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DECENTRALIZATION IN MALI: ACTION OPTIONS

Executive Summary

This memo addresses several interlinked issues posed by political and institutional changes now underway in Mali. Possibilities for sustainable decentralization and democratic governance appear reasonable, though by no means certain. The memo explores roles USAID/Bamako, as well as other donors, might play to support these changes.

Malien officials and citizens must learn to control and use political and legal power better in resolving public problems. This implies the rule of law must become reality; citizens must enjoy more effective recourses; governments for collective action at many levels must be developed; transparency must improve, in part via growth of national languages free press and literacy; and administrative and public finance systems must be reformed.

The memo begins with two assumptions, develops six action options, and ends with a comment on donor coordination. Three appendices deal with ancillary issues. Action options include:

- judicial reforms to strengthen legal process, the rule of law, and citizen legal recourses;
- assisting citizens to obtain official recognition for informal local governments and improve their operation;
- supporting local newspapers published in national languages and adult literacy activities;
- supplying training for intermediate and local government officials in effective governance, public finance, providing public services, governing and managing renewable natural resources, and increasing efficiency of local institutional arrangements;
- supporting reforms of Ministry of Territorial Administration approaches to governance; and
- supporting reforms of Ministry of Finance resource mobilization practices.

A. Introduction

1. This memo outlines six options that USIAD/Bamako might explore to support "decentralization" in Mali. It reflects observations and conversations with nationals and expatriates during previous applied research in Mali, as well as during the current three-week TDY. Much of this last visit has been spent in Douentza Cercle, Fifth Region.
2. The memo contains the following elements:
 - assumptions about the current political situation and implications for decentralization;
 - six action options;
 - program and project support to strengthen legal process, rule of law and legal recourses available to citizens concerning daily problems such as public service provision and production (PSPP) and renewable natural resources governance and management (RNRGM);
 - program and project assistance for citizen initiatives to obtain formal recognition for existing "informal" local governments (especially villages, pastoral *fractions*, canton-level jurisdictions and special districts for RNRGM and PSPP) along lines approved by the CILSS- and Club-sponsored November 1992 Malien Workshop on Decentralization and Land Tenure, and gradually improve their functioning;
 - project support for information dissemination through national language free press papers to encourage literacy and heighten rural citizens' sense of their rights, duties and liberties authorized under existing laws, organic laws and the new constitution; such activities should be reinforced by support for DENAFLÉ's literacy work;
 - training for nationals involved as political actors in subnational governments (regional governments, *cercle* and *arrondissement* councils, local and supra-local special districts for RNRGM and PSPP);
 - reforming Ministry of Territorial Administration's approach to governance;

- o reforming Ministry of Finance's approach to in-country mobilization of financial resources; and
 - concluding remarks outlining possibilities for donor coordination on these issues.
3. Appendices listed below contain the following materials:
- A. Comment on the term "decentralization" and its utility in the contemporary Malien context;
 - B. English-language version of the conclusions and recommendations of the Mali national decentralization and land tenure workshop, held in Bamako in November 1991;
 - C. Suggestions for articles for the Dogon-language newspaper the Near East Foundation is now publishing in Douentza.
- B. Assumptions about Current Political Situation.
Decentralization Dilemmas and Possible Solutions
4. Assumptions concerning timing and character of decentralization activities bear mention as they affect some action options discussed below.
1. First Assumption: Civil Peace and Decentralization
 5. Civil peace appears a necessary condition for decentralization. If the transition proceeds as planned, the next critical issue will be the Touareg problem. If parties honor treaty terms and the Eighth Region elects a regional assembly and governor, then decentralization of some sort will soon be authorized in other regions.
 6. If treaty terms are not respected, decentralization and the timing of decentralization moves become more problematic. Nonetheless, significant decentralization will probably occur within the next three years since the government cannot sustain a prolonged conflict with the Touaregs.
2. Second Assumption: Sustainable Decentralization
Requires Devolution of Authority to Local Governments
7. Truncated decentralization may create more problems than it solves. If decentralization stops at the region, even if it involves devolution of meaningful political and fiscal power to that level, it will constitute an unstable solution.

8. Regional governments must be able to defend their autonomy vis-à-vis the national government. They must be able to solve problems and provide services citizens want if they are to become valued and durable institutions.

