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Maintaining peace and stability in Mali's Sikasso Region

Strategies to contain land-related conflicts



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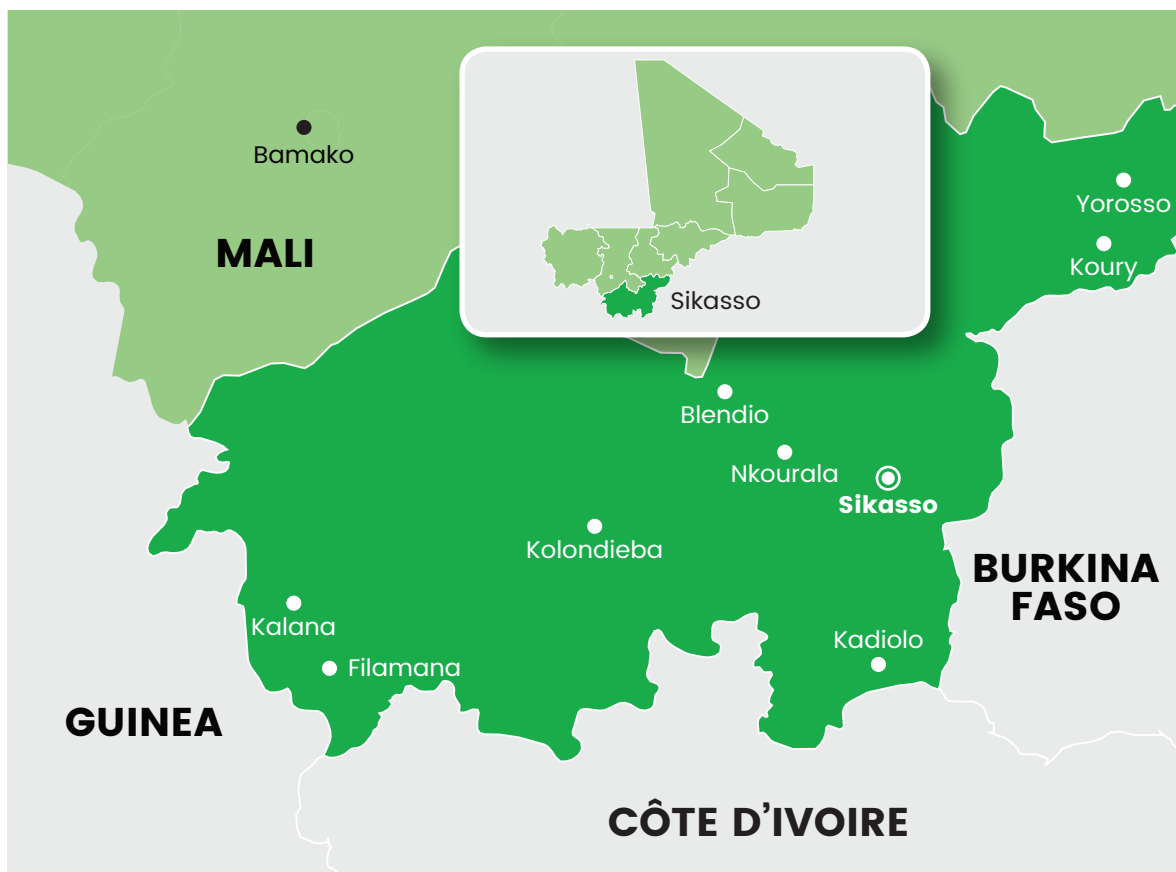
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Contents

Executive summary	4
Introduction: How land grievances impact on regional security	5
Traditional and legal systems of land allocation and conflict-resolution mechanisms	8
Traditional mechanisms of land allocation and conflict resolution	8
Legal and administrative efforts to integrate traditional practice	9
Power and gender dynamics	11
Typology of land-related conflicts in Sikasso Region	14
Conflicts over land ownership	14
Conflicts over land-use	17
Conclusion: Priorities to prevent escalation of land-related conflicts	20
Recommendations	21



Executive summary

Access to land is at the heart of inter-communal conflict in Mali. Combined with other regional, geopolitical, identity-based, economic and political factors, such tensions have been exploited over time by armed groups inciting violence, resulting in widespread conflict in both northern and central Mali.

