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**UTILITY OF THE ANALYTIC FRAMEWORK IN
ANALYZING DEMOCRATIC GOVERNANCE IN MALI**

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A. Introduction

The value of this framework, used in assessments of democratic governance in Africa, may be illustrated by reference to the Malian case. Although it was employed only partially during the assessment in this country, the analytical framework has proven of clear utility both during the study missions and afterwards, inside the country, to Malians trying to strengthen democratic governance practices.

The framework made it possible, first, to grasp more fully the operation of village-based institutions, and to see that the logic on which present day village operations rest parallels the reasoning incorporated in the governance/democracy analytic framework. This applied research also showed how operations of institutions above the village level in Mali do not reflect the democratic disciplines outlined in the analytic framework.

Finally, this framework sheds more light on the practice of certain groups operating in Civil Society, one of whose stated objectives is to strengthen grassroots organizations, in order to enable them to influence institutions to adopt more democratic processes.

In this document, we want to show among other things that Mali's rural inhabitants are very aware of the democratic disciplines that underlay the working of traditional institutions. They use *these same principles today in the management of village affairs*. On the other hand, at the national level, very few people think these democratic disciplines should form the foundation for the handling of public affairs.

The best way to demonstrate the usefulness of the democracy governance framework is to review individually each *democratic discipline* as it relates to the exercise of power, in order to understand how the disciplines contribute to the analysis of the organization and use of power in Mali. Such analysis facilitates understanding of relationships among disciplines and, from a highly practical and applied standpoint, of their value in clarifying strategies to control the use of power.

[To keep the body of the document brief, materials on contemporary democratic governance at the village level in Mali have been placed in Annex 1. In addition to contemporary strategies to control use of power within communities, the annex describes the historical context within which those patterns of governance evolved. Village democratic governance is assessed in terms of the six democratic disciplines, around which the democracy/governance analytic framework is organized. Annex 2 describes the contrasting evolution of the democratic disciplines at the national level during the period from 1958-1991, first under a single-party state and then under a military dictatorship.]

1991, first under a single-party state and then under a military dictatorship.

Materials in these annexes provide background critical to an understanding of the value and uses of the democracy/governance analytic framework in contemporary Mali. Readers are strongly advised to at least scan those sections prior to reading the remainder of the main document.]

B. Usefulness of an Analytic Framework for Democratic Governance Based on the Concept of Democratic Disciplines

Within the context of contemporary institutional arrangements at community and national levels in Mali,¹ the widespread dissemination throughout the country of such a framework for assessment of democratic governance is of great importance. It can help various social strata and groups considerably as they deliberate and try to create institutions of democratic governance.

After more than 30 years of authoritarian regimes, Malians share with other Africans a strong desire to acquire more detailed information about democratic models for political organization and institutional arrangements. In Mali, information and education have eroded, in particular as far as understanding how to improve the inadequate performance of institutions. For lack of alternative models and analytic frameworks, the reform agenda is artificially restricted. In nations where, as in Mali, the model for the "elites" (whether or not they are motivated by a desire to dominate the system) is only a pale reflection of the French model, the dearth of alternative models is striking.

Yet institutions are the focal points today of struggles for political reform at local, national, and international levels. Political elites realize this, and some support reforms. The latter, in particular, are seeking alternative ideas about institutional arrangements. In a context like this, great advantage can be gained by disseminating alternative models and frameworks for reflecting about institutions and institutional reforms.

The reflections presented below have the advantage of suggesting avenues leading out of the dead-end labyrinth into which we seem today to have strayed. They draw heavily on findings and recommendations of the USAID-financed assessment of prospects for democratic governance in Mali. Other donors did not commission reports on democratic governance in Mali on the strength of USAID/Mali's commitment to share information. It is essential, therefore, that the final draft of the report be released by the USAID Mission both to other donors and, more importantly, to interested Malians.

