

Agricultural Land Law in Mali: A glimmer of hope!

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Context and Background



Brief history of Agricultural land governance in Mali

- No distinction between rural/ag law and other types of law
- Strong presence of customary laws at the local level, hence governing rural and agricultural lands
- Recognition of customary laws by the land code, but not implemented
- Dominance of statutory law with a core principle that threatens tenure security under customs and traditions: *le principe de domanialité*.

Context and Background...

The adoption of the Agricultural Orientation Law

- A framework law serving as reference document to agricultural policies in Mali
- Drafting led by farmers (*a first in Mali*)
- It provides for the adoption of Agricultural Land Policy and Law (*Articles 77 and 78*)



Context and Background...

The Agricultural land Policy : main features

- Securing Ag lands for Agribusiness companies & small scale family farmers, prioritizing the latter;
- Removing customary land rights from State lands thereby recognizing and protecting those rights ;
- Integrating statutory and customary tenure systems, and creating synergy among land governance bodies for a coherence in land management in the agriculture sector
- Promoting public and private investments in Agriculture
- Regulate Ag land *transmissibility* and *salability* among different actors;
- Capacity building and sensitization on land matters for a large understanding of land issues and conflicts reduction;
- Good governance of land resources...

The Agricultural land law

Achievements

1. Building on a shared vision

- Principles, options and solutions already clear as a result of long process of consultation and studies
- Key documents stemming out of this process:
 - ✓ National land forum (*Etat généraux du foncier*) (70 key recommendations) (2009)
 - ✓ The diagnosis of agricultural land in Mali (2010)
 - ✓ Analysis of legal framework of Agricultural land in Mali (2010)
 - ✓ LOA and PFA

2. Stronger customary land rights

- Identification and verification (*constatation*)
- Documentation: customary land certificates (*attestation de detention coutumière*) and certificates of land possession (*attestation de possession foncière*)
- In case of dispute : 20 years of possession = certificate of possession

The Agricultural land law

Achievements

3. Improved governance

- New institutions: village land commissions + land observatory
- More decentralized management:
 - key roles by municipalities: legalize certificates, keeping records...
- More integrated management:
 - Customs are fully recognized and well integrated to statutes
 - Local institutions to have first level intervention before going to upper level

4. Women's rights (attempt of protection)

- 15% of State land to women and vulnerable groups

5. Education and awareness-raising

- Governmental action to make the process inclusive
- self organization by farmers and their partners

The Agricultural land law...

Downsides

1. No safeguard for women's rights in the context of traditions and customs
2. Very short law, leaving lots of things to implementing measures (which can be taken by government alone!)
3. Some key elements removed as during the drafting process (3 versions from 2014 to 2017)

Conclusion

Lesson learned:

- Consultation and inclusion of all stakeholders are key;
- Farmers and their organizations play important and constructive roles if they understand all the issues – training and other type of assistance needed

THANK YOU FOR YOUR TIME AND ATTENTION!

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