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**MALI**

# DEMOCRACY AND GOVERNANCE ASSESSMENT OF MALI



**JULY 2011**

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# ACRONYMS AND ABBREVIATIONS

ADEMA	<i>Alliance pour la Démocratie en Mali</i>
ADP	Alliance for Democracy and Progress
AEG	Accelerated Economic Growth
AMM	<i>Association des Municipalités du Mali</i>
ANICT	<i>Agence Nationale d'Investissement des Collectivités Territoriales</i> (National Local Government Investment Agency)
AOPP	<i>Association des Organisations Professionnelles Paysannes</i>
AQIM	Al-Qaeda in the Land of the Islamic Maghreb
ASACO	Community Health Associations
ATT	President Amadou Toumani Touré
AV	<i>Associations Villageoises</i> (Village Associations)
CADB	<i>Cellule d'Appui au Développement a la Base</i>
CADD	<i>Cellule d'Appui a la Décentralisation et a la Déconcentration</i>
CAFO	<i>Coordination des Associations et O.N.G. Féminines du Mali</i> (Coordinating Women's Organizations and Associations in Mali)
CASCA	Malian Anticorruption Agency
CCIM	<i>Chambre de Commerce et d'Industrie du Mali</i>
CIDA	Canadian International Development Agency
CMLN	<i>Comité Militaire de Libération National</i>
CNID	<i>Congrès National d'Initiative Démocratique</i>
CPI	Transparency International's Corruption Perception Index
CSCOM	<i>Centre de Santé Communautaires</i>
CSO	Civil Society Organization
CT	<i>Collectivité Territoriale</i>
DANIDA	Danish International Development Organization
DCHA	USAID Bureau for Democracy, Conflict, and Humanitarian Assistance
DG	Democracy and Governance

DGE	General Delegation for Elections
DNCT	<i>Direction Nationale des Collectivités Territoriales</i>
EC	European Commission
EG	Economic Growth
EU	European Union
FtF	Feed the Future
FY	Fiscal Year
GDB	The World Bank Governance and Budget Decentralization Technical Assistance Project
GDP	Gross Domestic Product
GHI	Global Health Initiative
GIA	Armed Islamic Group
GoM	Government of Mali
GovCom	USAID/Mali's Governance and Communications program
GSPC	Salafist Group for Preaching and Combat
HCCT	<i>Haut Conseil des Collectivités Territoriales</i> (High Council of Local Collectives)
IBRD	International Bank for Reconstruction and Development (World Bank)
ICT	Information/Communications Technology
IMF	International Monetary Fund
INEC	Independent National Electoral Commission
IR	Intermediary Result
LDF	Local Development Fund
MAECI/DCI	<i>Ministère des Affaires Étrangères et de la Coopération Internationale/ Direction de la Coopération Internationale</i>
MATCL	<i>Ministère de l'Administration territoriale et des Collectivités Locales</i> (Ministry of Territorial Administration and Local Government)
MCC	Millennium Challenge Corporation
MEALN	<i>Ministère de l'Éducation, de l'Alphabétisation et des Langues Nationales</i>
MP	Member of Parliament
NGO	Non-Governmental Organization
NGOSI	NGO Sustainability Index
OAG	Office of the Auditor General
OJT	On-the-job-training

ORTM	<i>Office de Radio et de Télévision du Mali</i>
PACT	<i>Coopération allemande</i>
PAGAM	<i>Plan d'Action Gouvernemental pour la Modernisation et le Renforcement de la Gestion des Finances Publiques</i>
PAOSC	<i>Programme d'Appui aux Organisations de la Société Civile Malienne</i>
PDSEC	<i>Plan de Développement Economique, Sociale et Culturel</i>
PDI	<i>Programme de Développement Institutionnel</i>
PER	Public Expenditure Review
PFM	Public Financial Management
PGP-2	<i>Programme de Gouvernance Partagée</i>
PISE II	The Education Investment Program
PRADD-PE	<i>Le Programme d'Appui a la Décentralisation/ Déconcentration d l'Éducation – Participation Communautaire</i>
PRODEJ	<i>Programme Décennal de Développement de la Justice</i>
PRODESS	<i>Program d'Investissement Secteur Santé</i>
PRSC	Poverty Reduction Support Credit
PSA	Public Service Announcement
RPNP	Radio for Peace Building in Northern Mali Program
SAF	Strategic Assessment Framework
SIDA	Swedish International Development Agency
SIF	Social Infrastructure Fund
SO	Strategic Objective
TA	Technical Assistance
TSTCP	Trans-Saharan Counter Terrorism Partnership
UDPM	<i>Union Démocratique du Peuple Malien</i>
UNDP	United Nations Development Program
URTEL	<i>Union des Radios et Télévisions Libres</i>
USAID	United States Agency for International Development
US	United States
USG	United States Government
US-RDA	<i>Union Soudanaise-Rassemblement Démocratique Africain</i>
VEGAL	<i>Vérificateur General (Public Auditor)</i>

# GLOSSARY OF FRENCH TERMS

**Maitrise d'Ouvrage:** refers to the ownership of a project.

**Maître d'ouvrage:** refers to the owner of a project with the authority to issue payments, (a local government for example).

**Maîtrise d'oeuvre** and **maître d'oeuvre:** refers to the implementation by a contractor (the maître d'oeuvre) of a project or on behalf of the maître d'ouvrage.

**NB:** Both “*maîtrise d'ouvrage*” and “*maîtrise d'oeuvre*” can be delegated (sub-contracted).

**Ordonnateur:** Administrator who has the authority to issue payment orders (in case of a commune it is the mayor).

**Tutelle:** Supervisory authority representing the State through the country. It has control means of the Government (or its delegates) on its administration. The tutelle authority in the Cercle is the préfet.

**Préfecture:** refers to the administrative services under the authority of the préfet.

**Préfet:** the préfet is de jure the head of all departmental administration. He is the State's representative outside the capital, and represents all ministers individually and collectively. He is appointed by a Presidential decree after a Cabinet decision. He is also in charge of safety and security issues.

**Sous-préfecture:** territorial division of a préfecture, headed by as sous-préfet reporting directly to the préfet.

**Sous-préfet:** head of the sous-préfecture.

# EXECUTIVE SUMMARY

## BACKGROUND

Independent Mali built on the colonial legacy of centralized state leadership when the first president, Mobido Keita, introduced a blend of nationalism and socialism. This involved massive nationalization under the rubric of a single-party state. The first single party was the *Union Soudanaise-Rassemblement Démocratique Africain* (US-RDA), whose vanguard approach and centralizing tendencies alienated significant parts of the population, such as peasants, army, and merchants. Just eight years later, a bloodless coup took place in 1968 and Lieutenant Moussa Traoré was to begin a quarter century of dictatorship with continued reliance on a centralized state apparatus. Initially, he ruled through the *Comite Militaire de Libération National* (CMLN). A new constitution was enacted in 1974 that enshrined the leadership role of the second single party, the *Union Démocratique du Peuple Malien* (UDPM), as Traoré morphed from a military to a civilian despot.

In early 1991, student-led demonstrations were backed by trade unions representing government workers and rioting began to spread outside Bamako. Fearing an escalation of the discontent, Traoré's regime ordered the army to fire on the demonstrators on March 22, killing several hundred students. After four more days of violence, army officers led by Colonel Amadou Toumani Touré announced a coup d'état that brought to an end the oppressive dictatorship of the Traoré regime. Touré, who was to become known by his initials, ATT, immediately set about laying the foundations for what has since been widely hailed as the most successful transition to democracy on the continent.<sup>1</sup> Mali's new leaders immediately convened a National Conference with inclusive representation from all social strata to participate in a sort of constitutional convention. What emerged eventually became approved by national referendum as the Constitution of January 12, 1992, still in effect. The new Constitution prominently featured elements of the French model, including a secular base of authority, a powerful executive, and a weak legislature. Political parties were allowed to form freely; between January and April 1992, a president and a national assembly were elected. ATT earned his place as a visionary statesman when he relinquished power to the first freely and fairly elected president of independent Mali, Alpha Oumar Konaré.

Since that historic political transformation that inaugurated the Third Republic of Mali in 1992, Mali has experienced four successive successful elections. On two separate occasions, power was handed over to new civilian leaders through the ballot box. Konaré won the presidency again in 1997; ATT himself ran for election in 2002 and won as an independent, doing the same in 2007. As 2012 approaches, Mali is facing its third transition as ATT is prohibited by the Constitution from serving a third term as the nation's president. During the first two decades since Mali's transition, the government has put in place strong foundations for democratic governance, of which the two term presidential limit was just one aspect. The multiparty system was another new element injected into the country's politics, which was to theoretically enable greater political accountability through competitive elections. While President ATT's style of rule as an independent has been more consensual than based on partisan calculations, there have also been successful local elections for communal councils (and through them for mayors), in 1999, 2004, and 2009. Another particularly noteworthy accomplishment of the Malian democrats was the institutionalization of personal freedoms to an unprecedented extent. This was true for both freedom of expression and freedom of association; the result was a flourishing of the media and of civil society organizations as well as greater respect for human rights. Not only has Mali's transition to democracy been the most successful in Sub-Saharan Africa, but it is also one of only a handful of democracies worldwide with a predominantly Muslim population.

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<sup>1</sup> For example, see Robert Pringle, "Mali's Unlikely Democracy," the *Wilson Quarterly*, Spring 2006, Volume 30, Issue 2, p. 31.

The central features of Malian democracy have thus already endured for two decades. The country has enjoyed an unprecedented period of stability since its transition, despite considerable hardships faced by citizens as a result of ongoing austerity measures and inadequate living standards. The personal freedoms that were denied for the first quarter century of independence have flourished and continue to be highly respected. Malians continue to enjoy unprecedented opportunity to express political opinions as indicated by a virtual explosion of media outlets. Decentralization has also become largely synonymous with Malian democracy ever since it was first championed in the National Pact of 1992. In 1993, President Konaré created a government *mission de décentralisation* to work on refining a decentralization framework, which was codified in 1995 through the *Code des Collectivités Territoriales*. This framework created the communes as autonomous levels of government. The divisions of these levels are largely determined by the people; many of the communes are not based on economic viability. In 1992, the first communal elections were held for 682 new local government units. Since then, the total number of communes has risen to 703.

Although greater autonomy was legally granted in the areas of education, health, and infrastructure, the transfers of competencies and resources have proceeded much more slowly than expected. Local governments have the right to gather taxes; yet in practice, they have not been able to do so to the extent needed to break dependence on central fiscal transfers. While Mali's decentralization efforts greatly multiplied the layers of government, the central government has continued to maintain effective control of public resources through its deconcentrated agencies. This has impeded transparency and accountability from below, discouraging the greater community participation that decentralization was supposed to bring.

The transition towards democratic governance at the national level also remains incomplete and has encountered some challenges. The multipartism that was to have ensured executive accountability through the creation of a loyal opposition has proved to be ineffective given the style of rule employed by the charismatic ATT. When ATT first won the presidential elections in 2002, his mandate was not accompanied by a similar legislative victory, as ATT had run as an independent. ATT then appointed a politically inclusive cabinet and has since governed through a process known for consensus and stability. There is no organized opposition and collective decision making has been the norm. While such an arrangement has helped maintain stability at the top, it has also helped to perpetuate the personalistic and clientelistic underpinnings of the political parties. The rule of law has remained grossly deficient in such a system and perceptions of corruption are widespread. ATT and his government have also not been able to tackle some of the thornier policy issues of the day, such as land reform, nor have they succeeded in pushing through with the next stage of decentralization, with greater access by elected communes to state resources that now only trickle down through the *Agence Nationale d'Investissement des Collectivités Territoriales* (ANICT) and the deconcentrated branches of the central ministries.

The current challenges suggest that Mali's era of dramatic change is not yet over. A constitutional reform process is underway, although it now appears as though the referendum will not take place until after the 2012 presidential elections. This fine-tuning of the Constitution, which is expected to pass a popular referendum, will create a second legislative chamber to replace the merely consultative *Haut Conseil des Collectivités Territoriales* (High Council of Local Collectivities [HCCT]) in an effort to ease along decentralization further by providing greater representation to elected local units at the national level. The forthcoming 2012 presidential and legislative elections weigh most heavily on the minds of political observers of Mali. As with the prior two elections, controversy exists over the validity of the electoral rolls. Even more worrisome than the technical issues surrounding the rapidly approaching polls is the uncertainty as to what and who will follow the charismatic ATT, whose historic role in Mali's democratic transition has given him a status that will be difficult for any politician to replicate.

## KEY CHALLENGES TO DEMOCRATIC GOVERNANCE IN MALI

This section describes the key challenges to democratic governance in Mali by focusing on consensus, competition and political accountability, inclusion, rule of law, and administrative accountability and effectiveness.

**Consensus:** In regard to consensus in Mali, there continues to be a strong commitment to consolidating and advancing the gains that have been in the transition away from authoritarianism, which is most pronounced in terms of personal liberties and decentralization. However, participation in formal structures, both political and economic, remains marginal as indicated by voter apathy, low tax compliance, and a vast informal sector.

**Rule of Law:** In regard to rule of law, there is a positive human rights and personal liberties regime. However, the judiciary remains far from independent of the executive and is subject to corruption. The administration of justice is also inadequate. Particularly inimical to economic growth is the insecurity and uncertainties associated with land tenure and property rights, which also remain perhaps the biggest source of conflict to this day.

**Competition and Political Accountability:** As far as competition is concerned, the media and the social capital represented by associational life remain a bright spot. Yet the Parliament has lost credibility, the parties are not serving the function of aggregating and articulating interests effectively, and there is not a balance between the levels of government in terms of local versus central. Of immediate concern is the widespread skepticism regarding the forthcoming elections and the lack of a credible electoral roll. This is particularly worrisome in light of the significance of the forthcoming transition from the ATT presidency, which has been an important touchstone in the maintenance of political legitimacy and order in the country.

**Inclusion:** Pronounced issues with inclusion remain perhaps the most acute symptom of Mali's political challenges. Large and growing portions of the population remain alienated from the political system since tangible benefits of democratization have failed to materialize for most of the population who expected that the political transition away from dictatorship would lead to greater overall development. Problems with exclusion are particularly pronounced in terms of women and youth, with formidable cultural and economic constraints remaining to be overcome.

**Administrative Accountability and Effectiveness:** The democracy and governance (DG) dimension of government performance is also problematic as evidenced by the underdeveloped state of public services in every sector. Public institutions are weak and lack both material and human resources. Mechanisms for accountability are for the most part inadequate, and corruption is a systemic feature that plagues almost all aspects of government performance.

The central DG challenge in Mali is how to build greater demand for accountability through greater and more effective political participation. The vast bulk of Mali's people are poorly connected to, or served by, the public sector. While the formal apparatus exists to enable greater involvement of the citizenry in their own governance, the incentives for citizens to participate in decentralized governance have not yet materialized. An essential dichotomy has emerged in Mali between the formal and informal, which is reflected in a pronounced gap between the Malian state and the majority of Mali's agrarian society. The patterns of dualism in society which have emerged became especially clear even back in the heady years of rapid economic growth experienced under the Konaré presidency, when the growth did not seem to translate into development. Ever since mid-1992, when Mali entered into an ambitious Structural Adjustment Program with the support of the World Bank and International Monetary Fund (IMF), the country has earned high marks in balancing its finances and achieving macro-economic objectives. Yet this good performance has not translated into improvements at the local level. Despite its political success and embrace of democratic principles, Mali has not experienced growth with equity. The informal barriers to greater participation in rural communes have impeded the more complete realization of the potential of Mali's decentralization. The continued lack of participation by the poor remains perhaps the greatest threat to further democratic transition in Mali.

In sum, the central DG problems in Mali stem from inadequate participation in democratic governance by the majority of Malians, who happen to be poor rural dwellers. While there has been considerable progress in laying the foundations for decentralization and for personal liberties, the top-down reform process that began in 1991 has not yet fully benefitted most Malian citizens. The consequence of this lag has been weak accountability and a hindering of the ability of the state to mobilize more resources at local levels.

## KEY POLITICAL ACTORS AND INSTITUTIONS

Except for the multifarious insurgents, smugglers, and bandits to the north, Mali's key political actors manifest a strong acceptance of democratic institutions. Since the democratic opening in 1991, the country has consequently laid the foundations for improved governance. There are currently no groups that oppose democracy in and of itself, although some Islamic leaders and associations have publicly vetoed a reform of the family law, indicating a certain lack of consensus regarding the role of women in a democracy. The military has also publicly committed itself to democracy and the 20 years of civilian rule in Mali must be declared a success in terms of consolidating those early gains opened in 1991 and 1992.

The three areas where the enabling environment and a critical mass of reform minded actors combine to provide particularly propitious targets for assistance are local governance, civil society, and the media. Regarding decentralization, the formal institutional structures have been conceived and implemented, but now it is time to get the incentives right so that local communities take more ownership over their local governments, the communes. It is the engagement of rural communities with their local government structures that is the best antidote to the dragging-of-the-feet by certain vested interests of the central government. The institutional groundwork for decentralization has been laid; now it is time to encourage greater popular participation in local governance, especially as relates to the immediate developmental and economic challenges facing rural communities. Regional local elites also have a pronounced interest in decentralization and their involvement will be key to the economic viability of joint service units.

A second area of promise is Mali's civil society. It has emerged as an important pillar in the country's fledgling democratic governance, with pronounced growth in associational activity at both local and national levels. In the formal Mali, donor-supported NGOs play an indispensable role in delivering basic developmental assistance. In the informal Mali, local associations play an even larger role in enabling families to survive on a day to day basis. There is much that remains for the communes to do in terms of tapping the energy and resources of the traditional associations for the benefit of the community. At the national level, associations have flourished as a result of the opening of political space over the last two decades, and they have contributed to Mali's well regarded pluralism. However, as explained in Section Four, USG resources suggest that support for national-level civil society organizations (CSOs) be best pursued through mechanisms of multilateral donor coordination, such as the United Nations Development Programme (UNDP).

The third area in which a positive enabling environment and political will exists is in regard to the media. Mali has one of the most liberal press and broadcast regime in the developing world, and its network of rural radios has become enshrined in the public consciousness. There remains work to be done in terms of using modern media to further help engrain a civic culture that favors transparency and accountability.

Areas which are not so well endowed with either reform champions or positive enabling environments include the judiciary and political parties. The judiciary remains under the influence of the executive, and fair trials are not *de rigueur*. The credibility of the political parties is at all-time low after ATT's emphasis on a broad coalition based on consensus rather than partisan platforms. Another area in which the enabling environment is currently compromised is in regards to elections. The current voter list was drawn up in 2002, and the government is working on reaching consensus among the political actors on an alternate solution. This will take political will and is not a question of a donor-sponsored technical fix.

In terms of the previously articulated DG problem (see end of Section 2), this analysis of the key political actors and institutions reinforces a focus on the local level, most particularly at the level of the commune.

Focusing on the commune level is a means to aggregate several villages, and the existing legal framework allows for this to be done effectively, as through the five-year *Plans de Développement Économique, Social et Culturel* (PDSECs). A regulatory framework for better engagement of the commune has already been established. Secondly, in terms of the opportunities regarding civil society, local operators working on local governance issues provide a proven means of engaging citizens from both the formal and informal sectors. The above analysis also reaffirms that there is opportunity to build on investments already made in regards to the media. In terms of the less feasible areas of intervention, it is worth a modest investment in elections because of the singular importance of the imminent 2012 presidential and parliamentary elections. In addition, the analysis of actors and institutions suggests that it is worth keeping an eye on Parliament in case the new Senate provides an opportunity to provide both some institutional capacity building through the formation of a permanent staff and the further advancement of the decentralization policy dialogue.

## OVERVIEW OF OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

United States (US) foreign policy and the United States Agency for International Development (USAID) development interests in Mali and northwest Sub-Saharan Africa currently encompass at least six broad policy directions or initiatives, including: the Global Health Initiative (GHI), Feed the Future (FtF), other economic growth programs, basic education, peace and security (Trans-Saharan Counter Terrorism Partnership, [TSTCP]), and democratic governance. A seventh area of emerging policy concern, global climate change, will exert progressively increasing future effects on all six other areas, particularly on FtF and TSTCP. As can be seen below, USAID/Mali programs are already underway to address all seven areas of identified development challenges.

The largest ongoing DG program, the *Programme de Gouvernance Partagée* (PGP-2), builds local governance capacities in 82 communes located in the targeted regions of Koulikoro; Sikasso; Segou; Mopti; Bamako; and the northern regions of Tombouctou, Gao, and Kidal. PGP technical assistance has enabled communal authorities to leverage additional funds, improve accounting practices, strengthen outreach to community radio stations, and facilitate partnerships with organized citizen groups in such developmental areas as education, health, economic development, and natural resources management.

PGP encourages more effective working capacities and relationships between local CSOs and communes through a variety of means. The program promotes coordinating bodies in keys areas of development, facilitates conflict management mechanisms, supports women's and youth organizations, and builds CSO management and advocacy skills.

