

## The Impact of Constitutional Vacuum on the Effectiveness of Decentralization: The Case of the Republic of Mali

Anayasal Boşluğun Yerel Yönetim Sistemlerinin Performansına Etkisi: Mali Cumhuriyeti Örneği

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### Abstract

In Africa, constitutions are often seen as fragile. Mali serves as a notable example of both constitutional crisis and resilience. Its recent history illustrates a constitutional weakness stemming from the military coup in 2012. This situation indicates that the provisions of the 1992 Constitution are under threat after a different transitional period. Our study aims to contribute to the discussion on governance challenges and political organization strategies in the context of institutional shortcomings epitomized by Mali's ongoing constitutional vacuum. The research will examine the impact of this constitutional vacuum on the functioning of local authorities in Mali, taking into account the changes that have taken place in the state since the onset of political unrest in 2012.

**Keywords:** Constitution, Decentralization, Local Government, Mali, Political Administrations

### Öz

Afrika'da anayasalar genellikle kırılgan olarak görülmektedir. Mali hem anayasal krizin hem de dayanıklılığın dikkate değer bir örneğidir. Yakın tarihi, 2012'deki askeri darbeden kaynaklanan anayasal bir zayıflığı göstermektedir. Bu durum, 1992 Anayasası hükümlerinin farklı bir geçiş döneminden sonra tehdit altında olduğunu açıkça göstermektedir. Çalışmamız, Mali'nin devam eden anayasal boşluğunun örneklediği kurumsal eksiklikler bağlamında yönetim zorlukları ve siyasi örgütlenme stratejileri hakkındaki tartışmaya katkıda bulunmayı amaçlamaktadır. Araştırma, 2012'de siyasi krizi başlamasından bu yana devlette gerçekleşen değişiklikleri hesaba katarak, bu anayasal boşluğun Mali'deki yerel otoritelerin işleyişi üzerindeki etkisini inceleyecektir.

**Anahtar Kelimeler:** Anayasa, Yerelleşme, Yerel Yönetimler, Mali, Siyasal Kurumlar

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## 1. Introduction

The new political administrations in Africa after independence largely embraced decentralized systems of governance to create robust mechanisms. The concept of a decentralized state, incorporated into the constitution, illustrates how contemporary constitutional systems emerging in Africa after the Cold War sought to facilitate a paradigm shift aimed at controlling the unchecked power of kleptocrats and dictators through constitutional restraints. Pursuing constitutionalism also creates the potential to achieve decentralization objectives, such as reducing the concentration of state power at the center and promoting democracy, peace, good governance, and development. The fundamental roles of any constitution are to establish the institutions of government and to determine who has the authority to wield the state's power. However, constitutions do not simply arise from thin air. Instead, they are human creations shaped by political conflict, historical context, conventions, and individual preferences.

Decentralization results in the establishment of multiple political decision-making bodies at various governmental levels; each level is responsible for a specific set of duties and has its own range of authority. A multi-level government of this kind "provides a degree of security for constitutional order and social stability, as well as additional checks and balances on the central government." To protect citizens from arbitrary rule, constitutionalism—typically encompassing democratic governance and the accountability of government, along with the limitation of state power by a constitution or other mechanism—is therefore strengthened. Thus, decentralization and constitutionalism are directly related.

Decentralization in Mali results from a prolonged search for a political-administrative structure that aligns more closely with the local approach to public affairs. Furthermore, this reform represents a deliberate political decision to tackle various political issues. The primary aims of the aspirations and expectations tied to the decentralization of public management—beyond just territorial administration—were to rebuild the State, further the democratization process, and adopt a new strategy for addressing Mali's development challenges. One of the key elements of the political agenda that the newly elected government committed to during the nation's first democratic and multiparty elections in 1992 was decentralization reform. This reform is a crucial aspect of all the promises made by Alpha Oumar Konaré, the elected president. In response to the state's breakdown following the end of the military dictatorship and the need to quell the uprising in the country's north, the new president quickly enacted this significant reform.

