



MALI JUSTICE PERCEPTIONS: JUSTICE AND STABILITY IN THE SAHEL (JASS)

August 2022



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BACKGROUND AND CONTEXT

Since 2012, Mali has faced a deteriorating security environment. While initial instability was concentrated in Northern Mali, over the past decade, conflict has spread south into the densely populated central belt of the country.

The Malian conflict(s) are driven by a number of factors, including inter-ethnic grievances, religious extremism, illicit economic activities, competition over lucrative trafficking routes, and armed groups which have capitalised on a weak/non-existent state presence to dominate and expand their influence. The increasing scarcity of natural resources (including water and productive arable/grazing land), exacerbated by climate change and a rapidly growing population, has also resulted in a proliferation of disputes.

In central and southern Mali, perceived injustice around the resolution of these disputes is a key driver of conflict. The Justice and Stability in the Sahel programme (JASS) aims to enhance security and stability in Mali by improving the legitimacy and inclusivity of governance mechanisms regarding land and natural resource disputes to ameliorate structural drivers of conflict and undermine VEO recruitment efforts.

The main effort of the JASS programme focuses on three strategically important areas: Koulikoro, Segou, and Sikasso which represent a 'fragile but stable' zone preventing violence and instability from spreading further into southern Mali, and potentially across borders.

This study aims to explore attitudes towards justice, access to justice, and preference for customary/formal systems of justice, in addition to identifying any barriers or obstacles that prevent people from accessing justice and resolving disputes peacefully. The study focuses on the three JASS programme areas Koulikoro, Segou, and Sikasso, to provide formative insights to support strategic decision making and improve programme design and delivery.





METHODOLOGY

ORB International conducted a total of 1,744 in-person interviews between 27 June and 23 July 2022. Interviews were conducted across the three regions of south-central Mali where the JASS programme focuses: Koulikoro, Segou, and Sikasso and included JASS recipient communities. All interviews were conducted by ORB International’s local Malian field team. The assessment drew upon quantitative analysis with content and pattern analysis as primary data analysis methods.

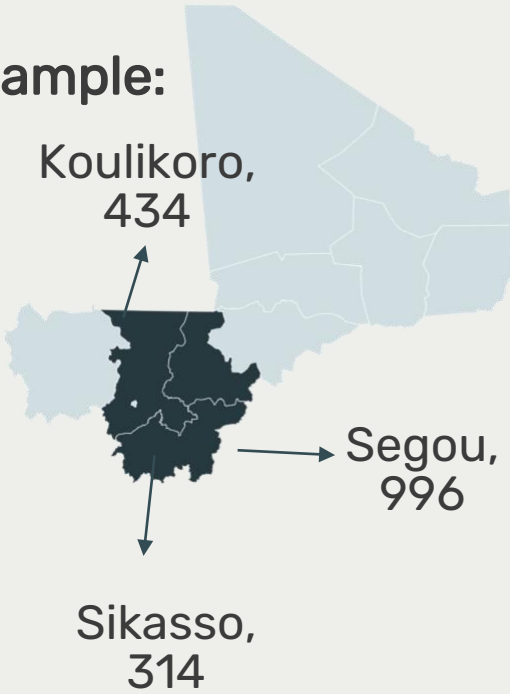
SAMPLING PROCEDURE

ORB International employed a stratified random probability sampling approach for this survey. A total of 1,744 interviews were derived from an initial target sample of 1,200 interviews, with a further boost of 350 interviews involving transhumant (nomadic) populations to ascertain differing attitudes to justice between farmer and herder populations.

SAMPLE	
Initial Sample	1,394
Transhumant Population Boost	350
TOTAL	1,744

Both transhumant and non-transhumant samples were split evenly between intervention and non-intervention communities across all three regions. Within these strata, a simple random sampling method was used to ensure the survey sample is geographically representative of the population across the three regions of Koulikoro, Segou, and Sikasso. Interviews were split evenly across all regions between *cercles* where ASI’s Justice and Stability in the Sahel (JASS) project has been implemented and those where the project has not been implemented to allow for direct comparison between such areas. These are referred to throughout the report as JASS and non-JASS intervention areas respectively.

Sample:





METHODOLOGY

QUESTIONNAIRE DEVELOPMENT

ORB International collaborated with ASI to design a suitable questionnaire during a two-day in-person workshop in Bamako on 06 and 07 June 2022. The questionnaire was specifically designed to address the following key areas of enquiry:

- What are the main types of dispute that Malians (and particularly women, farmers and herders) seek justice for?
- Where do Malians (particularly women, farmers, herders) go to resolve these different types of issues? Do they use different institutions to resolve different sorts of disputes?
- What do Malians (and particularly women, farmers and herders) see as their greatest barriers to justice, and what are their prioritised solutions?
- Which institutions/individuals do Malians (and particularly women, farmers and herders) trust to deliver justice, and what are the factors that inform their trust/mistrust?
- How often do Malians (and particularly women, farmers and herders) use different institutions such as customary authorities or tribunals to seek justice?
- What are the financial and social costs involved in pursuing justice from different institutions for Malians (and particularly women, farmers and herders)?
- Is justice experienced/understood differently by men, women, farmers, and herders?
- What objectives and principles guide Malian's perception of legitimate justice, for example community cohesion, the protection of individual rights, retribution, or other principles on which to base justice decisions?
- How do different groups understand marginalization or exclusion, and does this affect their understanding of justice/injustice?







The quantitative questionnaire was jointly developed by ASI and ORB International. The questionnaire was then translated into French by ORB International's local Malian team. The French questionnaire was independently checked by ORB International's translator to ensure that translations were accurate and appropriate. Questionnaire scripts were then loaded onto Android tablets which were used by the local team for data collection.

METHODOLOGY

Interviewer and Fieldwork Team Selection

ORB International has been working with a local team in Mali collecting data for over ten years. This local team has an established pool of supervisors and interviewers have worked with and been trained by ORB International on a large number of studies nationwide since 2012. Every interviewer and supervisor selected for this study has prior experience conducting quantitative research. The field teams consisted of Malians local to the area in which they worked. This local team has significant expertise and experience in conducting similar studies in addition to a nuanced understanding of local community dynamics around sensitive issues. The team also includes both male and female enumerators, and enumerators who speak both French and local indigenous languages (e.g., Bambara, Fula) to ensure that we were able to put forward the most suitable member of the team to overcome any cultural constraints or participant biases that might otherwise affect the reliability of our findings. A total of 19 interviewers and two supervisors completed the data collection.

ORB has a dedicated quality control (QC) team whose sole function is to listen to audio recordings, track GPS movements, and perform all QC checks. Using SurveyToGo, the ORB research team reviewed the following parameters in the data: length of interview and timestamps throughout the questionnaire to check for any unusually rapid completion times of sections; audio recording of 3-4 questions placed throughout the questionnaire; and GPS coordinates of each interview to review the spacing of interviews within a sampling point to check for proper sampling procedures.

	Fieldwork supervision	Randomised accompanying and back-checks on interviewer work by visiting or telephoning respondents to check that they participated, and to double-check a selection of survey responses
	GPS monitoring	ORB International tracks the GPS of routes taken by interviewers to ensure proper household selection procedures and prevent interviewers from completing multiple questionnaires in the same household/location.
	Audio File Checking	Four questions are audio recorded at random to ensure that interviewing is taking place correctly. ORB International's Quality Control team reviews every audio recording before interviews are accepted for inclusion into the final data file.
	Adult household members	Interviewers are required to input the number of adults (aged 18+) household members into the tablet, to ensure interviewers are completing the respondent selection procedures properly.
	Interview run time	ORB International tracks 'net duration' and section timestamping to accurately measure the truth length of interviewing time and ensure no questions are being skipped or rushed.
	Flatlining	ORB International uses proprietary software to check for abnormal response patterns to ensure that interviewers are correctly carrying out interviewing



EXECUTIVE SUMMARY

1

Economic factors surrounding access to land, natural resource, and employment opportunities are the focal point of inter- and intra-community disputes. Lack of access to limited state and economic resources is the key driver of marginalisation across Koulikoro, Segou, and Sikasso.

2

Reaching a mutually acceptable consensus between parties is central to conceptions of ‘justice’ in south-central Mali, likely explaining participants’ overwhelming preference for customary justice, particularly regarding disputes over land, grazing rights, or other limited economic resources.

3

Financial barriers such as corruption, bribery, and prohibitively expensive legal fees constitute the most insurmountable barriers to justice. While not absent in customary justice, such barriers are significantly higher in the formal Malian legal system, likely explaining respondents’ preference to seek justice outside the formal court system.

4

Both customary and official justice systems are perceived to be systematically weighted in favour of older, wealthier, and autochthonous Malians. While endemic corruption is regarded as the biggest barrier to justice in the formal system, lack of fairness is participants’ major grievance against customary justice. Those that state that they feel marginalised do not trust or see fairness in either systems.



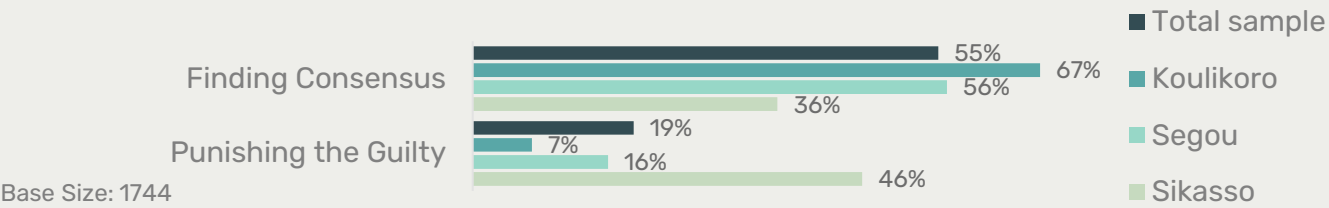
SECTION 1: CONCEPTIONS OF JUSTICE

1.1 THE PERCEIVED IMPORTANCE OF CONSENSUS

Finding a consensus is the most important factor in a court case for the majority of Malians

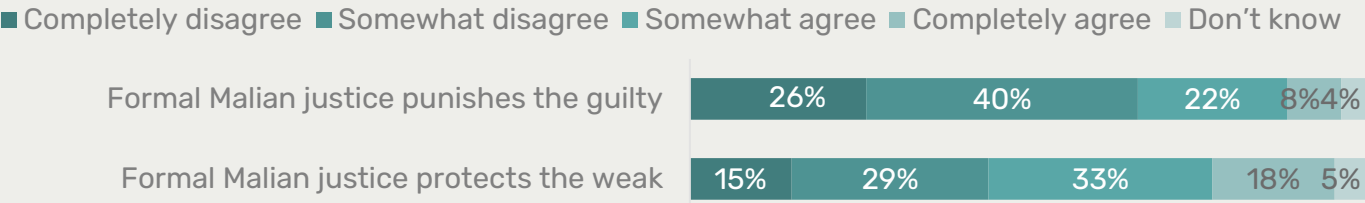
Participants were asked to rank different aspects of ‘justice’. Over half (55%), reported that they felt that the most important aspect of justice was ‘finding a consensus amongst contestants’. This view was most prevalent in Koulikoro where 67% of people agree that reaching an agreement was the most important aspect of justice. ‘Punishing the guilty’ was the second most chosen response, with 22% reporting that they felt this was the most important aspect of justice. This figure was significantly higher in Sikasso, where just under half (46%) said they felt ‘punishing the guilty’ was the most important aspect of justice.

