

*Making Gender and Generation Matter for Sustainable
Development*

IIED

GENDER AND ACCESS TO LAND AND NATURAL
RESOURCES IN MALI AND NIGER

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1. Why?

In West Africa (Mali, Burkina Faso, Senegal and Niger) decentralisation and the establishment of local government structures are opening the way to more representative democratic processes. One hope is that as a result of this process women will get more involved in public life. The vast majority of people and consequently women in these countries live in rural areas and rely on natural resources for their livelihoods. Therefore, better participation in decision-making at the local level should mean that they are able to improve and secure their access to natural resources (including land) as well as to public services.

During the second phase of IIED's [Making Decentralisation Work Programme](#), we investigated how women's capacity to become more involved in decision-making at the local level could be strengthened, particularly in terms of access to land and natural resources.

2. Context

Transformations in Land Tenure Systems

Customary systems continue to play an important role in the management of land in much of rural Mali and Niger where land allocations are generally made on the basis of one's position in the family, gender and age. But these systems are changing as a result of climate change with the threat of more droughts, increased desertification and more competition over natural resources particularly irrigated land. In addition demographic growth, the development of markets and other modernising trends also influence land tenure systems. Demographic pressure leading to land scarcity leaves women's livelihood options dependent on remaining land availability or their abilities to generate alternative incomes. Where families have no economic opportunities outside of agriculture, the needs of family heads and men tend to be prioritized. In these cases it is not uncommon for women to find women relinquishing use rights and taking up agri-processing and trade activities.

Among Hausa communities in Niger, for example, customary chiefs grant access to land to families as they clear it and add infrastructure such as water points in order to grow crops. The traditional practice for improving soil fertility is to leave land fallow, as a result new more distant fields are constantly being sought and cultivated. This in turn leads to the establishment of new farming hamlets which give rise to the development of new villages and the expansion of agriculture. This system of production depends on the constant availability of new land. But in agricultural areas land is becoming more scarce. There is no more bush to be cleared.

Traditionally, it is the head of the family who manages collective land and organises the agricultural work. The farm unit is a family asset and it is managed in such a way as to meet the needs of all family members. Individual fields are also cultivated according to a time table that allows people to spend two or three days a week

working their own fields. In summary, the head of the family manages land and agricultural production drawing on family labour to ensure that everyone's needs are met. And while individuals (women and men) work on the family plot they also have access to their own land which they can cultivate to meet personal needs. It should be remembered however that under customary systems access to cultivate land for individual ends does not equate to secure primary rights over this land. It is still the head of the family who retains ultimate decision making power over land and who can have access to it.

For centuries, traditional systems of land management enabled families in Niger and Mali to meet their needs but recent experience from many parts of Africa shows that growing population pressure and the development of market economies have given rise to significant changes in land tenure practices. The combined effects of population growth and commercialisation of land-based activities have increased pressure on land and raised its monetary value, undermining its social, cultural and spiritual significance. The process of and pressure for privatisation and efficient land use have increased the individualisation of tenure. Within this context competition between men and women and between generations often leads to the edging out of women and young men from access to productive resources, as family property is effectively privatised by older men.

Land rights

Within traditional systems in Mali and Niger, several layers of interest in property are recognised to be legitimate, and tenure rules recognise a bundle of multiple, overlapping rights over the same land. These are generally categorized as primary rights where a person has ultimate decision making power over land and secondary rights which generally confer the right to use land. For example, a women or young man may have the right to cultivate a plot of land to meet personal needs but they do not have primary rights over this resource as this is retained by the family head or customary chief.

In addition women's responsibilities and rights to land change and over their lifetime as determined by their status as girls, married women, grandmothers and widows. For example, in Zeguesso village in the cotton producing zone of Mali, traditionally women do not have individual access to land, rather they work as labourers on their husband's or father's land. When they are about 40 years old after the arrival of the first grandchild these women then ask to be relieved of their duties in the field and take on responsibility for looking after grandchildren. The needs of the whole family are met by the output from communal fields which are managed by men, so in this case it is argued that women do not need access to individual plots. In order to meet personal needs women are given access to the products from trees (such as shea nuts) which they collect and process either for sale or for consumption. However, if a woman becomes a widow it is recognised that she must provide for her children. In this case she is given access to her husband's land until her eldest son can take over.