A second area of DG programmatic concentration is CSO support and capacity building. As previously noted, USAID/Mali has contributed its funding support into a multi-donor project, *Programme d'Appui aux Organisations de la Société Civile Malienne* (PAOSC). Phase I of PAOSC focuses on the development of national-level civil society forums and networks; while Phase II, beginning in 2012, will focus support to civil society organizations at the more decentralized levels of regions, communes, and villages.

A third area of significant long-term USAID/Mali/DG support has been development communications, including support for broadening Information/Communications Technology (ICT) access and, especially, for strengthening community radio. The last program solely dedicated to community radio, the Radio for Peace Building in Northern Mali Program (RPNP) implemented by Geekcorps, ended in November 2010. RPNP extended and improved community radio service in northern Mali (Gao, Kidal, and Timbuktu regions) by installing 11 new radio stations and by upgrading a twelfth, already existing station in Goundam. The program also involved community mobilization, station staff training, ICT support, alternative energy systems, and conflict mitigation activities. Media support now continues under the rubric of other SO support mechanisms.

Fourth and finally, in May, the USAID/Mali's Governance and Communications Program (GovCom) team launched a new program to support free and fair elections in the critical upcoming 2012 presidential and

legislative elections cycle. Prospective activities will include strengthening of election procedures and management capacities, voter education, monitoring, and support for improved media coverage of the elections.

USAID/Mali can take pride in the richness of its cross-sectoral programming, which has been already underway for many years. The assessment team sensed definite openness by all Strategic Objective (SO) teams to refine existing or expand new avenues for cross-sectoral work.

Section V will develop several possible avenues for further expanding and/or improving cross-sectoral programs. By way of foreshadowing, however, the team sensed an opportunity to considerably augment the impacts and outcomes of decentralization programs through creation of a Local Development Fund (LDF), which would enable the local government beneficiaries of training and other technical support to put into application their lessons-learned—in effect—deeper learning-by-doing. Small projects supported by the LDF, for example, could multiply the combined cross-sectoral results of USAID programs in the areas of local governance, education, health, economic growth, natural resource management, and so on.

The team also sensed quite broad recognition by all SO teams of the utility of further cross-sectoral work in the areas of community radio and development communications. Ongoing cross-sectoral development communications activities thus appear likely to continue or increase. A new, innovate direction of media sector activity, suggested in Sections 3.7 and 5.3, could be to approach the media (especially radio) as a economic sector in its own right, adding to economic growth capacities through improved information delivery as well as upgraded advertising capacities. Accordingly, increased reliance on USAID/Mali's Accelerated Economic Growth (AEG) team expertise in the areas of business management and network development (applied to the media sector) might be explored in consultation with the GovCom team.

## **PROGRAMMATIC RECOMMENDATIONS**

The Mission GovCom team is in the middle of its programmatic cycle, with its ongoing local governance program the centerpiece of its efforts. This Democracy and Governance Assessment of Mali reaffirms that this is the appropriate priority intervention given the centrality of decentralization to the country's democratic transition and the importance of greater political participation to better link the state to communities, particularly to the rural communes where most of the population is to be found. The team was repeatedly told by Malian decentralization specialists and practitioners that it is at the commune level that more progress needs to be made and that the USAID program should be recalibrated to give greater priority to interventions to communal governance.

This Democracy and Governance Assessment of Mali has identified that the principal DG problem that is feasible for the US Government (USG) to target for development assistance lies in the linkage of the formal political system with the population at the base. Through careful study and the systematic articulation of a decentralization framework, the Malian government has put in place the formal mechanisms needed to overcome this problem. It is essential that participation in local governance be encouraged and increased, which will in turn lead to greater accountability and responsiveness by local government.

Putting the emphasis on local governance has three principal strategic merits. First, it will better enable the Malian people to improve their lives in tangible ways through concrete small-scale development initiatives from the bottom-up. Being able to improve the lives of people in communities through greater engagement in local governance will serve to motivate greater involvement of the social capital that exists at the base but which is not yet well harnessed to the formal political system.<sup>2</sup> Secondly, this strategic approach will not just address a very visible hurdle that needs to be overcome, but it also builds on a rare opportunity, namely the legal enabling environment that has already been put in place for decentralization as well as the considerable

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<sup>2</sup> USAID, "Comparative Assessment of Decentralization in Africa: Mali In-Country Assessment Report," September 2010.

capacity building that has taken place since the first elections to the communes were held in 1999. While the high rate of electoral turnover has meant that this capacity building may appear more ephemeral than would be ideal, it also provides the lesson that more permanent staff increasingly be targets of training and that the state provides them with sufficient remuneration for them not to be so tempted to be so mobile.

### **Priority Intervention: Local Governance Support**

The priority intervention recommended by the assessment team is to continue with its emphasis on local governance but to refocus it slightly to center activities around the commune. Activities that would contribute to this objective include promotion of greater citizen participation, capacity building, and accountability.

### **Secondary Prioritization: Continue to Support Broader Decentralization Needs at the Regional and National Levels**

The recommendation that the mission prioritize its interventions at the level of the commune does not mean that regional and national elements of decentralization be ignored. The *Region* and *Cercle* levels should not be neglected, especially in the area of coordination of local planning.

### **Priority Recommendation: Strengthen Independent Media Capacities, Including Cross-Sectoral Development Communications (for Local Governance, Health, Education, Agricultural/Economic Growth, Conflict Mitigation, etc.)**

- Introduction of better management practices to improve financial viability of media outlets;
- Support creation/expansion of periodic audience research for media;
- Network development;
- Develop rapidly emerging cell phone or new ICT-based news and information opportunities;
- Support in-country Malian capacities for professional preparation of journalists and other media outlet personnel; and
- Strengthen local media to facilitate local citizen discussion, participation, and monitoring of communes and other local authorities.

### **Priority Recommendation: Provide Modest Support to the 2012 Electoral Process**

Given the importance of the coming elections and the popular ferment surrounding the process, it is recommended that USAID provide a modest amount of investment in election related activities such as:

- Voter education and registration assistance;
- Training of poll monitors;
- Media coverage of the electoral campaign: additional training and other technical support on how to independently cover elections, and how to strengthen the media's economic independence, may prove merited during the period leading up to the 2012 elections;
- Work in support of elections should be done in coordination with other donors, allowing the Malians to drive the solution to the electoral voting list controversy; and
- GovCom already has an election support activity planned, responding in advance to this recommendation.

### **Priority Recommendation: Cross-Cutting Synergies between DG and other SO Teams**

USAID/Mali's SO teams have already long ago demonstrated a strong willingness and capacity to work together cross-sectorally to achieve synergies and enhance overall development and democracy results from USG-provided assistance. The bulleted recommendations below provide several possible avenues for such continued or even expanded cooperation:

- Feed the Future;
- Economic Growth;
- Health; and
- Education.

# I.0 INTRODUCTION AND CONTEMPORARY CHALLENGES

## I.1 INTRODUCTION

From a spatial perspective, two features of Mali stand out in particular relief. The first is the vast portions of the Sahara Desert and its fringes that characterize the northern part of the country. The extreme heat and dryness pose an obvious challenge to travel and settled habitation. Ways of life in the agrarian society that predominates in Mali are heavily oriented towards surviving in harsh condition, often still involving traditional means of coping such as nomadism and migration. In the northern outlying regions of Kidal, Gao, and Timbuktu, the territory becomes extremely sparsely peopled, leading to a virtual absence of the state in the more remote and difficult regions. The harsh conditions themselves have helped to drive the underdevelopment and insecurity characteristic of the north, which has led to perceptions of neglect and even discrimination by resident peoples, especially the Tuareg.

The second stark topographical feature that characterizes Mali is the great River Niger, which essentially divides the country in two in terms of agricultural production and way of life. Rainfall steadily increases south of the Sahara and the 2,600-mile long Niger River, with the arability of the land to the south of the Niger such that the country as a whole can claim to be self-sufficient in food despite the barren nature of much of its territory. A majority of the population lives within a few kilometers of the River, producing enough rice, maize, and millet to export a portion of these foodstuffs, in addition to the cotton exports for which Mali remains a regional leader. A great inland delta of the Niger River is the largest wetland area in all of West Africa, with its occasional flooding and regeneration dependent on rainfall in the upper catchment area at the sources of the river in Guinea. The inland delta with its seasonal flooding has historically provided a wealth of agricultural resources through fishing, rice cultivation, and pastoralism. It is also currently a conflict “hot spot” due to an abundance of disputes over land rights.

These two defining geographical features provide some suggestions as to what to look for in terms of Mali’s political evolution over time. Namely, the rigors and demands of the environment have shaped the manner in which the agrarian society of Mali has coped with meeting the most fundamental challenges of life. Not only is there considerable diversity in the sub-regions of the country but there are marked variations in precipitation levels from year to year, leading to insecurity and considerable population movement. Rainfall varies in its amount, timing, and location from year to year in Mali. The country is particularly vulnerable to climatic anomalies from year to year because of the strong dependence of the population on rain-fed agriculture and livestock.

Mali’s vulnerability to external issues such as climatic fluctuations is also evident in regards to its dependence on trade in certain key commodities. The export of gold is critical to Mali’s economy, accounting for 71.5 percent of all export earnings in 2008.<sup>3</sup> Volatility in the gold market can have significant negative or positive consequences for Mali, which is also the primary producer of cotton in Sub-Saharan Africa, with revenues from exports vulnerable both to the climate and to world market conditions. For centuries, the fortunes of

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<sup>3</sup> CountryWatch, “Mali Economic Overview,” CountryWatch, Inc., 2009, p. 1 and Bertelsman Transformation Index, “2010 Mali Country Report,” Gutersloh; Bertelsman Stiftung, 2009, p. 18.

the Malian people have been linked to external trade. Prior to the establishment of European maritime trading routes, the Tuaregs controlled the great commercial routes that crossed the Sahara, trading in such commodities as gold, ivory, salt, and slaves. Nowadays, the principal trade routes run through the seaport of Abidjan in the Ivory Coast, which makes Mali vulnerable to interruptions in commerce caused by political turbulence in that country. It is estimated that some three million Malians currently reside in northern Ivory Coast.

Movement, social flexibility, and economic diversity were the ways in which Malians historically coped with the challenges of their natural environments. Populations based themselves around decentralized social structures that allowed them to adapt to conditions that varied not only from place to place, but from year to year. Despite the fact that Mali is a multiethnic state, it has developed a relatively homogeneous national identity that is based on the peaceful integration of diverse groups through values of consensus and pluralism. Its more than 13 million residents consist of Mande (Bambara, Malinke, and Soninke); Peul; Voltaic; Songhai; and Moorish ethno-linguistic groups. The great majority, some 90 percent, practice forms of Islam. None of the three of the famed West African empires had rigid geopolitical boundaries or ethnic identities. The earliest empire, that of the Ghana Empire, dominant between the fifth and eighth centuries, was originally founded by Berbers and went on to be led by the Mande-speaking Soninke peoples. The decentralization that is said to be the hallmark of the last great empire, the Songhai Empire, was known to have developed a range of alternative economic activities (such as hunting, fishing, livestock raising, and agriculture), so that if one activity failed one year due to drought or other causes, there would be other activities to help spread the risk. Trade in such a system has always been critical for it injected elements of economic interdependence and specialization into livelihood approaches.

Despite structural characteristics that have endured over time, Mali's demographics demonstrate the depth and pace of the social changes that have occurred in the modern era. Since independence, the population has gone from 4.5 million people to about three times that amount. Almost half of the country's residents are under 15 years old; the population growth rate is one of the three highest in the world at close to 3 percent per annum. Deforestation, degradation of land, and depletion of fish stocks are making traditional agrarian means of access to livelihoods further inadequate. The predominantly rural nature of the population with its dependence on agriculture for the bulk of employment, food (essentially cereals), and a significant part of its foreign exchange (cotton, livestock, and fish) means that it may be classified as an agrarian society, an increasingly rare phenomenon in today's world. Around two-thirds of Malians still live in rural areas, with most (80 percent) relying on subsistence farming and herding for their livelihoods. Most Malians live in extreme poverty in what is also one of the least formally educated nations in the world.

The combination of rapid population growth and the degradation of traditional social mechanisms to cope with access to livelihood means that this is an era of rapid and fundamental change in Mali. A different political order is being impelled by the wave of social change, as borne out by the remarkable embrace of democracy that followed a quarter-century of dictatorship and despotism. Hailed as a regional model due to its democratic opening which began in 1991, and given its natural resources, why does Mali remain one of the poorest countries in the world? This democracy and governance assessment will identify how the ongoing reform of the political order is at the heart of the country's most pressing developmental challenges.

### **One of the world's poorest countries**

Mali is ranked as 160 of 169 countries on the 2010 United Nations Human Development Index. It has not been able to break out of a spiral of deepening poverty despite relatively rapid economic growth since the 1990s. Its poor population faces numerous related health challenges such as malnutrition and inadequate hygiene and sanitation. It has one of the world's highest rates of infant mortality.

## 1.2 BACKGROUND

Pre-colonial Mali remains of great relevance to the cultural heritage that binds together the country's diverse population. The "Constitution of Sunjata" is a reference often used to describe the decentralized nature of the last great empire, a form of social adhesion which greatly facilitated inter-ethnic tolerance. Mali's population today reflects a composite of ethnicities that together form a mosaic of national identity. The Bambara are by far the largest segment of the population, representing over a third of all groups, and with the linguistically related Soninke and Malinke, the Mande speaking groups represent over half the country's population. The other significant groups are the Peul (or Fulani), Senoufo, Dogon, Songhai, Diola, Bobo, Oule, Tuareg, and the Moors. Malians refer with delight to the many conflict resolution and avoidance mechanisms that have nourished inter-ethnic tolerance. The forms of Islam traditionally practiced in the country further underscore the moderate, tolerant, and adapted-to-local-conditions nature of the Malian way. Pluralism, consensus, conflict avoidance, and decentralization are the watchwords in Mali's political culture.

The colonization of Mali came relatively late in terms of the European conquest of Africa, with a peace treaty with the French only signed in 1905. Despite the centrality of the Niger River, the country was not easily accessible from either the Atlantic or Mediterranean coasts. The name of the fabled Saharan city of Timbuktu, renowned as a hub of trade and learning, was virtually synonymous with a sense of the remoteness of the far reaches of the African continent.

Yet the impact of colonial rule has been far-reaching. Of most significant import was the creation of a centralized public administration that overlaid the flexible and complex networks of social interactions that had previously provided communities with time tested means of coping with their difficult environment. The most visible manifestation of the consequences of such a transformation to the system of governance in Mali was the creation of territorial divisions that froze in place previously fluid social boundaries. Moreover, the form of "indirect" colonial administration employed in Mali empowered certain local elites who became more allegiant to a central state than to the communities which they led. The inorganic nature of the centralized public administration that accompanied colonization remains symbolized today by the French language being used as the official language, whereas most Malians speak one of the more than 30 local languages that prevail in daily life. About 80 percent of the population can converse in Bambara, which is the country's principal *lingua franca*.

Independent Mali continued to build on centralized state leadership when the first president, Mobido Keita, introduced a blend of nationalism and socialism, which involved massive nationalization under the rubric of a single party state. The first single party was the *Union Soudanaise-Rassemblement Démocratique Africain* (US-RDA), whose vanguard approach and centralizing tendencies alienated significant parts of the population such as the peasants, army, and merchants. Just eight years later, a bloodless coup took place in 1968 and Lieutenant Moussa Traoré was to begin a quarter-century of dictatorship, with continued reliance on a centralized state apparatus. Initially, he ruled through the *Comite Militaire de Libération National* (CMLN). Then a new constitution was enacted in 1974 that enshrined the leadership role of the second single party, the *Union Démocratique du Peuple Malien* (UDPM), as Traoré morphed from a military to a civilian despot.

Mali's first three decades of independence witnessed several episodes of drought and rebellions in the north, in addition to the unsustainable financial footing of the expanded public sector. The Government of Mali was obliged to strike a series of deals with the International Monetary Fund (IMF) and the World Bank's International Bank for Reconstruction and Development (IBRD) that sought to address runaway debt servicing and introduced other Structural Adjustment Program measures, such as privatization and the imposition of austerity measures. Popular pressures for change began to grow as the cost of living went up and calls for political liberalism and democratization began echoing in the streets.

In early 1991, student-led demonstrations were backed up by trade unions representing government workers and rioting began to spread outside Bamako. Fearing an escalation of the discontent, Traoré's regime ordered the army to fire on the demonstrators on March 22, killing several hundred students. After four more days of

violence, army officers led by Colonel Amadou Toumani Touré, announced a coup d'état that brought to an end the oppressive dictatorship of the Traoré regime. Touré, who was to become known by his initials, ATT, immediately set about laying the foundations for what has since been widely hailed as the most successful transition to democracy on the continent.<sup>4</sup> Mali's new leaders immediately convened a National Conference, with inclusive representation from all social strata, to participate in a sort of constitutional convention. What emerged eventually became approved by national referendum as the Constitution of January 12, 1992, still in effect. The new constitution prominently featured elements of the French model, including a secular base of authority, a powerful executive, and a weak legislature. Political parties were allowed to form freely; between January and April 1992, a president and a national assembly were elected. ATT earned his place as a visionary statesman when he relinquished power to the first freely and fairly elected president of independent Mali, Alpha Oumar Konaré.

Since that historic political transformation that inaugurated the Third Republic of Mali in 1992, Mali has experienced four successive successful elections. On two separate occasions, power was handed over to new civilian leaders through the ballot box. Konaré won the presidency again in 1997 and then ATT himself ran for election in 2002 and won as an independent, doing the same in 2007. With the 2012 elections approaching, Mali is facing its third transition as ATT is prohibited by the Constitution from serving a third term as the nation's president. During the first two decades since Mali's transition, the government put in place strong foundations for democratic governance, of which the two-term presidential limit was just one aspect. The multiparty system was another new element injected into the country's politics, which was, theoretically, to enable greater political accountability through competitive elections. While President ATT's style of rule as an independent has been more consensual than based on partisan calculations, there have also been successful local elections for communal councils (and through them for mayors) in 1999, 2004, and 2009. Another particularly noteworthy accomplishment of the Malian democrats was the institutionalization of personal freedoms to an unprecedented extent. This was true for both freedom of expression and of association; the result was a flourishing of the media and of civil society organizations as well as greater respect for human rights. Not only has Mali's transition to democracy been the most successful in Sub-Saharan Africa, it is also one of only a handful of democracies worldwide with a predominantly Muslim population.<sup>5</sup>

President Konaré further adopted decentralization as the guiding principle of his new democratic government. This decentralization was seen as being based on the country's traditions and in order to respond to long standing discontent with the colonial style provincial administration. One of the immediate results of Mali's democratic opening was that it unleashed a backlash against centralized governance that had historically extracted resources from local populations without providing adequate public services in return. Decentralization was seen as the way to give greater authority to previously voiceless local populations through elected councils and mayors. While decentralization had been promised before by the leaders of the prior two Malian Republics (Keita and Traoré respectively), it was not until Konaré's systematic efforts to put in place a decentralization framework that reforms actually were implemented.

In addition to generalized opposition to centralized governance, a further impetus that helped drive the rapid turn to decentralization was the Tuareg uprisings of the 1990s. The Tuareg are pastoral desert nomads who frequent the northern part of the country as well as the Saharan fringes of other countries of northern Africa. The Tuareg had historically grown to prominence through their management of the great trans-Saharan trade routes prior to those routes being largely displaced by European maritime trade beginning in the 16<sup>th</sup> century. Faced with the decline in their principal source of wealth, the Tuareg increasingly abandoned the trading hubs of Timbuktu, Djenne, and Gao, relying for their livelihoods instead on nomadism, pastoralism, and small-scale agriculture. At the time of independence, the Tuareg found themselves scattered among several

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<sup>4</sup> For example, see Robert Pringle, "Mali's Unlikely Democracy," *the Wilson Quarterly*, Spring 2006, Volume 30, Issue 2, p. 31.

<sup>5</sup> BII, *op. cit.* p. 2.

countries and felt marginalized in each. In Mali, the Tuareg are estimated to be 1.7 percent of the overall population, mostly found in the desolate and barren north.

The situation facing the Tuareg had been exacerbated since independence as a result of the country's vulnerability to drought. Two multi-year droughts in the mid-1970s and mid-1980s, along with historically low precipitation between 1965 and 1990, devastated the herding and light farming that characterized Mali's economy, with the effects most harshly felt in the drier regions of the north, hitting the Moor and Tuareg communities especially hard. Roving Tuareg bandit groups, inspired by a similar revolt in Niger, began attacking military outposts. Their demands were greater regional autonomy for the north and higher levels of national government fiscal transfers. A series of agreements signed in the 1990s helped to restore stability for a time, with the creation of a new administrative region known as Kidal. This decentralization allowed for the demilitarization of the north and Tuareg forces began being incorporated into the armed forces. Yet armed rebellion again broke out in 2007, with periodic violence continuing to the present. However, as discussed below, some of the contemporary lawlessness in the north is not solely the result of traditional Tuareg grievances, but also reflects the growing influence of armed bands with links to smuggling, illicit drugs, and international terrorism.

