WHEN SPIDERS UNITE THEIR WEBS, THEY TIE A LION!
Acronyms & Abbreviations

AOPP  Association of Professional Farmers’ Organisations
CAD-Mali Coalition of African Alternatives Debt and Development
CDF  Land and Property Code
CGLTE-OA Global Convergence of Struggles for Land, Water and Peasant Seeds in West Africa
CIFAN International Training Centre for Peasant Agroecology of Nyéléni
CNOP National Coordination of Farmers’ Organisations of Mali,
COFOV Village Land Commission
DFL Land and property law
VGGT FAO Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests
ECOWAP Agricultural Policy of the Economic Community of West African States
ECOWAS Economic Community of West African States
LFA Agricultural Land Law
LJDH League for Justice, Development and Human Rights
PFA Agricultural Land Policy
UACDDDD Union of Associations and Coordination of Associations for the Development and Defence of the Rights of the Poor
UNDROP United Nations Declaration on the Rights of Peasants and Rural Workers
Throughout history, Earth has been central to societies, but its multidimensional role is threatened by land degradation and exploitation. West Africa, including Mali, faces the challenge of recognising customary land rights, particularly for women, and improving governance to ensure equitable land use. Achieving food sovereignty, agroecology, and environmental sustainability requires securing community land and empowering local governance. Civil society organisations, including CMAT in Mali, have been instrumental in advocating for land rights. This study seeks to learn from their experiences to promote sustainable land policies.

The study provides an in-depth analysis of land use, land rights, governance, management, and ownership in Mali. It traces the historical evolution of land rights from the pre-colonial era through the colonial period and into the present day. The study also examines the advocacy strategies used in relation to the Malian Agricultural Land Law and the impacts of land policies on farmers’ rights, women’s rights, and food sovereignty.

The paper delves into the evolution of land rights in Mali, starting from the 13th-century Declaration of Human Rights. It discusses the impact of French colonialism on land rights and the suppression of customary land rights post-independence. The introduction of the first comprehensive land legislation in 1986 and the implementation of the Agricultural Land Policy in 2014 are also highlighted. The paper underscores the challenges in regulating land rights, including corruption and land speculation, and the role of civil society organisations in advocating for land rights.

The study also identifies the key actors involved in the advocacy for responsible land governance in Mali, including the Ministry of Lands, banks, administrative authorities, NGOs, and various communities. It discusses the establishment of a multi-stakeholder platform for land governance and the timeline of key actions surrounding the Agricultural Land Law in Mali. The paper further explores the policy documents used to support advocacy strategies and the impacts of these efforts on farmers’ and women’s rights and food sovereignty.

The report concludes with recommendations for improving land governance in Mali. These include a unified approach, community engagement, open dialogue, public mobilisation, documentation, engaging technocrats, and leveraging existing synergies for effective land advocacy.
1. Introduction

1.1 The Context

Throughout history, the Earth has been the cradle of life, serving as the foundation upon which societies have been constructed. The Earth plays multiple roles, encompassing nourishment, environmental sustenance, social fabric, spirituality, and economic sustenance. These functions are deeply intertwined with the cultures of various peoples, communities, and the historical evolution of societies.

Societies have historically organised themselves around the ownership and management of land and its natural resources, which were once considered communal assets, neither private property nor commodities. However, from the era of colonisation to the present day, amidst population growth, rapid urbanisation, the ascendency of capitalism and liberalism, the industrialisation of agriculture, and the challenges posed by global warming and biodiversity loss, land has been dehumanised and degraded. It has transformed into an object of desire driven by profit motives, leading to an escalation of internal and external conflicts, mass displacements, migrations, and hunger. Furthermore, policymakers have exacerbated this situation by enacting legislation that promotes land privatisation, whether in the public or private domain. This has facilitated its monopolisation or widespread acquisition, both terms denoting the same outcome: the detriment of the rights, livelihoods, and future of communities, peoples, and nations.

Since 2008, this situation has deteriorated further due to various financial, food, energy, and climate crises, which have significantly altered the global geopolitical landscape, particularly concerning land, arable land, and water resources. The World Bank reported in 2009 that 45 million hectares of land were acquired, ten times more than the previous decade. In 2011, this number increased to 56.6 million hectares; by 2012, the Land Matrix recorded 80 million hectares. According to COPAGEN, in 2015, this trend extended to 8 million hectares of land. ¹

In West Africa, food systems heavily rely on family

farms, typically smaller than 2 hectares. These farms employ over 60% of the region’s workforce, primarily women, contributing 35% to the regional GDP. Over 90% of this family farming sustains the population through self-consumption and local market supply. Despite this, FAO statistics reveal that West Africa possesses approximately 119 million hectares of pastureland and 236 million hectares of arable land, with only 24% of the potential being developed each year. The pressing question is how this vast production potential on these lands, which are never truly ownerless or vacant, is being utilised. This potential is highly coveted, leading to numerous conflicts and land, water, and sea grabs. These issues threaten the prospects of sustainable development based on peasant agroecology that respects the needs of communities and the demands of an increasingly unstable and degraded environment.

