical and administrative services; underestimation of difficulties involved in the real transfer of powers from "higher" institutions to grass-roots institutions; and misunderstanding of the complex nature of the conflicts between different communities or between communities and the State.

2. Decentralization and Deconcentration

The question of deconcentration is closely connected with that of decentralization. Deconcentration aims at making technical and administrative services more efficient through an organized transfer of responsibility from the central (national) level of those services to their local representatives (at different levels ranging from the region to the village and the pastoral camp).

In the Sahel, deconcentration has featured among the concerns of the "administrators" of governments since the pre-colonial era.

Pre-colonial Era: Devolution or Deconcentration?

Two hypotheses on the great West African empires are currently being debated. The first asserts that experience of public affairs management did not go beyond deconcentration. The scope of activity of the imperial court and its administration extended even to the organization of everyday socio-economic relations within the communities under its rule.

The second hypothesis claims that the great pre-colonial empires were established and, most importantly, maintained, because the emperors in fact devolved their powers, acquired through conquest, to local authorities. What mattered to the emperor was the allegiance of the conquered people, who thus accepted certain obligations towards the central authority (levies, tribute, support in times of war, etc.). For his part, the emperor pledged to safeguard the interests of the conquered subjects against other people either within or outside the empire. Once these agreements were concluded, the empire usually permitted the pre-existing royal family to maintain its reign. Moreover, so long as the community honored its obligations, the empire did not interfere in local affairs.

This more plausible hypothesis suggests that the first major experiments with decentralization in the Sahel occurred some considerable time ago, in that devolution is considered by most researchers as one of the fundamental principles of decentralization.

Although some historians¹ argue in support of this second hypothesis, it cannot be affirmed with absolute certainty for lack of sufficient evidence.

It is known, however, that experiences were diverse². Moreover, the Ghana, Mali, Songhai and Kanem-Bornu empires lasted a long time, and imperial administrations clearly adapted their behavior to the situation and the groups with whom they were dealing.

The colonial era (at least where French colonization is concerned) is generally defined as the period of most centralized and top-down control and administration. Nonetheless, even in the French colonial system, there came a time when deconcentration could no longer be avoided³. This situation clearly emerged in the aftermath of the Second World War, in the "Autonomy" period.

¹ See Charles Monteil, "The Mali Empires" and Ibn Batuta "Voyages".

² The process of building up the Mossi kingdoms, for example, seems to have culminated in a limited form of deconcentration of powers (see Michel Izard, *Gens du pouvoir, gens de la tenue*, ["Editions de la Maison des Sciences de l'Homme - Paris"; Cambridge, U.K.: Cambridge University Press, 1985]), whereas true decentralization prevailed among the Hausa and the Bérubéri in present-day Niger, (Andre Salifou, "L'Histoire du Damagaram ...").

³ For the principles of English colonial administration, see James Wunsch and Dele Olowu.

Deconcentration suffered a major setback after independence. The idea gained currency that for the territories with borders inherited from colonial rule to develop into Nations powerful centralized States were necessary. Hence, instead of efforts to reach consensus, there emerged an attempt to impose unanimity, as symbolized by the establishment of the one-party system in virtually all the countries (party-State, single constitutional party). In most of those countries, dictatorships were established, leading to the reign of small groups of men who tended to behave as monarchs. Deconcentration actually came back on the agenda only with the increasing shortage of financial resources. Often, it took the form of an administrative reform in Sahelian countries during the 1970s.

But the limitations of this approach were clearly demonstrated by the events which shook the Sahelian States in the late 1980s and early 1990s. Demands by the communities became more organized, violent, and clearly expressed, i.e., sweeping changes were called for in the exercise and control of power as one way of improving living conditions.

This showed that deconcentration has objective limitations and that the administration could not successfully carry out its own reform (seen as suicidal by many administrators).

Rather than demanding mere deconcentration of technical and administrative services, communities pressed for the power to participate in decision-making and the management and control of the country's natural resources and public services.

These demands were seen by some researchers as the expression of a need for democratization in Sahelian societies.

3. Decentralization and Democratization

The process of democratization of society does not solely involve community/State relationships, even if this aspect of the matter captured the attention of the Sahel's partners in the tumultuous period at the end of the 1980s. Democratization also concerns inter- and intra-community relations.

A review of inter-community relations demonstrates that, although communities have a common historical background, many remain very different from one another. Their shared historical background is, at times, marked by the domination of some population groups over others. Communities have not always lived together peacefully. In some cases, that domination persisted (as the control of "White" over "Black"), while in other cases, the trend was reversed. This explains why some present-day disputes unleash a racial dimension which only a few people have analyzed openly and with discernment.

The study of relations within different communities reveals that the communities established admirable forms of self-governance. While hierarchical relations existed among the various groups of the community, the most widespread of those forms of self-governance only rarely involved increased hierarchy (especially among the nomadic pastoral peoples). As time went on, hierarchical relations were often mitigated by blood relations and by organized groups within the communities. These changes cushioned the impact of domination. And some "polycephalous" societies still exist. These have many

decision-making centers, linked to one another not hierarchically but by relations of mutual consultation prior to decision-making.

There are also some rare societies which may be described as "acephalous", where agro-pastoral activities are conducted with considerable autonomy and little control by either village or camp⁴.

We are thus faced with a highly complex situation where democratization must be implemented with caution. But then what is democratization?

For a long time, the word democratization was taboo among both African States and donor agencies. Nonetheless, the donors increasingly admitted that "popular participation" was indispensable for the successful implementation of development programs. But participation in what way? In many externally funded projects, popular participation consisted in carrying out activities defined by State agents and representatives of donor agencies. Popular participation in decision-making was excluded when it came to the choice, implementation and control of development policies. It was even less acceptable for local people to make decisions, freely and on their own initiative, concerning the organization of their own lives.

Donor agencies explained their "caution" by their obligation to abide by the principle of "non-interference in the domestic affairs of independent States". It is debatable whether this was the only reason, or even the real reason.

Some analysts maintain that the term "decentralization", adopted by donor agencies towards the end of the 1980s as a policy to be implemented in the Sahel, follows the same logic. Donor agencies avoided the word democratization and used the concept of decentralization to escape being accused of interference. It would be preferable, they say, to talk of democratization now that the Sahelian political situation has undergone profound changes.

Without entering the controversy, one may still note that the concept of democratization is being increasingly watered down. Today there is considerable risk that partners of the Sahel will define democratization as a few changes in structure and political processes -- multi-party system, national assembly, free elections -- and limit these to the national level.

This conceptual debate is useful and even essential; but pointless arguments about terminology should be avoided⁵.

⁴ For example, in Sahelian States there are sedentary peasant farmers living on the fringe of forest regions just as there are nomadic herders living on the fringe of the Sahara.

⁵ The principles set forth in the Box titled "Democratization" are derived from the document, "Principles of Democratic Governance," prepared by Professors Vincent and Elinor Ostrom of the Workshop in Political Theory and Policy Analysis at Indiana University, for the Workshop on Democracy and Governance. The latter workshop was arranged by the project titled "Decentralization: Finance and Management." This project is organized and financed by the Agency for International Development (AID) in Washington.

Democratization

The term refers to a re-allocation of powers or changes in power relations in favor of the citizens of a country (and, in the short term, at the expense of the central authority). In CILSS countries, as elsewhere, the word describes a change from systems of authoritarian political organization, under which participation in decision-making and implementation was the preserve of the national elites, towards systems open to participation by grass-roots communities. Four criteria distinguish systems of democratic governance from those that are more authoritarian in character:

- 1) Power is divided and counterbalanced among the different centers of power at all levels within the system from the community level to the national level.
- 2) The performance of the authorities is monitored by citizens and by other "officials" who may not necessarily be their hierarchical superiors; through a wide range of mechanisms based on operational, collective decision-making and constitutional rules (legal channels of redress, constitutional options, requests for support made to the elected representatives of a group or from one authority to other officials, elections, participation in public assemblies, etc.), citizens can hold officials accountable for their actions.
- 3) Disputes are no longer considered as public ills to be eliminated because they disrupt the smooth functioning of the system. They are rather considered as indicators of problems between various citizens or between citizens and officials. The problems are therefore to be solved openly, objectively and equitably through negotiations, mediation and judgement in order to find sustainable solutions to them with a view to fostering or restoring the proper functioning of the system.
- 4) Citizens enjoy constitutional guarantees which are binding and circumscribe the operational powers of officials in their dealings with citizens.

Consequently, under democratic systems, citizens exert real control over their officials. These democratic principles can only efficiently govern activities within a system if they are applied in many areas of endeavor, namely: work places, markets, NGOs and local governments.

It is most important, however, to study the relationships between democratization and the recognition of the legitimacy of local structures which is implicit in devolution as defined in this report.

The point of departure must be that decentralization presupposes recognition of the legitimacy of the community and "local" governments which are to benefit from decentralization. On the other hand, democratization presupposes the establishment or strengthening of equity within the local decision-making structures. How can a local body whose internal working relations are considered by external observers to lack equity be assisted to demonstrate more equity in its decision-making, without creating in the community the impression that the assistance is tantamount to non-recognition of the legitimacy of that body? And how can equity criteria be defined from the outset?⁶

4. The Notion of Decentralization

The best way to get a clear picture of decentralization, the need for it, how best to implement it, etc., is to adopt a pragmatic approach. The notion that decentralization in CILSS countries should be handled as part of a model of comprehensive political reform⁷ must be rejected.

Rather, the question is: what are the fundamental problems to be solved in the context of a given community, a local situation or a given country? Once this question is answered, other questions follow and it becomes easier to find clearer answers to them. For example: who causes this or that problem? Who is affected by the problem and how? That helps to gain an insight into the existing situation. Then come other questions relating to the types of solutions and the resources required to arrive at the most efficient solution.

