Conflicts over land in the Niger river delta region of Mali

Kaboré, Pato Daniel

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CHAPTER 7: MAIN FINDINGS, POLICY AND RESEARCH ISSUES
7.1. Introduction

The analysis of the policies in chapter 6 cannot be closed if we do not examine the conditions under which they are supposed to be implemented. A policy intervention might work, or fail to work, depending on the underlying contextual factors, mechanisms and processes. Beyond the political will it appears relevant to see how the institutional context shapes the policy implementation. In our case study namely in Mali, examining the local context of conflicts among stakeholders as well as the broader decentralization process at the national level is crucial to assess the policy implementation.

In this chapter, we firstly discuss the conflict cycle in the Sahel in general before focusing on the specific case of the study area. We analyze the conflicts context and implications and sketch how they are managed: customary rules and modern laws are discussed since they determine the institutional setting of the decentralization process, which intends to facilitate local government and promote development.

Secondly, we examine theoretical issues on decentralization (its meaning and motivations); then its enabling conditions are examined in terms of people’s participation (types, shapes, approaches, different experiences); people’s participation is needed to sustain the decentralization process which in turn is expected to contribute to a resource management through negotiation and consensus building. Democratic local governance (DLG) as an institution to promote local participation is examined. Finally, the particular decentralization experience of Mali is scrutinized in order to draw lessons; encountered difficulties relative to the duality in rules (customary versus modern) for the natural resource management, organization, lack of resources (financial and human) are pointed out along with perspectives offered by the experience.

7.2. The Conflict Cycle in the Sahel\(^{66}\): context, scale and management

The occurrence of conflicts is driven by a set of causes sequenced in a deterministic order; the resulting cycle is often a spiral in the sense that some causes may speed up (frequency) or worsen (severity) the conflicts.

In this section, we describe the conflict cycle, which is a framework illustrating the relations between natural resource and conflict management. The main interacting components of the context that may explain or determine conflicts are highlighted. The role of civil society in natural resource and conflict management will be given special attention. Conflicts characteristics, typology

\(^{66}\) This section substantially draws from a previous co-authored paper, Moore et al. (1999).
and occurrence are reviewed. Conflict management prevailing in our study is lastly analyzed.

7.2.1. Context of conflicts and their implications

Although similar in Sahelian countries, conflicts are rather frequent and more severe in the Niger River delta of Mali. Conflicts and the management of natural resources are strongly related (Figure 7.1). Usually, the management of natural resources takes place within a framework established and maintained by civil society which refers to the interacting social, cultural and economic institutions and the rules that guide them within a defined region67. Civil society in this instance is therefore equivalent to the concept of “lifescape”. It includes the mix of social organizations, ethnic groups, extended families, gender, NGOs as well as norms and values, tradition, market behavior and other driving forces; it however excludes the government (Moore et al., 1999). See Box 7.1 for an example of a pastoralists’ union as a potential constituency of civil society.

Presently at multiple levels (national, regional, village…), civil society includes different types of social units or actors at each level. In West Africa, major components of civil society are the natural resource user groups (agricultural, pastoral, agro-pastoral groups); they may combine both agriculture and pastoral elements into their production system due to degrading production conditions. Their decisions are based on incentives generated by civil society views and related to market price signals, cultural constraints, gender participation which largely determine their strategies vis-à-vis the natural resource use. On the other hand, the natural resource user groups act upon the natural resource-base (the landscape), which happens to be very constraining in the Sahel (poor soil and declining forest resources, climate).

Their natural resource management strategies include short-term production strategies and long-term investment strategies that in turn impact directly on the natural resource-base.

Such strategies result from user groups’ interpretations of the incentives filtered through the civil society and from the perceived risk and uncertainty associated with assessments of potential gains and losses. Historically, there were many different survival strategies; production systems (both agricultural and pastoral) were sustainable because they were very flexible and had a great capacity of adaptation to changing circumstances. Any conditions limiting the number and the flexibility of such survival strategies tend to reduce the long-term sustainability of the Sahelian production systems. As a consequence, the civil society will either be transformed or just reproduced.