Strong Regional Governments and Potential for Political Machines

9. However, if elected regional governments have the authority and material means to function as powerful institutions, a strong risk exists that they will in turn centralize power in their jurisdictions at the regional level, to the detriment of citizen well-being. Incentives that led the Traoré regime to concentrate power at the national level will be replicated at the regional level under this scenario. If, concerning their internal affairs, regions become one- or no-party states, winners can be expected to fashion political machines on the Traoré model and adopt many of the same strategies to free themselves from dependence on the voters who elected them.
10. Relying solely on national institutions to counteract this tendency could easily set the stage for recentralization by fits and starts. Decentralization, the proposed solution to concentration of too much power at the central level, would then instead lead back to the original problem: over-centralization .

Local Governments to Check and Balance Regional Governments

11. To create an environment for strong regional governments subject nonetheless to citizen control, strong sub-regional governments are required. Sub-regional governments must be created that can articulate citizen interests, provide within their jurisdictions desired services including RNRGM, and so establish credibility with citizens.
12. The *cercle* and *arrondissement* levels have operated to date almost entirely as subordinate echelons of the national administrative regime and do not appear to have much credibility as governmental units. They are presently too far removed from popular control, and dominated by administrators and technicians.¹ This could be changed, but only when rural citizens have the organized political

¹ Cf., e.g., "Decentralization, Service Provision, and User Involvement: Local-Level Options in the Republic of Mali," Vol. II, Studies on Decentralization in the Sahel (OECD/Club du Sahel with CILSS cooperation, Paris, 1991), p. 20.

capacity to shape administrators' and technicians' action agendas.

13. Since people in many Malian communities have appreciable experience with self-governance,² the levels at which citizens can most easily establish governments responsive to their interests are:
 - the village and fraction;
 - possibly the old cantonal jurisdictions;
 - possibly the six-to-eleven village "development sectors" discussed under the Traoré regime, where those correspond to the scale of real problems; and
 - in some cases municipalities.
14. That some or many Malian communities exhibit a considerable capacity for self-governance in no way implies that governance systems in local communities cannot be ineffective, inequitable, reactionary, or tyrannical. But it is probably on balance less difficult - though by no means easy - for citizens to deal with those problems at the local level than to confront them in governments at higher levels. If a local situation becomes untenable, most people still have the option of voting with their feet by leaving the community.
15. Exit is likely to be costly in many ways and thus a rather unsatisfactory means of citizen recourse against oppressive political decisions. But its mere existence argues against trying to deal with local political problems by suppressing existing local institutions and replacing them with new institutions considered "modern," progressive and equitable. Such an approach risks destruction of indispensable social capital inherent in local institutions whose capabilities, limitations and dangers local people well understand.
16. This thumbnail analysis suggests Malien citizens will need all the help they can get to arm themselves, as individual citizens, with knowledge of the limits of their rights, liberties and duties, and to get the most out of existing local governments and as necessary organize new ones for

² Cf. "Decentralization, Governance and Management of Renewable Natural Resources: Local Options in the Republic of Mali," Vol. III, Studies on Decentralization in the Sahel (OECD/Club du Sahel with CILSS cooperation, Paris, 1991), pp. 6-101, esp. 6-9.

themselves that will provide political alternatives to subjugation by sub-national but large-scale governments.

C. Six Options for Mission Support for Decentralization in Mali

17. This section outlines policy reform programs and projects the Mission could consider as ways to support and consolidate decentralization and democratic governance in contemporary Mali.
 1. Program and Project Support for Judicial Reform and Citizen Legal Recourses
18. Maliens have spent the years since independence as subjects of several authoritarian governments. They were excluded as much as possible from participation in collective decision making, and kept in ignorance about the extent of their obligations under existing state rules (the *de jure* constitutions, legislation, administrative *ordonnances*, *decrets* and *arretes*). State agents at the regional, *cercle*, *arrondissement* and local levels enjoyed broad determining powers to interpret rules as they wished. Governors, *commandants* and *chefs d'arrondissements*, Office du Niger and Forestry Service agents, education inspectors, local school teachers and health personnel among others found ways to exploit their authority at the expense of their subjects.
19. To combat this state of affairs, and encourage subjects to take the risks and make the efforts necessary to attain the status of citizens, a policy reform program and two project activities should be considered.

