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COMPARATIVE ASSESSMENT OF DECENTRALIZATION IN AFRICA: MALI DESK STUDY

JULY 2010

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

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Report prepared for the United States Agency for International Development. Contract: DFD-I-00-04-00227-00, Task Order 15

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ACKNOWLEDGEMENTS

This report is one of 16 reports on decentralization in 10 African countries undertaken on behalf of the Conflict, Peacebuilding, and Governance Division of USAID's Bureau for Africa and the Office of Democracy and Governance of USAID's Bureau for Democracy, Conflict and Humanitarian Assistance. The reports include a desk study for each of the 10 selected countries, an in-country study for 5 of the 10 selected countries, and a single comparative report of the findings from all 10 countries. All reports were completed between May 1 and September 27, 2010.

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ACRONYMS

ACC	<i>Association des Collectivités de Cercle</i>
ACCRM	<i>Association des collectivités, cercles et régions du Mali</i>
ACR	<i>Association des Collectivités de Région</i>
ADEMA- PASJ	<i>Alliance pour la Démocratie au Mali – Parti Africain pour la Solidarité et la Justice</i>
ADP	<i>Alliance pour la Démocratie et le Progrès</i>
AMM	<i>Association des municipalités du Mali</i> (Association of the Municipalities of Mali)
ANICT	<i>Agence Nationale d’Investissement pour les Collectivités Territoriales</i> (National Investment Agency for Local Government)
ASACO	<i>Association pour la Santé Communautaire</i> (Association for Community Health)
ATT	Amadou Toumani Touré
AV	<i>Association Villageoises</i> (Village Association)
CCC	<i>Centre de conseil communal</i>
CEDELO	Expertise Center on Local Democracy and Development
CLO	Local Steering Committee
CNO	<i>Comité national d’orientation</i> (National Steering Committee)
CRO	<i>Comité régional d’orientation</i> (Regional Steering Committee)
CSCOM	<i>Centre de Santé Communautaire</i> (health center)
DDC	Swiss Development Agency
DNCT	<i>Direction nationale des collectivités territoriales</i>
FNACT	<i>Fonds National d’Appui aux Collectivités Territoriales</i>
GLEM	<i>Groupe local d’études et de mobilisation</i>
GREM	<i>Groupe régional d’études et de mobilisation</i>
HCCT	<i>Haut Conseil des collectivités territoriales</i> (High Council of Local Government Authorities)
KfW	<i>Kreditanstalt für Wiederaufbau</i> (German Development Bank)

MATCL	<i>Ministère de l'administration territoriale et des collectivités locales</i> (Ministry of Territorial Administration and Local Collectives; formerly MDRI)
MDRI	<i>Mission de décentralisation et des réformes institutionnelles la Famille</i> (now MATCL)
MTA	Ministry of Territorial Administration
NGO	Nongovernmental Organization
RPM	<i>Rassemblement Pour le Mali</i>
SNV	Dutch Development Agency
TDRL	<i>Taxe de développement, régional et local</i> (Regional and Local Development Tax)
URD	<i>Union pour la République et la Démocratie</i>
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

Mali's decentralization has its origins in, and is an integral part of, the country's democratization and democratic consolidation, which is viewed as a model in Africa. The process of decentralization began in earnest with the transition from the authoritarian regime of Moussa Traoré in 1990 and has been considered by Malian rulers and citizens to be an intrinsic component of bringing governance closer to the people. Its relative success has relied greatly on the country's vibrant civil society, engaged citizenry and propensity for national dialogue.

Malian decentralization was also born out of conflict. To a large extent, its impetus dates back to the Tuareg insurgency, which began in the latter days of the Traoré regime. Tuareg demands for autonomy, first accepted in a ceasefire agreement in 1991, resulted in a general push toward decentralization in the 1992 Constitution. Although it took several more years for decentralization to be implemented, these events set in motion a remarkably thorough process with genuine local initiatives (such as the creation of communes from below by the participating villages).

Although decentralization is at the forefront of Mali's political achievements, its success should not be overstated, for it remains plagued by significant structural weaknesses. First, while it is relatively easy to make laws (no fewer than 24 decentralization-related laws and decrees have been promulgated since 1990),¹ it has proven much more difficult to implement them and to effectively finance the devolution of power to local authorities. A relatively weak national government has produced local governments with severely limited capacity. Lack of human capital has made it hard to find individuals with the literacy skills to perform administrative duties at the local level. The dearth of financial resources has resulted in reticence on the part of individuals to join the civil service at the sub-national level.

Second, the very success of Mali in terms of democracy has had negative side effects on decentralization. A darling of the donor community because of its political openness, Mali finds itself highly dependent on external donors (governments, multilateral agencies and nongovernmental organizations [NGOs]) for the design, implementation, and technical support of its decentralization; effectively undermining local government control of regional and local development.

Third, decentralization has considerably multiplied the layers of government and has done little to reduce the effective control of the central government through deconcentrated agencies. Opportunities for transparency and accountability, which decentralization brings about, have been hampered by this structure. Community involvement remains too limited while a small number of individuals tend to take charge, which occasionally results in corrupt behavior.

Finally, and not so surprisingly in view of the previous issues, Malian decentralization has shown signs of running out of steam in the last few years. The political will to support decentralization,

¹ See Appendix B for a complete list.

widespread from 1992 until 2005, has eroded. Recent government strategy no longer stresses decentralization as a major theme for development. This declining political will has also dampened donor enthusiasm, which might further threaten the achievements to date.

1.0 THE COUNTRY CONTEXT

1.1 POLITICAL BACKGROUND AND STRUCTURE

Mali—formerly the *Soudan Français* colony—became independent from France in 1960. It briefly merged with Senegal before becoming its own sovereign country under the rule of Modibo Keita. Plagued with poor agricultural seasons and the failure of Keita’s socialist policies, his regime was toppled by Moussa Traoré in 1968, who later civilianized his administration under the Second Republic. A heavy-handed authoritarian government plagued with weak capacity, Traoré’s regime had few successes to boast about when the end of the Cold War in 1989 brought a wind of political change across Africa. Following Traoré’s violent repression of several pro-democracy demonstrations, Lt. Col. Amadou Toumani Touré (ATT) seized power in a coup d’état in March 1991. A transition government was quickly established and a National Conference held in August to write a new Constitution, which was adopted by referendum in January 1992 and ushered in the Third Republic.

The Third Republic is a constitutional democracy with a semi-presidential system based on the French model in which the president is elected head of state and appoints the prime minister as head of government. The prime minister, in turn, appoints the *Conseil des Ministres* (the government cabinet). The 1992 Constitution institutionalized the separation of powers between the executive, legislative and judicial branches of government, although it conceded to the president the power to dissolve the National Assembly, appoint judges, and oversee judicial functions and law enforcement (Library of Congress, 2005, p. 15).

Donors convinced ATT to relinquish power and he abstained from running in the June 1992 elections, which saw the victory of Alpha Oumar Konaré as president, and his *Alliance pour la Démocratie au Mali* (ADEMA) party in the National Assembly. Konaré was reelected president in 1997, with ADEMA obtaining 80 percent of the seats in the National Assembly. In 2002, having reached his term limits, he stepped down. ATT, who had returned to politics as a civilian, won the 2002 elections as an independent candidate campaigning on a national unity platform, defeating the ADEMA candidate (although ADEMA remained the dominant party in the National Assembly). ATT was reelected in 2007, with some 70 percent of the votes. He has since ruled with the support of the *Alliance pour la Démocratie et le Progrès* (ADP), a loose coalition of political parties including ADEMA. Mali’s next presidential and legislative elections are scheduled for 2012.

