« A very, very long border, a little difficult to live » : Border management in northern Mali.

Thomas Cantens  Gaël Raballand
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Thomas Cantens¹  Gaël Raballand²

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¹ Thomas Cantens holds a Doctorate degree in Social Anthropology and Ethnology (EHESS, Paris) ; he is a researcher for the World Customs Organization (Brussels) and Associate Lecturer at the School of Economics of the University of Auvergne (Clermont-Ferrand). Contact: thomas.cantens@wcoomd.org

² Gaël Raballand is Doctor of Economics, graduated from IEP Strasbourg, Senior Specialist in state reform for the World Bank.
The 2012 crisis in Mali occurred in an area where border control was deemed difficult not to say impossible. It was preceded by three other periods of crisis since the country's independence, in 1962-1964, 1990-1996 and 2006-2009. However, the crisis of 2012 had a specific extent: loss of authority of the Malian state on two-thirds of its territory, administration of northern cities following religious laws, foreign military intervention and high number of victims, missing or refugees. Data from the Malian government have reported 360,000 displaced persons on an estimated population of just over 1.2 million in this area. Moreover, despite a major Malian and foreign military presence in northern Mali since January 2013, an « insecurity » remains, perceived by all stakeholders, government or not: the access to northern cities, Timbuktu, Gao and Kidal, remains complicated, the inhabitants there live more or less under siege, the movement of goods and people is exposed to attacks of bandits, clashes continue to take place between armed groups and the military operations are conducted by the Malian army and foreign military forces. The so-called rebel groups and the Malian government signed an agreement called the Algerian Agreement in June 2015, which pending implementation.

This article examines part of the solution to the security crisis, that is border management: how to reinstate or improve the management of Malian border in the three northern regions (Timbuktu, Gao and Kidal)? What forms can that border management take and how to organize it? Indeed, since the 2012 crisis, border management has emerged as a major issue connecting the two other issues that were not necessarily handled together - security and development.

Cross-border circulation in northern Mali is diverse: individuals intended to migrate towards Europe, armed groups, smuggled goods, products subject to prohibitions or restrictions (narcotics, weapons). Isolated or coordinated, these cross-border circulations create insecurity: attacks against public figures, representatives of the Malian government, merchants, fights between traffickers, collisions between armed groups. In addition to its concrete and local consequences, insecurity for people and goods has a national effect. It limits the response capabilities of the Malian government and donors, and, at the same time,
it fuels the representation of Mali as a fragile State. As such, insecurity can become a risk for Mali if, in the public domain, insecurity is linked to a complacency of some of the political and administrative elite with regard to certain armed groups in the north.

Recent analyses of northern Mali assumed a particular tone. Whereas previously it was considered essential to discuss the existence of a « Tuareg nation » or criticize the influence of external actors (donors, Algeria, France, USA), today it is about describing the current situation. Few documents go beyond calls for reconciliation and propose concrete solutions. Some researchers are trying to criticize and renew the conceptual framework of the solutions proposed (Reitano and Shaw 2015, Briscoe 2014). The article is set in that perspective.

It argues that the answer is only marginally technical: techniques should be part of a political process, restoration of relationships between people and the actors providing security and border control, in an area that has been left by the Malian state authorities. It is therefore already a complex process for the services of the civil state and the military, not only to occupy the land, but also to consider the actual effects of the abandonment of the place by the State, namely the emergence or empowerment of certain elites who voluntarily or not benefited from the violent situation that has developed.

This article also supports the importance of distinguishing between different border circulations in the debate on border management. Current security solutions are based on consolidating technical means to contain or suppress various circulations (armed groups, smugglers, migrant smugglers and drug traffickers). Two links are often established between the various illegal circulations. The first one connects the smuggling of legitimate products and trafficking of prohibited goods (weapons, drugs) via common use of transport and logistics (Kohl, 2013, Al-Karjousli 2013). The second link is made between drugs and terrorism. It was thus possible to bring up « narco-terrorism », links between armed religious movements, AQIM, Movement for the Unity and Jihad in Western Africa (MUJAO) and drug trafficking (Lacher 2013). But those links do not take into account the differences between policy challenges of each border circulation. These relations established between different types of circulation are more hypothetical and questionable, but they have a policy effect: they open the possibility of non-differentiated technical responses based on the presence of rampant insecurity (drug-related contraband, drugs related to terrorism, terrorism appearing as the ultimate threat). Based on these two elements, the objective of this study is not to propose a technical solution but only to address the conditions of the debate on border management including the dialogue on solutions, which take into account the following:

10 See the controversy between Bourgeot (1994) and Claudot-Hawad (1994), which continues until today. The issue remains important, the history of the organization of the Saharan zone modern party of representations of the legitimacy of forms of autonomy in northern Mali.

11 cf. Boilley (2013), Paris (2013), Gregory (2013). Boilley (2013: 126) say that it is necessary to demonstrate « political and institutional imagination to reform the state, plagued by corruption, and to move towards greater autonomy of regional administration. »

12 The links between the contraband of legal goods and smuggling of prohibited goods are sometimes challenged based on various reasons: the smugglers of legal products originate from certain tribes who have never been involved in the trafficking of narcotics, or because the economic systems are radically different. The link between drugs and terrorism is also tenuous. Reitano and Shaw (2015) cast doubt on the links between religious armed groups and drug traffickers. Salem (2014) recounts the action of a jihadist brigade of Belmokhtar against drug traffickers whose cargo was burned (Salem, 2014, p. 42-45).
i) abandon the idea that the state can restore « naturally » its presence at the borders and pose the question « What can the State offer that others cannot? » at the center of the debate;

ii) first consider the management of the border without the state, in particular, the circulation of wealth associated with the border and the unequal access to the enrichment created by insecurity;

iii) explore how the Malian state could technically grapple with the issue of inequality and is not contributing to it in border management;

iv) consider the power of ideas, especially on the issue of terrorism, and do not rush to conclusions on the effectiveness of the link between development assistance and security.