Program Support for Judicial Reform

20. USAID/Bamako could provide program (policy reform) and project assistance to Maliens to make the transition from subject to citizen status. The mission could support policy changes to:
 - facilitate legal recourse for individuals who feel they have been subjected to abuses of power;
 - support legal reforms to reduce the transactions costs for citizens and communities seeking title to lands and

other natural resources they use in their production systems;³

- create an enabling environment for formally recognized dispute resolution procedures within local arbitration and legal institutions, with decisions having force of law unless overturned on appeal; and
- create an enabling environment for appeals from local institutions to courts mandated to support local decisions not at variance with the constitution or organic legislation, instead of to administrators who typically in such cases function as judges in their own cause because of the nature of their official responsibilities.

Project Support for Judicial Reform

21. The Mission could provide training and operational support to the *tribunaux de première instance* and to the *juges de paix*. Training should focus on helping judges at this level up-date or acquire knowledge about:

- citizen rights and duties established under the new constitution and supporting legislation;
- evolution of decentralization policies, and their implications for judicial decision-making;
- terms and conditions under which general purpose local-level governments and special districts for PSPP and RNRGM can be constituted;
- local land tenure rules and procedures;
- local RNR regulations and management systems;
- evolution of national codes and supporting legislation and rules, land tenure charter, etc.; and

³ Cf. Gerti Hesseling and Chéibane Coulibaly, "La législation et la politique foncières au Mali," Rapport dans le cadre du schéma directeur de développement rural (Leiden : Afrika-Studiecentrum et Bamako : IMRAD, 1991), for a series of reform proposals formulated by a Dutch lawyer and a Malian rural sociologist and land tenure specialist. This report was financed by USAID/Bamako, the Land Tenure Center, University of Wisconsin, and FAO. These reform proposals relate to this and the following two points.

- familiarization with decisions of higher courts concerning these areas.
22. Operational support could focus on creating local legal libraries, supplying office equipment to meet legal reporting requirements, financing and training support staff, providing matching funds for site visits when necessary to resolve disputes, etc.
- Project Support for Citizen Legal Recourse
23. Through a separate project facility, the Mission could provide support to enhance citizen recourse concerning a number of the same issues noted above in Para. 20. It could also provide funding for citizens to obtain free or subsidized legal counsel, either as individuals or as representatives of local governments or NGOs. Such a legal service could be extremely useful at several levels:
- convincing formal court, administrative and technical agency personnel that committing abuses of power in official dealings with citizens entail real risks for the official involved;⁴

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- ⁴ Common examples of such abuses include:
- soliciting and accepting bribes for favorable court decisions;
 - reducing "fine" amounts levied under the forestry code in return for individual or collective bribes;
 - coercing compliance with illegal administrative decisions by threatening punitive action, illegal expropriation of property, etc.

The *commandant de cercle* in Yélimané in the fall of 1990 noted the impact of Soninké known willingness to challenge administrative abuses of power in court in encouraging a rule of laws and not of men in the *cercle*. His remarks are significant in this respect. Cf. "Decentralization, Governance and Management of Renewable Natural Resources: Local Options in the Republic of Mali," Vol. III, Studies on Decentralization in the Sahel (OECD/Club du Sahel with CILSS cooperation, Paris, 1991), pp. 31-32.

- convincing rural and urban citizens of the availability of legal recourses that can give weight to the human rights "guaranteed" by the current constitution;
- familiarizing citizens with the workings of the judicial system, thus effectively demystifying it; and
- increasing citizen willingness to invest funds, effort and time in trying to obtain security for individual and collective enterprises, and so encourage co-production by involved citizens over the long haul of an "état de droit" and a reliable rule of law.

2. Program and Project Support for New Local Governments

24. The CILSS- and Club-sponsored November 1992 Malien Workshop on Decentralization and Land Tenure stressed the potential value of local governments in lowering costs to citizens of meeting their needs for PSPP and RNRGM through collective action (cf. Appendix B. for an English translation of the conclusions and recommendations of that seminar).
25. The Mission could support implementation of such new institutional arrangements through both policy reform and project activities.

