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# DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE ASSESSMENT OF MALI

PUBLIC VERSION

JUNE 2014

This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech.



This publication was produced for review by the United States Agency for International Development by Tetra Tech, through a Task Order under the Analytical Services III Indefinite Quantity Contract Task Order No. AID-OAA-TO-12-00016.

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DEMOCRACY, HUMAN  
RIGHTS, AND  
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ASSESSMENT OF MALI  
FINAL REPORT

JUNE 2014

**DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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# ACRONYMS AND ABBREVIATIONS

ANICT	<i>Agence National d'Investissement dans les Collectivités Territoriales</i>
AQIM	Al-Qaeda in the Islamic Maghreb
BVG	<i>Bureau du Vérificateur Général</i> (Bureau of the Verifacateur General)
CBO	Community-Based Organization
CDCS	Country Development Cooperation Strategy
CENI	Independent National Electoral Commission
CEPPS	Consortium for Electoral and Political Processes
CFA	<i>Cours Fiduciaire</i> African (West African franc; \$1 U.S. = roughly 475 CFA francs)
CGSP	<i>Controle General des Services Publics</i>
CSO	Civil Society Organization
DCHA	USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance
DG	Democracy and Governance
DRG	Democracy, Human Rights, and Governance
DRG Center	USAID's Center of Excellence on Democracy, Human Rights and Governance
EU	European Union
FAMA	Malian Armed Forces
FY	Fiscal Year
GOM	Government of Mali
IDP	Internally Displaced Person
INGO	International Non-Governmental Organization
LGBT	Lesbian, Gay, Bisexual, and Transgender
MATCL	<i>Ministère de l'Administration Territoriale et des Collectivités Locales</i> (Ministry of Territorial Administration and Local Collectivities)
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali

MNLA	<i>Mouvement National pour la Libération de l'Azawad</i> (National Movement for the Liberation of Azawad)
NGO	Non-Governmental Organization
OTI	Office of Transition Initiatives
PDSEC	<i>Plan de Développement Social, Économique et Culturel</i>
RPM	<i>Rassemblement Pour le Mali</i> (Rally for Mali)
SADI	<i>Solidarité Africaine pour la Démocratie et l'Indépendance</i> (African Solidarity for Democracy and Independence)
TSCTP	Trans-Sahara Counterterrorism Partnership
UN	United Nations
UNDP	United Nations Development Program
USAID	United States Agency for International Development

# EXECUTIVE SUMMARY

Mali is a fragile<sup>1</sup>, post-conflict state that remains vulnerable to political instability and conflict. It is still in transition and recuperating from state failure and the occupation of two-thirds of its territory. Its northern regions were only recuperated from invading terrorists and national rebels with the help of external armed forces and are maintained by armed international peacekeepers. State administration has not yet been reestablished in all areas. It is too soon to know whether the current reforms will result in more democratic and accountable governance, or if the state will revert to its pre-coup d'état ways that led to its crisis and collapse.

The end result depends to a great extent on what happens in the immediate future. With the increased awareness of Malians of the dysfunctionality of their state and the massive amount of international assistance being provided, there is a window of opportunity for meaningful change and building momentum toward further reforms. Within this, ending impunity and inculcating accountability are key challenges.

## CONTEXT

Before the coup d'état (coup), Mali was considered a model for multiparty democracy and peaceful transition of power in Africa. But below the surface, the government was dysfunctional and riddled with patronage and corruption. Its “consensus politics”—a laissez-faire system introduced by President Amadou Toumani Touré—rallied the political elite behind the president, concentrating power in his office and leaving no real opposition. At the same time, Touré allowed civil society organizations (CSOs) and a vibrant media sector to develop, along with an increased respect for human rights.

In the north, there were periodic rebellions by Tuareg elements. Some of these wanted greater control over *Azawad*, as they termed their traditional homelands. In 2011, Tuareg combatants returning from Libya created the *Mouvement National pour la Libération de l'Azawad* (National Movement for the Liberation of Azawad, MNLA). A subsequent massacre of Malian troops and civilians in the north, reportedly by members of Al Qaeda in the Islamic Maghreb (AQIM), triggered a military coup that resulted in state collapse.

An interim president was installed in April 2012 after intensive international mediation, but the post-coup chaos triggered a takeover of the northern two-thirds of the country by a loose coalition of Tuareg groups demanding independence, and Malian and international Islamic militants. The Islamic militants set up strongholds and instituted Islamic law. The violence displaced almost half a million persons, with about 200,000 of these fleeing to neighboring countries. A primarily French intervention force, Operation Serval, retook most of the north in January 2013.

The presidential elections scheduled for 2012 were finally held in July 2013. Ibrahim Boubacar Keïta won in a record turnout. Parliamentary elections followed in late 2013 and the new assembly took office in January 2014. This restored formal constitutional order in Mali. The state has yet to reestablish its authority in the

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<sup>1</sup> This assessment uses the term “fragile state” following the definitions in USAID’s Fragile State Strategy of 2005 (p. 1). This defines a “fragile state” as a failing, failed, or recovering state. Fragile states rarely follow a predictable path of failure and recovery. This assessment found that Mali is recovering from crisis but remains vulnerable to relapse.

north, however, and implement the Ouagadougou Accords. These were the initial agreement with the forces in the north that called for cantonment of troops to allow for the peaceful holding of the 2013 elections. The United Nations (UN) established a 12,000-person Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). At the time of the Democracy, Human Rights, and Governance (DRG) Assessment, MINUSMA was fielding a force of 6,000 persons, and about 200,000 internally displaced persons (IDPs) had returned to the north, even though the situation remained volatile and insecure.

## KEY CHALLENGES TO DEMOCRATIC GOVERNANCE IN MALI

The DRG assessment found problems in all five elements (detailed below) of democracy, human rights, and governance. The most critical were in the areas of rule of law and political competition and accountability. In particular, there is a **concentration of power, impunity, and a culture of corruption and intimidation**. These defeat the rule of law (broadly speaking), good governance, and the notion of a democratic, representative system of government. In addition, fundamental issues of reconciliation, transitional justice, and centralization remain unresolved. Unless these issues are addressed, Mali remains vulnerable to the same problems that led to its 2012 state failure.

1. **Consensus** has a double-edged meaning: While traditionally Mali has a culture of consensus, under Touré, this came to mean condoning laissez-faire among self-serving political elites, which excluded the majority of Malians. Mali has a general consensus on the governmental framework embodied in the constitution and legislation, but not on its full implementation. It lacks consensus on the role of women, religion, and the state among different religious, ethnic, and educational backgrounds. Some of these advocate a more active role for religion in state affairs and curtailed rights for women.
2. **Rule of law** is undermined by systemic corruption, aggressive political entrepreneurship, and a high degree of civil and political disregard for compliance. The judiciary system is not independent from the executive system, and access to justice is inequitable for the vast majority of Malians. The main problems lie in the failure to apply and enforce existing legal frameworks. The 2012 crisis also engendered human-rights abuses that must be addressed. Lack of action on these and earlier crimes constitutes major constraints to reconciliation and justice.
3. **Competition** is limited to a small set of political elite, despite regular elections, and there is a lack of political accountability. Power is concentrated in the presidency, and client-patron relations combined with political/economic corruption have overturned the formal checks-and-balances system. Much of the media and non-governmental organization (NGO) sectors are linked to the political elite, rendering them ineffective watchdogs. Grassroots organizations seem more genuine, but lack clout. Extremists in the north reject the concept of political competition.
4. **Inclusion** is guaranteed by Mali's constitution, but in reality, the majority of Malians are excluded from political decision-making. This includes the poor, women, minorities, and rural dwellers. It also includes the majority population in the north who are marginalized in the larger talks on conflict resolution. The idea of inclusion is contested by some Tuaregs in the north, and by others who fear foreign infiltration.
5. **Government effectiveness** reflects the centralized nature of the state and the lack of political will to devolve authority and financial resources to the local government units. Systemic corruption undermines the ability of the Government of Mali (GOM) to provide adequate services to its citizens, and lowers the quality of governance. Government presence in the north is limited mainly to the regional level. Without MINUSMA, it is unlikely the government could maintain any real presence in these areas.

## KEY POLITICAL ACTORS AND INSTITUTIONS

Political power is concentrated in the executive branch and, more specifically, within the person of the president. Touré, during his presidency, transformed political competition into the consensus system by acting as a political independent and forming alliances with all. With only a token opposition, he was free to govern with virtually no checks. Many ordinary Malians felt alienated by the perception that abuse of power and position had reached unacceptable levels, and felt that Touré had abandoned them. The current president, Keïta, is seen as a decisive man, voted into office as someone who could lead the country out of crisis; he won two-thirds of the vote in the second round. He faces the daunting challenges of rebuilding and reuniting the country, and restoring legitimacy to a discredited political process.

Keïta has promised to bring peace to the north, to fight corruption, and to unite the country. To achieve these goals, he can draw on many resources, including state power, his leadership image, the state media, MINUSMA, and large-scale foreign assistance. He has the support of religious leaders, and controls the patronage system of politics. Keïta was still benefiting from the “honeymoon period” during the assessment, and most individuals interviewed were willing to give him a chance to make changes. How long people are willing to wait for reforms is uncertain, but no one appeared willing to return to “business as usual.” Keïta has taken some positive steps, such as arresting some judges suspected of corruption and appointing a prime minister, who was well-respected and seen as a champion of reform. However, this prime minister was only temporary, and he and his government resigned after this DRG assessment was completed.<sup>2</sup> Other changes have been slow in coming, and some respected people within the government are worried that nothing substantial will change and that the situation will deteriorate.

The Malian armed forces face serious challenges. The 2013 rebellion revealed the extent of their decay, which was a major factor contributing to the coup. MINUSMA is taking the lead in protecting the country in the north, and an in-depth reform of the security sector is anticipated. The new National Assembly had just taken office at the time of this assessment, and it was also too soon to tell if it would muster a will to change. It did not act as an effective check or balance on the power of the executive in the past. Keïta’s party, the *Rassemblement Pour le Mali* (Rally for Mali, RPM), controls this Assembly. Of the 147 Assembly seats, RPM holds 66 seats of its own, plus 55 seats from opposition parties that joined in coalition. Being a deputy affords prestige as well as immunities. As many deputies paid for their ballot positions, there are strong incentives to recoup their investments. At the same time, there have been singular examples of individual deputies making a difference by standing up for certain issues.

The judicial branch is not an effective check on the executive branch, and does not adequately enforce the rule of law. However, it is a key actor and institution, and this branch of government has the theoretical potential to play a role in stemming corruption/abuse of power and deliver a more equitable justice system. It has structural issues (such as a judge serving as both judge and prosecutor) as well as corruption issues (with judges reported to have bought their positions, putting them within the client-patron relationships of the center). Access to justice is further affected by the limited level of court coverage and lawyers. A key office is the procurer général (attorney general). External audit institutions are mandated to perform checks and balances on the different branches of government, but these institutions do not act on their own reports, so very few cases have been prosecuted.

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<sup>2</sup> Keïta then nominated a veteran politician, Moussa Mara, as prime minister. As this was after the assessment was completed, the team cannot make a judgment on the implications of this appointment.

Mali has undertaken a decentralization effort for the past decade, devolving significant formal authority to local government. However, the financial resources needed to fulfill their authorities are not transferred from the center, and the patron/client networks extend to the periphery and permeate Malian governance structures.

Mali has 166 political parties that function in a clientelistic manner. Parties in power have a large client base, which they are able to grow and maintain through awards of positions, contracts, and other resources. Parties who are not close to power lose clients, as they no longer have access to the resources needed to maintain them. Women and youth are marginalized in these systems unless they are connected to the patron. Elections are managed primarily by the *Ministère de l'Administration Territoriale et des Collectivités Locales* (Ministry of Territorial Administration and Local Collectivities, MATCL). Some technical issues exist, but the main problems are that the playing field that is not level and the current electoral system perpetuates the consensual nature of politics. It is a winner-take-all system without incentives for runners-up to go into opposition in the Assembly.

There is a large civil society sector. NGOs have not played an effective watchdog role, and many are part of the patron/client system. CSOs at the grassroots level tend to be more issues-oriented and genuine. This includes the influential hometown associations created by the international Malian diaspora, as well by Malians working outside their natal communities. There is a vibrant media sector, although it suffered directly from the effects of the coup and violence in the north. There are more media outlets than the sector can support. Government domination of advertising (for its contracting) discourages the media from criticizing the ruling political or business elite.

Religious organizations are important, particularly Islamic groups. Lobbying by Islamic groups forced revisions of family legislation under Touré and Keïta, sapping the government's support for women's rights. Transnational organized crime is a major player in Mali's high Sahel region, particularly the trafficking of illegal drugs (by so-called "narco-traffickers"). Traditional chiefs serve as links between their neighborhood jurisdictions and formal government structures, and act as informal social-security networks. The international community also plays an important role in Mali. It has provided more than a billion dollars in budgetary support, in addition to supporting a broad range of projects and programs. France, the former colonial power, has retained a great deal of influence. Other important donors include the European Union (EU), Canada, and USAID. MINUSMA is playing an active role to resolve the problems in the north, as well as ensure its security.

## **OVERVIEW OF OPERATIONAL AND PROGRAMMATIC ENVIRONMENT**

The United States condemned the 2012 coup and supported Mali's transition back to constitutional governance through elections. It also supports credible negotiations between the GOM and all parties in the north who cut ties with terrorist organizations and who recognize Mali's territorial integrity. Before the coup, USAID supported sustainable economic and social development, along with peacebuilding efforts in the north. All U.S. assistance was suspended after the coup. This ban was lifted in September 2013, after the presidential inauguration. The United States, along with the international community, has strong strategic interests in peace and security in North Africa and the Sahel. USAID participates in the Trans-Sahara Counterterrorism Partnership (TSCTP), a joint initiative of the Department of State, USAID, and Department of Defense to assist host-governments in improving their security services, extending effective government control over remote areas, addressing the underlying causes of radicalization, and increasing the positive influence of moderate leaders.

United States Government (USG) priorities in Mali are to promote the restoration of a stable democracy and improved governance, promote regional security by combating terrorism and narco-traffickers in the Sahel, reduce chronic social and economic vulnerabilities, and encourage economic growth. USAID/Mali is in the process of developing a five-year Country Development Cooperation Strategy (CDCS). USAID/Mali's other technical teams (Health, Education, Agriculture & Economic Growth) have demonstrated a strong willingness and capacity to work together is pursuing a cross-sectoral governance program that is strongly supported by mission management. Despite the small budget, DG is highlighted as one of the three pillars of the emerging CDCS.

Within Mali, the main constraints are insecurity and the potential for renewed violence in the north, and the needs of the returnees.

## STRATEGIC RECOMMENDATIONS

USAID and the U.S. Government should take advantage of the window of opportunity to support meaningful change. This will take a combination of assistance, diplomatic dialogue and mentoring, and linking funds to DRG policy-reform objectives to ensure that indispensable reforms are taken. Otherwise, foreign assistance runs the danger of supporting “business as usual” and perpetuating a corrupt and dysfunctional system of governance. As USAID's resources are limited compared to the total amount of assistance provided, this will require a concerted effort among members of the international community, especially by those who provide budgetary support.<sup>3</sup>

The assessment team recommends a flexible strategy focused on strengthening checks and balances and adherence to the fundamental democratic rules of the game. Checks and balances include the electoral process, the legislative and judicial branches, oversight agencies, and civil-society/media monitoring. Adherence to the rule of law in this assessment is used primarily with regard to two of its four essential elements—specifically its role in governmental checks and balances and ensuring fairness in the system. Fairness elements include: equal application of the law; procedural fairness; protection of basic human rights and civil liberties; and access to justice.<sup>4</sup> These would address the lack of accountability, impunity, and corruption that contributed to the crisis and that prevent Mali from moving toward a stable, consolidated democracy. In addition, as these areas also support efforts for truth, justice, and reconciliation, USAID will contribute to consolidating peace, security, and nation building, thus advancing the transition.

Recommended programmatic priorities are:

1. **Strengthened intra-governmental oversight** by supporting champions of reform and key offices through mentoring and peer training, targeted technical assistance, establishing a whistleblower program with the procurer general, and supporting electoral reform to broaden representation and rationalize the party system. Key-priority institutions are the judicial and legislative branches, the procurer général, and External audit insititutions.