1. End of the central authority of the State

« We stayed there despite the danger, you were gone, » this is how a senior official of the Malian customs summarizes the accusations of the population who face customs officials in the cities of Douentza or Konna. Strongly affected, he adds, « those who remained in these areas have had hell of time ».13

There are two ways of thinking about the restoration of the State authority at the borders. The first is that the state is naturally entitled to ensure its role as the guarantor of security and its presence at the borders should be «a given». The second way of thinking probably animates much of northern Mali’s population: in areas where borders have never represented obstacles to their movement, the state, in which these populations have experienced failed frameworks before and during the crisis, is illegitimate unless it delivers what other security actors, non-state armed groups such as the «militia», the «rebels» or «Islamists» do not provide.

The result of the current crisis is that the nation state is no longer explicitly the central figure of governance in northern Mali and especially at the borders. The Malian government has neither the monopoly of security nor the monopoly of delegating the security to others.

In addition, all non-military armed groups are not against the government14. Malian governments, it seems, created militias to counter the rebellion occurred in the north. The Malian government would use paramilitary forces to suppress the «rebels» claiming to be the Tuareg groups15. There are conceptional divisions - cultural, historical, linguistic – crosscutting through the Malian society as any society but they have taken specific forms in the current crisis, sometimes violent and structured in the form of armed groups as per «ethnic» or «social status». The principle was to use the customary social order of the north to lead the «subordinates» against the «masters » (Chena and Tisseron 2013).16

13 Interview, Bamako, July 2015.
14 An example of an « official » headline, Joint report on violations of human rights and international humanitarian law committed during the events in Kidal, 16, 17 and 21 May 2014 mentions the presence of « a group of armed men mostly belonging to the Tuareg imghad community, under the direct control of the General of the Malian armed forces, El Hadj Ag Gamou. ”(MINUSMA - OHCHR, 2015, p.12).
15 See https://wikileaks.org/plusd/cables/09BAMAKO85_a.html.
16 Cline (2013) refers to a racial conflict between whites and blacks that dates to the colonial era. The current crisis has not eliminated these instances. Harvey and Tremblin (2012) cite the case of a Tuareg woman psychiatrist who was abused by neighbours, relatives of Malian soldiers killed by rebels belonging to the Tuareg groups. Some Malian interlocutors, who introduced themselves as Tamache, also have shown how they felt to be a target of scorn or lack of knowledge that they felt was emanating from southern populations towards the «white» populations of the north. Then, during the current crisis, many Tuareg families of «fair complexion » left the city of Bamako to find refuge in Morocco, Mauritania and, closer to Burkina Faso.
The main consequence of these arrangements of security and insecurity actors is not so much a « rampant insecurity » but rather - becomes more complex - as that insecurity of some is also the security of others: some « rebel » groups described as threatening by some and thus legitimized the creation of local militias, also ensured, for others, a security role. The Malian army also enters this game of representations threat to some, not affiliated with militant groups and security guarantee for others. The resentment of part of the population of Mali in respect of part of the army is real and old: Gutelius (2007) reminds about the 2006 crisis in which a number of civilian casualties in the north in 1990-1996 would have been much higher than casualties among combatants. Just consider very recent examples. In December 2015, the murder of three young residents of Timbuktu – one of them was Tamasheq and speaker in a Christian radio - has made certain accusations against the Malian army emerge again on social medias, one of the murderers being a soldier. Also in December 2015, a final operation of the French army was also criticized for destroying a group, the Imghad Touareg Self-Defense Group and Allies (GATIA), which was an armed pro-government group, while the French army acted against AQIM militants. The fact that this was a rumour did not change much the effect it had: in the context of security where secrecy is a rule, the information asymmetry between the actors is a weapon that also turns against holders of the secret, including the State, its armed forces and foreign forces.

In general, the interviewees have shown little if at all knowledge of distinction between the State as a concept and the state as an actor. In other words, the Malian state - in the sense of the government, its army and government - is represented as one of the actors and sometimes as the one creating insecurity and instability (corruption, past failures of the Malian army, support for armed militias to counter the rebellion, economic abandonment of northern Mali) but this representation is not offset by a claim for more State or a stronger State.

Moreover, the existing projects or the Malian policies do not aim to « impose » the presence of the state, despite the multitude of laws « on paper »: « we are not dressed (i.e. no uniform), we are not armed, but our texts are harsh », commented a Malian officer based in Timbuktu. There is plenty of evidence: absence of administrative enforcement by customs and tax services, symbolic presence (in personnel) of these services in the northern regions, local officials (prefects, teachers, ...) who do not actually occupy their positions in the field, presence of informal checkpoints tolerated by Malian military or government services, establishment of security zones where the Malian army must share or reduce its powers, establishment of an informal border in the north of Mopti to prevent the contraband supplying the north will come to the south of the country. In addition, it is sufficient that a state actor is not imposing itself, so that all the control services can no longer be effective: an official of

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17 Interviews with four persons, Songhai and Tamasheq, known before the crisis of 2012 and who have never been involved in political groups.
18 Security bulletins issued by various international actors in Mali refer to actions by armed groups against petty crime at the local level (including cattle rustling). This was confirmed by interviews with residents of the area of Timbuktu in October 2015. A resident of Gao also recounts how, in 2012, a youth movement required support from MUJAO against militants of the MNLA accused of looting. This security request to the religious city administrators of Gao was also related in the media (http://observers.france24.com/fr/20120709-mali-gao-nord-manifestation-jeunes-mnla-mujao-nous-pas-bouger-resistance-islamistes-patrouilleurs)
20 Interview in Timbuktu, October 2015.
21 Interviews in Timbuktu and Gao, October 2015. The presence of customs on the ground is « symbolic » say the interviewees; for now, it is limited to signals without officers, and meetings with importers to « sensitize » them on the fact that they will have to pay taxes sooner or later.
the Directorate for Trade and Competition reported that traders opposed him when he wanted to control them: «but customs have allowed me to pass and, you, you do not allow me?»22. «Awareness raising» is a keyword in the discourse of donors and officials: to educate importers so they pay taxes, educate people to cooperate with security forces, raise the awareness of Malian officials on problems of corruption and ethics. However, as acknowledged by a Malian officer based in Gao, «awareness raising is the last means when nothing more is left»23.

Failing to «impose» the presence of the state, the question arises as to how the State is going to reinsert itself in northern Mali and at its borders: on which grounds and what else will it bring?