Program Support for Local Collectivities

26. Many local communities (villages and *fractions*) now function as informal governments as well as bottom tiers of the administrative hierarchy. The Mission could consider developing a program to encourage policy reforms that would create an enabling environment for formal recognition of these existing collective units, whenever citizens of such a unit consider their interests would be well served by seeking formal status as an incorporated government.
27. The Government of Mali under the last regime was considering constituting all arrondissements in the country as "communes rurales." This would have been a general measure, and would have undoubtedly provided for a single model with uniform institutional arrangements, responsibilities, limitations, etc. Such an initiative may be proposed if the current transition period is successfully completed.
28. This approach involves serious drawbacks for citizens, although it complies nicely with the bureaucratic traditions, norms and imperatives of the Ministry of Territorial Administration. These drawbacks include the fact that the standard model will likely be appropriate for

only a limited number of jurisdictions. Adaptations to local conditions and preferences would probably be difficult to achieve, if possible at all. Furthermore, while an arrondissement-level jurisdiction is undoubtedly necessary for some problems, it is not best suited to deal with many problems of smaller and larger scale (cf. Appendix A.).

29. The Mission should consider whether a policy reform program might be negotiated to encourage greater citizen initiative in creating local-level jurisdictions and designing their institutions to take account of local considerations. Senoufo cotton farmers are not Touareg pastoralists, they do not confront the same sets of problems, and there is little reason to assume a single institutional boilerplate model will successfully meet the needs of all the diverse local communities in Mali.

Project Support for Local Jurisdictions

30. The Mission could design a project, or project element, to support citizen initiatives to acquire for their local communities the status of incorporated governments. It could also help them create new governments at their initiative, to deal with specific PSPP and RNRGM problems.
31. Projectized assistance in this area could involve extension sessions and training for leaders and citizens in interested communities; help with crafting suitable local institutions to address problems citizens face; and legal support for these activities (cf. Paras. 20 and 22).
32. Projectized support could also be made available to such communities once established, to make them aware of varying approaches used by similar communities to meet similar problems. Project-based applied research teams could:
- undertake rapid institutional appraisals of informal local institutions, to identify working institutional solutions to specific PSPP and RNRGM problems;
 - monitor over the long-term the sustainability of local institutions created to address such problems;
 - create a library containing information on institutional forms and their utility in resolving problems; this collection could be drawn on in future by those seeking advice on establishing new institutions or improving the efficiency of existing ones through appropriate rule reforms;

- organize workshops for communities and NGO personnel interested in developing new local institutions; and
- organize "horizontal development tourism" for citizens and local leaders to give them on-site familiarity with how other communities have sought to use institutional innovations to address RNRGM and PSPP problems.

3. Project Support for National Languages Free Press and DENAFLÉ Adult Literacy Activities

33. This section outlines two activities that are indispensable supports if decentralization and democratic governance initiatives are to become firmly rooted in Mali. Democratic governance systems involve institutional arrangements too complicated to be operated by individuals ignorant of their authority as citizens and as government officials. Thus both literacy and incentives to become and remain literate are necessary. National language local newspapers and training in adult literacy are keys to success in this area.

National Language Free Press

34. The policy reform and project activities outlined in Sections B.1. and 2., above, require support from an informed citizenry and local public officials. Supporting local newspapers that take advantage of constitutional free press guarantees and publish articles in national languages offers a low-cost, highly effective means of disseminating information. Moreover, if citizens come to rely on and respect lively local newspapers, it will become more difficult to re-establish controls over the free press. Lively local newspapers can increase transparency in government affairs, and can become a powerful tool in the hands of citizens seeking to deter or remedy official abuses of power.
35. If national language newspapers become a regular and widely available part of the technical, civic and political landscape of the Malien Third Republic, the demand for literacy training will accelerate. During the thirty-plus years since most CILSS countries achieved independence, governments, leaders and outsiders have deplored the lack of literacy, particularly among rural populations. Given the perceived costs of illiteracy, sporadic efforts were made to interest potential readers in literacy and numeracy through functional literacy training. These programs assumed peasants would learn to read and would remain literate only

when the skills they acquired allowed them to deal with critical economic problems.

