

## The Challenges of Decentralization

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### 1. Introduction

The recent wave of decentralization around the world presents particular challenges for combating corruption. Not only does decentralization transfer more resources to institutions further from the centre, but also more people have a role in deciding how those resources are used. In states characterized by powerful local elites, neo-patrimonialism and patronage relationships, decentralization risks the capture of resources by local elites (Manor, 1999; Olowu, 2003; Tanzi, 2000). This is not to say that decentralization necessarily increases the absolute level of corruption – indeed, there is a certain amount of empirical evidence that fiscal decentralization is correlated with lower levels of corruption (Arikan, 2004; Fisman *et al.*, 2002).<sup>1</sup> However, since decentralization distributes the opportunities for corruption more widely, through agencies with at least some degree of autonomy, it requires the centre to develop new, more indirect, mechanisms to combat corruption.

At the same time, decentralization offers the prospect of increased accountability to citizens and taxpayers through the greater accessibility of decision-making. This is seen by many as a key element in controlling corruption (World Bank, 2000). However, this requires attention to the institutional obstacles to local democratic accountability, and to the role of civil society. In this context, it is important to examine the driving forces behind decentralization in any particular context, in order to ascertain the prospects for building local accountability.

In this paper, I will examine:

- the mixed motivations for decentralization;
- the practical issues that arise under decentralization that constrain both performance and accountability: resources, institutional capacity, mechanisms of accounting and accountability, and information;
- the challenges of central-local government relations: fiscal flows, conditionality, incentives, upward accountability and enforcement; and
- building citizen participation and local accountability, including the role of civil society.

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<sup>1</sup> Empirical evidence from the various studies on decentralization and corruption analysed by Fjeldstad points in different directions (Fjeldstad O-H. 2004. *Decentralisation and Corruption: A Review of the Literature*. Chr. Michelson Institute: Bergen).

The paper draws on recent research on local government in Kenya and Uganda (Devas *et al.*, 2003), and comparative research on governance in a number of cities around the world (Devas, 2004).

## **2. What is Driving Decentralization around the World?**

The past two decades have seen far-reaching decentralization of state functions in many – if not most – countries of the world. Where has this drive for decentralization come from? It is widely acknowledged that, in central and eastern Europe in the early 1990s, there was a real demand from the local level for local democratic control and autonomy, as a reaction against the failures of the centralised state over the previous four decades (Coulson, 1995). To some extent, the same can be said of several countries in Latin America (Menocal, 2004), and even some countries of western Europe (France, Belgium, Spain, Italy, for example). But whether these trends truly reflected a groundswell of public opinion at the local level, rather than the interests of certain local elites who perceived political opportunities for themselves, is open to question. Within Europe, the process of decentralization has also been encouraged by the European Union, which, in addition to its treaty principle of subsidiarity, has actively promoted a “Europe of regions” as a counterweight to the nation states.

In some other parts of the world, decentralization of the state has been a response to actual or potential regional conflicts. Indonesia, which was until the end of the 1990s a highly centralized state, has undertaken a far-reaching decentralization of powers and resources (Aspinall *et al.*, 2003). Yet this has not been driven so much by democratic demands from the local level as by local elite interests and by the fear at the centre of secession by the resource rich regions. Similar pressures, reinforced by ethnic divisions, are evident in Russia, Nigeria, Ethiopia, Sudan, Sri Lanka and Philippines, among others.

In some countries, decentralization has been seen as a way of reconstructing states afflicted by conflict, especially where that conflict arises from ethnic diversity. In Uganda, following civil war, Museveni sought to reconstruct the state from the bottom up, through local “Resistance Councils”, which were subsequently transformed into Local Councils. Post-apartheid restructuring in South Africa emphasized the importance of sub-national levels by adopting the term “separate spheres of government” in its new constitution. The re-establishment of local government has been a key element in the post-conflict reconstruction of Sierra Leone. Meanwhile the current reconstruction of Iraq – albeit largely imposed from outside – also involves a strong emphasis on elected local government. But decentralization is also often adopted by national level elites as a strategy for mobilizing and maintaining regional power bases (Crook, 2003).

