DECENTRALISATION AND LOCAL GOVERNANCE: EXPERIENCES FROM FRANCOPHONE WEST AFRICA

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SUMMARY
Since the 1980s, decentralisation has become a key development theme in Francophone West Africa for various reasons. Perhaps most significant is the great dissatisfaction with centralised approaches of the past. Despite the heavy interest in decentralisation, however, progress of implementation has been rather slow and problematic. Except in Senegal, decentralisation is a relatively new phenomenon in Francophone West Africa and even there the decentralisation process is far from complete. Other more recently decentralising countries have taken very different paths. Burkina Faso, for example, is gradually phasing in decentralisation in the rural areas, while Mali created local governments across the entire country simultaneously. Such differences in approach can be a justifiable response to variations in the political and social climate across countries. One factor that has been uniformly given inadequate attention in decentralisation efforts is the role of traditional local institutions and how they respond to the introduction of new local institutions. This and other aspects of decentralisation in Francophone West Africa require further careful study if policymakers are to better understand how to design and implement more effective and sustainable decentralised systems. Copyright © 2003 John Wiley & Sons, Ltd.

INTRODUCTION
Decentralisation and local governance are now essential axes of development policy in Africa. These themes emerged during the 1980s in the public debate concerning African development as a result of both conditionalities for obtaining finance imposed by the international development agencies and the ceaselessly growing pressure of the demands made by the African populations in favour of democratisation.

The objectives sought by the African states through their commitment to a process of decentralisation vary based on the political, historic and cultural realities of each country. Sometimes decentralisation is seen as the means for putting the finishing touches on the construction of a modern state through the establishment of the necessary institutions. In other cases, it appears to be a way of restoring the state’s lost credibility and deepening democracy at the local level. In still other cases, decentralisation is considered primarily as the means for launching a dynamic of sustainable development from the grassroots.

The general movement to decentralise in French-speaking West Africa, the diversity of approaches and the challenges of implementation are all factors that explain the current profusion of questions on this issue. Ultimately, understanding the conditions required for successful decentralisation is what will promote local governance and improve living conditions. In this context, a comparative approach seems to be essential for drawing lessons from the experiences underway.

KEY DECENTRALISATION ISSUES IN FRANCOPHONE WEST AFRICA

The concept of decentralisation
In a debate that is as sensitive and passionate as the one concerning decentralisation, it is important to make an effort to agree on the meaning of the concepts used. What do we mean by decentralisation? This question is all the
more important since the debate is being conducted on an international scale and since the dominant English and
French traditions are inclined to collide. Indeed decentralisation does not seem to have the same meaning when
used by French-speaking and English-speaking colleagues. It is necessary to be aware of the differences in order to
avoid polemics based on conceptual misunderstandings.

In Anglo-Saxon tradition, decentralisation means a broad political process consisting of ‘devolution of
resources and powers of the central state to local or private decision-making bodies’ (Ribot, 1999). In this view,
the local decentralisation players are local state institutions, communities, NGOs, cooperatives, associations and
the private sector. French tradition, on the other hand, has a more legalistic understanding of decentralisation: ‘state
recognition of the existence of autonomous local governments endowed with specific competencies and managed
by autonomous bodies’ (Kiemde, 2001). Understood in this way, decentralisation means reorganising the state and
only involves governmental players at the local level (local government, public enterprises, etc.).

In this article, we use the definition arising from the French tradition and will assume that ‘decentralisation is a
system for administering development in which communities of interest are recognised as having legal status [at
the local level]. In what is called territorial decentralisation, this community of interests is the local government’
(Ouedraogo, 2000). The choice of this more technical definition of decentralisation is not intended to restrict the
scope of our reflections to legal dimensions of the issue.

