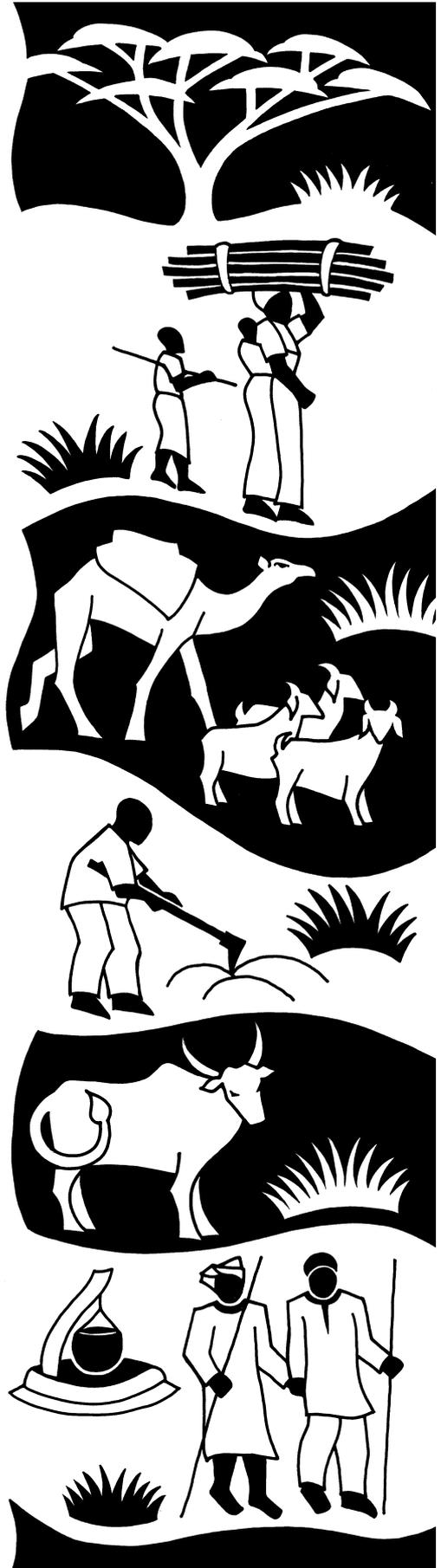


**Securing the commons No.6**

Local networks  
as a tool for  
influencing policy

Experiences of the  
GDRN5 Network in Mali

Aly Bacha Konaté  
April 2003



## About the authors

Aly Bacha Konaté gained a Masters in Forestry and has over 20 years experience in the field, much of it spent working with NGOs. He has written various studies, reports and local publications on NRM issues and the problems experienced by local communities in assuming responsibility for natural resource management. During the last ten years he has been Director and Head of Research in Mali for the British NGO, SOS Sahel; and in 1996 he took the post of co-ordinator of GDRN5, the Network for Decentralised Management of Natural Resources in the 5th Region of Mali, a collective of over twenty national and international NGOs involved in supporting sustainable natural resource management. For further information, write to:

Aly Bacha Konaté, Coordinateur Réseau GDRN5, BP 31 Sévaré, Région de Mopti, République du Mali. Tel /Fax (223) 2 420 398; Cell phone (223) 6 728436  
E-mail: alybacha@spider.toolnet.org

## Acknowledgements

The experience presented in this paper is the result of a collective effort involving the whole GDRN5 network. We would like to take this opportunity to thank the following individuals and organisations:

- Members of Parliament from Mopti region, for their support throughout the process of influencing the Pastoral Charter;
  - The Parliamentary Commission for Rural Development and the Environment, for believing in and listening to us;
  - The State technical services in Mopti region, who were brave enough to encourage and back our efforts to modify certain aspects of the draft Pastoral Charter;
  - The regional programme for Shared Management of Common Property Resources (IIED/SOS Sahel UK), whose valuable assistance enabled us to achieve what we did, and which facilitated publication of this paper;
  - Various civil society organisations (such as SYNEM and the *Association des Jowro de Mopti*) and the NGOs Jam Sahel in Niore, and ACORD in Timbuktoo and Kidal, for their willingness to support us in the process of influencing the draft Pastoral Charter.
- We would be very happy to get feedback on this publication, so please send in your comments, criticisms and suggestions.

*The GDRN5 Network collective*

The «Securing the Commons» series is funded by Comic Relief, NORAD and DFID. We are grateful for their support.

.....  
Series editors: Pippa Trench and Ced Hesse  
Layout: Andy Smith. Cover illustration © Christine Bass  
Translation from French: Lou Leask  
Printers: MCPGOLDIES Limited, London EC1N 7RJ  
Printed on Challenger Velvet, 100% chlorine free. ISSN – 1605 – 2293

# Table of Contents

<b>Introduction</b> .....	<b>5</b>
<b>Context: the opportunities and need for lobbying on NRM</b> .....	<b>7</b>
Pressure on resources in Mopti region: a call to action.....	7
The evolution of legislative and institutional mechanisms for NRM.....	8
Opportunities and challenges .....	12
<b>The GDRN5 network</b> .....	<b>15</b>
Genesis, structure and functioning .....	15
Brief summary of the development of the GDRN5 network .....	16
Early attempts to influence policies: the learning phase.....	18
<b>The bill on the Pastoral Charter</b> .....	<b>21</b>
Background to the bill .....	21
The role of the network in influencing the bill .....	22
What was learned from the process.....	24
The process of formulating legislation and policies .....	25
<b>Key principles for influencing policies more effectively</b> .....	<b>31</b>
<b>Conclusion</b> .....	<b>35</b>
<b>Appendix 1: The classic procedure for formulating legislation</b> .....	<b>39</b>
<b>Bibliography</b> .....	<b>45</b>



# Acronyms

AFAR	Action Group for Rural Training and Self-determination
<i>Alamodiou</i>	Traditional institution for environmental policing in Bankass District
AN	Parliament
APCAM	Permanent Assembly of the Malian Chamber of Agriculture
<i>Bourgou</i>	Aquatic plant ( <i>Echinochloa stagnina</i> ) found in the Niger delta
<i>Bourgoutière</i>	Pasture under <i>Echinochloa stagnina</i>
CDRE	Commission for Rural Development and the Environment
CECSC	Economic, Social and Cultural Council
CID	International Convention on Desertification
CS	Civil Society
CSO	Civil Society Organisation
DGRC	<i>Direction Générale de la Réglementation et du Contrôle</i> Central Office for Regulation and Control
DNAER	<i>Direction Nationale de l'Aménagement et de l'Équipement Rural</i> National Office for Rural Development and Amenities
DNCN	National Office for the Conservation of Nature
DNE	National Office for Livestock Rearing
DRAER	<i>Direction Régionale de l'Aménagement et de l'Équipement Rural</i> Regional Office for Rural Development and Amenities
FAO	Food and Agricultural Organisation, United Nations
GDRN5	Network for Decentralised Management of Natural Resources in the 5th Region of Mali
HCC	<i>Haut Conseil des Collectivités</i> High Council of Collectivities
IIED	International Institute for Environment and Development
IO	International Organisation
<i>Jooro</i>	Local name for managers (guardians) of <i>bourgoutières</i>
MDR	Ministry for Rural Development
NRM	Natural Resource Management
NEF	Near East Foundation

NGO	Non-governmental Organisation
NR	Natural Resources
OGES	Organisation for Environmental Management in the Sahel
<i>Ogokana</i>	Traditional institutions for policing the environment in Koro District
OMAES	<i>Œuvre Malienne pour l'Enfance au Sahel</i> Malian organisation working with children in the Sahel
PADLOS	Support Project for Local Development in the Sahel
PAN	National Action Plan
PIRT	Land Resources Inventory Project
PNAE	National Environmental Action Plan
PRASET	Regional Support Programme for the Transhumant Livestock Rearing Sector
PRSC	Programme of Capacity Building for Civil Society in Mali
SG/G	General secretariat of the government
SMCPR	Shared Management of Common Property Resources
SYNEM	<i>Syndicat National des Eleveurs du Mali</i> National Herders Union of Mali
UNDP	United Nations Development Programme
<i>Waldé Kelka</i>	Forest Management Committee for Kelka forest, a supra-village association in Douentza District

# Introduction

Lobbying on development policies has become standard strategic procedure for many civil society organisations, NGOs and even certain development projects in Mali. This is partly a response to the opportunities offered by policy and administrative reforms, but also reflects much greater awareness of the 'political' nature of development in general, and the issue of natural resource management (NRM) in particular.

Despite this trend very few Malian organisations have any proven experience in lobbying. This was certainly the case with the GDRN5 network, which had no precise strategy and none of the skills required to influence policies when it first became involved in lobbying activities in 1999. Working iteratively and seizing whatever opportunities arose, the network spotted the possibilities offered by the bill on the Pastoral Charter - a lobbying début that not only provided practical "on the job" training, but also resulted in some notable successes, as well as setbacks and disappointments for the organisation.

This paper documents the experience of the GDRN5 network in lobbying in respect of the bill on the Pastoral Charter. Rather than attempting to analyse the content of the bill as it relates to problems with pastoralism in Mali,<sup>1</sup> it focuses on the approach and procedure used to influence the authorities and bring them to change several aspects of the bill. The aim here is to share the network's experience and the lessons learned with everyone who seeks to support sustainable natural resource management in Mali and elsewhere.

But beware! The GDRN5 experience should not be seen as a final model for this type of initiative. If the network learned one thing, it was that influencing policy is a complex, dynamic process requiring an iterative approach firmly rooted in local realities. Social relations, political opportunism and luck are also needed for a successful outcome, as are strategic links and a thorough understanding of the issues at stake.

