

In 1992, the government of Mali decided on a policy of reforming the management of public affairs on the basis of decentralisation. Various reasons lay behind this policy option of devolving powers and resources to local government authorities, including the need to deepen the ongoing democratisation process, tackle the problems of local development in a different way, recast the role of the State and promote security and peace. Decentralisation became a reality in 1999, following the organization of the local elections, and resulted in a profound change in the relationship between the State and citizens, while bringing public services closer to the community.

As the first term of office of the local government authorities came to an end in 2004, the time is right to take stock of the implementation of this reform. Sharing experience is important, not just for Mali but also for other countries in the sub-region going through a similar learning exercise or wishing to undertake an identical process. This bulletin aims to inform readers not only about the rationale for and foundations of decentralisation in Mali, the institutional support arrangements and the first achievements of the process at local level, but also about the issues and challenges arising from this process.

SNV and CEDELO

Decentralisation in Mali: putting policy into practice

DECENTRALISATION IN MALI: PUTTING POLICY INTO PRACTICE - SNV/CEDELO

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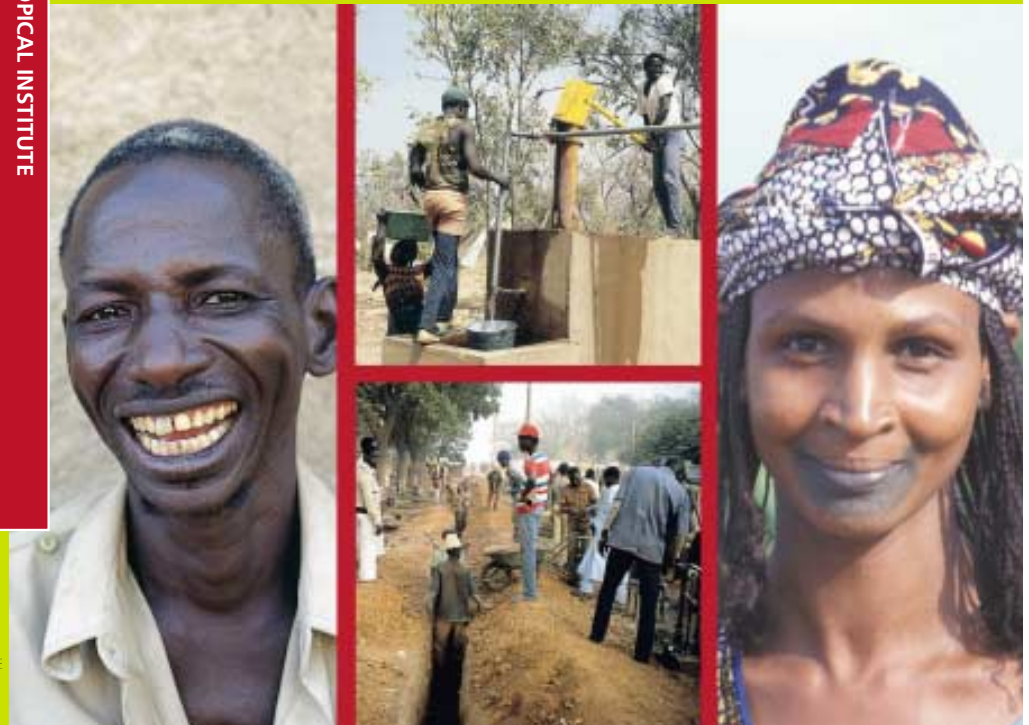


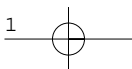
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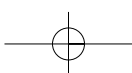
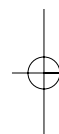
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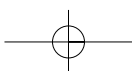
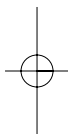
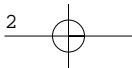




DECENTRALISATION IN MALI

Putting policy into practice







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Putting policy into practice

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Foreword

The experiences of our ancestors underpin our present way of life. This piece of ancient African wisdom has become axiomatic for SNV. Making sure that we do not reinvent the wheel and keeping alive a lasting, tangible memory of the results of our work with our partners are the two principles that guide us in publications like this one.

In 1992, the Malian government decided on a policy of decentralisation. Considering this policy to be of great strategic importance for development in Mali, especially for disadvantaged groups, SNV has made sure that the promotion and facilitation of the decentralisation process provide the backdrop to its activities. With decentralisation, the local government authorities have become relevant forums within which people who used to be “administered” can demonstrate their ability to take initiatives and participate effectively, in their own areas, in the process of making decisions about development.

Entitled “Decentralisation in Mali: putting policy into practice”, this bulletin is designed to inform readers about the achievements of the decentralisation process in Mali. It is the result of continuous, successful co-operation between several partners. The local government authorities and population of Banamba, Dioïla, Koulikoro and Ménaka have been vital sources of information and they are the key players in the social dynamics we describe here. The Royal Tropical Institute (KIT) in Amsterdam and the Centre for Decentralisation and Local Development (*Centre d'Expertises sur la Décentralisation et le Développement Local/CEDELO*) in Bamako have made an inestimable methodological contribution, bringing to the fore the knowledge that has been built up over many years. The technical advisers of SNV-Mali have played an active part in these efforts to build on experience and they continue to work alongside their Malian partners for a fair, equitable society.

I wish to thank both the authors of the paper and Almoustapha Amadou, Kadiatou Ballou, Abdou Kali Coulibaly, Danséni Koné, Elsbet Lodenstein, Assitan Sininta-Cissé and Cheick Sissoko for their written contribution on behalf of SNV. Thanks also go to Jaap Bijl, Wim van Campen, Sonia Le Bay, Hans Meenink and Bertus Wennink for their critical review of the draft of this publication, as well as to Jean Lubbock for translating into English.



This publication has been produced in connection with the 25th anniversary of SNV-Mali, a perfect time to look back on the road we have travelled and, at the same time, equip ourselves to find new ways forward and take up the challenge of the future: ensuring that our work in Mali has an even more significant and lasting impact. I am convinced that this publication will prove to be a useful tool.

Jeanette de Regt
Director of SNV-Mali

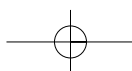
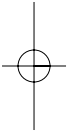


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Abbreviations

ACCRM	<i>Association des collectivités, cercles et régions du Mali – Association of local authorities, districts and regions of Mali</i>
AMM	<i>Association des municipalités du Mali – Association of Malian municipalities</i>
ANICT	<i>Agence nationale de l'investissement des collectivités territoriales – National investment agency for local governments</i>
AOF	<i>Afrique occidentale française – French West Africa</i>
ASACO	<i>Association de santé communautaire – Community health association</i>
AV	<i>Association villageoise – village association</i>
CCA-ONG	<i>Comité de coordination des actions des ONG au Mali – Co-ordinating committee for NGO activity in Mali</i>
CCC	<i>Centre de conseil communal – Commune advisory centre</i>
CCN	<i>Cellule de coordination nationale – National co-ordination unit</i>
CDP	<i>Comité de développement participatif – Participatory development committee</i>
CEDELO	<i>Centre d'expertises sur la décentralisation et le développement local – Centre for decentralisation and local development</i>
CESCOM	<i>Centre de santé communautaire – Community health centre</i>
CLO	<i>Comité local d'orientation – Local steering committee</i>
CMDT	<i>Compagnie malienne pour le développement des textiles – Malian textile development company</i>
CNO	<i>Comité national d'orientation – National steering committee</i>
CRO	<i>Comité régional d'orientation – Regional steering committee</i>
CSR	<i>Chargé de suivi régional – Regional monitoring officer</i>
CTA	<i>Collège transitoire d'arrondissement – Transitional arrondissement college</i>
DGRC	<i>Direction générale de la réglementation et du contrôle du développement rural – Department regulating and monitoring the rural development sector</i>
DNAER	<i>Direction nationale de l'aménagement et de l'équipement rural – Department of rural planning and investment</i>
DNCN	<i>Direction nationale de la conservation de la nature – National nature conservation department</i>
DNCT	<i>Direction nationale des collectivités territoriales – National department for local governments</i>
DNH	<i>Direction nationale de l'hydraulique – National water department</i>

FICT	<i>Fonds d'investissement des collectivités territoriales</i> – Local governments investment fund
GLEM	<i>Groupe local d'études et de mobilisation</i> – Local research and mobilisation group
GREM	<i>Groupe régional d'études et de mobilisation</i> – Regional research and mobilisation group
HCCT	<i>Haut conseil des collectivités territoriales</i> – Supreme council of local governments authorities
MAEP	<i>Ministère de l'agriculture, de l'élevage et de la pêche</i> – Ministry of Agriculture, Livestock and Fisheries
MATCL	<i>Ministère de l'administration territoriale et des collectivités locales</i> – Ministry of territorial administration and local government authorities
MDD	<i>Mission de décentralisation et déconcentration</i> – Decentralisation and deconcentration task force
MDRI	<i>Mission de décentralisation et des réformes institutionnelles</i> – Decentralisation and institutional reform task force
MMEE	<i>Ministère des mines, de l'énergie et de l'eau</i> – Ministry of mines, energy and water
NGO	Non-governmental organisation
NEAP	National environmental action plan
NRM	Natural resource management
OISE	<i>Outil informatisé de suivi-évaluation</i> – computerised monitoring and evaluation tool
PDCD	<i>Programme d'appui au développement des communes rurales du cercle de Dioïla</i> – Programme of support for the development of rural communes in Dioïla district
PDUB	<i>Programme d'appui au développement urbain de Bamako</i> – Programme of support for urban development in Bamako
SDDR	<i>Schéma directeur du secteur de développement rural</i> – Rural development sector masterplan
SECO-ONG	<i>Secrétariat de concertation des ONG maliennes</i> – Malian NGO Secretariat
SED	<i>Stratégie d'énergie domestique</i> – Domestic energy strategy
SRGB	<i>Structures rurales de gestion du bois</i> – Rural forest management structures
SNV	Netherlands development organisation
TDRL	<i>Taxe de développement régionale et locale</i> – Regional and local development tax

1 Introduction



In Mali, the emergence of local government authorities, a process commonly known as decentralisation, is the cornerstone of democracy, local development and the fight against all forms of poverty. After several years of conceptual thinking, preparation of the legal and institutional framework and political negotiations, decentralisation became a reality in 1999. The local elections organised that year were the culmination of the preparatory phase and signalled the start of implementation of this institutional reform. The elected authorities, in the shape of councils at commune, district (*cercle*) and regional level, became the relevant legal forums for local development.

The process of devolving power led to a profound change in the relationship between the State and its citizens and brought government closer to the communities. It is part of a broader framework of institutional changes undertaken by the Malian government in the interests of good governance and applies at all levels: administration, public finance, individual ministries, judiciary and so on. The challenges of decentralisation in Mali involve strengthening democracy, transferring powers and resources to be managed by local authorities and ensuring greater community participation in political, economic and social activities. Democracy and local development depend on active popular participation in managing public affairs. Decentralisation also allows an institutional framework to be established at local level that can increase the impact of policies such as the National Poverty Reduction Strategy Plan. The deconcentration of sector ministries should go hand-in-hand with democratic decentralisation in order to implement the transfer of powers and corresponding resources from the State to the local government authorities.

These institutional reforms are recent. Decentralisation has only just begun, with the first term of office of elected councillors ending in 2004. All stakeholders in decentralisation are still engaged in a learning process. As this first term of office draws to a close, the time is ripe to take stock of the establishment of the local authorities and their experiences, so as to draw out lessons and suggestions for the future. This is essential to strengthen the ability of local government to provide services that meet the needs and interests of the population. Sharing experiences is important not only for Mali, but also for other countries in the sub-region that are engaged in a similar exercise or wish to start an identical process.

Bearing in mind the strategic importance of decentralisation for development in Mali, especially for disadvantaged groups, SNV-Mali has remained firmly committed to promoting and assisting the process (see Box 1.1). In deciding to operate at the level of the local government authorities, SNV's intention was to ensure even greater access for the poorest to basic services such as health, education and water supply, which are amongst the sectors that now come under the responsibility of these territorial authorities.

Like the other partners involved, SNV is aware that not enough is being done to build on decentralisation experiences at all levels from the village upwards. This bulletin is intended to be SNV's contribution to help build greater understanding of current developments and thereby stimulate dialogue and reflection about the next stages. It draws on the experience of SNV at all levels, exchanges with its partners and, above all, discussions with councillors and citizens, both men and women, throughout Mali.

Box 1.1: SNV activities in Mali with regard to decentralisation

SNV provides technical back-up to assist the implementation of decentralisation. Specifically, SNV has supported activities to consolidate decentralisation at national level, by co-operating with the decentralisation and institutional reform task force (*Mission de décentralisation et des réformes institutionnelles* - MDRI) and the National department for local governments (*Direction nationale des collectivités territoriales* - DNCT), supplying human resources for support and advice and targeted activities such as tackling gender issues.

SNV has also become involved at operational level in information campaigns in the districts of Dioïla and Ménaka (see Figure 1.1). On the basis of its experiences, it has been chosen as operator of the Commune Advisory Centre (*Centre de conseil communal* - CCC) in the districts of Banamba, Koulikoro, Dioïla and Ménaka. SNV also works with urban communes in Bamako. In line with the policy guidelines of the Malian government, SNV has focused on developing the institutional framework and building stakeholders' organisational capacity. This includes the need for sector ministries, the newly elected local government authorities and civil society to learn and master their roles, as well as how the management of formerly centralised State responsibilities and resources may be successfully transferred to the local government authorities.

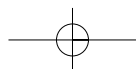
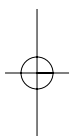
This bulletin is aimed at policymakers and the sector ministries working on rural decentralisation, as well as the local government authorities and citizens associations. It is also intended for CCCs, NGOs, consultancies and others responsible for designing, implementing and supporting rural decentralisation.

The second chapter of this bulletin presents a historical and political overview of the origins of decentralisation in Mali and an analysis of the preparatory phase. The operational level of decentralisation, the technical and financial arrangements, the establishment of policy-making bodies and the network of service providers are analysed in Chapter 3. Chapter 4 tackles the question of transferring powers and resources to local governments, while Chapter 5 presents the first results obtained in the rural communes, especially in the

districts and urban communes where SNV works. Chapter 6 discusses such issues as the role of civil society, emphasising women's involvement, the repositioning of the State and shifting relationships, capacity-building and mobilising resources, as well as the need to take account of environmental management and ecological sustainability. Finally, Chapter 7 presents the conclusions.

Figure 1.1: Map of Mali





2 The institutional reform of decentralisation



2.1 Motivation and background

Historically, the area of present-day Mali has shared with all neighbouring countries the same institutional heritage handed down from the major State institutions constructed between the 11th and 17th centuries (the empires of Ghana, Mali and Songhai). These empires were actually federations of self-governing provinces with an emperor at their head. The latter held federal powers¹ and allowed the provincial authorities to manage their respective territories with a degree of autonomy (Toé, 1997). The freedom that each village still enjoys today to appoint its chief according to its own customs is amongst the relics of that era. Decentralisation was a practice deeply rooted in the tradition of administrative management familiar to Malian communities.

The colonial authorities, which introduced centralisation in order to control the population, soon discovered its limits. From the early 20th century, the colonial administration reflected on the need for a decentralised system in its colonies of French West Africa (*Afrique occidentale française* – AOF). In 1917, the Governor General of the AOF, Vollenhoven, wrote: “at the level of the district (*cercle*), which is the basic administrative unit, delegating decision-making power and bringing the administration as close as possible to the administered population should be pursued rigorously, as this is the only way of reconciling the interests of the dominant power with those of the local people”². The colonial authorities therefore acknowledged that, due to geographical constraints and specific cultural features, decentralisation was a management model producing better results. Consequently, moves to set up communes took shape in the colony of Sudan, present-day Mali. In 1919, Bamako and Kayes became mixed “first level” communes³. However, progress was extremely slow and it was only in 1953 and 1954 respectively that the communes of Mopti and

¹ Including responsibility for major public works, declaring war and entering into alliances and peace agreements.

² Letter from the Governor General of the AOF to the lieutenant-governors of the colonies and the representatives of the AOF government, dated 1st November 1917 (Archives of Ségou District).

³ The elected council was made up of two groups (European and indigenous) and had an appointed mayor.

Ségou, were set up, followed in 1958 by Gao, Kati, Kita, Koulikoro, Koutiala, Nioro, San, Sikasso and Timbuktu.

After Mali gained its independence on 22nd September 1960, decentralisation was enshrined in the constitution. It declares that “all territorial authorities in the Republic of Mali shall be freely administered by elected bodies”. However, its implementation was constantly put off because of the fears of the political and administrative elites for the unity of the Malian nation. Despite having begun the struggle for independence, the great majority of these elites, most of whom were former employees⁴ of the colonial administration, still retained the colonial mindset according to which the population must be supervised and given orders, especially in rural areas. The government of the first Republic made do with bringing the status of the 13 urban communes inherited from the colonial era into line, making them all “full” communes, meaning that both council and mayor were elected.

In 1977, it launched an administrative reform that was to bring about a degree of decentralisation as the *arrondissements* were gradually transformed into rural communes headed by elected bodies. The mechanisms of this reform never really operated and no *arrondissement* ever gained the status of a rural commune. In 1988, the government launched a regional and national debate about decentralisation that was supposed to result in the preparation and establishment of a decentralisation programme. However, despite various initiatives and political pronouncements in the 1970s and 1980s, administrative decentralisation had only extended to 19 urban communes by March 1991. The government of the second Republic confined itself to turning the town of Bamako into a district made up of 6 communes and establishing the commune of Bougouni.

