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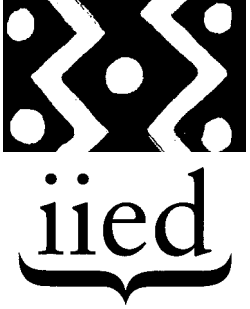

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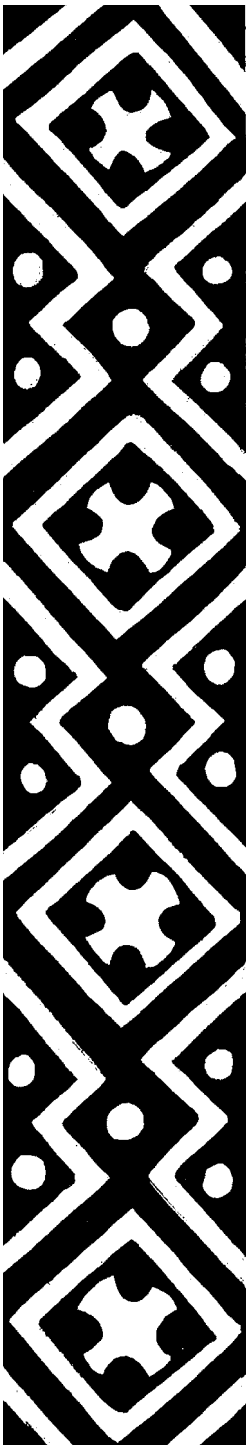

Decentralisation and boundary setting in Mali

Eric Idelman

June 2009

making decentralisation work

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The case of Kita district

Eric Idelman

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About the author

Eric Idelman gained a PhD in Development Geography in 2008, with his thesis on *The transfer of natural resource management to rural municipalities in the region of Kita (Mali). From an integrated state framework to local logics* at the Université de Paris X. He began researching this topic in 2002 while working on the PAE agro-ecological development project in Kita, whose objective was to strengthen the natural resource management capacities of four rural municipalities in Mali. Most of the examples and observations presented in this publication are drawn from this experience in the field. Dr Idelman can be contacted at eric-anta@live.fr

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Abbreviations

CLD	*Commission Locale de Découpage* Local boundary commission
CMDT	*Compagnie Malienne pour le Développement des Textiles*
DNCT	*Direction Nationale des Collectivités Territoriales* National Department for Local Governments
GEM	*Groupe d'Etude et de Mobilisation* Decentralisation Task Force
GLEM	*Groupe Local d'Etude et de Mobilisatio*n Local Decentralisation Task Force
HCCT	*Haut Conseil des Collectivités Territoriales* National Council of Local Governments
HUICOMA	*Huilerie Cotonnière du Mali*
MDD	*Mission de Décentralisation et Déconcentration* Department for Decentralisation and Deconcentration
MDRI	*Mission de Décentralisation et des Réformes Institutionnelles* Department for Decentralisation and Institutional Reform
NRM	Natural Resource Management
PAE	*Projet Agro-Ecologie* Agro-ecological Project
PAT	*Plan d'Aménagement de Terroirs* Land Use Plan
PFR	*Plan Foncier Rural* Rural Land Plan
SRGB	*Structure Rurale de Gestion de Bois* Rural Forest Management Structure

1. Introduction

In the early 1990s decentralisation in Mali was primarily seen as a means of finding a viable political solution to the Tuareg rebellion. In the years that followed, the desire for certain aspects of western democracy among a section of Mali's urban elite (political pluralism, freedom of the press, etc.) and western plans for African development combined to produce a French-style system of territorial decentralisation, albeit one where municipalities are composed of groups of villages.

The process of establishing geographic and political boundaries in order to create the new rural municipalities had to take account of the differing spatial strategies adopted by the State and its citizens. The government of the 1990s opted to simultaneously create over 700 rural municipalities through voluntary village groupings, in an ambitious procedure intended to tackle the delicate and potentially conflictual issue of land tenure.

The question is, should territorial decentralisation in Mali address the issue of land tenure? If so, should it do this through natural resource management? And is it always necessary to set territorial boundaries?

We will use examples from the district of Kita try to answer these questions, starting with a look at the way that local government boundaries have been set in Mali.

2. Building a political arena

Ask rural people in the district of Kita what decentralisation is, and most will say that is the division of the country into various municipalities. The words they use to describe it – "division" (*tila* in Malinké) and "separation" – not only indicate a negative perception of the process, but also that **many people equate decentralisation with boundary setting**. Even though it is only one phase of the whole process, this is how it is defined in rural areas. This paper looks at how decentralisation has been implemented, and what influence this can have on the way that municipalities function.

2.1 A 'bottom-up' process and political approach

After much debate about the actual process of boundary setting, and despite considerable opposition from certain members of the administration, the Department for Decentralisation and Deconcentration (MDD) decided to establish rural municipalities across the country in one fell swoop. The Ministry for Territorial Administration advocated the approach taken by Niger and Benin, where districts were simply transformed into rural municipalities, but the director of the MDD, Mr Ousmane Sy, had other ideas, pressing for a **bottom-up process** that would involve local people in the creation of the new municipalities. It is this idea of **giving citizens a say in determining the layout of the new administrative units** that is one of the defining **characteristics of the Malian approach** to creating municipal territories. It may have been the most complex option, but it had the great advantage of involving the population in defining the municipalities' territorial footprint, selecting their main town and choosing their name.