---

1. See GDRN5 network (2000) and Hesse, C. (2000) for a critical analysis of the provisions of the bill on the Pastoral Charter.

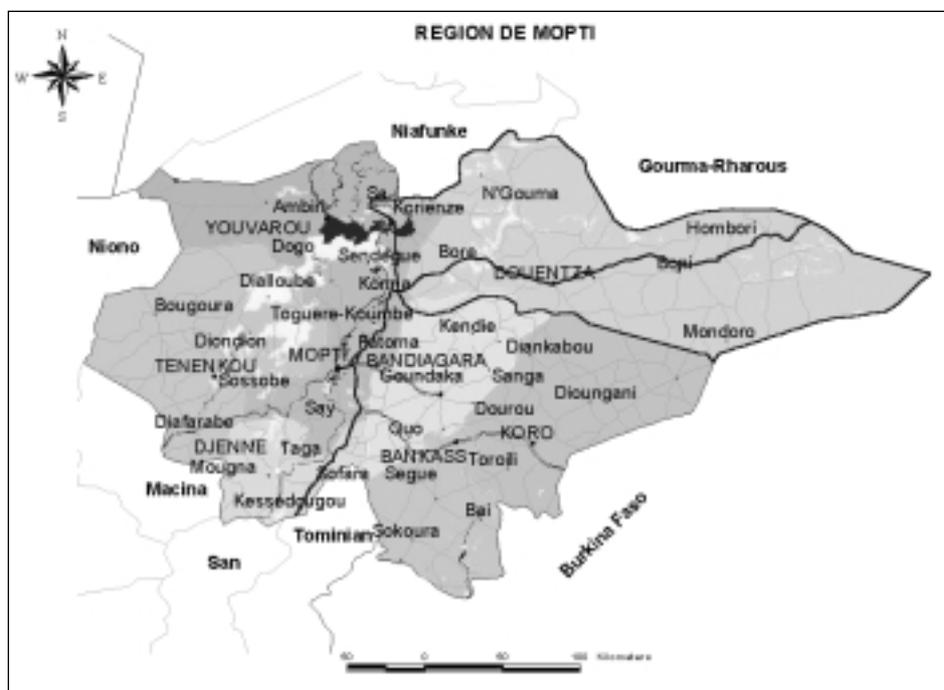
This account of a groundbreaking initiative to influence Malian NRM policies and legislation starts with a brief summary of the physical and socio-political context. The second section presents the GDRN5 network – why it was set up, how it is structured, its objectives and its evolution over time, moving from building technical capacities in support of NRM to influencing policies. Subsequent sections analyse the way in which the network sought to influence the bill on the Pastoral Charter, and consider the lessons learned about lobbying and classic procedures for formulating policies and legislation. We hope that they will help civil society organisations understand how the system works and enable them to better position themselves in the process. Finally, the last section deals with the possible solutions that the network intends to explore in order to improve the process.

## Context: the opportunities and need for lobbying on NRM

Natural resource management in Mali has changed profoundly as a result of the combined effects of demographic growth, climatic hazards, weak management structures and institutions and the current growing competition over natural resources.

### Pressure on resources in Mopti region: a call to action

The region of Mopti is one of the richest and most diverse zones in Mali in terms of its ecological resources, landscape, ethnic composition, history and local economy. The crossroads of civilisations, this vast zone straddles the desert to the north and the Sudanese zone to the south, where rainfall and natural resources are



more plentiful. In the centre of the region lies the inland delta of the River Niger, a vast plain some 30,000km<sup>2</sup>. Flooded for 5 to 6 months of the year, the delta supports a population of 1,5 million people and an economy based on fishing, livestock rearing and farming. It is surrounded by dryland zones whose hugely diverse natural resources and ecological landscapes range from sandy plains and mountainous outcrops to forests, pools and seasonal watercourses.

One of the particularities of the region is the considerable overlap between production systems at both regional level (between the delta and dryland zones) and local level (different production systems within a single zone). While the synergy created by this overlap facilitates the sustainable use of space and resources on a seasonal and yearly basis, it does, however, require extremely complex management systems to make it workable. These must not only ensure that resources are managed in a sustainable manner, but also provide the different user groups, which themselves vary over time and space, with equitable access to these resources. Traditional rules and regulations thus have to meet the dual challenge of both safeguarding the survival of the population and maintaining good social relations between its different constituent groups.

Mopti region is similar to other parts of Mali and the Sahel in that it has seen an increase in violent and often lethal conflicts over access to land and other resources. Although these involve various groups, they have become particularly prevalent between 'herders' and 'farmers'<sup>2</sup> as competition intensifies over resources depleted by increasing human pressure and several decades of drought. This situation is further exacerbated by the shortcomings of the institutional framework at national and local levels, although Mopti region is unusual in that it has retained certain customary institutions such as the *jowro*, *alamodiou* and *ogokana*.<sup>3</sup> However, as they are prone to corruption and increasingly weakened and manipulated by the actions of the authorities, they are unable either to fulfil their original function or respond to the challenges now posed by democracy and decentralisation.

## The evolution of legislative and institutional mechanisms for NRM

Malian policy on natural resource management has evolved through several stages since colonial times. The main phases of this development are outlined below:

---

2. Although these conflicts are commonly seen in terms of the differences between ethnically-based production systems (herder = Fulani, farmer = Dogon, Bamabara or Rimabe), the reality is far more complex, since very few families are exclusively herders or farmers. Most people in the 5th region of Mali are agro-pastoralists, or even agro-pastoralist-fishermen-woodcutters-traders!

3. The *jowro* manage pastures in the inland delta. The *alamodiou* and *ogokana* are guardians of the bush in Dogon society, and also play a role in managing social conflicts at the village level. See CARE (1993) for more information on these institutions.



Picture: SOS Sahel

**The *alamodiou*, customary guardians of the forest in Dogon society**

### **The colonial period until Independence (1935 – 1960)**

The forestry service was set up in 1935, to classify and monitor tree felling in forest settlements supplying charcoal for locomotives on the Dakar-Niger railway and the boats of the *Messageries Africaines* on the Koulikoro-Ansongo river route.

### **The First Republic (1960-1968)**

When charcoal was replaced by oil and diesel at the end of the 1950s, the only jobs left for local staff (whose sole qualification was military training) were surveillance and policing of the forest. The newly independent government focused on food self-sufficiency as its main priority, channelling major investment into the agricultural sector and introducing an essentially protectionist and repressive Forestry Code<sup>4</sup> that enabled the State to take over exclusive rights to all forest lands.

### **The Second Republic: the forestry service at its peak (1968-1991)**

The main political event of this period was the overthrow of the First Republic by a military junta, whose new legislation<sup>5</sup> on forests not only reinforced the old laws with stiffer fines and penalties, but also strengthened exclusive State ownership of forest lands. As the authorities became aware of the significance of the environmental problems created by the major droughts of the 1970s, a new national forestry policy was formulated, advocating information, training and the involvement of local people in NRM. In the early 1980s development partners helped finance large reforestation projects across the territory, but in the absence of any political or legal will to foster popular participation and accountability, these failed to deliver the desired results. The limitations of government policy on forest management became increasingly clear as forest resources were further degraded by the combined effects of nature and human pressure (burning, clearing, cutting, etc.) from communities that had long since been excluded from managing them.

### **The Third Republic: hope, democracy and the beginning of decentralisation in 1999**

In March 1991 the military dictatorship was overthrown and a plural democracy ushered in by the people's revolution. This marked a radical change in the relationship between the State and its citizens, and in the way in which natural resources were managed. The Forestry Service was effectively put on trial at the National Conference of August 1991 and the *Etats Généraux du Monde Rural*<sup>6</sup> in October 1991, and the government embarked on a series of reforms aimed at giving concrete expression to a new vision of partnership and reconciliation between the State and civil society. These reforms achieved several things:

---

4. See Law 68-8/AN-RM on the management of forest resources.

5. See Law 86-42/AN-RM on the Forestry Code.

6. National conference to assess conditions in rural areas.

### Box 1: The *alamodiou*, or 'ugly mugs'!

The *alamodiou*, which operate as environmental police in Bankass District in the Dogon country, are fairly well structured traditional associations that are largely independent of the political and administrative powers. Each socio-cultural entity (group of villages or communities sharing a common culture and beliefs) has a supreme chief, the *seri*, who is supported by a deputy known as the *saga*, or messenger. Each village in the group is managed by the *soroman*, an official who is in turn supported by the *alamodiou*, or bush policemen. They are responsible for:

- monitoring fruit trees to ensure fruit is not harvested before it is ripe;
- organising the harvesting of fruit;
- ensuring that surface water and pools are kept clean and unpolluted;
- combating forest fires;
- social policing (acting as guardians of village custom).

On the whole, local people accept the rules and sanctions imposed on them, which tend to be educational rather than repressive in nature.

In the years following Independence, and with the coming of the forestry service, the *alamodiou* lost all their prerogatives and were so undermined that they disappeared in certain areas. The weakening of local NRM associations has had various consequences, such as:

- Exacerbating the degradation of natural resources. Formerly plentiful forests can no longer meet the needs of local people, to the extent that in certain villages crop residues are often used as a substitute for firewood.
- The failure of legislation to recognise local realities and specificities. For example, Articles 16 and 17 the forestry law classifies the *Anogeissus leocarpus* tree as a fully protected species, which means that it may only be cut with permission from the forestry services. However, in Bankass District *Anogeissus leocarpus* is used to meet most of the fuel and building wood needs of local people (over 80%). This kind of gap between legislation and local practice makes it very difficult for forestry service agents and local populations to collaborate with each other.
- The resurgence of conflicts caused by competition between users of certain resources such as farmland, pasture, etc. (e.g. conflicts between the Karé/Kanwéré in Bankass District, the Sirabougou/Niona in Djenné District and Mondoro in Douentza District, etc.).