Unlike many other African countries, ethnicity has never been a central focus of Malian politics despite the diversity of the population. As a result, democratization and decentralization have not brought about political divides based on ethnicity. In fact, they have both been construed as tools to manage problems of national unity brought about by the northern Tuareg insurgency (which is better understood as a conflict over national integration rather than an ethnic one). However, there have been increased instances across the country of conflict between immigrants and indigenous populations, which might have been exacerbated by decentralization (see Djiré, 2004).

1.2 HISTORY OF DECENTRALIZATION

Some historians argue that the Mali Empire, which ruled over the region between the 13th and 17th centuries, already practiced decentralization. This perspective supports the notion that decentralization has Malian roots, relying on a culture of local deliberation and checks and balances which are viewed as central to village governance (Rawson, 2000, p. 266; Kassibo 2007). Yet, until recently, the rest of Mali's history has been marked significantly more by centralized power.

The French colonial administration, to begin with, was highly centralized. Although the colony was divided into cantons from 1895 to 1959, each of which included villages ruled by a canton chief, the governor in fact appointed the chief. It mattered little that, in 1917, the Governor General of French West Africa, Joost van Vollenhoven, argued for rigorously pursuing a decentralized administrative system by “delegating decision-making power and bringing the administration as close as possible to the administered population” in order to “(reconcile) the interests of the dominant power with those of the local people” (quoted in SNV, 2004, p. 15). In practice, decentralization was slow to materialize.

Although villages represent the core of local life, the commune is the political and administrative unit at the core of decentralization dynamics. At first, communes were only urban. The communes of Bamako and Ségou were created in 1919, followed by an additional 11 communes between 1953 and 1958. It was not until 1955, however, that urban communes saw their mayors and councils elected by universal suffrage (Seely, 2001, p. 508). Before that, communal authorities were appointed by the colonial administration.

At independence in 1960, reflecting the historically and culturally grounded expectations of Malians, decentralization was written into the Constitution, which provided for the election of communal councils and mayors. Article 43 (of the 1958 Constitution, revised as Article 41 in the 1960 Constitution) established the general principle that “territorial collectivities” (any sub-national governmental unit) were to freely administer themselves by elected councils. These units included not only communes but also villages, tribes, and nomadic groups (Seely, 2001, p. 508). The 1960 Constitution also established a ladder of administrative units beginning with the *arrondissement*, which was made up of a few villages, and moving up to *cercles* (grouping several *arrondissements*) and regions (grouping several *cercles*).

Although the Constitution provided for “free self-administration” of these local units, local officials were actually appointed by the central government, a practice that was retained by Moussa Traoré after 1968. The 1974 constitutional revision confirmed this lack of autonomy, as its Articles 74 and 75 removed free, self-administration from the governing principles of local government structures. In 1977, Traoré reinforced the deconcentrated nature of local governance by redrawing the boundaries of sub-national units and appointing bureaucrats to control the redesigned regions, *cercles* and *arrondissements*.

When regional and local development committees were created in 1981 and 1982, they had mere consultative functions to local administrators, while the Ministry of Territorial Administration retained effective control (particularly over the collection of local revenues). Under Traoré, the core of local financing rested in the regional and local development tax (TDRL), which consolidated several local taxes into one, some percentage of which was to be retained at the

local level and another fraction assigned to the corresponding *cercles* and *arrondissements*. However, the decree determining these percentages was never issued (Seely, 2001, pp. 509-510).

Hence, until the democratization movement gathered momentum in the early 1990s, Mali's history of local governance is one, at best, of limited deconcentration. By 1991, administrative decentralization still existed only in 19 urban communes (the 12 communes created by colonial government, the six communes of Bamako, and the commune of Bougouni) (SNV, 2004, p. 16).

Things changed dramatically in the early 1990s, under the cumulative and related effects of the Tuareg insurgency in the north and the democratization of the regime in Bamako. The Tuareg, a semi-nomadic people who live in northern Mali, but also in Niger, Burkina Faso, Algeria and Libya, represent no more than 10 percent of Mali's population. A formerly dominant people in the region, they have suffered progressive marginalization and impoverishment throughout the independence era, culminating with dramatic droughts in the mid-1980s, which all but wiped out their livelihoods and lifestyles. Many of them sought refuge in Libya where their youth were recruited into Kaddafi's Islamic Legions. An estimated 3,000 of these youth returned to Mali in the early 1990s and launched a quasi-separatist insurgency. Most of the conflict, from 1990 to 1995, was characterized by relatively low-intensity skirmishes and irregular rebel attacks on local military or government outposts. The returnees were later joined by young unemployed Tuareg intellectuals who shared their distrust of traditional powers (Humphreys and Mohamed, 2005, p. 255). These men had failed to find employment in the local deconcentrated state structures which were mostly staffed by southerners or Songhais (sedentary northerners) (Humphreys and Mohamed, 2005, p. 274).

The rebels originally wanted a "free Tuareg state" yet there was little of substance beyond such posturing. In negotiations with the Bamako government, it became clear that they wanted regional autonomy and effective decentralization to be able to be in charge of their local affairs. The Tamanrasset Agreement of 1991 offered the rebels decentralization, with a "particular status" for the three northern regions, which constitute the traditional Tuareg area known as Azawad (Kidal, Gao and Timbuktu) with a high degree of autonomy. Specifically, the agreement provided for "local assemblies with legislative and executive branches that will regulate all economic, social and cultural issues" specific to these regions.

Implementation of the Tamanrasset Agreement unraveled, however, as the Traoré regime was overthrown. Further negotiations with the new regime led to the adoption of the National Pact in April 1992. Among other things, the Pact also provided for a "particular status" for the north including local, regional and interregional assemblies responsible for agriculture, livestock, water, urbanism, housing, environment, industry, transport, communication, health, education, culture, and tourism.

Application of the Pact was very slow, however, and deeply deficient, whether as a result of the government's unusually weak capacity or lack of goodwill. The 1992 Constitution did not include the north's "particular status." Partly as a result, scattered violence continued after 1992. Yet, the concessions initially granted to the Tuareg found their way in the general decentralization reform which began to take shape in 1992. As such, the insurgency represented a crucial impetus of the overall decentralization process.

The fall of the Traoré regime and the democratization of the country provided the second stimulus to decentralization. The transition government and the Konaré regime recognized early on that decentralization needed to be a core element of democratization and it became a central theme of Konaré's administration (Wing, 2008a; SNV, 2004, p. 19). Many Malians expected from democratization a redistribution of resources, and decentralization was presented by the regime as the ideal method by which greater equity could be reached across the country (Kassibo, 2007, p. 1). People living in rural areas (the vast majority of Malians) felt particularly distant from the urban areas that had historically garnered all political influence and the bulk of development resources. It was the farmers who demanded more equitable treatment and representation of rural interests most loudly and provided impetus for decentralization. Thus, it should come as no surprise that, in the official texts at least, villages figure prominently in the decentralization framework. The 1995 *Code des Collectivités Territoriales* (Local Government Law) obliges communal councils "to take advice from village, pastoral grouping and/or neighborhood councils concerned before deliberating on certain important issues regarding land use, financial matters and other affairs" (Djiré, 2004, p. 6).

Moreover, in the National Conference held in Bamako after the coup in 1991, delegates from government, the opposition, civil society and many groups in society affirmed that decentralization was a "moral commitment" in order to transfer authority to local populations. Thus, democratization unleashed a widespread backlash against centralized government that had historically extracted resources from rural populations while not providing public services in return. Simultaneously, the dominant donor discourse of economic liberalization and privatization promoted a decentralized conception of public authority and resource allocation that provided further fodder to decentralization dynamics.

