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Beyond institutional blueprints: hybrid security provision and democratic practice in Mali

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Chapter 4

The legislature and democratisation

An in-depth analysis of the functioning of Mali's hybrid legislature.³²⁰
(2007-2009)

INTRODUCTION

Parliaments lie at the very heart of democracy as they fulfil their responsibilities of law making, overseeing the executive and linking citizens to the policymaking process. The legislative branch of government performs a leading role in shaping democratic accountability. Its members play a unique dual role in this regard. They are expected to hold the executive accountable on behalf of all citizens and are, at the same time, accountable to the constituents they represent. Strong parliaments proved “an unmixed blessing for democratisation” in post-communist societies and significantly contributed to democratic consolidation in Latin America.³²¹ African legislatures have generally been much less successful, however, in strengthening democracy. In fact, the Malian legislature was situated at the very centre of democracy's decay during the 2000s.

Both state authority and legitimacy eroded during this period. Popular satisfaction rates with democracy steadily dropped and frustration with the Touré-led administration intensified. Popular disenchantment stemmed in particular from the regime's tolerant stance on corruption and the significant privileges granted to those aligned to the political centre.³²² State authorities, as highlighted in Chapter 2, allowed loyal allies in northern Mali and senior officials to profit from the criminal economy in an attempt to weaken armed groups that opposed the state. The Touré regime also allocated large plots of land to politically well-connected investors based on opaque deals kept secret from the larger public.³²³ Touré regime cronies acquired land titles on the outskirts of Bamako, ignoring the rights of local residents.

³²⁰ This chapter is based on a previous publication: Vliet, M. van. (2014). ‘Weak Legislatures, Failing MPs, and the Collapse of Democracy in Mali’, *African Affairs*, 113 (450): 45-66. It has been adapted and extended in the context of this dissertation.

³²¹ Fish, S.M. (2002) ‘Stronger Legislatures, Stronger Democracies’, *Journal of Democracy*, (17)1: 5-20; Scott Morgenstern and Benito Nacif (eds.) (2002) *Legislative Politics in Latin America*. Cambridge: Cambridge University Press.

³²² Hussein, S. (2013) ‘Mali: West Africa's Afghanistan’, *The RUSI Journal*, 158(1): 12-19.

³²³ Kone, Y. (2012). ‘Lessons from Mali's Arab Spring: Why Democracy Must Work for the Poor.’ Christian Aid: Bamako (Occasional Paper No.8).

A similar pattern prevailed in rural areas.³²⁴ International media widely covered corruption scandals in the Malian health sector, in particular in relation to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Mismanaged and fraud in the public administration moved well beyond a number of isolated incidents, however. In 2010, Mali's Auditor General reported a loss of income of around 50 million euros because of mismanagement and fraud in the administration. The next annual report revealed an amount of 15 million euros of public expenditure that was unaccounted for or missing.³²⁵ The Auditor drew these conclusions based on an inspection of a limited number of public institutions. Therefore, the total amount of mismanaged funds must have been even higher. Yet, the authorities provided almost no judicial follow-up to the reports presented by the Auditor General. This fuelled popular perceptions that public officials who broke the law were not punished and that the judiciary "granted preferential treatment according to class and income."³²⁶

In this context, scholars qualified the (chaotic) military coup in Mali as a "guardian coup" that served to protect the interests of ordinary citizens against civilian mismanagement.³²⁷ In great contrast to the early 1990s, when citizens withstood fierce state repression and took to the streets demanding a return to democracy, there was no public outcry to defend the democratically elected president this time around. On the contrary, an opinion poll conducted shortly after the military coup revealed that two thirds of citizens in Mali's capital Bamako was actually pleased with the ousting of Touré.³²⁸ At the same time, most people held the political elites – much more than the northern rebellion, the coup leaders or terrorist organisations – responsible for the chaos the country experienced in 2012.

This chapter provides an analysis of the legislature's performance some years before democracy eventually collapsed. It seeks to unravel the actual contribution of the legislature in shaping patterns of accountability, thereby underpinning Malian state legitimacy.

The first section defines the stage upon which parliamentarians performed their core duties. In line with the previous chapter, it addresses factors that influenced the context in which they operated "from above" and "from below."

³²⁴ Whitehouse, B. (2012) 'What Went Wrong in Mali?'; Baumgart, J. 2011. *Assessing the Contractual Arrangements of Large-Scale Land Acquisitions in Mali with Special Attention to Water Rights*, Bonn: GIZ.

³²⁵ The reports are available on the website of the Auditor General: <http://www.bvg-mali.org/9-bvg/rapports/2-rapports-annuels.html>.

³²⁶ Afrobarometer. 'Summary of Results: Round 4 Afrobarometer Survey in Mali.' See previous comment about this ref. This should be Afrobarometer (year).

³²⁷ Bergamaschi, I. (2014), p. 356.

³²⁸ Whitehouse, B. (2012) 'The Force of Action: Legitimizing the Coup in Bamako, Mali', *Africa Spectrum*, 47, 2-3 (2012), pp. 93-110. The opinion poll results are available at: http://www.bamakobruce.files.wordpress.com/2012/06/rapport_sondage_crise_malienne11.pdf.

The core part of the chapter provides an empirical analysis of the performance of individual parliamentarians. This assessment takes into account formal responsibilities in the area of: (1) executive oversight; (2) legislation; (3) constituency development, as well as the informal task of: (4) maintaining clientelistic support networks. The Malian legislature is thus (re-)conceptualised as a hybrid institution that comprises both formal and informal duties, as clarified in the introductory chapter and in accordance with Lindberg's (2010) earlier study of the Office of a Ghanaian Parliamentarian (see below).³²⁹ This section also examines the tasks Malian parliamentarians prioritised and how the different duties affected each other.

