

**Elaborating a local convention for
managing village woodlands
in southern Mali**

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Acknowledgement

We are grateful for the comments received from Wim van Campen, N'golo Coulibaly, Nettie Aarnink, Camilla Toulmin, Souleymane Diarra and Tove Degnbol on earlier drafts of this paper.

INTRODUCTION¹

Overuse and degradation of resources are menacing woodlands in Southern Mali. Hence, prevailing management systems for these sylvo-pastoral areas will have to change. Sustainable resource use can be achieved most cost-effectively by stimulation of natural regeneration through protective measures (Hijkoop et al, 1991). Villagers are increasingly convinced that resource use must be regulated. However, they are unlikely to exercise restraint in their own use of resources, when they have no power to control access and levels of use by others (Toulmin, 1997). This implies in the Malian context that villagers want an official recognition of their local regulations and need to receive assistance with their enforcement. However, according to the former forest code they had no authority to control access to sylvo-pastoral lands as these have been nationalised since colonial times. Moreover, enforcement of forestry legislation has been very heavy-handed provoking much frustration in rural areas.

The military regime which had ruled Mali since 1968 was overthrown in 1991. The new government set about changing the relationship between the state and its citizens through initiating a process of decentralisation and the revision of several laws including the forestry legislation. New forestry legislation was signed by the Malian government at the end of 1995 which should make possible the transfer of several management responsibilities for sylvo-pastoral areas to local communities and user co-operatives in the form of co-management agreements. The management of natural resources and local conventions are an integral and critical part of the decentralisation policy in Mali (Hesseling, 1996).

Co-management involves a process of shared decision making regarding the use of a defined resource including different users and government agencies. Usually a contract is drawn up between the government and these users (Nielsen et al, 1996; Jentoft and McCay, 1995). Co-management thus involves both the government and user groups in resource management. This is important as local regulations are only viable when recognised by a government that is capable and willing to protect these against trespassers (Feeny et al, 1991; Laurent et Mathieu, 1995). Co-management arrangements between users and the government can result in better resource use when compared to central government control. Transaction costs related to implementation, monitoring and enforcement will be lower when the legitimacy of a particular resource management system is increased by bringing in

¹ An earlier version of this paper will be published in "Towards negotiated co-management of natural resources in Africa" H van den Breemer and B. Venema (eds.) LIT Verlag, Münster (forthcoming).

various user groups and building on existing institutions and social capital. User group participation also helps incorporate local knowledge leading to better informed regulations. A precondition is the effective participation of user groups in all phases of the process. However programme design costs are likely to be higher as the facilitating of effective participation is time consuming and therefore costly (Nielsen et al. 1996; McCay & Jentoft, 1995; Baland and Platteau, 1996. Hilhorst and Aarnink, forthcoming).

This paper describes the development of a natural resource management convention by six villages, in the context of an action-research programme. After an introduction to Southern Mali, we present a description of customary land tenure and national forest legislation before and after 1995. This is followed by discussion of how a local convention at village level was elaborated, the procedures followed to gain approval by the local administration, and some conclusions.

PRESSURE ON SYLVO-PASTORAL AREAS

Agriculture in Southern Mali is based on cereal crops grown in rotation with cotton, the major cash crop. Annual rainfall ranges from 700 to over 1,200 mm and is concentrated in one rainy season. Non-arable lands and long-term fallow are common pool resources, used for grazing, the collection of firewood, timber, fruits and other forest products. The introduction of cotton and animal traction combined with substantial population growth is rapidly changing the former slash and burn system. In the oldest cotton producing areas most arable lands are now under permanent cultivation while fallow periods to restore natural soil fertility have been greatly reduced. The expansion of agricultural land has taken place at the expense of the sylvo-pastoral areas. The remaining uncultivated areas are situated on drought sensitive, shallow soils and gravely plateaux.

Livestock numbers have been rising over the last 30 years. The demand for other forest and woodland products has also increased due to population growth. The combination of diminishing areas, decreasing productivity and increased resource use, is resulting in overuse, soil degradation and loss of biodiversity of sylvo-pastoral lands (Leloup & Traoré, 1989; Hijkoop et al, 1991; Coulibaly & Kessler, 1991). In Southern Mali, this pressure on resources is most marked in the vicinity of cities and in the oldest cotton production areas.

CUSTOMARY PROPERTY REGIMES

In Southern Mali, customary authority is vested in the '*chef de village*' while resource use is looked after by the '*chef de terre*'. These two chiefs are in general chosen among the eldest men of the family who founded the village. Village matters are discussed and decided on by the village council that unites the heads of all families and is directed by the '*chef de village*'². It should be noted that the interests of residents with lower stature in the village like women, young people or the families of immigrants may carry less weight during their deliberations. The '*chef de terre*' is responsible for the application of customary land tenure rules. In co-ordination with the village council, he allocates new areas which can be cleared for cultivation. While 'strangers' can get access to land, they have to refrain from actions which are associated with claims to ownership, such as tree planting (see for example Coulibaly & Joldersma, 1991)³.