Often, the solution results from negotiations among different social players including State representatives. Its implementation calls for the combination of major changes in the internal running of communities, regulation of relations among communities and the behavior of State representatives. State representatives can create serious obstacles for the whole process.

But that is not the only reason why the technical and administrative services should be involved in the process. Apart from the competence that these services may have, the employees of these services are citizens like the others. Their claims must be taken into account by the other social players in the process of negotiations prior to decision-making. The guiding principle of these negotiations must be equity in apportioning rights and duties in the creation and sharing of wealth.

⁶ These questions, at the heart of the problem of decentralization, are addressed in part 3 of this document.

⁷ That does not preclude exchanging information on the experiments undertaken in different countries and setting general policy guidelines for the Sahel.

Considered from this angle, decentralization has a dual aspect, combining elements of democratization and decentralization to which are added, given the present context of the Sahel, elements of deconcentration (see box).

Decentralization: A Complex Term

Several concepts closely linked to *decentralization* must be distinguished. In French literature on the subject, the fundamental sense of the term implies *devolution*. Other concepts distinguish other forms of transfer of authority from "higher" institutions to "lower" ones. *Deconcentration* is one such term, others are *delegation*, *privatization* and *deregulation*.

Devolution is a definitive transfer of power to make and implement decisions from a larger to a smaller jurisdiction, for example, from the national government to communities that are recognized as autonomous jurisdictions in the fields in which they enjoy devolved powers. Devolution might involve community control of renewable resources on communal lands.

Deconcentration is a non-definitive transfer of power to make and apply decisions within an administrative agency, for example, a public or mixed public/private corporation. As an illustration, authority might be delegated to maintain rural roads or provide urban sanitation services.

Privatization describes a process of transfer to private players of property rights in formerly public corporations.

Deregulation concerns an action by which public regulation of a sector of activity is terminated. Thereafter operators in the sector organize their activities by reference to civil law.

In Anglo-American literature, "*devolution*," "*deconcentration*," "*delegation*," "*privatization*" and "*deregulation*" are considered variants or diverse forms of decentralization. These concepts in English have the same definitions as in French except that "*devolution*" is considered the strongest form of "*decentralization*," rather than having essentially the same meaning, as is the case in French.

5. Decentralization is not a Panacea

Once the features of the problem have been identified, it is possible to determine if a strategy of devolving power and authority to deal with problems offers any prospect for a sustainable solution. Is decentralization therefore a panacea? Certainly not, for it cannot be taken for granted that solutions proposed to problems are correct. However, in most CILSS countries, devolving power and authority to make decisions and manage resources is likely to enhance efficiency and equity in the use of resources.

This document discusses fundamental issues of decentralization and is based on examples drawn from the management of natural resources and public services. These examples help highlight issues to be considered in any attempt to devise decentralized solutions to problems.

This document does not claim to provide answers to all questions insofar as arguments for or against the issue of decentralization are not simple. Moreover, the process of decentralization through the transfer of power and authority is a complex one: it affects different sectors simultaneously and effects on one sector have repercussions on others.

Power and authority are political phenomena and are bound to provoke strong reactions. Hence, the transfer of power and authority from a higher-level institution (even national) to institutions closer to the grass roots does not solve the eternal political problem: "Who is to guard the guards?"

If it is supposed that power must be used to solve problems in order to improve people's standards of living, and that citizens are capable of judging whether a policy or an activity is favorable to them or not, then presumably citizens should play an important role in controlling the use of power. In other words, these citizens should participate in making policy decisions that affect them just as they should participate in supervising implementation of those decisions.

During the 20th century, this has not been the case in most CILSS countries. Under the colonial and post-colonial regimes, formal and often executive power was concentrated in the hands of a small elite. And while some used power to promote the general well-being, most took advantage of it to maintain their own privileges or abused power even to the extent of eroding general well-being.

Two reasons underlie such behavior:

- either the well intentioned members of this elite had limited knowledge which prevented them from doing better, so that the centralized political systems they operated did not help them, even to learn to improve their performance from popular reactions to measures taken;
- or most members of the elite were simply determined to promote their personal well-being rather than to establish a climate of self-confidence and mutual confidence that would enable people to participate in working out solutions to their problems.

This document examines three major factors which must be considered when transferring authority to lower level institutions and to communities.

First, analysts -- including citizens -- should study the problem. If a public good or "common property resource"⁸ is involved, then it is important to determine which institutions are most motivated to deal with it. It is also necessary to specify the knowledge and competence required to address the problem successfully.

Second, one must study the types of policies and mechanisms that transfer power to people.

Finally, one must study the ways by which citizens can exercise more control over the use of power.

In addition, this document deals with crucial questions concerning the future of decentralization in CILSS countries, especially the question of minority groups and how their rights can be safeguarded when many politicians, at the national level, are preoccupied with the preservation of the frontiers of their countries.

B. FIVE EXAMPLES OF LOCAL SELF-GOVERNANCE

1. Introduction

This section addresses the multiplicity of problems facing many Sahelian communities. These require multiple solutions and the involvement of multiple institutions.

This introduction highlights an *institutional logic of development*, beginning with some specific problems. These illustrate an analytical approach to development and show how decentralization can play a positive role. The search for solutions to specific problems should determine the usefulness of any sort of decentralization. Decentralization *per se* and in isolation is meaningless. Worst of all, once set in motion, decentralization can complicate matters needlessly if it does not help to solve problems. It is important to understand the advantages and disadvantages of decentralization in the light of problems raised.

For this it is important to study:

- 1) The problems: Sahelian problems are manifold and complex. They reflect the many needs of different people: food needs, clothing, shelter and, increasingly, education and health, over and above a general improvement of living conditions;

⁸ "Common property resources" refer to goods or services, access to which it is difficult for users to control, while consumption of these goods and services is subtractive. Consumption becomes rivalrous whenever demand exceeds supply (examples: water for farmers in an irrigation scheme; unfenced pasturelands or rangelands; marine and freshwater fisheries).

- 2) The "publics"⁹ these problems affect. Members of these publics face different problems in different ways;
- 3) Collective and individual action to solve these problems; often to be implemented jointly by different institutions.

Multiple institutions are probably necessary to cope with problems and each must know its role as defined by the community or communities that established it. That is a precondition for efficiency and it is in the interest of efficiency that the citizens must set up as many institutions as necessary. The existence of multiple local institutions need not lead to anarchy provided each knows the scope of its authority depending on the context, and provided these limits are set each time, by common consent among social players.

The examples given below cover efficiency and the costs of measures. The best instance is primary education reform in the Gambia.

Considering the inadequate resources of communities and Sahelian States, it is important to create incentives to seek out new, original and "affordable" solutions. Garbage collection in the poor neighborhoods of Dakar in Senegal illustrates this requirement of decentralization.

Similarly, it is important to maintain flexibility in rules. If rules are to be effective, they must be subject to amendment by the community when necessary.

Whenever a community is incapable of changing rules, virtually insurmountable difficulties emerge as shown by the example of the Tabugal irrigation system in Cape Verde.

Furthermore, the example of the management of the Baban Rafi classified forest in Niger shows that complexity is not an insurmountable obstacle to decentralization.

Finally, to illustrate the problem of contradictions between local farming systems and the politico-administrative division of the territories of CILSS States, we have chosen the example of the pastoral zone in northern Mali.

We cite examples from different countries to show people's ability to confront their problems and the limitations they are likely to encounter in this endeavor.

2. The Ability to Change Rules - A Requirement for Decentralization: Problems Relating to Management of Irrigated Areas

Irrigation systems pose policy problems (e.g., collective choices) and technical management problems. Problems which arise at the plot level concern the owner or farmer,

⁹ The word "public" is used here in the technical sense to refer to a group of people who bear the brunt of the external effects of human behavior. Refer to the term "public" as defined in the glossary.

whereas other irrigation problems require collective decisions. The following case shows how the inability of the group to make a collective choice concerning the whole irrigation system¹⁰ can cost the individual farmer dear.

Tabugal in Cape Verde: Difficulties with an Irrigation System

Arable lands are a scarce resource in Cape Verde. In years of satisfactory rainfall, farmers in Cape Verde manage to produce a mere 15% of the food needs of the population. Most farmers either rent the plots on which they farm or acquire them under sharecropping systems. Although most of the farmers have worked on the same lands for many years and even for generations, they still face the threat of expulsion. Relations governing exploitation of plots have always been a source of tension.

In the Tabugal valley of Santa Catarina municipality on the main island of Santiago, more than 100 peasant farmers from surrounding villages work irrigated plots as sharecroppers. They grow food crops and sugar cane during the dry season. The introduction of irrigated farming systems dates back to the 19th century.

The Tabugal irrigation system is believed to have been well established and clearly defined during the colonial period: the *morgados* (major land owners) of Tabugal adopted a system of 15-day rotation on all the plots. Each plot was watered for a period of time fixed by the owners even if the amount of water was not sufficient for the area of the plot. After independence in 1974, however, the PAICV¹¹ changed the system by trying to adjust the duration of farm irrigation to the size of the plots. The new system permitted each peasant farmer to gain access to water for his plot for as long as was necessary for the plot to be thoroughly watered. Unfortunately, in recent years, the drop in rainfall and water levels has delayed the rotation on the various plots. This situation has posed a serious problem for many farmers. In fact, some farmers are unable to water their lands at the right time. Others have to wait for nearly two months before their turn. The pressure is such that some farmers believe that reverting to the pre-independence system might alleviate the problems.

Farmers at Tabugal pay neither for the water used in irrigation, nor for maintenance of pumps and water sources. Irrigation water and groundwater legally belong to the national government and, even if water is not used by the government, it is seen as responsible at least for maintenance.

