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The myths and realities of local governance in Sanankoroba, Mali

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Acronyms

CCT	<i>Code des collectivités locales</i> Law on local governments
CDF	<i>Code domanial et foncier</i> Land law
CEPAG	<i>Cellule de perfectionnement en administration et gestion</i> Unit for advanced training in administration and management
FCD	<i>Fonds commun de développement</i> Community development fund
MATCL	<i>Ministère de l'administration territoriale et des collectivités Locales</i> Ministry for territorial administration and local government
MEF	<i>Ministère de l'économie et des finances</i> Ministry for the economy and finance
P-GRM	<i>Présidence-gouvernement de la République du Mali</i> Presidency-government of the Republic of Mali
P-RM	<i>Présidence de la République du Mali</i> Presidency of the Republic of Mali
SG	<i>Secrétariat général</i> General secretariat

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1. Introduction

Decentralisation has become one of the central aims of the Third Republic of Mali since the democratic process was set in motion in 1991. It is intended to improve administration and stimulate local development, by transferring certain powers from the State to local governments with separate legal status, financial autonomy and the power to manage their own affairs. According to its designers, decentralisation will bring better local governance through democratic participation and greater transparency in the management of local affairs by elected local officials

Five years after decentralisation got under way it is time to consider whether the process has achieved its objectives, or at least made some progress towards attaining them.¹ While few people dispute the opportunities it offers, opinion is divided over the speed with which it should be implemented and what needs to be done to consolidate the process.

So how does decentralisation affect people's lives? What has it accomplished or failed to deliver? Who plays what role in consolidating the process? We aim to answer some of these questions by looking at what has happened in the rural municipality of Sanankoroba. Events in this locality, which is about thirty kilometres from the capital Bamako, broadly reflect some of the major concerns about decentralisation. This paper is based on two field studies: one undertaken in 2001 as part of a bilateral programme funded by Mali and The Netherlands, and the other from 2003 to early 2004 in the context of the IIED research programme, CLAIMS (Djiré, 2001; 2004).²

The impacts of decentralisation cannot be properly understood without considering the relationship between daily practice and institutional developments, or analysing the diverse factors influencing the process.

1. In 1996 Mali was divided into 701 urban and rural municipalities. Two more were added soon after, and in 1999 the actual process of decentralisation began with the creation of new organs of municipal government, then district councils, regional assemblies and the High Council of Local Governments, which is one of eight state constitutional institutions.

2. CLAIMS: Changes in Land Access, Institutions and Markets in West Africa, a research programme looking at the evolution of access to land and natural resources in West Africa, co-funded by the European Union and DFID.

Therefore we will begin by outlining the main institutional aspects of decentralisation before assessing how they are appropriated on the ground in Sanankoroba, particularly in the process of *lotissement* (the parcelling and selling off of public lands to urban developers) in the main village of the municipality. Finally, we will analyse the factors explaining the practices and dynamics observed in Sanankoroba.

2. Issues and orientations of decentralisation

Territorial decentralisation is based on the idea that common national interests should be managed by the central government and local interests should be managed locally. In practice, this means transferring certain powers from central government to territorial bodies that have their own legal status distinct from that of the State, financial autonomy and autonomously managed local structures. Each country engaged in this process sets its own rules for applying the principles of decentralisation, according to its history and the realities and challenges facing it.

2.1 The major issues

The two major issues addressed by decentralisation in Mali are underscored in both central government pronouncements and the various guidelines and training documents of the structures responsible for its implementation (Mission de decentralisation, 1998; CEPAG, 1998).

At political level

At the political level, decentralisation aims to overhaul the State and restore its effectiveness and credibility. The Tuareg rebellion of the late 1980s helped expose the defects of excessive centralisation and underlined the urgent need for bold territorial decentralisation. This, and the inability of the centralised system to meet people's basic needs, led to overwhelming popular rejection of the State in March 1991.

The objective of decentralisation is to refocus state interventions on issues of national interest following a balanced transfer of certain powers to decentralised local governments. The idea is that the experience of democracy will encourage transparency in the management of local affairs and bring the State closer to the people, teaching and enabling citizens to fulfil their political responsibilities from the grassroots upwards. To do this, it needs to reform the local political landscape.

At economic level

The decision to decentralise in Mali was also prompted by the realisation

that the political and economic centralism prevalent since Independence was hampering individual and community initiatives and stifling freedom of enterprise. Decentralisation is intended to stimulate latent local capacities and potential and channel them into development activities.

Each decentralised local government is supposed to constitute a forum for initiative, an appropriate level at which development actions can be planned and implemented. Their economic powers should enable them to take account of the spatial factors previously ignored by sectoral economic policies, which will now be crosscut by local initiatives.

Working on the assumption that getting local elected bodies to manage local affairs could be the key to stimulating and energising local initiatives, it is hoped that decentralisation will generate more appropriate development programmes and increase resources.

At cultural level

Decentralisation should also help foster positive local cultures and traditions by ensuring that they are taken into account in the design and implementation of development programmes.

With the municipalities poised for action, these considerations led many to believe that decentralisation in Mali was “not a fad or an effect of post-revolutionary euphoria, as some would have it, but a necessary response to the real challenges it is designed to tackle” (Djiré, 1999a, p.75).

2.2 An intellectually coherent institutional development plan

The objectives ascribed to decentralisation in Mali helped determine the main thrust of the various laws and decrees designed to underpin the process, which are briefly discussed below.

Different levels and powers of decentralised local government

Malian law allows for several levels of decentralised local government: the district of Bamako, districts, and rural and urban municipalities.

Box 1. The three levels of local government in Mali

The lowest level of decentralised local government is the municipality (*commune*). Urban municipalities are essentially composed of neighbourhoods (*quartiers*), while rural municipalities are made up of villages and/or pastoral groupings (*fractions*).

Municipalities are managed by legislative bodies (municipal councils) that are elected for five-year terms by the inhabitants of the municipality through a list system of proportional representation, and by an executive body (the municipal office) composed of the mayor and his or her deputies, who are elected by the municipal councillors in a secret ballot.

The next level up is the district. Its legislative body is the district council, whose members are elected by municipal councils in a secret ballot, according to a quota system for each municipality (set out in Article 75 of the Local Government Law, or CCT). Its executive body is the district council office, which is made up of a president and two vice presidents elected by council members through a uninominal system. Districts are the intermediate level between municipalities and regions.

Regions are made up of several districts. Their legislative body is the regional assembly, which elects an executive body from its members composed of the president and two vice presidents. One of their functions is to ensure consistent development and land management strategies across each region.

The district of Bamako has its own particular status. It is made up of six urban municipalities whose councils appoint representatives from their ranks to sit on the district council. The district council appoints the district mayor and deputies from its members, and has similar powers to regional councils.

Finally, it should be noted that Article 12 of the Constitution of 25th February 1992 instituted a high council of local governments, one of whose tasks is to give considered advice on all local and regional development policies.