Though significantly weakened in many areas, the *alamodiou* survived in secret and still maintain their authority and legitimacy among members of their communities. With the advent of democracy and decentralisation several new challenges now need to be addressed: How to adapt NRM regulations formulated in bygone days when resources were plentiful? How to involve local institutions such as the *alamodiou* and other similar structures, and make them accountable for natural resource management in the new context of decentralisation? How to ensure that customary institutions assimilate the 'gender approach' (the issue of women and pastoralism)?

(i) a review of the Forestry Code and the adoption of a legislative and regulatory framework aimed at ensuring popular involvement, participation and accountability in the management of forests; (ii) the reform of the Ministry of Rural Development and implementation of the Action Plan, a multi-disciplinary framework for consultation, exchange and planning; (iii) implementation of a decentralisation policy aimed at power sharing and accountability in natural resource management.

## Opportunities and challenges

### Opportunities

While in the past the State held an exclusive monopoly over NRM, there are now opportunities for decentralised local governments and civil society organisations to become involved in making decisions about natural resource management. The authorities have undertaken a range of institutional, legislative and regulatory reviews and reforms aimed at enabling communities to become more involved in managing local resources. These initiatives included the creation of municipalities and setting up council offices to manage the different levels of local government.

As part of its efforts to better adapt the legislative mechanism to local people's concerns, and in order to fill the legal vacuum around natural resource management, the State initiated the bill on the Pastoral Charter.

### Constraints and challenges

While significant progress has been made in this area, local communities still have to cope with the problems caused by implementation of the new legislative and institutional mechanisms for NRM. The main problems are due to:

- **The inaccessibility, complexity and plethora of legislation and regulations.**  
There are over a hundred pieces of legislation governing natural resources in Mali!<sup>7</sup> Written in technical French, these laws are virtually incomprehensible to the 80% of the population that is unable to read or write, and little has been done to make them more accessible by translating them into local languages.
- **Failure to take account of local diversity, specificities or local practices.**  
There are a number of gaps and contradictions between the law and local realities. Legislation on NRM is generally rigid and sectoral, and often self-contradictory.<sup>8</sup> It may also create inequalities and conflicts by favouring certain categories of rural

---

7. Laws, decrees and orders.

8. For example: Article 47 of Law 95-004 stipulates that no State-protected land can be utilised without a development plan for the piece of land concerned. This contradicts Article 15 of Law 95-003, which recognises the utilisation of non-demarcated and undeveloped land.

actor (farmers) to the detriment of others (herders). For example, pastoral development was not legally acknowledged until the end of 2000, although the simple act of clearing land by a farmer was recognised as a form of development and productive use. This legal bias provided a pretext for certain pastoral spaces (routes, camp sites, watering holes) to be used for farming activities, and has caused a number of conflicts between farmers and herders.<sup>9</sup>

- **Lack of popular participation in the formulation of laws** The State has no formal framework for ensuring meaningful participation by grassroots civil society organisations (farmers, fishermen, pastoralists, etc.) in legislative reform. Consequently such initiatives are always in the hands of technicians and jurists, who are more interested in the letter rather than the spirit of the law. Local stakeholders (most of whom are illiterate) are left with little opportunity, time or room to manoeuvre in giving their verdict on the laws thus formulated before they are endorsed by the executive or legislative authorities.
- **Civil society lacks the capacity to understand, analyse or engage citizens in addressing a shared lobbying issue.** Despite the current wave of democratisation and decentralisation, civil society organisations are often unrepresentative, lack the legitimacy or capacity to seize the opportunities on offer, and can be manipulated by authorities wishing to legitimise certain major decisions.

These are the challenges faced by the network in its efforts to influence the draft Pastoral Charter, and the context in which it achieved some notable successes despite the obstacles and setbacks in its path.

---

9. In 1994 one such conflict between farmers and herders (Sirabougou/Noina) in Djenne District left 8 dead and 21 injured.



# 3 The GDRN5 network

This section covers the genesis, development, structure and functioning of the network. It also attempts to explain how it progressed from working on capacity building for its members to influencing policies.

## Genesis, structure and functioning

A product of the opportunities offered by decentralisation and democracy, the GDRN5 network was set up when three NGOs<sup>10</sup> decided to pool their efforts so that they could address their shortcomings through training and exchanging information on natural resource management. Since its inception in 1994 the network has attracted the interest of NGOs involved in NRM in the region, and has grown from the three original members to 24 national and international NGOs and associations. Its goal is to promote the emergence of sustainable NRM in the 5th region of Mali through the following objectives: (i) strengthening the technical and organisational capacities of members and their partners in NRM; (ii) influencing local and national policies on natural resource management; (iii) helping members and their partners to support democratic and decentralised governance of natural resources; (iv) helping members and their partners support the emergence of community and inter-community institutions.

GDRN5 is unlike other networks in that it was created to enable its members to better combine and express their efforts. In order to fulfil its mission the network is an informal, adaptable, flexible and fairly open organisation, with a revolving presidency and fully elected bodies. It is not fixed and closed, but evolves over time according to the realities and needs of its members, and works according to a participatory and iterative procedure that involves all members and their partners.

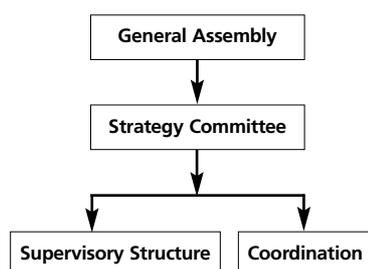
The GDRN5 network functions through the three following authorities:

- **The General Assembly (GA):** the highest decision-making body, made up of all members, the GA normally meets once a year;
- **The Strategy Committee (SC):** composed of 7 elected members, the SC is the body that discusses the decisions, orientation and monitoring of the network. It normally meets four times a year;

---

10. SOS Sahel UK in Bankass, CARE-Mali in Koro and Near East Foundation in Douentza.

- **The Supervisory Structure (SS):** elected by the SC, this acts as the network's 'moral and legal' authority. With the support of a full time co-ordinator, this is the executive body responsible for monitoring the network's activities, administrative and financial management and audit. Apart from the co-ordinator, who is paid a salary, all members of the network's different bodies and authorities work on a voluntary basis.



The network is funded by contributions from members and their external partners. Its main activities are centred around:

- Training on capacity building for members, and on democratic and decentralised management of natural resources;
- Action-research on inclusive natural resource management;
- Radio broadcasts and debates on democratic and decentralised management of natural resources;
- Conducting case studies and publishing the experiences of members and their partners in natural resource management;
- Advocacy and lobbying activities concerned with natural resource management.

## Brief summary of the development of the GDRN5 network

The history of the GDRN5 network can be summarised in three main stages, which are outlined below:

**1992-1996: Exchange and discussion.** The network's beginnings can be traced back to the consultations and discussions among its three founding members (CARE Mali, NEF and SOS Sahel) concerning the involvement and accountability of local structures in natural resource management (the *alamodiou* in Bankass, *ogokana* in Koro<sup>11</sup> and *Waldé Kelka* in Douentza). Following a series of training workshops to discuss and analyse the development of local NRM institutions, the three NGOs decided to create a network as a forum for exchange and discussion. After its inaugural meeting in November 1994, the first round of funding from SOS Sahel UK and NOVIB (via NEF) enabled the network to commence activities, which initially focused on classic training in technical capacity building for members (developing and managing village territories). In April 1996 it established a base in Sévaré and recruited a full time co-ordinator in order to bring members closer together and provide a focal point for the network.

11. Traditional institutions for protecting forests in Koro District.

**1996-1998: Training.** As the network expanded from three members in 1994 to seventeen in 1996, its activities increasingly focused on responding to the requests and needs of new members, who were particularly interested in technical capacity building (introduction to preparing forestry development plans and village land management approaches, etc.). However, the ongoing process of decentralisation soon raised the issue of decentralised and democratic management of natural resources, and the need for organisational capacity building among local NRM institutions. A self-evaluation conducted in 1998 recommended that the network orient its strategies and activities around issues related to organisational capacity building for its members, reinforcing democracy and decentralisation, and implementing approaches to informing policy at local, regional and national levels. Following a strategy planning workshop, it was decided that the network should focus on advocacy and lobbying on legislation concerned with natural resource management and decentralisation.

**1998-2002: Influencing policies.** The idea of becoming involved in lobbying and advocacy arose from the difficulties and obstacles encountered by certain GDRN5 members in their dealings with the forestry service. Particular areas of concern were the arrangements allowing local people to harvest and use wood, access to certain forest resources that were fully protected by law and the status of trees in fields. Another issue was the role of community organisations in monitoring, policing and managing forests, since the forestry service saw NGOs as supervisory structures rather than partners, which made collaboration between them difficult. There seemed to be no sustainable local solutions to these problems, so the network's Strategy Committee set about trying to influence the behaviour of forestry agents and address the shortcomings of legislation on natural resource management. At this early stage the network's lobbying activities were intermittent and unsystematic, as it had neither skills nor know-how in lobbying and negotiating since previous attempts to train members in these areas had come to nothing because no experts were available to deliver the training.

## Early attempts to influence policies: the learning phase

The main factors behind the network's decision to develop strategies for influencing policy were the need to improve collaboration with the technical services and resolve the problems caused by the overlap between their jurisdiction and that of GDRN5 members on the one hand, and that of rural communities on the other. The need for action was further underlined by the fact that certain NGOs were finding that their efforts to support local communities were increasingly hampered by difficulties in the field.

The network's first attempts at changing behaviour and legislation on NRM centred around legislation on natural resource management and decentralisation in Mali. This initial learning phase progressed over three stages.