36. This argument has a certain plausibility, but only in a context where political censorship reduces or eliminates interesting reading matter in national languages.
Experience demonstrates conclusively that many motivated adults can become literate in their own languages within three months. Experience demonstrates conclusively that they will forget in three months what they learned once they discover literacy is useless because there is nothing (interesting) to read.
37. A cursory examination of civic and governance issues mentioned in this memo indicates that, so long as freedom of the press is protected, local newspapers can flourish by covering critical stories and providing indispensable information. A list of articles, mainly political and institutional in nature, is contained in Appendix C.
38. At least two national language newspapers already exist: "Kibaru," published in Fulfulde in Mopti, and a Dogon-language paper that the Near East Foundation has begun publishing in Douentza. IMRAD in Bamako will shortly bring out papers in Bambara and Soninke, and has plans to publish in other languages if this initial venture proves profitable. The Mission, through the Hautes Vallées Project, will support publication of a technical newsletter in Bambara.
30. To extend and deepen these sources of free press information, the Mission could finance a projectized activity to:
 - identify villagers and city residents interested in producing local newspapers;
 - organize initial training sessions for these individuals to familiarize them with newspaper editing, production and distribution problems;
 - provide on-the-job training once local papers become operational;
 - arrange credit and/or subsidize the purchase of simple, robust mimeograph machines and accessories to allow autonomous production at distant rural as well as urban sites and to help create a future readership willing to pay enough for news to make local papers sustainable private sector enterprises;

- facilitate distribution to local newspapers of articles or pre-printed sheets in relevant national languages for inclusion in newspapers covering local matters;
- provide legal support for these activities on an as-needed basis.

Project Support for DENAFLE and Adult Literacy Training

39. The Mission should consider as a companion activity to encouraging local newspapers continuing support provided to DENAFLE during the national conference. DENAFLE might best function as a training institute for adult literacy teachers. Teachers might then be employed by NGOs and local governments, in addition to DENAFLE. If the demand for literacy increases because reading material becomes widely, readily and cheaply available, the Malien national government or local governments might explore the possibility of "each one teach one" campaigns along lines used successfully after independence in India to spread literacy in national languages.

4. Training for Political Actors
in Sub-National Governments

40. To improve efficiency and productivity of sub-national governments, the Mission could develop a series of training activities and materials for elected and hereditary officials. This would include both politicians, whether legislators or executives, in "modern" governments at the regional, *cercle* and *arrondissement* levels, and leaders in "traditional" governments at local levels.
41. Training could be designed to familiarize officials with differing approaches to:
- selecting leaders for executive and legislative positions, and the costs, advantages and biases of different recruitment mechanisms, including those already used by traditional Malien rural communities;
 - conducting public business efficiently through public assemblies;
 - maintaining consistent records of public business;
 - using staff efficiently;

- organizing public finances (developing budgets, deciding on appropriate tax bases and rates, procedures to track expenditures, the utility of audits, etc.);
- developing grant and cost-sharing programs, and their advantages and costs in terms of impacts on the sustainability of programs;
- soliciting financial support for local governments from outside institutions (overlapping governments, NGOs, donor and lending organizations);
- creating municipal, local and intermediate rural government bond financing mechanisms;
- using legislative or rule-making techniques that allow for iterative adjustment of rules to make them more useful tools for solving problems;
- resolving disputes, e.g., in assemblies or communities where factionalism immobilizes public business;
- resolving constitutional design issues that arise in trying to address different types of public problems, and explaining likely consequences of selecting different types of constitutional decision-making and - modification rules for intermediate and local governments and special purpose districts;
- sharing joint tasks among governments at various levels;
- organizing local public economies, including:
 - in-house production of desired public services by local governments;
 - contracting out to private entrepreneurs for production of public services;
 - contracting out to other governments for production of public services;
 - formal, multi-government contracts to structure joint production of services;
 - informal, multi-government arrangements to achieve joint production of services;
- helping sub-national governments encourage and work with local voluntary associations to solve local problems; and

- running workshops to conduct cooperative analyses of how going local governments are dealing with public service provision issues.
42. An inter-governmental newspaper might be developed to circulate information about these issues.
5. Reforming MAT's Approach to Governance
43. If semi-autonomous, sub-national governments are established at any levels from the region to the village or *fraction*, a series of critical issues will arise concerning the role of the Ministry of Territorial Administration.
44. Some of these issues can only be resolved through changes in organic legislation. Others might be addressed through a Mission-supported project to:
- familiarize selected MAT staff with the functioning of traditional local governments and their real strengths as well as weaknesses;
 - organize in-MAT workshops to provide on-the-job training for MAT staff in how they can support local governments.
45. A project activity could involve supporting intermittent applied field research by three two-person teams on local informal government and operations. Each team would be composed of a qualified Malien rural development researcher/practitioner and a MAT cadre. Three times yearly, a two-week field activity would be undertaken by the team. They would prepare documents to report on findings, and would start a collection of materials within MAT.
46. These materials could be used, along with others, as case studies for analysis in MAT workshops. Training materials discussed in Para. 41. might also be used in these sessions.
47. Support could be provided to MAT to assist personnel in developing new regulations and work strategies to support local governments on a collaborative basis when the latter requested assistance. This would replace the current tutelary relationships around which the country's administration is now organized.