On the other hand, in the 1970s the powers of the local government representatives of the State (regional governors, district commanders and heads of *arrondissement*) were backed up by a degree of deconcentration. Moreover, the institution of the one-party state⁵ and the constitutional role awarded to it, combining political centralisation with the existing administrative centralisation, ended up relegating decentralisation to the rank of an impossible dream.

The military regime crumbled on 26 March 1991 following an uprising that led to the imprisonment of its leading officials. These events marked a turning point in the country’s political development. The one-party state collapsed and all institutions were called into question. New ones had to be built. On the initiative of the transitional government, a debate took place about the “state of the Nation” at the National Conference that laid the foundations of the 3rd

⁴ Particularly teachers, doctors and junior officials in the colonial administration.

⁵ The one-party system is an institutional construct that places the State under the exclusive control of the single party. As the head of the party thus becomes the head of state, the State and the party are merged.

Republic. All sectors of Malian society were represented. It was during the National Conference that the major decisions were taken that now underpin the democratic and development processes under way in Mali. These were inspired by the desire to build the rule of law and a multiparty democracy.

At the Conference, decentralisation was unanimously held to be a strategic focus for undertaking the construction of the future Malian State. Decentralisation was seen as the reform whose implementation would enable Malians to improve the organisation of their country. Recommended by the National Conference, decentralisation was enshrined in the 1992 Constitution. Decentralisation also rapidly came to be seen by the transitional government as one of the few bases for genuine negotiation in the search for solutions to the rebellion that had broken out in the northern regions of the country. Applying the principle of independent administration to the northern regions⁶ and extending this system throughout the country looked like the best way both of solving the problem of the North and of preventing similar crises provoked by claims based on ethnic identity and revolts against the central government elsewhere in its territory.

2.2 Ambitions and hopes behind the reform and why the stakes are so high

The decentralisation reform offered a vision of society whose administrative and institutional dimensions underpinned a huge political undertaking. Indeed, the reform was thought of and presented in Mali from the very beginning as a political project, unlike most countries in West Africa where, at the very least, decentralisation is seen as a simple technical reform of territorial administration to meet the demands of donors.

Moves toward decentralisation in Mali are rooted in the long search for a political and administrative system more suited to the local culture of managing public affairs. The reform was also a choice designed to bring solutions to political problems. All the hopes and expectations which were generated by the prospect of decentralised management of public affairs – rather than simply decentralised territorial administration – were principally focused on attempts to deepen the democratisation process, take a different approach to Mali's development problems and recast the role of the State.

RECASTING THE STATE AND FOSTERING DEMOCRACY

For many years, the Malian State had been losing all credibility and it came out of the events of 26th March 1991 considerably weakened. However, there can be no successful decentralisation in the absence of a competent, efficient State. The great challenge was to reconcile the country as a legal entity with the country as it was. Consequently, it was essential to rebuild a State that would reflect the new institutional context, with a civil society, a political class and local and regional authorities.

⁶ On 11th April 1992, following Algerian mediation, the Tuareg movements and the Malian government signed the National Covenant, which awarded special status to the three regions of northern Mali (Gao, Timbuktu and Kidal).

In Mali, the reform is backed by the political will to extend the democratic base of State power and free the population from the command and unilateral decisions of the post-colonial administration, which, in most cases, carried on the practices and habits of its colonial predecessors. This ambition is closely wedded to the issues and hopes raised when the country gained its independence. Decentralisation is presented as the pursuit of the emancipation of the people, as if decolonisation had not really or only partially been undertaken. For both urban and rural communities, decentralisation means regaining control of their destiny.

The democratisation process, even though it comes out of a long struggle begun decades ago, was put in place in the country through top-down political mechanisms. Democracy can thus only be genuine and accepted insofar as it leads to the achievement of its major objective, i.e. that every Malian should be involved in the establishment of the institutions that manage his or her affairs, with an opportunity to monitor them and apply sanctions should this be necessary.

BOTTOM-UP DEVELOPMENT

Since independence, development issues have been tackled as if they depended above all on mobilising external resources, whereas progress is first and foremost a matter of mobilising the human, material and financial resources of the country itself and encouraging initiatives to emerge from the various stakeholders. Seen in this way, each local government authority can become a forum for taking development initiatives. By giving local authorities powers and resources of their own, decentralisation increases the numbers of centres of decision-making and management of economic and social life. This means moving from a situation where the State is the main, if not the only, economic operator to a situation where it shares this role with the local government authorities and private operators.

Consequently, new methods have to be adopted, as well as new rules to govern relations with partners supporting the country's development. The strategy of institutional reform is based on a number of major policy options, viz:

- Building the process from the bottom up, by putting the lowest administrative level, i.e. the commune, in place throughout the country, in both urban and rural areas;
- Setting up communes at inter-community level in rural areas (bringing together villages and nomad *fractions*) and communes in urban areas bringing together several neighbourhoods;
- Involving the elected local representatives in building the rest of the edifice, i.e. gradually taking control, on the basis of contractual and partnership arrangements between the State and the new authorities, of the practical implementation procedures (transfers of powers, resources and property) laid down in the law, under the supervision of the Supreme Council of Local government Authorities.

Putting together a gradual, pragmatic and motivating approach means:

- Conducting reform as a long-term process, making sure that it starts under optimum conditions;
- Tabling legislation and regulations to encourage debate on the choices to be made to get the process under way;
- Preparing the ground for the reform and make sure that Malian men and women take ownership of the process.

2.3 Setting up the reform: preparation and support

Setting up the decentralisation reform was a central plank of the political programme to which the newly elected government committed itself in 1992, on the occasion of the first democratic, multiparty elections in the country. The elected president, Alpha Oumar Konaré, gave decentralisation a pivotal role in all his commitments. The collapse of the State following the fall of the military dictatorship, together with the need to put an end to the rebellion plaguing the north of the country, spurred the new president to get on with implementing this major reform.

INSTITUTIONAL FRAMEWORK

Rather than setting up a Ministry of Decentralisation, it was decided right away that a task force should design and prepare the implementation of the reform. Having a Ministry of Decentralisation would have run the risk of compartmentalising this phase of decentralisation, mirroring the way other sectors are split off within the government administration. Conversely, the task force had the advantage of being an ad hoc team with a clear mandate, limited lifespan and a fairly substantial degree of autonomy, so that it was operational and focused on achieving specific objectives within established deadlines.

Consequently, the President established the decentralisation and deconcentration task force (*Mission de décentralisation et déconcentration* – MDD), which was envisaged as a technical unit responsible for instigating and leading the debate about putting the reform in place. At the beginning of the design phase, the MDD was attached to the ministry responsible for local government administration, this department having been the seat of all previous major initiatives regarding decentralisation. In addition, this ministry had inherited the thinking and progress made by the transitional government in this field.

After the adoption by the National Assembly of the framework law on decentralisation in 1993 (see next section), it was decided that, in institutional terms, the MDD should now come under the Prime Minister's authority, as he would be better able to lead the phase of preparing for implementation. Because the Prime Minister is the head of government and of the whole State administration, it is easier for him to instigate the necessary decisions and make the inevitable trade-offs inherent in implementing any public sector reforms. Subsequently, on the eve of implementation of decentralisation in the field (elections and establishment of the elected bodies, etc.), the MDD was attached to the President's office and became the decentralisation and

institutional reform task force (*Mission de décentralisation et des réformes institutionnelles* – MDRI). This change demonstrated the President's political will to speed up the decentralisation process and get on with the vast undertaking of the now essential reform of the State.

The MDRI ceased to exist when the Ministry of territorial administration and local government authorities (*Ministère de l'administration territoriale et des collectivités locales* – MATCL) was created in February 2000. MATCL has set up the National department for local governments (*Direction nationale des collectivités territoriales* – DNCT). DNCT is now responsible for further reflection and debate, as well as supporting and monitoring the local government authorities.

FRAMEWORK LAW OF 1993

In February 1993, the President of Mali enacted framework law No. 93-008, setting out the conditions for the independent administration of the local government authorities, which had just been passed by the new National Assembly. This law took its inspiration from the Constitution and finally put an end to the eternal debate as to whether or not decentralisation was a suitable system for administering the country. It lays down general guidelines and establishes the fundamental principles that are to guide national decentralisation policy. The law also authorises the government to prepare and adopt the initial legislative and regulatory framework. It is understood that the stakeholders will improve this initial framework as the reform evolves.

The law provides for the establishment of four types of local government authorities, with no hierarchical relationship between them: communes, districts, regions and Bamako district. These are to be administered independently through elected deliberative and executive bodies. The powers to be transferred from the State to the authorities are laid down in the law, with resources, means and assets to be transferred concomitantly. However, the authorities will still be subject to State oversight, which will basically be limited to checking the legality rather than the appropriateness of measures taken, after the event.

The law also provides for the establishment of the supreme council of local government authorities (*Haut conseil des collectivités territoriales* – HCCT), as the national representative body for the decentralised authorities. The HCCT does not have deliberative power like the National Assembly, but it does have very considerable authority to advise on all issues concerning local governments. The Constitution obliges the government to seek its opinion and it may not be dissolved.

2.4 Mobilisation and involvement of all stakeholders in preparation and implementation

One of the very first initiatives taken by the MDD was to bring together all senior members of the government administration (members of ministers' departmental staff, heads of department, etc.) for an exchange of views on the

objectives of the reform, the expected results and the implementation strategy. Almost everyone who spoke said things like: “your plan is unrealistic; all that has already been tried in the past but did not work out” or, better still, “this reform as you see it could bring serious threats to bear on the unity and stability of the country”; in short, just the thing to dull the enthusiasm of those promoting the reform.

The MDD team began to think about the different options for overcoming the resistance expressed at the meeting and taking the reform forward. It became convinced that the best thing to do was to find a way to involve the communities and their organisations directly in these discussions through a network of local leaders with whom the ambitions of the reform must be shared. This led to the establishment of working groups on decentralisation in the form of the “research and mobilisation groups” for decentralisation at regional (GREM) and local (GLEM) levels.

The working groups acted as a think tank, adviser and validation body for the MDD. It was made up of representatives of the departments and other technical structures of the State affected by the reform, representatives of civil society organisations (professional bodies and associations) and resource persons from different walks of life who had acknowledged credibility and experience. Designed to bring together all the relevant skills and parties interested in preparing the decentralisation reform, this group represented the first forum for discussion between the MDD and the main stakeholders.

It is obvious that such a reform cannot be launched without taking the time to get across what it will mean. A decentralisation programme has to be released from its technocratic straitjacket and made into a living reform. Communication in respect of decentralisation needed to establish the conditions whereby Malians could take a “new look” at Mali and engage in a dialogue about the future of the country.

The communication plan had two components: (1) publicise and explain the political undertaking represented by the decentralisation reform; and (2) mobilise the country for consultation and dialogue in order to prepare the ground for decentralisation and allow it to take place with popular participation. It was at this time that the leaders of political parties began to approach the MDD looking for answers to the questions that their militants were asking them about the reform. This was also the time when the government administration began to listen to the MDD because it needed to be able to respond to the issues arousing such interest in the country.

The regional and local research and mobilisation groups (GREM and GLEM) were the mainstays of the MDD’s communication strategy. They set up networks of individual men and women, young and old people with an interest in the decentralisation programme, who wanted to take part in its preparation and implementation and who were representative of the geographical, ethnic, sociological, cultural and economic groupings in the region. To this end, the

groups were given special, priority information, so that they became the link with and extension of the MDD, playing the key role in community mobilisation networks.

MOBILISING TECHNICAL AND FINANCIAL PARTNERS

Preparing for decentralisation requires the mobilisation of substantial human and financial resources. Although the Malian State has deployed such means as it has, its abilities have been very modest compared with what was needed to prepare for the reform (IT, logistics, expertise, communications resources, etc.). The vital contributions have come from development partners who, from the outset, showed particular interest in the reform programme.

The partnerships established so far are underpinned by an important principle: reform must be a coherent national programme and cannot therefore result from a juxtaposition of specific projects funded by the partners. All donors support this principle. Consequently, each particular contribution, even if it is specifically managed in accordance with particular procedures, must fit within the programme framework under the conceptual responsibility of the MDD.

The preparation and implementation of the decentralisation reform were therefore in receipt of substantial support from co-operation agencies and development partners right from the start of the decentralisation task force. A panel, made up originally of staff of the MDD and later of the MDRI, met regularly with the technical and financial partners in the reform for regular dialogue and consultation. These meetings provided an opportunity to inform partners about the progress of the reform and discuss the difficulties encountered.

2.5 Redefining the boundaries of administrative units

Since 1991, there have been huge expectations of change in Mali. However, after several decades of State control, from which the country has not yet fully emerged, a wait-and-see attitude has taken hold. To achieve the major objective of ensuring the participation of all communities in redefining the new local government areas, it was decided to instigate a debate about the administrative reorganisation of the territory, i.e. the division into constituencies, at the same time as a debate about the implementation of decentralisation⁷. This meant choosing the method that looked to be the most complicated and arguably the most dangerous, but which had the enormous advantage of involving local people in defining the territory of their communes and choosing their names and administrative centres.

The debate, which lasted 18 months, was organised throughout the country to enable villages and *fractions*, through their representatives and with the

⁷ Until that time, the existing administrative units had been those inherited from the colonial administration, to which the governments of the two previous Republics had added new ones, while following the same system of imposing decisions.

support of technical teams, to negotiate how they would be grouped together in communes. The role of the technical teams was to use these gatherings to give information about the reform, its objectives and what was at stake, but also to point out the legal and technical criteria⁸ on the basis of which it was intended to group communities together in communes. However, representatives of the communities, while taking account of these criteria, were free to rank them according to their own situation.

The results of this long debate, whose difficulties stemmed mainly from political interference and local rivalries, were summed up in a bill that was submitted to the government and Parliament. In 1996, Parliament passed the law establishing 682 new communes on top of the 19 already set up⁹. The creation of the new communes brought about a profound change in the basic administrative organisation of the country, with the 246 *arrondissements* being replaced by 701 communes. This law extended to rural areas what had hitherto been an exclusive privilege of urban areas, simultaneously putting an end to almost a century of discrimination that had relegated rural inhabitants to the status of second-class citizens. Whereas urban inhabitants were entitled to elect their own mayor, people in rural areas had to wait for the State to designate an official as “Commander” to govern their local affairs.

Disputes subsequent to the establishment of the communes are still occurring, basically arising from challenges to the attachment of villages to particular communes or the choice of the administrative centre. Despite these few disputes, which are in any case gradually being resolved, the great administrative revolution has come about without threatening the unity and stability of the country.

Once the communes were in place, a break of a few years was envisaged for the purpose of consolidation before launching the same type of debate between the communes about setting up the other levels of elected authorities provided for in the law, i.e. the districts and regions. However, the pressure exerted by political parties and their members of parliament forced the government to speed up the process. The bill creating districts and regions was submitted to Parliament, which passed it in 1999. Previously no more than administrative levels, the districts and regions became in their turn decentralised authorities with elected governing bodies. Councils elected by the population are now in charge of all levels of administration of Malian territory.

The decentralisation reform led to the establishment of three levels of decentralised authorities, all with their own deliberative and executive bodies

⁸ The law had provided for communities to be grouped together on the basis of a common desire to co-operate and a study had also identified a few technical criteria, the most important of which was economic viability.

⁹ In an earlier preparatory study done by the MDRI, investigations and application of the selected technical criteria had suggested that between 350 and 400 communes would emerge.

(703¹⁰ communes, 49 districts and 8 regions, plus the district of Bamako). These authorities have set up their own representative structures, the Association of Malian Municipalities (*Association des municipalités du Mali* – AMM) and the Association of Local Authorities, Districts and Regions of Mali (*Association des collectivités, cercles et régions du Mali* – ACCRM), while the Supreme Council of Local government Authorities (HCCT) is now operational. Technical and financial support mechanisms help the authorities in their task of promoting local development. Finally, the ministry responsible for the local government authorities has established the DNCT as a tool for promoting, assisting and monitoring them.

¹⁰ In 2002, two more communes, Alata in Gao region and Intajedite in Kidal region, were added to the 701 communes established in 1996.

3 Institutional arrangements for implementing decentralisation



A large number of local government authorities (communes, districts and regions) were put in place almost simultaneously, but neither the elected councillors nor the government personnel nor the service providers had experience of managing such authorities. In addition, most of the elected councillors and the support staff recruited by the mayor's office were not adequately trained. Considering this situation, the State and development partners drew up a national plan of support for the local government authorities. This chapter describes the institutional arrangements designed to support the local government authorities in setting up their management structures and promoting development. After introducing the leading players, i.e. the supervisory authority, steering committees and service provider networks, it reviews the technical and financial arrangements for assisting the rural communes.