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<sup>3</sup> For budgetary support and non-humanitarian assistance efforts, the assessment team recommends funding be conditioned on achieving essential DRG reforms, as well as for all assistance to have the necessary conditions precedent to mitigate risks during implementation. An example of this can be found in the USAID programs in Jordan.

<sup>4</sup> USAID, *Guide to the Rule of Law Country Analysis: The Rule of Law Strategic Framework: A Guide for USAID Democracy and Governance Officers* (p. 2). The justice-sector institutions also go beyond the judiciary and include: the Ministry of Justice, legislature, prosecutors, public defenders, ombudsmen offices, regulatory bodies, human-rights organizations, media associations, and non-state justice institutions.

2. **Strengthened civic monitoring** by training and providing subgrants for CSO/Community-Based Organization (CBO)/media-watchdog efforts, linking civic oversight and reporting efforts with official oversight agencies, specialized training on investigatory journalism, and subgrants for media to develop call-in shows on accountability and justice issues. Priority institutions to monitor are the three branches of national government, oversight agencies, the Ministry of Justice, and other relevant ministries and local governments. Priority processes to monitor are the peace and reconciliation process, local elections, and prosecution of corruption and abuse of power cases.
3. **Strengthened justice** by peer mentoring and professional training for judges and immediate legal staff; support for legal aid in Bamako and to spread local citizen action justice initiatives in other areas; supporting CSOs in developing and lobbying for a national strategy for transitional justice; and by subgrants to CSOs working on human rights and anti-slavery as outstanding injustices that will fester if not addressed and, if addressed, will give a sense of justice returning to Mali.<sup>5</sup>

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<sup>5</sup> These types of trainings and activities can also be done by other U.S. Government entities, including the Bureau of International Narcotics and Law Enforcement in the State Department.



# 1.0 INTRODUCTION

## 1.1 ASSESSMENT OBJECTIVES AND METHODOLOGY

The United States Agency for International Development (USAID)/Mali and USAID’s Center of Excellence on Democracy, Human Rights, and Governance (DRG Center) in the Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA) jointly contracted a Democracy, Human Rights, and Governance (DRG) assessment as part of its strategic-planning process for the development of its 2014–2019 country-assistance strategy. The assessment was conducted following the DRG Strategic Assessment Framework.<sup>6</sup> This framework includes a political-economy analysis of a country, leads to program choices, and incorporates lessons from comparative experiences. The framework uses a four-step process to develop a DRG assistance strategy for a country:

1. Identify DRG problems through the analysis of five key attributes of a democracy—the degree of consensus on rules and fundamentals; the degree to which the rule of law is respected; the degree of political competition and accountability; the quality of political inclusion; and the level of government effectiveness—and the direction of change on the democratic development continuum.
2. Identify the key actors and institutions that can support or obstruct DRG reforms, and assess the incentives and resources for reforms (political economy analysis).
3. Distill the ideal strategy for assistance from an analytical standpoint, and then determine how USAID can best help to address these problems.
4. Recommend a strategy and programming options for USAID that will most effectively address the major DRG problems identified.

The fieldwork for the Mali DRG assessment was undertaken in January and February 2014. This included a review, though incomplete, of the recent (2012–present) political, socioeconomic, and anthropological literature on Mali, especially as related to the crisis. In addition to interviews in Mali’s capital, Bamako, part of the team traveled to Kayes on Mali’s western border with Senegal to meet with local government offices, civil societies, and political actors. Although the team met with a wide range of persons and more than 70 institutions, it is still a very small sample from a large and complex country. Nevertheless, the information provided by the different sources was validated by its consistency.

## 1.2 BACKGROUND

Mali gained independence from France in 1960, initially as part of a brief federation with Senegal. The first president, Modibo Keita, installed a one-party, socialist-oriented state. This state structure continued the French legacy of centralized power in the political, economic, and administrative spheres. Keita was

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<sup>6</sup> USAID, *Conducting a Democracy, Human Rights, and Governance Assessment: A Framework for Strategy Development*, December 2011.

overthrown in 1968 in a military coup led by Moussa Traoré. Traoré tortured and killed political opponents from the previous regime, including Modibo Keita himself, in a successful move to consolidate power.

Traoré headed an authoritarian military regime from 1968 to 1991 that was marked by half-hearted attempts at economic reform, multiple coup attempts, and continued ruthless repression of perceived opponents both inside and outside the regime. Frequent student protests beginning in the late 1970s and continuing through the late 1980s were quashed, as were other forms of dissent.

Traoré continued serving as president until he was overthrown in 1991, following prolonged popular protests against his continued rule, in another military coup led by Amadou Toumani Touré. Touré promised a quick return to civilian rule, as well as a commitment to democratic reforms. He presided over the national conference (constitutional convention) that—between July 29 and Aug. 13, 1991—drew up Mali’s current constitution and scheduled the legislative and presidential elections of 1992. The national conference, attended by major associations and unions, was lauded by many Malians and outsiders for having provided Malian citizens from across society the opportunity to express their visions for a “*projet de société*”<sup>7</sup> for the country. Touré respected his promise to turn over power to an elected civilian government within roughly one year. Alpha Oumar Konaré was elected president in the country’s first free multiparty elections in 1992. Parliamentary and local elections were held, which inaugurated the process of decentralization that was codified in 1995.

Konaré served two terms as president, as allowed by the constitution. In 2002, Touré, who had retired from the army and who was Konaré’s preferred candidate for the succession, was elected as an independent candidate for president.<sup>8</sup> Touré was re-elected in 2007. He was a charismatic leader and managed the country in a style that came to be known as consensus politics. This system established a broad and flexible coalition of political interests with Touré, a member of no political party, who formed alliances with all political parties except for one. This was *Solidarité Africaine pour la Démocratie et l’Indépendance* (African Solidarity for Democracy and Independence, SADI), led by the filmmaker Cheick Oumar Cissoko.

“Consensus politics” featured a laissez-faire system for political elites that resulted in no real opposition and no checks and balances on the power concentrated in the presidency. At the same time, personal freedoms were institutionalized with the emergence of civil society organizations (CSOs), a vibrant media sector, and increased respect for human rights.<sup>9</sup> However, this consensual nature of governing, and the institutional failure to hold politicians and officials accountable for their actions, fostered pervasive public perceptions of

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<sup>7</sup> “*Projet de société*” can be roughly translated as a consensual vision for the future of society. The 1991 constitutional conference was a precedent-setting event: For the first time, Malian authorities solicited the opinions of Malians from across all segments of society, regarding their priorities, concerns, and visions for the future of the country. It was also significant because francophone authorities took steps so that Malians were able to express themselves in their own languages. Their statements were then translated into French and into other national languages. One interlocutor recalled a Sonrai, who was also fluent in French, correcting the French translation of his intervention in Sonrai. To which the translator retorted, “Why don’t you just speak in French, then?” The Sonrai responded that 80 percent or more of his fellow residents of Gao region (and similar for other regions) were *illiterate in French* and it was therefore critical that comments be faithfully translated into national languages. Ibrahim Boubacar Keita initially indicated that he might hold a new national conference, and some of those interviewed expressed their disappointment that Keita had apparently decided not to hold one.

<sup>8</sup> Although most of the international community accepted the results of the 2002 elections as free and fair, the second- and third-place candidates, Soumaila Cissé and Ibrahim Boubacar Keita, pointed to more than 400,000 ballots canceled as evidence of fraud.

<sup>9</sup> USAID, *DG Assessment Mali* (p. vii)

unchecked corruption and patronage among the political elites.<sup>10</sup> Included here were civil society leaders who gravitated toward the centers of political power and state patronage.

In the north, periodic rebellions among some elements of the Tuareg disrupted the state building process. These semi-nomadic people traditionally lived in an area including southern Algeria and Libya, and northern Mali and Niger.

Their 1963 rebellion was brutally suppressed.<sup>11</sup> Lingering resentment and perceptions that their interests were not represented by the southern-dominated national government led to a second rebellion in 1989. Some Tuareg rebels also wanted greater control over what they consider to be their homelands (which they refer to as *Azawad*)—a contested concept. This rebellion ended by agreement in 1996, but not before an estimated 6,000 to 8,000 persons were killed.

A later uprising was settled through negotiations organized by Algeria in 2009 with promises of greater regional autonomy, integration into the armed forces, and more assistance for the north. In late 2011, returning Tuareg combatants from Libya created the *Mouvement National pour la Libération de l'Azawad* (National Movement for the Liberation of Azawad, MNLA). The subsequent massacre of Malian troops and civilians in the north, reportedly by members of Al Qaeda in the Islamic Maghreb (AQIM), prompted soldiers' wives to march in Mali's capital, Bamako, protesting the killings, the poor conditions of the troops, and the government and armed forces' inability to respond.

Within this context, elections were planned for April 2012. The main issue in the south was who would replace Touré as president when junior- and mid-level soldiers, frustrated with the handling of the Tuareg rebellion, overthrew Touré, provoking state collapse. Intensive international mediation achieved transfer of power from the coup group in April 2012 to Dioncounda Touré, the speaker of the National Assembly, as interim president. The post-coup chaos triggered a takeover of the northern two-thirds of the country by a combination of Tuareg groups seeking independence and homegrown and international Islamic militants. Islamic militants set up strongholds and instituted Islamic law. This violent invasion displaced almost half a million persons. Nearly 300,000 of these were internally displaced persons (IDP), while the remainder became refugees in neighboring countries.<sup>12</sup> A French intervention force, Operation Serval, accompanied by a small Chadian contingent, retook most of the north in January 2013.

At the insistence of French and other important donors, Mali held presidential elections in July/August 2013. Ibrahim Boubacar Keïta won the presidency in the second round against challenger Soumaila Cissé from the Union for Republic and Democracy in an election that saw record turnout. Following his election, Keïta supported the lifting of an international arrest warrant on two Tuareg rebel leaders who were first allied with MNLA and later with AQIM-allied Ansar Dine, Ahmada Ag Bibi, and Mohamed Ag Intallah. Although controversial, this was a part of the Ouagadougou Accords, the initial agreement made with the armed groups which included their cantonment and promises to allow for the elections to be held in a peaceful environment.<sup>13</sup> Lifting the warrant enabled Ahmada Ag Bibi, and Mohamed Ag Intallah to become eligible to

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<sup>10</sup> Background information from the Congressional Research Service, *Crisis in Mali*, and the USAID *Democracy and Governance Assessment Mali 2011*.

<sup>11</sup> Traore, Amadou Seydou, *Debout sur les remparts! Sauvons le Mali* (p. 17) notes six Tuareg rebellions, beginning in 1963, with subsequent uprisings occurring in 1989, 1996, 2006, 2012, and 2013.

<sup>12</sup> UN, *Report on the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Mali*.

<sup>13</sup> MINUSMA interview.

run for seats in the National Assembly, and both were subsequently elected to the National Assembly on Keïta's party's ticket.<sup>14</sup> Keïta's choice of Zahabi Ould Sidi Mohamed for Minister of Foreign Affairs also sparked concerns, as Mohamed was an "Arab" from Timbuktu and former rebel leader of the *Front Islamique Arabe de l'Azawad*, which in the 1990s had been accused of involvement in massacres in Bamba and Fafa et Ansongo, and in the Gao region in 1994.

Parliamentary elections took place in November/December 2013 and the new Assembly took office in January 2014. This restored constitutional order.<sup>15</sup> Communal elections were anticipated for April 2014 during this assessment and were later scheduled for October 2014. However, the state has yet to reestablish its authority in the north and implement the Ouagadougou Accords.<sup>16</sup>

The French retain a peace-enforcement presence in Mali, but the United Nations (UN) established a 12,000-person Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) that took over the primary peacekeeping operations in 2013. MINUSMA's current mandate ends in June 2014 but is expected to be extended and is currently at 6,000 persons.<sup>17</sup> The French Serval Operation received a special mandate from the UN Security Council to provide assistance to special operations of MINUSMA. This has provided a new modus operandi for UN peacekeeping operations. About 200,000 IDPs had already returned as of the end of February 2014, although the situation still remains volatile and insecure.<sup>18</sup> However, refugees outside the country had not yet started to return in any numbers.<sup>19</sup>

Mali is a large country and has borders with seven countries. The vast, empty Saharan and high Sahelian regions in the north constitute two-thirds of its territory. This area has become a major location for transnational organized crime and trafficking. These activities comprise illicit drug and arms trade, as well as trafficking in persons. An estimated 5,000 West African women have been trafficked into sexual exploitation in Europe in recent years. Mali is a "tier-two" country for the U.S. Government as a source, transit, and destination country for trafficking.<sup>20</sup>

West Africa is a major transshipment location for narcotics. Although cocaine flows are down from a peak of 47 tons in 2007, the 18 tons trafficked in 2012 was worth US\$1.25 billion at wholesale in Europe. This provides West African traffickers with substantial income and helped fund some of the insurgents' arms.<sup>21</sup> Coupled with the proliferation of weapons in the Sahel following the Libyan crisis, these contributed to

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<sup>14</sup> Institute Thomas More, [www.institut-thomas-more.org/en/actualite/malian-parliamentary-elections-simply-an-obligatory-step.html](http://www.institut-thomas-more.org/en/actualite/malian-parliamentary-elections-simply-an-obligatory-step.html)

<sup>15</sup> UN (p. 13).

<sup>16</sup> Freedom House, *Countries at the Crossroads, Mali* (p. 2).

<sup>17</sup> [www.un.org/en/peacekeeping/missions/minusma/facts.shtml](http://www.un.org/en/peacekeeping/missions/minusma/facts.shtml)

<sup>18</sup> UN, *Report of the Secretary-General on the Situation in Mali* (p. 3).

<sup>19</sup> Internal Displacement Monitoring Center, *Left Behind: IDPs Forgotten in Mali's Southern Cities*.

<sup>20</sup> Tier 2 Watch List: Mali does not fully comply with the minimum standards for the elimination of trafficking, but is seen as making significant efforts. A comprehensive anti-trafficking law was passed in 2012, but the country has not demonstrated increased efforts to prosecute or convict offenders, assist victims, or undertake prevention efforts.

<sup>21</sup> United Nations Office on Drugs and Crime: *Transnational Organized Crime in West Africa: A Threat Assessment*, February 2013.

regional instability and transformed the character of the insurgency in northern Mali. This is a regional problem that also destabilized the government of Guinea-Bissau.<sup>22</sup>

Mali is often described as a country with a long tradition of effective governance and tolerance. Its system of hereditary traditional leaders still exists, although the leaders have no formal role in the state structures. In addition, indigenous CSOs, including *Associations de Ressortissants* (hometown associations), continue to play significant roles in governance. Most Muslim leaders in the country support good governance and advocate Muslim morality and practices on the part of residents.<sup>23</sup> Mali's northern city of Timbuktu was, from the 12<sup>th</sup> through 16<sup>th</sup> centuries, a vital crossroads for regional commerce and a center for Islamic studies. While French is the national language, the majority of Malians speak Bamanankan, followed by other local languages: Fulfulde, Songhai, Minianka, Senoufo, Bobo, Dogon, Bozo, Somono, Hasanyia, and Tamasheq. Mali is predominately Muslim (about 95 percent) with the remainder divided among Christians sects, plus a smattering of animists.

Mali is a secular state, although it had a Ministry for Religious Affairs during this assessment. This was subsequently changed to a delegate minister for religious affairs within the Ministry for Territorial Administration. It is not unusual for outside observers, both scholarly and in the development field, to describe Malians as moderate in their beliefs. One leading scholar of Islam in Mali cautions against such arguably reductionist but surprisingly common conclusions:

Shortly after the Islamist takeover of northern Mali, many asserted that Islamists in Mali were nearly all foreigners. According to the conventional wisdom, most Malian Muslims practice “traditional” (or “traditionalist”) Islam, in which the mystical tradition of Islam, Sufism, figures prominently. In this way of thinking, Malian Muslims are usually assumed to be inherently peaceful and tolerant. It almost seems to follow that militant Muslims necessarily come from outside the region. Although non-Malians have been involved as members and in key leadership positions in two of the Islamist groups in northern Mali—Al-Qaeda in the Islamic Maghreb (AQIM) and the *Mouvement pour l'Unité et le Jihad en Afrique de l'Ouest* (Movement for Unity and Jihad in West Africa)—the appeal of such groups to some Malians and their active participation in advancing those group's agendas challenges the view of a static “traditional” Islam in Mali. The fact that Malian Tuareg rebel leader Iyad ag Ghali—one-time member of Tablighi Jamaat, the world's largest Muslim missionary organization, which spread widely in Mali—founded one such group Ansar Dine (literally “defenders of the religion”), whose major stated objective is to impose Sharia throughout Mali, should help set such simplistic views aside.<sup>24</sup>

The population of Mali is predominately young, with a median age of 16 years.<sup>25</sup> Mali is a poor country, ranking 182 out of 186 countries in the United Nations Development Program (UNDP) *Human Development Index*. Among some of the statistics: Malians have the lowest satisfaction rate with the quality of education in Africa (35 percent); Mali ranks 141 out of 186 countries for gender inequality; 68 percent of Mali's population lives in severe poverty; Mali's adult-literacy rate is 31 percent; and 36 percent of Malian children

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<sup>22</sup> UN, *Report of the Secretary-General on Transnational Organizational Crime and Illicit Drug Trafficking in West Africa and the Sahel Region*.