The chapter ends with a short reflection on the impact of prevailing patterns of democratic accountability provided through the legislature upon the legitimacy of the state in relation to other power poles in Mali's heterarchical political order.

This study adopted several research methods to obtain data about the performance of the various parliamentary duties in daily practice. In-depth interviews with 15 parliamentarians by the end of 2009 were complemented with archival research, observation of a budgetary session and constituency visits.³³⁰ Before turning to the outcome of this empirical assessment, the stage upon which Malian MPs operated is elaborated.

4.1. MALI'S HYBRID LEGISLATURE CONTEXTUALISED

Executive-legislative ties

Much of the academic literature focuses on the broader institutional context in which African legislatures operate. The centralisation of power around the presidency emerged as one of the principal factors restraining the performance of African parliaments.³³¹ Based on a review of the literature, Nijzink *et al.* (2006) concluded that:

Powerful presidents seem to be one of the most important reasons why modern parliaments in Africa are generally regarded as weak institutions.³³²

³²⁹ Lindberg, S. (2010) 'What Accountability Pressures Do MPs in Africa Face and How Do They Respond? Evidence from Ghana', *Journal of Modern African Studies*, 48(1): 117-142.

³³⁰ More methodological background to this study as well as the questionnaire are included in the appendices (pp. 228-248).

³³¹ Van Cranenburgh, O.B.R.C. (2009) 'Restraining Executive Power in Africa: Horizontal Accountability in Africa's Hybrid Regimes,' *South African Journal of International Affairs*, (16)1: 49-68. Nijzink, L., Mozaffar, S. and Azevedo, E. (2006); Barkan, J.D. (2008) 'Legislatures on the Rise?', *Journal of Democracy*, (19)2: 124-137.

³³² Nijzink, L., Mozaffar, S. and Azevedo, E. (2006), p. 317.

The Malian case is anything but an exception to this broader pattern, as already briefly noted in the previous chapter. The institutional imbalance between the executive and legislative branch of government appeared to be particularly prominent in sub-Saharan African countries governed under a semi-presidential system of which Mali is a case in point. The Malian president had few colleagues on the continent with an equally strong, formally anchored mandate.

A broader analysis of executive-legislative ties further illuminates the challenging context in which Malian Members of Parliament (MPs) operated. Although they had a number of official tools at their disposal to hold the executive answerable, they lacked effective instruments to enforce sanctions upon the executive.³³³ They could not dismiss individual ministers and faced considerable thresholds to censure the entire cabinet. The ability of the president to dissolve parliament further restrained MPs from using this right in daily practice as they had often made considerable personal investments to become elected (see below). Although ministers were appointed from outside parliament, they participated in parliamentary committee meetings when legislative matters were discussed and had substantial influence over the parliamentary agenda that was elaborated “respecting the issues prioritised by the government.”³³⁴ Internal capacity challenges also constrained the performance of the Malian legislature. Most parliamentary committees have one assistant at their disposal and some basic ICT facilities but lacked their own budget to, for example, organise study visits across Mali or to commission detailed advisory reports. Furthermore, the official requirement to clarify ways in which the government should fund specific legislative amendments constituted a significant obstacle in light of the limited support that was available.

One-party and one-coalition dominance

A second factor emerging from the literature that restricted the performance of collective parliamentary tasks “from above” relates to the political context. In numerous African countries, executive-centred politics thrived in a setting of one-party dominance. Various studies revealed the limited potential of parliamentarians to critically scrutinise the executive and proactively engage in legislative actions in such a political environment.³³⁵

³³³ Answerability and enforceability constitute the two pillars of accountability. See Lindberg, S.I. (2009) ‘Accountability: The Core Concept and Its Sub-types’, *African Power and Politics Project* (Working paper, No.1).

³³⁴ Malian National Assembly, Internal Rules and Regulations (article 54).

³³⁵ Salih, M.M.A. (ed) (2005) *African Parliaments: Between Governance and Government*. Basingstoke: Palgrave Macmillan; Rakner, L. and Van de Walle, N. (2009) ‘Opposition Parties and Incumbent Presidents: The New Dynamics of Electoral Competition in Sub-Saharan Africa’, in Lindberg, S. (ed.) (2009) *Democratisation by Elections: A New Mode of Transition?*, Baltimore, MD: John Hopkins University Press.

The previous chapter presented and analysed one-party dominance by the Alliance pour la Démocratie au Mali - Parti Africain pour la Solidarité et la Justice (ADEMA-P.A.S.J.) throughout the 1990s. One-coalition dominance substituted one-party dominance as politically independent President Touré established a “platform of national unity” after his victory in the 2002 elections. President Touré often portrayed Mali’s consensual model of democracy as an African alternative to the Western style of democracy that thrived on competition and rivalry. He claimed that his consensual model not only guaranteed stability, but also contained effective checks and balances. “There are strong debates in parliament but at the end of the day disunity is avoided,” he stated, adding, “while there is no hostile opposition, there is parliamentary control and the majority controls the government.”³³⁶ However, the analysis provided in the previous chapter confirmed an earlier conclusion drawn by Sears (2007) that Malian democracy was not effective in “combining consensus and pluralism, but rather seeks consensus at the cost of pluralism.”³³⁷ In other words, the pressure for parliamentarians to remain loyal to rather than critically scrutinise the executive persisted after the 2002 elections.