### **I.3 DEMOCRATIC GAINS AT RISK**

The central features of Malian democracy have thus already endured for two decades. The country has enjoyed an unprecedented period of stability since its transition, despite considerable hardships faced by citizens as a result of ongoing austerity measures and inadequate living standards. The personal freedoms that were denied for the first quarter-century of independence have flourished and continue to be highly respected. Malians continue to enjoy unprecedented opportunity to express political opinions as indicated by a virtual explosion of media outlets.<sup>6</sup> One key innovation resulting from the proliferation of the media was the use of local languages via a network of rural radios. The expansion of civil society began even earlier than the 1991 democratic transition, largely as a result of self-help efforts to the severe droughts that crippled the subsistence economy in the 1970s and 1980s. Civil society further rapidly expanded as it increasingly took on advocacy roles after 1991, both at local and national levels.<sup>7</sup> At the local level, citizens pursue their interests as much through local associations (such as school parents' associations, community health committees, producer associations, and women's groups) as through elected officials at the commune. At the national level, both the government and international donors routinely seek input from reputable Civil Society Organizations (CSOs).

Decentralization has also become largely synonymous with Malian democracy, ever since it was first championed in the National Pact of 1992. Soon thereafter, in 1993, President Konaré created a government *mission de décentralisation* to work on refining a decentralization framework, which was codified in 1995 through the *Code des Collectivités Territoriales*. This framework created the communes as autonomous levels of government, with the divisions largely determined by the people; many of the communes are not based on economic viability. In 1992, the first communal elections were held for 682 new local government units. Since then, the total number of communes has risen to 703.

Although greater autonomy was legally granted in the areas of education, health, and infrastructure, the transfer of both competencies and resources have proceeded much slower than expected. While local governments have the right to gather taxes, in practice they have not been able to do so to the extent needed to break dependence on central fiscal transfers. While Mali's decentralization efforts greatly multiplied the layers of government, the central government has continued to maintain effective control of public resources

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<sup>6</sup> Rosa de Jorio, "Narratives of the Nation and Democracy in Mali," *Cahiers d'études africaines*, No. 172, 2003, p. 831.

<sup>7</sup> Benjamin F. Soares, "Islam in Mali in the Neoliberal Era," *African Affairs*, 109/418, December 2005, p. 85.

through its deconcentrated agencies. This has impeded transparency and accountability from below, discouraging the greater community participation that decentralization was supposed to bring.

The transition toward democratic governance at the national level also remains incomplete and has encountered some challenges. The multiparty system that was to have ensured executive accountability through the creation of a loyal opposition has proved to be ineffective given the style of rule employed by the charismatic ATT. When ATT first won the presidential elections in 2002, his mandate was not accompanied by a similar legislative victory as ATT had run as an independent. ATT then appointed a politically inclusive cabinet and has since governed through a process known for consensus and stability. There is no organized opposition and collective decision making has been the norm. While such an arrangement has helped maintain stability at the top, it has also helped to perpetuate the personalistic and clientelistic underpinnings of the political parties. The rule of law has remained grossly deficient in such a system and perceptions of corruption are widespread. ATT and his government have also not been able to tackle some of the thornier policy issues of the day, such as land reform, nor have they succeeded in pushing through with the next stage of decentralization, with greater access by elected communes to state resources that now only trickle down through *Agence Nationale d'Investissement des Collectivités Territoriales* (ANICT) and the deconcentrated branches of the central ministries.

The challenges of the day suggest that Mali's era of dramatic change is not yet over, but is still in full swing. A constitutional reform process is underway to which ATT had hoped to lend his personal prestige to see through before leaving office, although it now appears as though the referendum will not take place until after the 2012 presidential elections. This fine-tuning of the constitution, which is expected to pass a popular referendum, will create a second legislative chamber to replace the merely consultative *Haut Conseil des Collectivités Territoriales* (High Council of Local Collectivities [HCCT]) in an effort to ease along decentralization further by providing greater representation to elected local units at the national level. The forthcoming 2012 presidential and legislative elections weigh most heavily on the minds of political observers of Mali. As with the prior two elections, controversy exists over the validity of the electoral rolls. Even more worrisome than the technical issues surrounding the rapidly approaching polls is the uncertainty as to what and who will follow the charismatic ATT, whose historic role in Mali's democratic transition has given him a status that will be difficult for any politician to replicate.

How well the new president is able to hold the system together will depend on a number of factors, including both internal and external issues. Domestically, a huge gap between the formal and vast informal sector reflects an incomplete fusion of top-down technical services and resources with fledgling democratic institutions from the bottom up. Problems continue to simmer in regards to the north, exacerbated by environmental change, differential access to resources, and growing elements of an illicit economy based around smuggling, banditry, and kidnapping. A lawless way of life has been abetted not only by the relative absence of the state, but also by the infiltration of the terrorist group Al-Qaeda in the Land of the Islamic Maghreb (AQIM), which has its roots in the Algerian civil war. The rapid expansion of radio networks in northern Mali has had the unanticipated consequence of spurring the pace of change by moving new ideas and perspectives on political Islam across sparsely inhabited terrain.<sup>8</sup> The Government of Mali thus has much to manage in addition to exogenous vulnerabilities due to drought and the world commodities market.

## **I.4 METHODOLOGY: USAID'S STRATEGIC ASSESSMENT FRAMEWORK**

This Democracy and Governance (DG) Assessment of Mali applies a Strategic Assessment Framework (SAF) designed by USAID in 2000 and revised in 2010. The framework was introduced with the aim of providing a common analytical framework to ensure consistency in the assessment process and to allow for cross-country

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<sup>8</sup> David Gutelius, "Islam in Northern Mali and the War on Terror," *Journal of Contemporary African Studies*, Vol. 25, No. 1, January 2007, p. 10.

comparisons. The SAF follows a four-step analytical process, intended to provide a foundation for the development of a Democracy and Governance assistance strategy for a country:

- The first level of inquiry involves looking at the kind of political system that characterizes the country from a democratic point of view to determine the direction of change on the democratic continuum. Five elements (which are not fully distinct and never mutually exclusive) are taken into consideration:
  - The degree of **consensus** on rules and fundamentals;
  - The degree to which the **rule of law** is respected;
  - The degree of **competition and political accountability** in the system;
  - The quality of political **inclusion**; and
  - **Administrative accountability and effectiveness.**
- Having defined the problem(s) for democracy and governance, the second level calls for an analysis of the interests and capacities of key actors which are likely to support or obstruct democracy and governance reforms in key institutional arenas. The goal is to identify how the political game is played; who the allies of reform are; and which political, economic, and social interests oppose democratization. Combining this analysis with conclusions from first-level questions (the primary problems confronting democracy), the framework leads to the identification of priority institutional arenas for possible USAID support.
- The third level of inquiry entails a consideration of the USG's interests, institutional and other constraints, positioning vis-à-vis other development actors, and the availability of resources.
- The final level calls for the development of an assistance strategy and clearly prioritized programmatic alternatives for addressing the primary DG constraints highlighted in the analysis, within bounds determined by opportunities, comparative advantage, and resource availability.

# 2.0 THE KEY CHALLENGES TO DEMOCRATIC GOVERNANCE IN MALI

This section describes the key challenges to democratic governance in Mali by focusing on the five analytical dimensions of consensus, competition and political accountability, inclusion, rule of law, and administrative accountability and effectiveness.

**Table 2.1: Key Analytic Elements**

▪ <b>Consensus:</b> Is there basic consensus on questions of national identity and the fundamental rules of the game and is the political contest played by those rules?
▪ <b>Rule of law:</b> Is there ordered liberty? Are political life, economic life, and social life bound by a rule of law?
▪ <b>Competition and Political Accountability:</b> Is there competition in the system? Are free and fair elections a regular feature of competition? Are there other mechanisms beside elections that ensure government delivers on its promises and fulfills the public trust? Is there a competition of ideas, a free media, and a vibrant civil society? Is a healthy set of checks and balances present between branches of government or between levels of government?
▪ <b>Inclusion:</b> Are there problems of inclusion or exclusion? Are parts of the population formally excluded and disenfranchised from meaningful political, social, or economic participation? Is participation in political life, economic life, and social life high or low?
▪ <b>Administrative Accountability and Effectiveness:</b> Are public institutions administered effectively? Do they respond to public needs and provide socially acceptable services? Do robust internal mechanisms exist to hold government institutions accountable and enhance their effectiveness?

## 2.1 CONSENSUS

*In regard to consensus in Mali, there continues to be a strong commitment to consolidating and advancing the gains that have been in the transition away from authoritarianism, which is most pronounced in terms of personal liberties and decentralization. However, participation in formal structures, both political and economic, remains marginal as indicated by voter apathy, low tax compliance, and a vast informal sector.<sup>9</sup>*

A litmus test for the degree of consensus is the ongoing process and dialogue leading up to constitutional reform. While there had been some concern at one point that a constitutional reform process could open the door for a potential third presidential term for ATI, he dismissed that option early on and the rest of the

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<sup>9</sup> The distinction between participation in formal government structures at the local level and in regards to traditional social capital is elaborated at length in USAID's recent "Comparative Assessment of Decentralization in Africa: Mali In-Country Assessment Report," Washington, D.C., 2010.

dialogue over the amending of the constitution has been less contentious. The constitutional reform package includes the creation of an upper house (Senate) in the National Assembly; the establishment of a national court of auditors; the creation of independent media and election watchdog bodies; a new code of conduct for members of the government; measures to strengthen parties, including party finance reform; and the formal enhancement to the status of the head of the opposition. A positive outcome of a popular referendum is expected at this time, although strong opposition to holding the referendum prior to the April 2012 elections means that the process is now likely to be delayed until beyond ATI's presidency. The element of the reform package considered to be of greatest significance is the creation of a Senate which would enhance the representation of sub-nationally based electoral bodies.

The other issue that raises questions about the consolidation of fundamental political consensus is the persistence of rebellion in the north of the country. However, the nature of the armed resistance to the national political order has evolved since the early Tuareg revolts of 1990 to 1995. At that time, the rebellion was fueled by local grievances caused by hardships associated with livelihoods in times of drought and feelings of neglect towards the remote regions with limited state presence. More recently, however, international concerns about that part of the Sahel have increased as a result of the desert providing safe haven to terrorist groups such as the North African branch of Al-Qaeda, AQIM, which has found a toehold in sparsely populated and inhospitable areas of Algeria, Mauritania, Mali, and Niger. AQIM has its roots in the bitter Algerian civil war of the early 1990s. It emerged after a radical militant group, the Salafist Group for Preaching and Combat (GSPC) broke away from the larger Armed Islamic Group (GIA) to align itself with Osama Bin Laden's terror network. Several hundred of the Al-Qaeda cadre are said to have taken refuge in this region; not because the sparse local population is particularly sympathetic to the more radical sects of Islam, but because the entire area is characterized by a lawlessness that has been nourished by an economy that increasingly features banditry, smuggling, and traffickers in illegal migrants heading for Europe. Smuggling increasingly involves drugs originating in South America, as well as the more traditional illicit trade in tobacco, cannabis, and stolen cars. Most recently, armed groups have taken to kidnapping and holding for ransom Westerners, which illustrates the lack of security for which the general region has become known. Above all, the insurgency and illegal armed activities going on in this remote part of Mali are more related to economic and criminal motives than to issues of consensus over the national political order. The significance of this is that the presence of radical Islamic tendencies in northern Mali is not likely to lead to the entrenchment of Jihadist ideologies. Rather, the weakness of legitimate state presence has left a susceptibility to criminal activities by relatively small armed groups.

In sum, Mali's overall political consensus remains relatively high, especially in light of the very real problems that continue to exist with the transition to democracy that began in 1991. In a March 2011 public opinion poll, 77 percent of respondents said that they felt that democracy in Mali was somewhat or very stable. Over two-thirds said they were somewhat or very satisfied with democracy. Ethnic issues have not come back to challenge Mali's national political identity, which continues to manifest extraordinarily high degrees of tolerance and emphasis on consensus and coexistence. These values are very much emphasized in public discourse and are a source of pride for most Malians. The one exception to the ability to mitigate potential for inter-ethnic conflict is again in the North, where groups of the Songhai and Peul peoples have created a militia known as Gand-Izo to defend its population proactively against attacks by armed Tuareg gangs.

## **2.2 RULE OF LAW**

*In regard to rule of law, there is a positive human rights and personal liberties regime. However, the judiciary remains far from independent of the executive and is subject to corruption. The administration of justice is also inadequate. Particularly inimical to economic growth is the insecurity and uncertainties associated with land tenure and property rights, which also remain perhaps the biggest source of conflict to this day.*

A large gap exists in Mali between *de jure* and *de facto* justice. In part this is due to the jumbled heritage of multiple legal frameworks, with a rich body of customary law (varying between regions) that regulates key issues such as land rights, inheritance, family law, and relations between communities and ethnic groups. The customary practices were overlaid with a French-inspired civil law system established under colonialism. In practice, the mechanisms for access to justice and the administration of justice are grossly inadequate. There now risks being one system of justice for the rich and none for the poor. For example, while judges exist in all territories since they are functionaries of the state, it is not the same for lawyers; almost all of the latter are located in Bamako.

The problems with the rule of law are particularly evident in regards to land rights. These used to be determined by customary tenure precepts, but the French administrators sought to replace those with Roman legal principles rooted in the right of the state to acquire and utilize vacant and non-used lands. This set into motion an uncertainty regarding land tenure that plagues the country until this day. It is estimated that about 80 percent of legal conflicts that arise in Mali are related to land rights. Unfortunately, many of these end up being resolved through violence since the courts have not been able to adjudicate such matters successfully. Women are particularly disadvantaged in the way the legal system in Mali has been functioning with regards to land rights, since traditionally women cannot own land in Mali, except for on a temporary land use basis. The lack of land tenure security also significantly limits private investment for both small-scale producers and agri-businesses.

Even for the cases that do make it to the formal judicial system, there are constraints to an effective rule of law. While the constitution provides for an independent judiciary, in practice it is subject to influence by the executive, with corruption and poor administrative court systems further undermining the chances of getting due process. The Minister of Justice appoints and suspends judges, with the ministry supervising both law enforcement and judicial functions. In addition, the President heads the Council of Magistrates, which is the body which oversees judicial administration. Hence, the application of the law relies heavily on the integrity of individual judges, and the overwhelming perception in Mali is that most judges do not match up to this high standard. A recent poll showed that regarding trust in officials, judges ranked second to the bottom, above only representatives of political parties. The administration of justice does not help their reputation, especially given arbitrary detentions, long trial delays, and lack of enforcement of court orders. Prisons are overcrowded, unsanitary, and lacking in basic medical facilities.

One the positive side is Mali's deep embrace of public liberties. There is a robust liberty of opinion and expression. Freedom of the press, both written and broadcast, has led to the most vibrant media in the region, although there is still some ways to go in terms of improving the professionalism of the sector. The constitution provides for freedom of association as well as freedom of religion, both of which are respected. While all associations (including religious associations) must register with the government, the process is not burdensome. Finally, it should be noted that there is a freedom for private sector activities, which since the democratic opening has led to an outpouring of private initiatives.

## **2.3 COMPETITION AND POLITICAL ACCOUNTABILITY**

*As far as competition is concerned, the media and the social capital represented by associational life remain a bright spot. Yet the Parliament has lost credibility, the parties are not serving the function of aggregating and articulating interests effectively, and there is a huge disparity between the levels of government in terms of local versus central. Of immediate concern is the widespread skepticism regarding the forthcoming elections and the lack of a credible electoral roll. This is particularly worrisome in light of the significance of the forthcoming transition from the ATT presidency, which has been a key touchstone in the maintenance of political legitimacy and order in the country.*

When extolling the virtues of Mali's democratic transition, the success most often cited are the four successive successful presidential elections that occurred in 1992, 1997, 2002, and 2007. It is also noteworthy

that two of these elections resulted in the peaceful transition of power to a democratically elected civilian, a feat which would have been unthinkable during the years of military dictatorship endured by the country. The last national election saw ATT returned to the presidency with an overwhelming 71 percent of the vote in a country that has well over a hundred political parties. As in 2002, ATT secured his victory as an independent, supported by a broad coalition of parties in putting together what is generally described as a unity government.

In 2002 and in 2007, however, there were also questions raised prior to the polls regarding the validity of the electoral lists. The government conducted a general census prior to the 2002 elections and was able to use those results to complete a new voters' list that eventually gained the support of all political parties, who accordingly agreed to participate in the subsequent elections. Again in 2007, numerous political parties expressed concerns regarding the accuracy and need to update the voter registration lists. As the critical elections of 2012 now loom in the not-too-distant future, the same issue has arisen. What is different this time is that there will not be a legendary leader like ATT to form a unity government as he did in 2002 and 2007.

The success of the last four presidential elections has also somewhat obscured the fact that the institutions to which the legislative and communal elections were held to fill have remained toothless. The success of a multiparty democracy hinges on the strength of the Parliament, as it is there that proportional majorities are established. Yet in today's National Assembly of Mali, the opposition has found it difficult to organize and be effective given ATT's independent status and national unity government; additionally, the legislature has not played much of an oversight role. It seems that politicians seek office primarily out of a sense of entrepreneurship, rather than as a means to advance a programmatic agenda. Meanwhile, the communal elections—while technically successful—have tended to result in high turnovers reflecting public disappointment with the ability of the commune's elected representatives to deliver concrete results in terms of improved services.

Despite Mali's embrace of multiparty democracy, the country's system of political parties is today dysfunctional. The profusion of political parties that accompanied the opening of political space after 1991 has swamped the electoral field with close to 140 personalistic parties in the fray. These parties play only a marginal intermediary role, failing to aggregate or represent the majority of Malians effectively. The relative absence of young party leaders in Mali is also striking given the demographic profile of the country. Popular perceptions of politicians reflect their poor standing as they have failed to live up to the high expectations that had been ushered in along with the democratic transition.

The role of providing checks and balances through executive oversight is therefore not fully played by the National Assembly. Nor, as seen above, is it performed by a capable and independent judiciary. Rather, Mali's strong presidency was originally intended to be accountable primarily to the electorate, but the weaknesses of the parties and the representative institutions have meant that this role is not as well performed as it could be. In part, this tendency was exacerbated by ATT's ability to rise above the political fracas, but the relative absence of effective checks and balances is a worrisome aspect of the current situation, and this has resulted in relatively weak accountability.

The liberties and political space accorded to individuals, associations, and the media is particularly impressive, and shows no signs of diminution. Malians have clearly embraced this aspect of their democratization, and there is a strong consensus that this opening be irreversible. The liberal environment for speech and association that was introduced in 1991 built upon a favorable basis for an active, engaged civil society. Mali has a rich tradition of associative life especially at the local level, where *associations villageoises* (village associations [AVs]) have contributed to gains in infrastructure, water, health, and education for years. Since the opening, though, there was a great profusion of associations of all types; now almost all professions have established associations, such as the *Ordre des Architectes* and the *Bureau Malien des Droits d'Auteur*. There are now over 8,500 associations registered in Mali although most of those are not active. Prior to 1991, syndicates were the only form of association permitted for collective bargaining, and though they were often co-opted by the military regime, they eventually played a leading role in the pro-democracy demonstrations. Today, the

constitution and the Labor Code both guarantee workers the right to form and join unions (except for the military and security forces) and most salaried workers in the formal sector belong to some labor union.

Compared to elsewhere in Africa, Mali can take pride in the relative diversity of its media. The public-funded broadcaster, the *Office de Radio et de Télévision du Mali* (ORTM), serves as the flagship national radio and television service, reaching the largest audiences. ORTM enjoys a noteworthy degree of managerial independence and covers a broad range of views; but observers largely also concur that state funding and other levers of government influence contribute to the public broadcaster's disproportionately favorable coverage of the incumbent authorities. Minority parties can appeal to a Commission on Equal Access when they believe their viewpoints are underreported by ORTM. More fundamentally, a vibrant sector of community, associative, religious, and commercial radios has emerged since 1992, now numbering almost 400 stations reaching over 90 percent of the population; and these stations provide coverage of and voice to virtually all segments of their local communities. Reaching smaller reading audiences mainly in Bamako, up to eight daily newspapers and dozens of less-regularly published print media, provide generally independent and broadly diverse reporting, sufficient to hold public authorities to at least some minimum level of public scrutiny. While Malian media surely have their deficiencies (described Section 3.7), journalists and media outlets reflect a lively pluralism that augurs well for continued democratic communications in Mali.

In addition to checks and balances between branches of government, competition can also play a role between levels of government. This was clearly the intent of the push for decentralization that went hand-in-hand with the democratic opening. Yet two decades after the enactment of the decentralization laws, Mali's local government system is still characterized by a pronounced gap in terms of decision-making powers and resources between central and local government authorities. In spite of a favorable legal and regulatory framework, and three free and peaceful local elections since 1999, inter-governmental relations remain characterized by a heavy "*tutelle*" over the communes (as explained in more detail below). The culture of top-down *tutelle* continues to directly impact on the quality and degree of local governance in Mali today.

