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**NATIONAL GOVERNMENTS, LOCAL GOVERNMENTS,
PASTURE GOVERNANCE AND MANAGEMENT
IN MALI**

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Prepared by:

James T. Thomson
Senior Consultant
Associates in Rural
Development, Inc.
Burlington, Vt. USA

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A. Introduction

This paper analyzes the changing structure of political and legal relationships that channel interactions, in the Soninké country of northwestern Mali, among pasture users, local government leaders, and national government technicians and administrators. The paper concentrates on a single village, Yaguinébanda, located in a prime pastoral zone some 100 km south of the Mauritanian border and populated by market-oriented agro-pastoralists. Target pastoral resources - grass, browse and water - have the attributes of common pool resources.

The essay examines whether new governance arrangements inaugurated with the Third Republic in May 1992, after the fall of Moussa Traoré's twenty-year-long military dictatorship in March 1991, can be expected to better the prospects for more effective, efficient and equitable pasture governance and management in Yaguinébanda. Pasture resources remain under-utilized in the community. Pastoral resource exploitation, governed by a minimal but effective set of rules, is orderly. Relationships with government officials and technicians are generally productive if sometimes conflictual. Thus improvements for the present must take the form of increased market opportunities.

The foci of this analysis are those actors listed in the first paragraph, plus municipal and national assembly representatives elected since the beginning of the Third Republic, and the migrants from Yaguinébanda. The last, like Soninke everywhere in northwestern Mali, have left their rural villages to find work in France, elsewhere in Africa, and in numerous countries the world around. Migrant remittances affect the terms and conditions of life in Yaguinébanda.

Pasture users mentioned in the first paragraph form three distinct groups:

- ◆ sedentary Soninké stock owners resident in Yaguinébanda;
- ◆ Fulbe and Moor transhumant pastoralists who winter their herds on village lands after spending the summer rainy season in the Gana salt pastures of southern Mauritania; and

- ◆ Fulbe and Moor transhumants who move their herds north and well south of Yaguinébanda to take advantage of the seasonal availability of forage and water.

Strategies and behavior of these various categories of actors are examined in the context of the institutional arrangements prevailing in 1990 at the end of the Traoré regime.

Soninké migrants can be expected to continue to play a crucial role in the evolving political situation in Yélimané *Cercle* because they fund acquisition of livestock by family members who remain at home. Migrants' contributions also finance construction of public good and common property infrastructure facilities within their home villages. Finally, migrants can and do mobilize funds to engage lawyers to defend village interests. Yaguinébanda migrants conform to this general Soninké pattern.

The analysis draws on several sources, notably short-term field work undertaken in Yaguinébanda during the fall of 1990; subsequent interviews with knowledgeable Maliens and Malien officials; a national workshop organized in Mali on results of 1990-91 research on public service provision, natural resource governance and management, and land tenure issues; official documents, especially the constitution of the Third Republic (approved January 1992) and the peace treaty signed with dissident Malien Twareg groups (April 1992); and results of an investigation of governance issues in Mali at national and local levels conducted during the summer of 1992.

The paper consists of six more sections:

- ◆ a description of the Yaguinébanda pastoral production system at the end of the Traoré dictatorship, emphasizing the **attributes of renewable natural resources as economic goods, attributes of the community**, and the incentives these attributes create for behavior by various classes of actors;
- ◆ an analysis of **attributes of key legal relationships - the working rules** - linking pasture users with pasture governors and managers and the incentives they create for various actors;
- ◆ **interactions** which follow when actors pursue strategies to achieve their preferences given the incentive structures within which they operate, and efficiency, equity, and pastoral resource sustainability **outcomes** of those interactions;

- ◆ a review of possible new opportunities for self-governance and self-management of common pool resources by users which may be consolidated under the Third Republic;
- ◆ prognostication about impacts of these changes on pasture governance and management activities in Yaguinébanda and in other pastoral areas of Mali; and
- ◆ conclusions.

B. Yaguinébanda Pastoral Production System Circa 1990: Attributes of Resources and Communities¹

Yaguinébanda, with a resident population of some 1,500, encompasses an enormous geographic area: 240 km². At present, forage supply poses few problems so long as dry season pastures do not burn. Local cattle, while totaling in excess of 1,100, and 3,000 head of small ruminants (sheep and goats), are still too few in number to overgraze village pastures. Transhumant herders, who formerly frequented the village as well as other communities in the general area, now move rapidly through the zone to more southerly sources of forage when the rainy season ends and surface water sources on the high marches of the Mauritanian Sahel evaporate.