<sup>23</sup> Soares, *Islam in Mali in the Neoliberal Era* (p. 77–95, especially p. 85–87).

<sup>24</sup> Soares, *Islam in Mali Since the 2012 Coup*.

<sup>25</sup> CIA, *Factbook on Mali*. Ages 0–14 years make up 47.7 percent; ages 15–24 represent 26.7 percent.

work.<sup>26</sup> Ninety-one percent of Malians surveyed in early 2013 said they lacked money; 60 percent lacked food; 52 percent lacked medicine; and 45 percent lacked potable drinking water. Seventy-five percent of Malians think the country is going in the wrong direction.<sup>27</sup> These attitudes had reversed following the elections, illustrating the “honeymoon period” for the new president, with 75 percent of the respondents saying that Mali was going in the right direction.<sup>28</sup> Nevertheless, Mali has high economic potential, especially in agriculture in the central rice-producing area of the *Office du Niger* (Niger Inner Delta). Mali also has mineral resources, such as gold, currently under exploitation in the country’s far southwest, and reportedly uranium in that region, as well as rumored oil deposits in the north.

There are several important ethnic groups in the north in addition to the Tuareg. These include: the “Kel-Tamasheq Noir,” the former—or, in some cases, current—slaves of the “white Tamasheq,” or Tuareg; the Sonrai, who make up a majority of the population in two of the three northern regions, Gao and Timbuktu; the Bozo and Somono, the traditional fishermen who populate the length of the Niger river from Mopti to Gao; the traditionally transhumant Peulh herders; and smaller numbers of Bambara farmers.

Slavery was formally abolished in the 1960s after Mali gained independence from France. However, descent-based slavery still exists in the northern regions of the country. People descended from slaves remain as the “property” of their “masters,” either living with and serving them directly, or living separately but remaining under their control. Others descended from slaves live freely and no longer have links with their traditional masters, but they typically face discrimination because of their “slave” status. There is very little political will to address descent-based slavery, and its existence is often denied by the government altogether.<sup>29</sup>

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<sup>26</sup> UNDP, *Human Development Report 2013: Mali Statistics*.

<sup>27</sup> Afrobarometer, *Crise, démoderatie et participation* (p. 7).

<sup>28</sup> Afrobarometer, *Mali’s Public Mood Reflects Newfound Hope, Policy Paper* (p. 1)

<sup>29</sup> Source: Temedt Anti-Slavery Association, Bamako. In 2006, the organization Temedt was created specifically to address descent-based slavery following the murder of a man of slave descent by a traditional master.

## 2.0 KEY CHALLENGES TO DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE IN MALI

This section describes the key challenges to democracy, human rights and governance (DRG) in Mali by focusing on the five analytical elements of consensus, rule of law, political competition and accountability, inclusion, and government effectiveness. The assessment found problems in all five elements, but the two most crucial areas were in the rule of law and political competition and accountability.

**TABLE 2.1: KEY ANALYTICAL ELEMENTS**

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**Consensus:** 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? Do divisive questions of national identity pose a threat to social or political cohesion? Is there agreement on who is inside and who is outside legitimate political and economic life, what are the borders of the country, who is a citizen, and whether everyone is or should be treated equally under the law?

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**Rule of law:** Is there ordered liberty? Are political life, economic life, and social life bound by a rule of law? Does the state recognize and protect the rights of its citizens? Does the government abide by the laws and rules that govern its actions? Is there a culture of impunity? Is the practice of using public institutions to dispense jobs, favors, and resources widespread? Are the public security forces themselves subject to the rule of law and judicial-branch oversight? To what extent do citizens, both male and female, have access to fair and equitable systems of justice, either formal or informal?

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**Political Competition and Accountability:** Is there competition in the system? Are free and fair elections a regular feature of competition? Are there other mechanisms beside elections that ensure the 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?

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**Inclusion:** 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? Do all citizens have equal access to public services? Are there barriers to the population's use of public services? Does the location, literacy requirement, official language, cost, gender relations, or prevailing attitude impede the use of public

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services, such as courts and schools, by certain parts of the population? In addition to voting, are there mechanisms for all citizens to provide their input into public decisions?

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**Government Effectiveness:** 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? What, if any, mechanisms are in place for soliciting end-user feedback for public services? What forms of administrative accountability exist? What is the nature of the accountability relationships between political leaders/policymakers, public servants, and society?

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## 2.1 CONSENSUS

Mali traditionally has a culture of consensus; before the recent events, this concept was corrupted to mean a *laissez-faire* system among political elites that was not shared by the majority of Malians. There is general consensus on the governmental framework and fundamental rules of the democratic game that are embodied in the constitution and legislation but not on its full implementation. There is a lack of consensus on the roles of women, religion, and state.

Consensus in the context of Malian politics has a double-edged meaning and connotation, particularly during the past decade. Historically, Malians have successfully employed, and prided themselves on, “traditional” or “cultural” strategies for conflict resolution or for reaching consensus in ways that avoided resorting to violence. These grew out of the interdependency of economic relationships among Mali’s highly diverse peoples and the resultant high degree of ethnic interdependence, as well as the highly regarded role of intermediaries in the creation and maintenance of a social compact.<sup>30</sup> The practice known in Bambara as *Sanankouya* and in Fulfulde as *Dendirabe* (known in English as “joking cousins” and awkwardly translated into French as an “*alliance à plaisanterie*”) is one example of non-familial alliances used to defuse tensions, avoid conflict, and reach consensus.

Another traditional Malian practice aimed at reaching consensus is known as a *ton sigi*—talking collectively to achieve consensus within the community—in which men and women of all ages could participate. Peter Schraeder describes it in this way:

A final component of traditional Malian mediation practices is the cultural imperative of seeking consensus through the tradition of *palaver* (open dialogue), when a challenge to society requires a societal response, such as the outbreak of violence and the subsequent search for its resolution. This form of decision-making was widely diffused throughout precolonial African society, and remains an important component of conflict-resolution measures during the contemporary independence era. In contrast to the winner-take-all mentality of most Western democracies, consensus-building is based on the twin principles that all male members of society have the right to voice their opinions in open fora, and that decisions for the community as a whole are made only when agreed upon by all present.<sup>31</sup>

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<sup>30</sup> Schraeder: *Traditional Conflict Medicine?* (p. 184)

<sup>31</sup> *Ibid* (p. 187)

The other and less positive side of the issue of consensus was arguably an experiment by the recently deposed President Amadou Toumani Touré in applying the “traditional” and “cultural” approaches to community consensus-building to national governance. Touré’s style of governance—described variously as “ATTocracy” (a play on words using Touré’s initials, ATT), “artisanal governance,” and a “culture of consensus”—consisted of Touré governing through “consensus politics,” by building broad coalitions and co-opting rivals. Touré’s strategy, as described by Peter Tinti:

Through a mix of horse-trading, patronage, and outright corruption, Touré had ostensibly removed any incentives for political parties and civil society groups to form opposition movements. The end result was an incestuous, self-enriching political class in Bamako, a proliferation of state-supported militias tied to business interests in the north and the hollowing out of state institutions.<sup>32</sup>

The pursuit of a government by consensus in fact resulted in a government absent of any loyal opposition. Throughout the 10 years of Touré’s rule, only the *Solidarité Africaine pour la Démocratie et l’Indépendance* (African Solidarity for Democracy and Independence, SADI) party of Cheikh Oumar Cissoko and Oumar Mariko—which held a small minority of fewer than 20 seats in the 144-seat parliament—was a constant, if insignificant, presence in the opposition. While there were hopes that Ibrahim Boubacar Keïta’s government would herald a return of some meaningful opposition presence in the National Assembly, consensus politics appear to be alive and well, with Soumaila Cisse’s party leading a token opposition force that includes *Le Parti pour la Renaissance Nationale* (Party for National Rebirth), *Forces Alternatives pour le Renouveau et l’Évmergence* (Alternative Forces for Renewal and Emergence), and *Parti pour le Développement Economique et la Solidarité* (Party for Economic Development and Solidarity) with 26 seats, while all of the remaining political parties with seats in the Assembly rallied in support of Keïta—including SADI this time.

Maliens appeared to have broad consensus on the level of corruption, deplorable conditions of the army, and inability for all but those few persons with sufficient money to secure access to justice. Many felt foreign governments, including the United States, were complicit in the deterioration of the government and onset of the crisis by looking the other way rather than challenging the electoral irregularities in previous elections or the endemic corruption which had begun to rot the government from top to bottom. There also seemed to be consensus among most Malians interviewed that foreign governments needed to enforce strong conditions on their future assistance to the Malian government and put more rigorous monitoring systems into place. Some suggested that foreign governments insist that outside, independent auditors be placed in every ministry to create greater accountability and transparency.

There is clearly no consensus among Malians regarding whether the new Keïta government represents a break from the past and a new commitment to reform, or whether it is only a new chapter of consensus politics. It is also not clear what consensus, if any, Malians have reached related to issues of reconciliation, justice, impunity, and a resolution to the conflict in the north. There is also a lack of consensus on the role of women, which was recently reflected in the revision of the family law draft, after religious leaders advocated against certain provisions supported by civil society organizations (CSOs).

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<sup>32</sup> World Politics Review: *Legislative Elections Could Signal Mali’s Return to Politics as Usual*, by Peter Tinti.

## 2.2 RULE OF LAW

The rule of law in Mali is undermined by systemic corruption, aggressive political entrepreneurship, and a high degree of civil and political disregard for compliance. The judiciary branch is not independent from the executive branch, and access to justice is problematic for the majority of Malians. The main problems occur not in the legal framework, but in the failure to apply and enforce it. The 2012 crisis also led to human-rights abuses that have yet to be addressed. Lack of action on these and earlier crimes is a major constraint to reconciliation and popular perceptions of justice within the country.

The DRG assessment found numerous rule-of-law deficiencies to be key problem elements in Mali, along with issues related to political competition and accountability. In the past two years, Mali's rule of law was severely tested. Its elected president was overthrown by a military coup and the acting president and other politicians were beaten while separatist movements in the north undertook armed rebellion and, with significant support from non-Malian groups, occupied two-thirds of the country. Extremists in those locations imposed Sharia law. Gross human-rights violations took place, including extrajudicial killings, forced disappearances, arbitrary arrests, sexual violence, and conscription of child soldiers by armed groups.

The ouster of armed groups in the main cities (Timbuktu, Gao, and Kidal) in the north by French and Chadian troops, as well as the presidential and legislative elections held in 2013, were characterized by many during the assessment as signaling a return to the rule of law. However, the events raise serious questions about the nature of the rule of law before the coup, as well as its post-crisis condition, such as: How could a government and nation based on the rule of law fall so quickly and only be revived through large-scale intervention? In fact, corruption and impunity had become so pervasive that they reduced much of the governance system to an empty shell, leaving the government and military incapable of dealing with events.

The legal framework in Mali is not the issue. Some elements do require updating, streamlining, or completion, but the main problem is the failure to adhere to the legal framework and the lack of sanctions for infractions. The almost-unchecked growth of corrupt practices in all spheres circumvented the justice system, and prevented independent oversight and enforcement of the laws. Under these circumstances, judicial decisions become arbitrary, auctioned off to the highest or most powerful bidder, and/or used as political tools. Legal recourse against abuse is problematic, especially for those without connections or deep pockets, such as the average citizen. Seventy-two percent of those surveyed in a recent poll thought the courts did not provide equal treatment.<sup>33</sup>

During the assessment, the team heard several examples of persons arrested for major crimes but subsequently released without prosecution, as well as notorious cases, such as the "Air Cocaine" drug-trafficking case, that never went to court. With their laissez-fair system, the political elite were seen as political entrepreneurs, without a sense of social justice, aggressively seizing opportunities without regard for consequences. This transmitted a high degree of civil disregard for adhering to certain elements of the rule of law, such as paying taxes or respecting property rights. Some attributed the faltering rule of law to the decline in social values, and longed for the return of the Great Mali of yesterday (Mali Ba).

This situation is reflected in the significant increase in the number of Malians who believe their judiciary system is corrupt, jumping from 28 percent in 2005 to 42 percent in 2014.<sup>34</sup> Additionally, 69 percent of the

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<sup>33</sup> Afrobarometer, *Le Citoyen, l'Etat et la Corruption* (p. 13).

<sup>34</sup> *Ibid.*

Maliens surveyed felt the government was badly handling the fight against corruption.<sup>35</sup> There also seemed to be widespread recognition among Malians interviewed of the role that corruption and the lack of accountability played in the collapse of the system, as well as a growing disaffection for politicians and others who circumvented the law. This is reflected in the spike in vigilante justice. The transaction costs for access to justice are high for all citizens in terms of expense and time, but even more so for rural litigants where courts can be a far distance from their residences. There is also the issue of language; court is conducted in French, which many Malians cannot speak well enough to argue a case, and translators are not provided on a systematic basis. Unsurprisingly, many turn instead to traditional chiefs and religious leaders for more expeditious and reliable dispute-resolution services.

Another justice and governance issue for those without connections relates to land tenure and property rights. The rapid urbanization of the country has placed a high value on land near cities or containing valuable natural resources. The registration of titles by the urban elite and investors clashes with the customary tenure systems under which most smallholder farmers and agropastoralists hold their land. Expropriation of land has become common as these outsiders formalize their titles.

Serious rule of law issues remain in the north. Continuing insecurity and links with transnational traffickers and extremist groups continue to threaten the rule of law in the area and have prevented the return of the Malian government system, including the courts, to most of these areas.<sup>36</sup> In addition, armed groups destroyed much of the government infrastructure in these areas during their occupation, and only a small number of Ministry of Justice personnel have returned to the area with the United Nations' Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) support.

Human-rights abuses are continuing in the north and include killings, abductions, torture, and sexual violence perpetrated by members of the Malian armed forces and armed groups. From January to October 2013, 276 cases of rape were reported, including 68 cases involving children, mostly in Gao and Timbuktu.<sup>37</sup>

There are a large number of unresolved issues related to the rebellions and crackdowns, many that go back years. These require a resolution to the problems in the north, as well as transitional justice and reconciliation. Many Malians met expressed frustration, or at the very least a sense of great uncertainty, about the commitment of the Keita government to make the resolution of the conflict in the north a top priority, and about the capacity of the principal institutions created to address these issues—the Ministry of Reconciliation and the Commission for Truth, Justice, and Reconciliation—to fulfill their mandates. The Ministry of Reconciliation recently underwent a shakeup, with the secretary general and another senior official dismissed, and the composition and leadership of the commission yet to be finalized. The creation of the Commission for Truth, Justice, and Reconciliation was passed by the National Assembly subsequent to the DRG assessment and was with the Council of Ministers for approval at the time this report was finalized. Concern was also raised about the government's mixed signals on its commitment to justice, specifically because of its decision to support the lifting of the arrest warrant on two former rebels (Ag Bibi and Ag Intallah) accused of involvement in atrocities in the north, and Keita's choice for his Minister of Foreign Affairs, Zahabiould Sidi Mohamed, also alleged to have been involved in massacres of civilians during the last round of Tuareg unrest in 1994. On the other hand, former Defense Minister Yamoussa Camara and several other senior army

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<sup>35</sup> Afrobarometer, *Governments Falter in Fright to Curb Corruption* (p. 23–34). This survey result is also up from 2002–2005, when only 50 percent of respondents rated the Government of Mali negatively for its handling of corruption.