Local governments are responsible for designing, planning and implementing economic, social and cultural development actions of regional or local interest. Each local government deliberates on its own affairs.

The executive bodies of local government are responsible for executing the decisions made by its legislative bodies. Grassroots communities within municipal structures, such as villages, neighbourhoods and pastoral groupings, have no legal status of their own, although the law does grant them certain prerogatives in their interactions with the municipality. Thus, Article 17 of the CCT obliges municipal councils to take

advice from the village, pastoral grouping and/or neighbourhood councils concerned before deliberating on certain important issues regarding land use, financial matters and other affairs.³

Each level of government is autonomous, independent of, and with no authority over the other local governments. They carry out their duties within the framework of the law, under the control of the State.

Supervision of local governments

Local governments in Mali are supervised for two reasons. Firstly, to determine whether the decisions made by government bodies conform to current laws and regulations, and secondly, to provide them with support and advice. This should not only ensure that laws are respected, but also protect citizens from arbitrary and illicit acts by government bodies.

The legality of municipal activities in each district is monitored by the district *préfet*; districts within a region are overseen by the regional governor; and regional assemblies and the district of Bamako are supervised by the minister responsible for territorial administration and local governments. *Sous-préfets* are not involved in legal monitoring, but are responsible for advising and supporting the municipalities under their jurisdiction.

As well as monitoring the legality of their actions, the supervisory authorities also provide local governments with advice and support and help them gain access to decentralised state technical services.

Human and financial resources

While these decentralised state services are dispensed via representatives of the central government, each local government should also be able to call upon its own services that it has set up to help accomplish its missions. In theory, each also has its own staff, whose status is defined by Law No.

3. Such matters include refuse collection, public transport, private occupation of public lands (*domaine public*), cadastral surveys, the organisation of agricultural, pastoral, forestry, fishing or hunting activities, the creation and maintenance of water points, land management plans for common lands and land use plans, environmental protection, management of natural resources in public and state lands within the municipality, the installation and management of public amenities. Moreover, the arrangements set out in Article 172 state that municipal budgets can only be adopted after consultation with village, pastoral grouping or neighbourhood councils in the municipality and public debate on the matter.

95-022 of 20th March 1995, regarding the status of civil servants working for local government.

Local governments derive their income from their own resources (fiscal revenue from duties and taxes transferred by the State; receipts and outputs from their estate, such as sale or rental of land and immoveable assets, charges on the use of forest, wildlife or fishing resources, etc.) and external resources provided by the State or local government partners, authorised loans, gifts and bequests. Most of this money should come from general funding for decentralisation, according to the principle that any transfer of powers from the State to local governments should be accompanied by a concomitant transfer of resources, such as special state funding to cover running costs and investment.

Citizen intervention

The institutional framework contains various arrangements aimed at ensuring that citizens play an active role in the decentralisation process. These include electing members of the municipal council, ensuring that village councils are consulted on various matters and obliging councils to debate certain affairs in public (e.g. municipal development programmes). More specifically, arrangements requiring the publication and posting of municipal council decisions are designed to encourage transparency. Every citizen in the municipality has the right to contest a decision made by municipal bodies before an administrative tribunal.

Decentralisation and land management

The new order not only gives local governments various powers over land and natural resource management, but also their own lands. As with the state model, these are made up of public lands (*domaine public*), which are composed of all immoveable⁴ and moveable assets⁵ determined as such by law or that are subject to special classification procedures; and local government lands (*domaine privée*) comprising all the immoveable assets and land rights held by them.⁶

4. Such as land (built on or not), forests, lakes, bridges, roads, etc.

5. Such as vehicles, office furnishings, etc.

6. Article 1 of Law No.96-050 of 16th October 1996, regarding the constitution and management of local government lands (adopted before the new CDF), specifies that these lands include public and local government lands.

Natural public lands managed by local governments⁷ are defined by Article 7 of Law No. 96-050 of October 16, 1996 (outlining the principles for the constitution and management of natural public lands by local governments) as including all state lands located in local government territories, for which the State has devolved management responsibilities to the local governments concerned. The State can transfer management of part of its public lands to a local government or withdraw such land from it for public use or for reasons of general interest (Article 12). This type of transfer or withdrawal may be instigated by the State or the local government concerned, and is confirmed by ministerial order.

In accordance with the arrangements of Article 9 of the Land Law (CDF), **government lands** (*domaine privé immobilier des collectivités*)⁸ held by decentralised local governments are divided into three categories:

- Registered state lands assigned by the State free of charge or in return for payment;
- Unregistered lands located within local government boundaries, which have been allocated or assigned to them by the State in the interests of the region, district or municipality;
- Immoveable assets (land with or without buildings) acquired in return for payment or free of charge or assigned by the State.

The law (Article 59 of the CDF) states that local governments are responsible for the management, development and conservation of their lands, and for safeguarding their ecological balance. In order to do this they should develop a land management plan for the territory specifying the areas allocated for different uses: forestry, farming, pastoral, wildlife, fishing, mining and habitation. The composition of these areas and modalities for managing them are specified by various texts on natural resource management and the legislation on decentralisation cited above.

Each level of local government has shared and specific powers. Thus, in accordance with Articles 14, 83 and 131 of the CCT, both the municipal council and the district council or regional assembly discuss issues such as environmental protection, operations to develop local government land,

7. Lands for public use belong to the public authority and cannot be sold (forests, water courses, wildlife reserves, etc.). Natural public lands (*domaine public naturel*) are distinguished from artificial public lands (*domaine public artificiel*) by the fact that the former are made up of natural elements, while the latter consist of collectively used man-made assets.

8. Which may be sold because of their private status.

land management, the acquisition of land assets, road and communications infrastructures on local government lands, the organisation of rural activities and agro-sylvo-pastoral production, and regulation of the administrative police. The municipal council is responsible for rural and urban water development and the formulation of land use plans and operations to develop common lands.

Local governments may use leases to allocate urban and rural land for residential purposes, although they will directly assign such lands if they have an urban development and land management plan. These leases for habitation cover land owned by or assigned to the municipality. They are granted by the mayor on the advice of the relevant village council, pastoral grouping or neighbourhood council following meetings to discuss the issue, and ratified by a meeting of the municipal council (Article 62 of the new CDF).

Leasing⁹ only gives the beneficiary rights of use and usufruct, not ownership rights conferring the right to dispose of the land. Leasing rights may be pledged, and are directly transmittable by notarial deed (a deed executed by a ministerial official, in this case, a notary). According to the arrangements of Article 63, each applicant may be leased one piece of land, provided they do not already have land for habitation in the same agglomeration (built on or not). In exceptional cases a lease may cover two contiguous plots, provided the beneficiary gives sufficient guarantee that they will be put to productive use.

Decree No. 02-112/P-RM of 6th March 2002 determines how and under what conditions local government lands may be assigned, and specifies the means of access to these lands, particularly the conditions for leasing and procedures for issuing urban leases for habitation. It should be noted that local governments wishing to assign their lands need authorisation from their supervisory authority to assign plots of bare land in excess of 1000m². Such approval is also required for land for productive use valued¹⁰ at over 5 million francs CFA.