The following reflections will help illustrate the utility of the democracy/governance

¹Ample illustrations of these institutions, their operation, and the constraints they face are presented in Annexes 1 and 2.

framework:

First, the political class. The best elements of this group have, to their credit, risen above partisan squabbles and continually pursue researchers and political scientists in search of new proposals about institutional issues. For example, presidential advisers have frequently contacted EMBRYOID² for results of USAID's assessment of democratic governance in Mali. They continue to inquire when findings of the assessment will become available.

Among this group we must also include the principal leader of the opposition (who came in second in the 1992 presidential elections). He has often discussed with us ways to fill the gap between the forms of representation established by the "modern" elections and the workings of institutions in the grassroots communities (village, group, neighborhood).

Many members of various parties, in the majority as well as the opposition, have borrowed the assessment of democratic governance in Mali, in order to read its conclusions. When we published, in several consecutive issues of the newspaper *CAURIS*,³ excerpts from the annex to the democracy/governance assessment entitled "Rural Inhabitants and Democratic Governance," advisers to the president bought a number of copies and issues.

These facts do not prove that the political class will unanimously support the proliferation of institutions of democratic governance. However, it is certain that this class should not be able to claim ignorance of this undertaking, particularly those who are trying hard to inform themselves about institutional options.

Next, the citizenry. Ordinary citizens would be given the means to exert sustained pressure on the political class. Only when that happens will the latter be compelled to stop thinking of the Malian people as a *puer robustus sed puer*; that is, a strong child, but nonetheless a child.

For this reason, information must be disseminated in the national languages, and presented in ways that take account of the normal channels through which the various communities (both rural and disadvantaged city dwellers) learn about current affairs. It now appears, after a number of experiments we have conducted in conjunction with the newspapers written in national languages that we have established (*Kalamene* and *Saheli*), that a purely theoretical account, even if well translated, will be highly criticized by our readers, who judge the article to be abstract and, on occasion, "a mere flight of fancy."

²A consulting firm, The Institute Malian de recherche appliques au développement [Malian Institute for Applied Development Research], which I have headed since 1986. Three EMBRYOID employees participated in the USAID Democracy Governance Assessment conducted in Mali in 1993-94.

³A bi-weekly newspaper focusing on political and economic affairs, of which Mr. Coulibaly is editor and principal columnist. Published in Bamako in French; circulation: 3,000.

Therefore, we must "process information" not by translating a text, but by writing about a political philosophy and of necessity, illustrating it with examples, many if possible. We must rebuild a shared consciousness about democratic governance *at the national level*. This collective consciousness has been amputated by several decades of the practices of a State that is more than anything else predatory in nature.⁴ In the minds of the citizenry, the image of the State after 30 years of independence corresponds in fact to this notion of a predatory national government subject to no control. We are dealing with people who need to be taught that democratic disciplines must be complied with by a government which calls itself democratic.

Then, the opinion leaders (spiritual leaders, persons influential in civil society, etc.). They will draw from this kind of assessment more arguments, that is, greater confidence in the implementation of an ideal that many of them have erected against the backdrop of the sufferings which the citizenry experienced. Practical achievement of this ideal has proven elusive to date. The democracy/governance analytic framework offers them a model that is consistent, but not merely theoretical, since it is designed based on State practices in various countries.

For the time being, the practices of these leaders flow mainly from the deep-seated rejection of the negative experiences through which we have lived. The thinking of these leaders today appears piecemeal rather than organized around a coherent vision from which the society of tomorrow can be forged.

Moreover, these leaders seem to realize this fact. They are engaged in a sometimes pathetic search for solutions to current crises. These crises may become catastrophes if, for example, institutions are not available to mediate when disputes erupt between communities or between a community and the State.

Finally, the Malian nationals who took part in the study. These individuals can play a tripartite role in an analysis of this kind:

- *enrichment of the study.* It is imperative in a institutional assessment of this kind that Malian nationals participate in the research effort. They alone can grasp within a relatively short time the nuances of the political and social realities their fellow citizens experience. This enables them to help the team of foreign analysts avoid harmful errors, especially as regards institutions.
- *training of a core group of Malian nationals.* These persons will, in fact, learn to comprehend more fully the functional and dysfunctional aspects of existing institutions, to better assess the stakes that underlie and prop up dysfunctional institutional arrangements, and to devise strategies to modify those stakes and effect

⁴Readers are urged to consult Annex 2 for concrete examples.

reforms.