In a country as underdeveloped and bureaucratic as Mali, however, things rarely happen fast or smoothly. Despite a remarkable degree of national consensus and goodwill from the new authorities, decentralization reforms unfolded haltingly. First, in conventional centralizing fashion, a number of administrative structures were set up to oversee the process. The first was the Decentralization Mission created in 1992 with Ousmane Sy as director of a 12-member board. As conflicts of interest arose with the Ministry of Territorial Administration (MTA) which hosted the Mission and was jealous of its centralized prerogatives, the Mission was moved to the Office of the Prime Minister where it was renamed the *Mission de Décentralisation et des Réformes Institutionnelles* (MDRI).

Despite its consultative nature, the Mission can in fact be credited with important and original contributions to Malian decentralization. Most crucially, it established the principle that villages were allowed to group themselves together in a bottom-up process to set up communes, and decide on the seat of these communes among themselves. Initially the Mission had stipulated the constraint that communes had to be economically viable (an odd requirement in a country that is not itself economically viable), in addition to being geographically contiguous and encompassing between 10,000 and 25,000 inhabitants (Seely, 2001, p. 513). Yet, social solidarity between villages soon became the driving force behind the new communes to the detriment of fiscal viability.

Because of the complexity of the process of creation of the communes, elections for municipal councils were phased in gradually. The first communal elections were held in urban

municipalities in 1998 and in the nearly 700 rural communes in 1999. Meanwhile, the country had already undergone two rounds of presidential and legislative elections (1992 and 1997).

In February 2000, the MDRI was dissolved and a Ministry of Territorial Administration and Local Collectives (MATCL) was created, with Ousmane Sy as Minister, an appointment which communicated the government's strong commitment to decentralization. Yet, that same year, the government also set up another layer of centralized supervision with the *Direction Nationale des Collectivités Territoriales* (DNCT), suggesting that old habits die hard (SNV, 2004, p. 20). Moreover, fearful that old-guard civil servants might try to control the decentralization process, the government established *Groupes d'étude et de mobilisation aux niveaux régional et local* (GREM and GLEM), which was to give a greater voice to civil society activists in developing infrastructure, education programs and mobilization strategies in favor of decentralization (Rawson, 2000, p. 278). Yet, the lack of resources and competence of civil society actors forced the government to bring civil servants back into the process.

With its new institutional apparatus, the government continued to create the legal infrastructure to finalize decentralization. A few new communes were created in the north as a result of Tuareg pressure (to reach a total of 703) and by 2004, elections were held for the first time in all communes across the country. In that year, over 10,000 local government counselors were elected. ADEMA won 28 percent of the votes, with the main opposition parties *Union pour la République et la Démocratie* (URD) and *Rassemblement pour le Mali* (RPM) receiving respectively 14 percent and 13 percent. A new round of municipal elections was held successfully in 2009. ADEMA (now renamed ADEMA-Pasj) and URD were the only two parties presenting candidates in all 703 communes. They obtained respectively 29.5 percent and 17.9 percent of the votes. RPM received 7.2 percent and all other parties less than 5 percent.

While Mali has made great strides with respect to decentralization, it is still a work in progress, largely hindered by economic and political realities as the next pages will demonstrate. Mali is ranked 178 out of 182 in the 2009 United Nations Human Development Index. It is an extremely impoverished country, which places it in a dichotomy where decentralization is meant to be a solution to poverty, while poverty remains the primary challenge to decentralization. Other challenges include a lack of financial and human resources, weak technical, administrative and revenue-generating capacity, and the neopatrimonial nature of Malian politics where the boundary between public and private roles is not always clearly established.

1.3 CURRENT STRUCTURE AND INSTITUTIONS OF DECENTRALIZATION

Mali counts four levels of government: the national administration, regions, districts (*cercles*) and communes. The latter three form the local government authorities. There are eight regions, plus the district of Bamako (which is not a district in the sense of others but more a distinct administrative region), 49 *cercles* and 703 communes. Each level of government has distinct legal prerogatives and competencies and is "administered independently through elected deliberative and executive bodies," according to the law. Communes elect councils of 11 to 45 members for five-year terms, depending on the size of their population. Council members in turn elect mayors and their executive committees by secret ballot. Members of the *cercle* and regional councils are selected from representatives of the lower administrative structures. Thus, members of communal councils are selected by their peers to participate in *cercle* councils. *Cercles*, in turn, choose the members of regional councils. *Cercles* and regions also have their executive

committees.² The law provides for a complete transfer of responsibility from the central government in the areas to be administered by these regional collectivities (Seely, 2001, p. 513).

At the national level, responsibility for decentralization and local administration eschews to the MATCL and the *Haut Conseil des Collectivités Territoriales* (HCCT, or High Council of Local Government Authorities). The HCCT is made up of representatives from all regions and was designed as an institution that the government must consult in matters of sub-national government. Unlike the government and the National Assembly, it cannot be dissolved, thus providing a limited degree of check on executive power (Seely, 2001, p. 511; SNV, 2004, p. 20). There are ongoing negotiations to replace the HCCT with a second legislative house (*Sénat*), as proposed by the Commission Daba Diawara which was appointed by ATT.

² If nothing else, decentralization has thus created a vast amount (10,000+) of new positions of public authority.

2.0 INTERMEDIATE OUTCOMES

2.1 AUTHORITY

The laws and decrees pertaining to decentralization (see Appendix 2) displace responsibilities and competencies in numerous domains from the central administration to the communes, *cercles* and regions. Yet, running parallel to decentralized authorities, deconcentrated agencies of the state, represented by governors in regions, prefects in *cercles* and sub-prefects in communes retain considerable de jure—and even more de facto—authority.

Chapter II of the Local Government Law of 1995 transfers to the communes' responsibility for communal budgets and accounts; preschools, primary schools and literacy teachers; health workers and facilities (CSCOM, *les centres de santé communautaires*); transportation, roads and communication; urban and rural waterworks; local markets, sports and cultural events; and environmental protection and planning. *Cercles* inherit responsibility for secondary schools, health facilities, roads and communications and rural waterworks. Regions have authority over secondary, technical and professional schools and special education; and over regional hospitals and support of vulnerable populations (see also Lippman and Lewis, 2008, p. 5). Section 3 of Act 96-056 also charges municipal governments with the “conception, planning, and realization of local economic, social, and cultural development” and the management of their own affairs. Each commune is also supposed to administer the census, municipal police, sanitation projects, archives and official documentation for the commune.

At the same time, deconcentrated layers of government retain authority over significant issues. Prefects continue to exercise competencies over services related to health, waterworks, land, conservation of nature and some administrative services. At the regional level, the governor oversees the regional management offices for health, education, waterworks, taxes, budget, treasury, conservation of nature and some other administrative services (i.e., programs, statistics, computing, development and population) (RLD, 2008, Annex 3, statement by the Deputy Director of the DNCT). Thus, there is a significant overlap in terms of domains of competencies between decentralized and deconcentrated authorities.

Moreover, in exercising their own prerogatives, decentralized authorities often run into constraints that limit their effective authority. For example, although the municipal council draws up its budget, it must be approved by the prefect before it is implemented (UNCDF, 2007, pp. 6-7). Some prerogatives which had been given to communes have been reassigned to other levels of governance. For example, voting cards and polling stations were to be controlled by mayors, but the electoral code was subsequently amended to return these powers to the central government, on the rationale that mayors, as members of political parties, could not be neutral enforcers of the electoral code (SNV, 2004, p. 38). Also, many of the local government civil servants are in fact appointed or delegated by the central government and its deconcentrated

agents, including communes' secretaries general who, in some cases, might be the only literate workers in a commune.

