

Decentralisation in Togo

The Contribution of ICT-based Participatory Development Approaches to Strengthening Local Governance

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Abbreviations

CDQ	<i>Comité de Développement de Quartier</i> (Neighbourhood Development Committee)
CSO	civil society organisation
EU	European Union
FACT	<i>Fonds d'Appui aux Collectivités Territoriales</i> (Fund in Support of the Territorial Collectivities)
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
ICT	information and communication technology
KfW	KfW Entwicklungsbank (German Development Bank)
LCC	local coordination committee
MATDCL	<i>Ministère de l'Administration Territoriale, de la Décentralisation et des Collectivités Territoriales, Togo</i> (Ministry for Territorial Administration, Decentralisation, and Territorial Collectivities)
OECD	Organisation for Economic Co-operation and Development
PAD	<i>Programme d'appui à la bonne gouvernance comme contribution à la décentralisation au Togo</i> (Promotion of Good Governance as a Contribution to the Implementation of Decentralisation in Togo)
PDA	participatory development approach
RQ	research question
SNA	social network analysis
UNIR	<i>Union pour la République</i>
USD	United States dollar

Executive summary

Sub-Saharan Africa has been identified as a region where the achievement of development goals is severely hampered by a high degree of government centralisation. In many of the region's states, local governments do not have sufficient discretion to respond to the needs of local populations. Accordingly, the 2030 Agenda for sustainable development put particular emphasis on governance reforms to shift from the centralisation of political processes towards political, administrative, and fiscal decentralisation.

The recognition of decentralisation as a strategic imperative for development has contributed to the popularity of participatory development approaches (PDAs) in international development cooperation which aim at empowering local populations. Motivated by the exponential growth of mobile phone penetration rates in Africa, scholars and development practitioners have become increasingly interested in the possibility of utilising digital information and communication technologies (ICTs) in the context of the PDAs in the region.

In line with this trend, the German Development Bank (KfW Entwicklungsbank) is currently pilot testing the instrument of an ICT-based citizen participation platform within the context of a decentralisation programme in Togo. The objectives of the platform are twofold: first, to improve the quality of local governance by facilitating the expression of citizen needs and demands toward the government; second, to increase the state's accountability towards its citizens by enabling citizens to monitor and evaluate local policies and their implementation.

The findings of the current study serve as a contribution to the discussion of the potential of ICT-based participatory development approaches in strengthening local governance in general, as well as the basis for specific recommendations for the further development of the KfW's ICT-based citizen participation platform in Togo in particular. To this purpose, the study uses social network analysis (SNA) to investigate the state of decentralisation in Togo by analysing the degree of local government discretion and downward accountability.

With regard to the potential of ICT-based PDAs more generally, our findings suggest that the ability of such approaches to improve the quality of local governance hinges essentially on context-sensitive project design. Preliminary scoping studies should pay careful attention to networks with local influence and local power relations in order to allow projects to be designed in a way that balances the trade-offs between necessary adaption to the context and the transformative powers of ICT-based participatory projects.

The results of the SNA reveal that the actual implementation of decentralisation in Togo lags considerably behind the legal framework. On the one hand, the discretion of local governments remains limited; on the other, downward accountability mechanisms remain weak and mostly informal. Our analysis found that, although the platform has a viable potential to enhance the answerability of local government by facilitating the identification and disclosure of deficiencies in public service delivery, enforcement mechanisms are nonetheless necessary if answerability is to be transformed into formal downward accountability. In the absence of local elections, the platform could only provide such enforcement mechanisms if it were integrated into Togo's national legal framework. One

possibility would be to incorporate the platform into the formula of a performance-based component of the mechanism for fiscal transfers from the central government to the communities. However, our analysis also finds that, in its current set-up, the potential of the KfW's citizen participation platform to increase the integration of citizen input into local policymaking is limited. This is mainly due to the fact that the platform competes with an already established network in which demands are formulated and is partly controlled by actors who assume the role of "gatekeepers" within that network. To remedy this situation, the coordination committees that act as "agenda-setters" for the platform's activities would have to be opened up to representatives from the social groups whose participation is thwarted by these gatekeepers.

1 Introduction

Over the past decade, central governments around the world have been transferring authority and responsibility for public functions to lower-level governments (World Bank, 2007). At the same time, decentralisation reforms have gained particular importance in developing countries, most of which have embarked on shifting political power to local governments to some degree (Agrawal & Ribot, 1999; Faguet & Pöschl, 2015). The international development community has generally been supportive of these decentralisation reforms and has allocated a significant share of development assistance to strengthening local governance (Campos & Hellman, 2005). According to data from the Organisation for Economic Co-operation and Development (OECD), donor disbursement in support of decentralisation and sub-national government increased sixfold between 2002 and 2014 (OECD Statistics, 2016). The drive towards decentralisation in both national policy reforms and development cooperation is thus a persistent trend rooted in the benefits it promises.

Decentralisation refers to “any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy” (Agrawal & Ribot, 1999, p. 3). It is assumed that decentralisation brings government decision-making closer to citizens, thus creating the possibility of exerting pressure on government performance from below (see, for instance, Yilmaz, Beris, & Serrano-Berthet, 2008). It is expected that by making local government officials more accountable for their performance and more responsive to their constituents, decentralisation can improve public sector effectiveness and service delivery, which will ultimately translate into development benefits for the poor (Campos & Hellman, 2005; Yilmaz et al., 2008). Advocates of decentralisation argue that it facilitates citizens’ ability to articulate their needs and their ability to monitor and evaluate their local leaders, thereby strengthening local governance (Campos & Hellman, 2005).

Togo constitutes a highly relevant case for studying the interplay between decentralisation and local governance. Political science literature on Togo is scarce. The few existing publications suggest that Togo is far from having fully democratised. Its regime type is interchangeably being classified as “competitive authoritarian” (Levitsky & Lucan, 2010; Metelits & Matti, 2015), “electoral autocracy” (Norris, 2008), or “hereditary autocracy” (Osei, 2016).¹ Nevertheless, the West African country has long pledged decentralisation efforts. In fact, Togo’s commitment to decentralisation was an important condition for the resumption of development cooperation with the European Union (EU) in 2012 (EU Council, 2004). However, although the judicial framework for decentralisation is largely in place, its implementation has been slow. The stagnation of the decentralisation process, which critics ascribe to a lack of political will on the part of the ruling elite (see Kohnert, 2016) is largely considered a severe obstacle to local development and poverty reduction in the country (IMF [International Monetary Fund], 2014).

1 As of yet, it has not been clearly established how decentralisation is affected by the degree of autocracy in the government. Although the experience of some Anglo-Saxon countries suggests that in democratic systems there might be greater support for decentralisation, there are plenty of examples of democratically elected central governments that have chosen centralised administration as a mode (Gourevitch, 1993; Olson 1993). On the other hand, in situations where there is pressure for democratic reform, some autocratic central governments have consented to political decentralisation as a strategy to shift their power to sub-national executives (Benton, 2016).

Our analysis of the state of decentralisation in Togo is based on two concepts: local government discretion; and downward accountability. According to the framework proposed by Yilmaz et al. (2008), these two dimensions constitute the necessary conditions for the above mentioned benefits of decentralisation to materialise. In view of this, the first research question (RQ) of this study is:

RQ I: What is the state of local government discretion and downward accountability in urban municipalities in Togo?

Despite its slow progress, over the past years, the gradual decentralisation process has reshaped the sphere of local governance, in which a variety of local and higher-level actors can exert their influence. Studying the current state of local governance in Togo makes it possible to draw conclusions regarding the extent to which meaningful decentralisation has occurred. Accordingly, the empirical data generated to answer the first research question is subsequently used to address the second research question:

RQ II: What are the major discrepancies between *de jure* and *de facto* decentralisation in Togo?

Research has shown that, despite the arguments in their favour, decentralisation processes do not necessarily result in improved local governance performance (Agrawal & Gupta, 2005). This is why participatory development approaches (PDAs) are often implemented to support the desired shift of powers to hierarchically lower levels and to effectively empower citizens in local political decision-making. Over the past decade, PDAs have gained importance as instruments of development cooperation. The World Bank's lending for such projects rose from USD 2 billion in 2003 (Mansuri & Rao, 2004) to USD 30 billion in 2013 (Wong, 2012). The idea of increasing inclusiveness and empowering local populations lies at the heart of a PDA. However, critics have noted that empirical evidence of a sustained positive impact of a PDA on inclusion considerably lags behind the rate at which such projects are implemented (Mansuri & Rao, 2004; Oakley & Clegg, 1998).

Inspired by Africa's rapidly accelerating digital development, over the past years, scholars and development practitioners have become increasingly interested in the potential of ICT-based PDAs to address the complex challenges of governance in the region. Given that the use of ICT in the context of governance projects is a relatively novel approach, the question arises in what ways ICT-enabled projects can provide added value as compared to conventional, non-ICT-based participatory projects. Thus, the third research question reads as follows:

RQ III: How can ICT-based approaches best contribute to overcoming challenges of local governance in the context of decentralisation?

To answer the above research questions, the study followed a three-step approach:

First, to address RQ I, empirical data were collected by means of a social network analysis using the Net-Map method. The SNA of local governance was conducted in two urban municipalities that are target cities of KfW's decentralisation programme. Data collection focused on the accountability relations between, and the influence of, actors involved in local governance with a view to acquiring an in-depth understanding of the key recipients of decentralised powers. Accountability relations and influence are considered essential in the

analysis of decentralisation and local governance given that “the nature of decentralisation depends to a significant degree upon who gets to exercise power and the accountability relations to which ... [those actors] are subject” (Agrawal & Ribot, 1999, p. 6).

Second, to address RQ II, the analytical framework of Yilmaz et al. (2008) was applied in order to contrast the empirical findings regarding the *de facto* state of decentralisation obtained through the SNA with the *de jure* state of decentralisation.

Finally, to address RQ III, the combined findings regarding RQ I and RQ II were used to offer an assessment of how, and to what extent, the ICT-based participation platform implemented by the KfW can best support the challenges of local governance in Togo. Lessons learnt with regard to Togo are then used for a discussion on the potential of ICT-based PDAs more generally.

The remainder of this study is structured as follows: Section 2 first provides an introduction of the concepts of decentralisation and local governance. It then outlines the analytical framework used and compares *traditional* to *non-traditional* ICT-based PDAs. Section 3 describes the methodological research approach and the way in which field research was conducted. Section 4 presents the empirical findings, regarding local government discretion and downward accountability in the two urban municipalities under study. Based on these findings, Section 5 outlines the discrepancies between the *de facto* state of decentralisation and the *de jure* framework in Togo. Lastly, Section 6 formulates recommendations for further development of the KfW’s participation platform in the framework of this particular setting and discusses the potential added value that ICT-based PDAs may provide to improve local governance in the context of decentralisation more generally.

2 Conceptual background

2.1 Defining decentralisation and local governance

According to Agrawal & Ribot (1999), decentralisation is defined as “any act in which a central government formally cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy” (p. 3). As this definition underlines, decentralisation is not seen as a status but rather as a dynamic process that can be pursued to various purposes and results in different forms. The literature on decentralisation distinguishes three major types of decentralisation which, in practice, often overlap (DEZA [Direktion für Entwicklung und Zusammenarbeit], 2001).

Political decentralisation “is the transfer of some powers from central government politicians to elected local government politicians, who are given autonomy to determine all local processes of development” (DeLog, 2013, p. 12). This type emphasises the participation of all groups of society in political decision-making; the accountability of political actors at different levels of state; and the integration of local interests in political decisions (DEZA, 2001). Political decentralisation is often used synonymously with *democratic decentralisation* and hence usually associated with sub-national elections (Agrawal & Ribot, 1999).

Administrative decentralisation implies the (re-)allocation of competences for the delivery of state tasks at different levels (DEZA, 2001). Political and administrative decentralisation differ particularly with regard to the resulting direction of accountability: Administrative decentralisation refers to the transfer of powers to lower-level actors who are accountable to their superiors in a hierarchy (Agrawal & Ribot, 1999). Hence, administrative decentralisation leads to upward accountability. By contrast, political decentralisation refers to the transfer of powers to lower-level actors who are downwardly accountable “even when they are appointed” (Agrawal & Ribot, 1999, p. 4). This differentiation highlights the crucial role of accountability.

Fiscal decentralisation is an indispensable part of every effort towards decentralisation (BMZ, 2002; von Haldenwang, 2008). It implies the transfer of competences which are necessary for autonomous revenue generation and for the formulation and execution of public expenditure policy to the sub-national level (BMZ, 2002).

In contrast to the procedural concept of decentralisation, the concept of local governance refers to “the formulation and execution of collective action at the local level” (Shah & Shah, 2006, p. 1). That is, local governance emphasises the current status of collective action at the local level, rather than focusing on the process of transferring power and competences from the national to the local level. It is argued that decentralisation processes modify mechanisms of local governance – particularly with regard to formal institutions and hierarchies (Shah & Shah, 2006) – thereby altering the local discretionary space.

However, local governance is also considerably shaped by informal norms, networks, and community organisations pursuing collective action (Shah & Shah, 2006), whose roles are not exclusively determined by formal decentralisation. Accordingly, the empirical configuration of local governance is crucial when assessing the potentials and risks of decentralisation (Yilmaz et al., 2008).

2.2 Potentials and risks of decentralisation for local governance

The most prominent argument concerning decentralisation is that it can make government more accountable and responsive to those governed (Faguet, 2014). According to this argument, decentralisation can improve the relationship between state and society in a variety of ways, ranging from increased political legitimacy and the social integration of vulnerable groups to democratic participation (DEZA, 2001). Adopting the Lockean vision of a contract-based state-society relation that emphasises the role of the state as a provider of services (Grävingholt, Ziaja, & Kreibaum, 2012), another potentially beneficial effect decentralisation can have on local governance becomes evident: *the effectiveness of public services*. By means of improved accountability and responsiveness, decentralisation is assumed to improve resource allocation and transparency and to increase the mobilisation of local resources (DEZA, 2001). Furthermore, decentralisation is expected to *support local governance development* through an improved economic balance between the centre and the periphery that strengthens local competences, capacities and ownership of development (DEZA, 2001).

However, decentralisation also implies several risks for good governance. With regard to *state capacity*, decentralisation may lead to a certain loss of control at the top which, in turn,

weakens the ability of national and sub-national-level actors to act quickly and in concert, and hence reduces the coherence between local and national-level endeavours (Faguet, 2014). Another problem that may result from a loss of control at the top is the usurpation of decentralised funds by local elites, a phenomenon commonly referred to as “elite capture”. By strengthening the discretionary power of local elites over the allocation of public goods, decentralisation can increase the risk of clientelism and patronage (Faguet, 2014).

A challenge to the process of decentralisation itself is that “it often does not really happen” (Faguet, 2014, p. 7) as it is subsequently undermined by central governments who lack the political will to actually hand down power and resources to sub-national governments with independent political and legal authority. This emphasises the importance of local discretion in the interplay of decentralisation and local governance.

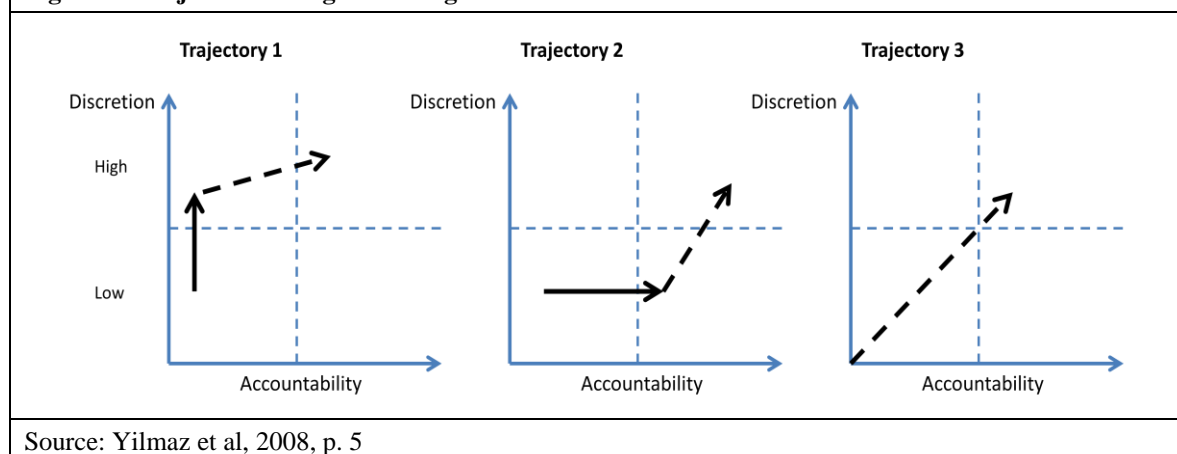
In light of this, it becomes clear that the extent of local government discretion and downward accountability are crucial factors in determining the degree to which the beneficial effects of decentralisation on local governance can actually be realised.

