

Decentralization: An Enabling Policy for Local Land Management

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Introduction

Decentralization has been ongoing in West Africa since the early 1970s. Whether seen as the means of consolidating the newly independent state, imposed by donors, or an outgrowth of grassroots development efforts, decentralization was intended to create space for local actors and institutions to become involved in decisionmaking for development. It works by transferring power to elected local authorities or local offices of central government. In West Africa, decentralization is not seen as merely a political and institutional reform, it is also considered part of the development process. Behind decentralization are the objective to promote economic and social development and the assumption that local government is able to more efficiently mobilize funds and natural resources.

The Benefits of Decentralization in Regard to Land Rights

A replacement for the failure of state land monopoly: For a long period most West African states claimed exclusive ownership of land. However, customary land laws were the reality in the field: access to land, tenure security mechanisms, and land dispute resolution all remained tied to local customs and traditions. As a consequence, there is a disconnect between land laws and local practices, and land laws are not effective in rural areas.

More effective land management: Democratic decentralization means that the central government transfers authority as well as resources. In regard to land, transfer of authority means that local government must have the capacity to manage land and deliver titles. Such capacity brings land management closer to the people and gives them the chance to benefit from the rights the land law provides. Land can be a very important asset to local government, generating significant financial resources through sustainable land management and taxation. In Niger, decentralized land management through local land commissions recognizes customary land rights and delivers titles to poor farmers. The procedures are simple, the title delivery costs are affordable, and each local government decides the level of taxes that can be sustained.

Flexibility and legal pluralism: The power to adopt regulations that reflect local realities and cultural norms is essential. Different approaches have been experimented with in the context of land management. Communities have created "local rules" for natural resource management or promoted "local conventions" where stakeholders make arrangements for access to land and natural resources or for local land transactions. Another approach is local land dispute resolution that builds on the knowledge and legitimacy of local institutions such as traditional chiefs, heads of lineages, and religious authorities.

Improved participation and local governance: Decentralization also relies on the participation of civil society. By opening more democratic spaces for CSOs, decentralization reduces the discretionary powers of bureaucrats and reduces the risk of corruption.

Constraints and Risks of Decentralization

While decentralization is a more democratic way to manage natural resources and a more efficient way to promote local development, it is not a panacea.

Lack of local capacity and resources: Transfer of responsibility is effective only if there is the capacity to assume responsibility. Unfortunately, in most countries, there is a severe lack of local capacity. Most people, including members of local governments, cannot read, write, or even understand the country's official language. In land management, local authorities need to be able to survey land, maintain records and manage local land administration.

Poverty is also a constraint. How can local authorities raise funds from poor populations? If there are no funds for decentralization, the process will not proceed. All decentralization codes declare that the central government must transfer resources to local governments to enable them assume their new responsibilities. However, central governments are distrustful and even hostile when asked about transferring resources, as they face many unfunded national priorities such as education and health.

Conflict between local and national interests: Local interests are generally short term: local governments need resources quickly to finance infrastructure. On the other hand, central government—responsible for the whole nation and future generations—is more strongly concerned with the sustainable use of natural resources.

Corruption: There is a strong risk that transfer of authority and resources may lead to a transfer of corruption as well. In many rural areas, the population is uneducated and CSOs are still poorly organized. In such conditions, elected local governments could easily fall prey to corrupt practices.

Exclusion: The transfer of authority may create the paradox of promoting notions of “indigenoussness”, which can lead to the vulnerability or marginalization of “non-indigenous” individuals or groups. For example, pastoralist groups are often denied equitable access to natural resources such as water and grazing areas based on the manipulation of the principle of “indigenoussness”.

Institutional confusion: Rural areas in Africa are well known for overlapping local institutions: there are traditional institutions, those created by central governments to promote better organization of rural producers, donor-funded projects acting as their own interlocutors, and finally elected local government. Regarding land, there may be traditional chiefs, land and natural resource management commissions and committees, rural producer organizations, and local governments, all claiming jurisdiction. Such institutional confusion has created the local practice of “institutional shopping,” or choosing the institution that may make the decision most favorable to the petitioner.

How Can It Be Made to Work?

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Decentralization brings communities decisionmaking power in their own development. But how should a community be defined in an African rural area? In Burkina, the experience of decentralized natural resource management started at the village level, but it rapidly became apparent that this was not always the best place to manage activities. For example, a local forest may need to be managed by several villages bordering it. The experience of decentralized natural resource management in Burkina then moved from village to inter-village areas that shared social and cultural characteristics. Although it was difficult to

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capture administratively, the concept proved more adaptable. Unfortunately, when decentralization was implemented, the choice was made to create artificial boundaries, and today rural communes in Burkina are too large.

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Decentralization will not work if local government does not have appropriate resources. Central governments must demonstrate their commitment to decentralization through the transfer of resources. A second dimension of resource mobilization at the local level is the development of the capacity to generate financial resources from sustainable natural resource management.

Conclusion

Decentralization can be an opportunity for local development and for more secure land rights for the poor people. But for decentralization to work, the constraints and risks inherent to such a complex reform must be anticipated. Successful decentralization needs to build on ongoing local processes; it needs to invite the participation of CSOs. It also needs to cooperate with central government through sound deconcentration process: decentralization is not implemented against the state, but in collaboration with the state.

Further reading:

Jesse Ribot. 2004. Waiting for Democracy: The politics of choice in natural resource decentralization. Washington DC: World Resources Institute. http://governance.wri.org/pubs_pdf.cfm?PubID=3821
Hubert Ouedraogo. 2003. Decentralization and Local Governance: Experiences from Francophone West Africa. *Public Administration and Development* 23 (1): 97-103.
GRAF. 2003. Challenges for a viable decentralisation process in rural Burkina Faso. *KIT Bulletin*, 356.

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