Is it necessary to decentralise?
Is it necessary to decentralise? This question is justified from the standpoint of African players if we consider the
disconcerting speed with which international donors, currently great promoters of decentralisation, make and
unmake the methods and models of development. Is decentralisation truly a sustainable axis of development or
an ephemeral concept that could very quickly be abandoned for new notions? Whatever be the answer, it is clear
that the concept has been established in Africa, particularly the Sahelian countries, as a fundamental thrust of their
development (CILSS, 1995).

To speak today of the necessity of decentralisation means that we are questioning an inadequately successful past. The failings of centralised development have been so sufficiently elaborated that there is no need to enumerate them here (Ouedraogo and Yaméogo, 1993), so we start from the basic assumption of the failure of centralised development to consider decentralisation as an alternative for improvement. However, as we shall see below, decentralisation cannot be a panacea for West Africa. Nor does it mean the negation of the state, but, rather, a redefinition of its role.

The complexity and risks of the processes of decentralisation
The debate concerning decentralisation is far from over in Francophone West Africa. Opponents highlight the ben-
efits of centralisation and identify cases of decentralisation failure. Supporters see decentralisation as a political
opportunity for better management. Even supporters, however, must recognise that implementing decentralisation
is a complicated and lengthy process that involves major risks.

The Francophone African countries have very limited experience with decentralisation, and this contributes to
problems and complexity in implementation. With the exception of Senegal, where decentralisation dates back to
the colonial period, other Francophone African countries did not adopt decentralisation until the wave of demo-
cratisation in the 1980s. At independence, African States had a single preoccupation: constructing the centralised
nation state. In Burkina Faso, for example, apart from a brief experience with creating rural communes from 1960
primarily to promote territorial expansion of the state (Kiemde, 2001). Furthermore, the political and institutional
heritage bequeathed by the old colonial power France hardly embraced decentralisation.

As for risks of decentralisation, some argue that it revived tribal and ethnic tensions in young states where national
construction was incomplete. The deadly sustained conflicts in Francophone Africa (Central Africa in particular),
however, result more from frustrations, imbalances and social marginalisation created by the centralising policies of
African states endowed with absolute powers than the consequence of a permissiveness embodied in the existence of
opposition forces at the local level. In the area of natural resource management, the temptation for local governments
to sacrifice resources of national and even international value to satisfy local needs has often been problematic, but state management has also been largely a failure (Kerkof, 2000; Ouedraogo, 2000). In Burkina Faso, for example, classified forests, which are state property, are deteriorating as a result of the lack of human and material resources and due to anarchical occupations by local communities or the clandestine operations of timber operators that the state fails to control.

Any poorly conducted process of decentralisation risks state destabilisation and serious degradation of natural resources. These risks should not, however, be construed as inherently fatal impediments to decentralisation. The challenge is to identify and effectively control potential risks in order to achieve the anticipated positive results. It is important to emphasise the duty of the state, as guarantor of the public interest, to exercise appropriate control over the action of local governments.

SELECTED DECENTRALISATION EXPERIENCES IN FRANCOPHONE AFRICA

Decentralisation has long existed in some form in Senegal and it was expanded to the entire country in 1972 with the creation of rural communes. In the other Francophone West African countries, the process of decentralisation was slower to develop and it was suspended with the succession of military putsches, which placed appointees, often from the army, at the head of the local governments. Instead of elected bodies, ‘special delegations’ were generally established until recently (e.g. Burkina, Mali and Niger). Rather than decentralisation, there were deconcentration efforts largely intended to strengthen control over the population. It is only recently with the adoption of new constitutions during the 1990s that most of the Francophone West African countries have begun to formulate more genuine decentralisation policies. Decentralisation laws have been ratified and implementation efforts are underway, although with certain problems.

Senegal: the original decentralisation in Francophone West Africa

The oldest experiment with decentralisation in West Africa is the one conducted by Senegal since the colonial period. This can be analysed in four major periods (Niasse, 1997; IDEA, 1998). First, during the 1960–1970s, there was an expansion of decentralisation with the creation of new, decentralised territorial entities (regions, districts) and the expansion of the status of self-governance to all existing and newly created communes. Unfortunately, heavy state oversight of communes was problematic.