¹⁰ See Eve Crowley, Claudio A. Furtado, Harlan H. Hobgood, Oumar Kamara, Daniel H.C. Mendes and James Thomson, "Decentralization, Democratization, Public Service Provision and Governance and Management of Renewable Natural Resources: Initiatives and Dilemmas in Cape Verde," prepared for the Club du Sahel, CILSS, and the Agency for International Development by the Decentralization: Finance and Management Project. Burlington, VT: Associates in Rural Development, February 1993, pp. 137-42.

¹¹ The African Party for the Independence of Cape Verde, the sole party in power from 1975 (independence) to 1991 (when it lost the country's first free elections).

Users contend that the collective decision-making structures are such that changes in the system of rotation can be decided only by a superior body or on the basis of a decision taken by all those involved. At the moment there is no unit for collective choice that can set or change operational rules as was done in the past by land owners and the PAICV. Although such a system has never been put into practice, the farmers assert that any unilateral attempt on the part of users to modify the rules could be regarded as a crime and could attract severe punishment, even execution.

This type of problem can arise in renewable resource management when the community of users cannot change the rules in force. When the supply of water falls to a point where crops can be watered only once every other month, then the potential of the irrigation system is under-exploited. Tenant farmers in Tabugal obviously recognize the cost of failing to change the rules governing water rotation, but they do not have the necessary authority to take decisions. They fear that if they organize, they will arouse suspicion among land owners. While it is true that changing rules does not guarantee better results, it is also true that the present institutional structures are inadequate and could prevent tenant farmers from negotiating a better set of rules in order. Their organizational ability is as under-utilized as the potential of the irrigation system.

3. Complexity is not an Insurmountable Obstacle to Decentralization: Forest Management Problems

The complexity of the point at issue here resides in the fact that the forest is a complex resource which generates many products to satisfy many at times conflicting needs of many "publics". It is constantly under the threat of over-exploitation and destruction.

This complex and often explosive situation can still be mastered if all the players are included in negotiations to organize sustainable and rational utilization of the resource.

Baban Rafi Forest in Niger: conditions for self-governance

A large area of the Baban Rafi classified forest in Niger has been cleared for crop cultivation over the years. It still covers an area of 40,000 ha, which explains in part the multiple uses neighboring people make of it. It supplies:

- fuelwood for the inhabitants of Maradi city;
- fodder for local livestock and for the herds of transhumant pastoralists;
- wood for handles, mortars, pestles, and construction;
- a hunting area for neighboring villages and habitat for a small herd of elephants.

This incomplete list demonstrates the complexity of issues connected with forest resource development and management.

Management problems are numerous because needs are also numerous: fuelwood, various types of fodder for herders, arable lands for peasant farmers, game protein for all, well adapted, low-cost tools, construction wood, etc. Ecologists, too, are striving to protect the forest and preserve endangered species.

The various forms of use by local people are sources of conflict for two reasons: 1) uses range from full preservation of the forest to practices leading to forest destruction; 2) virtually each of these uses is essential for the survival of a group (at least in the view of that group) and therefore represents an important economic motivation.

How can these different interests be reconciled, especially in a perspective of sustainable use of the Baban Rafi forest? Until recently, the Forestry Service of Niger was responsible for ensuring sustainable use. Its approach was based almost entirely on law enforcement ("negative incentives") such as the seizure of illegally collected forest products, imposition of fines, imprisonment, etc. This approach failed. That prompted the political authorities and foresters of Niger to map out new management strategies which differed from the counter-productive top-down method of management and a poorly understood forest code.

First it is necessary to define the problem accurately: since the current practices of each group of users pose a threat to all or some of the other groups, it will be necessary to determine which group is to sacrifice what. Such arrangements must also lead to practices that will foster sustainable use of the forest.

Much needs to be done before such arrangements can be implemented successfully:

- defining "constitutional rules" determining who has a say in collective decision-making and how collectively adopted rules can be amended as circumstances change;
- working out arrangements on the principle of equity: decisions must be taken so as to enhance support for those who bear the costs, otherwise people involved in the use of forest resources will find a way round the rules and the forest will be further degraded;
- establishing a local forest structure with real authority and power to control access to the forest and to regulate the collection or use of forest products.

A new experiment was initiated in 1989 with the support of an international NGO, in collaboration with the Forest Service of Niger. It involved a project to organize the agricultural and pastoral populations (living in or close to the forest) into a cooperative to harness wood resources¹². The commendable objective was to encourage users of the forest to make sustained investment in exploiting forest products, particularly the sale of fuelwood in the nearby city of Maradi.

¹² The project also devotes disseminates agricultural technologies developed to help improve the productivity of neighboring croplands. This is intended, by intensifying farming systems, to reduce demand for new lands and to better Baban Rafi from deforestation.

This experiment met with many types of difficulties, some of which were institutional: communication problems among the villagers, which had to be solved so they would effectively participate in the cooperative; and the cooperative's limited access to the wood market in Maradi, dominated by wholesale traders.

Three fundamental problems remain unsolved:

- Establishing a unit for forest self-governance with the authority to lay down and enforce regulations on access to the forest. In this way the Forest Service could act as technical adviser to the different groups of users.
- Incorporating herders into the arrangement. That calls for a more complex management plan to safeguard the access of their herds to grazing lands during the dry season.
- Fostering greater freedom of expression among other forest users (women, hunters, ecologists, etc.).

The Baban Rafi forest management example demonstrates that it is no easy task to develop such a complex system of resource management. However, it is possible to identify problems and find solutions which will not meet with insurmountable obstacles.

The case shows the need for the local and national authorities to exercise control over access to resources, the role that NGOs can play in the definition and implementation of new approaches, the ways foresters can contribute to resource protection and development, etc.

Complexity is not an insurmountable obstacle provided that all the players are convinced that their legitimate interests have been taken into account and that the conditions are established for a clear and transparent definition (negotiated by joint agreement) of the rights and obligations of each party.

4. Efficient and Least-Cost Decentralization: Managing Education Systems in Sahelian Rural Areas

The school system in many Sahelian States went through a crisis in the late 1980s and the early 1990s.

The crisis has gathered momentum in recent years as a result of long strikes, violent demonstrations and the stringency of measures taken by some States.

Most importantly, it demonstrated the need to fashion a new education system that satisfies the needs of pupils and parents and is acceptable to local and national authorities, at an "affordable" cost. We consider the reform of primary education in the Gambia most interesting experiment, as it illustrates how decentralization can be implemented efficiently and at least cost.

Primary Education in the Gambia (1975-85): An Efficient and Least-Cost Reform

In the early 1970s, rural pressure in favor of schools in the Gambia became acute on a democratic government highly sensitive to the views of its electorate. Regional statistics show that at that time, the rural population in the Gambia had one of the lowest rates of school coverage in Africa. At the same time, the national budget could not afford expansion of primary education. What was to be done?

In 1978, a British NGO called Action Aid The Gambia was given the mandate to establish 49 community schools. Four years after this endeavor, the NGO realized that schools were being rejected by the same villages which requested them. The rate of enrollment was low; worst of all, the drop-out rate was very high. Often, these drop-outs reflected the rejection of the school system by families. A system of non-State community schools was undertaken as an alternative.

Action Aid established "community schools" by opening centers called "Community Learning Centers" (CLC) where the teachers were referred to as "Community Instructors" (CI). This new approach was a total break with approaches adopted up to that point. Major differences between the two systems were:

- the normal school worked for the elite and in a foreign language, whereas the CLC offered, in addition to official studies in English, subjects in local languages in which parents could participate as facilitators;
- the normal school belongs to the State while the CLC is community property;
- the normal school is organized by its head teacher and the CLC by a committee composed of parents and community instructors;
- the normal school closes at the end of classes whereas the CLC remains open for literacy classes. Community instructors were assigned, in addition to their classroom teaching, the job of organizing clubs for non-enrolled youths, who are less excluded from the education system;
- teachers in the normal schools are often isolated from the community, while the task of the community instructor is to fit into the community.

The experiment with the community schooling system stemmed obviously from the search for a curriculum going beyond the four walls of the classroom.

A centerpiece of this experiment is, undoubtedly, the training of Community Instructors. Lacking time and resources to provide Community Instructors with the normal type of training, and following demands by rural inhabitants for an increase in the number of schools, Action Aid recruited young people interested in teaching in rural areas. Community Instructors receive their training in three phases: an intensive two-month teacher training course ending with a written exam and demonstration of teaching skills as the condition for being assigned to a CLC; thereafter, the trainee teacher is intensively supervised in the

classroom; as a community facilitator, the Community Instructor is not entitled to school vacations. Hence, during such periods, he either remains in the community or follows an intensive training course.

A system of incentives is established as a reward for performance, and salaries are fixed in accordance with the quality of output. While the best of the Community Instructors were promoted to trainers, the absentee and worst instructors were dismissed.

The strengths of the primary education reform in the Gambia are as follows:

- The responsibility for children's education rests with parents. The truth is that the colonial heritage of the welfare state had made parents and pupils shirk their responsibilities, leading to a gradual demotivation of teachers.
- It is attractive because in this time of severe budget constraints, it draws on the forces of both the local and national authorities without overburdening either of them. It solves the problem of providing education at a cost local communities can afford.

5. Scarce Resources, an Incentive for Innovation: Sanitation Problems in Sahelian cities

One of the most daunting problems that Sahelian cities have had to address was sanitation and compliance with hygiene regulations. This problem particularly affected urban areas because Sahelian rural settlements rarely attain a size at which this type of problem becomes a cause for concern.

The problem was enormous on account of the limited budgets of both national governments, urban administrative authorities, and the vast majority of urban households.

