

AN EVALUATION OF MALIAN CIVIL SOCIETY'S ROLE IN GOVERNANCE

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For the last two decades, most countries of West Africa have been on a path of increased government decentralization as a strategy for improved governance. Mali is one of those countries that have seen the end of dictatorial rule and the emergence of more pluralistic government. This has coincided with the emergence of a stronger civil society. The development of civil society in Mali and elsewhere is both a by-product of and a catalyst for the democratic movement.

Civil society¹ is defined here as including community-based organizations, traditional leaders, implementing NGOs, unions, business associations, religious organizations, independent media, student groups, cooperatives, and other associational groupings. Civil society's role in decentralized and democratic governance may be viewed to have four major functions:

- As an *advocate* for representing interests of their constituencies.
- In *service delivery* in education, health and other sectors.
- As a *partner* with government in development planning, in promoting understanding of the decentralization system and in other areas.
- As *watchdog* over government.

These roles are not played by all civil society actors or at all times -- nor are these civil society functions always clean or rigid. Nevertheless, for ease of analysis, we propose these four functions and state that, cumulatively, civil society should be covering all. Our paper seeks to assess how well Malian civil society is playing these roles.

Mali – Background and History

Going back to before independence, when the system of governance was highly centralized, the population viewed government administration as repressive. Not only were the colonizers repressive but so too were the local elites. There is little evidence that the leading elites, particularly at the local level, had any real concern for their subjects. Viewed in this way, independence (or *yèrè ta* in Bamanankan) had little substantial impact on the vast majority of

¹ The Center for Civil Society of the London School of Economics provides the following definition: "Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups." <http://www.lse.ac.uk/collections/CCS/introduction.htm>

people. Even with elites replacing the colonialists, the web or trap of Papa-Commandant² (the swindler of the local people) that engulfed the people was still in place. The socialist political orientation of the First Republic (1960-1968) also contributed to reinforce a centralized form of government.

The Second Republic, by putting an end to the wasteful social and development drift towards which the First Republic had embarked, again raised hopes of the great majority of Malians. This optimism was quickly squashed by the Second Government's centralized control and its dirigisme.³ It is only since 1991, following the popular uprising that overthrew the Moussa Traoré regime that the Government of the Republic of Mali has embarked upon a truly far-reaching democratization and decentralization process. This was in part the vision of some who overthrew the regime and is in part donor-driven. Today, the Government of the Republic of Mali and key partners such as the United States Agency for International Development (USAID), the United Nations, the European Union (EU), Canada, Germany, France, the Netherlands, and Switzerland continue to engage in strengthening democracy and spurring local and national development through decentralization support activities.⁴

Critical milestones for establishing an effective decentralized system in Mali over the last decade have included the National Pact (signed by Government and armed movements on 11th April 1992) that championed decentralization as Mali's new governance system; creation in 1993 of a government *Mission de Décentralisation*; the adoption, in 1995, of the *Code des Collectivités Territoriales*, which created the communes as autonomous levels of government with specific rights and obligations; and, in 1999, the successful organization of the first rural communal elections, which officially established 682 new local government units. Over this period, the government has passed additional laws and decrees advancing the Code, thus providing communes (now numbering 703) with significant autonomy in areas such as education, health, infrastructure, and overall development.

Assessing Malian Civil Society as an Advocate

Advocacy is generally viewed as a primary role of civil society. At the grassroots level in Mali, there are numerous school parents' associations, school management committees, community health committees, producer groups, women's associations and other groupings that do advocate for their members' interests. Often times, civil society groups build coalitions amongst themselves to advocate for policies. This is both a means for weak organizations to gather sufficient strength to address state authorities as well as a bottom-up consensus building effort. Charlick views this as a means for weak organizations to gather sufficient strength to address state authorities as well as a type of re-centralization⁵. If that in fact is true, it is also a bottom-up consensus building effort and this is perhaps more appropriate and democratic than a purely conflictual individual group approach. Some Malian

² Magassa, Amidou : Papa-Commandant a jeté un grand filet devant nous : Les exploités des rives du Niger, 1978, Editions François Maspero, Paris.