This speculation is far from abating, exemplified by investments from pension funds. As of August 2018, these funds had allocated $14.8 billion to farmland investments, according to GRAIN. Mali, an agro-pastoral country, possesses an estimated 46.6 million hectares of rural land, comprising 12.2 million hectares of agricultural land, 30 million hectares of pastureland, 3.3 million hectares of wildlife reserves, and 1.1 million hectares of forest reserves. The nation is nourished by two major rivers, the Niger and the Senegal, which inundate vast areas, including over 2.2 million hectares suitable for development and irrigation (Donors’ Round Table, 2008).

Nevertheless, Mali is not immune to land-related turmoil, with over 1 million hectares of land being seized, according to the Malian Convergence Against Land Grabbing (CMAT). Since 2010, Malian civil society has mobilised against this issue in rural, urban, and peri-urban areas, culminating in an agricultural land law in 2017 that recognises and safeguards the agricultural land of communities.

1.2 The Problem

The fundamental issue with land policies in West Africa, particularly in Mali, revolves around recognising customary land rights within progressive and equitable laws, particularly for women. Taking action on land policies, which are the bedrock of social, cultural, economic, and political organisation evolving over time, entails making choices about the societal and agricultural models that best align with our vision for the future.

According to the FAO, land tenure is the legally or customarily defined relationship between individuals or groups concerning land and its associated natural resources, such as water, plants, and trees. It comprises a set of rules developed by society to regulate members’ behaviour, addressing property rights, allocation of usage rights, control, transfer, responsibilities, and limitations. Land tenure encompasses social, technical, economic, institutional, legal, and political dimensions often overlooked but critical to consider. These relationships can be well-defined and enforced by formal courts or customary structures within a society, or they may be ambiguous and subject to exploitation.

Customary land rights, often referred to as informal rights, have governed land management in Mali for centuries, even during the colonial period. However, these rights were initially part of official indigenous legal systems that French colonisation subsequently “informalised” by disregarding them before later recognising them. Post-colonial states have grappled with these rights, sometimes attempting to limit or abolish them, only to reintegrate them into land legislation. According to Professor Cheibane

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4 https://grain.org/fr/article/6060-l-accaparement-des-terres-perpetre-par-les-fonds-de-pension-dans-le-monde-doit-cesser
6 http://www.fao.org/3/Y4307F/y4307f05.htm
Coulibaly, “This superposition of positive law and customary rights further complicates the land issue by opening the door to all sorts of confusion, speculation, conflicts and legal proceedings that constantly compromise both land security and the social stability of rural communities.”

1.3 Weak Land Governance

Like many countries, Mali faces a significant hurdle: weak and ineffective governance. This deficiency is reflected in various cases of abuse perpetrated by the administration, as highlighted by numerous studies. One paradox of land legislation in Mali is the State’s failure to adhere to its own laws in many instances. This situation was confirmed by a study conducted by Mamadou Goita of IRPAD, which identified weaknesses in the distribution of roles, lack of knowledge about existing laws, low transparency, limited legal expertise in dealing with land issues, and a flawed management system for land resources.

Similarly, the land policy acknowledges the detrimental impact of poor land governance, which contradicts Mali’s historical and cultural values and undermines peace, national development, and the well-being of its people. To rectify this situation, there is a need to restructure the institutional framework for agricultural land management and empower local communities through full decentralisation. Recognising and enforcing customary land rights while ensuring good local governance is the core challenge in today’s land policies.

Securing community land is the essential first step in addressing sociocultural, environmental, economic, and political challenges. This aligns with the goals of achieving food sovereignty through local food systems, fostering agroecology, combating global warming and biodiversity loss, and fostering well-being and peace. The COVID-19 pandemic underscores the urgency of addressing these challenges and necessitates a change in direction.

For years, civil society organisations across West Africa, including regional networks like the Global Convergence of Struggles for Land, the West African Network of Professional Producers’ Organizations (ROPPA), the Alliance for Food Sovereignty in Africa (AFSA), the Coalition for the Protection of African Genetic Heritage (COPAGEN), the West African Fisheries Development Association (WADAF), and the West African Farmers’ Seed Committee (WACS), have been actively fighting against land and natural resource exploitation, including marine resources.

The Malian Convergence against Land Grabbing (CMAT) was established in 2011 and formalised in 2013. CMAT brings together five national organisations, with two playing pivotal roles: the Union of Associations and Coordinations of Associations for the Development and Defense of Rights (UACDDDD), which holds the presidency of CMAT, and the National Coordination of Peasant Organizations of Mali (CNOP). CMAT’s role and strategies were instrumental in the adoption of an agricultural land law recognising customary land rights.

This study will draw upon this experience to facilitate knowledge-sharing and enhance understanding of the processes and stakeholders involved in land policies in Mali—a fundamental pillar for achieving food sovereignty based on agroecology.

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8 Institute for Research and Promotion of Development Alternatives, based in Mali
2. Methodology

2.1 Framing the Study

The study is part of a broader examination of land use, land rights, governance, management, and ownership in West & Central Africa. Its primary aim is to critically assess Mali’s land governance policies. This analysis will generate evidence to support national advocacy efforts, which will then be integrated into a broader regional and continental advocacy initiative with a focus on food sovereignty and agroecology.