FIGURE 1.1 FACTOR RANKED AS MOST IMPORTANT IN A COURT CASE



There was not a consensus about whether the formal system protects the weak, with 43% agreeing and 51% disagreeing, though men were more likely to disagree than women (57% vs 45%). There was a more unified outlook on whether the system punishes the guilty, with nearly two thirds (65%) agreeing that it does. This increases to three quarters in those that reside in Koulikoro (74%). Those that reside JASS intervention areas were also more likely to agree that the formal Malian justice system punishes the guilty (70%) and that the system is inclusive (60%), suggesting that the state justice system is more functional in such areas.

FIGURE 1.2 STATEMENTS ON THE FORMAL SYSTEM





SECTION 1: CONCEPTIONS OF JUSTICE

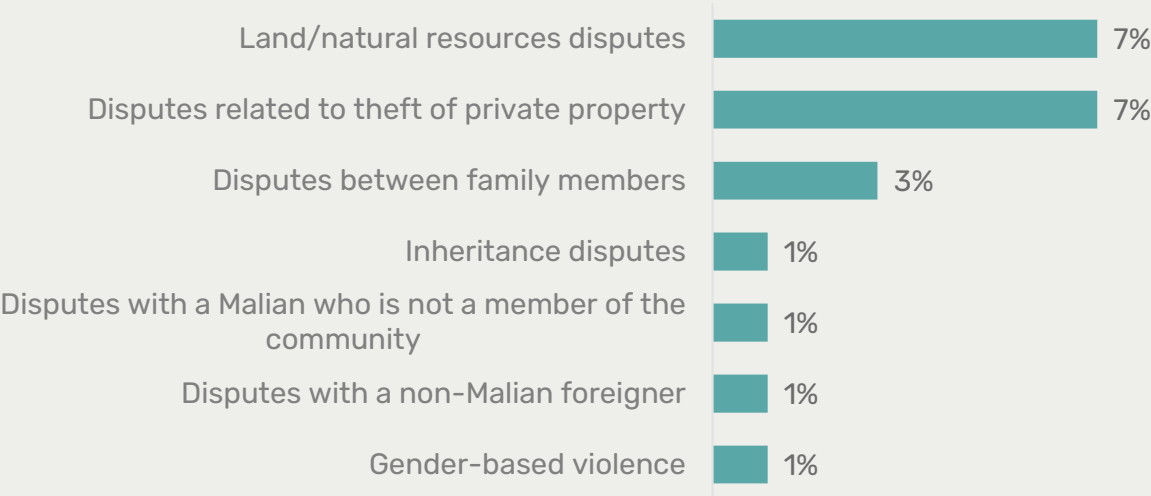
1.2 KEY TYPES OF DISPUTES

Theft of private property and dispute over land/natural resources are the most commonly-cited types of dispute.

Although most respondents had not (83%), still a sizable minority (17%) of those surveyed reported having had a dispute in the past 12 months. The most commonly-cited form of dispute given was over theft of private property (7% reported having this type of dispute over the last 12 months) or land/natural resources (7% reported having this type of dispute over the last 12 months). An extremely small percentage report involvement in a dispute between family members, over inheritance, with Malians not from the local area, with non-Malians, or involving gender-based violence (even amongst female respondents): only 1-3% of the 17% who reported having been engaged in a dispute over the last 12 months cited these types of dispute.

Those that reside in Sikasso are the least likely to have had any disputes in the past 12 months, with 92% stating that they have had no disputes. Those that live in a JASS intervention area are also slightly less likely to have had a dispute in the last 12 months compared those in non-JASS intervention areas (15% vs 19%).

FIGURE 1.3 TYPE OF DISPUTES IN THE PAST 12 MONTHS





SECTION 1: CONCEPTIONS OF JUSTICE


1.3 PERCEPTIONS OF MARGINALISATION

To assess respondents’ understanding of marginalisation, and the impact that this may have on perceptions of the justice system, respondents were asked whether they feel marginalised against in a range of situations/aspects of life. Nearly half of all respondents (46%) stated that they feel marginalised when accessing employment opportunities. This appears to impact the largest proportion of people in Koulikoro, with 68% reporting they feel marginalised when looking for work.

Those that are transhumant, or have a transhumant family member, are also more likely to feel marginalised on this issue (51%) while those in JASS intervention areas are less likely to report feeling marginalised than those where the intervention has not taken place (43% vs 49%).

FIGURE 1.4 FEELINGS OF MARGINALISATION





SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

2.1 FORMAL VS CUSTOMARY JUSTICE

CUSTOMARY JUSTICE

Customary justice is built on long-established traditional forms of authority widely accepted by local communities, such as family and clan elders, religious leaders, tribal chiefs, and other local authority figures. It uses local customs and traditions, is often intertwined with Islamic law and emphasises preserving social cohesion within the local community. It is often considered cheap, convenient, and relatively accessible for members of the community. It does, however, often lack the formal mechanisms designed to ensure a free and fair trial, and thus has been criticised for a lack of consistency and accountability, imposition of harsh punishments and privileging vested interests at the expense of disadvantaged populations.*

FORMAL JUSTICE

Mali's formal justice system is largely based on French civil law. Despite the fact that formal justice has ostensibly more rigorous legal processes which guarantee fair and impartial treatment, in practice, the system is often plagued by endemic corruption, political interference, and the existence of complex, lengthy and opaque procedures which are unfamiliar to local populace. Formal judicial processes are often perceived to be illegitimate and ineffectual in the eyes of the community. Furthermore, formal justice is hampered by weak or non-existent state presence across vast swathes of south-central Mali, with legal infrastructure often geographically remote from communities they serve. This often renders legal services physical inaccessible, especially compared to geographically proximate customary justice providers, and contributes to undermine trust in state institutions.

COMMISSION FONCIERES (COFOS)

The *Commissions Foncières* (CoFos) are a series of land commissions established by Malian law from 2017 to help inclusively manage land disputes in rural Mali. CoFos operate at the regional, district and town levels and are designed to standardise rights of access to land in rural Mali, whilst accounting for local customs, traditions and land management practices. CoFos include representatives from marginalised communities, including women and youth groups.

*Idris, I. *Justice Systems in the Sahel: Knowledge, Evidence and Learning for Development*, Foreign, Commonwealth and Development Office (2020) https://assets.publishing.service.gov.uk/media/5ebd676486650c278fc64bd1/765_Justice_Systems_in_the_Sahel.pdf

** Winters, M and Conroy-Krutz, J. Preference for traditional and formal sector justice institutions to address land disputes in rural Mali, *World Development* (2021).

https://www.sciencedirect.com/science/article/pii/S0305750X21000644?casa_token=Lhzk10us03kAAAAA:5mQcsVUmm0aYNiGcki8ytLXrD-TU8ZCV0-CBLghF-PDOxZf6DcpEMKKYwZegjiexkxZTwTZxwA

SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE, AND PREFERENCES

2.2 FAMILIARITY WITH FORMAL MALIAN JUSTICE

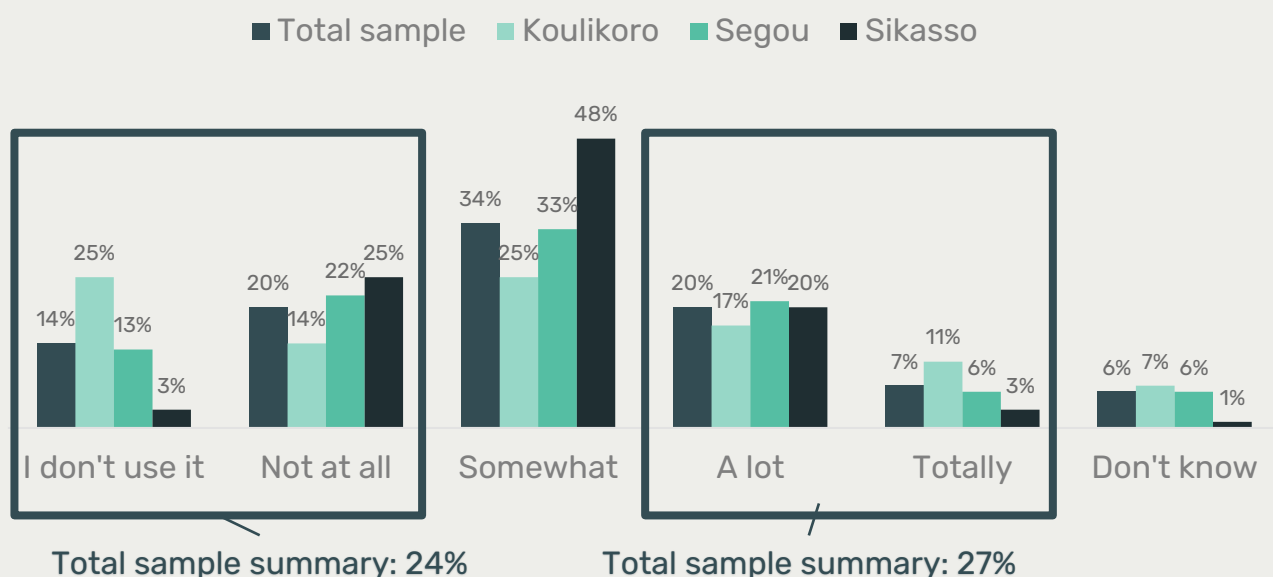
Respondents express low levels of familiarity with the formal justice system; few feel that this system meets their needs, leading many to appeal to customary judicial mechanisms to resolve disputes.

Overall familiarity with the state justice system in Mali is low: 62% report having a poor level of familiarity with the system. Of the three regions surveyed, familiarity is lowest among those in Sikasso where 73% report having a poor level of familiarity with the state justice system.

Across the three regions, less than a quarter (23%) feel that the formal justice system meets their needs; 20% feel that their needs are not met at all by the system and a further 14% don't use the system at all.

In Koulikoro, opinions towards the formal justice system are mixed. While a slightly higher proportion of people in Koulikoro state that the system is very good (7% in Koulikoro vs 3% average across the three regions) and totally meets their needs (11% in Koulikoro vs 7% average across the three regions), a significantly higher proportion of people in Koulikoro also say that they don't use the formal state justice system at all (25% in Koulikoro vs 14% average across the three regions).