Second, the period from 1972 to 1990 was dominated by the decisive intervention of the territorial and local administration reform (1972) that extended ‘communal status’ over the entire national territory with the creation of rural communes. State oversight, however, continued to deprive local governments of powers legally transferred to them; the real powers remained concentrated in the hands of the civil administrators appointed centrally.

Third, the period from 1990 to 1996 witnessed a strengthening of local government powers, particularly regarding budget development and execution. Finally, in 1996 the local government communities code was adopted and the region, until then a simple administrative district, was promoted to a decentralised territorial local government. Local government power was also strengthened, particularly with a reduction in state oversight.

Burkina Faso: a progressive and prudent implementation process

In Burkina Faso, the decentralisation process was launched at the initiative of the government following the ratification of the Constitution on 2 June 1991, which ended a long period of emergency measures. In 1993, five decentralisation laws were published, but they limited the process to an administrative reorganisation of territory. Then, in 1994, the government set up a National Commission for Decentralisation responsible for considering what ‘Burkinabe decentralisation’ might be. Numerous research projects, studies and communication campaigns conducted by the Commission resulted in the adoption of more complete decentralisation guidelines in 1998. Laws divided the powers and responsibilities for decentralisation between the national and local governments.1

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1Law No. 040/98 concerning guidelines for decentralisation in Burkina Faso; Law No. 041/98 concerning the organisation of the territorial administration of Burkina Faso; Law No. 042/98 concerning the organisation and operation of the local communities; Law No. 043/98 concerning the scheduling of the implementation of decentralisation.
The Burkinabe decentralisation laws only set up two levels of decentralisation. The first is the commune, the basic unit of local government, divided between urban communes and rural communes. The second is the province, an intermediate level. Parliamentary debates conducted about the law on decentralisation indicated a strong interest in creating a higher, regional level of decentralisation. But the regional level was not created, even as an administrative district, despite the *de facto* organisation of the state technical services into regional services.

At the commune level, the Burkinabe process is at present still essentially urban. In the entire territory, only 45 urban communes have been established; the other communes are to be set up progressively. As for rural communes, studies are currently underway to define the type of local government best suited to the economic and sociocultural characteristics of the rural areas. Finally, elections for provincial councils have not yet taken place, leaving provinces to function for the time being with ‘special provincial delegations’.

Fearing that decentralisation laws would not be implemented, the Burkinabe legislature enacted a decentralisation implementation scheduling law. This law sets the intermediate- and long-term deadlines for the effective establishment of decentralised institutions in Burkina Faso. It remains to be seen whether the national government will be capable of meeting the deadlines imposed on it by law.

Some commentators appreciate the prudence of the approach of the Burkinabe authorities, the progressive nature of which is considered a pledge of durability; others have severely criticised the failings of the approach, particularly the elements leading to a rather lengthy deprivation of the majority of the Burkinabe people, namely the rural population, of the right to manage their own affairs.

*Mali: strong involvement of civil society*

Unlike the other countries where the decentralisation processes were predominantly initiated by the state, Mali represents a special situation where the dynamic of decentralisation was ‘a demand from the population’ (Jaap *et al.*, 1998). The popular uprisings of March 1991 that toppled the regime of General Moussa Traoré allowed the emergence of a very active civil society that, during the national conference, raised decentralisation as a priority requirement for the Malian democratic process (Coulibaly, 2000). This demand for decentralisation was reinforced by the Touareg rebellion that was going on at the time in the northern part of the country. In an effort to win back the state’s lost legitimacy and respond to popular demand, Mali opted for integrated decentralisation of the entire country. Urban communes were maintained and all villages were able to group themselves under state arbitration to form rural communes.

The Malian laws of 1995 and 1996 on decentralisation institute three sub-national levels. The communes, both urban and rural, constitute the basic level of decentralisation. These are grouped in circles, which constitute the intermediate level of decentralisation. Finally, the circles are grouped into regions, which constitute the largest government level below the state. The city of Bamako, which is a special case, is considered a district.