Mali’s progress in shaping national land policies holds significance within this context. It provides valuable documentation and practical insights, aligning with the need for increased political pressure to advance progressive policies that strengthen community land rights. Mali serves as an inspiring example for other nations, demonstrating that progressive land policies and laws can be developed while recognising women’s land rights. This study will showcase the collective strategies and advocacy efforts employed at local, national, and regional levels. It will examine the evolution of land tenure legislation, culminating in the Agricultural Land Law of 11 April 2017 and its accompanying decrees from 4 April 2018, as a noteworthy example of successful advocacy despite potential areas for improvement.
3. Results of the Study

3.1 Evolution of Land Rights in Mali: A Historical Analysis

This comprehensive study delves into the intricate evolution of land rights in Mali, providing valuable insights into the battles and transformations that have shaped the current land policies. Drawing upon extensive research, publications, the consultant’s own experiences, and reports from the CMAT and CGLTE-OA, it offers a detailed historical perspective.

3.1.1 Pre-Colonial Era

In Mali’s pre-colonial period, land policies were characterised by their rootedness in local, legitimate, and legal systems.¹⁰ Unlike their counterparts in the Western feudal system, Mali’s rulers did not establish individual land ownership or seize vast land domains to the detriment of their populace. Instead, they adopted a unique custom: the “right to the axe.”¹¹ This custom dictated that the first person (belonging to a clan, family, or fraction) to clear an area would gain de facto ownership, conferring upon them the status of the land’s chief. Similarly, in pastoral areas, the right to open the first well was granted in accordance with nomadic customs.

One pivotal historical document from this era is the Charter of Kurukan-Fuka, promulgated in 1236 under Emperor Soundata Keita’s leadership. This charter is considered one of the earliest Declarations of Human Rights and has been recognised by UNESCO as intangible cultural heritage since 2009. It championed fundamental rights and liberties, including the right to safeguard against famine and slavery, all while emphasising territorial sovereignty. Notably, the 1235 charter deliberately excluded women from land ownership, a precautionary measure aimed at shielding them from conflicts over land, water, and women.

Throughout this period, the principle of the right

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of the first occupant, often reaffirmed through physical means or the “right to the axe,” was the prevailing norm. Land was regarded as a communal heritage, managed collectively, and regulated through customary practices and conventions. Access to land was facilitated through donations (in exchange for symbolic items like kola nuts or sheaves of millet) or generous loans, often granted indefinitely.

Challenges to local land rights emerged during the Islamization of Mali in the 16th and 17th centuries, coinciding with the Moroccan occupation of 1591. These events paved the way for a codified land management system under the Dina of Chékou Amadou (1818–1863). The emergence of large landowners, known as the Djoros, disrupted customary practices and introduced concepts like royalties for land use in pastoral areas.

### 3.1.2 Colonial Period

The colonial period of the 20th century marked a significant turning point in Mali’s land rights landscape. Inspired by the actions of English colonisers in Australia, who declared all Aboriginal lands as property of English royalty, French colonists pursued a similar course of action. They asserted that “vacant” lands were the property of the French State, formalising this stance with three key pillars:

- Establishment of the public domain.
- Land registration leading to land titles.
- Centralisation of land management through decrees, with the pivotal Decree of 23 October 1904 organising the domain.

As a consequence, so-called ‘positive law’ began to eclipse customary rights and practices. In cases of dispute or necessity, French colonial law took precedence over indigenous customary rights. This shift was exemplified by Governor General Van Volhanoven's declaration that traditional chieftaincies and customs would no longer hold sway, as the dictates of France would now prevail.

However, there were notable changes with the Decree of 20 May 1955 and its implementing Decree of 10 July 1956. These legal documents unequivocally limited the State’s eminent domain to real estate rights conforming to the Civil Code or the registration system. Consequently, this change marked the abandonment of the presumption of State ownership of unclaimed land and a reassertion of the recognition of customary rights. These customary rights could be recorded and registered in a land register.

In summary, Mali’s complex history of land rights evolution reflects a transition from communal

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and customary practices to a formalised system during the colonial era. This transformation had profound implications for the recognition and management of land rights in the country. Understanding this historical context is pivotal for shaping contemporary land policies that safeguard the rights of peasants and women, and uphold the principles of food sovereignty.

3.1.3 After the Colonial Period

Following Mali’s independence in 1960, the country grappled with the legacy of colonial land management practices. The colonial concept of “domaniality,” where the State retained ownership of all land, continued to influence land policies. During the socialist regime from 1960 to 1968, customary land rights were systematically suppressed. Mali, during this period, firmly held that “the land belongs to the State, and its private and absolute appropriation is impossible. The rights granted to the population are only usage rights.”

A significant shift occurred in 1986 with the introduction of Mali’s first comprehensive land legislation, known as the Code Domanial et Foncier (CDF). This legal framework, comprising 277 articles, only dedicated a meagre six articles to address customary rural land tenure, with an additional two articles related to the rural cadastre.

The CDF retained the colonial notion of “terres vacantes sans maître” (vacant lands without an owner) and acknowledged lands where customary rights of use or disposal were exercised, whether individually or collectively. Article 43 of the CDF recognised customary rights and stipulated that no individual or community could be deprived of these rights except in the public interest and with fair compensation. However, implementing legislation was often lacking. Furthermore, Article 45 allowed for the transformation of customary rights into property rights if they contributed to regular development, subject to public inquiry and enforceable against third parties.

Despite confirming customary rights, the CDF did not offer a precise definition or delineation, leading to ambiguity. The eviction procedure for customary rights holders implied an equivalence between customary rights and land titles.

