Towards a more effective partnership with civil society
1. CIVIL SOCIETY SPACE AND ENVIRONMENT IN THE COUNTRY

The general context in Mali has changed drastically in 2012, when a ‘coup d’état’ and the escalation of conflict in the North of the country aggravated the already fragile situation. In the last few years, the country has been marked by instability and by domestic complex issues between the northern regions (with separatist and Islamist groups) and a southern government, being also an important pivot in the so-called regional “arc of instability”, due to informal cross-border trafficking and transnational crime, the fight against terrorism and migration issues (as a departure and transit country). The state of emergency has been extended and security issues are therefore predominant in the country’s internal context and in external support. The country has been supported by a UN peace mission since 2013 (United Nations Stabilisation Mission in Mali – MINUSMA) and the signing of the Agreement on Peace and Reconciliation in June 2015 presents new opportunities to deepen external cooperation. However, international assistance have been criticised both for enabling the prevailing corruption and for focusing almost exclusively on military issues (e.g. terrorism threat) while underestimating other issues connected with instability, such as public service delivery and economic development.

The measures included in the Mali Peace Agreement provide for opportunities to increase civil society participation in peace-building, governance and development, including the reconciliation of people and communities, the establishment of inclusive and participatory governance, the socio-economic development of the northern regions, the strengthening transparency and accountability in the management of public affairs, information and citizenship education, and the respect for human rights. Nevertheless, the instability, insecurity and precarious human rights climate, particularly in the northern and central parts of the country, have a strong direct impact on civil society activities. While the Truth, Justice and Reconciliation Commission has recently made some progresses, the credibility of the body was undermined by the government’s failure to sufficiently consult with a wide variety of stakeholders, and the lack of inclusion of those representing victims’ groups was strongly criticised by the Malian civil society. In 2016, the government adopted a bill providing greater independence for the National Commission for Human Rights and adopted an action plan to strengthen human rights and access to justice, although the shortfalls of Malian judiciary are a major concern.

Civil society organisations (CSOs) are not restricted by an unfavourable legislative framework, despite the sometimes long and bureaucratic procedures. Article 5 of the Constitution recognises freedom of association, assembly and demonstration, and the legal basis is still the Law No.04-038/ANRM of 2004 pertaining to associations, which establishes simple processes for creation and registration. There are no special tax benefits for associations in Mali’s Tax Code, although some organisations may obtain the public interest status. The absence of a precise regulatory definition of civil society have been fostering discussions, since it is not uncommon to find civil society actors that are also political party activists or elected government officials, which can create conflicts of interest and independence issues. Some of the existing networks were created by or with the influence of the state and are not sufficiently connected with their respective constituency at the grassroots level.

CSOs in Mali have been in a restructuring phase in the last few years, seeking to re-define their roles in the current country’s reconstruction. They are highly diverse and have been recently reinforcing their organisation and coordination through umbrella groups, networks, federations and groupes pivot (NGO consortia involved in a specific sector, e.g. education, health and population, women’s rights and citizenship, social development), some of which are the main interlocutors both for public authorities and for donors. One should note, however, that the two major platforms were promoted by other actors: the Conseil National de la Société Civile du Mali – CNSC was set up at the initiative of the government in 2003 because the government needed an interlocutor to engage in certain issues, and the Forum National des Organisations de la Société Civile au Mali – FOSC was created in 2009 at the initiative of the European Union (EU) as a framework for strengthening civil society. The financial dependency of civil society has sometimes resulted in structuring of coordination groups and networks that arise more as a response to the dialogue demands with the government or the donors, than from a real approach for increased coherence. The country has a relatively high level of civil society involvement in public policies (e.g. participation of the national council of peasants in the national agricultural policy; dialogue mechanisms on education and health), including on sensitive areas as budget supervision or the fight against corruption, although this dialogue faces some representativeness and inclusiveness issues.