## 2. Methodology and Structure

Researching the dichotomy between constitutionalism and decentralization necessitates shedding light on the conceptual aspects of the two terms and their relationship to each other. More importantly, addressing the practical dimensions of this relationship in the reality of the state of Mali.

The constitutional instability in Mali creates many constitutional vacuums. Additionally, despite having a long history in Mali, the term "decentralization" carries some ambiguity in the country's political context. In this study, we employed a descriptive and analytical methodology rooted in a qualitative approach to achieve the study's objectives. Through this approach, we will focus on examining the various constitutional legislative methods regarding decentralization. The phenomenon of constitutional vacuums and their impacts on decentralization processes will also be central to our study.

### 3. Literature Review

Given the relationship between decentralization and the constitutional vacuum, it is necessary to examine the two concepts in parallel. The exploration of the first concept expands to include constitutionalism as an idea. Constitutionalism involves imposing limits on the powers of the state and government, as well as full adherence to constitutional principles (Waldron, 2010, p. 3). While constitutionalism may primarily refer to the distribution of power within a social unit, it often transcends a straightforward explanation of formal arrangements (Godden & Morison, 2017, p. 2). According to Bazezew (2009), constitutionalism as a theory evaluates the legitimacy of government actions. It encompasses something far more significant than mere legality, which requires official behavior to conform to established legal guidelines. In other words, constitutionalism affirms that government actions are legitimate and that public servants perform their duties in accordance with laws that have been predetermined or established in advance, impacting directly or indirectly the distribution or exercise of sovereign power within the state (Sirota, 2021, p. 108). The existence of a federal or regional structure within a state, which involves various legislators potentially competing with one another, imbues the constitutional function with unique importance. This stems from the understanding that the constitution serves as a standard for regulating relations among different powers, namely the various state agencies or bodies (Carozza, 2019, p. 16).

Following the pattern of many African countries joining international organizations shortly after gaining independence, drafting a constitution aims to establish a lasting balance of power. Older constitutions were relics of the struggle against colonialism, while newer ones sought to eliminate violent internal conflicts among parties competing for statehood. These new constitutions intend to replace political instability, tyranny, or dictatorship with a renewed era of democracy and peace. The institutionalization of power, which lies at the core of constitutional law, relies on the formalization of legal constraints that shape the political regime (Mouton & Bioy, 2005).

The unconstitutional inaction of the lawmaker in a situation where they are required to adopt a specific legal regulation but fail to do so is referred to as an omission of the law. (Constitutional Court of the Czech Republic, 2007: 2). Aboelazm (2024) argued that a legislative vacuum generally occurs when lawmakers neglect to regulate a particular issue in society, creating a loophole in the functioning legal system. The constitution grants legitimacy and legality to the state's institutions and authority based on the principle of constitutional supremacy (Ferioli, 2015, p. 94). Given the seriousness of the matter, the constitution must ensure its continuity. Any constitutional interruption, under any circumstances, would represent a constitutional loophole. A constitutional vacuum signifies the absence of legal systems and legislation due to the overthrow of a country's constitution.

It is considered one of the riskiest phases that a state may undergo. Although the implications of this concept vary based on the nature of the ruling systems in different countries, the unavoidable result is the disruption of all constitutional mechanisms, especially the sovereign institutions (the presidency, the government, the judiciary, and parliament), due to the absence of constitutional rules to address the varying issues of the state's power. This results in the unconstitutionality of any decisions made by legal bodies because of their lack of constitutional legitimacy. One of the most significant consequences of a constitutional vacuum is the complete lack of legal effect for decisions issued by the executive, legislative, or judicial authorities.

The notion of a constitutional vacuum should not be confused with constitutional silence and legal omission. The absence of explicit mention of an important element in the constitutional text manifests constitutional silence. The silence can be intentional or result from a gap, and the legal interpreters are then responsible for

filling up these gaps by using case law or basic legal concepts. (Guénette, 2015). The legal omission, on the other hand, occurs in the case where certain legal standards are stipulated and linked to other, partial legal rules that were not stipulated. Consequently, a legal omission arises, and the system of standards becomes incomplete (Recouvreur, 2018). Thus, silence is characterized by the absence of a rule, while a legal omission is characterized by the incompleteness of a norm.