This section examines, in succession, the attributes of the Yaguinébanda pasture resources (forage and water) and the attributes of the three ethnic groups that exploit those resources. Attributes of the working rules governing access to those resources and their exploitation are addressed in the following section.

¹ This and the next section draw heavily on Chapter IV, "Yaguinébanda, Yélimané Cercle: Pasture Land Management in a Sahelian Agropastoral Community," in "Decentralization, Governance, and Management of Renewable Natural Resources: Local Options in the Republic of Mali," Hadiza Djibo, Chéibane Coulibaly, Paul Marko and Jamie Thomson, Vol. III of Studies on Decentralization in the Sahel (OECD Contract No. 90/52, prepared for the Club du Sahel); Burlington, VT.: ARD, Inc., October 1991.

1. Attributes of Pastoral Resources

Pastoral resources in Yaguinébanda comprise the two basic building blocks of a pastoral production system: forage and water. Each is assessed here in terms of the ease with which it is subject to exclusion and the character of consumption of the resource: joint and non-rivalrous or separable and potentially rivalrous. Both forage and water turn out to be common pool resources (exclusion problematic, consumption separable).

Forage Resources

Forage takes two forms: grasses and tree browse. Grasses occur throughout most of the village territory, starting on the range of hills that form the eastern limit of that territory, and extending some 20 km to its western boundary. The north-south axis averages roughly 12 km. Of this 240 km², better than three-quarters is open rolling pasture land, on which annual (and some perennial) grasses sprout at the beginning of each rainy season. These grasses provide nourishing forage during the rainy season, and even when desiccated early in the dry season, supply the bulk cellulose ruminants need to survive. From an economic perspective, these vast pastures have the characteristics of a common pool resource. It is difficult to control access to them, and each user (stock owner) makes separable, and potentially rivalrous, use of the resource. Village borders are not fenced, so both neighboring and transhumant herds can penetrate village lands when they will.

Tree browse takes the form of leaves that can be harvested from the scrub brush and small trees, often of the genus *Acacia*, that grow intermittently throughout the village territory. Goats particularly favor browse, but sheep and cows will consume green leaves in the dry season. This often requires that stockherders climb small trees to lop leafy branches for their animals. As with grasses, it is difficult to exclude potential users from access to browse resources, and consumption is separable. Thus browse as well as grasses has the attributes of a common pool resource.

Water Resources

Water resources are likewise common pool resources. They take two forms. Temporary ponds provide highly accessible water sources from early in the rainy season through February of the following year. Use of these sources is essentially costless, since stockowners have only to drive their herds to the ponds and the animals water themselves.

Sub-surface aquifers provide the second type of water resource. When the water table is high early in the dry season, shallow, hand-dug wells and short-lift bailing solves the stock-watering problem. Anyone who wants can dig a small well in the dry bed of a seasonal watercourse. However, water tables drop as the dry season advances. By early March, ground water can be tapped only by a variety of mechanized and hand-operating pumping systems through boreholes and wide bore wells.

Wells are all sited within or near the Yaguinébanda residential center, which is located just west of the range of hills on the village's eastern border. The wells are more easily subject to exclusion than ponds because, being located close to the village, they are subject to costless surveillance by villagers going about their daily routines. No effort however has been made to discourage users. Consumption of water drawn from the wells is separable.

Towards the end of the dry season, after surface waters have dried up, groundwater takes on the attributes of a rivalrous good. This reflects, not a present limitation in overall supplies in the aquifers but rather technical constraints on extraction. The domestic water requirements of Yaguinébanda households are met first. Then herds are watered. However, the combination of several diesel pumps and widebore wells does not suffice to meet stock needs. Widebore wells can accommodate only so many buckets at a time, so a natural rationing process occurs.

2. *Attributes of Communities*

Three different user groups exploit pasture resources in Yaguinébanda:

- ◆ sedentary, agro-pastoral Soninké;
- ◆ transhumant Fulbe and Moor herding families who spend the dry season on village lands; and

- ◆ transhumant Fulbe and Moor who merely pass through the village, spending only a few days in local pastures in the spring and fall as they move north and south.