The assessment team's meetings with local branches of national parties and municipal councils members, in both Bamako and the regions of Ségou and Koulikoro, revealed the extent to which this *tutelle* continues to undermine government efforts to translate the decentralization laws into reality. Indeed, and as far as "competition and political accountability" at the local level are concerned, not much has changed. These elements of democratic governance are undermined by the same political practices prevailing at the national level: the "*parachutage*" by national political parties by "selling" the nomination on their lists of local candidates. Unfortunately, this has contributed to the lack of transparency and the perception of a lack of "legitimacy" on the part of many local elected officials. This has also contributed to what was called by many respondents the "marginalization" of local leaders, especially "traditional leaders" or "*le pouvoir traditionnel*," resulting in low participation rates in local elections (around 40 percent in Ségou, for example) and low levels of local tax compliance. A second indirect and important result of the electoral practices involving the sale of slots on party lists is that "political accountability" is not so much toward (as was intended by the decentralization laws) local voters, but rather toward the leadership of national political parties in Bamako.

In addition, the financial resources available to the communes have thus far been insufficient to translate their legal competencies into effective authority. The communes are required to deposit their revenues into the central tax account, which is easier to do than to withdraw the funds, which have sometimes already been used by the state for other purposes. Likewise, the sub-prefects, prefects, and high commissioners appointed by the central government continue to exercise veto powers over most of the authorities formally transferred to local government officials, a tendency which has been further exacerbated due to much higher levels of experience held by the appointed higher level officials than those who work for the commune.

## 2.4 INCLUSION

*Pronounced issues with inclusion remain perhaps the most acute symptom of Mali's political challenges. Large and growing portions of the population remain alienated from the political system since tangible benefits of democratization have failed to materialize for most of the population who expected that the political transition away from dictatorship would lead to greater overall development. Problems with exclusion are particularly pronounced in terms of women and youth, with formidable cultural and economic constraints remaining to be overcome.*

Mali's inclusion problems are, above all, socio-economic in nature. Vast numbers of poor, mostly rural dwellers who form the majority of the country's population do not effectively participate in formal political or economic systems. Although decentralization was seen as the solution to this problem as far back as 1991, it has not yet advanced far enough to engage local communities effectively in using local governance to address challenges to their daily lives. Many Malians point to the colonial nature of the top-down public administration that was established prior to independence as the origin of the pronounced gap between state and society and point to the use of French as the administrative language as being symbolic of the hurdles yet to be overcome in integrating local populations who themselves converse in other local languages. The low electoral participation at local levels is a further symptom of the perceived irrelevance of local government to the challenges of daily life that occupies the bulk of the citizens' attention and energies. Key issues in the 2009 local elections included priorities such as poverty alleviation, job creation, and public services such as education and health. On the positive side, the inclusion issues facing poor, rural populations are not seen as based on ethnicity, which is a problem that tends to exist in other countries in the region. Even the security issues in the north are more due to challenges to economic livelihoods than to ethnic issues, a fact that is often obscured by reference to the term "Tuareg rebellions."

While the dualism that exists between state structures and the large majority of the public is not due to formal rules such as electoral eligibility, the lack of meaningful participation in political processes can impede democratic transition even if formal structures for such participation have been legally put in place. As USAID/Bureau of Democracy, Conflict, and Humanitarian Assistance (DCHA)/DG's "Conducting a Democracy and Governance Assessment: A Framework for Strategy Development" makes clear:

Political inclusion presents a tactical challenge to the democratization process itself. As authoritarian systems liberalize, the political mobilization of the previously excluded groups can have destabilizing effects that jeopardize the democratic transition. Transitions frequently begin with agreements among elites about limited reforms...[L]egal access is insufficient if in practice people do not actually participate in decision-making processes or use government services...Apart from active barriers erected by the state or other groups to exclude some citizens, inclusion and participation can also be impeded by passive constraints such as a lack of civic awareness, illiteracy, language barriers, poverty, social intimidation, rural isolation, or a variety of other factors" (pgs. 14–15).

### Ethno-linguistic Inclusiveness

Several political observers (notably, Richard Toe and Cheibane Coulibaly) stressed the ongoing salience of a cultural chasm between the "official" French speaking government structures and the "real" Mali of local communities and local minority languages. Decentralization recognizes the importance of involving Mali's rich array of local ethnic communities into the country's democratic processes, says Toe, but the transfer of power and money from Bamako to local governmental levels remains too incomplete to truly empower local communities as of yet. At a minimum, non-French speaking citizens are quite well-served by multilingual service by ORTM (with service in 13 languages) and especially by local radio stations (private, associative, and community radios), which strive to provide local reporting and windows for democratic discourse in all local languages.

Women suffer not just from the broader socio-economic exclusion described above, but also because of traditional limitations on their rights in particular. The Islamic practice of polygamy is widespread; close to half of rural Malian women live in polygamous households. Inheritance is also primarily governed by Islamic Sharia law, which favors male succession. For example, daughters tend to receive only half the share received by the sons and women generally inherit only poor-quality land that is not fertile. Even though the formal law provides for equal property rights, traditional practices and ignorance of the law prevents women from taking full advantage of their rights. Genital mutilation is widespread and Malian women are also restricted in their freedom of movement without the agreement of their husbands. Both poverty and cultural tendencies have also meant that the enrollment of girls at schools is lower than that of boys, and the percentage of illiterate Malian women is correspondingly higher than for men.

The inclusion problems faced by women are in fact more due to tradition and custom than to exclusion from formal political mechanisms. While under-represented, women do win election to government posts, a trend which has been gradually going up. Fifteen women were elected to the 147-member National Assembly. There were six women on the 29-seat cabinet, five women on the 33-member Supreme Court (including the chairperson) and three women on the 9-member Constitutional Court. In April 2011, President Touré appointed as prime minister the first woman to ever hold that post, Cissé Mariam Kaidama.

The other group that currently faces marked problems of exclusion is the youth. With more than half of Malians under the age of 15, most have suffered from the decline of traditional ways of life without being well served either by the modern state structure or by opportunities in the formal economy. The youth swells the migration to cities, where even paltry scraps of livelihood available there tend to be better than what is available in the countryside. The participation of youth in political processes is thus constrained as a result of their broader marginalization.

## 2.5 ADMINISTRATIVE ACCOUNTABILITY AND EFFECTIVENESS

***The DG dimension of government performance is also problematic as evidenced by the underdeveloped state of public services in every sector. Public institutions are weak and lack both material and human resources. Mechanisms for accountability are for the most part inadequate, and corruption is a systemic feature that plagues almost all aspects of government performance.***

One of the most striking themes that emerged throughout the assessment team interviews at both the national and local levels is the issue of corruption and the extremely negative perception of Malian public administration or “*fonction publique*.” First and foremost, Malian public administration is perceived as totally disconnected from the rest of the country. As many respondents (from various points on the political spectrum) bluntly expressed, it represents “*le pays légal*,” not “*le pays réel*.” Some respondents went even as far as to call it the arm of “*l’Etat post-colonial*.” Whether these extreme “labels” are justified or reflect any reality, is a matter of opinion and do not reflect the opinions of all Malians nor this DG Assessment team. Yet the fact is that today, in spite of all the progress made by Mali during the last two decades in terms of personal liberties and decentralization, the Malian administration is perceived by many as corrupt and inefficient, and even resistant to reforms that will undermine its privileges and excessive discretionary powers over the control of national and donors resources.<sup>10</sup>

Formal institutions exist but Malians see them as “empty” next to the “real Mali.” There is a more powerful but distant central administration, but at the local level public administration lacks the resources to engage in meaningful governance functions. Overall, the administration’s ability to deliver anything but the most rudimentary of basic services remains very poor. Education has failed to meet targets and some say is in

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<sup>10</sup> During the three-week mission in Mali for this DG Assessment, daily local newspapers reported frequently on corruption within the Malian administration and other public entities, such as the Office of Niger. This first week of the mission, it was reported that President Amadou Toumani Touré had sacked a number of DAAF Directors and suspended some others for corruption.

decline. Health has seen some improvements in sanitation mostly due to the community health centers, but the water sector continues to show deficits of potable supplies. The treatment of sewage suffers from a pronounced lack of infrastructure.

Part of the problem at the local level is that at 703, there are too many communes and many are not economically viable. The territorial division into communes involved choices made by the people, but administrators are now lamenting that the resource base is inadequate for sufficient resources and economies of scale to provide the services needed by the communities served by local government. Efforts to establish joint service units between several communes are under study and the private sector is increasingly partnering with local government to provide services such as trash collection. Nongovernmental organizations (NGOs) have started to work in partnership with government on service delivery, such as in the health sector with the creation of community health associations established in tandem with the creation of the *Centres de Santé Communautaires* (CSCOM). The idea of contracting out hasn't yet really taken root and a legal gap exists in terms of allowing private entities to take over management of public services.

There are high levels of both petty and grand corruption, which further demonstrate the aforementioned gap between laws and reality in Mali. Although the government has firmly condemned the practice of corruption, a rent-seeking mentality remains evident as underscored in the daily papers. Small bribes extorted by public officials in everyday life help fuel resentment and alienate the public from government authorities. Public procurements are also subject to manipulation to favor those who pay kick-backs or other such schemes. Funds from donors even get embezzled, as was recently the case when some health grants were suspended by the Global Fund to Fight Aids, Tuberculosis, and Malaria.

Instruments for control exist, but are not effectively used. The Parliament, for example, does not live up to its potential in terms of executive oversight, leaving much of the control function to the executive itself, as well as a handful of independent agencies. The Malian Anticorruption Agency (CASCA) and the Independent Office of the Auditor General (OAG) are the principal agencies responsible for combating corruption. The CASCA reports directly to the president and oversees a number of smaller anticorruption units in various ministries. The annual reports of the *Vérificateur Général* (Public Auditor) lay ample ground for legal action against corruption, but these are not always followed up. In addition to government mechanisms, the Malian press routinely reports and condemns government abuses. The government has sought to highlight its campaign against corruption with some recent high profile dismissals of the customs director, tax officials and public procurement officials. The anti-corruption campaign in fact dates back to the early 1990s when the Government of Mali, with the assistance of the donors, sought to strengthen both internal and external oversight functions to improve the transparency and accountability of public sector institutions and fight corruption, and allow for more citizen participation and access to information.<sup>11</sup> In June 2010, the government launched another ambitious program, the "Second Action Plan for the Strengthening and Modernization of Public Financial Management," the objective of which is to improve the transparency of public financial management across government.<sup>12</sup> Whether these renewed efforts will indeed help improve the accountability and effectiveness of the Malian administration and public sector institutions remains to be seen. It can be said that one of the greatest disappointments of Mali's democratic flourishing was that it did not end the corruption that prevailed under the dictatorship. The element of transparency and accountability in public affairs has not been institutionalized to the extent it was hoped or needed.

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<sup>11</sup> See for example, the World Bank, "Mali-Recommendations Visant A Renforcer Le Programme Anti-Corruption," World Bank, Washington, D.C. 2001.

<sup>12</sup> See, République du Mali, Ministère de l'Economie et des Finances, Cellule d'Appui à la Réformes des Finances Publiques : " Plan d'Action Gouvernemental d'Amélioration/de Modernisation de la Gestion des Finances Publiques –PAGAM II)." June 2010.

## 2.6 DISTILLING THE DG PROBLEMS

Overall, Mali's democratic experiment must be recognized as a success, albeit a work-in-progress. The last two decades have witnessed the building of a national democratic civic culture which draws upon a rich heritage of individual freedoms, pluralism, and decentralization. Important hurdles remain to be overcome in four out of five of the key dimensions of democratic governance considered above. Yet a threshold has been passed in terms of political liberties that bode well for the country's future ability to deepen and consolidate its democratic transition.

The resilience of the political system that was ushered in with the democratic reforms of the early 1990s will soon be tested as the second term of the charismatic President Touré comes to an end. An overwhelming number of Malians (81 percent) feel that the president should obey the constitution and serve only two terms,<sup>13</sup> but Touré's special status as an independent who attracted support from across the spectrum will be hard to replicate. The political arena is likely to become more open and competitive and the *Alliance pour la Démocratie en Mali* (ADEMA), which has benefitted from Touré's popularity since 2002, will now have to fight to retain power on the basis of its own credibility. Perhaps because of its priority on rule by consensus, the existing government has had a hard time taking tough policy decisions that challenge vested interests. This appears to be the case with issues such as rule of law and property rights reform. The tendency to protect vested interests may also be seen in the reluctance of centralized agencies to relinquish more resources and authorities to decentralized levels of government.

Mali's reputation for political stability is based on communal solidarity, traditional mechanisms for conflict resolution, and its established electoral democracy, not to mention the practice of Sufism, which is resistance to more radical forms of political Islam.<sup>14</sup> It is unlikely that the country will become susceptible to violent extremism except for isolated terrorist cells in the remote areas of the north. Yet there are strong underlying forces that could undermine stability in the medium terms which are social and economic in origin. This includes downward pressure on standards of living, making it especially hard to include the burgeoning youth in legitimate economic and political pursuits. In addition, the already marginal environmental conditions and conflicts over natural resources and land provide little flexibility to meet future stresses, both climatic and economic. For the first time, Mali was rocked on several occasions by food riots in 2007 and in 2008, with protestors holding the government responsible for its basic needs. More recently, the prices of some basic consumer goods have again been rising due to the impact of the persistent political crisis in the Ivory Coast, such as cooking oil and sugar. Mali's central political challenge is developmental in nature, in that improvements in democratic governance, especially at the local level, are needed to attend better to the pressing needs of the rapidly growing numbers of citizens.

The central DG challenge in Mali is how to build greater demand for accountability through greater and more effective political participation. The vast bulk of Mali's people are poorly connected to, or served by, the public sector. While the formal apparatus exists to enable greater involvement of the citizenry in their own governance, the incentives for citizens to participate in decentralized governance have not yet materialized. An essential dichotomy has emerged in Mali between the formal and informal, which is reflected in a pronounced gap between the Malian state and the majority of Mali's agrarian society. The patterns of dualism in society which have emerged became especially clear even back in the heady years of rapid economic growth experienced under the Konaré presidency, when the growth did not seem to translate into development. Ever since mid-1992, when Mali entered into an ambitious Structural Adjustment Program with the support of the World Bank and IMF, the country has earned high marks in balancing its finances and achieving macro-economic objectives. This good performance has not translated into improvements at the

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<sup>13</sup> Opinion Research Business, "Mali: Survey of Public Opinion," prepared for the Office of Opinions Research, U.S. State Department, March 2011.

<sup>14</sup> This does not imply that Mali is immune to conflict and insecurity, as witnessed through the abundance of land tenure and property rights disputes.

local level. Despite its political success and embrace of democratic principles, Mali has not experienced growth with equity. The informal barriers to greater participation in rural communes have impeded the more complete realization of the potential of Mali's decentralization. The continued lack of participation by the poor remains perhaps the greatest threat to further democratic transition in Mali.

The centralized apparatus of the state continues to capture the lion's share of public resources. A strong presidency remains subject to only the most rudimentary of checks and balances. These issues are not as proximate to the people as overcoming daily challenges to their livelihood. Most promising is that the legal structures now exist to address these challenges as a result of the groundwork laid by the government in launching the decentralization process. What is needed for these structures to be brought to life by more effectively linking them to the base constituencies. The gap between the formal and informal Mali at the local level is evident in, for example, the relative absence of traditional authorities (such as chiefs) from the current decentralization structures. Likewise, NGOs and associations currently perform some roles because they are more capable of doing so than many local public sector counterparts, largely because they tend to receive both outside funding and because traditional social capital is able to mobilize more community resources than are the tax collectors. Even in the north, which is particularly susceptible to exogenous factors, the central problem is that the advances made by the early promises and hope surrounding decentralization have not translated into concrete results or a greater release of popular initiatives in regards to livelihood. Quite the contrary, the economic opportunities that have shaped a culture of lawlessness have come through criminal activities such as smuggling and trafficking in arms, humans, and illicit goods.

In sum, the central DG problems in Mali stem from inadequate participation in democratic governance by the majority of Malians, who happen to be poor rural dwellers. While there has been considerable progress in laying the foundations for decentralization and for personal liberties, the top-down reform process that began in 1991 has not yet been fully availed of by most Malian citizens. The consequence of this lag has been weak accountability and a hindering of the ability of the state to mobilize more resources at local levels.

## 3.0 KEY POLITICAL ACTORS AND INSTITUTIONS

This section of the assessment explores how the key political actors operate within their institutional environment and are influenced by the structures and incentives of such institutions. It considers the extent to which existing legal frameworks and enabling environments can provide opportunities to support the democratic transition in Mali.

### 3.1 THE LEGAL SYSTEM

The legal system is based on French civil law combined with customary law. The judicial system includes a Supreme Court with both judicial and administrative powers and a Constitutional Court, which undertakes the function of judicial review of legislative acts and which serves as an election arbiter. Below the Supreme Court are three courts of appeal, seven courts of first instance, and labor courts. Appeals of lower court decisions proceed upward to the Supreme Court.

The strong influence of the executive over the judiciary is rooted in its power to appoint judges and to oversee both judicial functions and law enforcement. This means that judges are not likely to represent a constituency for reform, and there are not enough lawyers to perform this role adequately, although some media outlets could help provide more of a voice to the lawyers. On the local level, the weakness of the Malian judicial system means that village chiefs and elders end up resolving most local disputes in rural areas. The coexistence of the formal and informal access to justice presents a challenge to the establishment of the rule of law that has not yet been overcome in Mali. This was made evident by the disappointing results of an ambitious donor justice program called *Programme Décennal de Développement de la Justice* ([PRODEJ] mostly funded by the Dutch and Canadians).

### 3.2 ELECTORAL INSTITUTIONS AND POLITICAL PARTIES

The president is elected by a two-round majority vote for a maximum of two five-year mandates. The president serves as the Chief of State and appoints the prime minister, who acts as head of government. There have been four successful presidential elections since the democratic transition resulting in two civilian presidents each serving two full terms (assuming ATT does not leave the presidency prematurely). The other national elections are for the 147 members of the unicameral National Assembly. The MPs (Members of Parliament) are elected through a majority party-list system with two rounds of voting for five-year terms. The last presidential and parliamentary elections were held in 2007; the next elections will be in April and July 2012, respectively.

The management of elections is ensured by three bodies: the Independent National Electoral Commission (INEC), the General Delegation for Elections (DGE), and the Ministry of Territorial Administration and Local Government.

The role of the INEC revolves around the monitoring and supervision of elections. It is responsible for ensuring the integrity of the ballot and the application of the electoral laws. Created by the Electoral Act No. 02-007 of February 12, 2002, the INEC is constituted as follows:

- Five representatives of political parties from the majority coalition;

- Five representatives of opposition political parties; and
- Five representatives of civil society on the basis of one delegate each for religious groups, the independent union of the Judiciary, the Council of the Bar Association, the Association for the Defence [sic] of Human Rights, and the Coordinating Women’s Organizations and Associations (CAFO).

The DGE was also created by the electoral law of 2002 and provides assistance to the INEC, at the request of the latter. It has three main missions, including the development and management of the electoral register, the production of voter cards, and the oversight of political party financing. The head of the DGE and his deputy are both appointed by decree of the President of the Republic; they are perceived as an independent administrative authority with a working relationship with the INEC and MATCL.

Under Article 17 of the Electoral Law of 12 February 2002, the MATCL, subject to the powers of INEC and DGE, serves the following functions:

- Preparing technical and material of all operations for referendums and election;
- The physical organization of referendums and elections;
- The development of procedures and actions relating to the conduct of elections and referendums;
- Centralization and the announcement of provisional results of the referendum and presidential and legislative elections; and
- The presentation of the results of presidential, legislative, and municipal elections as well as referendums to the Constitutional Court.

In addition to these three bodies, two other institutions are involved in the electoral process. First, the National Committee of Equal Access to state media, created pursuant to Article 7 of the Constitution by the Organic Law No. 93-001 of 6 January 1993. This body is designed to ensure equal access to state media by candidates, political parties, and groups of competing parties leading up to elections. The National Committee is responsible for overseeing the three major state media’s (television, radio, and print) coverage of election campaigns.

The Constitutional Court is responsible for resolving electoral disputes. It is involved both prior to and after elections. It records disputes relating to the validity of nominations for parliamentary and presidential elections. It also has jurisdiction for complaints relating to the election of the President of the Republic and Members of Parliament that are submitted within five days of the election. Complainants can include candidates, political parties, state officials in the administrative district, or staff of polling places. The provisional results of the elections can also be challenged before the Court within 48 hours after their proclamation of the results. This right is open only to candidates for presidential and legislative elections and political parties.

These bodies have not had to play a key role during previous elections. They can therefore be considered as credible. However, some political observers express doubts on the reliability and accuracy of the aggregated preliminary results announced by the Ministry of Territorial Administration.

The party lists for the Assembly are closed and there has been a scramble by political entrepreneurs to try to sell or buy positions on party slates. Of the nearly 140 political parties, about 100 are active. The strong presidency and the factious nature of Mali’s multiparty system have meant that the governments have tended to be formed through coalitions. This was especially true during ATT’s presidency; he ran as an independent but had the support of an inclusive national unity coalition. The role of the parties has been particularly muted during ATT’s time in office and there is a formal opposition to has not emerged from parties not in a coalition. The image of politicians in the public eye in Mali is low; parties are seen as personalistic in nature and lacking in programmatic coherence. Parties lack a sense of constituent service and generally do little to

represent broad interests. They tend to start as splinter groups from previous parties, especially former President Konaré's ruling ADEMA party.