Lack of new land for agriculture has led to the fragmentation of existing plots as families subdivide the land they have to provide access to the next generations. This process of farm fragmentation has contributed to a progressive but fundamental change in the traditional management of rights to land leading to the individualisation of land ownership. This has a profound effect on women's use rights. Whereas under traditional systems women and young men were guaranteed use rights to land either for family or personal production, as rights over land become individualised

women and young men tend to lose out. Women from the most vulnerable households (especially those from young households) are mostly likely to be excluded from land and agricultural activities. For example, our study found that some young married women in Jiratawa village in the Maradi region of Niger are being excluded from all farming activities. The small size of their family plot means that their labour is no longer needed. In addition their husbands are not able to provide them with access to a small plot which they could farm to meet their personal needs. To make matters worse, in this part of Niger, there are few alternatives for married women to secure their livelihoods and meet their socio-economic responsibilities. As a result these newly wed young women rely on their grandmothers and mothers who still have access to land to provide them with the means to meet their social obligations and personal requirements such as providing gifts for marriages and baptisms, money to purchase cloth to make clothes, or a goat to generate a small income etc. For the young women of Jiratawa the chain of solidarity between generations plays an important role, securing their livelihoods and position in the village but it is not clear how long this can last.



Gathering grain in Gazori in the Maradi region, Niger

Photo: Marie Monimart

Young men in Jiratawa also have difficulty in securing rights to land. They try to make a living by market gardening and farming on small, rented, borrowed or inherited plots. Travel to other villages, towns or urban centres is too expensive for these men so they can only sell their produce in local markets where prices are lower. This creates a large pool of agricultural labourers who will not obtain primary rights over land and who have to work for low pay, remaining unable to establish their own family households.

A second important factor in changing land rights is the commodification of land as it acquires a market value. The most obvious effect of these changes to land management is the greater and accelerated social differentiation between the rich and the poor as primary rights over land are concentrated in the hands of relatively wealthier individuals or families.

Rural production in Mali and Niger

Small scale agricultural production dominates the rural economies of Mali and Niger. In both of these countries the vast majority of the rural population rely on crop cultivation and herding for their livelihoods. But these production systems are changing as populations increase, land and resources become scarce, the economy is monetarised and agriculture is modernised.

Agricultural land is becoming more scarce. During our study we found that modes of access to land were more diverse where pressure on this resources was greatest. In addition in these cases the marginalisation and sometimes exclusion of women and other vulnerable groups was also highly prevalent. For example in the Office du Niger in Mali (a large irrigation scheme) access to land is becoming more and more difficult as families grow but the number and size of irrigated plots remains the same. In 1999 there were 12,900 "farms" or irrigated plots allocated to heads of families¹ in the scheme (World Bank 1999), compared to 35,000 during our study. This means that some families now rely on plots as small as 0.25 ha for their livelihoods. It is not surprising therefore that we found that in one village no women had titles to plots despite the Office du Niger's policy of equal access for men and women to irrigated plots. Men were also under pressure as their plots of land were too small for them to be able to allocate access to other members of their family. In order to meet their social obligations these men were forced to negotiate outside of the family to see if they could find some land for their wives and sons to cultivate. In this situation, women can find themselves completely dependent on their husbands and young men can no longer establish their own households as there is not enough land for them to set up their own family. We encountered men as old as 40 who still had dependent status because they were not able to obtain sufficient land to establish a family.

In areas where land is saturated the backbone of the rural economy, agriculture, is under pressure. The farming land available is no longer adequate to meet the needs of a growing population. In this situation women and young men are losing out.

Decentralisation and Land Tenure

Within this context of land scarcity the governments of Mali and Niger are establishing decentralised local government systems. In Niger, decentralisation and the implementation of the Rural Code, attempt to address a range of problems caused by the fact that it does not have one single Land Law.

The Rural Code provides for land commissions to be established in each of Niger's departments, municipalities and communities. At the municipal level these commissions are responsible for maintaining the rural land register, issuing land titles, monitoring land use, securing common pool resources and issuing certificates relating to priority use rights on village land. In theory women are to be systematically represented at every level of land commission structures although the quantity (the 10% minimum for female representation is often a maximum) and quality of this participation is an issue particularly at decision making levels. The

¹ Almost no plots were allocated to female household heads. In addition many more people, including women, work as farmers in the scheme and more than 150,000 people live in the area.

main merit of this new approach to land management is the democratic openness it allows. It is no longer only the customary authorities that regulate land matters but local officials and land commissions also have a say.