More importantly, however, the actual transfer of competencies to communes has taken much longer in practice than suggested by the earlier decentralization texts. It was not until June 2002 that health, education and water services were transferred to the communes by presidential decree (nos. 02-0313,0314,0315/P-RM). Even then, this transfer was made without appropriate financial resources, thereby de facto restricting the transfer of authority. Similarly, the transfer of the management of natural resources to communes was delayed with the consequence that local government authorities found themselves legally deprived of any authority. SNV (2004, p. 45) notes that when "three communes in the districts of Bourem and Menaka wanted to restrict hunting to particular species of wildlife" they faced the rejection by the prefect. Meanwhile, hunters bypassed them by obtaining permits from a higher administrative level.

Finally, communal financial resources are insufficient to translate their competencies into effective authority. First, the income of the communes is deposited into the central tax office account. As a result, communes face many difficulties when seeking to remove funds because the state has often already used them for other purposes. Second, municipalities are supposed to derive their income from "their own resources (fiscal revenue from duties and taxes transferred by the state; receipts and outputs from their estate, such as sale or rental of land and immoveable assets, charges on the use of the forest, wildlife or fishing resources, etc.) and external resources provided by the state or local government partners, authorized loans, gifts and bequests" (Djiré, 2004, p. 6). As Moussa Djiré argues, however, there should have been a transfer of resources corresponding to the transfer of authority, in order to cover the costs of running local governments (2004, p. 6). This has not taken place and lack of resources remains a principal challenge to effective decentralization.

In conclusion, the devolution of authority has been slow, and once transferred, competition with deconcentrated agencies and a lack of financial resources have undermined the effective authority of local government structures.

2.2 AUTONOMY

Autonomy can be divided into three categories: political autonomy, fiscal autonomy and administrative autonomy.

2.2.1 POLITICAL AUTONOMY

To some extent, direct universal suffrage guarantees the political autonomy of communes. Communal councilors are elected to a five-year term by proportional representation with closed lists and without preferential voting or "*panachage*" (the option to vote across lists and/or strike out candidates). The councilors then elect the mayor, his deputies and the *cercle* council via secret ballot. The *cercle* council in turn elects the council office which is made up of a president and two vice presidents.

At the regional level, the regional assembly is the legislative body and elects its executive (a president and two vice presidents) from among its members. Bamako has a *statut particulier* (special status) with six urban municipalities, each with its own council that appoints district council representatives from among its members. The district council appoints the mayor and his/her deputies. The authority of the district council is the same as those of the regional council.

2.2.2 ADMINISTRATIVE AUTONOMY

Although there is local autonomy in selecting communal councilors and, through them, the rest of decentralized authorities, this political autonomy is somewhat belied by the relative lack of administrative autonomy of the decentralized levels of governance. Each decentralized structure is indeed subject to deconcentrated supervisory authorities (See Table 1) that check the legality of measures taken by the elected bodies, albeit not their appropriateness. On the one hand, these deconcentrated authorities provide support and advice to the elected bodies, which might be much needed. After all, sub-prefects, prefects and high commissioners used to hold most of the powers that have been transferred to local governments and have substantial experience. On the other hand, the continued existence of these supervisory offices undermines the effective administrative autonomy of decentralized structures and promotes significant confusion over the division of labor between decentralized and deconcentrated bodies. For example, according to a Dutch development organization, “When the communes were set up there was a great deal of misunderstanding between the elected councilors and the supervisory authority as to their respective new roles [...] in some areas, certain councilors thought they were now replacing the former administration and even wanted to do away with the prefect” (SNV, 2004, p. 26).

TABLE 1. SUPERVISORY AUTHORITIES FOR DECENTRALIZED STRUCTURES

Level	Elected Bodies	Supervisory Authority	Steering Committees
State	Supreme Council of Local Government Authorities	Minister responsible for local governments (MATCL)	National Steering Committee (CNO)
Region (8)	Regional Assembly	High Commissioner Governor of the region	Regional Steering Committee (CRO)
District or <i>cercle</i> (49)	District Council	Prefect	Local Steering Committee (CLO)
District of Bamako ³ (which has 6 communes)	District Council; Commune Council	Governor of District	
Commune (703)	Commune Council	Sub-prefect	

Source: SNV, 2004, p. 26

It does not help that Malian decentralization is characterized by a plethora of institutional arrangements, some of which are of dubious utility aside from maintaining control over communes and preventing individual initiatives. For example, there are coordination structures between the different decentralized and deconcentrated layers of government referred to as local

³ The district of Bamako has a special status. It is similar to a region and led by a governor of district. It has a central mayor and a district council, but also includes six communes, each with its own council and mayor. Unlike *cercles*, however, prefects do not supervise the Bamako communes.

steering committees (CLOs), which are chaired by the prefects and include the commune councilors, district council members, representatives from the chambers of agriculture and commerce and from NGOs (SNV, 2004, p. 27). There are also regional steering committees (CROs), similarly set up at the level of regions. Among other things, the CLOs used to approve the *Centres de Conseil Communaux* (CCC) programs, which previously served as donor-sponsored advisory structures for decentralized development projects before the CCCs were phased out in 2004. In addition CLOs relay information from the CROs. The CROs define, coordinate, monitor and evaluate technical support to the CLOs and communes. In a country plagued with weak capacity and severely limited human capital, it is hard to see much benefit in this type of structure.

The HCCT is another example of institutional multiplication in the context of decentralization. It provides oversight to all levels of sub-national government. So is the *Fonds National d'Appui aux Collectivités Territoriales* (FNACT), created in 2007 to replace the CCCs. The FNACT is, in turn, under the aegis of the *Agence Nationale d'Investissement pour les Collectivités Territoriales* (ANICT), and focuses mainly on regional economic development by financing investments for regional collectivities.

Although some of these structures are no doubt helpful, they also tend to undermine the administrative autonomy of communes, *cercles* and regions, which have to jump through many hoops with limited capacity. These structures also reflect a tradition of state control and a propensity to address policy issues by creating consultative organs. While these facilitate dialogue and consensus, crucial values of Malian democracy (Wing, 2008a), they also hamper local decision making.

Finally, the administrative autonomy of communes is negatively affected by their lack of control over their personnel. There are two categories of civil servants at the local level. On the one hand, there are those named by the public administration in Bamako and appointed locally: governors, prefects, sub-prefects, technical personnel, etc. They accrue to the national budget. On the other hand, there are those civil servants who work directly for local governments. In general, these are actually recruited by the centrally appointed bureaucrats described above. These include, for example, the secretary general (who runs the daily operations of communes), manager (*régisseur*), personnel employed at the CSCOM, administrative secretaries, teachers in community schools, etc. All these people are recruited by a branch of the civil service dedicated to local government. While appointed by the center, however, their salaries depend on the communes, which typically are short of funds in no small part because the government fails to transfer what it owes them (see below). With the salaries of these civil servants often several months behind, it is hard to find qualified recruits.

Interestingly, the chieftaincy—the historical locus of real decentralized power in Mali—is absent from the current decentralization structures. Yet, traditional authorities represent legitimate authority in many communities. In practice, however, village chiefs retain considerable power and are often the first level of authority to which citizens flock in times of need. The village chief is chosen by village councilors who are, in turn, elected by the village assembly; the chief is then confirmed by the prefect within three months (hence, deconcentrated authorities also supervise traditional village authorities, illustrating the continued reach of the central state throughout the territory). Formally, the mandate of the village chief and his councilors is for five years and can be renewed an unlimited number of times. In practice, however, it is permanent and usually ends

with the chief's death. The resilience of chiefly power at the village level further squeezes communes between their authority and that of the prefects, and further contributes to their limited autonomy.