Starting in April 1999, the first stage consisted of researching and collecting legislation on NRM and decentralisation, and conducting a study of legislation and local practices. The aim of this exercise was to gather information that could be passed on to the technical services and decision makers, to show them the strengths and weaknesses of both legislation and local practices.

Soon after the NRM legislation had been collected and studied, the GDRN5 network invited the national Director for the Conservation of Nature and his divisional chiefs to meet with local communities and NGOs belonging to the network. This meeting enabled the administrative officials to better understand the disparities, problems and contradictions between NRM legislation and local practices. It also highlighted the problems caused by the status of protected species growing in fields (particularly *Anogeissus leocarpus*), the fact that forestry agents could issue woodcutting permits for far-flung areas, and tree felling in woodlands covered by the development plan, etc.

Finally, in July 1999, MPs from the region participated in a workshop to report back on the study on NRM legislation. This was the first time that elected officials and certain civil society organisations had attended this kind of workshop, which was aimed at helping participants understand the disparities and contradictions between legislation and local practice. A monitoring committee was set up to oversee implementation of the recommendations made at the workshop, with three MPs designated as members. This was an important first step in building an alliance between the network and MPs for monitoring and analysing NRM legislation and policies. Since then MPs have constantly sought the network's opinion on the content of various pieces of proposed or current legislation.

Although they were not without their problems, these first efforts enabled GDRN5 members and their partners to better understand the disparities and contradictions between certain aspects of NRM legislation, while improving the capacity of MPs to monitor the situation.

The visit by the National Director for the Conservation of Nature proved far more fruitful than anyone had dared hope. It not only helped improve the relationship and collaboration between members of the network and the Forestry Service, but also addressed many ambiguities and misapprehensions and clarified a number of grey issues. For example, it was agreed that legally protected species found in fields do not fall under the jurisdiction of the forestry service; and that forestry agents need to exercise greater judgement in managing *Anogeissus leocarpus*, which is particularly abundant in Samori forest. It was also noted that their practice of issuing woodcutting permits for areas outside their jurisdiction was contrary to the law. Regarding the status of forests covered by a development and management plan (such as Kelka forest), the mission condemned the anomaly that the local forestry service still treated them as “uncontrolled” woodlands where local communities did not benefit from the taxes raised on wood.

Overall, this initial experience was most encouraging on several levels. Daily relations between local people, the local forestry services and NGOs improved considerably as a result of these various issues being clarified informally, while the network developed much greater confidence in its ability to play a more significant role in the process of formulating legislation on the Pastoral Charter.

## Brief resume of the GDRN5 network from 1992 - 2001

2001

- July 2001: DRAER officially invites the network to develop a proposal for an enforcement order for implementing the Pastoral Charter
- February 2001: The draft Pastoral Charter is adopted by Parliament, incorporating several proposals made by GDRN5
- Discussions with the Parliamentary Development Commission and reporters from 8 other parliamentary commissions; GDRN5 develops a proposed draft Charter for submission to Parliament
- January 2001: Parliament calls an extraordinary session to discuss and adopt the draft Charter

- October 2000: Contact made with MPs from the Monitoring Committee, and a hearing held with the Parliamentary Commission for Development and the Environment
- Adoption of the draft Charter by Parliament postponed until the April 2001 session
- March – April 2000: Gather information on the shortcomings and ambiguities of the draft Charter and distribute them among strategic partners (Parliament, ministers, UNDP, NGOs, etc.)
- February 2000: workshop to analyse the draft Pastoral Charter attended by MPs and other strategic partners
- January 2000: GDRN5 participates in the training workshop on pastoralism and analysis of the draft Pastoral Charter

- July 1999: Committee established to monitor the recommendations of the workshop and NRM-related issues in Mopti region
- GDRN5 participates in a national workshop to endorse the Pastoral Charter
- April 1999: Legislation collected and studied, and MPs invited to a workshop to analyse legislation and local NRM practices
- National Director for the Conservation of Nature invited to meet with NGOs and local people

- November 1998: NOVIB approves funding for the five-year GDRN5 network programme (1998-2003) and transfers supervision of the programme to OGES
- July 1998: IIED funds the transitional phase of GDRN5

October 1997: GDRN5 conducts a self-evaluation and NEF submits plans for a five-year programme (1998-2003) to NOVIB

January 1996: NEF negotiates initial funding for GDRN5 with NOVIB under the supervision of SOS Sahel UK, sets up a central office in Sévaré and transfers tutelage to AFAR

November 1994: First inaugural meeting to set up the GDRN5 network under the auspices of SOS Sahel UK in Bankass

1992-1993: Discussions and consultations between NEF, SOS Sahel and CARE about institutional analysis and accountability of local institutions (*alamodiou, Waldé Kelka and Ogokana*)

1992

# 4 The bill on the Pastoral Charter

The network's involvement in the process of influencing the bill on the Pastoral Charter can be seen as an opportunistic initiative, particularly in view of the fact that GDRN5 initially had no mechanism for monitoring policies nor any lobbying strategies. Its ability to react to the draft Charter was largely due its participation in an action-research programme on shared management of common property resources (the SMCPR programme), which provided training on pastoralism in order to help raise its partners' awareness of the problems experienced by pastoralists in managing natural resources.

## Background to the bill

The draft Pastoral Charter is the product of a long process piloted by the Ministry for Rural Development, through the Regional Office for Rural Development and Amenities (DNAER) and with technical and financial support from FAO. By all accounts the need for a law on pastoralism was first formulated back in the 1990s, when it was realised that there were virtually no regulations covering livestock rearing, even though this was a key sector of the Malian economy, and despite increasingly frequent and bloody conflicts between farmers and herders over access to and use of rural land.<sup>12</sup> At the time there was no legislation specifically concerned with pastoral resources, and their management was covered by disparate regulations and pieces of legislation.<sup>13</sup>

The aim of the bill on the Pastoral Charter was to secure access to natural resources for pastoralists. Its conception should also be seen in the broader context of the various advocacy and lobbying movements that had emerged across the West African sub-region over the last decade, which had done much to promote recognition of their rights.<sup>14</sup>

---

12. In the Western Sahel (Yelimané, Niore and Diema Districts) a conflict between farmers and herders over rural land use lasted for over two years (1997-1999), claiming hundreds of victims from both sides.

13. Such as the law on the conditions for managing forest resources, the Water Code, and international agreements and conventions on transhumance.

14. The Praia Conference, the Regional Support Project for the Transhumant Livestock Rearing Sector (PRASET) funded by GTZ, and the Support Project for Local Development in the Sahel (PADLOS) within CILSS.

The process that resulted in the formulation of the bill on the Pastoral Charter began in 1995, when the service responsible for livestock rearing applied to FAO for funding for a study on local practices used to manage pastoral resources. The application was approved in 1996, and in 1997 DNAER and FAO started setting the terms of reference for the study and the methodology for gathering data and selecting sites. In March 1998 work began on drawing up an inventory of the norms and customs regarding pastoral land tenure in seven zones.<sup>15</sup>

The results of this inventory were presented at regional workshops held the following year, and a first draft of the Pastoral Charter developed by jurists and technicians was discussed and endorsed at a national workshop in July 1999. However, very few civil society organisations, particularly pastoralists and their diverse socio-professional organisations, participated in either the regional or national workshops. Few of the results of the inventory of norms and customs on which the pilot study had been based were incorporated into the draft Charter, and very little time was given to discuss and endorse it.

After consultations with the CESC, the bill on the Pastoral Charter was adopted by Cabinet and sent to Parliament for discussion and adoption in October 2000. Following its adoption by Parliament at an extraordinary session on 9 February 2001, the President of the Republic passed the draft Pastoral Charter into law on 27 February 2001.

## The role of the network in influencing the bill

After GDRN5 members had attended the national workshop to endorse the bill on the Pastoral Charter<sup>16</sup> it was realised that very little time had been allowed to examine it before it was put forward for adoption. Given the fact that very few civil society organisations had been involved in its formulation, it was felt that some kind of action was needed. In February 2000 the SMCPR programme helped the network organise a workshop to assess the draft Charter and identify its strengths and weaknesses with a view to influencing and, if necessary, adapting it to local needs and realities.<sup>17</sup> This workshop was attended by MPs, civil society organisations, technical services from Mopti region and NGOs.

A paper summarising the outcome of the workshop was published and circulated among all members and their partners, including MPs from the GDRN5 monitoring

---

15. These are the Western Sahel, the Central Delta of Niger, the Gourma, the Niger valley, the region of Kidal, the Lake Zone and the Sikasso-Koulikoro-Ségou zone, which is dominated by agro-pastoralism in which cultivated areas under cash crops are being continuously extended.

16. The network's participation in the national workshop was facilitated by IIED through the UNDP office in Mali.

17. For a detailed report on the analysis of the draft Pastoral Charter, see GDRN5 network 2000.

committee, FAO, UNDP and certain central services (DNCN, DNAER, etc.). As a result of the interest generated by this paper, the MPs on the GDRN5 monitoring committee promised to inform the network as soon as the bill came before Parliament.

This happened in October 2000, when it was sent to Parliament for adoption. Thanks to the vigilance of the MPs on its monitoring committee, the network was able to get hold of the bill and analyse it at a small workshop attended by GDRN5 members and certain civil society organisations. A summary of the results of this second analytical workshop was distributed among MPs on the monitoring committee, who then arranged a hearing and discussion session with the Parliamentary Commission for Rural Development and the Environment (CDRE) responsible for the passage of the bill. This session and discussions generated sufficient interest among MPs on the CDRE to prompt them to ask the network to propose some amendments to the bill, and submit them with supporting arguments. In the meantime the CDRE decided to postpone adoption of the bill until the next session of Parliament, in April 2001.