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67 For Hansen (1996), civil society is rather “an organizational activity between the individual (or the family) and the state. Its democratic role is to advocate for constituents, to act as watchdog over the state, and to support political competition generally”. See Chapter 3 of Hansen (1996) for a discussion on the definition and the role of Civil Society.
Figure 7.1: The conflict cycle

Source: Moore et al. (1999)
Box 7.1: Pastoralists’ union

Feeling themselves abandoned by the government, pastoralists try to create a union in order to stand and resist:

*We noticed that most projects are agricultural; they have no component specific to livestock, although livestock is a large part of the economy. We are trying to create a strong union (Syndicat des Eleveurs) to defend our interests. Not a dead association, but a strong union, declared an interviewee, a high-ranked civil servant in Mopti, who possesses a large herd of cattle, as many of his colleagues in Mali.*

Their feeling can be explained by the agriculture-livestock integration policy conducted some decades ago, by governments and NGOs in most sahelian countries. This policy tried to sedentarize pastoralists, which was usually interpreted as not only a lack of support to pastoralism, but, most importantly, a willingness to suppress it. Historically, many reasons have been given for the sedentarization of nomads: ease of control, of taxation, of infrastructure development, and disease control. Nomads are seen as an ecological and an economic liability and militarily dangerous (ungovernable and uncooperative). The sedentarization of nomads is seen to improve both tax collection and use of infrastructure (marketing channels, veterinary posts, waters points; Gefu, 1989). Nomadic pastoralists are seen as wasteful, unproductive, self-destructive, and incompatible with modern agriculture (Awogbade, 1989). Furthermore, the pastoral way of life is viewed as conflicting or as incompatible with the standard of civilized behavior, manners, and values (Asenso-Okyere, 1997).

Natural resource management and conflicts are linked by food insecurity and poverty as a consequence; poverty is often considered as the cause of conflict in the Sahel. It may be a contributing factor that exacerbates existing cleavages in civil society (class, caste...). Population pressure, misguided policies, drought/climate change (Figure 7.1.) are primary factors leading to increasing poverty and food insecurity. The conflicts always occur over natural resource (water, farming land, pasture land) and involve some issues about control or access (see Box 2.1 in Chapter 2 and Box 7.2 for examples in the case of the study region).

The above description of the conflict context clearly shows that in the Sahel, frequent conditions trigger conflicts and sometimes confrontation between stakeholders. However, the most harmful side of the story is not the conflicts themselves, but rather how they are controlled. Conflicts are not bad *per se*; all is in how they are controlled. Poorly controlled, conflicts can lead to degradation of the environment and violent confrontation. Conversely, well-controlled, they may help the society evolve and develop. In the past, traditional user groups played a major role in the management of conflicts. The recent transition from pure farming or pastoralism to a mix-entreprise (agro-pastoralism or sedentary
pastoralism) is the result of conflicts and is deemed to be positive in the perspective of a better integration of agriculture and livestock. Unfortunately, the introduction of ‘modern’ tenure regimes led to the juxtaposition of two land tenure regimes which make conflict management strategies less effective and which are, on top of all, responsible for additional constraints on the user groups and their production management strategies. Furthermore, this duality of tenure regimes reduces the range and the flexibility of the user groups’ alternative strategies and therefore the sustainability of their production systems. No matter how conflicts are managed, the result will have a negative or positive impact on civil society at lower (producer’s level) or upper levels (NGOs and associations levels); the natural resource management will tend to keep or to change the context that triggers the conflicts (Figure 7.1) through a reduction or an exacerbation of the causes making later conflicts more or less severe.

**Box 7.2: Herders’ complaint**

“You know, pastoralists have a different vision of the space. That’s why they keep moving their herds from one place to the other and why Fulanis are spread all over West Africa. There is now a hardening of the boundaries between cropping and pasture lands which tends to exclude us. Some decades ago, there used to be a lot of pasture lands in this region. Now, you have fields everywhere, particularly on the bottom-lands or along the rivers; and farmers do not want pastoralists to take animals close to their fields, sometimes even after the harvest. Where do they want the pastoralists to take their livestock then? To the sky?”

*Source: Interview with a Fulani from Nerekoro by the author.*

**7.2.2. The conflict scale**

Conflicts generally occur where activities are conducted; they can be transmitted from one scale (for example a household) to another (a village) (see Figure 7.2). Often contesting claims in the Niger Delta are linked to traditional relations between Fulani and their ancient slaves (Rimaïbés). Natural resource management-related conflicts are site-specific; in the first instance, they may begin between individual producers over land (plot). The distinct units (individuals, households, villages, communes…) are attached to social units above and below them, through various ties (ethnic, producer organizations, brotherhood, political parties,…).
Potential Severity of Conflict

Source: Moore et al. (1999)

Figure 7.2: The conflict scale
The social organizations “provide the ‘hard wire’ conduits for articulating conflict and other information” (Moore et al. op. cit. 1999). Conflicts at lower levels generally reinforce antagonistic dichotomies at higher levels and may escalate, and vice versa. The dynamics and information flows between and among levels are the main vectors of conflict escalating and should be well understood in order to know how conflict scaling occurs and how to prevent or better managed conflicts at all levels.