However, these local authority structures are weakening as a result of internal and external pressures. Conflicts between generations are becoming increasingly important. Younger men have gained influence through new organisations of economic importance such as the '*associations villageoises*' which were created with the help of CMDT (Compagnie Malienne pour le Développement des Textiles) and are responsible for the sale of cotton, the distribution of inputs and the management of credit. Decline in traditional religion has also weakened respect for local chiefs and the force of their sanctions. In addition, large extended families are breaking up and newly formed households seem to operate in a more individualistic way. However, the village council is still an important forum in Southern Mali and is always consulted on communal affairs. They play a role in regulating disputes over land tenure and access rights. In those villages where the position of village chief is disputed, activities on a collective level are seriously hampered as a consequence.

According to customary tenure, sylvo-pastoral lands are part of the village territory and controlled by the village council. However, these resources used to be considered inexhaustible and everyone allowed free access. Moreover, hospitality is an important cultural reason why villagers would tend not to exclude others

² During colonial times each village was required to nominate a "chef de village administratif". They were mainly charged with tax collection and maintaining relations with the administration. Generally these newly imposed structures were merged with traditional authority. One person can hold both positions but there are also villages with two chiefs: the *chef de village coutumier* and *chef de village administratif*.

³ The 'chef de terre' is not always consulted anymore by village residents before clearing a new field.

from being able to use these lands. Village councils granted access to anybody wishing to use products from the forests and pastures, on the condition that local authorities and regulations were respected. Similarly, traditional hunter associations used to oversee the exploitation of wild animals.

In Southern Mali restrictions on use mainly concerned religious and cultural values associated with certain areas, trees or animals. An elaborate set of rules with respect to hunting also existed to protect females in gestation or with young. Pastoralists were expected to avoid damaging crops and to see to it that animal diseases were not introduced into the local herd. But users of sylvo-pastoral lands had no obligation to present gifts to the village authorities in payment for access, in contrast to the case for agricultural lands (Coulibaly & Hilhorst, 1994). It should be noted that entire villages may sometimes be situated on the land of other villages. In such cases, they can only introduce regulations regarding use of sylvo-pastoral areas with approval of the village which “owns” the land⁴.

Villages are becoming more and more aware of the importance for their livelihood systems of sylvo-pastoral lands, the resources of which are no longer perceived as inexhaustible. Boundaries of village territories are increasingly demarcated and protected, even at the expense of becoming engaged in conflicts with neighbouring villages. Some villages, for example, try to take ownership of zones that are under dispute with neighbours by asking the Forestry Service to create a village forest in the disputed area⁵. Villagers have also come to regard the use of their woodland, pastures and game by 'strangers', as a threat to their own future. Consequently, they are increasingly inclined to introduce regulations to restrict their access. Exclusion is now favoured in the case of residents from cities although villagers fear their political clout and links with the Forestry Service.

Blaming outsiders for resource degradation is, however, too easy a way out. Certain village councils also acknowledge the pressure their own residents exert on sylvo-pastoral areas. Some villages have even proposed to reduce the exploitation of timber and firewood, to prevent the harvest of unripe fruits, or to protect certain areas. However, according to the old forestry laws enforced until 1995 villages did

⁴ ESPGRN is participating in an action research programme to develop an approach for simplified management of forests. This programme was initially started in a village called Siani. However, during a Participatory Diagnosis it became clear that Siani was situated on the territory of another village called Deh. Subsequently, the research-action programme was shifted that village.

⁵ In Burkina Faso a programme that facilitated the establishment of temporary protection for forest zones, noticed that most of the projects were located in disputed areas. ESPGRN has also been asked to start management experiments for natural pastures in disputed areas.

not have the authority to regulate resource use in sylvo-pastoral areas in such a way.

The land tenure regime of sylvo-pastoral areas is characterised by 'legal pluralism'. Although these lands are officially state property, a village will uphold claims based on customary land tenure rights that are usually recognised by their neighbours. Which property regime dominates depends on the strength of customary authorities, the type of resource, the origin and strength of user-groups involved and the presence of government agents as well as their capacity to enforce official legislation.

NATIONAL FOREST LEGISLATION

Before 1995

Until 1995 all land uncultivated and all fallow older than five years was considered state land (decree of 4-7-1935, law No. 68-8/AN of 17-02-1968). Other features included a list of protected tree species, a ban on all bushfires, and the need for permits to cut down protected trees, for commercial firewood exploitation and for land clearing. Various state forests were also demarcated where all wood exploitation and land clearing are forbidden.