The term "decentralization" can be classified as a broad concept encompassing various occurrences such as devolution and federalism (Rodden, 2004, p. 484). This variability arises because different actors may interpret the term in diverse ways (Houlihan & Hickey, 2022, p. 11). Political actors, stakeholders, and global institutions have regarded decentralization as a solution to numerous nations' challenges (World Bank, 2022, p. 13), particularly in post-conflict settings. Consequently, the term has become associated with various concepts. The notion of decentralization and the corresponding principle of subsidiarity, which posits that political and social matters should be addressed at the lowest level of government, along with the types of authority granted to agencies by the central government, are described in this context (Aderibigbe, 2018, p. 2). This shares similarities with constitutionalism itself.

According to Böckenförde (2011), two aspects of decentralization are as follows: First, subnational levels of government are granted elements of "self-rule," which empowers them to independently control and manage specific functions or services. Second, a system of "shared rule" allows subnational entities to participate in the creation of national regulations, often through a second chamber of the national legislature or by providing a list of "concurrent powers" that enables different levels of government to jointly regulate a particular area. Both aspects are typically included in a decentralization plan.

Decentralization requires reciprocity (Kiwanuka, 2022, p. 51). While decentralization can occur when authority and powers are transferred upward from the national level to an international or regional institution, experts primarily use the term to describe the movement of authority and powers from the national level to local levels of government within a nation.

Essentially, the term refers to any system in which not all government operations occur in the capital; these systems can vary from simple administrative deconcentration to the allocation of governmental power and accountability from the national center to lower governmental levels, resulting in multiple geographically dispersed decision-making centers across a state's territory.

#### **4. History and Challenges of Decentralization in Mali**

The decentralization experience in Mali dates back to the colonial period when the colonial administration established a communal system that distinguished between mixed communes, medium-sized communes, and full-sized communes according to the law of 18 November 1955 on municipal reorganization in Black Africa and Madagascar. The mixed communes held legal personality and were administered by mayors appointed by France, alongside elected and appointed municipal councilors. Among the mixed communes were the communes of Kayes, Bamako, Ségou, Mopti, and Sikasso (Traoré, 1986, p. 39). The medium-sized communes included the Commune of Koulikoro, Kita, Kati, Niore, Koutiala, San, Timbuktu, and Gao, which were headed by administrator-mayors appointed by France and elected municipal councilors. Fully-fledged municipalities were created in 1956 and administered by elected municipal councilors (Pissaloux et al., 2019, p. 14).

Following its independence in 1960, the communal system inherited from colonization lasted until 1966, when the law establishing the municipal code of the Republic of Mali removed the distinction between communes

and elevated all communes to the status of fully functioning communes (Coulibaly, 2019, p. 159). However, this period can be described as the first phase, or even the experimental period, of decentralization because the decentralizing policies of this time did not adhere to the principle of administrative and financial autonomy, which embodies the spirit of decentralization. The end of the 1960s and the beginning of the 1970s mark the second phase of the decentralization process in Mali. Due to new development strategies inspired by socialist ideas adopted by the State and attempts to consolidate the nation-state, local autonomy was diminished in favor of increased centralization (Hetland, 2007, p. 2). An illustration of this increased centralization is seen after the 1968 coup d'état, when the military regime in power appointed delegations to replace the municipal councils. In 1977, Ordinance No. 77-44/CMLN of 12/07/1977 regarding the territorial and administrative reorganization of the Republic of Mali established Bamako as a district with regional status, headed by a governor appointed by the Council of Ministers (Beridigo, 2006, p. 202).