To answer this question it is necessary to start by thinking beyond or without the State: which collective functions that could raise a collective agreement are not provided by the current armed groups and what could eventually be the role of the State in ensuring these functions and under what conditions?

2. First think first beyond the State: the circulation of wealth related to borders and unequal enrichment

What is in question at the borders of northern Mali is not insecurity per se. No one is considering insecurity as a political project, all armed actors claim to provide security and fight among themselves for having the monopoly at least on very limited areas: religious armed groups have temporarily deployed their political project of city administrations where they provided security by Islamic police and court, non-religious armed groups also intend to provide security in certain areas24, even drug traffickers have an interest in relative security and stability insofar as it is provided by actors in their favor. This struggle for the monopoly of security proves that insecurity is not a political project for anyone.

What creates a problem is rather the enrichment linked to cross-border circulation. It is not an illegal enrichment - which implies a relation not challenged by the law and the State, therefore difficult in the current situation - but unequal enrichment, meaning unequal access to the enrichment process. This unequal enrichment enables the occurrence of economic quasi-monopolies and their access to political power25; it is the condition for the reproduction of the relations between the circulation of illegal products, the survival of armed groups and smuggling of legal goods. It is an obstacle to the establishment of free and collectively controllable economy26 and it reduces equal access to political positions enabling a few to accumulate wealth «chrematistically»27.

22 Interview in Timbuktu, October 2015.
23 Interview in Gao, October 2015.
24 In its press release available on its website, the MNLA regularly refers to its «security positions» (e.g. http://mnlamov.net/actualites/465-communique-sur-l-attaque-terroriste-a-talahandak.html, or http://mnlamov.net/actualites/431-un-poste-du-mnla-a-ete-attaque-par-des-elements-terroristes-a-talahabit.html)
25 See for example the finding of Tuesday Reitano and Mark Shaw (2014) on the increase of illegal trade and investment of profits from that circulation in political and social life.
26 The «collective control» does not necessarily imply a state control.
27 Plato uses the term «chrematistic» (χρηματιστικός) to designate a category of citizens four times in the Republic. It is translated in French as «traders» or «businessmen» in Brisson (2011) and in English by a general term «moneymakers» or «moneyed men» by Shorey (1969). In any case, in Plato, the term refers to the group of those who are engaged in producing or managing the wealth and that are neither warriors nor the magistrate guards, but chrematistics not subject of specific development. The use of the term in theoretical perspective took place in Aristotle’s Politics (1257 and later). Aristotle distinguishes «natural» chrematistic related to those who acquire in order to gain support for themselves, from a reprehensible chrematistic of those who accumulate wealth in the monetary form and tend to accumulate a limitless
The political project of border management would benefit from including equal access to enrichment-related cross-border exchanges, where security is only one of the conditions. The management of borders in the north of Mali should (i) ensure equal access to economic opportunities generated by the border, in terms of transport, trade, logistics, intermediary services, (ii) encourage the shift among the economically active players in drug trafficking and armed groups to legal activities, or at least, to the trade of legal products, (iii) build a socially acceptable ratio between the individual enrichment and collective wealth generated by border activities.

Border management is carried out through a collective decision on what the border as an economic resource must bring to the community and the share that goes to those who are the entrepreneurs of the border. It is indeed a collective bargaining. Recall that any tax measure is a negotiation on many levels: whether in a transparent and collective bargaining manner in a democratic debate or negotiations with the tax collectors to reach a tax burden accepted by contributors and, by doing, so make sure they do not avoid taxes. The latter situation prevailed prior to the crisis. Faced with the impossibility of control, customs were brought, pragmatically, to « negotiating » acceptable tax burden on cross-border traders rather than applying the tariff fully and take the risk of increasing smuggling. This negotiation could become an opportunity for corruption in some cases, but there is no evidence that corruption was less in strict law enforcement.

So, this article is not a place to anticipate choices that are primarily for a democratic discussion but only to present the range of possible options, at a time when people will, through their regional assemblies, acquire access to the political decision.

**How to fight against the current illegal enrichment?**

In interviews on drug trafficking, recurring references are made to the laundering of income from trafficking, particularly in real estate and transportation. The interlocutors refer to construction of buildings or to purchase of houses by notorious traffickers (« Cocaïnebougou », « City of cocaine » in Gao and their equivalents in other cities in the north).

State combating against money laundering calls for technical solutions in an environment that presents unfavorable conditions to their specific realization. Indeed, it requires a legal framework for cooperation between the different administrations, investigation teams with very deep technical knowledge, professionals (banks, notaries, casinos and gambling establishment, auditors, etc ...) sensitive to laundering issues, forced to contribute to the fight against money laundering and sanctioned if they do not, and finally a state capacity to direct financial flows to formal systems where they can be controlled. This strategy is already in place, with the national Financial Intelligence Unit (FIU) dedicated to combating money laundering. According to its 2013 annual report, the FIU received 128 suspicious transaction reports between 2008 and 2013, from 16 to 35 per year, all from the banking sector (for a wealth. Aristotle evokes the infinity of the object pursued by any art: medicine that aims to attain infinite healing, agriculture in its pursuit of production. However, the practical conditions for the pursuit of art, says Aristotle, are the limits of that art; this applies to all arts except for trade. In trade, the pursued object, money, is a means, a condition of the exercise of the art, so the more we accumulate money, the more money we can accumulate. For Aristotle, long distance trade is included in the bad chrematistic. Aristotle mentions and condemns this endless means of accumulation for ethical and political reasons.

The NGO « Publish What You Pay », present in Mali, encourages more fiscal transparency, especially with regard to large contributors, which are companies working in the extractive industries but also about the destination of citizens’ « local taxes » and tax collection of the TDRL (regional and local development tax) [http://www.publishwhatyoupay.org/fr/members/mali-2/](http://www.publishwhatyoupay.org/fr/members/mali-2/).
total of 6 billion CFA for 2013), of which 21 were forwarded to the prosecutor\textsuperscript{29} The low number of STRs reflects the lack of real involvement by the financial and non-financial professionals, that may be affected by money laundering\textsuperscript{30}. An assessment of forms of money laundering should be conducted\textsuperscript{31}.

