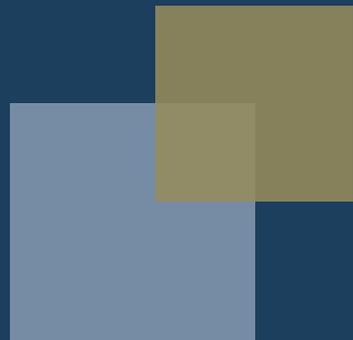




Chapter 5

Case study: Mali



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Until 2012, largely peaceful elections were the insignia of Mali's claim to have accomplished one of sub-Saharan Africa's most successful transitions to democracy (Harmon 2014: 71). Following a popular uprising and a putsch against the country's 23-year-old military dictatorship in 1991, Mali managed to navigate a handover from the military coup leaders to a civilian president who then respected the constitutional limit on his mandates. The country proceeded to maintain a calendar of regular parliamentary, presidential and—from 1999—local elections, and cultivated a system of political parties that included two significant national forces: the Alliance for Democracy in Mali and the Rally for Mali. According to the Afrobarometer Survey, Malians remain wedded to the democratic system, which 75 per cent prefer to any other system, and generally satisfied with their level of political and civic freedoms, as well as the quality of elections (Afrobarometer 2014, 2015).

However, the national emergency of 2012 prompted deep reflection over the shortfalls of these electoral procedures, which, in hindsight, had failed to guarantee the state's popular legitimacy, preserve civilian control of government, or diminish rampant corruption and crime. At the start of the year, a Tuareg separatist movement seized control of the desert in the north of the country, declaring it an independent state called Azawad, only to be dislodged within months by a coterie of jihadist armed groups. Meanwhile, a junior army officer, Captain Amadou Haya Sanogo, led a coup in the capital, Bamako, against the elected president Amadou Toumani Touré, who was forced to flee the country as a result.

There followed a year of grave political uncertainty, in which the armed forces retreated from formal state office while exerting substantial influence over (and intimidating) interim civilian leaders. Malians' satisfaction with their

democracy fell to some of its lowest historical levels, reaching 30 per cent in the period 2011–13 (Afrobarometer 2015: 6). Fresh presidential and legislative elections in 2013 appeared to mark a return to electoral and political normality, although levels of public discontent with their new leaders, ongoing armed violence in the north and the failure to hold elections in the country's 703 local communes would suggest that many challenges remain. Prominent among these are the influence of crime and corruption throughout the political system.

Elections and campaign finance

While signalling to the outside world that Mali was consolidating its multiparty democracy, the elections that regularly took place from 1992 onwards also revealed and reinforced the new political system's weakest points—one of which is especially low electoral turnout. Starting at 23 per cent for the presidential poll in 1992, the participation rate hovered between 20 and 40 per cent for all national elections until 2012; turnout for local elections reached over 40 per cent (Bleck 2015: 67).

In spite of the greater levels of voter enthusiasm for local elections, Mali remains governed by a heavily centralized presidential system, with a single-chamber National Assembly that tends to offer little robust opposition to the executive. The programme of decentralization that began in the 1990s has yet to achieve a substantial handover of power and resources to the local level. According to a report from the International Crisis Group, for instance, in 2009 the central state distributed only 0.48 per cent of its fiscal revenues to local authorities, despite the fact that these are nominally in charge of providing social services such as health and education (ICG 2015a: 7).

Although it is possible to ascribe high levels of voter apathy to the recent introduction of democracy, or to the historically enshrined tradition of consensus in Malian politics, the absence of mass participation has profoundly affected the country's democratic development (Chauzal 2011: 248–50). Numerous parties engage in competitive electioneering on the understanding that ideology or party allegiance and mobilization will have a limited influence on voters. Instead, Malian elections have come to be characterized by a dependence on financial influence in order to win at the ballot box. Although a number of regulations apply to political parties, which are eligible for modest state funding, there are no limits on party spending or on donations to parties from national sources, nor on the amounts a candidate can spend (International IDEA 2015). Moreover, according to the



report of the EU observation mission for Mali's 2013 presidential elections, 'no effective control mechanism is envisaged' to ensure that political parties present truthful and complete accounts to the Supreme Court (EU Election Observation Mission 2013).