However, the bill was put forward for advanced adoption before the deferred date, at an extraordinary session of Parliament in January 2001. Once again, thanks to the vigilance of the MPs on the monitoring committee, the network was informed in time to come and defend its proposals before the CDRE, which had been expanded to include seven other parliamentary commissions.<sup>18</sup> Before meeting Parliament, GDRN5 analysed the bill for a third time and drafted a number of proposed amendments that were presented and defended before reporters from the eight Parliamentary commissions. It should be noted that at this session the network was supported by leaders of several civil society organisations, such as the President of the Mopti *Association des Jowro*, the President of the Malian National Union of Herders, and the President of the Mopti regional Chamber of Agriculture. A memorandum outlining the bill's weaknesses and proposing amendments to certain arrangements was prepared and distributed to all MPs present, and some of the amendments proposed by the network were taken into account when the bill was adopted by Parliament in February 2001.

On the strength of the role it played in getting the bill adopted, the network was officially invited by the authorities (DRAER, Mopti) to assist in formulating a draft enforcement order for implementing the Pastoral Charter. This was one of the first times that an NGO had been approached regarding the formulation of an enforcement order, which is a governmental prerogative in Mali. The network

---

18. There are 8 Parliamentary commissions, covering Finance, the Economy and Planning; Rural Development and the Environment; Labour, Employment, the Promotion of Women, Youth and Sport; Health, Social Affairs and Solidarity; National Defence, Security and Civil Protection; etc.

organised a workshop, inviting various grassroots civil society organisations to come and assist in the process and sending a copy of the draft enforcement order to all interested parties. This workshop also provided the network with the opportunity to incorporate its proposals for remedying certain omissions from the bill on the Pastoral Charter.<sup>19</sup> However, it should be noted that the enforcement order for this bill was still being processed in October 2002 when this paper was written, having been delayed by problems caused by the overlapping jurisdictions of the DNAER (which piloted the studies and the whole process of formulating the draft Pastoral Charter) and the DGRC (which is nominally responsible for formulating this type of implementing regulation). This hold up suggests that the network still has a significant role to play in the ongoing process, and we are in touch with officials from the two structures concerned regarding the evolution of the draft law.

### What was learned from the process

Since the inauguration of the Third Republic in 1991 the public domain has become increasingly democratised, and we should recognise the fact that the government has made commendable efforts to involve citizens in decisions that will impact on their lives. In this particular case, actors from civil society were encouraged to participate in the different seminars and workshops that were held in nearly every region while the draft Pastoral Charter was being formulated, particularly the nationwide studies of pastoralists undertaken as part of this process. It should also be noted that a national workshop to report back on the study attempted to bring together all stakeholder groups concerned with pastoralism in Mali, such as the state services, NGOs, pastoralist associations, etc.

However, the fact that the GDRN5 network intervened towards the end of the process, after the bill had been adopted by Parliament, meant that we had little room to manoeuvre or opportunity to engage in discussions with decision-makers, particularly those in national institutions. In view of what we learned about lobbying and the process of formulating laws in Mali, it seems that Parliament was not necessarily the best level at which to try and influence the bill.<sup>20</sup>

---

19. See Box 2 for a brief analysis of the bill on the Pastoral Charter.

20. See Appendix 1 for a description of the process of formulating laws in Mali.

## The process of formulating legislation and policies

The points below summarise the main lessons learned about this process:

- **Institutions of the Republic are starting to fulfil their roles.** These institutions are becoming more functional and effective, despite their relative “youth” and the usual problems associated with a lack of human and material resources. The process of adopting the Pastoral Charter demonstrated that the CESC and HCC are capable of discharging their duties, and showed the seriousness with which Parliament deployed its commissions to analyse the bills. Nevertheless, central government ministers continue to play a major role and wield immense power in the formulation of laws and policies, although they are making more effort to play the game according to the rules. The political evolution of the country may be slow, but it is generally moving in the right direction.
- **Lack of any formal mechanism for involving civil society.** The fact that there is no law formally stating that civil society should be involved in decision-making processes means that the government has the power to decide whether or not it wishes to consult with elements of civil society, as was the case with the draft Pastoral Charter.
- **Lack of any monitoring system.** Under the Malian system there is no formal mechanism for identifying problems that could be resolved by legislation or policies. Most legislation is formulated as a selective response to social or political crises, such as strikes, uprisings, conflicts, etc. Legislation or policies are rarely evaluated to determine whether their implementation will actually resolve or exacerbate the problems experienced by local people.
- **Lack of participation by civil society in the process of formulating policies.** Civil society organisations have very little involvement in the process of drawing up terms of reference, designing tools, conducting enquiries, etc., which is wholly designed and managed by civil servants (pastoral experts, lawyers, land use planners) and international experts (lawyers, linguists, anthropologists). We found that CSOs and NGOs were unable to contribute much to the various workshops because they had so little time to prepare for them, and local people could not fully participate in the regional workshops because they were held within such a short timeframe. Moreover, the civil society groups (NGOs, pastoralist organisations) attending the regional and national workshops made very little impact because they were hugely outnumbered by representatives of the State. Just over ten of the hundred participants at the national workshop to endorse the draft Pastoral Charter were from civil society, and they barely

## Box 2: Some observations on the Pastoral Charter in the Republic of Mali

### STRENGTHS

- It recognises pastoralism, mobility and other strategies specific to pastoralism (Articles 1, 2, 4).
- It acknowledges the importance of livestock rearing ‘alongside’ farming in the national economy, suggesting the possibility of a genuinely equitable approach to the two types of activity, particularly regarding the conditions for securing rights (see discussion of the rationale behind the Charter).
- It takes a long-term view of sustainable pastoral development rather than simply aiming to stabilise the current situation, which is known to be very insecure in certain regions (Articles 4, 5, 9, 12).
- It recognises the pressure put on pastoral resources (particularly water points and pastures) by farming, to the extent that it almost seems to be aimed at protecting pastures from clearance for farmland (Articles 19, 35, 36, 37).
- It enshrines the principle of consultation between users and development actors (Articles 22, 32, 33).
- It establishes conflict management at the local level (Articles 59, 60, 61).
- It recognises that the livestock rearing sector makes a significant contribution to national and local economies (see discussion of the rationale behind the Charter).

### WEAKNESSES

- Overall, the charter presents a fairly compartmentalised vision of reality that tends to separate out different groups (farmers, herders, fishermen), activities (particularly farming and livestock rearing) and resources (pastoral and farming areas) Articles 48, 49.
- Articles 3, 31, 32, 33 do not specify what is meant by “community *bourgoutières*” and “private *bourgoutières*”, leaving their status open to confusion and interpretation. Do “private *bourgoutières*” refer to natural pastures where the ownership rights reserved for the Jooro are accepted as a given by the law? Moreover, the special treatment accorded the “*bourgou*” remains ambiguous. Since it is viewed as a natural pasture, like pastures in dryland areas, why should it be taxed when access to other natural pastures is free?
- Article 28: there is some confusion between this Article and the arrangements set out in Article 29 of Law 96-050 regarding the principles behind the constitution and management of local government lands. The Pastoral Charter indicates that access to pastures is free and open, while Law 96-050 stipulates that “local governments may levy taxes on pastures”.

- 
- Article 42 does not set out any specific measures regarding the sinking of private wells, which may lead to “affluent individuals” attempting to control and appropriate the surrounding pastures and exclude other pastoralists.
  - Articles 48, 49 and 50: these take a technical interventionist and development approach largely based on the production of land surveys and development plans. The recognition of productive use on the basis of customary and sustained occupation contradicts the very principle of mobility, as drought or other major events may temporarily force communities out of their usual areas for up to several years. In such cases the Charter ignores the concept of home grazing territories where priority rights are permanently recognised (particularly in nomadic systems).
  - Furthermore, classic land development plans compartmentalise land into farming or pastoral areas, etc., restrict movement and set norms for managing and using land (carrying capacity). This contradicts the principles of pastoral livestock rearing, which are based on livestock mobility, interlinked spaces, producers negotiating rights of access with each other, variable and dispersed resources and delicate ecological balances. Pastoralists cannot be confined to strictly limited pastures because this would require complete control over all the production parameters of the biomass and water resources. With the exception of favoured areas such as the Niger Delta, the extreme variability and instability of natural resources in the Sahel caused by climatic hazards means that they cannot be controlled. The lessons learned from experiences in Senegal (see *Thébaud, B.; Grell, H.; Miede, S. 1995*) highlighted the fact that it is livestock mobility, not modern interventions, that make the pastoral system in the Sahel effective, while also helping to maintain an ecological balance.
  - Articles 56, 57 and 58 highlight the contradictions inherent in Article 72 of Law 95-034 regarding the Local Government Code. The latter requires mayors to consult with councillors from villages, pastoral groups and neighbourhoods when organising pastoral activities, while the Pastoral Charter indicates that “local governments should manage pastoral resources with the participation of pastoralist organisations and in consultation with other natural resource users”. The privileged position of pastoralist organisations may not only cause confusion but could also create conflicts of jurisdiction between them and local governments. Law 96-050 stipulates that “the organisation of pastoral activities is regulated by local government council offices in collaboration with professional organisations and the relevant technical services, in accordance with laws and agreements”, while the Pastoral Charter focuses on local governments collaborating with pastoralist organisations over questions related to pastoral activities.
-

participated in the discussions and debates as some only received their documents on the actual day of the workshop. Furthermore, the fact that these were not translated into local languages meant that some delegates from civil society could not participate in workshop sessions at all, because they did not understand the language in which they were conducted.