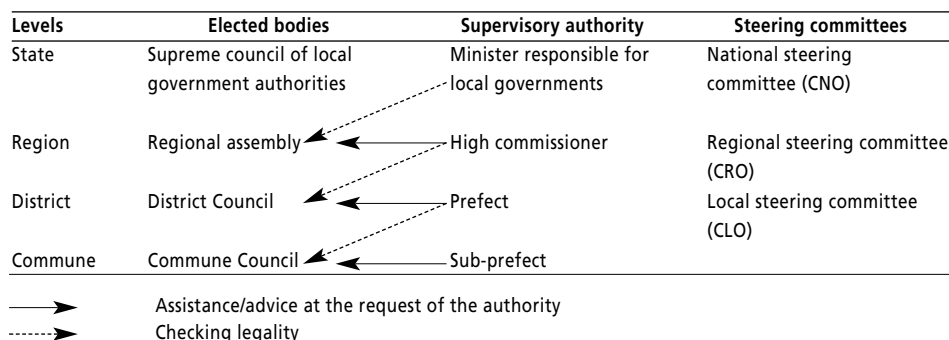
3.1 Supervisory authority

The State and the local government authorities share responsibility for safeguarding national unity and enforcing laws, regulations and government decisions. The State continues to exercise its sovereign functions (defence, justice, security, economic policy, etc.), implement development programmes of national interest and monitor the activities of the sector ministries. Consequently, decentralisation does not involve the implosion of the State into multiple autonomous power centres.

The State oversees the authorities to which it has agreed to transfer the independent administration of their territory and the related powers covered by the law on decentralisation, and differs according to the local government authority concerned (see Figure 3.1). The supervision is limited to checking the legality of the measures taken and not the appropriateness. As a contribution towards the sound management of local government authorities, the supervisory authorities also provide support and advice.

Most of the general powers that were transferred to the local government authorities at the start of decentralisation used to be exercised by the sub-prefects, prefects and High Commissioner. When the communes were set up, there was a great deal of misunderstanding between the elected councillors and the supervisory authority as to their respective new roles. For example, in some

Figure 3.1: Administrative organisation in Mali



areas, certain councillors thought that they were now replacing the former administration and even wanted to get rid of the prefect. Conflictual relationships could also exist between the population and the administration, as well as a lack of confidence and even a feeling of fear¹¹. For their part, some government officials called into question the management ability of the local government authorities that were supposed to take over some of their prerogatives. On the other hand, in other areas, co-operation has been genuine and elected councillors have been able to benefit from the skills of these officials (Box 3.1).

Box 3.1: Stimulating co-operation between government administrators and communes

Government administrators can make a great contribution to the success of decentralisation in a country. Mindful of this role, the SNV programme placed the prefects and sub-prefects at the heart of support mechanisms for the local government authorities. These administrators could offer training and share their experience. The councillors asked them for continuous support in carrying out tasks such as drawing up the budget. Gradually, the administrators began to take an interest in the decentralisation process and feel themselves to be useful. They then worked out a programme of support and supervision which was backed by the SNV programme, including the establishment of a plan of activities indicating the results to be obtained, as well as the preparation of a monthly technical and financial report. This co-operation created a feeling of confidence between elected councillors and the supervisory authority, as well as between the latter and the organisations supporting the new authorities.

3.2 The steering committees

Multi-stakeholder steering committees were set up by the State to guide decision-making in respect of the activities of the Commune advisory centres (*Centre de conseil communal* – CCC), CCC operators and the National co-ordination unit (*Cellule de coordination nationale* – CCN) (see Figure 3.1). These

¹¹ When a community school was being set up, for example, some parents were unable to obtain their children's birth certificates because they were afraid of approaching the administration (Sylla, 1999).

committees offer participants the opportunity to get together and take part in defining policy and support mechanisms. Steering committees exist at three levels:

- Local steering committee (CLO) at district level. Its role is to approve the CCC's programme of support to the communes, monitor the tasks entrusted to the CCC operator and pass on information from the regional steering committee. The prefect chairs the CLO, whose members include the commune councillors, district council, chambers of agriculture and trades and an NGO representative. The CCC acts as secretary.
- Regional steering committee (CRO) at regional level. Its role is to define, co-ordinate, direct, monitor and evaluate the technical support provided for implementation of the economic and social development plans. The High Commissioner chairs the CRO. Amongst its members are the regional assembly, prefects and chambers of agriculture, commerce and trades.
- National steering committee (CNO). Its role is to ensure the smooth operation of the system of support to the local government authorities and create synergy between their plans and sector-based government programmes, as well as between the various agencies. The members of the CNO, which is chaired by the MATCL, are the DNCT, ANICT (*Agence nationale de l'investissement des collectivités territoriales*), the ministries responsible for the various sectors, the chambers of agriculture, commerce and trades, the AMM, and federations of NGOs (CCA/NGO and SECO/NGO).

When the CLOs were established, no mechanisms had been planned to cover meeting expenses (participants' travel, hire of the meeting room, etc.). Consequently, the CCCs very soon had to meet the CLOs' costs, although with the intention of gradually withdrawing. For example, in Koulikoro, the communes decided to pay a contribution of FCFA 20,000 to cover the expenses of the CLO meetings. In addition, each commune is responsible for paying the costs of its own representatives.

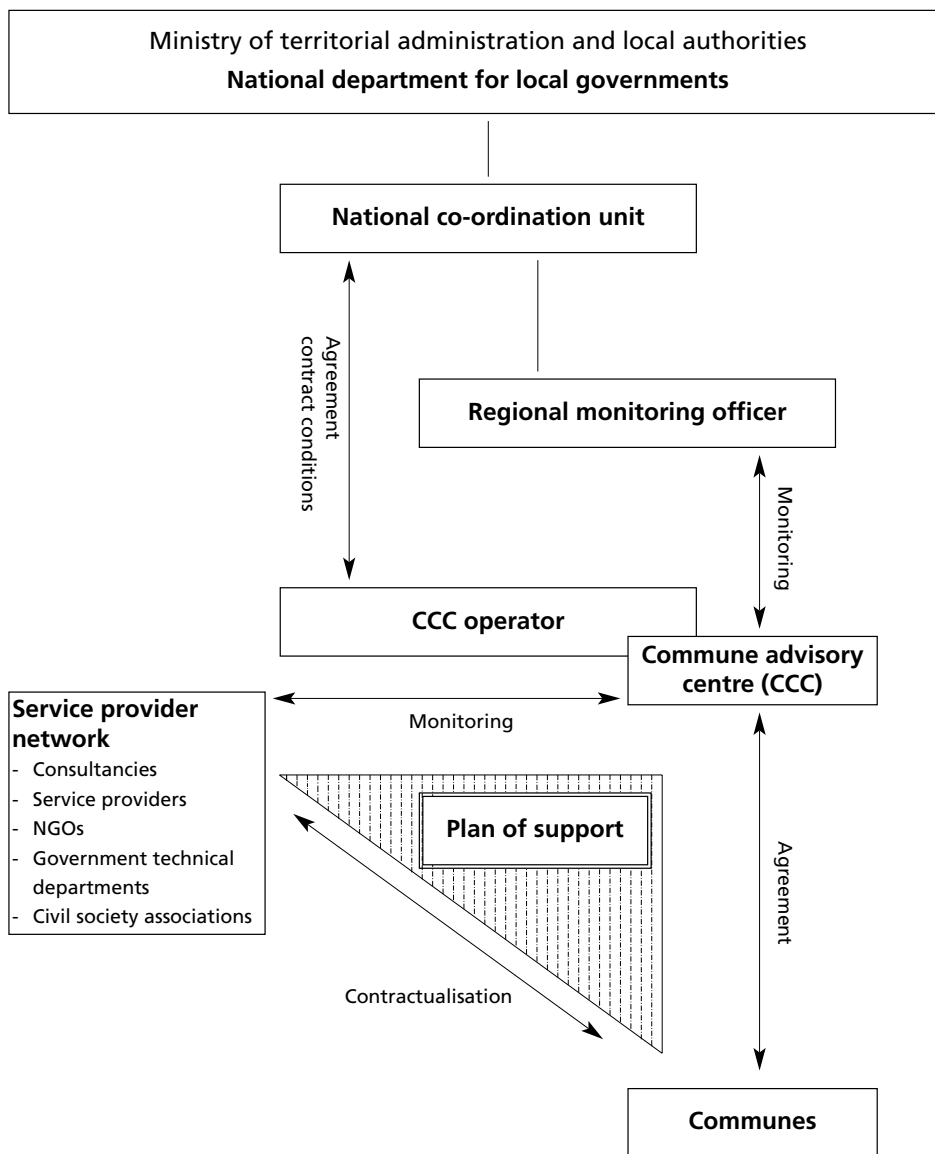
There is tacit agreement that the costs of the CRO will be covered by the regional monitoring officer (*chargé de suivi régional* – CSR), even though this is not in the statutes. The CSR acts as a link person for the CCN, but his institutional base is not clearly defined. Some operators have decided to place monitoring officers at the level of the regional assemblies, while others have them working independently. The CCN covers the costs of the CNO. Ideally, each representative on the steering committees should be prepared, in view of his or her interest in successful decentralisation, to cover their own costs. As this is not happening, one may wonder whether the steering committees will disappear as soon as the CCC, CSR and CCN have gone.

Presently, the CLOs work best because they respond to local concerns. However, at meetings, there are sometimes problems with the accountability of their representatives. The CRO and CRO have not worked so well, as the topics for discussion have not reflected the needs of the elected councillors and other stakeholders who, in any case, cannot afford the travelling costs.

3.3 Technical support arrangements

Technical support for the decentralisation process is provided by several technical and policy structures: the national co-ordination unit (*cellule de coordination nationale* – CCN) of the DNCT and the commune advisory centres (CCC) in co-operation with the various steering committees (see also Figure 3.2). The task of the CCN is to co-ordinate the various forms of technical

Figure 3.2: Technical support arrangements



support given to the CCCs, ensure coherence between technical and financial support and evaluate technical support activities in the field. As part of its role of monitoring operators and CCCs, the CCN has organised several workshops on topics such as planning tools, drawing up support plans, mobilising resources and the future of technical support and the CCCs. Questions have been asked about the ability of the CCN (which currently has only five members of staff and one regional monitoring officer (CSR) per region) to cope with continuous monitoring throughout Mali and about the institutional weight it can carry vis-à-vis representatives of the ministries in charge of the different sectors.

There are 46 CCCs in Mali led by 28 CCC operators, including 10 international NGOs, 8 national NGOs, 6 projects/programmes and 4 consultancies¹². The CCCs, established for a limited period, are only active in rural areas. Their role is to support the local government authorities during the process of drawing up economic and social development programmes or when acting as contracting authority for development projects. The CCC organises the support arrangements for communes that include the network of service providers and the CLO. When there is not yet any local service provider able to meet the needs of the local government authorities, the CCCs have to lend a hand either as part of their own activities or by building the capacity of service providers at local level. During the first phase of decentralisation, the CCCs were the only bodies available to support the operation of the local government authorities and their input was vital. Central government does not have the means to set up a system of support of equal quality to the local government authorities. The local authorities still have need of them due to the low level of training of the elected councillors and their lack of resources to recruit support staff.

The CCCs are encountering difficulties due to the fact that some of the stakeholders, such as sector ministries and civil society organisations, are unsure of their role and remit. The limitations of the contract conditions are also causing problems. To ensure consistency in view of the large number of CCC operators involved, approaches and training modules have been standardised to quite a large extent and form part of a set of conditions drawn up by the DNCT for the CCCs. Consequently, the CCCs have very little room to adapt their support to local requirements and circumstances and the operators' capacities are not used optimally. The detailed instructions it contains have sometimes resulted in basic training being organised that does not meet the specific needs of the local government authorities (AGEFORE, 2003).

The budget of a CCC is FCFA 35-60 million per year. Because some operators have selected experienced advisers, their CCCs tend to be more expensive than others. The budget is divided into three sections: CCC equipment (about 20%), CCC operation (50%) and training for elected councillors (30%). The CCCs operate on the basis of voluntary membership by the local government authorities, with membership fees set at FCFA 50,000 per year. No deadline for

¹² SNV is also a CCC operator for the districts of Banamba, Dioïla, Koulikoro and Ménaka, as well as regional operator for Koulikoro.

payment has been set and some CCCs have not demanded payment of these dues. Consequently, several communes owe two years' fees, undoubtedly through lack of understanding of the CCC approach and because they think that this is a free service.

Effective intervention by a CCC costs around FCFA 45 million per year for a district like Koulikoro, i.e. 5 million per commune. A contribution of FCFA 50,000 per commune is an insignificant amount compared with this cost, but it is difficult to ask for a higher contribution from the communes. Most of them only manage to raise around FCFA 6 million per year, a sum that barely covers their operating costs and the counterpart funds required for investment subsidies.

The CCCs were established for a limited period, initially three years. Currently, there is an extension of the CCC process for at least 3 years as of 2004. The CCC operators have already worked out a strategy for disengagement, which should lead to the gradual withdrawal of experienced staff to be replaced by consultants whose costs the local government authorities would have to pay but cannot afford. The process of disengagement and support to the structures replacing the CCCs represents a real challenge, i.e. how to ensure the sustainability of the technical support arrangements and help the CCCs to disengage. It is clear to all concerned that the local government authorities still need the type of support provided by the CCCs although they do not have the means to pay for it.

3.4 The service provider network

SECTOR MINISTRIES

The local government authorities can call upon the sector ministries and the State administration for support and advice. Generally speaking, the ministries are represented at district level. Deconcentration is relatively new and has moved forward within certain ministries such as the Ministry of Health, while making limited progress in others such as the Ministry of Finance. The approaches adopted in the various sectors and the standard rules governing the various investments are supposed to be taken into account in commune planning, but this is not always the case. The technical staff of sector ministries and local government authorities have not yet found effective ways to co-operate. When the decentralisation process began, many of the government departments felt marginalised or took no interest in implementing decentralisation (see Chapters 4 and 5).

THE PRIVATE SECTOR

From independence through to the 1990s, the State played a pivotal role in development issues. With the decentralisation reform, it now seeks to encourage private sector development by making service providers the favoured partners of the local government authorities. This refers mainly to building contractors and consultancies which work for the communes and which compete for the local government authorities to employ their services. While the private sector has an important technical contribution to make

towards implementing decentralisation, it still has much to learn about the mechanisms and obligations of public procurement.

National NGOs try to get involved in commune activities according to their particular interests or communes call upon them as service providers. In some sectors, local organisations such as parents' associations, health associations, water point committees, etc. were set up long before decentralisation to manage activities in their own fields. Their experience should now enable them to play an important role in the provision of services.

3.5 Financial support arrangements

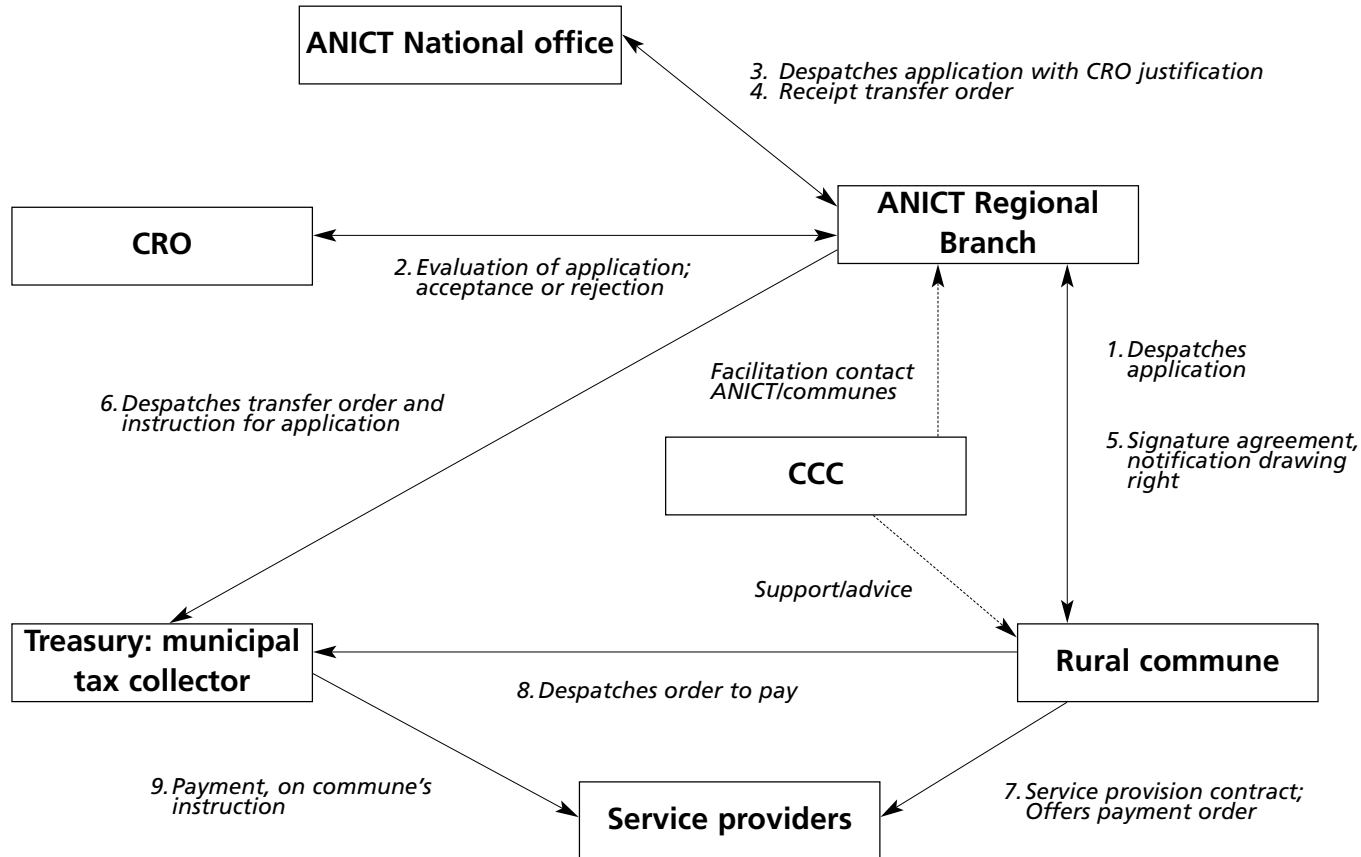
Since the launch of the local government authorities, the State has made an annual allocation of FCFA 1-2 million to the rural communes to cover their operating costs. The communes are supposed to fund the remaining costs by raising revenue from various taxes and administrative charges. Most of the funding for the rural communes comes from the National Investment Agency for Local Governments (*Agence nationale d'investissement des collectivités territoriales* – ANICT) and decentralised co-operation arrangements.