2.2.3 FISCAL AUTONOMY

Fiscal autonomy is possibly the sector where the gap between law and reality is the greatest. Legally, communal finances are composed of resources transferred from the central government, resources raised locally and loans. The state allocates funds to local government with respect to size of the population of the commune, the ability to mobilize resources and the extent to which facilities and infrastructure exist. These transfers are derived from income from patents and licenses, 80 percent of the TDRL, a tax on livestock and firearms, a tax on salaries, a tax on motorcycles and bicycles and a tax on delivery of the "carte professionnelle" (professional identity card) (Sy, 2010). These transfers are then expected to be complemented by local resources including a tax on the departure of vehicles that transport passengers and merchandise; a tax on small boats and carts; fees related to the authorization of events; a tax on games installed in public venues; taxes on night-clubs, restaurants with entertainment, sales from drinks and small restaurants; a tax on publicity in public spaces; a tax on construction authorizations; a tax on cereal mills; a tax on mining and construction materials; a tax on garbage collection; and income from historical resources or *patrimoine* (Sy, 2010).⁴ Finally, communes can be loaned money directly (because they have legal standing) and they have the authority to "act in cooperation" with NGOs in their region (Seely, 2001, p. 500). This authority to deal with foreign NGOs is important for communes and opens up individual avenues for revenues. Those who are authorized to negotiate with them become the local gatekeepers of these flows (and, hence, controllers of the rent) from which significant local powers can be obtained.

In general, however, it is exceedingly difficult for communes to be financially self-sufficient. First, the government is typically remiss at making its transfers. Second, local governments struggle to collect taxes. The TDRL currently represents 75 percent of the communes' operating funds and tax compliance is highly variable among communes and over time. Average compliance rates tend to be low, at 20-40 percent, but some mayors report compliance of 70-80 percent. In the Sikasso zone, there is great fluctuation in farmers' cotton income and therefore high variability in tax compliance from year to year. Some mayors believe that in order to improve tax compliance, there needs to be civic education and regular communication between councilors and the citizens. In one example, a village did not pay taxes because no one from the village was elected to the communal council and therefore the community did not believe that their interests would be met by the municipal government (SNV, 2004). In the Mopti region, mayors argued that "people are too poor to pay" (Tefft, 2003, p. 6).

Moreover, decentralized communities are rarely effectively in control of the fiscal tools given to them by law. For example, communes have an exceedingly hard time receiving their portion of commission levied on wood fuel by the Rural Management Service, even though they are entitled to raise taxes on village forests which belong to the *patrimoine*. This is largely due to the failure of the state to transfer forest conservation legally to the communes (see Kassibo, 2009).

⁴ For most people at the grassroots level; therefore, decentralization translates broadly in a vast amount of new taxes.

The last option for communes to obtain funds—ANICT, which makes money available for capital investments—is not always available, as there is a 20 percent local contribution required in order to access funds from the ANICT. Because the tax compliance rate is so low, it is hard for many communes to come up with these initial funds. For example, 75 percent of the communes in the Kolondieba district of the cotton zone could not use their 2001 ANICT drawing rights (for infrastructure and equipment investments) (Tefft, 2003, p. 6). In the Sikasso region, *associations villageoises* contributed money to cover the commune contribution, but this solution is limited to instances where the ANICT investment for a project is in the association’s village. The members of the association are often communal council representatives. In some cases, an association will pay expenses such as teacher or health worker’s salaries or lodging, or annual contribution to CSCOM (Tefft, 2003, p. 7). The Sikasso region has been the most successful in accessing ANICT funds in terms of having the most projects realized and mobilization of resources. The desk study team argues that this is in part because of the wealth of the cotton sector located in that region and the contribution of village organizations to the 20 percent contribution required to access ANICT funds.

2.3 ACCOUNTABILITY

The principal mechanism for political accountability is the election of commune councilors. Largely, communal elections have been competitive, free and fair and have been held in 1998, 1999, 2004, and 2009. Yet, they have had low voter participation and have been marred by widespread fraud, purchased votes and the sale of the placement of names at the top of the electoral lists. Voter participation in 1998 in urban municipal elections was 33 percent on average. The national average participation rate in the first rural communal elections in 1999 was significantly higher at 43 percent. In 2004, the national average was again 43 percent. In every instance, Timbuktu (both the urban municipality and the region) had the highest rates of participation (1998: 50 percent, 1999: 46 percent, 2004: 54 percent) (Wing, 2008a, p. 97). One reason for this is likely the important role that decentralization played in resolving the conflict in the north and the importance that the population places on local government as a result.

Fraud and the manipulation of electoral lists have resulted in a system that tends to reproduce local elites. Specifically, traditional authorities seem to have dominated communal elections. While this trend appears to exclude women, young and disadvantaged classes (in 2004, only 6.7 percent of councilors were women; in 2009, 8.6 percent [MPFEF, 2009]), it also marks a sort of payback for village elites which were mainly left out of the decentralization reforms. While on the one hand, chiefs seem to benefit from the elections by gaining local political legitimacy, on the other hand, their election to municipal councils embed them in local patterns of accountability. Further research needs to be done on this question.

Established political parties also dominate communal elections, although this domination is slightly lesser than at the national level, suggesting continued local pluralism. ADEMA, the ruling party until 2002 and, since then, a partner in the presidential majority, gathered about 28 percent and 29 percent of the votes in 2004 and 2009. In comparison, it obtained about 33 percent in each of the corresponding legislative elections around the same dates. However, one must note that there has been an erosion of the importance of political parties in Mali since the election of ATT in 2002. ATT ran and was elected as an independent candidate. He gathered the support of ADEMA personalities, but did not join the party itself. Instead, he organized a loose coalition around his person, the *Alliance pour la Démocratie et le Progrès* (ADP), in which an

ADEMA faction as well as the URD participate. While this has created broad support for his regime and afforded him a high degree of autonomy, it has undermined accountability of the regime as it marginalized political parties and returned to a more personalized type of politics. ATT calls it a politics of consensus.

It is worth noting that the German development cooperation agency (PACT-GTZ) has launched an interesting program for promoting communal administrative and financial accountability toward citizens. Starting with 10 communes in 2006, this program was first extended to 70 then to 281 communes. The program stresses mechanisms of transparency for constituents and ways to assess the performance of their communal representatives, based essentially on holding local citizen debates. In these communes, electoral participation rates have increased to almost 45 percent (PACT-GTZ, 2009).

In general, however, although citizens have a right to information on budgets at every level of government (Kimenyi, 2004, p. 174), people are rarely aware of their rights or of what mechanisms are in place to promote transparency. Civil society organizations can play an important role in helping communities understand their rights through civic education. Civil society projects are widespread and play an important role in assisting communities that seek greater accountability and transparency in local government.

2.4 CAPACITY

In a country as poor as Mali, it is no surprise that technical and administrative capacity is low, largely because of the low literacy level of councilors and municipal secretaries. Sometimes, the literacy level of councilors is so low that their capacity to perform basic administrative tasks is limited or depends on one individual (in one case, a municipal secretary was the only municipal employee who could read and write). There is also high staff turnover because of low pay (SNV, 2004).

As discussed earlier, the lack of fiscal resources of communes compounds the problem. As a result, there is a strong reliance on external actors to meet basic needs of communities, a pattern of extraversion that replicates that of the country as a whole toward the aid community. This dependency toward donors was originally structured within the CCCs, but these were phased out in 2004. Now, donors operate through the FNACT. In a country as vast as Mali, with a mostly desert-like environment, geography also represents an occasional constraint on isolated communes.