Added to this is pressure from international agencies like the World Bank. These agencies, concerned at the failure of central governments to deliver services efficiently and to address poverty, have endorsed the economic arguments for decentralization, which tend to coincide with the neo-liberal

agenda of reducing the role of the central state (World Bank, 2004). The World Bank and other donor agencies have advocated, and even required, decentralization in a number of countries in Africa and Asia, with quite mixed results. Finally, there has emerged a certain “climate of opinion” in favour of decentralization, encouraged by academics and policy advisors. However, there is now an increasing note of scepticism about the results of decentralization, particularly because of the evident weaknesses of local level democratic processes in so many countries (Olowu *et al.*, 2004; Shah *et al.*, 2004; Wunsch, 2001).

There are many valid economic and administrative arguments for decentralization. But in reality, the process in most countries has generally been driven by local and national political elites, by certain political realities at the centre, and by external pressures, rather than by local level democratic demand. This raises important questions about the capacity of the local level democratic system to call local decision-makers to account for the use of resources, and thereby to curb corruption.

### **3. Issues for Decentralized Governments**

The scope for effective and accountable decentralized governance varies greatly between countries, depending on historical, economic and political conditions. Typically, though, performance and accountability of sub-national or local governments are constrained by a number of factors: limited resources, weak institutional capacity, inadequate mechanisms of accounting and accountability, and limited availability of information.

#### Resources

Local governments in most countries have limited local taxing powers from which to finance the services assigned to them. As a result, service levels fall far short of what is required. Local revenues are often limited to a few visible (and hence unpopular) taxes that are difficult and expensive to collect, inequitable in impact and economically distorting. Whilst major urban centres may be able to generate significant revenues from property taxes and levies on businesses, in rural areas there may be little to tax. Increased local revenue mobilization often involves coercive extraction from the poor (Fjeldstad, 2001). As a result, many local governments depend heavily on transfers from the centre, which are often allocated in inequitable and non-transparent ways. This dependence on the centre (and in some cases on donors) undermines the accountability of local governments to local voters and tax-payers.

#### Institutional capacity

Local governments often suffer from weak institutional capacity. Decision-making processes are unsystematic, mechanisms of accountability between officials and elected representatives are inadequate, and there is a shortage of officials with the necessary technical, managerial and financial skills. This is often due to the lack of financial resources to attract and retain high calibre staff. Salary levels for local government staff in Africa are often a fraction of

what people could earn in the private sector. Very low wages also mean that staff are preoccupied with searching for other income opportunities, whether corrupt or simply dysfunctional. But institutional capacity also takes time to develop, whereas decentralization in many countries is relatively new. Crook and Sverrisson identified the length of time that decentralization reforms had been in place as one of the factors influencing the performance of the system (Crook *et al.*, 2001). Building institutional capacity at the local level also requires consistent support from the centre. This is often lacking.

#### Accounting, auditing and accountability

Accountability, both of officials to elected representatives and of elected local governments to citizens, requires effective systems of accounting and auditing that create trust in the information about how resources have been used. Elected representatives, never mind ordinary citizens, are rarely in a position to check the details of the use of resources. Yet accounting systems are often extremely weak in local government and are open to all manner of disputes. Annual accounts are often finalized long after the end of the financial year (if at all in some cases). Meanwhile, the central governments rarely have the capacity to perform comprehensive external audits on all local governments.<sup>2</sup>

#### Information, participation and civil society

Accountability also depends on information being available to citizens, in a sufficiently comprehensible form, about how resources are being used (Goetz *et al.*, 2001). It also requires a dynamic civil society, able to engage effectively with local government on these issues. This is still a relatively rare combination in most countries. These are issues to which I will return in section 5.

### **4. Challenges for Central-Local Government Relations**

In view of the weaknesses of local democratic practices in many countries, the central government must continue to play a key role in ensuring that resources are properly used – and corruption prevented – at the local level. This should not be a concern just for the money transferred from the centre. Central governments have an over-riding concern to ensure proper use of all public money, at whatever level that money was collected or used. Indeed the distinction between “central government money” and “local government money” is quite arbitrary: all public money is contributed by taxpayers, and it is a matter of administrative convenience which level of government collects which revenues.

