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# COMPARATIVE ASSESSMENT OF DECENTRALIZATION IN AFRICA: MALI IN-COUNTRY ASSESSMENT REPORT

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by J. Tyler Dickovick and Rachel Beatty Riedl

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# ACRONYMS

ADEMA-PASJ	<i>Alliance pour la Démocratie au Mali—Parti Africain pour la Solidarité et la Justice</i> (political party)
AMM	<i>Association des municipalités du Mali</i> (Association of Municipalities of Mali)
ANICT	<i>Agence Nationale d’Investissement pour les Collectivités Territoriales</i> (National Investment Agency for Local Collectivities)
ATT	Ahmadou Toumani Touré
BVG	<i>Bureau des Vérificateurs Généraux</i> (Inspector General Agency)
CAP	<i>Centre d’Animation Pédagogique</i> (Center for the Advancement of Pedagogy)
CARI	<i>Comité d’Appui aux Reformes Institutionnels</i> (Committee to Support Institutional Reform)
CGS	<i>Comité de Gestion Scolaire</i> (School Management Committee)
CMDT	<i>Compagnie Malienne pour le Développement des Textiles</i> (Textile Development Company of Mali)
CSCOM	<i>Centre de Santé Communautaire</i> (Community Health Center)
CT	<i>Collectivité territoriale</i> (Local Collectivity, or Local Government)
DDPH	Democratic Decentralization Programming Handbook
DNCT	<i>Direction Nationale des Collectivités Territoriales</i> (National Directorate for Local Collectivities)
GIE	<i>Groupement d’Intérêt Économique</i> (Small Business Cooperatives)
HCCT	<i>Haut Conseil des Collectivités Territoriales</i> (High Council for Territorial Collectivities)
ICS	Indigenous Civil Society
MATCL	<i>Ministère de l’administration territoriale et des collectivités locales</i> (Ministry of Territorial Administration and Local Collectivities)
NGO	Nongovernmental Organization
RPM	<i>Rassemblement Pour le Mali</i> (political party)
PARENA	<i>Parti pour la renaissance nationale</i> (political party)

TDRL	<i>Taxe de développement régional et local</i> (Regional and Local Development Tax)
URD	<i>Union pour la République et la Démocratie</i> (political party)
USAID	United States Agency for International Development
USRDA	<i>Union Soudanaise pour le Rassemblement Démocratique Africain</i> (political party)
VAT	Value-Added Tax

# EXECUTIVE SUMMARY

Mali is one of sub-Saharan Africa's leading electoral democracies, and the country's decentralization reforms of the 1990s garnered considerable attention. These reforms, which followed immediately upon the dramatic democratization process of 1991 and 1992, created a large number of local governments known as communes (totaling 703 at present), as well as indirectly elected units of government at two higher levels: *cercles* (often translated as districts) and regions.

The decentralization process presents a mixed record of achievements and disappointments, at least when it comes to the state and formal institutions. We will examine the mechanics of the process of decentralization (and its motivations) in Chapter 2, and then turn in Chapter 3 to the task of examining how much Mali's decentralization has achieved toward the intermediate objectives identified by USAID: authority, autonomy, accountability, and capacity. We find that the formal-legal process of decentralization indeed devolved authority, but did so without ensuring local autonomy of action; a legal framework for decentralization is in place, but fiscal resources in particular limit local (or "sub-national") governments. Moreover, the question of accountability is vexed by the tendency for upward accountability through institutions of the state (known as *tutelle*, or "supervision"), which seem to have taken precedence over downward accountability to local citizens. Finally, the question of capacity remains salient, and can be expected to remain so for some time.

However, relations between the central state and local governments constitute only half of the story, and the less promising half at that. Throughout this report, we pay particular attention to an area where Mali may well be a democratic standout and where we might find best practices in decentralization and local governance: indigenous civil society institutions. Time and again in Mali, local citizens made reference to these institutions that support local development, and do so in a way that capitalizes on deep cultural resonance, reservoirs of trust, and thoughtful institutional design. We return to these institutions in our examinations of each of the intermediate objectives of decentralization. These institutions constitute a meaningful form of authority (Section 3.1), operate with autonomy from the state (Section 3.2), are characterized by high degrees of accountability (Section 3.3), and have demonstrated a significant capacity (Section 3.4) to mobilize resources and provide public goods. We will have occasion to return to them in the concluding chapter (Chapter 4) as well.



# 1.0 MALI: COUNTRY CONTEXT

In the first chapter, we provide some crucial context for understanding decentralization in Mali. Section 1.1 provides some brief background on the formal/legal/bureaucratic institutions of Mali's democracy, while the following section (1.2) delves into two issues of more direct significance to decentralized governance: the pattern of formal authority and indigenous civil society institutions. Section 1.3 (very) briefly notes the methods of the study, while Section 1.4 provides a glossary of several terms particular to the Malian context that greatly affect prospects for local governance.

## 1.1 DEMOCRACY AND THE POLITICAL SYSTEM IN MALI

Mali's electoral democracy and protections of basic civil liberties make the country a favorite of western donors and media, though there is growing recognition that governance remains flawed in several key areas. In many respects, decentralization can be seen as a reform intended to consolidate or deepen democracy, while also providing development benefits. We find that the country has witnessed a transition to democracy and has undertaken a formal process of decentralization, but that these twin processes remain unconsolidated. In beginning to examine these questions, we turn first to the macro-political context of Malian governance.

In 1991 and 1992, a dramatic democratization process occurred in Mali with the downfall of the Moussa Traoré regime (1968-1991). Spurred by massive civil society mobilization, the democratization process reached a climax in March 1991, when several hundred students and other citizens were gunned down, allegedly by a Malian army detachment, but under circumstances that have never been fully clarified.

Following these events, the democratization process ultimately came to be backed by key elements in the military, including Colonel Ahmadou Toumani Touré (known as ATT), who would play a lead role in organizing in the National Conference and constitutional revision processes after the downfall of the Traoré government and would subsequently become president in 2002. Elections for the presidency—which were generally deemed free and fair—were held in 1992 and were won by Alpha Oumar Konaré of the *Alliance pour la Démocratie au Mali* (ADEMA) party.

As in many other countries in Francophone Africa in the early 1990s, the country undertook a National Conference (*Conférence Nationale*), a constituent assembly with a mandate to propose a new, democratic Constitution. The Constitution was ultimately drafted, translated into eight national languages, and submitted for approval through a referendum. Conference conveners and others took great pains to organize a careful and thoughtful constitutive process. This included conducting the debate in maternal languages that were accessible to the broad mass of citizens (who have *not* mastered French to the level of intelligent constitutional debate), as well as in Mali's official language, French. Radio was used extensively as a medium to promote open,

informed debate; but equally important, conveners provided for translation of the Constitution into eight national languages and then ensured distribution throughout the country, so that Malian citizens had multiple opportunities to follow and indeed *participate* in constitutional debates at local levels. The fact that the Constitution was anything but ‘imposed’ has generated considerable legitimacy for that document and for the new regime (cf. Wing, 2008, *passim*, esp. 173-177). The question of the languages of political life is one to which we return in this report as a factor limiting the effectiveness of decentralization.

At present, Mali’s political system continues to maintain democratic credentials that are the envy of many other African countries, as epitomized by its “Free” rating from the independent organization Freedom House. However, we will argue that four institutional weaknesses constitute significant constraints on the full functioning of decentralization and democratic local governance. These weaknesses are manifest in several institutional dilemmas, including (1) a *state* that exerts dominant control over many aspects of political life (*tutelle de l’état*); (2) the practices of *patronage*, *clientelism*, and *corruption*; (3) an inchoate *party system*; and (4) a *presidentialist* model with weak territorial representation.

Concerning each of these and related dilemmas, we offer general arguments about the character of national political institutions, some of which pertain to a general critique of Malian politics itself. In this report, however, we seek to delineate carefully how each of the dilemmas pertains directly to questions of decentralization, devolution, and the quality of local governance.

## 1.2 DECENTRALIZATION AND LOCAL GOVERNANCE IN MALI

Mali is a decentralized society, even if it is not a decentralized polity. The mismatch between these two phenomena is essential to our understanding of the country’s society and politics. The fundamental concepts of decentralization can be found deeply rooted in Malian culture—i.e., have persisted for some 12 centuries (beginning just before 800 A.D.—about the time Charlemagne was trying to recentralize governance in Western Europe)—as well as in the social institutions of indigenous civil society outside of state institutions. By contrast, the Malian state has what may be termed a spotty or patchwork commitment to decentralization, and a mixed record of implementing it. We look briefly at decentralization within the state before turning (here and elsewhere in the report) to the robust support for decentralization that can be found in indigenous civil society institutions beyond the state.

### 1.2.1 DECENTRALIZATION AND THE STATE: FORMAL, LEGAL, AND JURIDICAL CONTEXT

Decentralization has been incompletely consolidated in Mali, despite an intriguing and rather original decentralization process that has stretched from the 1990s to the present. With respect to the formal processes of state decentralization, changes to the country’s centralized structures began in the early 1990s, nearly simultaneously with the drafting of the Constitution of the Third Republic. At that time, Mali opted for decentralization (as nearly all our interviewees noted). This was intended to counter a historically centralized state, based on the French colonial model and perpetuated and reinforced through the authoritarian regimes of Modibo Keita (1960-1968) and the aforementioned Moussa Traoré. The contemporary state can, for all practical purposes, be considered a lineal descendent of that colonial and early post-colonial model, despite the substantial reforms undertaken in the 1990s.

Mali's 1990s decentralization process resulted in creation of a total of 703 communes, 49 *cercles* (or districts), and eight regions, plus the special District of Bamako for the capital city metropolitan region. The process featured several intriguing design elements that provided some opportunity for bottom-up participation. The presidency commissioned a Decentralization Mission, headed by Ousmane Sy, who later became the Minister of Territorial Administration and Local Collectivities (*Ministère de l'Administration Territoriale et des Collectivités Locales* [MATCL]). The Mission proposed that Mali's many thousands of villages would retain the right to choose autonomously how they would organize themselves into communes, though the Mission also ensured that certain technocratic criteria were taken into account in establishing each commune (including population size, and distance from each village to the commune seat). As we shall note later, the initial draft of the Decentralization Mission's criteria for devolution was heavy on technocratic criteria, while the final version included more flexibility for villages to constitute their own communes.

Communes were the basic units of the decentralization process, and constitute the lowest level of formally recognized governance (below which, it should be noted, citizens maintain a lively, resilient culture of non-formal governance in a rich variety of indigenous civil society institutions). Communes make up the bottom level of a formal four-tier system of governance that includes the *cercles*, regions, and central government. They can be designated "urban communes" or "rural communes", depending upon population size; in rural areas, communes are multi-village units, often comprising 30 to 40 communities. Despite their status as devolved units of local governance, communes remain subject to a notable degree of supervision by the aforementioned MATCL; we will return to this point in our discussion of *tutelle*.

As a natural outcome of the country's demarcation process (*découpage*), some communes came to replicate the still meaningful pre-colonial socio-political-economic units (*kafos*—see Section 1.4) that provided socioeconomic coherence and made the communes resonant with local culture. This was especially true in some regions of Mali where state penetration (both colonial and post-colonial) was weaker, such as the extreme western region of Kayes, as well as Mali's northwest (Yélimane) and northeast (Kidal) regions. In other areas, such as the southern cotton belt in the Sikasso region, longer legacies of colonial and post-colonial state-building resulted in communes structured more along lines shaped by the *cercles* and *arrondissements* initially created by the French colonizers.

We will turn in later sections to the question of the powers, functions, and resources devolved as part of the decentralization process. To anticipate those comments, we note here that the decentralization process achieved its clearest success precisely in establishing directly elected governments at the commune level, and indirect elections for councils at the *cercle* and region levels. That is to say, Mali clearly undertook a meaningful political decentralization process by establishing the elected sub-national governments (*collectivités décentralisées* or *collectivités locales*), but beyond the formal fact of political decentralization, the achievements are much less clear. Fiscal decentralization has lagged (as responsibilities have been transferred without accompanying resources) and administrative decentralization retains a significant role for the state's exercise of its "supervisory capacity" (*tutelle*). We may say that a *transition* to decentralized government occurred, but that this transition has not witnessed *consolidation*.

## 1.2.2 DECENTRALIZATION OF POWER AND INDIGENOUS CIVIL SOCIETY (ICS) INSTITUTIONS

Decentralization receives more robust institutional support outside state institutions, and it can be seen as a deeply historical phenomenon in the region of present-day Mali (see Kassibo, 2007; Rawson, 2000; Wing and Kassibo, 2010). For example, the notion of “subsidiarity”—formalized by the political theorist Johannes Althusius and recently made popular in debates over federalism and decentralization in the European Union—dates back at least twelve hundred years across this region of the Sahel to the establishment of empires, including the Ghana Empire, from 790 to 1076 A.D. (Coulibaly, 2006). The principle of subsidiarity runs contrary to Mali’s subsequent (colonial and post-colonial) centralization, as it holds that problems should be solved at the lowest level possible. In the Malian historical context, local institutions enjoyed autonomy of action within their own areas of jurisdiction, and institutions at overriding (or higher) levels had the duty to intervene if and only if an institution at a subordinate level prove incapable of solving problems.<sup>1</sup> Importantly, the principle of subsidiarity extended even below the local levels of governance; village councils, for instance, would not intervene in the activities of work groups and youth associations unless these organizations began to move beyond their areas of competence or created problems for other members of the community. As traditionally exercised in Mali, subsidiarity may be seen as maximizing the autonomy and responsibility of grassroots actors wherever and whenever they know that they can deal effectively with a given problem.

For the purposes of contemporary decentralization and local governance, we emphasize that indigenous socio-political institutions are not historical relics; they continue to provide multiple centers of governance at the levels of the village, inter-village geographic areas and significant natural resource units (watersheds, forests, fisheries, pastures). Many of these ICS institutions (see Section 1.4) are non-formal, and we would argue that this should not be interpreted as evidence of their lack of authority and power. Indeed, the opposite conclusion may well be more accurate—because such entities are controlled by their members, and leaders are accountable on terms widely understood and supported by members, they enjoy considerable legitimacy, and thus authority and power. As we note in the sections on accountability (3.3) and capacity (3.4), one key indicator of the legitimacy and authority disparities between ICS and formal state institutions is the facility with which the former mobilize members’ funds to implement their activities. State institutions, by contrast, face difficulty in collecting taxes.

Given their importance for local governance and their prospective roles in strengthening decentralization, we will provide considerable treatment of the “indigenous civil society institutions”, defining these as nongovernmental institutions which grassroots communities have either created or inspired, and over which they retain control. Within the framework of the Sahelian civilizations are found the following intermediary institutions: village, intra-village, and supra- (or inter-village) institutions. Of the last, the best known and the most dynamic are the *kafos* (or *kafus*). We return to these in subsequent sections.

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<sup>1</sup> Overriding institutions in traditional Malian governance would intervene only when subordinate jurisdictions or organizations either were unable to deal with a given issue alone and leaders of subordinate entity asked for assistance, or when a decision concerned a “sector” which exceeded the limits of the lowest-level jurisdictions.

### 1.3 METHODOLOGY AND DESCRIPTION OF FIELD WORK

This examination of decentralization and local governance in Mali took place over two weeks. A team of three conducted field research (August 2 to August 14), followed by several days of preparation of a Mission report and presentation for meetings with USAID/Mali. August 4 to 7 were spent in the southern region of Sikasso, while the team spent August 7 to 10 in the region of Ségou, to the east of the capital. Communes visited included Sikasso and Niéna (Sikasso Region) and Ségou and Niono (Ségou Region). Interviews in Bamako were conducted primarily from August 11 to 14. A more thorough timeline is included in Appendix 2. The predominant methodology was semi-structured interviewing. We focused on elected and appointed officials at the national and sub-national levels, civil society organizations, and NGOs. Interviews were complemented by reviews of existing studies, reports, government documents, and electronic sources, particularly for fiscal details. The team considered seeking quantitative data from the central government agency responsible for fiscal decentralization, but concluded it would be unable to examine datasets adequately in the timeframe. In addition to a focus on the decentralization assessment, the team spent one-third of its time on questions posed by USAID/Mali regarding new strategic programming ideas.

### 1.4 KEY CONCEPTS AND GLOSSARY OF MALIAN TERMS

In our discussions of Malian local governance, key terms should be defined at the outset. This glossary provides several such terms in current use in Malian decentralization. Cultural paradigms, including paradigms of governance, are anchored in these concepts. The terms and concepts presented below thus provide an indispensable background for readers interested in the full implications of the contents of this report. These terms and concepts, consistently present in the reflections of Malians at all levels in the society including those who are its youngest members, offer privileged windows into the evolution of processes currently underway in Malian society. A number of these terms are more fully elaborated in the context of various sub-sections of the report.

#### *Djéli*

Indigenous historian and praise singer. Typically attached to a noble family, the *djéli* can also serve as town crier, and plays a key role in shaping and mobilizing public opinion. *Djélis* are among the most powerful individuals in the society in articulating indigenous values, for instance, the position that it is not acceptable to embezzle funds mobilized by indigenous civil society organizations (e.g., *kafos*, see below). They constitute a regulatory mechanism in indigenous society, where their criticism is taken seriously—opprobrium cast on an individual adheres to his descendants as well, and can imperil marriage chances for children of this kind of ‘bad family’. While this cultural phenomenon has a salience beyond the question of decentralization alone, the implications of such a role for local governance can be seen in its constituting a perduring mechanism for unavoidable accountability in ICS institutions.

#### *Kafo (or Kafu)*

The Bambara term ‘Kafo’ designates a long-enduring institutional form found in the Mandinka regions of West Africa. It dates from the great West African empires which began with the Ghana Empire in the late eight century A.D. These institutions were organized to deal with problems that exceeded the scale of a single village. *Kafos* were multi-village associations, based

on proximity, blood ties and marriage alliances. Having their own locally selected leaders, they provided a recognized and legitimate institutional framework for the exercise of power, conduct of military operations and economic activities, as well as for the coordinated development of renewable natural resources (e.g., watersheds). Preserved and even strengthened by the French colonial regime, they were “disbanded” by leaders of Mali’s First Republic under Modibo Keita, only to be resurrected by citizens in the form of contemporary development associations. For more details, see Section 3.1.2, “Legitimacy and Authority”, below.

### ***N’domo: The First Bambara Age Grade Initiation Society***

*N’domo* is first of a series of five initiation societies within West Africa’s Mandinka cultures, and it provides a useful illustration of the existing commitment to institutional design and to participation in Bambara society; these initiation societies exhibit patterns of political socialization and encourage the development of local political capacity (as referenced in Section 3.4). The societies are constituted as male age grades, and formerly provided the extra-familial framework for male education from six or seven years of age through adulthood and into old age. Education was an ongoing process among the Mandinka peoples.

Training provided in the Bambara milieu outside the family occurs in initiation societies, of which the major *dyow* (societies) number five in all: *n’domo*, *nama*, *kono*, *tyiwara*, and *korè*.<sup>2</sup> These are extra-familial institutions which exist at the village level and train succeeding generations of the population, organized in age grades. The education provided concerns the hidden meaning of things as well as ‘scientific’ knowledge which enables people to master natural and social phenomena. Such training is an apprenticeship in knowledge and know-how, techniques, and technologies. These societies have a monopoly neither on training nor on education; nor are they exhaustive in intellectual or religious matters. Nonetheless, whoever completes the full series of initiations, acquires in Bambara eyes the assets required to move through the various stages of life.<sup>3</sup>

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<sup>2</sup> The order in which they are here presented is that of the succession of age grades, so naturally the *n’domo* corresponds to the group of the youngest boys (the still uncircumcised), and the *korè* to that of the oldest members of the community.

<sup>3</sup> The passage from one *dyo* (society or age grade) to another amounts to completion of an important stage in a man’s life. For instance, childhood is structured by the *tyécorobani* (little old man) society which prepares children for the *n’domo*. This pre-official society, which is not, strictly speaking, a *dyow* (society), offers a sort of ‘pre-school’ intellectual, moral, and religious preparation for the *n’domo*. A boy then moves from ‘self-awareness’ (*androgynie*), corresponding to the *n’domo*, to a man in the full sense of the word (*komo*), then to man in his dual nature, capable of both good and evil (*nama*). This duality, once mastered, produces the man of principle (*kono*), who evolves into the man of the ‘manual activity of farming,’ the ‘universal man’ of the *tyiwara*. Finally, he becomes, within the context of the senior *korè* age grade, an ‘independent being free of all servitude, who renders accounts, according to his conscience, to God alone.’

What is the thread which provides coherence to this architecture of knowledge, in appearance so incoherent? For Dominique Zahan, the thread exists in the relationship between the *n’domo* and the *korè*: “This is what the Bambara mean ... when they assert that self-knowledge (*n’domo*) engenders the investigation of knowledge as such (*komo*) and leads man into contact with the social (*nama*). From this, arises in turn judgment and moral conscience (*kono*). By broadening its perspective, knowledge then encounters the cosmos (*tyiwara*) and then ends with divinity (*korè*)” (Zahan, 1960, p. 32).

The *n’domo*, as noted, concerns the stage of self-awareness. The self-awareness at issue in the *n’domo* occurs through formulation of the major problems which initiates of this society must set for themselves. These questions are those concerning the origin of man, the constitution of his being, the principles which provide the foundation of that being, the questions of man’s knowledge, his nature, and his aim or purpose. In summary, it is an examination of the possibilities and constraints of human existence.

Note that answers to these questions are not discovered in the *n’domo* society alone; rather the answers to the majority are found in the final initiation society, the *korè*. That is a function quite obviously, first of the kinds of questions raised in the *n’domo*, but also of the manner in which the transmission of knowledge occurs in Bambara society.

Bambara initiation societies [i.e., age grades] are a privileged instrument of institutional education [i.e., training in how institutions should function]. They offer through their operations the model of how an authority should function within the context of Bambara institutional culture. If we take the example of the first initiation society, we find that the *N'Domo tigi* (the 'master of the *N'Domo*') doesn't merely conduct *N'Domo* ceremonies with assistants, that is, the one charged with conducting sacrifices ("*murukala tigi*") and the chief of 'chains,' another figure characteristic of the *N'Domo* (the latter is designated as the "*dyolokow tigi*"). Instead, he is also monitored by a "perpetual witness," denominated '*N'Domo tigi syèrè*.' The two assistants (*murukala tigi* and *dyolokow tigi*) constitute the Council of the *N'Domo*. The *N'Domo tigi* is named by members of the graduating council (the preceding age grade), while the members of the council taking office, as well as the *syèrè*, are chosen by the age grade members themselves.