2.3 Assessing local governance and decentralisation

In their 2008 World Bank paper, Yilmaz, Beris and Serrano-Berthet propose a framework for the analysis of local governance and the level of decentralisation based on two dimensions: local government discretion and downward accountability (Yilmaz et al., 2008). The authors postulate that decentralisation requires the parallel occurrence of two processes: the transfer of competences to local governments; and the establishment of local governance structures that support downward accountability. As both processes are essentially dependent upon the political will of the central government as well as upon the capacity of local governments, in reality, countries differ with respect to the speed these processes take place. Yilmaz et al. identify three possible trajectories of decentralisation that require different kinds of measures if good local governance is to be achieved.

The first trajectory represents countries in which a fast and strong process of transferring discretionary powers has taken place. In such a scenario, it would be necessary to implement far-reaching reforms to support downward accountability in order to avoid perverse incentives for local governments, such as elite capture and reckless decision-making.

Figure 1: Trajectories for good local governance



The second trajectory represents countries in which decentralisation efforts have focused primarily on the promotion of accountability structures and political pluralism. In this scenario, it would be necessary to transfer administrative and fiscal power to local governments in order to enable them to comply with accountability requirements and avoid “accountability overload”.

The third trajectory represents countries in which discretion and accountability are strengthened simultaneously and therefore form a perfect diagonal. According to Yilmaz et. al. (2008) this trajectory constitutes the ideal decentralisation scenario.

The two-dimensional conceptual framework proposed by Yilmaz et al. (2008) will be used to answer the first research question that addresses the state of local government discretion and downward accountability in urban municipalities in Togo. Insights gained from the empirical data generated to answer the first research question are then applied to address the second research question that refers to the discrepancies between *de facto* and *de jure* decentralisation in Togo.

As noted above, decentralisation impacts existing power structures and potentially changes power constellations at the local level. For this reason, an analysis that aims at determining to what extent the intended decentralisation actually occurred cannot be limited to studying the characteristics of the local actors involved in the process but also needs to pay close attention to the accountability and power relations *between* those actors. Furthermore, Togo has implemented several decentralisation laws that regulate the transfer of competences to local government levels. Having said this, we expect to observe a continued, strong influence of the central government, given that the last municipal elections took place in 1987 and local government officials appointed by the central government in 2001 continue in office to this day (Bertelsmann Stiftung, 2016). In consequence, an analysis of the state of decentralisation in Togo necessarily also has to take into account national-level government actors.

In the following, the two analytical dimensions of decentralisation proposed by Yilmaz et al. will be explained in more detail.

2.3.1 Local government discretion

As stated above, decentralisation describes the transfer of powers from a central government to lower levels of government. However, full local government discretion is only achieved when local governments are given the necessary administrative, political, and fiscal autonomy to regulate and initiate local laws and to administer services and manage human resources within their jurisdiction. This implies that local governments have the power to regulate local economic development, land-use planning, public health, and education; that they are able to procure goods and services autonomously; and that they are able to make decisions about employment policies, at the same time paying the costs related to the implementation of policies (Aslam, Yilmaz, & Gurkan, 2010). Local government discretion therefore comprises crucial aspects of all three major types of decentralisation: political, administrative and fiscal.

2.3.2 Downward accountability

Transferring powers to lower levels of government is necessary to ensure local government autonomy. However, the effective empowerment of local governments and the inclusion of the local population in local governance also require the implementation of mechanisms and structures to support downward accountability (Agrawal & Ribot, 1999; Yilmaz et al., 2008).

To analyse who is accountable to whom, it is necessary to study relationships between actors (Leininger, 2014; Schillemans, 2008). Where a superior demands accountability from a subordinate, the relationship is categorised as upward accountability. Where a subordinate asks for accountability from a superior, it is categorised as downward accountability (Schedler, 1999; Schillemans, 2008). In cases where local governments are only accountable to higher levels of governments and not to their constituents, it is very unlikely that decentralisation will achieve its stated aims: downward accountability is necessary to ensure responsiveness of local governments to the needs of the local population (Agrawal & Ribot, 1999).

In the analysis of accountability, this study follows Schedler (1999) who conceptualises accountability relations as being characterised by two dimensions: answerability and enforcement.² The dimension of answerability (or justification) refers to an actor's obligation to release all necessary information and to justify his/her conduct. The dimension of enforcement (or sanction) includes the punishment of improper behaviour as well as the reward of desirable behaviour (Schedler, 1999). Accountability structures can be based on both formal and informal relations.

2.4 ICT-based participatory development approaches to strengthening local governance

ICT-based participatory development approaches differ from conventional *participatory development approaches* in several aspects. Their contribution to supporting local governance in the context of decentralisation can be assessed as such as well as in comparison to conventional, non-ICT based PDAs. In order to answer the third research question, the theoretical arguments regarding (ICT-based) PDAs need to be tested against the empirical data generated in the two urban municipalities in Togo. To provide a basis for this empirical analysis, this subsection briefly outlines the theoretical rationales of *conventional* as well as *ICT-based* PDAs.

Conventional PDAs have gained considerable importance in international development cooperation over the last decade. They have become an integral part of development programmes that aim to strengthen decentralisation processes since it is assumed that they present an opportunity to help shift authority and resources from centralised government to lower levels (Mansuri & Rao, 2004). The central idea of PDAs is to promote community control over local decision-making, resource allocation, and service delivery

2 To ensure interviewees' understanding of these two dimensions, during interview sessions, they were referred to as "justification" (answerability) and "sanction" (enforcement). For coherence, in the following sections we will thus use the terms "justification" and "sanction".

in order to make them more responsive to the needs of the local population (Dongier et al., 2002; Mansuri & Rao, 2004). Fostering participation can influence existing power relations, create agency, and improve chances of influencing decisions particularly for the poor and marginalised groups.

PDAs can focus on different aspects and come into play at different stages of the public policy and public expenditure management cycle (Kuriyan, Bailur, Gigler, & Park, 2011; Malena, 2004):

- *Participatory policy and budget formulation* allows citizens and civil society organisations to identify needs and preferences, propose projects and allocate funds. Tools such as participatory planning and budgeting aim at ensuring that decisions reflect consensus-determined priorities.
- *Participatory policy and budget analysis* enables civil society actors to build public awareness and encourage a critical public debate about intended policies and budget allocations, for instance through roundtables or dialogue. Here, one important aspect can be to assess whether policies and allocations match the local government's announced commitments.
- *Participatory public expenditure tracking* during the stage of policy and budget implementation aims at identifying bottlenecks, corruption, or diversion of public resources, for instance by means of social auditing or community monitoring. In such processes, communities play a “watchdog” role regarding the activities of government officials and agencies.
- *Participatory performance monitoring and the evaluation* of public services or projects can be achieved through tools such as citizen report cards or community scorecards. Rather than regarding citizens as beneficiaries, such initiatives are based on the idea of citizens or communities as clients who provide customer feedback.

The application of ICT in the various different types of PDAs described above is a fairly recent and dynamic development. In essence, very much like conventional PDAs, ICT-based approaches intend to enable citizens to communicate their demands and to monitor their administrations, thus increasing the accountability and transparency of local governance processes (Thompson, 2008). Two principal aspects are essential in order to assess whether and to what extent ICT-based PDA offer added value compared to non-ICT supported PDAs:

An important first argument in favour of ICT is that it can improve the effectiveness of PDA initiatives by reducing the transaction costs of information-sharing and the coordination of collective citizen action (for example, World Bank, 2016b). Accordingly it is essential to analyse whether in a given context ICT-based PDAs actually provide quicker, cheaper, easier, and safer ways for citizens to participate in local governance.

Secondly, another often cited point in favour of ICT-supported PDA initiatives is seen in their potential to facilitate the participation of actors previously excluded from governance processes which may, in turn, lead to more inclusive power relations. For this reason it is important to analyse which actors drive and control the way ICT initiatives are designed and the manner in which their outcomes are used.

While ICT tools are often commended for their potential to promote democratic practices, it should not be ignored that they can constitute a double-edged sword: dictators may also exploit them to their own advantage. Critics contend that ICT tools likewise carry the risk of strengthening the surveillance and repression capabilities of authoritarian states (Lynch, 2011; Wakabi, 2016).

As mentioned earlier, decentralisation reforms involve the risk of elite capture. The concept of empowering local populations within the context of decentralisation and of increasing the inclusiveness of political decision-making lies at the heart of PDA initiatives. Yet, research has found that conventional PDAs are often socially biased in that they disproportionally encourage the participation of male, wealthier and better educated citizens and of those who are politically better connected (Agrawal & Gupta, 2005, p. 1101). Having reviewed seventeen World Bank projects that support participatory development at the community level, Wong (2012) found that projects frequently fail to effectively target marginalised groups and increase social inclusion. However, the nowadays quasi-ubiquitousness of digital communication technologies has raised hopes that ICT-based PDAs could help to overcome such undesired effects of elite capture. Thanks to rapidly increasing mobile phone penetration, ICT-based approaches potentially offer opportunities to include groups that are often marginalised, such as women, youth, or disabled people. Supporters of this novel approach postulate that ICT-based PDAs could give a voice to the voiceless, thereby particularly providing added value in supporting local governance in the context of decentralisation (Avgerou, 2008).

Motivated by the theoretical rationale of ICT-based PDAs sketched out above, the KfW decided to pilot an ICT-based citizen participation platform in three urban municipalities in the context of a decentralisation programme in Togo.³ The empirical analysis of this initiative is intended to contribute to the discussions on the added value of ICT in the context of decentralisation efforts more generally. To this end, Section 6 will elaborate on the added value that ICT-based PDAs may provide in terms of increasing effectiveness and inclusiveness at various different stages of the policy cycle.

3 The programme, entitled “Promotion of Good Governance as a Contribution to the Implementation of Decentralisation in Togo” (PAD), is part of German-Togolese financial cooperation. It is implemented in the three medium-sized towns of Tsévié, Kpalimé and Sokodé. Apart from the ICT-based citizen participation platform, other programme components comprise (re-)constructing priority economic infrastructure and building the capacity of municipalities to construct, operate and maintain infrastructure as well as to generate communal revenues in order to strengthen the role of these municipalities as regional growth centres (KfW, 2013).

3 Research approach

The analysis of local government discretion and downward accountability presupposes an in-depth understanding of local governance practices. For this purpose, a mere analysis of existing formalised regulations and guidelines would not be sufficient. Particularly in the context of weak local institutions, where interactions are not rule-based but open to interpretation and negotiation, the examination of relationships between actors, influence networks, and informal procedures is required for understanding local governance (see Agrawal & Ribot, 1999). To comply with these requirements, social network analysis was chosen as the method of data collection for this study.

In contrast to methods that aim to capture and compare the characteristics of individual actors, SNA is a relational approach that focuses on the identification of structural characteristics of actor networks (Ward, Stovel, & Sacks, 2011). Studying network structures allows researchers to “capture important contours of opportunity and constraint that shape social political or economic behavior” (Ward et al., 2011, p. 246). Essentially, SNA investigates and visualises “links” between “nodes” – with “nodes” typically referring to actors or organisations, and “links” referring to the connection between these nodes. In this study, the nodes represent individual or collective actors that influence local governance in the two municipalities under study (Tsévié and Sokodé), while the links represent three different dimensions characterising the relationship between these actors.

3.1 Methodology and operationalisation: introduction to the Net-Map method

For the conduction of the SNA, this study applies an interview-based mapping tool called “Net-Map” which has been particularly developed for the preparation and monitoring of policy interventions that aim to improve governance processes (Schiffer, 2007). The Net-Map tool is an interactive method of visualisation that involves working with interview partners to map their perception of important actors, as well as these actors’ relationships and influence in a network. The Net-Map tool facilitates the collection of information in a structured and comparable way (Schiffer & Waale, 2008). It is thus particularly suited for the purpose of this study which requires a systematic collection of comparable data amongst interview partners from the national and sub-national level and across two different municipalities.

The way the interviews using the Net-Map tool were conducted involved four steps which are illustrated in the simplified interview guideline in Table 1.⁴

4 Interview partners were not asked about a specific period of time, but rather about the current state of influence networks at the local level.

Table 1: Simplified interview guideline		
Steps		Guiding questions
Actors		Who influences political decisions in your municipality? What makes this actor important?
Links	Demands	Towards which other actors does this actor express his/her demands?
	Justifications	Towards which other actors does this actor have to explain or justify him-/herself?
	Sanctions	On which other actors does this actor impose (positive or negative) sanctions?
Towers of influence ^a		How big is the influence of this actor? What makes this actor influential?
ICT-based citizen participation platform		So far, what experience have you had regarding the platform? What do you expect of the platform in the future? Does the platform change the network you have mapped?
Note a) For purposes of visualisation, towers of backgammon playing pieces were used to indicate the degree of influence an actor was deemed to have. Source: Authors		

First, to identify influential local governance actors, interview partners were asked what actors they believed to have had an influence on political decisions⁵ in their municipality. These actors were written on cards and distributed on an empty Net-Map sheet.

Second, to trace the links between these actors, interview partners were asked to reflect on three dimensions characterising actor relations: demands, justifications, and sanctions. The dimension of demands was defined to encompass a broad range of meanings, such as expressing needs, preferences, demands, and commands. This broad definition was adopted to evaluate whether citizens and civil society organisations (CSOs) were able to participate in local governance (by expressing needs or preferences), but also to what extent higher-level actors could steer local governance (by expressing demands or commands), thus allowing researchers to draw conclusions as to the degree of local government discretion. The other two dimensions – justifications and sanctions – form part of Schedler’s (1999) definition of accountability. To assess the degree of downward accountability, interview partners were asked to explain towards which other actors an actor explains or justifies himself and whether those other actors had the ability to sanction him.⁶ The three types of links – representing the three dimensions of actor relations – were then mapped systematically on the Net-Map sheet according to the perception of the interview partners (see Figure 2: Example of a Net-Map).