Dakar: Sanitation Experiment in Slum Areas

Dakar is one of the Sahelian cities where most effort has been made by national and communal authorities on hygiene and sanitation matters. However, results have not always matched the effort. The *Communauté Urbaine de Dakar (CUD)* signed a contract with the *Société Industrielle d'Aménagement du Sénégal (SIAS)*, under which the latter was to handle sanitation in the city. Under the contract, *SIAS* receives two billion CFAF per annum to collect most of the household waste in Dakar.

Unfortunately, *SIAS* garbage collection trucks can operate only in residential areas with paved roads, so most suburbs with unpaved roads and streets are denied waste collection services.

This problem assumed crucial dimensions for the inhabitants of the slums. They thus decided to organize themselves to participate in garbage collection as a solution to the problem. The lack of resources was an incentive to innovate. Inhabitants of these suburbs

developed a self-managed household collection system under which the garbage in the affected suburbs is collected and deposited in garbage dumping grounds accessible to the SIAS trucks¹³.

Ultimately, the decentralized handling of this everyday problem led to a system of partnership including the *commune*, a private-sector operator and the poor communities themselves. Local residents took it upon themselves to solve the problem.

The lesson of this experiment is that there is a need for flexibility even in partly decentralized systems of service provision. Some communities (but not all) will innovate when they have the chance and a good reason to do so.

6. Rigor and Flexibility in Territorial Division: The Size of Decentralized Communities

In their everyday struggle to meet basic needs, communities develop activities on a given area of land which they occupy and organize in a specific manner.

To "administer people and property", the State has established local "jurisdictions" (or "*circonscriptions*") for politico-administrative management.

The division of areas by the population in pursuit of their production activities does not always correspond to the division made by political authorities whose primary concern is administrative management.

This discrepancy, which dates back to the pre-colonial era in some societies, was clearly accentuated after the colonial conquest and has assumed the dimensions of an open conflict between people's development-based socio-economic thinking and the authorities' domination-based politico-administrative thinking.

The inevitable clashes became more pronounced as natural and financial resources became scarcer. Local reactions have ranged from passive resistance to explicit demands or even violence, as many countries discovered in the late 1980s and the early 1990s.

Clearly, these demands have rarely involved calls for new administrative divisions that are better suited to the needs of farming systems. However, many communities have explicitly demanded that decision-making structures and mechanisms for management and control be redefined and that there should be a total change in the behavior of State technical and administrative officials.

¹³ For more details, see the report by Sheldon Gellar, Gerard Chambas and Oumar Kamara entitled "*Decentralized Provision of Public Services and Governance and Management of Renewable Natural Resources: The Senegal Case*". report prepared for the Club du Sahel. Burlington, VT: Associates in Rural Development, Inc., 1992.

In Senegal, Burkina Faso, and Mali remarkable progress has been made in this respect. Progress is significant where the communities' farming systems operate mainly within the national territory. In these cases, the communities' demands receive a favorable response and no major resistance from officials concerned about deconcentration of State services.

However, the same demands assume a different dimension in the eyes of administrators whenever they are put forward by populations whose farming systems straddle two or more States. These particularly involve communities practicing extensive agriculture and rearing transhumant livestock.

Cross-border exchanges in such cases involve not only products (in cash or in kind) but also labor migration and especially land, as well as natural resources generally. Sensitive problems arise connected with State frontiers and how to manage border areas.

Disputes then inevitably occur between States and border communities. States are anxious to preserve their "territorial integrity" on the principle of inviolability of borders inherited from colonial rule, and reaffirmed repeatedly by the Organization of African Unity (OAU). Given resource scarcity, communities' only chance of survival with the production systems they know and use is to operate over an area of land as wide as it was during the pre-colonial and colonial eras.

Mali: Using the Land vs. Governing the Territory

This source of disputes has not spared farming communities, as evidenced by the events in 1989 in the Senegal River valley along the borders between Senegal and Mauritania. The most striking examples of such types of conflicts, however, involve pastoralists practicing transhumant stock raising and trading products with countries such as Burkina Faso, Mali, Niger, Mauritania, as well as Algeria and, to a lesser degree, Nigeria.

The pastoral economy is based on coordinated management of sites where pastoral traders made prolonged stop-overs, and on movements to gain access to natural resources (grazing land, water) and products (millet, groundnuts, etc.). The area involved in this trade stretched from the north (on the desert fringes) to the southern regions (at times even as far as Côte d'Ivoire, Ghana, Nigeria and Cameroon) which produced cereals, the staple food of the nomadic people. Two factors threaten the pastoral economy: the disappearance of the most suitable means of transportation, the camel, and the contraction of the area accessible or slower transhumance.

The first real blow to the nomadic economy of this region was dealt by the French in 1917 when they requisitioned the camels of the Tuaregs for use in fighting the Germans in North Africa. That was the cause of the first Tuareg rebellion.

The second blow came when administrators tightened controls in the aftermath of independence. Those controls impeded the freedom of movement needed for the pastoral economy. This freedom of movement had been partly preserved by the French colonial administration, which maintained larger political entities (French West Africa, North Africa, etc.), within which borders were left open.

Tension grew particularly in countries run by officials born and bred in sedentary and peasant societies, who were suddenly required to "administer" people from a society of nomadic herders.

Admittedly, a mix of racial and historical factors compounded the situation. The foremost problem however is the increasing imbalance between using land for production and reproduction and administering it.

It has become harder to maintain land occupancy as the gap between the *modus operandi* of nomads and government thinking widened: scarcity and desertification demand broader freedom of movement among the pastoralists, whereas the States' desire for security curtailed this freedom, and brought tighter border controls.

The national governments thought they had found a solution in changing the pastoralists' mode of land use. The obvious solution was sedentarization, which implied a radical change in the pastoralists' production system, their diet -- in short, a transformation of the way of life of an entire people who were compelled to change because they were a minority in the country.

The failure of most of these attempts led first to a massive exodus of pastoral peoples to areas which they considered more suitable for their own survival and for the survival of their civilization. More recently, it sparked an armed rebellion, based on demands ranging from a call for greater justice (through decentralized management of resources) to a demand for outright partitioning of the country (albeit without ruling out the possibility of federating the parts later on).

The problems created by scarcity of resources are not solely limited to State/community disputes. By repeatedly disrupting the balances which underlay the peaceful co-existence of communities, scarcity of resources has often touched off inter-community conflicts, some of them violent, especially when some of the communities concerned succeed in using the State machinery to further their "cause".

Rapidly, the initial cause is being compounded by newly emerging dimensions that ultimately conceal the main issue (which is basically economic) in the protagonists' demands. Socio-economic demands are masked by claims for the acknowledgement of a cultural identity or even political autonomy. This clearly raises the problem of protecting disadvantaged communities, e.g., national minority groups and disadvantaged social groups. Unfortunately, this type of dispute is not infrequent in the Sahel in this last decade of the 20th century.

In more than half of the CILSS countries this issue has degenerated into open conflict. The Tuareg problem is serious in Mali and Niger. In Mauritania, where the Tuareg problem has its repercussions, the relationship between "White" communities (Arabs, Arab-Berbers) and "Black" African communities (the Soninke, the Wolof and especially the Hal Poular) is actually at the center of inter-community disputes. In Senegal, the clearest case is the Casamance problem, to which no lasting solution has been found as yet in spite of many

attempts¹⁴. The final example is the tragic case of Chad where inter-community rivalry (over the last quarter of a century or so) has led to an armed conflict with countless victims.

Increasingly the States emphasize the socio-economic aspect of this type of conflict, and much less the political or cultural (ethnic) aspects. This does not imply that the latter aspects have been ignored. The point is that the solution of urgent economic problems and a commitment to solving longer-term ones are preconditions for the "political" solution of conflicts because they shore up the idea of equity that people are trying to establish or re-establish among communities.

C. PRINCIPLES, RESOURCES, AIMS FOR EFFICIENT AND SUSTAINABLE PROBLEM-SOLVING

This section deals in detail with the elements of power and authority required by any jurisdiction which has to take decisions, implement collective decisions and handle problems facing the residents of that jurisdiction.

Most problems to be solved require changes in human behavior. The common problems of interest to us here (more efficient management of renewable natural resource and improved public services) may be classified in this category.

Irrigation systems always require major investments in capital and labor before they become operational. To reap the fruits of these investments, the right balance must be struck and maintained in the availability of water, arable land and inputs. If forest resources on which people and animals depend for their survival in the Sahelian environment are not protected and enriched, they cannot continue to cater for the needs of the present generation, much less those of future generations. If children fail to learn major trades (like agriculture, livestock breeding) to earn a living as adults, they end up becoming a burden on their communities. All these examples underscore the need for a change of mentality among both the authorities and the people and the adoption of new patterns of behavior, as pre-conditions for achieving results.

Institutions do not emerge spontaneously. Somebody has to create them, i.e., design a series of rules which, in a specific context, motivate people to act in a coordinated manner and avoid all sorts of counter-productive activities. "Specific contexts" here refers to a specific physical environment which can support certain production systems. The context also includes an area inhabited by a set of people. These people have access to certain opportunities, such as weekly markets and health care, and are exposed to such disasters as drought, over-exploitation of resources both by the residents themselves and by foreigners, etc.

¹⁴ At one point, the Senegal-Gambia Federation gave some Senegalese officials the hope of ending the "feeling of isolation" of the Casamance and thereby facilitating integration, which takes time to become accepted by people.

Establishing institutions may take only a few days. An example is when two or three people set up an Economic Interest Group (EIG) to achieve an objective that they have set for themselves, such as setting up a small business. The process may also take years or decades, as when members of a community gradually develop institutions for their own self-governance.