During this period, the Schéma Directeur du Secteur du Développement Rural (Master Plan for the Rural Development Sector) was introduced. This plan emerged from the “Etats Généraux du Monde Rural” (General Assembly of the Rural World) in 1991 and aimed to address societal challenges arising from land issues. It highlighted conflicting legitimacies between customary law and the land and property code, resulting in land insecurity and anarchic resource management.

In 1992 and 1993, national workshops and conferences on land tenure and decentralisation were held, aiming to create a national charter on land tenure. An operational land tenure observatory was established in 1994 but ceased operation in 1998 due to a ministerial reshuffle.

Decentralisation efforts commenced in 1993, driven by the Third Republic of Mali. Laws were enacted to grant legal personality and financial autonomy to communes. However, this process did not sufficiently address customary land rights, leading to continued land tenure challenges.

In 2002, the CDF underwent modification through

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law No. 02-008, but the decree specifying its application was never promulgated. While this was meant for both urban and rural populations, it heavily favoured urban areas, thereby exacerbating land-related conflicts.

‘By strongly recognising customary rights and at the same time incorporating them into the private domain of the State, the CDF creates a permanent tension between these two principles, a tension that is generally detrimental to the exercise of customary rights. Indeed, in the context of weak governance that prevails in the country, abuses of all kinds are often committed by the administration, as evidenced by the conclusions of several studies.” (from Djiré’s Summary of land tenure legal frameworks in Mali.14)

In this complex landscape, marginalised groups, particularly women and livestock breeders, faced heightened land insecurity. Rural areas, contributing significantly to Mali’s economy and food production, were neglected. The emphasis on industrial agriculture left rural communities grappling with land disputes and speculative practices.

In the wider African context, initiatives such as the “New Partnership for Africa’s Development” (NEPAD) and the Comprehensive Africa Agriculture Development Programme (CAADP) were established to guide economic collaboration and agricultural advancement.

Within Mali, the National Coordination of Peasant Organizations (CNOP) championed the Agricultural Orientation Law (Loi d’Orientation Agricole – LOA) of 2006, emphasising food sovereignty, women’s rights, and agroecological perspectives. This law was ground-breaking in terms of introducing:

- The notion of food sovereignty.
- Equal rights for women in agriculture.
- Acknowledgement and security of agricultural land.

However, implementing this law faced challenges. For instance, centralised control affected collective momentum, and evaluations showed that reforms were necessary.

In 2009, the Estates General on Land Tenure called attention to land tenure law inadequacies. The Adoption of Mali’s Agricultural Land Policy in 2014.

In 2014, Mali implemented the Agricultural Land Policy (Politique Foncière Agricole - PFA), a result of meticulous development by a core group of experts. This process was enriched through national and regional workshops held in Mali, particularly drawing insights from the Agricultural Orientation Law (LOA) and the FAO’s Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests, which were newly adopted in May 2012.

The PFA is guided by a vision and set of values that underscore the belief that land is a shared national heritage. It emphasises that the State and other landholders are responsible for ensuring fair and secure access to agricultural land, with a priority on family farms. This commitment is driven by a broader goal of fostering sustainable development and building an emerging nation with a robust agricultural sector that safeguards food sovereignty and security, all while upholding the principles of peace, solidarity, and social cohesion.

At its core, the PFA seeks to achieve equitable access to well-managed and secure agricultural land for all Malian producers, regardless of gender, as well as other users. This objective is grounded in the principles of good land governance and aims to promote responsible and controlled investments from public, community, individual, and private actors. These investments are intended to enhance the efficiency and viability of various forms of agricultural exploitation, all within the framework of sustainable food sovereignty.

One specific objective of the PFA stands out in the context of our study, which is Objective

6. This objective focuses on identifying and transferring land legitimately held by the State to other actors, effectively re-evaluating and progressively moving away from the principle of state ownership. The State’s role should evolve towards regalian functions, primarily concerned with maintaining legality and legitimacy in land-related actions.

As part of the planned actions, the PFA also addresses the following critical elements:

- Recognising and acknowledging local control of land resources by village and inter-village communities, with a particular emphasis on land.
- Acknowledging and safeguarding the land rights of women, youth, and vulnerable groups.
- Establishing a mandatory conciliation procedure for resolving land disputes.
- Creating legitimate local land management institutions, known as land commissions, at various territorial authority levels, including communes, circles, and regions.
- Involving customary authorities in local land management.
- Clarifying local land management rules at the village, hamlet, communal, and inter-communal levels through local conventions to empower each actor to fulfil their roles effectively.

The PFA concludes by underscoring the need for a comprehensive land law to complement the system. This law will provide the necessary legal and judicial elements essential for the effective management of agricultural land in Mali. This legal framework, an integral provision of the Agricultural Orientation Law, is envisioned to offer detailed regulations and guidelines that will guide land-related practices comprehensively.

3.2: Advocacy Elements and Strategies Based on the Malian Experience with the Malian Agricultural Land Law (LFA)

This chapter is organised thematically and chronologically to provide a comprehensive understanding of the context and the collective efforts aimed at recognising and securing customary land rights of communities in Mali. This includes considerations for women and young people, all within the broader context of promoting social justice, cohesion, and the development of secure land for peasant agroecology to achieve national food sovereignty and peace.