The banking sector certainly has a role to play in border management. In addition to the transaction flow arguments - which is probably not so valuable in a context where the informalisation of the economy already ensures high speed in the circulation of cash capital - simple physical security that banks provide can help free expansion of business. The Kidal operators thus complained of not having a bank branch in town to secure their funds\textsuperscript{32}. Furthermore, this formalization of the banking sector is a necessary condition for the monitoring of capital flows. While it is certain that laundering of the drug trafficking revenues can overcome the banking sector or use it without arousing suspicion, the lack of banking service in the economy certainly does not help the fight against money laundering.

\textit{Which forms of collective wealth?}

Along with combating illegal and unequal enrichment process, it is important to consider the possible forms of the relationship between individual wealth and collective wealth linked to cross-border circulations and how new forms could prevent the current process of unequal enrichment and money laundering.

A non-coercive form of relationship between individual wealth and collective wealth is the possibility of giving\textsuperscript{33}. It is probably complicated to just tax the people, however, communities, locally, know the wealth of each other. Holder (2004) gives the example of public discussions in the cities of Djenne and Kani-Gogouna where « citizens mainly speak of money by making tax levies, but discussed by taxpayers who, in fact, are in no way the subjects of a tax administration » (p.74). In a way it would be (i) formalize what already exists in the form of a tax benefaction where everyone « gives » according to social requirements he meets around and (ii) strengthen the formalization through greater transparency on available economic data (product prices, intensity of circulation, estimated profits etc.) which will allow to identify and share the level of social demands on everyone’s contribution to the community. Transparency probably already exists between merchants of the northern cities who are few, who use the same suppliers and the same routes and even help each other with loans\textsuperscript{34}.

\textsuperscript{29} Source: CENTIF Annual Report Mali, 2013. The FIU WAEMU countries have adopted this type of intelligence unit in early 2000s following a directive from the union. For comparison, Senegal FIU received 112 reports of suspicious transactions in 2013, that of Ivory Coast received 198 in 4 years between 2008 and 2011, between 24 and 81 per year. For comparison, TRACFIN, the French equivalent of that, received more than 17,000 in 2009, more than 36,000 in 2014.

\textsuperscript{30} A specific vigilance as services and goods providers to MINUSMA, which represents a « client » important for the Malian private sector. Considering the quasi monopoly situation of some service providers in northern Mali, there is a risk that contracts for MINUSMA are won by economic actors who have formal businesses used for money laundering. Moreover, it seems that the operations of the MINUSMA are neither subject to customs surveillance, nor statistics, nor control purposes (United Nations operations are generally free of tax, however a national statistical monitoring could be useful).

\textsuperscript{31} As such, it is often referred to as the hawala system of « transfer » and the UAE as a destination and a source of fund flows for dealers suspected in money laundering.

\textsuperscript{32} Interview Bamako, July, 2015.

\textsuperscript{33} Sloterdijk (2012) calls for a review of our relationship to tax and to encourage voluntary participation, making taxation the heart of the political and societal relations.

\textsuperscript{34} Upon different grounds but in similar contexts in Chad and Cameroon (fewer dealers importing in one sector, significant informalisation of their financial operations) it appeared that the importers would not necessarily engage in competition but were associated (transport, access to financing, mutualisation of purchase orders), which would especially reduce the secrecy of transaction between them. More
It is difficult to envisage the collection of public revenues without considering the way they are used. The de-correlation of the two technical questions (collecting and spending) is probably overlooked in the discussion on the circulation of wealth as part of the crisis resolution. In the expenditure area, it may be interesting to think beyond the usual forms. The « public domain » in the broadest sense is, for example, one possible form of collective wealth. The establishment of a public or collective domain in the sense of participation of citizens in the management of common resources could be used for border management by restoring national or regional transport investment to eradicate the investment of narcotrafficking proceeds in transportation, or in establishing public warehouses in the border areas, as well as the Malian warehouses that exist in the ports of Abidjan and Dakar. The management of that public domain can be carried out by the central government and taxes or in the form of cooperatives where everyone’s contribution is negotiated locally.

The circulation of the wealth of the border: what are the levels of governance?

Taxation has often been seen as a means to create more demand for transparency, democracy and emphasis on the « state » to account for (Deléchat et al., 2015). In this logic, local taxation is particularly promoted because it provides a link between individuals in physical proximity and therefore is more capable of establishing the culture of transparency and rigor in public spending. But we have little empirical data to prove the possibility of the local virtuous circle. An opposite logic could even be adopted: the proximity of individuals can lead to an integration of tax relations in local authority relations that existed before them, especially in areas (towns, villages, camps) where political elites would not have been chosen according to their fiscal programme but following social « traditional » criteria (social status, inheritance …). If the tax, in the broad sense of the relationship between individual wealth and collective wealth, remains highly relevant at the local level, then the « budget », the collective money is a way to structure social dialogue around economic issues. The « budget » is a very concrete part of the community as an ideational entity.

The question, which links the circulation and redistribution of wealth to cross-border trade, becomes the question of the level of governance over that wealth. The city - the market-city of cross-border circulations - has become an appropriate relevant level of governance after the crisis, but it is likely that it was also before. The example of Customs, State actor par excellence of the regulation of wealth exchanged across border is very eloquent. Customs is trying to « contain » smuggling, controlling what goes into the perimeter of the city and what comes out: there are forms of negotiation, effective to force merchants to pay something but below that what they should actually pay (short of what is applied in Sikasso, for example, on the border with Côte d’Ivoire). However, the customs controls goods leaving the city by setting up roadblocks on routes leaving Timbuktu and Gao

transparency in the value chain could therefore face no resistance on the grounds of secrecy and competition.

35 Warehouses or zones under customs control could be developed on the outskirts of urban centers in order to protect stocks of goods. Indeed, given the topography, smuggled goods are stored in the nearby centers of consumption and sale, in villages or neighboring sparsely populated areas. This type of storage necessarily relies on specific relationships with the residents of the storage areas and therefore includes the risks inherent in all informal relationships not secured by a supra-individual institution: strong dependence on relationships with residents is a versatile. It is therefore likely that some merchants would prefer greater security of their stocks in safe warehouses. It is equally likely that this type of warehouse does not attract some of the traders who continue heading to informal storage settings for fear of being identified, recorded, evaluated and ultimately taxed.