FIGURE 2.1. HOW WELL FORMAL COURT SYSTEM MEETS NEEDS*



Base size: 1744

* Due to rounding sample may not necessarily add to exactly 100%.



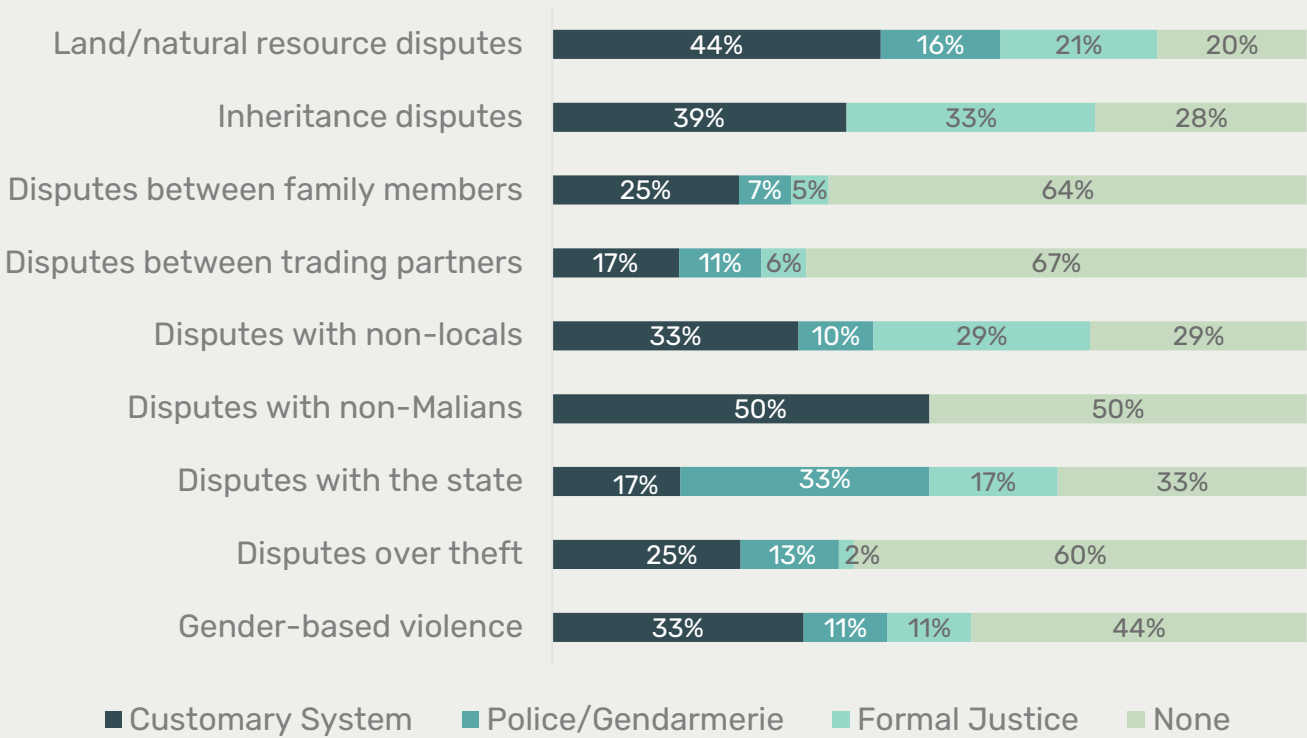
SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

2.3 TYPE OF JUSTICE SYSTEM*

Of the 17% of respondents who report being involved in a dispute over the last 12 months, participants were more likely to have resorted to customary justice over the formal state justice system, with the exception of disputes with the state, which were more likely to be referred to the police/gendarmerie. It is interesting to note that the majority of respondents reported that they would not refer the dispute to any justice system if it involved a family member or trading partner.

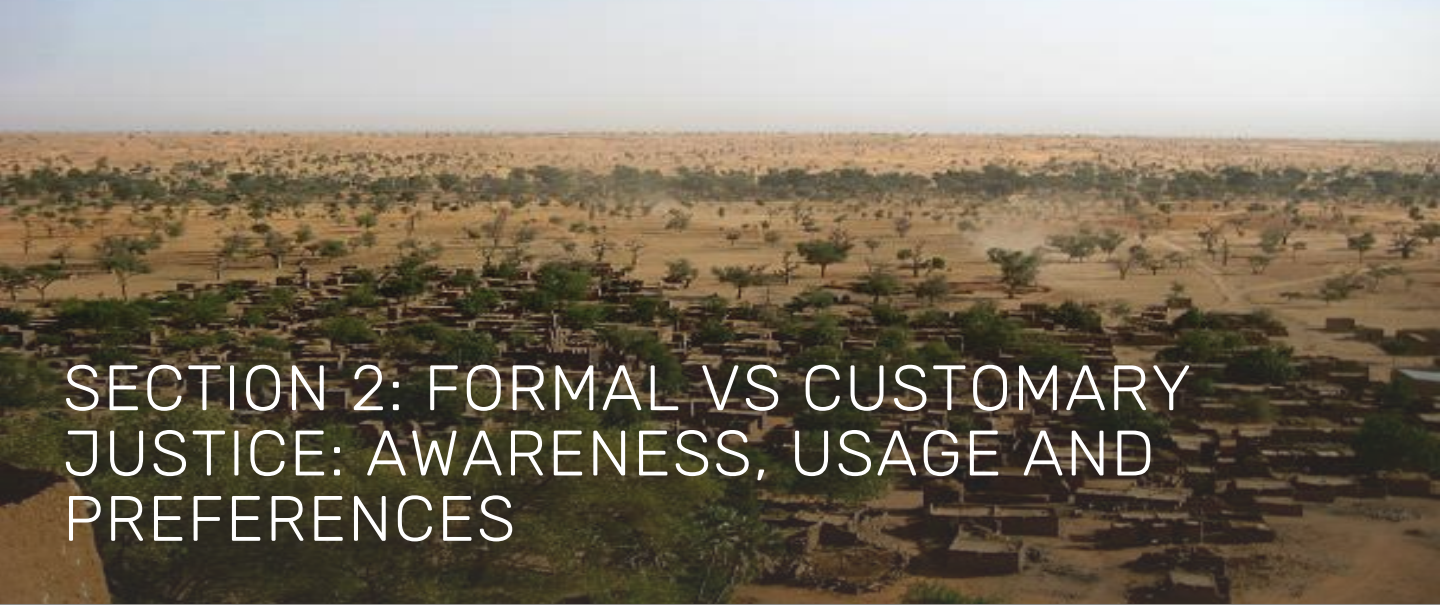
Of those that did not use any jurisdiction to solve the dispute, the most cited reason (25% mentioned it) was resolving the issue within the family or community; a further 12% indicated they had reached a consensus outside of the court and only 5% suggested they did not use the either customary or formal justice systems because of a lack of confidence.

FIGURE 2.2 JURISDICTION USED BY TYPE OF DISPUTE



Base size: 121

* Due to relatively low base sizes results should be interpreted with discretion.



SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

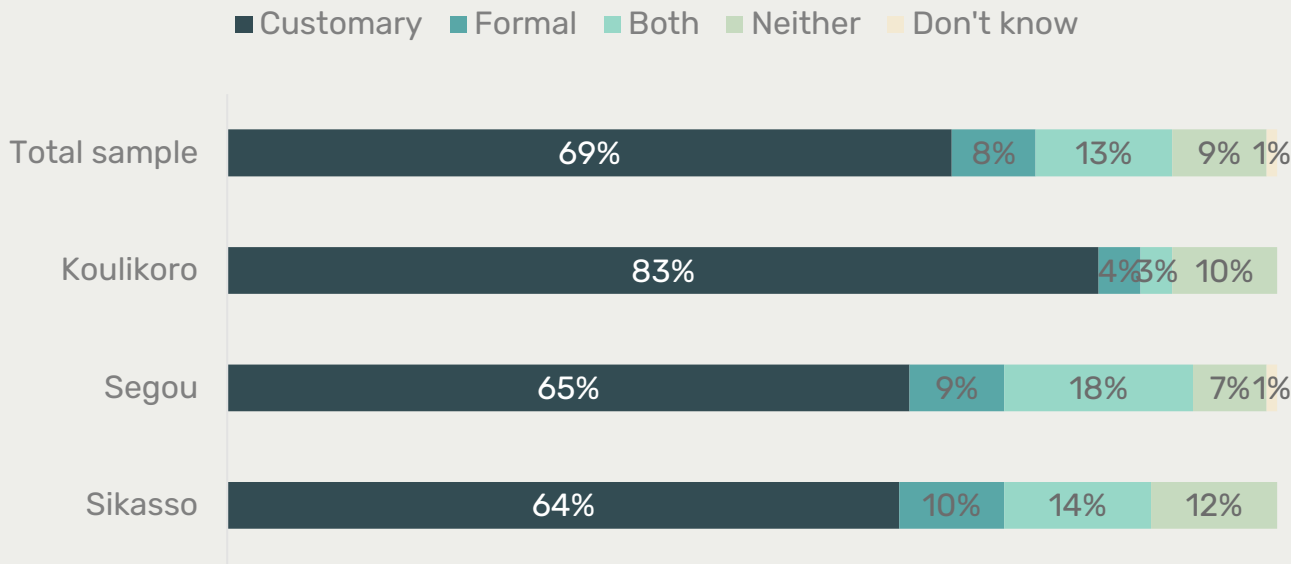
2.4 PREFERRED JUSTICE SYSTEM: DEMOGRAPHIC BREAKDOWN

If faced with a legal dispute, participants overwhelmingly prefer to appeal to customary justice mechanisms over the formal justice system, a trend consistent across all demographics and types of dispute.

When faced with a legal dispute, respondents report preferring to appeal to customary justice (69%) over the formal judicial system (8%). Preference for customary justice is particularly strong in Koulikoro (83%) and has a strong inverse correlation with education levels (71% among those with no formal education vs. 44% among tertiary-educated respondents). No demographic segment along age, gender, educational, ethnic, or regional lines were more likely to appeal to the formal justice system.

Although tertiary-educated Malians were more likely than respondents with lower levels of education to appeal to the formal system, only 24% said they would appeal to the formal system vs. appealing to both the customary and formal systems (32%) or using the customary system alone (44%).