In a number of African countries, larger opposition parties and backbenchers from the ruling party had, by then, established “coalitions of change” that started pushing for institutional strengthening of the legislature.³³⁸ In Mali, however, the vast majority of opposition benches remained vacant throughout the last two decades and patterns of parliamentary loyalty towards the executive prevailed.

International context

The international context constituted a third factor restricting the potential of many African legislatures to fulfil their oversight and law-making tasks, certainly in the most aid-dependent countries. In Mali, international aid had covered an important component of the national budget throughout the previous decade, as illustrated in the previous chapter. Donors provided almost 40 per cent in the form of direct budget support. The previous chapter equally pointed at the “democratic deficit” of the ways in which international agencies and bilateral donors provided their support. For the case of Mali, Bergamaschi (2014) specifically contended that:

³³⁶ ‘A Confrontational Democracy Does Not Fit Africa’, (NRC, 22 January 2012).

³³⁷ Sears, J.M. (2007), p.172.

³³⁸ Barkan, J.D. (ed.) (2009) ‘*Legislative Powers in Emerging African Democracies*’ Boulder, CO: Lynne Rienner Publishers.

Aid has done little in favour of democratisation or enhanced horizontal accountability, i.e. the establishment and strengthening of checks and balances able to control the executive branch of power. Budget support in particular acted as a strategic rent for the incumbent regime, which in Mali in the 2000s was increasingly discredited domestically.³³⁹

Burnell (2012) underlined that international aid entrenched relations of *external* accountability from receiving governments towards international donors, often to the detriment of *internal* accountability relations vis-à-vis their own citizens and the legislature.³⁴⁰ Gould *et al.* (2005) previously depicted this pattern based on their groundbreaking work, which illustrated that the elaboration of international Poverty Reduction Strategies often undermined the consolidation of democratic forces, structures and ideas in developing countries.³⁴¹ In addition to domestic factors, this external dimension reinforced the rise of what Mkandawire (2010) called “choiceless democracies” across the African continent.³⁴²

Beyond these factors shaping the context in which Malian MPs operated “from above”, the manner in which the legislature was rooted in society – the broader “incentive structure” confronting individual parliamentarians as well as prevailing popular expectations – influenced the way parliamentarians behaved in daily practice.³⁴³ The following section briefly highlights the impact of the formal electoral system in place as well as the informal institutions of clientelism/patrimonialism and the politics of proximity in this regard.

Electoral system

By shaping the manner in which political representation is institutionalised, an electoral system significantly influences the relationship between individual parliamentarians and ordinary citizens. In Mali, parliamentary elections were held under a two-round majority run-off system in either single or multi-member electoral districts, depending on the number of inhabitants. In such a context, individual parliamentarians were confronted with a strong incentive to represent the interests of their electoral constituency at the national level and to provide constituency

³³⁹ Bergamaschi, I. (2014), p. 369.

³⁴⁰ Burnell, P. (2012), pp. 273-292.

³⁴¹ Gould, J. *et al.* (2005) *The New Conditionality: The Politics of Poverty Reduction Strategies*, London: Zed Books.

³⁴² Mkandawire, T. (2010) ‘Aid, Accountability, and Democracy in Africa’, *Social Research*, 77(4); 1149-1182; *idem* (1999) ‘Crisis Management and the Making of “Choiceless Democracies” in Africa’, in: R. Joseph (ed.) *State, Conflict and Democracy in Africa*. Boulder, CO: Lynne Rienner, pp. 119-36.

³⁴³ Burnell, P. (2009) ‘Legislative Strengthening Meets Party Support in International Assistance: A Closer Relationship?’ *The Journal of Legislative Studies*, (15)4: 460-480.

services.³⁴⁴ Ordinary citizens perceived these latter responsibilities as the key priorities of Malian MPs. Although there was substantial popular support for the collective oversight and legislative tasks by parliament, popular pressure to fulfil individual constituency-oriented responsibilities clearly prevailed. Roughly three quarters of Malian citizens believed that “parliament needed to make the laws because it is composed of people’s representatives” and almost two thirds also “wanted the president to explain in parliament on a regular basis how tax money is spent.”³⁴⁵ However, ordinary citizens did not consider these collective tasks, particularly critical to the wider process of democratisation, a strong priority. Adopting legislation was still regarded as a principal parliamentary duty by 26 per cent of the population but less than one in ten Malians regarded executive oversight as a priority function. The formal task that Malian citizens primarily expected their parliamentarians to engage in was to represent constituency interests at the national level.³⁴⁶

Informal institutions

A vast body of literature also revealed the prevalence of highly personalised, clientelistic networks in shaping the way ordinary citizens were linked to the decision-making process in many African societies.³⁴⁷ Across the entire continent, large segments of society expected their representative to take care of them in a “parental” way.³⁴⁸ Highly personalised political networks historically bridged the state-society divide in Mali, too.³⁴⁹ The previous chapter demonstrated the importance of geographically oriented networks between national political elites and local power brokers. These informal networks have long been considered an *alternative* that people relied on in the wake of poorly functioning formal institutions.

However, in his innovative study of the various tasks that Ghanaian citizens held their parliamentarians accountable for on a day-to-day basis, Lindberg (2010) adopted another analytical perspective. He considered the distribution of public goods in clientelistic networks to be an *integral part* of the parliamentary institution.³⁵⁰ Hence, he “re-conceptualised” the

³⁴⁴ Barkan, J.D. (2009).

³⁴⁵ Afrobarometer. ‘Summary of results: round 4 Afrobarometer survey in Mali.’