6. Reforming MF's Approach to Resource Mobilization

48. A similar project activity should be explored with the Ministry of Finance. Decentralization, understood as

devolution to sub-national governments of real decision-making authority, will be cruelly incomplete and for many problems little more than a hoax if not accompanied by concomitant resource mobilization authority. If intermediate and local governments are expected to finance all their operations based on funds retroceded to them from national income taxes or the FDRL tax, they will remain dependent on national policies and decisions, and will be unlikely to develop a truly autonomous base of public action and credibility.

49. Field work to familiarize MF staff with local resource mobilization practices, and in-ministry workshops to expose personnel to results of those investigations and finance-relevant training materials noted in Para. 41 should be explored.

D. Donor Coordination Possibilities

50. Donor coordination on these programs and projects appears appropriate. A multi-lateral approach would ensure that numerous viewpoints and alternatives would be represented. It would encourage donors to resolve conflicts among their approaches. It would also increase the pool of qualified expatriates available to assist Maliens and Missions with these issues.
51. A short list of donors, in addition to USAID/Bamako, would include Swiss DDA; Dutch development assistance; Canadian CIDA; the French Ministère de Coopération; and GTZ.
52. The Swiss Sahel section in Bern has already expressed interest in the general set of issues outlined above. DDA provided partial financing for the Club du Sahel Studies on Decentralization in the Sahel, and are interested in seeing that study up-dated to reflect institutional modifications following the regime change. They have also participated in efforts to reform the Forestry Code, and have financed work with local communities. They are interested in local municipal government, and have financed exploratory work along those lines in Burkina Faso and Senegal.
53. The Dutch, who also co-financed the Club Mali Decentralization studies and parallel work on land tenure, should be contacted, as should the French, Canadians and Germans. All four agencies have continuing interests in decentralization.

APPENDIX A.

"Decentralization" as a Working Concept: How Useful?

A caveat. In a formerly highly centralized state, the term "decentralization" comes naturally into use in the post-"*évenements*" period through which Mali is now moving. In French the term connotes "devolution." As used in country it appears to express a profound popular desire for a greater role in collective decision-making.

Devolution of collective decision-making authority to local-level communities is indispensable as a fundamental step in improving governance in Mali. But converting devolution into a policy prescription involves certain dangers. These are illustrated by the "decentralization" programs that have been implemented in many developing countries.

Nominal transfers of authority to sub-national jurisdictions, as part of blanket "decentralization" policies, often quickly failed because necessary fiscal resources were not shifted as part of the package. Moreover, local governments were saddled with service provision responsibilities not of their choosing. They were also forced to support nationally-mandated local government structures totally out of proportion with the services the latter could realistically provide. Local government credibility suffered or collapsed completely. Decentralization programs in Ghana and the Ivory Coast, for instance, are currently struggling with these issues.

Focusing on specific collective problems offers a way to avoid this "decentralization trap." Targeting and analyzing specific problems permits identification of the scale of each. It allows informed decisions about which jurisdictional level, e.g., quarter, village, village group, pastoral fraction, fraction grouping, canton, arrondissement, cercle or region, is best suited to handle a given problem.

This same approach also allows an analyst to advise when a complex problem involves sub-problems of varying scales. Primary education illustrates the point. Local service areas (villages or village clusters, urban neighborhoods) can create and maintain infrastructure (buildings, classroom furniture, books and materials, latrines, etc.). Pedagogical support for classroom teachers is probably best provided - in contemporary Mali - at the cercle or cercle group scale. Teacher training might well be handled at the regional level. Training of teacher trainers - so long as the curriculum encourages adaptation to local conditions - might best be handled at national or inter-national levels.

Coordination among these various levels, where authority to provide (decide on service types and levels, arrange financing, monitor and evaluate, etc.) and produce services is transferred from an integrated administrative hierarchy - Ministry of Basic Education - to several levels of decentralized, semi-autonomous jurisdictions, poses some difficult but not insoluable problems.