7.2.3. **Conflicts Management in the Niger River Delta of Mali: multiple systems of regulations**

As stated by Shipton (1994, p. 347), “nothing excites deeper passions or gives rise to more bloodshed than do disagreements about territory, boundaries or access to land resources”. Customary property and tenure regimes regulate the use of natural resources that happened to be highly variable and scarce. They must serve to prevent chaos, contribute to avoid/resolve conflict or to decrease occurrence of conflicts. At the heart of the perennial nature of most of these conflicts is the lack of a single accepted authority for the resolution of natural resource rights and, consequently, tenure security in the management of natural resources (Touré, 1997; Maiga et al. op. cit., 1996; Lo et al., 1996; Ngaido, 1996).

Historically, the Niger delta region was occupied by successive professional groups of different tribes such as Somono, Marka, Fulanis, Bamana and Toucouleur (Kassibo, 1994): first by fishermen and hunters and later by farmers and pastoralists. It is recalled that this was favored by the declining level of water in the rivers and the appearance of cropping/grazing lands over centuries (Gallais, 1967). This process continued for many years: the villagers indicated during the PLLA that rivers get less and less water and even dry up some years (SANREM, 1999).

During its occupation period each group developed its own set of laws regarding the management of the natural resources. The most famous is the *Dina*, set up in 1818 by the theocratic (Islamic) empire of Macina representing the dominance of the Fulani on the region. This law ruled out by Sékou Amadou strongly influenced the land tenure as well as the management of natural resources in the delta. Property rights were well-defined and enforced for different users such as pastoralists, farmers, and fishermen in the sense of the survival of the whole empire but in favor of the dominant (Fulani) group (Kassibo, 1994, op. cit.).

Later on, Biton Coulibaly, king of Ségou, took power and Bamanan people occupied the delta; this occupation was rather military and did not lead to the set up of any kind of political institutions. It rather stimulated trade and exchanges. French colonization started with new economic rules and laws; Mali as a modern, sovereign and independent state denied the traditional system of natural resource management based on family property rights: regulating property rights are gathered in the so-called *Code Domaniael et Foncier* (CDF) since 1986.
CDF draws very little on the customary (Islamic) rules and institutions and states that “all pastures, transhumance corridors and animal water points are properties of the State”. However the Dina rule (1818-62) is still in people’s mind. This led to the double and ambiguous system of regulation: a traditional rule (religious or not) vs. modern laws existing in the delta region, which creates more frequent and/or exacerbated conflicts. Swallow and Bromley (1991) conceive that a key dimension of the institutional crisis affecting management of rangelands in Africa is “the lack of compatibility between formal law and institutions largely transplanted from outside and embedded in post-independence state culture, and customary law and institutions embedded in local custom shaped through history”.

Customary rules are often used to resolve conflicts. Modern laws, supposed to be enforced by civil servants, seem to be inefficient and create frustration on both conflicting sides (Daget, 1994). Vedeld (1998 op. cit.) refers to empirical studies on natural resources by pastoral user groups which indicate that major threats to efficient and sustainable property rights regimes often arise from external rather than from internal factors. External factors are understood to be for instance, inappropriate state laws and interventions, market failures due to the absence of some specific markets... Many conflicts happened to be either unresolved or unsatisfactorily resolved since both parties never reach a consensus but have to comply with the judge’s decision, generally based on the modern law sometimes conflicting with customary rationale (see Chapter 1 for comparable cases of conflicts in West Africa).

This is so since the disputants themselves do not understand or do not adhere to the modern rationale and subsequently do not feel accountable for the execution of the modern judge’s decision. When the law is not explicitly followed, it is due to the lack of understanding of the texts and a poor interpretation by illiterate local officials. For example, traditional land allocation practices still dominate. A household or a compound head that requires additional land will turn to a neighboring household head to borrow it. If, after some years or in the next generation, conflicting claims arise, village elders or the village head may arbitrate. It is only when village authorities cannot resolve that a dispute proceeds to the Rural Council, and perhaps to the Sous-Préfet. Even in these cases, resolution of the problem is dependent on the specific circumstances of the case as much as on the technical requirements of the law. Vedeld (1998) describes the confusion in which state officials and judges interpret access and use rights: “they unilaterally decide to use either the rights of the last conquer (Jowro) or founder (Fulani villages), the long-term occupancy rule (Bozo agro-fishermen) or rights of “all Malians” (supporting the entry of influential