³The creation of the single party and single government mass organizations such as the National Union of Malian Women were government efforts to monopolize all power. See Lange, Marie-France: "Elections in Mali (1992-7): Civil Society Confronted with the Rule of Democracy "in: Abbinck, J. (ed.); Hesselting, G. (ed.) - Election observation and democratization in Africa, 2000, MacMillan, Londres (GBR), p. 228-254.

⁴ See for example USAID-Mali. Democratic Governance Strategic Objective – Historical Background, n.p., n.d.

⁵ Charlick, Robert, "Institutional Dynamics in Contemporary Mali – A Study of the Context for the Impact of Citizen Advocacy." World Education Report, January 2003.

civil society groups do confront authorities for specific policy changes (e.g., university groups demanding increased scholarships) but these are not always well received or have positive outcomes.⁶ The reasons for this are varied and include the relative weakness of individual civil society groups and co-opting of movement leaders⁷, inability of Government to meet demands due to financial constraints and, occasionally, unrealistic demands.⁸

At the national level, the World Bank and Government have sought input from civil society in the Structural Adjustment Participatory Review Initiative (SAPRI). This initiative consists of a tripartite exercise of government, civil society and the World Bank, analyzing structural adjustment program impact on the economy and on the lives of citizens and exploring new policy options. Civil society representatives (NGO coalitions, trade unions, manufacturer's associations, faith-based institutions, human rights groups, and women's organizations) have contributed by relaying information of the people they represent and contributing to sectoral analyses.⁹ Civil society, led by the Comité de Coordination des Actions des Organisations Non Gouvernementales (CCA-ONG – composed of 110 members and 124 affiliates) set up a twelve-member citizen steering committee for the Mali SAPRI. This committee also reformulated the terms of reference for studies to be conducted under the review, bringing SAPRI to focus on the impact of agricultural sector adjustment on farmers in the cotton (CMDT intervention areas) and cereal (Office du Niger) sub-sectors. In addition, NGOs worked with the Bank and the government of Mali in the preparation of the Poverty Reduction Strategy Paper. Much credit goes to donor programs but grassroots advocacy is more than merely donor driven. There are growing occasions where local, regional and national government agencies are listening and seeking advice from civil society organizations. For example, one may note the establishment of the Cellule d'Appui au Développement à la Base (CADB) within the Ministry of Territorial Administration as an interlocutor structure for NGOs. In addition, various professional organizations are invited by the government to participate in various fora about their intervention areas.

In general, civil society groups have understood their role to advocate for and defend the interests of their members. Almost all professions have established associations. Examples include the *Ordre des Architectes*, the *Bureau Malien des Droits d'Auteur*, the *Association des Commerçants Détaillants* and the *Collectifs d'ONG*.

Civil society groups have had success in influencing the central government to improve the environment and conditions in which they operate. Among many examples¹⁰:

⁶ For example, in 1998 the Government ended up closing all state and private schools in Mali after student demonstrations for higher stipends got out of control. Students set fire to the ruling party's headquarters in Markala and government security forces ended up using force and tear gas to disperse demonstrators and dismantle barricades in Bamako and other major towns across the country.

⁷ Hameso, Seyoum: "Issues and Dilemmas of Multi-Party Democracy in Africa" in *West Africa Review*, 2002. ISSN: 1525-4488. Hameso writes that "vibrant civil society [in Africa] independent of the state is rare, weak, cowed and confused" and that CSO leaders are so tied to the state that they are often co-opted."

⁸ See "Cost Sharing in Africa: A Panel Discussion", International Comparative Higher Education Finance and Accessibility Project, Center for Comparative and Global Studies in Education, State University of New York at Buffalo, September 2000 for a discussion on the expectation for government stipends and support by University students in Mali, Ethiopia and Guinea.