Time, human resources and money are required if local people are to be able to participate meaningfully in policy formulation. Moreover, participants need to be *representative* and *legitimate*, and to have the *capacity* and *knowledge* to engage in the discussions involved in the decision-making process.

### **Lobbying by the network**

The procedure used for lobbying also highlighted several important points, which are summarised below:

- **Lack of contact with decision makers prior to the process of policy formulation.** The network was hampered by the fact that it had no direct contact with the national technical structures responsible for piloting the process. After the workshop to analyse the draft Charter, the regional services present were advised that they themselves should inform their hierarchical superiors about the outcomes of the workshop. Although this seemed a good idea at the time, it turned out to be a strategic error by the network, which has often been accused by the central services of “undermining” their system.
- **MPs need more training, as they lack the capacity to analyse the legislation put before them.** Elected members of Parliament are not only hampered by the type of training they receive, but also by the shortcomings of the human resources (expertise) provided by the State. Because they often don’t know which structures or civil society organisations they should contact to help them understand and analyse laws, MPs usually accept the opinions of the civil servants made available by the State. This “irregularity” means that most of the legislation submitted to Parliament by the executive is adopted without any kind of in-depth or critical analysis. Clearly it is not enough just to tell MPs whether or not a law is good, as the law in question needs to be thoroughly analysed beforehand so that its shortcomings can be understood. It should also be noted that the technical advisors made available by the State to advise Parliament may not always act independently, and that Parliamentary decisions are likely to reflect that fact that most members of Parliament and the Government belong to the political party holding power.
- **Civil society organisations lack analytical skills and the capacity to negotiate with decision makers.** Because they have not been in existence for

very long, few civil society organisations understand the mechanisms and machinery for formulating laws and policies, and are thus unaware of the opportunities available to them. In our experience, this meant that the network was often unable to exert much influence because it had no well-informed partners to mandate its lobbying activities. When we started out, certain decision-makers saw the network as a small local structure that was only concerned with defending the interests of Mopti region. In order to persuade decision-makers of the legitimacy and national relevance of the concerns expressed, we had to bring on board other civil society organisations, such as SYNEM, the *Association des Jowro*, NGOs from other regions, etc.

- **The cost of lobbying activities.** Conducting studies, analysing laws or policies, contacting the relevant authorities and organising hearings requires a considerable investment in terms of time, and human and material resources (travelling and communication). For example, it took over a year to complete the process for the Pastoral Charter.

Summary of the network's strategy for influencing policy		
Activities	Objectives	Actors involved
<p><b>1. Legislation and regulations in respect of NRM</b></p> <p>1.1 Research and gather current and proposed laws regarding NRM</p> <p>1.2 Analyse legislation and conduct case studies on local NRM practices</p> <p>1.3 Invite national institutions (DNCN, Parliament) on field visits</p> <p>1.4 Set up a committee to monitor the recommendations made at the workshop</p>	<ul style="list-style-type: none"> <li>• To have access to the relevant information</li> <li>• To pre-identify the strengths and weaknesses of the relevant legislation and practices</li> <li>• To understand local realities, and the discrepancies between the law and local practices</li> <li>• To ensure that the resolutions and recommendations made at the workshop are followed through</li> </ul>	<p>GDRN5 members</p> <p>GDRN5 members and external consultants</p> <p>GDRN5 members</p> <p>GDRN5 members, MPs and partners</p>
<p><b>2. Bill on the Malian Pastoral Charter</b></p> <p>2.1 Training on pastoralism</p> <p>2.2 Organise workshops to analyse NRM legislation and the Pastoral Charter</p> <p>2.3 Publish and distribute workshop reports and proceedings</p> <p>2.4 Identify strategic allies (MPs, members of the government, international organisations, heads of technical services)</p> <p>2.5 Study on the mechanisms for formulating policies</p> <p>2.6 Organise periodic meetings of the committee responsible for monitoring the recommendations made at the analytical workshop</p> <p>2.7 Formulate proposed amendments to the bill and disseminate them among allies</p> <p>2.8 Organise and run conferences and debates with Parliamentary commissions and strategic allies</p> <p>2.9 Organise a workshop to formulate proposals for the enforcement order for the Pastoral Charter</p>	<ul style="list-style-type: none"> <li>• To understand the logic and dynamics of pastoral systems in the Sahel</li> <li>• To identify the strengths and weaknesses of the legislation</li> <li>• To inform stakeholders about the outcome of the workshops</li> <li>• To target decision-makers</li> <li>• To enable members of the network to understand the mechanisms of policy formulation and enable them to better position themselves in their lobbying activities</li> <li>• To get a progress report and an update on any hold ups and proposals for continuing the process</li> <li>• To inform allies of the proposals</li> <li>• Explain and justify the proposed arguments and provide MPs with the tools to do so</li> <li>• Contribute to the formulation of the adapted enforcement order</li> </ul>	<p>SM CPR partners, external consultant</p> <p>GDRN5 members, consultants and partners</p> <p>GDRN5 members</p> <p>GDRN5 members</p> <p>GDRN5 members, external consultant and SM CPR</p> <p>GDRN5 members, MPs and partners</p> <p>GDRN5 members</p> <p>GDRN5 members, MPs on the monitoring committee and partners</p> <p>GDRN5 members, DRAER/Mopti, technical services and socio-professional organisations</p>

# 3 Key principles for influencing policies more effectively

Our experience demonstrates that there is no special formula for influencing policies on natural resource management. The main thing is to be ready to seize whatever opportunities arise and to observe certain principles regarding strategic procedure, both before and during the process of formulating and adopting draft legislation or policies.

## Forward planning

This needs to be done while a bill is being formulated by the central technical services and office of the ministerial department concerned, before it is adopted by the Cabinet. Because MPs do not have the tools to analyse legislation it is very difficult (even for Parliament) to change a bill once it has been adopted by the Cabinet. The points below summarise some of the lessons we learned about influencing the process before it gets going:

- Research, identify and **develop alliances** with ministerial offices and national and international institutions, and use sources close to them to find out about legislation and policies that are being formulated or processed. It is also important to establish alliances with the various institutions of the Republic (CESC, HCC, etc.), as they are usually consulted about policies and legislation.
- **Facilitate and promote exchange and consultation** with both grassroots actors (rural communities) and decision-makers (national institutions) in order to understand their concerns. It is also important to develop synergy with external agencies (NGOs, IOs) that are committed to supporting NRM.
- Develop a good **communication strategy** so that you can generate and feed into reflection and debate through newspapers, local radio stations, television, audio cassettes, etc. Beforehand, it is important to **analyse legislation or policies** that are being formulated, and to inform decision-makers (national institutions and institutions of the Republic) about your concerns.

- Periodically **evaluate local practices and the application of legislation** to highlight discrepancies and contradictions, and inform decision-makers about your findings.

### Once the process is under way

Once a bill has been passed by Cabinet it goes through Parliament, is promulgated by the President of the Republic and then implemented. This is a tricky phase, in that (as we discovered) it is difficult to change a bill once it has been adopted by the Government in Cabinet, and it is a long process requiring a considerable investment of time and human and material resources. We would advise civil society organisations such as NGOs to adopt the following strategic procedure:

- **Properly target the group you want to influence** in order to focus your energies, and if necessary take officials (members of the government, MPs, national directors, donors, etc.) on field visits so that they can see and understand the discrepancies and contradictions between local practice and legislation.
- **Make sure you are well prepared and have a thorough understanding of the draft legislation you want to influence.** This will entail conducting studies and consulting with the actors concerned (interest groups, villages, municipalities, etc.) about the draft legislation in question, to ensure that you understand their viewpoints and concerns.
- Develop and implement a **communication strategy**, using every available channel of communication (newspapers, radio, television, etc.) to inform people, in local languages, about the shortcomings of legislation.
- **Reinforce the capacities of MPs and civil society organisations** to enable them to analyse legislation and marshal their arguments. Also, organise workshops/debates between elected parliamentary officials and representatives of local NRM structures, so that the people that pass legislation can hear from those that have to live with its consequences. Similarly, help and support MPs in writing proposals for laws. Although this is their legal prerogative, it is rarely used because very few MPs have the skills or human and financial resources to do so. Also, try and encourage discussions with MPs in order to oblige the government to ensure that bills are accompanied by the relevant implementing regulations.
- **Encourage monitoring and evaluation of current legislation.** Reporting back on these evaluations will provide an opportunity to involve national actors in the thought process, and to assess the degree to which legislation will resolve the problem it was formulated to address. Use your relationships with institutions of the Republic and ministerial departments to raise the issue of, and instigate, monitoring and evaluation of policies and current legislation.

## Some practical tips on lobbying activities!

### 1. *You must*

- Choose policies or legislation that are topical, relevant and which affects peoples' lives.
- Make sure you have a thorough understanding of the issues involved.
- Resolve internal issues within your organisation, such as: What is our vision of the problem? Do we have the human and financial resources to see the process through to the end?
- Lead actions in coalition with other organisations working towards the same ends. This means that you can share resources and tasks, and it gives your arguments greater weight and credibility.
- Secure maximum public support at local or national level, and develop and use links with the media to further your cause.
- Build a lasting and constructive relationship with the government so you can get to know more about its procedures, positions and the breadth of public support for what it is doing. When you are working for long-term change you have to take a long-term view of your relationship with the government.
- Set up a system for monitoring and evaluating policies, so you can monitor their evolution and see whether or not they address the issues concerned.
- Watch out for and seize every opportunity that arises.
- Broaden and strengthen your coalition and international solidarity by building up north-south and south-south partnerships.

### 2. *At which levels should you intervene?*

The three most effective levels of intervention are Parliament, central government and, at local government level. The weak link between them is central government, which is not actually a direct interlocutor of civil society.