- *the education of increasing numbers of Malian nationals.* Members of the core group can themselves become opinion leaders and participate in educating their fellow citizens; this is absolutely essential if major reforms in the way government agencies operate are to be institutionalized.

The democracy/governance analytic framework offers Malian citizens opportunities to institutionalize democracy and, therefore, the promise of greater justice. Seen in this broader perspective, the analytical framework offers hope that conflicts can be prevented and may be resolved peacefully in forums designed for that purpose. Such forums offer methods other than the street for achieving one's demands.

All of this is not merely theoretical. Experiments at reform are on-going. They are designed to realize the potential for democratic operation of institutions. The next section outlines some of these on-going efforts.

C. Practical Program

This section highlights the stakes involved in developing democratic institutions, the efforts of the executive branch to dominate each of these institutions, and the strategies implemented by civil society through organizations such as the Association for the Protection and Strengthening of Democracy (*Association pour la Sauvegarde et le Renforcement de la Démocratie* - ASARED) to thwart these attempts at control.

1. An Inventory

We conclude as follows: the Executive Branch cannot now reject the establishment of democratic institutions provided for by the Constitution, a document drawn up by the National Conference and enjoying unquestioned legitimacy. However, the Executive Branch is not willing to allow these institutions to exercise the control they are supposed to have over state agents and agencies. Thus the Executive has formulated a complete strategy to ensure that it dominates these institutions.

One of the components of this strategy lies in the way in which these institutions are staffed. On the one hand, a large number of local leaders are often appointed members without being consulted beforehand. They have no understanding of the hidden stakes involved in these organizations. On the other hand, government officials have been promoted to leadership posts in such institutions. The latter are fully aware of the stakes involved but for them, these posts represent primarily a source of "rents."

The establishment of the Economic, Social, and Cultural Council (*Conseil Economique Social et Culturel* - CESC) in June 1994 illustrates the implementation of this

strategy. A constitutionally mandated institution, the CESC is supposed to represent the various groups within Civil Society. It is designed to enable Civil Society representatives to debate the political choices of the Executive Branch. In this regard, the CESC is as important as the High Council of Decentralized Governments, the establishment of which is today the target of maneuverings between the Executive Branch and some circles within Civil Society.

2. *The ASARED Strategy*

This strategy was published in Bamako in October 1994.⁵ It rests on a basic principle, i.e., strengthening grassroots organizations belonging to Civil Society while respecting their autonomy. These organizations include farmers' associations and associations supporting women and other disadvantaged groups both in the cities and the countryside.

What does this strengthening entail? First, it means avoiding proliferation of a multitude of tiny, isolated associations, as this reduces their ability to negotiate with other categories of actors, i.e., the government, business people, etc. The underlying idea is not to raise obstacles to those wishing to create an association, of whatever size; it is to encourage these various small associations to join together to solve those problems that affect them all and that also exceed the powers of any individual association to resolve. Our job is to help these united associations remain independent in relation both to the State and to other social groups. Such a role for ASARED reflects the concerns of farmers, who assert they are discouraged in their attempts to find organizations above the village level because the latter are quickly "captured" by administrative agencies or political parties.

The expected result is that these relatively large organizations, enjoying a real autonomy, will influence the make-up and operation of democratic institutions in the sense of greater justice and more participation.

The activities previously undertaken in accordance with this strategy are as follows:

- **Strengthening farmer institutions.** As part of the effort to strengthen farmer institutions, meetings have already been held and others are scheduled that should lead to establishment of regional coordination arrangements and a national coordinating unit for farmers' organizations.
- **Reforming electoral process.** As part of the establishment of a more credible electoral process, contacts have been made with various political parties, in order to draw up a set of electoral rules to which all parties will commit themselves. Some

⁵CAURIS, No. 78, "Special Article: ASARED," from October 28 to November 10, 1994.

parties, such as the BDIA⁶ and the CNID⁷, whose candidates came in second and third, respectively, in the most recent presidential elections, are already preparing their suggestions for electoral rules. In addition, ASARED has aired a proposition to set up an independent commission charged with supervising the conduct of the future presidential elections (scheduled for 1997).