9. The act by which the landowner, known as the lessor (in this case, the municipality), grants land use rights to the lessee (citizen or organisation) under certain conditions.

10. The monetary value for which the immoveable asset may be sold at a given time.

In fact, most of the land-related powers devolved to local governments are subject to the approval of their supervisory authority. In theory this arrangement makes it possible to ensure that local governments act in accordance with current legislation, but in the hands of government representatives it is also a tool that can be used to put pressure on local governments and influence their decisions. Furthermore, as the State has still not assigned local governments either land or the authority to manage it, the arrangements for decentralising land and natural resource management are, for the moment, no more than a declaration of intent.

Analysis of the institutional aspects of decentralisation suggest that Mali is now equipped with a legal and institutional framework that is intellectually coherent, designed to ensure the balanced development of local governments, and in harmony with local government structures and major national directives. But is this really the case?

3. Decentralisation in Sanankoroba: a disappointing reality

3.1 Brief survey of the rural municipality of Sanankoroba

Located south of Bamako, the rural municipality of Sanankoroba encompasses vast plains along the River Niger and several laterite plateaux to the east and south. Its multi-ethnic population is officially estimated at 23,856 (2001 administrative electoral census), with Bambara and Malinké the predominant ethnic groups in its 26 villages. It is one of three municipalities covered by the former *arrondissement* of the same name, which covered about sixty villages, and is attached to the district of Kati and the region of Koulikoro. The main economic activity is farming, supported by livestock rearing, fishing, wild harvesting and market gardening. It is twinned with a municipality in Canada that provides its Southern partner with considerable development assistance.

The main village in the municipality, Sanankoroba, lies some 30 kilometres from Bamako. Founded by the Traoré in the 18th century,¹¹ this is home to an estimated 6,000 or so people and contains some major schools and health centres.

3.2 Creation of the municipality and its municipal bodies

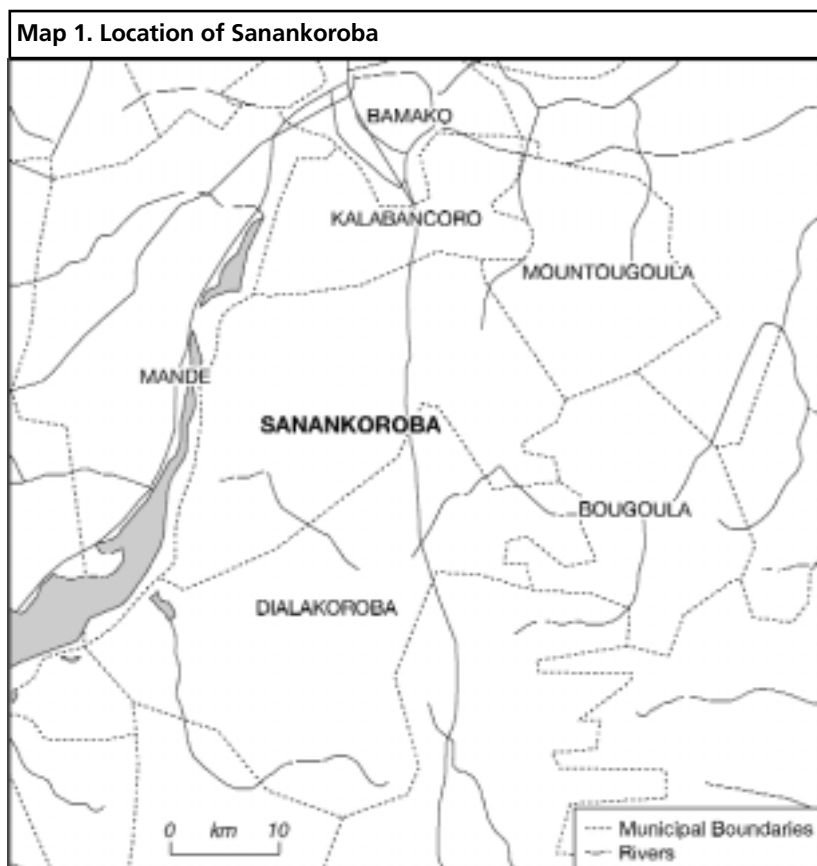
As in every other municipality, decentralisation in Sanankoroba was preceded by other institutions and systems that generated their own dynamics and relationships. News of its advent intensified tensions between villages, different social and ethnic groups, and indigenous inhabitants and incomers over where the seat of mayor should be and who should be given decentralised powers.

The thorny issue of village groupings

Before rural municipalities were set up across the country in 1996, the authorities organised numerous consultations with the village councils

11. The period when this village (and others) was founded was determined by crosschecking elders' accounts of the history of the locality.

concerned. The legacy of the disagreements punctuating this process are still visible in many municipalities, including Sanankoroba. The original plan had been to divide the former *arrondissement* into four municipalities. Only three were established in the end, as Malinké villages from the longstanding Solon socio-cultural group fell out over which would become the main town of the autonomous municipality they wished to set up. When they failed to resolve the matter the authorities simply divided them up among the three other municipalities. Some of the Malinké villages refused to recognise their new status, declaring that they had been outmanoeuvred by the administration and would therefore boycott all activities organised by the municipal authorities. The limitations of the system used to establish the new municipalities are also evident in the formation and composition of the outgoing municipal council.



Unequal representation of villages on the municipal council

Although electoral law allows for independent candidates the municipal elections were dominated by the political parties, which were the only bodies to put forward lists of candidates. The 17 councillors on the municipal council represent six political parties and only six of the 26 villages in the municipality, with 10 councillors from the village of Sanankoroba. Such a council can hardly be called representative, and its lack of balance must surely prevent villages from participating effectively in decision-making. So do villagers in the municipality feel involved in decentralisation? Do they see their concerns reflected in the municipal council?

Few of the municipal officials interviewed think that this is a major problem, claiming that councillors represent the whole municipality, not just a single village. In their view, nothing would be resolved by appointing councillors from each village, as there is no guarantee that candidates would be selected on the basis of their merits rather than their connections with the village chief. The council would be no more democratic or effective because no one of caste or who is not indigenous would be appointed. In fact, the commune is based on elected authority while the village is governed by hereditary power.

Furthermore, they maintain that nothing would be gained by giving villages the status of decentralised local governments: villages are managed by the village chief and should continue to be so. The fact that all the villages are not directly represented at communal council does not hinder the functioning of the commune. In order to bring the municipality closer to the villages it was decided to erect secondary civil registry centres in various localities, giving equal coverage to villages in the area. These centres represent the commune and are run by selected mayors.

Another view expressed by local people is that the solution could be to ensure that each village is represented by one or more councillors, on a *pro rata* basis according to its population.

Social composition of the municipal council: emergence of a local elite

The social composition of the municipal council is fairly heterogeneous: it includes three primary school teachers, an assistant administrator who works as an archivist in the town hall in *Commune II* of the district of

Bamako, a retired accountant, a sand and gravel merchant, a young unemployed graduate and various farmers. There is only one woman on the council.