2. SUPPORTING AN ENABLING ENVIRONMENT FOR CSOs IN MALI

Following the conflict in 2012, the EU temporarily suspended its direct support programmes to the government of Mali but continued to support operations from CSOs. The EU resumed its development cooperation programme through the EU Recovery Plan of Mali for 2013-2014 and the National Indicative
The CSCRP revision has resulted in the elaboration of the CREDD (Cadre Stratégique pour la Croissance économique et le développement durable du Mali) available at http://eucap-sahel-mali.eu/.


2 It covers 4 mains sectors: (1) State Reform and consolidation of the rule of law (implemented through the 2nd support contract); (2) Rural development and food security (partly implemented by Belgium); (3) Education; and (4) Road Infrastructure (included at the request of the Mali government).

FOSC is supported by and participates in the implementation of the PAOSC II (Programme d’Appui aux Organisations de la Société Civile au Mali), the main programme to support national civil society in Mali, co-financed by the EU (European Development Fund), Denmark, Sweden, Switzerland and Canada. The objective of contributing to CSOs’ capacity-building is mainly pursued through call for proposals (funds to training, workshops and initiatives that reinforce technical skills of organisations) and through the thematic groups of FOSC, although some are much more active than others. The programme has funded hundreds of CSOs projects through calls for proposals in the several communes with a specific focus on the participation in the decentralisation process, advocacy and control of public policies. It has also promoted and facilitated regional and national forums for discussion, where CSOs could discuss relevant issues to them and to the country’s context.

While PAOSC II responds to the needs expressed by CSOs regarding their own capacities for policy dialogue and consultation, the programme has been criticised for not matching the most urgent needs and priorities of smaller organisations and local populations. An evaluation conducted in 2015 indicated that the programme would have been more relevant if the identification and definition of target groups and activities had taken the local context in which CSOs operate into consideration, especially at the regional level.

The programme ends in 2017 and its transition to the Malian structures is currently being discussed, with several options under consideration (e.g. the creation of a foundation/association, the establishment of a trust fund or through budget support to the state).

Besides EU support, some EU Member States also engage with civil society in a complementary perspective to their bilateral programmes. For example, Sweden works mainly with international NGOs as intermediaries to support and partnership with national/local NGOs, in two main sectors: local governance (with Swedish, Irish, Austrian and Swiss NGOs) and natural resources/climate change. The national and local CSOs engaged in these projects lack technical and institutional capacities, and INGOs have supported them in applying to PAOSC funds. This is a good practice in terms of coordinating support to CSOs between donors; thematically CSOs are supported in their work by EU member state funding; institutional capacity is strengthened via EU funding.

4 More information on http://eucap-sahel-mali.eu/

5 The CSCRP revision has resulted in the elaboration of the CREDD 2016-2018 (Cadre stratégique pour la croissance économique et le développement durable du Mali) available at http://www.maliapd.org/ Fatou/CREDD%202016-2018.pdf

6 The specific objective of this programme is to reinforce Malian CSOs to improve their participation in the democratic process, in state reform and decentralisation, and to ameliorate their role as development and social change actors. More at http://paosc2mali.org/

3. DIALOGUE AND INSTRUMENTS FOR ENGAGING WITH CIVIL SOCIETY

There are no regular institutionalised dialogue mechanisms between the EUD and civil society in Mali. Dialogue is pursued through ad-hoc punctual events on specific themes (e.g. meetings on human rights issues including the participation of EU member states) and within the PAOSC framework, besides the direct scope of funding and calls for proposals, in which consultations are usually held (meeting for EIDHR preparation in November 2016).

The tripartite annual state-donors-CSOs dialogue, held before 2012, was not re-established. Donor coordination meetings are held under the thematic group “CSOs and democratic process” and donors have met with some ministries within this framework to raise issues pertaining civil society. A regular dialogue between this donor coordination group and FOSC is well established and it is mainly governed by the CSOs institutional capacity building programme (PAOSC II) through its “Comité de Pilotage” (in which the state also participates). However, many influenced CSOs in the Malian society (e.g. religious organisations), are not engaged in these dialogues with external partners, and a reflexion should be made on which organisations to engage with and how to choose them, in order to increase inclusiveness and representativeness.

The participation of CSOs in dialogue on EU bilateral cooperation and programmes is limited, although FOSC is sometimes consulted on the programming process. There is however no dialogue on important sectoral EU policies in the country, particularly regarding trade, security and migration issues.