³⁴⁶ *Ibid.*

³⁴⁷ A ‘narrow’ definition of clientelism is adopted here, referring to the politically motivated distribution of private goods within a personalised network of *individual* supporters, in contrast to patronage that entails the distribution of (semi-) public goods to *larger groups*. See: Erdmann, G. and Engel, U. (2006) ‘Neopatrimonialism Revisited: Beyond a Catch-All Concept.’ Hamburg: GIGA research programme, legitimacy and efficiency of political systems (Working Paper No. 16).

³⁴⁸ Logan, C. and Bratton, M. (2006) ‘Voters But Not Yet Citizens: The Weak Demand for Vertical Accountability in Africa’s Unclaimed Democracies.’ Afrobarometer (Working Paper No.63).

³⁴⁹ Cooper, F. (2002); Fay, C. (1995); Koter, D. (2009).

³⁵⁰ Lindberg, S. (2010).

legislature as a hybrid institution generating both formal and informal responsibilities for its members. The relevance of this re-conceptualisation of the legislature moves well beyond Ghanaian borders. Cheeseman (2009) revealed the institutionalisation of informal networks between Kenyan parliamentarians and their constituents because of elite pressure “from above” and incentives “from below.”³⁵¹

Much of the academic literature considered the collective oversight and legislative duties of parliamentarians as crucial for the overall process of democratisation. Likewise, the prevalence of clientelistic ties by parliamentarians was perceived as detrimental to the overall performance of the legislature and its contribution to democracy. Lindberg (2010), however, again nuanced this perspective. He revealed that the clientelistic demands faced by individual Ghanaian parliamentarians also contributed to collective parliamentary actions. The persistent pressure to fund the healthcare bills of individual constituents, for example, encouraged them to collectively adopt a nationwide healthcare insurance system. The interplay between the various parliamentary functions was not inevitably a negative one and therefore needs to be examined empirically. For this reason, the following sections not only provide an overview of the various core functions performed by Malian parliamentarians, but also offer an assessment of their interplay in daily practice.

4.2. THE PERFORMANCE OF MALI’S HYBRID LEGISLATURE IN DAILY PRACTICE

Candidate selection and electoral campaigns

Becoming adopted as a parliamentary candidate and elected to office obviously precedes the actual performance of various parliamentary duties. Analysing the principal dynamics during this pre-electoral period provided nonetheless important background information on the kinds of incentives MPs were likely to face once in office. The monetisation and personalised character of the relations between potential candidates and constituents was already apparent throughout this phase. Having been formally adopted by local party branches, the majority of parliamentarians indicated that a track record in the party at either local or national level was an important selection criterion in the run-up to the 2007 elections. However, many MPs also mentioned one’s individual financial capacity and family status. Parties expected all MPs to fund the largest share of their own campaigns, making financial capacity an indispensable

³⁵¹ For an illustration in the case of Kenya, see: Cheeseman, N. (2009) ‘Kenya Since 2002: The More Things Change the More They Stay the Same’, in L. Whitfield and Mustapha ed., *Turning Points in African Democracy*. London: James Currey.

criterion for selection. Equally, clan and cast membership played a role for many parliamentarians; one explained that:

In my locality, I am the “protégé” of the families that traditionally obtain authority and they have a lot of influence within the constituency.³⁵²

The relevance of dynamics related to the “politics of proximity” introduced in the previous chapter also surfaced in the interviews with MPs. In geographically larger multi-member constituencies, political party affiliation did not primarily guide the establishment of coalition lists. Instead, the candidate list strategically united individual candidates who maintained a personal support networks in different geographical “sub-entities”:

Together, we cover all the important areas in our constituency. I take care of my home village and five surrounding villages while my coalition partners [on the electoral list] take care of their own home areas within the constituency.³⁵³

Once adopted as a parliamentary candidate, financial resources played a crucial role during the electoral campaigns. All but one of the incumbent MPs included in the survey indicated that their campaign budget had at least tripled compared to the previous elections in 2002. Five parliamentarians spent less than 15,000 euros, four between 15,000 and 30,000 euros, another four between 30,000 and 75,000 euros, while one parliamentarian invested 120,000 euros in a vast and scattered constituency during the 2007 legislative campaigns. Although some parliamentarians personally covered most of their expenses, the majority relied on their social network for financial support (family and friends rather than party or businesses). One parliamentarian from a northern constituency already noted the infiltration of drug money into the 2007 electoral campaigns. The financial sponsors, as will be shown below, had a strong influence on parliamentarians after they had been elected into office.

Asked why they believed people had voted for them, the vast majority of parliamentarians mentioned their personal ability to provide constituency service. A promise of development projects was considered the most effective campaign message, followed by a commitment to support individual constituents who faced financial challenges. Malian MPs primarily tried to

³⁵² Interview MP, N.8, Bamako, 15 December 2009.

³⁵³ Interview MP, N.2, Bamako, 8 December 2009.

win support amongst swing voters by promising job opportunities, constituency development programmes and by dishing out small sums of cash.