3.2.1: Creating a Unified Front for Advocacy from National to Regional Levels

Despite ongoing efforts, land rights in Mali, especially for over 80% of the population, remain unregulated. Several factors contribute to this issue:

- After the 2008 financial crisis, land became a preferred asset over stocks due to its perceived reliability. This shift and concerns about food insecurity led the State to sell significant parcels of land. A notable example is the Malibya case, where the Malian president directly transferred 100,000 hectares to the Libyan president.
- The State’s claim of land ownership, combined with incomplete decentralisation, has led to communes converting village land into parcels, often benefiting elites and speculators. This results in fraudulent land titles obtained through abuse of power and corruption, accompanied by land expropriations and violent evictions, further eroding the rule of law’s credibility.
- The influence of the World Bank, funding land reforms to improve the business climate while recognising community rights.
• Fear of land loss without compensation or the lure of quick money leads some village actors, including chiefs and urban migrants, to sell their land.

To address this widespread issue, civil society organisations have initiated a series of forums, including:
• The Farmers’ Forum in November 2010 organised by CNOP, AOPP, and other farmer umbrella organisations in Kolongotomo.
• The People’s Forum in October-November 2011 in Niono, organised by CAD Mali.
• The Landless Forum in November 2011 in Bamako, organised by UACDDD.
• The International Peasant Conference in November 2011 in Nyéléni (Sélingué), organised by CNOP/VIA CAMPESINA.
• A march organised by UACDDDD on 13 March 2012.

These forums have recommended the need for a unified effort in advocating for land rights. Thus, the Association of Professional Peasant Organizations (AOPP), Coalition of African Alternatives for Debt and Development (CAD-Mali), National Coordination of Peasant Organizations of Mali (CNOP-Mali), Ligue pour la Justice, le Développement et les Droits de l’Homme (LJDH), and Union des Associations et de Coordination d’associations pour le Développement et la Défense des Droits des Démunies (UACDDDD) joined forces to create the Malian Convergence against Land Grabbing (CMAT). CMAT was officially recognised on 14 October 2013, and is chaired by UACDDDD, representing over 400 villages engaged in land conflicts.

CMAT played a significant role in advocating for the Agricultural Land Law (LFA) within the context of increasing land conflicts and the urgent need for legislation. These conflicts exacerbated insecurity and social disintegration, highlighting the pressing need for land tenure regulation.

According to CMAT’s minimum estimates, more than 1 million hectares have been appropriated in Mali:
• 800,000 ha in the Office du Niger
• 100,000 ha in the peri-urban area
• 400,000 ha of forest
• 30,000 ha of mining sites

3.2.2: Key Actors and their Positions

The key actors in this struggle fall into two categories:

For community land rights: These actors seek a law that recognises and safeguards community land as a national non-market heritage. They aim to manage this land at the village level, ensuring its preservation for future generations while promoting development through peasant agroecology, strongly emphasising food sovereignty, particularly for women and young people.

Against community land rights: On the opposing side, there are various actors:
• Speculators and opportunists who profit from land speculation, viewing land as a commodity controlled by the State. They engage in corrupt practices to obtain fraudulent land titles and misuse their influence with the police and judiciary.
• Some civil servants, traders, and investors complicit with officials, elected representatives, governors, prefects, and ministers who perpetuate this system for personal gain.
• These actors are deeply entrenched at various levels of government, making it challenging to dismantle this corrupt system.
• Land grabbing extends to long leases on state-managed land, such as the Office du Niger, leading to uncertainty and exploitation. For instance, having a lease of 20,000 hectares...
can be used as collateral for a substantial bank loan, yet it often fails to benefit local communities or agricultural development.

In conclusion, the struggle for land rights in Mali involves a complex interplay between actors advocating for community rights and those exploiting the current unregulated system for personal gain. This dynamic presents significant challenges that require concerted efforts to address.

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<th>Actors for</th>
<th>Actors against</th>
<th>Other actors/potential allies</th>
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<tbody>
<tr>
<td>Communities</td>
<td>Ministry of Lands: want to register land to bring in taxes, and the more transactions they do, the more they earn</td>
<td>Banks: provide funds to investors, don’t like to damage their image including the World Bank which influences land policies</td>
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<td>CMAT</td>
<td>Administrative authorities and technical services</td>
<td>Cooperation, embassy</td>
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<td>Academics</td>
<td>Local, national and international speculators (mayors, investors in industrial agriculture, politicians, civil servants, traders, multinationals, and other countries to ensure their food security).</td>
<td>PTF</td>
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<td>Ministry of Agriculture</td>
<td>Legal advisors often in the position of being in line with the legal texts, inherited from colonialism without an &quot;African&quot; vision</td>
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<td>National and international NGOs</td>
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3.2.3 Governance Mechanisms and Frameworks

A multi-stakeholder platform for land governance was established in Mali, inspired by the FAO’s Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests. The platform, chaired by the Ministry of Agriculture and co-chaired by the National Coordination of Peasant Organisations (CNOP), convened international, national, regional, and local stakeholders annually to address land tenure issues. A smaller consultation framework met quarterly and contributed to:

- Sharing the history of land tenure and connecting it to current demands.
- Contributing to agricultural land policy.
- Developing the initial analysis and proposals document for the Agricultural Land Law.
- Encouraging technocrats to work in the field on specific missions.
The consultation framework aimed to analyse and propose solutions to land governance issues, mainly focusing on the rights of populations and villages. It questioned who benefits and suffers from existing land practices and sought to address key questions, such as land ownership, customary rights, and the role of the State.