<sup>36</sup> UN, *Report of the Secretary-General on Transnational Organized Crime and Illicit Drug Trafficking in West Africa and the Sahel Region* (p. 18).

<sup>37</sup> UN, *Report of the Secretary-General on the Situation in Mali* (p. 7).

officers were arrested. They were involved with Amadou Haya Sanogo in the killing of more than 20 members of the Malian Army's elite force, the Red Berets. The arrest is seen as a positive sign demonstrating the government's commitment to regain control of the armed forces and to transitional justice.

In the private sector, business regulations are cumbersome and an estimated 60 to 70 percent of economic activity occurs in the informal sector. This means then that most of the private sector works outside the formal economy and pays no taxes. According to the World Bank, corruption and governance issues are the biggest obstacles for those businesses working within the legal economy. The government reportedly does most of the contracting in the country, and contracts are allegedly provided to those with connections.<sup>38</sup>

## 2.3 POLITICAL COMPETITION AND ACCOUNTABILITY

Despite regular elections, political competition within Mali is limited to a small set of political elites. Power is concentrated in the presidency, and the combination of client-patron relationships and political/economic corruption has overturned the formal checks-and-balances systems. Much of the media and non-governmental organization (NGO) sector are linked to the political elite and do not serve as effective watchdogs. Grassroots organizations appear to be more genuine but lack clout. Extremists in the north reject the concept of political competition.

Political competition and accountability is a critical problem area identified in this DRG assessment, and contributes to the corollary failure to adhere to the rule of law. Mali had the institutional structures of a democracy, and held multiparty elections since 1992, with a regular rotation of elected officials taking and leaving office. This led Mali to be seen by the international community and others as a model of democratic development. Yet it lacked functional checks and balances, and its electoral and political processes were captured by a small group of political elite.

Mali's political-party system is fractured into more than 160 different parties. There is a common perception that most of these were created for the sole purpose of bringing their leader to power or putting him in a position where he can negotiate power. According to interviews, the political system is based on a complex network of patronage, paternalism, and nepotism. Many viewed politics as a way to become a patron and to make money more quickly than through the economic sector. Failing to ally with a winner means loss of access to patronage and clients, and more limited opportunities for graft.

Seventy-six parties fielded candidates in the 2013 legislative elections and 24 parties presented candidates for the 2013 presidential elections.<sup>39</sup> Parties allegedly sell the candidate slots on their party slates for between 5 and 20 million *Cours Fiduciaire* African (CFA francs). No legislation regulates campaign financing, and the parties interviewed asserted they used these funds for campaign purposes. For the most part, candidate slots are open to persons of any party. They often go to the highest bidder or to the person the party thinks will bring in the most votes. This results in mixed party slates and confusion for voters. Most campaigns are based primarily on personalities, and the consensual nature of politics leads losing candidates to join the winning candidate. This defeats the idea of a loyal opposition and a competition of ideas in elected office.

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<sup>38</sup> USAID, *Comparative Assessment of Decentralization: Mali In-Country Assessment* (p. 34–35) and Malian newspaper reports cited therein.

<sup>39</sup> European Union, *Mission d'Observation Électorale de l'Union Européenne au Mali, Rapport Final- Élections Législatives 2013* (p. 7).

The composition of the newly elected National Assembly exemplifies this issue. A total of 120 deputies joined the government coalition, leaving a token opposition with little real ability to check the government. This Assembly was not fully constituted as of the date of the assessment fieldwork, but the opposition reportedly receives a few key positions each session; however, their small numbers mean they will always be outvoted in the Assembly. Historically, the Assembly has not served a meaningful checks-and-balances function because of the domination of the executive branch. It seems unlikely that this Assembly will prove more willing to assert its role this time around. President Keïta is in a good position in this Assembly with his son, a deputy nominated to chair the armed forces committee, and his son's father-in-law elected president of the Assembly.

The playing field is neither free nor fair. Money buys not only a slot on the ballot but voters, as well. Vote-buying was said to be common. Voter turnout was higher in the 2013 presidential elections than usual (about 49 percent against the 2007 turnout of 36 percent).<sup>40</sup> Most observers felt this reflected citizens' interest in ending the crisis by electing a decisive leader, such as Keïta. However, many voters are apathetic about the formal trappings of competition, and turnout is still low. The state media favors government candidates, while advertising in the private media is expensive for those without government connections. The prevailing system has marginalized women, youth, and others who do not have access to the resources needed to buy a ballot slot or to win an election. Only 14 women were elected in the 2013 Assembly (out of 147 seats), down from 15 in 2007. This system restricts choices available for citizens. The assessment team heard examples of well-qualified women and other candidates, supported by their communities, who were unable to afford a slot on the party list. This left voters of some constituencies choosing among candidates they did not know, and without any sense of which might be the "lesser of evils."

Although the system of government was decentralized in the early 1990s, this involved little devolution of power and limited transfer of resources. As a result, no real competition for power exists between the central and local governments. Local governments cannot act as a check on or balance to the unitary state. This situation is perpetuated by the elaborate system of *tutelle*, through which higher-level government units supervise activities of lower-level jurisdictions. Reinforcing centralization is the long-standing militarization of the public administration, with military officers appointed to every ministry and staffing important posts in the line administration, such as governor, prefect, and sub-prefect. The system anchors the military's oversight of government and ensures continued central control over the machinery of government throughout Mali. In a country that has experienced three military coups since 1968, this arrangement is contrary to the notion of an open competitive system and civilian control over the military. Extremists in the north reject the idea of political competition and want to install an Islamic republic. Given the large-scale presence of MINUSMA, this is not an immediate threat, but there is widespread concern within the country and region about the spread of extremist ideology and its effect on tolerance, pluralism, and continued secular governance.

Adverse effects of strictly circumscribed channels for political competition and accountability may be a factor at the base of the episodic armed uprisings in the north. If people do not feel they are able to influence government through political competition, hold their elected officials accountable through formal channels, or feel represented in the policy decisions that affect their lives, their only alternative is to withdraw or use alternative means.

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<sup>40</sup> International Foundation for Electoral Systems, Election Guide, Republic of Mali.

So far, the south has been quiet, but the assessment found a widespread perception that the people's complacency ended with the crisis. Everyone said the country could no longer afford to continue "business as usual" and that politicians somehow had to be held accountable for their actions. People reportedly voted for the current president because of his reputation as a decisive leader; they want him to implement reforms and hold people accountable. Many said they would not be willing to sit still if nothing changed. Moderates are currently attempting to lobby for such changes through the informal systems of personal contacts, but some observers anticipate that, absent meaningful reforms, the vast majority of Malians who are outside this system will manifest their discontent through public demonstrations. Several informants projected these might turn violent.

A large group of CSOs exists, many based in the capital. Although some are serious NGOs focused on improving the situation within their areas of interest, many others are creatures of government or politicians, created to serve as counterparts with whom to discuss policy issues and programs. These give the illusion of a vibrant CSO sector and inclusive consultations. However, beyond raising issues in workshops or through informal networks, most of these groups play no effective watchdog role, likely because they benefit from the political patronage system. Grassroots organizations appear to be closer to the people and do serve a public function by representing the interests of their members, but their lack of connections and resources prevents their playing a more systematic watchdog role.

The media is relatively free, but was directly affected by the crisis and its aftermath. This led Freedom House in its latest *Freedom of the Press Index* to downgrade the status of the press in Mali from "free" to "partly free."<sup>41</sup> Only about 10 percent of the newspapers publish regularly and only the *L'Essor* reaches all major cities. The remainder distribute 90 percent of their copies in Bamako. Functioning FM radio stations continue to offer good coverage, but almost 200 of those permitted are not currently operating.<sup>42</sup> The state broadcaster, ORTM, is the only domestic station with national reach, but it consistently provides pro-government programming.<sup>43</sup> The quality of journalism is affected by the large number of persons who took it up without training and by the politics/patrons of their owners/editors. Many of these newspapers privilege rumor over fact; politicians buying stories was said to be commonplace. Mali has no freedom-of-information laws, and truncated access to information and government policies poses a serious problem. Journalists suffered attacks during and after the crisis, and self-censorship remains an issue.<sup>44</sup> The situation in the north is still not normalized, as the extremists closed down all independent media and used the facilities and remaining staff to broadcast propaganda.<sup>45</sup>

Free economic competition is limited. Although the Malian economy is liberalized for the most part, it is nascent, inefficient, and disruptive in areas of government subsidies (cotton, fertilizers, seeds), but relatively free in some areas, such as cereal and food processing. Entry and exit from most markets is free, as is the ability to name the price of goods. Mali ranks 155 out of 189 economies for ease of doing business. Some of its worst scores are for trading across borders (160), paying taxes (157), and enforcing contracts (160).<sup>46</sup> The

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<sup>41</sup> Freedom House, *Freedom of the Press, Mali 2013* (p. 1).

<sup>42</sup> International Research & Exchanges Board, *Media Sustainability Index 2012* (p. 1).

<sup>43</sup> *Ibid.*

<sup>44</sup> International Research & Exchanges Board, *Op. cit.* (p. 6).

<sup>45</sup> Freedom House, *Op. cit.* (p. 2).

<sup>46</sup> International Finance Corporation, *Ease of Doing Business in Mali*.

Heritage Foundation ranks Mali as 111 out of 181 countries for freedom of trade.<sup>47</sup> Significant economic activity occurs in the informal sector. Small businesses face the greatest difficulties, according to interviewees, as they lack the political connections that large businesses cultivate. Access to information is not equal for all of the market actors, and this gives some actors a competitive edge. Another type of market distortions is political influence in the sphere of public procurements. The Government of Mali (GOM)'s sale of parastatals to cronies was reportedly lucrative.

## 2.4 INCLUSION

Mali's constitution provides its citizens with formal guarantees of inclusion, but in reality, the majority of the population is excluded from the political decisions that affect their lives. This includes the poor, women, minorities, rural dwellers, and others. It also includes the majority population in the north, which is marginalized in the larger talks determining the resolution of the conflict in the north. Traditional authorities give more voice to the people. The idea of inclusion is contested by some Tuaregs in the north and by others who fear foreign infiltration.

Generally, Malians pride themselves on the inclusive nature of their society. Ousmane Sy, lead architect of decentralization in Mali and the country's former Minister of Decentralization, reminisced that in Malian society under its first independent government (1960–1968), "There was no difference between Dogons..., the other ethnic groups, and Foutankés. The melting was total in the youth groups and between families, with respect to everyone's beliefs and identity." To further advance its inclusive agenda, Mali's first government sent civil servants from the south to work in the north and vice-versa. Socially, intermarriage was, and still is, a regular practice. Interfaith dialog is an ongoing phenomenon as exemplified by the U.S. Government-funded interfaith meeting held in Bamako in February 2014.

Much remains to be done, however, to ensure real and durable inclusion of all actors. Mali has laws on its books guaranteeing inclusion, and is signatory to several international treaties that espouse the same end. However, laws do not apply themselves, and cultural and other norms affect whether they are respected.

Mali's political elite opted long ago to designate French, a foreign language that they mastered, as the "national language." A *lingua franca* (adopted common language) is arguably a necessity for any society, but perhaps only a quarter of the Malian population speaks it well, and government workings are not translated into local languages such as Bamanankan, Fulfulde, Sonrai, and Tamasheq, which are better understood by large proportions of Mali's people. This leads to the exclusion of major groups in the population, making informed participation in, or tracking of formal governance debates and processes, difficult for many. Discussions in public hearings and media programs about legislative bills, laws, public policy, justice, equity, land tenure, family relations, and other topics to facilitate inclusion must be conducted in languages of which people are competent users, not struggling students. Otherwise it marginalizes most people and results in decision-making by elites.

A striking counter-example in this regard occurred throughout the long process of drafting, discussion, debate, approval, and promulgation of the 1992 constitution of Mali's Third Republic. Those activities were

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<sup>47</sup> Heritage Foundation, *2013 Trade Freedom Scores*.

conducted simultaneously in many national languages, and most Malians accord that constitution great legitimacy because they have high confidence that they know what it says.<sup>48</sup>

In the political arena, some groups complain about lack of inclusion in the decision-making process that takes the form of so-called “consensus politics.” As noted in Section 2.1, this was regular practice for Touré’s regime. Selected groups and individuals participated in this process, while others were left to observe and face the painful and, at times, bloody consequences of their exclusion from decision-making processes. This explains, in significant part, the rebellion in the north, the associated unrest, and the ensuing March 2012 coup.

Under Touré, and especially in the last years of his regime, only one party opted to remain in opposition, with its voice constantly muted concerning any significant debate on national issues. The new political configuration features roughly 21 such parties but, even with encouraging language about the *statut de l’opposition* (the opposition bylaws), it remains to be seen whether and how these will be implemented to allow for a credible inclusion of the opposition.

Contrary to standard political discourse, most women experience exclusion, not inclusion. Despite the fact that the GOM has signed many international agreements designed to improve the status of women, they still encounter serious challenges in almost every aspect of their daily lives, especially in the economic and political domains. Despite some positive signs, their access to critical resources (namely, land, credit, and elected positions at both national and local levels) remains sharply limited. Only 10 percent of the deputies in the National Assembly, and only four of the 34 cabinet ministers, are women. Only one woman sits in the 14-member *Collège des Vérificateurs*, which is the highest decision-making body at the *Bureau des Vérificateur Général* (Bureau of the Verifacateur General, BVG), the national office overseeing expenditure of government funds.

The opinions of those who constitute the majority in the north, the Kel Tamasheq Noir with the Sonrai, are treated generally (if at all) as an afterthought, rather than the primary voices that should be heard in the decisions about the future of the north. Most discussions are with the armed groups. Efforts at supposedly durable reconciliation that excludes some key actors are problematic, at best. These groups were also disproportionately affected by the *Mouvement National pour la Libération de l’Azawad* (National Movement for the Liberation of Azawad, MNLA) violence during the occupation, as well as by other violence, as documented by the Human Rights Watch. They are underrepresented in elected office. There are only six communes in the three northern regions that have elected a Kel Tamasheq Noir mayor.

Other groups face serious discrimination grounded in longstanding and well-established mores, including the Kel Tamasheq Noir, albinos, and lesbian, gay, bisexual, and transgender (LGBT) individuals. As noted by one informant: “Human rights are based on culture. International agreements are too much for Malians. It is impossible to do laws that protect homosexuals. Culture and religion won’t allow it. Europe cannot impose this. Politicians won’t even open the window.”<sup>49</sup> LGBT individuals, in particular, face verbal and physical assault, some recently in Mopti after residents were reportedly incited to violence against them, including by religious leaders.

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<sup>48</sup> Wing, Susanna. *Constructing Democracy in Transitioning Societies in Africa: Constitutionalism and Deliberation in Mali*.

<sup>49</sup> Interview: Feb. 4, 2014.

By positive contrast, persons with disabilities in Mali have experienced some limited success in their lobbying efforts to improve conditions, such as access to government buildings. They have lobbied for legislation to support persons with disabilities, but recognize that even if Keïta, an ally in this regard, approves legislation in favor of the protection and promotion of the rights of people with disabilities, it will be a long struggle to see it implemented.<sup>50</sup>

## 2.5 GOVERNMENT EFFECTIVENESS

Government effectiveness reflects the centralized nature of the state and lack of political will to devolve authority and financial resources to the periphery. Systemic corruption undermines the GOM's ability to provide adequate services to its citizens, and lowers the quality of services and governance provided to citizens. The government presence in the north is limited mainly to the regional level. Without MINUSMA, it would unlikely maintain any real presence in those areas.

Money is central to the political and governance equation in Mali. It determines priorities and actions. It is used to buy off actors who push to solve problems and to stave off reforms, rather than to buy expertise to help determine the best priorities for the state. Corruption is systemic, a widespread perception that people enter public service for personal enrichment rather than from a desire to render service. Some reportedly conduct illegal sideline businesses alongside their official activities. Others are said to extract kickbacks on government contracts and add additional fees to furnish services the government is legally obligated to provide citizens on demand. Although there is a civil-service exam, it is widely perceived that officials bought or used their connections to obtain positions, lowering the quality of the staff and limiting the ability of their offices to perform efficiently or effectively.