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68 It is in charge of solving conflicts internally to the village or encourages disputants to come to an arrangement; a failure at that stage them to the sous-préfet.
outsiders”. The existence of such legal duality (state law versus village law) and ambiguity is the main reason of the regulation system failure. Such a failure is also noticed in the relatively frequent cases of crop damages caused by animals. Financial damage compensation is generally determined by the modern officials always contested by one of the litigants since there is no pre-existing guide to the level of the amounts of financial compensation (key informants). Bribery is then exerted on modern officials who often decide against facts, aggravating the feeling of the incapacity of modern laws to deal with conflict resolution and the tendency of local population to keep away from the modern legislation supposed to resolve conflicts. They are thus closer to their traditional regulatory system, which implicitly justify the transfer of local conflict resolution system to local institutions. Many observers also stress that in Africa, rangeland tenure issues are better dealt with “through negotiation, adjudication and political manoeuvre…if rights to land are defined through ongoing, open-ended debate over authority and obligation as well as rules and practices, the security of farmers’ and pastoralist’s rights depends on the terms in which they participate in such debates and in the domestic, judicial and bureaucratic arenas in which they occur.” (Berry, 1994, p.11).

The current picture does not facilitate the implementation of policies relative to natural resources; actors’ participation is thus critical to tenure issues, natural resource management and certainly to the overall development process. Therefore, the democratization/decentralization process currently developed by most countries intends to more significant participation of local people in order to more efficiently address development issues at the local level.

### 7.3. Decentralization: a backbone to Democratization and local development

#### 7.3.1. Definitions

Ribot (2002b) defines decentralization as ‘any act in which a central government cedes powers to actors and institutions at lower levels in a political-administrative and territorial hierarchy’ (p.2). It comprises some subtle aspects such as political or democratic decentralization, administrative decentralization (deconcentration) and privatization. For him, “political or democratic decentralization occurs when powers and resources are transferred to authorities representative of and downwardly accountable to local populations. It aims to increase popular participation in local decision-making. It is an institutionalized form of the participatory approach. This is considered as the “strong” form of decentralization- the form that theoretically provides the greatest benefits” (pp 2-3).

On the other hand, deconcentration or administrative decentralization “involves the transfer of power to local branches of the central state, such as prefects,
administrators, or local technical line-ministry agents. These upwardly accountable bodies are local administrative extensions of the central state. They may have some downward accountability built into their functions, but their primary responsibility is to central government. Deconcentration is a “weak” form of decentralization because the downward accountability from which many benefits are expected is not as well established as in democratic or political decentralization”.

However, he points out that privatization is not a form of decentralization, although often carried out in the name of it; rather, it “is the transfer of powers to any non-state entity, including individuals, corporations, NGOs, etc. It operates on an exclusive logic, rather than on the inclusive public logic of decentralization” (pp.2-3). See Prudhomme (2003) for the economic aspects of decentralization.

7.3.2. Motivations for democratic decentralization
Democratic decentralization is sought because of its assumed ability to “increase the efficiency and equity of development activities and service delivery and to promote local participation and democracy” (Ribot, 2002a). It is assumed to be a precondition for efficient rural poverty reduction and for development. The traditional centrally-located and top-down bureaucracy is an enormous inefficient means of allocating generally scarce resources within the society. Mali is particularly in need of such a reform, given its large area (over one million of Km sq.) to cover administratively and long distances. Bringing the government closer to the governed from both spatial and institutional points of view can increase governmental responsiveness, overall efficiency in development actions and more effective governance, likely to reach the poor residing outside economic channels (see Manor, 1999; Crook and Manor, 1998; Blair, 2000 for details).

Smoke (2003) found that decentralization contributes to improve equity through a more ‘equitable distribution of public resources and target poverty within adequate jurisdictions’.

Citizens and local institutions need to occupy spaces created by the rolling back of the state and enter into new partnerships. Decentralization aims at promoting such new entities and opportunities at the local level and at sustaining this process. But, since citizens and local institutions need to occupy empty spaces, participation is particularly crucial to let them move towards local development.

7.3.3. Participation: types and shapes
If participation is necessary to democratic decentralisation, it is still relevant to know what participation is and how it takes place on the ground.

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69 The distance between Bamako the capital and Gao for example is about 1,300 km.
More and more funding agents require that development projects be participatory, that is, the target population should be involved at all stages of the project cycle. To meet such a requirement different definitions, understandings and approaches prevail on the project implementation ground. From alibi-participation to acceptable (full) participation, a large range of types are often present with diverse ingredients to their respective meaning. Nelson et al. (1995) state that participation is often understood “as a means to accomplish the aims of a project more efficiently, effectively or cheaply as opposed to participation as an end where the community or group sets up a process to control its own development” (p.1). They indicate that participation is a “warmly persuasive word” and its procedures greatly differ from project to project. For them, participation means “the involvement of people in public decision-making”, but for many others, participation has become “the dominating ideology in contemporary thinking in both non-governmental and governmental/inter-governmental agencies” (Cernea, 1985; Poulton et al. 1988; Oakley et al. 1991). Participation is a “multi-dimensional concept meaning different things to different people” (Cohen and Uphoff, 1980; Oakley et al. 1984).