The Roadmap

The process of drafting an EU Country Roadmap for Engagement with Civil Society in Mali has included two consultation meetings with CSOs, organised within the PAOSC II framework (June and July 2014). Although the roadmap was approved by the EUD (with a revision to take place in 2017), the document is not publicly available and there seems to be a widespread lack of knowledge about its existence or implementation, both among EU member states and CSOs. There is no information about its implementation and follow-up, particularly on what is expected from civil society on this regard.

“Il ya eu une seule rencontre avec un Consultant commis par la DEU mais qui depuis après cette rencontre nous sommes restés sans feedback. Si les procédures ne changent pas il va eu avoir peu d’impacts pour l’appui de l’UE aux OSC. – (Survey) Community-Based Organisation, Mali

Funding

The participation of civil society in EUD bilateral programmes is very limited and there is a lack of clarity on what could be CSOs’ participation in new instruments, such as the EU Emergency Trust Fund for Africa8. The EUD does not treat civil society as a sector in bilateral cooperation and CSOs are mainstreamed in all sectors of cooperation as a cross-cutting issue. Nevertheless, civil society engagement in bilateral priorities and programmes could be improved, namely in those related to state reform and consolidation of the rule of law (e.g. decentralisation, reconciliation process).

Joint programming is being implemented in the country and the joint strategy for 2014-2018 states as the objective to support civil society “the reinforcement of civil society structures and capacities to exercise an independent citizen scrutiny”. It specifically mentions the support to mechanisms that could allow CSOs accessing to funds allocated to Mali through the state budget, as recommended by a study commissioned in 2013, but this has only been partly implemented (CSOs may have access to funds from sectoral budget support for awareness raising and monitoring activities).

The main EUD funding opportunities for CSOs in Mali are implemented through the European Instrument for Democracy and Human Rights (EIDHR) that finances civil society’s projects in this area, and the PAOSC II, which funds CSOs projects through calls for proposals and calls for expression of interest for national/local organisations. These have funded CSOs multiannual plans (institutional and management capacity-building support), CSOs’ coordination and networks, and local projects from small organisations9.

Although these instruments are considered to be very relevant, they also entail very long processes that don’t keep up with the fast changing reality and are not adapted to the country’s fragile context. Mali could have more simple and flexible procedures as a fragile state, but this possibility is not always used. Other concerns regarding the EUD calls are common to other countries: heavy and time-demanding procedures, very complex and strict requirements, and difficulty for smaller organisations in accessing these funds. The major expansion of INGOs presence in the country since 2012 was not accompanied by a reinforcement of national CSOs and this has resulted in most funding being

8 The EU Trust Fund currently finances six projects in Mali. For more information, see http://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund/sahel-region-and-lake-chad-area_en

9 Under PAOSC II civil society is organised in 4 levels: (I) Community-Based organisations, (II) Development NGOs, (III) Groups of associations and NGOs, and (IV) Platforms and spaces for political dialogue (with calls for proposals being open for each of these levels).
attributed to big organisations, with national/local CSOs being included only formally in these partnerships.

Les principales difficultés sont l’accès à l’information, l’inadaptation des instruments, la non flexibilité, la longueur des délais de traitement des dossiers, la non prise en compte des réalités pays (vulnérabilité du pays en lien avec les engagements de Busan), la faiblesse du dialogue avec les OSC et le secteur privé. (…) Pour l’accompagnement des OSC, il serait plus judicieux aussi que la DUE revoie ses instruments de financement de façon à les rendre plus souples et plus adaptés en fonction de la situation du pays. – (Survey) National NGO, Mali

The country brief is based on desk research, interviews and written questionnaires with the EUD and local civil society organisations or networks. For more information, please see the methodological note available online.

The brief mentions some of the findings specifically concerning Mali. For common findings and comprehensive analysis/recommendations regarding EUDs engagement with civil society, see the CONCORD EU Delegations Report 2017: Towards a more effective partnership https://concordeurope.org/what-we-do/promoting-civil-society-space/eu-delegation-report
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