Forestry legislation has been applied and controlled by the Forestry Service¹⁶, which has been responsible for issuing permits for using forest products, an important source of state revenue. Permission was given to anybody who was prepared to pay while the site allocated for use by the permit holder was not indicated. The village was neither informed nor consulted on the issuing of permits and did not receive any compensation for woodland resources exploited by others.

Bush fires were entirely forbidden although fires at the start of the dry season have been widely regarded as favourable to pasture development and the flowering of

⁶ The official name of the Forestry Service was *Service des Eaux et Forêts* until 1996. Thereafter its name changed to *Service de Ressources Forestières, Fauniques et Halieutiques*. Since 1997 the reorganisation of the *Ministère de Développement et de l'Eaux (MDRE)* is taking place and will result in a fusion of the various sector oriented departments (agriculture, forestry, livestock, co-operation) into three new departments which will concentrate on legislation and control, resource use and rural equipment, and social organisation. The control task of the former forestry service is part of the first mentioned department while extension activities are part of the second. An agent will no longer have to carry out the task of both policing as well as technical assistance. The Forestry Service exists no longer as a separate unit.

certain trees. When a forestry agent detected a bushfire the entire village was punished and had to pay a fine (Kara, 1995). Villagers often recount how their '*chef de village*' was humiliated and jailed until the village paid the fine. The relationship between the Forestry Service and villagers has been very poor due to the way the laws have been enforced. Villagers found forestry agents very repressive, and are still suspicious of programmes that increase the presence of forestry agents in their village.

The new forest code

In 1991 the regime of Moussa Traoré was brought down after having been in power for over 20 years. The much disputed forest code was also brought up for discussion and between 1992 and 1995 forest laws have been revised. Villages are no longer prepared to endure what they feel were abuses by the forestry agents. There have even been cases of violence against forestry agents (Ribot, 1995). The application of the old code came to a standstill, except for commercial firewood exploitation and the protection of state forests.

The revision of the forest legislation started in 1992 with consultations at regional and national levels (DNEF, 1993). At the end of 1995 the new laws were signed (law No. 95-003, 95-004, 95-005). Diffusion started in 1996 within the Forestry Service, followed by information meetings at village level, although a translation into local languages is not available yet⁷. The new laws apply only in particular areas, such as woodlands and fallows of more than 10 years. Trees in agricultural fields are no longer covered by these laws. Another change introduced by the new forestry legislation is that villages can now benefit from some part of the taxes on firewood cutting. Specially created management committees are responsible for the organisation of firewood sales (*'marché rural de bois'*). Profits are higher for this committee if the firewood comes from a forest for which a management plan exists that has been approved by the authorities⁸. However, the forest code does not elaborate on the contents of a management plan or how it should be formulated and implemented⁹.

⁷ In the Sikasso area a local NGO is organising and financing the translation

⁸ These proposals are based on experiences in Niger with the organisation of firewood provision in Niamey (Bertrand, 1995). Implementation in Mali has started in 1996 with 5 field-tests and funding from a donor consortium presided by the World Bank.

⁹ For this reason, an action-research programme on the development of simplified forest management schemes has been started jointly by the forest research programme of the agricultural research institute IER (*Institute d'Economie Rurale*), IER's farming systems programme *ESPGRN*, the Regional office of the Forestry Service and the NGO EDP, specialised in the organisation of farmers for sustainable forest management.

The *rural communes* or *collectivités décentralisées* have been created as part of the decentralisation process and group together several villages. The mayor and council will be elected in 1999. It should be noted that the commune and not the village will be the lowest level in the administrative system. The so-called *code domanial*, which is also in revision, will identify the public lands to be transferred from the forestry department to the *rural communes*. They will then become responsible for its management and can claim part of the tax proceeds, levied on resource use. It should be noted that decentralisation as such is no guarantee for sustainable resource use. A *rural commune*, for example, may decide to maximise income from levies on resource exploitation which can conflict with the goal of conservation that villagers may have for their land.

The new legislation allows a rural commune to delegate the management of natural resources to other organisations like a village or a co-operative, by establishing a local convention or agreement. However, no guidelines have been drawn up for the format, content or procedures to be followed in such cases. The new forest code includes provisions for co-management. However, the actual opportunities for villages to manage ‘their’ resources will depend on the interpretation of these laws and how they are supported by the authorities.

It has been observed, however, that the code itself is rather ambiguous (Ribot, 1995). The interpretation of the law, for example, on pruning forage trees or the need for permits to cut down trees on a farmer’s field, differs between forestry agents. Differences of view between forestry agents and villagers on the objectives of local conventions are evident. Some forestry agents are of the opinion that a local convention obliges villagers to help them enforce forestry laws while villagers see conventions as a means to exert greater control over natural resource management and see fewer forestry agents around. These different interpretations have resulted in several incidents related to the application of forest laws which have undermined mutual confidence (Kara, 1995).