The economic crisis of the 1970s and the Structural Adjustment Programs (SAPs) imposed on Africa as a means of reducing state expenditures are external dynamics that affected the implementation of decentralization policies between 1970 and 1980. These external dynamics compelled African states to adopt administrative reforms that involved greater local autonomy. Under the influence of neoliberal policies—namely globalization, New Public Management, and the theory of public choices—supported and disseminated by international institutions and Western democracies, development aid policies in Africa and Mali are conditioned by democratization and the implementation of genuine decentralization policies. Mali, like all African countries, is therefore engaged in extensive democratic reform. The implementation of effective decentralization policies holds significant importance in the democratization agenda. In support of African countries that have initiated the decentralization process, several pilot rural development projects have been launched with the backing of international donors. In Mali, these projects often included local management of resources and services (education, health, agriculture), thus laying the groundwork for more formal decentralization in the 1990s.

However, the wind of democratization actually blew across Africa in the 1990s, propelled by internal factors. In Mali, the regime's inability to respond to social demand (liberalization of political life, alternation in power, fight against corruption, improvement of workers' living conditions) opened the way to violent protests and led to the fall of General Traore's regime in 1991 (Kassibo, 2006, p. 69). As expressed during the National Conference (July 29 to August 12, 1991) in 1991, the new regime in place adopted economic and political liberalism and good governance as the principle of administration. Decentralization, for its part, was elevated to the rank of priorities of the new regime (Kassibo, 2006, p. 70-71). The decentralization reform undertaken should not only serve to reduce the state's burden by transferring important tasks to local authorities but should also work towards inclusive and participatory management at the local level. In this sense, decentralization in Mali, by providing an ideal framework for citizen participation in local decision-making processes, was initially envisaged as the end point of the country's democratization process, which should allow for increased regional and local autonomy (Gaasholt, 2004).

Recent interest in decentralization is linked to the growing criticism of the failure of the African state. More than an administrative reform, decentralization in Mali was also a political reform that offered a viable solution to the problem of the Tuareg rebellion (Edelman, 2009, p. 1). In this regard, decentralization emerged in this nation, as it does in many African nations, as a tool for reducing sociopolitical tensions. It is the tool chosen by the Malian political class to regain its power and legitimize the state in crisis. In other words, the new institutional architecture, through the decentralizing ideology, responded to a triple action of democratization, stability, and development.

Between 1990 and 2012, the Malian State equipped itself with a legal arsenal providing a basis, a framework, and protection for local authorities. During this period, emphasis was also placed on the creation of local structures at three levels of territorial authority: municipalities, circles, and regions. Martinez (2023:23) argued that this period constitutes the consolidation phase of decentralization in Mali. The establishment of institutional, technical, and financial mechanisms and structures to support decentralization such as the National Fund for Support to Territorial Communities, Regional and Local Committees for Monitoring and Supporting Decentralization, the Training Center for Territorial Communities, National Agency for Investment in Territorial Communities has contributed to the implementation of effective decentralization policies in Mali. However, since 2012, the trajectory of decentralization in Mali has been marked by uncertainties generated by the numerous coups d'état that the country has experienced. This uncertainty, which distorts the anchoring of decentralization, occurs especially in the case of the constitutional vacuum generated by the unconstitutional change of power.

#### **4.1. Background to The Constitutional Vacuum**

The constitutional vacuum signifies a rupture or discontinuity of the constitutional order, characterized by institutional paralysis. It can emerge during significant political crises. In the case of Mali, the focus of this article, a constitutional vacuum developed following various coups d'état between 2012 and 2020, marked by the suspension of the constitution. In 2012, the military junta overthrew the government of Amadou Toumani Touré. This unconstitutional change resulted in the suspension of the 1992 Constitution, creating a constitutional vacuum prior to the establishment of a transition. Following the 2020 coup d'état that toppled the government of Ibrahim Boubacar Keïta, the suspension of the constitution led to the creation of a transitional charter to address this vacuum. The same situation is resurfacing in 2021, further reinforcing legal uncertainty.