The municipal office consists of the mayor and his three deputies, who are assisted by four members of municipal staff: the secretary general (a public law specialist by training, formerly a temporary teacher in the villages of the municipality), an accounts manager overseeing both income and expenditure (in contravention of the law¹²), a secretary/typist and a gofer. Although this team seems far too small to handle everything that needs to be done in the office, it has managed to do so through sheer hard work (also helped by the fact that the demands made of it have been limited by delays in transferring certain powers to local governments).

The situation in Sanankoroba town hall is somewhat paradoxical, in that the mayor is the only member of the outgoing municipal council to have been elected from his list. This was due to the council of village elders intervening in his appointment when the process came to be dominated by the issue of whether or not candidates should be indigenous.

The indigenous factor

Of the 17 councillors in the municipality, the majority party Adema-PASJ (*Alliance pour la Démocratie au Mali – Parti Africain pour la Solidarité et la Justice*) had eight elected members, the RND (*Rassemblement National pour la Démocratie*) five, and four other parties shared the remaining four seats. The political opponents of the Adema candidate skilfully manipulated the council of village elders into rejecting him as candidate for mayor, claiming that his election would put the village into the hands of an “outsider” since the mayor would have the same powers as a village chief. This was clearly unacceptable to the elders as the man in question is seen as an incomer, despite the fact that he has lived in the village for over 20 years and is actively involved in all village activities. The elders called together all councillors originating from the village (of every political persuasion) and persuaded them not to vote for him. Realising that he was out of the running, and being clear-sighted enough not to force the issue, the Adema candidate came to an agreement with the only

12. It should be noted that the municipality recruited a second accounts manager in 2002, in order to comply with the law.

elected official from an allied party, who subsequently became mayor. The council of elders were unable to oppose this man as he came from one of the longest-standing indigenous families in the village. While indigenouness is not always overtly an issue, it is a constant subtext that resurfaces in every major political or social debate.

3.3 Functioning of the municipality: trying to “catch the cow that ran away”

There is a country proverb that says, *“When a cow escapes from the herdsman milking her, he’s left squatting empty-handed”*. This saying, which describes the foolish posture of someone with powers that they cannot exercise, is a good analogy for the empty shell devolved to rural municipalities in Mali. The legislation on decentralisation allows for the transfer of enormous powers to municipalities, but the reality on the ground is very different – partly because of the lack of progress in transferring powers and resources from the State, and partly because the municipalities’ own resources are so limited.

Five years into its existence as an operative municipality Sanankoroba is still some way from achieving full decentralisation, hampered by a range of problems that are largely due to its acute lack of financial resources. It mainly functions thanks to taxes transferred from the State. The municipal budget for 2001 was 55,763,096 francs CFA, with 46,169,058 francs CFA for running costs and 9,594,038 francs CFA for investment. This is a very low budget, particularly the allowance for investment (which was all earmarked for equipping the town hall). The shortfall is clearly illustrated by the gap between the resources available to the municipality and the funding needed to support health centres, recruit teachers and open up the municipality, never mind paying for local development.

The second problem concerns human resources. Not only are municipal officials lacking in experience, but the measures adopted are often adversely affected by local relationships and their application delayed. This inexperience is relative, however, as most municipal councillors, particularly members of the municipal office, have worked for village associations and are therefore able to assimilate new management rules fairly quickly. They may not all have access to the same level of information, but they do gain experience on the job. In spite of everything, the mayor claims that one of the main shortcomings of the municipal team is

its failure to follow up on activities. It is easy for planned or ongoing actions to lose momentum or go off course when they are not rigorously monitored by councillors or members of the municipal office.

Despite their problems, the municipal authorities genuinely want to “catch the municipal cow” and appropriate the powers granted them by law. They are designing and trying to implement different strategies in order to increase their local legitimacy – not an easy task, given the often contradictory dynamics surrounding the decentralisation process at both national and local levels. The parcelling and selling off of public lands to urban developers, a process known as *lotissement*, is a good example of the type of problems they are up against.

4. Lotissement in Sanankoroba: a mirror of the decentralisation process

4.1 The legal framework for lotissement

Despite the adoption of new land legislation, *lotissement* is still managed according to the arrangements set out in decree No. 184 PGRM of 26th June 1985.¹³ The first article of this decree defines *lotissement* as “the intentional creation of a fabric of plots by dividing land into various plots designated for the creation of dwellings, gardens, offices, social and cultural establishments or industrial or commercial enterprises”.

This decree specifies the prerequisite conditions for *lotissement*, the procedure for creating, processing and approving a dossier, and its effects.

Article 11 states that *lotissement* studies can only be prepared by town planning design departments authorised by the administration or competent state services. *Lotissement* dossiers are sent to the minister responsible for town planning, who should respond within four months from the date of receipt¹⁴ and issue or withhold an order of approval on the advice of the council of ministers. If a response is not provided within the prescribed timescale, the dossier is deemed to have been approved. The order of approval sets out instructions for procedures to be followed by the *lotissement* process and those in receipt of plots.

Article 22 stipulates that plots may not be sold or rented, and no construction authorised before preliminary works (i.e. before the plots have been made ready for sale or rent) have been completed. A services completion certificate will be issued when these works are finished. In addition to these arrangements, provision should be made for the annulment of customary rights prescribed by the CDF.

13. This decree cites Law No. 82-122/ANRM of 4th February 1982, which sets out the basic principles regarding the conditions for allocating land from state lands, and Law No. 85-83/ANRM of 22nd June 1985 instituting urban planning regulations.

14. In cases when the applicant has been asked to modify the dossier, this will be four months from receipt of the modified dossier. This period is extended to six months if the minister calls for a public enquiry.

To what extent does *lotissement* in Sanankoroba respect these arrangements? Has the municipality actually used its devolved powers during this process? And to what extent have local people's concerns been taken into account? In order to answer these questions, we will review the history of *lotissement*, consider its main phases, discuss the issues involved and see how it has progressed.

4.2 Overview of *lotissement*: the great odyssey

The history of *lotissement* falls into two phases, each revolving around specific issues. One concerns villages, and the other municipalities.

The village phase: from opposition to acceptance

The authorities had made several attempts at *lotissement* in Sanankoroba long before the advent of decentralisation. Initially there was strong local opposition to these initiatives, which was mainly expressed through political channels.¹⁵ However, attitudes changed after the village was repeatedly flooded from 1995 onwards, and the government's position was further strengthened by disastrous floods in 1996 (Fédération des municipalités – Bureau international, 1999, p.10).¹⁶

In order to ensure that the planned *lotissement* amounted to more than simple land distribution, the *Benkadi* village development association set up a 16-member commission representing all local actors: the administration, *Benkadi*, the council of elders, administrative village councillors and representatives from the association of *émigrés* from Sanankoroba. Its mission was to study the outline of the process and determine the ways and means by which they could take action. It began by identifying the sources of flooding and calling in a consultancy firm to draw up a topographical study covering about 600 hectares. This concluded that the definitive solution to flooding would be to install a rainwater

15. Officials from the village association explain that this was due to their opposition to the procedure followed by government technicians and topographers, which involved moving several families from the flooded areas to new sites. They were also extremely reluctant to leave *lotissement* in the hands of the administration, "which just uses it as an opportunity for speculation". Their strategy was to procrastinate while awaiting the implementation of decentralisation (which had been announced), so that they could take *lotissement* in the village into their own hands.