APPENDIX B.

English Translation of Mali Workshop Recommendations

At the end of these sessions Workshop participants prepared the following general recommendations:

A. GENERAL RECOMMENDATIONS

1. Given the difficulties involved with responsible popular participation in decentralization and land tenure;
2. Considering the gaps observed at the level of access to natural resources and in the resolution of conflicts, both in decentralization and in land tenure;
3. Considering the decentralization and land tenure problems in natural resources management, village land management and provision of public services;

The Workshop proposes the following conclusions and recommendations:

1. Security for both producers and their investments can be achieved only if real decision-making and management power is transferred to the level of the concerned communities. This principle applies to land tenure, management of renewable natural resources (RNR) and public services (PS).
2. The functional capacity of local institutions must be reinforced by clarifying their roles and legal authority, and by correcting the under-representation of marginal groups.
3. When faced with concerns and problems involving a common interest (land tenure, RNR, PS), communities or groups of communities can constitute themselves as local institutions with recognized legal authority [acquire the legal status of incorporated jurisdictions] to manage and master these problems.
4. Within this framework, local institutions must enjoy the opportunity to mobilize and manage internal and external resources in the form of taxes, contributions, rebates, requests for grants, loans.
5. Within this perspective the State will have to redefine its role by accenting the following functions:
 - defining general policies and general "rules of the game;"

- handling spatial planning at the national level;
 - providing support, advice and assistance in emergencies, on popular request;
 - taking responsibility for monitoring and supervision (a posterioir controls), recourse and arbitration.
6. Rural peoples¹ support and active participation will also be stimulated by adoption of an approach based on negotiated contracts: development of contracts between a rural organization and relevant intervening parties (State, technical agencies, NGOs, private sector, other partners).
 7. Relationships among the administration, technical services and Malien peoples will be rendered more dynamic and more efficacious. Administrative and technical personnel who act as intervening parties will shift from organizing activities to supporting them and providing advice, becoming in the process accountable and responsible to the rural groups considered as their [service] clients.
 8. It is necessary to rethink the state domanial and land tenure code and other codes (forestry, fishing, hunting, bush fire), with the goal of developing a land tenure charter that will define new principles for management and land tenure decisions and will take into account the specific characteristics of water, pastoral and agro-pastoral systems. This charter should be simple, concise, applicable, accessible, and translated into national languages and broadly disseminated.
 9. In applying these principles, intermediate, decentralized land tenure authorities or institutions must play an officially-recognized land management role. These institutions must be representative of the different interested groups, independent, and must have recognized legal status.
 10. Multiply and develop test activities and experiments applying these observations and recommandations in local situations, as much in land management, natural resources management and public service provision by local collectivities, as in matters of local organization, "pre-institutions" and in financing issues (creation of credit lines and development funds to which communities can have access):
 - by authorizing and supporting the initiatives of rural groups; and

- at the level of projects and programs, by testing them out immediately as operations complementary to those already programmed.

FILE: C:\CLUB\MLIATL\CON&RECS.ENG

DATE: 3 DECEMBER 1991

TO: ELINOR OSTROM, IU WORKSHOP/L. SIEGEL ET AL, ARD

FROM: JAMIE THOMSON

APPENDIX C.

Article Suggestions for Douetza-Area Local Papers

1. BORE FOREST

- presentation of idea of local forest governance and management, based on communities, linked in a larger, special purpose jurisdiction created specifically to support forest management and including all the villages involved in the forest (Pouti and Melo from Bandiagara Cercle as well as the Douentza Cercle villages)
- institutional arrangements to slow degradation or stabilize forest or enrich resource(s)

rule making - what are appropriate operational rules for different parts of the forest under different use patterns?

how should a community go about making operational rules, i.e., how does one set up an equitable, sustainable, efficient process of collective decision making about forest resources?

how does the community arrange to monitor the application of rules, and why monitoring? Because people need to have confidence that if they respect rules, so will others, thus they won't be suckers if they stint in accord with a collective decision - so monitors must depend on local governors/managers, or be picked from among them in some fashion.

how does the community resolve conflicts when insiders commit infractions?

how does the community handle infractions committed by outsiders?

who are reasonable people to resolve disputes within the local context?

what does one do about recidivists, i.e., the issue of letting the punishment fit the crime - first timers shouldn't be clobbered, but those really bent on violating community regulations have to be disciplined (Dogon practice of taking axe first time from herder caught cutting without authorization, and the biggest animal the next time around for a communal michoui - an escalation perceived as legitimate by all parties)

how to finance all these activities?

