

BRIEFING NOTES

to improve our understanding and ability to ask the right questions and take effective action on land matters in West Africa

“Land Tenure and Development” Technical Committee

Decentralization in Mali: a constrained “responsibility transfer” process

by Prof Cheibane Coulibaly¹, December 2010

For many observers, the decentralization policy in Mali is one of the most audacious ones in Africa, because of the high number of institutions created: 683 new “communes” (in addition to the 19 already existing), 52 “cercles”, 8 regions and the District of Bamako. The number of those institutions has made the issue of authority, responsibility and resource transfer from the central government to all these levels central to the decentralization process. The following two critical questions also arise in the meantime: What are the privileges of the so-called traditional institutions created by local people at the village level (“fractions” and “quartiers”) and between villages? What kind of cooperation should exist between these institutions and the government units? This brief highlights the achievements of the decentralization policy in Mali and the constraints the latter faces. Then it outlines some possible solutions to address these challenges.

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The decentralization experience in Mali

In the early 1990s, decentralization emerged in many West African countries as the most suitable approach to the management the major political changes that were underway in these countries as part of the democratization process.

However, there was a great controversy with regard to the definition of decentralization and even its usefulness. With no intent to take part in this controversy and for the purpose of our analysis of Mali’s experience in decentralization, we have adopted the following definition: decentralization is a policy based on a particular distribution of powers, responsibilities and resources between the institutions of a human community, in order to ensure the effective management of resources and functional relations between these institutions, the final objective being the improvement of the living conditions of this community.

● Background of decentralization in Mali

With this definition, it is possible to have an idea of the level of enforcement of the decentralization policy at

different stages of the institutional life of a country. Mali belongs to the sub-region that has had very structured countries for over ten centuries before the European colonization: not only a multitude of kingdoms, but especially three great empires characterized by a strong internal political stability. According to many sources, a root cause of the political stability of great pre-colonial empires in this region was the autonomy of local institutions, which is a major principle of decentralization. That autonomy was total with regard to land and land conflict management.

The colonial organization of the state inherited from the centralizing tradition in France put an end to the autonomy of local institutions. As the colonial administrator, Governor General Van Volhenoven pointed out to local people in colonies: “Henceforth, your chiefdoms and customs no longer exist; only the will of France will prevail here.” As far as land tenure is concerned, it was claimed that land in colonies was “unoccupied and uncontrolled”. By virtue of these principles, customary rights are unknown and people lost control on land when-

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ever it was needed by the colonial administration.

Since Mali became independent (in 1960), the political will to implement a decentralization policy is clearly reflected in the country's most important laws, especially the successive Constitutions. But, decentralization under the First Republic (1960-1968) faced political constraints typical to young states, after the collapse of the Federation of Mali ("Fédération du Mali") and with the rebellion in Northern Mali. The socialist state became more radical towards a greater centralization of powers and claimed, for example, that "all lands belong to the government", going beyond the claims of the colonial administration on farmlands.

The series of economic hardships experienced by the country drove the authorities of the Second Republic (1968-91) to establish a very centralized resource management system. They even initiated a "militarization of rural areas" between 1970 and 1980, as the army was empowered to ensure state monopoly on grain trade. The decentralization, reflected in the choice of a decentralized management of local and regional development taxes, could not be implemented: local and regional institutions seldom re-

ceived their share of tax revenues. In addition, state control on developed lands (such as *Office du Niger*) was strengthened: farmers can be expropriated at any period of the year and the levying of royalty was extended to off-bloc farms.

The third Republic arose from a public upheaval that culminated in a military coup on the 26th March 1991. The 1992 National Conference decided on the instauration of democracy and adopted a decentralized model for the management of the country's resources. But, there were not clear indications as to the re-definition of the roles of existing institutions, the creation of new institutions, and the establishment of new operational mechanisms. Yet, the experience of Mali itself revealed the existence of at least two conceptions of the implementation of decentralization in the country:

- **A political conception**, announced earlier through the 1960 Constitution which recognized as "collectivities", "nomadic tribes, villages and nomadic fractions...". This conception was asserted anew in the critical laws of the transition period, immediately after the collapse of the Second Republic. One of these laws was the Master Plan for Rural Development aimed at securing land

tenure for rural users. In this regard, it raises questions as to who to secure, what to secure, how to go about it and who should do that. It provides precise clues about what the state and its different branches must do to restore grassroots institutions' autonomy in resources management.

- **A technocratic conception** which favors the administrative apportionment of the country, the tutelage principle, as well as the vision that a village is an administrative entity. This conception focused on the establishment of institutions (*commune, cercle, région*) which are considered as subdivisions (local representations) of the government. It has very little to do with the issue of responsibility transfer from these institutions to villages, *fractions* and *quartiers*.

● Achievements and constraints to the Malian decentralization policy

The second conception above has prevailed since 1994, when the strategic directions of the new decentralization policy were defined and the first actions related to it were taken. The following are the achievements of this policy:

- the legal framework was established, the planned territorial apportionment was completed, territorial collectivity institutions have been established since the 1999 elections;
- in addition to the determination of the respective responsibilities of territorial authorities, three statutory instruments provide for the transfer of some responsibilities in the education, health and water supply sectors;





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- at the institutional level, after 2000, the tasks of the Decentralization Mission, an interim entity with strictly limited objectives, are carried out by the National Directorate for Territorial Collectivities (*Direction nationale des collectivités locales* – DNCT), the Agency for National Investment in Territorial Collectivities (*Agence nationale d'investissement des collectivités territoriales* – ANICT) and the Land Use Planning Mission (*Mission d'aménagement du territoire* – MAT);
- a National Decentralization Policy Framework Paper (2005-2014) has been developed which sets the final goals of this policy.