Civil servants seem unaccountable to politicians, policymakers, and the public at large. The oversight they do experience is provided by superiors. An observer noted that civil servants with nice cars must have acquired them by corrupt means, as their salaries would not allow such purchases. Yet this is not questioned; capacity is not the major constraint to better government performance. There are many capable and qualified Malians who could easily make a difference if there were an enabling environment for their work.

In Kayes, the assessment team learned of a citizen effort to hold civil servants accountable for their actions. A local NGO organized a rule of law insurance scheme. In return for staying current with the 5-CFA daily premium (roughly US\$.35 per month), policyholders can request a lawyer through the NGO if they think they have been victimized by a civil servant. It was not possible to determine whether this plan affords citizens leverage to hold officials accountable, but its dues support a small secretariat to track premiums and connect policyholders with lawyers. It is a going concern supplying a valued service.

At the commune level, citizens can, in principle, influence elected commune officials' decisions about local government priorities. Whether women have a say in such decisions is problematic, given their secondary status in much of Mali. Government effectiveness suffers from the ongoing centralization in Mali's institutional structures, even though a decentralized system was adopted in 1994. Despite rhetoric about the desirability of devolving control over public services (primary education, basic health care, and potable water supply) to communes, the GOM resists transferring its financial resources to communes. Some officials argue communes lack human resources to manage budgets and control corruption. This motivates requests for

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<sup>50</sup> Interview: *Fédération Malienne des Associations de Personnes Handicapées*, Feb. 11, 2014.

“more training” and “capacity building,” which donors have financed for years. However, others say this is a political-will issue and the will is not there to empower local government. At the time of this report, only 10 percent of the national budget is allocated for local government, which most say is woefully inadequate.

Commune councils can and do raise taxes and allocate resources for service delivery, but funding is limited. Eighty percent of the local tax remains in the commune, while 15 percent is transferred up to the *cercle* and another five percent goes to the region.<sup>51</sup> In locations such as the Kayes region, where some areas have mineral resources such as gold, communes that host mining activities receive royalties, which they are not now obliged to share with less well-endowed communes. They invest in infrastructure that may be difficult to maintain when the mineral deposits give out.

The *Agence Nationale d'Investissement des Collectivités Territoriales* (ANICT) compensates for the national government's reluctance to support local governments fiscally by distributing funds from a donor-mobilized pool of resources. ANICT's process is designed to ensure fairness in allocations and that local governments get their money's worth from contracts signed for commune-level infrastructure facilities. In 2009, ANICT distributed nearly \$55 million<sup>52</sup> to communes in Mali's eight regions, plus the District of Bamako. Thereafter, ANICT distributions have ranged from \$27 to \$30 million annually.<sup>53</sup>

Despite these transfers, 75 percent of Malians perceived things were going worse in early 2013 than in the preceding year; 60 percent reported they lack food and 91 percent lacked money.<sup>54</sup> These attitudes changed dramatically after the elections. By late 2013, only 33 percent of respondents said the country was going in the wrong direction; and 27 percent and 11 percent, respectively, said the most important problems were food insecurity and unemployment/poverty. This reflects the successful elections and “honeymoon period” of Keïta, along with the stabilization and assistance provided by MINUSMA and others in the north.<sup>55</sup>

There remain fundamental questions about the sustainability of these donor-funded efforts and when the government will make the decision to start allocating the financial resources needed to fully implement the decentralization process and ensure the delivery of local services. Soon after this report was written, the Government of Mali established a new Ministry of Decentralization and the City with an experienced Minister as its head. As of the publication of this report, it is still too early to see what changes this new Ministry may bring in the realm of decentralization.

Beyond issues of government effectiveness lurks the GOM's absence in the north. When Islamic extremists invaded, civil servants fled. GOM personnel continue to avoid the north, and many of their offices were damaged during the occupation. Rebuilding has started but has not yet gone very far. An absent government cannot be an effective government.

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<sup>51</sup> Interview: *Ministère de l'Administration Territoriale et des Collectivités Locales* (Ministry of Territorial Administration and Local Collectivities, MATCL), January 2014.

<sup>52</sup> République du Mali, MACTL, “Décision No. 09-0036/DG-ANICT du 6 Juillet 2009” (p. 3).

<sup>53</sup> While ANICT exists and donors regularly fund it, the GOM has little incentive to make changes unless the donors collectively condition their future ANICT contributions on government efforts (e.g., requiring matching funds from the GOM, which would increase annually), and eventually phase out the ANICT program.

<sup>54</sup> Afrobarometer, “Crise, Démocratie et Participation: Résultats du Round 5 des Enquêtes Afrobaromètre,” *Enquête au Mali* (p. 14–15).

<sup>55</sup> Afrobarometer, “Mali's Public Mood Reflects Newfound Hope” (p. 3).

## 2.6 DRG PROBLEM

Mali was long considered a showcase for democratic development in Africa. It has a constitutional form of government that enshrines formal separation of power, rule of law, and respect for human rights. It regularly held elections that met most international standards and peacefully transferred power. Since independence, it suffered from three violent government overthrows and has faced periodic armed insurrection in the north. Both circumstances demonstrate that these formal structures and arrangements fail to address critical governance problems within the country.

Mali is a fragile, post-conflict state and remains seriously vulnerable to intermittent political instability and conflict. It remains in transition and recuperating from both state failure and occupation of two-thirds of its territory. Its three northern regions—Kidal, Gao, and Timbuktu—and parts of a fourth region—Mopti—were only liberated from Islamist and Tuareg occupiers as a result of a French military intervention. Today, French military forces, armed UN peacekeepers, and the national army maintain a tenuous state of security in those areas. State administration has not yet fully returned. During this DRG assessment, around 60 persons were killed in skirmishes between rival armed groups in the Gao region, and crude “artisanal” rocket attacks were launched at French and MINUSMA bases outside of Gao and Timbuktu. Meanwhile, the capital was put on edge by the GOM announcement of a “credible threat” of a terrorist action in Bamako. While the threat turned out to have been nothing, it is one sign that the security situation has not yet returned to normal, even in Bamako.

Problems exist in all five elements of democracy, human rights, and governance. The most critical of these lie in the failure to establish a consensual rule of law and effective system of political competition and accountability for which the government and elite have the political will to enforce. The most dominant problems are the concentration of power, impunity, and a culture of corruption and intimidation that short-circuit the rule of law and gravely impair good governance and the notion of a democratic, representative system of government. In addition, fundamental issues of reconciliation, transitional justice, and centralization remain unresolved. Unless these issues are addressed, Mali remains vulnerable to the same problems that led to the 2012 crisis and state collapse.



# 3.0 KEY POLITICAL ACTORS AND INSTITUTIONS

This section offers a political-economy analysis. It explores how key actors and the institutions in which they operate are influenced by the structures of each institution and the incentives they create. It considers the extent to which the existing legal framework and enabling environment can provide opportunities to support the democratic-reform process within Mali.

## 3.1 THE EXECUTIVE BRANCH

Political power has always centered in Mali in the executive branch and, more specifically, within the person of its president. Modibo Keita and Moussa Traoré, the first two presidents, ruled as authoritarians with few, if any, checks or balances on their powers. On March 26, 1991, Traoré was overthrown by Amadou Toumani Touré, the chief of the president's personal guard, after 23 years of military rule and following weeks of student protests that culminated in the army opening fire and killing scores. Touré promised to hand over power within a year to civilians following an election, which he did. He also held a national conference that permitted broad participation by Malians and resulted in the writing of a new constitution, engendering hope among Malians that the country had entered a new era.

Alpha Oumar Konaré, a journalist and academic, was elected Mali's first democratically chosen president in 1992. He went on to re-election in 1997. Konaré's first five-year term was marked by fractious relations with an opposition that controlled roughly 40 percent of the seats in the National Assembly, as well as by boisterous student and organized labor movements that seemingly held protests and marches daily. Konaré went through three prime ministers until Ibrahim Boubacar Keita finally managed to bring some order to the Assembly through a mix of rewards and punishments offered to the opposition, and to the streets by cracking down on student and other protest movements. Corruption seemed to increase progressively during Konaré's two terms until his final two years, when he seemed to have made a decision to crack down and undertook a wave of arrests of mayors, senior government officials, and heads of parastatals for abuse of power and corruption. He also brought in some of the most highly regarded senior civil servants to assist in his anti-corruption drive.

In 2002, Amadou Toumani Touré was elected president, despite serious questions raised regarding the fairness of the vote. Touré was re-elected to a second term in 2007. Although in theory the executive branch during these 20 years of the Malian democratic experiment was checked by the judicial and legislative branches (and by the people through regular elections), power increasingly became concentrated within the presidency. Voter turnout rarely exceeded 35 percent. Following the 10 years of relative political competition, including a legislature split roughly 60 to 40, Touré's tenure marked a shift to a consensus-style system with the president acting as a political independent who formed alliances with all but one of the other political

parties. With only a token opposition of fewer than 20 seats out of 140, Touré was free to govern with nearly no checks. Corruption once again expanded across government.

By the end of his second term, Touré had become a deeply unpopular president as a result of a combination of factors: a perception that corruption had reached unacceptable levels and that Touré himself condoned and even encouraged the rampant abuse of position and power<sup>56</sup>; the feeling among ordinary poor Malians, juxtaposed against the image of a small elite enriching themselves through the state coffers, that Touré had abdicated his obligation to look out for their well-being<sup>57</sup>; and a national television interview with the widows of some of the 70 soldiers killed by rebels in the north in Agelhock in January 2012. During the interview, the grieving women demanded answers from a president who was incapable of responding—answers to why their husbands had been sent out so poorly equipped, why there had been no back up or rescue operation, and what Touré was going to do to bring the murderers to justice. Touré limped out of this interview, a president stripped of his authority and even dignity.

By the time Captain Sanogo overthrew Touré, his unpopularity was such that 64 percent of the Bamako residents surveyed a month after the coup said they supported his removal by a coup d'état—even though little more than a month remained in his second term. Following 15 months of a transitional government under Dioncounda Traoré, and under intense pressure from the international community, especially France, presidential elections were held in July and Ibrahim Boubacar Keïta was elected in the second round of elections with 77.6 percent of the vote. He was seen by some as a decisive leader who could guide the country out of its crisis. In interviews, people remembered his resolve as prime minister in the 1990s when he broke the student strike that was crippling the capital by ordering police to clear the streets. He attracted the influential support of the Islamic leaders, who considered him the strongest candidate and supported his campaign through the mosques. He also enjoyed the support of the army and allegedly of France.<sup>58</sup>

Today, Keïta faces the daunting challenge of rebuilding and reuniting the country, and restoring legitimacy to the dysfunctional political process. In his inaugural address, Keïta promised to bring peace to the north, fight corruption, and unite the country. He proclaimed national reconciliation as his first priority, promising to discuss devolution of authority to the regions, revive the economy, and end impunity. “I will fight corruption tirelessly. No one will be able to illicitly enrich themselves at the expense of the Malian people,” he said.<sup>59</sup> Given the deep-seated structural, socioeconomic, cultural, and political nature of the problems, this will be a formidable task.

The president has many resources at his disposal. These include the power and resources of the state, his image as a decisive leader, the state media, the United Nations' Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), and large-scale foreign assistance. Keïta also still enjoys the support of religious leaders, and is commander-in-chief of the military and security agencies. He controls the patronage systems of politics and can rely on his family, some of whom are in key positions. This form of nepotism grounds his government on kinsmen—people whom he can trust. The running joke in Bamako at the time of

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<sup>56</sup> There are many incidents pointed to as turning points in his presidency; one was a nationally televised interview when Touré stated that he would never put a “head of a family” in prison, even if that person had been guilty of theft of state money.

<sup>57</sup> In a nationally televised interview, when an interviewer asked what Touré was doing to help those struggling to find work, Touré responded in Bambara, “be bi babolo,” which translates roughly as “every man for himself” (“each one of us is in our mother’s arms”).

<sup>58</sup> Nossiter, Adam, “In Mali, a Race between a Former Finance Minister and a French Favorite,” *New York Times*, Aug. 2, 2013.

<sup>59</sup> Reuters, “Mali’s New President Promises to Bring Peace, Fight Graft,” Sept. 4, 2013.

the DRG assessment fieldwork was that Keïta had modified his campaign motto from “Mali first” to “Family first.” At the same time, Keïta had placed technocrats and respected persons in some important positions, such as Oumar Tatam Ly as Prime Minister. In interviews, some of these individuals insisted they had joined him to support the democratic reforms and to help move Mali out of the crisis. Even opposition parties said the prime minister was serious. One said, “He has a different vision than we do, but he has the interests of country.” The prime minister also met individually with all political parties to discuss issues several times. This had never been done before. This prime minister and government were temporary, and resigned in April 2015 right after this DRG assessment was completed. Keïta subsequently appointed veteran politician Moussa Mara. As this was after the assessment, the team has no findings on the implications of this new appointment.

Keïta still benefits from the traditional post-election “honeymoon period.” Although all assessment informants said Mali had changed because of the crisis and that the people would not tolerate “business as usual,” the same people were still willing to give him a chance to show he is serious about implementing reforms and solving Mali’s problems. But how long they will wait is uncertain. Some thought the people would never speak up, while others felt they would let resentment build up until it exploded onto the streets. There were unsubstantiated rumors about Keïta’s health. If something were to happen to him, the situation could easily become unstable, although MINUSMA’s presence would presumably deter illegal political moves and foreign attacks, at least initially.

Whether or not the president is serious about addressing questions related to resolution of the conflict in the north and reconciliation remains unclear. At the time of the DRG assessment fieldwork, he was bypassing the formal channels to negotiate with the armed rebel groups set up under the Ouagadougou Agreement and was instead organizing workshops on lessons learned from past agreements. Burkina Faso had been nominated by the Economic Community of West African States as mediator for the reconciliation process in the absence of a national government. Once elected, Keïta adopted a more inclusive process by inviting in other countries such as Algeria, Mauritania, and Morocco, and deciding to have negotiations in Mali.

It is unclear how much reform the system could accommodate at once, especially reforms that would undermine the privileged position of the political elite and vested interests in the status quo. A popular uprising similar to the Arab Spring would certainly put pressure on the system for this type of reform. Short of that, it appears unlikely that the type of civil advocacy undertaken to date would be successful.

Mali needs serious civil-service reform. Beyond capacity, state actors are constrained by mismanagement, bad practices, and corruption within their institutions, the lack of efficient systems, and a merit-based system. Although a competitive exam system in theory regulates access to public service, many respondents complained of the low quality of public servants and noted that many of these reportedly gained office through connections or money rather than through good test scores. They have a vested interest in maintaining the status quo and incentives are weak for honest public servants to perform and buck the system. They are also constrained by political influence and intimidation. The assessment team believes the most important entry point for making substantive change is to address issues of justice, ending impunity, and holding officials accountable for their actions.

## 3.2 SECURITY SERVICES

The **Malian armed forces** (FAMA), **security forces** (Gendarmerie, National Police, Bamako Traffic Police, and National Guard), and justice-sector elements involved in leading transitional and counterterrorism justice issues all confront serious challenges. The 2013 rebellion and Islamist invasion highlighted glaring weaknesses in the institutional arrangements that structure activities in these security and justice entities. They

revealed that Mali lacks an overall security strategy to accurately assess and rank priority issues and then assign responsibility for dealing with them among the range of security institutions. The country furthermore lacks a security-sector coordinating council that could promote smooth interagency relations, coordinate complementary security-sector interventions, share intelligence, and foster complementary interagency support when one or another entity requires backup support (e.g., FAMA, or National Police responsible for patrolling and securing Mali's long and porous borders, particularly in the northern and eastern sectors of the country).

In addition, many interviewees pointed to the dilapidated state of the armed force—the scope of which was only revealed by the rapidity with which it fell to armed rebels and invaders. Much of this was blamed on corruption and systematic skimming of resources allocated to the security forces, which left the armed forces without decent uniforms and spare parts, and with obsolete equipment. Many of those in the military were also perceived to have bought their position or rank and have connections to the political or economic elite. They reportedly joined the army for the prestige and position, never expecting to fight a war.