### *Syèrè*

The three fundamental principles of the exercise of power in Mandinka society are as follows, and can be seen as fundamentally consistent with the premises of decentralizing authority: (1) power sharing, (2) separation of roles, and (3) the existence of opposition powers. The first form of "opposition power" (in the sense of an institution having the role of preventing or correcting excesses of power in these societies) is found in the internal organization of the exercise of power itself, as well as in the exercise of any authority whatsoever—this is the *syèrè* (inaccurately translated in French by the word 'witness'). In these Mandinka oral societies, he who exercises power (say, a chief) must be 'assisted' by someone who can vouch, in the eyes of the community, for the precision of the words which the chief asserts that he has spoken, the acts which he maintains that he has undertaken, and the decisions he has taken in a given circumstance. The *syèrè* is thus a sort of 'perpetual monitor' who materializes in very practical terms the constant oversight by community members of the way in which the powers they have conferred upon a chief are in fact exercised. Social pressure underpins the functioning of this institution; the *syèrè* is prevented from colluding with the leader and lying about his leader's commitments and actions by his own interest in ensuring the credibility that is the guarantee of respect in Mandinka society.<sup>4</sup>

The position of *syèrè* is best understood as an indispensable "constitutional" post in civil society organizations. Village chiefs each have their *syèrè*, and each knows that his *syèrè* will publicly challenge him if he strays from the truth. Thus, the role of perpetual monitor preemptively discourages lying and obfuscation. Leaders tell the truth and tell it straight, or they do not remain leaders. Integrated into the institutional design of civil society organizations, this mechanism offers members a very low-cost form of recourse to obtain accurate information from their leaders. Again, this indigenous "institution" represents a guarantee of accountability in governance. As a design element in the constitution of ICS institutions, it limits temptations which all leaders face to manipulate followers by shaping information they provide to reflect their own interests. Elections are expensive to organize, often subject to manipulation (in all

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<sup>4</sup> This Malian institution, whose functioning depends heavily upon social pressure, can usefully be contrasted with formal political institutions designed to provide public checks on power, such as opposition parties. As Chabal and Daloz (1999) have noted, opposition parties in Africa rarely perform the role of institutional counterweight, precisely because they are eager to be incorporated into the patronage networks of those who govern.

cultures), and offer only intermittent recourse against leaders. By contrast, the role of *syèrè* is inexpensive, difficult to manipulate, and offers constant recourse.

### ***Tutelle***

*Tutelle* is the French term for supervision. Unlike the previous terms, this refers to state activity and not ICS actions. In the context of governance and administration in Mali, it can best be understood as an assertion by high state officials of their legal prerogative to intervene at will in the affairs of local government units to ensure that local government elected and appointed leaders are in full compliance with formal state legal regulations. *Tutelle* also authorizes administrators of overriding units (*cercles* of communes, regions of *cercles*, etc.) to offer technical advice to local government officials, or to detail state technical agents (education counselors, agricultural agents, foresters, rural development specialists, public health system personnel, engineers and the like) to provide the advice administrators deem necessary and appropriate. Such apparently non-binding advice can take the form of commands, obedience to which is mandatory.

One should note that the concept of *tutelle* provides a ready-made framework for rent collection, insofar as any actor who exercises supervision of another controls a veto point. If a commune budget requires the prefect's approval as a condition of validity, then the prefect's approval (that is, voluntary suspension of his legal veto) has a market value for commune officials. We return to this in the sections on Authority (3.1) and Autonomy (3.2). This does not imply that all prefects 'sell their decisions,' only that they regularly face the temptation to do so.

# 2.0 WHY DECENTRALIZATION? POLITICAL INCENTIVES IN MALI

To understand decentralization in Mali, we believe it is useful to separate the stated goals of decentralization from the underlying political incentives that inform it (cf. USAID Desk Study Guidance). In this chapter, we turn to the political economy of decentralization. Some factors that encouraged decentralization—creating stability in light of the Tuareg rebellion in the north, for example—represented stated goals of the Malian political elite (as noted in Section 2.1 below). These state goals did indeed fit with political incentives. Other factors, however, show there are significant differences between the “noble” goals of decentralization and the real political incentives that drive political decision making on this issue. Accordingly, we show in Section 2.2 how state actors have limited decentralization in Mali.

## 2.1 STATED GOALS: STABILITY; DEMOCRACY; DEVELOPMENT

The decision to opt for decentralization in Mali occurred in tandem with democratization of the country. It was a major point of discussion at the time of the *Conférence Nationale*, and was planned and implemented as the country established its democratic credentials through the 1990s. We consider here the stated goals of decentralization, recognizing that motivations to decentralize may have been murkier at the time of the decision. Among the stated goals, motivations to decentralize can be characterized as both pragmatic and “noble”. On the pragmatic side, Mali’s efforts at establishing a constitutional democratic republic were initially threatened by the question of territorial integrity and domestic stability, especially with regard to the Tuareg rebellion in the north of the country (Seely, 2001; Wing, 2008, p. 83).

Decentralization may thus be seen as part of a conscious effort to distribute power downward in order to give multiple actors (in all regions) a stake in the political game. In the terms of the USAID *Democratic Decentralization Programming Handbook*, stability may have been an imperative, along with the establishment of nominal democracy at the national level.

On the “noble” side of the coin, one might assert that the purported goals of democracy and development may have informed the decisions to decentralize. Insofar as the National Conference and the national process of constitutional development were highly inclusive, decentralization may have been part of an effort to ensure democracy in a deeper sense of the term (cf. Wing, 2008). Similarly, well-intentioned decision makers at the time of decentralization may have sought to promote development through enhanced service delivery.

Another “noble” motivation that may have driven decentralization was the idea that devolving power was deeply consonant with Mali’s unique cultural and political history (cf. Coulibaly,

2006; Kassibo, 2007; Pringle, 2006). By this argument, decentralization was a natural outcome of the revival of democratized decision making after the end of the Traoré regime, largely because Malians sought to return the country to its historic base (cf. Rawson, 2000, pp. 266-267).

We concur with the finding that decentralized society is consistent with Mali's political and cultural traditions, and we believe that indigenous Malian institutions exhibit a strong tendency toward bottom-up subsidiarity. Indeed, at several points through the report we will elaborate on the mechanisms of subsidiarity and downward accountability in Mali's ICS, arguing that they represent a potentially powerful basis for decentralized local governance. However, we are also skeptical of the assumption that the decision-making elite at the time of democratization sought to promote, or was willing to allow, full establishment of a highly decentralized state. We develop this argument in the next section.

## 2.2 POLITICAL ECONOMY: INTERESTS AND INCENTIVES OF STATE ELITES

While some of the stated goals above truly motivated the decentralization reforms, it is important to note other underlying incentives facing state elites. In some cases, decentralization may have served the interests of state elites, while in other cases these interests motivated resistance to decentralization.

### 2.2.1 INCENTIVES TO DECENTRALIZE

One team member (Coulibaly) participated in an early review of the criteria proposed by the Decentralization Mission. The initial drafts of the policy envisaged parceling the national territory into communes according to technocratic criteria, such as population size and geographic distances between the commune seat (*chef-lieu*) and all commune villages.<sup>5</sup> This original *découpage* was subsequently altered by popular participation, as local communities worked to ensure that the creation of communes corresponded to areas that shared mutual affinities and were not created according to criteria that may have been technocratic, but were socially arbitrary (see Wing, 2008, pp. 88-89).

There are multiple hypotheses about the impetus to decentralize, and a full study of the relative merits of these hypotheses is beyond the scope of this report. Nonetheless, we will note three additional possible incentives to promote decentralization, beyond those noble and pragmatic criteria reviewed in Section 2.1. The first two of these are interrelated incentives that may have existed, and are more venal in nature than the “good reasons” above: partisan incentives and state incentives that relate to questions of patronage and opportunities for rents. The third is the hypothesis that decentralization was a response to external or donor-based incentives.

The first hypothesis—of partisan incentives—is salient because the political moment at which political decentralization was instituted was the moment when the dominant ADEMA party achieved its greatest partisan power. ADEMA initially consisted of the democratization movement and later evolved into Mali's most significant political party, and by the mid-1990s, it could plausibly be called the dominant party in Mali: it held both the presidency (with ADEMA's Alpha Oumar Konaré elected to the post) and a commanding legislative majority. In

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<sup>5</sup> For a theoretical treatment of similar top-down processes that superimpose a central state vision on complex local realities, see Scott, 1998.

the 1992 elections, it won 76 of 116 seats, and in 1997 won 128 of 147 seats.<sup>6</sup> At the sub-national level in 1998-1999, ADEMA won 6,244 of 10,545 seats (59 percent), with the next largest party (PARENA) taking just 1,045 seats. However, ADEMA's domination of the political scene waned soon after 1999, as the independent Ahmadou Toumani Touré became a leading presidential candidate and as the party system fragmented with major political leaders creating new electoral vehicles.<sup>7</sup> By 2004, however, ADEMA's proportion of sub-national government seats declined by about half, as it took just 3,051 of 10,771 seats (28 percent). Dominant parties may have partisan motives to decentralize in order to provide electoral outlets for their rank and file, and this logic may be especially useful when these parties face the prospect of imminent electoral decline (O'Neill, 2003; Dickovick, 2005). At present, the incentives of political parties are much less clear, since the party system has grown more fragmented and inchoate with the decline of ADEMA's dominance; this in turn may help explain the relative lack of powerful actors advocating for the deepening or consolidation of decentralization.

Related to this may be the hypothesis that state actors (or state elites) sought decentralization as an opportunity to expand opportunities for patronage and rent collection. By this logic, state actors may see decentralization as a means to extend formal governance down to local levels. While theories of decentralization emphasize the advantages of localized governance, the reality may be that creating elected local positions can give well-connected elites access to positions of power and patronage. Potential beneficiaries could include local elites or *former* central state officials (both elected and appointed) who seek the prestige and power of local elected positions. Insofar as decentralization is sometimes a top-down decision, it is worthwhile to consider the career prospects and interests of those involved. Here, we have scant evidence that *current* state elites prefer decentralization to continued centralization. We return to this issue below in examining how the state has sought instead to control subsequent patterns of decentralization, and has indeed attempted to maintain centralized control.

Finally, a brief word is in order on donor support. Here, little evidence suggests that decentralization was a response to donor pressure. While donors actively encourage decentralization at present, purely domestic factors are both necessary and sufficient to explain the initial stages of the process in the 1990s. The academic literature and interviewees concur in highlighting domestic Malian political forces that shaped the decentralization decisions; donors have extensively supported certain processes, particularly in subsequent stages as Mali's democratic credentials have received increasing attention. However, a word of caution is in order: as the early stages (when domestic factors prevailed) were those of greatest achievement and subsequent phases have had more limited success (associated with more limited domestic commitment), this raises questions about donors' ability to promote decentralization as a process of state reform in Mali.

We cannot undertake the full historical investigation necessary to adjudicate between the hypotheses about the causes of decentralization, but we highlight them as important narratives that illustrate the ways decentralization can be shaped by the political interests of state actors. If

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<sup>6</sup> Statistics on electoral results are from Wing, 2008, pp. 90-93.

<sup>7</sup> Two politicians, both of whom are likely presidential candidates for 2012, figure as especially important here: Ibrahim Boubacar Keita (known as IBK) established the *Rassemblement pour le Mali* (RPM) party and Soumailia Cissé established the *Union pour la République et la Démocratie* (URD).

support for decentralization figures among the intended goals and objectives advocated by international actors, but instead relies for its implementation on the self-interest of state officials, we have reason to be skeptical of external calls for political will. It is in light of this observation that we look to other actors—particularly those in civil society—for an alternative to state-led decentralization.

## 2.2.2 THE STATE AND CONTINUED CENTRALIZATION

If indeed support for decentralization is more subject to political calculations than to developmental calculations, we would expect support for decentralization to fade when political actors gain little advantage from it. In this sense, Mali may remain susceptible to some of the pathologies of governance exhibited in many other “predatory” states in Africa. With respect to decentralization, there is a general consensus that enthusiasm has faded during the Touré (ATT) presidency (2002–present), relative to the Konaré presidency from 1992 to 2002 (cf. Wing, 2008; SNV/CEDELO, 2004; McCannell, Keshishian, and Touré, 2008). The question of democratic consolidation relates closely to the question of continued state centralization. In the terms of Linz and Stepan (1996), the *consolidation* of democracy has proved more challenging than the *transition* to democracy in many countries, and this observation accurately describes Mali’s decentralization.

Democratization in Mali resembles, in effect, an effort to ‘square the circle’ because it attempted to construct a liberal democracy while remaining strongly committed to centralization.<sup>8</sup> The vision that guides the Malian state remains strongly committed to centralization (see box).<sup>9</sup> Despite the often repeated confirmation of support for the separation of powers, the executive enjoys an overweening power that vests in the President of the Republic, in addition to the roles of head of state and head of the army, the power to dissolve the National Assembly. The president also heads the High Judicial Council, which manages the careers of judges. Moreover, important decisions that affect economic life, such as those concerning privatization of strategic enterprises, have been taken by the executive in violation of procedures currently required by law.

In this centralized, presidentialist regime, the political and administrative elite may seek to capture opportunities to collect rents, participate in generalized and widespread corruption, and assure legal impunity for political actors and the administration’s high cadres. The predatory behavior of the political class and different groups of actors seeking to defend their interests has eroded the consensus supporting decentralization.

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<sup>8</sup> Meanwhile, Mali lacks the means necessary to ensure the creation of a European-style welfare state, which might otherwise lead citizens to accept centralization of public power. The ex-French Prime Minister, Laurent Fabius, noted in writing in 2000 of the crisis of the state in France that “France is experiencing difficulty in redefining the State. The centralized State is weakening. The deconcentrated state has not yet become a reality. The continental State is a hypothesis. The welfare State is becoming impoverished, but resists recognizing that it can no longer function as the strongbox that can finance increasing expenditures.”

<sup>9</sup> In the Senegalese context, Dickovick (2005) emphasizes that the interests of political party leaders and state elites may sometimes diverge, with the former seeking to decentralize for electoral reasons and the latter preferring to retain central control over public revenues and expenditures.

## **The Malian State and Elite Behavior: The Incomplete Implementation of Decentralization**

Mali is one of Africa's most democratic nations, with a tradition dating back two decades of sustaining liberal democracy insofar as the country exhibits continued guarantees of economic liberalism and individual liberties. The National Conference of 1991, in its spirit, its organization and in its implementation, can be considered a strong point in the construction of democracy. It was a process which facilitated a national consensus, itself crafted during a debate in which all social classes participated freely and extensively.

Yet the Malian political class failed to abide by the vision of society produced by the National Conference. First, the National Conference itself (and the Malian executive that issued from it) failed to abide by resolutions. A key example is public financing for political parties, which clearly reflects the question of linkage between state officials and party elites. The National Conference decided to provide no financing whatsoever to parties if complete multipartyism was adopted. The executive later went back on that decision without public consultation.

The same reversal of National Conference decision making holds for decentralization. After decentralization became the chosen policy option, the specific form of decentralization was to have been negotiated in light of a full public discussion to figure out how to bring the new and the old into synergy—that is, the new actors charged with governance and management (of the communes, for example) with the old institutions which had, to that point, financed and managed local development.

Despite the ambitious program of decentralization organized within the framework of administrative subdivisions of the national territory, the fundamental rules governing the division of resources, powers, and responsibilities are far from being implemented in the sectors that are most critical for economic development. Similarly, national political actors failed to define mechanisms to implement the chosen options, which has allowed the administration to recapture the channels of decision making under cover of 'technical' decisions (concerning development policies). This likewise facilitated political parties infiltrating the administration, and enabled the strongest party (ADEMA) to win control of a large number of posts, particularly in technical agencies.



# 3.0 OBJECTIVES OF DECENTRALIZATION

In this chapter, we evaluate decentralization and local governance in Mali using the four concepts highlighted in the *Democratic Decentralization Programming Handbook* (DDPH): (1) authority, (2) autonomy, (3) accountability, and (4) capacity. In each case, we undertake a review of both the formal-legal aspects of decentralization and those aspects of local governance that relate to actors in Mali’s civil society. For the former, we emphasize the mixed record of the Malian state in promoting quality local governance and in working toward the four objectives and the goals of development and democratic consolidation. We find that the state has devolved some degree of authority and has made modest efforts in other areas (most notably the prospects for accountability implicit in local elections), but that autonomy and capacity remain generally low at the local level. On the other hand, we dedicate considerable attention to the more promising findings regarding civil society actors. We emphasize this in the interest of highlighting best practices and views of institutions in Mali that can support more dynamic local governance. Importantly, interactions among these institutions matter as well—we find that decentralized governance works best in those communes where public entities collaborate intentionally with indigenous institutions.

## 3.1 AUTHORITY (*DE JURE*)

The question of authority, as defined in the *DDPH*, has legal and juridical characteristics (i.e., formal-legal authority) as well as a broader emphasis on the construction of what might be termed “legitimate authority”. We find that the Malian state has created the formal legal framework for decentralization *de jure*. Indeed, this is almost certainly the objective on which the Malian state has advanced the farthest. Moreover, there are alternate sources of local authority that are found at local levels in ICS; we begin to describe them here, but also revisit them subsequently in the three other categories (autonomy, accountability, capacity) as a counterpoint to the state’s performance, which has been decidedly weaker in these other areas.

### 3.1.1 JURIDICAL AUTHORITY

The establishment of juridical authority for sub-national government has been one of the most obvious changes in Mali’s governance in the last 20 years. Indeed, some observers argue that decentralization has been key to the democratization process. While our findings are not unambiguously positive (as noted in Section 1.2 above), we review here the legal establishment of decentralization beginning in the 1990s.

#### ***Decentralization, de jure: the Establishment of Communes, Cercles, and Regions***

The aforementioned Decentralization Mission of the 1990s (see Section 1.2) gave rise to Mali’s current system of devolved government entities, which comprises 703 communes, 49 *cercles*, and eight regions (plus the special district of Bamako). With regard to authority, these *collectivités territoriales* are responsible for a substantial portion of public service provision in

several areas, as outlined below under “Transfer of Resources and Responsibilities”. Throughout the report, we emphasize the communes because of their importance to the decentralization process: they are the fundamental level of local government, have been assigned the majority of expenditure responsibilities, and are the level at which most sub-national taxes are collected (for subsequent repartition across the commune, *cercle*, and region levels). Nonetheless, we note here that the *cercles* and regions are also integral to the shape of decentralization. The District of Bamako—the country’s largest metropolitan area—has a special status as the metro area contains several communes within its boundaries.

The legal framework for decentralization is asserted to be one without hierarchical relations between the levels of collectivities. Elected officials at the regional level (the regional assemblies) do not exercise authority over the *cercle* councils, nor do the *cercle* councils exercise authority over the commune councils. On the contrary, elections for the higher levels of sub-national government are indirect and based, in each case, on choices made within the immediately inferior councils. The local populace directly elects commune councils, with representatives to the *cercle* councils chosen by the commune councils, and representatives to the regional assemblies chosen by the *cercle* councils (see Figure 1). Indeed, the High Council for Collectivities (HCC)—the national body representing the various levels of sub-national government—is comprised of representatives from the regional assemblies. As HCC President Oumarou ag Mohamed Ibrahim Haïdara noted, this generates a “double electoral legitimacy”, since all members of the councils and assemblies at the *cercle*, regional, and national levels are both directly elected (in their communes) and indirectly elected (by their fellow councilors at the various levels). Similarly, the executive bodies of these councils are indirectly elected by the members.

While the elections to sub-national government bodies are bottom-up, this does not mean Malian government has finessed the issue of hierarchy; the state maintains a significant presence at all levels, and exercises its supervisory capacity, known locally as *tutelle*. We will examine *tutelle* more completely in Section 3.2 on “Autonomy”, but note here that the formal supervisory capacity of the state over local government is ambiguous in nature and subject to an important degree of interpretation; specifically, deconcentrated state actors vary considerably in their understanding of how much control they can exert over sub-national governments.

Relations between deconcentrated state actors and devolved local governments are schematized in Figure 1. The most important deconcentrated state actors are the prefects (*préfets*) and sub-prefects (*sous-préfets*). Prefects are located at the *cercle* level of government, but exercise supervisory capacity over the local communes; we will examine the relations between prefects and communes further under Section 3.2. Each prefect likewise supervises several sub-prefects, with each of the latter being responsible for some subset of all the communes in the *cercle*. (Interestingly, the geographic jurisdiction of sub-prefects corresponds to a colonial era unit that no longer exists, the *arrondissement*. See box below.) Above the prefects are governors, at the regional level. While nominally limited to assuring the basic legality of commune action and to providing technical support to communes, we shall see that state actors may often use their supervisory capacity to influence the actions of local governments (and presumably to collect rents as well).

### **“Oui, mon commandant”**

Decentralization nominally changed the administrative units in Mali in the 1990s. However, administrative structures and their names that predate this change remain in current use, as do the pre-decentralization titles for officials. For instance, prefects (*préfets*) are now the deconcentrated officials of the central state administrative apparatus at *cercle* level. Many Malians, however, continue to refer to prefects as *commandants de cercle*, a name assigned to the office during the French colonial era and retained after 1960 by Mali’s authoritarian regimes. While merely illustrative, it is perhaps revealing that many Malians seem to have noticed little change in administration from the period when all governance was top-down to the current period in which deconcentrated officials are (*de jure*) supposed to exercise only limited legal authority and are intended to be at the service of elected commune officials.

Similarly, in the commune of Niono, a *sous-préfet* prominently displayed on his wall an artisanal fabric (*batik*) that featured a list of those who previously held the position. The list dated back not only before the decentralization reforms, but indeed before independence: the first name on the list began service in 1959, and represented continuity in the administration between the colonial and post-colonial state. Intriguingly, the list was entitled “*Chefs d’arrondissement*”, and thus referred to a state structure (the *arrondissement*) that no longer exists. Nonetheless, it remains common for Malians to refer to the area under the administration of a *sous-préfet* as the ‘*arrondissement*.’

### ***Transfer of Resources and Responsibilities***

Mali’s decentralization process transferred a number of expenditure responsibilities to the various units of sub-national government (regions, *cercles*, and communes). The reforms nominally devolved responsibility for several major public services to the communes, as seen in Table 1. The principal sectoral areas decentralized were health; education; and infrastructure, to include roads, communications, and waterworks (*hydraulique*). Each level has sectoral responsibilities in each service area. These may be seen as “concurrent competencies” in these sectors, though there is a division of responsibilities. In particular, higher levels of sub-national government have authority over public services that require increasing levels of coordination among localities, or higher levels of technical sophistication. Decentralization in the education sector provides an example. Primary school management, planning, and administration were transferred to the communes, while secondary schools were transferred to the *cercles*. Tertiary-level education became the responsibility of the regions. Thus multiple primary schools may function in a single commune (and thus many in any given *cercle*), but perhaps only a handful of public *lycées* exist in a *cercle*, and only a few advanced technical schools in an entire region.