Initial contacts have also been undertaken with certain bilateral and multilateral donors for the purpose of carrying out a comprehensive population census, which is essential for preparing reliable election rolls.

Peaceful resolution of Twareg problems. With respect to peace in the North, OXFAM has asked ASARED to help in rebuilding a social fabric that was torn asunder following armed conflicts between Twareg dissidents and the army. These conflicts have continued since June 1990, punctuated by short periods of calm.

Local language media. This one-year program, funded at a level of \$750,000, includes a very extensive public information component. Information about the situation in the North, as well as about other political and economic matters of current interest, is to be disseminated in nine national languages. The major vehicles in this regard will be newspapers created for the purpose, backed by radio and television broadcasts. The aim is to provide accurate information to the different elements of Malian society. The OXFAM activity also comprises a secondary program of substantial assistance to the victims in all communities in the North (both refugees and those who opted to remain in the combat zones).

Legal reforms. Concerning development and implementation of a more democratic legal framework better suited to the problems of the majority of Malian citizens, ASARED has adopted a gradualist strategy that entails less confrontation. It is convinced that, at present, it cannot dictate to the government and to governmental agencies the modification of texts governing a number of sectors involving rural producers, and, through these latter, the society as a whole.

Participatory governance and management of renewable resources. Farmers' organizations will be assisted to draw up, in conjunction with government and local technical authorities, agreements which authorize these organizations to solve their day-to-day renewable natural resource governance and management issues and public service provision problems. This type of agreement is in force in the Koro area (Fifth region) and governs the management of the village environment by the *Ogokaana*.

⁶ The Bloc for Democracy and African Integration (Bloc pour la démocratie et l'intégration africaine).

⁷ National Democratic Initiative Committee [Comité National d'initiative démocratique].

Code revisions. At the same time, ASARED is supporting the voluntary initiative of an outstanding Malian jurist to revise the Civil Code and thereafter, other codes, e.g., the Forestry Code. The objective is to offer the Government a code better suited to actual circumstances and which restricts the potential for bribery by reducing the maximum amount of fines so as to reflect the true ability of citizens to pay fines when they have committed infractions. This step would reduce the temptation for citizens to corrupt government agents, including judges, so as to avoid paying fines that are both very large in absolute amounts and disproportionate to the damage caused. Indeed, everyone considers these fines unfair. This justifies in everyone's eyes the attempt to bribe officials to escape paying sums that would prove ruinous for the family or the village.

- **Public information seminars, applied research.** Other activities are planned, such as the organization of training seminars on the *rights and duties* of citizens. This training would begin by solving concrete legal problems affecting the people. It would emphasize the need to pay taxes to strengthen the democratic State. Conferences are envisaged on the status of democracy. ASARED plans studies and research designed to clarify issues of national and international interest, e.g., decentralization, devaluation, structural adjustment, etc. In this regard, in December 1994 a special issue on decentralization was published by CAURIS, with ASARED covering printing costs.

3. Advantages of the Governance/Democracy Analytical Framework

The logic underlying these various activities is certainly not new for the organizers of ASARED. However, that same logic is clarified by the kind of reflection the democracy/governance analytic framework makes possible concerning Malian institutions and the operation thereof.⁸ The six disciplines also illuminate the various elements of the ASARED strategy as it attempts to establish mechanisms allowing Civil Society and local authorities to better control the exercise of power.

From another perspective, this framework renders the ASARED logic more accessible to other social groups. It clearly reveals relationships among the various institutions, their dysfunctional operation, and the resulting unsatisfactory outcomes. For example, it is possible to better understand why the "rents" economy persists:

- The State remains highly centralized;
- The electoral system continues to encounter serious problems because of contradictory electoral rules: a majority rule among multiple-member lists in single jurisdictions

⁸This entire section draws heavily on an analysis of the Mali Democracy/Governance assessment prepared by Ronald J. Oakerson and presented recently in discussions with some members of the Mali team.

for national elections, and a proportional rule for municipal elections (which encourages the proliferation of small parties, even though the opposition should be strong when it confronts the party in power);

- Accordingly, the Assembly is a quite unrepresentative body and remains intimately linked to the Executive Branch;
- The legal system is quite exposed to manipulation by the Government;
- And finally, it is impossible to revise the Constitution without the approval of the Assembly.