Of the 55 extended families resident in the village, most own some livestock, most farm sorghum, and many produce maize and vegetables in bottomland plots. Almost all receive some remittances from family members who have migrated to the four corners of the world.

The village is divided in two quarters, each usually headed by the oldest member of the founding family. The village chief is also the oldest member of the founding family (the Tourés). The chief's sons actually manage day-to-day public affairs in the community. In addition to collecting taxes and solving disputes that quarter heads cannot solve, the village chief serves as the link between the population and the administration. These traditional structures of local governance appear to handle the bulk of problems and issues of concern to residents.

Seven development and political committees were established by various technical departments, projects, and the Democratic Union of the Malian People (UDPM), the single party of the Traoré regime:

- ◆ the Herders Committee (established 1984);
- ◆ the Bush Fire Control Committee (established 1986);
- ◆ the village brigade for plant protection;
- ◆ the commission to link women to the FAO Project; and
- ◆ the "democratic organizations," namely,
 - the local UDPM Committee,
 - the local committee of the National Youth Unions of Mali, and
 - the local committee of the National Women's Unions of Mali.

The age group system exists but is not as structured as among the Bambara, in part because of Yaguinébanda's very strong tradition of migration.

Money that village migrants send home from foreign countries strongly affects the social and economic life of the community and strongly influences the behavior and strategies of various actors. The same holds true of the other villages in the cercle.

In the simplest terms, this cash underwrites a high degree of village autonomy, in both economic and political terms. Community residents are not dependent on outside help to

initiate activities of local interest. They are also capable of co-financing investments with outside agencies, whether governmental, foreign assistance or private voluntary in nature. Yaguinébanda residents have benefitted from infrastructure investments - primarily tubewells - financed by foreign assistance. But they have used migrant remittances - that is, their own money - to improve those wells and to construct a village domestic water supply system organized around eight public fountains,² They have also been able to rely on migrant remittances to finance livestock purchases during the 1980s, when foreign assistance-funded wells expanded the dry season water supply and made it possible for the first time to maintain large herds in the village year round. This has allowed villagers to maintain independence from state- and bank-supplied lines of credit

Local people share with other Soninke communities a willingness to pool their resources to hire lawyers to challenge administrative abuses of power. They will also appeal to politicians if that seems a way to get recourse. Soninke are renowned in Mali for their willingness to contest administrative decisions. Indeed, *cercle*-level administrators and technicians in Yélimané readily volunteer that "...the Soninke 'don't let themselves be pushed around.'"³ Authorities try their best to respect formal rules and principles of fairness in their dealings with local people. This behavior was something of an anomaly under the Traoré regime. Yélimané officials explained it by referring to their own career self interest in avoiding administrative and legal sanctions for abuses of power.

C. The Working Rules of Pasture Governance and Management in the Context of Institutional Arrangements Circa 1990

The working rules of pasture management arise from two sources and reflect a relatively positive relationship between officials and technicians of the Project for the Development of Livestock Raising in the Western Sahel (PRODESO) and the Malien Conservation (Waters and Forests) Service. Once PRODESO began developing water

² These water supply improvements cost in 1990 roughly 24,000,000 FCFA, or nearly \$100,000 at a \$1 = 250 exchange rate. "Decentralization, Governance and Management...", p. 31.

³ "Decentralization, Governance and Management...", p. 32.

resources in Yaguinébanda (late 1970s/early 1980s) Yaguinébanda residents seized the opportunity to invest in livestock as a potentially lucrative source of income. From that point on, surface and ground water, pasture grasses and tree browse gained value, justifying locals' efforts to manage them.

Working rules governing these resources, first water, then pasture resources, are sketched out in the remainder of this subsection.

Surface Waters

Surface waters are available in Yaguinébanda from early in the wet season (June) until the following February. Formerly herders used them as they saw fit. Since PRODESO has initiated upgrades in water supply infrastructure, the amount of livestock exploiting village resources has increased dramatically. This poses two problems: crop damage during the growing season and over-grazing in the early dry season of pastures closest to the longest-lasting surface ponds.

To deal with these issues as well as with others (pastoral input supply, marketing, etc.) PRODESO invited local stockowners to create a Herders Committee. This unit, organized in 1984, serves both as a local mutual attached to the herders' cooperative based in Yélimané, and as a herder governance unit within the village. Committee members, working with PRODESO technicians, developed a pasture rotation system that reduced crop damage and prolonged availability of forage in the neighborhood of surface water.