TABLE 1. DEVOLVED RESPONSIBILITIES BY SECTOR AND LEVEL

Sector	Commune Level	Cercle Level	Regional Level
<b>Education</b>	Primary schools Pre-school Literacy	Secondary schools	Technical Schools Professional Schools Special Education
<b>Health</b>	Health Posts & staff (CSCOMs)	Health Clinics	Regional Hospitals
<b>Infrastructure</b>	Water ( <i>hydraulique</i> ) Roads Communication Transportation	Water ( <i>hydraulique</i> ) Roads Communication	Roads Communication Energy
<b>Other</b>	Local markets Environmental Protection/Planning	N/A	Rural production Tourism

Source: Wing and Kassibo, 2010

Devolution of expenditure responsibilities was accompanied by the decentralization of many public officials. Officially, public service personnel became responsible to sub-national officials. Teachers, for instance, became accountable to locally administered and locally managed School Management Committees (*Comité de Gestion Scolaire* [CGS]) and to the commune. However, the balance between devolution and deconcentration remains uncertain here. Devolution of the public service was truncated by the continued inclusion of many personnel (mainly teachers) in the national civil service. We will treat this and other questions surrounding the extent of decentralization further in the section on autonomy (3.2). Briefly, we note here the existence of unfunded mandates. The Malian state did not create intergovernmental transfers to the communes to undertake education activities. The transfer of resources was limited to the capital investment funds distributed by the *Agence Nationale d'Investissement des Collectivités Territoriales* (ANICT, or National Agency for Investment in Territorial Collectivities), as explored below. As a result, while *authority* was formally transferred to local governments for many public services, we may say that genuine *autonomy* is much more limited.

### 3.1.2 LEGITIMACY AND AUTHORITY: REVIVAL OF THE *KAFOS*

Malian indigenous culture establishes proper forms of behavior and action for leaders and those with public roles and authority. Leaders who respect those forms acquire a form of moral authority which endows their decisions with an aura of legitimacy that can lend them considerable weight. Justice constitutes a prime cultural value in Bambara (and Mandinka culture more generally). Being seen to act justly is characteristic of respected leaders; failure to do so may well be viewed as a form of abuse of power. Social pressures relating to legitimacy and authority thus shape the incentives of aspiring leaders and those who hold positions of power.

In contemporary West African decentralization programs, the debate about reinforcing supervision (*tutelle*) has taken on greater importance than analysis of the real capacities of local organizations and their responsibilities. Yet in recent years, ordinary Malians have made significant efforts to draw upon their cultural heritage to improve local governance. Key to this has been the revival of Mali's *kafos*—pre-colonial, geographically based, politico-economic organizations in which leaders' standards of moral authority facilitated public action.

The revival of indigenous civil society institutions such as *kafos* began in recent decades when residents of certain villages and areas founded development associations that targeted their *pays d'origine* (places of origin, hometowns). This arose first among post-independence migrants outside the country (especially those in France), then among urban dwellers in Malian cities. These associations of *émigrés* (or *ressortissants*) constituted an early response to state failures in development. After 1960, the newly independent states of Africa, Mali among them, very quickly revealed their inability to help their citizens confront the numerous practical challenges they faced. This circumstance led in turn to the perception among residents of some Malian communities that they were ‘the forgotten ones’ when it came to the benefits of independence. Mali’s northeastern and northwestern regions, for example, felt ‘abandoned’ during the major droughts of the 1970s and 1980s, the impact of which was intensified by the lack of communication and transportation infrastructure facilities. As the state was ‘absent,’ communities simply organized themselves, particularly the Soninke towns of northwestern Mali (e.g., Eliminé, Nioro, Nara, etc.). These places were home to the descendants of the founders of the Ghana Empire (790-1076), who likewise founded the first *kafos*. Towns in these old *kafo* zones provided the first contingents of workers who migrated to France. Through their remittances, those migrants began financing first their own families and then creation of community infrastructure facilities.

The first development associations that made reference to the old *Kafo* entities—such as the “Association of the Citizens of Guidimaka”—took shape in migrant hostels in France. Such associations developed all the more rapidly because labor migration evolved into permanent immigration, and the impoverished circumstances in their home communities compelled more and more young people to leave in search of opportunity elsewhere. The major droughts of 1973-1974 and 1984-1985 accelerated this movement. In the mid-1980s, *kafo*-area citizens founded the first major *kafo* associations in Mali’s large cities, and in other countries to which Malians had emigrated (Ivory Coast, Gabon, United States, etc.). The two types of associations (*kafo*-based student and worker associations) began to collaborate, particularly when Malian students in France, who had helped the migrant associations to organize themselves effectively, returned home to Mali to work.

Today these associations are found throughout Mali’s Mandinka areas (from the northwest through the south of the country). These groups have been financing and managing local development in their communities for decades now. However, they now find themselves facing off against new political actors, the decentralized local government units (particularly communes). Officials of the latter harbor pretensions concerning their ability to administer these localities, which are exaggerated, if only by comparison with their limited ability to mobilize local savings in the form of taxes.

The *kafos* draw upon principles of governance and management fashioned by *pre-colonial* societies, though these have of course not survived unchanged through the colonial and post-colonial eras. Profound mutations have occurred, among the most important of which are the modifications in the nature of the state (colonial and post-colonial) and in the relations between this state and the ICS institutions. *Kafos* and supra-village institutions have been affected by the colonial state (see box) and to an even greater extent by the post-colonial state.

### **Kafos in the Pre-Colonial and Colonial Eras**

The *Kafo*, during the pre-colonial era, was a politico-administrative subdivision composed of a number of villages that voluntarily grouped themselves together based on blood and marital ties as well as geographic proximity. *Kafos* thus represented socioeconomic realities, and the *kafo* owed its independence and its dynamism to the fact that it constituted a viable economic entity, the economic production of which was destined to meet the subsistence needs of a limited community. *Kafos* sometimes corresponded to a geographic entity, e.g., a watershed and downstream flood plain, that was coherent in light of local production systems and the rules of multi-cropping. Collective management of agricultural production provided some insurance against the risks of a Sahelian landscape, within which local exchanges were not focused much on agricultural products.

The pre-colonial period witnessed the birth of these institutions (particularly during the Ghana and Mali Empires), and then saw them develop (during the Songhai Empire, under the Bambara Kingdoms and finally during the *Dyula* Empire of Samory Touré). Five principles structured governance and management in these institutions: (1) separation of powers, (2) separation of roles, (3) multiple systems of representation, (4) monitoring systems, and (5) forms of solidarity.

These intermediate institutions functioned sustainably because the pre-colonial states themselves long operated by reference to the following four principles (which to a great extent explains the stability of a number of those states): (1) the secular character of the state; (2) respect for the autonomy of local institutions; (3) relatively limited taxes (and thus a greater distribution of wealth throughout the country); and (4) respect for others (neighbors, 'strangers,' i.e., immigrants).

The colonial state, to achieve 'pacification' of the territories that it conquered, sought to arrange a *modus vivendi* with the heads of the *kafos*. The new colonial administrative subdivision (the canton), was in many cases expressly designed to be congruent with the geographical limits of the *kafos*. *Kafo* chiefs found themselves appointed to head a number of the new cantons. Cases in which *kafos* were subdivided were extremely rare, as were the situations in which the leading families of a *kafo* were not named to head the new canton. The colonial power grasped completely the importance of the *kafos* in the administration of people and the management of goods.

The post-colonial power, however, adopted an ideologically motivated short-cut in analyzing the cantons, by hiding the fact that they had been constituted on the geographic foundations of the *kafos*, and by exaggerating the complicity of certain canton chiefs with the colonial administration. The government of the First Republic of Mali suppressed the canton chieftaincies and eliminated the canton as a subdivision within the politico-administrative system.

## **3.2 AUTONOMY**

The legal framework provides Mali's *collectivités* with considerable legal authority, as noted above, but the deficits in the functioning of the communes become more apparent when viewed with an eye on the issue of autonomy. To understand the ways autonomy is limited, we begin in Section 3.2.1 with the important notion of *tutelle de l'état*, or the state's "supervisory" role vis-à-vis local government. This political limitation on local autonomy is reinforced by the lack of

fiscal autonomy of sub-national governments, examined in Section 3.2.2. Section 3.2.3 then gives a very brief reminder of the autonomous institutions of governance found at local levels; this was elaborated upon in Section 3.1 above, and is pursued at greater length in Sections 3.3 and 3.4, which address respectively accountability and capacity.

### 3.2.1 DEVOLUTION AND DECONCENTRATION (OR POLITICAL AUTONOMY): *LA TUTELLE DE L'ÉTAT*

Constitutional and legal texts might lead one to believe that Mali is highly decentralized—even that meaningful decision-making power has been devolved—and that the local government system is remarkably thin on hierarchy. We noted this above in the section on authority. Despite the language of the law, however, there is little doubt that power remains organized in a highly top-down fashion within the state and between levels of government. As in other countries with a French colonial heritage, *la tutelle de l'état* (see above; see also USAID Burkina Faso Desk Study) functions as a prime mechanism in truncating local autonomy.

Such supervision is a fundamental principle of centralization as it enables those who exercise it to ensure the structural cohesion and the coherence of activities among different levels of institutions operating within a common political, social, and cultural area. But reasserting the principle of supervision in a centralizing state of the sort found in post-colonial Mali runs the risk of overdeveloping the central power of that state. The exercise of supervision as conducted in contemporary Mali runs the risk of establishing multiple “centralized mini-states,” instead of consolidating decentralized governance. The exercise of *tutelle* in the Malian context gives rise to two dangers in particular:

- Implementation of decentralization policy is seriously compromised because civil servants in the Malian public administration have little interest in advancing and consolidating decentralization. To the contrary, such an outcome would spell the end of many of their powers and privileges.
- Implementation of this policy depends on the willing support of the ministry which concentrates the most power in the Malian government, and agents of which fundamentally oppose any effort to unwind that power concentration. The Ministry of Territorial Administration and Local Governments (*Ministère de l'Administration Territoriale et des Collectivités Locales* [MATCL]) controls, among other things, all public administration, the organization and conduct of elections, the activities of religious groups, the census and other actions affecting the civil status of citizens, as well as supervision of local governments.

The civil servants of the MATCL—the prefects and sub-prefects—are the people directly responsible for exercising supervision over Mali’s sub-national governments; we examine now their characteristics.

#### ***Administrative Services: Prefects and Sub-Prefects***

In Mali, deconcentrated officials wield considerable authority over devolved local governments. Nominally, this should not be the case, as the deconcentrated services are intended to perform two functions: a) check the legality of the actions of elected governments, and b) provide technical support upon the request of elected officials. The first of these—the check on legality—provides the main opportunity for deconcentrated officials such as prefects and sub-

prefects to exercise their *tutelle*, especially when it comes to the approval of commune budgets. Prefects may exercise considerable leverage in the budget process, as they can reject a first budget and considerably slow down approval of budgets upon resubmission. As noted in the text box below, prefects regularly vary in their interpretation of this authority—and the importance of their function. It should be noted that this leverage presents opportunities for rent collection. While our interviewees did not speak openly about the prospect of rent collection, it is clear that this continues across all levels of government (cf. Didier Verse interview; see also section on accountability below).

### **The Prefect and his *fonctions régaliennes***

State officials are not generally advocates of decentralization, at least in the form of devolution. This is true of officials both at the national level and in deconcentrated field offices. One striking example came from the prefect in Sikasso. This deconcentrated official insisted on the importance of *tutelle* throughout the interview. Indeed, the word *tutelle* itself represented the leitmotif of the interview. More amusingly, he emphasized that *tutelle* allowed him to exercise what he termed his *fonctions régaliennes*, or roughly his “regal functions”. That is, the prefect deemed his functions to be the core governmental functions that a monarch would exercise (presumably including tax collection, administration of justice, police powers, and policymaking), which far exceed the mandated powers of an official charged with *supporting* local government in an ostensibly decentralized republic.

By contrast, the prefect in Ségou articulated a vision of deconcentrated state support for communes that differed greatly from that of his fellow administrator in Sikasso. As one indicator, the Ségou prefect did not even use the word *tutelle* until over 15 minutes into our interview, nor did the notion of control or supervision emerge for some time. Instead, the emphasis was on the variety of ways communes could be supported in performing their local responsibilities.

These are more than simple observations of differences in personal style, as they have direct ramifications for governance. In both cases, the team asked the prefect about the criteria for accepting or rejecting a budget proposed by a local government (commune). In Sikasso, the prefect was unable or unwilling to specify the criteria used, while the prefect in Ségou noted criteria that applied strictly to the legality of the budget, such as whether the budget is in balance. While we do not have concrete evidence about why or whether either prefect exercises his authority to personal advantage or not, a clear distinction exists between the two approaches in terms of the attentiveness to law and the role of deconcentrated authorities in controlling or supporting devolution.

Beyond the leverage wielded by the deconcentrated “administrative services” (*préfets, sous-préfets* and other functionaries of the MATCL) over the communes, there is also the question of how *tutelle* operates in the deconcentrated technical services, such as education and health. Here too, deconcentration has undermined devolution.

### ***Deconcentrated Technical Services: the Education Sector as Example***

Alongside the administrative services of the MATCL are other deconcentrated technical services in the sectors corresponding to line ministries, including the three most important sectors decentralized in Mali: education, health, and water and sanitation (*hydraulique*). In practice, decentralization in these sectors means mainly that new capital expenditure responsibilities have

been offloaded to local governments. With respect to resources, decentralization has been much more limited, and progress on decentralizing the process of paying current (or recurring) expenditures has been slow. For example, despite legislation being on the books for several years now, the education sector only decentralized the payment of teacher’s salaries to sub-national levels in April 2010.<sup>10</sup> As the largest recurring budget item in education is teacher salaries, this constituted a major shift in administrative practice. Even so, it does not significantly alter patterns of authority, given that many teachers are part of the national civil service: i.e., they retain their former status as *fonctionnaires de l’État*.

Personnel in education—mainly teachers—may now be hired through a variety of mechanisms. Apart from the *fonctionnaires*, some teachers are contracted by a specific community school (*école communautaire*) created and run by a local government. These contract teachers (*contractuels*) are more accountable to local governments than their *fonctionnaire* counterparts. *Fonctionnaires* in decentralized sectors are nominally responsive to local government units (including mayors, commune councils, and local CGSs (*Comités de Gestion Scolaire*) in the case of education. However, since these civil servants remain employees of the central government, their lines of accountability are not horizontal to local government units and school committees, but still vertical, up through the ministerial hierarchy as would be the case under deconcentration.

There has been a move to change the status of civil servants in the decentralized sectors, to make them employees of a separate “sub-national government civil service” (*fonction publique des collectivités territoriales*), but the effort seems to have stuttered. While local government employees (such as the secretary-general or accountants of communes) are part of the sub-national government civil service, state employees in the national civil service have successfully resisted their transfer onto the payroll of the sub-national civil service. Teachers who are *fonctionnaires de l’État* are reticent about transferring to a different civil service regime, likely fearing they will lose job security and/or the ability to shape their own career paths (such as influencing their postings, or *affectations*). On the contrary, national *fonctionnaire* teachers are demanding the inclusion of all teachers (including those contracted to work in specific “community schools”) into the national civil service.

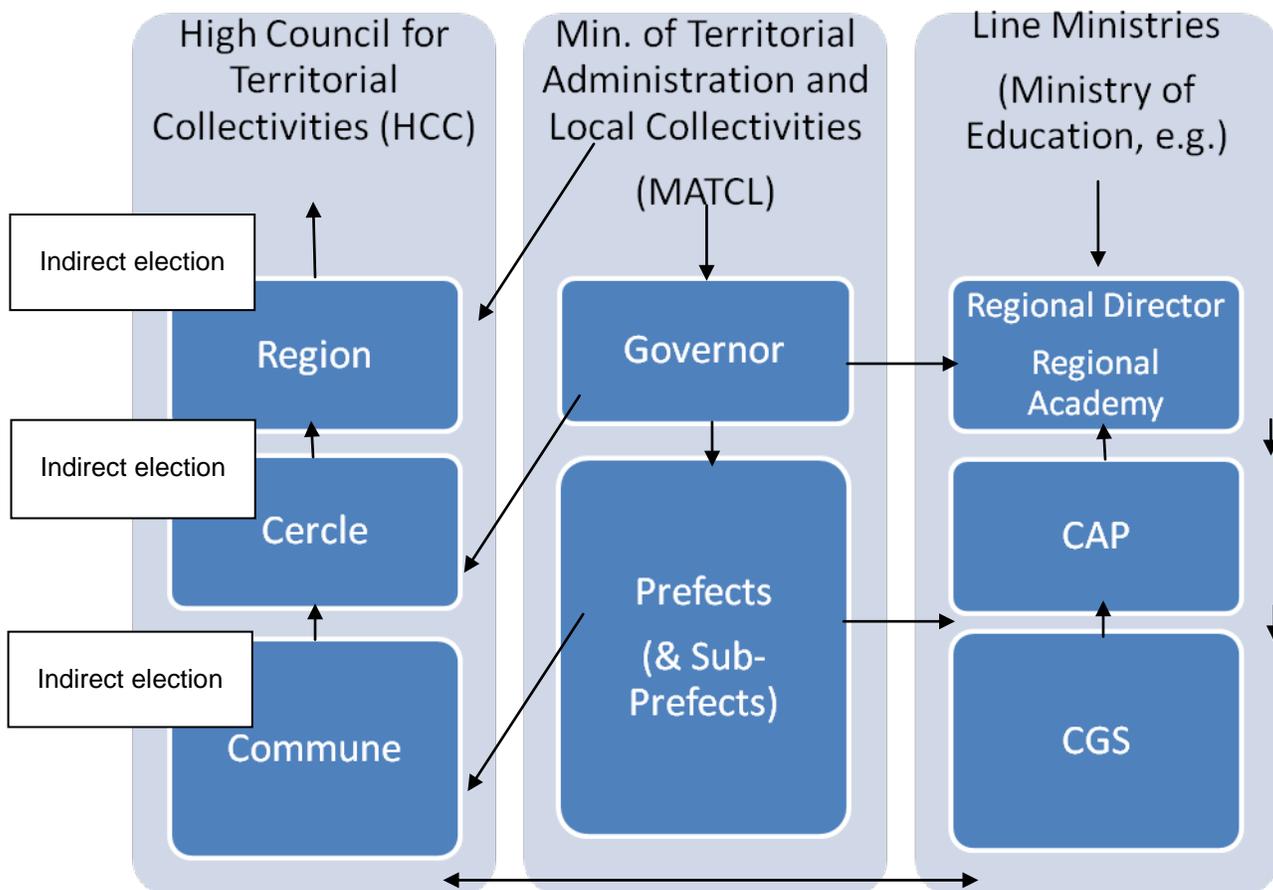
Beyond the fact that the central state still exerts authority over decentralized sectors through the civil service, the education sector illustrates another way deconcentration can be used to rein in devolution. This emerges from the relationship between the decentralized line ministries (such as education) and the administrative services of the MATCL. There is, in fact, a sort of “*double tutelle*”. The first layer of central control is found in the reliance on deconcentrated state personnel in many public service areas; an example would be teachers who, as part of the national civil service, remain accountable to the central government Ministry of Education rather than to communes, *cercles*, and regions. The second layer of *tutelle* takes the form of the administrative services’ authority over *other deconcentrated technical services*. That is, deconcentrated officials in the line ministries nominally report to their superiors at higher levels,

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<sup>10</sup> Members of the Pedagogical Support Centers (*Centres d’Animation Pédagogique* [CAP]) in Sikasso and Ségou noted that certain other items now also flow through local governments, including certain funds associated with providing the national qualifying exam (the Baccalauréat, or “Bac”). Several problems were noted with decentralization in this regard, as the funds were insufficient to ensure proper administration of the exam in some areas. (Interviews: CAP-Sikasso, El Hadj Maïga, August 10, 2010).

but they also respond to the demands and orders of the administrative services, namely the prefects and sub-prefects. As noted by an official at the National Directorate of Local Collectivities (part of the MATCL), the deconcentrated technical services take action upon the solicitation of the prefect or sub-prefect (interview Sécouba Camara, August 11, 2010). Indeed, as another interviewee deliberately noted, referring to the Minister of Territorial Administration and Local Collectivities, “once you leave Bamako, you are in [Minister Kafougounou] Koné’s domain” (Didier Versé interview).<sup>11</sup>

**FIGURE 1. DECENTRALIZED AND DECONCENTRATED ENTITIES IN MALI**



<sup>11</sup> The current Minister of the Interior (MATCL) holds a civilian position, but remains an active member of the military.

### 3.2.2 FISCAL (DE)CENTRALIZATION AND FISCAL AUTONOMY OF COMMUNES

Apart from the heavy hand of the administrative *tutelle*, fiscal constraints further limit the autonomy of the communes (as well as of the *cercles* and regions). Most collectivities have relatively limited access to tax revenue. Own-source funds are especially limited in rural areas, where the principal source of revenue is the modest local and regional development tax (*Taxe de Développement Régionale et Locale* [TDRL]). Revenue potential is somewhat greater in urban areas than rural areas, as urban communes can collect revenues on markets, vehicles, and other economic activity, but even in these areas, tax collection is weak.

Intergovernmental transfers are also quite limited, as Mali has no substantial automatic division of general government revenue in favor of communes. This limitation on autonomy relates to the question of capacity, treated below; here, we emphasize the structural limitations on the autonomy of local governments (especially communes), while we treat the communes' own failings primarily in the section on capacity.