In addition, the analytic framework allows more effective fine-tuning of ASARED's strategies emphasizing elements that can leverage these strategies:

- existence of a competent community governance sector,⁹
- existence of a public domain (press and associational freedom, etc.) already more or less open, which must be exploited to the hilt,
- achievements of the National Conference, which has the advantage of being acknowledged as the fundamental frame of reference by all the actors, including the State,
- the opportunity offered by the High Council on Decentralized Governments and the Economic, Social, and Cultural Council to revive the constitutional debate.

The democracy/governance analytic framework, presented in an accessible form and in the national languages, facilitates mobilization of the various components of Civil Society for the purpose of controlling the workings of democratic institutions, because it gives them an overall view of where and how those institutions are dysfunctional as well as of the stakes involved in control and operation and reform of those institutions.

⁹Cf. Annex 1.

ANNEX 1. ANALYSIS OF POLITICAL RELATIONS

AT THE VILLAGE LEVEL IN MALI

To grasp the usefulness of the democracy/governance analytic framework for Malians, it must be seen in the context of the current disjunction between local and national governance practices. The overview presented here does not, of course, concern all ethnic groups. However, the history of the groups covered is representative of the experiences of all peoples who have lived in Mali. The issue here is the character of contemporary governance at the village level in Mali. Approaches to community governance are derived from the allocation of political power under the great pre-colonial empires.

One can find *today*, in fact, that at the community level and among a number of peoples, village institutional life is centered on very strict enforcement of the democratic disciplines. For example, among the Dogons living both on the plains and the plateaus (in the Fifth Region of east central Mali), analysis guided by the democratic disciplines reveals the following:

- as far as *multi-level governance* goes, the existence of different organizations whose domains of competence are known and acknowledged by everyone results in respect for their autonomy. From another standpoint, these organizations do not act outside their own domains without concerting their efforts with other social groups. These institutions include the village chief, the council of the elders, age grades, women's groups, environmental and social policing institutions, etc.
- where *elections* are concerned, there exists a specific method for appointing leaders. This method emphasizes the search for consensus (and not necessarily by simple majority rule). It also encourages development on the part of the elected representative of the sense that he must seek to deserve the confidence of everyone, even of those who expressed reservations about his candidacy at the outset. However, not all posts of responsibility are subject to elections, for example, the office of village chief. Often, the oldest person assumes those functions. The chief controls a team of younger persons who act under his orders. This arrangement may seem to Westerners a weak point with respect to democratic governance; yet strict division of power within communities means that this practice ultimately has little effect on governance of the community's affairs.
- as for *open deliberations among elected officials*, studies reveal that speech is totally free during meetings of local notables. Caste-related constraints do not apply during these meetings. For example, all men over the age of sixty belong to the council of elders, whatever their ethnic affiliation. Each may participate freely in debates regarding issues submitted to the council for consideration. The only limit is that people take care to preserve the secrecy of the deliberations, which never take place in the presence of a "stranger." Whenever participants in a meeting have no choice

concerning the presence of strangers, as sometimes happens with respect to political and administrative officials, decisions are postponed, or else the deliberations are conducted in coded language.

as for the *rule of law*, even within a community as small as the village one observes the existence of multiple recourses. For example, if an environmental policing structure (*Ogokaana*) punishes an offender, the latter may appeal to the village chief. If the punishment handed down by the chief seems excessive or unjust to the offender, he may appeal to the council of elders. It should be noted that there are social policing organizations which watch out for the interests of social groups traditionally considered to be disadvantaged (e.g., young persons, women, etc).

concerning the *open public domain*, apart from questions of strategy concerning community life, anybody who wants to attend deliberations of the various institutions. Accordingly, young persons, and even children, are tolerated during the resolution of certain questions, since these sessions educate them about the conduct of public affairs.

finally, in the area of *constitutional government*, two basic rules are consistently observed within this ethnic group: refusal to concentrate power in the hands of a single individual or a single institution; and the conviction that the chief must not be able to do whatever he wishes. The actions of the village chief are subject to the control of the council of elders, which is, in turn, not authorized to make initial decisions about daily management of affairs.