Yaguinébanda surface water sources occur in three areas: in the chain of hills that forms the eastern border of village lands; a small pond south of the settlement; and a larger one north of the settlement. Herds are moved into the hills during the growing season, far from crops and in an area where forage and water are abundant. At the beginning of the dry season, when hill water sources dry up, herders water their animals at the small pond south of town and exploit adjacent pastures. When that pond dries, they move to the northern pond, which lasts for up to two more months. By the end of February, all animals must be watered from village wells.

Ground Waters

Hand-dug wells are controlled by those who create them but water is generally abundant during the summer when the water table is high enough to make such wells feasible. Thus few issues of access arise. Tubewells and largebore wells are treated as common property resources subject to minimum regulation, formulated in four operational rules:

- ◆ first come, first served - whoever is willing to queue can have water so long as the supply lasts; once at the well head, an individual can draw as much water as s/he needs, e.g., to water a herd of livestock;
- ◆ stock may not be watered within a 2.5-meter radius of wells, tubewells and cistern-wells;
- ◆ users may not employ certain wells for washing clothes or dishes; and
- ◆ villagers are required to finance recurrent costs of operating the diesel pumps installed on some wells, and the costs of repairs when hand pumps break down.

Enforcement of these rules is the prerogative of the Bush Fire Control Committee, but no details are available on monitoring patterns, sanctions or dispute resolution procedures.

Grass Forage

Working rules of the rotational grazing system governing use of grass forage have already been described. One additional rule constitutes a significant improvement in pasture management strategies. Before PRODESO actions expanded stock raising opportunities in Yaguinébanda, bush fires annually ravaged a large proportion of village pastures. In 1986, PRODESO convinced local people that forage resources upon which their future potential economic success was based were uselessly going up in smoke each year, and probably being degraded over the long run.

The proposed remedy was to construct a fire break along the eastern edge of the flat pastures, at the base of the chain of hills. The working rule stipulates that individuals of working age and able to work must participate at the beginning of each dry season - when crop harvesting activities are in full swing - in constructing a 12-km-long firebreak. Shirkers can be fined 2,500 FCFA for each unexcused absence.

Tree Browse

Shortly after its formation the Herders Committee decided a ban on cutting live wood within the village jurisdiction.

D. Actors' Interactions Concerning Pasture Resources

1. Rotational Pasture Management System: Grass and Surface Water

This system works relatively well. Three members of the Herder Committee patrol three sectors of village pasture lands, informing both local and localized transhumant herders of regulations being applied at any point in the pasture management system. Compliance is reported by the Committee head to be adequate, with the occasional exception of a transhumant herder merely traversing village lands and resting his animals for several days in the process. One local herder did contradict this, asserting he takes his animals when and where he wants.

At present, Yaguinébanda still has a surplus of grass pastures resources. Overgrazing is not a problem. Equity is served since those who want grass for their animals can get it. Furthermore, efficiency has been improved by the rotational grazing system because the distance animals have to move between water sources and pastures is minimized by the rotational system.

2. Pasture Fire Protection System

Since the system was established in 1986, villagers claim they have respected their commitment. Technicians with the Waters and Forests Service in Yélimané confirm that Yaguinébanda sets the standard for surrounding communities. Residents annually invest 1,000 person-days of collective unpaid work to re-open their firebreaks. If a bush fire does occur they mobilize to combat it. Other communities have refused to create firebreaks, but do mobilize en masse to fight wild fires.

In Yaguinébanda work on firebreaks is supervised by one of the chief's subordinates and by age grade leaders. Together they keep track of who appears for work and check on

absentees to determine whether they have legitimate excuses. Fined absences are extremely rare.

Bush fires have diminished substantially since the fire control system was instituted. It is difficult to judge the efficiency of this system in the short run, since reduced stress on animals is purchased by collective investment of 1,000 days annually devoted to opening the firebreak. However, the long-term impact is likely to be positive and appreciable. Preserving pasture productivity preserves opportunities to expand stock raising activities within the community. Since most village households own livestock, inequities occasioned by the collective labor mobilization system are probably minimal.

3. Browse Management System

Stock-owning villagers want to preserve tree cover on village lands. Trees provide shade and a microclimate at their base favorable to grass production. If trees are removed, grasses soon disappear as well. Informants reported that cases of proven rule violations were rare. This should be interpreted as meaning that it is difficult for Herder Committee members to shadow each herder, which makes it difficult to get proof of violations. Herders are tempted to lop limbs particularly in the late dry season when green forage is otherwise non-existent. Visual evidence indicates some, but not devastating cutting continues to occur.