A significant number of factors explain the reasons for these various coups d'état that led to the constitutional vacuum in Mali. The 2012 coup d'état occurred in a context of insecurity resulting from terrorist attacks. The army's argument at the time highlighted the government's failure to equip the armed forces with the means to protect the integrity of the national territory, which was threatened by terrorists (Fontaine et al., 2013, p. 198). Easton (1966), through his systemic theory, argues that for a political system to function continuously and sustainably, it must provide effective and satisfactory responses to the demands of society. He explains the reasons for instability in a political system by referring to outputs and inputs. Inputs are the demands that society places on the political system. The political system addresses these demands through outputs, which are the decisions made by political authorities. If the political system does not offer satisfactory answers, the overload of unresolved demands and claims can lead to instability in the system (Braud, 2014, p. 201). This theory, despite its age, explains the causes of various political instabilities and crises of economic governance in Africa (Gazibo, 2010, p. 30).

However, we can better comprehend the populace's support for the Putschists when they portray themselves as defenders of territorial integrity, general sovereignty, and the public interest, as is the case in Mali, and when this is contrasted with the social, political, and economic frustrations of the populace. Regardless matter whether the populace supports coups d'état or not, they raise questions regarding the future of decentralization because they might have detrimental effects on it.

#### **4.2. The Nexus Between Constitutional Vacuum and Decentralization**

Analyzing the impact of constitutional vacuum on decentralization requires first establishing the link between these two concepts. Constitutional vacuum and decentralization are two opposing concepts. In reality, decentralization cannot exist in a context of constitutional vacuum. The constitutional vacuum, which generally occurs following a coup d'état, creates an environment unfavorable to the development of decentralizing policies. In other words, the constitutional vacuum creates normative uncertainty, where state institutions lack constitutional legitimacy to exercise their functions. This constitutional uncertainty disrupts the legal framework that guarantees decentralization. In this case, transitional authorities resort to exceptional acts (transitional charters, ordinances, decree laws) to fill the normative vacuum (Besse, 2005, p. 73).

Furthermore, the constitutional vacuum creates a transition period dominated by the central state. The priority given by the central power, which embodies competence, leans more toward restoring order, to the detriment of local democracy. This often involves reducing the prerogatives of communities and concentrating resource management. In Africa, the suspension of the Constitution deprives decentralization of its legal and legitimate basis, leading the military to reaffirm central power by appointing provisional administrators (Kassibo, 1997, p. 221). Consequently, the temporary institutions that replace elected bodies do not prioritize local governance (Ouédraogo, 2003:188). In such a context, decentralization can be used as a political tool to legitimize the new power in place, without any genuine desire to transfer powers to local communities. Finally, the implementation of decentralization policies requires a well-defined legal framework and an environment where democracy prevails. From this perspective, Verpeaux (2006) argues that, without a well-defined legal framework, the state's supervision of local authorities can lead to various abuses by state representatives. Thus, the constitutional vacuum puts decentralization to the test but also presents a legal challenge to its implementation. It also reflects a disregard for constitutionalism, and above all, a violation of the principles of local democracy.

#### **4.3. Democracy: An Essential Foundation for Successful Decentralization**

Before analyzing the direct impact of the constitutional vacuum on local institutions and decentralization, it is important to establish the relationship between democracy and decentralization. This will be helpful to better understand that the constitutional vacuum undermines democratic institutions, including decentralization, which is detrimental to the rule of law. In debates on democracy, local authorities occupy an important place. They constitute a tool for assessing the level of democracy in a country. Dossa et al. (2023, p. 48), believe decentralization is an indicator of democracy.

According to the liberal school, local governments are an inescapable reality of democratic states because local institutions constitute the true strength of free nations. Local governments are thus fundamental institutions for democratic formation. Their development as democratic entities parallels the evolution of democracy itself (Hill, 1974:79). From this perspective if local communities are not governed democratically, it is impossible to consider the country itself a democracy. Mill (1997) follows this logic by arguing that in a country where local governments are not sufficiently autonomous, democracy will remain incomplete. On the other hand, Keleş (1994) considered local governments a tool for political education.