36 On the report of « proximity » that would make citizens more discerining in matters of taxation, see Brautigam (2008).
and going south. If the goods cross the border, an additional tax is applied to them to equalise the fiscal pressure applied to the goods entering Mali through Sikasso and Kayes. This example illustrates that the state governance of the border is already in place at the level of the city.

Furthermore, customs, which is a national player, actually has a strong local involvement. It is anchored in the monetary flow of the Malian state locally. Currently, local administrative officials at the governorate of Timbuktu and Gao, complain that Customs does not collect revenue\(^{37}\). In fact, the local state authorities have their own budget line open in the national budget, but the money must actually be made available locally in the offices of the Treasury. These offices are supplied with money by the tax authorities (customs and taxes). When the local branches of the Treasury are empty, local receipts create a «call for funds» to branches located in other regions or in Bamako. This process is expensive, it requires administrative monitoring and takes time. This money transfer experience between local, regional and central levels makes Malian officials rather pessimistic about the process of the Algiers Agreement, a Malian official has commented on the planned process: «Money will suffer before it comes back»\(^ {38}\).

Finally, the conditions for exercising the power of officials in northern Mali (little material sent to the north, also on the pretext of insecurity: the idea according which civil servants are appointed in the north «t by discrimination or by sanctions») may lead these officials to maintain local solidarities; and some come in eventually to hold a similar speech to the northern politicians who want independence or autonomy: «we must exit the Bamako framework, all directions there (i.e. central services directorates) are useless», notes a senior official working in northern Mali, during a joint meeting\(^ {39}\). So there are, in fact, since before the crisis, tight links between the national services that regulate wealth (customs, taxes) and are often evaluated from a national perspective and local government services (governorate, prefecture, ..), around the flow of money at the local level; and local close links are created, grounded by a common argument against the central level.

The question of the scale of governance is paramount. The autonomy of the taxation areas\(^ {40}\) will pose specific problems for the taxation of cross-border trade income. We will have to find a spatial level in which the circulation of the wealth produced by cross-border trade is politically thinkable, between the scale of the border city - the commercial hub and its surrounding villages - and the scale of the national and international levels which alone can bring major investments to the northern regions. This articulation of financial governance levels has a strong symbolic dimension, to re-establish the rapport with the community, increase the demand for transparency not so much towards administrations but already between citizens and show people living in the south of the country effective contributions of northern economic elites\(^ {41}\).

\(^{37}\) Interviews of governorates of Timbuktu and Gao, October, 2015.

\(^{38}\) Interview, Bamako, July, 2015.

\(^{39}\) A senior official stationed in the northern region, at a collective meeting, at which this recrimination was widely approved. October 2015.

\(^{40}\) The Algiers agreement provides for the transfer of 30% of national revenues to the regions. It will be a double transfer, greater than 30%, because certain receipts that are collected at the national level will be transferred directly to the local level. It now seems difficult to assess the scope of such a measure, even if the customs duties and taxes are not involved. In other African countries where such facility exists, the time-lending of funds from the Central Bank to the regions sometimes cause an argument that the representatives thereof block the transfer of revenues collected at the regional level and use them locally and even create specific taxes and instruct the staff of the national administrations established locally to levy them on their behalf.

\(^{41}\) In July 2015, one of our interlocutors, economic and political player in northern Mali and native of Kidal, noted «we live on taxes from other regions.»
3. Equality, the main condition for the restoration of the State at the border

The Niger organized convoys for long distance journeys to the borders (Kohl, 2013), as well as Mauritania for the transition to its Moroccan border. The « customs escorts » (a customs brigade escorts a convoy of trucks from the border to the customs posts) have often been criticized as loss of time and corruption costs. However, in the exceptional situation of insecurity in northern Mali and in the context of restoration of peaceful relations between populations and repressive apparatus of the state, such escorts to and from the Malian border (« traditional » escorts were not going in the direction of import) could be organized regularly in cooperation with the Algerian armed forces, Mauritania and Niger.42

The border control authorities (customs, police) could negotiate a « transitional state »: protection of cross-border activities in exchange for reduced control over them, for a limited time. For this transitional state to apply, one has to explore the critical reviews of the current state and the apparent paradox that consists, on the one hand, of claims to establish a transitional government, providing exemptions in a certain way, and, on the other hand, criticism of the Malian state that has already generated inequalities particularly by applying exemptions in northern Mali.43

The weak egalitarian state, one of the formulated criticisms

One of the major criticisms against the Malian authorities by economic operators is that they sometimes have incentives to violate the law and do not promote economic players which respect the law. For example, some traders do not wish to benefit from exemptions or measures to reduce the assessment or taxation of their activities available to economic actors of the northern regions. An operator of the Kidal area explains how he has « paid for a license, [and did] not follow the rule that said he was exempt ... » but he regrets that « the state encourages people not to follow the « real regime »44 by giving out contracts to operators who are at the « fixed regime »45 ». Currently, incentives for merchants to formalize are low, which creates a strong competitive disadvantage with some of them who are the real contributors to the tax system. The same observations were made by customs officials: after the National Pact of 1992, financial facilities were granted to veterans in the form of financial loans. These funds were used to launch their transport businesses, loans were not repaid and imported vehicles did not pass customs clearance upon the instructions from the government.

According to private sector representatives, national authorities should be more selective in awarding contracts and should also intervene in the nominations for elected office, whether a member of parliament or representatives of chambers of commerce, regional and national. The state intervention clearly aims to exclude from public procurement and elected office anyone whose income - according to the term of an economic operator – is « opaque ». This poses two major problems. The first is, to exclude an individual does not mean to prevent a candidate that would be linked to him. The second is the definition of « opacity »: administrative boundaries (ongoing investigations, suspicions tax returns?) or judicial (but at what stage of the proceedings, judicial inquiry or after conviction?). What would be the effect of these criteria, final or suspensive? Another approach would be to imagine that, for a limited time, any lack of transparency in income would justify exclusion

42 Such type of cooperation exists between Niger and Chad.
43 These exemptions are particularly clear in the application of the customs tax or tax exemptions in general.
44 common tax regime which requires to declare all activities and to be taxed based on them.
45 special tax regime which allows to fulfill tax obligations by paying a lump sum to the state provided that the activity does not exceed a certain volume. This volume is declared by the taxpayer.
from public procurement and elective posts. The idea then would be to apply a stronger selection than a simple consecutive exclusion from the state action (ongoing investigation, conviction ...), it would be up to the individual to demonstrate his « good character ». The approach may seem extreme but may correspond to a provisional situation, where all the economic and political elite are suspected of enriching themselves illegally.