Financial resources are used in various ways during elections in Mali, including direct payments to voters—which is strictly illegal according to articles 72 and 128 of the Malian Electoral Code—purchasing clothing showing the candidate's face, rallies, vehicles for travel and influence over journalists (anonymous interview, Bamako, November 2015). One study of Malian democracy based on extensive field research carried out before the 2012 crisis found that voters were unremittingly hostile to politicians they viewed as corrupt, self-interested and unable to provide proper public services. 'We are nothing but fish to them [political parties]', recounts one village leader. 'They come to our village during the campaigns and cast their nets. Once they reel in their catch—their work is done' (Bleck 2015: 52). One former National Assembly deputy estimated his campaigns cost CFA 35 million, or approximately USD 58,000, which was financed from his and his partners' pockets. A successful presidential campaign was estimated at CFA 7 billion, or USD 11.5 million (anonymous interviews, Bamako, November 2015).

Various observers of Malian democracy and insiders within it concur that these sums of money exert a strong and detrimental pull on political behaviour. Once in office, deputies and other elected officials must recoup these campaign investments by manipulating public spending, public contracts or state recruitment (Van Vliet 2014; Harmon 2014: ch. 3). It is interesting to note in this regard that the Illicit Enrichment Law of 2014 expressly excludes parliamentarians from its remit. Although many of these corrupt practices predated electoral democracy, and draw on other social and political roots as well as a generalized context of poverty and scarcity, election campaign financing has magnified the scale of central government corruption. According to the scholar Stephen Harmon, 'it is with fraud and lack of transparency in election campaign finance that much of the rest of the political corruption in Mali begins' (Harmon 2014: 81). Electoral finance not only determines the scale of corruption in Mali. It also, in the view of one former government minister, severs any relationship of trust and accountability between voters and elected officials: 'Democracy does not ask leaders to be accountable for their records, and democracy does not allow the best leaders to be chosen' (anonymous interview, Bamako, November 2015).

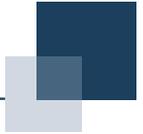
Disputed electoral races and executive influence

Partisan politics and contentious elections have also left a significant mark on Mali's democratic evolution. As a result, all the country's major elections have been marred by charges of mismanagement and manipulation.

Parliamentary elections were annulled in 1997 as a result of apparent electoral abuses carried out under the aegis of an ill-prepared and politicized electoral management body, the Independent National Election Commission (CENI) (Chauzal 2011: 287–91). All the main opposition parties boycotted the presidential elections that year. Five years later, the CENI's role was reduced to that of a temporary supervisory body, created ahead of elections and dissolved shortly afterwards once its final report was published. Overall electoral organization, including vote counting, was handed to the Ministry of Territorial Administration. The preparation of the electoral list, voting cards and papers, and management of the public funding of political parties was handed to the General Directorate for Elections, created in 2000. Matters of electoral justice and electoral annulment remained in the hands of the Constitutional Court.

This arrangement, which was formally established by the 2006 Electoral Law (revised in 2011 and 2013), continues today. The new structure clearly reinforced executive power over the electoral process, not least given the prominent role of the Ministry of Territorial Administration and the nature of the Constitutional Court's composition. Three of the court's nine members are appointed by the president, and another three by the High Council of the Magistracy, which is also effectively under executive control (Van Veen, Goff and Van Damme 2015: 19–21). Highly controversial decisions taken by the court include the annulment of a third of the votes cast in the first round of the 2002 presidential elections (Cyllah 2014: 128). Five years later, the court declared that electoral fraud had become systemic.

Spats over electoral management and a tendency towards executive meddling in the electoral process have not abated since then, and continue to generate barely concealed resentment among losing parties. Representatives of the Union for the Republic and Democracy, a major national party whose candidate Soumaila Cissé lost the second round of the presidential election in 2013, claim there was a state campaign to support the eventual victor and current president, Ibrahim Boubacar Keïta (IBK) (anonymous interviews, Bamako, November 2015). According to these sources, the minister of territorial administration at the time—who was also the chief official in charge of electoral organization—supposedly told regional governors and



prefects that any polling station voting in favour of Cissé would have its results annulled. The same sources report that 200 votes in favour of IBK were placed in each of the 2,000 polling stations in Bamako before voting began; they add that Cissé apparently refused to mount a public campaign against the result due to fears that he might unleash a civil war: ‘He told us, “I don’t look for power on top of the bodies of children”’ (anonymous interviews, Bamako, November 2015).