Tocqueville (1962) follows this line of thought by understanding local government as the concrete foundation of democracy, that is, a place where political learning begins. For him, local authorities play the role of counter-power, creating a network of checks and balances against powerful governments, thus helping to reduce the risks associated with a strong central power. He argues that the best way to limit the dangers of majority

dictatorship is to establish networks of counter-powers and checks and balances mechanisms protecting minorities. Decentralization occupies an important place among these networks of counter-powers. Decentralization is considered a counter-power because it limits the concentration of power at the central level by transferring skills and responsibilities to local authorities. It is also considered as such because it is based on a mechanism of vertical sharing of power between the different levels of governance (central state, regions, departments, municipalities). Given everything mentioned above, it is clear that a non-democratic setting makes it challenging to implement decentralization principles effectively.

##### **5. Constitutional vacuum: an obstacle to decentralization.**

As mentioned above, one of the primary consequences of a coup d'état is the suspension of the constitution and the institutions of the republic. The suspension of the constitution not only creates an obstacle to democracy, it creates also created by the suspension of the constitution also hinders the implementation of decentralizing policies. After the August 2020 coup d'état, the transitional government in Mali established a National Transitional Council (NTC), serving as the National Assembly. Indeed, taking into account local democracy the constitution can be classified into three groups. The first group concerns the absence of a constitutional prescription for local democracy. Local democracy is mentioned either not at all or very briefly in certain constitutions. This is the case in countries with a federal regime (Canada, USA) where the task of organizing local democracy falls under the ordinary law of the federated states. This is also the case for older constitutions or those of small centralized countries with a weak tradition of local government, such as Botswana, Jamaica, and Latvia (Bulmer et al., 2017, p. 2). The second group is marked by a very limited constitutional prescription of local democracy. Without going into specifics, the constitutions of this group occasionally lay out the fundamental ideas upon which local democracy should be built and include a broad commitment to it. The third group is characterized by the detailed constitutional prescription of local democracy. This is the case in Brazil, Ghana, and India (Bulmer et al, 2017, p. 7).

The constitutions of French-speaking sub-Saharan African countries, such as the French constitution, fall into the second group. The constitutions mention local democracy, but they are often limited to establishing its general principles. The details of how local democracy works are generally left to ordinary laws and regulatory texts. Although the mention of local democracy is limited, these constitutions provide a legal basis, a certain guarantee, and protection for local democracy.

In situations where the constitution is suspended and replaced by the transitional charter, as observed in Mali, decentralization is devoid of any constitutional protection or guarantee. The absence of constitutional guarantees, therefore makes local institutions more vulnerable to the centralizing tendencies of the military government. This vulnerability is explained by the fact that the transitional charters were written in a context hostile to democracy and can be amended at any time, whereas constitutional amendments follow a stricter mechanism.

A major theoretical argument in favor of decentralization is that it can improve political stability because it provides a window of opportunity for minorities and marginalized groups. Proponents of this idea argue that decentralized governments can implement policies better suited to the local needs and preferences of a heterogeneous population, thereby addressing the grievances of minority groups (Faguet, 2011, p. 14). Therefore, local governments can liberalize local political space by promoting values such as freedom, broad political participation, and social justice. It is, therefore, clear that the primary objective of local governments is to ensure democracy and serve society. But the question that arises is how can they protect minorities if they

themselves are not protected and operate in an environment hostile to its consolidation? In short, the constitutional vacuum exposes local structures to significant legal and political vulnerability, limiting their autonomy and resources and making them more susceptible to interference from military power. This may compromise the objective of an effective local democracy capable of responding to the needs of citizens and fostering participatory governance.