The general management of the ANICT, which comes under the MATCL, enjoys legal status and financial autonomy. It is responsible for managing the subsidies awarded for local investments contracted out by the local government authorities. The ANICT has a national office and branches at regional level to handle applications from the local government authorities. The role of the regional branch of the ANICT, which performs its functions under the supervision of the CRO, is to notify each authority of its drawing rights, monitor the distribution of the regional funding envelope in accordance with criteria set at national level and ensure that subsidies are disbursed in good time to pay service providers and settle accounts quickly, as well as to monitor and report on use of funds.

If the procedures applied by the ANICT are to be transparent, it is vital that roles and responsibilities, supervision and penalties should be clearly specified. For example, although a service provider works for the communes, he has no direct links with the ANICT, because he simply fulfils the contract signed with the commune, but it is up to the ANICT to check the quality of the service provided. In Koulikoro, for instance, a private operator rather than the town planning department was contracted to check compliance with the rules, because the ANICT could more easily penalise the former in the event of problems.

The mechanisms for carrying out infrastructural and capital development projects with financial support from the ANICT are shown in Figure 3.3. There are four main players: the communes; the service providers; the CCCs solely in their role as providers of support and advice, and facilitators of process; and the Local governments investment fund (*Fonds d'investissement des collectivités territoriales* – FICT). The diagram shows the technical support

Figure 3.3: Mechanism for carrying out projects with financial support from the ANICT



given to the local government authorities in contracting for infrastructural projects, financial support arrangements and the role of each party. After funding is approved, the commune becomes the authorised agent through the municipal collector of taxes, while the mayor is the principal. The latter process is relatively complicated because it requires the co-operation of several parties.

The ANICT operates on the basis of financial resources from the State and external resources¹³ made available to the FICT, amounting to FCFA 1,150 million and 5,481 million respectively in 2001 and FCFA 1,876 million and 19,266 million respectively in 2002. Of these funds, 95% are used for investment and infrastructure, with 5% going towards ANICT operating costs¹⁴.

The ANICT's Board of Directors determines the available regional envelope. The CRO then establishes indicators for calculating the drawing rights of each district and commune. This is a three-year rolling plan. Funds are distributed amongst the local government authorities on the basis of their level of infrastructure, isolation, number of inhabitants and rate of mobilisation of internal resources (collection of taxes). On average, a rural commune will have FCFA 10-15 million drawing rights per year. To receive an ANICT subsidy, a commune must provide counterpart funds representing 20% of total investment costs. Very small communes and those with few possibilities of raising revenue find themselves allocated drawing rights that they are unable to activate. In some communes, the total amount of revenue raised is not even enough to cover their operating costs.

The use of these funds is targeted. There is a list of eligible projects, chosen by the ANICT, mainly involving infrastructure of economic interest such as marketing infrastructure and livestock vaccination enclosures, but also extending to the construction of the mayor's office. On average, more than 95% of investments made by the local government authorities are funded by the ANICT, the remaining 5% being funded through remittances and contributions from other partners.

In principle, the various sector-based programmes should carry out projects involving health, education, water and roads. Nevertheless, in view of problems in access to funds from these programmes, the local government authorities have used more than 46% of ANICT funds for investment in the fields of health and education. In addition, some funds go towards equipping schools or health centres. There is clearly overlap between ANICT funding and funds from the departments dealing with the various sectors (see Table 3.1). The ANICT has worked well in terms of procedures and disbursement, often better than government programmes for the different sectors. Some stakeholders are

¹³ Many development partners are playing the role of CCC operators and providing their financial and/or technical support. Others contribute to the FICT or establish direct relations with a local government (decentralised co-operation).

¹⁴ The operation of ANICT is also partly funded from regional and local development taxes (3%).

Table 3.1: Disbursement of ANICT funds in 2003

Region	Sector				Total per region	% per region
	Education	Health	Water	Equipment		
Kayes	1 429 203 515	343 787 266	464 038 179	2 298 975 936	4 536 004 896	25.0
Koulikoro	1,326,724,107	385,409,367	97,471,181	1,397,749,252	3,207,353,907	17.7
Sikasso	2,091,854,569	525,538,253	6,504,000	1,735,078,391	4,358,975,213	24.1
Ségou	755,677,031	298,528,361	40,806,506	967,379,175	2,062,391,073	11.4
Mopti	341,787,917	261,812,875	365,803,306	1,052,053,571	2,021,457,669	11.2
Timbuktu	115,289,318	112,094,077	231,166,357	173,768,327	632,318,079	3.5
Gao	286,271,946	28,000,000	160,202,080	201,674,633	676,148,659	3.7
Kidal	70,743,100	0	181,231,766	289,894,834	541,869,700	3.0
Bamako district	70,595,105	0	0	17,041,741	87,636,846	0.5
National total						
per sector	6,488,146,608	1,955,170,199	1,547,223,375	8,133,615,860	18,124,156,042	
% per sector	35.8	10.8	8.5	44.9		100.0

Source : ANICT, 2003

wondering whether it would be a good idea to channel the funds intended for these programmes through the ANICT, to increase the rate of investment at local level.

FINANCIAL MANAGEMENT OF RURAL COMMUNES

The tax inspector or *percepteur*, who manages the accounts of the district councils, is an official of the Ministry of Finance based in the administrative centre of the district. He acts as the municipal tax collector or, in other words, the communes' treasurer (see Figure 3.3). Because he is also the representative of the public procurement department, he is responsible for paying service providers. The law also provides that tax rolls should be sent to the tax inspector.

The required deconcentration of the Ministry of Finance has not kept pace with the establishment of the local government authorities. The Treasury departments lack staff and resources and there is some juxtaposition of responsibilities, along with a lack of interest at times. Before the recently organised training courses (see Box 3.2), most tax inspectors used to confine themselves to affixing their signature to contract documents without worrying about their content. Tax inspectors are also not familiar with the local government authorities' accounting procedures. It is therefore essential to provide support to this structure so vital to communes' operation.

A study of 27 communes (Diabaté, 2002) has shown that, in two thirds of them, the commune's administrator of accounts or *régisseur* – and sometimes the mayor as well – had to visit the tax inspector's office between two and four times per month, with consequent travelling costs, daily allowances, wasted time and a degree of insecurity¹⁵. Inadequate management of the municipal cash

¹⁵ A small commune may spend up to 5% of its budget on running costs for this type of travel (Diabaté, 2002).

Box 3.2: Role of tax inspector in the management of public procurement contracts

The Treasury at regional level and the tax inspector at district level make up the public procurement department. In this capacity, they supervise the contracts that local government authorities make with service providers. When decentralisation got under way, the Treasury departments took no interest in its implementation. Tax inspectors signed applications carelessly. They did not feel responsible for information relating to the local government authorities and did not consider themselves concerned by decentralisation. This placed the CCC in a difficult position when seeking to check the quality of applications, especially if the tax inspector had given his agreement and considered the documentation to be in order. Irregularities observed and reported by the CCCs did not lead to any reservations being issued by the tax inspector. This is why the CCC, in co-operation with the treasurer/paymaster who acts as regional director of tax inspectors, organised training for tax inspectors. The training helped them to understand their fundamental role in the process and begin to get involved.

flow and a lack of cash at the treasury necessitate these repeated visits, although these may sometimes serve as a justification or excuse for refusing to pay. There may be problems caused by budget lines, the commune's lack of available funds or the absence of the tax inspector¹⁶.

SINGLE FUND

The tax inspector also manages all other Treasury activities: paying civil servants, doing the accounts of all government programmes, etc. In this connection, there is a single fund (*unicité de caisse*) through which all monies pass. The law stipulates that all the local government authorities' funds are public funds which must be deposited at the Treasury. This practice, inherited from the colonial era, had been taken over by the first Republic. Centralising public funds in a single account under State control allowed government expenditure to be balanced out in favour of the most disadvantaged regions¹⁷. In the past, the existence of a single pot also made it possible to penalise regions opposed to the central government and keep control over the management of funds from external donors. During the 1980s, following various cash-flow crises, donors began to demand parallel disbursement procedures alongside the Treasury to keep a check on the use of funds and reduce the risks of misappropriation. The idea of the single fund was retained only for national public resources and budget support but took on a new lease of life when the local government authorities were set up and the FICT created. The communes must pay all their receipts to the district tax office, including, for example, their share of the local and regional development tax. For security reasons, the

¹⁶ Mayors have also complained about the unjustified rejection of their applications by some tax inspectors, as well as the demand that particular NGOs or consultancies be employed to deal with budget issues.

¹⁷ The former urban communes took maximum advantage of this situation, implementing 100% of their budgets even if they were not solvent. As they had difficulty collecting taxes, they found themselves in debt to the tune of billions of CFA francs. This is why the tax inspector's fund is capped, obliging the commune staff to go frequently to the Treasury office.

district's funds are capped and surpluses must be paid to the region (Diabaté, 2002).

Consequently, some rural communes have experienced a cash-flow crisis, finding out that funds intended for them were no longer available, even the day after being notified of deposit at the tax office. For example, the PDCD, which was to support communes in Dioïla district to contract for the construction of council offices, decided that the funds should pass through the tax office so that the communes could learn the ins and outs of the financial circuit. It made the payment but, that very day, the tax inspector received instructions to pay former combatants and decided to use the funds intended for the communes for that purpose. The next day, the communes discovered that there was no more money available.

This situation was incomprehensible both for the authorities and service providers and for the PDCD, especially as it is so important, in a process of learning and establishing relations of trust, to do something concrete and fulfil commitments. The incident provoked discussion between CCC operators, the Ministry of Finance and the MATCL, as a result of which it was decided to make a distinction between accounts in the State coffers. These discussions also brought about a clearer definition of ANICT principles, whereby funds intended for investment projects must be made available as soon as the Treasury has transferred the money to the relevant account.

4 Process of transferring powers and resources



Merely wishing to set up local government authorities and give them powers does not mean that such bodies can automatically exercise such powers and have the means to operate. Taking account of this, Malian legislation provides that “any transfer of powers to a local authority must be accompanied by the concomitant transfer from the State to the latter of the resources and means required for the normal exercise of such powers”¹⁸. However, obstacles related to implementation decrees, the progress of deconcentration and the availability of resources can slow down this transfer process, and even restrict it to declarations of intent.

The transfer of powers (*transfert de compétences*) has thus become one of the major challenges of the decentralisation process today and the local authorities are calling for it. Discussions on the subject have begun between the government administration and the structures representing the territorial authorities. This chapter deals with the different dimensions of the transfer of powers to the commune administration and progress made in the fields of education, water and health, as well as the issue of transferring land, property and natural resource management.

4.1 “Automatic” transfer of powers

A first wave of transfers occurred as soon as the local government authority institutions were set up, when the State representatives handed over powers of general administration (registry office functions, census, municipal police, public health and sanitation, archives and documentation) to the elected councillors.

Initially, some administrators did not want to co-operate over the matter of transferring registry office functions, but the State insisted. Now that local registry offices have been set up in the communes, people can get the registry certificates they need at the administrative centre of the commune, rather than having to travel to the administrative centre of the district.

¹⁸ Article 4 of Law No. 93-008, 11th February 1993.

Some local government authorities are finding it difficult to take over the responsibilities involved in exercising these powers. These difficulties are largely due to lack of human resources in both qualitative and quantitative terms. Not all communes have a municipal secretary or an administrator of accounts, posts that must be filled to ensure a minimum level of management of the communes' affairs. In terms of quality, many members of staff do not have the technical skills to cope with the management tasks for which they are responsible. In addition, communes are experiencing rapid staff turnover. Many have resigned soon after recruitment for various reasons, including low pay, the absence of clear service regulations and conflicts with the mayor.

4.2 Taking back electoral responsibilities

Meanwhile, some of the powers transferred in respect of elections have been taken back by central government. As the 2004 council elections approached, the Malian government agreed with all political groupings to table a bill amending the electoral law. The changes included the powers related to management of voting cards and polling stations which had been handed over to mayors. These will now be the responsibility of the territorial representative of the State. The official justification for this amendment was that mayors, as declared or potential candidates in the council elections, should not be allowed to decide on certain sensitive aspects of elections, especially voting cards and polling stations. This would mean making them judge and jury in a situation where they were also interested parties.

Another revision of the electoral law is planned to transfer other powers back from mayors to the representative of the State, particularly in respect of reviewing the electoral rolls. However, the organisation of council elections has not been taken away from the communes altogether. Several other activities coming under that heading are still their responsibility.

4.3 Progress with transferring powers

The MDRI organised a national workshop in June 2000 on other powers to be transferred in the short term. Its aim was to identify and assess needs, constraints and possible ways of giving the local government authorities the means to practise their vocation. The deliberations of this workshop helped to identify the ministries that were ready to start: Education, Health, Energy and Water¹⁹. The means to be deployed to ensure a successful transfer were also examined (budget, human resources, etc.).

Following this national workshop, the MATCL set up a working group to give specific responses to two vital questions: what should be transferred and how? The working group proposed to the State to transfer to the communes not only the financial resources that used to be deployed in carrying out the reassigned

¹⁹ The rapid transfer of state-owned property and responsibility for land-use management was also suggested in 2000, but subsequently deferred.

tasks, but also the respective staff and equipment. Concerning personnel, the group proposed that the local government authorities should make new appointments, while current members of staff retained their status as State employees, but their services would be made available to the authorities. As regards financial resources, it is difficult to make a precise assessment of the amounts needed to effect the transfer. This is why the working group asked each department to indicate the share of its budget it is prepared to put towards appropriation by local governments.

In the same way, the procedures whereby communes access the resources of the main sector-based programmes also needed adjustment. It was suggested that these allocations should be accompanied by contracts setting out what the State could do and the performance targets for the local government authorities in terms of management, resource mobilisation, etc. Infrastructure must be the subject of a formal transfer document.

4.4 Initiatives in the fields of water, education and health

In June 2002, two years after the national workshop was held, the government signed the decrees concerning the transfer of powers in the sectors of health, education and water. At the time, issuing these decrees sent out a strong signal of the State authorities' determination to support the decentralisation process. Although these decrees mainly cover the detailed exercise of the powers set forth in the laws governing local governments, they also deal with matters relating to:

- handing over existing infrastructure to the territorial authorities by decision of the Regional High Commissioner;
- support and advice from sector ministries;
- transfer of financial resources to the territorial authorities in the form of earmarked subsidies.

There are still practical difficulties in making them operational, in particular due to the lack of precision about the role of the different parties and failure to determine both the amount of financial resources to be transferred and the practical procedures for transferring them. One consequence of these difficulties is that preparations for transferring the other powers have been halted.

In institutional terms, the difficulties stem not only from delays in adapting the statutory framework and policy procedures in the various sectors to take account of decentralisation, but also from the absence of a programme for genuine deconcentration of the various ministries involved. A study carried out in 2002/2003 by the Institutional Development Commission (*Commissariat au développement institutionnel* – CDI) demonstrated the inadequacy of State deconcentration in terms of financial, material and human resources. In particular, it highlighted a lack of deconcentration of the national budget and the absence of decision-making power at deconcentrated levels due to failure genuinely to delegate power (CDI, 2003).

Table 4.1 shows which tasks in the sectors of health, education and water are to be handed over to the communes when powers are transferred. This does not mean giving the local government authorities a monopoly over carrying out these tasks, but simply that they have responsibility for them. Consequently, they should take the initiative and other agencies must go through them or at least inform them. In addition, the public funds to be devoted to carrying out these tasks should form part of the local authorities' budget.