These local governments were given relatively extensive responsibilities. For example, with respect to managing natural resources, each local unit was recognised to have an estate in land, a forest estate and a pastoral estate. The law also gives the territorial communities the competence to preserve the environment, to manage land and to organise agro-sylvan-pastoral activities.

The simultaneous establishment of communes in all of the rural areas has had its critics. However, given the ‘revolutionary’ Malian political context of the reform period, this may have been the only alternative. In any case, the experiment seems to be continuing despite the numerous difficulties encountered. The first of the problems encountered by the decentralisation programmes in managing land resources comes from the fact that these programmes are based on a strategy… of institutional homogenisation… in a context where the institutional life is rich and varied and where the structures are characterised by their great capacity for resistance due to their flexibility’ (Coulibaly, 2000).

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2 Law No. 95-034 of 12 April 1995 concerning the decentralised territorial communities code; Law No. 96-050 of 16 October 1996, concerning the constitution and management principles of the domain of territorial communities.

3 Article 11, Law No. 96-50; Article 14, Law No. 95-034.
LESONS LEARNED FROM THE EXPERIENCES UNDERWAY

The Senegalese experience, as the oldest process, provides the longest time-frame for understanding the stakes and the limits of the decentralisation processes currently underway in Francophone West Africa. An analysis of the Senegalese experience reveals that ‘the simple fact of decentralising does not solve the governance problems at the local level’ (Niasse, 1997, p. 16). The most severe criticism relates to the development of a certain ‘disaffection’ of the populations toward the rural community’ (Niasse, 1997). Although taxes are difficult to collect at the rural commune level, there are numerous examples of dynamic, autonomous local initiatives, such as construction of mosques and schools and land planning for vegetable farming. The attitude of the people to decentralisation is comparable to that of pre-independence rural African populations confronted with the French colonial administration’s per capita tax: an attitude of passive resistance to a new authority whose legitimacy is not recognised. To have an impact on local governance, it is necessary for the grassroots organisations to assume ownership of the institutional framework of decentralisation.

In Burkina Faso where less time has passed, the main issue currently being debated is rural decentralisation. The concern is how to define a model of local government and stimulate a dynamic form of local development that takes into consideration the social and cultural realities of the rural setting and the existing local level indigenous institutions. For example, the territorial framework of decentralisation should differ depending on whether farmland or pastoral spaces predominate. Likewise, traditional institutions (territorial chiefdoms, political chiefdoms, diverse family solidarity systems, etc.) endure in many regions of Burkina Faso and they are unavoidable in the area of local natural resource management, particularly land management. Despite the state’s legal ownership of rural lands, the central and local government authorities are forced to compromise with the traditional authorities when they wish to mobilise land to build public infrastructure (Ouedraogo, 1998, 2001).

The situation is made particularly complex by the fact that these traditional institutions are themselves engaged in dynamic change and adjustment. The traditional Mossi chiefs of Burkina Faso, for example, recognise that their power has been criticised since independence, both by politicians and rural populations (CND, 1995). Traditional elites have seized the decentralisation process as an opportunity to combine the legal status they had previously been denied with their customary legitimacy. This raises the serious question of how to clearly define boundaries between customary functions of the chief and state functions of elected officials. Recent events in Burkina Faso show the dangers of confusing customary functions with those carried out by the traditional elite as a result of their involvement in partisan politics. Traditional chiefs also exercising the duties of local elected officials have been guilty of infringing on human rights when they intervene at the customary level, notably in the communes of Pô and Tenkodogo.

In Mali, decentralisation has undoubtedly contributed in part to resolving the problem of the Touareg rebellion. However, broader problems are not really resolved, as illustrated by numerous conflicts concerning the consolidation of villages into rural communes or the selection of the commune seat. In most cases, these conflicts result from viewing local administration through the prism of the old territorial entities and from the traditional relationships of power between villages. Under these circumstances, it is important to consider how the transfer of state responsibilities to elected bodies of the local communities can be effective if local actors do not fully recognise the new territorial framework in which these responsibilities are being exercised.