4. Well Management and Maintenance System

Villagers report good compliance with the simple rules governing exploitation of well water. Visual observation in Yaguinébanda indicated that wells, including those with pumps installed, were functioning properly, as was the public water supply system villagers had installed at their own expense. Presumably villagers as a group find themselves better off for maintaining these common property investments.

E. Third Republic and Possible New Opportunities for Self-Governance and - Management Concerning Pasture Resources

Critical changes in institutional arrangements from the Traoré dictatorship to the Third Republic may give renewed value to national commitments to decentralize, strengthen the judicial branch, and enhance recourse for citizens in terms both of resolving local disputes and confronting abuses of power by government and military officials. This section begins with a brief review of institutional arrangements under the Traoré regime and their consequences; it then describes formal innovations provided for under the new constitution and the "national pact," or treaty with Twareg rebels who fought a guerrilla war for autonomy from 1989 to 1992 but eventually agreed to a cease fire in return for guarantees of greater regional autonomy.

1. Overview of Traoré Regime

In its last years the Traoré government operated a monocentric political system, characterized by a captive legislature, a single political party, a frequently intimidated and corrupt national judicial system. The Traoré regime merely continued the fundamental institutional assumptions of the French colonial and first civilian independence regime under president Modibo Keita, that is:

- ◆ common people are incapable of governing their own affairs because they lack "training;"
- ◆ since common people are incapable, efforts at governance and management they initiate independently without prior approval by government authorities are at least wasteful and probably dangerous;
- ◆ tutelary authority must be exercised by the government to prevent common people from making mistakes (acting outside the nationally-established development plan) and to protect them from traditional elites (notably the dethroned canton chiefs);
- ◆ government must be responsible for common people "from cradle to grave."

Three negative consequences of this system stand out:

- ◆ since citizen initiative was generally unwelcome, it generally languished;
- ◆ the national government never controlled the financial or human resources to honor its commitment to citizens to provide cradle to grave services; and
- ◆ corruption grew apace once officials at most levels realized they could exercise very wide determining powers to define, in practice, what the working rules were in their jurisdictions. Many succumbed to the temptation and profited thereby.

2. Formal Institutional Changes under the Third Republic

This subsection describes significant changes in formal institutional arrangements prescribed by the Third Republic constitution.⁴ It also notes some of the special institutional provisions for the "northern regions" (read Twareg pastoral zones of northern Mali, collectively, the "Azawad") of the *Pacte National*. The next section turns to the question of the extent to which these institutional innovations may encourage greater efficiency and equity in RNGM. The present section deals first with decentralization issues, and then with changes in organization of the judicial system.

Decentralization and Local Organization

The constitution of the new Third Republic authorizes creation of governmental jurisdictions that will parallel the former administrative jurisdictions down to the *arrondissement* level. While this may be done subsequently through a basic law, the new constitution currently makes no provision for recognizing as formal governments the existing grass roots administrative units such as villages, quarters, "nomadic" groups and tribes. Nor does the new constitution encourage citizens, local groups or formal/informal units (e.g., villages, groups of villages) to constitute new jurisdictions to deal with specific natural resource governance and management problems.

⁴ The constitution of the Third Republic was approved and implemented January 12, 1992.

Lack of such a constitutional facility at the disposition of citizens and local leaders amounts to a powerful brake on local initiative to build institutions that reflect the ground-level realities of natural resources distribution and use patterns. There is sentiment among national-level decision-makers to redraw geographic boundaries of the *arrondissements* to "more accurately reflect local historical and social solidarity patterns,"⁵ but this has not yet been approved.

The most significant formal changes propounded by the new constitution concerning decentralization are:

- ◆ Title XI (Articles 97. and 98), providing for organization of "local" collectives, i.e., regional, *cercle*, *arrondissement* or county level units, and urban jurisdictions; and
- ◆ Title XII (Arts. 99-105), establishing a High Council of Local Governments to function at the national level.

Contents of these two Titles are discussed in sequence.