Table 4.1: Powers transferred to the rural communes

Health	Education	Water
Preparation and implementation of health development plan	Preparation and implementation of education development plan	Preparation and implementation of drinking-water supply development plan
Establishment and maintenance of infrastructure	Support in drawing up the catchment areas for schools	Construction and maintenance of infrastructure
Authorisation to set up community health centres (CESCOM)	Construction and maintenance of preschool and school infrastructure	Recruitment of operators in charge of infrastructure
Conclusion of mutual assistance agreement with associations managing health centres (ASACO)	Determination of specific modules not coming under national classification	Control and monitoring of approved infrastructure management bodies
Subsidy to ASACO	Personnel recruitment and management	
Personnel recruitment and management	Subsidy to community schools	
Establishment of an initial stock of essential drugs	Organisation and operation of canteens	
Combating illegal sale of drugs	Organisation of examinations	
Health information, education and communication	Production of school statistics	
Implementation of national policies and strategies of disease prevention and control	Monitoring literacy centres	
Social mobilisation around health and welfare objectives		

WATER

The water sector has made the most progress as regards transfer of powers. Since the early 1990s, a process has been under way within the National Water Supply Department to move closer to communities which enabled the department to appreciate the strengths and weaknesses of local water-point management. One of the points for discussion with the local government authorities was financial responsibility for rehabilitating structures in poor condition, which is currently shouldered by the Department. In 2003, this Department prepared and tested the instruments for transferring water supply infrastructure from the State to the local government authorities. This approach and the support mechanisms put in place could be sources of inspiration for other sectors as regards the transfer of powers (see Box 4.1).

Box 4.1: The National Water Department approach

A series of statutes has been passed to adapt management of the public water supply to take account of decentralisation. Alongside the application of the statutes, the National Water Department has prepared several practical tools intended for those working in this sector, including:

- a methodological guide to drinking-water supply projects, giving advice on planning and installing infrastructure;
- the Mali Geographical Information System database, which is a compendium of information about water points, resource characteristics and the working order of equipment available per commune throughout the country.

The basic documents and contracts intended to facilitate relations between parties involved in the management of drinking-water supply infrastructure are covering:

- the transfer of powers;
- the delegation of management;
- the delegation of responsibility for technical and financial monitoring;
- guidelines for the management of manual pumps.

EDUCATION

In the education sector, a reference framework for decentralising responsibilities for education to local governments was established in May 2002. It includes an operational programme for each of the three levels of education (primary, middle and secondary school). However, the programme has still not been put into practice.

HEALTH

In the health field, the main constraints hindering effective transfer of powers relate to planning, procedures and funding. One of the problems is that the planning and programming system of the Ministry of Health and the manual of procedures do not take into account some of the local governments' functions, such as being the contracting authority for investment. Investment procedures continue therefore to be managed directly by the Administration and Finance Department of the Ministry of Health, including investments on behalf of the communes, districts and regions. Moreover, funding agreements between the government and its partners do not take into consideration the territorial authorities' responsibilities for implementing development activities at regional and local level. This could result in a poor use of the meagre resources available.

In view of this, SNV-Mali has committed itself to work with the DNCT and the Ministry of Health in conducting a process of reflection and exchange of experience, in order to arrive at concrete operational proposals to ensure complementarity between the activities and resources of sector ministries and local governments (see Box 4.2). A workshop bringing together representatives of the various echelons of the Ministry of Health, the territorial authorities and the State helped to initiate a dialogue among stakeholders directly involved in transferring powers at regional level. This process should be continued through

Box 4.2: Promoting dialogue in the health field

In October 2003, the Regional Health Department, DNCT and SNV organised a workshop in Koulikoro on the transfer of powers in the health sector. In the light of discussions, participants agreed on the following recommendations:

- draw up a micro-plan of the health centre's catchment area in co-operation with the commune council;
- take account of this micro-plan within the municipal plan;
- ensure that the annual plan of the health district reflects all the annual micro-plans and commune plans in the district;
- give the local government authorities responsibility for validating, monitoring and evaluating the health micro-plan;
- clarify the responsibilities of the ASACO and commune councils and provide ongoing training for their members;
- give priority to local funding initiatives for health activities;
- comply with the disbursement procedures of each agency in cases of co-funding; and
- pursue periodic consultation to monitor the process of transferring powers.

setting up forums for consultation and direct, frank dialogue between stakeholders at district and commune level, in order to improve the public health situation.

4.5 National domain, land tenure and natural resource management

According to the law, the central State will transfer some of its domains to the local government authorities. No precise plan has yet been worked out, as questions relating to exactly what is to be transferred, at what level, at what pace and on what conditions have still not been settled. There is no clear vision or shared position amongst the main stakeholders, whether technical departments, local government authorities or village structures, about the process of transferring and managing this "natural heritage".

Many different interests, forces and powers coexist in the rural environment and controlling access to land and natural resources is vitally important. Members of the commune council are not necessarily neutral in this interplay of interests. The council can just as easily encourage as discourage the politicisation of land tenure issues and conflict settlement. In seeking sources of income, but also to impose their will on the customary authorities, the local government authorities may be tempted to sell off certain natural resources or allocate land in accordance with private interests (see also Box 4.3). The local elite may also use its links with the council to try to appropriate the land, resources or other property of the commune. The trend towards treating natural resources and land as commodities brings in an additional element of insecurity. Some groups, such as women, young people, migrants and nomadic herders, could find their access rights reduced. What then are the preconditions for the council to contribute towards equitable, peaceful management of land tenure issues?

Box 4.3: Residential lot development: de facto land allocation

Currently, urban communes have no property of their own and cannot therefore sell land. However, they have special delegation from the State to issue letters of notification and land allocation as well as inalienable permits to occupy or use land. These letters and permits are almost equivalent to ownership title, even though, according to law, land title can only be obtained from the State. Under pressure from heavy demand for land for housing, issue of these various letters seems to have become a very lucrative activity. Simply being on a list (notification) is enough to start undertaking transactions. Above all, those who are able to influence this "registration chain" (such as businessmen, members of district and commune councils, government officials and State property department staff) take advantage of their position. Consequently, purchasing a permit may cost five times the price set in the regulations, the same land may be "sold" several times, plots may be allocated on a clientelist basis (a tactic which was stepped up on the eve of the elections), public areas may be sold to individuals, while reserves and open spaces may be occupied or transformed into dumps.

The poorest groups cannot obtain letters of allocation through lack of financial means or, if they do, they cannot comply with the schedule of conditions and so lose or sell their letter and move back into an area of spontaneous settlement. Moreover, this last scenario is part of the game. Speculators adopt a policy of encroachment, often in agreement with local leaders, sending their "scouts" to occupy an area in the hope of getting the land developed as residential lots and parcelled out. This policy of speculation has also reached rural communes in peri-urban areas, up to 50 km from Bamako.

The management master plans are ready and town planning for the districts has been done, the laws are in place, the State property and land registry services are there but, to date, none of this has provided a guarantee against the above-mentioned abuses. Sometimes, the State gives title to holders of letters or permits without checking on the procedure followed or the designation of the site. The State does not have the means to monitor everything. In the event of dispute, it prefers amicable settlement, but this too has its price. The establishment of commune councils has not made access to land more equitable. On the contrary, a number of councillors have become involved in speculation.

(Sources: PDUB programme; Magassa and Bagayoko, 2003)

Although the transfer of domains and authority over land tenure has not yet officially taken place, de facto transfers have already occurred, such as in the case of residential lot development projects aimed at obtaining land for housing. Since neither the land rights of the "owners" and current users nor the procedure for allocating plots are clear, those controlling the process are taking advantage of the situation. Procedures for registration involving land are costly and not very transparent. National legislation is misunderstood in rural areas as it tends to be given a different interpretation depending on the informant. The government and public bodies have a better grasp of the legal situation than councillors and especially local stakeholders.

This speculation in land could become an obstacle to local development. De facto privatisation of land is already occurring. "The negative consequences of delaying the transfer of state-owned land or, initially, its management, derive mainly from the fact that, when the decision is finally taken, there will be little left to transfer. What is happening is that the well-off are purchasing land held

by virtue of customary rights, registering it and establishing land title that no one will be able to challenge” (Djiré, 2003, p. 48). Consequently, such speculation reduces the area of land that could be transferred to the local government authorities, restricts its room for manoeuvre in terms of land-use planning and limit opportunities for sustainable natural resource management²⁰.

NATURAL RESOURCES

Natural resource management (NRM) has remained de facto under the responsibility of the customary authorities on a large part of Malian territory. It is important to recognise that, from the point of view of the population accustomed to customary law, granting substantial prerogatives to the local government authorities represents “centralisation rather than decentralisation of the locus of decision-making” (Le Roy, in Lavigne Delville, 2001).

The natural heritage includes various areas and resources, which are both overlapping and interconnected, and whose use fluctuates according to the seasons and rainfall patterns. Often, natural resources are governed by different tenure systems: customary, “modern” or religious (Lavigne Delville, 2001). Because forests, pastoral areas and water resources may extend beyond the boundaries of the communes and even the districts, it is best to apply the principle of subsidiarity: management must be undertaken at the level appropriate to the resource or area concerned (e.g. village, group of villages or group of communes) and delegated to specialised bodies. The laws on decentralisation, land tenure, forests and fisheries, together with the pastoral charter and the rural development masterplan, are all in favour of increasing local control over NRM and suggest a clear distribution of domains between the State, local government authorities and private sector²¹.

Communes have a role to play in sustainable natural resource management. Although the transfer of domains and powers in this regard has not yet taken place, communes can already assist with drawing up local conventions or regulations. They can back enforcement of such rules when these are turned into a local government byelaw²². Some communes have seized this opportunity. For example, the mayor of a commune in southern Mali was able to facilitate the re-opening of a livestock corridor that was becoming a permanent source of conflict between different user groups (farmers, agro-pastoralists and nomadic pastoralists). This led to better natural resource management and the start of a discussion at commune level about regulating resource use. In this case, the main purpose of the mayor’s intervention was to keep the peace in the commune, this being amongst the prerogatives of the municipal police, one of the functions already transferred to the commune.

²⁰ One might ask whether a local government authority should consider purchasing pieces of land that have a certain value for the commune, such as a forest for example, to prevent this land being converted into private property and used for residential lot development.

²¹ For further analysis of rural landholding, see Conilh de Beyssac, 2000, pp. 42-45; Diakit  and Coulibaly, 2003.

²² Or sanction agreements already in force. See also Dicko, 2002, pp. 24-28.

Failure to decide on the transfer of powers in respect of NRM creates confusion, undermines local management systems and undercut the efforts of communes to manage resources in a sustainable way. As neither the domain of the state nor management of natural resources have been transferred, the local government authorities find themselves legally deprived of any authority. For example, three communes in the districts of Bourem and Ménaka wanted to restrict hunting to particular species of wildlife. They found themselves faced either with a ban from the DNCT or the prefect, or with the rejection of their authority by hunters from outside who had been able to obtain permission from a higher administrative level.

Currently, some villages and communes are beginning to benefit from taxes levied on forest products (see Box 4.4). These taxes are collected by officials of the nature conservation department who deposit their takings at the regional Treasury. However, when allocating rebates, the regional Treasury does not distribute the funds in accordance with the origin of the wood. The amounts received by the commune from which the forest products comes are therefore limited. In addition, the money is not reinvested in forest management. Rather than promoting sustainable forestry, the communes use these funds for their own running costs. As a result, the village concerned may not wish to invest in forest management because it does not have authority to control the activities of "other parties" (woodcutters, traders and transporters) and does not benefit from the forest taxes. This situation jeopardises attempts to build the capacity of local management and protection systems. Sidelining village structures from natural resource management in this way endangers sustainable development.

Box 4.4: Experience with the rural wood markets

As part of the domestic energy strategy (*Stratégie d'énergie domestique* – SED), rural wood markets and forest management structures (*Structures rurales de gestion du bois* – SRGB) were set up as of 1996 in villages selected according to their potential. The SED introduced fiscal measures to encourage community interest in sustainable forestry. These consist of a differential taxation system sanctioned by a development plan: the more sustainably the forest resource is managed, the less its use is taxed. Moreover, for the first time, a village structure (SRGB) also benefits from taxes levied on the use of forest resources. This system gives also more opportunities for villagers to control wood merchants. Rural wood markets developed rapidly and, by the end of 2002, there were more than 250 (see UPS, 2001; Foley et al., 2002; Gautier et al., 2003).

It has turned out that, overall, the SRGBs have their uses but have not invested much in sustainable forestry. Operators ignore the importance of respecting the balance between regeneration and logging, which would require a more rigorous approach in terms of technical skills and control. Stakeholders on the ground (loggers, merchants, transporters and representatives of the DNCN) tend to operate from a short-term commercial perspective rather than working towards protection and sustainable use. The differential taxation system has also proved to be counter-productive. Such a system can only work if forest use is rigorously controlled. In reality, it is easier to tax rural wood markets than wood sold through parallel or "uncontrolled" systems. Given that there are many ways of avoiding control, woodcutters find the "uncontrolled" system more lucrative.

4.6 Grasping the opportunities for local development

The transfer of powers has now become one of the main challengers in the decentralisation process in Mali: on one hand, it seems necessary to pursue the process and extend it to other sectors while, on the other, we are seeing a return of powers to the central government, particularly in relation to the management of elections. Decentralisation has reached a crossroads. A choice has to be made between continuing to deepen the decentralisation process by agreeing to transfer powers while correcting errors that may have been made along the way, as demanded by the local government authorities, HCCT and AMM, or taking time out to assess what has been done so far before continuing the process. Whatever the decision, the decentralisation process, a dynamic current in which the prime movers have been elected democratically, is under way.

The debate about transferring powers is currently focused on the sectors of health, education and water, services which are all vital in combating poverty and meeting the millennium development goals. The existence of local government authorities does in fact offer a unique opportunity to ministries concerned because, if they become involved, these local authorities can help to meet targets in the various sectors. An improvement in the current level of services delivery requires effective co-operation between local government authorities, relevant ministries, local associations and other stakeholders, and the pooling of their resources.

The rate of advance of the process will depend to a large extent on the will and commitment of stakeholders. The institutional set-up, habits, divergent interests and certain prejudices can jeopardise such co-operation. Moves towards more genuine transfers of powers are coming up against a perceptible attitude of caution and reservation on the part of the sector ministries responsible for doing the groundwork and their staff in the field. Their main reservation concerns the local government authorities' lack of human resources and technical capacity to handle the powers that are to be transferred to them. However, if it refers to the exercise of contracting authority, this attitude taken by sector ministries is not really tenable since the local government authorities have been able, in the context of ANICT funding, to absorb around FCFA 30 billion between 2001 and 2003, of which more than 50% has been spent in the sectors of health, education and water (ANICT, 2004).

Questions about the capacities of the local government authorities do arise, but they mainly relate to managing "sectoral" activities and effective co-operation with specialist structures, including local associations. Better information for those at commune level is essential, as regards planning and monitoring systems and distribution of responsibilities within ministries, and the role of local associations (ASACO etc.). In the same way, it is important that those working in the different sectors should find out about decentralisation, its structures, functions and responsibilities, as well as what the rural communes are already doing on the ground. This type of exchange can help enormously in creating a climate of confidence and mutual understanding.

5 Decentralisation in practice



This chapter describes the setting up of decentralisation in Mali and the activities of the new local government authorities. In particular, it deals with how the territory has been divided into constituencies, elections, and the start-up of the communes. Having described the internal operation of the council administration, the quality and results of commune planning, the mobilisation of financial resources, budget management and achievements, it goes on to give an insight into the role of the commune in preventing and managing conflicts, especially in respect of natural resource management.

5.1 Districts and communes supported by SNV

This chapter is based mainly on the experiences of the rural and urban communes in which SNV works. Since 1996, SNV has been involved in preparing for decentralisation in the districts of Dioïla and Ménaka²³. On the basis of these experiences, it was chosen as CCC operator in these two districts, as well as Banamba and Koulikoro districts in Koulikoro region (see Figure 1.1). The programme of support to decentralisation in Koulikoro began just before the communes were set up. SNV also works with two urban communes in Bamako.

Decentralisation in Dioïla resulted in the establishment of 23 rural communes. In Dioïla District, the economy is still largely dependent on farming, especially cotton production, which represents a substantial source of income. The organisation of cotton marketing is a matter for specialised village associations (*associations villageoises* – AV). The districts of Banamba and Koulikoro each include nine communes. Cereal production predominates in both districts but, in general, as farming activities do not generate sufficient income to support development, national and international migration has become essential. Ménaka District, which includes five communes, is located in northern Mali. The main activity, nomadic herding, is subject to the vagaries of a climate that varies greatly from year to year.

²³ SNV activities in the region of Koulikoro and Ménaka were carried out with financial support from the Royal Netherlands Embassy. The PDUB programme received support from Cordaid.

In 1999, council elections were also held in urban areas. The dynamics of the six urban communes in Bamako district are quite different from those of the rural communes. Since these urban communes came into being in 1978, they have been run, at different times, either by a town council elected on a single party ticket, or by special delegation. Rather than engaging in development programming with communities, these municipal authorities implemented government decisions. The urban communes have buildings and staff made available to them by the State. Due to inadequate financial management, they had considerable debts.

5.2 Preparing for decentralisation

As indicated in Chapter 2, the MDD was convinced that an intensive information and communication campaign was vital to gain popular support for decentralisation and get the rural communes off to a good start. In rural areas, the GREM and GLEM²⁴ (see section 2.4) provided food for thought on decentralisation and its implementation. In Dioïla, the information and awareness-raising campaigns went around all the small villages in the district to talk about the decentralisation process and the division into constituencies. Support from SNV for this campaign was a decisive factor. For example, it enabled a theatre group to tour the villages to put on a show about decentralisation, followed by a debate with the villagers. In addition, the district commander, accompanied by a strong delegation, travelled to every corner of the area to bring the decentralisation message. This information campaign aroused people's interest in the communes and gained their support. Its positive effect is still being felt in the operation of the Dioïla communes.