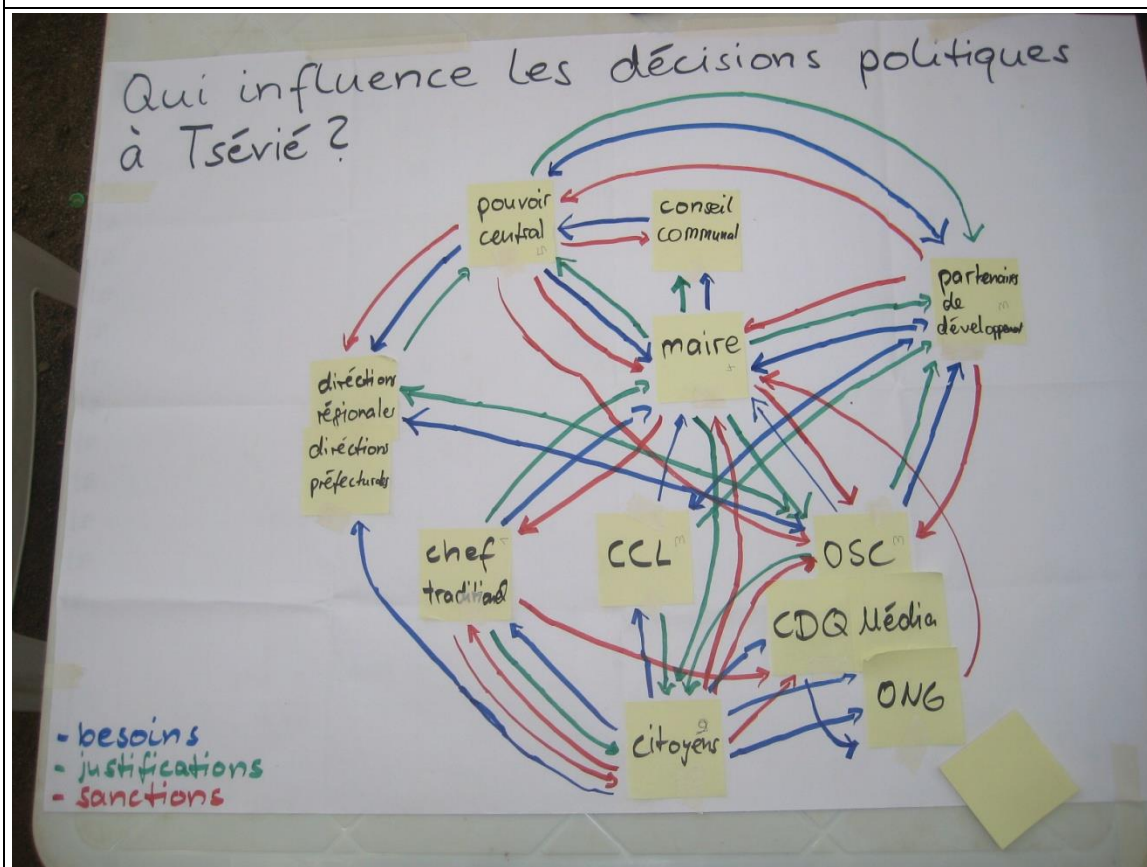
In a *third* step, to determine the perceived degree of influence of the actors within the network, interview partners were asked to construct so-called “towers of influence” using

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- 5 To make the term “political decisions” palpable for interview partners, concrete examples were provided concerning the domain of local governance, such as market rehabilitation, waste management, public transportation, urban safety, or education facilities. The term “influence” was explained as the capacity to shape local governance in one’s own interest or in the interest of one’s constituency.
 - 6 The concept of “sanctions” is problematic because it implies a rather formal and negative connotation. It was therefore explicitly pointed out to interview partners that our understanding also includes informal and positive sanctions. Where necessary, examples were given of what behaviour would qualify as sanctions.

backgammon playing pieces. The height of a “tower” represented the relative influence of each actor and thus contributed to evaluating the state of local government discretion. Figure 2 provides an example of a finalised Net-Map.

The *fourth* step focused on the KfW’s ICT-based citizen participation platform. Interview partners were asked about their experiences and expectations with regard to the platform and in which way they thought the platform could affect changes to the network they had mapped in the previous steps.

Figure 2: Example of a Net-Map



Source: Authors

3.2 Data collection and analysis

Since governance structures of and within a community cannot be analysed independently from the national government, actors at both the local and the national level were included in the analysis. At the communal level, government officials, like the mayor and the prefect, were interviewed. At the national level, interview partners included representatives of the Ministry for Territorial Administration, Decentralisation, and Territorial Collectivities (*Ministère de l'Administration Territoriale, de la Décentralisation et de Collectivités Territoriales*, MATDCL) as well as national deputies. Furthermore, interviews were conducted with both government officials, who were part of the formal political sphere (such as the municipal council and the municipal communication officer),

as well as civil society actors (for instance, non-governmental organisations (NGOs), representatives of youth and women organisations, the media, and religious authorities).

These efforts resulted in a total of 60 individual interviews.⁷ Data analysis followed a two-step sequential approach in which findings from the analysis of the visual and quantitative data collected through the mapping process were used to inform the subsequent analysis of the qualitative field notes taken during the mapping process. In the first step, for each of the two municipalities under study, information from the individual net-maps regarding relevant actors and the links between them was aggregated using Excel and then visualised using the open source software VISIONE. In the second step, the resulting network graphs were used to guide the analysis of qualitative interview data which had been previously organised and coded using Atlas.ti.

3.3 Benefits and limitations of Net-Map as a field method

Based on the practical experience of using the Net-Map tool as a field method of data collection, this subsection briefly summarises the lessons learnt regarding the benefits and limits of this method.

On the downside – as Rapp (2015) has pointed out – validity and reliability are important challenges when extracting social network data. One validity challenge encountered in the field data collection was that the relational dimensions had been very broadly defined. This led to an inflation of links between actors – particularly concerning the dimension of demands – prolonging already lengthy interviews. As a result, focus was more often put on finishing the network rather than extracting in-depth qualitative data.

Regarding reliability, it became clear that every interview situation was unique insofar as it unfolded dynamically and could not be controlled completely by the researcher. For instance, some interviews inevitably turned into group discussions when the presence of several members of a group was required in order to ensure transparency between a leader and his constituents. In addition, the uniqueness of interview situations – including a large variety in how long interviews lasted, ranging from one hour up to three-and-a-half hours – made it impossible to adhere strictly to the same level of rigor when depicting the links between actors.

More generally, it must be pointed out that the Net-Map methodology focuses on the personal perceptions of interview partners. While concrete examples of relationships and influences were systematically queried, interview partners necessarily reproduced *their* perspective of relationships and influences. For instance, interview partners had different conceptions of what makes an actor influential. However, to some extent, the Net-Map tool allows these reliability issues to be counteracted: on the one hand, inter-subjectivity is achieved by aggregating the individual networks (Schiffer & Hauck, 2010); on the other,

7 In detail, 21 interviews were conducted in Sokodé, 19 interviews in Tsévié, 6 interviews in Kpalimé, and 14 interviews at the national level. Of these 60 interviews, 7 were background briefings which were not based on the Net-Map tool. In Kpalimé, although the Net-Map method was applied, the necessary number of interviews for a meaningful quantitative SNA was not achieved; however the interviews were included in the qualitative analysis to provide complementary information. For an overview of interviews per actor category, see Tables 1 and 2 in the Annex.

the combination of qualitative and quantitative data collection inherently entails some degree of triangulation.

On the upside, the interactive interview approach does not only lead to the generation of potentially useful knowledge for the interview partners themselves (Schiffer & Hauck, 2010), it also enables them to talk about delicate issues such as power and influence in a fairly open and non-strategic manner (Hauck & Youkhana, 2008). Furthermore, the interactive nature of the method helps to keep the motivation and interest of the interview partner alive throughout the interview. As we could observe, interview partners often developed a high degree of ownership over “their” networks and were highly motivated to “get them right”.

4 Results: legal framework and empirical findings

This section reports on the empirical findings of our study and is organised as follows: It begins by briefly introducing the empirical context in which the study was conducted. Next, it provides a detailed description of the *de jure* framework of decentralisation in Togo. Finally, it reports empirical findings on the *de facto* state of decentralisation obtained by means of the social network analysis.

4.1 Empirical context

According to OECD criteria, Togo is one of the impoverished fragile states and has been classified as “partially free” since 2008 according to the Freedom House index of political rights (Freedom House, 2016). Gnassingbé Eyadéma, who assumed the presidency of Togo through a coup d'état in 1967, ruled as Togo's authoritarian Head of State for 38 years. Following his unexpected death in 2005, Eyadéma's son, Faure Gnassingbé, was unconstitutionally installed as the new Head of State by the Armed Forces and won a hastily organised election to confirm his position. His disputed victory triggered a wave of violence that forced over 40,000 Togolese to flee to neighbouring countries (UNHCR [Office of the United Nations High Commissioner for Refugees], 2005). Giving in to international pressure, the country's rival political factions signed an agreement in 2006 that led to the first free parliamentary elections in 2007 in which Faure Gnassingbé's Rally of the Togolese People (RPT) party secured the majority. Since then, the country has been gradually opening up to democracy. Togo's commitment to decentralisation was an important condition for the resumption of development cooperation with the EU in 2012 (EU Council, 2004, Commitment Nos 1.6 and 1.7) which had been suspended in 1992 in view of the blatant human rights violations by the Eyadéma regime.

However, despite long-standing political declarations, local elections have not taken place in Togo since 1987. Although the first comprehensive decentralisation law was adopted as early as 1998 (République Togolaise, 1998, Loi N° 1998-006), it was never put into practice. In April 2004, the Togolese government adopted the *Programme National de Consolidation de la Décentralisation* (PNCD) (Kouidhi & Amuaku, 2012) which recognised the principle of free administration of the territorial communities as well as the concepts of local government discretion and downward accountability as key to

institutionally addressing the political obstacles to effective decentralisation. Subsequent to the PNCD, a number of legal texts were adopted constituting the legal framework of the decentralisation process in Togo to date, most importantly the 2007 law on decentralisation which replaced the 1998 legislation. Since 2008, however, the process has lost most of its momentum, leaving the implementation of the legal framework of decentralisation unaccomplished (Kouidhi & Amuaku, 2012).

Following the resumption of international development cooperation in the late 2000s, international donors such as the United Nations Development Programme (UNDP), the World Bank, and the EU, as well Germany and France as the major bilateral donors to Togo, made the promotion of decentralisation a central component of their development cooperation with the country. They pursue this goal either directly through programmes of support for decentralisation reforms, or indirectly through PDA projects that seek to reinforce community participation in specific development sectors such as sanitation, restoration of soil fertility, conflict prevention, or basic livelihood improvement. However, the empirical base required for context-sensitive project design remains thin, since research on local governance in Togo is largely lacking.

The two Togolese municipalities in which data were collected for this study are the medium-sized cities of Tsévié and Sokodé. Both cities are target cities of the KfW decentralisation programme PAD, in the context of which an ICT-based citizen participation platform is being pilot tested. Tsévié (55,775 inhabitants) is located in the *Maritime* region and is the administrative centre of the prefecture Zio. Sokodé (113,000 inhabitants) is the capital of the *Centrale* region. While the Adja-Ewe are the predominant ethnic group in Tsévié, the Kabye-Tem represent the ethnic majority in Sokodé. The majority of citizens of Tsévié identify as Christian, whereas the majority of citizens in Sokodé identify as Muslim (Breuer, 2015). While different in population size as well as ethnic and religious composition, both cities are similar in that thanks to their strategic geographic location they are important trading hubs, and are thus considered to have the potential to develop into regional growth centres of their respective regions (KfW, 2013).

4.2 The legal framework of decentralisation in Togo

Decentralisation is not only a political objective of the Togolese government but also a constitutional imperative. Most prominently, Article 141 of the 1992 constitution states that:

The Togolese Republic is organized in territorial collectivities on the basis of the principle of decentralization within respect for the national unity. These territorial collectivities are: the communes, the prefectures and the regions. [...] The territorial collectivities administer themselves freely by councils elected by universal suffrage within the conditions provided for by the law. (Togolese Republic, Constitution, Art. 141)

4.2.1 Central government

Despite these provisions, far-reaching powers still remain in the hands of the executive and the president in particular. The Togolese president is elected for a term of five years. His powers include the appointment and removal of the prime minister, as well as the

dissolution of the national assembly. The president's strong position can be traced back, on the one hand, to the colonial period and, on the other, to the authoritarian one-party rule of Gnassingbé Eyadéma from 1967 to 2005 (Bertelsmann Stiftung, 2016). While the conduct of office of Eyadéma's son, Faure Gnassingbé, shows more transparency and more commitment to dialogue (Bertelsmann Stiftung, 2016), popular control over the political process through presidential elections has so far remained largely ineffective. This is partly due to the fragmentation of the opposition, which is furthermore systematically disadvantaged by certain features of the electoral system (Freedom House, 2016). At the national level, the MATDCL is the ministry in charge of advancing the decentralisation process; yet, the impact of the MATDCL has been fairly marginal. The Administration for Decentralisation (*Direction de la Décentralisation*) within the MATDCL lacks the financial and human resources to effectively implement the legal framework, a fact which could be interpreted as an expression of the political leadership's reluctance to engage in significant decentralisation (Kouidhi & Amuaku, 2012).

4.2.2 Regions and prefectures

The Togolese territory is divided into five regions: Maritime, Plateaux, Centrale, Kara, and Savanes. Each region consists of four to nine prefectures which are subdivided into communes. The regions/prefectures are headed by a *Conseil régional*, or a *Conseil de préfecture* respectively, as well as a *bureau exécutif* which exists on both levels.⁸ Besides these institutions, the state representatives at the regional and prefectural level (the governor and prefect respectively) play a crucial role. They are appointed by the council of ministers following a proposal by the minister of the MATDCL.⁹ According to the 2007 decentralisation law, the state is represented by the governor at the regional level and by the prefect at the level of the prefecture and the communes. Since the prefect represents the state within the communes, he is also responsible for the “*contrôle de légalité*” (control of legality) – a mechanism by which the central government seeks to ensure the compatibility of communal acts, including the annual budget, with national legislation.¹⁰ Communal acts are mandatorily transmitted to the prefect within 15 days. If the prefect approves the act, or does not respond within the subsequent 30 days, the communal act becomes effective. In the contrary case, the prefect invokes an administrative judge who delivers a judgment regarding the legality of the act.¹¹ The *contrôle de légalité* thus imposes an important degree of upward accountability upon the communal government.

4.2.3 Municipalities

The 2007 law on decentralisation distinguishes between urban and rural communes. In what follows, solely urban communes, hereafter “municipalities”, are considered. As stipulated by the 2007 law on decentralisation, municipalities are headed by a municipal council, which is supposed to be renewed via general elections every five years.¹²

8 République Togolaise, 2007b, Loi N° 2007-011, Art. 26 and Art. 30

9 République Togolaise, 2007a, Loi N° 2007-001, Art. 28

10 République Togolaise, 2007b, Loi N° 2007-011, Art. 51

11 République Togolaise, 2007b, Loi N° 2007-011, Art. 49 and 132

12 République Togolaise, 2007b, Loi N° 2007-011, Art. 54

According to law, the mayor is elected by the municipal council by absolute majority and can be removed from office by a majority of two-thirds.¹³ However, since local elections last took place in 1987, the municipalities are in practice headed by the *Délégations Spéciales* which were appointed by the central government in 2001. The number of members of the municipal council/*Délégation Spéciale* varies between 7 and 13, depending on the size of the municipality.¹⁴ Since 2001, the *Délégations Spéciales* have not been renewed or replaced, so that many *Délégations Spéciales* in practice today are dysfunctional.¹⁵ In anticipation of local elections within three months, the 2007 decentralisation law (République Togolaise, 2007b, Loi N° 2007-011, Art. 87), originally limited the authority of the *Délégations Spéciales* to managing ongoing affairs and explicitly prohibited the engagement of financial resources beyond the ongoing budget.¹⁶ However, in view of the repeated delay of local elections, this provision was suspended in order to allow the *Délégations Spéciales* to adopt the annual budget of the municipalities.¹⁷ At the time of writing, the *président de la Délégation Spéciale* remains the head of the municipalities.

In an effort to ensure the transparency of municipal activities, the decentralisation law stipulates that copies of the proceedings of the municipal council as well as municipal *arrêts* (decrees) are to be made accessible to citizens. Furthermore, the annual budget has to be published at the city hall.¹⁸ Hence the legal framework aims at facilitating downward accountability not only through regular local elections, but also through other measures intended to foster transparency.

As specified in the decentralisation law, municipalities have competences within the following nine areas:

- local development and regional planning;
- planning and habitat;
- infrastructure, equipment, transport and communications;
- energy and hydraulics;
- management of natural resources and environmental protection;
- trade and crafts;
- education and vocational training;
- health, population, social welfare and civil protection;
- sports, leisure, tourism and cultural activities.¹⁹

13 République Togolaise, 2007b, Loi N° 2007-011, Art. 90 and 101

14 République Togolaise, 2007b, Loi N° 2007-011, Art. 40

15 In both the municipalities of Tsévié and Sokodé, for example, several of the members appointed in 2001 have died in the meantime, leaving only five and six active members respectively (Interviews 35 and 18).

16 République Togolaise, 2007b, Loi N° 2007-011, Art. 86

17 Interview 59

18 République Togolaise, 2007b, Loi N° 2007-011, Arts. 75 and 339

19 République Togolaise, 2007b, Loi N° 2007-011, Art. 40

However, conflicts of jurisdiction are bound to arise from the fact that, while the municipalities share most of their competences with the prefectures and regions, the law does not clearly delineate the areas of responsibility of these administrative units. For instance, the law states that municipalities are responsible for the “traffic infrastructure of communal character” whereas the prefectures are in charge of the “traffic infrastructure of prefectural character” without providing any further specifications.²⁰ Nevertheless, the law grants considerable discretionary space to the municipalities within the above cited areas, including key competences such as infrastructure, urban planning, primary education, and waste management.