Central governments have a raft of instruments that they can use to oversee the use of money by local government: specifications about the use of transfers, conditions attached to transfers, requirements for approval of plans, budgets and major projects, appointment of staff and external audit, are all common approaches. Yet these all raise issues about the nature of

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<sup>2</sup> In Kenya, the considerable success of the Local Government Reform Programme in getting local authorities to submit annual accounts was undermined by the inability of the Controller and Auditor General’s office to audit those accounts.

decentralization, and about what should be the balance between central direction and local choice in a decentralized system. It clearly makes little sense to decentralize if the centre then seeks to control in detail the use of resources locally. Indeed, such detailed control would be politically unacceptable in most decentralized systems. Nevertheless, given the risks to public resources, a well-defined and properly executed system of central oversight is required.

In practice, central supervision of local governments is weak (Fjeldstad, 2001). All too often, central controls create more problems than they solve, including delays, frustrations, additional costs and perverse behaviour. Central approval of budgets in Kenya can take many months, and in some cases is not given until after the end of the financial year to which the budget relates (Lewa *et al.*, 2004). This clearly undermines the whole purpose of budgeting. Meanwhile, centrally appointed staff may become the focus of local political discontent (as in Kenya), seen as serving the interests of the centre rather than the local government. All too often, central-local relations become mired in political conflict, such that the legitimate objectives of performance improvement and accountability are lost. State-local relations in India offer numerous examples of damaging political conflicts.

There are also many practical issues around central monitoring and supervision of resource use by local governments. The use of conditional transfers, approvals of budgets and plans, and the auditing of local government accounts are only effective if the centre has the ability to verify what is actually happening at the local level. This presents a number of problems:

- the costs and practical difficulties of obtaining information from remote localities, and the lack of central resources to undertake this;
- information asymmetries, which make it difficult for central officials to really know the position at the local level, since reports from local officials may not reveal the true situation;
- the capacity of the centre to interpret correctly the information it receives, and thereby to know whether the situation is satisfactory or not;<sup>3</sup>
- incentives for local officials to manipulate data to show what the centre wants or to indicate that central conditions have been met; including perverse incentives, such as claiming exaggerated levels of school enrolment in order to increase grant allocations;
- rent-seeking behaviour by central officials, including auditors, charged with verifying data, so that even “verified” information cannot be relied on;

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<sup>3</sup> It is common practice, for example, in many African countries for central governments to require central approval of local budgets. The main consideration appears to be whether local budgets balance, since local governments are not allowed to incur deficits. Yet a common strategy for local governments is to inflate their revenue forecasts to match the planned expenditures. As a result, the approved budget is meaningless, since the budgeted revenues do not materialise, arbitrary cuts have to be made during the year, and the local government ends up with a deficit (Devas N, Grant U. 2003. Local government decision-making - Citizen participation and local accountability: Some evidence from Kenya and Uganda. *Public Administration and Development* **23**(4): 307-316).

- political and practical obstacles to taking enforcement action in the event of breaches (for example, can grants for education really be withheld if the local government has misused the funds?).

Nevertheless, there is scope for improving central monitoring systems. In this, providing the right incentives to local governments is a key element (see below). Another is making information on central transfers and local budgets publicly available. Although relatively few people may take a direct interest in the information, or even be able to understand it, the fact that information is available in the public domain provides the opportunity for civil society groups to interpret it for others and to start to demand accountability from local government. In Kenya, information about the new grant system (LATF) introduced in 1999 is published in national newspapers, together with the allocation formula. This was done both to prevent political manipulation of the allocations at the centre, and to enable citizens to ask questions of their local government about the use of grant money.

Performance conditions were also introduced into the new grant system in Kenya as an incentive to improved performance and accountability. Portions of the grant are payable on delivery by the local authority of certain key documents: annual accounts, a service delivery plan (LASDAP), a debt reduction plan including evidence of payment of statutory creditors, and a revenue enhancement plan. These grant elements are payable on receipt of the documents by the centre without requiring prior approval, thereby reducing the scope for rent-seeking by staff of the central ministry. Documents are reviewed for consistency with the requirements using computer-based checks so as to minimize the scope for discretion and hence rent-seeking behaviour. The centre has the power to reduce the grant in subsequent years if the documentation provided does not meet the requirements. Prior to the introduction of the grant, around five percent of local authorities were submitting their annual accounts; with the introduction of the performance incentive into the grant, that increased to almost 100 per cent.