⁹ See <http://www.worldbank.org/research/sapri/mali.htm>

¹⁰ These examples were collected by the authors during interviews conducted with World Bank staff responsible for Rural Development and Private Sector programs in Bamako in 2002 and 2006.

- Several years ago, under the pressure of the transporters' union, the government revised the road tax policy. Instead of requiring flat monthly or quarterly tax payments, a fairer system was adopted that taxed transporters based on vehicle categories and their actual activities.
- Recently, the same union was able to obtain from government a policy change to make more rational and regularize police controls in Bamako for taxis and urban transporters.
- The *Association des Commerçants Détaillants* has also succeeded in getting government to revise the tax system on their activities.
- The *Bureau Malien des Droits d'Auteur* lobbied extensively and, with the active support of their members, has succeeded in helping put improved anti-piracy and copyright regulations in place (especially combating audio cassette piracy).
- During the review of the World Bank Country Portfolio Performance Review (CPPR) in January 2003, one of the representatives of the *Ordre des Comptables Agréés et Experts Comptables Agréés du Mali* (Order of Accountants and Certified Accountants) effectively argued that their members be regularly involved in the audit of World Bank projects.
- The *Syndicat des Producteurs Cotonniers et Vivriers* succeeded to alter the way prices were established following very contentious dealings with the Government and the *Compagnie Malienne de Développement des Textiles* in 2000-2001.¹¹

In summary, Malian civil society has a good overall understanding of its role in advocating for the interests of its members and has been effectively playing this role. Memberships of groups have understood the value of organizing and have demonstrated the willingness, commitment and enthusiasm to organize and advocate effectively for their groups' common interests.

Assessing Malian Civil Society in its *Service Delivery* Role

Privatization of certain government services has led to opportunities for both private businesses and civil society organizations to increase their service delivery roles at all levels of government. In Mali, the private sector is increasingly partnering with local government to provide services such as trash collection. Civil society groups, as well, increasingly work out arrangements with government in service delivery. In Pelengana, for example, the commune has worked with women's groups on sanitation service delivery and has established a system to provide financial resources to the *Association des Parents d'Elèves*. These Parent Associations have helped establish and manage many community schools throughout Mali.¹² Even at higher levels of government, NGOs have been identified as partners in service delivery (see Mali Poverty Reduction Strategy Paper adopted by the government in 2002¹³)

¹¹ Docking, Timothy W.: "International Influence on Civil Society in Mali: The Case of the Cotton Farmers' Union, SYCOV" in Igoe, J (ed.); Kelsall, T. (ed.) *Between a Rock and a Hard Place – African NGOs, Donors and the State*, 2005, Durham N.C., Carolina Academic Press.

¹² Based on discussions with World Education and OMAES staff, February 2003.

¹³ http://poverty.worldbank.org/files/13967_Mali_PRSP.pdf

and contracted by the government (e.g., *L'Association Libre pour la Promotion de l'Habitat et du Logement* [ALPHALOG] is contracted to work as operator of the *Centre des Conseils Communaux* [CCC] in Niono).

In service delivery, over the last fifteen years international development NGOs have increasingly partnered with Malian NGOs and community organizations to increase their capacity. Many international NGOs have eschewed advocacy activities but have helped strengthen local partners in service delivery (from identifying needs to professional standards of service).¹⁴ Many Malian NGOs have now become adept in service delivery and cover many domains (e.g., community mobilization, enterprise development, health education, micro-finance). The market for these services, however, is heavily dependent on foreign assistance¹⁵ (through international NGOs or directly from external donors). In this regard, the case of the *Groupement d'Intérêt Economique* (GIE) Saniya Magnambougou provides a good example. This group is working in the Magnambougou, Commune VI neighborhood in the District of Bamako. This GIE provides services to 2,115 households, employs 19 workers and has three small trucks. The cost of their service averages 1,250 FCFA per month, with payment rates ranging between 30% and 50%. Theoretically, monthly cash flow projections are estimated at 2,600,000 FCFA. Considering the operating costs and the low rates of cost recovery (due to extreme poverty among the clients), it is obvious that the prospects of financial self-sufficiency and long term sustainability for the GIE are not promising. Therefore, Saniya Magnambougou largely depends on its financial partners, including USAID/Mali, UNICEF, WHO and the British NGO WaterAid¹⁶.