FIGURE 2.3 WHICH SYSTEM PARTICIPANTS WOULD TURN TO, REGIONAL SPLIT



Base size: 1744

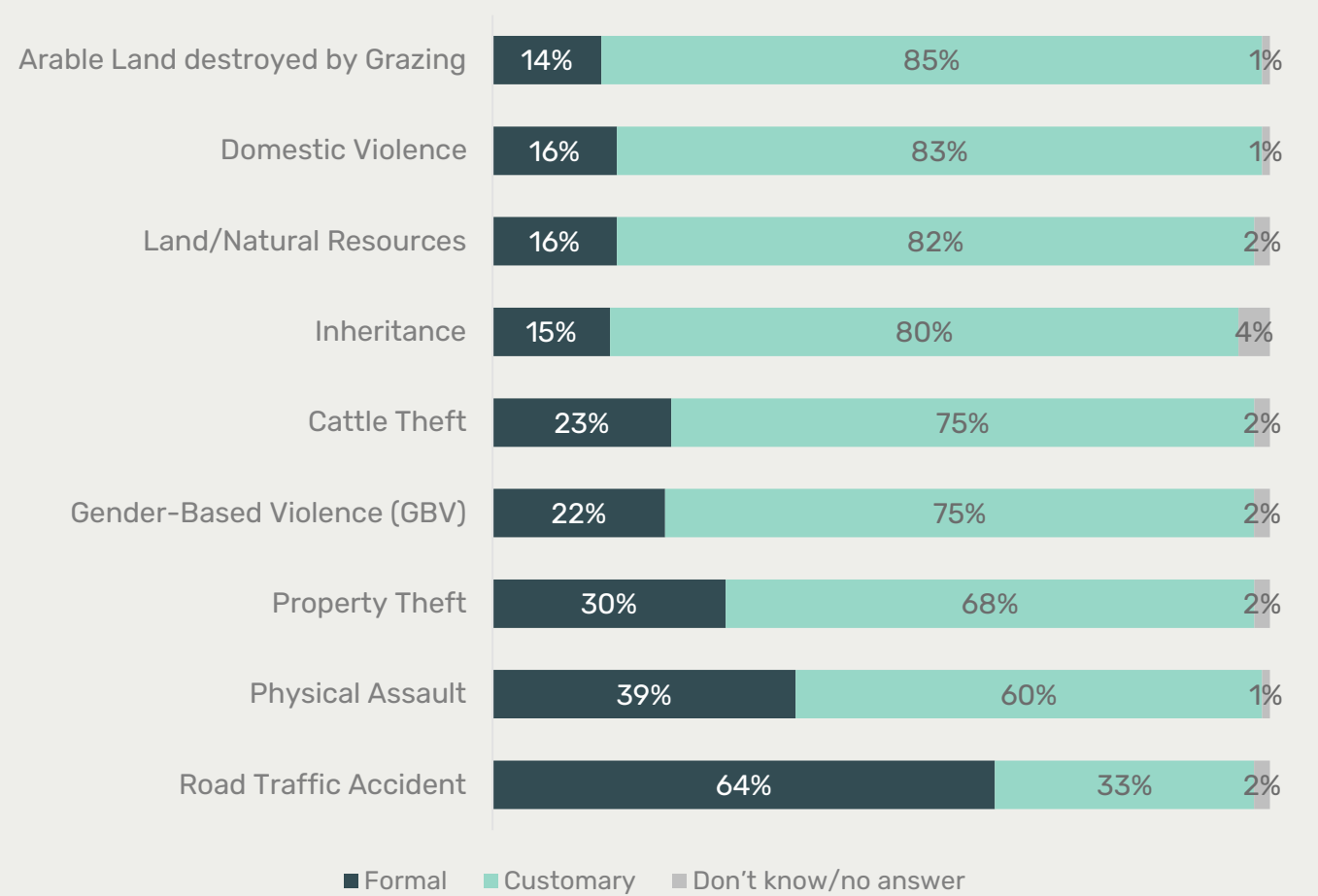


SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

2.4 PREFERRED JUSTICE SYSTEM: ISSUES BREAKDOWN

Respondents express a clear preference for customary justice over formal legal system across all issues, especially regarding community disagreements, such as the destruction of arable land (85%) and natural resource disputes (82%) or familial issues such as inheritance disputes (80%) or domestic violence (83%). The notable exception to this rule is road traffic accidents, where a majority of participants would appeal to the formal judicial system (64%) over customary justice mechanisms (33%).

FIGURE 2.4 PREFERRED JUSTICE SYSTEM BY DISPUTE TYPE



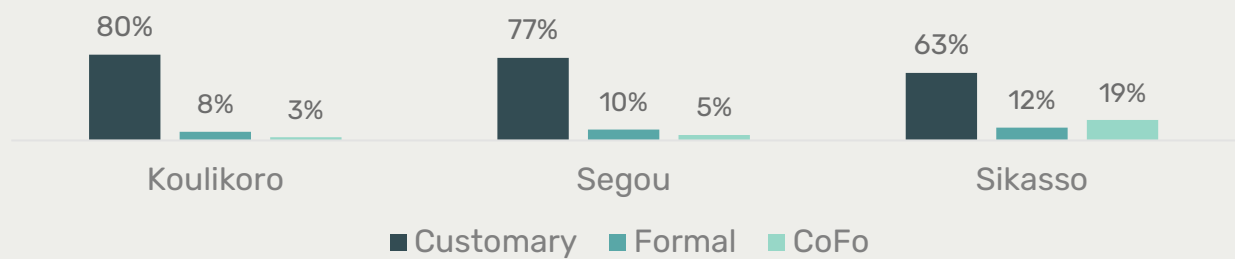


SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

2.5 LAND DISPUTES

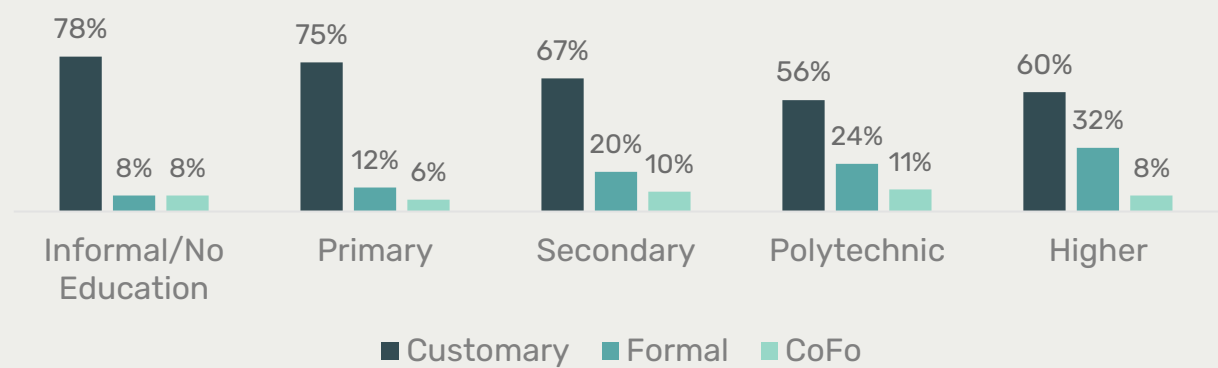
Regarding land disputes specifically, respondents report that they are most likely to appeal to customary justice mechanisms (75% vs. just 10% who would appeal to the formal judicial system). Participants in Koulikoro are particularly likely (80%) to appeal to customary justice when faced with a land dispute, as are the less educated (78% among those with no education vs. 60% for tertiary-educated Malians). Only a small minority (7%) would refer a land dispute to the *Commission Foncière* (CoFo), although older respondents (14% of those aged 65+) and those in Sikasso (19%) are somewhat more likely than others.

FIGURE 2.5 PREFERRED ARBITRATORS IN LAND DISPUTES – BY REGION



Suppose you had lent someone a piece of land. You want it back now but the person refuses! What will you do? N=1744

FIGURE 2.6 PREFERRED ARBITRATORS IN LAND DISPUTES – BY EDUCATION



Suppose you had lent someone a piece of land. You want it back now but the person refuses! What will you do? N=1744



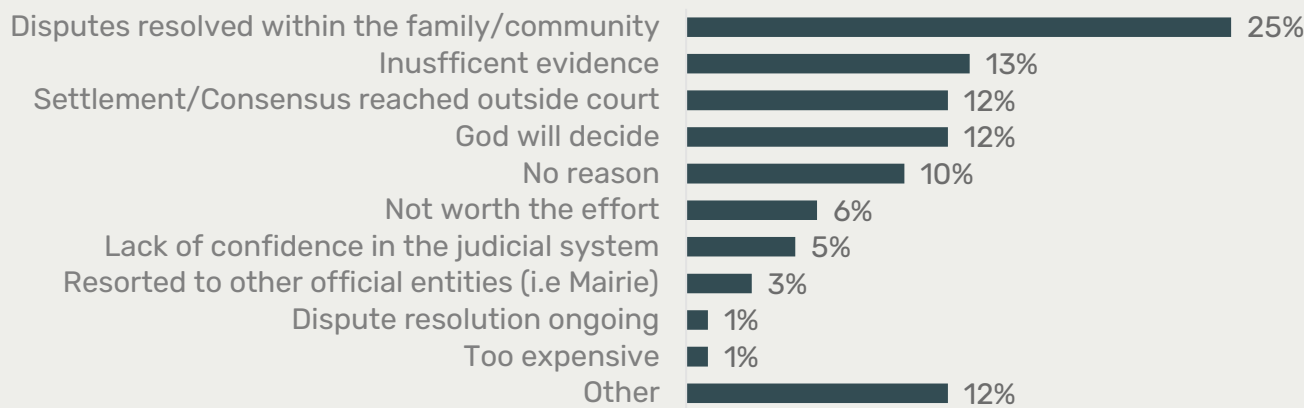
SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

2.6 ALTERNATIVE JUSTICE SYSTEMS*

A distinct minority avoid appealing to either formal or customary justice systems, largely by reaching an informal consensus between aggrieved parties without recourse to any justice provider, often arbitrated by family or clan elders.

A number of respondents (9%) reported that they would not turn to any justice system if faced with a dispute. Females aged 65+ are the most likely (26%) to say that they would use “no justice system at all”. The main reasons cited for not referring a legal dispute to any justice provider are a preference to resolve disputes within the family (25%), lack of evidence (13%), reaching a consensus/settlement with the aggrieved party outside court (12%), or leaving disputes for divine judgement (12%).

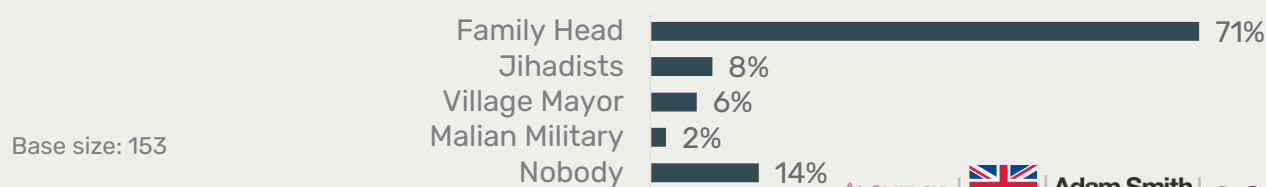
FIGURE 2.7 REASON FOR NOT USING JURISDICTION



Base size: 147

Of those who say they would not appeal to any justice provider, the majority (71%) would refer their dispute to the head of the family/clan but, concerningly, in Sikasso, a significant minority (26%) report that they would turn to jihadist groups for justice.