16. When 132 houses were destroyed and 98 families made homeless.

drainage system in the village, which then meant developing a waste management project.

The village association was assisted by its Canadian partners, which sent an engineer to Sanankoroba to provide a second opinion on the work done by the consultants. He improved the initial draft of the study and recommended the installation of five drainage channels, among other measures.¹⁷ In view of the difficulties involved in raising the necessary funding, and the unauthorised use of unoccupied land revealed by the topographical study, *Benkadi* subsequently decided to change tack and consider *lotissement* as a first option.

The new plan is to use the money raised by selling *lotissement* plots to construct some of the drainage ditches, while waiting for the Canadian partners to help find funding to complete the rest of the project. As the process of *lotissement* falls within the remit of the municipal council, *Benkadi* decided to transfer the dossier to the newly established town hall – after securing the support of the council of elders, which had initially opposed the whole idea of *lotissement*.

The municipal phase and the beginning of a long and difficult journey

The town hall accepted the dossier after discussions approved by the *préfet* in his role as government representative in the district (Délibération No. 25 of 27th March 2001).

Soon afterwards the municipality obtained fundraising assistance from its Canadian partners. During a visit to Canada in the context of its partnership with the regional municipality of the county of Auteuil (20th September to 13th October 2001), it was decided to mount a village land management project and approach funding bodies likely to finance the operation. The application to the FCD was accepted, and a bipartite

17. Over the course of the project 50,626,000 FCFA was spent on installing drains between June 1997 and January 1998. This was funded by the Community Development Fund (FCD), thanks to the intervention of the Canadian ambassador to Mali at the request of the *Comité des mains pour demain* and the Canadian Federation of Municipalities. The FCD is a Canadian fund created by a memorandum of understanding between Canada and Mali, which was signed on 6th December 1996, lodged at the Ministry of Finance in Mali and jointly managed by the Canadian Ambassador to Mali and the Malian Minister of Finance. Operational management of the fund is handled by a management unit.

agreement between the FCD and Sanankoroba town hall was signed on 21st May 2003 (Document No 2003-004/FCD/MEF/Commune de Sanankoroba). This agreement covered funding for an impact assessment, technical studies and *lotissement* operations, with a non-refundable sum of 150,000,000 francs CFA contributed by the Canadians.

With funding secured, the next step was to assign the land. Initially the *préfet* wanted to do this himself, through a gradual process of progressive allocation. As he was legally authorised¹⁸ to allocate rural leases covering 2.5 to 5 hectares, he suggested that he start by assigning 5 hectares to the municipality and, once this was put to productive use, keep allocating 5-hectare plots until he had set aside enough land to re-house flood victims in the municipality. However, while it may have been the quickest way of dealing with an urgent situation, this proposal took no account of the legal requirements of *lotissement*. Nor was it entirely free of ulterior motives, for if the *préfet* had been able to keep control of the process, as he would have done with progressive allocation, he would certainly have received “his share” of the land.¹⁹

After the mayor held several work sessions with the district services responsible for land affairs to clarify the technical aspects of *lotissement*, it became clear that the process was still regulated by Decree No.184 PGRM of 26th June 1985, and should be authorised by the ministry for public lands. The application for land allocation was therefore submitted to this department, where it languished for five months and was only expedited after several political interventions.²⁰

The aim was to secure a total of 504 hectares of land. As the minister was not empowered to allocate such a large area, it was decided to divide it into five 100-hectare sectors (three to the west and two to the east) and start with just one of them. However, when the study was being considered at district level it was established that part of this land was already registered and was covered by title deeds held by private individuals, leaving only 70 hectares, 64 ares, 71 centiares of available land.

18. Decree No. 01-040/P-RM of 2nd February 2001, determining the terms and conditions for allocating land from state lands.

19. This particular *préfet* had been quick to claim “his share” of the *lotissement* in Banankoro in 2001.

20. A delegation of the mayor and deputies from Kati district requested a meeting with the minister to draw his attention to the importance of the dossier.

A memo specifying the technical and financial aspects of *lotissement* was drawn up by the town planning service in Kati²¹ and submitted to the ministry for public lands and land affairs. On the basis of the information in the technical memo, the municipality of Sanankoroba was allocated title deeds No. 8343 and No. 8344, and two public notice announcements (public enquiry to determine the status of a piece of land) were duly published in the national daily paper informing local people of the ongoing process of registration (*L'Essor*, N° 15082 of 12th November 2003, p. 4, and N° 15090 of 25th November 2003, p. 4).

Once the land was registered and allocated, the *lotissement* plan had to be ratified. This was another fairly lengthy process, in which the ministry for territorial administration sent an undated circular letter²² requesting that the allocation of all state land be postponed until the new order, in accordance with a cabinet decision made on 18th June 2003. This resulted in the ministry for land affairs blocking authorisation for works to commence, and the cessation of all work undertaken before authorisation had been obtained. The mayor and some of his colleagues subsequently held several meetings with the two ministers concerned, and a special case was made to lift the ban in Sanankoroba at the beginning of January 2004. Work recommenced on 20th January, implementation of the plan was completed, and the stakes set out. All that remained were the demolition and alignment works in preparation for road building.

The long haul involved in obtaining authorisation for *lotissement* highlights some of the difficulties facing local governments trying to control the land management process: cumbersome administration and badly coordinated government actions, poor grasp of legal procedures, and the process being taken over by supervisory bodies. Other, overt and covert issues are also at stake in *lotissement* in Sanankoroba. We can get a better idea of what these are by looking at some of the grey areas of the process that people are less willing to discuss.

21. Ckti/SUBB/Note 0026 of 11 April 2003, technical memo on the emergency rehousing programme for flood victims in Sanankoroba.

22. 1351/MATCL-SG, received in Sanankoroba on the 11th August 2003.

4.3 The stakes involved in lotissement: genuine need pushed to the bottom of the agenda

The *lotissement* process in Sanankoroba is being implemented against a backdrop of incomplete decentralisation and the many questions this has raised about local governance. While it is generally agreed that *lotissement* does address two very pressing concerns shared by the whole village – flooding, and the development of village territories – the fact remains that it represents different, often contradictory issues for the diverse interest groups sharing village and common lands.