Performing four core parliamentary duties

First, responding to clientelistic demands constituted a core duty of Malian MPs. Once elected into office, many constituents expected personal financial support from their parliamentarians. “Parliamentarian in Mali is becoming the Secretary General of social demands,” as one MP noted.³⁵⁴ Malian parliamentarians categorised the actors who primarily expressed these kinds of demands in the following order of priority: (i) local party representatives; (ii) people who actively supported the MP on the campaign trail; and (iii) ordinary citizens. Malian parliamentarians strategically selected and ranked the people they supported through the provision of private goods: (i) campaign supporters; (ii) family members; and (iii) traditional leaders. Although this latter group rarely asked for such support, many parliamentarians regularly offered money and services to influential local leaders in order to maintain their backing. Nevertheless, Malian MPs mostly distributed private goods and services to those people who had assisted them during the 2007 electoral campaigns. They particularly invested much time and energy in lobbying the executive to provide (relatives of) these strategic supporters with a job in the state bureaucracy. One MP stated that: “I particularly try to find job opportunities in the ministries controlled by my party.”³⁵⁵ One of his colleagues indicated that he had already “provided thirty youngsters with an internship and had managed to offer six close friends a job over the last years.”³⁵⁶ Ordinary citizens frequently demanded their parliamentarian to cover school fees, arrange accommodation for students in the capital city, to pay hospital bills or to find them a job within the state bureaucracy. While Malian MPs often provided small amounts of cash to these constituents, they restricted the distribution of substantial personal favours to a small network of family members, campaign supporters and local leaders. Most parliamentarians indicated that it was simply impossible to cover the large number of personal requests. When they visited their constituency, they faced, on average, over 70 demands for private assistance from individual constituents. Instead of responding to all these individual requests, they tried to arrange for constituency development projects simultaneously supporting many people.

³⁵⁴ Interview MP N.10, Bamako, 17 December 2009.

³⁵⁵ Interview MP N.4, Bamako, 10 December 2009.

³⁵⁶ Interview MP N.5, Bamako, 11 December 2009.

Secondly, all parliamentarians interviewed – without exception – prioritised this task of constituency service and constituency representation in daily practice. However, they lacked an official financial instrument, such as a Constituency Development Fund, to provide such services themselves. Malian parliamentarians therefore relied on their informal networks across the executive branch of government to make these constituency needs both known and to address them. The 2010 budgetary session attested to this as many parliamentarians not only proactively voiced the needs of their constituency but also tried to persuade the executive to prioritise these concerns within next years' budget. The following example is illustrative:

During the 2007 campaigns, President Touré promised to invest in the construction of new secondary schools in the area of Yanfolila. But today, there are still 900 students packed in only three secondary school buildings. Will the government invest more in building classes over here in 2010?

Members of Parliament from different electoral constituencies also teamed up in order to represent matters of common, regional, interest:

We, as MPs from Bandiagara and Douentza, are very concerned about the routes between Bandiagara, Mopti and Douentza. Already in 2008, there was a promise to have these routes improved but this has not been done. What has the government planned to do next year in order to address this concern?

The vast majority of parliamentary interventions during the budgetary session concentrated on these very particularistic constituency needs. Parliamentarians were seen cooperating but they also competed amongst each other to have their constituency priorities addressed by the executive.

Maintaining constructive working relations within the executive branch of government was considered essential for representing constituency needs effectively and for providing constituency services. No less than three quarters of the parliamentarians interviewed indicated that being part of the ruling coalition was a great advantage in this respect. One MP stated:

I maintain a close relation with the president and often discuss problems that have arisen in my constituency with him directly. He then usually intervenes.³⁵⁷

Two other colleagues revealed that:

For setting up a community school and other services in your constituency, you need signatures and funds from the minister of education. It certainly helps if your party is friends with that minister.³⁵⁸

One of the wards in my constituency did not have access to electricity. So I went to see president Touré. I told him there were households in my constituency who had their doors decorated with his campaigning poster but lacked access to electricity. The president personally called the director of the national electricity company in my presence and gave instructions. If the President had not intervened, we would still be waiting today. But now, they have electricity. So, you see, access to the president is crucial for developing my constituency.³⁵⁹

In case a parliamentarian did not directly benefit from his or her alignment with the executive, there were still subtle advantages to point out. An MP explained:

Even though I haven't played a role in ensuring that a particular road is now being improved in my constituency, it still looks good on me and I can at least claim to have contributed.³⁶⁰

Moreover, a majority of parliamentarians indicated that being able to provide a tangible service to one's electoral constituency was the achievement they were most proud of. Only one MP mentioned a legislative act in this respect and none referred to a particular oversight success. All the others referred with pride to a range of constituency accomplishments from the provision of medicines to local healthcare centres, a successful lobby bringing electricity to one's home region, water sanitation projects or the procurement of an ambulance for the constituency.³⁶¹ In

³⁵⁷ Interview MP N.13, Bamako 19 December 2009.

³⁵⁸ Interview MP N.1, Bamako 8 December 2009.

³⁵⁹ Interview MP N.10, Bamako 17 December 2009.

³⁶⁰ Interview, MP N.3, Bamako 9 December 2009.

³⁶¹ A similar pattern was witnessed when MPs were asked which of their colleagues' achievements they appreciated most.

line with prevailing popular expectations and the campaign promises made, Malian parliamentarians were seen to prioritise their constituency representation and service-delivery tasks in daily practice. The performance of these constituency-oriented tasks strongly influenced their collective law-making and oversight tasks. Before presenting the interplay between these different parliamentary tasks, however, an overview of those collective responsibilities that are particularly crucial to the overall democratisation process are presented.