The World Bank (1994) gives more importance to participation processes involving the poor who are given the status of primary stakeholders. In this case participation means their active, not passive, involvement which should be source of transformation in the community. Lane (1995) questions the type of participation in relation with the stages of a given project. For him, “participation at the construction and implementation stages of a project is very common and equates with co-operation and incorporation into predetermined activities”; he concludes that “participation should include involvement in decision-making, in implementation and maintenance, in benefits and in evaluation of both successes and failures” (p.182). For Idé (2004) participation means “take a part of” and may be ‘passive’ (where the so-called participating people don’t make any decision) or ‘active’ (where people contribute to decision-making and have some responsibilities). Five types of participation are then distinguished: de facto participation where people take part in the framework of their own traditions, voluntary participation (where people voluntarily adhere in order to meet some of their needs), spontaneous participation (voluntary but with relatively transient groups), provoked participation (with groups created with the help of outside development project agents) and imposed participation (with groups created from outside and dictated norms). In a similar vein, Pretty (1993) found six stages portraying increasing participation, from passive participation to auto-mobilization (Table 7.1). Participation is most effective and desirable at the critical stages identified by Paul (1987): information sharing, consultation, decision-making and initiating action (highest participation intensity). Some
studies on views on participation in Africa revealed that participation in monitoring and evaluation still fails to exist in the process (Guijt, 1991). Despite the variety of meanings and shapes given to it, participation has been sought and tried in many countries over decades with more or less success, depending on the approaches and methodologies.

Table 7.1: Types of participation

<table>
<thead>
<tr>
<th>Stage (type) of participation</th>
<th>How participation is performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive participation</td>
<td>People are just informed of project activities</td>
</tr>
<tr>
<td>Informative participation</td>
<td>People are solicited to answer questions</td>
</tr>
<tr>
<td>Consultative participation</td>
<td>People are consulted but their opinions are not necessarily accounted for</td>
</tr>
<tr>
<td>Functional participation</td>
<td>People participate given predetermined objectives</td>
</tr>
<tr>
<td>Iterative participation</td>
<td>People participate in the analysis of their situation with the project technicians</td>
</tr>
<tr>
<td>Auto-mobilization</td>
<td>People fully participate by initiating projects according to their needs with the technician assistance; they supervise the implementation of the associated activities</td>
</tr>
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Source: Pretty, 1993 Shows the increasing quality of participation.

7.3.3.1. Approaches to yield participation

Experience from projects and NGOs

In order to yield participation, many approaches have been developed; they largely vary from one project/NGO to another and do seldom have a holistic perspective; they rather tend to address sectoral aspects of the community livelihoods. Initial projects emphasize either one segment of the community (farmers or pastoralists), a geographical area (village, district, terroir, region…), gender (women) or a specific resource/activity (soil, forests, credit, alphabetisation…).

Although set up in a systematic way or implemented in a programmatic framework, most interventions failed to increase agricultural or livestock production and even resulted in a higher rate of depletion of the natural resources. The reason for such bad results is the weak involvement of local population in the conception, design, implementation, and evaluation of these interventions that were seen as exogenous to the local communities. Such failures called for new community-based approaches such as “Gestion de
“Terroir” and the development of pastoral organizations in the Sahelian countries.

*Gestion de Terroir* is a multi-sector and global strategy aiming to establish new socio-economic and ecological equilibria in order to achieve food self-sufficiency and to preserve/regenerate the productive potential of natural resources (Lowenberg-DeBoer *et al.*, 1994). The *Gestion de terroir* approach involves the local people in planning for natural resources use and gives them full responsibility for NRM within the limits of their terroir. All resource users in the terroir should be included in the management unit (e.g., villages, communities and gender groups).

This approach was developed since the early 80s and is implemented in some Sahelian countries like Burkina Faso and Senegal. In Burkina Faso, the *Programme National de Gestion des Terroirs* (PNGT), financed by the World Bank, has been conducted for a decade in regions of the country where natural resource management is viewed as critical. In Senegal, the USAID-sponsored Community-Based Natural Resource Management (CBNRM) Project also works with a similar approach but at a higher level (multi-village level, the *Communauté Rurale*). Many NGOs have also been conducting this approach in other countries. Despite this, many problems have been noted: (a) lack of basic research-based data that could help projects or NGOs in the approach implementation; (b) the terroir geographic limits are generally not clear; and (c) the agricultural area has nearly always been the unit of analysis at the expense of livestock (Lowenberg-DeBoer *et al.*, 1994) and it is not clear that this approach benefited pastoral communities whose economic activities extend well beyond the limits of a village (Benjaminson, 1997).