Title XI provides for the creation of autonomous local governments for both urban and rural areas. Those of interest here are rural governments. These units, at the regional, *cercle* and *arrondissement* levels, are to have councils, selected by a system of indirect election, and authority to govern themselves (*s'administrer*) within terms established by a basic law. They are expected to have authority to legislate rules and limited taxation authority to mobilize resources to address issues of local interest as well as spend funds allocated to them by overlapping governments.

Below the *arrondissement* level, villages are to have councils as well, whose members are to be directly elected by persons aged 18 and over. The councilors will select both a village chief and a representative to the *arrondissement*-level assembly. The *arrondissement* councilors, chosen by indirect suffrage, will likewise select a president and a representative to the *cercle*-level council. The same process will be repeated at that level to constitute the

⁵ Gellar, "III. Decentralization in Mali," p. 10, in "Democratic Governance in Mali: A Strategic Assessment," prepared by Richard Vengroff, Sheldon Gellar, Benoit Ngom and Tessy Bakary; Washington, D.C.: Associates in Rural Development, Inc. in association with Management Systems International, October 1992 [draft]. This section draws at various points on this document.

regional government. Council presidents at the *arrondissement*, *cercle* and regional levels will be assisted in their tasks by the technicians and administrators posted in the jurisdiction by central government agencies.

The electoral system is expected to strengthen power of local traditional leaders. Elections at all these levels will be contested by multiple parties, which should increase politicians' responsiveness to the interests of village council leaders⁶. Thus the operative question for Yaguinébanda, and similar communities with NRGM problems or unexploited opportunities, is whether community residents will be able to demand a reasonable degree of accountability from community leaders. If so, such communities may be able through political pressure to extract from officials and technicians of overlapping regimes higher levels of cooperation and support for their efforts to deal with NR problems and opportunities.

This scenario does not imply a massive transfer of resources from higher to lower levels of government. Officials from higher government levels could simply provide legal and technical back-up, e.g., by supporting local efforts to limit access to common pool resources so that they can be managed rather than left at risk of over-exploitation because they have the status - as far as the working rules are concerned - of open access resources. If so, considerable improvements appear possible in NR users efforts to govern and manage them.

However, the proposed system of local governance incorporates certain serious weaknesses when viewed from the perspective of NRGM. Failure to recognize villages and other local communities as formal governmental units, rather than merely as electoral jurisdictions and administrative units, represents a lost opportunity to capitalize on existing potential for self-government concerning NRGM.⁷ Many of these units have continued to

⁶ [Sheldon Gellar], "III. Decentralization in Mali," p. 10.

⁷ Recognizing local communities as legitimate centers of governance that require *and should have* appropriate rule-making, -application and -enforcement powers, taxing and dispute resolution authority if they are to function as effective governments, was strongly supported in the recommendations of the Seminar Workshop on Land Tenure and Decentralization Issues, Bamako, 28 November 1991, pp. 4-5.

function as de facto local governments, whatever the character of overlapping regimes. Failure to recognize them as potentially key actors in NRG, and to transfer formally to them the powers necessary to govern as well as manage resources, amounts to under utilization of existing institutional capital. The consequence is to make local initiative hostage to the approval and support that must be provided by overlapping regimes, whether administrative or elective. Depending on the strategies of technicians, administrators and politicians of overlapping governments, this situation could drive up transactions costs of obtaining authority to engage in effective NRG.

Title XII of the new constitution provides for creation of a High Council of Local Governments (HCLG). Members of this body are to represent the interests of sub-national jurisdictions from which they stem in matters of environmental protection and social welfare. Constitutional rules preclude an individual from holding concurrently the post of national deputy and HCLG councillor.

Rules implementing Title XI and organizing the details of local government are expected to be promulgated in early in 1993.⁸

The National Pact

The national pact is a peace treaty signed April 11, 1992 with Twareg rebels⁹ who had conducted a three-year war of resistance in the northern parts of the Sixth and Seventh Regions and throughout the new Eighth Region. It spells out in more detail than the new Constitution the character and organization of local governance envisioned for the northern parts of Mali. In particular, it provides for direct election of councilors at the *arrondissement*, *cercle* and regional levels. It provides also for creation of an inter-regional government. Membership in this council would be voluntary on the part of eligible regions (Sixth, Seventh and Eighth). It is to be governed by a small assembly selected by indirect suffrage from the member regional councils.

⁸ Gellar, "III. Decentralization in Mali," p. 10.