Thus far, political parties have failed to play an effective function in providing a check on the executive, which was the idea behind Mali's experiment with multipartism. Partly this has been due to the weak nature of the National Assembly, the representative institution to which the MPs are elected. Without much of a formal opposition, parties essentially vie for inclusion in governments, hoping to gain access to some patronage resources through a ministry. Yet the weak evolution of political parties has also been due to closed party lists, which have kept parties from becoming more internally accountable to their constituents. In any event, the forthcoming 2012 elections will be particularly interesting because of the declining credibility of the lists that were drawn up in 2002, which many are demanding be updated. Without new voter lists, the parties are likely to have even less credibility than currently, although the impact is not likely to be as high in regards to the presidential campaign, where the president is directly elected.

### **3.3 THE LEGISLATURE**

The *Assemblée Nationale* (National Assembly) of Mali is the country's sole legislative arm of the government. The Parliament of Mali is composed of a single chamber (unicameral system). The deputies are elected by direct universal suffrage for five years. The current National Assembly, which is the fourth legislature since the Third Republic was established in 2007, ends its term in 2012. The number of deputies is fixed by an organic law according to a fixed number for each circle (district). The Assembly holds two regular sessions a year, during which it deliberates and votes on legislation that is usually introduced by the government. Although technically Parliament has the right to question ministers about government policy and actions, this authority is rarely invoked. In fact, even the debates over draft legislation are rather tepid and constituent representation is another legislative function that is under-fulfilled in Mali.

While elected to a constituency, each member is vested with a national mandate. The MPs enjoy parliamentary immunity and receive remuneration and reimbursement for the costs of session. The National Assembly considers and votes on laws which are submitted by the government, as well as proposed legislation if it comes from a parliamentarian. Voting is by show of hands or by using an electronic voting machine.

The policy statements of each government (with each new appointment of prime minister) are submitted to a vote of the National Assembly. It is the same for every state budget. MPs are also entitled to question, in open session, the ministers and the Prime Minister on their decisions and policies. These sessions are broadcast by the media. The ultimate sanction that can be imposed by the National Assembly against the government is the passing of a censure motion.

Parliament's role has, to a certain extent, been undermined by President Touré's brand of consensus politics that sought to incorporate potentially key opposition parties into the governing coalition. The parties in Parliament tend to operate in shifting electoral coalitions and are generally organized around leading personalities that are associated with patronage, ethnic, or regional interests. The largest party is ADEMA, currently part of the ruling Alliance for Democracy and Progress (ADP) coalition.

In practice, under the Third Republic, one can lament the lack of real oversight of executive action by Parliament. This reflects inherent limits where a majority coalition prevails in this type of representative democracy. All governments have received an overwhelming majority of deputies in Parliament. Moreover, the real power of Parliament remains extremely weak against the executive. Therefore, all acts of oversight and questioning the government has had limited effect, in that these acts were done by the opposition or the majority itself.

That said, the National Assembly of Mali operates in accordance with constitutional and legal requirements and its own rules. All laws of the Republic are passed by Parliament. The Assembly regularly plays its

institutional role conferred by the Constitution in passing legislation. Despite the virtual absence of opposition since the advent of the Third Republic, parliamentarians do provide some role as a forum for debate and dialogue over public policy. The policy statements of all governments (provided on the occasion of an appointment of a prime minister) have been submitted for consideration and vote of the Assembly. The debates serve the function of promoting public dialogue more than they do oversight. It must be noted that the sessions are characterized by a certain objectivity, even when they are led by members of the presidential majority.

The performance of Parliament might be given a boost with the expected passage of the constitutional amendments, which include the transformation of the unicameral National Assembly into a bicameral legislature. The establishment of a national Senate is the centerpiece of the reforms; this upper chamber is intended to supplement the party list House of Representatives with an indirectly elected Senate that is drawn from the sub-national regional assemblies. This new chamber is intended to supplant the consultative body that previously represented locally elected officials in regards to decentralization policy (the HCCT). This new development bears watching as it could lead to opportunities to develop a Senate staff that could better enable public dialogue on the next steps needed in decentralization.

### 3.4 THE EXECUTIVE

Mali's democracy features a strong presidency. The Third Republic is a constitutional democracy with a semi-presidential system. This system is generally based on the French model, with the directly elected president appointing a prime minister to head the government. The prime minister appoints the cabinet. In principle, a separation of powers and elements of accountability would exist but the president can dissolve the National Assembly, appoint judges, and oversee the judicial system and law enforcement. A strong multi-party opposition would have helped to provide for better realization of the checks and balances, but the dysfunction of the Parliament has meant that the executive operates with relative impunity, if not always efficiency. The strength and dominance of the executive has made it difficult for the central administration to live up to the president's own vision of decentralization.

Since Mali embarked on the historical regime change that was shaped by the opening to democracy in 1991, most Malians have seen the decentralization reforms as the centerpiece of the country's democratization. The continuing efforts at decentralization have set in motion a reshaping of intergovernmental relations and brought into fresh light the widening gap between the forces that support such reforms and those who oppose giving up the prerogatives of a more centralized control over resources and who continue to resist changes. It is important to note that the executive branch as a whole is not homogeneous in its support or opposition to reform. While decentralization was motivated and led from the top, it is the middle echelons of the bureaucracy that tend to drag their feet in advancing decentralization even further, particularly in the line ministries and in ANICT.<sup>15</sup>

Despite the government's efforts to modernize and limit the size of the state's central administration (estimated at 35,000 in 2009) in order to maintain its public sector wage bill at a reasonable percentage of total public expenditures and Gross Domestic Product (GDP), the Malian administration continues to absorb a significant portion of public spending. For most Malians, this is not money perceived as well spent; it is often said that over 80 percent of state revenues never reach the commune. The continued concentration of resources through Bamako-based government agencies has contributed to popular perceptions of a state disconnected from the needs of the rest of the country, or "*le pays réel*."

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<sup>15</sup> In this regard, this DG Assessment diverges from the more blanket description of the central Malian state as "predatory," which is how it is presented in USAID's Comparative Assessment of Decentralization in Mali. On the contrary, this DG Assessment has found that political will for decentralization continues to exist at high levels but its full implementation has been retarded by the system of "tutelle" as it has evolved over time to reduce the autonomy of governance at the communal level.

In terms of its overall performance, the Malian central administration continues to be plagued by the following dysfunctions:

- **Poor public service delivery and deficient resource allocation.** Despite substantial increases in resources allocated to education and to health during for the last decade or so under the several *Poverty Reduction Structural Programs*, only modest improvements in services have been achieved and resources are still spent disproportionately in urban areas while most of the poor live in rural areas.<sup>16</sup>
- **Persistence of corruption.** As mentioned earlier, there have been some much-heralded government efforts in recent years to fight corruption. This led in 2008 to a slight improvement in the Transparency International Corruption Perception Index (CPI), from 2.8 118/180 in 2007 to 3.1 96/180 in 2008. As revealed by a recent World Bank Study (2008) focusing on the energy and transport sectors,<sup>17</sup> in spite of these and other ongoing efforts for over more than a decade now, persistent policy and institutional “challenges” still face the effective implementation of the Government efforts to improve the country’s governance system and more particularly public sector transparency and accountability. These persistent challenges can be grouped as follows:
  - Poor capacity for both internal and external oversight of overall public expenditures and budget execution and monitoring;
  - A non-transparent public sector procurement system;
  - Absence of formal mechanisms for citizen participation and access to information on budget execution;
  - Excessive discretionary power of civil servants and lack of safeguards; and
  - A weak judiciary with inadequate human and financial resources to function properly.

The above factors, in addition to the lack of effective oversight by the legislative branch of government over the executive (government accounts for example, have not been audited since independence) have led to abuses of power, lack of transparency, and ample opportunities for corruption.

### 3.4.1 Recent Reforms to Improve the Performance of the Executive

With the assistance of the donors, Malian authorities have recently launched the second phase of an important program to improve the performance and accountability of its central administration and improve the transparency of public finance management and further decentralize and deconcentrate the national budget.<sup>18</sup> The reform of the “*fonction publique*” (central public administration) with the *Programme de Développement Institutionnel* (PDI), launched in early 2000, continues to meet formidable implementation challenges especially in the area of decentralization and deconcentration of human resources.<sup>19</sup>

In terms of a constituency for reform, the picture from the executive side is mixed. Since the early 1990s, the country’s democratic reforms have been shepherded from the top, albeit with considerable popular participation, especially in the beginning. Yet ATT’s consensus style of rule meant that while the executive remained a dominant institution, it was not based on a coalition that was easily able to implement bold reforms. The greatest interests

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<sup>16</sup> The International Monetary Fund, “Mali: Poverty Reduction Strategy Paper - 2008 Progress Report,” IMF Country Report No. 10/266, August 2010.

<sup>17</sup> The World Bank, “Mali: diagnostic sur la Gouvernance dans les Secteurs du Transport et de l’Energie au Mali,” Washington, D.C. : June 2008.

<sup>18</sup> The two key instruments for these reforms are: (i) the *Programme de Développement Institutionnel*, implemented by the EU; and (ii) the PAGAM-II.

<sup>19</sup> Interview with the EU PDI Coordinator.

arrayed against greater transparency and financial decentralization are to be found within the executive bureaucracy that would lose some of their discretionary powers were reforms to continue to advance. While a reformist president is necessary for democratization to continue to consolidate, there is also a need for greater demand from below for both decentralization and transparency to advance past the “tipping point.”

## 3.5 LOCAL GOVERNMENT

### 3.5.1 The Decentralization Reform Process

In the aftermath of the 1991 “National Conference” and the adoption of a New Constitution in 1992,<sup>20</sup> the government of Mali launched an ambitious decentralization reform, culminating in the enactment of a comprehensive decentralization law in 1993. The stated objectives of the reform were:

- Improve the country’s service delivery system to reduce poverty by providing better accessibility to basic social services by the poor;
- Improve citizen participation in the decision-making processes affecting their lives and localities, thus reducing the cognitive distance between the “administrators” and the “administered;”
- Reshape inter-governmental relations through the deconcentration of the central administration and the strengthening of the territorial administration; and
- Finally, and more broadly, contribute through other reforms (such as that of the judiciary and the legislative branch) to improve the country’s governance system.

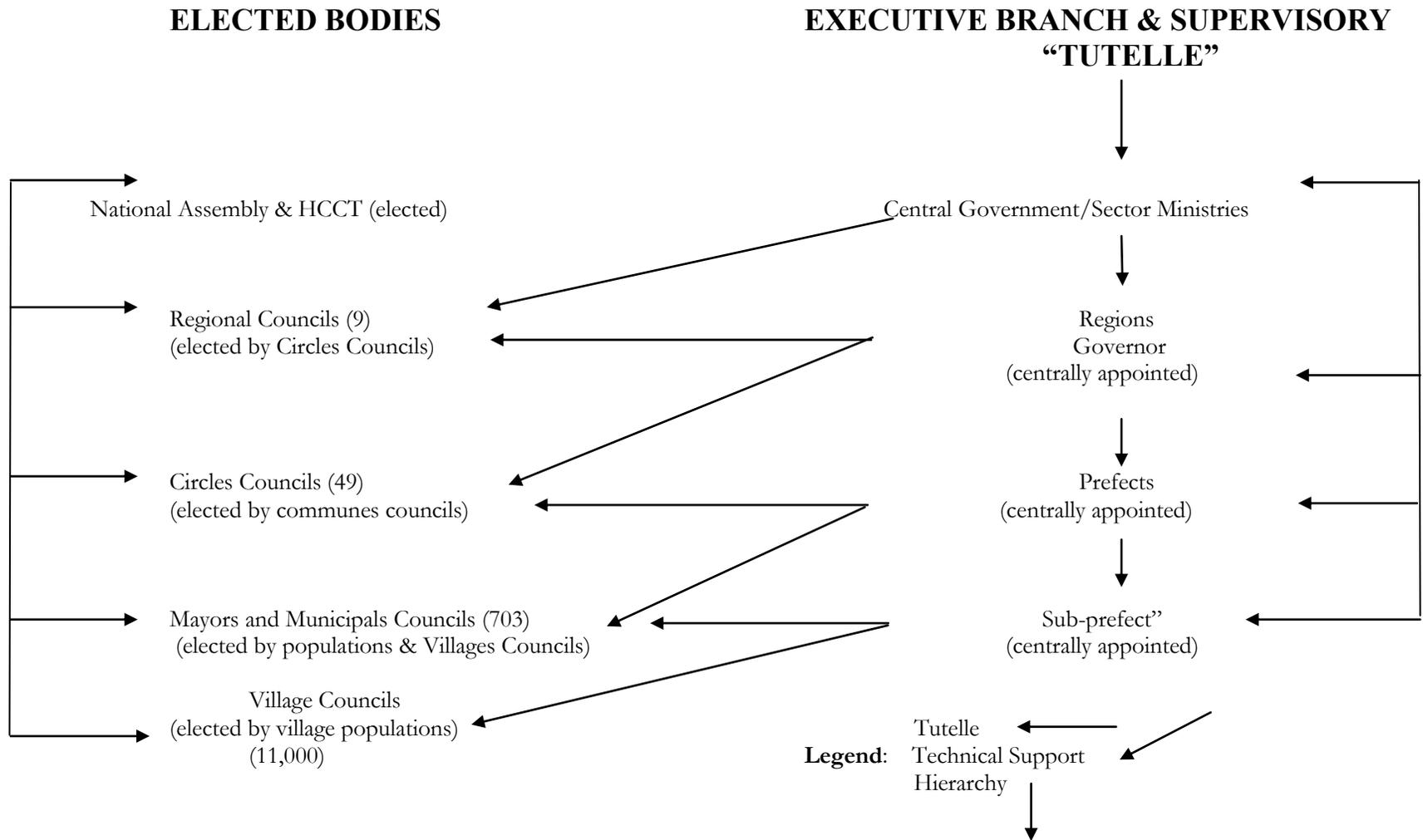
In 1999, with the holding of the first free local elections, the new local government system was established. The existing territorial administration was also restructured and elected consultative bodies above the commune level (councils, without executive powers) were also created. With the completion of this political/administration decentralization, Malian sub-national governance structures include: 703 decentralized communes; 63 administrative territorial units (nine regions and 54 circles); and eight regional and 54 elected consultative bodies (See Figure 3.1 for a schematic of the current territorial governance system).<sup>21</sup>

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<sup>20</sup> Which (a) set forth the basic principles of decentralization in Mali in its articles 97 and 98; and (b) established the “*Haut Conseil des Collectivités Territoriales*.”

<sup>21</sup> Plus the District of Bamako, which has the status of both a region and below it the status of a commune, but without the intermediate level (the circle).

**Figure 3.1: Mali's Current Territorial Governance System**



However, as the decentralization reform was originally driven by political considerations (in the euphoria of the aftermath of the “National Conference”), its concrete operational implications for the reshaping of central and decentralized governmental relations were not carefully considered, as recognized by many now.<sup>22</sup>

Most important of these, is the re-alignment of the center to adjust, through *déconcentration*, to the needs of the newly created sub-national level of government. In the context of the stated objective of “reforming the role of the State” by the authorities since at least 1993, this is indeed a paradox, in the sense that decentralization in Mali today is far more advanced than *déconcentration*.

Furthermore, and from an operational perspective, if the transfer of competences is almost complete now, the key issue of transfer of resources remains unresolved, in spite of the creation in 2001 of ANICT, “the National Local Government Investment Agency,”<sup>23</sup> which partially helped mitigate this problem. This persistent problem is largely explained, by the reticence of an entrenched central bureaucracy to surrender control over both internal and external resources.

In short, in spite of a favorable enabling legal and regulatory framework, the effective implementation of the reforms upon which the improvement of local service delivery depends, is still hampered by an inadequate transfer of resources required for local governments to effectively exercise the powers transferred to them. Moreover, if one adds the fact that the mobilization of their own local resources remains low (40 percent in Ségou and 30 percent in Koulikoro) with weak technical capacity, local governments have not yet been in a position to play their lead role in local economic and social development.

The decentralization reform has thus transformed since 1993 the political landscape of Mali and inter-government relations by transferring a number of mandates for local public services and to the new 761 “*Collectivités Territoriales*” (CTs) (703 communes, 49 *cercles*, and eight regions). Notwithstanding the various constraints its effective implementation has been facing over the last 10 years, it is now irreversible as it has deepened the democratic process in Mali by involving citizens in local development.

The key constraints still facing the reform, from an operational point of view, are summarized below:

***The persistent resistance of central ministries to transfer a greater share of resources to the communes***

The transfer of resources to the communes from the central level is still very slow, in spite of the Prime Minister Instruction of November 2008 and the creation of the “*Cellules d’Appui à la Décentralisation et la Déconcentration*” (CADD). Sector resources that are supposed to be transferred to the communes (concomitant to the transfer of services responsibilities) continue to be problematic. The creation of ANICT in 2001 has mitigated to some extent this problem, but central ministries continue to resist budgetary transfers. These ministries represent the actors within the executive that are most resistant to the decentralization reforms introduced by others in the same branch.

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<sup>22</sup> Among the informal meetings requested by the team with independent individuals, the meeting with Dr. Ousmane Sy, Minister of the MATCL for near 10 years, was among the most informative and helped the team better understand the persistent and unintended political and institutional difficulties still facing the effective implementation of the decentralization reform today in Mali.

<sup>23</sup> Since its creation 10 years ago, the Board of Directors of ANICT has granted 128 billion CFA in investments for a total of 11,792 projects in all 9 regions (all sectors combined). Each year, “drawing rights” are awarded to local governments on the basis of their “primitive budget,” submitted before September 30 of each year to MATCL and a second “additional budget” submitted before June 30. Projects submitted to ANICT are analyzed on the basis of well established criteria by the Board on which a number of donors are represented as observers.

### ***The heavy dependence on donors funding***

This resistance by the sectors to budget decentralization explains the high dependence on donor funding for local development. For example, between 2008 and 2009, 93.21 percent of all grants allocated to communes were from donors compared to only 6.79 percent were from the national budget.<sup>24</sup>

### ***Weak local resources mobilization***

A second problem is the weak capacity of many communes to mobilize their own local resources, as a result of their dependence on central government entities (such as the tax administration and the treasury) for the entire cycle of tax identification and collection. Furthermore, for many communes (especially rural communes), even those with high tax recovery, are too small to be financially viable.

### ***The persistence of the “decoupage problem”***

This financial and economic viability problem is explained also after 10 years of implementation by the difficult land problems and conflicts resulting from the early administrative “decoupage” determining the territory of the communes. With the rapid urbanization of Mali in recent decades land problems have been exacerbated, especially between urban and rural communes surrounding them. However, these problems have not been created by the decentralization reform, but by the reluctance of the State to transfer what is called “*public domaine*” (State land) to the communes.

### ***The relative lack of involvement of citizens in local development***

Outside local elections and the preparation of the *Plans de Développement Économique, Social et Culturel* (PDESCs), weak citizen participation characterizes local affairs, which explains in part the low tax compliance noted in Segou and Koulikoro, for example.

### ***Weak overall capacity of both elected official and the managerial staff of the communes***

In spite of all the capacity building efforts by the donors for the last decade or so, this persistent constraint continues to impact on the effective implementation of the reform and the improvement of local service delivery. From basic core functions (such as budgeting and local planning) to infrastructure maintenance, existing managerial and technical capacities (especially in the area of “*maîtrise d’ouvrage*” [ownership of the project cycle]) vary considerably between communes.

### ***Lack of proper mechanisms for technical support to the communes***

This weak capacity of the CTs is further aggravated by the lack of proper national mechanism for technical support is explained by three factors:

- The lack of resources by the “*services déconcentrés*,” which are supposed to provide guidelines and support to the CTs;
- The ineffectiveness of the “*Comités d’Orientation, de Coordination et de Suivi des Actions de Développement*” due to the lack of operating budget; and
- The phasing out in 2007 of the “*Centres de Conseil Communaux*” when donor funding for this mechanism was eliminated.

### ***Inter-government Relations***

Within the above context and two decades after the enactment of the decentralization laws, Mali’s local governance system is still characterized by a huge gap in terms of decision making power and resources

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<sup>24</sup> *Direction Nationale des Collectivités Territoriales* (DNCT). “Etude sur le bilan et les perspectives de la décentralisation au Mali.” March 2011, p. 9.

between central and local governments. Indeed, as revealed by this DG Assessment, in spite of an enabling legal and regulatory framework regarding the transfer of “authorities,” inter-governmental relations are still marked by a heavy “*tutelle*” over the communes in both technical and fiscal terms. As a result of this system of *tutelle*, there is still a significant overlap of the domains of competence between the decentralized and deconcentrated authorities. For instance, although the budget is drawn up by the mayor and municipal council, it must be approved by the prefect before it can be funded or implemented.