In Mali, formally registering claims over land is more complex. Individuals usually gain access to land ownership by acquiring use rights, through customary systems, through gifts or purchases between villagers or by being allocated rural title by the State. The first step to obtaining a title is to get a surveyor to draw up a plot plan, which is submitted to the Prefect along with their application and various other documents. This application is circulated to the head of the cadastral division of the national land office, the head of agricultural engineering and the head of land services in the district. Once the Prefect has received a positive response from these three services he can start the public land inquiry. This is to be announced in the national daily newspaper *l'Essor*, and an agent from the district land office goes to the village on the date specified to register declarations and minute any discussions regarding the site. These minutes are signed by the village authorities to testify that that local customary rights to the land have been relinquished and signify their consent to the title. This is a long and costly process dominated by men making it very difficult for poor and illiterate men and especially women to register claims.

In terms rural land tenure and the management of natural resources, therefore, the decision-making power and authority of local government is weak as the registration of land title is managed by central government. Moussa Dijre a Malian legal expert likened local governments to shepherds without sheep in this regard. They have responsibility for local development but none of the decision making power over land resources required to fulfil this obligation. Worse still in the Zeguesso study site local government seems to have further complicated processes for registering land claims or agreements for natural resource management. As a result local people do not look to local government for assistance in registering land. Consequently, the possibilities that decentralisation could open up to women and marginalised groups for more equitable access to land and natural resources have not yet been realised.

3. What we did

We began this programme of action research in Niger and Mali where we carried out in depth case studies in many different agro-ecological regions. These ranged from densely populated areas with relatively high levels of rainfall, where crop cultivation is the main activity to more sparsely populated zones where rainfall was low and pastoralism was the dominant activity. Fieldwork was carried out to understand better how women's access to land is changing in these different contexts. The results were documented in a report (Diarra and Monimart, 2006) and in the field reports from Mali. These reports were shared with a wide variety of partners.

Niger

Fieldwork was carried out in 7 agro-ecological zones followed by a workshop to report findings back to the community and to discuss the challenges the results raised. For example, the constitution of Niger declares equality between men and women. However, when witnesses are needed to register land transactions, two women are asked to witness as the equivalent of one man as is the practice under Islamic law. We saw this conflation of Islamic and customary law in many study sites in Niger. Another example was in Jiratawa where young women are excluded from agriculture. In this case families used the practice of confining women to the home as a reason for excluding women from agricultural practice. Normally women's

confinement to the home is a sign of relative wealth as she is not required to work outside the home to help meet the needs of the family. In this case, however, women are confined as a result of poverty, of not having enough land to give them access to farm individual plots.

Another problem discussed at this meeting was the registration of land claims. Because traditionally women are not involved in public or official affairs they do not go themselves to register their land rights with the local land commissions. Their husbands do this on their behalf. In our discussions with local land commissions we found that on some occasions these claims were registered in the husband's rather than the wife's name. In a context of polygamy this can be potentially explosive because if the land is registered in the husband's name upon his death it will pass to his sons. If the husband had more than one wife these may not be the sons of the woman who is working the land and who paid for its registration. In this case the sons who inherit the land may evict her. The issue can become conflictual involving the courts and high costs. It may even lead to violence between families. It is these kinds of situations that participants at this meeting discussed in order to find ways to resolve this delicate issue.

In the long-term there is a risk that the continued superposition or co-existence of three legal systems at the level of land commissions will create difficulties and confusion.

Mali

In Mali we partnered with organisations already working in the communities we visited to carry out the fieldwork in 5 agro-ecological zones. After we had completed our visit to each site we held feedback meetings with representatives of these organisations and varying combinations of people from local government authorities, producer organisations, and the communities themselves. In each case this was a chance for the people at these meetings to discuss and reflect on the issues the research identified, sometimes this was about women's access to land in particular at other times it was about broader development issues including governance and access to natural resources. On our return to Bamako, we held a meeting to present and discuss our findings to a wide range of NGOs working in the country.

The discussions centred around:

- Changes in agricultural production systems as a result of population growth leading to the exclusion of women and young men from agriculture and changes in traditional land management practices and in the ways that people access land.
- The failure of decentralisation. In the five study sites the main finding with regard to decentralisation was that it remained unknown and little understood. "Decentralisation is someone whose coming was announced a long time ago but who has still no arrived, like democracy" – a quote from a meeting in Menaka. While communities may know their locally elected officials, their roles and responsibilities in local development processes remain a mystery.
- Traditional social recognition still relies on agricultural production. For older men this means being able to fulfil the obligation of looking after/providing for the family. The only change is that family groups have become smaller. In Sare Seyni in Mali strong hierarchies based on age, gender and ethnicity persist determining access to land and natural resources. Although some marginalised groups are beginning to challenge these hierarchies through the

formation of cooperatives which include women and men to low social status. Discrimination as a result of caste structures is also persistent determining a persons status and access to natural resources. For women however, matrimonial status is at the heart of securing access to land. If a woman is unmarried access to land, natural resources and group membership is very difficult, even impossible. Only older, mature or widowed women are exceptions to this rule.