#### *Own-source revenues*

Revenues for sub-national governments in Mali—communes, *cercles*, and regions—are very limited. The sources of local taxation are enumerated in Appendix 3. While a handful of the largest communes (including those in Bamako) can collect meaningful taxes on markets and vehicle registrations, and can secure proceeds from real estate and land transaction fees, most local governments rely on a much less productive resource: the so-called local and rural development tax. The TDRL is a simple head tax, amounting to 2,125 CFA/year (approximately \$4) levied per person of working age. As of 2004, it was estimated that this slender resource accounted for about 80 percent of all own-source revenues across Mali's 703 communes (SNV/CEDELO, 2004, p. 58). Head taxes are not means adjusted; everyone pays the same amount, whether their harvests have failed or attained bumper proportions, whether family members abroad have sent back sizeable remittances or less generous payments, or none. This state resource mobilization practice contrasts sharply with the much more nuanced (means-adjusted) resource mobilization techniques utilized by ICS institutions. Voluntary contributions incorporate a rough form of equity, with each contributing “according to his means”), and a citizen is not expected to bear more than his or her *fair* share. This capacity to ‘tax justly’ in light of ability to pay reflects the far richer information available among members of an indigenous civil society group. No state in a still largely non-monetized economy can hope to achieve that level of information; the ‘incomplete information’ available to local government thus encourages reliance on head taxes.

Communes' fiscal autonomy is further trimmed—but the autonomy of *cercles* and regions enhanced—by the fact that the TDRL is divided among the three levels of sub-national government. The tax is collected by the communes, but 15 percent is reserved for the functions of the *cercle* and 10 percent for the region, leaving 75 percent for the communes. For some years, this repartition even falsified government accounting, as communes reported their TDRL payments to the treasury under the rubric of other taxes (such as market taxes, which by law belong 100 percent to the commune that collects them), in order to retain the full amount. This incentive has been countered by the ANICT's calculation of “fiscal effort” by the communes on the basis of TDRL taxes collected (ANICT Director General Mohammed Ag Erlaf interview, August 11, 2010).

Fiscal autonomy depends upon tax recovery rates, which vary dramatically across localities and have varied a great deal over time. According to the ANICT Director General, TDRL recovery rates have improved dramatically over the last decade, from about 10 percent in 1999 to about 90 percent in 2009 (Mohamed Ag Erlaf interview, August 11, 2010). Interpolating such a trend would be consistent with a 2004 estimate by the Dutch volunteer organization SNV that collection rates oscillated around 50 percent in the middle of the decade (SNV/CEDELO, 2004, p. 58).

On the whole, it seems clear that TDRL collection is significantly higher in rural areas than urban areas (interviews: Mohamed Ag Erlaf; Mayor of Ségou; personal communication Yacouba Konaté). This is striking because the ability to pay would be presumed lower in rural areas, where disposable incomes are lower. Elected officials in the cities of Sikasso and Ségou, by contrast, lamented the *incivisme* of their residents (interviews: Ségou city council, Sikasso city council).

There are two leading incentive-based explanations for this, and they are not mutually exclusive. The first is the higher level of social capital in rural areas. When asked how they ensured payment of the TDRL, the Niéna commune council immediately responded that they conducted *sensibilisations* using traditional chiefs (*chefferies traditionnelles*) as intermediaries. This echoes a finding by SNV/CEDELO (2004, p. 58) that another rural commune turned to traditional authorities for assistance in collections. The finding is further confirmed by a mini-comparison of two rural communes visited. Our much-maligned case of Niono (Ségou region) exhibited a low rate of tax recovery; part of the reason for this may be that customary authorities were never significant political actors in this area, since the land (an inland delta of the Niger River) served primarily as dry season pasture for Fulbe pastoralists and was much less densely occupied by sedentary farming populations prior to engineering projects undertaken by the *Office du Niger*, a state institution. The hypothesized role of customary authority in supporting tax collection would thus seem to find some preliminary confirming evidence even from a rural area where tax collection is weak. In urban areas, meanwhile, there are fewer social pressure mechanisms to ensure payment than in rural areas. It is also possible that government use of force to collect taxes (a not infrequent occurrence in rural areas, where administrative police controlled by sub-prefects provide the threat of force) is a less viable strategy in densely populated urban centers. Risks of negative media coverage of forceful recovery of taxes and the potential for public outcry are much greater in such settings.

The second explanation is the overall significance of the TDRL in the commune budget. The reality may be an artifact of the revenue imperative surrounding the TDRL, which is higher for rural communes than for urban communes. Whereas urban communes have more significant revenue streams to draw from, rural communes rely heavily on the TDRL to fund local government operations. The TDRL is thus a matter of real significance for local officials (see Boko, 2002, pp. 20-22). Urban city councils noted that they generally collect the tax only when a resident comes to seek an official document (*état civil*), so that it takes the form of a 'fee for service,' rather than a general capitation tax. While the ANICT calculations provide some incentive to all communes to collect the TDRL, the amount figures little into an overall urban commune budget, in which other taxes (such as those on markets and vehicles) generate significantly greater resources. In rural areas, by contrast, communes cannot function effectively without TDRL revenues.

Even so, there remain variations in rural collections. In Niono, a farmers' syndicate estimated about 35 to 40 percent of the tax gets collected; while this was not an official estimate, it was made in part by members who had experience as active participants in local government. This contrasts with over 95 percent recovery in the commune of Niéna, according to the secretary-general (Niéna city council interview, August 6, 2010).

However, numerous interlocutors agreed that many communes, even were they to achieve a hypothetical 100 percent TDRL tax recovery rate, could still provide at best for only the most basic of public services. Indeed, a common assertion about Mali's decentralization is that the communes are not fiscally viable. The European Union representative, who serves as spokesperson for donor collaboration in the decentralization sector, argued that Mali should have many fewer communes (possibly in the neighborhood of 150) that are larger in size, and that the *cercle* is a largely unnecessary level of elected government (Didier Versé interview). While elected commune officials may have incentives to retain the large numbers of elected positions that 703 communes provide, they too noted the fundamental fiscal weakness of the commune (Sikasso commune council, Niéna commune council, Ségou commune council interviews).

### ***Incivisme*: What are Malians Willing to Pay For and Why?**

On multiple occasions, local councilors decried *incivisme* on the part of local populations. In the context of these conversations, this notion of "incivility" was defined as an unwillingness to pay taxes. Insofar as the payment of taxes constitutes a basic civic duty, two questions emerge: who pays their taxes and why?

One cause of *incivisme* might be an inability to pay, due to genuine poverty. Another might be unwillingness to pay for public goods in general. However, evidence suggests that Malian households have resources they can mobilize to pay for public services when these are reliably provided. An example is trash collection in Sikasso, where households pay 1,050 CFA weekly per *poubelle* (container) of garbage; this amounts to half of the entire yearly head tax (TDRL) for a single household member. City officials reported that trash collection fees are paid consistently to the trash collection firms. Similarly, as we note in several places in this report, individuals and communities have proven themselves capable of mobilizing large amounts of resources voluntarily (through *cotisations*) for local projects. As a report by the donor agency SNV noted, the commune of Duguwolowila had a TDRL recovery rate of under 50 percent around 2003, yet "people born in the commune, whether living in the country or abroad, make a substantial contribution toward investments. Their remittances very often exceed the commune's internal resources" (SNV/CEDELO, 2004, p. 58). These examples—combined with recovery rates over 95 percent in some rural areas, suggest that inability to pay is unlikely to be the real cause of low TDRL recovery.

Another explanation for *incivisme* might instead assign the blame to local elected officials. Surprisingly, this case was made by the Ségou Vice Treasurer, who observed that when mayors of Malian communes talk about *incivisme*, they are not being very realistic: "The commune government is composed of the mayor and his *conseillers*. We find that people don't pay if they don't see any positive results from their taxes. Those who want to accuse citizens of *incivisme* should first investigate to see whether the commune officials are actually doing something useful with tax monies. If not, citizens won't pay taxes if they can help it." The Sikasso trash collection example in the preceding paragraph supports the Ségou Vice Treasurer's explanation: garbage collection firms are paid if they are seen to collect waste regularly and reliably.

### *Intergovernmental transfers*

There are very limited intergovernmental transfers in Mali from the center to the collectivities, but the transfers that do exist take an intriguing form. The principal source of central government transfers is the National Agency for Investment in Territorial Collectivities (ANICT), whose transfer amounts for 2010 are budgeted at 20.5 billion CFA, or about \$41 million (ANICT, 2010a). In addition to ANICT, the Malian government does decentralize a small amount of resources to cover a portion of the operating expenses of the *collectivités*.

Central government funding for sub-national government is minor as a proportion of the state budget. The overall budget for the Malian government in 2010 is approximately 900 billion CFA (approx. \$1.8 billion), meaning that intergovernmental transfers through the ANICT represent 2.3 percent of the total government budget. The agency spent under one billion CFA (less than \$2 million) for subsidies (*subventions*) to the collectivities in 2009 and budgeted approximately 1.4 billion CFA (less than \$3 million) for direct support in 2010 (MEF/RM, 2009, 2010). Adding costs of technical and administrative support to sub-national governments brings the total of discretionary transfers to about 2 billion CFA, representing about one-tenth of one percent of the national budget (MEF/RM, 2010). The total figures for intergovernmental transfers have been relatively consistent over the years, with some fluctuation; intergovernmental transfers in the late 1990s represented between 1.7 percent and 2.9 percent of the central government budget (Nach Mback. 2003, p. 460), which is comparable to the current sum of discretionary transfers and ANICT funding.

ANICT operates on a co-financing system in which local governments can leverage investment by the agency, but only through local “tax effort”. The first step in determination of the size of ANICT transfers is a formula-based calculation that establishes the “drawing rights” (*droits de tirage*) of each local government. The formula is based on a range of criteria that take into account the level of poverty and geographic location, among other basic criteria that may be seen as beyond the control of the locality. There are also criteria that pertain to tax effort: the recovery rate of the TDRL head tax serves as one of the criteria used to determine the *droits de tirage*. It should be noted that the actual drawing rights calculated by formula are shaped also by donor action. The theoretical drawing rights established by formulas are then adjusted and recalculated after taking into account earmarking by donors to specific localities and/or sectors; this yields an actual drawing right—a pool of funds that each community can access if it meets its obligations.<sup>12</sup>

The subsequent step is ensuring that communes participate in the financing of ANICT projects. In addition to preparing a plan for the project, the community must generate a matching portion of the resources required for the project. Through this co-financing mechanism, ANICT provides incentives for communes to raise own-source revenues. This is often done in cash, with the community relying generally on its own tax revenues, though some voluntary contributions (*cotisations, legs, and dons*) are possible. However, the commune’s contribution can also take the form of in-kind donations (supplies and material) or labor; this option is designed to facilitate participation in lower-income communities.

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<sup>12</sup> This earmarking by donor agencies is a source of some controversy, as some interviewees argued that donors should attach fewer strings to their funds and allow the state to have greater discretion over disbursement.

The details of co-financing remain in flux. Initially, ANICT required a 20 percent co-participation from local resources. This was later decreased to 10 percent and five percent, and now to only three percent in most cases (McCannell et al., 2008; personal communication, Yacouba Konaté). The interpretation of this change can be contested. On the one hand, the reduction in local co-participation could be intended to correct any regressive funding tendency, in which relatively larger and wealthier communities would be able to access more funds more easily than poorer, rural areas. Alternatively, the decline in the percentage may be seen as an unwelcome concession to the reality that local government inspires little popular allegiance and has proven itself incapable of mobilizing significant resources.

There are not currently any significant prospects for modification of Mali's intergovernmental fiscal system, with respect either to decentralization of tax authority or the automatic assignment of certain revenue transfers to the sub-national governments. The Director of the National Directorate of Territorial Collectivities (DNCT) in the MATCL noted that there had been some preliminary discussion of possibly assigning a portion of the national value-added tax (VAT) to the communes, *cercles*, and regions, but that this had not advanced (interview, August 11, 2010). The ANICT director general professed interest in automatic transfers, but similarly noted that the issue did not feature prominently in public debate (interview August 11, 2010).

### 3.2.3 AUTONOMOUS ORGANIZATIONS: VILLAGE AND INTRA-VILLAGE INSTITUTIONS

The village and its internal institutions constitute foundations of Malian society. While their continued existence is not in doubt, it is reasonable to enquire, because of the plethora of autonomous intra-village institutions, which of them are still effectively operational in a given village. It is possible in effect to distinguish the following entities within the village context:

- Mutual aid associations for agricultural activities (e.g., youth and women's *tons*), which enable family farms to overcome labor constraints during moments of intense activity;
- Socio-professional associations, such as those of female market gardeners and fishers (see example in box below); and
- Cultural associations, such as those of hunters.

### **The Farmers' Union: *Syndicat des Exploitants Agricoles de l'Office du Niger (Sexagon)***

One example of an autonomous socio-professional association is the Farmers' Union of the *Office du Niger*. This syndicate, known by its French acronym Sexagon, was founded in 1997, within the area controlled by the *Office du Niger*. The Office was, for a long time, the largest agro-industrial enterprise in Mali and remains the oldest (it was created officially in 1932, during the colonial era). Conceived for cotton production, the Office found it necessary to produce rice as well, before abandoning cotton cropping entirely in 1970.

The *Office du Niger* manages irrigated lands which it rents out to family farm enterprises. The system was characterized for a long time by its injustice to small farmers who, after having experimented with various forms of resistance, ended by creating Sexagon. This farmers' union, be it noted, revived a type of struggle that had been initiated during the colonial era by the Union of Settlers and Farmers of the Office du Niger (SCAON).

Sexagon very quickly encountered the hostility of the political powers which, although the country was fully engaged at the time in constructing a democracy, had no intention of giving up the rents which the enterprise produced by all-out exploitation of small farmers. Note that the system established by the colonial state has not been much modified since independence was achieved in 1960.

The new union committed errors, for example, electing representatives to communal governments located in the Office, with the goal of checkmating politicians' strategies. In the 1999 municipal elections, the union recruited candidates among its members and instructed the membership to vote to elect its designated candidates. In a number of communes, they succeeded. But to the dismay of Sexagon, the newly elected communal officials felt that they had no obligation vis-à-vis the union, and thus made no effort to assist it. This strategy of *entrisme* (establishing a 'fifth column' in new local governments) was a failure.

The union then adopted a different strategy based on:

1. Supporting its members to create producer cooperatives that could assist them in four separate areas: (a) access to agricultural inputs, (b) access to credit, (c) production problems, and (d) marketing their production; and
2. Defining its intention better to support farmers' interests with regard to the status of the lands that they farmed.

Concerning this last question, and contrary to the accepted common wisdom, the union did *not* want to obtain land titles for its members, convinced as it was that that was the best means of ensuring the poorest farmers would lose their lands (by taking out mortgages that they would be incapable of paying off, or quite simply by selling land to purchase food).

Instead the union wanted to obtain long-term leases and, to convince the state to move in this direction and to permit within this framework extension of cultivated areas by family farmers, it established partnerships that would enable it to participate in the development of new irrigated perimeters.

Studies undertaken by international NGOs reveal that the principles underlying the functions of these different institutions remain just as vibrant as in the past (cf. SNV/CEDELO, 2004). Here are some of the main themes of these studies, conducted at the end of the 1990s and which were

designed to help these NGOs find, at the village level, effective institutions for the governance and management of renewable natural resources.

There are multiple centers of power at the village level. Multiple decision-making centers within village institutions, each one of which has a modicum of power and none of which controls all power at that level, dynamically affect intra-village decisions. Executive organs such as the village council assist the village chief in implementing decisions. The multiplicity of power centers responds effectively to the desire to limit injustices and to involve everyone in the governance of social life in accord with the principle of separation of powers. The principal village actors are:

- Land chief;
- Water chief;
- Chief of pastures;
- Village chief (currently the administrative chief, formerly the political chief);
- Religious leader(s);
- Head, youth organization;
- Head, women's organization
- Chief of 'traditional' associations;
- Head of so-called modern associations; and
- The council of the sensible ones (whose members are the different actors noted above).

These various authorities pursue strategies informed by the principles of separation of powers, consultation, dialogue, search for consensus, sanctions, and recourse. We shall return to this issue subsequently under the following section, where we examine accountability in ICS institutions.

### **3.3 ACCOUNTABILITY**

Decentralization is hypothesized to promote governmental accountability by bringing decision making closer to the citizenry. Formal mechanisms for accountability include elections (at which times elected officials can be rejected or rewarded with reelection based upon citizen satisfaction with performance), but also feature a number of other practices in day-to-day governance. These include citizen actions (such as participation in radio conversation) as well as government actions (such as making information available to the public in a transparent fashion). In addition to mechanisms for accountability downward to citizens, we can also consider upward accountability in which actors at lower (local) levels of government respond to those at higher levels. This can take the form of administrative or fiscal reporting from local governments to central ministries, for example. Both downward and upward political accountability exist in Mali.

In our examination of accountability, two themes emerge that have recurred in our report. The first is the importance of variability at the sub-national level. Even in the small number of communes visited, there seem to be differences in the degree to which accountability is assured. The second theme that recurs in our report is the real potential of accountability mechanisms that exist in Mali's civil society institutions. These institutions compare favorably with state institutions, as will be shown below. We look at accountability in several sections, and examine both political and fiscal accountability.

### 3.3.1 POLITICAL ACCOUNTABILITY: ELECTIONS, CITIZEN PERCEPTIONS, AND POLITICAL PARTIES

Mali's political institutions are quite democratic relative to those of many of the countries in the region. Accordingly, political accountability exists in the forms common in modern democracies: reasonably fair multiparty elections, basic citizen rights to express grievances, and a free press. These elements of accountability are found at both the national and sub-national levels, with multiple electoral mechanisms: direct elections are held in communes, followed by indirect elections to *cercles*, regions, and up to the *Haut Conseil des Collectivités* (see Figure 1).

However, each of these institutional features only imperfectly ensures accountability: elections have occasionally been boycotted, citizen participation rates are unspectacular, and the press (particularly print media) is inadequately professionalized. With specific reference to sub-national government, voter turnout is a challenge. We hypothesize that there is a disillusionment with decentralization as a result of unrealistic expectations that local democracy would automatically produce local development. The fallacy that establishing democracy would lead automatically to development occurs at the national level, but can also be found at the local level, and this illusion has prevented people from carefully reflecting on the conditions necessary for local development processes, for which local governments and endogenous local institutions would assume responsibility.

The evidence to support this hypothesized disillusionment with decentralization is more than anecdotal, and can also be found in recent Afrobarometer survey data.<sup>13</sup> Some highlights of the recent survey with respect to local governance in Mali (and the related question of indigenous institutions in local governance) include:

- Moderate overall levels of trust in local government, with 59 percent saying they trust “a lot” or a “very great deal”, and 38 percent saying “not at all” or a “little bit”;
- Very high approval of indigenous institutions (traditional leaders), with 82 percent saying they trust these actors “a lot” or a “very great deal”, and 17 percent saying “not at all” or a “little bit”;
- Similar findings on corruption, with 39 percent saying “most” or “all” local councilors are guilty, but 82 percent saying “none” or only “some” of the traditional leaders are guilty;
- Low satisfaction with local government actions, with majorities saying local councils perform “fairly badly” or “very badly” in local public services in four areas (road, markets, and two sanitation measures), and less than 40 percent saying “fairly well” or “very well”;
- Majorities saying Malian local governments do poorly in providing information to citizens and encouraging participation, but also majorities saying local governments do well in consulting others (including “traditional leaders”, among other civil leaders); and
- A large majority (76 percent) saying the influence traditional leaders have in governing their local community should increase.

Some local governments also seem to retain a “partisan” flavor in the five years between elections, while others do not. In our “model commune” of Niéna, political parties seemed

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<sup>13</sup> The data used here is from the 2008 Afrobarometer, and we refer to the data as prepared by Sawyer Blazek at USAID.

relatively less important than a focus on providing public goods. This observation is susceptible to self-reporting bias (since it was the commune officials themselves who stated that they placed local needs above party), but there are two confirming bits of evidence to suggest the observation is true. First, the members of the commune council initially could not identify offhand the number of parties present on the council, as they had to count and correct one another to reach the correct total of six. Barring real subterfuge, this suggests that party politics has little place in the day-to-day management of the commune. Second, the sub-prefect in Niéna lamented the partisan nature of local government in his jurisdiction, but made an explicit exception for Niéna commune. He argued that the Niéna council was highly functional and collaborative; while this favorable impression may have been facilitated by the fact that his office was across the road from the commune offices, it nonetheless provides an additional tidbit of evidence (Sub-Prefect interview, April 6, 2010).

Conversely, in the more dysfunctional commune of Niono, party politics seemed much more important. Representatives of a local civil society organization (SEXAGON, an agricultural syndicate) noted that they had made a conscious effort to place cooperative representatives in elected positions, in an attempt to shape local services and policymaking (T. Boly, SEXAGON interview, August 8, 2010). Upon succeeding, however, the group found that their elected officials neglected the syndicate's requests, and grew increasingly attentive to party politics and prospects for personal advancement.

### **The Weakness of Opposition in Mali**

Mali belongs to a civilization where opposition powers have historically played an important role, as noted in Section 1.4. These opposition forces are developed by reference to a certain conception of man (the idea of relationships) and of society (the idea of goods). A fundamental rule of the functioning of institutions in this tradition is that an opposition force, even when committed to placing new actors in power, is not allowed to transform itself into a *power*, that is, an institution through which power is exercised. The events of March 1991 witnessed opposition forces (unions, student associations, organizations for the defense of human rights, women's organizations, the private press, etc.) contributing in a decisive manner to topple the government.

However, these organizations ceased to represent policy alternatives when they began to participate in the exercise of power. As noted by Chabal and Daloz (1999), political power in African states is rarely "divisible", and leaves few political-economic opportunities for those who are not associated with government. As a result, opposition forces are often co-opted by governments in power.

In Mali, in the aftermath of the events of March 1991, the cooptation of the opposition forces had three effects. First, leaders of opposition forces were tempted to use their institutions as levers in the conquest of power, and thereby subverted their own capacity. Second, the executive feared opposition forces and developed a tendency to weaken them through divide and conquer tactics. Third—and as a consequence of the prior two—opposition forces were drawn into the role of "satellites" of political parties, of existing governmental authorities, and sometimes even of the allies of these authorities (donor organizations, international NGOs). Even the press, while protected by basic freedoms, is influenced by the state's support.

Upward accountability to national party officials appears weaker than in many of Africa's dominant-party states. Party leaders exert leverage over the composition of lists for local

elections, but this power is tempered by the nature of the party system, in which parties have emerged as splinter factions of preexisting parties or as individual vehicles for particular candidates. Mali seems to witness considerable amounts of floor-crossing and party-switching, known locally as *nomadisme politique*.

Partisan electoral calculations with regard to decentralization are thus unclear, given electoral uncertainty. Whereas in many African states, the likely victors of both national and sub-national elections are known well in advance of polling, the Malian context is more fluid. This was demonstrated by the victory of Ahmadou Toumani Touré, who was not originally a party militant, but rather a former military leader and political independent who only gained the support of the leading party ADEMA after election to his first term.