Recognising that local administrative discretion can only be effective when accompanied by fiscal discretion, Article 39 of the decentralisation law states that “every transfer of competences toward a territorial collectivity has to be accompanied by the concomitant transfer of resources and corresponding charges by the State”. Accordingly, the law envisages the creation of a *Fonds d’Appui aux Collectivités Territoriales* (Fund in Support of the Territorial Collectivities, FACT) to endow the administrative units with financial means. While the modalities of the fund were established by decree in 2011,²¹ at the time of writing the FACT was not yet operational.

Municipalities can introduce *taxes non-fiscales* (licenses and non-fiscal fees) in their own right. These charges include, for instance, license fees for the operation of motorbike taxis or fees to be paid by sellers for the use of stalls at the local markets. However, to take effect, *taxes non-fiscales* have to be approved by the superior regulatory authority as well as by the Ministry of the Economy, Finances and Development Planning (*Ministère de l’Économie, des Finances et de la Planification du Développement*). *Taxes fiscales* (taxes), by contrast, can only be introduced by national legislation. Yet municipalities have the capacity to determine their amount below a nationally prescribed limit.²² The legal framework thus takes into account the need for local fiscal discretion.

4.2.4 *Cantons and quartiers*

Every municipality consists of one or more *cantons* which are subdivided into *quartiers* (neighbourhoods). The *cantons* are headed by the *chefs de canton*, the *quartiers* by the *chefs de quartiers*. While the constitution grants that procedures of designation and enthronement of these traditional chiefs occur in respect of local customs and habits,²³ these procedures need to be subsequently recognised by the competent state authorities: that is, the *chef de canton* is recognised in the council of ministers based on the reporting of the minister of the MATDCL, and the *chef de quartier* is recognised by the mayor.²⁴ In addition, a traditional chief can be suspended from office for six months by the MATDCL on the basis of negative reporting by the prefect.²⁵ Within the municipalities, the constitutionally granted role of the traditional chieftaincy, as the “guardian of use and customs”,²⁶ has been formalised by the

20 République Togolaise, 2007b, Loi N° 2007-011, Arts. 53 and 138

21 MATDCL, 2011, Décret N° 2011-179

22 République Togolaise, 2007b, Loi N° 2007-011, Art. 314

23 Togolese Republic, Constitution, Art. 143

24 République Togolaise, 2007a, Loi N° 2007-002, Art. 14

25 République Togolaise, 2007a, Loi N° 2007-002, Art. 31

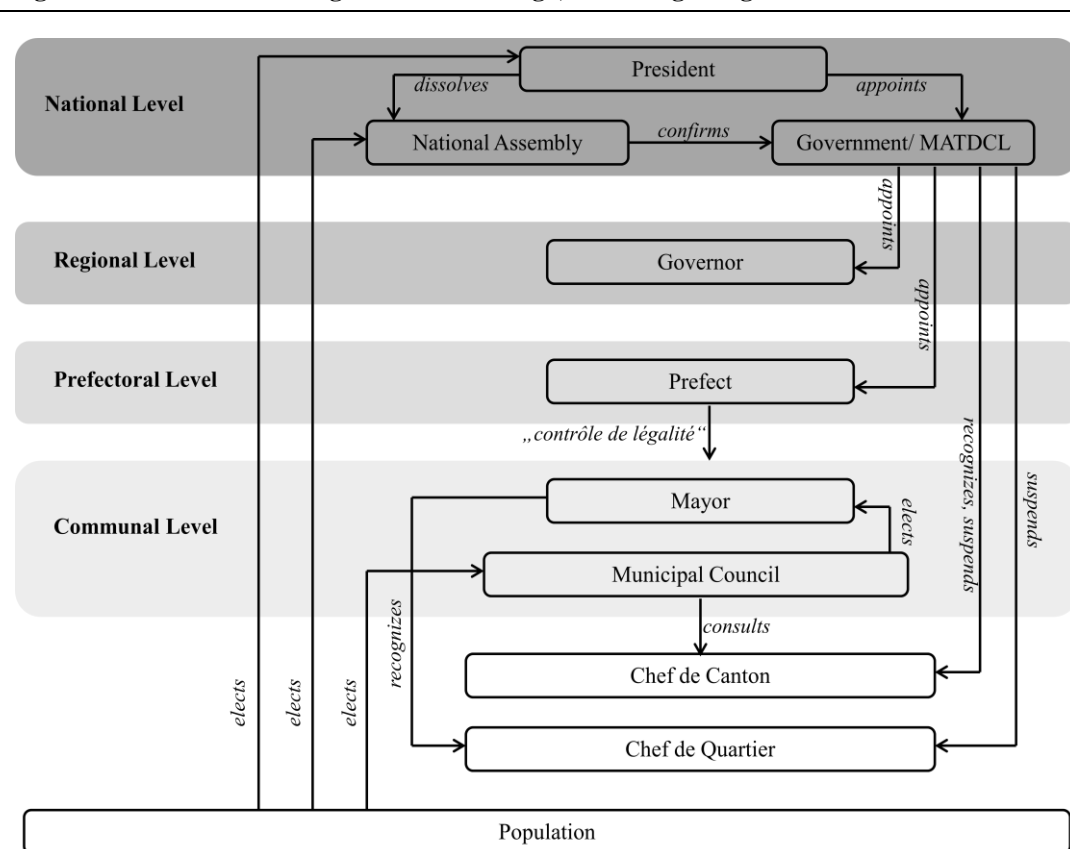
26 République Togolaise, 2007a, Loi N° 2007-002, Art. 31

decentralisation law which stipulates, for instance, that the municipal council is to consult the *chef de canton* for issues regarding the environment, health, land use, and the elaboration of the communal development programme.²⁷

Finally, local chiefs enjoy legally granted opposition rights (*pouvoir d'opposition*) towards the Neighbourhood Development Committees (*Comités de Développement de Quartier*, CDQ). The declared purpose of the CDQ, which were created by decree in 2013,²⁸ is to “enable local populations to take charge of their own development” (CIDR [Centre International de Développement et Recherche], 2008, p. 42). According to law, the CDQs are constituted by means of “a constitutive general assembly comprising all social and professional strata of the population”.²⁹

As of 2011, 30 prefectures and 21 communes have been constituted in the five Togolese regions (Amlalo, 2011). At the time of writing, the Togolese government was reviewing the existing subdivision of the territory in preparation of a law that would create new territorial and administrative boundaries. This may very well raise issues of electoral gerrymandering in the near future (iciLome.com, 2016).

Figure 3: Different levels of government in Togo, according to legal texts



Source: Authors³⁰

27 République Togolaise, 2007a, Loi N° 2007-002, Art. 31

28 République Togolaise, 2013, Arrêté Interministériel N° 001/2013, Art. 11

29 République Togolaise, 2013, Arrêté Interministériel N° 001/2013, Art. 11

30 Based on the Togolese constitution, as well as Loi N° 2007-002 and Loi N° 2007-011

4.3 Influential actors in local governance

In order to achieve a comprehensive understanding of *de facto* accountability relations and government discretion in Sokodé and Tsévié, it is necessary to analyse relevant actor constellations and their influence on local governance. The subsequent subsections provide a detailed description of the relevant actors on the basis of our social network analysis.

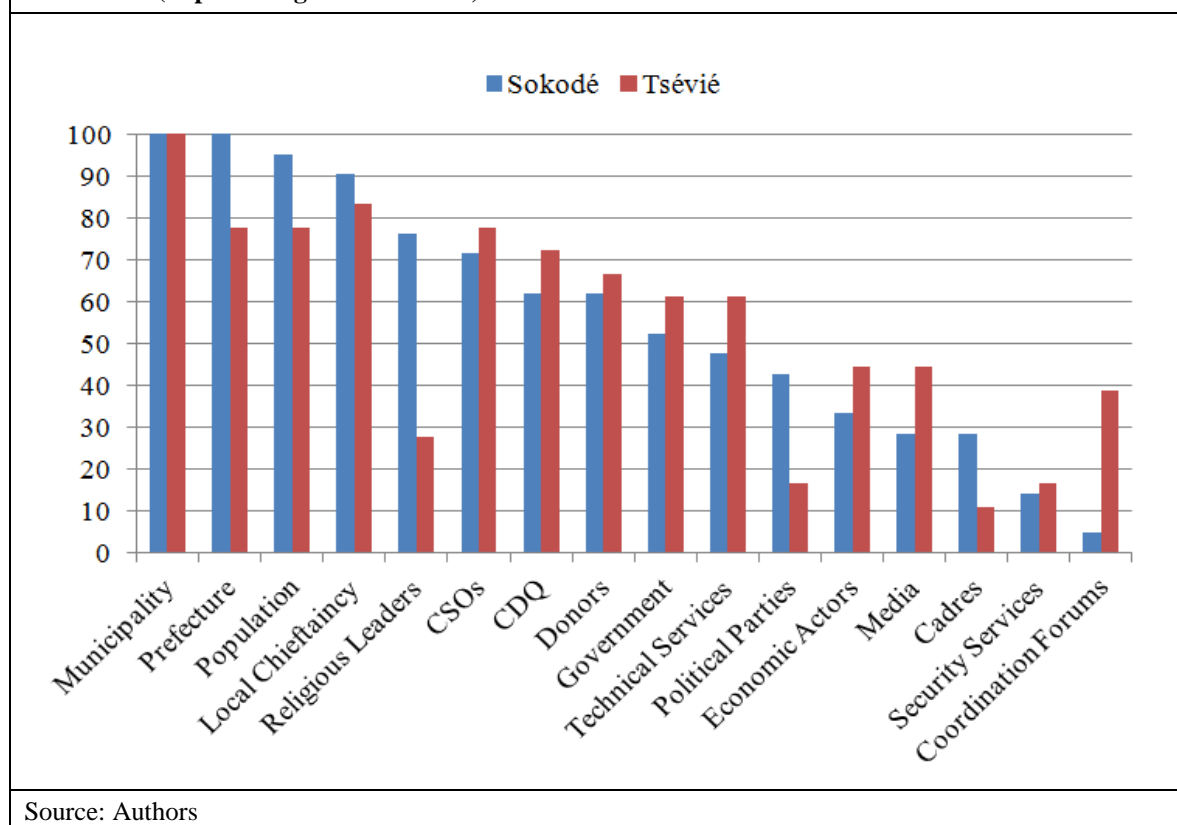
We will start by comparing the role of relevant actors in the two municipalities under study by using qualitative interview statements and the network graphs on the actor relationship dimension of *demand expression* to interpret our qualitative interview data. We consider this dimension to be particularly relevant for the identification of relevant actors, given that the expression of demands is crucial in prioritising local development issues and thus constitutes the first chronological step towards the formulation of local policies.

4.3.1 Overview of influential actors in Tsévié and Sokodé

In Tsévié, local political decision-making is influenced by both national-level and local-level actors. In over 50 per cent of the interviews, the following actors were mentioned as relevant regarding the decisions on municipal development: the municipality, the traditional chieftaincy, the prefecture, the population, civil society organisations, the CDQs, international donors, the central government, and the *services déconcentrés de l'État* (public service providers under the control of federal ministries).

In Sokodé, the most frequently mentioned actors (at the threshold of 50 per cent), are similar to those in Tsévié (see Figure 4). Yet, religious leaders, mentioned in 76 per cent of the interviews, play a more central role in Sokodé than in Tsévié. This may be explained by the fact that the Muslim community in Sokodé³¹ is much less fragmented than Christian communities in Tsévié, where fragmentation has increased due to the popularity of Pentecostal and charismatic churches (Noret, 2004). Furthermore, in Sokodé, the media were mentioned as a relevant actor less frequently than in Tsévié.

31 Most importantly, the Muslim community in Sokodé is headed by an *imam suprême* who is, at the same time, the supreme Islamic leader of Togo.

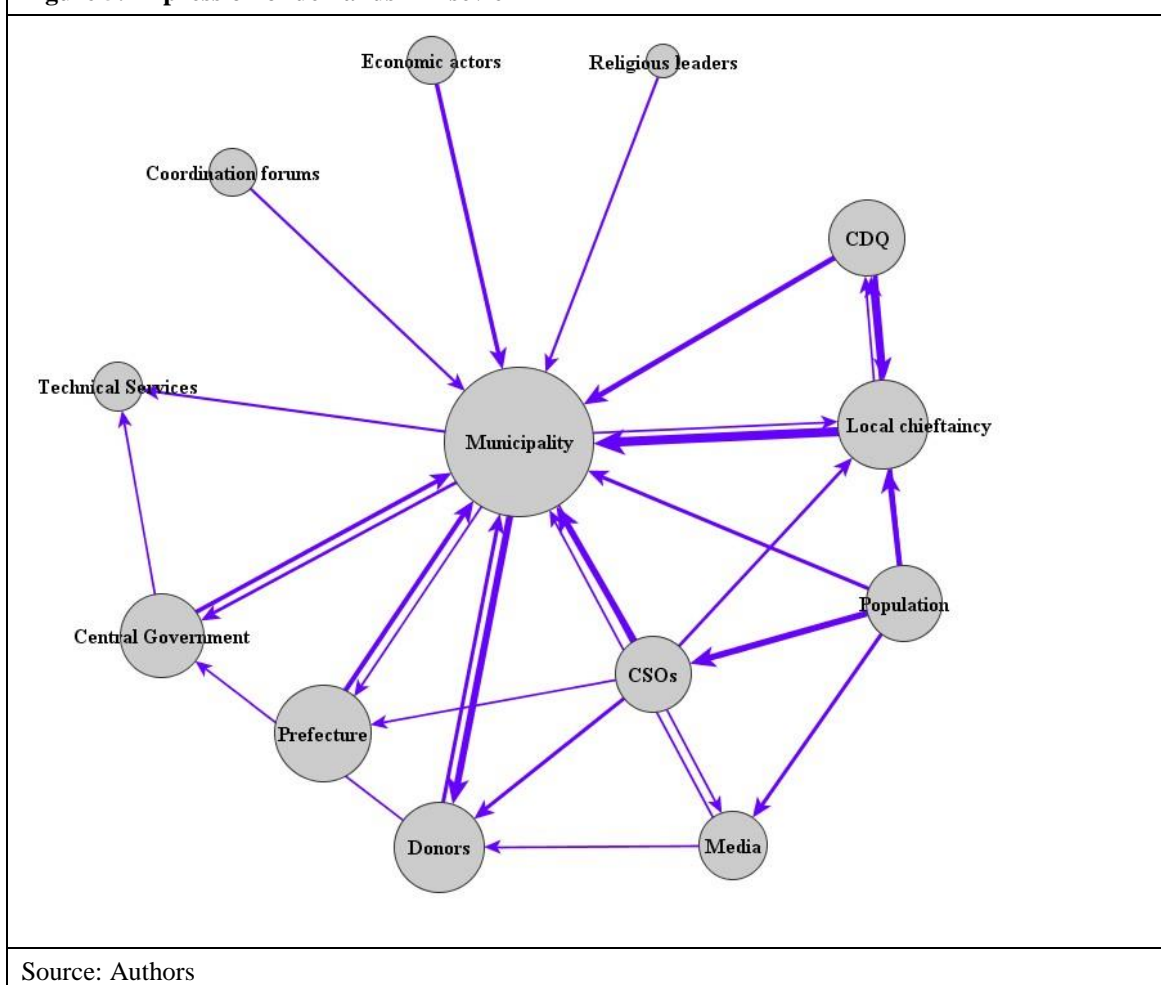
Figure 4: Most frequently mentioned actors in local political decision-making in Sokodé and Tsévié (in percentage of interviews)

4.3.2 The municipality

The network graphs – obtained by aggregating the individual net-maps and their visualisation using the VISIONE software – consist of two major components: *nodes* representing actors and *edges* representing the connections between actors. Nodes are represented by circles, and edges as the connective lines between the circles. The thickness of an edge increases with the frequency that the existence of a connection between actors was mentioned by interview respondents. The size of a circle indicates an actor's influence measured by his average aggregated influence, as assessed by respondents with the help of the “influence towers”. The structure of a network graph is determined by an algorithm by which VISIONE places better connected actors in central positions and less well-connected actors around the periphery.