⁹ The *Mouvements et Fronts Unifiés de l'Azawad* (MFUA); *L'Essor Quotidien*, 14 April 1992, p. 4 (reprint of text of the *Pacte National*).

Judicial Reforms

A recent evaluation of the Third Republic judicial system sums up changes in that institution in a single paragraph:

The Malien judicial system has been set-up with regard to a recent political experience marked by a justice system subordinated to political power and discredited in the eyes of the people. With regard to that fact, the Malian Constituent Assembly decided to protect the legal system from the control of political authorities. Thus a separation of power has been worked out. Henceforth, the judiciary is considered an autonomous power and not as a subordinate authority.¹⁰

It is not of course clear when and to what extent these reforms will be implemented, and if they are, how effective they will be in providing citizens leverage to challenge governmental decisions at local as well as national levels. Nonetheless, it is promising that the Malian Constituent Assembly of August 1991 invested considerable effort in buttressing judicial autonomy.

F. Prognostication about Impacts of Institutional Changes on Efficiency and Equity of Pasture Governance and Management

This section begins with general comments on the nature of administrative relationships with the population in Mali since independence. Then it addresses specific issues concerning the potential impact of constitutional changes on pasture management in Yaguinébanda and in other pastoral regions.

¹⁰ (Bernard NGom [President, Association of African Jurists], "IV. Mali's Judicial System," p. 3, in "Democratic Governance in Mali: A Strategic Assessment," prepared by Richard Vengroff, Sheldon Gellar, Benoit Ngom and Tessa Bakary; Washington, D.C.: Associates in Rural Development, Inc. in association with Management Systems International, October 1992 [draft]).

1. *Administrative Traditions in Post-Independence Mali*

Problematic aspects of institutional changes intended to encourage decentralization revolve around the distinction between devolution and deconcentration. For much of the past century, the geographic area now known as Mali was ruled by a succession of highly centralized governments under the colonial, independent civilian and independent military regimes.

Since before independence in 1960, national government administrators and technicians have been raised and socialized in this centralized system of governance. Administrators have been trained to command *leurs administrés*. Their reactions in most situations are keyed to implementing top-down directives. This clashes with the formal political commitment of the new regime, which envisages considerably more participation by Maliens as citizens in the country's governance. Resistance is to be expected from many of those in the national administration and technical services accustomed since independence to operating by commanding subjects accorded few if any prerogatives of citizens.

Despite the traditional *dirigiste* approach to many development problems prefaced on the pernicious assumption that those with diplomas somehow immediately become omniscient, whereas those without have nothing to contribute but their unthinking labor, some technicians have evolved a much more collaborative approach to the resolution of development problems. *The Compagnie Malienne de Textiles* [CMDT] has played a lead role in this process, the proof being that CMDT peasants have, since March 1991, persistently demanded a greater role in economic and political affairs.

Other examples of collaborative approaches to resolution of development problems, particularly those involved with NRG, are documented in several chapters of a study of renewable natural resources governance and management carried out in Mali in 1990.¹¹

¹¹ In addition to Chapter VI on a CMDT village in southern Mali, see also Chapters III, IV, V, and VIII in "Decentralization, Governance, and Management of Renewable Natural Resources: Local Options in the Republic of Mali," Hadiza Djibo, Chéibane Coulibaly, Paul Marko and Jamie Thomson, Vol. III of Studies on Decentralization in the Sahel (OECD Contract No. 90/52, prepared for the Club du Sahel); Burlington, VT.: ARD, Inc., October 1991.

2. Impacts of New Constitutional Changes on Yaguinébanda Pasture Governance and Management Practices

Two obvious points must be made before speculating about impacts of constitutional changes:

- ◆ Yaguinébanda residents, like other Soninké in *Yélimané Cercle*, have long demanded that administrators and technicians recognize their prerogatives as citizens and have, as a result of this consistent posture and migrant remittances, already benefitted from a collaborative approach to development in their relationships with PRODESO, the Waters and Forests Service, and the Livestock Service;
- ◆ the speed and extent of implementation of constitutional changes remains highly problematic.

Assuming accuracy of these observations, it seems fair to conclude that, in Yaguinébanda, changes in residents' behavior in the area of NRGM are not likely to be earth-shaking. On the other hand, it is easy to imagine that clear recognition of local NRGM prerogatives and a consequent reduction in the transactions costs of obtaining authoritative rules on governance and management of pasture resources could stimulate an incremental process of improvement in the existing system.