The rules establishing these institutions may, for example, determine the parts of the community's watercourse in which men and women can bathe; how decisions should be taken in the community about drilling a new well or helping maintain a "community vocational center", how residents should treat foreigners and how disputes between members of the community and foreigners should be settled. Quality of life in Sahelian villages and camps largely depends on the way local institutions face up to challenges of this sort and how they settle many other day-to-day problems.

Local institutions for self-governance are therefore the fruits of efforts made gradually by people to lay down rules enabling them to address problems that they face partially in common. A rule or an institution suited to the local conditions may, once established, operate for a long time. But when conditions change (like the onset of drought, establishment of a new NGO with new opportunities, population growth, construction of a new road, etc.) it becomes essential to change the rules and the institutions. Rules and institutions can prompt individuals to adopt desirable behavior (selective cutting of fuelwood and protection of regeneration, sustained learning among young people) and discourage undesirable activities (like spending too long irrigating one's own farm, littering public and other places with household garbage).

The challenges are therefore considerable and the procedure for laying down rules and establishing institutions is complex. Priority must be given to pragmatic approaches based on analysis of the problems, the communities concerned and the resources that can be mobilized to solve them.

However, pragmatism does not mean unfettered empiricism. The approach that we are proposing is based on a few fundamental principles which can help define a decentralization policy.

1. Principles for Efficient and Sustainable Problem-Solving

Institutional Principles for Efficient and Sustainable Problem-Solving

This section deals with four institutional principles forming the basis for efficient and sustainable problem-solving in renewable resource management and provision of public services. These principles are:

- the legitimacy of community structures in decision-making;
- multiple recourse for citizens;
- "subsidiarity" and its implications;
- the rights of citizens to set up new jurisdictions for themselves.

1.1 Legitimacy of Community Structures in Decision-Making

Institutions exist to guide or channel behavior. They are composed of rules. One basic Sahelian institution concerned with the use of resources and dating back to the pre-colonial era, for example, has two basic rules: 1) livestock are not allowed into farm lands before harvesting is over; 2) rangelands must not be farmed. These two rules are laid down to counter two extreme cases which can spark off conflicts: herders wishing to prepare their herds to survive the dry season may be tempted to let their animals "stray" onto fields where millet, sorghum and peanuts have been spread out to dry. They thus yield to the temptation to steal the fruits of the labor of peasant farmers. Similarly, the latter are strongly tempted to sow crops on livestock transhumance tracks which are well fertilized lands. If such temptations are not restrained, conflicts will be inevitable. On the other hand, overcoming those temptations encourages efforts to cultivate and to facilitate livestock transhumance movement within farming areas.

Other rules have been made over time to ensure compliance with the two basic rules. They are: a) the rule governing the post-harvest period when farmlands legally become open access resources; b) dispute settlement procedures; c) rules about how damage is assessed and compensation made.

This example demonstrates that if people are to handle their problems, then they must be able to take collective decisions to enact rules and enforce them. Otherwise, cattle will stray into unharvested fields and farmers will sow crops on transhumance tracks, undermining the ability to ensure productive coordination of behavior. In that event, communities suffer in two ways. First, they have to settle disputes with the attendant risk of failure; second, they stand to lose both agricultural and pastoral production.

When situations change, rules must often be changed if they are to remain effective. If a transhumance track runs through bush area and if the bush is cleared and farmed, it can be more difficult for herders to control their animals. Where space is available, the operational rule defining the location of transhumance tracks can be amended to re-route the track and avoid needless conflicts.

Rules need to be strengthened and enforced. Verbal or written rules are simply a form of understanding among people, setting out what is acceptable behavior in a given situation. One should expect that counter-productive behavior which prompted the enactment of rules will persist if there are incentives to do so. There may be a strong and persistent temptation to fell the nearest tree when one needs a beam for roofing. Violation of rules may persist unless penalties are meted out as a deterrent.

Penalties may be formal (e.g., fines or imprisonment) as provided by law. They may be informal and social, e.g., refusal to collaborate with neighbors who disobey local rules. The certainty that the penalties will be imposed often matters more than the severity of the penalty. If a villager knows that failing to take part in collective tasks will mean receiving no support in times of need, he or she will do their best to turn up.

The imposition of penalties is neither automatic nor spontaneous. Somebody must decide to impose the penalty after rules are violated, for example, by refusing to participate in the work of the defaulter. If people choose to behave illegally and are not punished, rules will be deemed ineffective and will cease to govern behavior.

However, one should expect that strengthening rules and imposing penalties in the event of rule violations will trigger disputes when the accused party challenges the rule, refuses to comply with it or rejects the penalty. These situations must be handled properly otherwise the rule will be considered not binding.

If the cost of rule enforcement is high and far exceeds the losses incurred from the infringement, people will, except in specific cases, stop enforcing rules. Suppose that only a forester is entitled to mete out punishment for illegal wood cutting in the Baban Rafi Forest and that foresters can be found only in Maradi, 50 km north of the forest. In that event, the local population may not be able to afford transport and routine expenses required for efficient enforcement of the rules, except in extreme cases. In other cases (e.g., when a neighbor cuts a tree for use as a roofing beam or when a herder lops off a branch as fodder for his animals during the dry season), the locals may conclude that they have no means of enforcing the rules. Yet it is obvious that when repeated often enough, such minor incidents can destroy a large forest just as surely as land clearing. It simply takes a bit longer.

1.2 Promotion of Multiple Recourse for Citizens

Why should citizens have multiple recourse? The idea is to strengthen public jurisdictions at several levels so that their authorities can respond more efficiently and more equitably to the wishes of citizens and propose better solutions to problems. Decentralized decision-making strengthens citizens' ability to solve problems by devolving decision-making authority to the local communities. This will increase citizens' ability to:

- solve problems by themselves or with others;
- hold accountable all those working officially as their agents: elected politicians, civil servants and technical experts employed by national, regional and local bodies;
- protect themselves against authorities' abuse of power.

The question of bodies or institutions to which citizens can have recourse, when necessary, has only arisen in the past five years following the process of democratization that seems to have caught on in all CILSS countries, albeit to varying degrees.

It is all too easy to list the cases where citizens' rights have been usurped both in cities and in villages. Violations have been more flagrant in rural areas where rights are not only poorly defined by State representatives but rights announced by some officials were often challenged by other officials. This controversy over the interpretation of the so-called modern law has compounded the legal tussle resulting from the overlap of local laws (customary law, traditional law) and national law (State law, modern law).

In some countries, rural organizations have no legal status even though a special decentralization of rights is allowed by the State for some specific purposes (for example, the possibility of providing a joint guarantee for bank loans).

The lack of legal status renders these associations unfit to play the role of arbitrator for citizens who can no longer rely on State jurisdictions. "Civil society" is compelled to seek protection against abuse of power by national government agents, elected representatives and hereditary chieftains (whether the latter are integrated into or excluded from the State apparatus), without necessarily having the resources. This explains why some people advocate the creation of countervailing powers, as a more reliable means of opposing the abuse of political power. These countervailing powers may include trade unions, producer groups, consumer groups, human rights organizations, rural organizations and local jurisdictions. It is up to the members and authorities of each of these institutions to define the type of relations they wish to establish with political authorities and with the vehicles of power acquisition (political parties, politically oriented associations, etc.). Their efficacy depends on total autonomy, guaranteed by the constitution and the practices of their leaders.

Legal transparency provides an incentive for the different players in a given game to abide by rules that they have imposed upon themselves through the medium of open and democratic debates held at the different levels of public organization. The time comes when citizens (rather than "those who are administered") define public authority as a medium through which they exercise their own sovereignty. The State then ceases to be a powerful myth sanctified by divine authority. It becomes a legal framework that is adequate to promote initiatives at the private, community, local and national levels for the improvement of its services.

Hence, freedom and power to run their own affairs characterize the constitutional rights of citizens ready to defend themselves against possible abusive uses of power by their central, regional or local authorities. Through the medium of autonomous organizations, citizens can influence political and administrative decision-makers, compelling them to accept opposing opinions, and thereby broadening the spectrum of solutions proposed to various problems. The more opinions are expressed, the greater the possibilities will be in the two-way exchanges between the grass roots and the summit, both imbued with the common desire to cooperate.

1.3. "Subsidiarity" and Its Implications

Although the term sounds scholarly, *subsidiarity* is based on everyday realities in Sahelian communities. This principle governs relations among the institutions established by the communities to help solve their problems. It may be summed up in these terms: an institution or a jurisdiction does not intervene in a problem until the structures at the lower level have proven incapable of coping with it on their own, or if the decision concerns a domain that exceeds the limits of these lower-level structures.

For example, a Village Association in Mali does not intervene in a case which can be settled by a specific producer group. Unless the decision taken or action anticipated affects the lives of other producers in the village, the Village Association does not intervene. In many Sahelian communities in the past, the village council did not intervene in the activities of working groups and youth associations except where they exceeded their authority or created problems for other members of the community.

These habits have died out in many countries or are restricted to the village level. In recent years, however, the debate on decentralization in Sahelian countries has focused on effective decentralization of power to grass-roots structures and the rejection of misplaced intervention by higher-level structures.

1.4 Citizens' Rights to Establish New Jurisdictions

If new problems arise where power and authority have been transferred to local governments, then somebody must have the right to initiate the establishment of new jurisdictions to address them. The central administration may not necessarily have authority in this domain. If not, then those most closely affected by the problem should be vested with authority, through enabling legislation entitling them to set up new jurisdictions, provided that they win the support of the majority of their fellow citizens. This support may, for example, be in the form of a 60% "yes" vote by residents or a favorable opinion given by a broad majority (e.g., 2/3 or 3/4) of the local authorities, or perhaps both.