As can be seen from Figure 5, in Tsévié, the municipality is at the centre of the network of local political decision-making as the majority of relevant actors express demands towards it. As many interviewees highlighted, it is indispensable to consult the municipality – headed by the *président de la Délégation Spéciale* – when an actor would like to see a certain project or policy realised. The majority of interviewees described the *président de la Délégation Spéciale* as being the most important actor in the local decision-making process.³²

³² Interviews 35, 37, 40, 41, 43, 44, 45, 46, 49, 50, 51

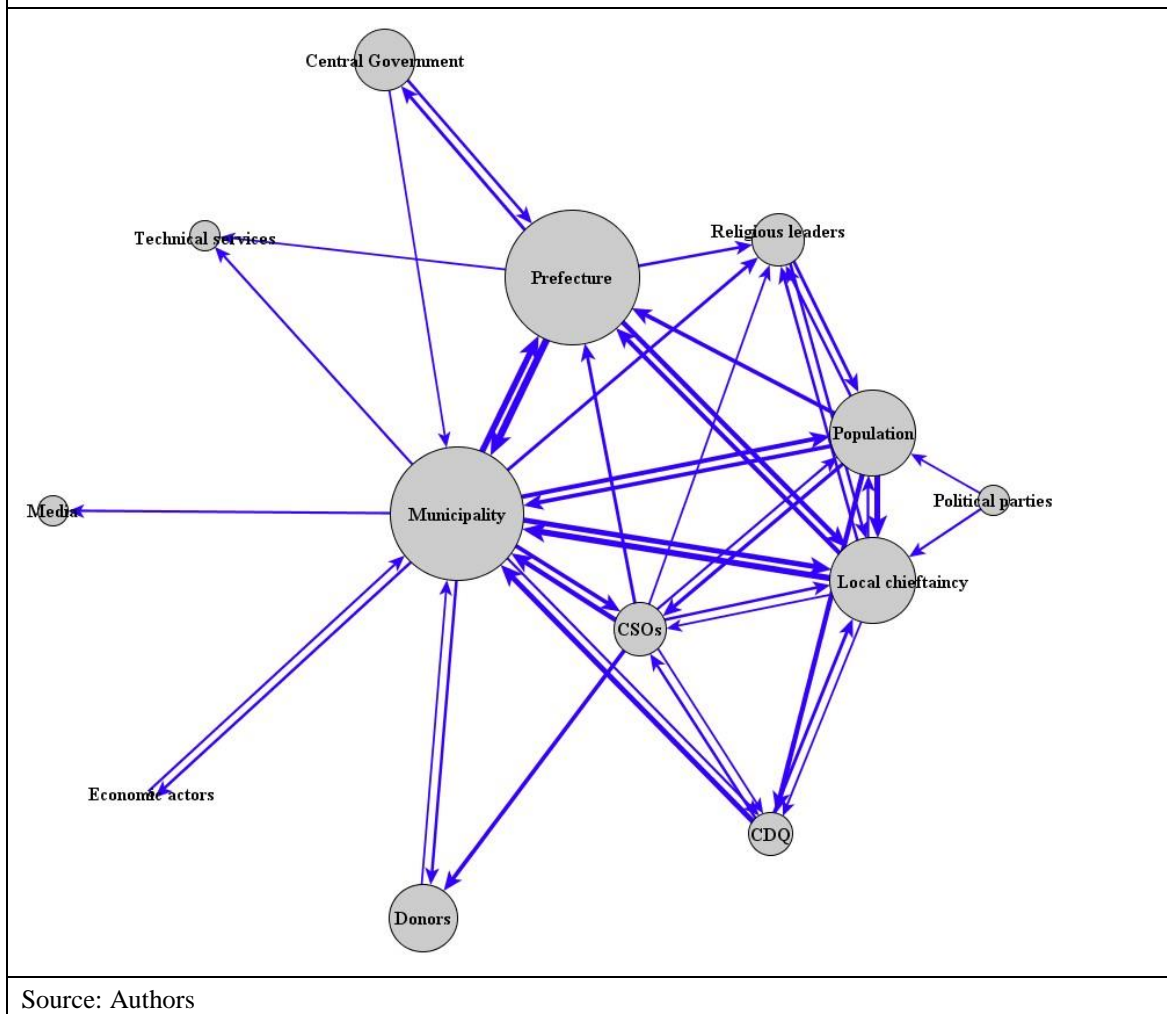
Figure 5: Expression of demands in Tsévié

In Sokodé, in turn, the municipality occupies a central position in local policy-making as well.³³ Yet, the municipality is not perceived as being as influential as it is in Tsévié. It is noteworthy that, compared to Tsévié, the municipality of Sokodé has more outgoing demand links towards other actors, suggesting that the *président de la Délégation Spéciale* has to rely on those actors to implement certain policies (see Figure 6). Most importantly, quantitative as well as qualitative data shows that, by comparison, the prefect has a much more important role in the local political arena in Sokodé,³⁴ or – as one respondent mockingly put it – “the prefect is the president of the republic of Sokodé”.³⁵

33 Interviews 14, 15, 16, 18, 20, 21, 23, 25, 26, 28, 30, 31, 32, 34

34 Interviews 14, 15, 16, 17, 18, 19, 20, 22, 23, 27, 28, 29, 30, 31, 33

35 Interview 28

Figure 6: Expression of demands in Sokodé

4.3.3 The central government

The *président de la Délégation Spéciale* – and thus the municipality – is highly dependent on the central government as well as on the prefect. According to law, the *président de la Délégation Spéciale* is obliged to inform the prefect about local political decisions. If the decisions are not compatible with national law or deviate from national policies, the prefect can refuse his signature, thus preventing the decision from taking effect. In Sokodé in particular, the prefect is a highly respected authority. He collaborates closely with the central government, the *président de la Délégation Spéciale*, and the local chiefs. According to the interviewees' perceptions, the prefect is the most influential actor in the local political decision-making process. In both network graphs (Figures 5 and 6), his strong influence is reflected by relatively thick outgoing edges from the prefect towards the municipality. Moreover, in both municipalities, the central government also directly expresses demands towards the *président de la Délégation Spéciale*. Hence, the central government and its representative, the prefect, are key actors in the local political decision-making process,³⁶ or as one interviewee put it: "The government always has the last word".³⁷

³⁶ Interviews, for example, 10, 27, 28, 31, 35, 36, 39, 41, 54

³⁷ Interview 30

4.3.4 The people

In both communities, the population has lately become increasingly included in the local political decision-making process. According to the perception of the interview partners, donor engagement could be one possible explanation for this development. Respondents stated that, due to the engagement of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the *président de la Délégation Spéciale* invites the public more regularly to meetings during which he justifies his decisions and actions. The population then has the opportunity to directly express their demands vis-à-vis the municipality.

4.3.5 Local chieftaincy and CDQs

Local chiefs are important intermediaries between the people and local government officials given that they pass citizens' demands on to the municipality.³⁸ In both Figure 5 and 6, this intermediate position in the expression of demands is illustrated by relatively thick outgoing edges from the population to the local chieftaincy. Local chiefs, in turn, are dependent on the central government and its local representative, the prefect, given that the 2007 law on the traditional chieftaincy makes the nomination of local chiefs subject to approval by state authorities. In Tsévié, for instance, the former *chef canton* passed away in early 2015. However, a successor has not been installed to date since the prefect refused to accept the respective decision of the responsible traditional dignitaries. The fact that the position of a *chef canton* in Tsévié is currently vacant may thus be part of the explanation why here local chiefs were considered less important in comparison to in Sokodé. Yet, interview partners in Tsévié also put a stronger emphasis on the recent crisis of the traditional chieftaincy. According to these voices, community members – particularly young people – have consulted traditional chiefs less and less over the past years.³⁹ The progressive politicisation of the local chieftaincy, resulting from the increasing interference of state authorities, has also taken place in Sokodé. Nevertheless, the *chefs canton* in particular remain important guardians of customs and traditions as well as influential actors in certain policy areas. Amongst these are land tenure, conflicts between families and clans, traditional jurisdiction, for instance regarding religious matters, as well as issues of health and education.⁴⁰

Compared to the traditional chieftaincy, the influence of the CDQs is relatively low. Their role is limited to deliberating on projects and organising collective works within the boundaries of their respective neighbourhoods and they do normally not have own funds at their disposal. Moreover, the *président de la Délégation Spéciale* as well as the local chiefs can sanction them by refusing to provide the necessary materials for collective work.⁴¹ Both network graphs suggest that the CDQs play an indirect, secondary role in the chain of communication that runs from the population through the local chieftaincy to the municipality.

38 Interviews 8, 14, 16, 17, 22, 31, 49, 50

39 Interviews 9, 18, 28, 36, 48

40 Interviews 8, 18, 19, 22, 24, 28, 31, 40

41 Interviews 19, 21, 26, 28, 31, 35, 54

4.3.6 Media and religious leaders

In both municipalities, local radio and television stations are crucial channels of communication between the people and local authorities, identifying and addressing important local political topics.⁴² The *présidents de la Délégation Spéciale*, but also citizens, use the media as a forum where they can express their demands, raise complaints and provide information.⁴³ However, the media were considered relatively more influential in Tsévié than in Sokodé. Besides the media, religious leaders represent important channels of communication, especially in Sokodé. They perform an important role within the communities, especially with regard to sensitisation and mobilisation. In the network graphs, the relatively more important role of religious leaders in Sokodé is clearly illustrated by the considerably higher number of incoming edges compared to religious leaders in Tsévié.

4.4 The state of local government discretion

As stated earlier, several items of Togolese legislation, particularly the 2007 law on decentralisation, aim at increasing the quality of governance and discretion of local governments. However, as the progress of implementing the 2007 law remains limited in scope, the *de facto* discretion of local governments is questionable. The following subsection uses qualitative interview data collected within the context of the social network analysis to provide a systematic overview of the current state of local governments' discretion regarding political, administrative and fiscal decentralisation.

4.4.1 Local political discretion

Interviewees consistently confirmed the notion that the central government “faces few major structural constraints in implementing its decisions” (Bertelsmann Stiftung, 2016, p. 9) and thus strongly influences local decision-making. Even if some interviewees ascribed some sort of autonomy to the municipalities, the majority stressed the crucial role of the central government in local politics. A number of mechanisms enable the government to do so. First of all, since the *Délégations Spéciales* were nominated by the central government in 2001, the government theoretically retains the possibility of removing their presidents or other members from office.⁴⁴ One interviewee stated that if someone has taken office, “[this person is] obliged to do what the government wants; if [he/she doesn't], they are going to find ... one who will”.⁴⁵ As will be discussed in the next subsection, the central government is the only actor which can impose formal sanctions on local political actors. Additionally, the prefects are appointed by the central government as well and represent it at the local level. The dismissal of prefects was mentioned as common practice. While in most cases, the interview partners were unaware

42 It has to be noted though that, in contrast to private radio and television stations, public stations are not allowed to broadcast independent political news. They are instead restricted to publishing announcements of the local administration (Interview 13).

43 Interviews 4, 7, 9, 14, 21, 25, 28, 44, 47, 55

44 Interviews 6, 22, 35

45 Interview 27

of the exact reasons for the dismissal of prefects, some offered non-compliance with the national government's guidelines and personal agendas of politicians in the capital, Lomé, as possible explanations.⁴⁶

While dismissal from office appears to be common practice to sanction prefects, members of and presidents of the *Délégation Spéciale* are rarely dismissed by the central government.⁴⁷ One explanation offered for the rare use of this sanction was that the central government, by dismissing and replacing a *Délégation Spéciale*, would admit to the non-temporary character of this institution.⁴⁸ In any case, the central government's ability and preparedness to dismiss local political actors poses a viable threat that diminishes the flexibility of local decision-makers and obliges them to consider governmental positions on local issues.

Another factor that restricts municipalities discretion is the influence of the ruling party *Union pour la République* (UNIR).⁴⁹ Although UNIR was rarely mentioned as a direct actor in local decision-making processes, many interviewees stressed its importance.⁵⁰ In the first place, it was perceived that UNIR engages in "pork barrelling" by spending in communal development projects: especially during electoral campaigns, UNIR is known to conduct projects such as maintenance works on roads or the repair of bridges in order to increase local support for their candidates. While opposition parties could theoretically engage in such practices as well, in practice they lack the financial resources to do so.⁵¹ Secondly, party membership and adherence to UNIR's positions were mentioned as important factors for the career advancement of local actors.⁵² This applies not only to public officials such as the *président de la Délégation Spéciale* but also to public figures like the traditional chiefs. The procedure of confirmation of the *chefs de quartier* and *chefs cantons* by the central government is perceived to be strongly influenced by UNIR.

In view of the important role played by the prefecture, as well as the strong influence of the central government and the ruling party UNIR on the appointment to political offices and political decisions at local level, local political discretion – and thus the progress of political decentralisation – can be seen as limited. This is also reflected by the "influence towers" used in the 53 interviews in which the Net-Map tool was adopted: taken together, the prefecture was assessed as the second, and the government as the fourth most influential actor with regard to political decisions in the municipalities (see Figure 7).

46 Interviews 27, 56

47 One of these rare examples is the case of the municipality of Mango in the Northern Savanna region, where the entire *Délégation Spéciale* was dismissed by the central government in 2015, after violent uprisings in the town following a decision to establish a national park (Interviews 9, 16, 33, 49, 53).

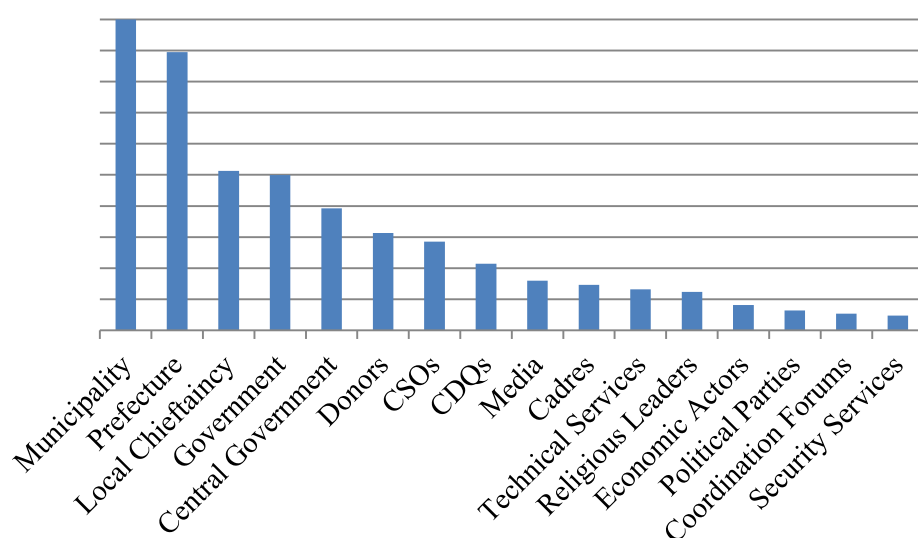
48 Interview 56

49 While the government and ruling party are often perceived as a single actor, frequently referred to as "le pouvoir" (the authority) it has to be noted that they are legally separated.

50 Interviews 9, 13, 52, 16, 42, 28, 27, 34, 56

51 Interviews 13, 22, 27, 28, 43

52 Interviews 27, 56

Figure 7: Actors' average height of the towers of influence

Source: Authors

4.4.2 Local administrative discretion

According to several interview partners, municipal administrations execute their legally given rights and competences independently.⁵³ As mentioned earlier, the *présidents de la Délégation Spéciale* – sometimes in cooperation with the other members of the *Délégation Spéciale* – are actors who cannot be bypassed in the process of local decision-making.⁵⁴ It was also stressed that the local government has the authority to impose fines and sanctions on the population and local enterprises.⁵⁵ These statements point to a certain degree of regulatory discretion.