If the changes promoting local governance capacity envisaged by some articles of the new constitution are introduced, several other innovations become possible. Yaguinébanda stock owners like their peers in other *Yélimané* communities have long sought better transportation and marketing infrastructure facilities for the animals they produce. Soninké, unlike Twareg, Fulbe and Moor pastoralists, appear to produce livestock primarily as an investment (they engage in ranching - meat production for profit - rather than in dairy-farming for subsistence, with meat and milk product marketing as secondary activities, as do the latter three groups).

Soninké could be expected to respond to greater market demand by adding more animals (for eventual sale) to exploit further the under-utilized pasture resources they possess (at least in years of average to good rainfall). Thus if better - cheaper, more rapid and reliable - transportation facilities were developed in Mali's northwestern Region I because

burdens illegally imposed on private and public entrepreneurship under the former autocratic regime are sharply reduced under a new, more democratic and more open political system, stock-raising activity can be expected to expand.

At some point, particularly in bad drought years, such developments will pose range management problems. Who has rights to maintain what size core herds on village lands, in order to restart ranching activity when climatic conditions improve? This may raise interesting questions of relative prerogatives of Yaguinébanda residents versus transhumant pastoral families who now winter their stock on village lands. Solutions along lines already developed - importing food supplements - can be envisaged, but who is responsible for implementing them, and who has the right to be included?

3. Implications of Constitutional Changes for Other Pastoral Areas and Groups

If the Malien national government implements decentralization provisions of the Third Republic Constitution and National Pact with due deliberateness over the next three to five years, two outcomes, similar to those predicted for Yaguinébanda, can be foreseen.

First, when demands exceed supply of pastoral resources, local communities in the Sixth, Seventh and Eighth Regions can be expected to invest more effort in delimiting their resources and in excluding non-authorized users. Concurrently they may seek ways to increase the drought-resilience of their production systems by investments in tapping new water sources, in enhancing perennial grass resources, and possibly in developing more rapid destocking arrangements.

Greater local autonomy and authority, plus a new set of citizen-dependent supra-local institutions whose officials have stronger incentives to respond to the interests of their electors than to those of officials in overlapping regimes, may open the door for further institutional innovations. These will likely involve local initiatives to structure pastoral enterprises in ways that draw more fully on herders' indigenous knowledge of what is and is not feasible. Institutional innovations might also involve coordinating pastoral strategies in jurisdictions above the grass-roots community level, again to improve infrastructure and to enhance the capacity to exploit under utilized resources.

The second consequence to be foreseen is greater "ethnic" conflict. Units of different ethnic groups as well as units within the same ethnic group may begin jockeying for advantage. Methods by which such conflicts can be resolved, and the costs of resolution, will greatly influence the capacity of Malian pastoral peoples to maintain a degree of economic autonomy and some capacity to defend new political prerogatives. If repeated armed skirmishes, or prolonged open warfare result among pastoral groups using resources in the northern regions, odds are that the central government will attempt to re-impose a fiat form of order. If conflicts can be resolved by peaceable means, on terms that litigants will accept and support, then productivity and living standards in the pastoral sector may gradually improve.

G. Conclusions

This paper has used a single pastoral community, Yaguinébanda, situated in northwestern Mali to illustrate the natural resource elements and attributes of those resources, of the community and of rule systems to highlight incentives that influence stockowners' behavior. Analysis focused on the nature of the pastoral enterprise in Yaguinébanda during the last years of the autocratic Traoré regime.

In the aftermath of the downfall of that regime, Malians have developed a new constitution. Key provisions indicate a renewed commitment to transferring authority over NRGM to local communities. Should these commitments be honored, pastoral communities in both the northwest and northern (Azawad) regions will have new opportunities to use institutional innovations to strengthen their production systems. They also face new dangers linked to greater local autonomy and authorization for more autonomous local initiatives. The outcomes are problematic in this latter case. The quality and reliability of dispute resolution mechanisms will play a key role in the success or failure of the new system.

As far as Yaguinébanda is concerned, residents appear likely to use new institutions productively. They have experience with organizing for political as well as legal action, are competent to defend their interests. It seems reasonable to expect them to lobby for improved market access.

If in future grass and browse resources come under pressure, so that the issue of limited supply of forage is posed, the critical issue will be whether the community can organize to set and enforce a stint. So far, this capacity has not been tested.

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