In Ménaka, these information campaigns were skipped and the few missions undertaken at regional level were very often confined to the administrative centre of the district. The northern part of the district was considered as a high-risk area from the security point of view. Most travel in Ménaka, by both government officials and development partners, was undertaken with military escort. Consequently, the GREM and GLEM did not operate as had been hoped, especially in the pastoralist area where they hardly worked at all. As a result, when decentralisation began, people had no idea what it was about. Many citizens, thinking that it was a question of dividing up the territory between them, closed off areas to mark the boundaries of their communes.

5.3 Defining the territorial boundaries

The administrative units in place before decentralisation were those inherited from the colonial administration, to which the governments of the two previous Republics had added new ones, while continuing the practice of top-down decision-making. In rural areas, the MDD decided to change tack and involve communities in defining the territorial boundaries of their commune and choosing its name and

²⁴ Development partners supported the activities of the GLEM and GREM in their regions of operation, but only a few districts were able to receive such support.

administrative centre, provided that certain legal and technical criteria were met (see also 2.5) Known as *découpage* (dividing into constituencies), this process lasted a year and a half and extended throughout the whole territory. Through their representatives, the villages and *fractions* negotiated their grouping together into communes. The State only took the final decision if community representatives could not reach agreement about a single proposal. In most rural communes, the division did not pose any problem. Some groups of villages opted for a new grouping often based on traditional structures of co-operation, whereas others retained the boundaries of the former *arrondissements*.

However, there were difficulties in places where old rivalries or considerations of traditional and historic origin persisted, e.g. when certain villages had previously been the administrative centres of cantons or were the longest established in the area. Most of these difficulties centred around the choice of the administrative centre of the commune or the attachment of a village to one commune or another. In communes where the division was disputed, it sometimes had rather negative effects on the operation of the communes.

The consequences of starting off badly can be very heavy for a local government authority, especially in terms of popular apathy. Despite the frequent intervention of government and political authorities in such communes, conflicts over the division are still alive in many of them, although some easing of the situation can be seen, often as a result of assistance from the CCCs (see Box 5.1).

Box 5.1: Non-representation of eight villages on the commune council

In the commune of Tienfala, halfway between Bamako and Koulikoro, decentralisation got off to a bad start because eight villages out of sixteen were not taking part in the life of the commune and so refusing to pay any taxes. After three years of struggling to operate, the mayor asked for support from the Koulikoro CCC in dealing with the problem. After making contact, the CCC brought the leading players together to facilitate dialogue between the commune authorities and the village representatives. Everyone present at the meeting took part in analysing the situation.

Part of the reason why the eight villages, all located in the hills, were failing to participate was that they were not represented on the council, because no one from these villages had won a seat at the elections. After discussion, the council agreed that three representatives from the villages concerned should attend its sessions as observers and, on this basis, the villages undertook to pay their outstanding taxes. Moreover, the council decided to put the construction of a community health centre in the hill area on its list of priorities for the coming year. At a later inter-village consultation meeting, it was reported that the eight hill villages had indeed paid the FCFA 900,000 in back taxes.

5.4 Council elections

Relatively few voters actually took part in the 1999 elections. For example, in Koulikoro district, only 25.5% of voters went to the polls²⁵. This situation was

²⁵ The turnout in the commune elections of 2004 was on average 48%.

partly due to organisational problems in preparing for elections and setting up polling stations, as well as the boycott by certain political parties, probably combined with a lack of interest or the waiting game played by much of the population. Nevertheless, the elections did result in the establishment of the commune councils.

In the four districts, the number of women elected in 1999 was low (see Table 5.1). There are no women mayors in these districts and, in most communes, no women were elected as councillors. By way of example, the number of women elected per commune in Dioïla varied from 0 to 4, but 33% of these councillors were actually elected in 13% of the rural communes.

Table 5.1: Number of women elected to the commune councils

District	Total number elected	Number of women elected	% Women elected
Dioïla	387	30	8
Koulikoro	153	9	6
Banamba	162	4	2
Ménaka	81	1	1

The educational levels of the councillors vary greatly. In Dioïla district, more than 95% of those elected are agro-pastoralists, the remainder being teachers, health workers and members of other professions. This situation is identical in Banamba and Ménaka, whereas there are more civil servants, teachers and people from outside the agricultural sector in Koulikoro district, which is closer to the capital Bamako.

A large proportion, e.g. 51% in Koulikoro, of those elected cannot read or write French, the language of the administration. In Dioïla, some of the councillors are literate in the local language. This area benefited from literacy campaigns run by the cotton company, the CMDT. In Ménaka District, an average of 71% of elected councillors do not understand French, but major differences exist between communes. Half of those literate in French live in the commune of Ménaka, which also hosts the administrative centre of the district. On the other hand, the commune of Alata is entirely dependent on its municipal secretary because, apart from him, no one is able to read or to write letters. The three other communes have one or two people amongst the councillors who can more or less manage to do some work in French.

The personal commitment and ambition of each elected candidate are crucial to the success of the changes needed to resolve the major problems of the commune. The political leadership of the mayor and his popular image are an important indicator of success, determining how much interest the community takes in messages coming from the council. Political parties and their organisers often monopolised the choice of candidates²⁶.

²⁶ In one commune, the electoral list was drawn up by the village authorities who ensured that each village, the "migrant" population and women were represented. They also took into

Box 5.2: Starting up communes in a post-conflict situation

The rebellion in northern Mali was brought to an end owing to the democratic window that opened up following the March 1991 events and resulted in the signature of a national covenant in April 1992. The restoration of peace was followed by a mass return of refugees who had taken shelter in neighbouring countries. These destitute people came back to swell the already substantial ranks of the poor in Ménaka district.

In 1995, CTAs were set up in the three regions of Timbuktu, Gao and Kidal to rebuild confidence between the population and government. They were intended to act as intermediaries between the government, development partners and communities in respect of future activities. The commission responsible for implementing the national covenant deployed mobile teams to work in each of the three regions, particularly to support the operation of the CTAs.

Set up in haste, without any prior information being given to local people, the CTAs got very little training or support from the commission to play their role properly. Their members, coming from the various communities in the *arrondissement*, would very often defend the interests of their own ethnic group rather than the whole population. Despite these inadequacies, these structures did meet the criteria for legitimacy, since their members were chosen from amongst representatives of the population of each *arrondissement*. As the communes remained within the boundaries of the former *arrondissements*, the CTAs were actually the precursors of the commune councils, as most of their former members were elected as councillors.

5.5 Investiture and start-up of the communes

After the elections, the new councils elected their mayors. Commune activities did not get going until a few months after the investiture of the mayor and the commune council by the supervisory authority. The first matter to be resolved was the location of the council offices. Most communes did not wait for support from central government to get moving. In Dioïla District, the communes found various solutions, from literacy classrooms to the hallway of the village chief's house or a councillor's private residence. The property of the village associations (AV) of cotton producers was used in starting up the new rural communes as, in many of the latter, the (former) leadership of the AV were amongst those elected. Some of the AVs are continuing to support the communes in mobilising the 20% counterpart funds for ANICT subsidies.

In Banamba district, the commune authorities used such resources as were available to provide the services to the community. Consequently, former schoolrooms, literacy classrooms and abandoned shops were rapidly fitted out to accommodate the new commune authorities. A table or chair was borrowed from the headmaster of the school or the local teacher. This situation did not last long in view of the pride and solidarity shown by the Sarakolés. In this area

account the educational level of the candidates. The list was then put forward to the only political party contesting the elections. The election turnout was 50% (Coulibaly and Hilhorst, 2004).

of substantial out-migration, the commune authorities soon began to receive contributions from former residents settled in various parts of the world. Splendid administrative buildings flying the green, gold and red flag gradually came to be built, with no cause to be jealous of those in the regional capitals.

In Ménaka, the vast area of the commune and the continual movement of the bulk of the population in line with the needs of their animals complicated the situation. Choosing the location for building the council offices was not an easy matter. Setting up the communes was also tricky because the Northern region was just emerging from a period of rebellion and insecurity. Some of the new councillors were members of the transitional *arrondissement* colleges (*Collèges transitoires d'arrondissement* – CTA) whose task was to restore confidence between the population and central government (see Box 5.2).

5.6 Planning local development

DRAWING UP THE COMMUNE DEVELOPMENT PLAN

The new communes were supposed to provide themselves with a multiyear economic and socio-cultural development plan mapping out all the development activities to be undertaken in the commune. Approval of this plan by the supervisory authority was a precondition for access to ANICT funding. Each commune drew up its own development plan following a model pre-established by the DNCT to guide the process (MDRI, 2000)²⁷. The CCC were there to assist, advise and train the stakeholders in the process and put them in touch with each other.

The plan was drawn up in complementary stages: identifying and analysing problems, ranking needs, determining development objectives and budgeting for development activities. The process was designed to:

- promote dialogue between local councillors and people about development issues;
- co-ordinate development initiatives at commune level and give the commune credibility in the eyes of its development partners;
- ensure rational problem management, compliance with planning schemes at national, regional and district level and coherence between the various planning levels;
- avoid lack of budget discipline; and
- conduct activities on a step by step, methodical basis in accordance with the objectives determined.

ACTUAL PARTICIPATION IN PLANNING

According to the DNCT model, all social sectors should be involved in preparing the commune plan. Where the commune authorities did try to bring all stakeholders into the planning process, some of them were not able to take on the role they were supposed to play. The newness of the reform also had an

²⁷ The guide was commissioned by the MDRI and prepared by a local consultancy with technical and financial support from SNV.

impact on actual participation. Because the process was only just beginning, many people did not know exactly what it was all about. They remembered the old planning habits in that development activities used to be parachuted in without anyone knowing who had asked for what or when, which had also contributed to the lack of popular interest. Consequently, instead of actively taking part, many preferred to listen and wait to see what kind of changes the new planning meetings would bring.

The commune can only involve all stakeholders in the planning process effectively if it has skills in facilitating “mass participation”. Moreover, successful participation requires resources. For example, some communes include more than 40 villages. Even if they only invite four representatives per village, that means 160 people plus the support structures (ministries, NGOs, etc.) having to travel. In Ménaka, the long distances involved also hindered participation in the planning process. As the population is mobile and the communes have very large areas, it proved difficult and extremely costly²⁸ to organise the planning seminars properly. Most meetings took place in the form of general assemblies at sites where nomads and women have little or no representation (see Box 5.3). Young people, although they often attended, rarely spoke. In addition, returning from neighbouring countries where they had been in exile, they brought a degree of open-mindedness and new ideas that did not sit easily with their original environment.

Box 5.3: Planning by proxy

After they were set up, two communes in Ménaka established a development programme for the year 2000. This first programming exercise was undertaken without reliable data²⁹ and was confined to one consultation meeting with chiefs of nomad *fractions*. The needs of the population were expressed by the chiefs to each of the members of the CTA in their respective areas. The CTAs, chaired by the sub-prefects, then acted as contracting authority.

One question arises, i.e. to what extent such an exercise is really close to the hearts of the population. For instance, amongst nomadic communities, which are characterised by the precariousness and instability of the conditions on which the community's survival depends, property and its management are individual matters. The notion of collective undertakings is not very well developed, although this does not exclude solidarity between individuals and within the community. Moreover, everything has to be done in accordance with the rules of Islam.

SNV put a lot of effort into ensuring that women could participate and that gender issues were taken into account in commune planning. Elected councillors in Dioïla district attempted to take account of aspects of social

²⁸ The estimated cost was around one million FCFA for a single phase: a one-month tour by the planning commission, plus substantial logistical and subsistence costs.

²⁹ With hardly any reliable data available about the area, a research programme comprising field surveys had to be carried out to gather baseline information for setting priorities. The results of this research were then reported back to the territorial authorities.

inclusion and gender when drawing up their development plan and in their consultations, inviting representatives of all of them to workshops on planning.

The Koulikoro CCC tried to adapt its capacity-building, support and advisory activities to ensure that elected councillors would take account of gender issues. They organised training for councillors on including gender issues at all stages of activity, especially planning, consultation and report back. Following discussion, approaches were worked out to raise the awareness of councillors, the council administration and the CCC about these issues, especially the need:

- to take account of relations between young and old, men and women in connection with all service provision;
- to respect the principle of equality and equity;
- always to make a differentiated analysis in relation to constraints and opportunities in implementation (management, monitoring and evaluation);
- to bring out the experiences of women leaders; and
- to reinforce communication between men and women within the commune, the council and the CCC.

RESULTS OF THE PLANNING PROCESS

The development planning process was an important stage in the life of the communes. Planning was a test for all stakeholders (elected councillors, civil society, sector ministries and development partners), especially with regard to determining everyone's roles and responsibilities in local development. It allowed a genuine debate to begin between the newly elected councillors and the communities and gave people the opportunity to express their interests and needs to the commune authorities.

Because of the circumstances in which the planning documents were drawn up, quality was often a problem. In general, the lack of a long-term vision on the part of the councils made it difficult to plan activities with a long time span, with those selected meeting almost immediate local needs. As regards the scale of the development plans, the tension between having "the policy of one's means" and the "means of one's policy" proved to be a major challenge for all stakeholders. Ambitions were too grand and often immoderate. Some plans drawn up in haste failed to encourage participation, especially by women and disadvantaged groups. In principle, annual review of the commune development plan should enable the local government authorities to learn lessons from experience and improve the process.

COHERENCE BETWEEN PLANNING LEVELS

The activities of the different tiers of elected authorities have to fit in with regional development plans and the policies adopted in respect of the various sectors at national and regional level. Attempts to prepare a planning scheme at district level are ongoing. For example, under the supervision of the local steering committees of the Banamba and Koulikoro districts, two strategic district development plans emerged. Resulting from two years of assessment and participatory planning, the latter can not only inspire the communes to improve their own plans, but also encourage them to co-operate to a greater

extent. Although still weak, the mechanisms for joint management by several communes are developing, as evidenced by the discussions between six communes in Koulikoro region about inter-communal management of the banks of the Niger river.

Improving coherence means that the different tiers of the local government authorities must be well informed so that they can take account of planning at the other levels. The sector ministries can play a vital role in this process, but it is unfortunate that few members of staff in the various State sectors have a good grasp of the content of the relevant programming documents, either because these are not available, or because people do not bother to find out the information. Consequently, local government authorities do not know about strategies for the different sectors, or about the support that might be available except for a few isolated elements. The weak capacity for intra-sector co-ordination between the top and bottom levels, which results in insufficient ownership of strategies and large numbers of different initiatives, makes the situation even worse (see Box 5.4).

Box 5.4: The maze of technical departments and action plans in the natural resource management sector

There are many sector-based strategies relating to natural resource management: domestic energy (SED), rural development (SDDR), environmental action plans (NEAP), drinking-water supply (AEP), forest policy, fishing resources, livestock, etc. Most current strategies were drawn up before the establishment of the local governments and need to be reviewed.

There is also confusion about the roles of the institutions responsible for natural resource management. The DGRC/MAEP is responsible for regulating and controlling the use of natural resources, apart from forest resources in respect of which logging permits are issued by the national nature conservation department (DNCN/ME). The DNAER and DNH are responsible for pastoral water schemes: the first for operating the hydraulic structures and the second for building them.

The many NRM programmes tend to be compartmentalised: there is no dialogue at national level and problems of co-ordination and clarification of roles persist despite the existence of an inter-ministerial committee for which the *Secrétariat technique permanent du cadre institutionnel de gestion des questions d'environnement* (Permanent Technical Secretariat of the Institutional Framework for Managing Environmental Issues) acts as secretary. Communication and the flow of information between the different parties seem to constitute a structural problem.

QUALITY OF INFORMATION FLOW BETWEEN THE VARIOUS COMMUNE STAKEHOLDERS

Establishing information flow between the various commune stakeholders has evolved rapidly and substantial effort was generally made. The commune authorities received training that quickly enabled them to take over and improve former circuits, using the services of the advisers of village chiefs to spread the news in the various communities. In Dioïla District, radio stations were established, covering 80% of the territory, which facilitated dissemination of information to the whole population. Koulikoro has four long-range and one

local radio stations, while Banamba has three long-range and two local radio stations.

The village chiefs remained important links in the chain disseminating information throughout the commune area. They also play an important role in social mobilisation and initiatives in support of commune activities. While some communes have been able to improve information quality, there are still some shortcomings in terms of reporting back and accountability and making sure that all groups are informed. Some social groups, such as women, were left out because the information passed through so many hands before it got to them that it was often distorted.

5.7 Operation of the commune

RELATIONSHIP BETWEEN THE MAYOR AND COUNCILLORS

According to the provisions of the law on territorial authorities, it is up to the elected council to take the important decisions affecting the life of the commune. The mayor is the head of the executive with the assistance of his deputies³⁰. The mayor is invested with broad powers to manage the commune's development activities. By way of example, the mayor acts as municipal police officer, registrar and head of the administrative staff of the commune. He has to organise and chair all the full commune council meetings. After the budget is approved, the mayor can carry out activities without a prior resolution from the council.

Box 5.5: When the mayor does not play his role...