The decay of the armed forces and the lack of a strategic response to the armed fighting in the north caused resentment among the lower-level officers and ranks, and was a major factor contributing to the 2012 coup. This also resulted in a rift between the pro-coup soldiers, known as Green Berets, and those loyal to Touré, known as Red Berets. After the coup, 21 Red Beret soldiers disappeared, and the bodies were found in a mass grave. In addition, Malian troops were implicated in human-rights abuses in the north, including the summary execution of at least 13 suspected Islamist supporters and the forced disappearance of five others from the garrison town of Sévaré and in Konna during January 2013. Although the Malian forces arrested and executed the men and dumped their bodies in wells in public view in broad daylight, military officials and gendarmes denied knowledge of the killings.<sup>60</sup>

Currently, MINUSMA is taking the lead in protecting the country and its citizens from a repeat of the disastrous 2012 invasion. MINUSMA, French officials, and other security partners recognize, along with Mali's political and security leadership, that the country faces an arduous task in establishing meaningful capacity in this sector. Yet without it, Mali will remain under threat or even ungovernable in its northern regions. Areas requiring careful attention are planning, budgeting, and auditing within Malian military units, and development of logistics capacities that will allow units to support each other as a situation requires. Failures in these general areas appear to explain much of the Malian army's inability to defend the country from external attack.

An essential component of this reform and institution-building effort involves a parallel reconstruction of a working justice system. Both the justice and security branches must be able to collaborate effectively to take on transitional justice problems, reform of security-force/civilian relations (particularly in the north), and a

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<sup>60</sup> Human Rights Watch: ([www.hrw.org/news/2013/02/01/mali-malian-army-islamist-groups-executed-prisoners](http://www.hrw.org/news/2013/02/01/mali-malian-army-islamist-groups-executed-prisoners)) "The Malian army abuses occurred during the Islamist rebel offensive against Konna, 65 kilometers north of Sévaré, which began on January 9. Witnesses described to Human Rights Watch seeing soldiers at a bus station in Sévaré confront and then detain bus passengers suspected of association with Islamist rebel groups. Many of the men detained had failed to produce proper identification, which the soldiers interpreted as evidence that the men were not from Mali or the area, and thus were likely supporters of the armed Islamists. Before the soldiers marched them off, many of the detained men frantically tried to find someone in the crowd at the bus station who could vouch for them and verify their identity, witnesses said. They were driven or marched to a nearby field, where they were shot and their bodies dumped into one of four wells. Human Rights Watch saw clear traces of blood in and around each well; in one well, at least three bodies were visible. Many of those executed were members of the Peuhl ethnic group, which the army has associated with the Islamist groups that attacked Konna. Witnesses told Human Rights Watch that some of the soldiers appeared to be under the influence of alcohol as they apprehended and executed the men."

host of operational problems posed by trafficking in its various forms in the north. The country likewise requires a strongly improved set of capacities in the justice sector to identify and arrest suspects, including those involved in transnational criminal operations; to collect, process, and present evidence permitting reasoned decisions on guilt of accused parties; and to implement sanctions.

There are incentives for reform of the security sector, both through the physical and political presence of MINUSMA and through the national realization that the armed forces needed to be reconstructed and rebuilt after their true state was revealed. Donors have also indicated their support for this process. The issue of justice for victims of human-rights abuses by the military is an issue that still remains unresolved. The coup leader, Sanogo, was arrested in November and charged with murder. Three months before his arrest, he had been promoted to general, which gave rise to widespread speculation that he was politically protected.<sup>61</sup> Whether his arrest will result in a trial remains to be seen.

### 3.3 THE LEGISLATURE

Mali has a single-house National Assembly with 147 deputies elected either as independent candidates or as members of a candidate list. It is a majority-party system determined through two rounds of voting (absolute majority in the first round or, failing that, simple majority in the second). The candidate lists do not have to be party-based and frequently contain candidates from different parties that have entered into an election coalition.

In the 2013 elections, 19 parties won seats. Only a few have a significant number of deputies, among these the Rally for Mali (RPM), Keïta's party that controls the majority with 66 seats. The Alliance for Democracy in Mali-Pan-African Party for Liberty, Solidarity, and Justice in Mali has 16 seats and joined the majority (along with other parties), giving the majority a total of 115 seats or 78 percent. The Union for the Republic and Democracy—led by Soumaila Cissé, the runner-up in the 2013 presidential election—won 17 seats and went into opposition with a small number of other deputies, including *Forces Alternatives pour le Renouveau et l'Émergence* (Alternative Forces for Renewal and Emergence).

The Assembly has the pretention of representing the people, which lends the institution some sense of legitimacy. In reality, it merely reflects the broader and problematic political environment. It is composed of a political elite, most of whom align with the ruling party and approve presidential decisions. Many informants view the Assembly as a “rubber stamp” validation mechanism for presidential initiatives. It has rarely produced any legislation of its own. Accordingly, it has served neither as an effective check or balance on the power of the executive, nor has it acted to represent the people. It does have the power to censure the government, but this takes a two-thirds majority.

Although some deputies were active in monitoring events in the past and, for example, undertook an official look at the problems in the north before the crisis, there was no follow up action taken from their work. As a result, the problems continued until the situation deteriorated to such an extent that a few soldiers were able to mount a coup. Consultations with civil society occur on some issues, but many civil society entities are CSOs created by political interests or are close to the government. Nevertheless, such consultations may offer opportunities for others to raise issues in this national body and question the broader effect of policies.

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<sup>61</sup> BBC News Africa, “Mali's Coup Leader Sanogo Charged with “Murder,” Nov. 27, 2013.

After the 2013 presidential elections, politicians and others rallied behind Keïta, leaving only a very small number of parties in opposition. Traditionally, the majority accords the minority chairs of certain committees. This lends a facade of a pluralistic democratic institution; but in reality, the current opposition has very little influence or power over the proceedings. Their numbers are small and they can always be outvoted. Although the formal proceedings are televised, their speeches are given minimal time on national news. Opposition members complained that it reproduces “a soundbite without the bite.”

Deputies are elected because of their personalities, connections, and/or alliances. As a result, groups within the Assembly lack issue-based positions and commonly cross party lines to join the majority once elected (known as “political nomadism”). Most deputies paid for their positions on the ballot so, as with many others in the Malian governance system, they have strong incentives for finding ways to recoup their investment. Being a parliamentarian affords deputies access, as well as prestige and immunities. The state of the Assembly itself, as a working body, is problematic. Deputies do not have staff or offices. There are no incentives for change within the Assembly. The system rewards loyalty to the president and to the ruling party. Members do not muster the will to challenge either. At the same time, there have been times when an individual deputy made a difference. For example, the former *Mouvement Pour un Destin Commun* deputy said he raised the issue of the whereabouts of funds resulting from the privatization of a parastatal. A total of 186 billion CFA was subsequently deposited in the treasury. He believes 10 committed deputies can expose and change government positions.

This newly elected Assembly was in the process of being established during the DRG assessment. It convened on Jan. 22, 2014, officially marking the end of the transition and the return to constitutional order. At its first meeting, the Assembly elected Issaka Sidibé, the father-in-law of Keïta’s son (himself a deputy) as president. The Assembly was also organizing its political groups, with eight groupings formed at the opening, including:

- RPM, with 66 seats;
- *Alliance pour la Démocratie au Mali-Parti Pan-Affricain pour la Liberté, la Solidarité et la Justice* (The Alliance for Democracy in Mali-Pan-African Party for Liberty, Solidarity, and Justice), with 44 seats;
- Union for the Republic and Democracy, with 17 seats;
- *Forces Alternatives pour le Renouveau et l’Émergence* (Alternative Forces for Renewal and Emergence), with six seats;
- *Solidarité Africaine pour la Démocratie et l’Indépendance* (African Solidarity for Democracy and Independence, SADI), with five seats;
- *Le Parti pour la Renaissance Nationale* (Party for National Rebirth), with three seats;
- *Parti pour le Développement Economique et la Solidarité* (Party for Economic Development and Solidarity), with two seats; and
- Independents, with four seats.<sup>62</sup>

These numbers will change, as parliamentary groups require a minimum of 10 members. As of the Assessment fieldwork, 23 deputies were in opposition. Less than 10 percent of the deputies are women. They face structural and cultural issues in the political process, as discussed in Section 2.4 above.

It is too soon to tell if this Assembly will differ from the last one in terms of subjecting the executive branch to meaningful oversight, or otherwise more fully exercising its constitutionally mandated functions. Although

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<sup>62</sup> Statistical data on the Assembly from Inter-Parliamentary Union, *Mali, National Assembly*.

many deputies are saying the right things, the appointments made to committee chairs and speakers will demonstrate if it is “business as usual” or if *a will for change* is real or wishful thinking. First indications were not promising.

### 3.4 THE JUSTICE SECTOR

The judiciary sector is a key actor and institution in Mali. Although it currently does not act as an effective check on the power of the executive, or adequately enforce the rule of law, it has the potential to stem corruption and the abuse of power, and to deliver a more equitable justice system.

Many of those now in the judiciary were said in interviews to have bought their positions. The going rate was 4 to 5 million CFA. This places them within the client/patron relationships of the center and reflects the self-interested nature of their position, rather than the public-interest orientation that should characterize the judiciary. This affects the quality of work within the institution, as appointments and promotions are not based on merit, and their first priority is said to be recouping their investment. The judiciary sector is also not perceived as independent, and lacks adequate internal oversight of its work.

Some of these problems are structural. For instance, at the trial-court level, the judge serves three functions, especially in the regions where there is only one judge. S/he serves as judge, investigator, and prosecutor. This affects the quality of justice for citizens, as there is no recourse for an average person to contest a judge’s poor work or arbitrary decision. Low salaries are also cited as a cause for corruption. Additional problems are political, cultural, or criminal in nature. The team heard many examples of telephone or auction justice, where the judge’s decision went to the highest bidder or person with the most powerful connections. There is also a culture of impunity regarding corruption and a lack of action and transparency by the High Judicial Council, which is supposed to provide judicial oversight.<sup>63</sup>

Access to justice for average citizens is further affected by the limited level of court coverage and lawyers in the country. There is only one court of original jurisdiction within many regions, which physically separates formal justice facilities from many Malians living outside of regional capitals. There are less than 300 lawyers in the whole country, most of whom practice in the national capital.<sup>64</sup> This number is woefully inadequate for a population of more than 15 million. Coupled with cumbersome procedures and long delays, many Malians seek alternative justice arrangements offered instead by traditional authorities or local officials.

Women and marginalized groups, such as slaves or descendants of former slaves, face even higher hurdles because of their low social status in some areas and their lack of access to the resources and information needed to petition a court. Court fees, corrupt as well as official, pose a serious obstacle for the majority of poor citizens, even though officially the legal-aid system excuses indigent litigants from paying court fees.<sup>65</sup> With only three courts of appeals, some litigants have to travel more than 500 miles to reach an appeals court.

Within the justice sector is the Constitutional Court, which oversees the constitutionality of laws and has jurisdiction over conflict between state institutions. It also announces the official electoral results. The Supreme Court is the highest court for administrative and judicial issues, and the Court of Appeals reviews

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<sup>63</sup> American Bar Association, *Access to Justice Assessment for Mali* (p. 3)

<sup>64</sup> American Bar Association, *Op. cit.* (p. 2).

<sup>65</sup> American Bar Association, *Op. cit.* (p. 3).

the decisions of courts of original jurisdiction (trial courts). Within the Court of Appeals is the Court of Assizes, which has jurisdiction over felonies.

A key office within this system is the procurer général (attorney general) assigned to the Court of Appeals. The current procurer général has a high level of personal credibility and apparent commitment to reform. He is in office because the transitional Minister of Justice asked him to serve. He successfully instituted improved case-management systems in his office and eliminated a backlog of 3,208 files, some of which dated back 10 years. However, without a clear signal from the center about ending corruption and patronage, it is unknown if these changes can be made permanent.

Beyond the judiciary branch, Mali has three external-audit types of institutions which contribute to public accountability, making the situation complex:

1. *The Controle General des Services Publics (CGSP)*
2. *Bureau du Vérificateur Général (Bureau of the Verifacateur General, BVG)*
3. *The Chambre de Compts*

The CGSP is a member of the International Organization of Supreme Audit Institutions and is registered as the Supreme Audit Institution within Mali and reports to the prime minister. The BVG was created in 2004 by the president with support from the Canadian government, and reports to the president. The Chambre des Compts is part of the Supreme Court. Some confusion exists over the apparently overlapping mandates of these three institutions, and some argue that the reporting chains of the CGSP and BVG limits the independence of these organizations.

Auditors receive markedly higher salaries than other public officials as an incentive against corruption. In addition, people view the post of auditor as a prestigious one that can enhance their professional reputations. CGSP reports are made public and have introduced an element of transparency into government spending. At the same time, there are categories of funds that are not audited, including large amounts allocated to key offices, such as the presidency or prime minister's office, that are "classified."

The external audit institutions transfer cases of suspected fraud or embezzlement to the Ministry of Justice or procurer général. To encourage prosecution, the auditors prepare complete files to accompany the cases sent to the AG procurer général. This is to make it as easy as possible for the latter to proceed. However, the procurer général's efforts are inconsistent, and "somewhere between 0 percent and 100 percent of the cases are prosecuted," according to the BVG.<sup>66</sup>

The current vérificateur general dismissed the auditors who were on staff when he was appointed in 2012. According to informants, the vérificateur general enjoys the authority to "organize his office as he sees fit."<sup>67</sup> The fired officials have, however, filed suit for dismissal without cause and the case has still not been heard in court. Formerly, the auditor staff comprised a mix of civil servants and private-sector auditors. Those who currently staff this office are reportedly all civil servants who have been seconded to the office by their own services. If, in the future, they want to return to their old civil service units, they have that right.

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<sup>66</sup> Interview, BVG

<sup>67</sup> *Ibid.*

Six judges and judicial officers were arrested in December on corruption charges.<sup>68</sup> At face level, it sends a strong message to the judicial sector to end corruption and fulfill their responsibilities. Whether they will be prosecuted and others arrested remains to be seen, as other notable cases have languished or been dismissed without going to court.

### 3.5 LOCAL GOVERNMENT

Mali's laws establish local governments, which are sets of adjacent villages, urban neighborhoods, or rural *fractions* (subunits of pastoralists) "consolidated" by the Government of Mali (GOM) into a commune (703 in total); 49 *cercles*, grouping on average 15 communes; eight regions, comprising six *cercles* on average; and the District of Bamako, the capital city.

Communes are meant to shift public-service provision closer to both rural and urban citizens. All communes have elected councils; council members select their leader, the commune mayor, by indirect election. The communes in a *cercle* elect representatives to the *cercle* council, and they in turn select a council head (president) by indirect election. Finally, the *cercles* select representatives to the regional council by indirect election, and regional council members select a president who organizes business at that level.

Survey data collected in Mali since 2002 reveal that many Malians perceive commune councilors as only slightly less corrupt than a variety of officials in national-level institutions.<sup>69</sup> This result raises questions about the value of line administrators from the *Ministère de l'Administration Territoriale et des Collectivités Locales* (Ministry of Territorial Administration and Local Collectivities, MATCL), through its appointed representatives (governor, prefect, and sub-prefect), supervising commune officials to ensure that they follow the law. However, as with the national government, the perception of corruption at the local government level has increased since then, from 42 percent to 50 percent.<sup>70</sup>

Perceptions of commune-level corruption stoke the struggle between commune officials and hometown associations linked with a commune or a collection of communes. Large numbers of Malians work abroad (e.g., in France, Spain, and the United States). Diaspora members send remittances home and, not infrequently, pool funds to finance construction of infrastructure facilities there.<sup>71</sup> Conflicts often pit commune officials against diaspora hometown associations, whether based abroad or in Mali. Commune officials assert their authority, under the commune's *Plan de Développement Social, Économique et Culturel* (PDSEC), to control all construction within their jurisdictions.

Commune officials likewise often assert authority to control association funds, although they play little or no role in mobilizing them. Diaspora members, who do mobilize construction funds, often distrust commune officials. Respondents in Kayes noted that some mayors traveled to, for example, Spain and France, with PDSEC in hand to consult with "their" diaspora members to seek agreement on appropriate investments. If diaspora investments conform to PDSEC provisions, the state will, in principle, assume operating costs. Since diaspora groups build infrastructure and water systems rather than funding ongoing costs of operating

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<sup>68</sup> AFP, "Mali Charges Judges with Corruption," Dec. 11, 2013.

<sup>69</sup> Afrobarometer, *Le citoyen, L'Etat et la Corruption* (p. 21–26). Percentage of respondents saying all or most all are corrupt: Communal councils: 42; Deputies: 44; Police: 46; President's office and ministries: 48; Judiciary: 50.