One of the strengths of the Malian political system is its civil society, made up of international, national and local organizations. Although the technical and administrative capacity of local organizations depends on the level of support that they receive from external sources, there are many capable organizations. Civil society and external donors were successful in pressuring the Malian government to move forward with decentralization, and they have been active in many aspects of decentralization. International NGOs work with local NGOs to support health care and education initiatives, for example. International NGOs also served as CCCs and provided much-needed guidance and support to communes. As James Tefft notes,

Almost all sectoral policies in Mali rely increasingly on community organizations (e.g., health care management communities, parents' school organization, farmer organizations) for the decentralized provision of services and management of actions at the local level, local

governments are in a key position to oversee their actions, monitor their performance, and generally be an advocate for their communities (Tefft, 2003, p. 4).

Interestingly, effective capacity at the local level sometimes lies more with civil society actors, like service-providing NGOs, than with the communes themselves. International NGOs largely function as resource providers to these local actors. Their funds can be hard to reach for communes, however. Indeed, even when the CCCs were in place, it was the richest communes that benefitted the most from their subsidies and loans, in part because the municipalities were required to pay a deposit of 10 percent on the amounts requested. Access to loans thus correlated with the wealth of communes, reinforcing existing inequalities. Communes that have managed to become sister cities with communities abroad also have a significant financial and material advantage.

3.0 POLITICAL ECONOMY

3.1 POLITICAL INCENTIVES AND CONSTRAINTS: PROPONENTS AND OPPONENTS

As discussed above, following the 1991 coup d'état, decentralization was a principal goal of the transitional government and came as a response to popular demands for good governance. As a result, to this day, political resistance to decentralization is negligible, despite the lack of capacity and financial resources that constrain the process.

Regional elites are among the main supporters of decentralization as they now have more opportunities to gain power in regional and local administration and have greater access to aid money, which is funneled less through the national government than it used to be (Seely, 2001, p. 513). As a result, local elites can play a more powerful role in bringing funds to their communities. This cuts both ways, however, as it creates opportunities for development as well as for rent-seeking.

Local communities also tend to benefit and to view the process favorably. Under centralized rule, rural communities and geographically remote areas experienced arbitrary collection of taxes and few benefits from money taken by the state. The driving force behind decentralization was to give communities a stake in local government and to encourage people to vote and pay taxes as a way to participate in the future of their communes.

Nevertheless, beyond these general statements, one can argue that local support for decentralization varies as a function of the benefits that local communities derive from it. Communes where investments in infrastructure and equipment are lacking tend to exhibit more lukewarm support (Tefft, 2003, p. 3). Those where economically stimulating or socially needed investments were made in the wake of community planning meetings are more likely to see the benefits of decentralization.

Although the dominant discourse is pro-decentralization throughout the country, there are however, holdovers which have little to gain from it. Central administrative structures have often been reticent to give up control and this remains an ongoing challenge. Recall, indeed, how the Decentralization Mission had to be moved away from the Ministry of Territorial Administration and how attempts were made at keeping second republic civil servants away from the new decentralized organs. In addition, deconcentrated administrators of the state, such as governors and prefects, have posed challenges to mayors whose new authority they resist (Lippman, 2008, pp. 9-10).

Some also argue that, because decentralization was initiated as a response to demands from the Tuareg of the north, it was not a goal equally shared by southern communities (Coulibaly cited in Kassibo, 2007). Yet, this is a dubious claim, so pervasive is decentralization now in Malian political discourse. Moreover, decentralization is also the outcome of the National Conference, which represented a broad national consensus (albeit one driven by elites and not by the grassroots).

Interestingly, sometimes the very institutions involved in decentralized public services are the most apprehensive about it. Indeed, decentralization sometimes threatens already effectively decentralized public services provided by NGOs, associations and cooperatives. For example, CSCOM workers, who are paid by the communes, have come into conflict with ASACO's (Associations for Community Health), which are local private community cooperatives that sign agreements with the state to be local providers of community health. Local ASACO representatives do not like the transfer of local health authority to CSCOM, as it undermines their power.

3.2 THE DECENTRALIZATION SEQUENCE

Mali's sequencing problems are those most commonly experienced by other countries. Laws were passed early on with lofty goals, but their implementation was weak, resulting in little effective transfer of competence. Then elections led to the appointment of local communal authorities, but their lack of effective competence and of financial means undermined their authority, capacity and autonomy. Altogether, a sequence with earlier transfer of resource and authority might have been more productive and more successful in maintaining local and national enthusiasm for decentralization.

3.2.1 INSTITUTIONAL ARENAS: THE NATIONAL ARENA

As outlined above, during President Konaré's term in office (from 1992-2002) decentralization was a key aspect of democratization. Mali's progress on decentralization helped establish the country as a model for democracy in Africa. Konaré benefitted from the fact that Mali was at the forefront of democratization in Africa and the president's leadership was praised. Nevertheless, there were fundamental issues concerning the dominance of his political party, ADEMA, and local elections were delayed because of the difficulty in establishing infrastructure throughout the country. Complications related to the establishment of legitimate voting rolls hindered the decentralization process by raising doubts about the transparency of elections.

Decentralization has been a political strategy of the government as it was recognized both as a central element of democratization but also as an important element of poverty reduction. Decentralization is certainly used to buttress regime legitimacy. It is also a showpiece for donors and is part of what has garnered Mali such praise as a model democracy in Africa.

Yet, decentralization has not been successful in reducing poverty. It was partly meant to ease the burden on the state by involving civil society in the creation of community schools and community health centers and transferring responsibility for these services to local government. Unfortunately, the lack of resources in municipalities has meant that these communities struggle to meet the populations' basic needs.

Under ATT (2002-present), decentralization has progressively lost steam as a mobilizing project and discourse. To be sure, there is still not a single political party or national politician who opposes it. But it figures prominently in fewer speeches and policy documents. This is in part because the political returns to national politicians of invoking decentralization are no longer what they used to be.

The main ongoing decentralization-related initiative now is the proposal by the Commission Daba Diawara that the HCCT be replaced with an upper legislative house or senate. The proponents of this change include the pro-ATT coalition of parties. Opponents argue that it will

be too expensive for the state to take charge of senators' expenses. The fate of the HCCT will be decided by referendum (yet to be scheduled).

3.2.2 INSTITUTIONAL ARENAS: THE SUB-NATIONAL ARENA

The most interesting dynamics at the sub-national level lie with traditional authorities whose postcolonial strategy in general has always been to seek to maintain their influence and their control over land irrespective of the political system. Traditional authorities have historically controlled access to land in their communities and struggle to maintain this power—the foundation of their political status. Given the authority legally granted to communes over land issues (roads, waterworks, markets, environmental protection, etc.) many chiefs have sought to get themselves elected to communal councils and as mayor. In other cases, they have nurtured deep personal ties with the mayors and council members. “In places where local *notables* have not been elected,” Wing (2008b, p. 30) writes, “they maintain veto power over community decisions because of the legitimacy they hold in the community. It would be unwise for local officials to act counter to *notables* who often have the ability to mobilize the community to block any reforms of which they do not approve.” Thus, elected officials can do very little without the support of traditional authorities.