For the municipality and municipal officials

Lotissement not only addresses a key local concern, but is also an opportunity for the new authorities to demonstrate their know-how and commitment, and to reinforce their legitimacy. As most of the cost of *lotissement* is covered by funding from the FCD, the municipal council expects to finance its development plans with the substantial income generated by selling off plots for the process. This had already generated over 3.5 million francs CFA by early January 2004, as applications for plots came flooding in, each accompanied by a 1,000 francs CFA application fee.

Individual motivations also come into play alongside the political and financial issues at stake. There is little doubt that most municipal councillors hoped their personal situation would improve with their election to an elevated position in the municipality. However, current legislation stipulates that the mayor and municipal councillors are not paid a salary: the mayor and his deputies receive an allowance while in post, while municipal councillors are paid a nominal sum per session and for travel expenses.²³

23. In accordance with the arrangements of Decree No. 00-1071/MATCL-SG of 14th April 2000, regarding the modification of Decree No. 99-0383/MATS-SG of 12th March 1999, which determines the conditions for granting allowances and rates for travel and session expenses for members of the municipal council, as well as allowances for the mayor and his or her deputies (MATCL, DNCT, 2000). The daily session allowance for members of the municipal council ranges from 1,000 FCFA (for communes with fewer than 20,000 inhabitants) to 7,500 FCFA (for communes with more than 200,000 inhabitants). Mayors and their deputies receive a monthly allowance of 15,000 FCFA and 10,000 FCFA respectively for municipalities of less than 20,000 inhabitants, and 100,000 FCFA and 50,000 FCFA for municipalities with a population of over 200,000. In-country travel expenses are set at 7,500 FCFA for the mayor and 4,000 FCFA for deputy mayors and municipal councillors, and foreign trips are paid at the rate of 22,500 FCFA and 15,000 FCFA respectively.

After the elections it soon became clear that being a mayor or councillor brought more responsibilities than advantages. *Lotissement* came at just the right time to compensate for this “iniquity”, and it was not long before certain councillors and members of the *lotissement* commission looking to boost their meagre income at the end of the month were engaging in practices prejudicial to the proper running of the process (involving flagons of wine and other perks).

In 2001 the town hall conducted a second census, having noted that most of the empty and undeveloped lands identified for housing in 1997 were in fact occupied and had been built on. The houses that had been put up were identified and numbered, and their owners informed of the number allocated to their house. Construction on wasteland was forbidden as this was supposed to be set aside for housing. Holders of customary rights over these lands started selling them off to various people seeking plots, some of whom immediately set about “acquiring” a house number from members of the *lotissement* commission once they had the land.

In addition to this, the mayor started sending out letters allocating land to council members, although this had never been agreed by the municipal council. This action was certainly motivated by the municipal authorities’ belief that the *lotissement* process would not be completed before the municipal elections on 30th May 2004, and that they had therefore better “help themselves” before the new team was installed.

For the council of elders

The elders initially opposed *lotissement* because they believed it encroached upon their powers. Some feared that any challenge to the established order would strengthen the municipality; while others tried to manipulate the traditional political system in the hope of gaining enough time to sell their land or at least find the ammunition to negotiate with the town hall, which had been unable to guarantee compensation for families affected by *lotissement*. Many elders also opposed *lotissement* because they feared that it would lead to the break-up of large holdings.

Although the municipality and *lotissement* commission failed to come up with an effective communication strategy on the process, an awareness-raising campaign led by the commission with support from representatives of the Bamako association of émigrés from Sanankoroba proved suffi-

ciently reassuring for the village chief to sign the letter transferring the dossier to the town hall. Nevertheless, the process is still opposed by those whom it directly concerns, such as the chief of the Kintiéna clan, who has fields and holdings that will be affected by the operation.

For local people

The issues at stake in *lotissement* vary according to people's circumstances, depending on whether they live in Sanankoroba or Bamako, are indigenous or incomers, own land, are rich or poor. While people living in Sanankoroba are generally in favour of *lotissement*, seeing it as an opportunity to develop and modernise the locality, the way that certain plots are being allocated is creating problems and undermining social cohesion within the village. The first to benefit are families that are considered indigenous, as the commission set up by the town hall decided to allocate one plot to all married men from indigenous families in the village, on the grounds that *lotissement* was designed to deal with the problem of re-housing local people.

This effectively excludes non-indigenous families, even those like the Diourella clan that have been settled in the village for several decades. Members of these clans, civil servants and other wage earners employed in Sanankoroba are protesting against this measure, and intend to use every means possible to ensure that plots are shared out in accordance with the principle that all citizens are equal.

There are also divisions among the indigenous community. Some families have already sold off all their lands in the housing zone, but find themselves on the same footing as those that resisted the temptation to do so. In deciding not to compensate people whose land was appropriated, the local government has put them on an unequal footing with those who resisted the temptation to sell. Having received no assurance that they will receive any compensation, the latter are firmly opposed to *lotissement*.

The poorest groups look on and put themselves in God's hands, hoping to find themselves on the list of candidates for free plots that they cannot afford to build on, and which speculators will sell on to wealthy clients. There is provision in the municipal budget for a certain sum to be set aside for the social component of *lotissement*, but as yet no one knows how this will be used.

For speculators and land agents

Lotissement has been a veritable bonanza for speculators and land agents, who have rapidly tripled their turnover by mediating in secret transactions, touting for customers and using their contacts to acquire house numbers.

Applicants from Bamako seeking plots fall into two categories. The first, the specialists, are well informed about all *lotissement* operations in the capital and its environs. They waste no time making useful contacts, buying up land in areas around housing zones and submitting applications for plots wherever they hear the process is under way. They play the market, carefully keeping the plots they have acquired until prices rise and then selling them on for three or four times the purchase price. The second category of applicants includes people trying to cope with the accommodation problems in the city, for whom *lotissement* is an opportunity to obtain land close to the capital.

The news of *lotissement* greatly increased the value of farmland around the village of Sanankoroba, and this land is now subject to intense speculation. Since the acquisition of land has become a very effective means of money laundering and a safe investment, *lotissement* has also proved to be a windfall for landowners over the last few years.

For the technical services and the State

These structures see *lotissement* as another opportunity to confirm the need for their participation in local development. Their understanding of the technical and legal aspects of *lotissement* enables technical agents to impose their own approaches and rhythms on the process. This is usually done in good faith, but there are some who use their position to slow down or block dossiers in return for money or payment in kind.

For the Canadian partners

As a tangible form of support for local development, *lotissement* is completely in line with several decades of Canadian government policy on state aid for development. Various bodies, such as the Canadian association *Des mains pour demain* (Benkadi's partner), the Canadian town St Elizabeth (twinned with Sanankoroba) and the municipality of the county of Autrey (twinned with the municipality) have consolidated their rela-

tionship with their Malian partners by asking the Canadian government to assist the municipality of Sanankoroba. Their intervention is a good example of decentralised development co-operation, showing how civil society structures (*Benkadi* and *Des mains pour demain*²⁴) can establish links between their respective municipalities, and how Northern municipalities can channel significant state resources towards twin structures in the South.