Thirdly, the performance of collective law-making tasks was concentrated during the two parliamentary sessions that ran from the first Monday in April (for a maximum of 90 days) and the first Monday in October (up to 75 days). Going through the parliamentary archives, it appeared that Malian MPs – like many of their colleagues in the world – rarely used their right to initiate legislation. They drafted six bills (*propositions de loi*) between 2002 and 2007, most of which focused on the working conditions and salaries of Members of Parliament themselves. Between 2007 and 2009, four bills were elaborated that addressed specific policy matters. The Malian parliament was active in amending legislation proposed by the executive, although a number of other African parliaments have also been proactive in this respect.³⁶² The Malian parliament amended around 25 per cent of the *projets de loi* during Touré's first mandate and altered 20 per cent between 2007 and 2009. Malian parliamentarians also frequently formulated so-called policy recommendations, which did not require detailed budgetary justifications. MPs adopted more than 40 recommendations (in total) during the parliamentary sessions in October 2008 and April 2009. The recommendations covered a wide range of policy matters in the judicial, agricultural, transport and banking sector. The legislative performance of Malian parliamentarians thus appeared moderate but not as weak as one might have expected given the political and institutional restrictions presented in the previous section. More in-depth research, particularly on the performance of legislative committees, is nonetheless required to arrive at more robust conclusions in this respect.

Fourthly, Malian parliamentarians rarely used the oversight instruments at their disposal although there has been a gradual increase since the early 1990s. They primarily used these instruments to obtain clarifications (*answerability*) from the executive, whom they rarely sanctioned (*enforceability*). Thirty-eight oral questions were recorded between 2002 and 2007. Sixteen oral and seven written questions were presented to government between 2007 and 2009.

³⁶² Barkan, J.D. (ed.) (2009).

By comparison: only four written and 15 oral questions were recorded during the first legislature (1992-1997).³⁶³ Furthermore, eight government interpellations took place between 2002 and 2007 and six had been set-up between 2007 and 2009. The issues tabled varied from the challenges faced in the education sector, the consequences of the worldwide financial crisis for the Malian economy and issues related to fiscal/monetary policies. The legislature secured one rare oversight success in forcing the executive to alter the 2010 budget following the sale of Mali's national telephone company. The government obtained significant additional revenue after selling 51 per cent of the shares of Mali's national telephone company SOTELMA to Maroc Telecom. The executive allocated these funds to different budgetary lines without formally consulting parliament. Frustrated by their exclusion, opposition Members of Parliament organised a press conference and requested that the Minister of Finance respond to oral questions in parliament. President Touré tried to calm tempers but parliament nonetheless adopted an amendment to ensure that the additional resources were integrated into a revised version of the 2010 budget.

In sum, as members of a hybrid institution, Malian parliamentarians performed a wide range of tasks that were obviously not given the same priority in daily practice. They devoted most of their time and energy to performing individual constituency-oriented tasks. The following section demonstrates that in order to achieve success in this priority area, parliamentarians had to curb their responsibility to hold the executive accountable. In other words, a negative interplay prevailed between the individual and collective duties of Malian MPs.

4.3. THE INTERPLAY AT PLAY: PARTICULARISTIC AND COLLECTIVE RESPONSIBILITIES

As noted at the start of this chapter, in Ghana, recurrent demands faced by MPs to pay the healthcare bills of individual constituents prompted improvements in national insurance schemes. In Mali, constituency-based interests also inspired collective action in a number of cases. The above-mentioned effort by MPs to obtain a revised 2010 budget from the Malian government is a good example. Parliamentarians motivated their request to include revenues earned from the sale of Mali's national telephone within a revised 2010 budget as follows:

³⁶³ Friedrich Ebert Stiftung (2008) *L'Assemblée Nationale du Mali sous la troisième république. Un guide à l'usage des élus, des citoyens et des partenaires extérieurs*. Bamako: Imprim Color. No data were available about the number of written questions between 2002 and 2007 in the parliamentary archive.

I am not from the opposition, but my people are suffering and we need to use this money effectively. We need to be involved as parliamentarians.

Where I live, people have no access to television. We could have used this money to assist them. [...] I just want my locality to be able to develop together with the rest of Mali.

Moreover, numerous parliamentarians revealed that constituency-based demands to improve local healthcare centres and to address pertinent land issues had encouraged them to jointly adopt nationwide policy recommendations in these areas.

Yet, the collective actions undertaken were primarily those that also benefitted individual constituencies. Malian MPs were much more hesitant to adopt collective measures that could harm their individual ties with the executive. In fact, the empirical assessment revealed a very strong trade-off between collective and individual parliamentary tasks. This seriously hampered the legislature's collective oversight responsibilities. In other words, the prevailing pattern witnessed in the years before democracy collapsed constituted a negative relation between particularistic representative tasks on the one hand and collective oversight tasks on the other hand. As noted above, Malian parliamentarians relied on their informal networks across the executive branch of government to perform their constituency-oriented tasks in the absence of an official instrument such as a Constituency Development Fund. In return, representatives of the executive branch expected them to refrain from critical scrutiny, at least in public, of sensitive political subjects as the following observations by Malian MPs illustrated:

I go and see the minister in person. Questioning him in public will frustrate him. He will get angry with you and then he is not going to assist you anymore.³⁶⁴

We, as Members of Parliament from the ruling majority, are always expected to automatically defend every minister. Political discipline has become increasingly important and has limited our room for manoeuvring. We are expected to shut up.³⁶⁵

Another clear-cut example concerned the failed attempt of the Malian legislature to have an open debate with the prime minister about the implementation of the parliamentary policy

³⁶⁴ Interview MP N.12, Bamako, 19 December 2009.