If the mayor does not fulfil his obligations, the whole development of the commune will suffer. When working on implementing the strategy of collecting taxes levied on the markets of a commune in Bamako, it was observed that the mayor was playing cat and mouse. The commune council had unanimously voted in favour of the strategy and the supervisory authority had approved the resolution. At each meeting, the mayor would undertake firm commitments, with some decisions being made on the spot, such as allocating responsibilities to councillors and staff or promising sanctions against tax collectors who were thought to be blatantly pocketing receipts from tax collection. However, after the meetings, the mayor proceeded with neither follow-up nor implementation. Capacity-building on advocacy for civil society representatives was more successful as, once they were able to exert pressure, the mayor slowly began to undertake activities of concern to them.

When the mayor is travelling but does not delegate authority to his deputies, the council comes to a standstill. The running of the commune administration is often hampered. Council members will be cut off from the real situation in the commune when, even during council meetings, no reports are submitted by the mayor. A mayor who does not fulfil his obligations can always find a way (in view of his power) to say yes but do nothing without incurring penalties, especially if he can connive with officials of the supervisory authority or

³⁰ The functions of his deputies are not executory until the mayor issues a decree specifying the content and limits thereof. He may also exercise these functions.

political factions within the council (see Box 5.5). Decisions concerning the suspension or dismissal of the mayor are taken at the highest level of the MATCL. As the first term of office of the rural commune comes to an end, some questions arise:

- How can the mayor's responsibilities be balanced with those of his deputies so as to avoid paralysing the administration if the mayor is not up to the job?
- How can citizens be given genuine power to sanction leaders?

INVOLVING CIVIL SOCIETY

After the management bodies of the local government authorities were put in place, the various sectors of society became involved in different ways. The strategies adopted vary from commune to commune depending on the strength of the links that the councillors can build with civil society leaders (see Box 5.6). These links seem weak with socio-professional organisations. In addition, women and disadvantaged groups are still very much excluded and only called upon when it is time to vote. They remain under-informed and poorly organised.

It is important to distinguish civil society organisations that defend the interests of their members in relation to commune development initiatives or that seek economic advancement from those allied to political parties. They may be beneficiaries and/or instigators depending on the time or circumstances. Civil society should act as counterweight to the decisions of the local government authorities. By holding councillors to account, in some communes civil society seems to have played an important role in modifying their behaviour. In Ménaka District, however, where civil society is in an embryonic state, it plays little part in the life of the commune, apart from the role of the *fraction* chiefs in tax collection. The councils have simply taken over from the government administration and continue to operate in the same way. Letters, reports, notices and reporting back are still not the order of the day. Even reports concerning development plans and programmes are not done properly.

Box 5.6: Delegating "rehousing" operations

The participatory development committees (*Comités de développement participatifs* – CDPs) form a network of civil society organisations covering the nine districts of commune I in Bamako. They liaise with the council on behalf of the community, associations and development organisations and partners on all development issues. As a result of serious problems occurring within the commune council, the supervisory authority dissolved the latter and set up a special delegation. After taking stock of the situation, the new commune leaders decided to give the beneficiary populations responsibility for rehousing operations through the intermediary of their local representatives.

Consequently, in addition to the traditional authorities, the CDPs were invited to take part in the very sensitive relocation operations. As members of the commissions, they participated in census-taking, analysis of the information gathered and deciding how many people would be allowed to stay and how many displaced depending on the viability of the unofficial settlements. The president of the special delegation noted that the participation of the CDPs had helped to establish a climate of confidence between the community and members of the rehousing commission, thereby facilitating activities.

5.8 Mobilising financial resources

SOURCES OF FINANCE

Mobilising financial resources is one of the keys to successful decentralisation. Without financial autonomy, there can be no independent management. The local government authorities manage development and day-to-day life using resources of various origins, i.e. local taxes and levies, funds received from central government and from technical and financial partners, revenue raised from local assets (land, natural resources, tourist sites and markets) and, finally, voluntary contributions from local people at home and abroad.

Currently, the financial resources of most rural communes derive essentially from taxation, in addition to the annual central government appropriation for running costs. Collecting taxes requires good organisation and sustained activities throughout the year. Several communes have involved *fraction* and village chiefs in tax collection, a role they used to play. These chiefs may undertake the bulk of tax collection work. For instance, at the request of the mayor, an elderly, respected man will visit the various villages in the commune to remind people of the need to pay taxes and, a few days later, the municipal tax collector will go there and have no trouble collecting the money. Village chiefs have always played an important role in mobilising local resources. They used to collect taxes and hand them over to the government, with a percentage being paid back to them. With the advent of decentralisation, no provision was made in the laws for involving village chiefs in the process of tax collection.

RATE OF COLLECTION OF THE TRDL AND VOLUNTARY CONTRIBUTIONS

The regional and local development tax (*Taxe de développement régionale et locale* – TDRL) accounts for 80% of revenue raised by the communes themselves. In general, the collection rate varies according to socio-economic

Box 5.7: Getting support from local people for commune development

Duguwolowila achieved an average collection rate of 48% per year. The commune's resources – taxes collected and voluntary financial contributions from both resident and non-resident local people – were drawn on heavily to carry out the development plan. One of the strategies adopted by the council involves setting up a team, which is responsible for raising awareness in all villages after tax rolls have been established and distributed. The team organises a meeting with the village chief and heads of family, during which they will together determine a collection timetable and then inform the whole village. In some villages, the chiefs will pick the day after market day. All heads of family must then pay a part, however small, of their taxes after the market. This means that they can pay off almost all their tax liability before the end of the year.

Irrespective of these taxes, people born in the commune, whether living in the country or abroad, make a substantial contribution towards investments. Their remittances very often exceed the commune's internal resources. Once prospective investment projects have been identified at local level, the council will send information about the plans to local people organised in associations in their respective locations. Each association has a committee responsible for collecting its members' contributions. Those local residents who could not contribute financially or in kind offered their labour power.

conditions, but information and communication also play a very important part in gaining people's trust in respect of paying taxes and, above all, in raising voluntary contributions (see Box 5.7). In Banamba District, there are considerable differences between communes (see Table 5.2). The collection rate must be assessed also in the light of specific events, such as the crisis in the cotton sector and inadequate rainfall. In Koulikoro, dry conditions were responsible for the fall in the collection rate from 70% in 2000 to 43% in 2002.

Table 5.2: Trend in collection rate of TDRL in Banamba District (percentages)

Authorities	2001	2002	2003	Average over three years
Banamba	66	31	52	50
Benkadi	54	55	13	41
Boron	38	17	24	26
Duguwolowila	51	64	30	48
Kiban	20	25	58	34
Madina sacco	27	12	32	24
Sebete	34	19	63	33
Toubakoro	51	25	45	40
Toukoroba	36	20	58	38
Average per year	45	33	35	37

Source: Report on consultative workshop for local government authorities of Kolokani, Nara and Banamba, November 2003.

In addition, the problem of raising revenue emerged particularly at the beginning of the democratisation process, as some politicians had announced the end of the obligation to pay tax. There is also a lack of political will to explain why tax collection is important for the commune. Moreover, some villages are not represented on the council (see also Box 5.1). In urban areas particularly, the lack of credibility of certain councillors may explain this attitude. Mention should also be made of the historic and traditional habits of refusing to pay taxes.

In Ménaka, results are still far from satisfactory: the district collected 13% of taxes due for the year 2000, 12% in 2001 and 11% in 2002. In Northern Mali, years of rebellion had undermined the authority of the State, as well as that of *fraction* chiefs, who were considered as auxiliaries of the administration. Gradually, the nomadic communities got into the habit of not paying any taxes because they received very little benefit from development projects. Despite the signature of the national covenant and the gradual return of peace, this situation more or less persisted. Problems also stem from the behaviour of certain councillors. They simply took the place of the former administrators and went on managing the communes like the old *arrondissements*.

Another difficulty arose from the unreliable data on which the taxation system was based. The communes have not made much effort to update the information supplied by the former administrators when handing over power. The tax

department was not involved in the census activities undertaken, especially in urban centres (making an inventory of shops, marketplaces, etc.). This situation reveals two major shortcomings in budget preparation: inadequate assessment of fiscal potential and inconsistent figures (divergences between council and tax department data). In addition, the communes have no control over receipts from overall taxes collected at regional level, e.g. the forestry tax (see section 4.5).

Some links in the collection chain proved defective. Collection procedures and the unhelpfulness of the government financial services did not facilitate the task of councillors, however strong their motivation. Officially, it is the municipal tax collector at district level who is empowered to collect taxes with the assistance of the other parties. However, in Ménaka for example, there is only one municipal tax collector for five communes.

5.9 Budget management

The new commune authorities have had problems handling budget management. Although administrative and financial management was a key issue for partners supporting decentralisation, including the CCCs, the preparation and implementation of the local governments' budgets proved problematic. Implementation of the first budgets was marred by irregularities.

It is still common for the supervisory authority and tax inspector's office to reject budgets prepared by the communes, for reasons that are frequently obscure to the mayor and his staff. There have been misunderstandings between the tax inspector and the service providers responsible for training the local government authorities concerning the rules governing the preparation and implementation of budgets. The CCC systematically invited the tax inspector and the head of the tax centre to all training sessions about financial resources and budgeting to discuss these misunderstandings. Unfortunately, the tax inspector very often took no part, claiming an overload of work to excuse his absence.

It does seem that budget preparation is undertaken as a mechanical exercise; it suffers from a lack of analysis and ignorance of charts of accounts on the part of those responsible for drawing up and monitoring the budget. There is practically never any reporting. Very often, no inventory is taken of commune equipment. In addition, budgets are always drawn up in haste. Commune leaders wait until the last minute to produce a document whose preparation really requires much more time and effort to meet the required standards.

5.10 Infrastructure and public services

Measures taken by the communes gave the population better access to basic social services, especially education, health and drinking water. For the three districts in Koulikoro region, the value of the infrastructure put in place with support from the ANICT between January 2001 and 30th November 2003 was

FCFA 1,241,134,741. Local registry office services are now also available at the administrative centre of the commune rather than of the district (see Box 5.8).

Public services, such as keeping records of births, marriages and deaths, are barely developed in the rural communes of Ménaka district. When the communes were set up, the district had just emerged from a conflict. It found itself without any equipment, such little public infrastructure as did exist being in an advanced state of dilapidation and staff reduced to the strict minimum. Everything needed to be rebuilt, starting with security to restore the peace and trust that are the prerequisite for any initiative in favour of development. With funds from the ANICT and development partners, a lot of infrastructure was put in place or rehabilitated, including council offices, schools, health centres and waterworks, but which still requires consolidation through the establishment of a sustainable management system.

Box 5.8: Local creativity: combining local registry office services with healthcare

During the commune planning exercise in the rural commune of Wacoro, Dioïla district, every village asked for a village health post to be built. As the commune did not have the means to meet all the requests, it suggested training one woman per village to provide first aid before referring patients to the CESCO. The council would pay this health-care assistant an incentive allowance. The mayor suggested that the same woman should then work with the village chiefs on day-to-day management of the registry office services needed by the community. Births and deaths could be recorded in a notebook that would be delivered every week to the commune registry office. This proposal gave a large proportion of the population access to primary healthcare and helped them obtain registry office certificates easily, while also helping the commune to improve its statistical records.

5.11 Natural resource management

No official transfer of powers to the communes in respect of natural resource management has yet taken place (see section 4.5). However, although still weak, natural resource management is increasingly forming part of the habits and customs of the local government authorities. A look at the forty-two Commune Development Plans in the three districts of Koulikoro region shows that, on average, the Koulikoro, Dioïla and Banamba districts have scheduled 12%, 11% and 7% respectively of their commune budgets for activities connected with NRM. This is already more than the Malian state itself, which allocates less than 5%. Twelve of the forty-two communes concerned have proposed devoting more than 15% of their budgets to NRM, giving priority to two types of activity: sanitation and hydro-agricultural schemes (Diarra and Bengaly, 2001)³¹.

Most activities conducted in respect of natural resource management do not necessarily require substantial financial investment. Erosion control, tree

³¹ In Dioïla circle, the CMDT had specific programmes in all the communes (agricultural extension, rural road-building, etc.) and at least five communes benefited from the natural resource management programme. Their impact on commune programming is not clear.

planting, establishing bushfire surveillance brigades, marking out livestock tracks and fixing periods for harvesting wild fruits are amongst the activities some villages carry out every year, sometimes with support from the communes. Other communes and villages are also striving to develop and strengthen local conventions and regulations on natural resource use (see Box 5.9). The lack of regular progress reports and data means that many achievements in this field tend to be little known or informal.

Box 5.9: Extending the preservation of sacred forests throughout commune territory

The commune of Diouman, located on the edge of the Soudan gazetted forest, experiences considerable pressure on use of its resources, especially trees. The village of Toukoro, however, has avoided over-use through observance of a traditional agreement on conserving and protecting natural resources. To preserve the sacred forests, where religious ceremonies are held, all species of trees on the village territory are subject to rules governing use and protection (ban on cutting green wood, making charcoal, collecting unripe fruit from the trees, etc.). The fact that the territory is protected by a sacred mask, in which inhabitants of all the surrounding villages believe, is apparently one of the reasons for Toukoro's success. As a result of these measures, a microclimate has been established on the Toukoro village territory, which a passer-by can now clearly distinguish from the territory of other villages in the commune. The commune authorities took note of this and wanted to extend the system to all villages in Diouman commune by publicising the advantages of this form of natural resource management. Unfortunately, the current SCN official does not seem to appreciate them and has begun to issue woodcutting permits without consulting the village authorities, jeopardising the efforts made so far by Toukoro.

5.12 Prevention and management of conflicts and local security

Diverse perceptions and interests of stakeholders as regards commune issues sometimes triggered or revived conflicts, for example over the division into constituencies or the election of the mayor. Sometimes, the commune council or mayor becomes a source of conflict. In Banamba district for example, disputes often arose in respect of use by the mayor of infrastructure and other commune property without reporting to the council. While awareness-raising efforts succeeded in limiting the use of commune property for personal purposes, management of commune assets still requires improvement in some communes.

However, the mayor can also help to prevent and manage local conflicts. In Mali, disputes between citizens are usually settled in accordance with customary procedures that provide for the intervention of independent intermediaries whose status is acknowledged by society. As far as possible, people avoid bringing disputes before the administration or the courts. This type of conflict management is still functional and, since the advent of decentralisation, people also call on commune councillors, especially the mayor. A survey has shown that citizens seeking assistance in resolving a problem or dispute will contact local figures such as religious leaders (32%), customary chiefs (31%) or commune councillors (24%) (Coulibaly and Diarra, 2003). In fact, the presence of the commune authorities offers an alternative channel between local mediation and going to court.

In Ménaka, the communes have played a very important part in peace-building activities, especially through raising awareness. In Dioïla, the small disputes that have broken out since decentralisation have so far been managed by the commune authorities with the support of the customary chiefs or the State. These are often arguments between two villages about the boundary line or between two farmers about field boundaries or disputes between farmers and herders. However, mayors do not always carry sufficient weight to resolve conflicts. For example, a village in Dioïla called on the mayor to mediate in disputes with woodcutters. The mayor's attempt to help the village ended in failure because of connivance between the woodcutters and the DNCN. The communes have also got involved in local security and policing operations, working with both the gendarmerie and hunters. Such co-operation with hunters sometimes leads to disputes over jurisdiction (see Box 5.10).

Box 5.10: A dispute between mayors and hunters

A misunderstanding arose between the mayors of Doumba and Koula and the hunters' association about arrangements for hunters to apprehend thieves and turn them over to the competent authorities. In Doumba, the main cause of this misunderstanding was the lack of consultation between the mayor and hunters before the latter took action. In addition, the hunters were humiliating the people they apprehended, which the mayor considered to be an illegal procedure. In Koula, a dispute erupted following the refusal of hunters to go after the thief of a solar panel because the mayor did not want to give the hunters' association written permission to do so.

Subsequently, each mayor made a complaint against the hunters. One mayor also contacted the association of municipalities (AMM). The AMM immediately instigated a mediation meeting, inviting all parties and resource people including the CCC. The debate helped to clarify the facts as well as the roles and responsibilities of each party following decentralisation, resulting in a consensus about the need for formal co-operation in activities of mutual interest.

5.13 Progress with implementation

This chapter has demonstrated that situations are as diverse as stakeholders in the communes. The laws on decentralisation are the same throughout the country, but the process has not taken hold to the same extent everywhere. The level of implementation differs, for example, between Ménaka (with its rebellion and nomadic population), Dioïla (with its cash cropping and dynamic village associations holding funds available for investment), Koulikoro (influenced by Bamako) and Banamba (with its remittances from national and international migrants). The historical, socio-economic and ecological context has influenced the local dynamics of decentralisation and, consequently, the level of acceptance, involvement and especially confidence of citizens in the process.

Good communication and transparency in the management of public affairs are important principles to promote with a view to speeding up the process. Citizens will come to trust the commune councils if their interests and needs are taken seriously. Experience shows that there was little confidence at the beginning, as evidenced by the low turnout at elections, the inadequate

information of both citizens and councillors in many districts and the lack of preparation of government to respond adequately to the demands of the new configuration created by decentralisation. Ambitions were grand, as shown by the commune plans, but not much could be done to satisfy all these due to the low level of mobilisation of local resources. Raising revenue is key to the success of decentralisation, but tax collection rates at local level remain low.