### 3.3.2 FISCAL ACCOUNTABILITY: TAX COLLECTION AND THE USE (AND MISUSE) OF RESOURCES

As noted in Section 3.2 (including in the box on *incivisme*), willingness to pay taxes may be seen as an indicator of public support for local government (commune) administrations. In the urban commune of Kati, one team member noted the importance of accountability in the provision of public services. The example in question was the commune government's establishment of toilets in the marketplace. Initially, market sellers resisted the payment of market taxes to the local government, given their concerns that the funds would be poorly applied. However, tax collection rates in the market increased dramatically after the toilets were constructed, as contributors observed that their payments generated palpable improvements in the local situation (in the form of a public good provided by the local government). This provides support for a "rationalist" interpretation of Malian citizens' willingness to pay taxes to local governments.<sup>14</sup> This may be contrasted with the performance of local development associations (e.g., *tons* and *kafos*), which are characterized by high levels of resource mobilization and impressive participation, even though participation is voluntary. We may interpret this as citizens opting to allocate contributions to those entities considered most likely to use them effectively to provide local public goods. In this vein, it becomes worthwhile to consider the phenomenon of rent-seeking in the Malian state.

#### ***The Malian State and Rent Seeking***

Recent evidence on the lack of financial probity shows that Mali suffers from continued governance challenges, despite its reputation as a donor favorite for its record of democratic governance. The most recent evidence was provided on Wednesday, 11 August 2010 by Mali's own Inspector General Agency (the *Bureau des Vérificateurs Généraux* [BVG]), in an official document tabled on that date. Three major capital newspapers showcased the BVG report.<sup>15</sup> *Info Matin* led with a page one banner headline, "When the State Robs the State". By the BVG account, over the three-year period 2006-2008, the estimated amount of lost funds was 112.37 billion CFA, or approximately \$225 million (CFA 500 = \$1.00). That averages out to

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<sup>14</sup> Where local residents refuse to pay, they may be characterized as participating in "tax revolts", as it were. Alternatively, they may be seen as exercising an "exit option" in which they choose to dissociate themselves from local government institutions. These circumstances are generally a function of popular unwillingness to contribute resources (both money, and in-kind contributions such as materials and manpower) when the commune team is seen to be wasting tax monies collected rather than providing services.

<sup>15</sup> *Info Matin*, Le Malien, Le Sphinx, 12-13 August 2010.

approximately \$75 million of public funds annually that fit the category of “missing in action” (*manqué à gagner*): unrecovered taxes, money embezzled, kickbacks, and the like (Vérificateur Général du Mali, 2010, p. 16). This amounts to between four percent and five percent of the national budget. It is estimated that 17 percent of this amount is lost in fraud, and the other 83 percent in various forms of mismanagement. Worryingly, the amounts for 2005-2007 were found to be 98.27 billion CFA (Samaké, 2010, pp. 1, 10-11). That amounts to a 14.35 percent tri-annum over tri-annum “improvement” in the productivity of embezzlement activities, and laxity (or incapacity) in recovering taxes. While we cannot forward generalizable conclusions from one report to the next, the trend in corruption bears watching.<sup>16</sup>

These circumstances highlight the problematic nature of state fiscal arrangements. The implications for decentralization are numerous. First, there is the obvious impact of public funds uncollected or missing that are no longer available for use in deconcentrated agencies of the national government, in local government units (*communes*, *cercles*, and regions) and in development projects and programs. Second, the lack of fiscal probity invites consideration of whether decentralized government suffers from comparable problems.

### ***Rent Seeking at Decentralized Levels***

The question of rent seeking and corruption, as well as the question of clientelism, are relevant at all levels of government. Indeed, we offered the hypothesis in Chapter 2 that decentralization can sometimes be interpreted as an effort to create supplemental political positions, or the electoral equivalent of patronage. In this vein, we seek evidence on the extent of rent seeking and clientelism in decentralized governments in Mali.

As might be expected, our evidence of rent seeking in decentralized governments is necessarily indirect, since few commune officials are likely to confess to corruption and because reporting on the issue is limited. Thus, we cannot offer concrete estimates for the resources that are diverted into rent-seeking networks. Nonetheless, from multiple sources, we can draw preliminary inferences about decentralization and rent seeking.

The principal source of evidence regarding the probity of sub-national government comes from unprompted references to corruption and rent seeking in interviews with those critical of local authorities. For instance, in discussing the fiscal system, we may paraphrase a representative of the international donor community, who noted that the fiscal arrangements of decentralization are susceptible to abuse because it is relatively easy for the three actors involved—the mayors and local government officials, the regional treasurers, and the prefects—simply to collude and agree to collaborate in diverting funds (Didier Verse interview, August 11, 2010). Other local actors professed not to trust communes, and declared they had personal experience with mismanagement (SEXAGON interview, August 8, 2010).

The second source of interview evidence comes from “indirection admissions” from local councilors themselves. To return to the example above, several of those in present in an interview with a local agricultural producers’ syndicate had previously been involved in local government, and these individuals agreed with the characterization that local officials followed

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<sup>16</sup> This year-on-year observation invites the consideration that emerges in the diagnosis of many diseases and syndromes: is prevalence worsening, or is detection improving? We do not pursue these questions here, but rather simply note the worrying trend of increased reporting of “waste, fraud, and abuse”.

their “self-interest” once elected (SEXAGON interview, August 8, 2010). While this comment is somewhat inscrutable, a more stunning overt explanation of questionable local practices came with the Sikasso city council, where members openly articulated their personal interests in private sanitation companies (see box in Section 3.3 below); the conflict of interest in an area where the commune should have precedence was apparently insufficient to give pause (Sikasso city council interview, August 6, 2010). The irony was heightened in the same interview, as local officials offered the complaint of *incivisme*, or unwillingness to pay taxes (see box, section 3.2b); by some accounts, tax evasion may be seen as a vote of no confidence in the same local government that exhibits the conflict of interest.

### 3.3.3 LEGAL ACCOUNTABILITY: *TUTELLE*, “VAGUENESS”, AND THE QUESTION OF RULE OF LAW

*Unnecessary laws are not good lawes, but trapps for mony.*

- Thomas Hobbes, *Leviathan*, 1652.

*Nul n'est censé ignorer la loi*

- dictum in French jurisprudence

There is, in French jurisprudence, a dictum: “*Nul n'est censé ignorer la loi*”, or roughly, “ignorance of the law is no excuse”. It is currently assumed to apply in Mali. Yet most residents of Mali’s 703 communes know little of the formal laws of the country. As contemporary Mali aspires to achieve the status of a “rule of law state” (*état de droit*), a profound contradiction exists between this aspiration and the inability of the majority of Malians to gain access to the formal laws that in principle guide their conduct.

In contemporary Mali, laws are drafted in French, the country’s official language, and rarely if ever translated and disseminated in written form in national languages. The Constitution of the Third Republic provides a telling counter in this regard; it was orally translated into national languages and much discussed, but also printed for distribution during the period between the National Conference and the referendum that eventually approved the new Constitution. That fundamental law is widely accorded great legitimacy. The situation is the contrary with the bulk of Mali’s contemporary legislation. It exists in French only, including the laws relating to decentralization. For those truly literate in French that poses no problem, but for those who are not fully comfortable in that language, the situation is quite different. They—a large majority of Malians, who may have some primary school French but are certainly neither competent nor comfortable in the language—are nonetheless bound by rules that they do not understand.

The implications for decentralization are numerous, and are mediated through the question of accountability of government to the citizenry. An ambiguous rule of law makes it difficult for citizens to hold officials accountable and maximizes the discretion of state actors. Where local populations have difficulty in holding government accountable, “informal” systems of control that are prevalent in Africa can become more salient. These include patron-client relations, and the continued centralization implicit in *tutelle*.

### **Le flou des textes: The Forestry Code in French West Africa**

This issue with regard to the lack of clarity surrounding the rule of law has deep historical roots. An example can be found in the colonial forestry code, introduced to French West Africa on July 4, 1935. It exemplifies the problems that can arise when the concept of *tutelle* is coupled with vague laws. *Tutelle* took the form, in the forestry sector, of state foresters unilaterally placing prime forest lands under state control. It also underwrote the assertion by the colonial forestry department, of state responsibility for the ‘management’ of some 15 prime timber species, a number of which also contributed products heavily used in local housing and production systems. Among these were wood for the construction of dwellings (house beams, huts posts and roof frames, etc.), wood for farm implements, and wood for the charcoal fires that blacksmiths used to make and repair farm implements. Included were also a number of inputs (leaves, roots, nuts, berries, flowers for spices) to local cuisines. As these trees were broadly distributed across the landscape, many occurred in farmers’ fields. Farmers were responsible for protecting the trees on their fields from lopping or felling. The ‘vagueness’ in the Forestry Code was not inherent in the French original itself. Instead, this law proved ‘vague’ as far as colonial subjects throughout French West Africa were concerned because it was never translated into national languages. State forestry agents, who were at least minimally literate in French, thus retained full power to interpret the Code as they saw fit. This led to an orgy of ‘rent collection,’ i.e., foresters routinely extracted bribes from farmers as the quid pro quo for *not* fining them for forestry code violations.<sup>17</sup>

Many Malians find themselves today with regard to national legislation in a position comparable to that of farmers vis-à-vis the Forestry Code of the First and Second Republics: the law presumably says something, but what it says is generally unknown.

There are a number of difficulties of Malian justice, including gaps and loopholes in the law. Many of the problems arise where the law impacts daily life for the majority of Malians living in rural areas: land and natural resource management (see box above). Some of the challenges facing citizens with respect to the rule of law (especially citizens in rural areas with limited French language skills) are:

1. The disparities between the legal logic employed in these laws and that accepted by users (particularly those who exploit the land and renewable natural resources of local areas);
2. Difficulties in applying the laws:
  - absence of effective means of law enforcement,
  - loopholes and/or insufficiencies in the laws,
  - complicated and onerous procedures,
  - internal contradictions between/among laws, and
  - constraints occasioned by the operations of actors in public administration;
3. Contradictions between the laws and a logic of development, when efforts to protect natural resources take the form of a flat ban on any form of use whatsoever; and
4. The ‘hazy’ character of legal articles of importance to citizens, to which must be added the esoteric character of legal language and the lack of precision in legal concepts.

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<sup>17</sup> The colonial Forestry Code in Francophone West Africa thus offers a prime example of the Thomas Hobbes’ quote.

Illustrative of the final issue of “vagueness” or “haziness” of the law is the experience of one team member (Coulibaly), whose private university learned that by law “the Malian state recognizes or not, at its discretion, the diplomas issued by Mande Bukari University.” This presents formidable legal challenges even for Bamako institutions in which French is the working language; the challenges are orders of magnitude more difficult in rural areas with additional language barriers.

What are the popular perceptions of the legitimacy of a regime that functions in this manner? The implications for people’s ability to obtain legal recourse (e.g., against abuses of power and rent collection) are quite clear. Given the limited social understanding of the law, injunctions to Malian citizens to “insist on accountability” from their officials ring hollow.<sup>18</sup> This circumstance regarding the opacity of formal legislation contrasts sharply with the situation that most rural Malians experience on a daily basis in their homes, as discussed in the next section.

#### 3.3.4 ACCOUNTABILITY IN ICS: PROBITY IN PERFORMANCE

This report diverges from the received wisdom about management of monetary resources, financial accounting, and probity in performance where public funds are concerned. In particular, we assert that in contemporary Mali, indigenous civil society organizations are compiling an admirable record of honest, highly accountable management of their financial resources and operations. Such organizations apparently do not need help from state officials, in their capacity as state officials,<sup>19</sup> in keeping their books, nor do they appear to require state supervision to ensure that their books are balanced. The reason that they do not require state supervision can be found in the social arrangements they employ to ensure probity.<sup>20</sup> These arrangements, based on powerful social incentives, continually prove far more effective in motivating ICS officials to behave themselves by dampening the temptations of malfeasance than Malian state laws (not often applied to date, it is true) apparently do in encouraging probity among state officials.

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<sup>18</sup> They also amount to very bad legal advice to challenge powerful officials with demands for accountability when in fact one has little idea whether any particular official is or is not acting within his legal authority.

<sup>19</sup> This observation simply recognizes the possibility that state officials wear more than one hat. Not only are they responsible for formal governance and administration, but most probably also belong to one or more ICS organizations. Many of these individuals have strong management skills and likely use them to good effect as members of, e.g., hometown or patronymic associations. Interesting here (assuming that the foregoing observation is factually correct) is the difference in behavior manifested by the same individual in two different situations. We speculate that the difference simply reflects a rational assessment of the profound differences in monitoring and enforcement in state versus ICS organizations.

<sup>20</sup> ‘Ensure,’ in this context, is a stronger word than ‘encourage.’ We use ‘ensure’ in recognition of the fact that ICS organization officials demonstrate the appropriateness of the term by their successful practice of reliable, honest stewardship of group resources.

### Accountability in ICS Institutions: an Informal Poll

The debriefing that the decentralization assessment team members presented to USAID/Mali staff members on findings of their investigation incorporated a revealing incident. The team asked the Malians in the room how many had contributed to ICS entities during the preceding year. Nodding and shows of hands confirmed universal participation. As the conversation proceeded, one USAID officer present chuckled and wondered aloud how many had paid their TDRL taxes for the year. This elicited general amusement among the many Malian specialists present, with their collected expertise in governance, decentralization, education, and other public services.

What might explain contributions to ICS entities and low tax compliance? The team believes that it reflects daily practice in contemporary Mali and that behavior, by implication, reveals Malians' evaluation of the comparative performance of formal local government units—communes—of which they are citizens, and ICS entities of which they are members. Many Malians are willing to finance services on a pay-as-you-go basis. But paying taxes is another matter; taxpayers have only accountability on the part of elected communal politicians concerning allocation of their tax funds. Enforcing claims that elected officials should honor their electoral promises is not easy. Advising citizen electors to 'throw the rascals out' does not amount to useful advice by way of enforcement because it assumes that one set of elected politicians (those in office) are 'morally challenged,' whereas somehow the new set will not be. Such advice fails to assess the negative incentives structurally inherent in a formal taxation system: if existing elected officials are replaced with a new batch, the newcomers face the same temptations as the old ones. Unexpended tax funds are, within limits, 'available,' and elected officials may divert them to finance short-term personal needs.

One possible strategy to counter the 'pernicious' incentives inherent in formal tax systems would be to create legal requirements that commune officials publicize the state of commune accounts (revenue sources and amounts, expenditure objectives and amounts) on a monthly basis. Another might be to promote public-private partnerships between ICS and their officials, on the one hand, and elected communal governments, on the other. If such partnerships established regular, joint accounting requirements, this might improve the probity of commune finances.

As contrasted with a formal rule of law that has limited local applicability, Malians are active participants in a large number of indigenous institutions where accountability is meaningful, language comprehensible, and enforcement feasible. They are active in a series of village, infra- and supra-village level institutions. Activities in those institutions are conducted in national languages, and speakers of national languages can be assumed to understand discussions conducted about those rules and whether someone has or has not violated one.<sup>21</sup> They know the legal power and authority which inheres in the various posts in local institutions (see the terms *Djéli* and *Syèrè* in the Section 1.4 for a discussion of ICS institutional mechanisms of accountability). Similarly, Rawson (2000, p. 267) finds that "in both the Mali and Songhay empires, the preacher (*khatib*) or Islamic judge (*qadi*) offered a countervailing pole of authority, ensuring the rule of law."

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<sup>21</sup> The most commonly spoken language in Mali is Bamanakan (Bambara), with other major languages including Fulfulde, Maninkakan (Malinké), Senoufo, Songhai, Soninké, and Tamacheq.

In ICS institutions historically, the sharing out of powers and the separation of roles<sup>22</sup> enabled people to address questions of meddling/interference and shirking. These were practices that Mandinka peoples learned early on in their lives, and continued to hone as they aged (see *N'domo* and the reference to the Mandinka extra-familial education system, in Section 1.4). The principle of multiple systems of representation facilitated tailoring systems of representation to particular institutions and contexts, to achieve justice and efficacy in each. Note that repeatedly successful exploitation of this rich array of institutional design options—as retroactively evidenced by the quality performance of so many contemporary Malian ICS entities—implies that large numbers of ‘everyday’ Malians mastered sophisticated approaches to crafting institutions *that reliably achieved their purposes*. That tradition endures today. Control systems depended principally on the duty of accountability, which substantially reduces the cost of control, and on social pressures (or controls) which limited instances of embezzlement and constituted sanctions that effectively discouraged recidivism. The forms of solidarity were strongly grounded on the principles of equity (not equality), and of reciprocity (which limited the extension in the society of commoditization and contributed to the maintenance of social relations).

When such indigenous institutional resources are available, many Malians have drawn the conclusion that they need not wait for the state to finance development of their communities. They have mobilized substantial sums of money, usually through voluntary contributions known as *cotisations*. Organization occurs through hometown associations, youth associations, women’s groups, socio-professional groups, and migrant societies, among other forms. Malians use these with consistent economy to develop infrastructure facilities (school classrooms, clinics, wells, mosques) in their communities that residents desire. As the Vice-Treasurer of the Ségou Region noted, the accounting practices enforced within their associations by Malian migrants who dispatch millions of dollars in remittances annually to their families and hometown associations in Mali are far stricter than those utilized by the Malian treasury (Souleymane Diakité interview, 9 August 2010).

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<sup>22</sup> Note that we do not simply refer to “separation of powers”, which does not preclude the accumulation of powers (if a single individual occupies multiple posts); *sharing of powers* enabled members of those pre-colonial states to avoid or limit instances of abuse of power.

## **Do Malians Think Like Donors? Pay-As-You-Go Resource Mobilization and Accountability**

One way to interpret the contributions of Malians to their ICS institutions is to think of them as donors: Malians like to pay for public collective investments by tranches, and condition their continued investment on demonstrated performance. As contrasted with a one-time annual payment in the case of the TDRL tax, ICS entities solicit enough money to initiate an activity. If that first stage is implemented, and members know that their money has been used to help achieve the stated objective, ICS officers can ask for contributions for the next tranche. This generates economic (and social) pressure on ICS officials to perform. If they fail to, members can withhold contributions for the next tranche, saddling ICS officials with the reputation of ‘not being able to get the job done.’

ICS organizations operate on a ‘pay-as-you-go’ basis. ICS organizations do not ‘impose taxes,’ they ‘solicit contributions’, so that payments are, within limits, voluntary. Free riding among members is controlled mainly by knowledge within an ICS entity of members’ variable abilities to pay, and social pressure is used to ensure that people bear their fair share of the collective burden. Such incentives, reinforced by the ‘perpetual monitor’ mechanism designed into most ICS constitutions, reduces the capacity of ICS officials to misallocate funds, which in turn initiates a virtuous circle of staged, willing contributions. By comparison, when commune officials take in taxes, mechanisms for accountability have a long time horizon. Furthermore, commune officials do not regularly account publicly to citizens of the jurisdiction for their allocation and expenditure of funds.

These kinds of self-help efforts are extremely encouraging for several reasons directly related to the intermediate objectives of decentralization. They:

1. Demonstrate the *autonomy* (or self-reliance) of local institutions in both rural and urban settings;
2. Reveal the *legitimacy* of indigenous civil society organizations in the eyes of their members and citizens;<sup>23</sup>
3. Reveal the *authority* of such organizations: when their leaders propose that members contribute to finance a ‘public good’ for the organization’s members, the money flows in;
4. Occasion very *limited transactions costs* in mobilizing funds since such contributions are viewed as moral obligations (within the limits of one’s ability to contribute);<sup>24</sup>
5. Demonstrate resource mobilization *capacity*, and could furnish significant monetary heft to potential public-private partnerships between ICS organizations and local governments;<sup>25</sup> and
6. Could create *opportunities for donor agencies* to support local self-help efforts with fewer concerns about what the tracking of such funds would ultimately reveal.

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<sup>23</sup> As noted in the section on fiscal autonomy, Malians are wary of turning over money to those whom they suspect will embezzle the funds, or paying taxes when they suspect that many others will enjoy a free ride, and yet they voluntarily contribute large sums to ICS entities; that must be seen as a generalized vote of confidence in the probity of ICS leaders.

<sup>24</sup> This contrasts sharply with the difficulty Malian officials face in recovering taxes.

<sup>25</sup> Among the latter, particularly communes and inter-communal associations, but also *cercles* and possibly even regions.

The village-level institutional fabric is rich in judicial mechanisms—with multiple means of legal recourse—through which Malian rural communities seek to sustain an indigenous rule of law. Those recourses do not pit a rural person, illiterate in French, against a powerful official at ease in French, the official language of the country. Instead, they allow an aggrieved individual to have his complaint heard by village-level judicial actors who cannot ride roughshod over his concerns. In this sense, accountability becomes embedded in the daily life of ICS institutions. Such rules are predicated on the principle of equity, which takes the form of impartiality in application of the rules to residents and non-residents; for example concerning access to natural resources.<sup>26</sup> To dampen temptations to abuse power, village practices feature collective monitoring, oaths, sanctions, separation of powers, recourse, and relationships with other ethnic groups and systems of production.

ICS institutions in Mali also provide multiple mechanisms for recourse. People with grievances can seek recourse from at least four different local fora for dispute resolution: the council of the sensible ones, the village chief, traditional organizations, and religious leaders. Failing satisfactory resolution in those fora, they can contact administrative services. The persons charged with deciding cases are the religious chiefs; officials of village associations; and the chiefs of land, water, and pasture.<sup>27</sup> At the limit, recourse to the state occurs which one party rejects a judgment rendered at the village level, or refuses to recognize a traditional authority, or for reasons of technical incompetence. In such instances, the village chief applies to the administrative authority in the name of all the villagers. This provides an instance of autonomous actors having recourse to the state, without the state exercising *tutelle* over village politics and society.

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<sup>26</sup> This type of equity is critical for social peace in an environment characterized by a single rainy season alternating with one dry season annually and thus significant transhumance on a north-south axis by pastoralists who have to move their domestic animals (principally cattle, sheep, goats) long distances to exploit ever-changing sources of pasture and water.

<sup>27</sup> Disappearance of land controlled by the village has seriously weakened the protective fabric of the community (see André DUMAREST, *La formation des classes sociales en pays annamite*, Lyon: P. Ferréol, 1935, p. 206 (cited by Scott, 1985, p. 61). Elimination of village lands often results from land tenure legislation which vests in the state property rights to all lands and opens the door for high administrative authorities to expropriate village lands.