³⁶⁵ Interview MP N.1, Bamako 8 December 2009. Interestingly, the room for manoeuvre was considered greater during President Touré's first mandate (2002-2007), which was characterised by a full parliamentary consensus.

recommendations adopted between 2007 and 2009. The executive almost routinely accepted these recommendations, but MPs had limited possibilities to verify their degree of implementation. The prime minister, however, did not want to discuss these matters in parliament in front of the cameras and raised pressure on the Speaker to allow cabinet to respond in writing. Many MPs favoured an open debate but, not wanting to harm their ties with the executive, abstained from protesting. Collective parliamentary oversight was equally restricted on matters of national security. An MP representing a northern constituency indicated that he formally requested the Minister of Defence to come to parliament to discuss the rising presence of Salafists in his electoral constituency. President Touré, however, personally demanded local notables in this constituency to force the MP to withdraw his request:

We finally did the consensus thing and I spoke to the Minister of Interior behind closed doors.³⁶⁶

Other MPs complained that the French National Assembly debated Mali's security challenges more openly than the country's own parliament. However, many admitted abiding by executive pressure and refrained from addressing the matter in public sessions.

The obstacles opposition parliamentarians faced when performing their individual constituency-oriented tasks further illustrated the importance of maintaining constructive ties with the executive. During the 2010 budgetary session, an opposition MP who served as a minister in a previous cabinet complained about an infrastructural problem in his constituency. A long-time serving colleague from the ruling coalition stood up and responded, "he should stop complaining." Having failed to address the problem while in government himself, "the MP could not expect the current government to solve his problems now." The comment was made with a slightly ironic tone and generated laughter in the House. Nevertheless, opposition MPs did face considerable challenges to performing their constituency-oriented tasks. One parliamentarian indicated that his lengthy career as a senior civil servant granted him access to several ministries, despite the fact that his party was in opposition. Other opposition MPs encountered significant obstacles. One MP recalled that during the 2007 campaigns, "constituents were told by our competitors that their constituency could not develop if they voted for us, the opposition."³⁶⁷ Another colleague indicated that:

³⁶⁶ Interview MP N 14, Bamako, 19 December 2009.

³⁶⁷ Interview MP N.11, Bamako, 18 December 2009.

Civil servants are often afraid to assist us. We therefore have far less opportunities to ensure the needs of our constituents are known at the right places and to ensure that relevant state institutions take action.³⁶⁸

Well aware of the consequences for one's potential to safeguard both individual and constituency interests, the vast majority of parliamentarians from the ruling coalition indicated that they took care not to fall out of grace with the executive.

In sum, the Malian legislature often refrained from holding an increasingly discredited executive accountable and played a modest role in the legislative domain. This performance was clearly linked to the wider incentive structure in which parliamentarians were embedded. Both formal (electoral system) and informal (clientelism/patronage, politics of proximity) incentives incited MPs to focus on constituency-related matters. Their dependence on an omnipotent executive to achieve results in these priority areas only further eroded their already limited potential to provide executive oversight (at least in public).

So far, this chapter has focused exclusively on the (dis)incentives confronting Malian MPs and how these, in turn, affected their limited role in performing collective legislative and oversight duties. The following and final section expands this narrow scope. It reveals how other influential power poles considerably shaped the legislative process and executive oversight.

4.4. THE LEGISLATURE IN THE CONTEXT OF A HETERARCHICAL POLITICAL ORDER

The exercise of public authority in the context of Mali's heterarchical order involved both state and non-state actors who legitimised their authority in reference to multiple sources. None of the actors constituted a hegemonic force in society and public authority was thus shaped through constant interactions between these actors and multiple legitimising repertoires. As noted in the introductory chapter, Sears (2007) referred to Mali's "triple heritage" of indigenous, religious and Western democratic aspects with respect to the struggle for legitimacy.

This interplay also characterised the legislative process, as the revision of Mali's Family Code in 2009 clearly illustrated. In that year, Malian authorities elaborated a revised Code that included substantial progressive changes encouraging gender equality. Modifications included the formal repeal of the so-called obedience clause – referring to the inferior status of women

³⁶⁸ Interview MP N.15, Bamako, 19 December 2009.

in relation to their husbands; abolishing the legal status of religious marriage; a rise in the age of marriage to counter child marriage; as well as changes in heritage rights amongst married couples. The National Assembly adopted the revised version of the Code in August 2009, almost unanimously. International donors had tied their overall financial support to the Malian state to tangible improvements in the area of gender equality.³⁶⁹ Parliamentary approval took place shortly before a new transfer of international aid was scheduled. However, within a short space of time, religious movements mobilised over 50,000 people in Bamako to protest these changes. They set-up highly visible media campaigns and blamed MPs for having voted in favour of a text that did not reflect “traditional” or religious values prevailing in Malian society. Then president of the umbrella of Islamic organisations in Mali and one of the most influential religious leaders, Imam Mahmoud Dicko, stated:

They have spoken of marriage as being a secular act. We have said it is too much for a country like Mali where everyone is a believer. There are no non-believers in Mali. In one manner or another, people believe [...] To say in this country that marriage is a secular act and to make it a law, it is not a good thing, it truly insults Mali.³⁷⁰

Their campaigns proved highly effective and the government withdrew the Code. Barely two years after having approved the progressive Family Code, the legislature unanimously adopted a revised version that took into account most of the objections raised by religious leaders.³⁷¹ The course of events reinforced popular perceptions that both the legislature and the state were out of sync with wider society. In contrast, Bergamaschi (2014) noted that religious leaders:

Consolidated their power as spokespersons of average citizens and accumulated political capital.³⁷²

Hence, the democratic decision-making process regarding the Family Code weakened state legitimacy more than it enhanced it. It reinforced the position of non-state power poles vis-à-vis the state.

³⁶⁹ Siméant, J. (2014) ‘Contester au Mali. Formes de la mobilisation et de la critique à Bamako’, Karthala : Paris, pp. 205-228.

³⁷⁰ Thurston, A. (2013), p. 52.