CONCLUSIONS

The decisive issue to be settled regarding decentralisation in Francophone West Africa remains the ownership of decentralised institutions by local populations. The local space is already occupied by a set of more or less enduring institutions that decentralisation is often trying to replace or supersede. Grassroots organisations identify more willingly with local-level indigenous institutions than with those created during decentralisation processes. ‘There is an abyss between the legal country and the real country’ (Niasse, 1997, p. 1). We do not have an ideological position for or against the traditional institutions. From the perspective of a policy analyst, the goal is to understand
how to make institutional changes in favour of good governance in the complex institutional context that exists at
the local level.

Another important issue is that the state often tries to decentralise functions it has not been able to exercise
effectively itself. For example, land management may be transferred to local elected bodies, although the state
itself has never been able to deal effectively with rural land despite laws enshrining its monopoly on land.

In approaching institutional development and responsibilities at the local level, some analysts have established a
parallel between current processes of decentralisation and past policies on rural development. 'While we
believed—they say—in good faith for over forty years that rural development was identified with agricultural
modernisation and increased productivity, it is necessary to avoid reproducing this error today in a new form: iden-
tifying rural development with the simple establishment of new regulations and institutions' (Laurent and Mathieu,
1995). Non-functional, ineffective local governments will cost the population dearly without promoting the
improved local governance and development that they are intended to achieve.

There are three alternatives for defining solutions for an institutional environment likely to produce a real
impact on local governance and local development (Niasse, 1997):

• adjusting to existing local institutions, i.e. adapting the institutional mechanism desired by the state to local
realities;
• adjusting existing local institutions, i.e. reforming them to make them suitable to the state plan and programme
options; and
• substituting new local institutions for existing local institutions, i.e. instituting new institutional frameworks at
the local level by authority of law.

It seems that the experience of decentralisation and local government development in Francophone West Africa
is more oriented toward the worst of these alternatives, namely substitution. This should raise concern that, like
previous experiments with agricultural development, the more recent experiments with institutional development
at the local level will not get very far.

Burkina Faso is one West African country that has experimented with numerous and varied approaches to
empowering the local populations. A number of these experiments have somewhat uniquely tried to combine con-
sideration of local realities (social, cultural and economic) with the new requirements of development, democracy
and good governance. The efforts are far from perfect, but with proper study they can teach us something about the
most appropriate type of institution for the local level.

Two fundamental principles may help to guide further progress with decentralisation. The first is that it is
important for those promoting decentralisation to know how to build on what already exists. Societies are con-
structed to provide a legal and institutional framework adapted to their economic, social and cultural needs. At-
tempts to replace or undermine these pre-existing frameworks result in a confrontation between the desired insti-
tutions that are established via government reforms and the institutions familiar to the local population.

The second principle is that it is necessary to know how to take the internal dynamics of the local institutions
into account. Customary principles and institutions are themselves engaged in a process of change. Indigenous
customs and institutions demonstrate a surprising vitality in adapting to evolving conditions. The ultimate change
that emerges is the result of diverse local forces. The promoters of decentralisation and local governance must
know how to support favourable changes in traditional institutions that support the decentralisation ideals of
democracy, equity and justice.

In short, passing decentralisation laws will not rapidly make decentralisation a reality or lead to its potential
benefits. On the contrary, the process of designing and implementing decentralisation is complicated, lengthy and
difficult. Given how recent the decentralisation experiences in Francophone West Africa are, there is a great dearth
of knowledge concerning how to approach this complex reform in very different environments. What institutions
should be established and for what objectives? What competencies must be transferred and when? And finally, how
can we gradually make decentralisation succeed? None of these questions has an a priori obvious answer. It is no
doubt time for more research into developing and implementing decentralisation processes appropriately tailored
to local conditions.
REFERENCES