Today, Mali's decentralization program is at crossroads as issues are both of technical and political nature. The latter, which had been put at the background under the program, have become more and more difficult to address. Indeed, most West African countries, especially the Inter-State Committee for Drought Control in the Sahel (*Comité Inter-Etats de Lutte contre la Sécheresse au Sahel* – CILSS)

member countries (despite the organization's efforts) used to focus on the technical aspects of decentralization, including the apportionment of the national territory.

The “**technical**” difficulties inherent in the program are the following:

- territorial-apportionment-related conflicts are not definitely settled: this raises the issue of the boundaries of villages forming territorial collectivities and future difficulties associated with “intercommunality”;
- the interventions of the three levels of territorial collectivities are inconsistent;
- the status of local elected representatives and the administrative staff of collectivities is not well defined.

But **political** difficulties are even more serious:

- the limits of supervision are not clearly identified and, therefore, the level of autonomy of local institutions is unknown. So, for example, *communes* do not always know the limits of a *préfet's* (i.e. the

representative of the government's administrative power) role in budgeting for them;

- there are many constraints in the process of transferring responsibilities and resources from the government to collectivities: for about ten years, responsibility transfer has been effective only in the health, education and water sectors. But, even for these sectors, the transfer of resources only started this year and solely for education. There remain many other sectors that are critical for citizens, including land, for which no transfer has occurred yet, while conflicts are increasing and becoming more violent;
- the role of territorial collectivities in the process of wealth creation at the local level (and therefore in local development) is not clearly defined. For example, the *commune* is sometimes the investor, sometimes the contractor, and often the procurement agency, or even cumulates all these functions. It is a reflection, at another level, of a government eager to do everything. As far as land is concerned, this leads to abuse by municipal teams in the allocation of farm and residential lots;
- grassroots democracy is not promoted because the arrangements for grassroots community control (in villages, *quartiers*, *fractions*, etc.) have not been made yet. It has been replaced by the supervision of government services, and creeping corruption within these entities makes that supervision inefficient.

Current challenges and tentative solutions

The main feature of the history of decentralization all along the postcolo-

nial period in Mali is the contradiction between legislations and the actions actually taken, as well as between political declarations and practice. For this reason, citizens wonder about the political objective actually pursued.

These country-specific constraints are compounded by those arising from the political will of Malian authorities to move forward to regional integration. Many people forget that integration goes through processes that are similar to those of decentralization as it can lead to the construction of a federal state. Therefore, the countries involved must harmonize their policies, especially for the management of cross-border landscape and developed lands on which nationals from neighboring countries wish to work.

Finally, it is worth noting that these constraints are exacerbated by those imposed by the so-called European and North-American technical and financial partners. Sometimes, these donors put considerable pressure on national economies and often do not hesitate to interfere strongly in the selection of political options in Mali.

In the current transitional context in West Africa, all these constraints are a good argument for giving priority to the strategy of consensus building between the various conceptions, as well as between the different institutions. This should be based on the applica-

FOR FURTHER INFORMATION

- >> COULIBALY C., “Subsidiarité et civilisations : essai de philosophie politique mandingue”, Revue *Les Cahiers de Mande Bukari* n° 3, 2^e trimestre 2006, Editions Le Cauri d’Or.
<http://soumbala.com/themes-2/hommes-langues-et-religion/philosophie-cosmogonie/subsidiarite-et-civilisations-essai-de-philosophie-politique-mandingue.html>
- >> IDELMAN E., Fiche pédagogique : “Collectivités locales et territoires locaux en Afrique de l’Ouest rurale”, Comité technique Foncier et Développement, 2010. www.foncier-developpement.org/outils/collectivites-locales-et-territoires-locaux-en-afrique-de-louest-rurale
- >> IDELMAN E., *Décentralisation et limites foncières au Mali*, juin 2009. <http://pubs.iied.org/pubs/pdfs/12558FIED.pdf>
- >> “L’État et la décentralisation au Mali”, Conférence à l’école doctorale de l’Université libre de Bruxelles, février 2008.

tion of the subsidiary status principle in the sharing of powers, responsibilities and resources. This means decentralization policies should grant some real autonomy to the various local level and take into account the knowledge and know-how of populations, as well as the positive values of the different cultures.

Within the countries, compromising does not mean trying to go back entirely on programs that have been going on for quite a long time, but it is not too late to find management methods on which most citizens and institutions concerned can agree, and thus to develop co-management methods.

In the land sector for example, there is a need to identify the lands to be managed by villages, *fractions* or *quartiers*, those to be managed by a *commune* or co-managed by *communes* (“intercommunality”), those to be directly managed by the government (“domaniality”), and those to be managed through agreements between neighboring countries (cross-border management).

For these forms of co-management to be put in place and to operate, there needs to be social peace, trust, political will from the government and compliance by their partners of the options they have freely retained. ●

ORIGINAL VERSION IN FRENCH “La décentralisation au Mali : le ‘transfert de compétences’ en difficulté”, translated by Lara Colo.

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