Key takeaways from the discussion included:

- Recognising poor land governance and land grabs, driven by impunity.
- Identifying misunderstandings, interpretations, complicity, corruption, and embezzlement within the system.
- Acknowledging the crucial role of civil society and CNOP in raising awareness and advocating for change.
- Discussing the relevance of guidelines for forests and leasehold contracts that dispossess communities.

A significant debate centred on the assertion that all land belongs to the State, with experts emphasising:

- The State's claim of ownership is a presumption and not a reality until registered.
- The law's inconsistency regarding customary rights.
- The dysfunction of state services in land management.
- Concerns about land titles exacerbating inequalities.

Proposed actions included activating the inter-ministerial commission to address grievances, defending a law on agricultural land that considers customary rights and land security, sharing information on land tenure reform, and emphasising synergy among stakeholders.

The consultation framework aimed to guide proposals on texts, harmonise them, and promote good land governance. It represented a moral commitment to address poverty, hunger, and land-related challenges and extended its scope to include mining.

In conclusion, this multi-stakeholder platform and consultation framework served as an effective strategy to collectively pursue an agricultural land law with input from diverse stakeholders sharing a common vision.

3.2.4 Timeline of Key Actions Surrounding the Agricultural Land Law (LFA) in Mali:

**2014:**

- **March:** First Landless Village on ten land grabbing cases.
- **May:** Workshop for sharing the Participatory Farmers’ Appraisal (PFA) with 180 articles and a farmers’ memorandum on land.
- **July:** “Social and state” validation workshop of 147 articles of the draft LFA.
- **December:** Adoption of the PFA.

**2015:**

- **June:** Second Landless Village focused on the LFA and unassailable land titles.
- **October:** The Council of Ministers validates 49 out of 147 articles of the LFA, but they lack coherence regarding customary land rights and are disconnected from the PFA. The State’s vision of land belonging to the State dominates, and land titles prioritise land commodification over securing community land.
- **November:** CMAT organises a cross-analysis workshop of the two texts, resulting in a common document of analyses and proposals by the land governance consultation framework. This document becomes the basis for future actions.

**2016-17:**

- **March:** Third Village of the Landless, coinciding with a large march in Bamako, authorised due to foreign participants. This occurred on the eve of the LFA vote in the National Assembly, leading to questions from deputies. The vote was postponed despite
the government’s urgency to pass the law, as it would have enabled access to World Bank funding for land reforms.

- **April 2016 to March 2017**: CMAT and community mobilisation activities, including workshops, advocacy brief development, lobbying of MPs, meetings with government officials, and international network engagement. The advocacy document led to a victory regarding the content of the agricultural land law.

**2018:**
- **4 April**: Release of application decrees for management bodies: village or fractional land commissions and the National Land Affairs Observatory.

**2018-19:**
- CMAT, particularly UACDDDD and CNOP, are involved in LFA implementation through programs with partners but without state support.
- Ongoing battle over the texts, including missing joint decrees on land security tools and funding for operations.
- Revision of the land code without sufficient consideration of the LFA.
- Revision of the code domanial et foncier (CDF), which reveals inconsistencies and substantive issues with the LFA. Challenges include the recognition of the LFA and community agricultural land within the CDF, emphasising that the State’s private domain includes community land, the land title as the only enforceable property title, and the formal recognition of COFOVs.

**2020:**
- President IBK resigns in August, leading to political changes.
- **December**: An ordinance issued as a land and property law with existing inconsistencies.

### The Landless Villages Gatherings

Since 2014, CMAT has organized the “Landless Village” gathering, annually bringing together 1,000 to 3,000 individuals affected by land grabbing. This event focuses on:

- Testimonies from various community members detailing their experiences with land conflicts, violence, despair, and their journey towards resolution.
- Debates and interviews with officials, addressing contemporary issues like FAO guidelines and LFA, frequently connected to legislative shifts, illustrated with real-world examples.
- Comprehensive dialogues on broader themes such as the declaration of peasants’ rights and the essence of peasant agroecology.

Emphasizing communication, they engage with national and international media.

These Landless Villages gatherings are key moments in the struggle, driving progress on land-related challenges, and positioning the issue prominently in public discourse and government agendas.

**2021:**
- **February**: Information about the ordinance becomes public.
- **11 April**: Adoption of the LFA with key demands met, including the introduction of community farmland as a fourth land tenure system, a mixed village land commission (COFOV), and land allocation for women’s and youth groups.
- Mobilisation efforts restart, involving rewriting arguments, government and National Transitional Council interactions, and joint workshops scheduled for 20 May, 2021, under the CMAT’s auspices.
The UACDDDD has developed a process for the establishment of COFOVs around the following axes which will be translated into a 10-step process including:

- Dialogue with the establishment of local consultation frameworks, in particular town halls and specific groups at village/commune level (women, youth)
- Awareness raising and training of villages, local administrative and judicial authorities, COFOV members
- Development of progressive and equitable legalized local natural resource management agreements
- Training of COFOV members: village mapping, internal regulations, appropriation of security tools, drafting of minutes, etc.
- Transversally, a global reflection on the development of the terroirs based on peasant agroecology and its 7 pillars.