In the preface to Law N° 96-059 of 4th November 1996 regarding the creation of municipalities, Ousmane Sy states that the implementation of territorial decentralisation "should be **progressive**, consultative and participatory". It should be progressive in two main respects: first, in the 'modulated' transfer of State powers, resources and assets to local governments; and second, in the way that local governments are created across the country: starting at the bottom with rural and urban municipalities, then moving up to the *cercles*[1] and regions. According to this logic, the outline of existing administrative entities[2] (*cercles* and regions) should have been modified before they became units of local government when the municipalities were created. However, this strategy of **establishing territorial units from the bottom up was not taken to its logical conclusion:** the *cercles* and regions retained their existing territorial boundaries, while rural municipalities were created within the administrative boundaries of the *arrondissements* (often with one to four municipalities per *arrondissement*).

1. In Mali, a *cercle* is both an administrative and a local government area, often likened to a French department. In this document we use the term "district".
2. There are four levels of administrative unit in Mali: (in descending order) regions, *cercles*, *arrondissements* and municipalities.

2.2 Modalities for creating municipalities

We will now look at some of the problems associated with territorial boundary setting in Mali through the introduction of rural municipalities. This section describes the stages and means used to divide the country into municipalities between 1994 and 1996.

Decentralisation task forces (GEMs)

The MDRI set up a number of local[3] task forces (GLEMs) to raise awareness and disseminate information about decentralisation in general, and explain the criteria for setting up municipalities.

Their role as the active arm of the MDRI, informal structure and lack of statutes and internal regulations meant that the GLEMs had neither the necessary legitimacy nor legality to get their message across effectively. Rural people mistrusted urban politicians, and as the GLEMs in Kita were largely composed of politicised dignitaries, were sceptical about their **novel and suspiciously positive promises** to "bring power back to the villages" (*mara ka segui*), believing they were too good to be taken at face value.

The message was also distorted by the personal ambitions of certain individuals within the GLEMs. Those who worked hardest to raise local awareness or pushed for the creation of small municipalities often did so because these villagers were their electoral constituents, and they knew they had little chance of being elected in the large units initially envisaged by the Government.

Nevertheless, regardless of the **political stakes and personal ambitions at play in the process of dividing the country into municipalities**, the public meetings organised by GLEMs were instrumental in getting villagers to participate in discussions about decentralisation and its implementation, preparing the way for subsequent interventions by the Local Boundary Commissions (CLDs).

'Boundary setting' by the CLDs

Once the GEMs had completed their awareness-raising and information activities, it was time for the **active and technical** 'boundary-setting' phase overseen by the **CLDs. In Kita, this took place between May 1995 and March 1996**. The CLDs were composed of various members of the GLEMs and the administration – which may have appeased certain individuals who had felt sidelined by the GEMs, but probably resulted in a rather rigid application of the criteria for setting up municipalities.

Criteria for establishing municipalities

Article 3 of Law N°95-034 of 12th April 1995 regarding the Local Government Code states that "when creating a municipality, the primary concern should be that it meets the pre-requisites for a practicable territorial and human setting. These include inhabitants who **wish to live together, social cohesion, and economic viability**". The MDD drew up five sets of criteria as a guide to territorial boundary setting, which were listed

3. In Malian government terms, "local" refers to the *cercle* or district level.

in the main manual used by the CLDs:

- Socio-cultural criteria: the need to take account of community cohesion;
- Demographic criteria: a minimum population of 10,000 inhabitants (or an average of 15 villages);
- The villages' distance from and access to the main town in the municipality;
- The economic viability of the municipality;
- Geographic and spatial criteria, including territorial consistency and unity, and "the legacy of previous administrative boundaries".

Certain members of the administration made these criteria pre-requisites for every new municipality. However, the demographic requirement for a minimum of 10,000 inhabitants, which was initially regarded as the most important criterion, did not accord with local people's desire to create smaller entities. In order to move things along, the MDD eventually instructed the CLDs to allow villages more latitude and form groups of communities that "wish to live together". **In the end, the key factor in the process of dividing the country into municipalities was the criterion of belonging to a community (through kinship, lineage and ethnic groups, etc.)**.

This willingness to allow villages to group together as they wished led to the creation of micro-municipalities and resulted in the number of new municipalities spiralling to 682 by the time Law N°96-059 was passed on 4th November 1996. Some 57.7% of all the new municipalities in Mali have fewer than 10,000 inhabitants, and 20% of these have fewer than 5,000 inhabitants. In the *cercle* of Kita, the 19 rural municipalities anticipated by the 1994 manual for territorial boundary setting were supplemented by six municipalities created by the CLDs and another seven by the National Assembly, making a grand total of 32 new municipalities in Kita alone.

Acceptable and unacceptable groupings

Some of the groupings proposed by the CLDs were rejected on the following grounds:

- **Ethnic diversity:** the historical domination of certain groups meant that no ethnic or clan group would agree to be part of a municipality managed by their former 'slaves' – making the following combinations untenable: Fulani and Rimaïbe, Soninke and Bambara, Fulani and Bambara;
- **Territorial priority:** Founding or longstanding villages would not join a larger group of 'new' villages. Thus, the 'noble' Keita (in the current rural municipalities of Djidian and Souransan-Toumoto) would not agree to be part of the same municipal entity as villages inhabited by the Bambara Coulibaly (now in the rural municipality of Saboula), despite their longstanding presence in the area. This particular case illustrates both ethnic differences and territorial precedence;
- **Origin**, particularly geographic: this relates to communities claiming the same founding father, such as those found in Bendougouba. The 1999 Rural Land Use Plan (PGRN) notes that "As a result of historical links, 17 villages belong to this municipality", adding by way of explanation that nearly all the founders of these villages came from Kita;

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Elected officials from the district of Kita at the Agro-ecological Project in July 2004

- **The desire for emancipation**: some places that had been satellite towns saw the creation of the municipalities as an opportunity to partially free themselves from the administrative oversight of the main town in their *arrondissemen*t. Béridogo (1998) shows how, in the region of Sikasso, decentralisation was "an opportunity for Zegoua to throw off the yoke of Kadiolo and build a distinct identity". To varying degrees, this applied to all the municipalities in the cercle of Kita whose main town was not that of the *arrondissement*;
- **Poor understanding of decentralisation.**

Some alliances could be tolerated, while others were deemed unacceptable. For example, groupings in the rural Malinke setting of Kita were not only determined by rational and technical criteria, but other factors such as:

- Founding and subsidiary villages
- Villages with indigenous and incomer populations
- Villages composed of 'nobles' or former slaves
- Villages composed of 'influential individuals' or 'country people'.