FIGURE 2.8 PREFERRED FIGURE TO HELP FIND JUSTICE IF FACED WITH A DISPUTE



Base size: 153

*Due to relatively low base sizes results should be interpreted with discretion





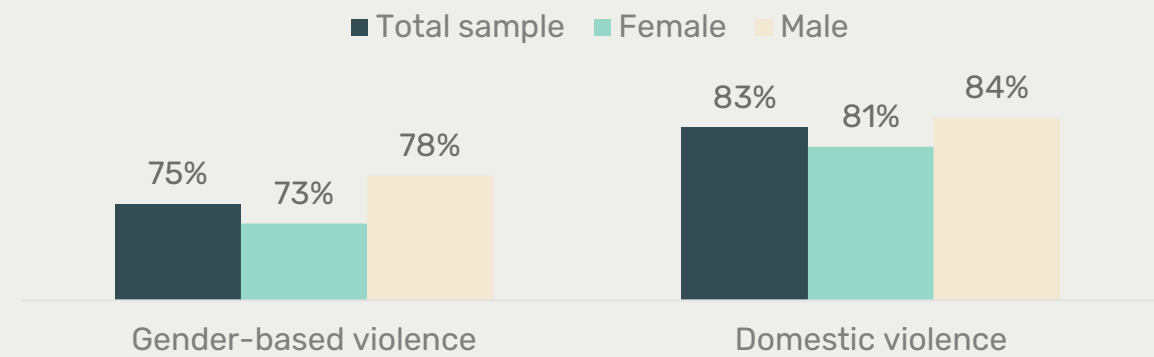
SECTION 2: FORMAL VS CUSTOMARY JUSTICE: AWARENESS, USAGE AND PREFERENCES

SPOTLIGHT: FEMALES

Female participants are more likely to report having a ‘good’ awareness of the formal system than male participants (65% vs 60%) but are no more likely to feel that it meets needs (27% vs 26%). There is also little difference in male-/female- preference when it comes to choosing the formal or customary justice system for a dispute: both express an equal preference for customary justice.

However, male participants are more likely than female participants to say that the customary system is the most appropriate system for dealing with gender-based violence (78% vs. 73%) and domestic violence (84% vs 81%).

FIGURE 2.9. CUSTOMARY AS MOST SUITABLE SYSTEM



Base size: 1744

Participants in JASS programme areas are consistently and significantly more likely to turn to customary justice for all manner of disputes than those in non-JASS implementation areas, especially in disputes over non-livestock property theft (76% vs. 62%). The notable exception to this trend is in regard to land disputes, where those in JASS implementation areas are significantly more likely to appeal to the CoFo compared to those from non-JASS implementation areas (15% vs. 2%).



SECTION 3: FORMAL VS CUSTOMARY JUSTICE: SATISFACTION AND TRUST

3.1 SATISFACTION IN THE FORMAL AND CUSTOMARY JUSTICE SYSTEMS

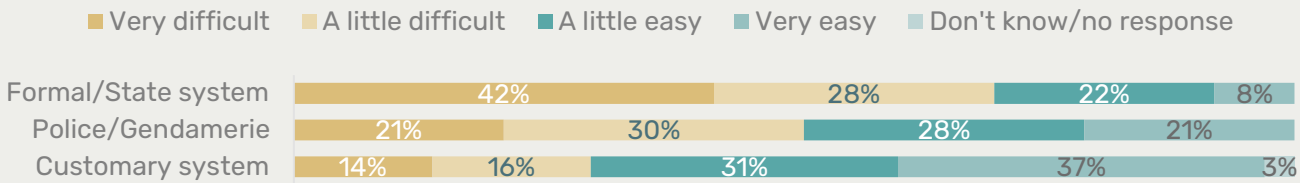
Customary justice is considered far more accessible and considerably more likely to yield a satisfactory result in comparison to the formal justice system.

Respondents were more positive about the customary justice system than the formal justice system.

Of those who used the system, 68% felt it was easy to get the assistance they needed through the system 63% reported being satisfied with the results of the process. The formal system, on the other hand, was not favourably perceived by respondents. Only 31% found it easy to get assistance and 58% reported being dissatisfied with the results of the process.*

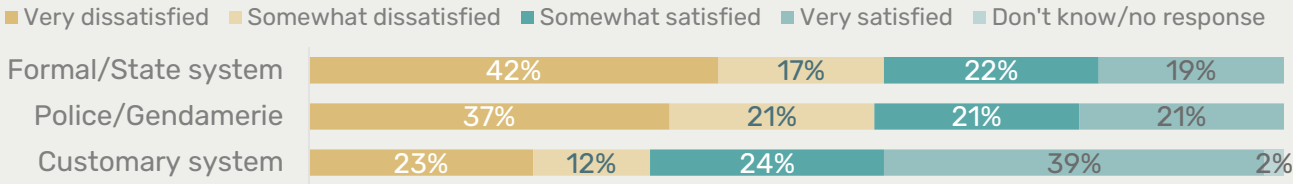
Those who had taken their dispute to the police had mixed experiences, with an even split between those that found it easy and those that found it difficult to get assistance from the service. Satisfaction was also mixed, though slightly more had a negative experience, with over half (58%) dissatisfied.

FIGURE 3.1 EASE OF GETTING ASSISTANCE FROM EACH SERVICE



Base size: Customary: 108, police/gendarmerie: 43, formal court: 36

FIGURE 3.2 LEVEL OF SATISFACTION WITH EACH SERVICE



Base size: Customary: 108, police/gendarmerie: 43, formal court: 36

*The proportion of respondents that had taken their dispute to either the formal court or the police was low and therefore results on satisfaction and ease of use should be taken as indicative only given the low base size (Police/gendarmerie n= 43, State system n=36)



SECTION 3: FORMAL VS CUSTOMARY JUSTICE: SATISFACTION AND TRUST

3.2 TRUST IN THE FORMAL AND CUSTOMARY JUSTICE SYSTEMS

Overall, respondents place a relatively high degree of trust in both the formal and customary judicial systems, though it should be noted that participants express significantly greater levels of trust in customary justice (88%), than the formal judicial system (58%).

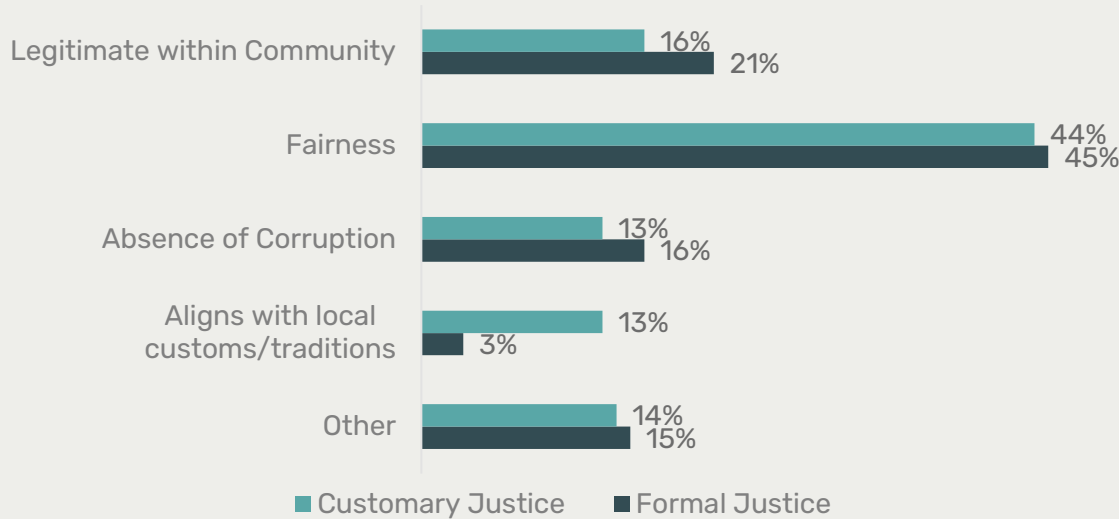
	FORMAL JUSTICE	CUSTOMARY JUSTICE
WHO TRUSTS WHICH SYSTEM?	<p>More educated respondents report significantly higher levels of overall trust in formal justice: 72% of polytechnic-educated and 76% of higher-educated respondents.</p> <p>Females are also significantly more likely than males to express trust in the formal justice system (62% vs. 54%).</p>	<p>Trust in customary justice is uniformly high across the board, with little discrepancy between different demographic groups.</p>
REASONS FOR TRUSTING	<p>Perceived fairness is the most common driver for trust in both the formal (45%) and customary (44%) justice systems</p>	
	<ul style="list-style-type: none"> Fairness (45%) Deemed legitimate by community (21%) Lack of corruption (16%) 	<ul style="list-style-type: none"> Fairness (44%) Deemed legitimate by community (16%) Accounts for local customs, traditions and religious practices (13%)
REASONS FOR NOT TRUSTING	<p>Corruption and lack of fairness are the main reasons for not trusting the formal and customary justice systems</p>	
	<ul style="list-style-type: none"> Corruption (54%) Lack of fairness (32%) Slow and impractical (4%) 	<ul style="list-style-type: none"> Lack of fairness (48%) Corruption (35%) Not considered legitimate within community (6%)



SECTION 3: FORMAL VS CUSTOMARY JUSTICE: SATISFACTION AND TRUST

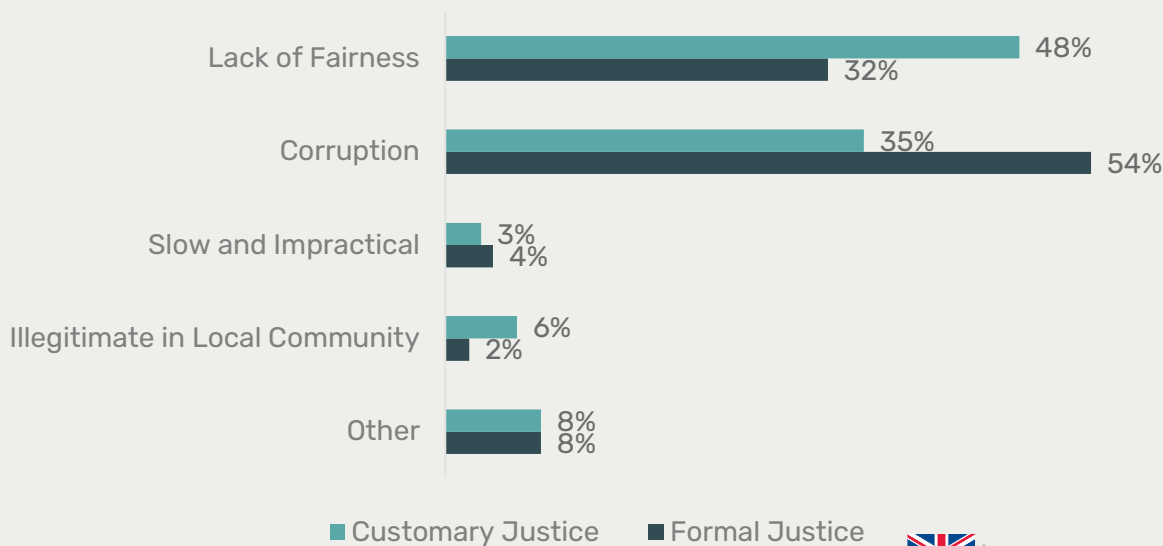
The graphs below contrast the reasons why participants do or do not trust the formal and customary justice systems respectively.