However, it has to be said that there are certain deficiencies in this intervention. Some of them, such as lack of control over the process by Southern actors, are well documented as being inherent in North-South co-operation. Interviews with municipal officials reveal that their grasp of funding is rather patchy, and that the bipartite agreement seems to have been signed without negotiation. It is in fact a sort of contract of agreement. The studies, monitoring and evaluation conducted by the management committee enable the Canadians to ensure that the *lotissement* process is properly conducted, but the fact that the sums allocated for these budget lines take no account of what the village and municipality have already invested means that the municipality is financially disadvantaged by the agreement.

4.4 Shadier aspects of the process

In theory, the partnerships built up around *lotissement* could have ensured its success. In reality, however, the operation has been tarnished by the rather shady nature of some of the practices employed by various actors involved in this process.

Dubious tendering procedures

The first grey area concerns the conditions for tendering and executing studies and works. From the very beginning of the process (during the village phase), the technical studies and *lotissement* operations were assigned to a single contractor. He sub-contracted the first feasibility study to a consultancy firm in 1996-1997, constructed the first drainage ditch in 1997-1998, and then conducted a supplementary study in 2001. Due to collusion between this contractor and the head of the *lotissement* commission, the contracts for these tasks were awarded without being put out to

24. See Djiré, 2001.

tender. This is illegal, and after number of people from the village complained about it the town hall organised a limited tendering process. Once again the contract was awarded to the original contractor, Kilo Construction. It will not, however, be approved by the *préfet*, who is contesting the legality of certain elements of the tendering process. The technical services in Kati district have also expressed reservations about awarding the contract to an enterprise they feel may not be up to the job.

In accordance with the terms and conditions set out by the FCD consultant, the town hall then instigated a second tendering process. This split the contract into two sections: one for *lotissement* operations and one for waste management (drainage construction).

A registered firm called Topo-Consult applied for the *lotissement* contract, while Kilo Construction went for the drainage works. Both were successful and the contracts were duly signed. However, as *lotissement* operations are still in the hands of agents working on behalf of Kilo Construction, one cannot help thinking that this was just a subterfuge for sub-contracting the job, especially in view of the fact that the manager of Kilo Construction not only has interests in Topo-Consult, but also continues to control both operations.

The town hall archives contain two contracts for *lotissement* works: the first covering 504 hectares and the second 70 hectares, 64 ares, 71 centiares. The consultant for the management unit believes that the second one, covering ongoing works, is the only valid contract. Conversely, certain municipal officials and the contractor in charge of *lotissement* claim that the first contract is valid because the operation covers all 504 hectares. According to them, the second contract only covers part of the operation, and a second permit is due for the remaining plots. The municipal archives contain no record of any such application, however, suggesting the existence of an agreement whose terms are known only to the sole contractor and certain officials.

Nature of the services delivered by the FCD management unit

The bipartite agreement between the municipality and the FCD stipulates that the FCD management unit is responsible for technical studies, environmental impact assessment and monitoring and evaluation of operations. The unit has recruited a consultant to carry out this work and

allocated 30 million francs CFA for the three tasks. But is this expenditure either technically or morally justified?

First, the need for technical studies. Two studies had already been conducted on the *lotissement* project: one in 1997 paid for by the village, and one in 2001 funded by the town hall. Was it really necessary to spend so much money on further technical studies in 2003 when they could only provide supplementary information? Moreover, while the contractor claims that most of the work done by the FCD consultant was based on his 2001 study, an engineer employed by the consultant reported that the latter had been unable to obtain any data from the contractor.

The same question applies to funding for the environmental impact assessment. The Canadian embassy rejected an initial study that had been undertaken without contacting certain important figures in the village, but then ratified a second version even though it failed to address several fundamental issues like the conditions for allocating plots, proposed terms and conditions, and modalities for annulling customary rights. It seems that the consultant intends to let the town hall and *lotissement* commission settle these matters, even though the relatively large sum allocated for the impact assessment suggests that this is his job. Clearly, the consultant is happy with the allocation in the communal budget for settling the annulment of customary rights (Dombia, 2003). The impact assessment deals more with the physical environment than social factors when in fact the social environment is crucial to for understanding land tenure issues.

Finally, are the two forms of monitoring established by the bipartite agreement and the two works contracts justified? The bipartite agreement stipulates that monitoring and evaluation is the responsibility of the management unit, which has commissioned a consultant to undertake the task. The second type of monitoring, which is administrative and technical, should be done by the town hall and the town planning department in Koulikoro (at the cost of about 3% of the contract).

Putting the management unit in charge of the studies and monitoring and evaluation is supposed to make the process more transparent, financial management more effective and *lotissement* better organised. While the weekly meetings for the consultant to monitor works on site and his very meticulous and professional approach seem to confirm the wisdom of this

procedure,²⁵ there is still cause for concern about the evasive nature of the environmental impact assessment and the uncertainty surrounding the modalities for funding and conducting the technical study.

Transparency and compliance with legal procedures

The second grey area concerns compliance with legal procedures, particularly the annulment of customary rights and financial management. Although legal procedures appear to have been respected in the process of *lotissement*, this is not really the case: not only have land titles been issued without a public enquiry, but customary rights were not annulled before the land was allocated. Public notice announcements were published in the national daily paper, but how many villagers have access to this paper? None of the people really concerned. Some families only became aware that they were directly affected when the markers were set out. Furthermore, these announcements were published on the 12th and 25th November 2003, after the regional land office in Koulikoro issued an attestation on 28th October confirming that the municipality of Sanankoroba owns the land in question. Surely this means that the municipality already owned the land well before the surveys, and well before registration?

In order to safeguard the original features of the old village and minimise damage to the site, the experts sent by the municipality of Autrey suggested that works could be limited to installing several main thoroughfares and secondary drainage ditches to deal with the flow of rainwater. Since most of the families had already sold their fields near the village, the annulment of customary rights should not have posed any major problems for the town hall.

This should have limited the number of challenges and claims arising over *lotissement*, but it has actually helped hide its adverse effects on some of the families that are deeply opposed to the process.²⁶ In interviews various municipal officials revealed that they take little notice of legal instructions, as “Things aren’t always done according to the letter of the law in Mali”. And so it seems, as the mayor recalled that when the town

25. Each week the consultant, representatives of the two contractors and the municipality meet at the town hall to discuss the works and get an update on their progress, review any problems or grievances and suggest how they might be resolved.

26. N.B: at the time of writing the town hall seemed to have reached a compromise with these families.

hall opposed the construction of a petrol station at the entrance to the village, which was going ahead on an area reserved for *lotissement*, the owner produced an authentic title deed even though there had never been a survey to determine the status of the land. The mayor and other municipal councillors were of the opinion that there is more likelihood of expediting dossiers and making *lotissement* work by coming to “arrangements” with the officials and technicians in charge of the dossier, than by following the legal procedures established for this purpose. Expectations that some kind of grease is needed to oil the wheels were made clear to one municipal official, who was told by a ministry agent “*You’ve just killed an elephant in Sanankoroba, so you’re going to need some help carving it all up and sharing it out...*”.