**Credibility conditions for the State**

If the state was to be restored as a major player in border security, government actions would therefore keep itself from all that may appear as violating equal treatment or differentiation schemes. There are three situations that are problematic from this point of view.

The first is the specialization of certain officials in territories which they are native of. On the one hand, it creates a feature, naturally, between officials according to their origin. On the other hand, non-native officials of these territories heavily depend on public servants who are native. It is undeniable that the conditions for controlling the Saharan border areas are specific, complex and challenging. Therefore, it is likely that specific solutions must be found to (i) develop and enhance the training conditions for civil services (customs, police) in the Saharan environment and (ii) put in place career development incentives for an official in northern areas (bonuses, faster promotions etc ...).

The second potentially unequal situation in which the state plays an important role is the « integration » of the members of armed groups in the military and paramilitary bodies. The fact that no interlocutor reported difficulty in the process of « integration », does not officially defend the logic – « deleted and continuing » that in the words of a senior Malian official - is still viable. On the one hand, integration does not exclude transitional justice processes. On the other hand, the « integration » is a one-time process that can also be considered as incentive to revolt and, if applied systematically, as not being cases of legitimacy attached to each revolt. Chad, a country marked by numerous rebellions, did not conduct this type of policy. Cameroon has considered the « tribalism » as a political threat to national unity but the « tribe », or at least in a broad sense « region of origin » is a legitimate criterion of identity. The accusation against « tribalism » is not, in this case, based on claiming one’s tribe or region, but the fact of bringing the confrontation between individuals within the framework of cultural references between « tribes ». Accordingly, very early in its history, Cameroon has « organized » by law, the geographical distribution of staff positions between « originating » from different regions to take into account the levels of development of regions, particularly in terms of education. This distribution is done in the appointment process and in administrative competitions. Mali has had a cultural policy, promoting the concept of « national language », through primary education in the local language, the radio news in local languages, compulsory learning of a national language other than their mother tongue for university students, but this seems insufficient. This comparison with Chad and Cameroon is not a recommendation for Mali, but it shows that other countries are also.

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46 One thinks of the guides, drivers or even high ranking officials depending on their origin officials.
47 The G5 Sahel priority investment program envisages the « construction of a regional center on strengthening the combatting skills in the desert environment ». Officials of civilian administrations should benefit from the civil adaptation of the center or civilian courses in the existing center, following the same philosophy of « strengthening » under the Saharan conditions. The questions posed by the Saharan environment are not only those related to the physical environment and to its course, they also concern the management of human resources in areas far from the capital or major urban centers, management of relations of the populations, particularly, with customs or police stations.
48 Malian officials discussed the case of their Mauritanian colleagues, better equipped when they intervene in border area.
concerned about the differences between regions or by rebellions and incorporated them in their legislation or public policy differently.

The third potentially unequal situation managed by the state is the use of « elites » as key actors of a democratic dialogue. Several interlocutors called on donor representatives to go to the field and not to rely on « intermediaries ». The issue of « brokers » or development « brokers » is not new in development anthropology (Oliver de Sardan and Biershenck 1993). There may be some comfort for donors to rely only on the local elites (traditional leaders, local representatives) or national (central government) because it is then easy to assign them part of public aid.

However, it is expected that external assistance, crucial for Mali, of which, locally, Malians already have great experience, whether guarantees a form of equality of access to resources and decision-making on how to use it. If this was not the case, people would have no reason to hope that the state or donors would be involved in forms of emancipation and progress. This does not mean that the state or donors are the only guarantors of that political and economic emancipation, or even that they are successful, it means that the problem should be taken back to the Malian situation while keeping in mind the objective of national unity, peace and security: the state or donors do not have a monopoly of this goal but they should not have to risk being suspected of not participating. On many occasions, representatives of donors and Malian public services reported their use of « traditional authorities » as community representatives. Paradoxically, this strategy is part of a desire to promote democracy: local communities are invited to participate, but through their « elites ». They represent, for example, part of the « new actors » that were not included in the first Malian national border policy established in 2000. However, the role of the « traditional authorities » was challenged before the crisis and traditional hierarchies of the Tamasheq tribes were already severely questioned: existence of new urban elites locally sending remittances, disputed the association between administrative authority perceived negatively and traditional authority perceived as acting on its own account rather than on behalf of people for whom it would be « responsible ». The risk, raised by some natives of the Timbuktu region, is that the support provided by the international community and the Malian state strengthens the traditional hierarchies, of which populations were being liberated. « The state has transferred to the communities the power, which it didn’t have, communities have created their own power, and they handled it as their shop », analyzes a senior Malian official from northern Mali. As such, one can notice that the AQIM leaders had also pursued a policy of alliance with the tribes through their traditional elites and marriages.

To consider how to arrange border management and « push regionalization », there probably are lessons to be learned from the experience of the Malian decentralization. In Mali, decentralization was a specific phenomenon, linked to the dynamism of the society after the fall of Moussa Traore in 1991 and the Tamasheq movements that have increased the

49 The role of traditional authorities is a colonial construction, not in its role of local authority but in establishing a relationship between a given territory within the country and the figure of the central state: Boilley (1999) recalls that traditional leaders were re-established by the French colonial authority, France has done the same in Cameroon by empowering local leaders or even by creating local chiefdoms, to different degrees, to carry out the tax collection. This helped to make the traditional local authority represent a political intermediary with the national state authority.

50 « We looks for very influential personalities » ( nous cherchons les personnalités les plus influentes » (to support the work of the administrative authorities) – a Malian official involved in the implementation of border policy, Bamako, October, 2015.