Legislation authorizing citizens to create new governments should enable them to exercise, in their domain of authority, the entire scope of self-governance powers, i.e., formulation, application and enforcement of rules, mobilization of resources and settlement of conflicts. Otherwise, it would be extremely difficult to set up new, autonomous local jurisdictions.

The negotiation of new institutional arrangements with non-local people, such as inter-village agreements on joint management of a common bushland or forest, will become increasingly necessary in CILSS countries in coming decades. These new, *ad hoc* jurisdictions, designed to handle new problems after much thought and negotiation, should be accountable to the citizens for the following reasons:

1) The fact that citizens are vested with authority over the new jurisdictions will encourage people to solve collectively problems which cannot be solved through private activities or voluntary efforts. People who live with problems may well have insight into how to handle them. In any case, they are likely to have a better understanding of the nature of the problems in their local community than administrators or technical agents who have no in-depth knowledge. This "constitutional" environment will draw on the knowledge that the citizens have of their locality to encourage innovations that could pave the way for solutions.

2) The fact that citizens have authority to set up new jurisdictions will help reduce the pressure on central administrations and national governments to solve all problems. Once citizens have such a constitutionally recognized right, an official from the central administration can legitimately suggest that they find collective solutions to their common problems that cannot be solved by a voluntary group or through individual or private actions. This change will put the official in the position of advisor offering his opinion to local communities rather than that of an official responsible for all activities in his *circonscription*.

3) The fact that citizens have the opportunity to experiment with new forms of self-governance will most likely make them more realistic about what can or cannot be achieved through collective action. Initiatives that fail are as important as those that succeed. When people are authorized to develop their own institutions, their sense of involvement develops, as does their desire to contribute to the success of the endeavor. To overcome problems confronting Sahelian communities and turn decentralization to good account, it is important to develop this type of local initiative. But the fact that citizens have the authority to set up new jurisdictions does not mean *ipso facto* that such jurisdictions can be created anytime and anyhow. The obstacle does not stem from the "formal" or "informal" nature of the institution concerned. The main point is that any institution whose size is not tailored to the problem it has to solve turns out to be inefficient or too expensive.

We must therefore consider the following two issues:

- the size of the jurisdiction compared to the problem to be solved and the real impact of the formal or informal nature of an institution.
- the need to tailor the size of jurisdictions to the scope of problems.

When citizens are well organized (into NGOs or self-governing local institutions), each of these structures offers the possibility of joint or collective action.

If private sector enterprises or associations exist alongside self-governing institutions, then citizens can choose between different options. What does that mean? Simply that citizens have alternative means of solving their problems.

Local authorities can count on collective action to provide goods and public services that residents have decided on independently through collective choices. The spectrum of choices may also concern structures for the production of goods and services: for example, private-sector contractors, NGOs and governmental jurisdictions. People can also develop complex systems for the provision of services requiring the intervention of governmental, non-governmental and private organizations.

The citizens may not be satisfied with the results achieved by the authorities of the jurisdictions to which they belong. They may even feel that their authorities cannot be expected to do better in the provision of goods and services because the existing jurisdictions are not capable of handling the specific problems. If the scope of a body is too small for the problem, then collective decisions taken by the authorities of that body cannot cover all aspects of the problem and the solution will be inadequate.

Similarly, results may also be poor if the size or the scope of the jurisdiction far outstrips that of the problem. Members of the non-organized "public" will then face an uphill task in convincing the other inhabitants (of the same large jurisdiction) unaffected by the problem to make efforts and investments to achieve a solution.

These two examples underscore the need to ratify legislative instruments authorizing the citizens to set up the jurisdictions they think useful.

"Informal" and "Formal" Structures

This depends on the ability of citizens to acquire legal recognition of their autonomy. If this condition is fulfilled, local institutions may remain informal (at least, so far as national official records are concerned), as is the case of some village councils¹⁵, or become formal like the Economic Interest Grouping in Senegal.

So long as these structures achieve results, it matters little whether they are formal or informal. However, as economic and infrastructure development gradually reduce the isolation of communities, as the organization of public service provision becomes more complex and as competition for renewable resources intensifies, we may expect an increasing need for formal recognition of local institutions.

Local institutions that are formally recognized will wield more authority when rules are kept by members of the community and foreigners. Formal legal status will also help these institutions to gain loans they may need for investments.

The decision to seek formal recognition should be a local one. If people see no need for recognition then the community should be able to continue to operate informally.

¹⁵ These local structures are "informal" only as seen from outside their communities. They are completely formal when seen from within since as they embody the constitutional organization of the group. Members of the community take decisions which are binding force locally.

2. Resources for Efficient and Sustainable Problem-Solving

2.1 Local Legitimacy and Ability to Mobilize Resources

Resources are needed for policy-making, policy implementation and settlement of disputes. The same applies to investments made to protect reforested lands and infrastructure investment such as maintenance of farm-to-market roads, waste management, etc.

The resources needed may take the form of manpower, materials or cash. Patrolling a part of the Baban Rafi Forest requires labor, which can be obtained either directly from each family in the village or by recruiting workers. Some communities are so well organized that mobilization poses no problem. The burden is fairly shared and nobody shirks their responsibilities.

Other groups are less organized and some individuals are tempted to exploit the efforts of others, for example, by refusing to contribute to the maintenance of school buildings while their children continue to use the facilities. When many individuals in a group enjoy the fruits without sharing the costs, other members of the group generally conclude that they have made a poor investment. Hence the resources required to continue the operation can no longer be mobilized and the activity ends abruptly.

The remedy lies in ensuring that the authority to mobilize resources is transferred to local bodies whenever they are given management autonomy. It will then be easier for the communities to deal fairly with their members.

In some CILSS countries¹⁶, the *communes rurales* have the authority to mobilize resources through various taxes. In the poorest communities, the most important source of revenue is rural taxes.

In Senegal, for example, in spite of disadvantages of this form of resource mobilization (rigidity, high cost), rural tax should be maintained for three reasons:

1) The rural tax still accounts for the bulk of the revenue of most rural communities. This particularly applies to the poorest rural communities which cannot count on any other form of taxes due to limited local wealth.

2) The collection of rural taxes, levied on all adults, creates some sense of commitment to the same community. Cost retrieval based strictly on user and other charges will not have the same effect. In Taiba-N'Diaye, the rate of tax collection increased from 40 to 90% following an active campaign by leaders of the rural community to educate members in the importance of tax payment.

¹⁶ In Senegal decentralization policies initiated in 1972 led to the establishment of the *Commune Rurale* (CR), an administrative territorial division comprising 15 to 65 villages.

3) Tax-collection provides an opportunity for dialogue between rural community leaders and members. The reluctance of local people to pay taxes reflects their dissatisfaction with the types of project implemented with the tax revenue. Tax collection also enables the leaders to establish a linkage between investments in the *commune rurale* and tax-collection rates and to stress the need for tax payers to step up their efforts if they wish to have more investments¹⁷.

Community authorities and locally recognized bodies vary from one CILSS country to the other. This factor must always be taken into account in a decentralization policy.

Situations exist which exceed local financing capacity and where collaboration among different levels of government is often desirable. Nonetheless, conscious efforts must be made to avoid heavy dependence of communities on external sources since that can detract from their operational autonomy.

Moreover, in some Sahelian societies, payment of local taxes gives the tax payer the right to voice his opinion on how the money is spent. This greatly promotes transparency in the management of public affairs.

2.2 *An Efficient System of Citizen Information and Training*

There is unanimous agreement on the need for an efficient system of information and training to enable communities to control their own development.

However, only a few people have an idea of the financial and political implications of such a system. The costs of a rural community information and training system are substantial.

For efficiency and even cost reduction, the system must use local languages. A system might begin with the languages most widely spoken in the country and then progressively add minority group languages.

The ideal would be to develop, alongside a literacy program, a system of citizen information using radio and television as well as magazines, newspapers, brochures, publications, etc. It would be best to determine, jointly with local people, items likely to interest them, rather than -- as has been done in several countries -- to shut them off from certain types of information (e.g., political analysis of their own experiences). Experience has shown that development policy issues considered highly complex can be understood by rural people if the analysis is clear and in a language they understand. However, quality information is expensive as it requires journalists with good communication skills. And the

¹⁷ These comments are mainly based on the study carried out by Gellar Sheldon, Gérard Chambas and Oumar Kamara; December 1992. "Decentralized Provision of Public Services, Governance and Renewable Natural Resources Management: The case of Senegal". (Prepared for *Club du Sahel*) Burlington, VT: Associates in Rural Development, Inc. Although the report was prepared specifically on Senegal, similar circumstances may be observed in other Sahelian countries.

consumers of this information can rarely afford to pay for it. Once an information system is developed, it is possible to establish, together with informed local people, a training system suited to the needs that they themselves have identified.

The other obstacle is certainly political. It is no secret that information and training are prime bases of power. Press freedom and unhindered access to training (in human rights defense methods, for example) were achieved only recently in many Sahelian countries. As recently as two years ago, the "rural press" (in local languages) in some countries was not allowed to discuss political issues. Some donor agencies often supported the press on the condition that political matters were not raised. That gave rise to insipid newspapers which were more like newsletters for extension workers than organs of citizen information.

It does no good to pretend that these issues do not exist and that the issues involved in citizen information and training are not important. The choice must be made between refusing real support to such a system and providing support with full acceptance of the consequences.

3. The Aims of Sustainable Problem-Solving

Problem-solving in the Sahel, where inter-community conflicts are increasing, is ultimately aimed at improving living conditions and establishing an atmosphere of peaceful co-existence among communities.

3.1 Improving Living Conditions

Sahelian populations have experienced many problems and tragedies over the past twenty years.

It is to heal the wounds inflicted by these tragedies and prevent their recurrence that debate has begun on the "governance" of people and goods. This objective should underlie all discussions on decentralization as one means of solving problems connected with resource management.