These components are currently encountered among all Mandingo peoples in Mali, and they are not incompatible with the opportunities these peoples enjoyed to forge empires. Indeed, the West African empires which began in the Sudano-Sahelian area were established and lasted because they were founded on respect for local governance and the management rules of the conquered peoples. Political institutions of these empires thus conformed with the principle of subsidiarity. The emperor collected tribute and troops as needed, but did not interfere with daily management of subjugated kingdoms. Moreover, the emperor did not enjoy concentrated authority. He was not, for example, the commander of the armies.

The advantage enjoyed by the ancestors over today's generations lies in the fact that they lived through periods when the democratic disciplines were enforced both at the village (micro) and empire (macro) levels. It must be said that, today, Malian citizens have no memory of one of these two levels.

ANNEX 2. CHALLENGE OF THE CURRENT POLITICAL SITUATION AT THE NATIONAL LEVEL IN MALI

Today, a large part of the population, especially young people, has no experience of a supra-village organization based on the application of democratic disciplines. The generalized incivility exhibited by very extensive strata within the society, and which is repudiated by the Malians themselves, is rooted partly in this loss of collective consciousness, or group memory occasioned by the various regimes that ruled the country from the colonial period to the present.

Since the beginning of colonial rule in Mali nearly a century ago Malians have lived through a succession of authoritarian regimes. In order to guarantee its control over the society by a handful of men, French colonial authorities struggled to destroy local organizations. Fortunately, this effort met only with very limited success. Following independence, a socialist regime sought to further this *disorganization* of local institutions, notably by abolishing the canton governments, some of which represented very old ethnic groups.

After the putsch leaders took power in 1968, the Malian military government continued efforts to dominate civil society. The idea of subsidiarity among different political levels was definitively replaced by that of an administrative State, whose plan was to exercise minute control over all echelons through enforcement of the rules of a very highly-developed tutelary arrangement. Although this program did not entirely succeed, it achieved enough success to make very difficult, and indeed to blunt, any local initiatives that exceeded the village limits, or that required recognition and legitimization by overlapping institutions.

All of these regimes, which relied on the principle of domination, defended the idea that a strong, centralizing State was needed to have a nation. In their eyes, this thesis justified the implementation of any measure whatsoever that restricted pluralistic expression. For example, at the time of Independence, it was thought that a single party system was required for harmonious development. All other parties were thus abolished. Similarly, the farmers' union was dissolved because, it was asserted, the socialist regime in power represented all of the people, and no single group needed an institution to defend its interests.

One by one, the democratic disciplines were completely abandoned in the name of economic efficiency and the need for political unity. Accordingly:

- as regards *multi-level governance*, this principle was replaced by that of "a single guide, Modibo Keita!" The decision-making forums were increasingly abandoned, until only one was left, the presidential palace at Koulouba, in the hands of a single individual. This situation was exacerbated during the Second Republic, under Moussa Traoré, to the point where the president was obliged, at the same time, to settle affairs of State and resolve individuals' family conflicts. As a consequence, the most

important decisions were not made within the required deadlines, and local initiatives were totally blocked.

as for *elections*, the principle of competitive choices made by citizens among candidates for positions at several levels was replaced by sham elections, in which the citizen had to cast his or her ballot for a pre-established list. Unfortunately, the elections held after March 1991 (date of the fall of Moussa Traoré and his Second Republic) have not completely escaped this "tradition." The candidates for deputy are inscribed on a list of multiple candidates grouped by political party, and majority voting among lists determines the winners. Furthermore, those not appearing on a party list cannot be candidates for election.

in the area of *open deliberations among elected officials*, from the moment when the decision-making centers were made subordinate to the wishes of a single man, the fate of the entire polity, and thus of elected officials, depended on the pleasure of this ruler. Deliberations among officials could not be open, since fear made the risks of denunciation increasingly great, and mistrust became a common rule governing the management of relations among officials.