FIGURE 3.3 REASONS FOR TRUSTING EACH SYSTEM



Base Size: Customary: 147, Formal: 596

FIGURE 3.4 REASONS FOR DISTRUSTING EACH SYSTEM



Base Size: Customary: 147, Formal: 596



SECTION 3: FORMAL VS CUSTOMARY JUSTICE: SATISFACTION AND TRUST

SPOTLIGHT: FEMALE, TRANSHUMANT, AND VULNERABLE POPULATIONS

Females are more likely to report trusting customary justice than formal justice (88% vs. 62%). Reasons cited by females for trusting the customary justice system include perceived fairness and the fact that they feel it is in-keeping with local customs and traditions.

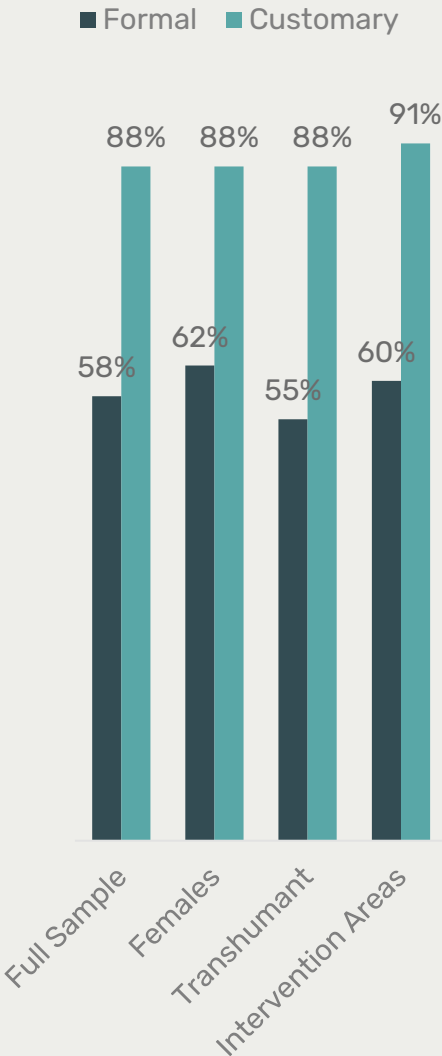
Although significantly fewer females trust the formal justice system than trust the customary justice system, females are still significantly more likely to express trust in the formal Malian justice system relative to males (62% vs. 54%). The key driving factor for trust in the formal justice system among females also appears to be its perceived ‘fairness’.

It is interesting to note that, despite the above-mentioned fact that men think that women are less likely to get fair treatment, females are more likely than males to cite fairness as the reason they have faith in both customary and formal justice systems (48% vs. 41%), with older females particularly likely to express such sentiments (57% among 55+ females).

No different from the wider sample, transhumant respondents are more likely to report trusting customary justice than formal justice (88% vs. 55%).

Participants from JASS intervention areas express slightly higher trust in both the formal (60% vs. 56% in non-intervention areas) and customary (91% vs. 86% in non-intervention areas) justice systems than those in non-JASS intervention areas. Those from intervention areas are slightly more likely than non-intervention areas to cite lack of corruption as the reason they trust both the formal and customary justice systems.

FIGURE 3.5 TRUST IN FORMAL/CUSTOMARY JUSTICE



Base Size: 1744



SECTION 4: BARRIERS TO JUSTICE

4.1 BARRIERS TO JUSTICE

We asked respondents whether they agreed or disagreed with a series of statements about the formal/customary justice systems to understand what the barriers to justice are in the target locations. More respondents cited barriers to formal justice than to customary justice.

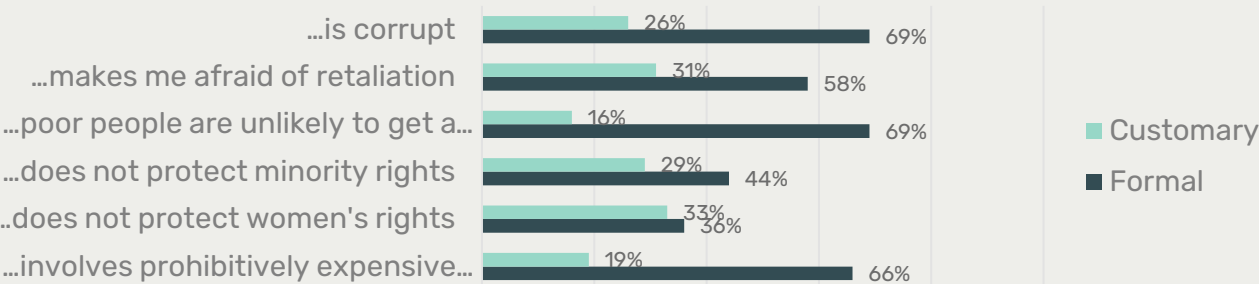
The principal barriers to justice cited by participants were financial:

- 69% believe it is ‘unlikely’ that poor people will receive fair judgement in a trial;
- 74% believe that formal justice is at the service of the rich/ those in power,
- 69% believe that the formal court system is corrupt.
- 66% believe that bribes are too expensive at the court level.

Other barriers cited by significant majorities of respondents include the fact that formal justice is lengthy and complicated (82%) and opaque (79%). Many fear community retaliation if they use the formal justice system (58%) and feel that court facilities are geographically distant from local communities (73%).

While respondents do not regard customary justice as absent corruption, the consensus is that financial barriers to justice are far lower than in the formal system. While 39% believe that customary justice is corrupt, bribes are considerably less burdensome than in the formal judicial system, with 19% (vs. 68% who believe the same of the formal justice system) believing that bribes are prohibitively expensive. Overall, respondents feel like less advantaged populations are far more likely to receive fair judgement in the customary system, with 75% saying that it is likely poor people will receive a fair trial under the customary system vs. 28% under the formal system. Moreover, while far from absent, the fear of retaliation is considerably lower (31%) in the customary justice system vs. 58% in the formal system.

FIGURE 4.1 BARRIERS TO JUSTICE- % AGREEING THAT JUSTICE SYSTEM...



Base Size: 1744



SECTION 4: BARRIERS TO JUSTICE

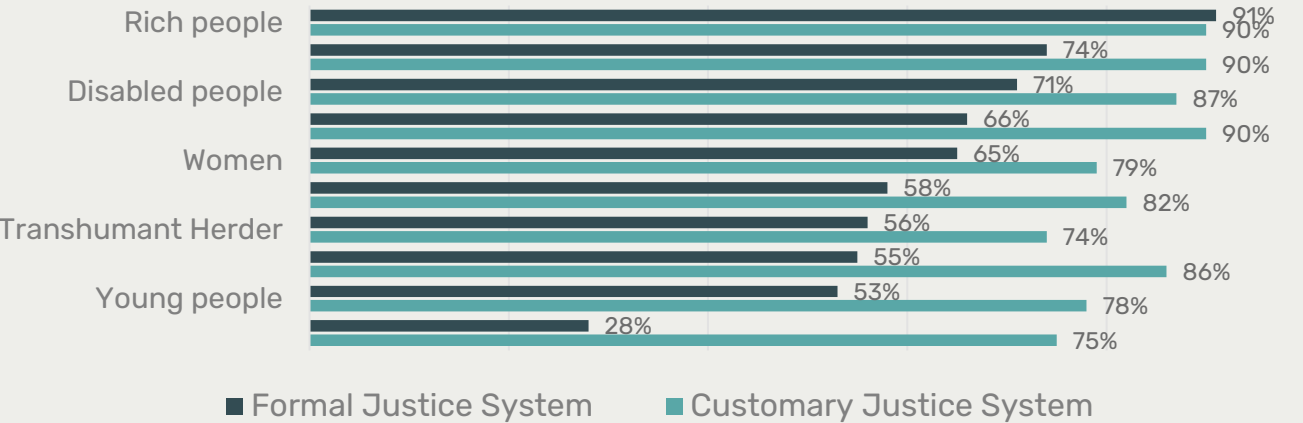
4.2 INCLUSIVITY: FORMAL vs. CUSTOMARY JUSTICE SYSTEMS

Many (41%) feel the formal justice system is not inclusive. Most perceive it to serve those that are wealthy and in power (74%) and those with a transhumant member of their household are significantly more likely to agree that the formal justice system serves the wealthy (76% vs. 69% without). Almost all respondents (91%) feel it is likely that a wealthy person would receive ‘fair’ treatment by the formal justice system vs. only 28% of people who feel the same for ‘poor’ people. Respondents of across all age categories perceive older Malians to be more likely to be treated fairly by the formal system than young Malians (73% vs. 53%).

As for the customary justice system, overall, a high proportion of respondents feel that all demographics would be treated fairly under the customary justice system although wealthy, older, and native Malians are perceived to be the most likely to be treated fairly. Transhumant herders are felt to be the least likely to be treated fairly by the customary system, with nearly a quarter (23%) of respondents stating that it is unlikely that they would be treated fairly. It is interesting to note that transhumant respondents or those that have a transhumant breeder in their family are no more or less likely to agree with this than the average respondent.

Across all demographics, respondents feel that their identity group is unfairly treated in the judicial system (i.e., males are more likely to say women are fairly treated by the justice system, and vice versa). The prevalence of such self-perceived discrimination is statistically significant.

FIGURE 4.2 % THAT FEEL EACH GROUP WOULD BE TREATED FAIRLY



Base Size: 1744



Adam Smith International





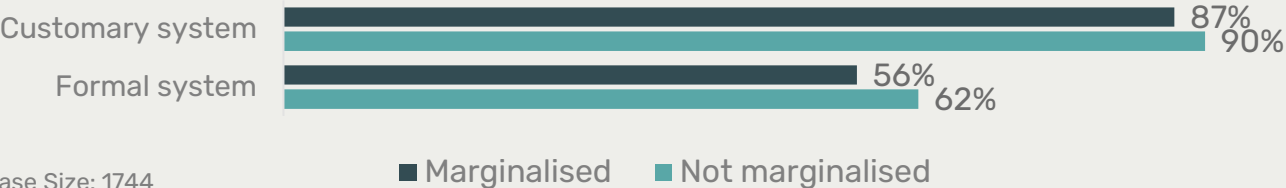
SECTION 4: BARRIERS TO JUSTICE

4.3 MARGINALISATION

Participants were defined as ‘marginalised’ if they self-reported feeling ‘very marginalised’ or ‘somewhat marginalised’ in response to the question ‘To what extent do you feel you are marginalized or discriminated against...’, across any of the following areas: security support, ethnic representation in government, freedom of religious expression, inheritance rights or access to irrigation, employment, infrastructure or humanitarian aid.