The service delivery role for local Civil Society Organizations is, in fact, a recent phenomenon in Mali. It was only until a very recent time that citizens expected everything to be provided by the State. The democratic system of government helps to push the various groups in society to start taking care of themselves. This is illustrated in the health sector with the creation of community health associations established in conjunction with the *Centres de Santé Communautaires* (CSCOM). A Community Health Center is a facility established by a community in order to find solutions to their health problems at affordable costs. In urban areas, almost each neighborhood has its own CSCOM, while in rural areas, a CSCOM would generally cover an entire rural commune. Each CSCOM is managed by an *association de santé communautaire* (ASACO) that acts like a board of directors. In principle, the role of the ASACO is to ensure proper operation and management of the CSCOM. Relationships between the CSCOM staff and the ASACO are employee-employer relationships – though this is not often the case in practice. CSCOMs emerged from the “Bamako Initiative”, a concept introduced by Mr. James Grant, Executive Director of UNICEF, at the 37th regional meeting of WHO, held in Bamako in 1987. It is an additional dimension of the primary health care policy aimed at filling a gap in this policy, that is, the accessibility to essential drugs¹⁷. Mali has nearly 660 CSCOMs. These have considerably improved people’s access to health care. Before the emergence of CSCOMs, rural populations would travel at least 20 to 30 kilometers to receive basic health care. Now, according to data from the Mali Demographic

¹⁴ African NGOs such as *Groupe d'Etude et de Recherche sur la Démocratie et le Développement Economique et Social en Afrique* (GERDDES) have been less constrained in delving into political advocacy.

¹⁵ Igoe, J (ed.); Kelsall, T. (ed.) *Between a Rock and a Hard Place – African NGOs, Donors and the State*, 2005, Durham N.C., Carolina Academic Press.

¹⁶ Sidibé, Bamadou : Présentation du Groupement d'Intérêt Economique Saniya Magnambougou.

¹⁷ Konaté, M.K. ; Kanté B. et Dr Djènèpo F., *Politique de Santé Communautaire et Viabilité Economique et Sociale des Centres de Santé Communautaires au Mali Étude de Cas en Milieu Urbain et Rural*, septembre 2003.



and Health Survey III (June 2002) the number of Malians who have access to health care in a 15 km radius increased from 40% in 1998 to 63% in 2002.

However, whether we look at health or school associations, much needs to be improved. The leaders of these groups have often failed to sufficiently involve the constituents they serve. There is, in most cases, unclear distinction made between the employees (doctors, nurses or teachers and school directors) and the board members. The general population rarely is fully involved or has interest in the functioning of the structure. The result is that the quality of services is often far from adequate and often the staff does not have the proper level of qualifications or any real interest in satisfying the clients.

Assessing Malian Civil Society as a *Partner* with Government

Perhaps the most notable partnership Civil Society has formed with government in Mali was in promoting national reconciliation on the heels of the Northern Tuareg rebellion of the early 1990s. The Malian Government at the time “appealed to and mobilized civil society in every region to create a consensus in favor of peace and reconciliation” through a series of *Concertations nationales* starting in August 1994 that helped form the basis of the 1996 Peace of Timbuktu.¹⁸ These consultations were discussions aimed at stimulating public debate on the country’s future. In August 1994, seventeen regional consultations were held throughout the country, as some regions held more than one. The objective was to listen to the populations’ concerns and facilitate public debate that would not be limited to administrative and political elites only. They were expected to lead to new policy alternatives for overall development of the country, including the resolution of the conflict in the Northern regions. NGOs, having an established reputation for their presence on the ground and their record of collaboration with grassroots populations, were highly solicited to help organize and facilitate these consultations in all regions. The outcomes of the regional consultations were summarized at a National Consultation held in Bamako.¹⁹ Critical roles were played by traditional community leaders, associations and NGOs – both international and Malian - by pressuring government to peacefully resolve the conflict and by traditional leaders and local groups by jointly organizing public meetings to discuss problems related to the rebellion and the content of the National Pact.²⁰