The EU electoral observation mission to Mali found no evidence of such systematic abuse of the electoral system, and underlined in its final report that the Ministry of Territorial Administration enjoyed the general respect of civil society organizations and political parties (EU Observation Mission 2013: 15). However, its report makes clear that the actions and decisions of the Constitutional Court remain discretionary and opaque, and overtly questions the court’s dismissal of an electoral complaint lodged by Cissé (EU Observation Mission 2013: 32, 34).

Organized crime in the north

In the context of reported corruption networks surrounding campaign finance, as well as apparently excessive executive powers that meddle in election management and vote counting, non-state organized crime has thus far played a limited role in Malian elections. Illicit trafficking networks linked to different ethnic groups have nevertheless proven instrumental in sponsoring and supporting armed groups in the north of the country, and as a result have extended their influence into the realm of electoral affairs. Criminal networks, as mentioned earlier, allegedly injected substantial illicit resources from a hostage negotiation into the 2009 local elections in the north, above all in the town of Tarkint. Although detailed and documented accounts of these elections are hard to obtain, a leaked cable from the US Embassy based on discussions with Tuareg leaders asserted that the poll was fought between three lists of candidates, each representing a different ethnic or clan group: the Idnan Tuaregs, the Kounta Arabs and the Tilemsi Arabs. The Tuareg source alleged ‘outright ballot box stuffing and the destruction of at least two ballot boxes’ by representatives of the Tilemsi Arabs (US Embassy in Bamako 2009).

The violence in that electoral process is widely believed to have spurred a competitive race for arms and resources between different ethnic and tribal groups in the north in the run-up to the outbreak of conflict in 2012 (Briscoe 2014). A total of eight ethnic-based armed groups, clustered into two rival blocs, eventually signed the Algiers peace accord in June 2015, which

envisaged direct elections for regional presidents in the north and measures to spur economic development. However, a number of observers have noted links between these armed groups and illicit trafficking networks, which have been acknowledged by leading members of some of the armed groups (anonymous interviews, Bamako, November 2015).

Should Mali manage to stabilize the north of the country yet fail to reform the central political finance systems, greater organized criminal influence in electoral processes is likely to emerge, above all in the bastions of illicit trafficking in the north and in parts of the south. Three of the northern deputies elected to parliament for President Keïta's party in late 2013 have allegedly had close associations in recent years with illicit trafficking and Islamist militia activity (Tinti 2014: 16). When asked to consider these risks, one Malian political party leader agreed that in seeking candidates in northern constituencies, there is simply no way to bypass the local 'strong men' (anonymous interview, Bamako, November 2015).

These risks raise the issue of how greater state legitimacy in the north—which should be partly achieved through new decentralized democratic powers—can be balanced with the threat that armed and criminal factions pose to the new authorities. Furthermore, monitoring and regulating these risks might prove problematic while local authorities are also seeking greater autonomy and trying to prevent obtrusive interference by Bamako.

Conclusion

The government of President IBK, elected in 2013 amid a popular clamour for state reforms and a sweeping campaign against corruption, has not managed to fulfil all its initial promises according to observers of Mali's political landscape. Government reforms have not sufficiently changed the current framework of campaign finance. The current system induces many of the country's elected politicians to recoup their considerable investments through fraud and embezzlement, and there are no plans in place to strengthen independent electoral oversight in spite of repeated scandals in this area. Low levels of voter turnout and high levels of alienation from the political establishment are both cause and consequence of this state of monetized politics, and form an essential background to the multiple systemic challenges faced by the Malian state since 2012.

If Mali's decentralized and democratic political system eventually manages to supplant the armed groups operating in the disputed north of the country, as



the 2015 Algiers accord envisages, then it is likely that the emergent political system will remain conditioned by high levels of campaign finance, and by a leading role for the illicit trafficking networks that remain powerful actors in the northern regions. Far from competing with existing corruption networks in the south, it is likely that organized crime and political corruption would coexist in relative harmony. Without fear of reprisals or enforcement from the judiciary, central state authorities or local civil society, these networks might also enjoy generalized impunity.

Establishing sustainable regulations and monitoring mechanisms for privately funded electoral campaigns would be an important starting point towards protecting Mali's electoral system from organized crime. Such measures should primarily focus on the role of cash contributions. More important, however, is ensuring the legitimacy of the electoral system (particularly electoral oversight) among the local population (Perdomo and Uribe Burcher 2016). That would set the basis for effective enforcement of electoral and campaign regulations amid the climate of political turmoil in Mali in general, and in the north in particular.