## When Civil Society Goes Wrong: *Groupements d'Interêt Economique* and the City Council

A final caveat is in order in this section: there are instances where civil society institutions “go wrong”. Our observations regarding the achievements of Mali’s ICS institutions must be qualified by the observation that some “civil society institutions” in Mali have their own pathologies. One example is the *Groupement d'Interêt Economique* (GIE), which may be seen as a small business cooperative. In the city of Sikasso, GIEs help provide waste management and sanitation activities. GIEs present proof of the ability of Malians to mobilize resources to pay for necessary public goods, even while they do not pay certain taxes. In Sikasso, garbage collection costs 1,050 CFA/*poubelle*; this may be a typical week’s expenditure for a household, and it is regularly paid. By contrast, the commune admits that well over half of its residents do not pay the TDRL tax of 2,125 CFA/year.

However, important governance problems can arise with the GIE. Some GIEs are run by elected members of the commune council. This represents a conflict of interest, as elected officials have incentives to promote private collection of waste through GIEs they control, to capture the profits built into the fees, rather than promote public provision of that service. In effect, they develop ‘public-private partnerships’ *with themselves* to capture available rents. Where private actors deliberately enter public service for such rents, the practice is known as *entrisme*.

Similarly, local institutions cannot guarantee fairness and equity in rural areas, as noted in examinations of village environments where conflicts have emerged between “in-groups” and “out-groups”, such as migrants to an area (see Nijenhuis, 2003). Some such conflicts have been exacerbated by decentralization, which heightens the stakes in local decision making (cf. Djiré, 2004). We argue that indigenous institutions are often valuable in conflict mitigation, in resource mobilization, and in public service provision, but cannot presume that civil society is always and everywhere harmonious.

### 3.4 CAPACITY

Decentralization is likely to succeed when it can draw upon existing sources of capacity, or where institutions with some “proto-capacity” can be supported and their capacity enhanced. In other words, best practices are found where citizens have discovered or uncovered latent capacity in local institutions. For this reason, we dedicate more space in the subsequent (longer) section to those institutions that have demonstrated considerable capacity.

#### 3.4.1 CAPACITY CONSTRAINTS

Repeatedly in the course of our study, Malian local government officials noted the lack of fiscal and administrative capacity (*manque de moyens*) as a reason for low levels of local government performance. To be sure, capacity constraints exist; indeed, this was noted above with regard to the lack of fiscal autonomy in the communes (Section 3.2), among other areas. However, this overall low capacity is true in many local governments in Africa’s historically centralized countries. Accordingly, the observation by interlocutors that capacity is low is not particularly informative. Thus, rather than detail the extensive limitations on capacity, we instead make two analytical points that we believe are more salient.

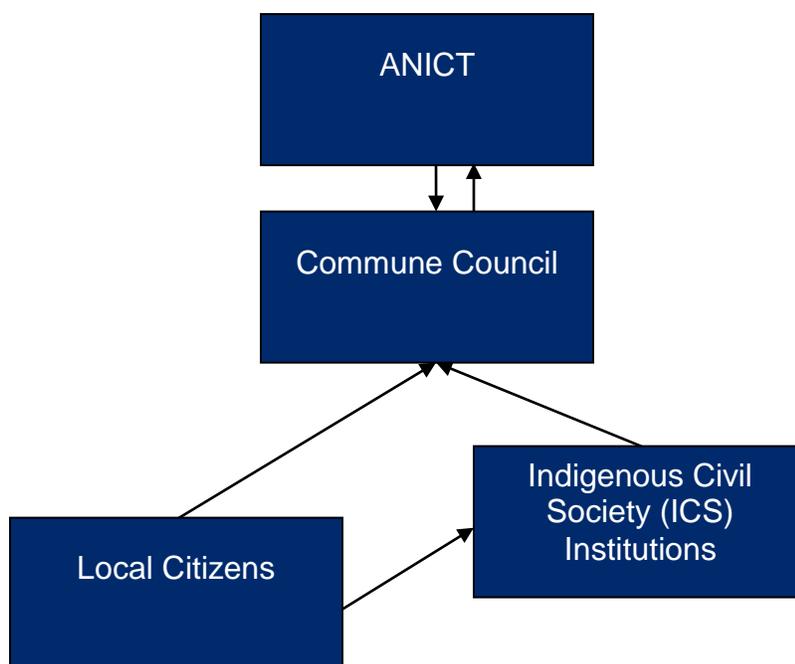
First, capacity constraints may be used either as evidence of the need to support local governments more fully, or as a justification never to decentralize (since technical and administrative capacity will typically be lower at decentralized levels in historically centralized states). But multiple interlocutors—including the President of the HCC—noted the need to “give communes the right to make mistakes”, adding that the central government has been making plenty of mistakes for 50 years (HCC interview, August 12, 2010).

Second, capacity is not static but varies dynamically across local contexts within Mali. Clearly, the question of fiscal capacity emerges here, which we addressed in part in the section above (3.2) on fiscal autonomy. To be sure, there are structural constraints on local governments with regard to tax collection capacity. The limited capacity of resource mobilization in local governments may arise for one of two reasons: resources are unavailable (e.g., because incomes are too low); or resources are available, but citizens are not willing to entrust them to local governments. Where the lack of resource mobilization capacity reflects citizens’ lack of trust in local governments, the answer is not improving technical capacity per se, but rather improvements in accountability and other mechanisms noted above. On the other hand, where capacity is limited purely by economic structure and low incomes, the challenge becomes enhancing the revenue base. Here, we argue that even in relatively low-income rural communities, resources exist, if appropriate mechanisms are used to mobilize them.

We return to the example of Niéna, which we may consider a model commune. The secretary-general in Niéna noted that he was frustrated with a tax recovery rate of “only” 96 or 97 percent (Niéna interview, August 6, 2010). Niéna’s commune council faces constraints because of its limited tax base (like most any commune in Mali), even though it has a high TDRL recovery rate. However, the commune has found ways to build supplemental infrastructure by drawing upon a range of institutions. It began by attaining its high tax collection rates through a reputation for quality governance and collaboration with local customary authorities. It similarly capitalized upon local development projects by international donors. It then worked directly with civil society institutions to come up with co-financing that was used to constitute the necessary local contribution to a project funded by the national investment agency (ANICT). As a final observation on local government capacity, we thus segue to a discussion of autonomous civil society institutions that have demonstrated a substantial capacity to create local infrastructure, ranging from mosques to public spaces to schools.

The final step was securing the support of the state, in the form of investment from the national financing agency, ANICT. It should be noted that at this stage as well, development partners are involved, as they (and not the Malian state) are the primary funders of the ANICT.

**FIGURE 2. FISCAL DECENTRALIZATION IN A “MODEL COMMUNE”: RESOURCE FLOWS TO THE NIÉNA COMMUNE COUNCIL**



Two analytical points can be made here, both highlighting the importance of a relational understanding of local governance. The first set of important relations is between individuals. The Niéna council exemplifies the power of constructive interpersonal relations. Members of the council seem to foster and maintain strong, pragmatic working relationships (see Section 3.3.1). Additionally, council members seek and build solid working relationships with both the customary authorities (as evidenced by their partnership role in supporting resource mobilization) and with the deconcentrated authorities of the state (sous-prefet interview, August 6, 2010). These strategies foster and facilitate coordination among different actors responsible for providing local public goods.

The second set of significant relations exists among organizations and institutions. This can be seen in Figure 2, where citizens and individuals participate, but where the key developmental relationships link the commune council, ICS institutions, and the state (or more specifically, the Niéna council, the Association of Ganadougou (*Kafo*), and the ANICT). Where state-society relations are mutually reinforcing, decentralized development seems possible. While we have emphasized the promise of ICS institutions in this section, this relational understanding reminds us that a functioning state can play a legitimate, often even indispensable, role in facilitating coordination among local development programs and in promoting development. This is noted even in the discussion of subsidiarity, where the need for a balance between centralism and decentralism is recognized.<sup>28</sup>

<sup>28</sup> This principle also enables supervisors to avoid the excesses of subsidiarity, that is, sub-regions isolating themselves, as Aimé Césaire put it, in their idiosyncrasies. It nevertheless remains true that in a world where new rules of regulation are being elaborated, the real challenge for these associations is to prevent the communities from losing themselves. Aimé Césaire, in a

### 3.4.2 CAPACITY OF ICS INSTITUTIONS

Throughout this chapter on the four intermediate objectives of decentralization, we have made reference to the ways ICS can contribute directly to the intermediate objectives of decentralization reforms in Mali: existing institutions draw upon existing patterns of authority, are autonomous in their operations, and exhibit high levels of accountability (as contrasted with more mixed outcomes in the state). Here, we show how such institutions also offer the capacity required to transform local governance. Many ICS institutions could qualify here, including local development organizations (or *tons*), such as women’s organizations, youth organizations, and *syndicats* or cooperatives. A series of rules have been established in these institutions over time: rules for the governance and management of social and policy issues (such as natural resources). These rules can be adapted to the requirements of particular circumstances; they are supple and can be shaped in light of different ecological, socioeconomic, and political situations. These institutions often operate on an “ability to pay” principle, with social pressure being the mechanism for ensuring participation rather than legal compulsion/coercion.

Comparable examples exist in a variety of African countries, including neighborhood associations and village associations. Other prominent examples are the migrants’ associations (*associations de ressortissants*), which may be found in regional cities in Mali, in Bamako, or even overseas. There are also ICS institutions that are more particular to the Malian context, and we will focus on two such examples. The first is the *kafos* (see Section 1.4 for definition). The second is the “patronymic” organization, which unites members of an extended family who all bear a common name (patronym).

#### ***Examples of Capacity in Mali’s ICS Institutions: Revival of the Kafos and Tons***

*Kafos* are development associations that represent geographic areas with historical and economic significance. Today these associations are found throughout Mali’s Mandinka areas (from the northwest through the south of the country). *Kafos* have been financing and managing local development in their communities for decades. Examples include the development associations of Ganadougou and Wassoulou.

Intriguingly, *kafos* now find themselves facing a new political actor: decentralized local government units (particularly communes). As noted above, these communes have exhibited only limited capacity to mobilize local savings in the form of taxes. Regardless of tax collection rates, formal local governments have scant fiscal resources. Conversely, *kafos* and local development associations have demonstrated an ability to develop local infrastructure facilities, which they finance with adequate funds voluntarily mobilized by their members.

Another example of ICS is the patronymic family group. Patronymic family associations extend the revived solidarity that is based on the *kafos* to the rest of the community, particularly families that had to emigrate and then founded, here and there, small units of the extended family that are ‘lost’ in the middle of other communities. The establishment and development of such groups has been accelerated by globalization, which is perceived to create new consumption needs and which fosters the belief that everyone can get access to everything (immediately). At the same time, it induces growing impoverishment of populations, thereby reducing capacity at the local

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letter that he wrote to Maurice Thorez in 1956, best defined the issue: “There are two ways to lose oneself: by isolating oneself in provincialism, or by diluting oneself in the general.”

level to satisfy everyone's ambitions. Breakup of families is the result, with growing insecurity for older people and children, and even for those of working age who are tempted by outmigration from rural areas, and emigration.

At the same time, these patronymic associations reinforce the dynamism of *kafos* in economic terms. If one takes the example of the *Kulibali Ton* (Association of the Coulibalys), a share of members' contributions are distributed to the *kafos*. The association, moreover, reinforces the cohesion of the members' families and promotes civic dialogue through discussions of the stakes of the globalization process and their impacts on the families, the difficulties of constructing democracy, and the prospects for a new form of citizenship.<sup>29</sup>

The patronymic associations, just as the development associations linked with *kafos*, desire to maintain their distance from the arena of political competition. The associations do not tell their members how to vote, even if they do advise them to cast their votes in light of the specific programs that the various candidates propose. But they do *discourage* their leaders from presenting their candidacies for the various elected offices. This avoids the *cumul de postes* phenomenon common in France which, in Mali, would undermine the constitutional design principle of popular participation in power by limiting the number of offices available, restricting the number of office holders and thus, dispersion of power.

### ***Historical Origins and Contemporary Resonance of Kafos and Tons***

*Kafos* draw upon deep historical roots, specifically the pre-colonial geographically based, politico-economic organizations that date back to the Ghana Empire. In post-independence Mali, *kafos* and *tons* began to emerge when post-independence migrants (outside the country and urban dwellers in Malian cities) founded development associations that targeted their places of origin. The failures of post-independence African states—Mali among them—led in turn to the perception among residents of isolated Malian communities that they were “forgotten” by public institutions. Mali's entire northeastern and northwestern regions, for example, felt ‘abandoned’ as a result of climatic events (severe, extended droughts), intensified by the lack of communication and transportation infrastructure facilities. Absent meaningful state intervention, the communities simply organized themselves, particularly the Soninke towns of northwestern Mali (e.g., Eliminé, Nioro, Nara). These places were peopled by the descendants of the founders of the Ghana Empire who likewise founded the first *kafos*. These associations have developed further with the advance of globalization, but the first efforts began 12 centuries ago among the Soninke, who initiated emigration movements within West Africa. Through these intra-continental emigrations, this group created a large number of villages which subsequently evolved into important political centers (e.g., Ségou). Soninke emigration subsequently spread to the European and American continents and today to Asia. Whoever speaks of migration inevitably speaks as well of the risks of insecurity associated with traveling and life abroad, and therefore of the strategies elaborated to manage these risks. Over the centuries, the Soninke have

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<sup>29</sup> The increase in the number of development associations that voluntarily link themselves with *kafos*, as well as the increase in patronymic associations, would appear to confirm the position taken by Michael Sandel who, in an interview with the newspaper *Le Monde* on 29 January 2001, affirmed: “Most of the time we live our lives within the framework of more restricted relationships and solidarities. Civic virtue and political engagement have always depended for their development on the sense of belonging to a community or a particular tradition...In a world governed by international structures, those of the World Trade Organization, the multinationals, and the NGOs, specific forms of identity and of community grow more rather than less important.”

honed their forms of solidarity, by taking account of new difficulties unleashed by periods of change.

Towns in these old *kafo* zones provided the first contingents of migrant workers who traveled to France. Eventually those migrant workers began financing, through remittance flows, first their own families and then community infrastructure facilities. In the hostels which served as their residences in France appeared the first development associations created by reference to the old *kafo* entities, for example, the ‘Association of the Citizens of Guidimaka.’ Such associations developed all the more rapidly because labor migration evolved into permanent immigration, and the impoverished circumstances in their home communities compelled more and more young people to leave in search of opportunity elsewhere. The major droughts of 1973-74 and 1984-85 accelerated this movement. In the mid-1980s *kafo*-area citizens founded the first major *kafo* associations in Mali’s large cities, as well as in other countries to which Malians had emigrated (Ivory Coast, Gabon, United States, etc.). The two types of associations (*kafo*-referenced student and worker associations) began to collaborate, particularly when Malian students in France, who had helped the migrant worker associations to organize themselves effectively, returned home and began themselves to work.

### ***Evidence of Capacity: Fatola and Yaguinébanda (see Appendix 7)***

There are numerous examples of problem-centered indigenous organizations, and the time constraint for this study requires us to rely in part on other resources. Two communes (Fatola and Yaguinébanda) provide examples; they were not visited on this field study, but were studied previously by two team members (Coulibaly and Thomson). As is common across Mali, residents of these communities have organized themselves in a variety of local associations. Some are entirely indigenous to the community (if one counts migrants as members of the village), while others found their origins in programs promoted and/or financed by external sources. These organizations all practice some form of self-governance, and to a certain extent, learn from each other’s successes and failures. They also all contribute to enriching the local self-help culture, and by multiplying instances of sustainably organized collective action within local environments, honor the Mandinka political principle of citizens sharing in power.

Examples can be found in Appendix 7, and include the expansion of a village potable water supply, the building and operation of an Arabic primary school, and less “tactile” (but still quite important) mechanisms for risk management among fishermen. The examples in Appendix 7 indicate growing sophistication among residents about the kinds of financing and governance mechanisms necessary to ensure sustainability in the provision of public services and public goods. It also offers some reflections on the utility of special district arrangements (*intercommunalité*), since these have been incorporated into Mali’s legislative framework for devolution.

# 4.0 CONCLUSIONS AND IMPLICATIONS

We conclude that the record of decentralization in Mali is mixed when referring to the institutions of the state, but exhibits considerable potential when the focus shifts from state structures to local (indigenous) institutions. While the macro-political environment is democratic and characterized by some commitment to decentralization, limitations on the process remain considerable. On multiple occasions, we have emphasized the constructive role played by indigenous civil society institutions, which we believe to be one of the areas of greatest promise for sustainable, effective local governance in Mali. Insofar as decentralization is about the question of improving local governance, we believe the importance of these institutions is clear; after summarizing our findings with respect to the objectives of decentralization in Section 4.1, we offer two final examples of ICS activity in Section 4.2. With specific regard to legal-formal processes of state decentralization itself, the obvious question is the institutional interaction between state and non-state actors; we conclude with this question in Section 4.3.

## 4.1 ACHIEVEMENTS AND LIMITATIONS OF DECENTRALIZATION IN MALI

To summarize the findings of the first three chapters of this report, we have found that in Mali's democratic context, decentralization and local governance progressed in terms of decentralizing some formal authority in a relatively bottom-up process in the 1990s, but that consolidation of decentralized governance has lagged, especially in the areas of local autonomy and downward accountability. The central state continues to exercise a degree of top-down authority (*tutelle*), despite the fact that sub-national governments are now independently elected and have had public service responsibilities decentralized to them. The fiscal autonomy of sub-national governments is particularly limited. With regard to the objective of capacity, constraints persist alike in local governments and in the central government. Despite these deficits, there are considerable prospects for consolidating and building local governance. We found that the civil society arena—particularly the indigenous civil society entities whose own institutions are crafted to incorporate tested pre-colonial institutional arrangements—offers opportunities to build authority, cultivate autonomy, enhance accountability, and capitalize on existing capacity to reinforce governance efficacy. We turn to these issues next.

## 4.2 INDIGENOUS INSTITUTIONS: CONCLUDING EXAMPLES OF PROSPECTS FOR DECENTRALIZATION

Two local experiences from different regions of Mali offer final illustrations of ICS institutions as the potential basis for improvements in decentralized governance. The first locality is in Niéna Commune (in Sikasso Region in the south of Mali). Niéna includes among its member villages the community of Sanankoro Togola. Sanankoro Togola was visited by a team member (Thomson) during the field study, as we sought to gain a comparison of comparative local governance over time; the community has also been studied by another team member (Coulibaly). This community exemplifies the significant capacity found in the best organized

rural communities, as well as their prospects for autonomy and accountability. In the late 1980s residents of Sanankoro Togola—a village in the *Compagnie Malienne de Développement des Textiles* (CMDT) “cotton zone”—were on the point of abandoning their lands and striking out to recreate their village elsewhere. They were driven to contemplate this expensive decision by the rapidly degrading quality (and productivity) of soils on their fields. Sheet and gully erosion had become so extensive that they could no longer produce enough cotton to pay back short-term production season loans, much less make a living. Expensive inputs—seeds, chemical fertilizers, insecticides, pesticides—that farmers used on their fields would wash off with the first strong rains.

Residents would have remained locked in this negative dynamic and would, sooner or later, have abandoned their village site to colonize another one elsewhere. Fortunately, CMDT employees taught them—in a short technical training workshop—to use a type of water level to identify contour lines on their lands. Once they had identified and marked off contour lines on community fields, the village soil erosion control team organized their fellow villagers to construct stone terraces along the contour lines. As they built these installations strictly ‘on the contour,’ their erosion control works had no weak points (that is, low sections where rainfall could collect and then burst through the retaining wall). Once the contoured terraces were in place—an achievement which required *several years* of sustained dry season hard labor, mobilized solely by members of the community—the manure and modern agriculture inputs that they applied to their fields ‘stuck.’ By 2010, these industrious farmers had for all practical purposes recolonized their own lands, stabilizing soils eroded from further up the watershed and so rebuilding arable soil on their fields. Productivity rose accordingly. Through astute use of natural regeneration of grasses, shrubs and trees, they have reclaimed the broader village environment, to the point that residents of neighboring communities come to Sanankoro Togola to harvest (with permission) the wild resources—thatching grass, wild game, prized fruits and nuts—which are no longer available in their own village environments (Djibo et al., 1991; ARD, 2004, pp. 79-91).

The second example was not visited during this brief field visit, but has been previously by members of the team. Dogon village of Tibouki, located at the base of the Bandiagara plateau in the Mopti (Fifth) Region, affords another example of the capacity and accountability which Malian villagers can create using their ‘constitutional’ knowledge to design productive, effective institutions. The problem in question was ensuring that Tibouki’s section of a neighboring declassified state forest would be properly monitored to ensure harvesters respected village use rules. After 60 years of rent collection by technicians in the state forestry agency, devising a system of legitimate policing was essential. In this six-lineage village, residents hit on a scheme to create two forest patrols, each of which would be constituted by six individuals, one from each lineage and each selected by that individual’s own lineage. In effect, the composition of the patrols effectively ensured that corruption was not feasible concerning Tibouki villagers accused of violating access and use rules. Each patrol, by deliberate institutional design, necessarily included one member from the accused person’s lineage. All patrol members understood that their fellow monitor would defend his kin and would raise a complaint if the other members attempted to extract a bribe in exchange for winking at a violation of local use rules for the forest. But the system worked the other way as well; no patrol member could ‘get a kinsman off.’ Those caught violating the rules were systematically sanctioned. This system achieved a high level of legitimacy in the eyes of villagers, but also in the eyes of transhumant pastoralists who

move across village lands twice annually on their route to seasonal pastures. In consequence, Tibouki's section of the forest is used regularly, but is nonetheless well conserved. (see Thomson, 1997, pp. 87-112 for details of this example).

### 4.3 RELATIONS AMONG INSTITUTIONS: RECOMMENDATIONS

In conclusion, we offer some reflections on relations among institutions. On several occasions in the report, we have contrasted Niéna (Sikasso region) as “model commune” with Niono (Ségou region), a commune where governance is poorer. We may conclude that the quality of governance correlates directly with the quality of relations among institutional actors: elected local politicians, officials of state institutions, and indigenous civil society. Building upon observations about the importance of “state-society relations”, we might amend this phrase to say that in a decentralized context, what matters are “state-state-society” relations; that is, the relations among devolved officials, deconcentrated officials, and the crucial actors in civil society who can contribute significantly to the quality of governance if allowed to operate autonomously. In Niéna, linkages were strong among local elected officials, ICS institutions (including new cooperatives which demonstrate massive capacity to mobilize funds), customary authorities (which contributed to the tax collection process), and even central state actors (including ANICT) that largely responded to local requests. In Niono, by contrast, linkages were fractured among skeptical civil society, a local council they deemed untrustworthy, and the lingering power of an extremely powerful, authoritarian rice production parastatal (*Office du Niger*). The results were a model commune versus a dysfunctional commune. We attribute this to the trusting collaboration of different actors where the state responds to society, as contrasted with the mistrust that prevails when state actors (local or central) attempt to run roughshod over civil society institutions.