Truth could no longer be expressed, either in the presence or the absence of the "Prince." Worst of all, the fact of speaking the truth seemed a challenge to Authority, even in the eyes of the person who spoke it. In the darkest hours, there were virtually no elected leaders other than those appointed by the head of state. And if, by misfortune, his choice at the local level was beaten in the voting, the election was invalidated and the president's candidate took power according to the system of cooptation.

After more than thirty years of this experience, officials today have difficulty in adhering to the practice of open deliberations. This is even more so the case since, for example, deputies feel beholden to their political parties more than to their constituents. Therefore the tendency in Assembly deliberations is to adhere to party discipline and to approve laws, sometimes without any real debate.

As for the *Rule of Law*, the idea itself lost all meaning for Malians, and it is not certain today that many could even sketch out the content of this notion. Abuses of power became the preferred, if not the only, way of exercising authority at supra-village levels for more than thirty years.

From 1968 to 1978, at the highest levels of government decisions were made by decree. Arrests of trade unionists, intellectuals, and especially teachers increased in number, and people were imprisoned without trial. Torture was conducted on a quasi-public basis. "Agricultural policies" were a disgrace, since they amounted to the expropriation of farmers' harvests. From 1970 to 1982, the army was deployed in the countryside to guarantee the government's monopoly over grain marketing.

The only true recourse lay with the head of state, who was himself very difficult to reach.

The result today is not only that the citizen is ignorant of what his means of recourse might be under a system characterized by rule of law, but also that these recourses aren't even in place. Corruption is still prevalent. Administrators and judges frequently collude to extract payments from rural inhabitants and groups of uninformed city dwellers. Accountability, in the view of both officials and citizens, is far from an obligation.

The *open public domain* is unquestionably the area in which the greatest progress has been achieved under the Third Republic, and for good reason.

The Second Republic under Moussa Traoré gained its strength from the repression (fiercely enforced at times) that reigned almost continuously. Its weakness stemmed from the fact that it sometimes established laws which, it was thought, people would never dare invoke. These laws erected a democratic facade vis-à-vis international opinion. Thus, for example, one law approved in 1988 permitted rural inhabitants to form as many village associations in each village as they wanted. This law was not made public, and its dissemination was prohibited, since the one existing party could more easily control each village through a single association whose members included all of the heads of families in the village.

Another law, this one concerning the press was, on the other hand, used to excellent effect by the leaders of the democratic movement. This law, which merely reactivated a law passed in 1959 (at a time when there was a free press), did not even stipulate a precise period of time between the date of the filing of a copy of a newspaper with the public prosecutor and the Ministry of the Interior, and the sale date. This interval would have enabled the police forces to seize the paper. The law approved in 1988 authorized the creation of private newspapers, but neglected to furnish the government with the means for controlling these press outlets.

Today, an open public domain can be used to create new openings for dissemination of information, particularly in rural areas, via the various national languages of Mali.

As for *constitutional government*, the idea of a single great leader, nourished for decades, did not enable the citizens to realize that the leaders should themselves be subject to the laws. But, more than the abuses of the Great Leader himself, it was the abuses perpetrated by his relatives and friends which made news: the affair of the bribes collected by Moussa Traoré's wife and brothers-in-law created a real field day for one segment of the press. Even today, however, one commonly hears it said that such and such an official of the party in power, because he contributed funds to his party's campaign, is at liberty to violate the law in order to enrich himself. The same

official does not feel any great need to hide his dealings, convinced as he is of his immunity and, as it is said, "his clear right" to behave in this manner.

One of the events which might have helped Malians to perceive this constitutional aspect was certainly the trial of former president Moussa Traoré. But, for "Reasons of State," this trial was recast to avoid critical issues, thus giving citizens the impression of a judicial system with little or no credibility.

The Constitution of the contemporary Third Republic is not designed to encourage among Malians any idea of this document other than a list of objectives to be achieved.