- What's involved in a constitutional conference to organize a special district to manage inter-village problems concerning governance of Boré Forest - why take the trouble to do it, and what might be a good way to organize such a citizen initiative?

who should be counted in? only sedentary, adjacent communities? transhumant pastoralists? those who are woodcutters from non-local communities? etc.?

what's the role of national government agencies, e.g., E&F, the administration, the national court system, the Adult literacy agency, etc.?
- background on the stakes - NEF/ONG attempt to get the derogation from E&F DREF, Mopti ... other related activities.
- technical stuff on appropriate silvicultural techniques for specific species - do local people have information on these topics (McLain will have some ideas about Dogon silvicultural knowledge, but the pastoralists may well have as well - ask Winter)?
- what are things one can do with trees - what role do they play in the environment (windbreaks, hedgerows, boundary markers, nutrient recyclers as well as product producers, other)?
- what are ways of promoting regeneration - attention to cost factors?
- property rights: should someone who protects a seedling that sprouts on his field be considered the owner?
- what species can be transplanted by cuttings?
- what species can be seeded directly: which through bullshit forestry (goat shit for *A. albida*)? which species can be reproduced by root scarification (*Balanites aegyptica*, maybe)

2. LOCAL HISTORIES

- Dogon communities, Foulankraibe, Bambara, etc. - features on "where we live."
- Local proverbs and their relation to contemporary problems.

3. POLITICS AND GOVERNANCE

- How have local communities/ethnic groups handled the issue of power traditionally, e.g., controlled those vested with authority to make and/or implement collective decisions backed by capacity to deprive recalcitrants - institutional building blocks well known to locals, which therefore have value as social capital
- How is it possible to establish reciprocity - mutually productive relations over a long period of time, not based on immediate quids pro quos, but on trust that the other will reciprocate even if not in the same coin?
- What are the costs of inaction over, say, three different types of problems? Organize a comparative analysis to suggest that some issues might be put up with, while other problems are so significant that they create a local "public" with a common, shared interest in abating the problem:
 - not defining boundaries of terroir villageois when trying to develop a Boré Forest governance system;
 - not moving to stop in-field soil erosion when problems first identified;
 - not dealing with Guinea worm by purifying water.

what about not protecting regeneration - long-term consequences of desertification - do as in-depth interviews with representatives of various communities/ethnic groups?

(Is exit a viable option in future for many rural Malians?)

4. WHAT KINDS OF PUBLIC SERVICES DO LOCAL PEOPLE WANT?

- Is French-language education worthwhile? For some? For all?
- What are alternative ways to provide the younger generation with the minimal levels of training they need to become conscientious adults capable of functioning as full contributing members of their communities?
- What are advantages of public services in addition to education (water supply, road maintenance, veterinary activities, agricultural extension, waste disposal,

village hygiene, etc.)? What are the costs? Is the game worth the candle.

- o Are these really public services, i.e., could some of them be produced by private entrepreneurs? (Hezbollah Middle School) Could local PVOs do some? What would be good candidates? What are the traps and the difficulties to be overcome
- o Should Douentza have a rural radio? How could people pay for it?
- o What approaches could be used to fund public services that people want?
- o What are good ways to deal with free riders, if people think that's a problem

5. GENERAL INTEREST

- o How does NEF prepare a video presentation?
- o How does one maintain a mobylette?
- o How does one repair a farm cart? where are the best deals on spare parts?
- o How does one castrate a bull calf?
- o How does one cut a tree to get branches, leaves while not killing the tree (pollarding, coppicing, best times of year if one has a choice)?
- o possibilities for multipurpose agroforestry - get local informants to provide ideas.
- o why is it good to soak infections in hot water?
- o what is wrong with medicines (tetracycline, penicillin) that have sat in the sun on a tablier's display?
- o Integrated Pest Management
- o Did a turtle in the Kounari Region of the Inner Delta really give birth to a three-headed bull calf?

FILE: C:\DFM\MEM\NEFPAPER.DFT
DATE: 22 MARCH 1992
TO: MIKE WINTER, NEF
FROM: JAMIE THOMSON
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