**Parliament:** Article 75 of the 12 February 1992 constitution states that both Government and members of Parliament have the right to instigate laws. This means that MPs can take the initiative to make a law, provided that it does not affect the State budget. CSOs and other organisations can use this opening to initiate and push through innovatory or corrective legislations by helping to formulate arguments that demonstrate the damage done by implementing certain laws. Groups of NGOs can also lobby MPs from their respective districts regarding bills on which they have not been consulted, and which do not take account of the concerns of the communities they support.

**Government:** The most effective link in the chain at this level are central offices and their related services. CSOs/groups of NGOs should establish good, long-term relationships with them and build up information networks to keep up to date with government initiatives on legislation and regulations, so that they can analyse the legislation in question and share their concerns.

**Local government:** Different levels of local government (regional, district, municipal, village, etc.) enforce laws and formulate and implement regulations for their application (local agreements, orders and decisions). By consulting with them and facilitating exchange at these different levels, CSOs can become reliable and legitimate partners that are better equipped to play an active role in the lobbying process.

### 3. *Things to avoid!*

- Don't use lobbyists that have not been legitimised or given a mandate by the group concerned - lobbying activities should be undertaken by popular organisations themselves.
- Never use money or gender arguments to support your projects.
- Don't "go it alone" on issues if public opinion largely opposes your views.



# Conclusion

## 6

Our experience in influencing legislation and policies has shown that there are significant and complex challenges to be overcome in several areas.

Firstly, the institutional and political set up in Mali does not permit meaningful popular participation in preparations for the formulation of legislation and policies. Furthermore, the ability of civil society organisations to act and influence policies and legislation is hampered by their poor organisational and negotiating capacities. For civil society to participate effectively in the process, all actors need to be equally able to appropriate it. Time, resources and the ability to engage in dialogue are also required.

We also have to acknowledge that it is difficult, if not impossible, for a single law to incorporate the concerns of every community, given the innate instability, uncertainty and unpredictability of natural resources, and the different interconnecting relationships and interests of the various actors concerned (pastoralists and farmers, for example). Natural resource management in Mali illustrates the virtual impossibility of formulating a single law that is universally legitimate or applicable in a country of great ethnic and cultural diversity, and with a wide variety of natural resources.

The main challenge lies in reconciling this reality with the need for participation. It seems that participation at the national level is particularly vital in the formulation of sectoral laws, while framework laws call for less involvement at national level, but greater consultation at the local level (region, district, municipality, village, etc.).

### **The need for capacity building in civil society**

While civil society organisations in Mali have the advantage of involving a range of different actors, they generally lack the technical capacity to engage with decision-makers. They also lack transparency in the way that they function, and are affected by widespread illiteracy, hardship and the exclusion of certain sectors of society, such as women, young people, castes, etc.

Our experience raised several questions about the capacity of Malian civil society to effectively influence policies and legislation. Who are these organisations? How are they perceived by local people? Do they have the right to act? What kind of capacity building is needed to enable them to influence policies? Future actions by the network will aim to answer these questions.

### **Where does the network go from here?**

The role and responsibility of NGOs such as networks is not to act as a substitute for rural communities and CSOs in influencing policies, but to stimulate and support them in this process. In the context of our ongoing activities we have identified several priority areas for the short and medium term.

We will continue to train our members in order to strengthen their capacity to support local governments, village communities and associations in preventing and managing NRM-related conflicts, and to enhance the organisational and institutional capacities of civil society organisations. The network will also lead parallel actions to reinforce the process of monitoring the Pastoral Charter, particularly its translation into local languages, and will continue to monitor the formulation of the relevant enforcement order.

It should be noted that over the last two years the network has developed alliances with institutions of the Republic (Parliament) and national structures (DNCN, DNAER, DGRC), and in future particular emphasis will be placed on strengthening strategic alliances. As well as establishing relationships with institutions of the Republic such as the HCC and CES, the network will forge stronger links with Parliament<sup>21</sup> in order to initiate and get laws passed. We will also work in coalition with other bodies sharing similar aims, so that we can pool our resources and give greater weight and credibility to our arguments. We have already started doing this in the context of our project to influence policies on natural resource management in Mali,<sup>22</sup> developing close links with NGOs such as Inter-coopération and SNV, which respectively operate in Sikasso and Koulikoro regions. As part of the same initiative the network will identify potential allies in other regions with objectives that support sustainable natural resource management.

Another initiative will be to support the evaluation of the application of NRM legislation in rural areas. The results of studies and surveys conducted in the regions of Mopti, Sikasso and Koulikoro will be presented at regional workshops and then at a national workshop, and the network and its allies will implement the

---

21. Article 75 of the 1992 constitution stipulates that both Government and members of Parliament have the right to instigate laws. In other words, MPs can take the initiative to make a law, the only constraint being that it does not affect the State budget. CSOs and other organisations should take this opportunity to lobby at local and national level.

22. Supported by OMAES/PRSC.

recommendations of these workshops. Working with partners such as SMCPR and other interested parties, the network will continue to promote the sharing of experiences and shared and joint management of natural resources.

In order to succeed we need to develop long-term and constructive relationships with the government and get to know more about its procedures and positions. The next step is to foster information networks to ensure that we stay up to date with legal and regulatory initiatives at various levels, which will enable us to work in genuine partnership with the State. We will also continue to invite decision-makers such as elected officials, national directors, etc. into the field, so that they can see the realities for themselves and learn from local communities and NGOs. And to underpin all these activities we will formulate and implement a communication strategy that makes maximum use of the media (radio, television, newspapers, etc.).

Looking back over this experience, it can be seen how GDRN5 has developed and strengthened many strategic alliances at national and international level. This has not only enabled the network to extend its influence on a national scale and establish a sound coalition for effectively influencing the draft Pastoral Charter, but also to become a stakeholder in the implementation of several national, regional and international programmes.<sup>23</sup>

---

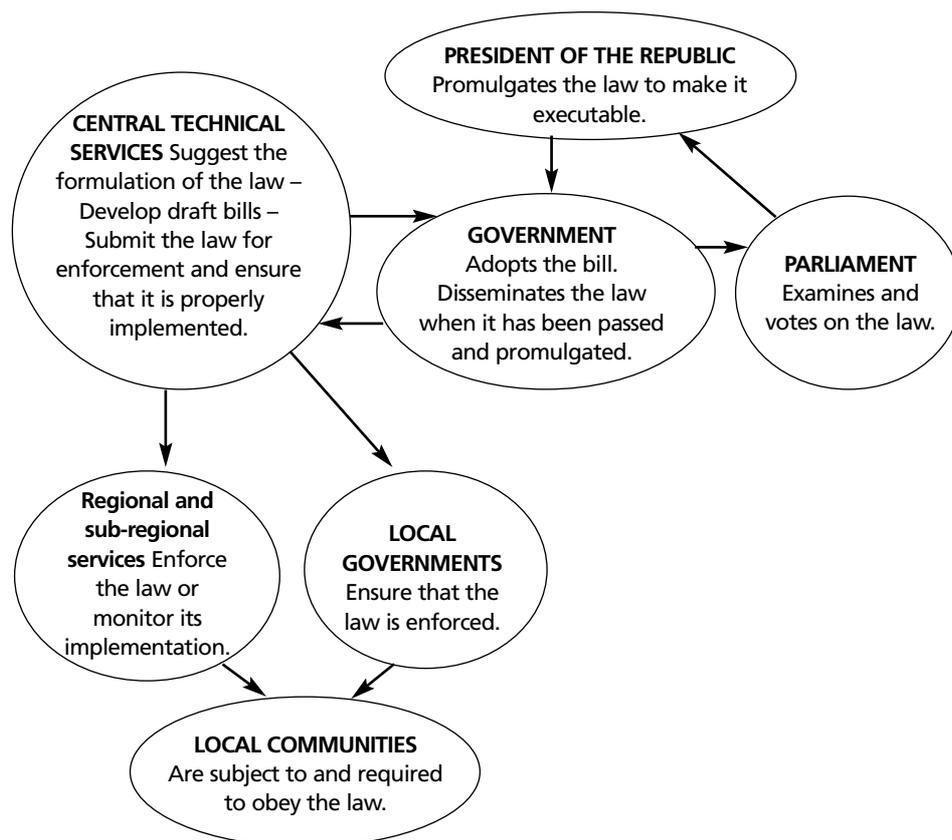
23. Such as the Malian Civil Society Support Programme (USAID/OMAES); the Regional Programme for Shared Management of Common Property Resources (IIED/SOS Sahel UK); Programme for Development in the Sahel (FEM/FIDA); the Programme for the Conservation of Bio-diversity in the Gourma (World Bank); and the "Making Decentralisation Work" Programme (IIED) etc.



# Appendix 1: The classic procedure for formulating legislation

## The process of formulating and adopting a bill

Article 75 of the Constitution (25 February 1992) gives both the Government and members of Parliament the right to initiate the formulation of laws. The procedure for formulating and adopting bills is illustrated in the diagram below.



As diagram above shows, laws are usually instigated by the government via its central offices, or at the level of the different ministries. However, getting a bill adopted is a long process that requires the intervention of various actors at several levels.

***On behalf of the Government:*** a draft bill is usually formulated by the central services after they have been advised of deficiencies or gaps in legislation. The available data is studied, hypothetical solutions proposed and supplementary information gathered if necessary. All this information is then summarised so that the first draft of the bill can be presented to the national office concerned. This is then sent to the relevant ministerial Cabinet for analysis, and to enable technical advisors and officials to consult and determine whether it is in line with national policy on this area. The bill is then sent to the *Secrétariat Générale de l'Etat* (Government General Secretariat), which organises inter-ministry meetings bringing together the General Secretaries and Technical Advisors of the departments concerned, before sending it in writing to the Cabinet for adoption. The *Secrétariat Générale de l'Etat* can seek advice from the Economic, Social and Cultural Council before the final draft is prepared, and the Constitutional Court must be consulted regarding institutional laws.