³⁷¹ Ahmed, B. (2011) ‘Mali. Un nouveau code de la famille, avec la bénédiction des islamistes’, (*Jeune Afrique*, 5 December 2012).

³⁷² Bergamaschi, I. (2014), p. 368.

A similar pattern characterised the interplay between state and non-state actors in the area of executive oversight. This chapter has illustrated the highly restricted role of the legislature in this regard. In such a context, actors operating outside the official democratic channels – almost inevitably – played a prominent role in holding the executive accountable. In the early 1990s, the “street” in Mali’s capital Bamako emerged as a pivotal political space when protest marches led by different youth constituencies and other urban factions eventually triggered a military coup that ended authoritarian rule (ref. Chapter 2). Siméant (2014) illustrated how a wide variety of urban interest groups, ranging from trade unions, various youth associations, anti-globalisations movements, small opposition parties, have taken to the streets ever since.³⁷³ While the issues raised during such demonstrations varied, poor state performance in the socio-economic realm was central to many of them. With the exception of a very small parliamentary opposition, political parties and parliament refrained from critically holding the executive to account on such issues. The streets constituted the primary political space for their expression. Popular protests once more played a major role in inciting regime change in 2012. This time around, it started with a march in Kati led by women married to soldiers who had lost their lives in the emerging conflict in northern Mali. They wanted to hold the political and military hierarchy accountable for having failed to provide the soldiers with adequate weapons, basic rations and a minimum of support. As they marched towards the presidential palace in Bamako, their movement turned into a broad-based demonstration that spread to other cities. This march of the “war widows” provided the “initial spark” that ultimately led to the chaotic military coup that ousted President Touré.³⁷⁴

After the coup d’état, youth groups continued to play a particularly important role in holding political leaders accountable. Rap groups like Les Sofas de la République and many other musicians encouraged urban youngsters, through music and social media, to hold their corrupt leaders to account.³⁷⁵ Similar initiatives had been taken in neighbouring countries where groups like Y’en a marre in Senegal and Le Balai Citoyen in Burkina Faso successfully held their political elites accountable at important junctures in the democratic process. In rural areas, as briefly highlighted in the previous chapter, youth networks increasingly contested the position of local elites who had long monopolised (informal) ties with political elites at the national level. Improved access to social media enabled these youngsters to share experiences, to

³⁷³ Siméant, J. (2014), pp. 15-69.

³⁷⁴ Peterson, B.J. (2013) ‘The Malian Political Crisis: Taking Grievances Seriously’, 27 March 2013, (Opinion Piece, African Arguments).

³⁷⁵ Whitehouse, B. (2012) ‘Fighting for the Republic, with Beats and Rhymes’, 5 June 2012 (Blog, Bridges from Bamako).

reinforce a common narrative and to organise themselves. As a result, consciousness about their marginalised position increased. Those youth groups, De Bruijn and Both (2017) noted, “most actively challenge the existing frames of legitimacy” and engaged in a “search for alternative legitimate orders.”³⁷⁶ Some moved in the direction of alternative orders propagated by non-state armed groups, militias or terrorist groups, as Chapter 6 further demonstrates.

Clearly, protests against the political elites had a very heterogeneous character and moved in different directions. A profound analysis of these diffuse responses is certainly beyond the scope of this thesis. Nonetheless, the common point of departure for these diverse trajectories constituted a shared sense amongst protestors that the Malian democratic system failed to channel their interests and contestations with the state.

4.5. CONCLUDING REMARKS

Based on an analysis of the performance of different parliamentary tasks, this chapter revealed that Mali’s hybrid legislature refrained from holding an increasingly discredited executive accountable in the years preceding the 2012 coup. The case study confirmed and illustrated well-known institutional (executive dominance), political (one-party/coalition dominance) and international (aid) challenges that restricted executive oversight. In line with the electoral system in place and wider societal expectations, particularistic tasks clearly prevailed in daily practice. Becoming an MP in Mali, as highlighted in the above, was like “becoming the Secretary General of social demands.” In this context, a strong trade-off between collective and particularistic parliamentary tasks prevailed. MPs relied on constructive ties with – and informal networks across – the executive branch of government to fulfil their particularistic tasks. Hence, the hybrid legislature functioned as an extension of the executive branch of government geared towards the redistribution of national resources along particularistic – and geographically centred – interests. The national interest and the delivery of public goods played a marginal role, merely a by-product of prevailing particularistic interests. When MPs faced similar constituency demands, this potentially incited collective action in the national interest. Nevertheless, if joint action jeopardised their personal or particularistic interests, MPs refrained from intervening collectively. In practice, actors operating outside the official channels and beyond democratic institutions provided the bulk of executive oversight.

³⁷⁶ De Bruijn, M. and Both, J. (2017), p. 780.

President Touré often presented Mali's consensus democracy as an alternative to a confrontational western-type characterised by dissent and opposition. The consensus model, he argued, mobilised and unified different interest groups in society, thereby boosting state authority and legitimacy. However, the analysis presented in the previous and current chapter points in a different direction. If Mali's consensus democracy displayed a sense of unity, that was largely because dissent had to be expressed through alternative channels beyond – and often in opposition to – the state. While intended to enhance state legitimacy, the democratic structure actually reinforced non-state power poles in Mali's heterarchical political order.

The next chapter moves beyond the national democratic system and provides an analysis of Mali's ambitious decentralisation reform package. It is based on extensive empirical research at the local level. This enabled a more in-depth understanding of the actual interplay between state and non-state actors, material and immaterial resources, and ways in which this interaction shaped a decentralised administration in the context of a heterarchical order.