<sup>70</sup> *Ibid.*

<sup>71</sup> USAID, *Comparative Assessment of Decentralization in Africa: Mali In-Country Assessment Report*, September 2010.

schools, local health centers, and the like, commune-diaspora negotiations might prove useful in obtaining state funds for operating costs, at least in selected cases.

The decentralized commune scheme transfers authority from rural villages and fractions to a centralized commune. For centuries, Malian farmers, fishers, herders, hunters, and woodcutters have collectively ensured sustainable use of renewable natural resources upon which many Malian production systems depend for continued viability (e.g., Boré Forest).<sup>72</sup> Fishers, farmers, and pastoralists have governed Senegal River fisheries, managed wildfire threats, and terraced hillsides.<sup>73</sup> GOM officials' reluctance to draw more on rural institutional design talent foregoes opportunities to sustain vital resources.

### 3.6 POLITICAL PARTIES AND ELECTORAL INSTITUTIONS

Mali's 1992 constitution allows for a multiparty democratic system. There are now 166 parties.<sup>74</sup> Most of these serve as platforms for individual interest and are based around personalities rather than ideologies or issues. This lack of an ideological base makes for opportunistic alliances among parties and politicians in the elections and within the Assembly. Coupled with the culture of rallying behind power and forming consensual governance arrangements, this has resulted in a lack of checks or balances on the governing party/parties and discouraged development of a loyal opposition.

Parties themselves function in a clientelistic manner and do not aggregate or articulate the broader interests of the voters. Parties in power have a large clientele base that they are able to grow and maintain through rewards of positions, contracts, and other resources. Parties who are not close to the ruling party or president lose clients, as they no longer have access to the resources needed to maintain them. Parties receive government funding—0.25 percent of the national budget annually—according to a set formula based on their electoral results.

Decision-making is dominated by the patron. Women and youth are marginalized in these systems unless they are connected to the patron. They are dependent on the party for resources (transport, meeting costs, etc.) and are not given their own budgets to manage. Some parties undertook a voluntary quota system for female candidates, but many women said this was not respected and are lobbying for affirmative action quotas for women and youth in elected offices. Women view this as a lack of political will among male leaders to include them, as the latter think male candidates are more influential. Many of the male party officials interviewed had paternalistic attitudes toward women's participation—one stated that women are not allowed in the halls where important issues are decided—but these decision-making males receive advice from women at home. RPM does count the largest number of women in the Assembly, with 11 of the 14 women elected. This is steady from the 2002 Assembly, where it had 13 out of 17 female deputies.

The electoral process is managed by three separate entities. These are the Independent National Electoral Commission (CENI), which supervises the elections; the Director General (delegation) for Elections, which develops the electoral list, issues the voter cards, and manages political-party financing; and the Ministry of Territorial Administration and Local Collectivities (MATCL), which organizes the elections and voting.

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<sup>72</sup> Thomson, James T., *An Institutional Analysis of Local-Level Common Pool Woodstock Governance and Management: Implications for Environmental Policy* (p. 87–117).

<sup>73</sup> Djibo et al: "Decentralization, Governance and Management of Renewable Natural Resources: Local Options in the Republic of Mali," (p.108 and annex).

<sup>74</sup> DGAP Interview, Feb. 4, 2014

CENI is a political body made up of representatives of parties and civil society, and is seen by observers to have made efforts to implement its planned function. It does its own parallel count of the results, which could serve as an effective check on fraud; yet its reports are issued three months after the election results are announced and they are not seen as useful. MATCL also appears to undertake professional efforts to administer the elections, albeit with many technical issues and a need to modernize its systems.

The 2013 elections were unusual because of the crisis. They were rushed, as they were seen as a way to end the crisis and return Mali to a constitutional form of government. Mali's governance and security situation rallied parties and candidates for these elections to think of the good of the nation. Parties and others said they accepted the election results despite questions about their freeness, fairness, and reliability because of the need to move the country beyond the problems. This included accepting use of a voter database that was not updated for 2013. This excluded about 300,000 youth who had turned 18 in time for the elections. This was a political compromise for these elections because of its particular circumstances, but it is highly unlikely that parties will accept an incomplete voters list for the next general elections. These elections also took place before the armed groups in the north were disarmed or demobilized, which leaves them with the capability to disrupt the operations of the newly elected government in the north or the organization of the communal elections now expected in October.

Although election observer reports say Mali's elections generally meet international standards, the electoral playing field is not level and the current electoral system perpetuates the consensual nature of politics. It is a winner-take-all system without incentives for runners-up to go into opposition. Nongoverning parties face significant hurdles in winning acceptance of their ideas and counterproposals. State media favors ruling parties, and the private media are expensive for parties without access to resources. The opposition parties are given floor time in the National Assembly, but without publicity, their words are ineffective.<sup>75</sup>

### 3.7 CIVIL SOCIETY

Mali has a long tradition of civil society as, from birth to death, the individual belongs to at least one community-based organization (CBO), whether it is an age group, *serɛ* or *kare*<sup>76</sup> and *ton*, association, a larger CBO, for instance, for hunters, *donsoton*, and, for women, *musoton*<sup>77</sup> The GOM has tried to incorporate this tradition of community spirit into its regulatory framework<sup>78</sup> with mixed results, in particular for mobilizing people around development programs through membership organizations such as village cooperatives, called *ton villageois*, or village associations.

Associations of traditional leaders still enjoy a significant degree of respect and consideration, which enables them to play major roles in conflict transformation, especially in a post-conflict context.

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<sup>75</sup> It is difficult to be in opposition. The losing candidate for the 2013 presidential run-off believes the election results were systematically fixed at the consolidation of the count level and by the rulings of the Constitutional Court. He acknowledges Keita's win, but feels it was decided ahead of time by religious authorities and others who supported his candidacy. After the 2012 coup, he was also severely beaten because of his public anti-coup stance and was unable to walk for a year.

<sup>76</sup> Respectively, in Bamanan and Malinke. All other ethnic groups have their equivalent.

<sup>77</sup> Diallo, Abdoul. *Participation Paysane et Développement Rural*, unpublished dissertation, 1990.

<sup>78</sup> MATCL Secrétariat Général Cellule d'Appui au Développement à la Base. *Recueil des Textes Législatifs et Règlementaires relatifs au Partenariat Gouvernement/ONG-Associations Signataires d'Accord-Cadre avec l'Etat*.

According to the GOM, Mali had some 2,500 NGOs<sup>79</sup> organized under various umbrella organizations in 2013, some of them being thematic in orientation (agriculture, environment, health, elections, national debt, peace-building, etc.). They, too, confront the challenges faced by most NGOs worldwide, namely limited professionalism in terms of governance and accountability. Some of their leaders recognize weaknesses and classify themselves in two main categories: those based on genuine volunteerism and those which are politically oriented. Two main criteria are used for that purpose: the degree of respect for the rotating nature of the leadership and the regular presence of the NGO leaders in political circles. In principle, the NGO presidency should rotate every three years; if, in fact, the same person has occupied this position for 10 or more years, this raises a serious breach of governance that questions the credibility of the NGO.

In addition, Malian CSOs include NGOs that are facades for government and business interests. Many have the same issues as political society, including accountability issues. To address this, USAID and some other donors require certification of the NGO's accounts as a precondition for funding, although this addresses the symptom (corruption) and not the root cause (low morality).

Despite significant capacity-building efforts from USAID and other donors, these weaknesses prevent CSOs from playing the effective watchdog role expected of them. At times, most of these donor efforts focus on a select few CSOs that are highly visible at the capital level. They are but the tip of the iceberg of CSOs that also includes a huge number of *associations de ressortissants* and neighborhood associations in cities and CBOs composed of people from the same village, whether they are living in country or are immigrants in other African countries, Europe, the United States, etc. They generally enjoy a better accountability and achieve more results in addressing community-felt needs and managing community-led projects than do units of the formal government system.

Driving factors for citizens to demand services from their government include support for these types of efforts from the mosques and traditional authorities, as well as having more accurate information on their rights and the operations of government. This can be supported by a proactive press and local collective-action citizens' groups. The assessment team does not believe there was a social contract within Mali that included the average citizen. To create one, citizens would need to know the laws and have these in local languages so they could understand them, as well as civic education to understand the rights and responsibilities of the different actors within a state, including themselves.

### 3.8 MEDIA

Media outlets have proliferated in Mali since the 1992 constitution authorized freedom of speech and expression. Laws governing press activities are not restrictive. For example, media offenses are limited to serious violations of free speech, such as racist, anti-ethnic, or hate speech.<sup>80</sup> Different broadcast laws, however, contradict each other, leading to confusion and lack of transparency in the allocation of frequencies and the 2012 suspension of those allocations. Nevertheless, private broadcast media continue to operate, and the media in general function within a reasonable operating environment, encouraging development of a critical press as well as commercial and partisan newspapers.<sup>81</sup>

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<sup>79</sup> This does not include the CSO mushrooming after the 2012 coup.

<sup>80</sup> Law 00-46/AN-RM of July 2000. International Research & Exchanges Board, *Media Sustainability Index 2012, Mali* (p. 249).

<sup>81</sup> International Research & Exchanges Board, *Media Sustainability Index 2012, Mali* (p. 250). Note that much of the information in this sector draws on the findings of the *Media Sustainability Index*, supplemented by DRG assessment interviews.

This relatively free operating environment enabled the media sector to mimic to a great extent the situation within political parties, where individuals created their own outlets so they could direct the publication. Print and electronic outlets have multiplied to the extent that more media outlets now exist than the sector can support. As with parties, those closest to power have access to resources and advertising. Those media and others hoping to get closer to power have little incentive to criticize the ruling political or business elite. Their heavy dependence on outside funds undermines their independence. Journalists are poorly paid and often spin stories to meet the requirements of those willing to pay for such treatments.

The Malian government subsidizes the press with roughly \$400,000/year. The money is divided among radio and the print press (about \$155,000 each), the national broadcaster (about \$41,000), and the *Maison de Presse* (about \$62,000).<sup>82</sup> This amount has remained the same for almost 20 years, so inflation has eroded its value. Nonetheless, these subsidies helped support the development of a pluralistic press during its initial phases, but the amount is now spread thin across the large number of outlets. This funding is allocated through a committee chaired by the Ministry of Communications.

The government is the main advertiser. Its advertising is sold by the state news agency, Malian Press and Publicity Agency. Its publication, *L'Essor*, is mandated to carry government advertising. However, some government officials reportedly still negotiate directly with media outlets for their advertising, which can influence the editorial policy of those entities. The volume of government advertising was reduced during the transition, which also directly affected media viability.

As noted in Section 1.0, the media have yet to recover from the effects of the security and political crisis. Many media that pre-existed the crisis have yet to resume operations. Extremists in the north censored and closed radio stations. Journalists were intimidated and beaten. Even after the areas were liberated, it remained a difficult information environment. Two journalists from Radio France International were killed as recently as November 2013. There were also incidents in the south, with journalists kidnapped and beaten and Africable Television prevented from interviewing the *Mouvement National pour la Libération de l'Azawad* (National Movement for the Liberation of Azawad, MNLA) secretary general after the coup.<sup>83</sup> Self-censorship is still common. Although collective action by journalists does exist, following the arrest of a journalist after the coup, the media collectively undertook a blackout and a march with a lot of international journalist support. A judge subsequently freed the journalist.

Press runs are small, averaging 500 to 1,500 copies. The government newspaper continues to circulate nationally, but the state covers only about 70 percent of its operating budget. Professional standards vary. There is a core of roughly 100 experienced, well-trained journalists. But these are a minority among the many unemployed Malians who have turned to reporting to make ends meet and who do not meet professional or ethical standards. Assistance programs that provide training to these types of journalists (such as USAID's through the community radio networks) do foster better trained media professionals, but this also creates a retention issue, as many of those persons trained then move on to other more lucrative work within the NGO sector.<sup>84</sup>

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<sup>82</sup> Interview with *Union des Radios et Televisions Libres du Mali*.

<sup>83</sup> Reporters Without Borders, "Dim Prospects for Media Freedom in Northern Mali after French Journalists' Murder."

<sup>84</sup> Interview with *Union des Radios et Televisions Libres du Mali*, Jan. 31, 2014.

Use of new media technologies to hold government accountable and participate in politics is limited. The main means of mass communication is the radio. Mali has a low level of literacy and Internet penetration is minimal—roughly accessible by 2 percent of the population.<sup>85</sup> About 62 percent of Malians have cellphones but most are not, or are not used as, smart phones. NGOs using donor funding have organized citizens' use of mobile technology to report such things as election violations, but this is done through short message service (SMS), which is seen as the more appropriate technology for the context.

The Malian Telecommunications Agency agreed with an international technology firm to provide free “.ml” website domain names as of July 2013. The goal was to foster entrepreneurial development in Mali and generate domain advertising revenues that would be split between the two partners. At the time there were 50 domain names with the .ml address.<sup>86</sup> The results of this were not available to the assessment team. Most thought the users for these addresses would be offshore companies. Of the top websites with the .ml address, google.ml is number one, followed by two news outlets (essoir.ml and ortm.ml) and two government sites (prematuere.gov.ml and gouv.ml).<sup>87</sup>

### 3.9 OTHER NON-STATE ACTORS

Among the non-state actors remaining to be noted are religious organizations, particularly Islamic groups, and the ubiquitous hometown associations (discussed in Section 3.5). Both of these types of group actors exhibit an intriguing characteristic: They can say “no!” In a country where state domination overwhelms checks and balances, these groups can and do exercise small-scale vetoes. They usually lack the scale to challenge state power and authority, but lobbying by Islamic groups forced revision of family legislation approved under Touré,<sup>88</sup> as well as recently, which resulted in 52 amendments to the new family code, making it “not credible,” according to women's groups.<sup>89</sup> Hometown associations have also proven able to stand up to the pretensions of officials of the “little states” of the communes.

Transnational organized crime in West Africa is another major non-state actor. As a 2013 United Nations report stressed, Latin American and Mid-Eastern entities have developed drug-smuggling operations that move drugs through some of the most unstable states in West Africa (e.g., Guinea Bissau, Sierra Leone, and Mali) for transshipment to Europe. In 2010, 18 tons of cocaine that reached Europe along these corridors had a street value on arrival of \$1 billion.<sup>90</sup> If even one percent of that money made it back to Mali—the UN produced no documentation to that effect, but presumably transnational crime syndicates profiting from these activities have ample incentive to maintain their supply lines in northern Mali—it would amount to something on the order of \$10 million, significant money in the country's impoverished north. The amount of illicit funds that are retained within Mali is unknown, but the funds undoubtedly have a serious effect on governance and further erode the justice system by buying impunity. It also adds to the uncertainty in the north and heightens the threat of renewed armed intervention, as these funds were said to have been used to

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<sup>85</sup> GRID, *Mali*.

<sup>86</sup> *Mail & Guardian*, “Mali Gives Away Free Domain in Hopes of Outside Investment,” April 9, 2013.

<sup>87</sup> Domain Typer, Top Websites with .ml

<sup>88</sup> Benjamin Soares, “Islam in Mali in the Neo-Liberal Era,” *African Affairs*, Vol. 105, No. 418, p. 92, January 2006.

<sup>89</sup> Interview, Feb. 3, 2014

<sup>90</sup> United Nations Security Council, *Report of the Secretary General on Transnational Organized Crime and Drug Trafficking in West Africa and the Sahel*, (S2013/359), June 17, 2013.

arm the extremists who occupied the area. It has also brought international criminal networks into Mali, with some money allegedly laundered through local businesses.

Traditional chiefs are another important actor in urban areas. Judging only by assessment interviews in several Bamako neighborhoods, many of them are retired but highly accomplished members of the elite (e.g., a former manager of a supermarket, accountants, a high-school level teacher of English, a diplomat, a regional governor, a deputy and National Assembly officer, and even an erstwhile MIG pilot). These individuals serve a role in connecting residents of their neighborhood jurisdictions to formal government structures, and they provide an informal social-security network. Most of them have the status and experience necessary to solve problems, should that prove necessary.

The collective action associations organized by rural people—farmers, woodcutters, pastoralists, fishers—take on the tasks involved in ensuring sustainable governance and management of renewable natural resources critical to their production systems. While these groups do not frequently interact with government personnel (for instance, technicians from *Eaux et Forêts*), they do solve critical survival problems in many parts of the country.