However, interview partners stated that, at the same time, the ability of municipal actors to regulate independently within their legally given areas of competence was constrained by a lack of financial resources. In general, it appears that Togolese municipalities have insufficient funds to address all of their competences adequately. The vast majority of interview partners mentioned this situation as a reason for the lack of room to manoeuvre.⁵⁶ In one municipality, for instance, civil society actors had called for the organisation of a communal cleaning of the local market. Although the *président de la Délégation Spéciale* supported the initiative, it could not be implemented since the local administration was unable to cover the cost of fuel for a tractor to dispose of the refuse. The necessary funds were subsequently raised by local civil society actors.⁵⁷

Another obstacle for Togolese municipalities to regulate within their legally assigned areas is the existence of conflicts over competences. Since the municipalities have limited

⁵³ Interviews 20, 40, 49, 55

⁵⁴ Interviews 3, 53, 9, 7, 55

⁵⁵ Interviews 18, 21, 32

⁵⁶ Interviews 53, 5, 56, 54, 3, 14, 21, 55

⁵⁷ Interview 56

resources to generate revenue (such as license fees for traders at the local markets), the management of resources is crucial to them.⁵⁸ In practice, however, this task is sometimes complicated by an insufficient definition of competences. Some interview partners, for example, reported conflicts of competence about the management of local markets between the prefects and the municipalities.⁵⁹

In addition, municipalities are even reported to receive instructions (“*directives*”) from the central government concerning those areas that are clearly assigned to them by law, such as community health and primary education.⁶⁰ In practice, therefore, it is often unclear in which areas municipalities are able to act independently from the central government. Interviewees also stated that the degree of influence wielded by actors was determined by their personal ties within the municipality as well as with the central government, rather than by their political or administrative position. This means that the ability of local political actors to regulate within their areas of competence may be compromised by rivals who enjoy stronger ties to the central government.⁶¹ On the other hand, however, the importance of informal ties need not necessarily limit, but may also increase, the discretion of communal actors: a *président de la Délégation Spéciale* with close ties to the central government can certainly use this leverage to increase his local influence.

Finally, the municipalities’ ability to regulate is also restricted by the lack of capacities of their staff and by central government interference in staff decisions.⁶² While the *Délégation Spéciale* is in principle able to hire, determine and pay the salary of its employees, in some cases the hiring of additional municipal staff is subject to central government approval. Furthermore, the municipal *secrétaire général* – a key actor for the implementation of communal projects – is hired and paid by the central government.⁶³ In addition to this, where the provision of essential public services such as water and electricity is concerned, municipalities depend on the *services déconcentrés de l’État* – public service providers under the control of the central government. Although the *services déconcentrés* work in cooperation with the municipalities, they report directly to their respective ministries.⁶⁴ In general, local government employees are insufficiently trained and the capacities of local administrations have been evaluated as inadequate to fulfil their tasks with regard to public service delivery.⁶⁵ In view of this situation, local administrative discretion can be seen as limited.

4.4.3 Discretion and fiscal decentralisation

When financing municipal activities, local administrations have two sources of income: Firstly, their direct source of income are the so-called *taxes non-fiscales*. These include fees for the use of public infrastructures (such as stalls at local markets) and for the

58 Interviews 14, 21, 56

59 Interviews 57, 58

60 Interview 10

61 Interviews 3, 56, 32, 22, 41, 5, 7

62 Interview 24

63 Interviews 12, 58

64 Interviews 38, 43, 24, 21, 23, 27, 50, 30, 56

65 Interviews 24, 55

operation of businesses (for instance, the local abattoirs).⁶⁶ Legally, the municipalities thus have a certain degree of autonomy concerning revenue generation. However, in practice, they face fundamental obstacles. While the sale of licenses for local market stalls is the most important source of local revenue generation and should therefore be managed independently by the municipalities, conflicts over management competences occur, as mentioned in subsection 4.3.2. Furthermore, the municipalities are not entitled to decide independently on important questions regarding the management of local markets. For example, if they wish to increase the license fees for market stalls, municipalities not only require to convince the market vendors of the necessity of paying higher fees, but also approval from the central government. This imposes considerable restrictions on the autonomy of local governments over the municipal budget.⁶⁷

Secondly, by law municipal revenues include fiscal transfers from the central government. In practice, however, these fiscal transfers are fraught with considerable obstacles. Normally, the *président de la Délégation Spéciale* will request additional funding from the central government if needed; however, these requests are seldom met (Interviews 1, 9, 20, 40).⁶⁸ It was also stated that the central government uses fiscal transfers as a tool to sanction or reward certain municipalities.⁶⁹ Furthermore, despite being legally existent since 2007, the government fund for the transfer of money to address the municipalities' needs (FACT) is not effectively operational yet.⁷⁰ This means that predictable and rule-based intergovernmental transfers do not exist in Togo. And, what is more, municipalities are not even able to borrow money autonomously; in other words, they do not have the discretionary powers to borrow money.⁷¹

Municipalities' discretion over expenditures is limited by central government guidelines as well as by legal control over communal budgets. By law, 20 per cent of communal budgets have to be used for local investments.⁷² National development plans and national legislation are decisive for local budgets and the main political guidelines concerning budget expenditure are determined in Lomé. A municipal budget that fails to meet these national guidelines is likely to be rejected by the central government. Thus the central government plays a crucial role in determining the broad priorities of local development.⁷³ Finally, as in the case with most other decisions undertaken by the municipalities, the control of legality of the municipal budget rests with the prefect.⁷⁴ In short, the municipalities have only limited discretion regarding both the generation of local revenues and expenditure.

66 Interview 14

67 Interviews 26, 58

68 Interviews, 1, 9, 20, 40

69 Interview 1

70 Interviews 14, 21, 56

71 Interview 12

72 Interviews 12, 18, 14

73 Interview 53

74 Interviews 14, 17, 18, 20, 24, 29, 35, 40, 56

4.5 The state of downward accountability

As described in subsection 2.2, structures which enable downward accountability in local decision-making and service delivery are necessary for decentralisation and effective local governance. Although more strongly upwardly accountable, four actors in the Togolese municipalities are also downwardly accountable to the population: the *président de la Délégation Spéciale*, CDQs, local chiefs, and CSOs. In the following subsections we will analyse the accountability relationships of these actors in more detail using the combined network graphs on the actor relationship dimensions of *sanctions* and *justifications* to interpret our qualitative interview data.

4.5.1 The *président de la Délégation Spéciale*

As illustrated by the outgoing green edges from the municipality towards the population in Figures 8 and 9, the *président de la Délégation Spéciale* does not only have to justify his decisions to the prefect and the central government (upward accountability), as well as international donor organisations,⁷⁵ but also to local chiefs, CDQs, CSOs and the population (downward accountability). However, it is essential to point out that his justification obligations towards citizens and civil society actors are mostly informal and not mandatory. When informing citizens and civil society actors about his decisions and actions during meetings, he does so rather on a voluntary basis and is not obliged to release all necessary and reliable information. Nevertheless, many interview partners stated that the *présidents de la Délégation Spéciale* inform their citizens regularly about their decisions and actions during meetings.⁷⁶ Moreover, at these meetings, citizens are given the opportunity to question their decisions and actions. In 2013, the GIZ started a governance programme in both communities, supporting, among other things, a more transparent budget planning process. As a result, the *président de la Délégation Spéciale* now presents and explains the budget plan at an annual public session.⁷⁷

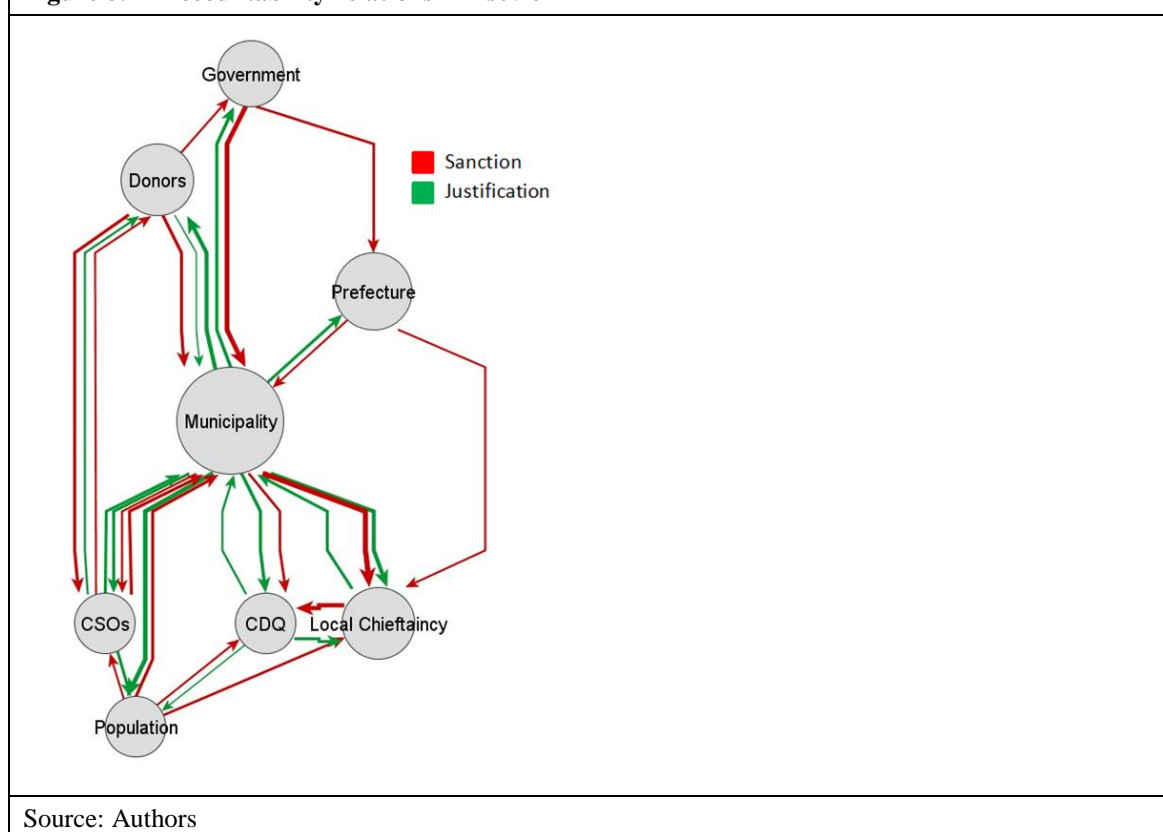
Despite these attempts to strengthen the civil society oversight of the municipal budget, the population and CSOs lack opportunities to take formal measures against local authorities in the absence of local elections. This is in particular problematic as accountability requires not only justification but also the possibility of undertaking positive or negative sanctions. Most significantly, citizens have only limited and informal possibilities to sanction the *président de la Délégation Spéciale*. For instance, they can organise demonstrations, criticise decisions and actions of the *Délégation Spéciale* during meetings, or express their dissatisfaction by absenting from meetings. Notwithstanding the informality of this sanction mechanism, several interview partners stated that the reputation and standing of a *président de la Délégation Spéciale* were likely to suffer considerably when citizens ignored his calls to attend town hall meetings or to turn up for public party rallies.⁷⁸

75 Interviews 6, 18, 35, 36, 39, 41. It is noteworthy that many respondents perceived international donors as having an important influence on local political decision-making because they could threaten to stop the funding and implementation of projects when the local decision-making process is not sufficiently inclusive or other demands are not met (for example, Interviews 4, 8, 9, 15, 18, 24, 33, 35, 36, 37, 43, 55).

76 Interviews 6, 7, 9, 14, 15, 17, 19, 35, 36, 39, 41, 44

77 Interviews 18, 20, 23, 24, 25, 26, 28, 35, 42

78 Interviews 6, 7, 25, 27, 30, 54, 56

Figure 8: Accountability relations in Tsévié

Along with this, the population can sanction the *président de la Délégation Spéciale* using the media to publicly criticise his projects or general performance.⁷⁹ However, this possibility is strongly restricted because of the close collaboration between the municipal government and local media. In Tsévié, for instance, a *contrat de collaboration* (contract of collaboration) between both actors obliges the media to publish information provided to them by the municipal executive within a specified period. In Sokodé, in turn, interviewees reported that on one occasion the *gendarmerie* pulled up at the local radio station after it had broadcasted a call by the opposition to protest.⁸⁰ Generally, the media are monitored by the *Haute Autorité de l'Audiovisuel et de la Communication* (HAAC), which forbids the broadcasting of political messages on public radio and TV stations. Censorship by the HAAC appears to occur particularly during election campaigns in favour of the ruling party UNIR.⁸¹

Despite the general lack of formal sanction mechanisms, some economic actors, particularly market women and drivers of motorbike taxis, have relatively effective informal means with which to sanction the *président de la Délégation Spéciale*. Since the license fees levied from these actors account for the majority of the already low fiscal revenue of the municipality, the *président de la Délégation Spéciale* usually tries to accommodate their interests since their refusal to pay their fees would hurt the municipal budget considerably.⁸² In contrast to the above mentioned absenteeism at municipal meetings, this kind of economic sanction

⁷⁹ Interviews 7, 46, 47

⁸⁰ Interviews 4, 7, 28, 36, 48, 56

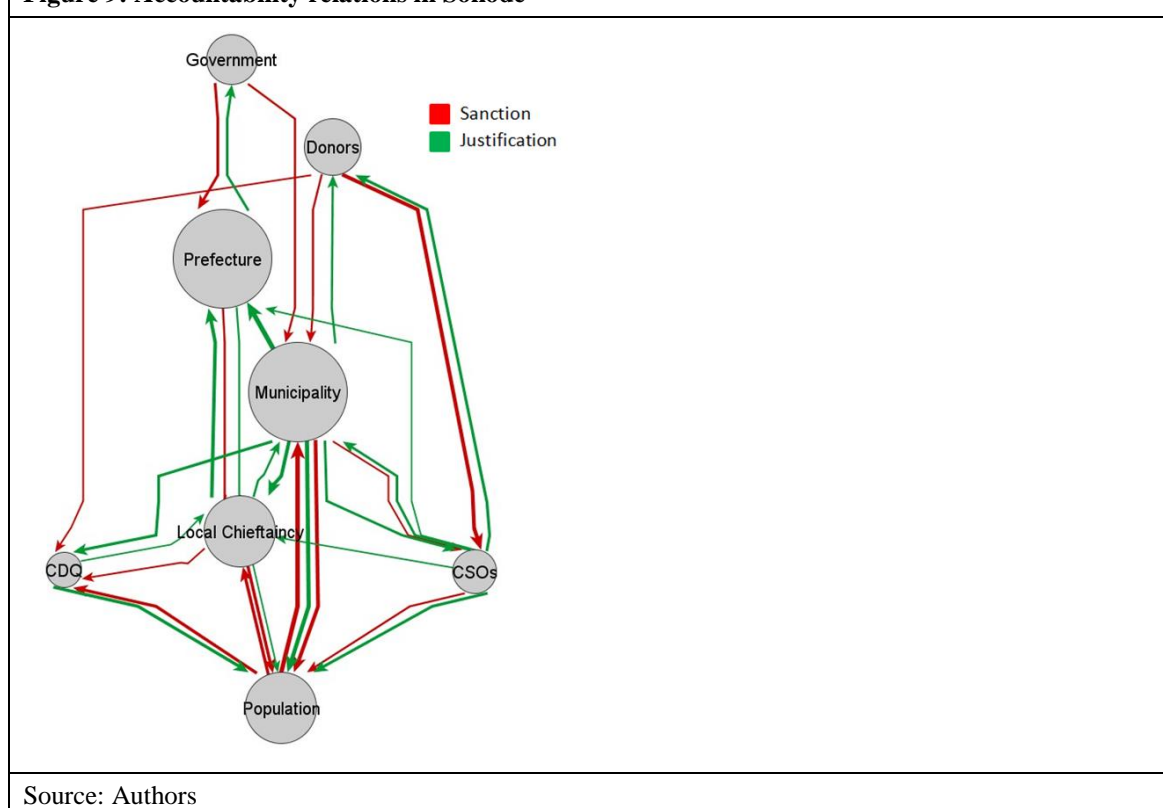
⁸¹ Interviews 18, 28

⁸² Interviews 14, 21, 32, 34, 35, 56, 57

thus produces direct and tangible consequences. For Sokodé, for instance, it was reported that some of the market women had refused to pay their fees in the past because they were dissatisfied with the state of the market. To prevent this from happening, the *président de la Délégation Spéciale* nowadays addresses issues raised by the market women in order to secure the flow income of the municipality.⁸³

To sum up, the downward accountability relations of the *président de la Délégation Spéciale*, are characterised by their informality and, by and large, a lack of direct consequences. Since citizens are not able to impose sanctions upon the *président de la Délégation Spéciale* in a formal manner (such as through local elections), accountability relations between the municipality and the population, though existent, have to be classified as weak.