In conclusion, participation as a process did not perform optimally in most cases in Africa because of approach and methodological pitfalls and/or misunderstandings on the concept. Some people are pessimistic about it; “…participation in rural development programs is more myth than reality” (Cernea, 1985, p.10). This feeling is explained (at least partly) by an insufficient, incomplete and ineffective participation: rural people participate at some stages of the projects (implementation) but do not at some others (initiating, monitoring and evaluation). This is often due to an asymmetric perception of priorities (Hussein, 1995): some projects/ONGs end up with an imposition of their activities to rural people. Projects/NGOs influencing through their leadership priority identification are likely to ignore future participation. Something is probably missing in order to set up a better dialogue between projects/NGOs and the communities for a greater participation. Freire (1972) claims that “conscientization of the masses by outsiders is essential to awaken beneficiaries out of the ‘culture of silence’ brought by their circumstances of under-development”. The knowledge (information) as a significant asset in the process of learning and decision-making for (full) participation is advocated.
Need for real participation

After the semi-failure in the previous approaches described above, Agrawal et al. (1999) find that participation could perform better if appropriate institutions exist i.e. a political will should exist as well (Agrawal et al. 1999). Obviously, the role of community is essential “to bring about decentralization, meaningful participation, cultural autonomy and conservation” (Chambers and McBeth, 1992, Chitere, 1992, Etzioni, 1996). In order to manage conflicts over natural resources, and beyond the political commitment, methodological approaches need to be developed to set up ‘participatory units’ (institutions) at the local (commune) level and have them play their role. The limits of the State in natural resource conservation are generally recognized while popular participation is perceived as a viable alternative to manage natural resource in a sustainable manner. Vedeld (1998) finds “that instead of legislatively dictating detailed property rights to pastoral or agricultural resources, the procedural law could specify an enabling framework within which the concerned parties could legitimately put forward their claims to a certain resource. This institutional framework would be embedded in the local culture and customary law.” Requier-Desjardins (1998) finds that such a framework could rather facilitate negotiations between stakeholders.

Three important aspects of community are noticed by Agrawal et al. op.cit. (1999) that can play crucial role in natural resource management: the community should be a small spatial unit, have a homogenous social structure and shared norms.

Many studies related to the commons have highlighted the important time and place-specific knowledge that local community possess and their ability to achieve successful local level of resource management through institutional arrangements (Bromley, 1992, McKean, 1992, Peters, 1994, Wade, 1987). It is likely that local communities use natural resources destructively if they are not properly involved in the management of these resources (Western et al. 1994). However, this advocacy of community as a masterpiece of a sustainable natural resource management ignores critical problems within and between groups’ interests that can ultimately undermine the role of community in the natural management. The primacy of the above three characteristics of the community i.e. size, space and norms, poses some problems since communities seldom adequately manage common properties (The Tragedy of the Commons). Juul (2001) finds, based on her experience in a borehole management case in the Naoré (Senegal), that such communities “become politicised”, remain “contingent and indeterminate”; “tactics and strategies are needed rather than mere rules of the game” (p.72).
Conversely, the institutions\textsuperscript{70} advocated by Agrawal \textit{et al.} (1999) are supposed to “promote stability of expectations \textit{ex ante} and consistency in actions, \textit{ex post}”. Bates (1989) and North (1990) deem that without such institutions, social interactions could be impossible. In other words, the political approach through institutions focussing on the multiple interests and actors and how those actors influence decision-making can be perceived as a version of decentralization process, with the communes\textsuperscript{71} standing for the so-called institutions likely ‘to implement agreed upon rules resulting from negotiations’ (Agrawal \textit{et al. op. cit.}). They therefore seem to be the most promising conflict management frameworks at the local level.

Following this, in most developing countries, decentralization has implied the emergence of a variety of new institutions through Democratic Local Governance (DLG).

\textbf{7.4. Democratic Local Governance (DGL) as a political institution to promote participation}

Democratic Local Governance (DGL) means that government at the local level is more responsive to citizen needs and more effective in service delivery. However, for this approach to lead to people’s participation for local development, some enabling conditions are the following:

\textit{A strong central State capacity}: decentralization as a process is supposed to be conducted by the central government. Depriving the central government of funds and staff—as it has been the case of the structural adjustment programs—may be harmful to successful local reforms. Moreover, a strong central government is needed for setting national priorities and standards, establishing poverty-reduction strategies and assuring compliance with national laws and supporting a variety of local efforts with finance and technical services (Ribot, 2002 a).