Ansar Dine is an Islamic organization designated as a terrorist association by the U.S. Department of State. Ansar Dine seeks to create an Islamic Republic in Mali that will, if the organization has its way, impose strict Islamic Law. Its leader, Iyad ag Ghaly, a prominent leader in the Tuareg rebellion of the 1990s, opposes separating Tuareg lands in the central Sahara from Mali's national territory.

Another important actor in the Islamic extremist attack on Mali was Al-Qaeda in the Islamic Maghreb (AQIM), a group composed mainly of Algerians and Mauritians, which has been active in northern Mali since 2003. AQIM has kidnapped and ransomed some 50 European and Canadian hostages over the past decade. It seeks to implement an Al-Qaeda agenda in Mali and, in collaboration with Ansar Dine and MNLA, briefly conquered two-thirds of Mali's territory in 2012.<sup>91</sup> The French/African/UN peacekeeping forces have forced these groups to withdraw from Mali or blend back into the civilian population.

### 3.10 INTERNATIONAL AND GLOBAL ACTORS

Donors—the European Union (EU), France, other EU countries, the United States, etc.—and international development banks provide an outsized role in the economy of contemporary Mali. The country has received more than a billion dollars in grants for budgetary support. Beyond that, bilateral and multilateral donors finance a broad range of projects and programs. The World Bank maintains an in-country loan portfolio of approximately \$1.35 billion, annually closing out \$300 million in loans and placing a comparable amount in new loans.<sup>92</sup>

In the past, donor funds have provided the government with a safety valve to stave off citizen discontent with the lack of public services. As noted, the *Agence Nationale d'Investissement des Collectivités Territoriales* (ANICT) channels massive amounts of donor funds to commune governments to finance service provision. Other assistance programs insulate the government from citizen pressure by facilitating parallel service delivery through NGOs. Several donors admitted in interviews that there were inadequate external controls on

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<sup>91</sup> May Ying Welsh, "Making Sense of Mali's Armed Groups," *Al-Jazeera*, Jan. 17, 2013.

<sup>92</sup> Interview, World Bank, Bamako, Mali, Feb. 14, 2014.

their funds used for budget support. In effect, this condones the existing system that lacked sufficient controls and, in some cases, likely provided additional slush funds for those within that system.

France, the former colonial power, has retained a great deal of influence in Mali by recruiting and training some of the brightest Malian students in French university programs, maintaining contacts with those individuals when they return home, and providing an ongoing flow of financial support, capacity-building programs, technical advisors in ministries, and financing to field projects. France fielded a military operation, coordinated with the Economic Community of West African States' African contingents (Chad, Niger), to roll back the invasion, seeing it as necessary to prevent Bamako from falling into terrorist hands. This also provided support for the interim government and deterred actors who might try to further destabilize or attack the interim government.<sup>93</sup> The UN peacekeeping force, MINUSMA, subsequently assumed the lead in the security sector, but the French will continue to play an important role. Despite this French support, a May 2012 survey revealed that 55 percent of the Mali population thought France supported the rebels, only 29 percent thought France was neutral, and 15 percent thought France aided Mali.<sup>94</sup> Some Malians also think the French want a Tuareg state in the central Sahara, as this would give them easier access to the oil and mineral resources identified there. It is probable that they had this perception because France allowed the MNLA to maintain a presence in France, is in direct contact with its representatives, and permitted the MNLA to publicize its declaration of independence on TV France 24.<sup>95</sup>

Neighboring countries have played a role in trying to organize peace negotiations between the Malian state and Tuareg rebel forces. Burkina Faso has figured prominently in these discussions, but these discussions now include Algeria, Morocco, and Mauritania.

### 3.11 CONCLUSIONS

The assessment identified the key problem areas as the concentration of power, impunity, and the culture of corruption and intimidation. The key actors in this equation are the political elite (in particular the executive branch), who control the resources and set the standards and examples for the rest of the country. Operations within their personal networks and unchecked actions undermine the concepts of a democratic system and good governance enshrined in Mali's constitution.

The key actors who are best positioned to support efforts to confront these changes include reformers in the executive branch and those in the justice system, oversight offices, the National Assembly, and the citizens themselves. In particular, the assessment noted persons working within the prime minister's office, the procurer général, auditor general, and citizen activists such as the ones operating a "rule of law" insurance scheme in Kayes.

The National Assembly can play a critical role in checking the power of the executive branch and developing policies more responsive to the needs of the country, but it requires electoral-system reform to make the composition of the Assembly more representative of the Malian population and to reduce the winner-take-all nature of the existing system, among other changes. Without this, it would be unrealistic to expect the current incentive systems that perpetuate the status quo to reorient sufficiently to encourage development of an

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<sup>93</sup> Congressional Research Service, "Crisis in Mali," p. 1, 2013.

<sup>94</sup> Guindo, *Analyse des Résultats de L'enquête d'Opinion sur la Crise Malienne* (p. 22).

<sup>95</sup> TRAORE, Amadou Seydou. *Debout sur les remparts! Sauvons le Mali*. Bamako, Mali pp. 64–65.

effective opposition. At the same time, individual reformers within the Assembly may emerge, and if so, should be included with the reformers for change supported within this program, as permitted by resources.

The other critical DRG problem area identified was reconciliation and transitional justice related to the recent flare-up of conflict and the negative impact this has had on the security context. However, this is a national issue, not just a north-south one. Key immediate actors are the insurgents themselves, and on one hand it is essential to ensure that the Malian rebels are reintegrated into society in a sustainable manner. On the other hand, it is necessary to ensure that the victims of the immediate and past problems see positive state action in redressing the injustices they have suffered in the recent past. The key institutions to support this are the National Human Rights Commission and the Truth, Justice, and Reconciliation Commission (the latter needed to be constituted as of the date of the assessment) to complement the good offices and efforts of MINUSMA.

In this effort, the majority population of the north, who are not armed and who did not rebel, need to be included in a substantial manner. More focused and meaningful efforts are needed by the international community, in which USAID might play a leadership role, to promote inclusion of various populations in the north who have historically been excluded from discussions on the peace process and from the very economic and political life of a region in which they constitute the majority. These groups include the Kel-Tamasheq Noir, Sonrai, Haratine, Bozo, and Somono. Key actors are associations such as Tamedt, which represents the thousands of slaves and former slaves in Mali's northern three regions, and advocates for a law that would criminalize slavery in the country, as well as for the political and economic inclusion of all vulnerable and excluded people in the north.

# 4.0 USAID'S OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

## 4.1 BROADER FOREIGN POLICY AND USAID DEVELOPMENT INTERESTS

The United States has had a long relationship with Mali, dating from its independence. According to the Bureau of African Affairs, relations are based on shared goals of strengthening democracy and reducing poverty through economic growth. The United States condemned the 2012 coup d'état and supported the transition back to constitutional governance through free, fair, and inclusive elections. It also supports credible negotiations between the Malian government and all parties in the north who cut ties with terrorist organizations and who explicitly recognize the territorial integrity of Mali.<sup>96</sup>

Before the coup, U.S. assistance programs supported sustainable economic and social development, along with peacebuilding efforts in the north. USAID supported a large decentralization program to build commune officials' capacity to deliver public services and increase access to development information and consultations with CSOs. The Department of Defense supported the security sector's capacity to maintain security through training. Mali signed a five-year agreement with the Millennium Challenge Corporation in 2006 to increase agricultural production and expand Mali's access to markets and trade. This ended in August 2012. All U.S. assistance to the Government of Mali (GOM) was terminated in April 2012 as required by coup restrictions in the 2012 Foreign-Related Programs Appropriation Act. Funding for life-saving, critical health assistance, and food security was approved on a case-by-case basis, as well as support for democratic elections.

The United States lifted restrictions on bilateral assistance to Mali in September 2013 after the inauguration of Keïta. This followed a State Department determination that a democratically elected government had taken office in Mali.

The United States, along with the international community, has strong strategic interests in peace and security in the North African and Sahelian regions. It initiated a Trans-Sahara Counterterrorism Partnership (TSCTP) program in 2005. This is a joint initiative of the Department of State, USAID, and the Department of Defense to assist host-governments in improving their security services, extending effective government control over remote areas to preclude their use as safe havens for terrorists, addressing underlying causes of radicalization, and increasing the positive influence of moderate leaders among vulnerable populations. The program is in the process of developing its next phase of strategic assistance and intends to focus on:

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<sup>96</sup> U.S. Department of State, *U.S. Relations with Mali, Fact Sheet*.

- Stabilizing the Libya-Niger-Mali corridor, which has become a main area of operation and transit for Al-Qaeda in the Islamic Maghreb (AQIM) and associated groups, by helping affected governments extend state authority, enhance border security, improve governance responsiveness, expand economic opportunities, and address issues of marginalized groups susceptible to violent extremism.
- Promoting good governance, rule of law, human rights, and inclusive economic growth in the region. Primary goals include promoting political stability and reducing conflict, which feeds extremism.
- Developing young leaders through leadership training.
- Strengthening regional cooperation with key international partners, including the French, Canadians, and British.
- Helping governments and communities close porous borders to stem cross-border trafficking by leveraging law enforcement, military, civilian, and community-engagement activities.<sup>97</sup>

## 4.2 USAID'S CURRENT DRG ASSISTANCE PORTFOLIO

Much of the current DRG funding supported the elections through the Consortium for Electoral and Political Processes (CEPPS), which is scheduled to end in 2015. The CEPPS partners are the International Republican Institute, the National Democratic Institute, and the International Foundation for Electoral Systems. A total of \$3 million was also provided through the United Nations Development Program (UNDP) Electoral Support Project. These programs supported training for election officials, the Independent National Electoral Commission (CENI), journalists, domestic observers and political-party poll-watchers, along with other related activities including civic education and capacity building for community radio stations and its association, *Union des Radios et Televisions Libres du Mali*.

In addition, USAID/Mali implemented programs through the TSCTP targeting conflict mitigation and countering violent extremism. This included peace-building through community support; conflict management through community radios; peace and reconciliation through civil society; a youth-engagement program in Timbuktu (for out-of-school youth), and the *Programme de Gouvernance Partagée* local governance program.

## 4.3 OTHER USAID AND U.S. GOVERNMENT ASSISTANCE PROGRAMS

USAID has an \$11.5-million program from the Office of Foreign Disaster Assistance that focuses on providing humanitarian assistance through international non-governmental organizations (INGOs) in the north through 11 programs. This ends in June 2014.

The Office of Transition Initiatives (OTI) has an \$11-million grant program, of which roughly half remains. Its focus is on supporting the political transition and promoting reconciliation and social cohesion to address drivers of conflict, mainly in the north. Its program ends in 2016 and OTI is already thinking about how to transition its programs to USAID/Mali. It is working with some grassroots organizations that USAID/Mali would like to incorporate into their future DRG programming.

<sup>97</sup> U.S. Department of State, Eight Annual Trans-Sahara Counterterrorism Partnership Conference, Assistant Secretary, Bureau of African Affairs, Linda Thomas-Greenfield remarks.

The State Department's Bureau of Democracy, Human Rights, and Labor is addressing transitional justice. The program created a coalition of 22 civil society organizations (CSOs) coordinating to draft a policy paper for the GOM to implement transitional justice programs that balance victim's needs with reconciliation efforts. The programs also trains many of the same CSOs to document human-rights abuses, particularly in northern Mali.

#### 4.4 DONOR COORDINATION

There is an official coordination effort, conducted by sector technical-level personnel, supplemented by policy-level groups of heads of missions. These formerly involved more sharing of information than coordinating or harmonizing programs, but the donor community has increased its efforts to coordinate and ensure unity of message since the crisis. Most of its bilateral programs were suspended after the coup; those suspensions have now been lifted or are in the process of being lifted.

Several donors are active within the DRG sector. Among these is Canada, lead donor in the anti-corruption group. Canadian concerns and programming are congruent with the concerns and needs identified by the DRG assessment team, and close U.S. Government coordination with Canada for programming in this critical sector is recommended. For instance, Canada supports the Vérificateur and the operations of his office. The United States, European Union (EU), and France are also members of this anti-corruption group. Canada also works with the Ministry of Finance to improve fiscal capacity, where the sector effort is led by the International Monetary Fund. Canada is also interested in supporting transitional justice, but is waiting to see what happens and where it could add value.

France counts as another major donor in the governance sector. It has a large technical assistance program (€13 million), providing roughly 15 technical advisers to different sectors, including justice, where it has a French judge assigned to the minister. France is very interested in supporting access to justice and security in the Sahel and is looking at developing a special investigative police unit and court to combat terrorism and narco-trafficking. France is also contemplating strengthening the public administration training school.

The EU has made a long-term commitment to Mali, recently pledging €15 million for 2014 to 2020.<sup>98</sup> Part of this is for government reform. From 2008 to 2013, the EU provided nearly €728 million, plus €5 million for regional cooperation and €4 million for humanitarian aid. In 2013, the EU committed to donating €3.25 billion to Mali (for 2014 to 2015), with part of those funds allocated to supporting more vigorous action by the auditor general's office, and financing additional transfers of funds for public-service provision to local governments.<sup>99</sup> After the *Appui aux Renforcement des Acteurs Non Etatiques* program, they are continuing civil society capacity-building activities through the *Project d'Appui aux Organisations de la Société Civile*, including a civil society sector-mapping exercise that was expected to be completed in March/April 2014.

The World Bank has a \$300 million per year program in Mali. This includes a \$12-million governance and budget decentralization technical assistance program that was scheduled to end December 2014, but will be restructured due to poor performance and low disbursements.<sup>100</sup> It is also interested in supporting operations

<sup>98</sup> EU, *European Union Maintains Its Commitment to Mali*, 5 Nov. 2013. Amount is pending approval by the European Parliament and Council.

<sup>99</sup> Brussels: *Donors Conference for Development in Mali: Together for a New Mali*, May 15, 2013.

<sup>100</sup> World Bank, *Implementation Status and Results: Mali, ML—Governance and Budget Decentralization Technical Assistance Project (P11281)*, Report No. ISHR12494 (p. 6).

of the commercial courts, which is one of the complaints of the private sector. The Germans pledged roughly €100 million for 2013 and 2014 in development assistance in the areas of agriculture and potable water, and another \$12.3 million a year for decentralization, humanitarian relief, and assistance for returnees to the north.<sup>101</sup> The Swiss are supporting the re-establishment of state authority at national and local levels with CHF 24 million (Swiss francs). In the DRG sector, the Swiss are supporting the civic participation and increasing the capacity and accountability of locally elected officials in financial and administrative management.<sup>102</sup>

UNDP has a large democratic governance program which includes elements of support for the reform of public administration, strengthening of parliament, promotion of human rights, reform of the justice sector, and support to the redeployment of public administration to the north, which is mostly rehabilitation of destroyed infrastructure.

#### 4.5 PRACTICAL CONSTRAINTS ON THE RECIPIENT SIDE

In the north, the elephant in the room is the potential for renewed violence. The well-armed, mobile insurrectionist forces have not been disarmed and could conceivably strike again at any time. The United Nations' Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) constitutes a blocking force against renewed attack as long as it remains in Mali. Its mandate is expected to be extended before its current one ends in June 2014. This scenario underlines the urgency of reconstituting the Malian armed and security forces as groups reliably able to defend the country against attack and ensure its territorial integrity. That is not now the case.

In the meantime, Malian refugees and IDPs increasingly want to return home. The GOM advocates their return, but under current circumstances of extreme insecurity in the north, the government is ill-equipped to support the large number of people who may return without assured means of survival. The U.S. Government recognizes this problem and is seeking to develop parallel delivery systems, operated by INGOs, capable of providing presumably impoverished and vulnerable returnees with the support needed to survive. As AQIM has a decade of experience in kidnapping and ransoming Europeans in the Malian Sahara and high Sahel, and has demonstrated its willingness to use extreme violence, one cannot exclude the possibility of an AQIM military strategy seeking to tie up MINUSMA and FAMA (armed forces) units in defense of vulnerable returned refugees, whether international or domestic. These linked problems—rebuilding Mali's military capacity, and ensuring a secure environment for returnees and those who stayed in the north throughout the occupation—arguably constitute Mali's greatest constraints for development assistance.

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<sup>101</sup> Federal Foreign Office, *International Assistance for Mali: An Overview*.

<sup>102</sup> Swiss Agency for Development and Cooperation, *Mali*.



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