Figure 9: Accountability relations in Sokodé



4.5.2 The CDQs and local chieftaincy

By contrast, the downward accountability mechanisms of the CDQs are formalised and have direct consequences. Similarly to the *Délégation Spéciale*, members of the CDQs explain their decisions during public meetings and citizens have the possibility of voting the members of their CDQs out of office if they are dissatisfied with their performance.⁸⁴ In addition, citizens can sanction their CDQs on an informal basis. For example, they can

⁸³ Interview 26

⁸⁴ Interviews 14, 18, 21, 24, 25, 29

refuse to participate in collective works as well as in meetings organised by the CDQs.⁸⁵ Hence, CDQs are both formally and informally downwardly accountable.

Unlike CDQs, local chiefs are solely informally downwardly accountable. As mentioned above, the possibilities of the population to express dissatisfaction with a local chief are limited to absenting from his convened meetings or talking contemptuously about him.⁸⁶

4.5.3 The civil society organisations

CSOs are highly upwardly accountable to the *président de la Délégation Spéciale* as well as to the central government. The *président de la Délégation Spéciale* can sanction CSOs in both a positive and negative manner by either transferring competences to them, removing those competences from them, or withdrawing the work permits of their employees. Since state accreditation is obligatory for CSOs, the central government also has a formal sanction mechanism towards them at its disposal as it can withdraw their accreditation at any time.⁸⁷

By contrast, CSOs are only informally downwardly accountable. Although they have to justify their activities in the respective neighbourhoods where they are located, the population can only sanction them for poor performance by absenting from meetings and by refusing further cooperation.⁸⁸

In general, it can be said that Togolese urban municipalities display a certain degree of downward accountability mechanisms. However, both justification obligations towards the citizenry and sanction mechanisms available to the citizenry are mostly informal and not tied to direct consequences. Furthermore, most relevant actors in local governance (municipality, local chieftaincy, CDQs, CSOs) are upwardly accountable to higher levels of government. Since upward accountability relations tend to be more formalised and linked to sanction mechanisms that lead to tangible consequences, local governance decisions are influenced more strongly from the top than from the bottom.

85 Interviews 14, 26, 27

86 Interviews 14, 15, 19, 28, 32

87 Interviews 18, 29, 36

88 Interviews 3, 18, 42

5 Discussion of empirical results: disparities between the legal decentralisation framework and the *de facto* state of decentralisation

This section discusses the empirical results concerning the current actual state of decentralisation in comparison to the legal decentralisation framework and highlights the major disparities. The subsequent discussion will be conducted along the lines of political, administrative and fiscal decentralisation, since, as argued above, the local governance challenges resulting from these disparities are critical for the Togolese decentralisation process. The section also discusses the limitations of the analysis.

5.1 Political decentralisation

In general, elected local government officials, who are accountable to local populations by virtue of their nomination in fair and competitive elections, are key to political decentralisation. However, in spite of the constitutional imperative to hold local elections, this formalised mechanism to ensure downward accountability does not exist in Togo. In the absence of formalised sanction mechanisms, downward accountability in the municipalities under study is informal and weak. By contrast, upward accountability mechanisms stipulated by the 2007 law on decentralisation are effectively in place. Most notably, municipal decisions are influenced by the prefect whose influence extends beyond the legally required control of legality. The discretionary space of local governments is clearly curtailed by their strong upward accountability. The central government thus constitutes a powerful veto player who influences local-level decision-making through a mix of informal and formal channels. An additional challenge arises from the plurality of accountability relationships of local decision-makers. Some of the existing downward accountability mechanisms have been introduced by international donors. As a consequence, local decision-makers may perceive themselves as being ultimately accountable towards these donors, rather than to the respective local population.

However, respondents perceived the absence of local elections as the major obstacle to successful decentralisation and thus, ultimately, to overall local development.⁸⁹ Respondents particularly stressed the potential of local elections to increase citizens' trust in their local representatives which, in turn, would improve their willingness to fulfil their duties, such as paying taxes.⁹⁰ Furthermore, respondents expected that the ability to vote local government officials out of office would provide citizens with a formal sanction mechanism, thus forcing local governments to justify their actions towards their constituents and to adjust their policies to citizens' needs.⁹¹

5.2 Administrative decentralisation

While the 2007 law on decentralisation ostensibly transferred an encompassing set of competences to the municipalities, the ability of municipalities to fulfil the tasks in these areas of competence is limited by a number of persisting challenges. First, the delineation

⁸⁹ Interviews 7, 9, 28, 51, 56, 57

⁹⁰ Interviews 9, 13, 51, 54, 56

⁹¹ Interviews 7, 18, 20, 21, 36, 51, 55, 56

of competences between the different territorial collectivities remains unclear, leading to misunderstandings or even conflicts, particularly between the municipality and the prefecture. In the case of conflict, the prefect, as the representative of the central government who is endowed with the capacity to sanction hierarchically subordinate actors, is likely to prevail. Next, local administrations lack the human resources as well as the specialised knowledge required to implement policies in their areas of competence. And thirdly, municipal funding is insufficient to adequately finance these policies. As a result, municipalities have to rely on the central government for personnel, know-how and the financial means to implement policies, which makes them unable to conduct affairs in their areas of competence autonomously.

5.3 Fiscal decentralisation

Most importantly, the legal mechanism for transferring financial resources to the territorial collectivities (the FACT) is not effectively operational to date. Thus, financial transfers from the central to local governments are neither rule-based nor predictable. By allocating funds on a project-by-project basis, rather than through a reliable transfer mechanism, the central government retains its own discretionary space at the expense of that of the municipalities.⁹² At the same time, the capacity of the municipalities to supplement central government transfers with locally generated revenues remains restricted, given that the introduction of additional *taxes non-fiscales* is subject to central government approval.

5.4 The interview partners' perception of the Togolese decentralisation process

Although interview questions were phrased in such a way so as not to explicitly ask about decentralisation, respondents consistently raised this issue themselves during interviews. Most interview partners had high expectations regarding decentralisation and hoped that the central government would accelerate the process. Yet, in view of the negligible changes in the municipalities, which contrast sharply with the central government's promises of reform, frustration with the decentralisation process was frequently expressed. Respondents from various spheres indicated that real decentralisation was still outstanding⁹³ and complained that the decentralisation process only existed on paper rather than in reality.⁹⁴ Several interviewees expressed serious doubts about the will of Togo's political class to actually implement the legal framework for decentralisation.⁹⁵

To sum up, despite the ongoing decentralisation process, Togo remains a highly centralised state to date. Figure 10 locates Togo in the analytical framework by Yilmaz et al. (2008) introduced in subsection 2.3. Here, each quadrant represents one of the possible trajectories of decentralisation. Clearly, the goal of decentralisation is to reach Quadrant IV, where local governments have a high degree of discretionary power accompanied by a high degree of accountability toward citizens. However – as our analysis has shown – Togo's *de facto* state of decentralisation can be assigned to Quadrant I, which implies that the establishment of

92 Interview 59

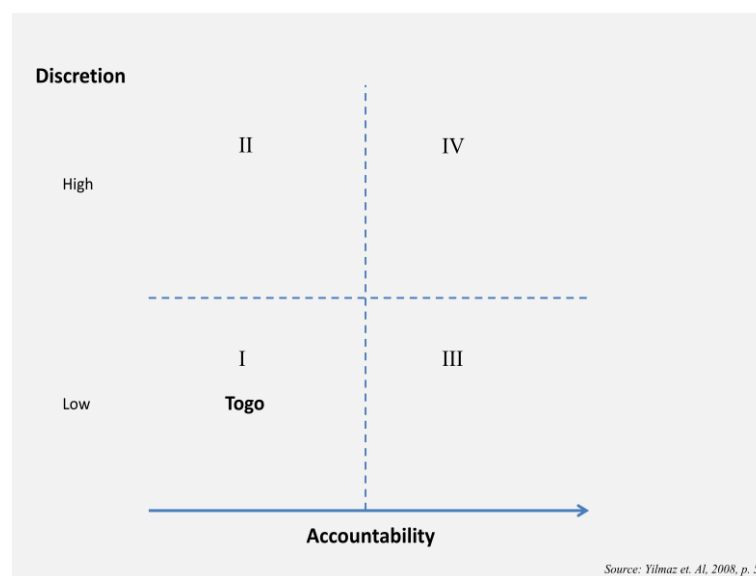
93 Interviews 4, 5, 6, 13, 53, 55, 57

94 Interviews 10, 12, 54

95 Interviews 1, 6, 58

downward accountability mechanisms, as well as a stronger transfer of competence to lower levels of government, are required if decentralisation is to be put into practice.

Figure 10: Classification of the Togolese decentralisation process according to Yilmaz et al.



Source: Yilmaz et al. (2008)

5.5 Limitations of the analysis and methodology

In the preceding discussion, local governance challenges were identified in comparison to the *de jure* framework for decentralisation. However, the use of legal norms as a reference entails a number of implications.

In the first place, this research neither aims at, nor allows, an evaluation of the legal framework per se. However, the normative assumptions of our chosen analytical framework are reflected in the relevant Togolese legal texts, which clearly state the objective of establishing mechanisms of downward accountability, as well as the creation of administrative and fiscal discretionary space at the local level. While discretion and downward accountability cannot be considered sufficient conditions for “effective decentralisation”, they are necessary conditions to realise the governance benefits that are supposed to come with decentralisation. Therefore, the challenges to local governance that have been identified are, in fact, also challenges to decentralisation.

Furthermore, this being an exploratory study, its findings can only to a limited extent be generalised: the primary objective of this study was to gain a better understanding of the rationales and dynamic qualities of the Togolese decentralisation process. Consequently, the underlying logic according to which data were collected and analysed was based on the Togolese legal framework of decentralisation. For this reason, findings relating to challenges to decentralisation cannot be generalised beyond the municipalities studied in this project.

At the same time, the analytical focus on discrepancies between the *de jure* and *de facto* state of decentralisation, rather than on the gap between theoretical benefits and the actual impact of decentralisation, implies that the findings of this study do not allow for the testing and refining of decentralisation theory. Although deficits in the dimensions of downward accountability and local government discretion were found to be crucial obstacles to effective decentralisation in Togo and should therefore be considered in future theory-building efforts, comparative analysis of a larger sample of cases would be required to feed this finding into a general theory of decentralisation.

Beyond these conceptual issues, the integration of the present study into the programme of the larger research effort of the accompanying research study on the ICT-based citizen participation system of the KfW came at the cost of some practical difficulties in the conduct of research. To begin with, the cities of Tsévié and Sokodé were chosen because they are target cities of the KfW programme. Given the strong engagement of German Development Cooperation (both KfW and GIZ) in these cities, they may not be representative of other middle-sized Togolese cities where there is no external donor engagement.

Moreover, one criterion for the selection of interview partners was their expected ability to express their expectations regarding the KfW's citizen-participation system. This implied a certain degree of awareness about the system and its intended beneficial effects on local governance, which, in turn may have influenced respondents' perception of the quality of local governance in Togo. This bias, however, could be attenuated by supplementing the interview partners determined in advance with further actors who were identified as relevant in the course of the research process. Furthermore, interview partners were chosen so as to achieve a balanced sample of public and civil society actors, as well as local-level and national-level actors.

Finally, some interview partners had difficulties differentiating between the staff of development cooperation agencies and the independent research team. Researchers were at times perceived as being responsible for the implementation of the project. This was reflected by the fact that some interviewees apparently tried to give answers suited to satisfy donor expectations, while others formulated direct demands or complaints concerning the project implementation towards the researchers. Arriving at a realistic appreciation of donor engagement was therefore challenging. Since representatives of the *Association des Praticiens de l'Education au Développement* (APED), which has strong ties with the local media, were present during some interviews, the same problem arose with regard to the assessment of the role of the local media. These limitations have to be considered when interpreting this study's findings regarding international donors and the media.

6 The contribution of ICT-based participatory development approaches to strengthening local governance

As demonstrated by our findings, local governance in Togo is confronted with a number of challenges, particularly regarding local government discretion, downward accountability and discrepancies between *de jure* and *de facto* decentralisation.

However, ICT-based participatory development approaches may help address some of these challenges. The core idea of participatory development approaches in general is to enhance the involvement of the population in local governance in order to give citizens a greater say in decisions that affect their lives (Mansuri & Rao, 2013). The purpose of the following subsection is to draw conclusions on how the ICT-based citizen participation platform implemented by the KfW can best contribute to strengthening downward accountability in the context of decentralisation in Togo. Following a brief description of the project design, the platform's added value at different stages of the public policy and expenditure management cycle will be analysed, before presenting implications for ICT-based participatory development approaches more generally.

6.1 Project design of the ICT-based citizen participation platform

The ICT-based citizen participation platform intends to strengthen citizen participation as well as the transparency and accountability of local governance (KfW, 2013). It is designed to enable citizens to provide feedback via SMS or phone on topics related to the development of the target communities, in which the platform is implemented (KfW, 2013). In each target community, a local coordination committee (LCC), which consists of local government officials, local chiefs, religious leaders and representatives of civil society organisations, development partners, local media, CDQs and the *services déconcentrés de l'État*, has been established as part of the PAD. The LCC is in charge of choosing the topics to be put to the vote via SMS surveys, as well as of drafting the respective questionnaires. Two pilot surveys undertaken so far have dealt with topics such as waste management, small infrastructure projects, and the use of idle community land for leisure activities and public events.⁹⁶ The results of the surveys are to be published online and discussed on interactive local radio shows. Furthermore, the LCC is to provide policy recommendations on local development topics to the respective local government based on the results of the surveys (KfW, 2013). The local government is required to consider these recommendations when making decisions or taking action. Finally, in order to enable citizens to monitor the effects of their feedback, the decisions and actions of the local government related to the survey topics are reported online and again discussed on interactive local radio programmes (KfW, 2013). At the time of writing this study, the results of the pilot surveys carried out in Sokodé and Tsévié at the end of 2015 had not yet been made public or otherwise used as a basis for recommendations to the local government. It was argued that this was mainly due to the low response rates of the surveys.⁹⁷

96 The pilot surveys took place in Sokodé in November 2015 and in Tsévié in December 2015 (personal communication, 26 November 2015).

97 The number of respondents amounted to 46 respondents in the pilot survey in Sokodé and 102 respondents in the pilot survey in Tsévié (personal communication, 7 December 2015).

In addition to the procedure described above, the ICT-based citizen participation platform is also intended to be used for monitoring the progress of infrastructure projects implemented within the context of the PAD (KfW, 2013, Annex 10). Thus, it is intended to come into play at different stages in the public policy and expenditure management cycle.

6.2 The platform's contribution to participatory policy and budget formulation

Judging from the findings of the SNA, at the stage of policy and budget formulation the added value provided by the ICT-based citizen participation platform is limited for several reasons. The first of these is that the SNA has shown that various mechanisms for the population to contribute to identifying and prioritising problems are already in place: citizens express their needs and demands concerning local development indirectly via intermediaries, such as local chiefs, CSOs or CDQs, or directly towards local government officials. Second, the procedure described above is mainly designed to obtain feedback from citizens and learn about their preferences on predefined topics rather than to enable them to freely formulate their needs and concerns or to propose projects. Thirdly, the results of SMS-based surveys cannot be interpreted as the “general will” of the target population in prioritising local development issues. Participation in SMS-based surveys is shaped, to a considerable extent, by access to mobile phones, literacy, digital skills, awareness of the surveys, and the perceived security and effectiveness of participation. Given that these factors are not evenly distributed among the target population, the results of SMS-based surveys cannot be considered as representative for the target population as a whole (Breuer & Groshek, 2016).

Consequently, at this early stage of the public policy and expenditure management cycle, the platform can have an added value only if it complements existing mechanisms of participation in policy and budget formulation in ways that increase the ability of marginalised groups – such as women and the poor – to express their needs and demands. These groups have claimed that their access to intermediaries, especially local chiefs, so far remains limited (Keja, 2015). Yet, considering that socio-demographic factors, which limit access to local political decision-making in Togo, partially overlap with factors that negatively impact access to ICT and the development of digital skills, it is questionable whether marginalised groups will profit disproportionately from this new mechanism of participation (Breuer & Groshek, 2016). Without additional project components explicitly directed at marginalised groups, such as hotlines or offline deliberative meetings that allow for the provision of oral feedback for those unable to write text messages, the project is currently unlikely to achieve the assumed benefit of ICT in increasing the level of inclusiveness.