DEVELOPING LOCAL CONVENTIONS AT VILLAGE LEVEL

A *local management convention* is a contract between villagers and the administration to regulate the use of land and other natural resources within the framework of the forestry legislation. It is signed by village representatives and the administration, and both parties are responsible for it being carried out. Since 1993, three programmes in Southern Mali have assisted villages with the development of local conventions in anticipation of the new forestry laws (Kara, 1995; CAT-GRN, 1996; Hilhorst & Coulibaly, 1996; Hilhorst and Coulibaly,

1997). Here, we will concentrate on the pilot programme 'Siwaa' in the *cercle* of Koutiala¹⁰.

The Siwaa programme

At the beginning of the 1980s, the problem of soil erosion was high on the agenda of agricultural research programmes and extension services in Southern Mali¹¹. In three villages¹², farmers and researchers have adapted a range of soil and water conservation techniques to local conditions, which have subsequently been integrated into the agricultural extension programme in Southern Mali (Hijkoop et al., 1991). These neighbouring villages are located some 20 km from the city of Koutiala which has generated substantial pressure on their sylvo-pastoral lands (Leloup and Traoré, 1989). After some years, villagers told researchers that they were not benefiting much from their efforts to protect their woodlands since inhabitants from Koutiala were using these areas to cut firewood for commercial purposes or to graze their cattle.

It was then proposed to the villages to start a pilot programme in which they would become responsible for managing the natural resources on the village lands (also called the '*gestion de terroir villageois*' approach). The three research villages, however, decided that they could not manage the sylvo-pastoral areas without their neighbours' assistance, since three other villages¹³ also have usufruct rights over these lands. After some consultation, all six villages agreed in 1989 to start a pilot programme covering an area of about 16.000 ha, and they named their initiative *Siwaa* meaning the dry forest.

Siwaa is supported by the *Groupe Technique Inter-service (GTI)*, formed by representatives of technical services and researchers¹⁴ working in Koutiala

¹⁰ The Programme Gestion de Terroir-Development Local (PGT-DL), is also working in the Koutiala zone. They work with groups of villages who will belong to the same rural commune. Several groups have developed local conventions, mainly focusing on firewood exploitation and reducing forest clearing (see Kara, 1996). The third programme, Cellule d'Aménagement de Terroir-Gestion des Ressources Naturelles (CAT-GRN) is working in Yanfolila, south of Bougouni, which is a less densely populated area with higher rainfall. This local convention focuses on the movement of herds and pasture management. Local conventions have also been developed elsewhere in Mali like near Douentza (Dème, 1998).

¹¹ Most active are CMDT and ESPGRN.

¹² Kaniko, Try I and Try II.

¹³ M'péresso, Sinsina, Namposséla

¹⁴ ESPGRN is responsible for monitoring the Siwaa programme. In addition, ESPGRN has a set of research activities on the management of sylvo-pastoral areas. Themes include improved management systems for grazing areas, sustainable wood cutting techniques and research on

(CMDT, Forestry department and Livestock department). The work of the Siwaa programme is integrated in the regular activities of the various departments involved, and there are no additional funds available for the government officials or the six villages to implement the Siwaa programme. These decisions were taken to ensure that the approaches followed in the pilot programme would not demand too many human and financial resources and hence be impossible to replicate.

Siwaa then developed a wide range of activities to arrive at a more sustainable production system. These addressed the intensification of agriculture, integration of agriculture and livestock, production of fodder crops, soil-erosion control, tree nurseries, reforestation and the introduction of improved stoves (Joldersma et al. 1996). All villages had their own local Siwaa committee often operating as a branch of the *association villageoise*. They were often intertwined with other committees previously created like the *équipe technique de lutte contre l'érosion* (anti-erosion group) and the *brigade de lutte contre les feux de brousse* (bushfire prevention brigade). In 1991, the six villages decided to create a committee at inter-village level to co-ordinate Siwaa's activities better, which was made up of three representatives (including one woman) from each of the six villages. The *Association Villageoise* took responsibility for paying transport costs for village representatives. Representatives of this Siwaa Committee also participated in GTI meetings.

Origins of the local convention

The lack of control over the behaviour of non-residents using sylvo-pastoral lands was a major reason for starting the Siwaa programme. Villagers always stated that these 'strangers' caused overuse. However, research revealed that in five out of six villages, even local demand for firewood already exceeded the regeneration capacity of forests. It was also estimated that the size of the local herd alone surpassed the carrying capacity of the pastures given the prevailing livestock management systems (Joldersma et al., 1996).

The *GTI* therefore wanted to test villagers' willingness to reflect on their own resource use and their capacity to formulate and introduce self-imposed restrictions. The *GTI* decided to help reduce the presence of outsiders by negotiating a special status for the Siwaa zone. The negotiations resulted in more or less complete departure of Koutiala's woodcutters and herds¹⁵. When the

land tenure regimes. They are also developing participatory methodologies and tools for diagnosis and planning (see ESPGRN 1994, 1995, 1996a).