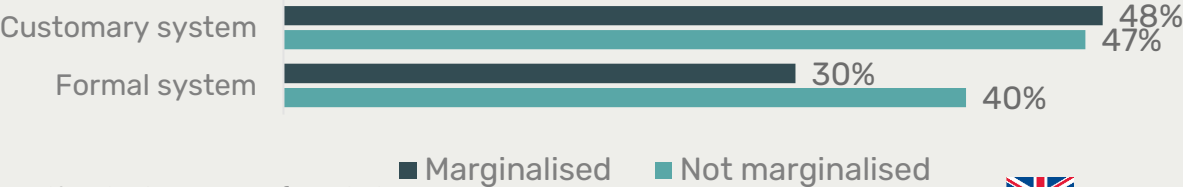
Participants who define themselves as ‘marginalised’ are significantly less likely to trust the formal justice system compared to those that do not feel marginalised (56% vs 62%), as highlighted in Figure 4.3. Marginalised participants are also less likely to trust the customary system, and though this is to a lesser extent it could signify that this group do not find either of the systems to be one that they could turn to when searching for justice .

FIGURE 4.3 % THAT TRUST EACH SYSTEM, MARGINALISED vs NON-MARGINALISED PARTICIPANTS



Those that define themselves as marginalised are less likely to state that their reason for distrusting the formal justice system is unfairness compared to those that are not marginalised (30% vs 40%); they are more likely to say that it is corruption that causes them to have a lack of trust in the formal system (59% vs 42%). Conversely, whilst participants are more likely to cite unfairness as their primary reason for not trusting the customary system on the whole, there is little difference between marginalised (48%) and non-marginalised (47%) populations.

FIGURE 4.4 % UNFAIRNESS AS REASON WHY DISTRUST, MARGINALISED vs NON-MARGINALISED PARTICIPANTS



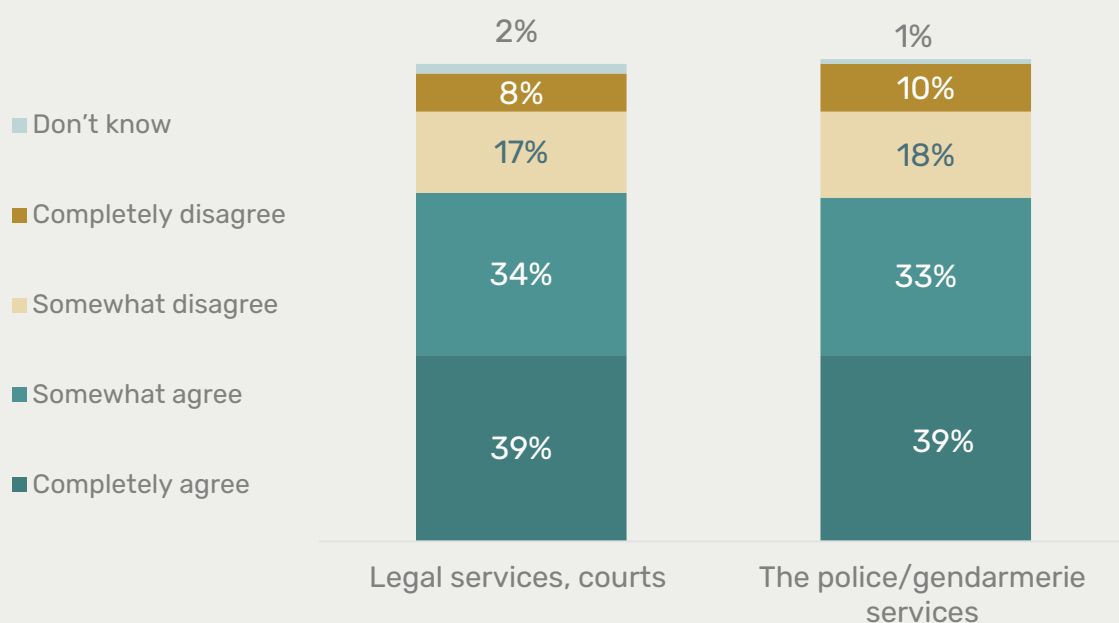
GARDEZ VOTRE ARGENT, JE VEUX LE CHANGEMENT.

SECTION 4: BARRIERS TO JUSTICE

4.4 GEOGRAPHICAL INACCESSABILITY

There is a sense that judiciary and policing services are not easily geographically accessible for residents. Most state that the legal services and courts (73%) and police/gendarmerie (72%) are geographically far from their community. Despite Sikasso being the most populous region of the three sampled, those that reside there are the most likely to agree that both the legal services and courts (83%) and police/gendarmerie (81%) are geographically far from their community. Although less likely than those in Sikasso/Koulikoro to agree, two-thirds of people in Segou still agree that these services are far from their communities. Notably, transhumant herders are significantly more likely to cite geographical inaccessibility as a barrier to accessing legal services (81% vs. 71%) and police/gendarmerie (77% vs. 70%), compared to non-transhumant populations.

FIGURE 4.5 SERVICES GEOGRAPHICALLY FAR FROM COMMUNITY



Base Size: 1744



SECTION 4: BARRIERS TO JUSTICE

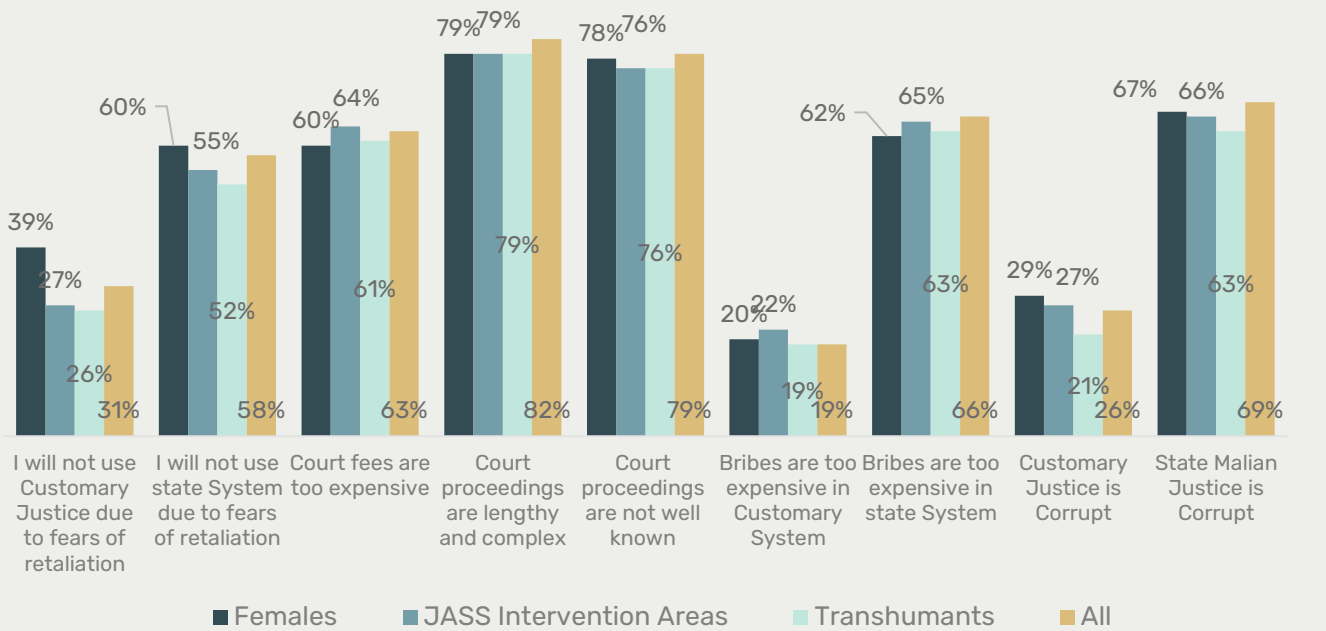
SPOTLIGHT: FEMALE, TRANSHUMANT AND JASS AREA POPULATIONS

Female respondents are slightly less likely than male respondents to cite lengthy and complex court proceedings (79% vs. 84%) or financial burdens such as court fees (60% vs. 66%) or bribes (62% vs. 70%) as barriers to justice but are more likely to cite fears of retaliation (60% vs. 56%) as a reason for not accessing either the formal or customary justice systems.

Transhumant respondents are marginally less likely than non-transhumant respondents to cite barriers to justice, especially corruption in both the formal (63% vs. 70%) and customary justice systems (21% vs. 27%).

Respondents from JASS intervention areas are slightly less likely than those in non-intervention areas to cite structural barriers in the formal justice system, especially regarding the length and complexity of court cases (79% vs. 84%), lack of awareness of court proceedings (76% vs. 81%) and corruption (66% vs. 71%). Results are more mixed regarding the customary system, with little difference between JASS and non-JASS implementation areas.

FIGURE 4.6 BARRIERS TO JUSTICE



Base Size: 1744



SECTION 5: REGIONAL ANALYSIS

KOULIKORO

Koulikoro respondents report significantly higher levels of (a) perceived marginalisation; (b) agreement that the most important aspect of justice is to achieve consensus; and (c) satisfaction with customary justice mechanisms.

Quick Data:

- 68% think they are marginalised in terms of job opportunities
- 57% in terms of access to irrigation
- 67% believe finding a consensus is the single most important aspect of justice.
- 74% 'satisfied' with customary system.
- 83% would turn to customary system if faced with a dispute.

SEGOU

Segou respondents are between positive Koulikoro and largely negative Sikasso. Respondents report fears of marginalisation, discrimination, and retaliation (if they use justice systems).

Quick Data:

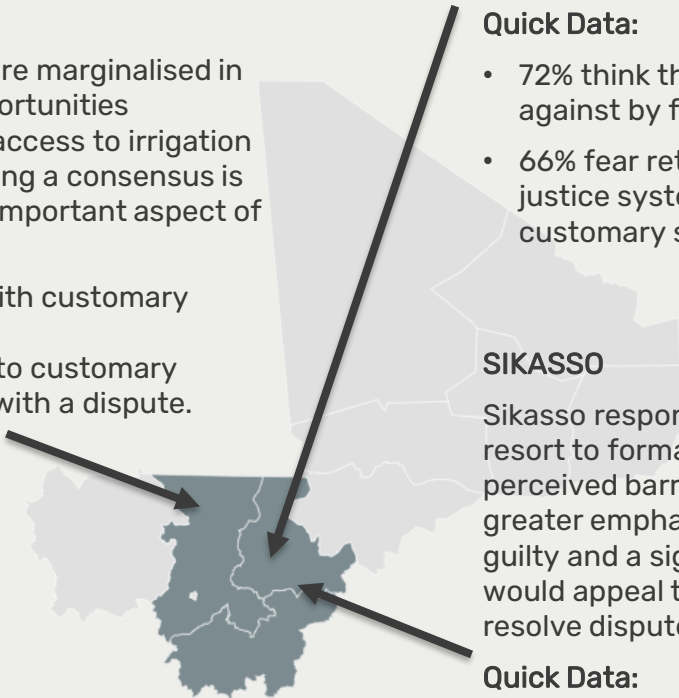
- 72% think the poor are discriminated against by formal justice system
- 66% fear retaliation in the formal justice system and 38% in the customary system

SIKASSO

Sikasso respondents are most likely to resort to formal justice yet more report perceived barriers to justice. They put greater emphasis on punishing the guilty and a significant minority who would appeal to jihadist groups to resolve disputes.