In addition, and due to limited technical capacities to plan for, implement, and manage basic public services, most communes (especially rural communes) continue to depend heavily on the “*services déconcentrés*” of central ministries. The latter, because the persistent “resistance” of their respective ministries to deconcentrate their operating budgets, are not in position to provide the technical support expected from them. As the DG team discovered in the communes of Sébougou, Ségou, and Koulikoro, this has led to a total lack of transparency in intergovernmental relations at the local level, a situation in which the communes are forced in many instances to pay under the table to get the technical support they need, even in regards to the collection of their own revenues.

This dependence on central government entities is reinforced further by ANICT, which was established in order to streamline capital investment transfers to local levels. Notwithstanding the fact that the creation of ANICT has played an important role in the transfer of budgetary resources to local governments, reducing therefore the quasi “monopoly” of central ministries over donor resources for investments in basic social services, and the fact that it is much appreciated by local governments, it is perceived by most communes as a cumbersome and a top-down mechanism in which they don’t have much say in, nor much understanding of, its functioning.

The marked centralization of public expenditures is another area which illustrates the current nature of intergovernmental relations in Mali. It is thought that approximately 85 percent of all public expenditures today are done by the central level.<sup>25</sup> Furthermore, and according to former Minister Ousmane Sy, local governments today depend heavily on external funding: near 96–97 percent of their resources for investment are from donors.

In short, there is an obvious split today in Mali between those who continue to resist reform and those who support further decentralization, especially at the central level. By changing the balance of power, the decentralization reform has shed a new light on the nature of resistance especially when it comes to the decentralization and deconcentration of state resources.

A recent study on the political economy of decentralization carried out for the World Bank by one member of the Assessment team identified two key groups of stakeholders in this respect:

- The “opponents” of decentralization: These include certain central level officials, mostly associated with the *tutelle* and deconcentrated structures, who continue to perceive budgetary decentralization as a loss of their discretionary power over central resources allocation; and
- The “proponents” of the reform: These especially include regional and local elected officials who see decentralization as a potential means to increase their powers and access to financial resources from both the government and the donors. Proponents also include high ranking members of the government who have sought to lead the decentralization movement from above as a means to increase their own legitimacy.<sup>26</sup>

The above constraints to the greater realization of the advantages of decentralization should be taken into consideration in refining USAID local governance assistance programs in the following ways:

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<sup>25</sup> Interview with an independent respondent. Data on current local government expenditures does not exist; when it does exist, it is not reliable.

<sup>26</sup> Raphael Diarra, *Economie politique de la décentralisation au Mali*. October 2010.

- **The resistance by the center to an effective and concomitant transfer of budgetary resources to the communes.**
- **Dysfunctional inter-governmental relations:** This constraint is related to lack of proper mechanism for effective technical support to the communes. While the “*tutelle*” was originally conceived as both oversight and technical support, it is the former function that has become the dominant aspect of the “*tutelle*.” Technical support to the communes is especially critical in regards to the mobilization of local revenues and tax collection.
- **The lack of formal mechanisms for citizen participation and community monitoring** of local government activities to ensure more inclusion of all of the actors at the local level. This will require better transparency and accountability of local government spending and procurement practices.
- **The lack of a strong link between capacity building and training in regards to concrete investment projects:** This leads to persistent weak capacity of the communes in the key area of “*maîtrise d’ouvrage*” to ensure better “ownership” by local governments of local development projects.

### 3.6 CIVIL SOCIETY

Over 10,000 CSOs operate freely throughout Mali, of which nearly 1,200 enjoy signed agreements with the Government of Mali. A 1994 Law (No. 04-038) lightly regulates CSO activities, allowing citizen organizations to declare and register themselves easily as associations, while also stipulating that associations must exist at least three years after their initial registration before they can sign agreements with the state. The *Cellule d’Appui au Développement a la Base* (CADB) under MATCL handles the registration and monitoring of CSOs from the grassroots to national levels.

An initial wave of CSO formation occurred in the 1970s–1980s in response to urgent needs caused by severe drought conditions during that period; another more explosive growth period for association building by Malian citizens resulted from the democratic transition of the early 1990s. Since the last growth period, civil society played significant roles at key moments to help manage or prevent conflicts, including support for mitigating the Tuareg rebellion in 1990–1992 and helping to calm the political crisis following the elections of April 1997.

Citizen associations have remained active to the present day at all levels and engage a wide range of development areas including health, education, agriculture, water management, environment, micro-finance, and delivery of services. While civil society does not always have sufficient technical capacities, it has widely engaged and supported decentralization processes, contributing to the formation of policies, development plans, and operational implementation of local actions.

CSOs have played key local development roles, in part, by connecting donors with Malian citizen organizations to address local and national service-delivery needs that might otherwise have gone unaddressed. CSOs effectively provide donors and Malian government authorities with important local inputs (citizen voice, advice, and buy-in; grassroots implementation support). The delivery of goods and services by CSOs at various local levels have proven an important method for transferring foreign funds to localities more effectively—a role that will remain vitally needed until such time as decentralization begins to transfer more serious levels of financial, material, and technical resources directly to local territorial units. Clearly, decentralization’s ultimate preferred goal (oft repeated in this report) will be the empowerment of local levels of government to take on many of the service delivery roles that have been undertaken, as an expedient option, by donor-supported CSOs.

At the national and international levels, Malian civil society umbrella organizations can serve to aggregate interests of the member local CSOs in their respective development sectors. Under a unique Malian democratic tradition, an annual CSO-Government dialogue in Bamako draws together most national umbrella

organizations plus many individual CSOs to discuss government/civil society challenges and opportunities for improved cooperation at all levels of the state. Since at least 2005, national umbrella organizations such as the *Plateforme DESC du Mali* have become increasingly active presenters of Malian civil society views in international forums.<sup>27</sup>

Two illustrative umbrella organizations visited by the assessment team (the *Association des Organisations Professionnelles Paysannes* [AOPP] and CAFO) evidenced expertise in their subject areas, dedication to their organizational missions, interest aggregating capacities, and advocacy work in their respective issues areas of rural development and women's rights. AOPP, for example, has grown from a group of 24 founding rural CSOs in 1994 to a national federation representing over 200 CSOs with offices in all districts, lobbying and public relations capacities from the commune to Bamako levels, and active engagement on issues ranging from cotton production and animal husbandry to the pivotally critical issue of land ownership.

Although each CSO has its individual strengths and deficiencies, the most common weaknesses among Malian civil society organizations include lack of strategic planning, poor internal governance, irregular reporting and insufficiently diversified funding sources. According to one estimate, 90 percent of CSO funding comes from foreign donors, reflecting a paucity of local foundation or local government funding capacities. As the combined result of these factors, especially the lack of diversified sources of support, "many NGOs disappear annually because of a lack of funding."<sup>28</sup>

Citizen associations have generally demonstrated a low propensity to play watchdog roles over government authorities, a role played relatively more actively (albeit not always sufficiently professionally) by newspapers; community radio stations; and one specialized CSO, the *Réseau Malien des Journalistes Contre la Corruption et la Pauvreté*.

### 3.7 MEDIA

The media operate with substantial independence, yet journalists and their media outlets still struggle daily to uphold minimal levels of professionalism and economic viability. This dichotomy between achieved media freedoms mixed with persistent challenges characterizes each subsector: radio, television, newspapers and the new electronic media.

Given radio's ability to communicate broadly with all social segments, including low-income and illiterate listeners, radio continues to attract the largest audiences nationally. Television and cable viewership increasingly rivals radio listenership in urban areas. While newspaper print runs total no more than a few thousand copies daily in Mali, newspapers do reach an importance niche market of elite readers. Newspapers thus play outsized "agenda-setting" roles by shaping elite opinions and by generating further discussion of provocative articles or headlines on radio or TV press review programs.

Articles 4 and 7 of the Constitution guarantee freedoms of expression and the press, under conditions specified by pertinent laws; and the regulatory environment enables relatively open entry into the radio or print markets. Media exercise their rights freely with only limited fears of legal sanctions or rare instances of physical violence. Libel remains a criminally punishable offense; and when cases arise, journalists bear the burden to prove they did not libel the plaintiff. These legal anomalies amplify the threat of libel suits, potentially dampening critical investigative reports. In practice, however, libel cases rarely go to court and are most often resolved by out-of-court settlements. When press rights appear to fall under duress, for any reason, the media community and civil society tend to rally together in defense of the threatened outlet or journalist.

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<sup>27</sup> For example, see Civil Society and Aid Effectiveness: Report of 3<sup>rd</sup> High Level Forum on AID Effectiveness, Accra, Ghana, September 2008.

<sup>28</sup> NGO Sustainability Index (NGOSI), 2009, p. 88.

Mali accordingly enjoys a quite vibrant, free, and pluralistic press on a continent where media rights cannot be taken for granted. The public-funded broadcaster, ORTM, faces independent competition for urban television viewers from *Africable* and other cable channels; while 400 independent on-the-air radio stations contribute to an impressively pluralistic radio environment, offering multiple channel choices to listeners in urban areas and also reaching increasingly remote northern and rural areas. Among the cities visited by the assessment team, residents from Bamako district enjoyed a choice of 18 stations on their radio dials; in Koulikoro, 5 stations; and in Ségou, 9 channels.

Auguring well for the further development of radio program-sharing cooperatives or networks, the three sample city radio markets visited by the assessment team showed a pragmatic willingness by most stations to work jointly in combined public education campaigns to promote key development issues. All five Koulikoro and all nine Ségou radio stations jointly participated in combined campaigns or “synchronized” thematic coverage of such local issues as water management, sanitation, schools, and elections. Individual local stations provided news coverage in various local languages as well as interactive talk shows to facilitate community discussions of key local issues.

Existing Bamako-based national radio networks include the women’s radio network, *Guintan*, and partisan “associative” networks, *Kayira* and *Jamana*. An emerging new program sharing cooperative (and possible future network) is taking shape under the leadership of *Radio Kledu* and 30 other radio stations throughout Mali. With support from the Friedrich Ebert Stiftung, these stations air a live, periodic talk show called *Club de la Presse*, which has addressed such difficult issues as northern security, corruption in public administration, HIV-AIDS, and the recent controversy regarding the 2012 electoral list system.

While Malian independent media have flourished in many respects, this sector also faces significant ongoing challenges in at least four areas: weak media business management and correspondingly poor economic self-sustainability, low levels of journalistic professionalism, political-economic pressures anticipated during upcoming elections, and technical adaptation to the digital/information/Communications Technology (ICT) revolution.

Fundamental media sector weaknesses arise, significantly, from weak business and management practices by private as well as by not-for-profit media enterprises. Malian media would benefit considerably from improved management, better audience research, and other improved business practices to attract audiences, increase revenues and/or lower costs. For example, the newspaper industry is overcrowded by an excess of poorly managed titles, most lacking the circulation, advertising or marketing capacities that would be needed to achieve financial viability. One newspaper manager lamented that most editors cannot exert even basic newsroom controls over their journalists, who are often accepting side payments to spin stories or to insert prepared texts. Groups of journalists, with virtually no management capacities, have been known to leave their home newspapers to create yet another badly managed newspaper, further overcrowding the print media market. Mali also lacks an effective print media distribution system to deliver newspapers widely to at least the major cities.

An important step for the broadcast industry, to be further encouraged, will be the possible emergence of a broadcast rating system in Bamako, which is apparently being launched at the behest of Bamako’s five to six largest ad agencies. Better audience data will mutually help media advertising departments to attract more clients; and clients, in turn, to target their advertising resources more effectively to boost sales—a mutually virtuous cycle between media outlets and businesses that could help the Malian economy, modestly, to boost its overall growth rate.

The underlying financial and managerial weaknesses of most media serve to aggravate the second and third challenges to the media: low professionalism and a lack of editorial independence from political-economic influences, which could prove very problematic during the upcoming 2012 electoral cycle.

Low levels of professionalism result, in part, from a paucity of short- or long-term training opportunities for journalists, editors, and other media professionals. A few higher educational schools in Mali provide

curriculum offerings in mass communications or marketing, but none yet offer professional degree programs in journalism. In recent years, the Ministry of Communications has moved gradually toward the creation of Mali's first journalism training institute; the prospective journalism school has yet to materialize. Meanwhile, at least two media sector NGOs, the *Maison de la Presse* and the *Union des Radios et Télévisions Libres* (URTEL), conduct sundry short-term introductory or mid-career trainings with support from the Government of Mali (GOM) as well as donors. ORTM provides some in-house training for its staff; but even at the state broadcaster, there is much room for improving the professional training offered there.

Minimal journalism training and with low salaries take their toll on independent news reporting, also diminishing the quality and quantity of public affairs-related media contents more generally. Journalists too often fail to probe deeply, cross-check or verify their facts, seek out and report multiple perspectives, or take the initiative to raise new issues or conduct the vigilant investigations. As a result, an excessive share of media contents are filled by cut-and-pasted press releases (or pre-recorded press events) by the GOM, donors, and other organizations, with little further fact-checking, deeper reporting, analysis, or discussion by media outlet newsroom teams. Lacking the needed professional tools or economic self-sustainability capacities, Malian media remain unable to fully exercise the very real legal and political free press rights that they have increasingly enjoyed since the early 1990s.

As noted above, professional ethics also suffer from so-called “pocket journalism,” the acceptance of cash and other favors by low-paid journalists in return for favorable media treatment of the person or organization making the payment. Such side payments and political-economic pressures will multiply greatly during the upcoming elections. Several observers expressed concern that the independence and professional quality of media coverage may seriously degrade in late 2011 through 2012 as financially weak media and journalists succumb to the economic payments and political pressures of the presidential, parliamentary and local campaigns.

Finally, the Malian media must continue to incorporate rapid changes in communications technologies. Mali represented an early ICT adapter during the 1990s and beyond, but fell behind other African countries in recent years, mainly due to economic reasons. As telecommunications costs inevitably fall (albeit painfully slowly in Mali), opportunities will greatly expand for audio-file program sharing among radio networks; enhanced interactivity with audiences (e.g., improved cell phone call-in capacity to radio talk shows); wireless modes of information gathering and distribution; and a more rapid expansion of internet access beyond today's still-low 2 percent penetration rate. Finding cost-effective ICT applications presents an ongoing challenge but poses huge communications opportunities for Mali's media sector.

### **3.8 OTHER NON-STATE ACTORS**

In addition to CSOs, other important non-state actors operate as important players in Malian democratic governance, including religious organizations; the economic sector (encompassing private businesses, Chamber of Commerce, producers' associations, and the informal sector); and trade unions.

Religious organizations contribute importantly to policy-making, most often engaging constructively in the context of Malian traditions of finding consensus. A large majority of Malians adhere to moderate forms of Islam, explaining why support for hard-line fundamentalist sects has proven marginal. Two leading Islamic institutions, the *Haut Conseil Islamique du Mali* and the *Association Maliennne pour l'Unité et le Progrès de l'Islam*, contribute to a relaxed climate of religious tolerance. A Christian minority is located primarily in the south.

One area where religious interests hindered the efforts of other, more secular Malian CSOs, particularly women's organizations, concerned efforts to reform of the “*code de famille*” in 2009. Religious organizations effectively opposed and delayed passage of the proposed family code reforms, which were supported by CAFO and other CSOs.

The private commercial sector has grown in importance as the Malian state progressively withdrew from and re-privatized the manufacturing and trade sectors since the 1980s. Currently, over 2,000 private enterprises operate in a wide range of economic sectors, including agro-industrial production, banks, insurance, finance, hydrocarbons, mining, real estate, telecommunications, textiles, leather goods, transportation, and tourism.

Total revenues by these enterprises exceeded 600 billion CFA in 2009 and created 30,000 new job positions in 2009—about 80 percent of all new employment in the country. Although growing dynamically, private enterprises struggle with important hurdles including inadequate access to credit, lack of professionalism, insufficiently modernized management, quality control, and weak marketing.

Operating from Bamako and eight regional offices, the *Chambre de Commerce et de l'Industrie du Mali* (CCIM) serves as perhaps the foremost industry association promoting the interests of the private sector. CCIM representatives noted several focal issues of concern by the Chamber, including its efforts to improve legal protections for investors, strengthening the rule of law, and widened access to justice to smaller businesses, including arbitration options. CCIM also offers information, education, and other services for Malian businesses.

Smaller business entities find support from a wide range of producers' associations. Membership in these organizations widely encompasses producers, artisans, farmers, fisher persons, traders, and others, giving many otherwise economically weak citizens a voice on policy and regulatory issues of importance to their basic livelihoods.

The informal sector and local markets constitute an especially important arena in Mali, a point strongly stressed by one of the country's pioneering architects of decentralization, Ousmane Sy. Although generally less economically efficient than more advanced sectors, the informal sector continues to employ a large majority of Malians. To the extent that the informal economy can be drawn more effectively into modernized economic frameworks and trading networks, such trends could potentially boost economic growth and enable stronger governance.

Trade unions operate freely and indeed enjoyed historically greater acceptance and more active development during the otherwise authoritarian period prior to 1991. While most trade unions remain rather weakly influential, some have won important concessions on issues of concern to their membership. For example, the transporters' union successfully lobbied government authorities to make favorable revisions in national road tax policies and also to control police inspection practices better in Bamako.

### **3.9 INTERNATIONAL COMMUNITY**

At least 33 international donors support development and anti-poverty activities in Mali, with funding levels reaching approximately \$30 billion annually. The assessment framework does not envision a comprehensive or detailed examination of all international donor activities, but the team did consult with three important funding agencies, the European Community, *Coopération Allemande* (PACT) and *Coopération Suisse*, while also perusing documents from several other donors. This review provided a snapshot of the main directions and issues for the assistance community in the general areas of democracy and governance.

The current European Community five-year program strategy for the period 2008-2013 envisions an overall five-year support level of 559.3 million Euros for Mali, divided as follows:

- 50 percent for economic development for Northern and Niger Delta regions;
- 28 percent for general budget support;
- 11 percent for supporting governance and public sector reforms, including decentralization; and
- 11 percent for other programs, including support for non-state production activities and civil society.

European Union (EU) representatives Emilie Jourdan and Julie Abrivard explained that the EU strategy involved over 80 separate projects or engagements and included regular consultations with the GOM and local levels of government.

The assessment team meeting with Genevieve Fedespiel at *Coopération Suisse* proved especially insightful, as Switzerland can offer considerable historical experience in the management of a highly decentralized political system. Fedespiel noted that the processes of deconcentration and decentralization had opened opportunities for specialized technical assistance in these areas. In particular, *Coopération Suisse* is working with their Malian counterparts to develop a “territorial vision” which helps communes or cercles to develop wider cross-jurisdictional services. In one project, for example, 36 communes will jointly develop and utilize a common ecological protection service. In this way, complex services that would otherwise prove too ambitious for any individual commune can be addressed by combining resources with neighboring communes. The Swiss approach also takes into account the Malian multi-cultural context as well as incorporation of traditional structures whenever possible. Their approach will place a special stress on economic development, favoring projects that can improve production, sales, trade, and ultimately local living standards. The four-year *Coopération Suisse* program will expend approximately 20 million Euros annually, beginning in 2011.

The assessment team also met with the PACT project, which is funded by *Coopération Allemande* and works on decentralization. They work at the national level, with technical specialists embedded in MATCL and at DNCT. They have identified the relations between technical services and local collectivities as being challenged and are seeking to improve them. They have also identified the training of permanent staff as being necessary along with the elected personnel, who have more traditionally been the target of assistance and training. PACT works in the regions of Mopti and Ségou.

USAID is joining six other donors in a common initiative entitled *Programme d'Appui aux Organisations de la Société Civile Malienne* (or PAOSC). Phase I of PAOSC will focus on the development of national-level civil society forums and networks. Phase II, beginning in 2012, will focus support to civil society organizations at the more decentralized levels of regions, communes, and villages. The six other cooperating donor agencies include the United Nations Development Programme (UNDP), the European Commission (EC), the Danish International Development Agency (DANIDA), the Swedish International Development Agency (SIDA), the Canadian International Development Agency (CIDA), and *Ministère des Affaires Étrangères et de la Coopération Internationale/ Direction de la Coopération Internationale* (MAECI/DCI).

### 3.9.1 The World Bank

The second-largest donor after USAID,<sup>29</sup> the World Bank supports the governance sector through its budget support and other lending instruments. Most relevant of these for USAID Governance portfolio are:

**The Mali Fifth Poverty Reduction Support Credit** (US \$70 million) approved on April 28, 2011. Major sector interventions are: public administration (36 percent), decentralization (19 percent), public expenditure, financial management and procurement (18 percent).

The second is the “**Governance and Budget Decentralization TA Project**” (US\$ 12 million) approved on April 28, 2011. Intended as a “companion” of the Fifth Poverty Reduction Support Credit (PRSC), the Governance and Budget Decentralization Technical Assistance Project (GBD) project objectives are (i) strengthen capacity for public financial management at decentralized level for improved budgetary decision-making and enhanced transparency and oversight. Key interventions areas at the local level of particular relevance to USAID governance portfolio are: resource mobilization, budget preparation and monitoring, procurement, accounting and internal controls, pilots in Education and Health for new Public Financial

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<sup>29</sup> For fiscal year 2010 alone, USAID assistance (including Millennium Challenge Corporation [MCC]) totaled US \$213.0 million; the World Bank, US \$153.3 million. see the World Bank, “Mali: Country Assistance Strategy Progress Report,” April 2011, p. 32.