- Given the fact that there are few alternatives to agriculture in rural areas, women and young men who are losing access to land are becoming more impoverished.

4. What does it mean for sustainable development thinking?

In terms of sustainable development thinking and the Making Decentralisation Work Programme several lessons can be drawn from this study.

Institutional plurality

In Niger and to a lesser extent Mali, access to natural resources is governed by three overlapping systems: customary, religious and statutory law. Within this context of legal plurality those with power and influence are able to manipulate and manoeuvre their way, using the most favourable systems to secure their interest. This is often achieved to the detriment of less informed and less powerful women and men an example being the men in Niger who registered their wife's land in their name. While we did not establish whether this was done expressly or by mistake it is an illustration of how even relatively low level access to decision making mechanisms can make a big difference in the ability to secure access to land and natural resources.

Law is not enough

An equitable law is not enough: knowing how to claim one's rights is a further and sometimes much more *difficult* step because it challenges existing power structures. In addition land law itself is not sufficient, family and other laws also have an important influence over how decisions are made. The law governing agriculture in Mali was passed in 2006. This law has a strong stance on gender equity, on food sovereignty and support for small scale family farming. But despite the participatory and consultative way in which the law was formulated our study found that the majority of the communities we spoke to were not aware of its existence.

However, we also found in Mali some positive signs of people coming together to assert their rights and claims to land and natural resources. Producer organisations or unions provide potential for small scale farmers (men and women) to collectively claim their rights over land. In all of the 5 study sites we found many different forms of farmer and local organisations: the farmers union SEXAGON in the Office du Niger, cooperatives, organisations put in place by the Mali Textile Development Company (CMDT) in the cotton growing region, strong farmers organisations in Zeguesso, a new organisation for young people in Pakan Bobo, irrigation scheme associations in Sare Seyni and cooperatives in Menaka. In many of these associations marginalised groups (women, young men, immigrants, people belonging to lower castes) have come together in what they defined as modern mixed groups to strengthen their voice and to secure access to land. However, the capacity of these groups remains weak in terms of their organisational capacity and their knowledge of their rights, the law and how to assert claims to land and resources.

The need for alternatives

Small scale family farming is still the backbone of the rural economies of Mali and Niger. The vast majority of the population (urban and rural) in these countries depend on the produce grown by small farmers for their livelihoods. But population growth, the individualisation of land rights, and the modernisation of agriculture is threatening to push more marginalised groups especially women and young men out of this sector. This is an especially worrying trend for the younger generation. Both Mali and Niger almost 47% of the population is under 14 years old. If there are no alternatives to farming in rural communities these groups risk further impoverishment and vulnerability. Work has to continue in consultation with communities and marginalised groups to address this problem in order to identify coping mechanisms and strategies. In places where population densities are high there is not enough land for everyone to farm. What are the alternatives?

The approach

The approach we took throughout this action research was not necessarily to talk about gender with communities. We talked about access to land and natural resources in general and then asked how this is differentiated according to a range of factors, generation/age, ethnicity, marital status etc. Gender often came out as a defining factor, but the communities we worked with did not necessarily conceptualise it in that way. In addition the partner organisations with whom we worked also had different understandings of 'gender'. Consequently, starting from the question of looking at changes in access to natural resources in communities, an analysis which included men, women, young, old, immigrants and different castes, meant that results were also relevant to an analysis of power relations, especially with regard to the findings on farmer groups in Mali. Gender and power are inextricably linked. You cannot examine one without the other and a comprehensive analysis of power relations broadly meant that the action research undertaken in this study was more accessible to a wider range of development practitioners.

In Mali we involved partners much more in carrying out the research. At each site staff from partner organisations (Sahel Eco, SNV, Intercooperation etc) accompanied the researchers to carry out the field visits. In this way IIED worked with local staff to refine the approach and questions asked so that it was appropriate for each site. Involving local staff in the work also means that the learning and results from this work remains with partner organisations.

Access to land and natural resources in these countries is a prerequisite for secure livelihoods for the vast majority of people. Using gender and generation as a lens to see how access is differentiated helps us to understand how better to support rural families.

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