¹⁵ One consequence of these measures has been an increased pressure on other areas in the surroundings of Koutiala. The *GTI* foresaw a growing interest from other villagers experiencing increased pressure to start a similar type of test as Siwaa, which indeed was the

villages observed that overuse continued, they started developing regulations to limit their own levels of use. Some very degraded parts of village lands were closed for wood cutting and grazing. Regulations were formulated to economise on firewood use. However after some years these regulations were less respected following free rider behaviour by some villagers¹⁶. The dynamics of the GTI were affected by the overthrow of the military government in 1991 which brought the role of government services up for discussion (Joldersma et al. 1996).

However, villagers have remained concerned by the question of outsiders following some incidents with woodcutters from Koutiala who had returned to the zone. They refused to leave when requested by the villagers and had even threatened them with violence. Villagers were convinced that they trod on dangerous ground when dealing with any intruders since they had no 'paper' giving them the right to control firewood exploitation in the Siwaa zone. The special 'project law' for Siwaa as negotiated by the GTI was only a verbal agreement¹⁷. The villages wanted written permission from the Forestry Department, so in 1993 the Forestry Department therefore suggested elaborating a local convention as foreseen by the new forestry legalisation. The suggestion was welcomed by the Siwaa committee, who also thought that internal regulations would be better respected when being part of a convention signed by the forestry department and the administration, both of which are feared by local people.

The approach followed

Since 1993, the elaboration of a local convention has been the major activity of the Siwaa programme. The six villages needed two years to reach a common agreement on the local convention. This final version accepted by all villages was sent to the Forestry Service for comments and approval. This procedure took another two years. In table 1 all steps from the first information meeting to the final signature are listed.

Table 1: Various steps taken during the formulation of the local convention

case. The GTI also discussed the possibility that firewood might become more expensive for citizens in Koutiala and reflected on possibilities to introduce a fee for access to pastures.

¹⁶ For example, in two villages women had changed their firewood cutting methods to protect certain species and degraded zones. These self-imposed restrictions increased the time they had to spend on firewood collection. However they stopped when women from a neighbouring 'Siwaa' village were cutting the wood they had protected (Hilhorst & Coulibaly, 1996).

¹⁷ See also Benda-Beckman (1991) on the limitations of project law.

Steps	Responsible Actor	Date
Information on context	Forestry Service	April 1993
Internal village discussion followed by proposal by 5 out of 6 villages	Siwaa committee; village council	September 1993
Mediation organised by technical services	Technical Services, Siwaa committee, villages	March 1994
Proposal made by the 6th village	Village council	April 1994
Preparation of a joint draft	Siwaa committee	June 1994
Completion of discussion of the draft by all 6 villages	Siwaa committee/villages	November 1994
Preparation of a final version	Siwaa committee with assistance of Technical Services	February 1995
Agreement on final version	Villages	March 1995
Submission of final version to the forestry department	Siwaa committee	March 1995
Remarks given by forestry department and preparation of a new version	Forestry Service, Siwaa committee, other services	September 1996
Comments given by local administration	Administration	February 1997
Completion of signatures	Village council, Administration	May 1997
Celebration to mark the start of the implementation of the local convention	Siwaa committee	October 1997

Siwaa's proposal for a local convention

The convention starts with a phrase stating that the main objective of the local convention is to reinforce the respect for customary regulations as proposed by the village council. These include the clear marking and protection of passages linking various pastures and waterpoints. Bushfires are permitted at the beginning of the dry season but are strictly forbidden after a given date. The

start of the harvesting season for *Néré* and *Karité* trees is also fixed¹⁸. Regulations have been proposed to protect valuable trees and to encourage the planting of timber trees. Timber trees in the forest may only be cut with the permission of the chef de village. A woman may not cut more than 3 cartloads of 'green' firewood per season¹⁹. Sanctions for people breaking the above mentioned regulations are either confiscation of the products or a fine.

Extra taxes have been proposed for the commercial exploitation of firewood and charcoal in addition to the taxes to be paid to the forestry department, and non-residents must pay more than residents. Tax proceeds will be divided among the *association villageoise* and the Siwaa committee. The proceeds will be used for reforestation, anti-erosion works and the functioning of the Siwaa committees. The villagers also discussed how residents and neighbours are to be informed about the local convention and which structure is charged with its supervision.

OBSTACLES IN THE FORMULATION PROCESS

The formulation of the local convention took two years, which was too long in the opinion of both villagers and technicians. Major causes for the delays were an underestimation of the sensitivity surrounding customary land rights and a certain lethargy in the functioning of the Siwaa committee.