51 Interview with DNF, Bamako, October, 2015.

52 Interview, Bamako, October, 2015.

53 See the AQIM documents found in Timbuktu and published by the Associated Press (2013).
demand in that (Ouedraogo 2003). Evidenced by the many non-governmental parties and organizations. The expectations have been disappointed, decentralization has attracted much criticism on the grounds that the « development » component would have prevailed upon the "democracy" component, according to the analysis of Languille (2010) who participated as the EU representative in support of decentralization of Mali. Smoke (2003) had generalized the finding at the African level: decentralization increased the central government control through national decentralization agencies. According to Hetland (2008), the old decoupage has been organized for some elites, traditional or economic striving to attain Mayors positions; decentralization as it was conducted was not a « democratic institution » and was unlikely to become so. The problem is not so much decentralization per se but its implementation: has decentralization improved governance or simplified and pacified it by including it in the traditional relations and promoting the appearance of « brokers » in development? From this question could also emerge answers about the current political process and the importance given to certain elites, where the state might be, instead, the population’s hope for emancipation.

4. Can the « development » of border areas be enough? The power of ideas

The « development » of border areas takes place probably in two forms: one is the improvement of formal commercial relations with Algeria, the other one is fighting against terrorism through the political « development » lines, especially by foreign donors. However, if the cooperation with Algeria mainly relies on the improvement of existing formal relations or in change policy, public policies that combine development and security pose more questions.

Cooperation with Algeria

Mali and Algeria have signed trade and transport agreements. The implementation of these agreements seems limited in that they do not provide any particular advantage to foreign trade operators. A free trade area agreement is being negotiated between WAEMU and Algeria. The agreements themselves are not necessarily known and confusion is sometimes made between trade and barter. For example, Scheele says Algerian law prohibits all exports to Mali with the exception of dates and handicrafts (Scheele 2009). In fact, before the official closure of the border in 2013, Algerian law does not prohibit the export of goods to Mali with the exception of food products whose prices are subsidized by the Algerian state. On the other hand, it is true that the law on barter prohibits barter anything except certain goods such as dates, tea, etc.

54 The decentralization project in Mali began in 1994 and materialized in various forms: local elections, decrees on skill transfers for education, hydropower and healthcare (2002). The Algiers agreement in 2015 provides for the establishment of Regional Development Agencies (Article 40).
55 Languille notes that the relationship between donors and Malian authorities have reversed from what was expected: the Malian authorities are only « managers » fulfilling the requests of donors. In 2010, fifteen aid agencies support decentralization, either directly or through the ANICT.
Algeria has every interest in increasing trade with Mali. In fact, Malian consumers (and Nigeriens) are used to the Algerian products. The impulse of Malian and Algerian governments is probably necessary to provide favorable conditions Algerian and Malian operators on both sides of the border, to respect the laws of both countries on foreign trade offering in themselves numerous facilities. The development of the establishment of subsidiaries of Algerian and Malian banks on both sides of the border, the provision of storage for export products are needed.

Algerian foreign trade regulations pose less of a problem than it offers opportunities for the informalities. Indeed, the important in this field is not so much the formal framework and procedures but the difference in exchange rates between the official rate and the black market. This difference encourages operators to use cash acquired on the black market and not to fulfill any subsequent Algerian formalities (balance of trade, etc ...).

Finally, a formal framework - a « bilateral committee » - exists between Mali and Algeria for the discussion of trade issues; it involves the Algerian authorities and the Consulate of Mali in Tamanrasset. However, the committee does not seem to produce the desired results, it is important to understand why in order to activate it to the extent where it represents a local instance of discussions of concrete problems faced by Malian traders. That said, the fact that the export of one product from Algeria is partly informal does not necessarily legitimate the fact that the importation of the same product is done in a completely informal way in Mali. The difficulties encountered in Algeria have not deterred traders from northern Mali and cannot explain alone the smuggling into Mali.

The « development », the security and the terrorism

There is currently a consensus in the solutions to eradicate the phenomenon of religious armed groups: a combination of « development » and « security ». This combination should be investigated; its understanding is often built on two biases.

The first bias is « moralistic », it consists of a thought that people wish « by nature » to be on the side of right and law. This assumption has underpinned many interviews with Malian officials: public security policy in border regions would have the support of the people; populations would locally demand security and fight against all forms of crime. But this adherence is absolutely not obvious for the reasons explained previously: mistrust of people towards state services and the national army, operational presence of armed groups which already provide security features, and, in some cases, people receive a financial benefit for the passage of prohibited goods (by the perception of right of pass or through the redistribution of wealth by individuals who organize it locally). In addition, « ideological » adherence of certain populations to smuggling reflect a difficulty to link the local effects of cross-border traffic to their national impact. In other words, it is appropriate to question development policies that do not provide a material contribution equal to or higher than revenues of traffic, to the extent where it is not certain that the transboundary populations consider the traffic beyond their economic nature. This is not to deny the possibility that people prefer government or international support rather legal than illegal support of higher amount, but policymakers should not overestimate the « immoral » content of some goods smuggling, especially if they are not used or consumed locally (arms, drugs).

The second bias is the inverse of the first, it is "economicist". It consists of the belief that individuals act only according to the maximization of material welfare, beyond any ethics. It gives rise to a second assumption that economic development and poverty reduction impede adherence to religious armed groups. Donors are sticking to a simple causal relationship between poverty and violence. The idea that inspired, in part, the US TSCTP program since 2005, with USAID, is that by enriching the people, at least by focusing on « social transfers » wells, health centres, community radio, etc. people become less susceptible to « terrorism ». Well is not good enough to impact young people who have access to international media: digging a well or a pond certainly improves living conditions, but not enough to make them sufficiently wealthy so as to remove all desire for adventure, progress or radical change. Almquist Knopf, former assistant administrator for Africa at USAID voiced skepticism about the impact of development programmes to counter religious extremism (Titti, 2012). In the current crisis, the same representations are beginning to emerge: the cross-border trafficking is represented as an outlet for young people who are « idle » and then these groups join the traffickers linked to jihadi groups; the solution would be to employ these young people to divert this traffic (Lafourcade and Michailof, 2014). The question should rather be to ask why individuals are choosing to partner with groups committing crimes publicly and claiming violent acts? It should be recalled that the implementation of radical groups like AQIM in Mali relied on social alliances, charities, marriages, indicating a moral tolerance of certain elites towards radical religious groups. Thinking that poverty leads to violent acts is doing very little justice to the ethics of the poorest populations. A second question is whether these same young people today would join these religious groups after the experience of living under the administration of Gao and Timbuktu? Nothing is less sure ultimately. Those are the inhabitants of Gao and Timbuktu who opposed the religious administration of their city. Then, it is not that the main problem of reconciliation: that some believe - because they are smugglers – they may unknowingly or without hesitation - become « terrorists »? It is not possible ethically, being a « developer », to defend the economic determinism of violence.