All of these villages would baulk at the prospect of being grouped together and seen as equal components of the same municipal entity.

Boundary setting in the rural municipality of Tambaga in the *cercle* of Kita was relatively straightforward: villages from the *arrondissement* of Kokofata grouped them-

selves into the three municipalities of Kokofata, Bougaribaya and Tambaga without too much dispute, and neighbouring villages chose to affiliate themselves with one of the three new municipalities.

Things were very different in the *arrondissement* of Djidian, however, where outside intervention was required to settle the matter. Through the MDRI, the Government initially suggested setting up two municipalities (Djidian and Saboula) along social lines, on the grounds that the region of Saboula is composed of villages whose chiefs are Coulibaly, while the Keita is the dominant group in the rest of the *arrondissement*. This proposal proved unworkable as different factions argued over the main towns for the new entities, and in the end another two municipalities were created in Djidian: Souransan-Toumoto and Namala. Local people had wanted to create even smaller areas, but this was not permitted by the administration. This decision is still being contested, with three villages in the rural municipality of Namara (including Manakoto) seeking to join that of Djidian, and five villages in the north of Dijidian wanting to create their own municipality. Some have already applied to the Department for Rural Councils (DNCT) to do so.

While such firm local interventions may strike a discordant note in a largely bottom-up procedure, they could also be seen as part of the State's normal functions, given the novelty of the approach for the rural population. On the whole, **the State seems to have achieved a good balance between a popular, bottom-up process and top-down administrative decisions**. Most of the major local divergences we observed seem to have been due to differences in attitude among those assigned the onerous task of deciding how the territory would be divided into municipalities.

The final stage: municipalities created 'from on high'

A total of 39 municipalities were created retrospectively in the period between the submission of the CLD reports in May 1996 (which partly reflected the negotiated and consensual wishes of local people) and the passing of Law N°96-059 on 4th November 1996 regarding the creation of 682 new municipalities. It is worth considering why this happened, and what effect it had on the way that they function.

The CLDs seem to have done a good job in the cercle of Kita, reaching a balanced compromise between adhering to all the agreed criteria and focusing on the criterion of 'wanting to live together'. Map 1 opposite shows that there is just one micro-municipality (in an urban area) and one macro-municipality in this district (the very sparsely populated Madina in the Boucle du Baoulé National Park).

Thus, the MDRI's wishes were respected insofar as precedence was ultimately given to the criterion of letting communities choose how they grouped themselves into municipalities. However, some new rural municipalities were also created 'from on high', first through varying degrees of intervention by CLD administrators, and then by the National Assembly. There is a risk that these retrospective actions ignoring local consensus achieved through the conciliation work led by the GLEMs and CLDs could seriously undermine the operational viability of these artificially created municipalities.

Map 1. Layout and names of the 33 municipalities in the *cercle* of Kita

NB: Some names have been added, either because they were omitted from the map or because the name usually used by the municipality differs from its official one.

2.3 Problems arising from boundary demarcation

Was the process too quick?

While the principle behind this supposedly bottom-up procedure seems to have been well thought out, giving villagers some say in the make-up of the new municipalities, the process of implementing territorial and political decentralisation seems to have been rushed through. In Kita, village-level consultations on boundary setting lasted no more than a year at most (May 1995 to May 1996), giving local people very little time either to fully understand the reform or be sufficiently involved in the process to be able to appropriate it.

The administration seems to have alternated between making top-down decisions about village groupings and simply 'letting them through', rather than using intermediation processes (which usually work well in Mali) to reach a consensus on the placement of boundaries. This would certainly have made the process much slower, but would surely have been preferable to a situation where 'enforced' village groupings can make it difficult for rural municipalities to function.

Boundary setting and the viability of municipal entities

Certain villages are still trying to secede from municipalities to which they feel they do not belong. The most common reasons for this are outlined below, in order of frequency:

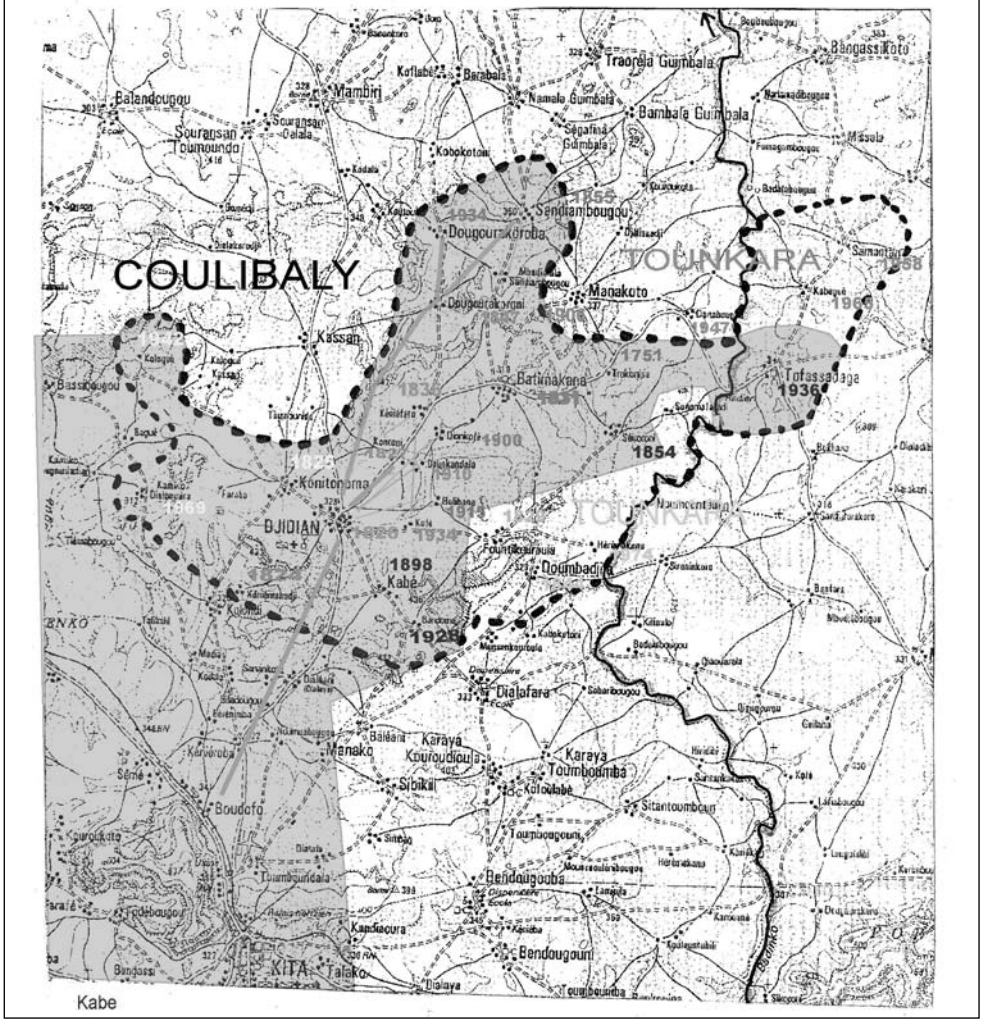
- Choice of main town in the municipality, from which certain sections of the municipality may wish to break away;
- Affiliations between villages and hamlets;
- Village representation on municipal councils, which is sometimes due to poor understanding of the system of proportional representation, as we observed in the rural municipalities of Senko and Souransan-Toumoto.

In some cases, villages will not acknowledge that they are part of a particular rural municipality because it cuts across historical clan, kinship and social links. For example, villagers from Samantan in the rural municipality of Djidian refuse to accept the new boundaries, vote or pay their taxes in the municipality. The clue to their resistance lies in Map 2 opposite, which shows that while Samantan was founded by Tounkara from the village of Nanakoto (now in the neighbouring municipality of Namala), most villages in the municipality of Djidian are dominated by the Keita clan.

Acceptance (or rejection) of a particular locality as the main town in a municipality is determined by social functions, customs and habits as well as historic and clan ties. Thus, the geographic proximity of the market town of Bangassikoto and presence of a river forming a natural border with most of the villages in the municipality of Djidian have led to numerous cases of civil disobedience, with people refusing to pay their taxes (Kofeba) or vote (Kofeba, Badia), and even banning the mayor from entering the village.

However, there are also places where boundary setting passed off without any serious disputes or counter-claims. It seems that rural municipalities like Tambaga, whose villages have much more homogenous historical, social and particularly ethnic origins, run much more smoothly. With no 'rebel' villages, some 54.3% of the population of Tambaga voted in the 2004 municipal elections, compared with just 38.1% in the rural municipality of Djidian.

Map 2. Spatial, historic and social representation of the rural municipality of Djidian



Source: Idelman, 2008.

In every case we came across, the **modes of boundary setting** played a key role in the development of a collective sense of belonging to a single entity, and thus in determining whether or not the fledgling **rural municipality functions effectively**.

Although the decentralisation process was intended to establish homogenous and stable territories, it did not always succeed, and many of the complaints and counter-claims made in 1996 still stand. While it certainly seems normal for such an innovative reform to experience teething problems, it seems strange that the **issue of land tenure** was not addressed when the municipalities were being established. This may have speeded up the process, but it would surely have been preferable, achievable and even possible to tackle the issue head-on while setting new local governments across the country? This is the question we will be considering in the next section.