Edicts, or acts covering matters that normally fall within the legal domain, are passed by the President of the Republic and ratified by Parliament. The *loi d'autorisation* empowers the petitioning Government to carry out its programme, and should specify the timescale and legislative matters on which the Government is authorised to make edicts. Edicts come into force as soon as they have been published, but are rendered null and void if the bill of ratification is not submitted to Parliament before the date set by the law.

***On behalf of Parliament:*** Once a bill has been passed in Cabinet it is sent to Parliament to be voted into law. After it has been received and registered by the Parliamentary office, the *Conférence des Présidents* passes the bill on to the relevant specialist commissions - sending draft laws concerned with NRM to the commission for Rural Development and Environment, for example. The *Conférence des Présidents* also sets the Parliamentary work programme and ensures that it is communicated to the government. The commission working on the bill organises the necessary research and gathers any supplementary information required to understand the spirit of the law and identify its possible shortcomings. To do this it meets with representatives of state and non-governmental institutions (such as GDRN5), stakeholder groups and resource persons that might be concerned with implementation of the future law. These sessions culminate in a meeting with the Minister responsible for the issue, to share the concerns of the various actors involved, followed by a meeting of the commission to decide on the final amendments and possible recommendations to be made in a report to the plenary. Finally, the law is presented with the commission's report at a plenary session attended by the Minister

concerned, who presents the arguments and arrangements for the law before asking MPs to discuss and adopt it. It is then put to a majority vote and either accepted as presented or with amendments, or rejected.

*On behalf of the Presidency of the Republic:* A law thus voted in is sent to the Presidency of the Republic for promulgation. This is the act whereby the President of the Republic registers the existence of the law and makes it enforceable. In theory, laws should be checked before their promulgation to ensure that they are in accordance with the constitution. After this formality they are sent to the government for general publication and implementation, with an announcement in the official newspaper prior to their dissemination by the technical services among local governments and communities. Finally, by-laws (decrees, orders) are formulated and submitted for approval by Cabinet (in the case of decrees passed by Cabinet).

### **Formulation and adoption of a private members' bill**

Private members' bills are laws that are instigated by Parliament or by one or more MPs acting on information gathered through assessments and surveys. To be admissible, they must not affect the budget, as Parliament does not manage the State budget. The correct process is for a private bill to be received and registered by the Parliamentary office, made available to the *Conférence des Présidents* and sent on to the commission concerned. From then on private bills go through the same stages as a draft law: consultation – vote – promulgation – publication – dissemination and implementation.

### **Procedure for formulating implementing regulations**

Implementing regulations set out rules that are aimed at specific abstract individuals or groups. They are of a general nature because they determine the rules governing large numbers of persons or institutions, and are also permanent in that they are valid until repealed. They are developed in response to requests from different groups of actors, the administration's perception of real social need, or the need to act in a particular area in order to achieve certain objectives.

There are two kinds of regulations: autonomous regulations, and regulations regarding the application of laws. The former are drawn up by the government on its own initiative in respect of matters not necessarily covered by the law. The latter are designed to specify legal arrangements and set the modalities for their application (decrees,<sup>24</sup> orders<sup>25</sup> and decisions<sup>26</sup> to implement).

---

24. A decree is a regulatory act passed by the President of the Republic or the Prime Minister. It is one of the most important regulatory acts, which is generally passed to manage important issues, appoint civil servants to high-level government positions, or set the modalities for implementing certain laws.

25. An order is an enforceable decision taken by a minister in the case of a ministerial order, and by several ministers in the case of an inter-ministerial order. Ranking below a decree in terms of regulatory acts, it is the expression of regulatory power that permits ministers to make arrangements for the organisation and functioning of the services within their jurisdiction. High Commissioners, Presidents of Regional Assemblies, Presidents of District Councils and Mayors are also invested with regulatory powers permitting them to make a ruling by order.

26. A decision: the various administrative authorities take decisions regarding matters within their jurisdiction. The hierarchy of decisions depends upon the rank of their authors, meaning that a decision taken by a minister takes precedence over one taken by a High Commissioner.

Regulations formulated according to uncontested administrative procedures are subject to certain formalities, which are generally intended to democratise decisions and make them more acceptable to the populations concerned.

The law may stipulate that the administration seeks advice from particular bodies before it makes certain decisions. These bodies are councils, committees, commissions, unions, professional groups, etc. One of the following three types of advice may be required to make a decision:

**Optional advice:** in this case the administration has no legal obligation to ask its constituents for their viewpoint on a specific issue, but does so anyway. This type of advice is not binding for the administration.

**Discretionary advice:** this applies to cases where legislation specifies that the administration seek advice, while leaving it free to reach its own final decision.

**Compulsory advice:** here the administration is obliged to seek advice. Although it is not bound to follow it, failure to seek such advice may nullify the bill.

Although certain particularly dynamic pressure groups may benefit from the consultation entailed in seeking these different types of advice, it may also either result in responsibility for the decision taken being attributed to a particular body, or in the decision-making process becoming so cumbersome as to make it impossible to reach a decision.

Administrative legislation comes into force as soon as it is passed, while legislation concerning private individuals must be publicised before it can be implemented, through announcements and notification of those concerned.

### **The main actors involved in formulating, adopting and enforcing legislation and regulations concerning natural resource management**

Until 1992, the year of the Rio de Janeiro World Summit on the Environment and Sustainable Development, NRM activities in Mali were sectoral and restrictive. Environmental issues have subsequently become increasingly important, and a whole institutional framework has been put in place to manage them. The main actors involved are:

- Parliamentary MPs, who vote on laws after studying them and consulting with the relevant stakeholder groups;
- General advisors from the *Haut Conseil des Collectivités*,<sup>27</sup> who have to give well-founded advice on all local and regional development policy, and specifically on environmental issues;

---

27. This was not yet operational in March 2002.

- Advisors from the Economic, Social and Cultural Council (ESCC), which has jurisdiction over all aspects of economic, social and cultural development. The ESCC must be consulted about all legislative arrangements of a social nature;
- Technicians from different ministerial departments and national central offices, who often instigate and oversee different pieces of legislation.

### **Magistrates from the judiciary**

Judicial power operates through two main jurisdictions. One is the Constitutional Court, which assesses whether or not legislation conforms to the constitution of the Republic in cases of constitutional or institutional law. The other is the Supreme Court, which assesses whether or not administrative legislation conforms to the spirit and letter of the law, particularly at the level of the administrative section, but also in respect of judgements given by tribunals dealing with internal disputes in the civil service.



# Bibliography

## 1. Various reports written by the GDRN5 network

Cissé, M. Doumbia, I. (2002) : *Evaluation de l'application des textes de loi de GRN auprès du monde rural*. Réseau GDRN5, Mopti. (Evaluation of the application of NRM legislation in rural areas)

Gubbels, P., Konaté, A. B., Bocoum, A., Allen, M. (1998) : *Auto-évaluation assistée du Réseau GDRN5*. GDRN5, Mopti. (Assisted self-evaluation of the GDRN5 network)

Haidara, Y., Bocoum, A., Konaté, A.B. (2002) : *Rapport d'Auto-Evaluation du Réseau GDRN5 98/2001*. GDRN5, Mopti. (Report on the self-evaluation conducted by the GDRN5 network)

GDRN5 (2000): *Atelier d'Analyse du projet de loi portant charte pastorale en République du Mali*. Rapport Final. (Workshop to analyse the draft law on the Malian Pastoral Charter)

Konaté A B (1992): Les institutions traditionnelles de police environnementale "les Alamodiou" dans le Cercle de Bankass, PPE-B/SOS Sahel GB. (Traditional institutions for environmental policing: the *Alamodiou* in Bankass District)

## 2. Publications

Hesse, C. (2001): Gestion des parcours: qui en est responsable et qui y a droit? in *Elevage et gestion de parcours au Sahel, implications pour le développement*. Ed. Tielkes, E., Schlecht, E. et Hiernaux, P. Verlag Grauer, Beureu-Stuttgart.

Thébaud, B., Grell, H., Miehé, S. (1995): *Recognising the effectiveness of traditional pastoral practices: lessons from a controlled grazing experiment in Northern Senegal*. IIED Issue Paper No.55.

### 3. Other reports and documents

Plan National d'Action Environnementale et Programmes d'Actions Nationaux de la Convention Contre la Désertification (PNAE /PAN-CID), ME, May 1999. (National Environmental Action Plan and Programme of National Actions from the Convention against Desertification)

Touré, M.D., Kanouté, A., Sangaré, I. (1993) : *Analyse institutionnelle et de prise de responsabilité par les associations paysannes (traditionnelles) de gestion décentralisée des ressources naturelles*. CARE-Mali. (Institutional analysis and assessment of the accountability of (traditional) rural associations for decentralised NRM)

Winter M : La formulation des politiques en matière de gestion des ressources naturelles. PRGCRN (GDRN5-SOS Sahel GB-IIED), Nov 2000. (NRM policy formulation)

GDRN5 network and Hesse, C. (2000): *Pour une analyse critique des dispositifs du projet de loi portant Charte Pastorale*. (Critical analysis of the arrangements of the draft law on the Pastoral Charter).

Law 68-8/AN-RM on the management of forest resources

Law 86-42/AN-RM on the Forestry Code

*Rapport détaillé de l'analyse du projet de la Charte Pastorale GDRN5 (2000)*  
(Detailed report analysing the draft Pastoral Charter)