Various claims are circulating that the town hall has already sold letters allocating about forty plots in order to pre-finance operations.²⁷ My sources tell me that the money from this will be used to fund procedures; but what will happen to the plots sold illegally to “pre-finance” *lotissement* when a new municipal team comes into office?

The practices used during the *lotissement* process raise a number of questions about transparency and accountability in local government, as well as the popular participation that decentralisation is supposed to bring to the management of local affairs.

Lack of criteria for allocating plots

The third, but by no means least important, grey area is the lack of criteria for allocating plots. The news that *lotissement* had begun prompted a massive surge of interest in Sanankoroba, with over 3,500 applications for plots lodged at the town hall by early January 2004. The plans only allowed for 1,362 plots: what criteria should have been used to allocate them?

The municipal authorities do not seem to attach much importance to this question, as they simply decided to prioritise indigenous families without discussing the matter. This measure would have been understandable if it concerned people that had been obliged to move off their land, families affected by *lotissement* in some way or those whose fields were located in the *lotissement* zone, but it did not.

27. A senior manager in Bamako bought 10 plots just for himself.

Few villagers applied for plots; some because they claimed there was no point in applying since they couldn't afford to build on them, while others said they were relying on being offered one by the town hall. Most applicants came from Bamako, or are civil servants and salaried staff living in Sanankoroba or nearby villages. Those that did not submit their applications directly went through their contacts in Sanankoroba, particularly the *sous-préfet*, municipal councillors and village dignitaries, and it is very likely that a certain amount of nepotism and corruption was involved in the allocation process.

The many grey areas and unspoken issues surrounding *lotissement* mean that at this point it cannot be said that decentralisation has helped improve security of tenure in peri-urban zones. It is certainly progressing fairly smoothly in Sanankoroba, unlike many other parts of the country, such as Dialakorodji, for example, where the process has unfolded against a backdrop of confrontation and fatal conflict. However, the numerous illegal practices and shady dealings in Sanankoroba are reminiscent of what were supposed to be bygone days, raising the question of whether decentralisation has really contributed to the advent of better governance.

5. Conclusion

Many of the difficulties encountered in the reform of decentralisation stem from profound doubts that have led certain well-informed observers to talk about the “hidden face of decentralisation” in Africa (Le Roy, 1998; Le Marchand, 1998; Rochegude, 2000). It would seem that central governments have simply transferred some of their most intractable problems, including land, to local governments.

However, despite all the delays and widespread lack of progress we should remember that for many African countries, and Mali in particular, the decision to decentralise was motivated by a clear political will to overhaul the State. Any aberrations in the process are due to the objective and subjective obstacles encountered on the road to reform.

Firstly, support for the process is often hampered by a lack of financial resources. Problems at the national level are accentuated by the extreme precariousness and difficulty of mobilizing funds at the local level. With no resources at their disposal, local government officials are rarely able to consolidate the legitimacy they acquired at the ballot box through concrete achievements that address local concerns.

Secondly, some of the limitations of decentralisation only became evident as the institutional arrangements for the process were put in place. Certain development objectives and strategies involve bypassing village and customary institutions, even though this is still the level at which legitimacy begins and where most land issues are played out in rural areas. Moreover, as several authors have pointed out, there is no guarantee that administrative decentralisation will be enough to make elected officials “accountable” to the electorate and oblige them to clarify how land issues will affect local people (Lavigne Delville *et al.*, 2000, p.34). The control of land for political ends and abuse of power by elected officials that were so decried in the past may be just as prevalent, and have the same or even greater effect under decentralisation, given the major economic interests at stake and the contradictory or little known procedures and norms of the new regime (idem; Djiré, 1999 b). The institutional framework needs to be reviewed so that it is not only clearer, but also takes more account of villages, citizens and customary institutions and regulations.

The third and final point concerns the human and cultural factors that seem to lie at the heart of so many of the problems the process has encountered. The influence of the first two factors could be contained or minimised, and decentralisation would benefit on a human and cultural level, if well-educated citizens were prepared to give it their whole-hearted support. Unfortunately this has not always been the case.

There is no denying that the elite have enthusiastically supported and participated in decentralisation at the local level, but they have not always been willing or able to carry out their devolved functions within the prescribed institutional and normative frameworks. At central level too, the process has benefited from the support of a core group of engaged and relatively well-educated people; however, it is also flawed by the system of governance at national level, which is largely based on corruption and vote catching. And since the culture of wheeling and dealing prevalent in the state administration also operates at the local level, the justifications for delaying the transfer of powers seem highly suspect. Charged with enforcing legislation and regulations, the administration often operates at the edges of legality, contributing to the "informalisation" of its much-vaunted public function.

Because the administration has sole control over huge resources and complex procedures and techniques, many civil servants see it as an end in itself rather than an instrument for developing and modernising society (Djiré *et al.*, 1998, p.77). They have used its many assets to transform themselves into a privileged caste that seems to have little compunction about making money from services rendered (or not) in the name of the State. This seriously hampers the effectiveness of legislative reforms, as the gap between the State and its citizens is maintained by the behaviour of the administration itself. The transfer of powers is not only delayed by genuine obstacles, such as the readiness of local governments to assume these prerogatives, but also by the strategies and manoeuvring of a powerful techno-structure reluctant to relinquish control over the economic and financial aspects of development.

On a more positive note, however, these shortcomings and well-founded fears are countered by the observation that several promising elements of the *lotissement* process in Sanankoroba can be attributed to decentralisation. Certain local interests are being taken into account by municipal interventions, and the municipal authorities are communicating with the

traditional authorities and with local people doing their best to get their concerns heard and recognised.

In a more general way, decentralisation has helped demystify the administration by putting local affairs into the hands of local people. It has also helped facilitate the regulation of certain affairs at the local level, with the settlement of various disputes. While there is no denying its many obvious shortcomings, we should remember that the process is not sufficiently advanced for an exhaustive evaluation, and that its limitations should therefore be assessed with caution.

It is already clear that with regard to land, “there is a risk that instead of laying the foundations for the harmonious regulation of land use, administrative decentralisation will create a new power base jockeying for position in a complex game of land affairs. This is because existing sustainable land use rights have not been recognised and taken as the basis for clarifying rights, and because the authorities have not renounced the power to allocate land or clarified the relationships between decentralised powers and villages in a way that further affirms community prerogatives” (Lavigne Delville *et al.*, 2000). We believe that the solution lies in giving more weight to village authorities, and in the appearance of a dynamic, village-level civil society capable of counterbalancing possible aberrations at municipal level and improving governance at the national level. This is the way forward towards genuine shared governance.

The prospects for decentralisation are still uncertain. Whether the process flourishes or founders will depend on the capacity of the political powers, including local governments, to change and to push through their “transformation” of the State into a techno-structure. Like *lotissement* in Sanankoroba, the process of decentralisation is still a breaking story.

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Promoting better and more sustainable livelihoods for people in Africa's drylands – that is the objective of IIED's Drylands Programme.

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