As part of the preparation of a service delivery plan (LASDAP), local authorities are obliged to display in a number of public places a summary of information about resource availability for the coming year, and to hold consultative meetings with civil society organizations to agree on the broad allocation of the budget. In the first year, some 1,300 public meetings were held, attended by around 30,000 people (Devas *et al.*, 2003). Whilst these are small steps, and much more is needed, they represent significant changes in the way in which local governments in Kenya operate. They have substantially increased transparency and accountability, as well as the engagement of local authorities with citizens and civil society. However, there remain major issues about the capacity of the central ministry to verify the information supplied.

In Uganda, with substantial resources now being allocated through local governments, the central government has had to establish elaborate systems of reporting on the use of resources and monitoring of performance indicators. This information feeds through into future budget allocations for local councils (Onyach-Olaa, 2003). Independent expenditure tracking systems have also

been used to identify whether resources allocated have reached their intended destinations. Pioneering expenditure tracking studies in the early 1990s found that, on average, less than 20% of primary education capitation grants were reaching schools. The rest was being captured by local officials and politicians, either to fund other activities or for personal gain. Similar problems were noted for health services. Subsequent reforms, such as paying funds directly to the institution concerned, and requiring information to be publicly displayed at the facility, increased the proportion of funds reaching schools to 90% (Reinikka *et al.*, 2002).

Under the Uganda Local Government Act, citizens have the right to participate in annual budget conferences at each level of local government. While in many cases this is little more than a formality, with participation limited to a few special interest groups, in other places it has provided the opportunity for civil society groups to engage with the local government (Blore *et al.*, 2004). In the case of one grant programme, LGDP, citizens at each level of local government participate in making choices about the use of the grant from a menu of options of infrastructure improvements (in education, health, water, roads or production). Project Management Committees are then formed, consisting of members of the community concerned, to oversee implementation and ensure accountability of those implementing the projects.

International experience suggests that there are other ways that central governments can help to reduce the scope for corruption at the local level:

- Instituting reforms to accounting systems to simplify accounts and make them more transparent; these may include the use of accruals accounting for expenditure, to ensure that expenditure obligations incurred appear within the accounts even if bills have not been paid.<sup>4</sup>
- Supporting computerisation of revenue collection and accounting systems, with appropriate safeguards, to facilitate cross-checking and reduce opportunities for individual discretion and manipulation.
- Paying grants directly from the Ministry of Finance to the bank account of the level of government or institution for which it is intended, to prevent money being sliced at intermediate stages.
- Simplifying grant systems to increase transparency and public understanding, and publishing information about formulae and allocations.
- Avoiding multiple funding sources for the same activity, which can be used to disguise how the funds are used; in some systems, there are parallel channels of funding for local services through local governments and through community development or social action funds, providing scope for manipulation and double-counting at the local level.

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<sup>4</sup> Under a cash accounting system, it is possible for unpaid debts to accumulate without these being apparent from the accounts. This has resulted in huge problems of inter-agency arrears in many countries, including Kenya, and disguising the fact that many local authorities are effectively insolvent. On the other hand, use of accruals accounting on the revenue side can present a dangerously misleading picture where revenue collection performance is poor, since unless the debtors position is examined, what the accounts show is the revenue due rather than what has actually been received.

- Requiring publication and display of information about resources for particular facilities, services or projects.
- Requiring submission of photographic records of project implementation.
- Selective use of independent expenditure tracking studies to trace to the use of funds (Dehn *et al.*, 2002).
- Clear rules about public procurement, specification of codes of conduct for local officials and elected representatives, and arrangements for asset declarations by elected representatives and senior officials.

All this requires a change of culture and practice within central government. Decentralization involves a shift from a direct role in service delivery to one of enabling and monitoring the work of local governments and other agencies at the local level. This requires the building up of capacity to monitor and verify effectively, and systems to reduce the scope for monitoring to be undermined by rent-seeking behaviour. It also requires central government to play its role within the system properly: dealing promptly with requirements for approval, paying agreed grants and revenue shares on time, and seeking to reinforce good practice at the local level.