### **5.1. Constraints on local democracy**

Generally, the state organizes decentralization to achieve political objectives such as legitimizing the rule of law and fostering popular participation in decision-making processes (Felix, 1998, p. 149). In this regard, voting is a crucial part of the long-term process of democratic formation in the effort to legitimize the state (Coulibaly & Lima, 2013, p. 10). Far from being a mere voting exercise, local elections serve as a means of expressing political participation at the local level and represent one of the main criteria of local democracy. Free, fair, frequent, and transparent local elections are essential for local democracy to realize its full potential (Bulmer, 2023, p. 3). Local elections must not only reflect all the sociological components of the region but also adhere to the principle of regularity. Since the first pluralist local elections were held in 1999, Mali has been striving to organize local elections.

At both the local and central levels, political parties are key players in elections. They structure electoral competition and provide a framework for citizen participation. However, without political parties, political competition is meaningless. In April 2024, the transitional authorities announced the suspension of political party activities and the political activities of associations. The military junta also suspended the Observatory for Elections and Good Governance, a civil society organization that monitored the fair conduct of elections. According to the military government, this measure contributes substantially to creating the prerequisites necessary for carrying out major transitional activities. The suspension of political parties automatically leads to the irregularity of elections at the local level.

In addition, the High Authority for Communication (HAC), which is the regulatory body for Malian communications, had called on all media outlets to stop all broadcasting and publication of information on the activities of political parties and associations. The ban on media outlets covering the activities of political parties undermines the pluralism of information, weakens citizen participation, reinforces the concentration of power, and increases vulnerability to disinformation, thus compromising the quality of local democracy (Smyrniaios, 2023) and the right to information. Even if the suspension has been lifted, there is still a risk of profound repercussions on local democracy; and without local democracy, decentralization is meaningless.

### **5.2. Deceleration in Local Development Projects**

Regional institutions, such as the African Union, are governed by the principle of zero tolerance for unconstitutional changes. ECOWAS also adheres to this principle and has not hesitated to sanction and suspend Mali from all participation in the organization's bodies, demanding a return to constitutional order and the transfer of power to civilians. Mali's series of sanctions has also been transposed at the international level. As mentioned above, international institutions have made development aid in Africa conditional on democratization. Thus, the constitutional vacuum created by the coup d'état led to the cessation of funding for local government projects by international financial institutions. While local authorities in Mali lack sufficient financial and qualified human resources to carry out their local development mission, some fifteen multilateral and bilateral aid agencies support them in carrying out their mission. They intervene either through direct financing of the national technical and financial support system or through specific programs anchored in a

particular region (Languille, 2010, p. 135-136) and are true development partners. After the 2021 coup d'état, for example, the World Bank suspended funding for projects in the agricultural sector. Consequently, the suspension of funding for local projects is slowing down the decentralization process in Mali.

It is important to note that the suspension of funding and projects intended for local authorities generally occurs in the context where this funding is direct and passes through the central government. This is the case for borrowing, which also constitutes a significant part of local resources. In almost all countries in the world, access to borrowing by municipalities is only possible under the supervision of the state, and when the State is sanctioned, it becomes impossible for it to benefit from the loan (Leloup et al., 2003, p. 2).

## 6. Conclusion

The Constitution's primary function is to structure the state's structure to take into account the interdependent relationships between its many institutions. Historically, Mali shares with all neighboring countries the same institutional heritage based on the construction of the great state institutions from the empires of Ghana, Mali, and Songhai. These observations allow us to affirm that decentralization was a practice deeply rooted in the tradition of administrative management familiar to the Malian populations. Although decentralization is a feature of all constitutions, it has been continuously delayed since Mali gained independence on September 22, 1960, because political and administrative elites are concerned about maintaining the unity of the Malian nation. Additionally, decentralization swiftly forced itself on the transition's authorities. It can be asserted that decentralization processes were directly linked to the political fluctuations that Mali experienced throughout its history, which was replete with severe political crises that led to successive constitutional vacuums. The close connection between democracy and local governance also made the impact of the constitutional vacuum on decentralization more evident. On this basis, the resilience and strengthening of local authorities depend primarily on establishing the foundations of commitment to solid and consistent constitutional standards. This necessitates a complete and definitive end to the transitional phases, which undermine the implementation of the constitution.

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