\textit{A well-defined civil society}\textsuperscript{72} seen as “an intermediate realm situated between State and household, populated by organized groups or associations which are separate from the State, enjoy some autonomy in relations with the State and are formed voluntarily by members of society, to protect or extend their interests,

\textsuperscript{70} Agrawal \textit{et al.} (1999, \textit{op.cit.}) define institutions « as sets of formal and informal rules and norms that shape interactions of humans with others and nature » p.637. For Luckham \textit{et al.} (2000), they are “\textit{socially constructed sets of arrangements routinely exercised and accepted}”\textsuperscript{.} Such arrangements range from customary rules or organizations to modern laws.

\textsuperscript{71} Also called rural communes or local collectivities.

\textsuperscript{72} This definition is preferred because it is less problematic and easier to use than both its political and sociological concepts presented by Manor, 1999.
values or identities” (Manor, 1999). The roles and activities of the civil society widely vary and include (i) the mobilization of social actors to increase their consciousness and impact; (ii) the regulation and monitoring of State performance and the behaviour and the action of public officials and (iii) developmental or social actions to improve the well-being of their own or other constituencies (Manor, 1999, op. cit.). Civil society is thus essential to DLG process, acting as a watchdog over the State.

An organized political force such as political parties: “Opposition political parties make for a powerful engine for enforcing accountability. The party in power all too often has strong incentives to evade accountability but opposition parties have their own incentives to uncover wrongdoing at city hall and publicly hound incumbents for their misdeeds” (Blair, 2000, p.28). Opposition parties therefore play a crucial role for keeping the government-due to accountability- in a position of rectitude which contributes to promote good governance.

In the process, effective decentralization should be conducted “by local authorities empowered with discretionary decisions over resources that are relevant to local-people”. Such discretionary powers should allow them “to adapt, act and react effectively” (Ribot, 2002 b). However, selected institutions should represent and be accountable to the populations for whom they are making decisions. Most of the time, they are neither representative nor accountable. Non-representative they are, since the central authorities keep some control over local institutions. In the same time, they are not accountable to the local populations, since in the best cases, local authorities are elected from a list of the party and thus rather accountable to it, instead.

Since the degree of effective empowerment has an impact on the distribution of DLG benefits (elites steering most benefits to themselves), the World Bank developed the Community-Driven Development (CDD) approach which aims at providing full empowerment to local communities and governments. It is based on five pillars that are (i) empowerment of communities by providing them with fungible resources, (ii) empowerment of local governments, (iii) re-alignment of central ministries and service delivery, (iv) accountability and (v) learning-by-doing (capacity building) (World Bank, 2004).

The CDD approach and decentralization can thus have an important mutually reinforcing tendency since successful decentralization requires some degree of local participation while the decentralization process itself can enhance opportunities for local participation. The World Bank reports that capacity building and resource devolution to local communities in the form of development projects “have contributed to laying foundations for more effective and rapid political devolution” in countries such as Cambodia, Malawi and Zambia.
Local collectivities can be created by law in the process of decentralization but they should initiate by themselves some dynamics within local communities so as they can address specific topics such as natural resource management.

7.5. Decentralization in Mali: experience and lessons learned

Mali is one of the poorest countries in the world; it has been experiencing democracy since 1992, after Traoré’s regime was thrown over on March 25, 1991. Despite the relative calm after the pro-democracy agitation, a government of national unity called the Transitional Committee for the Salvation of the People was set up (military and representatives of political parties); after a national conference held in July-August 1991 and a constitutional conference, the first democracy elections were held on 1992. A rebellion, a regional movement by the Tuareg of northern Mali, started as an armed fighting due to a long disillusionment with the central government. For them, no significant development action has been taken in their region since the independence of the country; they thrived to separate from the southern Mali and ally with other Tuareg of Niger and Burkina Faso. This rebellion resisted the central government until 1996 but was brought to a close through negotiation and promises of administrative reforms (Smith, 2001). Bingen (1998) in ‘Cotton, Democracy and Development in Mali’ reports another demand for policy changes in cotton production and marketing, brought forth by the Syndicat de Producteurs de Coton et de Vivriers in the southern part of Mali and ultimately resulted in a request for democracy. Cotton farmers demanded and obtained from the government that more attention was paid to the role they play in the national economy and in Mali’s politics arena. This uprising of the cotton farmers to demand for more transparency and democracy in the cotton sector management, although expressing a want of changes, contrasts with the Tuareg rebellion which was an ethnical, regional, political and mostly importantly, armed movement.