3. Land tenure, boundaries and decentralisation

3.1 Complex and ill-defined territoriality

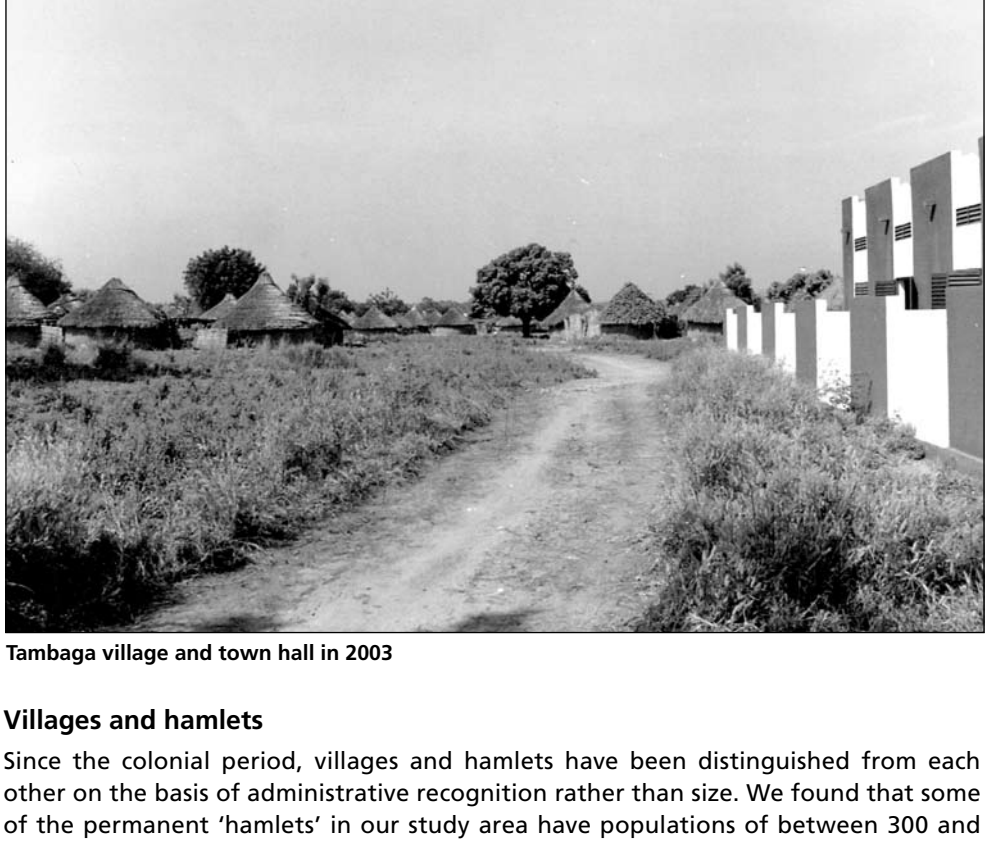
Landless local governments

As in Senegal, where the law only recognises administrative villages that belong to "rural communities", **rural municipalities in Mali only exist by virtue of the list of administrative villages that they encompass**.[4] Thus, the administrative territory of the rural municipality of Tambaga is determined by a list of ten villages rather than a demarcated territory.

Since the *arrondissements* were also based on a list of administrative villages, Law N°96-059 of 4th November 1996 (regarding the creation of municipalities) merely redistributed these villages between the newly established municipalities. This law made no mention of the *bougou* – the hamlets or groups of dwellings attached to each village through historic and social links, and implicitly managed by farmer groups. By 2007 there were still **no precise boundaries for any of the rural municipalities**[5] or most of the local governments in Mali.

It was initially anticipated that territorial boundaries would be set when the rural municipalities were established as part of the decentralisation process. Article 2 of Law N°93-008, which sets the conditions for the free administration of local governments, specifies that "the law (creating local governments) should determine their territorial boundaries and their names". Three years later, on 26th September 1996, the National Assembly **replaced the term "territorial boundaries" with "administrative scope"**, which was covered by Law N°96-056 of 16th October 1996. This change of terminology reveals a great deal about the Government's attitude to land tenure as it went about setting new territorial boundaries across the country. Bearing in mind the realities that the GLEMs and CLDs had to deal with on the ground, and the enormous difficulty (if not impossibility) of setting the boundaries quickly enough to pass a law establishing the new municipalities, **it is clear that the Government decided to postpone this formidable task**. Law N°96-056 may state that there will be "a law setting local government boundaries", but thirteen years down the line there is still much to be done in this respect. Therefore, it has to be said that the Government **put the rural municipalities in place without clarifying the issue of land tenure**, the scale of the task in hand forcing it to abandon one of its initial ambitious objectives for decentralisation. Is this a sign of political faintheartedness, or just pragmatic realism? In any case, **would it have been appropriate to set these boundaries at the start of the decentralisation process?**

4. See Law N°96-059.
5. Unlike certain urban municipalities, which have clear territorial boundaries.



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Tambaga village and town hall in 2003

Villages and hamlets

Since the colonial period, villages and hamlets have been distinguished from each other on the basis of administrative recognition rather than size. We found that some of the permanent 'hamlets' in our study area have populations of between 300 and 500 people. Thus, Bandoma, the main hamlet attached to the village of Kabe in the rural municipality of Djidian, now has more inhabitants than its founding village, while certain administrative 'villages' like Kabe have just 100 to 200 inhabitants. It would seem rational to have a law transforming hamlets into villages once their population reaches a certain threshold, giving them the administrative status they need to have a polling station during elections (and reducing the distances that some rural citizens are obliged to travel to vote).

However, closer examination of the matter reveals that there is some social foundation to this distinction between hamlets and villages. **A hamlet is a hamlet because it is dependent on a 'mother' village** whose inhabitants set up a farming hamlet. Making hamlets into villages on a purely administrative basis would disrupt the organisation and functioning of rural land management systems and cause serious social problems. Although Bandoma is a geographically and functionally autonomous entity, it could never become socially 'independent' from its 'mother' village of Kofe or have its own village chief because there is one in Kofe.

To whom do the hamlets 'belong'?