Management (PFM) tools and budget decentralization, and capacity building for external audit and community participation.

The third operation is the new (still under preparation), “**Urban Infrastructure Development Project**” (US \$70 million). This is a traditional “infrastructure project.” The first component of the project (strengthening of urban and municipal management capacities, US \$8.8 million), is of a particular relevance to the USAID governance portfolio. It focuses on the strengthening of the managerial capacities of local authorities and municipal departments in the cities of Bamako, Sikasso, Segou, Kayes, and Mopti to plan, program, and manage local infrastructure; central government departments, including their deconcentrated entities; and strengthening of mechanisms for transfer of resources from central to local governments.

Other two lending operations are worth mentioning are “**The Education Investment Program (PISE II)**” and the “**Mali Community Driven Development project**” (*Projet de Développement des Communautés de Base*). The later has an important local government Technical Assistance (TA) and investment package (US \$16 million) implemented through ANICT.

### **3.10 FACTORING IN POLITICAL ACTORS AND INSTITUTIONAL ARENAS**

Except for the multifarious insurgents, smugglers, and bandits to the north, Mali’s key political actors manifest a strong acceptance of democratic institutions. The country has since the democratic opening in 1991 consequently laid the foundations for improved governance. There are currently no groups that oppose democracy in and of itself, although some Islamic leaders and associations have publicly vetoed a reform of the family law, indicating a certain lack of consensus regarding the role of women in a democracy. The military has also publicly committed itself to democracy and the 20 years of civilian rule in Mali must be declared a success in terms of consolidating those early gains opened in 1991 and 1992.

The three areas where the enabling environment and a critical mass of reform minded actors combine to provide particularly propitious targets for assistance are local governance, civil society, and the media. Regarding decentralization, the formal institutional structures have been conceived and implemented; now it is time to get the incentives right so that local communities take more ownership over their local governments, the communes. It is the engagement of rural communities with their local government structures that is the best antidote to the hesitancy of certain vested interests of the central government. The institutional groundwork for decentralization has been laid, and now it is time to encourage greater popular participation in local governance, especially as relates to the immediate developmental and economic challenges facing rural communities. Regional local elites also have a pronounced interest in decentralization and their involvement will be key to the economic viability of joint service units.

A second area of promise is Mali’s civil society. It has emerged as an important pillar in the country’s fledgling democratic governance, with pronounced growth in associational activity at both local and national levels. In the “formal Mali”, donor-supported NGOs play an indispensable role in delivering basic developmental assistance. In the “informal Mali,” local associations play an even larger role in enabling families to survive on a day-to-day basis. There is much that remains for the communes to do in terms of tapping the energy and resources of the traditional associations for the benefit of the community. At the national level, associations have flourished as a result of the opening of political space over the last two decades, and they have contributed to Mali’s well regarded pluralism. However, as explained in Section 4, USG resources suggest that support for national-level CSOs would be pursued best through mechanisms of multilateral donor coordination, such as UNDP.

The third area in which a positive enabling environment and political will exists is in regards to the media. Mali has one of the most liberal press and broadcast regime in the developing world, and its network of rural radios has become enshrined in the public consciousness. Yet there remains work to be done in terms of using modern media to further help engrain a civic culture that favors transparency and accountability.

Areas which are not as well-endowed with either reform champions or positive enabling environments include the judiciary and political parties. The judiciary remains under the influence of the executive, and fair trials are not *de rigueur*. The credibility of the political parties is at all-time low after ATT's emphasis on a broad coalition based on consensus rather than partisan platforms. Another area in which the enabling environment is currently compromised is in regards to elections. The current voter list was drawn up in 2002; the government is working on reaching consensus among the political actors on an alternate solution. This will take political will and is not a question of a donor-sponsored technical fix.

In terms of the previously articulated DG problem (see Section 2), this analysis of the key political actors and institutions reinforces a focus on the local level, most particularly at the level of the commune. Focusing on the commune level is a means to aggregate several villages, and the existing legal framework allows for this to be done effectively, as through the five-year PDSECs. A regulatory framework for better engagement of the commune has already been established. Secondly, in terms of the opportunities regarding civil society, local operators working on local governance issues provide a proven means of engaging citizens from both the formal and informal sectors. The above analysis also reaffirms that there is opportunity to build on investments already made in regards to the media. In terms of the less feasible areas of intervention, it is worth a modest investment in elections because of the singular importance of the imminent 2012 presidential and parliamentary elections. In addition, the analysis of actors and institutions suggests that it is worth monitoring Parliament in case the new Senate provides an opportunity to provide both some institutional capacity building through the formation of a permanent staff and the further advancement of the decentralization policy dialogue.

# 4.0 OVERVIEW OF OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

## 4.1 BROADER FOREIGN POLICY AND USAID DEVELOPMENT INTERESTS

U.S. foreign policy and USAID development interests in Mali and northwest Sub-Saharan Africa currently encompass at least six broad policy directions or initiatives, including: the Global Health Initiative (GHI), Feed the Future (FtF), other economic growth programs, basic education, peace and security (Trans-Saharan Counter Terrorism Partnership [TSTCP]), and democratic governance. A seventh area of emerging policy concern, global climate change, will exert progressively increasing future effects on all six other areas, particularly on FtF and TSTCP. As can be seen below, USAID/Mali programs are already underway to address all seven areas of identified development challenges.

The USAID/Mali Health program provides assistance in the areas of HIV/AIDS prevention, maternal and child health, family planning and reproductive health, water supply and sanitation, and anticipated increases in program support that targets presidential initiatives in malaria and nutrition. As Africa's first GHI Plus country, the GOM and USAID moved quickly to facilitate enhanced GOM ownership of health system planning, consult broadly with health sector partners, and to develop a GHI strategy, which will concurrently support Mali's next 10-year Health Strategic Plan, *Programme d'Investissement Secteur Santé* (PRODESS III).

Responding to the FtF initiative, USAID/Mali's Accelerated Economic Growth (AEG) team selected to focus agricultural sector investments into three value chains (millet and sorghum, rice, and livestock) in order to reduce poverty and increase food security. Working in parallel with the USAID/Mali Health and GHI programs, FtF includes activities designed to prevent or reduce malnutrition. Additional programs in the AEG portfolio serve to strengthen trade and investment, the financial sector, private sector competitiveness, and the environment.

TSTCP targets primarily the weakly governed northern regions of Kidal, Gao, and Timbuktu, where a range of programs address the security, governance, economic development, education, youth employment, communications, and other needs of these remote populations. The objective is to diminish any underlying, potentially destabilizing factors that could potentially contribute to violent extremism, instead promoting more peaceful, stable patterns of development.

USAID objectives for education strive to raise enrollment rates, literacy, numeracy, and the overall quality of primary education in Mali. Assistance promotes more effective education system management, information and resource delivery, and decentralized education planning in targeted communities. Specialized programs for out-of-school youth serve to raise their employability and income. Specialized peace and security programs promote improved integration of Islamic schools, or *medresas*, into the Malian national school system.

## 4.2 USAID'S CURRENT DG ASSISTANCE PORTFOLIO

The largest ongoing DG program, the *Programme de Gouvernance Partagée* (PGP-2), builds local governance capacities in 82 communes located in the targeted regions of Koulikoro; Sikasso; Segou; Mopti; Bamako; and the northern regions of Tombouctou, Gao, and Kidal. PGP technical assistance has enabled communal authorities to leverage additional funds, improve accounting practices, strengthen outreach to community radio stations, and facilitate partnerships with organized citizen groups in such developmental areas as education, health, economic development, and natural resources management.

PGP encourages more effective working capacities and relationships between local CSOs and communes through a variety of means. The program promotes coordinating bodies in key areas of development, facilitates conflict management mechanisms, supports women's and youth organizations, and builds CSO management and advocacy skills.

A second area of DG programmatic concentration is CSO support and capacity building. As previously noted, USAID/Mali has contributed its funding support into a multi-donor project, PAOSC. Phase I of PAOSC focuses on the development of national-level civil society forums and networks; while Phase II, beginning in 2012, will focus support to civil society organizations at the more decentralized levels of regions, communes, and villages.

A third area of significant long-term USAID/Mali/DG support has been development communications, including support for broadening ICT access and, especially, for strengthening community radio. The last program solely dedicated to community radio, the Radio for Peace Building in Northern Mali Program (RPNP), implemented by Geekcorps, ended in November 2010. RPNP extended and improved community radio service in northern Mali (Gao, Kidal, and Timbuktu regions) by installing 11 new radio stations and by upgrading another already existing station in Goundam. The program also involved community mobilization, station staff training, ICT support, alternative energy systems, and conflict mitigation activities. Media support now continues under the rubric of other SO support mechanisms.

Fourth, the USAID/Mali's Governance and Communications program (GovCom) team recently launched a new program to support free and fair elections in the critical upcoming 2012 presidential and legislative elections cycle. Prospective activities will include strengthening of election procedures and management capacities, voter education, monitoring, and support for improved media coverage of the elections.

## 4.3 POTENTIAL FOR CROSS-SECTORAL PROGRAMMING

USAID/Mali can take pride in the richness of its cross-sectoral programming, which has been already underway for many years. The assessment team sensed definite openness by all Strategic Objective (SO) teams to refine existing or expand new avenues for cross-sectoral work.

Section 5 will develop several possible avenues for further expanding and/or improving cross-sectoral programs. By way of foreshadowing, however, the team sensed an opportunity to considerably augment the impacts and outcomes of decentralization programs through creation of a Local Development Fund (LDF), which would enable the local government beneficiaries of training and other technical support to put into application their lessons-learned—in effect—deeper learning-by-doing. Small projects supported by the LDF, for example, could multiply the combined cross-sectoral results of USAID programs in the areas of local governance, education, health, economic growth, natural resource management, and so on.

The team also sensed quite broad recognition by all SO teams of the utility of further cross-sectoral work in the areas of community radio and development communications. Ongoing cross-sectoral development communications activities thus appear likely to continue or increase. A new, innovative direction of media sector activity, suggested in Sections 3.7 and 5.3, could be to approach the media (especially radio) as an economic sector in its own right, adding to economic growth capacities through improved information

delivery as well as upgraded advertising capacities. Accordingly, increased reliance on AEG team expertise in the areas of business management and network development (applied to the media sector) might be explored in consultation with the GovCom team. Again, this is developed further in Section 5.

#### 4.4 PROJECTED RESOURCES

In a context of serious USG budget challenges and animated Congressional debates stemming from these challenges, projected resources will necessarily represent a changeable series of estimates. Accordingly, strategic planning should incorporate an ability to flexibly adjust budget plans, year-to-year, with minimized harm to program results. As of early May 2011, the best available budget estimates available to USAID/Mali (and the DG assessment team), envisioned the following:

<b>USAID/Mali Objective</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY2010</b>	<b>FY 2011</b>
	<i>total (in millions)</i>	<i>total (in millions)</i>	<i>estimate (in millions)</i>	<i>request (in millions)</i>
<b>Health</b>	33.242	37.601	57,450	72,500
<b>FtF and Economic Growth</b>	7.086	39.925	40.391	63.336
<b>Peace and Security</b>	0.285	4.306	4.530	4.550
<b>Education</b>	17.100	18.150	10.000	18.635
<b>Governing Justly &amp; Democratically</b>	0.600	2.700	5.500	10.000
<b>Humanitarian Assistance</b>	1.697	---	TBD	TBD
<b>Total</b>	<b>60.010</b>	<b>102.682</b>	<b>117.871</b>	<b>169.021</b>

Although the assessment team claims no special skills for reading the future with respect to future budget levels, the team will assume for the purposes of this exercise that resource levels will hold somewhere within the range of the Fiscal Year (FY) 2010 estimated budget and the FY 2011 request, while hoping that the latter level may be realized.

# 5.0 PROGRAMMATIC RECOMMENDATIONS

*“La marmite bout toujours par le bas, et non pas par le haut”<sup>30</sup>*  
- Malian proverb as cited by Richard Toe

## 5.1 STRATEGIC CONSIDERATIONS

The Mission GovCom team is in the middle of its programmatic cycle, with its ongoing local governance program the centerpiece of its efforts. This Democracy and Governance Assessment of Mali reaffirms that this is the appropriate priority intervention given the centrality of decentralization to the country’s democratic transition and the importance of greater political participation to link the state to communities better, particularly to the rural communes where most of the population is to be found. The DG Assessment also reaffirms that it is too early into the decentralization experiment (which was only implemented with the first elections in 1999) to pronounce it a failure due to a lack of political will at the center. On the contrary, the assessment team conducted numerous interviews with the architects and scholars of decentralization, both within the government and civil society and not a single source singled out the lack of political will as the principal obstacle to continued progress on decentralization. After all, it is an oversimplification to assume that there is a homogenous set of interests or perspectives within the executive regarding decentralization and while cynics may point to other African countries where the process may not be so genuine as in Mali, it would be a mistake to extend this generalization to the case where real openings have been made. Rather, the team was repeatedly told by Malian decentralization specialists and practitioners that it is at the commune level that more progress needs to be made and that the USAID program should be recalibrated to give greater priority to interventions to communal governance. There was general agreement that there continue to be insufficient resources transferred from the center to address basic developmental needs, but there is also an awareness that the Malian treasury is not sufficiently well endowed that their revenues are sufficient to play the role of a benevolent state that satisfies community needs for them.

This Democracy and Governance Assessment of Mali has identified that the principal DG problem that is feasible for the USG to target for development assistance lies in the linkage of the formal political system with the population at the base. The Malian government has already through careful study and the systematic articulation of a decentralization framework put in place the formal mechanisms needed to overcome this problem. It is essential that participation in local governance be encouraged and increased, which will in turn lead to greater accountability and responsiveness by local government. What is missing is a sense of ownership from the base over the new democratic decentralized institutions. Were greater ownership be taken by communities over local governance at the commune level, then greater accountability would ensue as citizens become stakeholders. The key is for the citizens of Mali’s villages to begin to exert some control over decentralized structures and use local governance to improve their daily lives through better access to adequate public services and an improved environment for economic opportunity. The legal framework exists for such a move forward, and greater capacity will follow as communes begin to take on more concrete projects and tasks closely linked to overcoming the country’s underdevelopment.

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<sup>30</sup> Translation: The pot always boils from the bottom, and not from the top.

The Malians have handled their transition to democracy well and have overcome a legacy of military dictatorship and single party rule that bankrupted the public treasury. The transition towards democratic governance is not yet complete and will not be so until the formal political and economic systems are put more at the disposition of the people, the vast majority of whom currently pursue their livelihoods outside of formal structures. There is considerable room for improvement in regards to many of Mali's democratic institutions and practices, but in order for reform to move forward on such issues as political process, rule of law, and transparency, there needs to be greater demand from below. Focusing on the commune is a direction on which the Mission's DG team is already embarked, and on which it is recommended that they continue, albeit with some suggested fine tuning, as discussed below.

## **5.2 DEVELOPMENT HYPOTHESIS AND INDICATIVE RESULTS FRAMEWORK**

It is a critical time for the USG to be able to support the government where it does take positive steps for reform, as in the case of decentralization in Mali, while also strengthening the repository of social capital necessary to maintain and grow democracy. Moreover, USAID's DG program can serve as a means to promote more sustainable local development in Mali at the level of the commune.

### **5.2.1 Development Hypothesis**

*Existing demands for improved public services at the local level provide an entry point to mobilize greater popular participation in the formal democratic process, thereby improving accountability and greater access to sustainable development.*

### **5.2.2 Indicative Results Framework**

SO: Greater and more effective demand for improved local governance and accountability.

IR1: More responsive and effective government at the level of the commune.

IR1.1: Greater participation of previously excluded populations into the political process.

IR 1.2: Increased accountability for communal investments.

IR1.3: Improved capacity of communal government to perform functions of planning, implementation, and inter-governmental reporting.

IR2: Pluralistic media mobilizes popular demand for greater political accountability.

IR3: Credible electoral framework provides regulatory environment for free and fair elections.

## **5.3 PROGRAMMATIC RECOMMENDATIONS**

Putting the emphasis on local governance has three principal strategic merits. First, it will better enable the Malian people to improve their lives in tangible ways, through concrete small-scale development initiatives from the bottom-up. The optic of being able to improve the lives of people in communities through greater engagement in local governance will serve to motivate greater involvement of the social capital that exists at the base but which is not yet well harnessed to the formal political system.<sup>31</sup> Secondly, this strategic approach will not just address a very visible hurdle that needs to be overcome; it also builds on a rare opportunity, namely the legal enabling environment that has already been put in place for decentralization as well as the considerable capacity building that has taken place since the first elections to the communes were held in 1999. While the high rate of electoral turnover has meant that this capacity building may appear more

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<sup>31</sup> USAID, "Comparative Assessment of Decentralization in Africa: Mali In-Country Assessment Report," September 2010.

ephemeral than would be ideal, it also provides the lesson that more permanent staff increasingly be targets of training and that the state provides them with sufficient remuneration for them not to be so tempted to be so mobile.

This fresh strategic approach emerged in large part through discussions with the DG team at the Mission, Malian counterparts such as mayors and functionaries at various levels of government, and other donors, who were all able to share lessons learned. A consensus among all seemed to be that after so many years of legal reforms, elections, and capacity building, there is an urgent need to go back and render more dynamic to square one: the commune. In the past, too much focus was put by virtually all champions of Malian decentralization on the support to government decentralization policy, training for “*élus locaux*,” and on parallel funding through NGOs, thus bypassing the key governmental actor in local development, the commune. The strategic refinement recommended in this assessment is to re-center interventions on the communes and local development *through* decentralization, not the other way around.

### 5.3.1 Priority Intervention: Local Governance Support

The priority intervention recommended by the assessment team is to continue with its emphasis on local governance, but to refocus it slightly to focus activities around the commune. Activities that would contribute to this objective include promotion of greater citizen participation, capacity building, and accountability:

- **Greater citizen participation:** Thus far, the role of the commune has lagged well behind its potential, in part because political processes at the local level are not adequately linked to concrete improvements in daily lives through improved public services and the overcoming of acute development challenges. The central distinction between the current Mission approach to democratic decentralization is that it is recommended that material incentives be used to motivate bottom-up participation and to build confidence in the practical value of working through local government to address pressing community developmental issues. The creation of an LDF could be used to motivate proposals that involve contributions from the fund itself, but which also leverage counterpart contributions from not only the communes and community groups, but also from other governmental agencies such as ANICT and the technical service extensions of the *fonction publique*. The idea is not just to create a number of ad hoc small infrastructural projects, but to use material incentives to pull downward national resources and to pull upwards a stronger sense of ownership by communities, as motivated by the contributions they themselves make to the endeavors that are prioritized. Citizens and community groups will demand more accountability if their own contributions are in the pot. It is expected that as the leveraging of funds results in concrete improvements in daily life, that the demand and interest in using local governance to facilitate such projects will increase. Activities carried out in support of greater participation can thus be done in direct support of the communal engagement in small scale developmental projects funded by the LDF. This participation could be structured through involving citizens in prioritizing projects, in working with representative mechanisms to plan and conceive of their implementation, to serve on accountability mechanisms to monitor and oversee the process, including provisions for ongoing maintenance and sustainability.
- **Capacity building:** USAID has been involved with increasing capacity of elected officials for some time, but it is recommended that the focus of such efforts be more firmly focused around the incorporation of public inputs into various aspects of local administration. This includes mechanisms and procedures for community consultation in prioritization, planning, budgeting and financial management, and transparency. Building such capacity will require more than workshops and training, but on the job training over concrete issues. What is proposed here, therefore, is to link capacity building where possible to small scale investment projects and the basic techniques and cycles of the “*maîtrise d’ouvrage*,” from planning to actual implementation of projects, to oversight funded by the proposed Local Development Fund, so it is practical and linked to tangible outcomes for the population. Most local development plans (the PDSECs) are implemented at the rate of 30–40 percent because of this lack of this important technical expertise. Furthermore, training in general, and in this area in particular should target technical

and managerial staff. Training for local elected municipal officials will continue to be needed. Its impact on the improvement of local service delivery systems and job creation has not been evident for local populations. As the *Direction Nationale des Collectivités Territoriales* (DNCT) has now the “*Centre de Formation des Collectivités Territoriales*,” support for training for the “*Elus locaux*” can be contracted out to the Center.

- **Accountability:** As the role of the commune grows, it needs to develop greater transparency further, which is a prerequisite to effective participation. As mentioned earlier, capacity building should continue, but should become directly linked to practical efforts surrounding the implementation of the Local Development Fund. Participation and transparency are key elements that are necessary to build the confidence of the population and encourage them to provide counterpart funding and resource mobilization. It is thus recommended that citizen oversight groups be engaged to monitor and oversee each of the communal projects funded in this manner. The most vulnerable populations can also be affirmatively targeted in this approach, with a certain percentage of the Local Development Fund dedicated to projects involving women and/or youth. USAID technical assistance combined with small grants from the LDF, should target, first and foremost, tangible and “visible” results with the highest impact on the quality of life of local population, not on the training of local officials, parachuted in by their respective national parties headquarters in Bamako. The existing network of rural radios and other media outlets also provide a USAID legacy upon which to build. Success stories of this new approach should be the subject of a media campaign to help magnify the demonstration effect. The networks of rural radios provide one means by which public information about communal governance can be made more accessible by the population. The communes need to be able to present their plans, revenues, and expenditures in a means that facilitates greater accountability. This will also involve more public information on intergovernmental relations, especially in order to better access not only resources but also technical expertise from higher levels of government. In addition, regional and national media can also be encouraged to focus on issues of accountability more generally, as discussed below.