Greater involvement of civil society organisations, inclusion of marginal groups and consideration of gender issues are challenges that local governments have still to take up. There is willingness to promote the participation and inclusion of all social sectors, but very few women have been elected as councillors and some social groups remain underrepresented in planning and monitoring activities. The concepts of participation and involvement are still being applied superficially.

6 Discussion and future prospects



This chapter presents and analyses the influence of the decentralisation process on local governance and development. An overview of the relationship between the various bodies – villages, communes, local organisations and customary authorities – is followed by a discussion of various topics such as disparities between regions, adapting support arrangements to local diversity, and inter-commune initiatives. The chapter goes on to analyse the repositioning of the central State, and the adaptation of government structures and staffing to the new institutional architecture, before finally examining challenges with respect to support arrangements, resource mobilisation and issues connected with the transfer of domains, land tenure and natural resource management.

6.1 People and decentralisation

Since the elections for the commune councils, management of local development has been in the hands of the councillors. The council structure joins all the other organisations and institutions that already exist and play a part in local development. The contribution and involvement of local associations and customary authorities to local development has not come to an end. When they were set up, quite a few communes were supported by village organisations, but the relationship with these organisations seems to have become less intense and even been abandoned by some authorities. To promote local development, councils need to carry the community with them and encourage it to provide support and mobilise resources. The backing of the population will flow from what the councils do: information, reporting, transparency in word and deed, activities conducted in consultation with local people and the adoption by the commune councillors and staff of the role of servant rather than master of the population.

It is up to local government authorities to develop more effective, context-specific communication and information strategies and facilitate dialogue. For example, the law only requires that the commune councils should post notices of their deliberations, but this is hardly an appropriate channel for people with a low level of literacy who are scattered over a vast area. Being accountable and ensuring transparency in commune affairs requires more effort than simply providing information and communicating more effectively; it also means allowing citizens to challenge the decisions taken by elected councillors.

It is important that the decentralisation reform should not fall into the trap of concentrating all activities in the hands of the mayor and his deputies³². To avoid this pitfall, the council committees must become operational and empowered and local civil society, in the form of village, neighbourhood and *fraction* structures, associations, etc., must be involved. Commune councils need to leave more room for initiatives from these local institutions that may well be able to manage certain activities competently, sustainably and peacefully.

6.2 Decentralisation: a unique opportunity for gender equity

According to the law, women have the same access as men to bodies managing public affairs, at local, regional and national level. With the advent of the 3rd Republic, women began to take more interest in public life and to stand more often as candidates for political office. They organised themselves into associations of women holding elected office, taking up more and more posts in the upper echelons of the State.

However, during the first term of office of the commune councils, women usually represented only 4% of councillors in rural communes and 13% in urban communes. Throughout the country, there are only eight women mayors. Women do encounter many obstacles on the road to political participation, including interpersonal and socio-cultural constraints (e.g. resistance within the household, family and social environment and defensive attitudes on the part of men, society and other women), constraints deriving from the scarcity of available resources (lack of financial means, contacts and knowledge) and lack of confidence. In institutional terms, the political parties do little to encourage women to enter politics. While relying on women's associations to mobilise the women's vote, political parties give little thought to the promotion of women as candidates for elected office through the electoral list system or within the party.

In the absence of satisfactory results, NGOs and development organisations redoubled their efforts to train, motivate and encourage women leaders to take the next step and stand in the various elections. However, electing more women does not necessarily guarantee equitable local governance. In view of the constraints described above, women will need support, once elected, if they are to participate effectively. In addition, attention should be paid to women voters, to ensure that they are better informed about decentralisation issues and the activities of the commune councils and can organise to defend their own interests.

6.3 Differences in applying decentralisation around the country

Although the Tuareg rebellion was one of the driving forces of the decentralisation reform, the approach tended to be based upon the situation in

³² The CCCs did not pay much attention to the participation of civil society organizations during the first phase of implementation of decentralization.

southern Mali, i.e. settled communities, relatively high population density, regular income sources and experience of “formal” management by village and inter-village associations. The situation is different in the north, raising many questions for local government authorities. For example, where should the council offices be built and taxes collected if the population is following the rains and moving regularly from one commune to another? The implementation process should allow local governments to find solutions appropriate to their own circumstances but, given that the reform is based on a single framework law and accompanied by a national-level technical and financial system, one may wonder whether it leaves them sufficient room for manoeuvre.

The communes that are most accessible and benefit from the presence of well-equipped CCC operators have made better progress. The challenge is to build the capacity of outlying communes. Because the latter do not have the same level of infrastructure and are more remote, the distances involved and the poor quality of the roads make providing assistance very expensive. In addition, financial facilities are not necessarily accessible to them, in view of their difficulties in mobilising counterpart funds for investments.

6.4 Adapting the State to the context of decentralisation

The State is currently trying to restructure in line with the new context of decentralisation, for example by setting up a ministry and specialised department and redefining the role of prefects and sub-prefects. However, it has not yet completely adapted to the new territorial arrangements. The administrative courts responsible for resolving disputes between elected councillors and the State representatives overseeing them are very few in number. Consequently, unresolved disputes accumulate, resulting in breaches of the law or bringing the operation of the local government authorities to a standstill.

Although the redefinition of the roles and tasks of the central government, sector ministries and related institutions is not yet very visible on the ground, it is inescapable. Despite the muddle of laws and institutions that still exists at national level, the laws on decentralisation do give the initiative, de facto, to the local government authorities and professional organisations to make plans and take action.

It has become increasingly clear that ways must be found to give greater weight to the local government authorities in service delivery and promoting development so that better results may be obtained and duplication, wasted effort and reducing councillors to mere onlookers may be avoided. Although it is under preparation³³, genuine deconcentration, which would bring elected councillors managing local development working together with sector ministries, has not yet come about. The supervisory authorities are still not well prepared and have not yet fully grasped the measure of the tasks of checking

³³ This is being undertaken as part of the institutional development programme led by the institutional development commission (commission de développement institutionnel: CDI)

legality as well as providing advice and assistance that are essential to the smooth operation of the local governments. Most sector ministries are still simply getting on with implementing development and infrastructural programmes, preventing the commune authorities from rapidly taking over their responsibilities for local development. This is where genuine negotiation needs to take place between the local government authorities and the State, despite all the conflicts of interest that are likely to ensue. This problem comes on top of institutional difficulties, including the absence of a genuine programme of deconcentration and the delays in adapting the statutory framework and policies for the individual sectors.

6.5 Ensuring coherent planning and activities

Decentralisation does not mean defending local territory against others, but working together to combat all forms of isolation. The new authorities are not separate from the national territory and local development policies must fit in harmoniously with national policy, even although legally, each local government authority is independent in terms of planning development activities. It is obviously necessary for policy makers to take steps to ensure that development plans and activities are coherent and understandable. Unfortunately, there seems presently to be a lack of co-operation between sector ministries and local government authorities.

To facilitate planning, the State has prepared a series of national and regional development masterplans that establish the overall policy direction for the future and the relationship between the different levels. When the communes were set up, the government thought it was necessary to go down to district level so that the communes could refer to these plans, under the control of the supervisory authority and with support and advice from sector ministries. This process has begun in some districts.

There is a real risk in putting too much effort into exhaustive, detailed planning if the link with implementation is tenuous. In Mali, there are already innumerable national and regional schemes and plans, both sector-based and integrated, but for various reasons they are not always put into practice. Too often these essentially administrative exercises are unconnected with any real demand. They may be complex and difficult for the uninitiated to follow or processes in which those most affected are not involved, except perhaps at the report-back stage. It is important to discuss objectives and the approach to be adopted before getting started, to ensure that planning schemes really do achieve greater coherence between the activities of the relevant parties.

Co-operation between communes should enable them not only to carry out larger scale activities, but also to gain mutual advantage from their experiences according to the type of links between them. The issue is also important when seeking to facilitate co-operation with sectors, because catchment areas, e.g. for health and education, do not always correspond to constituencies. Moreover, natural resources often straddle the boundaries of individual communes.

Co-operation also offers an opportunity to make “micro-communes” more viable. Set up for social, historical or political reasons regardless of the technical viability criteria guiding the division into constituencies, the micro-communes constitute a special case. Their population is so small that they cannot fund their development programmes themselves, so they need to co-operate with other communes or rely on external support. While seeking to make the communes more efficient, care must be taken to avoid harming internal democracy by increasing the gap between councillors and citizens.

6.6 Funding and mobilising resources

The financial support arrangements have given convincing proof of their effectiveness, despite the adjustments needed to reduce disparities between areas and extend the list of eligible projects to include activities other than infrastructural and capital development. The dynamics of the communes and their ability to invest are threatened by their very weak resource mobilisation capacity, hence their lack of funds of their own. The communes with greater potential, i.e. those in urban areas, suffer from a refusal by the population to pay taxes.

Currently most communes rely on support from development partners and the ANICT for investment (Dicko, 2004). Partners’ support is conditional upon the communes paying a proportion of between 10 and 20% of the project cost, as well as covering meeting expenses, labour costs and maintenance charges. The communes find themselves in a cleft stick: on the one hand they have to put in infrastructure to gain people’s trust and encourage them to make a contribution, while on the other they cannot put in infrastructure unless people pay up so that the commune can supply the counterpart funding. Various support structures are currently undertaking resource identification and mobilisation strategies which require community backing. The complementary nature of the resources available for investment within sector programmes and ANICT funds is not well developed.

6.7 Capacity-building

The first term of office of the local government authorities was a learning exercise for all stakeholders: councillors, local population, technical departments and support organisations. For example, they needed to know about and understand the legal framework and the functions of each party, the operation, management and administration of a commune, the relationships with the supervisory authority and the Ministry of Finance. A whole range of systems and instruments to enforce operating procedures and rules needed to be developed, along with support programmes. In addition, there was much to be done to provide information, prepare tools and other materials, as well as organise training.

Currently, the support arrangements for the decentralisation process are quite comprehensive. The CCCs were set up for a limited period, but the authorities

still need them in view of the low educational level of councillors and their lack of resources. One of the constraints is the low level of formal education of a large proportion of councillors, more than 80% of whom are illiterate. Withdrawal of the CCCs in favour of other structures is a real challenge, because the local government authorities cannot afford to take on staff to provide the various services they are supposed to offer, even if several communes get together.

Another point to consider is that councillors have been elected to their positions and are therefore replaceable, another reason why ongoing training is clearly needed. Thought should also be given to ways of how civil society can make use of former councillors' knowledge, abilities and skills acquired.

One of the weaknesses of this capacity-building phase is that most effort has been focused on the mayor, deputies and council staff. The other elected councillors and civil society organisations have received very little attention. The government personnel responsible for supervision or support is still poorly informed and trained in this respect. It is important to take account of the information and training needs not just of those elected but also of other stakeholders.

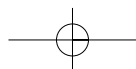
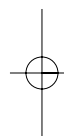
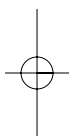
6.8 Land tenure and natural resource management

In rural areas, most livelihoods are based on the use and sustainable management of natural resources. Yet, the investment programmes of most local governments pay little attention to these aspects (Diarra and Bengaly, 2001; Agefore, 2003). The limited progress in transferring State domain and authority over the management of land and natural resources to the local government authorities is hindering local governance in respect of land use. Worse still, in some cases, the government and public bodies have discouraged communes from taking conservation measures.

Local management practices constitute a frame of reference for natural resource management by the local government authorities. The commune council may deliberate over environmental protection and the organisation of rural activities and agro-sylvo-pastoral production, but it is obliged to consult the village councils. The legal framework gives associations with appropriate legal status the opportunity to manage natural resources provided that the commune council delegates this responsibility to them. It further allows for local arbitration of conflicts, demanding that the traditional authorities should be consulted. In the field, the government extension services and the local authorities usually acknowledge the importance of these practices, but they are not obliged by law to comply and it is left to the discretion of both parties to decide how such practices are handled.

When the transfer has taken place, use of natural resources and land will become a source of income for the local government authorities. Wood, gravel and sand, as well as residential lot developments, are already bringing in revenue for some communes. This potential is one of the reasons why the

authorities stress the importance of transferring State domain. However, debates tend to be unbalanced, due to the great attention paid to possible financial implications, without tackling issues of control over land, management and sustainability. Moreover, experience has shown that more involvement of local government authorities in land tenure will not lead automatically to equitable access.



7 Conclusions



Since its establishment, the decentralisation process in Mali has made obvious progress: the legal foundation exists, the whole national territory has been divided into constituencies and support institutions have been created. When the process entered its operational phase in 1999, following the local elections, three tiers of decentralised authorities were set up, all endowed with their own deliberative and executive bodies.

It is too soon to assess the impact of this reform, as the councillors' first term of office comes to an end in 2004. In fact, decentralisation has only just begun. However, the calmer political climate brought about by broadening the base of the pyramid of democratic power is now amongst the indisputable achievements of the decentralisation reform, together with the election of councillors close to the community and the provision of certain services at local level. The continuation and successful completion of the decentralisation process raise many challenging issues, which will be discussed in this chapter.

LOCAL DEVELOPMENT

The first challenge relates to the local economy. It is obvious that a decentralisation process with no positive effects on local development would miss its target and could lead to great disillusion with democracy. During their first term of office, the main activities of the local government authorities have come down to setting up the council offices, arranging the internal operation of the council, establishing external relations and making a limited number of investments.

It is essential to identify where leverage needs to be applied to make the local authorities more viable, and attractive for the population during the second term of office. Decentralisation of the tax system and mobilisation of financial resources at local level are therefore becoming increasingly important topics, as they determine not only the autonomy of a local authority, but also its ability to provide services and to invest. Progress in transferring powers (responsibilities as well as human and financial resources) is important for local development. Such progress is also important for the sector ministries involved, as the local authorities are helping them to achieve goals in their respective sectors that are vital to the fight against poverty.

Matters are further advanced in the sectors of health, education and water. Questions relating to the transfer of domain and control in respect of natural resource management and land tenure to the local government authorities are major concerns for both the latter and the population. Although there has not yet been an official response, speculation in land is reducing the area that could be transferred. The local government authorities could find themselves facing a fait accompli and will have problems implementing a coherent policy of land-use planning and natural resource management.

CAPACITY-BUILDING

The government has had the courage to trust the rural population in managing their own affairs. Drawing strength from the local community and associations, some local government authorities have demonstrated genuine capacity to implement participatory approaches and effective management methods.

One of the constraints on the decentralisation process, which is based on the proper enforcement of official procedures, is the low level of literacy and lack of command of the official language by the bulk of the rural population. The absence of experience at local level of “formal” management of budgets and public property requires that councillors adopt new attitudes so that they can be accountable to citizens. These challenges need to be overcome, especially by awareness-raising and training for councillors as well as civil society, making available to them adequate, innovative, locally relevant technical aids, as well as instructing people about what decentralisation and citizenship mean.

The technical and financial support arrangements have both given convincing proof of their effectiveness, despite the adjustments that need to be made. Nevertheless, a way needs to be found to ensure the sustainability of such arrangements in view of the inadequate resource mobilisation capacity of the local government authorities. For the time being, the State has to act as contracting authority for these arrangements, inviting its partners to get involved.

So far, little attention has been paid by local government authorities to improve women’s participation or make local government operations more sensitive to gender issues despite the attempts made by the DNCT and development partners. The focus seems to have been mostly on the few women elected as mayors or councillors, whereas decentralisation provides an opportunity to promote “inclusive” development.

PARTNERSHIPS

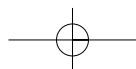
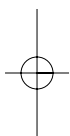
The third challenge relates to partnerships between the many stakeholders in the process: decentralisation is taking place in a crowded institutional landscape, with the local government authorities having to deal with the State, its sector ministries, various civil society institutions, both modern and traditional, and private service providers. With central government, the relationship hinges essentially on the transfer of powers, resources and assistance, but the legacy of the old administrative system, characterised by subordination, mistrust and

even fear, must not be overlooked. The State can be restructured in the short term, because departments can easily be reshuffled. On the other hand, changing mentalities takes much more time because of attitudes acquired over 40 years of “nothing but the State”. Mentalities and behaviour need to be changed, methodically and skilfully, while not alienating former administrators each of whom has an important role to play.

With civil society institutions, including the local traditional power structure, relationships are a matter of complementarity, competition and sometimes conflict. Consolidation of the decentralisation process and local development, popular backing for the communes and successful resource mobilisation depend on sound management of these relationships by local government.

There is good reason to think that favourable conditions are created for the emergence of adequate responses to the challenges listed above. Above all, the State authorities are committed to pursuing and taking further the decentralisation reform and to pursue deconcentration. Moreover, the HCCT and the AMM are sufficiently robust structures that do constitute useful lobbying tools to advance the cause of decentralisation and defend the interests of the local government authorities.

The decentralisation reform has made enormous progress. The first achievements have confirmed its strategic importance to development in Mali and the entrenchment of democracy. It is vital that all stakeholders should understand that this institutional reform does not end with the creation of the local government authorities and their elected bodies. The process of achieving full implementation, rooting in society and ownership by the population is a long one, requiring everyone’s constant support to create genuine local governance and sustainable, equitable development.



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