There are cases where several municipalities lay claim to one particular hamlet. Although some of these hamlets are located tens of kilometres from their (administrative) village of origin, and sometimes even geographically separated by another municipality, their inhabitants still feel that they belong to the municipality to which their village of origin is attached, and are prepared to vote and pay their taxes there. This is the case with two hamlets in Djidian: Camarala and Dogofili, which are virtual enclaves in the municipality of Namala. They may be located some 40 kilometres from their 'mother' village of Djidian, but this is where they are registered for the census, vote and pay their taxes. In cases like this, where hamlets are set up tens of kilometres away from the 'mother' village and there is little social and territorial overlap between them, the criterion of free grouping cannot be respected when deciding on the placement of municipal boundaries, as it would break up socially homogenous spaces. According to Lima (2003), "the shift from relational space to institutional territory is problematic, as spatial proximity is only part of the web of links that make up social spaces (…). Social boundaries precede territorial boundaries, and are not necessarily land-based". **Social links seem to take precedence over spatial links in this complex process of constructing spaces for the new local governments**. For the time being the State appears to prefer not to intervene; ducking the problematic issue of land tenure means that it does not have to recognise these territorial enclaves or acknowledge the gaps and limitations in its administrative boundary-setting procedure. Prisoner of a technical logic that compartmentalises and simplifies space, **it seems to have camouflaged or silently passed over the problems raised by geographically isolated hamlets.**

Should the boundaries be reviewed?

Should the State re-engage in the hazardous process of boundary reviews in order to speed up awareness and acceptance of the new decentralised entities?

At the moment it seems to be hesitating, registering complaints but not acting on them. Lima (2003) reports that the DNCT received 114 complaints about the new administrative boundaries between 1997 and 2001. On 19th May 2003, the national daily newspaper *L'Essor* claimed that "*the MATCL has received 80 requests to create new municipalities and 75 to be attached to other municipalities*". According to one DNCN employee, this figure exceeded 200 in 2006, when the *cercle* of Kita alone submitted 30 applications (compared, according to Lima, with 12 in 2001). Most of these submissions were requests to change the main town in the municipality or create new municipalities.

According to the MATCL-DNCT document of 2002, "the Local Government Department visited every region to examine all the submissions with the administrative and political authorities concerned. The outcomes of these meetings provided the basis for a detailed report that can be used as a point of reference to resolve these claims once and for all". As anticipated in Article 2 of framework law N°93-008 of 11th February 1993 determining the conditions for the free administration of local governments, which was modified by Article 2 of Law N°96-056 of 16th October 1996, "The law specifies how local governments are created, abolished, split or merged, and the law

establishing local governments determines their administrative scope and name. **Any change to their name or modification of their administrative scope is determined by law"**. Article 85 of the local government law (Law N°95-034 of 12th April 1995) stipulates that the district council should advise "on proposals to merge, split or modify the boundaries of the cercle and its constituent municipalities". Therefore, one might assume that all these requests will be examined and the modifications approved and passed by the National Assembly.

In June 2005, the National Council of Local Governments (HCCT), which had previously maintained a discreet distance – if not total absence – from institutional functions, decided to act on these complaints. The following passage regarding the first regular meeting of the HCCT in 2005 is taken from *l'Essor* of 2nd June 2005 (N°15465): "Examining the disputes over territorial boundaries, members of the HCCT noted the complexity of the problem and consequently requested a review of Law N°96-056 of 4th November 1996 regarding the creation of municipalities. They stipulated that this review should be accompanied by measures concerned with awareness-raising, information and mediation between the relevant local governments. Suggesting that rigorous criteria be used for the creation of any additional municipalities, they went on to recommend measures to rectify the shortcomings of the current territorial boundaries".

So far, the State has not responded to these territorial claims (apart from one instance where two rural municipalities were created in northern Mali). Lima (2003) reports that "the watchword here is to keep thinking about the problem and maintain the status quo". This was confirmed by a conversation we had during a workshop in early 2004, with a high-ranking MATCL official who felt that the State would rather 'manage the status quo' than engage in difficult renegotiations that could create social unrest. Bertrand A. et al. (2005) also note that "public officials are generally encouraged to progress with extreme caution for fear of possible reactions to reforms that touch on the very heart and structure of the social construct".

Renegotiations would be an extremely complex process, given that Article 16 of the Local government code (Law N°95-034 of 12th April 1995) stipulates that municipal councils "must be consulted with regard to any development projects (…) on municipal territory, or the merging, splitting or modification of municipal boundaries". It seems unlikely that the different municipal councils in the municipalities affected by territorial modifications would agree on questions of land tenure.

Setting territorial boundaries in rural municipalities involves marking out the land and its associated rights. **But should territories be physically marked out?** Is this a necessary pre-requisite for smoothly run decentralised local governments, or does it actually make it impossible for them to function properly? In order to answer these questions, we will begin by considering how local people understand the notion of boundaries.

3.2 On the proper use of territorial demarcation

Should boundaries be set?

Having noted that the area covered by rural municipalities has not been clearly defined, it is worth asking whether the State really needs to reinforce administrative boundaries by setting precise territorial boundaries for every local government.

◆ *One might think that it was*, given that good governance of an area by a local government implies that every citizen knows and recognises the extent of its jurisdiction.

The tools for registration (land registry, rural land plans, etc.) could certainly be useful in curbing land speculation in urban, peri-urban and even certain rural areas. Giving villages their own officially recognised territory may seem like a good idea in cases where there are land disputes between neighbouring villages; but does it have to be physically demarcated? Two examples that we came across in Kita illustrate the problems created by 'landless' municipalities:

- In 2003, the two peri-urban rural municipalities of Sibikili (in northern Kita) and Boudofo used the fact that CMDT[6] and HUICOMA had built factories on their territory to claim a share of the substantial 'contribution' these companies made to the annual income from business taxes (some 60%). Since they were unable to establish the exact location of their boundaries, these two rural municipalities only received part of the payment as the Administration cleverly ruled that the urban municipality of Kita should share the income between the three local governments according to their respective populations. **This decision, which seems fair if rather inexact, is largely due to the inherent vagueness engendered by the lack of territorial boundaries**. Other urban municipalities have found ways of avoiding this type of problem, at least in the medium term: Niono used the introduction of municipalities in 1995 as an opportunity to change its status from an urban to a rural municipality, and to enlarge its landbase by incorporating various satellite villages around the city.
- Koféba, a rural municipality adjoining the urban municipality of Kita, established its boundaries in 2003 following a dispute with its urban neighbour, which wanted to parcel up and sell off some of its land.