The many problems experienced by Sahelians relate to basic needs, i.e., food, shelter, clothing, and also education, health and freedom. Improving living conditions amounts to solving these problems more effectively, for the benefit of all and in an equitable fashion.

Despite being general and complex, there is nothing abstract about this objective. A decentralization exercise that does not lead to the improvement of general standards of living of the community (especially the most disadvantaged), is certainly not worth the effort.

3.2 Promoting Peaceful Co-Existence among Communities

It was not until independence that this issue began to assume alarming proportions. Inter-community conflicts did exist in the past, but they have proliferated as a result of population increase, scarcity of resources, and some State policies. The Sahel has had so many trouble spots in recent times that some observers even deny that Sahelian peoples can

live in harmony. Instead of telling of the many success stories in difficult conditions, we have rather opted to tackle the most difficult part, open conflicts, as well as solutions currently envisaged for resolving them (see section D).

The point is that for peaceful co-existence to be established (or restored), not only must new wealth be created, but resources and wealth must also be shared equitably.

3.3 Fostering Equity in Local Decision-Making

For conflict-solving procedures to be effective, they must be seen by all as objective and transparent. If a decision is considered unjust, then the aggrieved party and all those who share that viewpoint will simply resort to their illegal practices as soon as possible, unless officials of the rule-enforcing institutions have the authority to back up their decisions.

For decentralization policies to succeed, people must be willing to participate in enforcing rules that they or their representatives in local jurisdictions have developed. This support for rule systems is observed where people feel that the rules reflect their own values and their sense of justice. If there is no widespread feeling that authorities are acting legitimately, citizens lose their interest in efforts to solve problems (joint provision of public service and management of renewable resources).

The history of the Sahel is unfortunately full of cases where arbitrariness has been the rule. Many rural people consider that this arbitrariness applies first to access to resources: capital (access to equipment and input credits) but most especially land (currently the main constraint on agro-pastoral activities in the Sahel).

For labor constraints, peasant farmers found a solution by organizing associations to assist individual and family farm units to handle problems that they cannot cope with alone. But what proved to be relatively easy in the case of labor turned out to be difficult in the case of capital, and even more so for land. The explanation lies in the origin of capital and the status of land.

In Sahelian countries, labor has never been controlled by the State in spite of various attempts. In some areas, labor has never come under any central authority whatsoever. Labor is controlled by heads of farm units or occasionally by clan leaders.

In contrast, access to land has almost always been under the control of an institution transcending the confines of the family and at times of the clan. The rights of individuals and farm units are circumscribed by a community. In theory, States arrogated to themselves the same privileges over lands as community institutions. In reality, however, the State renounces such privileges whenever insisting on them is likely to foment troubles that can undermine political stability in the region or the country. In almost all cases, however, rural associations failed to gain control over significant amounts of land. The organization of associations neither fostered access to larger areas of land nor afforded any greater land tenure security. In this sense, one can assert that the associations could neither prevent the resurgence of past inequalities nor avoid the emergence of new ones in land tenure.

4. Decentralization: Costs, Risks and Difficulties

The costs, risks and difficulties of devolving decision-making can be divided into two categories: those which are assumed or even imaginary, and those which are real. Costs, risks and difficulties, whether real or assumed, follow from the complexity of the decentralization process. But this complexity is over-estimated when it is based on the hypothesis that only a single form of governance is acceptable. This form of governance is considered to be the one currently used by the national administration. If decentralization is to take place, then residents of every jurisdiction benefitting from it must learn to govern themselves as would members of the national administration. The forms and procedures currently used by the national government would have to be learned and applied by officials of decentralized jurisdictions.

If this hypothesis is accepted, local self-governance can only be complex, especially if it must take place in norms, forms and procedures about which communities understand little or even nothing, and in a foreign language (French, English, Portuguese, etc.) which most local officials do not understand well enough to use as a tool in collective decision-making. The conclusion is that supervisory authority, exercised by civil servants of the national administration, is then fully justified.

The assumed "complexities of decentralization" disappear when other hypotheses are taken. If the principle of subsidiarity is accepted, then communities themselves should be considered to be the best judges of the norms, forms and procedures they want to use to govern themselves. That does not mean, however, that decentralization is without costs or does not involve risks and difficulties.

The real costs, risks and difficulties of a policy of decentralization include the increase in time and energy devoted at local levels to the resolution of collective problems. If local people have the choice, they voluntarily invest more time and energy in decision-making in questions of local interest rather than depending on decisions made by outsiders.

Next, launching, encouraging and protecting local initiatives will increase the risks of inter-group conflict. The most aggressive groups will try to establish rights to renewable resources, and to public goods and services. That may well injure those who are slower to react, depriving them of what they need for survival. This may give rise to tensions in certain communities.

The possibility of open conflict among officials of local jurisdictions, representatives of the national government and of the administration will also increase, especially since public problems will never be entirely resolved by decisions imposed at the national level.

The costs and risks are thus real, but they do have a positive aspect: once conflicts can be debated openly and many local communities are authorized to seek their own solutions to these conflicts, the chances of finding solutions increase. Rather than letting these conflicts continue, making them public will encourage people to organize themselves to defend their rights against other individuals or groups. When a community realizes that it cannot achieve an "ideal solution" (of the type "we win, you lose"), because rival groups are just as well

organized, the chances of seeking and finding sustainable compromises will increase. If these compromises are achieved, people can then devote their energy to overcoming obstacles to local development.

D. THE ULTIMATE CHALLENGE: PROTECTION OF COMMUNITIES (ESPECIALLY MINORITY GROUPS)

Consideration of major conflicts in the Sahel almost invariably brings to the fore the question of protection of communities (especially minority groups) in countries faced with political change and scarcity of resources.

Discussion among CILSS countries (with the assistance of Club du Sahel), demonstrated that scarcity compels communities to review the conditions for the production, reproduction and management of resources. Decentralized management emerged as a pre-condition for using the energy of the different national communities to preserve and build up resources.

How can communities be made to feel equally concerned? The remedy lies in ensuring that no community (not even the minorities) feels treated unfairly or as second-class citizens.

The first obstacle to community protection is "territorial", internally (administrative sub-division of communities within one country) or externally (communities straddling countries). The conflict first takes the form of an increasing imbalance between a mode of land occupancy adopted for production and reproduction and a mode of land management for politico-administrative purposes. This is subsequently compounded by others which may be racial, tribal, historical, etc., in brief conflicts of "emotional" origin, in the current sense of attachments to home places or in the old sense of "homeland."

If these divisive conflicts are not speedily addressed, they may throw communities, especially minority groups, into a situation of insecurity. Some communities, along lines pursued by the Soninke in Mali's Kayes region, have solved the problem by finding external resources from emigrants. This financial support has helped forestall open conflicts with the State which, despite being little involved in the day-to-day management of resources, does not consider its authority to be challenged. In contrast, when scarcity of resources is so acute that the community faces extinction, then the challenge to resource management by the State can take the form of armed violence. The question is then not whether to decentralize resource management and public services provision, but rather how. The compromise to be reached must safeguard both the fundamental rights of the community and the concerns for the security and unity of a State subject to the rule of law.

This compromise is not only economic and legal (political). It takes account of the attachment of all individuals to their culture and to a way of life inevitably subject to change. However, these changes must not be imposed by the State or by another community regardless of whether it is the majority one.

What types of problems are likely to arise in practice? We shall examine ongoing decentralization where the social fabric has been severely damaged and where violent clashes have occurred between a minority community and the armed forces of the state.

This example is chosen for two reasons:

- it corresponds to the problem which concerns us in this document;
- it is one of the rare cases of this type that can be studied today without arousing new resentments or violence among the players concerned.

The specific example is the ongoing resolution of the Tuareg question in Mali. This issue, which provoked armed conflicts in 1962-63 and 1990-92, has involved a confrontation between a community and the State. The Malian authorities who came to power in the wake of the March 1991 popular revolt quickly realized that the solution was not military victory. Crushing the 1962 revolt failed to prevent the next generation from taking up arms again.

The idea of negotiation thus came to prevail, and the National Pact signed between the "rebels" and the State is an attempt to find a balance between the rights and responsibilities of local communities and those of the State¹⁸. The fundamental principle underlying the Pact is recognition of the legitimacy of local institutions. The region elects an assembly. The assembly sets up a regional executive. At the level of the regional assembly, there is a State representative whose role is to advise the assembly to prevent it from taking non-constitutional decisions. Many regions may come together to establish an inter-regional assembly.

What really posed a problem for the authors of the Pact was the territorial division within each region. Many Sahelian countries have faced the same difficulty: what types of institutions should be established between the village (camp) level and the region? This difficulty stems from the fact that local land-use thinking and administrative thinking diverge dramatically and are even contradictory at times¹⁹. While accepting that each region should make its own internal division, the Pact still invites the regions to abide by the spirit of previous texts dealing with decentralization, which call for the establishment of urban and rural communes throughout the country.

An original solution had to be found which took into account the concern of communities to have greater access to resources and enjoy management autonomy, and the concern of the national government to maintain "territorial integrity and national unity".

¹⁸ The National Pact can be seen as an attempt to find a compromise between a minority demanding a greater access to resources and management autonomy, and a state wanting to maintain "territorial integrity and national unity."

¹⁹ In the northern regions of Mali where these conflicts erupted, the land occupancy is generally oriented north-south or south-north. In any case, it was perpendicular to the Niger river valley whereas some boundaries of the administrative divisions (*cercle*) lie parallel to the river and so break up groups.

For more details, refer to the document "*Appui à l'Elaboration d'un programme à court terme dans le nord du Mali (deuxième phase)*", Paris: IRAM, October 1992, p.7.