3.2.5 Policy Documents Used to Support Advocacy Strategies

The WCLT based its advocacy strategies on the FAO’s Voluntary Guidelines for Responsible Governance of Tenure, which was adopted in 2012. This was a pivotal step as these were the first international negotiations open to civil society. The CNOP, a WCLT member, even participated in these talks. This led to a push for customary land rights in Mali, aided by an FAO/IPAR programme.

Before this, the African Union Land Policy Framework and Guidelines (F&Gs) was initiated in 2009. However its development at the ECOWAS level didn’t involve many CSOs, lacking a comprehensive approach on national and local fronts. The guidelines emphasised the need to:

- Recognise and respect all genuine land rights holders, whether or not protected by law.
- Document and respect legitimate land rights, regardless of formal registration.
- Protect customary, informal, and secondary land rights.

In 2017, during the VGGT’s 5-year review, CMAT showcased the LFA from April 2017, a result of processes initiated by the VGGT. Mali’s Land Policy recognises the VGGTs as a legal benchmark. References to the 2007 UN Declaration on the Rights of Indigenous Peoples and the 1981 African Charter on Human and Peoples’ Rights were also incorporated.

A setback occurred when CMAT couldn’t pursue legal action against a land grabber at the African Court of Human and Peoples’ Rights due to resource constraints. However, a 2014 FIAN report on land grabs in Mali prompted government action. Additionally, CMAT contributed to the Human Rights Review of Mali in 2017 at the UN High Commissioner for Human Rights in Geneva.

Lastly, WCLT aided in drafting the United Nations Declaration on the Rights of Peasants and Other Rural Workers in 2018. This was further supported by international peasant movements, especially Via Campesina, fostering discussions on various rights including land, seed, and those of women and youth, aiming to embed these declarations in the foundational legal texts.
4. Impacts

4.1 Impact on Farmers’ Rights:

After gaining independence in 1960, and especially during the 1980s state disengagement, peasants started self-organizing. A notable example is ROPPA’s involvement in the 2005 ECOWAP draft, championing family farms, food sovereignty, agroecology, and regional integration. In 2006, Mali adopted a comprehensive agricultural policy endorsed by CNOP, a ROPPA member, spanning 7 titles, 37 chapters, and 207 articles protecting peasant rights. Additionally, CMAT contributed to international guidelines like VGGT and UNDROP.

The LFA’s introduction, and the Village Land Commissions (COFOVs) established by CMAT, ushered in several positive changes:

• **Social Cohesion Restored:** Land disputes had previously divided villagers. With COFOVs handling land governance, community dialogue and cooperation have been revitalized, aided significantly by UACDDDD’s 10-step approach. See Annex 1 for the UACDDDD 10-step process on how to set up a Village Land Commission.

• **Trust and Dignity Regained:** Well-informed communities have earned recognition and respect, especially from local authorities. They’ve become adept at their rights, narrowing any previously existing trust deficit. Incidences of violence, misuse of power, and conflicts have declined noticeably. Some community members have even been elected as mayors. This has been facilitated by village-endorsed local teams and coordination with CMAT at both local and national levels.

• **Fostering Dialogue:** Newly formed communication platforms have simplified mutual understanding, paving the way for collective solutions. These include interaction channels between town halls, villages, communities, and local authorities.

• **Protecting Land Rights:** Implementing the LFA has fortified customary land rights. This has curtailed land grabbing, with some areas even seeing land returned to the original communities.
• **Upholding Peasant Rights:** The communities now stand empowered to advocate for their foremost right: land ownership.

### 4.2 Impact on Women’s Rights:

The LOA and LFA recognise women’s land rights, but prevailing traditional customs often overshadow them. Yet, local women’s and youth groups are stirring changes through community-level discussions, emphasising the collective plight and role of each member in the community. These discussions have resulted in some villages allocating designated land areas for women, reflecting a shift in customary norms. In December 2019, the CGLTE-0A’s African forum, guided by CMAT, became a platform to further discuss and promote the rights of women and youth within customary contexts.

### 4.3 Impact on Food Sovereignty:

The LOA of 2006 enshrined food sovereignty, reinforced by CNOP of Mali’s organisation of a World Summit on Food Sovereignty in 2007. But, even with the advocacy for food sovereignty, government support is skewed towards industrial agriculture, promoting large-scale land acquisitions. Some of these industrial agricultural ventures have been unsuccessful.

However, recent global events, like the 2008 crises and the ongoing pandemic, combined with CSOs’ advocacy for food sovereignty through family farming, hint at a potential positive shift in the near future.
5. Regional Land Advocacy

The West African Land and Water Struggles Global Convergence – West Africa (CGLTE-OA), spearheaded by the WCLT, was a collective effort aimed at promoting responsible land governance in West Africa, especially focused on securing the rights of communities, including women and the youth. This movement was initiated at the Dakar Social Forum in 2014. It further expanded to the formation of Country Platforms in all ECOWAS countries, including Mauritania, to voice common demands and raise awareness about land and resource challenges.

Their primary aim is to fight against land grabs and the detrimental effects on community stability and their environments. They have taken numerous steps towards this, including participating in various regional and international forums, organising land workshops, supporting missions, and establishing caravans like the West African caravans.

A significant highlight was the African Land Governance Forum held in Mali, focusing on the role of women and youth in land governance. The forum saw participation from various stakeholders from 15 West African countries, where they deliberated on reconciling customary practices with progressive land policies. This ended with the reading of two critical documents: a commitment by the customary chiefs and the forum’s final declaration.