This situation creates the potential for local elites to “capture” decentralization. There are several strategies a local chief might use to perpetuate his political influence. One such strategy is to ensure that he has a son in each political party running for local election. In this case, no matter which party is elected, the chief will have a direct link to the party in power. (Wing interview with Ousmane Traoré, January 2007, Bamako, Mali). In another example, in an 18-village commune near the border of Côte d’Ivoire where immigrant families are the majority and have considerable economic power, the local chief made certain that, even though by virtue of demography the mayor would be elected from the immigrant families, the municipal seat of government (*chef lieu du commune*) would be located in one of the five villages still dominated by local families (Wing interview with Ousmane Traoré, Bamako January 2007), which would continue to symbolically project their power.

Yet, it is a matter of perspective whether chiefly control of decentralized institutions represents a hijack or traditional legitimacy. The power of chiefs in villages, unequal though it may be, is embedded in historical practice, reciprocal relations and legitimate authority. The state, even through its decentralized manifestations, remains the outgrowth of the colonial enterprise and continues to be seen by many as parasitic. If chiefs take over decentralized state institutions, they might hamper their functioning as anticipated by the laws and modern conceptions of accountability, but they might also embed these institutions in local social practices and confer greater legitimacy upon them.

Inter-village conflicts represent another sub-national problem largely triggered by decentralization. The main issues typically lie with the drawing of communal borders and the location of the municipal seat. In the commune of Sanankoroba, for example, news of decentralization “intensified tensions between villages, different social and ethnic groups, and indigenous inhabitants and incomers over where the seat of the mayor should be and who should be given decentralized powers” (Djiré, 2004, p.11). In some cases, commissions of arbitration have had to intervene in determining the boundaries of communes (Kassibo, 2007). The location of the municipal seat is important because it is seen as the repository of real power, reminding

people of the *chefs de canton* or *chefs d'arrondissement* from the pre-decentralization days, with whom mayors are often assimilated in people's minds (the term "*papa commandant*" which is often used to describe mayors used to be applied to the *chefs de canton* and *d'arrondissement*). Thus, the village that hosts the seat of municipal government is typically seen as aggregating powers and can dominate other villages in the commune (Kassibo, 2007).

Unequal representation of villages on municipal councils has also become a point of conflict. In Sanankoroba, Moussa Djiré found that municipal elections resulted in a municipal council that was viewed as unrepresentative by some villages. He writes, "(t)he 17 councilors on the municipal council represent six political parties and only six of the 26 villages in the municipality, with 10 councilors from the village of Sanakoroba" (2004, p. 13).

3.2.3 INSTITUTIONAL ARENAS: THE CIVIL SOCIETY ARENA

By the comparative standards of West Africa, Mali has a strong civil society, which has been integral to decentralization, as it has been for democracy in general and in the field of development. There is a wide array of civil society associations in Mali ranging from village associations to organizations that operate across the country and major international NGOs. As noted above, the decentralization process included GREM and GLEM which used civil society to help design the communes and to promote civic education across the country.

In rural areas, particularly across the cotton belt, village associations (AVs, *associations villageoises*) have played an important role in providing resources for decentralization. AVs were used by previous regimes as a mechanism to govern local communities. All inhabitants of the village are members of the AV. With democratization and decentralization, these organizations have provided important infrastructure and helped disseminate information to communities. However, they also remain in the control of local elites who can use their influence to capture decentralization.

In terms of local service provision, several international donors work with local CSOs to operate community schools and health centers (CSCOMs). CARE, World Education and Save the Children have all supported community schools through funding and training.

Interestingly, the communes themselves, although they are organs of the state, have constituted themselves into lobbying associations that are now considered civil society actors (suggesting that the multiple existing institutional arenas of concentration might not be fully serving their purpose). *L'Association des Municipalités du Mali* (AMM, Association of the Municipalities of Mali) and the *Association des Collectivités, Cercles et Régions du Mali* (ACCRM, Association of Collectives, *Cercles* and Regions of Mali) are two associations that represent local government. AMM is organized by *cercles* and is supported by various European organizations. Unfortunately, AMM does not function well and its impact is only seen during the annual Day of the Commune (Sy, 2010).

3.2.4 INSTITUTIONAL ARENAS: THE DONOR ARENA

Sometimes, decentralization in Mali seems more the project of donors than of Malians themselves. While donors have made generous contributions to decentralization in Mali, it is the Malian state that seems to have "lost its political vision [...] The process has run out of political inspiration," writes Sy (2010). It is not clear how donors will respond to this domestic cooling off. They might try to revitalize the process or be distracted by new priorities and fads.

In terms of investment in the 2001-2005 period (which followed the installation of the first rural communes), 76.9 percent of local government investments, which amounted to US \$7.7 million, were financed by donors (which Malians call *partenaires*). The National Budget financed 12.8 percent and communes contributed 10.3 percent. The main decentralization partners are the European Union, the French Agency for Development, the DDC of Switzerland, the KfW, the SNV (Netherlands Development Organization), and the Canadian Agency for International Development.

For the period to 2009, the total financial contribution for decentralization, according to ANICT, amounted to US \$25.6 million, supporting no fewer than 11,792 projects. The sectors with the highest levels of mobilization include education (nearly 5,000 projects), followed by equipment investments (4,036 projects that relate to an urgent need for infrastructure for the new territorial entities) and finally the health sector with 1,238 projects.

4.0 CONCLUSIONS AND IMPLICATIONS

Decentralization has been a core element of the project to build democracy in Mali. Across the country, political elites have recognized the importance of decentralization in terms of bringing power closer to the people. Yet, Mali's decentralization has faced and continues to face numerous hurdles.

First, it is often little more than legal texts with only very partial implementation. As Djibré has put it, decentralization of land and natural resource management, for example, is “no more than a declaration of intent” (2004, p. 10).

Second, communes face considerable challenges. These include weak technical and administrative capacity, financial constraints and a lack of transparency and accountability. They cannot cover the basic needs of the local populations, and suffer from a lack of organization and basic structures, compounded by weak technical assistance from the central government and donors. To date, there is no structure for the professional training of elected officials and local government civil servants (PACT/GTZ, 2009). The deconcentrated services of the state have been faced with challenges, including a lack of preparation for the transfer of responsibility, rivalries with respect to responsibilities and power and unwillingness to let go of their former ways of doing business (Diallo, 2010, p. 1)

Moreover, political parties see it as an opportunity to expand their reach into villages across the country. The political dominance of ADEMA and the pro-ATT coalition has meant that decentralization has provided another layer of government. Although decentralization promotes local accountability, politics in Mali continues to be heavily influenced by patron-client relations (despite significant improvements in governance), which decentralization reproduces locally, creating additional opportunities for corruption.

Finally, Malian decentralization is characterized by donor dependency. In a country as impoverished as Mali it is not surprising that decentralization would rely heavily on external actors. This strategy allowed officials at multiple levels of government to pursue outside resources for decentralization in order to fill the gap where local or state resources were not sufficient. Yet, as citizens have remained unable or unwilling to pay local taxes, dependency on external funds has grown. As long as external resources dominate, there is less incentive for people to pay taxes. The latter years, however, have seen some significant progress in the collection of the TDRL, which improved from 2007 to 2009 from approximately \$6 million to \$18 million. As a result, some communities have become less dependent on external aid (Diallo, 2010). This may be the result of civic education or increasing legitimacy of the local government after multiple election cycles.

4.1 VARIATIONS

Decentralization was the most successful during the first phase of the Third Republic (1992-2002), under the Konaré regime, when it was part and parcel of extensive democratic consolidation. It has taken more of a backseat to other priorities under ATT. One reason Malians (and donors?) are feeling a little decentralization fatigue is that it has not delivered on (arguably unreasonable) expectations that it would reduce poverty, but has instead relieved the central government of the responsibility to make basic services available to citizens. This is likely to lead to frustration on the part of communities that struggle to have access to education and health care. The apparent lack of political will to continue addressing the challenges of decentralization is a warning that the process may falter before it has achieved important goals.