The need for boundaries only becomes apparent when there are high stakes involved, as in urban and peri-urban areas where the returns from land speculation have prompted elected officials to establish (as far as possible) exactly where the physical boundaries of their municipalities lie. The problems arising today at the interface between rural and urban areas are a foretaste of what might happen between rural municipalities in the future, **but boundaries will only be set in rural areas when the stakes are sufficiently high and growing pressure on natural resources causes conflict.** These examples suggest that precise boundaries will need to be set in the medium term. In fact, some do already exist at the local level, as blocks of land with forest resources in the region of Ségou are defined and physically demarcated for rural wood markets. However, citing the case of a village that had marked the trees under its man-

6. The 20-hectare CMDT site in Kita is located 7km north of the town centre.

agement with paint, Gautier *et al*. (2003) show how "setting up rural firewood markets served to heighten village territoriality and entrench the rules regarding access to resources within 'village territories'".

◆ *Many also argue against boundary setting in rural municipalities* in the interests of maintaining the current *status quo*.

Social harmony is of paramount importance, and the State is particularly keen to avoid rekindling old quarrels, latent tensions and conflicting claims that have lain 'dormant' due to the vague nature of municipal boundaries. The authoritarian administrative interventions required during the 1995 municipal boundary-setting process perfectly illustrate the problems associated with land tenure. Above and beyond the divergent (and often entrenched) positions of farmer groups claiming pre-eminent organisational rights over contested areas, is **the question of whether the very act of setting physical boundaries in rural areas is in itself conflictual**.

The demarcation of wooded areas exploited by rural forest management structures (SRGBs) has also created problems as the forestry laws carefully sidestep difficulties over land tenure, regardless of the fact that it is impossible to set guidelines for or control the use of forests without first determining the boundaries of the area concerned. Hautdidier *et al*. (2003) describe how **marking out special rights to an area not only leads to conflict between different village communities, but also disrupts the balance of power between groups and individuals within these villages**. They give concrete examples of how the demarcation (not respected) of harvesting sites in 'the bush' reignited tensions between villages and created splits between indigenous actors (with exclusive rights) and more recent incomers. For D. Gautier *et al*. (2003), "the simple fact of setting aside a piece of land for use by a particular group of actors changes relationships to resources and the territory that supports them".

On the concept of boundaries

Lima (2003) suggests that local people see the boundaries between village spaces "as lines of contact and opening rather than severance and enclosure". **According to rural logic, boundaries often serve as interfaces rather than lines of separation**. Although vague, they are nonetheless usually well known, even if they are not marked by any physical points such as trees or rocks. As the physical manifestation of consensus and precarious balance, they also fluctuate and are open to **negotiation**. For Lima (2003), "**the border represents an interface that is part of a process whereby territory is a socially negotiated space** rather than an area to be subdivided". Furthermore, boundaries "are a constant link running through interdependent questions of social status and historic alliances (…). What distinguishes spatial constructs is their movement and mobility, as **spatial forms interact with social forms that are themselves shifting** (…). Like land, boundaries touch on questions of memory and identity that finite territories cannot contain (…). The passage between space and territory is not a linear process".

The fact that the physical demarcation of a boundary is tantamount to freezing the uncertain and dynamic balance determining each community's place in relation to

the land precludes the exact delineation of village lands and territories.[7] Djiré (2001) shows how old conflicts were reignited and social harmony disrupted when surveyors from Bamako marked out the physical boundary of a plot of land between two village territories in the municipality of Sanankoroba.

The 'explosive' issue of land tenure

It is regrettable that legislative efforts thus far have prioritised natural resources rather than land tenure – particularly when there is a suspicion that the focus on natural resource management (NRM) may have been prompted by a desire to avoid tackling the issue of land tenure.

While we can always reassure ourselves by saying that NRM constitutes an entry point to land tenure, the seeds of this process seem to be falling on stony and extremely uneven ground, and there is a real risk that it will not deliver the expected results. The two issues are indeed linked, but numerous actors have shown that there are different rights and rural authorities associated with land management and NRM. We believe that this vague assimilation of the two issues could compromise the work done by development projects, and that the NRM-based approach favoured by some allows them to avoid tackling land rights-related questions that are seen as too sensitive for any consultative process. If the State and development interventions place so much emphasis on natural resources and sometimes seem to blur the boundaries between NRM and land tenure, even in legal texts, it is probably because land tenure is too delicate an issue to be broached directly. As a result, everyone avoids it even though it is of crucial importance.

The State's inability to settle the matter is probably due to its assumptions about and ambiguous attitude to land tenure, rather than any real desire to skate over the problem. As with preceding reforms, when it came to decentralisation **it was unwilling proceed with land reforms that would conflict with rural rationales, given the highly sensitive nature and potential social divisiveness of organisational land rights**. Neither the State (with its boundary setting and non-territorial rural municipalities) nor development projects (apart from a few like the PFR) have dared address this extremely complex, thorny and potentially explosive issue head on.