Fortunately, the question did not arise in such abstract terms. The signing of the Pact helped rebuild confidence by offering a framework which provides security for both parties. The question arises rather in terms of problems that needed to be solved speedily and satisfactorily (wounded to be treated, hungry to be fed, refugees to be repatriated, fighters to be reintegrated in society, disaster victims to be rehabilitated) so that all parties can participate in wealth creation and enjoy the fruits of their efforts in an equitable manner.

The various communities and the State realized that to cope with these problems and establish lasting peace, enhance efficient creation of new wealth and equity in resource sharing, they needed a strong and sophisticated organization. Various institutions were therefore established at the national level. They include the Commissariat of the North, the Pact Monitoring Commission and the Movements' Coordinating Body. Some of these structures are specific to a group of players (e.g., the Movements' Coordinating Body). However, most of them brought together all the protagonists to ensure that each group was properly represented. Some of the structures comprised mediators (Committee of Enquiry, Cease-Fire Committee) as well as the protagonists.

These structures provide multiple recourse for the different players. Their establishment became possible after many months of painstaking negotiations to determine their objectives and composition. The process was anything but easy, and there is always the possibility that the system will stagnate or even backfire. The surest guarantee of progress is transparency in the debates (on objectives and means), and the continued determination of all parties to solve their problems through negotiation. In this way, rules were laid down to govern relations between players in these regions of the country. Furthermore, structures were set up to ensure these rules were applied and enforced. The remaining problem was how to gather resources to enable the institutions to function properly.

Here again, difficulties arose because the regions concerned and even the country itself lacked the resources required to meet the cost of the whole process. Appeals had to be made to the outside world with the attendant uncertainties stemming from the reluctance of some donors and the delays caused by the long disbursement procedures, etc. Gradually, the players realized that they had to count on themselves, first and foremost, and that haggling over amounts to be invested or over the deadline for starting a given programme were unnecessary and dangerous. Demands which had been maximalist on both sides were gradually toned down to pave the way for problem-solving negotiated among citizens of equal rank.

The need to cut costs is today prompting players to seek the best formulas on the ground for initiating development activities and concluding them successfully. The question of establishing communities enjoying devolved powers and the possibility of a redefinition of the boundaries of administrative units is re-emerging with greater urgency. To cut costs and step up efficiency, much decision-making, management and monitoring authority should be transferred to the grass-roots communities, which will then set up the structures needed to carry out this work.

These structures may be permanent or transitional. They may be suggested by the technical services, the administration or the populations themselves. What matters is that these communities can freely set up new jurisdictions to solve their problems and that they

require no specific authorization to do so. Hence in the three regions of the North, a Reconciliation Committee has been set up at the initiative of civil and religious leaders to organize meetings among representatives of the different communities. The purpose of these meetings, the first of which took place in Taïkaren²⁰ and brought together over 400 people, is to provide a forum where players can discuss how best to rebuild the social fabric, to reawaken a sense of solidarity, and to cooperate to mutual benefit. State representatives came to Taïkaren as mere invited guests.

Accordingly, at the intermediate level between the *arrondissement* and the village (or camp), jurisdictions are being set up for the autonomous management of individual wells, plains (controlled flooding) and irrigated lands.

Decentralized planning under the control of citizens enables the different social groups to meet and identify the levels for implementation, management and control of activities.

However, all players are aware that the envisaged decentralization scheme cannot become immediately operational. This is due to:

- the non-return of much of the population;
- the present administrative division of national territory which will need to be adjusted to contemporary conditions, without sparking off new clashes;
- considerable need for training and information for people;
- the level of resources available.

In view of these factors, provisions have been made for a transitional phase. In this connection, structures referred to as *Collèges Transitoires d'Arrondissement (CTA)* have been established. The CTAs, which are temporary structures, are composed of representatives of each community. Each CTA has between five and fifteen members and is established for the proper execution of practical action. It is chaired by the head of the *arrondissement* (a civil servant) who cannot take any major decision concerning the *arrondissement* without first consulting members of the CTA²¹.

The scope of authority of the CTAs is spelled out in clear terms to avoid the excesses of the past when a youth group could not even organize a simple evening's dancing without permission from the head of the *arrondissement*, who might live many miles away.

²⁰ Taïkaren is situated on Tuareg land. The next meeting is to be organized at Tacharane, an area inhabited by sedentary people in accordance with the spirit of alternation governing those meetings.

²¹ For further details see p.7 of the IRAM report.

Definition of this scope of authority conformed to the *principle of subsidiarity* in that the CTAs attend only to matters affecting the *arrondissement* and which the grass-roots structures have been unable to resolve: a group of villages and/or factions²², village or faction; quarter or camp; groupings (various associations, economic interest groupings, etc.).

Here again, to avoid any abuse in the present state of relations, each institution is required to negotiate with any other body representing the social groups that stand to be affected by any activity that the first institution is planning to undertake. The negotiations do not necessarily lead to the cancellation of the proposed activity, but rather to agreements²³ stipulating the conditions under which the activity can be undertaken, the precautions to be taken and possible compensation to be awarded to groups or individuals.

Obviously, all these painstaking experiments should not be considered as a magic formula for success. Those who strive daily to apply the principle of subsidiarity know that the balances achieved are still fragile and that mere administrative hitches (lengthy procedures, unscrupulousness of some civil servants) still hamper the smooth running of the process. Their persistence underscores their conviction that the chosen path is the right one and can help solve problems which have more than once led to civil war.

E. CONCLUSIONS AND RECOMMENDATIONS

Despite the multiplicity of problems in Sahelian countries, and even though decentralization is not a panacea, there is hope that this approach it will help solve problems.

Our document does not claim to provide a solution applicable in all countries for all problems in all situations. Such a solution does not exist.

It is for this reason that decentralization must be designed as a method and an approach to problem-solving, based on certain principles. These principles, if respected, offer ways forward that are clearly worth pursuing.

Among these principles we consider four to be essential:

- *legitimacy of local institutions.* The States of the Sahel have viewed local authorities as simple extensions of central administrations. They have usually refused to recognize any local institutions that did not directly serve the needs and interests of the administration, even where these institutions played an essential role in local production and management of wealth. From this followed anarchy and wastage, and, with the growing scarcity of resources, it was soon realized that

²² Some researchers prefer to call this entity "*terroir d'attache*" to reflect the farming systems dimension involved.

²³ The idea of agreements signed among different players concerning a given natural resource (e.g., forest) is nothing new. See the *OGOKAANA* experiment among the Dogons in Mali.

local institutions must deal with these problems. Recognition of the legitimacy of local institutions is essential for effective and sustainable problem-solving.

extending citizen recourse. Especially in rural areas of the Sahel, citizens have often been the victims of arbitrary allocation of resources. Habitually (though rather less lately), city people and particularly officials grant themselves advantages that are totally unjustified and work to the detriment of other citizens. Just as habitually, public officials manage public affairs in a manner which suits their interests alone because they are not accountable to their fellow citizens.

Local demotivation can be largely explained by these practices, which provide citizens with no means to resist arbitrary decisions. Extending citizen recourse is essential for the mobilization of local initiative and proper management of community resources and goods.

subsidiarity. The excessive centralization of many Sahelian countries has led to paralysis of the national governments' administrative and technical bureaucracies. By denying local institutions any authority to take initiatives, national governments have prepared the ground for ineffectiveness.

The crumbling of the myth of the all-provident State, as a consequence of the scarcity of financial resources, has forced everybody to look for less costly solutions. The need for economy at all levels has shown that local jurisdictions must be allowed to solve problems they can solve, and that higher level institutions should deal only with problems that grass-roots institutions cannot solve. If this principle is respected at every level, the result will be better solutions and results achieved at lower cost.

authority of citizens to constitute new jurisdictions. This principle is necessary to ensure that the overall process will have the flexibility, when conditions change, for citizens to adapt their solutions to new circumstances. These new solutions may be achieved by a simple modification of rules. They may also demand new institutions. If each of these modifications must be approved by the central authority, costs will increase with no assurance of results despite the time expended. This principle, which is based on confidence in citizens, will open up possibilities for citizens to innovate, will help them estimate what is possible and what is not, and will thus reduce pressure on the central administration.

Clearly, implementation of a management policy based on these principles requires resources. These resources need to be mobilized for the benefit of grass-roots jurisdictions, and to train and inform citizens. Often mobilization of resources is emphasized but little effort is made in the area of training and information, even though its importance is recognized. But the objectives of effectiveness, equity and improved living conditions cannot be achieved without the full participation of citizens in the definition, management and control of development policies. And for that, they require resources, and proper training and information about implications and about solutions that have been tried elsewhere.

However, not all the difficulties linked to a policy of decentralization have been overcome. Important questions must be asked repeatedly:

- How can the dilemmas be resolved between the legitimacy of local institutions and the need for equity in decision-making within those local institutions?
- How can the costs and risks of a policy of decentralization, and the costs and risks of self-governance, be properly evaluated?
- How can the levels of institutions and the degree of collaboration among them be correctly established?

Answers to these questions must depend on context. This is why we have not produced recommendations other careful examination of the approach proposed here.

Our essential recommendation is that the principles above should be examined, as should the means and ends, to see if they will serve to define general directions for decentralization for the CILSS countries.

Agreements: A Method by which Citizens Establish Ground Rules

Some donor agencies are beginning to encourage the signing of agreements before they provide funding for activities. This approach was adopted by the *Caisse Française de Développement* for the irrigated village lands anticipated for the Seventh Region in Mali.

The agreements make it possible to specify the rights and responsibilities of all parties: those with traditional rights, farmers, the State. They also lay down the conditions governing farming activities and (renewable) farm leases, and enable donor agencies to minimize the risk they take in investing considerable sums of money in specific projects.

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