What is missing in the current situation is an appropriate legal enabling framework that would encourage ICS associations to make common cause with local officials in situations where their interests and preferences overlap. At present, Mali's decentralization law authorizes local governments to receive “gifts and inheritances” (*dons et legs*) but once such funds pass into the communal budget, those who provided them lose all control. Most Malians—not being fools—do not engage in such transactions. They prefer to channel their support of local self-help development through ICS organizations that they believe to be legitimate and effective, based on past performance.

This circumstance would appear to create an opportunity for discrete donor lobbying to encourage state officials to modify the existing laws governing decentralization to allow ICS organizations to retain direct control over funds they transfer to *collectivités décentralisées*. At the very least, donors and Malian citizens could lobby for legislative reforms that would enable ICS entities to play a stewardship role in overseeing utilization of funds they commit to projects which *collectivités décentralisées* organize. This kind of “reverse *tutelle*” might be backed by sufficient social and legal recourses to preemptively dissuade commune (and even *cercle* and regional) officials from diverting funds and fiddling their books. It seems probable that such public-private partnerships would, on occasion, benefit from technical assistance that deconcentrated state agencies are mandated to provide to local government units. Were that in fact to prove the case, it could unleash a powerful local dynamic of rural and urban economic development, as citizens of *collectivités décentralisées*, in their role as members of ICS organizations, worked to achieve local development goals. This would begin to achieve real

returns on the theoretical promise of decentralization, in which devolved governments become more responsive to popular concerns and more accountable to their own citizens.

Another specific recommendation for modifying Malian decentralization emerges from the findings on ICS institutions: legislation on special districts and administrative units should facilitate greater collaboration between institutions of different scope and scale. Recently, communes have begun to initiate inter-communal activities (*intercommunalité*), but villages and rural communities would also benefit from the authority and legal personality to act independently on local-level problems. Low-cost enabling legislation would allow hometown associations to ‘get on with it,’ when they are capable of tackling a problem alone, while preserving the commune’s capacity to act at larger scales within its jurisdiction (and with other communes in ‘intercommunality’).

In such a model, the commune would function as one tool in an institutional kit that comprises multiple different arrangements, each appropriate to different types of problems at different scales. This circumstance meshes well with the Mandinka political culture insofar as it promotes power sharing and citizen participation in the exercise of power. Multiple units organized for collective action, moreover, provide citizens with readymade recourses against abuses of power: if a local official decides to ‘collect a rent’ he may find himself confronting an organized group whose members are accustomed to working together and supporting each other.

This could generate the local self-help dynamic sought in decentralization, as well as experimentation in approaches to solving small-scale local problems. Appendix 7 details further examples where communities of users act collectively (e.g., fishers in the community of Fatola and the village elders and ton leaders of Yaguinébanda). If *tons* and *kafos* are empowered to constitute special districts for governance and for the provision of locally desired services—such as primary education, water supply, health care, natural resource management—one might anticipate more productive collective action originating at local levels.

This could prove especially beneficial over the long run as different communities adopt different approaches and tweak their institutional arrangements in light of results. Commune officials could play a salutary role in this process by gathering information about different experiments and using it to guide ‘information seekers’ to fellow citizens within the commune who have prior experience in addressing a particular kind of problem. As comparable communities successfully demonstrate capacity to solve their own collective problems, this may even generate competitive, inter-village pressures, as posited by decentralization theory.

As a concluding thought, therefore, we would return to the cultural underpinnings of local governance. We would note mutual respect is a strong value in Bambara (and, by extension, Mandinka), culture in many parts of Mali, including those visited in the course of this study. The cultural value of mutual respect implies that power holders ought to avoid humiliating those under their control; and that those who negotiate with each other in governmental, social or economic interactions should likewise publicly demonstrate respect for their partners. As a counterbalance to formal positions of authority, Mandinka (and other West African cultures, such as the Mossi in Burkina Faso, and the Hausa in Niger and Nigeria) reserve a place for ‘joking relationships’ (*cousinage de plaisanterie*) in public interactions. In the context of joking relationships, people are culturally authorized to tease each other and threaten dire actions based on remembered historical realities between ethnic groups (“Careful! I’ll sell you if you don’t behave...you’re my slave and the market’s not far from here!”). Partners in joking relationships

engage in banter where the winners of such ‘engagements’ are often those who ally a deep knowledge of the history of their ethnic group and country with quick wit and a finely honed sense of repartée. These oral jousts provide an unending source of entertainment for onlookers, but also provide a culturally sanctioned channel for truth-telling and feedback, where socially important information can be shared in culturally sanctioned humorous exchanges.

These cultural values are more than mere backdrops. In fact, recent cutting-edge experimental work in political science has suggested that *cousinage* might account for the relatively low salience of ethnicity in Malian politics, and may therefore contribute to democratic values (Dunning and Harrison, 2010). This is not to suggest that *cousinage de plaisanterie* is indispensable for decentralization, but rather serves to highlight perhaps the most promising finding of this report—decentralization and local governance in Mali can draw upon a deep cultural reservoir of institutional knowledge, tested institutional forms and mechanisms, and associated values that have proven their adaptability to local questions, and their utility in sustaining people in an often difficult environment over more than a millennium. Such achievements deserve respect, from both state actors and the personnel of international funding agencies (donors, lenders, and international NGOs).

We believe it is worthwhile to consider the balance of power among institutions implicit in decentralization. The Malian state has a century’s worth of experience with centralized approaches to statecraft and governance, and has only partially addressed this through formal decentralization in recent years. As we have noted on many occasions, the results are mixed, with some authority devolved, but with limited amounts of autonomy, downward accountability, and capacity, and a continued emphasis on top-down governance.

Malian society, by contrast, exhibits a *ten-century-long*, deep commitment to subsidiarity, as exemplified and embodied in a host of indigenous civil society institutions. While the formal aspects of political, fiscal, and administrative decentralization in Mali are limited in their achievements, there are prospects for improved local governance if state institutions can be made responsive to (and not controlling of) existing social institutions. Such social institutions have had successes before: in the pre-colonial era and in the movements that inspired and shaped the democratization and decentralization movements in the 1990s. Many indigenous institutions are congruent with (indeed emerge from) the principles of subsidiarity: solving problems at the lowest level possible, enabling lower-level communities to maintain their autonomy from overriding institutions, and limiting interventions in local affairs by overriding institutions to situations that clearly exceed the authority of local leaders or where local leaders decide they need assistance. The “best practices” in Mali’s democratic decentralization are found not in any particular state function or public entity, but in a Malian society whose people have by and large a much longer-standing and more robust commitment to the principle of decentralization.



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# APPENDIX 2: RESEARCH TIMELINE AND LIST OF INTERVIEWS

The team dedicated substantial parts of the beginning and end of the mission to the programming strategy question posed by USAID/Mali. The time included part of the first two days in-country (August 2-3), and the final working days in-country (August 14, 16-17). Interviews were conducted in the regions of Bamako, Sikasso, and Ségou between August 5 and August 13.

## **Monday 2 August**

### **USAID-Mali (Bamako) GOVCOM and Education Teams**

10:00—11:00

Moussa Bambara

Kadidia Dienta

Sean Elliott

Martine Keita

Ibrahim Sissoko

Jason Smith

### **USAID-Mali (Bamako)**

11:00—11:30

James Graham, Acting Director

[also present: Kadidia Dienta, Martine Keita, Jason Smith; Rahmatou Touré]

### **U.S Embassy (Bamako)**

15:00—15:30

Amb. Gillian Milovanovic

[also present: Kadidia Dienta, Jason Smith; Rahmatou Touré]

## **Tuesday 3 August**

### **USAID-Mali (Bamako) GOVCOM and Education Teams**

1000 - 1130

Kadidia Dienta

Yacouba Konaté

Jason Smith

Rahmatou Touré

**USAID-Mali (Bamako) Education Section**

1600 - 1700

David Bruns

Patrick Fayaud

Ibrahima Sissoko

Jason Smith

**Thursday 5 August**

**City Council (Mairie), Sikasso (Région de Sikasso)**

0900 - 1030

Moussa Kané, 1<sup>st</sup> Deputy

Touré Rahmatou Bagayoko 2<sup>nd</sup> Deputy

Youssouf Traoré, 3<sup>rd</sup> Deputy

Brehima Coulibaly, 4<sup>th</sup> Deputy

Yahaya Cissé, 5<sup>th</sup> Deputy

**Prefecture of Sikasso, Prefect**

1015 - 1045

Yaya Diallo, Préfet

**Prefecture of Sikasso, Sub-Prefect**

1045—1130

Mohammar Haïdara, Sous-Préfet

**Trésor, Direction Régionale de Sikasso**

14:00—16:30

Seydou Tangara, Fondé du Pouvoir

Mohamed Haïdara, Trésorier-Payeur

**Friday 6 August**

**Sous-Prefecture of Niena**

9:30—10:00

Bassy Dougouré, Sous-préfet de Niéna

**City Council (Mairie) of Niena (Région de Sikasso)**

10:30—12:00

Sina Diallo, Mayor (absent)

Mamadou Traoré, 1<sup>st</sup> Deputy

Abdoulaye Diallo, 2<sup>nd</sup> Deputy

Aminata Diallo, 3<sup>rd</sup> Deputy

Issa Kouyaté, Secretary-General

**Directeurs de Centre d'Animation Pédagogique de Sikasso  
(DCAP I Sikasso, DCAP II Sikasso)**

1600 - 1700

Sinaly Togola, DCAP I

Hiromi Jean-Marie Koné, Deputy Director

Issa, DCAP II

**Sunday 8 August**

**Syndicat des Exploitants Agricoles de l'Office du Niger (SEXAGON)  
Niono (Région de Ségou)**

0930 - 1130

Tiedo Kane

Mady Sissoko

Taliry Boly

Bakary Kodio

Mohamadou Coulibaly

Yacouba Touré

Amadou Traoré

Masako Kanta

**Monday 9 August**

**Prefecture of Ségou**

10:00—11:30

Bakary Traoré, Préfet

Aliou Guindo, Adjoint du Préfet

**Mairie, Ségou (Region of Ségou)**

12:00—13:00

Ousmane Simaga, Maire (Mayor)

Dombele Seydou, Secrétaire-Général (Secretary-General)

**Trésorerie Régionale de Ségou (Treasury, Region of Ségou)**

1430—1615

Adama Kouyaté, Trésorier-Payeur (Treasurer)

Souleymane Diakitè, Fondé du Pouvoir (Deputy Treasurer/Vice Treasurer)

Fama Diarra, Chef de Division des Collectivités Territoriales (Chief, Local Government Division)

**Tuesday 10 August**

**Centre d'Animation Pédagogique, Ségou**

0900—1000

El Hadj Maïga, Director

## Wednesday 11 August

### **Union Européenne**

1000—1045

Didier Verse, Premier Secrétaire, Chef de Division Développement Rural et Décentralisation

### **Direction Nationale des Collectivités Territoriales (DNCT)**

1130—1200

Sécouba Camara, Conseiller Technique

### **Direction Nationale des Collectivités Territoriales (DNCT)**

1200—1330

Adama Syssouma, Director

### **Association des Municipalités du Mali (AMM)**

1400 - 1500

Boubacar Dicko, Chargé de la Coopération Décentralisée

### **Agence Nationale de l'Investissement des Collectivités Territoriales (ANICT)**

1530—1630

Mohamed Ag Erlaf, Director General

Touré Arouna, Treasurer

## Thursday 12 August

### **World Education**

0900—1000

Djoukou Coulibaly

Souleymane Kanté

### **CCA—ONG**

1000—1100

Tiemoko Souleymane Sangaré

Ousmane Samassekou

Diabirou Maïga

Mamadou Diabaté

Salikou Ouattara

Saïdou Mody Barry

**Haut Conseil des Collectivités Territoriales**

1200—1345

Oumasou Ag Mohamed Ibrahim Haïdara	President
Zacharia Dembele	1er VP
Ousmane Guindo	2e VP
Abdrmane Chérif Haidara	4e VP
Hamdi Diallo	2e questeur
Boubacar Gaye	Chef de Cabinet
Issa Sidibé	Chargé de communication
N'Tji Bagayoko	Secretary-General

**Ministère de l'Éducation, de l'Alphabétisation, et des Langues Nationales**

1400—1445

Douglas Lehman, Conseiller Technique

**Ministère de l'Éducation, de l'Alphabétisation, et des Langues Nationales**

1500—1545

Yussuf Diakité, Conseiller Technique / Former head of the Cellule d'Appui à la Décentralisation (CAD)

**Friday 13 Aug****Comite d'Appui aux Reformes Institutionelles (Présidence de la République)**

10:00—11:30

Mamadou Sissoko	Former Minister of Justice, CARI Expert
Oumar Kanouté	2e rapporteur
Boubacar Bonfing Koité	CARI Expert
Abdoulaye Sidibé	CARI Expert
Marietou Makalou-Berthé	CARI Expert



# APPENDIX 3: TAX BASES FOR LOCAL GOVERNMENTS

Resources transferred to local government include:

- Income from patents and licenses,
- 80 percent of the TDRL,
- Tax on livestock and firearms,
- Tax on salaries,
- Tax on motorcycles and bicycles, and
- Tax on delivery of the “carte professionnelle” (professional identity card).

Local resources that are devolved to the commune include:

- Tax on the departure of vehicles that transport passengers and merchandise;
- Tax on small boats and carts;
- Fees related to the authorization of events;
- Tax on games installed in public venues;
- Taxes on nightclubs, restaurants with entertainment, sales from drinks and small restaurants;
- Tax on publicity in public spaces;
- Tax on construction authorizations;
- Tax on cereal mills;
- Tax on mining and construction materials;
- Tax on garbage collection; and
- Income from historical resources (*patrimoine*).

*Source: Wing and Kassibo, 2010.*



# APPENDIX 4: DRAFT MISSION REPORT TO USAID/MALI

## EXECUTIVE SUMMARY [1 p.]

### BACKGROUND

The decentralization study team was charged with two tasks during its field study. The first, to occupy approximately two-thirds of the time in country, was the national study of decentralization requested by USAID-Washington. The second task, to occupy approximately one-third of the time, was to be determined in consultation with USAID-Mali. The USAID-Mali team requested that the team examine strategic possibilities for new interventions. This brief contains six recommendations for areas of possible intervention. The proposals represent a ‘first harvest’ of useful findings gathered by the three members of the decentralization evaluation team. An appendix provides a brief methodology and timeline of the team’s visit.

### SUMMARY OF RECOMMENDATIONS

The six strategic recommendations from the decentralization team visit are as follow:

1. Governance: Organizational Support for Indigenous Civil Society Institutions
2. Governance: Juridical Support for Indigenous Civil Society Institutions
3. Non-formal Education: Vocational Training.
4. National Languages Initiatives to Promote Good Governance
5. Governance: *Rencontres Regionales*
6. Sanitation and Governance

Findings highlight what team members consider to be actionable activities that enable Malians to benefit from the strengths, weaknesses, successes and failures of the country’s decentralization process as it has been experienced to date by a range of actors at all levels. Mali has much to be proud of in this process. The country’s *indigenous civil society* culture and mores, moreover, offer a range of hitherto under-utilized institutional arrangements and resources which could materially strengthen citizen governance capacities. These are indispensable to the success of any decentralization effort (whether devolution or deconcentration) to create opportunities for citizens to engage more thoroughly and consistently in self-governance. Among such capacities would be an improved *citizen* ability to insist that officials at all levels act in ways designed to reap the potential benefits of decentralization. In each of the recommendations that follow, we identify potential partners or collaborators for USAID that *already exist in indigenous civil society*. This allows prospective programs to capitalize on the proven capacity of existing organizations for collective action at local and supra-local levels.

## RECOMMENDATIONS

### 1. PROMOTE INDIGENOUS CIVIL SOCIETY ORGANIZATIONS.<sup>30</sup>

Mali has a rich web of indigenous civil society organizations that are actively promoting development, and USAID should aim to work with such organizations to the extent possible. Indigenous institutions include *kafos*, *tons* (including women's groups, youth groups, occupation groups, and cooperatives), patronymic [*grande famille*] associations, and migrant associations. These groups have several crucial qualities, including a demonstrably powerful capacity for resource mobilization, social legitimacy, and moral power. Indigenous civil society organizations constitute an under-utilized source of support for good governance in decentralized local government units.

Indigenous institutions possess significant capacity to mobilize money, manpower and materials to power local economic and social development activities. Indeed, our study suggests that *cotisations* for such organizations are regularly prioritized over the payment of taxes (such as the TDRL). Similarly, a head accountant (*Fondé du Pouvoir*) in Ségou region even maintained that many such groups are superior to the Malian state when it comes to monitoring the proper use of funds, because they can draw on social pressure mechanisms more effectively. A 'library' study and field work could bring together information about these groups, their characteristics, and resource mobilization potential. It could highlight their governance techniques, and could pay special attention to several key mechanisms, including: monitoring official performance; tracking use of funds mobilized; arrangements for sanctioning individuals accused and convicted of violating group (or formal-legal) norms; and resolving disputes. The sustained performance of indigenous civil society organizations shines when compared with recent reports from the *Bureau du Vérificateur Général* that national and sub-national elected and appointed government officials embezzled, or failed to recover taxes in amounts totaling about a quarter of a billion dollars during the period from 2005 to 2008.

### 2. CRAFT LEGAL ENABLING CONDITIONS FOR INDIGENOUS CIVIL SOCIETY ORGANIZATIONS IN FINANCING LOCAL DEVELOPMENT

The team believes that development will be enhanced if indigenous civil society institutions *retain legal control and oversight of funds they mobilize* while collaborating with *collectivités territoriales*. At present, indigenous civil society institutions have ambiguous formal status vis-à-vis the state and territoriality, despite their clearly significant role in public life. For instance, *kafos* cross communal boundaries in most cases. Similarly, patronymic organizations are linked across the national territory, while migrant associations cross national boundaries in some cases. This necessitates careful reflection, and an opportunity for USAID to help promote clarity when it comes to collaboration between these institutions and government. Specific proposals include:

- Commission an analysis of laws and judicial precedents, with results to be submitted to appropriate government authorities for review and possible passage of enabling

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<sup>30</sup> This section draws heavily on Équipe recherché de l'UMB [Université de Mande Bukari], « Programme de recherche – action : politique de décentralisation et problématique de développement local au Mali, » Les Cahiers de Mande Bukari, No. 1 (premier trimestre 2003). Bamako : Éditions Le Cauri d'Or, pp. 4-25.

legislation. This study should include examination of the experiences of a previous Swiss-financed project that sought to promote public-private partnerships.<sup>31</sup>

- Translate the legal report into national languages and distribute those versions as appropriate, along with the French original, to all *collectivités* and to the leadership of relevant *kafos*, *tons*, and other indigenous civil society institutions.

### 3. NATIONAL LANGUAGES INITIATIVES FOR GOOD GOVERNANCE

Promotion of national languages in public discourse and debate can facilitate citizenship for those who do not speak French. In addition to existing support for radio, the team recommends training in the written use of national languages (alongside French) as working languages. The distinction between oral and written use of national languages is deliberate: the latter will allow citizens to contribute to the day-to-day process of building a rule of law by enhancing their ability to hold officials accountable and to obtain legal recourse against illegal rent collection (corruption). Key here will be making available texts written in a style accessible to people who are not scholars.

USAID may have a willing partner in the CARI (*Comité d'Appui aux Reformes Institutionnelles*), which is considering multiple media to disseminate information about a number of proposed amendments to the Constitution. Accessible language initiatives may be especially urgent at the time of a major national referendum, but the need for public discourse is ongoing, and the translation and use of texts—in *langues* and *langage* that are broadly accessible—should be promoted over the longer term. This proposal will require significant work and investment to hone translators' skills.

### 4. NON-FORMAL EDUCATION: VOCATIONAL EDUCATION FOR JOBS

Mali's educational system is biased in favor of producing 'intellectuals' for whom few jobs now exist. This misallocates scarce resources, and could contribute to social unrest as students who have worked hard realize that they have been trained for no viable career path. Yet, multiple initiatives in vocational education around Mali provide useful models. The CAP in Ségou noted that technical training was necessary to motivate parents to keep their children in school, and agreed this was especially true for girls. Accordingly, schools in the region attempt to incorporate technical training, albeit sporadically. The Ségou NDOMO Center for the conservation of natural dying techniques offers another striking example of employment promotion.<sup>32</sup> Mr. Boubacar Dombia, of the organization Kasobané, has engaged a series of apprentices and taught them how to master indigenous dying activities. They now turn out a range of products based on cotton fabrics produced by indigenous weavers, and the work is of sufficient quality that they have attracted an international clientele and are working full time to meet demand. Other vocational trainings could target the building trades (electricians, plumbers, carpenters, masons, tile layers, etc.), mechanics, and blacksmiths. Here too there are existing initiatives, such as the *Centre de Formation aux Cadres Ruraux* in the commune of Niono.

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<sup>31</sup> A summary version of such a study has already appeared in the *Cahiers de Mande Bukari*, No. 1 (2003).

<sup>32</sup> DOUBMIA, Boubacar, "L'Évolution des teintures naturelles : Basilan, Bogolan, Gala. Bamako : Imprim Color Bamako. Photos and copyright : Jean-Pierre Daudier. Réédition 2006.

USAID may thus be able to partner with existing local organizations to institutionalize vocational training. In some cases, this may include collaboration with communes, as in the example of in-school training. In Ségou, the craftsmen who provide vocational training to students are volunteers, and are not compensated for their time. As a result, even where visits are frequent, they are irregular. Working with schools to integrate vocational training must be collaborative.<sup>33</sup> Beyond the formal school system, it may be possible to develop a cadre of skilled artisans (for example, capable of constructing improved, more durable housing using *banco* and other local products). Programming could be successful if it trained local artisans in pedagogical methods (to ensure adequate instruction), and rewarded schools and institutions that incorporate the methods.

## 5. SANITATION AND GOVERNANCE

USAID can support urban and rural initiatives in sanitation, and can do so by working with local organizations that mobilize resources. The legal framework offered by the *Groupements d'intérêt économique* (G.I.E.) legislation both helps to structure waste management activities and to create jobs. GIE present proof of the ability of Malians to mobilize resources to pay for necessary public goods, even while they do not pay certain taxes. In Sikasso, garbage collection costs 1,050 CFA/*poubelle*; this may be a typical week's expenditure for a household, and it is regularly paid. By contrast, the commune admits that well over half its residents do not pay the TDRL tax of 2,125 CFA/year.