Whatever the origin of the uprising or the rebellion, the government understood the urging need to promote ‘developmental democracy’ that is democracy as a means rather than an end. This “democracy of the countryside” was welcome to shape out the democratization scheme. Promises of administrative reforms were then brought to reality in compliance with the Pacte National: on top of more democratization and transparency within the existing 19 communes, 684 new communes were created all over the whole country. The Madiama commune where the current study was conducted is one of those communes.

Definitely, the democratization process in Mali is due to the pro-democracy agitation and uprising; the need to satisfy the popular growing request for

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This is to contradict the common thought that there exists a positive relationship between democracy and economic development.
transparency and democracy was the main engine that led the government of Mali to speed up the decentralization process\(^{74}\) from 1999 with the creation of the new communes. This was the response to the uprising social climate in the country and to the population’s demand for democracy (Coulibaly, 2000, Jaap et al. 1998).

Consequently, the governmental policy tends to promote farmers’ participation since the 90s: farmers are deemed to be actors capable of making decisions and responsible for their own development through the empowered communes. Musch (2001) finds that in this process, “farmers are not objects, target groups or even (simple) beneficiaries, but the main actors in development” (p.40). This creation of “communes” in Mali was a strong indicator of the governmental will to give more power to local communities, due to pro-democracy agitation, the Tuareg rebellion and the government’s own commitment to democracy.

Democratisation/decentralisation as a political option in Mali aims at more population participation which has confusing meanings, diverse types and vague shapes on the ground. Definitely, democratic institutions should not be mixed up with democratic politics. Democratic institutions reflect the tendency to create formal institutions with no insurance that they will effectively work while democratic politics refers to the governmental will to promote democracy. The spread of democratic institutions does not necessarily mean the spread of democratic politics (Luckham et al., 2000). The former are more formal and consist of creating institutions (for example communes that are not working due to lack of either resources- both human and financial- or of strong political will) while the latter reflects the commitment to set up a democratic real play.

**Lessons learned from decentralization in Mali**

Started in 1999, decentralization in Mali reveals to be a positive experience despite some pitfalls (Haut Conseil des Collectivités, 2006). Among positive points are:

- The enrichment of public action;
- A higher contribution to infrastructure building at the local level
- The emergence of a new category of actors (élus locaux);
- A more participative development planning.

However, many pitfalls and difficulties have been noted in the decentralization process such as:

- the inadequacy of the institutional framework : the absence of a concertation framework for the three levels\(^{75}\) of territorial collectivities and the low representation of villages, fractions and quarters in the communal council;

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\(^{74}\) This is true compared to other countries in West Africa where the decentralization process is a bit behind.

\(^{75}\) The three levels of the decentralization architecture are the region, the circle and the commune.
- the weak involvement of the civil society in the management of the commune although accountability is crucial to the process;
- the absence of a status for customary authorities which are still present: the duality of rules (customary vs. modern) particularly complicates conflict resolution and management;
- Difficulties due to the country zoning in view of decentralisation: some cercles and regions have been erected without any consultation with the local populations. They revealed to be not appropriate enough for the decentralisation. Moreover, the zoning in 684 communes is not agreed upon by some villages who do not find any reason to be included in a given commune instead of being the head of their own commune. This deteriorates the socio-political environment and therefore hinders the good functioning of the involved communes;
- weak contribution of governmental services due to lack of resources (human and financial). Although useful, decentralization rather seems to be more the decentralization of problems — through the empowerment of local authorities and more responsibility to population — than a full process which is able to ensure local development through opportunities. Insufficient support entails frustration for local authorities and population, and increases in the course of time, the risk of deception and deviation from the relevant and ambitious objectives of local development. In that sense, decentralization is not an opportunity for local development but may well be a risk; care should be exerted to ensure that such a risk be minimized in order not to jeopardize the whole process.

The Haut Conseil des Collectivités (2006) has sorted out the above good experience and pitfalls in the Malian decentralization process. Although in a good track, this process lacks to fulfil the basic requirements of a community-driven development which consists of: (i) the reinforcement of the community’s capacity so that people can fully and beneficially participate in the conception, the implementation and the monitoring of the community development projects; (ii) the new role of the central government consisting of its repositioning: less central government at the local level but more human capacity and financial resources transferred to the commune. The decentralization is not full yet since there are serious impediments in terms of human and financial resources; (iii) social accountability: it is a pity that the civil society is still weak, not strong enough to exert a monitoring on actions conducted by the communes in order to improve their performance by reducing corruption and ensuring that actions are oriented towards local development.

Although not perfect yet, decentralization in Mali is a good experience that deserves to be improved by remedying the above pitfalls and difficulties. On the other hand it needs some deepening for more sustainability and success by including crucial dimensions of financial means and knowledge in particular. Since any action without knowledge is blind and bound to fail in the long run, it
is hoped that our study will contribute with some useful results to the Madiama commune.