Land rights

The Siwaa committee as well as the technicians took solidarity between villages as the point of departure for the local convention. It was implicitly assumed that the available sylvo-pastoral resources would be shared among the six villages while access for outsiders would be limited. However, one village named M'péresso faced a situation of surplus land, whereas all other villages were confronted by shortages.

It turned out that M'péresso was not willing to share its natural resources unconditionally with its neighbours. In addition, they were afraid that the local

¹⁸ This is in fact a re-creation of traditional regulations as in the past village chiefs used to set dates for the start of the fruit harvest and even for the agricultural calendar.

¹⁹ The figure of three originates from discussions between researchers and the Siwaa committee members on the quantity of firewood needed by an average household. This 'yardstick' seems not to have been discussed with the women and acquired a 'life of its own' in village level discussions. In fact, this indicator is too general as differences in family size or the undertaking of activities like soap making are not taken into account.

convention would have implications for their land rights, fearing they would pass out of their control. Still, the village was convinced that they had to introduce regulations to protect their remaining lands from overuse. Unfortunately, M'péresso did not express these concerns from the very beginning. Instead, the village used a strategy of delaying the process as a means of defending its own interests. The problem was deepened because all discussions took place within the Siwaa committee, the members of which then reported back to their village. Village leaders were not themselves directly involved in negotiations of the local convention.

At the request of the Siwaa committee, members of the GTI stepped in to mediate, by organising a meeting with the leaders of all six villages and the Siwaa committee. The reasons for drawing up this local convention were again discussed. It was also clarified that a local convention has no long-term implication for land rights. M'péresso then agreed to collaborate and subsequently made a proposal for elements to be included in a local convention²⁰.

Functioning of the Siwaa committee

The Siwaa committee took almost one year to integrate the proposals from each of the six villages in one version and discuss this draft again with all the villages. This delay was not caused by internal disagreement on the contents but by the slowness of the committee. The committee work has to be done in addition to members' other activities and thus constitutes an additional charge. The members cannot meet very frequently and no activities are undertaken during periods of peak agricultural labour. Once the committee at inter-village level was formed, the committees at village-level disintegrated, which has meant that the three representatives in the inter-village committee have to do all the work alone. They have to organise and participate in village meetings about the local convention and other Siwaa matters, represent their village during meetings in neighbouring villages, inform their village council about the developments, and are also responsible for all dealings with the GTI.

The Siwaa committee is consequently overburdened. Some members also commented that they do not receive enough financial support or encouragement from either the AV or their village leaders. Currently, about half of the committee members no longer regularly attend Siwaa meetings, further increasing the

²⁰ It should be noted, that M'péresso still holds the opinion that their interests differ from those of the other 5 villages, and they decided not to join the same *Rural commune* as the other villages.

pressure on those who remain. Some members even want to be replaced. Village councils are aware of these problems but as yet have not undertaken much action. Although they have the power to change their representative, they have rarely done so. Moreover, they expect the Siwaa committee to take responsibility for implementing the local convention.

Information exchange and internal communication

The Siwaa committee has relied on traditional means of communication. They inform village leaders who notify all household heads, who in their turn pass the information on to family members. However, this system works less well in those villages where disagreement exists amongst households or which have a rather dispersed settlement pattern. Participation by other villagers has been rather indirect and many said that they were not well informed about the contents of the local convention. However, Siwaa committee members did not agree with these statements, since according to them, most villagers are aware of the local convention. Those villagers claiming ignorance may do so because they do not want to abide by certain regulations listed in the convention (Hilhorst & Coulibaly, 1996). Villages neighbouring the Siwaa have never been formally consulted about the convention. Their sources of information are informal discussions and rumours. While they respect the decision of the six villages to draw up a local convention, they want to be informed directly (Hilhorst and Coulibaly, 1996).

The participation of women

Women use the sylvo-pastoral zones intensively for collecting firewood, fruits, herbs etc. and many regulations have implications for them. When creating the Siwaa committee in 1991, it was decided that 1 out of 3 delegates should be a woman. The women selected for the Siwaa committee are known to everybody, but they seldom take part in inter-village meetings. They said that they were often too busy and had even more problems than the male representatives to find transport to get to the meeting.

In most of the six villages, women said that they were poorly informed about Siwaa activities or the local convention²¹. The female representatives in the Siwaa committee never organised meetings with other women, saying that tradition prevented them from taking this initiative. The main source of information for women has been one general village meeting held to discuss the local convention. Women used this occasion to propose a ban on the harvest of immature fruits.

²¹ The exception is a village with a very active member of the Siwaa committee who is very concerned about levels of firewood cutting.

APPROVAL OF THE LOCAL CONVENTION AT AGENCY LEVEL

It took 18 months for the Forestry Service to comment on the proposal submitted by Siwaa in 1995, and final approval was only obtained in May 1997. We identify below the causes for the delays and to what extent these might persist into the future.