While perhaps the best example of Civil Society/Government partnership – it is not unique. There are other examples extending from national, regional and local partnerships. In Bandiagara, for example, the Préfet has noted the fruits of civil society and government cooperation which brought about forums on the Pastoral Code and on land use among the Dogon people.²¹ NGOs have increasingly participated in the implementation of multilateral donor-financed government programs (e.g., *Projet d'Appui aux Initiatives de Base* [PAIB]). The multi-sector program for HIV/AIDS control, financed by several donors, including the World Bank, has invited almost all components of the civil society to submit project proposals aimed at HIV/AIDS control. UNDP notes the increase of community groups’

¹⁸ Lode, Kåre: “Civil society takes responsibility: popular involvement in the peace process in Mali”, PRIO, Oslo, 1997.

¹⁹ <http://www.c-r.org/resources/occasional-papers/dichotomies-peacebuilding.php>

²⁰ Poulton, Robin Edward and Ibrahim Ag Youssouf. A Peace of Timbuktu - A Story of African Peacemaking. 1998, United Nations Institute for Disarmament Research (UNDIR), Geneva.

²¹ Based on discussions with World Education and OMAES staff, February 2003.

interest and involvement in managing their own affairs in Mali as “among the most promising developments...of the decentralization programme.”

As a matter of history, it should be remembered that the significant growth in Malian NGOs can be directly traced to the 1970’s and 1980’s and was a by-product of efforts to find solutions to problems caused by the severe droughts that devastated the country. It was clear to all that government alone could not meet the challenges associated with these events.²²

The contribution of NGOs helped address many of the immediate problems – such as food distribution and water access. But today, when needs go beyond emergency relief, mutual trust between government and NGOs has in some cases decreased and common interests are no longer always evident. Many NGOs now seem more motivated by the desire to find employment for the founders, rather than a desire to supplement the efforts of government to help meet the needs of the population. This problem has been spurred on by donors seeking to fund CSOs. In response, entrepreneurial government officials and unemployed youth often establish NGOs solely to vie for donor contracts. A significant number of such NGOs neither do good work nor effectively serve their constituents – and they often disappear after a few failed projects.²³

Assessing Malian Civil Society in the *Watchdog* Role

In a democratic system, civil society plays a key role as a watchdog over the workings and effectiveness of the state and elected officials. This starts with election monitoring but is far more extensive and includes regular control of policies, priority setting, implementation, equity, budget allocations and service delivery effectiveness. The civil society watchdog role in a decentralized system is not only critical at the central government level, but also for the regional and local levels.

Ideally, decentralization as a system of governance confers on civil society the important role of controlling/monitoring/critiquing government initiatives to all strata of society. This is all the more a legitimate function seeing that civil society incorporates all societal groups. However, past experience shows that civil society in Mali has had little real understanding of this role and that it has been even less able to perform it.

Currently, Malian civil society groups have only a limited record of playing a rigorous watchdog role. What record does exist is much more discernable at the national levels than at the decentralized ones. The primary work in this area to date has been through the media. For example, the *Réseau Malien des Journalistes Contre la Corruption et la Pauvreté* has chided the government over the slow pace of investigation and prosecution of exposed corrupt activities²⁴ and private newspapers have made accusations of impropriety of government officials.²⁵ The Bamako-based press (such as the newspapers *Les Echos* and *Info-Matin*)

²² A *Comité de Coordination des Actions d’Urgence des Organisations Non-Gouvernementales* – CCAU/ONG was created in 1983 to help coordinate response to the famine in Mali, inform government of activities and needs and avoid duplication of initiatives. This Committee eventually evolved into an association of NGOs – Conseil de Concertation et d’Appui aux ONG (CCA-ONG).