### Use of Local Development Fund in Colombia

Comparative examples of the successful implementation of a local development fund include Colombia, where the legal enabling environment for decentralization was much more advanced than in practice, as is the case in Mali. In Colombia, USAID employed a Social Infrastructure Fund (SIF) to try to engage citizens and communities to participate more fully in representative mechanisms available at the local government level. The municipal governments selected as implementation sites were quite underdeveloped, remote, and often in conflict areas. The approach utilized the SIF to provide concrete projects and investments around which participation could be structured. The citizens and the municipalities responded positively to these incentives, and program targets for the use of participative mechanisms were significantly exceeded. In addition, the regional and national governments took note of the success of this approach and now are introducing regional coordination committees to help link top down resource transfers to bottom up participation through a similar approach.

### 5.3.2 Secondary Prioritization: Continue to Support Broader Decentralization Needs at the Regional and National Levels

The recommendation that the mission prioritize its interventions at the level of the commune does not mean that regional and national elements of decentralization be ignored. The *Region* and *Cercle* levels should not be neglected, especially in the area of coordination of local planning. Very modest interventions can improve a lot of existing mechanisms to further improve participation and inclusion. Yet, and as far the UDAID DG portfolio is concerned, this will also offer to other sector teams a vehicle to enhance the impact of their own investments, especially in the area of economic growth, ensuring better synergies by moving away from the “chimney syndrome,” and last, but not least, reducing program management overhead costs.

Rather, as resources permit, there are other platforms that will lead to improved intergovernmental relations and a more favorable enabling environment for the further evolution of decentralization. Figure 5.1 on the following page illustrates the types of activities that could focus on the regional and national levels as well as the communal level.

**Figure 5.1: Proposed Platform Options for SOI: Greater and more effective demand for improved local governance**

**Platform One**

**Central Level  
Targets: MATCL**

**Support at this level could include one or all of the following:**

- Support for the implementation of the PM Instruction on Budget Decentralization and Deconcentration;
- Support to the DNCT to develop on-the-job training (OJT) activities to CT in “*maîtrise d’ouvrage*,”
- Support to ANICT to improve its grants mechanism and monitoring the quality of local investments; and
- Support to the DNCT new Training Center (for formal and traditional type of training).

**Platform Two**

**Regional Level  
Targets: Regional Assemblies, Central Government Branches**

**Support for coordination functions across level of governments and line ministries:**

- Support to regional and cercles assemblies, and services déconcentrés for the effective use of existing regional and local planning coordination committees; and
- Support for the strengthening of existing mechanisms for citizen participation in the preparation and approval of regional and local development plans.

**Platform Three**

**Local Level  
Targets: CTs, Civil Society and Private Sector Organizations**

**Support to enhance CTs core functions, accountability and ownership through citizen’s participation and public-private partnerships:**

- OJT support to local government to become the real “*maître d’ouvrage*” of their own development (from planning and budgeting, to actual implementation of their investment projects);
- Support for local revenues mobilization (from tax assessment to actual tax collection); and
- Support for enhancing e accountability and public participation at the local level through new mechanisms for civil society and public- private sector organizations to act as implementing agents on behalf of local governments (as either “*maître d’oeuvre*” or/and as “*maître d’ouvrage délégué*.”

### 5.3.3 Priority Recommendation: Strengthen Independent Media Capacities, Including Cross-Sectoral Development Communications (for Local Governance, Health, Education, Agricultural/Economic Growth, Conflict Mitigation, etc.)

In addition to decentralization, a second focus area of long-standing USAID/Mali attention has targeted independent media development (particularly community radios) while also distributing development communications on a variety of important topics. Uniquely among USAID missions, in a sustained series of programs dating back to 1996, USAID/Mali provided strategically inter-linked support for community radios, Internet and local information centers, and democracy- as well as development-related communications, including the networked distribution of thematic radio programs and digitally distributed information. Compared to many donors, USAID/Mali thus enjoys a comparative advantage in its experience and expertise in the areas of community radio development, ICT applications, and development communications

Under the aegis of a *Special Objective* (called *Information and Communications*; subsequently reorganized in 2003 into the *Communications for Development Special Objective*, or *ComDev*), the Mission has demonstrated noteworthy creativity at weaving together development communications programs that addressed a quite broad gamut of DG and other development objectives, including health, education, gender equality, local governance, elections, rural extension, economic growth, and conflict mitigation. Continued mission support for community radios and the independent media, including cross-sectoral development communications, would make further broad and important contributions toward improved public discourse, democratic progress, and development communications.

It is recommended that a media component be developed in order to engage a pluralistic dialogue on issues being pursued by the GovCom team as well as by other SO teams. The approach could usefully combine media capacity building (*media-as-an-end* activities) with development communications (using *media-as-a-means*). As a simple example, training select journalists how to provide specialized reporting on elections or rural extension could be combined with targeted media production support for elections coverage or a specialized interactive radio talk show for farmers. A mix of media instruction together with applying skills to actual media productions (or other media capacity building activities) enables “learning-by-doing,” which has proven the most effective approach to building more sustainable media outlets and development communications.

The size and mix of any Mission support for any media-sector programming would, of course, necessarily depend on available funding and the overall configuration of Mission programming. However, a short list of illustrative activities might include:

- **Introduction of better management practices to improve financial viability of media outlets:** Media managers and media business or financial support staff (in for profit or not-for-profit community media) could benefit from training and/or consulting on how to increase advertising, sales, sponsorships, cell-phone-based information delivery systems, and other media services to diversify and increase revenues. TA should also address: financial and personnel management, business planning, equipment maintenance, how to attract capital infusions, program scheduling (for broadcasters) and other business management needs determined by individual outlet or network needs.
- **Support creation/expansion of periodic audience research for media.** Donors and aid implementers, alike, could constructively incentivize the formation and expansion of media audience measurement services by coordinated purchases of more media audience research, particularly for regions outside Bamako. Better audience data would improve the targeting of development communications, while encouraging the rise of a more truly national data and advertising market. Better audience data would help media advertising staff, and potential advertising clients, to better target media advertising expenditures.
- **Network development:** A program sharing cooperative could promote increased exchanges of community radio news stories and self-produced programming, thereby reducing production costs while broadening access to quality programming. (Quality would be improved by having stations produce less,

but better reporting) Hub-and-spoke community and/or commercial radio networks could be developed, in which a central or regional office can provide available data on national and/or local audiences and offer placement services to clients for public service announcements (PSAs), development-related programming, and/or commercial advertising. Radio network development (or an improved, more national newspaper distribution system) could serve reduce operational costs, plus broaden or regionalize, and better target, media revenue opportunities.

- **Develop rapidly emerging cell phone or new ICT-based news and information opportunities:** Example from Afghanistan: *Mobile Khabar*, or *Mobile News*: Within a year, Afghan cell phone users—initially for free; then for small fees—will be able to download a wide range of news and information services in 2–4G formats. The cell phone adoption rate among Malians already exceeds 25 percent.
- The **bottom line** of the above bullets is that poor management practices, and financially weak media, in Mali’s mass communications and advertising sectors translate into other problems—such as poorly paid and less professional journalists or media outlets that lack financial, and therefore editorial, independence. Any technical assistance that can help media outlets improve their business management practices or diversify their revenue sources could improve the outlet’s finances to enable media also to improve the overall quality of their interactive and information services.
- **Support in-country Malian capacities for professional preparation of journalists and other media outlet personnel.** Provide curriculum or other assistance to the Communication Ministry initiative to form Mali’s first journalism training institute. Alternatively, assist the *Maison de la Presse*, URTEL, or other media training CSOs to expand and improve their capacities to provide short-term training for beginning, community volunteer as well as mid-career media staff.
- **Strengthen local media to facilitate local citizen discussion, participation, and monitoring of communes and other local authorities:** Enhance community radio and telecenter capacities in localities where USAID/Mali decentralization programs are present. Community radios can serve as an ideal platform to enable citizen discussion of communal plans and projects (including those funded by ANICT and prospectively by the proposed Local Development Fund), and then to monitor progress toward fulfillment of plans or projects, providing an additional layer of accountability on all local government funds and activities.
- **Development Communications:** See Section 5.3.5.

#### **5.3.4 Priority Recommendation: Provide Modest Support to the 2012 Electoral Process**

Given the importance of the coming elections and the popular ferment surrounding the process, it is recommended that USAID provide a modest amount of investment in election related activities such as:

- Voter education and registration assistance.
- Training of poll monitors.
- Media coverage of the electoral campaign: Additional training and other technical support on how to independently cover elections, and how to strengthen the media’s economic independence, may prove merited during the period leading up to the 2012 elections.
- Work in support of elections should be done in coordination with other donors, allowing the Malians to drive the solution to the electoral voting list controversy.
- GovCom already has an election support activity planned, responding in advance to this recommendation.

### 5.3.5 Priority Recommendation: Cross-Cutting Synergies between DG and Other SO Teams:

USAID/Mali's SO teams have already long ago demonstrated a strong willingness and capacity to work together cross-sectorally to achieve synergies, enhancing overall development and democracy results from USG-provided assistance. The bulleted summary recommendations below provide some illustrative avenues for such continued or even expanded cooperation. In most cases, cross-sectoral strategies would combine communal, local community radio, local CSO, other available resources, plus multiple Mission SO projects, to jointly address important democracy and development challenges.

- **Economic Growth:** A leading architect of Malian decentralization processes since the early 1990s, Ousmane Sy stressed the key importance of activating the local informal economy and entrepreneurs into local economic development and governance. With ongoing USAID/DG technical assistance to decentralized authorities, plus extra resources generated via the LDF and other sources, communes, groups of communes, and other higher levels of decentralized authority could undertake more ambitious economic development projects, such as building or repairing feeder roads, market or storage facilities, support centers for local entrepreneurs, etc. Community radio talk shows and local news reporters could be involved in the entire process, from hosting community discussions on how to select the most promising local development projects or activities to monitoring the implementation of those projects selected for budget support. Through expanded media training on business and economic reporting, media at the local and national levels could enable improved media coverage of recent reforms in the business environment, for example, outlining to potential entrepreneurs how they can now register their business activities under simplified procedures. Improved public information about the economy and business would contribute to better informed decision-making by a wide range of economic actors. As was apparent from the illustrative bullets in under the media sector recommendations section, media represent an important economic sector in their own right. Accordingly, the economic growth (EG) and DG SO teams could explore ways to jointly improve audience and market research, educate media ad departments as well as their potential entrepreneurial clients how to make effective use of commercial advertising (and also the pitfalls to avoid). Integration of new cell phone and ICT applications, although arriving slower in Mali than perhaps elsewhere, will sooner or later infuse their way into Malian economic life and into the media-communications sector.
- **Feed the Future:** Again, decentralized authorities will have important support roles to play in a variety of FtF activities, such as the setting of local agricultural priorities, helping to resolve land use disputes, supporting the construction and/or maintenance of important irrigation and other rural systems, monitoring the implementation of agricultural policies, and facilitating the development of agricultural value chains. Community radio rural extension broadcasts are often available, but there is always room for improving the quality of these broadcast services. Already, FtF envisages the use of Behavior Change Communications (including use of media) to inform the public how to better balance their diets and improve their nutritional practices.
- **Health:** Already for several years, the Keneya Ciwara and other Mission health programs have provided technical assistance to decentralize Ministry of Health functions and to strengthen Community Health Associations (ASACOs). Civil society organizations play important support roles in the provision of health services at many levels in Mali. Both globally by other USAID missions, and locally by USAID/Mali, health programs represent by far the largest users of the local media for purposes of development-related communications. One area for possible improvement would be the adjustment of health-related media communications programming to add more media capacity building – setting the stage for the media sector to evolve towards progressively more self-sustained coverage of health issues and provision of health information to the population.
- **Education:** Decentralization has made the most progress in the educational sector, meaning that decentralized structures enjoy relatively larger authorities in setting local priorities, hiring of teachers,

school construction and maintenance. With higher responsibilities comes higher accountability, so it will be particularly important to continue strengthening the transparency of educational funding flows and the monitoring of all locally-managed education sector work. Meanwhile, community radios often play important supporting roles—including the use of interactive radio for teacher training purposes, broadcasting of educational programming, news reporting about school related issues, and talk show forums to solicit community inputs into communal decision-making processes.

## **5.4 CONCLUSION**

The proposed multiple layering of avenues for engendering grass-roots participation by ordinary Malian citizens (through strengthened communes, locally-owned projects, community radio discussions, strengthened election processes, and cross-cutting citizen initiatives with other SO team programs) reflects and responds well to a concept labeled as the “capillary theory of democracy.” Developed in the 1960s by Harry Eckstein, this theory posits that citizens develop democratic attitudes and behaviors through varying mixtures of personal socialization experiences, ranging from family, schools, local government (communes), places of work to national-level politics. Learning democratic attitudes and behaviors wells up as much or more from below, at the grassroots levels of an emerging democratic system, as from above.

The Malian proverb cited at the opening of this final section (that “the pot boils from the bottom”) nicely reflects the spirit of the capillary theory. Malians did not need western political scientists to place an academic label on this concept. It would appear that many Malians, including particularly the early architects of the Malian decentralization reforms, already understood the Malian folk wisdom that change often best wells up from the grassroots level of the ordinary citizen.

# ANNEX I: INTERVIEW SCHEDULE

**Sunday, April 24 2011:** Arrival Mission

**Monday, April 25, 2011**

10h00 – 12h00: Team meeting at the Radisson.

**Tuesday, April 26, 2011**

08h00 – 08h50: GovCom Team, Conf. Room 1111  
09h00 – 10h00: Ambassador (Front Office Conf. Room)  
10h00 – 11h00: AEG Team/Repr. (Alima Ouattara Ayanou/Augustin. Dembélé)-Conf. Room 2602  
11h00 – 12h30: *Haut Conseil des Collectivités Territoriales* (HCCT), M. Boubacar Gaye: 66 74 09  
08/20 21 54 72/95  
12h30 – 15h00: Lunch  
15h30 – 16h30: Mission Director, Conf. Room 2602

**Wednesday, April 27, 2011**

09h00: *Ministère de l'Éducation, de l'Alphabétisation et des Langues Nationales* (MEALN), M. Yussuf Diakitè: 66 71 20 26/20 22 21 25  
10h30: Richard Toé - phone number: 76 45 54 61 at Radisson Hotel –  
11h00: *Direction Nationale des Collectivités Territoriales* (DNCT), M. Cissouma : 66 72 29 72/20 29 15 01 (ACI near Hotel Kountena)  
12h00 : Lunch  
14h00 : *Cellule d'Appui à la Décentralisation et à la Déconcentration* (Ministère de l'Administration Territoriale et des Collectivités Locales) – Dravela – Bolibana (near Direction Générale Nyesigiso)/20 29 64 10  
15:30 - *Cellule d'Appui à la Décentralisation et à la Déconcentration* (CADD) (Ministère de l'Énergie et de l'Eau) 76 10 81 05 (Mr. Sidibé) ou 79 07 78 11/63 33 86 30 (Ahmedou Imnar) - Direction Nationale de l'Hydraulique

**Thursday, April 28, 2011**

09h00: CADD (*Ministère de la Santé*), 20 22 53 01/02  
11h00 – 12h00: Education Team, Ibrahima Sissoko/Patrick Fayaud - Conf. Room 2602  
12h00 – 14h00: Lunch  
14h15 – 15h15: Health/Allyson Bear/Salif Coulibaly/Madina Sangaré, Conf. Room 2602  
17h00: Cheibane Coulibaly – 79 12 81 36/66 99 10 10 at Radisson Hotel

**Friday, April 29, 2011**

11h00 : *Forum des Organisations de la Société Civile*, 76 25 27 62 (ACI 2000 near Lycée Mamadou M'Bodge)  
12h00 – 14h00: Lunch  
15h00: *Coopération Suisse*, (*Hippodrome presque contigüe à la Pâtisserie Express*) 44 90 01 45/20 21 32 05/20 21 73 62  
16:30: Radio Kledu, Jacques Dez, Director General, cell 66 75 95 16 (confirmed)

**Saturday, April 30, 2011**

9h00 – 11h00: Ousmane Sy, phone number: 76 20 73 73 (confirmed)

***Ségou (May 2–4)***

**Sunday, May 1, 2011**

Rencontre à Segoubougou (+ d'info avec la mission au retour)

**Monday, May 2, 2011**

09:00: Prefecture: 21 32 00 09/76 14 34 22  
+ ANICT Ségou, 21 32 12 61  
11:00: Political Parties (ADEMA, *Congrès National d'Initiative Démocratique* [CNID] ...)  
12h00: Lunch  
14h00 : Radio Guintan, M. Kouyaté - 21 32 20 87

**Tuesday, May 3, 2011**

10h00: M. Simaga, Mayor + Councilors: 66 75 13 15  
  
Mr. Kouyaté, Trésor: 66 72 62 12 (wishes mission to call when around)

**Wednesday, May 4, 2011**

9h00: Raphael Rinsaye (76 40 49 29) *Le Programme d'Appui à la Décentralisation/ Déconcentration de l'Education – Participation Communautaire* (PRADDE-PC),  
10h00: *Office Radio Télévision du Mali* (ORTM) –Mamadou Hady Traoré (20 21 65 61/66 74 00 88)  
11h30 : *Réseau des Femmes Conseillères*, Mme Konté (Maire Commune I) – 66 73 08 30  
12h00 – 14h00 : Lunch  
14h00 : Barreau malien, (Tribunal de 1<sup>ère</sup> Instance de la Commune 3) - Me Keita 66 75 80 20/77 23 11 83

**Thursday, May 5, 2011 A**

0830: *Union des Radios et Télé Libres* (URTEL), 20 20 27 47, Radisson Hotel  
09h30: Journal Le Républicain (20 29 09 00/20 29 09 33) – Bukari Daou/M. Touré  
11h00 : Maison de la Presse – Fatim Diawara (66 71 81 44)

**Thursday, May 5, 2011 B**

10h00: *Association des Municipalités du Mali* (AMM), Contact: M. Boubacar Dicko: 76 39 77 02 – face Bol de Jade, Dibida  
11h00: *Coopération Allemande-PACT (Programme d'Appui aux Collectivités Territoriales)*, 66 73 27 82 (Toure Minata)/76 49 10 62 (Dicko Allaye) – Badalabougou (à côté de la Coopération Belge)  
12h00 – 14h00: Lunch  
14h30: *Coordination des Associations et ONG Féminines du Mali* (CAFO), 66 78 00 81 (Mme Kouyaté)- (derrière le Siège de la BIM)  
17h00 Délégation UE, 44 92 92 92 - Mme Emilie Jourdan et Mme Julie Abrivard.

## ***Koulikoro***

### **Friday, May 6, 2011**

10h00: Maire Koulikoro, 65 81 33 66/76 39 68 32  
1er Adjoint Maire : 79 21 71 76  
Secrétaire Général: 74 46 15 96 + political parties

12h00 – 14h00: Coordinateur des Radios: M. Diarra 76 38 33 38  
Lunch

14h00: Préfecture, M. Zoumana Norbert Dembele, Préfet Adjoint, 79 15 89 43  
M. Siaka Kanté S/Préfet: 79 29 41 02 – Mme le Préfet: 76 22 44 57.

### **Monday, May 9, 2011**

09h00 : *Association des Organisations Professionnelles Paysannes (AOPP)* 20 28 67 81 (derrière Résidence Wassulu)

11h00: Groupe Pivot Droit et Citoyenneté des Femmes, 20 22 67 27- Dravéla-Bolibana (Pharmacie Massama Keita)

12h00 – 14h00: Lunch

15h00: *Chambre de Commerce et d'Industrie du Mali (CCIM)*, 20 22 50 36/20 22 96 45 M.  
Sanogo Mamadou : 66 72 31 26 – M. Nonsé Traoré

16h30: *Programme Gouvernance Partagée (PGP2)* - ACI 2000, Dr. Kanté, Tél.:  
20 29 72 07/76 10 48 65

### **Tuesday, May 10, 2011**

09h00: World Education, contact: 20 20 15 51

10h00: ANICT, contact: 20 22 46 34

12h00 – 14h00: Lunch

14h00: USAID

15h00: Bureau du Vérificateur Général (VEGAL) 20 29 70 25/26

16h30: Réseau des Femmes des Partis Politiques, Mme Ascofaré: 66 75 58 78/79  
40 87 42 (Assemblée Nationale) –Mme Fanta Mantchini Diarra 66 71 49 11

### **Wednesday, May 11, 2011**

Debriefing preparation

### **Thursday, May 12, 2011**

Debriefing with USAID and with Ambassador

### **Friday, May 13, 2011**

Depart Mission

# ANNEX 2: REFERENCES

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