This leads us to two contradictory conclusions:

- First, that the **reforms are compromised by the State's refusal to deal with the matter**. It makes no sense for decentralisation to sidestep land tenure, given **the difficulty of transferring ill-defined assets to local governments**. As the lack of boundaries makes any land transfer virtually impossible, the two issues of land tenure and the transfer of assets are inextricably linked.
- On the other hand, **if the State had directly addressed the problem of land tenure through decentralisation, it probably would have become bogged down in the process and Mali would not have any decentralised municipalities today**. The experience with the PFRs suggests that tackling land tenure head on would have been **techni-**

7. In the sense that it is unusual, inconceivable or intolerable according to rural logic.

cally very difficult. Moreover, the logic behind land registration involves registering estates in positive land law, which most rural people would refuse to do as they do not recognise the legitimacy of this legal system, and are rightly reluctant to run the risk of having their land appropriated or increasing their tax liabilities. A thorough review of land tenure would also be **politically unmanageable** and cause widespread social disruption in rural areas, as it would be **socially unacceptable** to make precise boundaries a pre-requisite for transferring land to rural municipalities.

How should boundaries be set?

It is much more convenient to draw boundaries on a map, as the MDRI did for rural municipalities, than it is to mark them out on the ground. While physical boundary setting tends to generate conflict, many people do not regard simple or even crude cartographic representation (like that of the land management plans) as a real demarcation of space because paper boundaries are imaginary and approximate. Therefore, mapping that uses local people's representations of the land can play a role in the creation of new territorial entities.

The first two five-year terms of the rural municipalities – and the administrative *arrondissements* and *cercles* before them – prove that geometric boundaries can be functional even if they are approximate and not physically implemented. The external and internal boundaries of village territories separating areas managed by different elements of lineage groups are clearly understood without the need for physical demarcation; topocentric references ("around" a tree or rock) suffice. Thus, **it seems that "territoriality" can exist without precise or visible "boundaries"**. Territorial demarcation seems to be particularly problematic in the region of Kita where space has not been segregated; that is, where there is no clear separation between the cultivated and uncultivated areas (bush).

Since physical boundary setting is not part of rural rationales, we need an innovative approach that does not involve compartmentalised western paradigms. This means setting aside dualistic visions and inventing new ones that are more in keeping with existing power relations and management systems.

This would allow **boundaries to be established progressively**, if need be. According to Lima (2003), "It is probable that municipal boundaries will appear over time as municipal development plans are drawn up, and that marginal land reserves will be replaced by increasingly clear boundaries". Like Luquiau (2002), Lima stresses the advantages of the lack of territoriality inherent in the creation of rural municipalities. This kind of semi-demarcation "helps avoid sharp breaks with traditional land use", as it doesn't set clear and potentially conflictual boundaries and **allows the boundaries of new** decentralised **human communities to develop over time**. Even if it is adopted by default, this methodology accommodates the fact that the feeling of belonging to a (shared) common space develops very gradually. **Over time, even artificial boundaries can help produce a functional entity**. The most obvious example of this is the West African states 'carved up' by the French and English along boundaries that paid scant attention to the ethnic or linguistic realities on the ground. Several decades after they

were established, however, citizens on both sides of these national borders feel that they belong to the country thus created. A similar sense of growing spatial and social closeness can be seen as local governments in Mali come to the end of their second mandate. Communities that initially lacked any sense of association with the rural municipality they were incorporated into because of their location appear to be gradually accepting their new status. Over time, they will hopefully feel part of a common territorial entity; the social links tying them to their founding village progressively fading as their geographic area coalesces into a functioning municipality.

Therefore, it seems quite feasible to **leave it to the elected authorities to set municipal boundaries as and when the need arises, working in conjunction with rural organisations and respecting local land rights systems. By setting aside western arrangements and emulating certain aspects of rural systems, it should be possible to transfer land without the need for prior boundary setting.**

4. Conclusion

We have seen that the Malian State did not feel able to directly address the issue of rural land tenure through the process of territorial decentralisation, despite Soumare's (1998) observation that "if democracy and decentralisation are magic potions, they should be applied to land tenure".

Considering the points noted above, a critical review of the State's approach to establishing local governments in the 1990s suggests that **it chose the most effective option in terms of getting a result within a given timeframe. It is quite an achievement to have created functioning local governments across the whole country in less than a decade**. Those in charge of the process had the intelligence to adopt a pragmatic and dynamic procedure that cleverly combined free groupings with administrative procedures – hence the loss of interest in territorial boundary setting. The outcome may not be perfect, but it is satisfactory as it generally works. So while it may not have been the most logical or preferable course of action (which would have involved a very slow and difficult process of creating municipalities through popular consensus, taking account of all social and land matters), **it is hard to imagine what else could have been done to create functional rural municipalities in such a short time**. The actual outcome is also the most acceptable in consensual terms, in that it was the least disruptive for all concerned: farmers, rural and state organisations, the Government, development projects and international financial institutions.

The State set aside its initial ambitions for territorial demarcation and decided to focus on setting up municipalities across the country as quickly as possible, leaving the question of land tenure to be dealt with at a later date.

There is no doubt that land tenure is a highly problematic issue in Mali, as the very act of boundary setting can provoke conflict between communities. What is not clear, however, is how land can be transferred without boundaries being set.

Although the problems posed by the present system of boundary setting are most apparent in isolated hamlets, the State seems to think it preferable to skate over the question of land demarcation, and generally does so by avoiding arbitrary, top-down boundaries that might cause conflict. Territorial demarcation is not always necessary, but when boundaries are required to deal with certain specific issues, they should be set in conjunction with rural organisations that hold traditional land rights.

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UK
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International Institute for Environment and Development
3 Endsleigh Street
London WC1H 0DD
UK

Tel: **(+44 20) 7388 2117**
Fax: **(+44 20) 7388 2826**
E-mail: **drylands@iied.org**
Website: **www.iied.org**

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