²³ Gerber, Dan: “African NGOs: A plus for Democracy and Development?” in *Democracy and Development Political Science Journal*, September 1994, Volume 3, Number 3.

²⁴ *Les Echos*, May 8, 2002.

²⁵ For example, “L’Inter de Bamako” in their February 2006 edition (Issue 55) accused top leaders of the former ruling party ADEMA of mismanagement and corruption that ruined the National Bank for Housing. See Media Foundation for West Africa (Accra) PRESS RELEASE May 3, 2006.

regularly exposes, reports and pontificates on government inefficiencies, inconsistencies and improprieties.²⁶ Yet these media related checks on government are not always well researched, non-partisan or consistent.²⁷

Many civil society groups are potentially constrained in their watchdog role by lack of independence or a partisan political outlook. With civil society groups getting much of their funding from external donors, this may very likely influence the issues they stress and the issues they avoid. Very frequently, the press is also less than fully independent. Articles can be placed in newspapers simply by paying for the publication²⁸. Influence of journalists can also be made through provision of transport and per diem or paying of production costs. For example, during a March 2006 workshop held in Bamako on international foreign aid effectiveness organized by the African Development Bank (ADB), journalists made it clear to the organizers that without payment for transport costs, they would not attend the event. Even after ADB agreed to make one transport payment for each press group attending the event, one group did their best to collect for more than one person attending.²⁹ With very limited means, even media organs which want to avoid conflicts of interest have the dilemma about accepting such practices or not having the means to maintain their operations or keeping their personnel.³⁰

At decentralized levels, the watchdog role is even more problematic. There are few regional journalists and almost no regional or local-level media. Community radio stations are one notable exception, but these rarely have vigorous investigative reporters or are beholden to the local authorities (e.g., the local authorities have provided the station with their facility) so they are unlikely to be rigorous critics of their benefactors.

Again, for associations that promote transparency, environment, free and fair elections, ethics and human rights causes, what watchdog activities that do occur are seen almost exclusively at the national level. The watchdog role, itself, has not been fully understood by all civil society actors. Due to lack of professionalism, resources and a desire to sensationalize, opposition is often virulent and the concept of “loyal” opposition, whether in elected bodies or civil society, absent. Overall civil society as a watchdog over government in Mali is relatively weak and particularly so at the regional and commune levels.

Conclusion

In each of the four major governance functions Malian civil society has seen progress since 1991 and plays a far more important role than during the First and Second republics. While not without room for improvement, the strongest performance for civil society has been as *advocate* for representing interests of constituencies and in *service delivery*. As a *partner*

²⁶ In a fairly typical *Les Echos* edition (January 29, 2007), there were articles on the Governor of Bamako not having followed the law regarding his investiture, ministers not updating their annual declarations of assets, and accusations of bribes (*des pots-de-vin*) influencing the solving of a land dispute between two ethnic groups in the Commune rurale de Diallan.

²⁷ This problem has been noted for other countries in West Africa. See, for example, State of Investigative Reporting in the Ghanaian Press, 2003. <http://gcpi.virtualactivism.net/pubs.html>.

²⁸ The authors of this article have been offered this service by several newspapers in Bamako.

²⁹ This is noted from the authors' own experience.

³⁰ A New Approach to Development: The Role of the Press. A WAN/World Bank Conference held on 13 June 1999 in Zürich, Switzerland, pp. 9-11. This paper cites funding for media as a problem throughout developing and transitional countries. “What good are independent newspapers ... if ‘independent’ journalists must rely on under-the-table payoffs from corrupt officials or businessmen or just plain mafiosi to make ends meet?”



with government, civil society progress has been uneven. The weakest area for civil society has been in the role of a *watchdog* over government.

Progress in making Malian civil society a stronger player is likely to happen only slowly and with considerable effort in information, education and communication with government, civil society and the community at large. A growing economy that could produce better paid civil servants and civil society leaders, more resources for government and more opportunities throughout society could also contribute to civil society growth.