Uncertain legal and administrative context

The first local conventions have been developed in anticipation of the rapid approval and implementation of the new forestry legalisation, but which was only signed at the end of 1995. When the local conventions were submitted, the old code was still in force, although barely applied. Drafts of the new forest code were circulating but not yet approved. Many articles, including those on local conventions referred to rural communes, entities that did not yet exist. Moreover, the creation of rural communes has turned out to be more complicated and more time consuming than anticipated. The elections of representatives to such councils has been postponed several times since 1996 and are now proposed for spring 1999.

Local conventions have thus evolved during a period of transition, marked by a changing institutional and legal context, during which government agents did not feel very confident. Although the Forestry Service had initiated the process they started to back away considering the experiments as too risky. It is possible that some foresters also had their doubts about transferring management responsibility to villagers. They question villagers' ability to manage forests in a sustainable way, have little appreciation for local knowledge (see also Wiersum & Lekanne dit Deprez, 1995), and some suspect that villagers mainly want local conventions to evade forest legislation. The local administration and the Forestry Service started to favour the suspension of approval procedures for local conventions until the decentralisation process was completed. Transfer of staff within the forestry department caused further delays. However, this was difficult for the villages and the GTI who had invested considerable energy and credibility in the process. In addition, it was felt that the experiments should continue as they would provide future communes with valuable examples and ideas for elaborating local conventions and natural resource management in general.

All three programmes working on local conventions continued discussions independently from each other with the local administration and Forestry Service

at local, regional and even national levels but without result²². The breakthrough came one year later. From 1994 onwards, most programmes, projects and services working with the '*gestion de terroir*' approach in southern Mali, have met every three months to exchange information and exchange on a pre-selected theme. In April 1996, land tenure was selected as a theme for discussion. All three programmes took the opportunity to explain their objectives for developing local conventions, the approach followed and obstacles they had been facing. A representative of the Regional Forestry Service, who was newly appointed, acknowledged that they had reached a deadlock, and promised to facilitate the various experimentations with local conventions (see ESPGRN, 1996b).

Revisions proposed by the forestry department

In September 1996, two representatives from the regional Forestry Service came to Koutiala for one week and gave their comments on Siwaa's proposal²³. Subsequently they assisted the Siwaa committee and the *GTI* in elaborating a revised version of the local convention with a format and content acceptable to the local administration and in accordance with national legislation.

The Forestry Service accepted all regulations proposed by the villages after some discussion. Initially they did not want to give villagers the possibility to impose further restrictions, on top of those already mentioned in the forest legislation. The villagers' list of protected trees, for example, is more detailed than that of the Forestry Service and they also insist on the obligation of all households to use improved wood stoves²⁴.

Discussions concentrated on the enforcement system, the level of fines and the distribution of the proceeds. The villages wanted their councils to impose a fine on those who broke the local convention. However, both the Forestry Service and the local administration, were opposed to this. They argued that villages have no authority to impose sanctions or to collect fines. They can only denounce an infraction to the local authorities who then take action²⁵.

²² Villagers working with PGT-DL even used the local radio to complain about the delays. It seems that this made the forestry department shy away even more of the issue from local conventions.

²³ ESPGRN paid all the costs for transport and lodging.

²⁴ In Tanzania similarly, local bye-laws are generally more specific and stricter than the official law (Wim van Campen pers. com.)

²⁵ The future commune will have this right.

Villagers often proposed higher fines than those stipulated within the forestry legislation. However the Forestry Service representatives could not accept this so that all sanctions listed in the local convention had to conform to those mentioned in the forest law. Villages also wanted the money paid in fines to remain in the village, which is not possible according to the forest legislation. The same division as stipulated in the forestry legalisation had to be followed for the proceeds of these extra fines. Villages could only claim the percentage that is normally paid to the person responsible for denouncing the infraction²⁶. Some justice department officials however have proposed that villages can impose small fines without interference from the authorities and that the proceeds can remain in the village. The maximum amount of 9,000 FCFA (90 FF or approximately 18 US\$) has often been quoted, but no official statement exists yet on this issue.

The original Siwaa proposal was only two pages long, but the final version lists 33 articles covering 11 pages, including references to the forestry law. Although the regulations proposed by the Siwaa committee are still included, they have not obtained the right to enforce these. Villagers had to accept this, as it was the only way to get official approval and recognition for Siwaa's wish to regulate natural resource use. The new Siwaa convention was sent to the local administration for comments, which took several months again. No major changes were proposed, and May 1997 the local convention was finally signed by all *chefs de village* and the local administration.