The momentum from this forum carried into 2020, with workshops in various nations. The culmination of these efforts is a joint advocacy document aimed at responsible land governance in West Africa, which is set to be finalised by June 2021. The ultimate goal is to share this document at national and regional levels to influence policy and inspire action.
6. Recommendations

Based on the advocacy experiences of CMAT and CGLTE-OA, the following recommendations are made:

1. **Unified Approach**: Consolidate efforts and align struggles at local, national, and regional levels with a shared vision, objective, and strategies. A grassroots approach is essential for effective power dynamics.

2. **Community Engagement**: Prioritise community involvement by training them about their rights and engaging them in the law-making processes.

3. **Understanding Land History**: Grasp the country’s customary and legal land histories to better frame arguments and actions.

4. **Public Mobilisation**: Organise workshops and marches and engage with local, national, and international media outlets.

5. **Documentation**: Craft documents that analyse and propose solutions that align with our visions and cultural values, addressing collective vs. individual rights, agricultural models, natural resource management, etc.

6. **Engaging Technocrats**: Encourage active field participation instead of confined office tasks.

7. **Leverage Existing Synergies**: Utilise the existing synergy of CGLTE-OA and its national platforms, including collaborations with customary chiefs and West African academics. Strengthen existing alliances and create new ones for collective advocacy at both national and regional levels, considering the shared historical and land challenges.
7. Conclusion

This study, focusing on Mali’s experience, outlines the various stages of a collective land advocacy process at multiple levels. Key takeaways include the significance of community engagement, the union of national entities, multi-stakeholder dialogue, collaboration with academia, and the importance of expanding the advocacy to a regional scope due to shared challenges.

References


Annex 1: UACDDDD 10-Step Process on Setting Up a Village Land Commission (COFOV)

<table>
<thead>
<tr>
<th>Step No.</th>
<th>Stage</th>
<th>Responsible</th>
<th>Actors</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Awareness-raising</td>
<td>UACDDDD</td>
<td>Mayor, Deputies, Village leaders, Women, Youth</td>
<td>Introduce LFA and COFOV setup process; Prepare villages for the process</td>
</tr>
<tr>
<td>2</td>
<td>Vestibule</td>
<td>UACDDDD</td>
<td>Village Assembly, Other village reps</td>
<td>Designate the local team</td>
</tr>
<tr>
<td>3</td>
<td>Local team training</td>
<td>UACDDDD</td>
<td>Local team</td>
<td>Training on roles, LFA, and COFOV setup; Establish groups and consultation frameworks</td>
</tr>
<tr>
<td>4</td>
<td>Local land management agreement</td>
<td>Multiple (as per activity)</td>
<td>Multiple (as per activity)</td>
<td>Range from raising awareness to processing data for the local convention</td>
</tr>
<tr>
<td>5</td>
<td>Reinforcement spaces for exchange</td>
<td>UACDDDD</td>
<td>Local team, Women, Youth, Town hall</td>
<td>Implement in groups; Set up consultation framework</td>
</tr>
<tr>
<td>6</td>
<td>Training for admin staff</td>
<td>UACDDDD</td>
<td>Sub-prefect, Town hall, Local team</td>
<td>Facilitate smooth COFOV setup process</td>
</tr>
<tr>
<td>7</td>
<td>Setting up the COFOVs</td>
<td>Multiple (as per activity)</td>
<td>Multiple (as per activity)</td>
<td>Steps from raising awareness to COFOV validation</td>
</tr>
<tr>
<td>8</td>
<td>Capacity building for COFOV members</td>
<td>Multiple (as per activity)</td>
<td>COFOV Members</td>
<td>Train on roles, responsibilities, and functioning</td>
</tr>
<tr>
<td>9</td>
<td>Terroir stage in peasant agroecology</td>
<td>UACDDDD</td>
<td>The communities</td>
<td>Reflections and holistic approach based on the 7 pillars of peasant agroecology</td>
</tr>
<tr>
<td>10</td>
<td>Review</td>
<td>UACDDDD &amp; Local team</td>
<td>Multiple (as per activity)</td>
<td>Assessments, evaluations, and feedback on COFOVs</td>
</tr>
</tbody>
</table>
About AFSA

Established in 2011, the Alliance for Food Sovereignty in Africa (AFSA) is a robust coalition of civil society organisations dedicated to advancing the causes of food sovereignty and agroecology across the African continent. Our alliance comprises African food producer networks, African CSO networks, indigenous people’s organisations, faith-based organisations, women and youth groups, consumer movements, and international organisations aligned with AFSA’s mission. AFSA is a network of networks with 38 member organisations actively engaged in 50 African countries, reaching around 200 million individuals.

Our Vision

To see Africa developed in harmony with nature, harnessing its traditional knowledge and systems, and her people controlling natural and other resources and related decisions.

Our Focus

- **Climate**: We promote agroecology for climate adaptation and mitigation in Africa, advocating for research-based policy integration.
- **Seeds**: We aim to support farmer-managed seed systems and influence seed policies to ensure reliable and affordable local seeds.
- **Land**: We empower member networks, particularly women, to advocate for land rights and counter corporate control over African land and resources.
- **Citizens**: We work to increase citizen access to agroecologically produced food in Africa, mobilising and educating citizens to participate in diverse food systems.

Our Activities

Policy advocacy, Capacity building, Evidence compilation, and Raising public awareness.

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