Focusing on the last decade, Mamoutou Diallo (2010, p. 2) notes that decentralization was a priority until 2005, with the national government actively promoting the administrative and technical independence of local governments. Widespread donor support brought technical assistance and resources. Beginning in 2006, however, decentralization became but one aspect of a broader development plan in which the overall institutional development of the state figured prominently. In addition to this switch in emphasis, Diallo also notes the institutional weakness of organizations that are integral to decentralization, including the HCCT, AMM and *Association des Collectivités de Cercle et de Région* (ACC and ACR). The lack of continued political will risks derailing the process over the next 10 years. The delicate balance between deconcentrated state services and communes might also end up tilting in favor of the former. Observing these potential reversals, donors might become disillusioned and stop supporting Malian decentralization, which would spell its effective doom.

Regionally, the Sikasso region has been the most successful in terms of communes mobilizing resources and realizing projects (CFA Fr 22 billion for 2,596 projects). Ségou follows with 21 billion and 1,879 projects, slightly ahead of Mopti (20 billion and 1,739 projects). Ironically, it is Kidal, in Tuareg territory, that has had the least amount of money (3 billion) and only 229 projects (ANICT data). The original explosion and then possible overall cooling off of decentralization fervor might be visible in annual drawings of funds by communes which went from CFA Fr 579 million in 2001 to 28 billion in 2007 and 22 billion in 2009.

4.2 CHALLENGES

There are specific challenges to decentralization that are a result of the Malian political context, particularly the politics of consensus and the status of political opposition.

4.2.1 POLITICS OF CONSENSUS

Consensus is inherent to Malian culture in which unity is pursued at any cost. However, consensus and democracy make for difficult bedfellows. Consensus requires unanimity and compromise. Such compromise might be considered a useful method of “getting things done,” yet it carries great risks in a country in which personal politics dominate and access to the state virtually guarantees power and material resources. Under ATT, consensus more often seems to gag all opposition and maintain the National Assembly under the yoke of executive power.

4.2.2 THE STATUS OF THE OPPOSITION

The Daba Diawara Committee report on the reform of state institutions recommends a special status for opposition parties. The head of the opposition would receive a salary and other advantages and serve as a representative to the National Assembly. This would recognize the opposition as an integral component of the regime, an idea that is a direct challenge to the politics of consensus as practiced by ATT. Independent candidates would not be allowed to run for president. The fact that ATT ran for president as an independent candidate has weakened Malian political parties and strengthened civil society in the national political arena. While civil society is an important component of democracy, so too are political parties.

4.2.3 COMPARATIVE LESSONS

In many ways, Mali's experience with decentralization is unique. Its history of decentralization, starting with the Empire of Mali, and the integral role that decentralization has played in preserving national unity and building democracy make it a difficult case to replicate. This historical experience explains much of the enthusiasm and political commitment to decentralization that took place from 1992 until 2005. It was during this period that the critical legal foundations for decentralization were established. The legal codes are essential to successful decentralization but have not been sufficient.

The challenges that Mali faces with respect to successful consolidation of its decentralization are common. Principal among them is the need to build capacity (administrative, fiscal and technical). Second, the lack of resources and skills undermines decentralization's achievements to date. Third, the shift away from decentralization by the political elite threatens the process as a whole. Finally, the dependence on external actors is particularly overwhelming because of Mali's relative poverty.

Still, Mali is ahead of several countries of West Africa with respect to decentralization and local governance, although it still lags behind Senegal, a country that has made great progress with respect to the transfer of powers in the environmental arena. Compared to other countries, Mali's decentralization still suffers from weak local elections, characterized by fraud, the purchase of votes and weak voter participation; a generalized lack of transfer of power, resources and property to the decentralized collectivities; strong dependence on external aid; and a low level of participation of women as elected representatives in the sub-national and national government structures. This latter problem has become particularly salient and has limited the democratic reach of decentralization. In contrast, Burkina Faso has implemented a quota system for women candidates at its last communal elections. In Senegal, parity between male and female candidates has been legislated by the government. So, while Mali leads the way in the region in many aspects of decentralization, it still has important advances to make before the process can be considered a success.

APPENDIX 1: KEY EVENTS IN MALI'S HISTORY

- 1960: Independence from France and creation of the French Soudan (June)
- 1960: Dissolution of the French Soudan (August) and creation of the First Republic of Mali
- 1960 Modibo Keita named President of Mali (September)
- 1968: Coup d'état led by General Moussa Traoré, Second Republic of Mali
- 1991: Coup d'état led by Lt. Col Amadou Toumani Touré
- 1991: National Conference
- 1992: Constitution of the Third Republic of Mali
- 1992: Election of President Alpha Konaré
- 1997: President Alpha Konaré elected to a second term in office, opposition boycotts election
- 2002: President Amadou Toumani Touré elected
- 2007: President Touré elected to second term in office

APPENDIX 2: LAWS RELATING TO DECENTRALIZATION

- Constitution of the Republic of Mali, February 25, 1992
- Law No. 93-008, February 2, 1993, determines the conditions for the free administration of local government, modified October 16, 1996 by Law No. 96-056
- Law No. 95-022, March 20, 1995, establishes the official Status of civil servants of local government
- Law No. 95-034, April 12, 1995, Law on Local Government (*Code des Collectivites Territoriales*), modified by Law No. 98-010 of June 15, 1998, modified by Law no. 98-066, December 30, 1998
- Law No. 96-025, February 21, 1996, created the special status of the District of Bamako
- Law No. 96-050, October 16, 1996, created the principles for the constitution and management of local government
- Law No. 96-058, October 16, 1996, determined fiscal resources for the District of Bamako and the communes it includes
- Law No. 96-060, April 11, 1996, Finance Law
- Law No. 96-061, April 11, 1996, fundamental principles for public accounting
- Law No. 99-037, August 10, 1999, modified article 19 of Law No. 93-008
- Ordonnance No. 00/P-RM, March 22, 2000, Land Law
- Law No. 00-044, July 7, 2000, fiscal resources for communes, *cercles*, and regions
- Law No. 02-008 February 12, 2002, modification and ratification of Ordonnance 00-027/P-RM, March 22, 2000
- Decree No. 95-210/P-RM May 30, 1995, establishes the conditions for the nomination and assignments for local government representatives
- Decree No. 96-119/P-RM, March 20, 1996 establishes the conditions for the nomination and assignments for representatives of the District of Bamako
- Decree No. 96—084/P-RM, March 20, 1996, determines the conditions and forms for access of local governments to deconcentrated services of the State
- Decree No. 01-555/P-RM, November 20, 2001, modified Decree 95-210, May 5, 1995
- Decree No. 02-313/P-RM, April 6, 2002, , outlines details for the responsibilities transferred to local government in the area of education
- Decree No. 02-314/P-RM, April 6, 2002, outlines details for the responsibilities transferred to local government at the commune and cercle levels in the area of health
- Decree No. 02-315/P-RM, April 6, 2002, outlines details for the responsibilities transferred to local government in the area of rural and urban water
- Decree No. 00-269/P-RM, June 8, 2000, creating the National Committee for the Technical Support Training for Local Government
- Decree No. 00-386, August 10, 2000, establishes the organization and operating methods for the National Investment Agency for Local Government (ANICT)

- Law No. 00-042, July 7, 2000, creates ANICT
- Order No. 002301/MATC-SG, establishes the organization and operating methods for the National Committee for Technical Support Training for Local Government

Source: MATCL.

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