LESSONS LEARNED AND PERSPECTIVES

It took four years to formulate a local convention and to receive official approval. The formulation and approval process were long-winded at both village and administrative levels. Formulating and approving local conventions have been new activities for villages, members of the GTI and the administration, so that villagers and technicians had no examples to use for reference, and had to develop a trial and error approach. This underlines the importance of making use of experience obtained through action-research to develop guidelines for local conventions elsewhere. These have to be comprehensible and applicable for villagers as well as acceptable to the Forestry Service and the Administration. Indeed, the Siwaa experience has already been used in this way, facilitating the formulation process in other areas.

²⁶ The forest code states that the agent drawing up the report of an offence is entitled to 10% of the fine and 5% is paid to the person reporting the offence to the authorities.

The experience of Siwaa and other villages in the Sikasso region can be used to develop guidelines. A procedure for developing local management conventions for natural resources should include the following steps:

- Inform villagers about the forestry legislation;
- Inform villagers about changes in the administrative framework (Reorganisation of MDRE, decentralisation, etc.);
- Identification of customary regulations to manage natural resource use;
- Identify the different user groups;
- Identify regulations to be included in the local convention for each form of use;
- Define sanctions and a local monitoring system;
- Adapt the village proposals to the forestry legislation while maintaining the villagers' way of expressing the ideas and principles incorporated in the text;
- Feed-back and discuss the adapted version with the villagers;
- Submit the final version to the authorities for agreement and signature;
- Present the signed convention to the village;
- Monitor application of rules by the department responsible and by the villagers;
- Revise the local convention, if necessary.

The evolution of local conventions has coincided with a period of legal and administrative uncertainty. The diffusion of the revised forest code was delayed and its implementation became intertwined with the decentralisation process, which has also been held up. A new complication has been the restructuring of the Ministry of Rural Development and Water (MDRE) since 1997, which is likely to create further uncertainties in the short run. However, it may generate important advantages in future as the activities of the Forestry Service are to be divided among three newly created departments, thus separating law enforcement from more development-related activities.

Other factors causing delay during the formulation and approval process are of more fundamental nature. Local conventions are likely to touch on sensitivities and disputes concerning customary property rights. The first step to be taken in formulating a local convention is to make an inventory of all user-groups claiming access rights to the resources to be included. The rights and claims of non-residents, like those of pastoralists, should be part of this inventory. Special attention should be given to understanding the nature of disputes and conflicts over resource use and land rights, if present, and care should be taken that local conventions do not exclude non-residents or other user-groups.

Villages and other user-groups will need to set up a body charged with designing such a convention. It is important that they first define its role and functions before selecting members, and should also be clear about their responsibilities and the

support they can expect. The Siwaa experience has also shown that feed-back mechanisms, information exchange and communication have to receive special attention. Another lesson learned is the necessity of involving village leaders directly in discussions relating to land tenure and local authority. Effective involvement of women in the formulation process remains an unsolved issue, requiring special attention.

Since its creation Siwaa has received support from government agencies and researchers through their involvement in the GTI. Constant pressure by GTI members has been crucial for obtaining official approval since the Siwaa committee alone would not have had enough leverage or political weight. The new forestry legislation offers opportunities for participatory management systems. However, parts of this new code are ambiguous and can be interpreted in various ways. Therefore special efforts are needed to assure its interpretation in a manner favourable to local participation, as can be achieved by special units, like the GTI. They can also facilitate the development of more conventions by providing information, training, and organising exchange visits for interested villagers and rural communes.

Another structural problem concerns the difficult relationship between villagers and the Forestry Service. Hopefully the restructuring of the MDRE will ease this problem. A possible reallocation of responsibilities concerning the forestry sector between the Ministry of Environment and the Ministry of Rural Development and Water resources is currently under discussion. The successful implementation of co-management and use of local conventions for resource management require mutual trust and respect. A serious commitment on the part of the departments charged with its implementation²⁷ and the local administration is therefore crucial²⁸. Training of forestry agents on the content and implementation of the new regulations as well as for their new role as facilitator should accompany the decentralisation process.

The management, sustainable use and even plantation of woodlands is becoming more and more a concern for the rural population in Southern Mali. Local

²⁷ Or the future department charged with legislation and with forestry & pasture management

²⁸ Local conventions have become an issue for the former regional Forestry Service at Sikasso. The workshop on local conventions took place in December 1998. Participants included several farmers organisations, government structures and projects. The recommendations focused on (1) guidelines for elaborating local conventions, (2) propositions to improve the application of existing local conventions and (3) monitoring and evaluation.

conventions constitute one of the possible management tool for village woodlands. The format of such conventions should start simple in form and content and be adapted later on according to local needs. It can start with woodland areas that are most under stress and then expand gradually to cover all village lands. We are optimistic that they will contribute to better management of common pool resources and become important tools for those rural communes who take the management of their natural resources seriously. The final outcome will be a form of co-management involving villages and the local administration, which is a major breakthrough given the rather conflicting relationships of past decades.

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