Beyond positive impacts on public health, sanitation can provide a lever to improve governance. In Sikasso, the team learned some GIE are run by elected members of the commune council. This presents a conflict of interest, as elected officials have incentives to promote private collection of fees rather than public service, and to develop 'public-private partnerships' *with themselves* to capture available rents. Where private actors deliberately enter public service for such rents, the practice is known as *entrisme*: entering into an organization in order to control it for one's private interests. Accordingly, coordinating between communes and GIE in a transparent way would be an appropriate intervention in sanitation. A comparative study could investigate such arrangements, while highlighting best practices with an eye to developing a practical guide for citizens, elected officials, and appointed officials. Such a study could also analyze the practice and techniques of *entrisme* onto commune payrolls.

In Kayes Region, farmers' organizations provide evidence that it is possible to counter *entrisme*. The organizations have agreed internally to prohibit their leaders from seeking political office unless they give up their posts as farmers' representatives. In effect, farmers have decided that they will not countenance public/private *cumul de postes*, which they have concluded undermines decentralization by imperiling good governance.

## 6. SUPPORT RENCONTRES REGIONALES

President Oumarou Ag Mohamed Ibrahim Haïdara of the *Haut Conseil des Collectivités Territoriales* makes a strong case for the utility of such regional *rencontres*, meetings formerly

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<sup>33</sup> Depending on the administration and management of such programs, it could have the additional benefit of partially reducing the chronic classroom overcrowding that is worsening in Mali's public schools

financed by UNDP. His rough total estimate for all regional *rencontres* was 60 million CFA. This would facilitate a meeting among elected and appointed officials active at all sub-state levels (communes, *cercles*, regions), along with representatives of indigenous civil society organizations. Because these meetings facilitate development coordination between actors without giving the Malian state (*la tutelle*) the preponderant role, the setting promotes a freer exchange of ideas. For instance, the team is persuaded that elected officials will be most willing to articulate demands and grievances to deconcentrated officials if the symbolic weight of the HCCT is behind them.

The *rencontres* would also give a meaningful role to the HCCT. The team's consultation with the HCCT showed that the body is keenly aware of its limited political role, since it is merely a consultative body without legislative powers. This linkage between the *collectivités territoriales* and the HCCT will be especially useful over the longer term if indeed the HCCT is eventually replaced by a second legislative chamber known as a Senate, as proposed by the Committee for the Support of Institutional Reform (CARI).

### **CONCLUSION: DEFINING CAPACITY BUILDING**

USAID-Mali is interested in supplementing existing capacity building projects, and the decentralization study team was asked to consider initiatives beyond capacity building alone. The team agrees with this notion, and would note that capacity building may be defined in many ways. For governance questions, for example, capacity building may be defined narrowly (in terms of training to selected individuals to perform specific governance tasks) or broadly (in terms of a range of initiatives through which the "human side" of governance is enhanced). Our recommendations go beyond narrow conceptions of capacity building, but we believe they fit with the broader conception. In each recommendation, we have identified *existing* civil society institutions with which USAID might collaborate. Our recommendations thus present alternatives to traditional capacity building programs, but still aim to enhance capacity in the broad sense of the term.



# APPENDIX 5: KEY DATES IN MALI'S RECENT HISTORY

Year	Events
1960	Independence from France and creation of the French Soudan (June) Dissolution of the French Soudan (August) Creation of the First Republic of Mali; Modibo Keita named President (September)
1968	General Moussa Traoré leads coup d'état against Modibo Keita Traoré establishes Second Republic
1991	Street protests result in armed forces opening fire on students Lt. Col. Amadou Toumani Touré leads coup d'état against Traoré regime National Conference
1992	Constitution of the Third Republic of Mali Election of President Alpha Oumar Konaré
1993	Decentralization Mission created
1997	Alpha Oumar Konaré elected to second term; opposition boycotts election Legislative elections result in significant ADEMA victory
1999	Local and regional elections are held in all communes, <i>cercles</i> , regions
2002	Amadou Toumani Touré (ATT) elected president Legislative elections leave ADEMA as largest party, but without majority
2004	Local and regional elections
2007	ATT elected to second presidential term, backed by ADEMA Legislative elections
2008	Daba Diawara Commission drafts proposals for institutional reform, including a Senate
2009	Local and regional elections Diawara Commission becomes Comité d'Appui aux Reformes Institutionnels (CARI)



# APPENDIX 6: LAWS RELATING TO DECENTRALIZATION IN MALI

- 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: Wing and Kassibo (2010) Draft Report (also MATCL, AMM)*

# APPENDIX 7: GOVERNANCE AND MANAGEMENT OF NATURAL RESOURCES AND PUBLIC SERVICES

Mali's economy is predominantly rural and agricultural, and depends to a large degree on renewable natural resources: soils, forests, pastures, fisheries, and wildlife. The reach and power of the Malian state is insufficient to mobilize (hire, train, finance, monitor, administer, and sanction) enough technical agents to 'manage' (really, *govern* and manage) these rich but widely distributed renewable natural resources (RNR). But the government can establish institutional arrangements designed to create for rural RNR producers and users primarily positive incentives to govern and manage the RNR within their jurisdictions (see, in this regard the Yaguinébanda pasture governance and management case and the Sanankoro Togola watershed governance and management case in the report text). The recommendation is to build on the capacity of indigenous civil society (ICS) organizations, particularly professional *tons*, to shoulder much of the burden of renewable resource governance and management. While this might be viewed simply as "burden-shedding" or 'offloading', it can instead be a positive-sum policy for all actors, as rural producers generally embrace opportunities to play major roles in governing and managing the RNR upon which their production systems depend.

The value of RNR governance and management services that such organizations can provide is substantial. Yet those organizations occasionally require support, in the form of technical assistance, or support for enforcement of local resource governance rules, which state agencies can provide. So long as the state operates within a framework of subsidiarity, intervening only when assistance is solicited and avoiding substituting itself for professional *ton* in the conduct of day-to-day governance and management, ICS entities and state agents can establish mutually productive relationships. The state agents 'look good' because the RNR for which they bear indirect responsibility are sustainably governed and managed. Producers, for their part, welcome the devolution of authority which makes them masters of their own renewable resources. Several examples from the 1990s illustrate the potential in this sector. These examples are drawn from Djibo, Coulibaly, Marko, and Thomson (1991), unless otherwise specified.

## FATOLA: FISHERIES GOVERNANCE AND MANAGEMENT<sup>34</sup>

In 1991 in Fatola, a village in the region of Kayes, a fishers' professional association governed and managed the fisheries on their section of the Senegal River. They constituted one village association within the Senegal River Federation of Fishers' Associations, which had local

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<sup>34</sup> The empirical material for Fatola draws upon Djibo, Coulibaly, Marko, and Thomson, 1991, pp. 24-29.

branches in all three riverine states—Mali, Senegal, and Mauritania. Local units of this federation governed the river’s freshwater fisheries by regulating open and closed fishing seasons, protecting spawning areas, and regulating equipment used to harvest fish from the river commons.

### ***Ton somono: The Fishers’ ton***

The Fatola association—a professional *ton* of the sort repeatedly mentioned in this report—was known locally in Bamana as *ton somono* (fishers’ *ton*). Because of the abundance of fish in the river, access to the common resource was only weakly controlled: non-local fishermen were welcome to fish Fatola’s section of the Senegal, provided only that they abided by the local working rules that the leader and members of the *ton somono* fixed for their section of the Senegal. It was for this reason that non-local fishers were strongly advised to contact the head fisher (*somono kuntigui*) when they arrived in the locality, so that they could inform themselves about the local working rules governing access to and harvesting in the Fatola fisheries.

This system of locally organized and governed fisheries along the Senegal certainly predated the colonial period. During colonial times, as well as during the pre-colonial era and after independence, the *ton somono* provided the only meaningful governance and management of river fisheries, and this despite the assertions contained in the Forestry Code (which also governed surface waters and fisheries) to ‘manage’ fisheries in the Colonie du Soudan and thereafter, in the country of Mali.

The success of this ICS system in maintaining a sustainable fishery is revealed principally by the lax rules governing access to the fisheries: fishers made *no* effort to exclude outsiders (who very generally reciprocated in offering the same privilege to transhumant Fatola fishers). Given (1) the existence of the Fatola *ton somono* as a going concern, and (2) the comparative ease of monitoring, and (3) enforcement of local fishing regulations—since fishers daily worked river waters in their section of the Senegal and had the advantage of unobstructed views across the waters of activities occurring in the fishery—it seems clear that if demand for fish exceeded supply, local fishers would have had the capacity to establish and enforce limitations on access.

### ***Fishers’ Self-Governing, Locally Financed Social Security System***

The Fatola *ton somono* was, however, a multi-functional entity. It provided services for its members beyond fisheries governance and management. Fishers had to manage several major risks. They engaged in a dangerous profession where they risked injury or even death in the jaws of hippos foraging in river waters. They also risked losing their fishing boats (*pirogues*) if sudden precipitation upstream occasioned a rise in river waters that could unmoor and carry off beached boats.

To manage these two major risks, fishers established a local social security system. They initiated it during the colonial era, when each member fisher was required, by group decision, to contribute 25 CFA francs to the *ton somono* treasury. After independence, again on their own initiative, they decided to fix each member’s contribution at 1,000 Malian francs/month. Fishers collectively used money from this fund to support the families of fishers who were disabled or died in the course of their trade, and to help finance acquisition of a new boat if a fisher lost his *pirogue*.

### ***Technically Induced Failure of Locally Financed Social Security System***

It should be noted that this social security system has collapsed following the entry into operation of the major new Manantali dam upstream from Fatola. Manantali was designed to address two major regional problems: generation of reliable, cheap electrical power; and reliable provision of water for irrigation of parcels adjacent to the downstream stretches of the Senegal River in Senegal, Mauretania and perhaps even in Mali. The dam works on the usual principle of storing rainy season flood waters for staged release over the annual cycle, to meet the two major needs just noted.

Elimination of the flood stage has, however, seriously modified the hydrographic profile of the Senegal River. Fine particles of soil, rich in nutrients that have always eroded into the river from all over the watershed, are always deposited in the river bed. In the past, these were scoured out by the raging annual floods, and deposited either far downstream when the current slowed, or in the Atlantic at the mouth of the Senegal. Now those soils and the nutrients they contain simply build up, year after year, in the river bed. Aquatic plants have taken root and flourished in this new environment, to the point where fish now have not only masses of new habitat, but habitat that is so dense it protects them from fishers' nets. The fish in the fishery are flourishing; the fishers are not. As their catches have fallen over the past decade, they have had to diversify part time into other occupations to make ends meet and no longer have the free cash flow necessary to make monthly contributions to their social security fund. Most of them, in fact, now limit their fishing to a bit of hook and line work to catch the occasional fish for family consumption. Few qualify at present as commercial fishermen in the way that they formerly did.

### **YAGUINÉBANDA: WATER SUPPLY AND PASTURE GOVERNANCE<sup>35</sup>**

The pastoral community of Yaguinébanda is located in the cercle of Yelimané, in the Soninke heartland of northwestern Mali. In the past two decades, Soninke in Yaguinébanda have invested in a number of local projects, including a primary school and contributions to the cost of building local mosques (ARD, 2004, p. 37). The principal challenge, however, has been water supply, which is the fundamental constraint on animal carrying capacity in this setting.

#### ***Water Supply and Livestock: Achievements***

Over the years, members of Yaguinébanda's hometown association (*ton*) have engaged in a number of water supply projects. During the period from 1979 to 1986, an ICS entity constituted by Yaguinébanda natives working abroad in France envisaged two self-help projects for their community: upgrading the livestock wells, and establishing a potable water supply system for the village. Members had been sending remittances home to their families, and part of those funds financed purchase of additional animals for family herds. As herd sizes grew, the water constraint on stock raising became ever more onerous. A first water supply project built upon external support. Between 1979 and 2000, the *Projet de Développement de l'Élevage au Sahel Ouest* (PRODESO) constructed a number of pastoral wells in northwestern Mali (see ARD, 2004, p. 41). The wells accessed aquifers that local people could not reach with local hand-dug well technology and were designed to increase the area's livestock carrying capacity. The hand pump wells enabled livestock owners to water their herds more easily during the long dry season.

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<sup>35</sup> The empirical material from Yaguinebanda draws from Djibo, Marko, Coulibaly, and Thomson, 1991, pp. 35-48.

PRODESO transferred control of the wells to the communities where they were located and committed to maintaining those installations so long as the project lasted, at which point maintenance responsibilities were to be financed and carried out by Mali's national livestock agency.

The hometown association later petitioned PRODESO to modify village wells by replacing hand with diesel pumps. The project accepted this request, on condition that the Yaguinébanda *ton* agree to shoulder the operating and maintenance costs. Members in turn accepted this condition and PRODESO modified the wells. Yaguinébanda *ton* members also committed to creating a simple public water supply system for residents of their village. It involved constructing a small metal water tower, into which a diesel engine pumped aquifer water and from which a series of pipes led water to three public fountains strategically placed throughout the community. This dramatically improved the quality of the local potable water supply, by eliminating the pollutants that often enter hand-dug and even cemented, wide-bore wells from which users bail water. Yaguinébanda residents obtained their potable water for several years by opening a tap at a public fountain for households.

### ***Water Supply: Challenges and Responses***

Migrants provided money to fund the construction of the water supply infrastructure at various stages of the investment. Yaguinébanda's 55 heads of household were to pay 750 F CFA/month to constitute a maintenance fund (fuel, repairs, etc.). The system worked well until the water tower rusted through and the pump head had to be replaced. An inadequate system of maintenance financing may well have led to the breakdown. The maintenance financing system was then replaced by a pay-as-you-go arrangement (in effect, an institutional innovation to address weakness in the former resource mobilization system), in which water was to be sold at specific rates, such as 20 l for 25 F CFA, and barrels at 250 F CFA. It was calculated that sales would produce enough revenue to pay a tap manager 7,000 F CFA/month plus fund operating and maintenance expenses. These calculations have been worked out by a new seven-member committee.

The committee proposed a revised governance structure that incorporates the principles of subsidiarity and fiscal equity in the sense that users pay for (most of) the benefits they receive. Users of each tap were invited to organize themselves as a neighborhood water users association (*ton*) and choose a tap manager. That individual will answer to the *ton*. In addition, each neighborhood association will select two delegates to a new, eight-member Yaguinébanda water committee that will replace the existing seven-person group. The new committee will be responsible for adjusting the price of potable water to ensure adequate financing for the operations and maintenance fund.

Another challenge in local service prevision highlights the potential gains from empowering villages to create special districts. Yaguinébanda has sought to collaborate with the neighboring community of Goribanda, which wants to be included in Yaguinébanda's public piped potable water system and is prepared to pay their share for the service. Yaguinébanda's water committee has agreed to run a line to Goribanda and has calculated the village will need two public taps. Just as in Yaguinébanda, Goribanda residents will be asked to organize neighborhood water user associations and choose a tap manager and two delegates to what will become the new joint water committee.

In principle, this water supply issue poses the sort of problem that Mali's *intercommunalité* legislation was designed to address. But under current circumstances, that legislation provides little help because Yaguinébanda is a village in the Commune of Guidimé and Goribanda is in the Commune of Gory Diafounou. The two villages cannot structure an inter-village special district with binding powers to set rates, pass contracts, exclude those who fail to pay rates, and so on because they do not exist as legal entities under Mali's current system of devolution. This constitutes an appreciable barrier to local initiatives intended to create long-enduring entities to provide various public services on a sustainable basis.

For common action, officials at the commune level would first have to agree to constitute a special district to govern the system, and would have to work out representation and financing mechanisms. However, limits on commune capacity—particularly resource constraints—make this impossible.

Given the transactions costs in negotiating an inter-communal special district from which only two villages will benefit, communal officials have relatively little incentive to address this particular problem, given all the others they face (Ostrom and Ostrom, 1977).

Confronted with this situation, the Yaguinébanda water committee sent the local agent of the *Service local appui, conseil, aménagement et équipement du monde rural* (SLACAER) to Bamako to solicit advice from representatives of the *Association des usagers de l'eau potable* (AUEP). The latter suggested that the two populations apply jointly for recognition as an association under private law (as opposed to public law), which they did. The government's delegate in Yélimané issued them authorization to constitute the association under *Ordonnance 41–59*. This legislation grants them juridical status as a corporate body and enables them to sign contracts with suppliers and others, sue and be sued by law, take out loans, etc. Since water will be sold as a private good from public taps, free riding poses little problem: potential users can be excluded if they refuse to pay. Clearly under these circumstances, the private law association framework provides a more efficient institutional arrangement to structure water provision in the two communities than does one based on *intercommunalité* regulations.

### ***Pasture Governance and Management***

Yaguinébanda residents have invested labor as intensively as they have invested capital. Beginning in 1988, the Malian Forests and Water Service encouraged Yaguinébanda residents to prevent damaging wildfires by establishing a firebreak all along the base of the line of hills that mark the eastern edge of the village's territory. This was a major undertaking, involving mobilization of local work gangs (organized by age grade *ton* federated under the community's youth *ton*), using hand agricultural tools to remove all vegetation in a five-meter firebreak band that stretched for several kilometers. This represented a more collaborative effort between state and society than the previous form of state sanction: a policy of imposing collective fines on villages where wildfires destroyed pasture resources, which constituted a form of rent for agency officials.

Villagers have since repeated this activity annually, at the end of the rainy season. In return, the foresters modified their approach to enforcement. Formerly they imposed collective fines on any communities where fires destroyed forage reserves. The standard now provides for fines on individuals if (1) villagers can demonstrate that they mobilized to combat a wildfire but had been unable to prevent it jumping the firebreak and entering forage reserves on the plain; and (2) if

foresters can identify the person responsible for starting the fire. This represented a major change in agency policy, since foresters throughout the country previously used wildfires to impose very substantial collective fines on communities.

### ***Holding Officials Accountable***

This modification of the policy concerning the territory of Yélimané *Cercle* could be in part explained by foresters' sense that villages annually cutting a long firebreak and then mobilizing to combat wildfires merited some consideration. On the other hand, the Soninke migrant associations played an active role in defending their home communities from unwarranted exploitation (rent seeking) by government officials. In this regard the following quote encapsulates the incentive structure influencing individual actions in such circumstances toward the end of the 20<sup>th</sup> century.

The fact that the Soninke populations of Yélimané Cercle are without any doubt all prepared to contest official decisions, as much through judicial suits as via political recourses, engenders an entirely different orientation to official-citizen relations in this jurisdiction. Officials in charge confess that they make major efforts to exercise their powers in an appropriate manner in order to avoid disagreeable interactions with local populations.

This sort of situation, within which the exercise by governmental officials of their powers is subject to a system of checks and balances (countervailing powers) to which citizens can have recourse, gives rise to several systems of mutually productive relations, even though these sometimes take the form of hostile interactions, that link local people with administrators and technicians. These relations encourage, or at least strongly support, a spirit of local initiative which creates and reinforces, bit by bit, the physical and institutional infrastructure upon which sustainable development depends (Djibo et al., pp. 47-48).

Creation of the annual firebreaks was not a local initiative, although foresters would have had considerable difficulty mobilizing the necessary labor without the willing collaboration of Yaguinébanda residents. Instead, government foresters encouraged Yaguinébanda people to organize themselves to undertake these efforts. This they did by drawing on preexisting community indigenous civil society entities. In so doing, foresters in effect gave up a local supply of rents (collective fines for wildfires), but simultaneously gained credibility in the eyes of Yaguinébanda residents.

The foresters' initiative transformed a formerly antagonistic relationship into one that might now be characterized as 'mutually productive'. Insofar as the firebreaks have reduced forage losses, they have contributed to improving local welfare. That village efforts demonstrably conserve valuable resources within the jurisdiction of the Yélimané forest *cantonnement*, through an initiative originating with the foresters, makes the latter 'look good' in professional terms. Finally, this activity respected the principles of subsidiarity, as the foresters intervened only to start a problem-solving activity, but then withdrew and allowed local-level ICS entities to implement it.

## VILLAGE-ORGANIZED PRIMARY EDUCATION IN ARABIC

A final example illustrates that public action in the village of Yaguinébanda is not restricted to natural resource management. Migrants organized a school for Arabic instruction in the 1990s. A three-person school management committee was elected by the village assembly committee, and includes the local *imam*. The committee organizes a subsidized fee-for-service education for 133 youngsters drawn from Yaguinébanda and the neighboring communities of Goribanda (located across the boundary in the Commune of Topo) and Topokane, of which 12 are girls. The main school provides four years of instruction in a large, spacious, multi-classroom facility. The committee, with assistance from migrants in Bamako, recruited four accredited primary school teachers and an independently wealthy, unpaid director, a Yaguinébanda native. The first set of four teachers served for two years. When they resigned, a committee recruited four more from four different ethnic groups. The initial director was highly schooled in Arabic, having completed a baccalaureate-level education in Bamako, followed by five years of college work in Saudi Arabia.

As of 2000, the majority of Yaguinébanda families had at least one student in the school. The curriculum covers arithmetic, history, geography, reading, and religion. Students who do well and can obtain funding—for instance, the children of the village headman—go to the *medrassa* high school in Bamako to continue their studies.

Villagers built a substantial house for the director and contributed funds to construct smaller houses for the four schoolteachers. In addition to paying the 1,000 CFA tuition and financing 4,000 CFA in school materials/student, students' parents provide a food fund of 10,000 CFA/month, divided equally among the teachers. Migrants subsidize their salaries (25,000 CFA/month for seven or eight months, depending on the agricultural cycle) in the form of tuition for students, as well as an annual roundtrip to Bamako.

## CONCLUSION

The communities of Fatola and Yaguinébanda were not visited on this study, but have been previously studied in-depth by team members (Coulibaly and Thomson). The two communities provide evidence of the capacity of indigenous institutions to support the provision of public services and manage common resources. The examples show how local institutions have emerged to handle even challenging issues that cross the boundaries of communes, such as water management. However, examples are not limited to natural resources, but can also be found in the construction of a local school.

This set of examples suggests ICS institutions can be used to address provision of a range of public services and management of public goods. They can do so with questions of different scope (by sector) and scale. *Tons* have worked to address both village-level needs and needs that cut across village and commune boundaries, while the aforementioned *kafos* address challenges across larger geographic areas. Together, these examples suggest that the potential for the use of ICS institutions in local development and governance is considerable.



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