## **5. Building Local Accountability**

Challenging corruption in local government cannot rely solely on upward accountability to the centre. It also requires building local accountability. Traditionally, periodic elections are the mechanism for holding local decision-makers accountable. But elections are a crude mechanism for local accountability. In developing countries, they are often dominated by personalities and by ethnic loyalties, with little information about policy alternatives and little access to information about the real performance of those in power.

Local elections need to be matched by increased opportunities for direct citizen participation, since those who have participated in discussions about the use of funds are more likely to demand accountability. It also requires increased access to information about the use of resources. More than that, it requires the emergence of a civil society that is capable of engaging effectively with local government, and not just on behalf of elite interests but also on behalf of the poor.

Over the past two decades, the process of democratization in many parts of the world has provided new opportunities for citizen participation and the development of civil society. The Brazilian municipal experience of participatory budgeting (PB) offers one of the most significant models. However, this model is not without its problems: conflicts between elected councillors and those involved in the participatory budgeting process; the relatively small proportion of the population engaged in the PB process; and the relatively small part of the local budget that is subject to PB. Nevertheless, in several cities in Brazil, PB has greatly widened participation, including by the poor, in discussion of budgetary priorities, and resulted in at least some shift in budgetary priorities in favour of services that benefit the poor (Melo *et*



*al.*, 2001; Souza, 2001). One of the most significant achievements has been to increase the transparency of decision-making, since once the choices about available resources are out in the open, it is difficult for city officials take those decisions back behind closed doors. Above all, PB has helped to create more institutionalized opportunities for the poor to participate in rule-based rather than clientelistic decision-making.

The recent growth of civil society and the development of communications media have both contributed to greater transparency in decision-making in Kenya and Uganda. In both countries, citizens are increasingly ready to challenge authorities and demand accountability, even in the rural areas of Uganda, where once ordinary people would not have dared to question those in authority (Deininger *et al.*, 2005; Golooba-Mutebi, 1999). In Uganda, local radio has become a medium for debate about local issues, and with the now widespread use of mobile phones, phone-in programmes with the local political leaders have become quite common. Local and international NGOs have often been instrumental in fostering community-based organizations and encouraging them to make demands. In Kenya, the local authority's own community development departments have sometimes played an active role in fostering community organizations. Of course, civil society organizations are often dominated by elite interests: in Kenya, those most vociferous in challenging local governments over resources are the local Chambers of Commerce.

In some other parts of the world, civil society organizations have a significant role in articulating the interest of the poor. In Philippines, where NGOs enjoy a privileged position in relation to local government, there are numerous initiatives by community organizations, supported by NGOs, to make their voice heard. In Cebu, for example, in recent elections a federation of NGOs and CBOs has assessed the claims of the various candidates for mayor in terms of their policies towards the poor, and has monitored their performance in office (Devas, 2004). In Rajasthan in India, an NGO (*Mazdoor Kisan Shakti Sangathan*) has engaged in a long struggle with state and local government for access to information on local finance and calling village officials to account for the money received (Roy, 1997; Jenkins *et al.*, 1999).

The potential for participation and for civil society to influence local resource decisions depends greatly on the particular context and the details of local level political process (Rakodi, 2004). Amongst other factors that have been identified as influencing the extent to which the local level political process delivers for the urban poor are (Devas, 2004):

- the existence of left-leaning, programmatic political parties (Brazil, South Africa, some states in India);
- ward-based councillors representing poor wards, who must be responsive to their constituents if they are to be re-elected;
- electoral arrangements that ensure representation of women and ethnic minorities;
- sub-city levels of government that represent neighbourhoods where the poor live, with access to an equitable share of resources to fund local level infrastructure and services;

- effective, responsive and accountable civic leadership: in the end, leaders do make a difference.

## Conclusion

Decentralization provides new challenges in the fight against corruption. While there is a common perception that decentralization increases corruption, the evidence is quite mixed. The solution is not re-centralization but rather developing effective instruments to check on the use of resources locally and to promote local accountability. In this, the lack of capacity and systems at both central and local levels can be serious obstacles. The power of local elite interests is another major obstacle. It is therefore important, in promoting decentralization, to understand the nature of the power relationships and informal networks of patronage at the local level that can undermine local accountability. It is also important to design sufficiently robust systems of central monitoring and dissemination of information that are capable of effective implementation in fragile situations.

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