6.3 The platform's contribution to participatory policy and budget analysis

The SNA has demonstrated that, rather than at the stage of policy and budget formulation, greater need for action lies in fostering accountability. It is particularly at the stage of policy and budget analysis – where intended policies and budget allocations are to be reviewed and publicly discussed – that the ICT-based citizen participation platform has a viable potential to enlarge the space for critical debate and strengthen downward accountability. In the absence of local elections, Togolese citizens currently have very few

effective means for holding local government officials accountable. As the SNA has shown, there are currently very few processes for making local government officials explain and justify their decisions and actions to their constituents. Similarly, the population only has weak and informal means of sanctioning local government officials. As a consequence, local government officials have greater incentives to accommodate the interests of the central government than to respond to the demands of their local constituents.

To remedy this situation, the project design envisages the ICT-based participation platform as a mechanism to enhance local government transparency and responsiveness to citizens' feedback. An important contribution of the ICT-based citizen participation platform could therefore be to make local government officials listen to citizens' points of views in analysing policies and budget allocation. It could move the decisions and actions of local governments closer to the interests of citizens "by adding their voice to the mix of necessary accommodations" to be made (Mansuri & Rao, 2013, p. 98). However, this will only be possible if procedures for the ICT-based platform are designed in a way that allows citizens to circumvent possible "gatekeepers", such as local chiefs and other leaders, who currently control and mediate the flow of information from local populations to their governments. An important point to consider in this context is the composition of the LCC, which exerts a high degree of influence over the implementation of the ICT-based citizen participation platform.

In the current set-up, the LCCs are made up, at least partially, of the very actors who can act as gatekeepers between the population and the government. Since the committees play a key role in deciding which issues will be submitted to public scrutiny and what feedback local government officials will have to respond to, the ability of the ICT-based participation platform to challenge existing local power dynamics is limited. The following options could enhance the inclusiveness of the platform: The LCC could be opened up for less privileged actors; or the influence and control of local government officials over the process could be limited. Furthermore, offline deliberative meetings open to the public could provide input to the LCC decisions about what topics to put to the vote in SMS-based surveys. This would set the pre-definition of issues on a broader foundation.

6.4 The platform's contribution to participatory tracking, monitoring and evaluation

The ICT-based citizen participation platform has a viable potential to enhance downward accountability during the stage of policy and budget implementation. The project design plans to use the platform as a project governance tool enabling citizens to monitor the progress of infrastructure projects financed by the PAD, particularly the rehabilitation of local markets. However, given that the progress of a physical infrastructure project can easily and cost-efficiently be tracked, monitored and evaluated by qualified experts commissioned by the project management team, an ICT-based participation platform does not seem to provide much added value in this domain.

By contrast, the platform could considerably enhance downward accountability in the target communities if it were employed to monitor the activities of local governments beyond the PAD. So far, in the two municipalities analysed in this report, no mechanisms exist that

allow citizens to track, monitor or evaluate the implementation or effectiveness of public policy and budget allocation. An ICT-based platform would be especially effective when it comes to monitoring and evaluating decentralised public service delivery in sectors where local governments enjoy a certain degree of discretion, such as waste management. Here, ICT-based citizen monitoring could help to disclose performance deficiencies while at the same time reducing the transaction costs of collecting citizen feedback.

Uncovering performance deficiencies in public service delivery and demanding local government officials to explain and justify those deficiencies would be an important step towards greater answerability in local governance. If increased answerability were to be supplemented by local elections in Togo, the anticipation of sanctions during elections would strengthen downward accountability. In the absence of local elections, there is a need to make local government officials face the consequences of their decisions and actions. Yet, this is a gap the ICT-based citizen monitoring system cannot fill. As long as the system is not linked to the national legal framework, it cannot provide for sanctions, other than the withdrawal of donor financing. However, the withdrawal of donor financing is a rather unsustainable sanction mechanism, given that it is tied to the duration of German-Togolese cooperation in this field.

6.5 Implications for ICT-based participatory development approaches more generally

ICT-based tools are considered to have the potential to increase the effectiveness and strengthen the inclusiveness of participatory development approaches targeted at strengthening local governance. Several lessons learnt in the context of the ICT-based citizen participation platform in Togo can be generalised for ICT-based participatory development approaches more generally.

First and foremost, ICT-based participatory development approaches have to be based on a careful analysis of needs and local governance structures. In the Togolese context, for example, such an approach is not as vital at the stage of policy and budget formulation compared to later stages of the public policy and expenditure management cycle. However, the stage of the public policy and expenditure management cycle, to which ICT-based participatory approaches can make a beneficial contribution, may differ depending on the context. Thus, a careful analysis of the challenges facing local governance is needed in the early scoping phase of a project in order to assess at which specific stage such an approach should be applied.

Next, the contribution of ICT-based participatory development approaches depends on whether the choice of technology fits the target population's access and competences. The ICT-based citizen participation platform in Togo, for example, requires citizens' access to mobile phones and their ability to write text messages. This either limits the potential of the platform as a tool for inclusive decision-making or requires investments in complementary digital literacy programmes or alternative mechanisms for participation. In order to avoid excluding the very groups they intend to empower and at the same time to limit the costs of implementation, it is particularly important to question whether digital approaches to citizen participation are a practical and fair option in a particular environment (compare Bott & Young, 2012; World Bank, 2016a).

A third lesson learned is that empowering citizens in local governance requires a sustainable shift in political networks and dynamics (compare Mansuri & Rao, 2013). This may include confronting or bargaining with local elites, if they act as gatekeepers rather than intermediaries between the population and the local government. At the same time, ICT-based participatory development approaches benefit strongly from the support of opinion leaders at the local level. Thus, ICT-based participatory development approaches face trade-offs between context adaptation (“having important actors on board”) and transformative power (“challenging important actors”) (compare Wesselink, Hoppe, & Lemmens, 2015). The composition of the LCC of the ICT-based citizen participation platform in Togo illustrates this potential conflict of interests concerning project design. Thus ability to distinguish between benevolent and malevolent elite engagement with the local population may be central for a context-adequate project design.

And, finally, in order for ICT-based participatory development approaches to “lock in” changes in political dynamics, they need to be tied to effective mechanisms to sanction local governments or at the very least an understanding of the opportunities presented by such mechanisms. While donors can offer financial incentives in terms of results-based financing – as is the case for the ICT-based citizen participation platform in Togo – this may threaten the sustainability of reforms. Projects that depend on outside funding instead of local resources are prone to focusing on the achievement of externally specified objectives, rather than developing platforms that are sustainable beyond the initial investment (Davies & Fumega, 2014). Thus, the success of ICT-based participatory development projects depends both on the cooperation of reform-minded local actors, as well as on the possibility to connect such projects to local elections or to the national legal framework.

7 Conclusions

Our study set out to investigate the state of decentralisation in Togo by analysing the degree of local government discretion and downward accountability and to formulate recommendations for the further development of an ICT-based citizen participation platform implemented by the KfW within the context of a decentralisation programme in Togo.

The findings of our analysis provide insights on issues pertaining to two ongoing scholarly and practitioner debates.

First, major development donors, such as the World Bank and the OECD, have been pushing decentralisation as a pathway to improving governance and service delivery in developing countries. The strong emphasis on the need for decentralisation in Africa in the 2030 agenda has been based on the notion that many of the region’s countries are defined by significant diversities that need to be sensitively managed through participatory, inclusive, and fair political processes. There is a predominant notion that in such contexts sustainable development cannot be achieved outside institutional frameworks that empower the populations of marginalised peripheries to shape the development agenda of their respective communities. Our analysis adds to the empirical foundation of this argument by providing

insights on local governance structures and power relations in a country whose political landscape has thus far been seriously under-researched.⁹⁸

Second, the rapid global spread of information and communication technologies (ICTs) – particularly the proliferation of mobile internet devices – has led to the growing interest of donors in the strategic use of ICT to enhance the transparency and accountability of political processes, as well as to empower citizens by enabling them to participate in government decision-making processes. Yet to date, little systematic research has been generated on the factors that contribute to the success or failure of ICT-supported governance interventions within the context of development cooperation. Based on the findings of our social network analysis of governance structures in two Togolese municipalities, we formulated recommendations for the further development of an ICT-based citizen participation platform, implemented in these municipalities by the KfW with the aim to promote good governance in the context of a larger decentralisation programme. Lessons learnt from the Togolese experience should help to advance the debate on the potentials and pitfalls of ICT-based governance interventions more generally.

Our analysis revealed that the implementation of decentralisation in Togo lags considerably behind the country's legal decentralisation framework while the central government retains strong control over local politics. The state of political, fiscal, and administrative discretion of the two local governments under study is severely limited. As a result, local governments have insufficient flexibility to meet local needs and demands and limited room for manoeuvre regarding local revenue generation and expenditure. In general, the municipalities are seriously underfunded and lack the administrative capacities to adequately fulfil their tasks regarding public service delivery.

In both municipalities, citizens have the possibility to express their needs and formulate demands towards the local government. It is important to note that traditional chiefs and neighbourhood development committees – whose roles are only vaguely defined by the legal decentralisation framework – occupy a key role as mediators between local populations and governments in the process of demand formulation. At the same time, the municipalities heavily rely on central government actors – particularly the prefect as the representative of the central government at the local level – for the implementation of policies.

Regarding local governance structures, our analysis has shown that local governments in Togo are more strongly characterised by upward accountability than by downward accountability. On the positive side, and partly as a result of the German engagement in development cooperation, local governments have increasingly taken to explain and justify their decisions towards their citizenry over recent years. However, they do so mainly on a voluntary basis whereas they are formally obliged to report to the central government and the prefecture. The career of local political actors strongly depends on their adherence to positions of the central government, failure to comply with which may result in their removal from office. Meanwhile, in the absence of local elections, citizens have limited possibilities to hold local governments accountable for irresponsible

98 In the two leading Africa journals, *African Affairs* and *The Journal of Modern African Studies*, not a single research article on the politics of Togo has appeared over the last 20 years. The same is true of the leading political science journals.

behaviour. Existing sanction mechanisms are mostly weak and informal, and do not result in serious negative consequences for local government actors.

Our study concludes that, in this particular context, the KfW's citizen participation platform could considerably contribute to enhancing local government answerability if it were used to facilitate the disclosure of deficiencies in public service delivery. If increased answerability were to be supplemented by local elections in Togo, the anticipation of sanctions during elections could strengthen downward accountability. Yet, for the time being, this is a gap that the ICT-based citizen monitoring system cannot fill. In the absence of local elections, the platform could only provide the necessary enforcement mechanisms to transform answerability into hard accountability if it were integrated into Togo's national legal framework. For instance, as a long-term strategy, the platform could be integrated into the formula of a performance-based component of the mechanism for fiscal transfers from the central government to the communities.

Further, our study found that, as of yet, the potential of the KfW's citizen participation platform to increase the integration of citizen input into local policymaking remains limited, since the platform competes with an established network of demand formulation. Since it is necessary to take important local actors on board, local chiefs and other leaders, who currently control and mediate the flow of information from local populations to their governments, form part of the local coordination committees which exert a high degree of influence over the implementation of the ICT-based citizen participation platform. As a result, the platform's transformative power in the realm of local demand formulation is fairly weak. To remedy this situation, the local coordination committees would have to be opened up to representatives of the social groups whose participation is currently being thwarted by these "gatekeepers".

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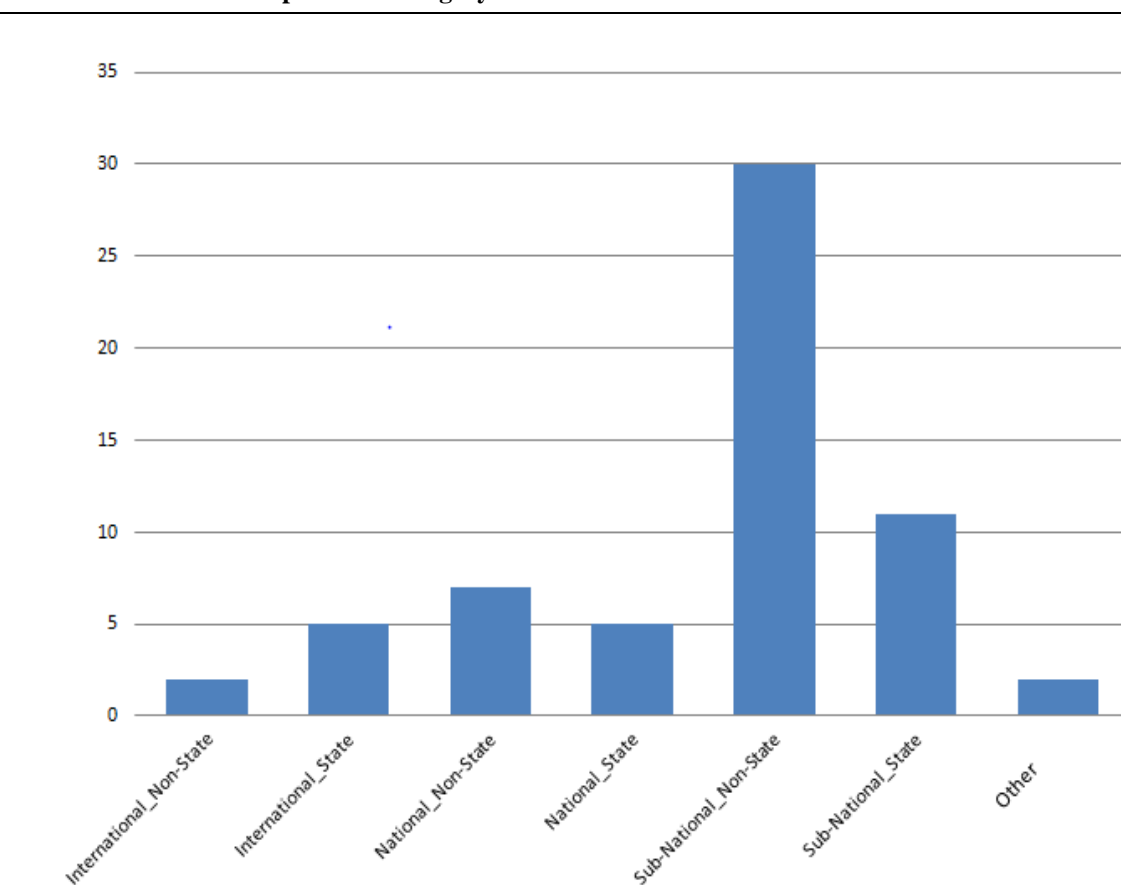
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Annex

Table A1: Interviewers per actor category

Source: Authors

Table A2: Overview of interviews			
No.	Interview_ID	No.	Interview_ID
1	International_State	31	Sub-National_Non-State
2	International_State	32	Sub-National_Non-State
3	National_Non-State	33	Sub-National_Non-State
4	National_Non-State	34	Sub-National_State
5	International_Non-State	35	International_State
6	National_State	36	Sub-National_Non-State
7	International_Non-State	37	Sub-National_Non-State
8	National_Non-State	38	Sub-National_State
9	National_Non-State	39	Sub-National_Non-State
10	National_Non-State	40	Sub-National_Non-State
11	National_State	41	Sub-National_Non-State
12	National_Non-State	42	Sub-National_Non-State
13	National_State	43	Sub-National_Non-State
14	Sub-National_Non-State	44	Sub-National_State
15	Sub-National_Non-State	45	Sub-National_Non-State
16	Sub-National_Non-State	46	Sub-National_State
17	Sub-National_Non-State	47	Sub-National_Non-State
18	International_State	48	Sub-National_State
19	Sub-National_Non-State	49	Sub-National_State
20	Sub-National_State	50	Sub-National_Non-State
21	Sub-National_State	51	Sub-National_State
22	Sub-National_Non-State	52	Sub-National_Non-State
23	Sub-National_Non-State	53	Sub-National_State
24	Sub-National_State	54	Sub-National_Non-State
25	Sub-National_Non-State	55	International_State
26	Sub-National_Non-State	56	Sub-National_Non-State
27	Sub-National_Non-State	57	Sub-National_Non-State
28	Sub-National_Non-State	58	National_Non-State
29	Sub-National_Non-State	59	National_State
30	Sub-National_Non-State	60	National_State
Source: Authors			

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