Quick Data:

- 46% believe that 'punishing the guilty' is the most important aspect of justice
- 26% of those who seek non customary/formal justice would appeal to jihadists to resolve legal disputes.



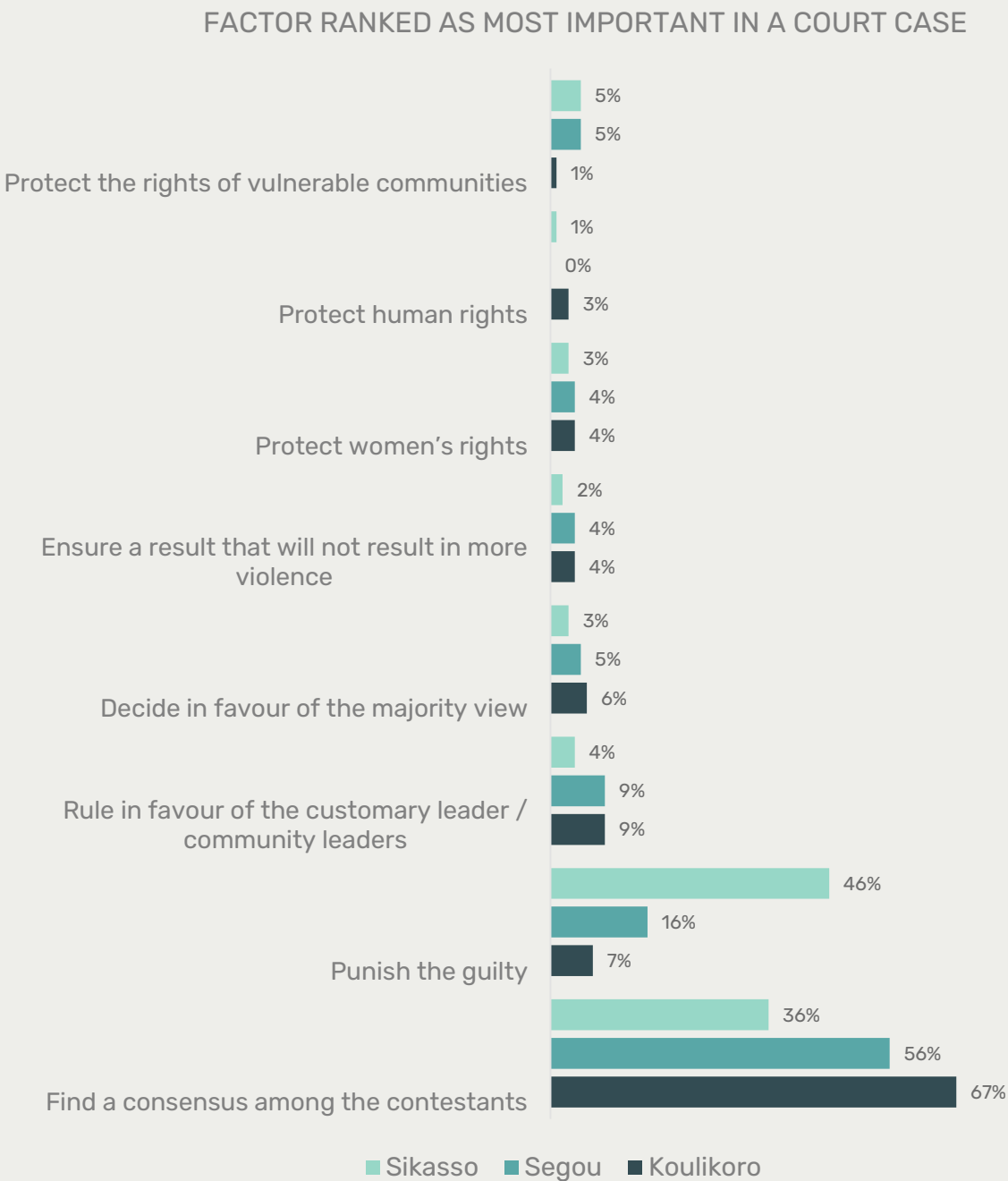


CONCLUSION AND RECOMMENDATIONS

CONCLUSIONS	RECOMMENDATIONS
Economic factors around access to land, natural resources, and employment opportunities are the focal point of inter- and intra-community disputes. Lack of access to limited state and economic resources is the key driver of perceived marginalisation across Koulikoro, Segou, and Sikasso.	Future programming efforts should be dedicated towards ensuring fair access to limited economic resources. Simultaneously, future efforts should seek to stimulate broader economic growth to address the structural cause of inter- and intra-community tensions.
Financial barriers such as corruption, bribery, and prohibitively expensive legal fees are the most reported barriers to justice. While not absent in customary justice, they are significantly higher in the formal justice system.	In order to improve usage and the inclusivity and legitimacy of Mali’s formal justice system, future programming should focus on alleviating financial barriers within the formal legal system, particularly anti-corruption initiatives.
Reaching a mutually acceptable consensus between parties is central to conceptions of ‘justice’ in south-central Mali, likely explaining participants’ overwhelming preference for customary justice, particularly regarding disputes over land, grazing rights, or other limited economic resources.	Efforts to resolve disputes over limited economic resources such as land or grazing privileges should facilitate consensus and reconciliation between parties to reduce perceptions of marginalisation based on economic exclusion.
Both customary and formal justice systems are perceived to be weighted in favour of older, wealthier, and native Malians. While corruption is regarded as the biggest barrier to justice in the formal system, lack of fairness is participants’ major grievance against customary justice.	Findings suggest that respondents are aware of flaws in customary justice, particularly surrounding a lack of inclusivity. Nonetheless, participants’ clear preference for customary justice suggests inclusivity is less of a priority than financial ease and rulings inline with local/traditional customs. Further/qualitative research with marginalised respondents could bring clarity on how they feel access to justice could be more equitable.



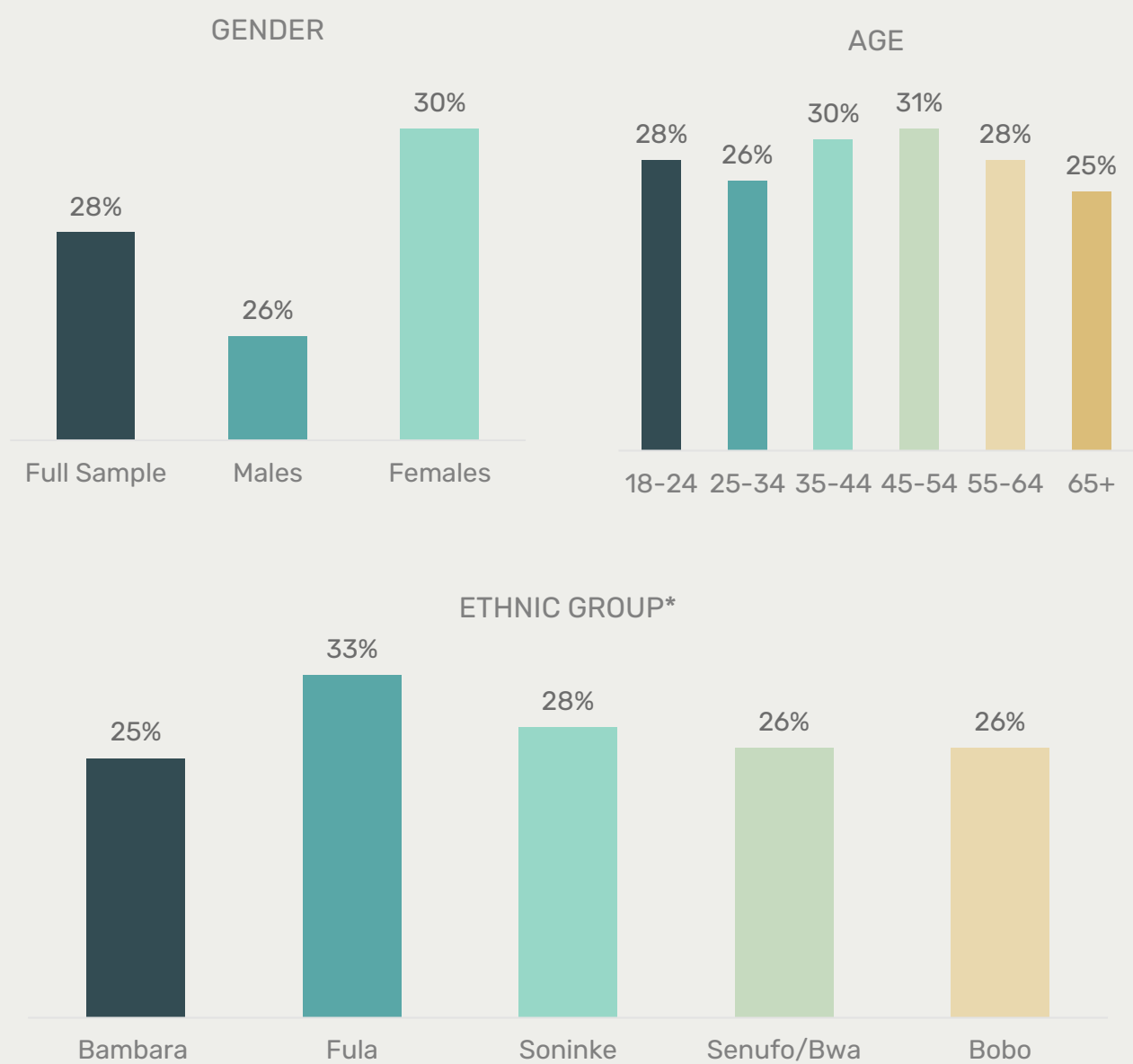
APPENDIX 1: FACTOR RANKED AS MOST IMPORTANT IN A COURT CASE



Base size: 1744



APPENDIX 2: PERCEIVED MARGINALISATION BY DEMOGRAPHIC



* Minor ethnic groups with <50 respondents are excluded from graph due to insufficient sample size.

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