The power of ideas is often overlooked by donors (Rodrik 2006, Easterly 2010, 2014) and it is probably even more true when it comes to religion. The relationship to religion in Mali deserves special attention as to its effects on a democratic dialogue. Since 1991, the Malian public debate is marked by the liberalization of expression that is permeated with religious categories eligible for organizing social life (Gutelius 2007). This calling has been experienced by the people in the north in an extreme way, cities have been operated by religious bodies, some had proclaimed, for example, the elimination of taxes. The Malian office of the Friedrich-Ebert-Stiftung foundation, which organizes regular opinion polls which it published in Malian media, confirms and, in a way, reinforces the fact of religion as the organiser of social life, including « reconciliation »: 36% of respondents consider the

58 The case of "terrorism" based on religion seems more obvious the same reasoning is posed for the "rebellion", especially by Azam (2001), who interprets the relationship between government and rebels in economic terms of material resources (products, services, finance). This type of modeling hardly takes into account the territorial and ideological dimension of the rebellion. A rebellion can take place over an area, which is of little interest to the government that may be interested in sustaining it rather than fighting for it. A rebellion can also rely mainly on ideology to justify action which is not intended to overthrow the government but to impose ideas that, in the long term, will come to power.

59 The term "Ishumar" is a Tamashq neologism with the term « unemployed » but also a reversal of the term « imushar » representing a Tamashq fraction often called locally, particularly rebel to modernity and religion.

60 In 2013, the Timbuktu manuscripts were « saved » by people who used smugglers (http://www.smithsonianmag.com/ist/?next=/history/Race-Save-Mali-Artifacts-180947965/). Many acts of resistance are reported but unfortunately still not systematically documented
adherence to religious values as a feature of Malian society (Friedrich-Ebert-Stiftung, 2014, p 7) and 67% of respondents first trust religious leaders for « reconciliation » over the Malian government and traditional leaders in Gao, Kidal and Menaka (Friedrich-Ebert-Stiftung, 2015, p. 30). If the religious complex is included in the opinion poll, such type of survey shows the growing importance of religion in the lives of the Malians, the importance which was also mentioned by many analysts (Holder 2012 Bourdarias 2013, Al -Karjousi 2013 Chena and Tisseron 2013 Boukars 2015), including the importance of Wahhabism among traders.61

Concluding Remarks

Before the current crisis, Soares (2012) noted the pessimism of the Malians despite the impression of economic upturn. In 2015, in the same manner, so, all interlocutors stated their deep attachment to the Malian nation and their commitment to contribute to solutions to the crisis, none has been optimistic about improving the short-term situation. The defeat of the Malian army, persistent insecurity throughout the country as demonstrated by the events in Sévaré in August 2015 and in Bamako in October 2015 and the multiple attacks and less publicized conflicts in the north, the impression recommencing since the National Pact, with a new « Algiers Agreement », these can weaken faith in the possibility of a productive democratic dialogue, which is not seen only as a sharing of powers and income generation functions between elites. A national of the Kidal region also said « these are not the people who vote, it is the state that is voting » 62 in the sense that all would be decided in Bamako between central government and northern elites.

The main risk would be that (i) given the complexity of the situation and failures including a safe approach to borders, (ii) given the low demographic weight of the northern regions compared to southern ones and (iii ) claiming a principle thrust of empowerment, the Malian political authority and state departments tacitly accept the progressive development of an informal border between north and south, containing the « problems of the north » in the north of the country. It is finally the current situation where the north is under a military-style administration and the south under a civilian administration. The Mali customs have a « symbolic » presence in the northern regions and are established in Konna where its agents control the flow to the south. This informal border that was established following the conflict is necessary, but it must be temporary. There is a risk to create informal borders for reasons of security or stability, based on cultural representations and that benefit specific groups.63 The temporary balance could be supported by new economic elites anxious not to share power with the northern regions.

The main question is probably this: do the people of northern Mali have enough confidence in the guarantee of emancipation that the republican central State can bring to local democratic processes? The question is crucially important for the relation towards

61 The relationship towards religion for « reconciliation » appeared very clearly in an interview with a Malian high personality in Bamako in July 2015. On the issue of how to consider the role of the military and paramilitary forces in border management – especially the cooperation with the public on security issues - although there were many disputes between forces and border populations and between these forces themselves, one of the responses was the public appeal to religious values for reconciliation « we cannot forgive our enemy his murders on the condition to be convinced of the existence of life beyond life, in which he will be judged in real and finally. »


63 Cattaruzza and Derens (2015) have shown for the city of Mitrovica (Kosovo), where an informal border was established, from a conjunction of goals between international agencies concerned with « stability » and some local groups were interested in fuel smuggling, access to health facilities which ensured their political clout beyond the only city in the surrounding villages.
taxation regardless of its forms or the success of technical solutions that put the content of the approach before any policy on border management.

The role of the « international community » is important. The development money is sometimes represented as a resource in the dispute between the « state » (i.e. « Bamako », the statesmen), the « traditional » authorities losing material support underpinning their authority and the population. Monitoring the use of the resource that represents the development money is a recurring request expressed by non-state actors. This poses the problem of the donor civil intervention in northern Mali. It is essential to monitor the course of actions undertaken with development money to avoid having a capture issue. As such, international organizations should prefer the risk of a field presence than see their funding pattern becoming a disappointment to people.

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