To better understand this dynamic, this study explores land-related conflicts in the Sikasso Region in southern Mali. The research has deliberately focused on a region where extensive violence has yet to be observed. In doing so, the research seeks to identify ways to manage and prevent the escalation of land-related conflict at early stages, thereby preventing the spread of instability and violence witnessed elsewhere in Mali. It examines the potential for land-related conflict to destabilise the region, alongside the relevance and effectiveness of different mechanisms and actors to support the resolution of these conflicts.

Land-related conflicts in Sikasso can be broadly grouped into two identifiable types:

- Conflicts over **land ownership**: mainly due to a dissonance between weakening traditional norms, incomplete formal norms and corrupt political practices, as well as intensified land speculation.
- Conflicts over **land-use**: guided by strong socio-economic and identity-based dynamics, such conflicts are generally caused by the absence of, or a disregard for, shared rules of use.

Positive legal developments have taken place in land-use and ownership, such as the recognition of traditional rights and the creation of hybrid legal-traditional mechanisms. Yet land management laws remain unimplemented due to a lack of inter-agency communication and a lack of awareness of the law. Therefore, traditional authorities still play a key role in preventing the escalation into violence of land-related conflicts. Yet, when it comes to the long-term resolution of such conflicts, the dictates of tradition can work against the interests of women especially, but also of young people and migrant populations, who are structurally excluded from land ownership in different ways.

As such, efforts to improve land governance need to take into consideration both legal developments and traditional systems where these operate effectively to some degree, while being wary of the limitations of both systems.

To address the immediate risks around land-related conflict and to build sustainable land management systems that can mitigate the potential for conflict, the Malian government and its international partners should take the following actions:

1. **Identify and monitor early warning signs of conflict**, by undertaking regular local-level conflict analysis in order to prioritise places most at risk. Equally, interventions that derive from this analysis need to be **conflict-sensitive**.
2. **Train intermediary groups, including young people, in inclusive land governance**. Such a move will serve the dual purpose of supporting communities to manage land-related conflicts while tackling entrenched inequalities in dispute mechanisms. This would help increase **transparency and oversight in land governance**.
3. **Put in place a coordinated system of training local administration in land management and ensuring the proper implementation of the law at all government levels**. This would require support for national and local government (including village leaders) to develop knowledge and understanding of the governing legal framework for land management, including **a reinforcement of the oversight of local governments by their hierarchy and legislative branches**.
4. **Improve the impact and sustainability of donor-supported conflict-mitigation interventions** by liaising closely with all levels of governance (communal, *cercle*,¹ regional, national) and developing communication strategies to disseminate knowledge and to encourage replication of successful interventions.

1 A *cercle* is an administrative unit composed of several municipalities. There are 49 *cercles* in Mali, regrouped into 8 regions.



Introduction: How land grievances impact on regional security

The crisis in Northern Mali in 2012, and the spillover of the conflict from Northern to Central Mali since 2015, raises concerns about the further spread of violence to other regions of the country. These events have demonstrated how state failure and the absence or weakening of a social contract between the state and its citizens can lead populations to organise themselves around local identities – whether religious, ethnic or socio-economic. Grievances around access to land and other natural resources have provided fertile ground for ideological and political manipulation, exacerbating tensions across the Sahelian region, where land-use represents a key faultline.²

Recent security incidents, such as the attacks on government agencies by armed groups in Koury and Boura (Yorosso *cercle*) in May 2019,³ the dismantling of a terrorist cell in December 2018 in Koutiala, and the deterioration of the security situation in neighbouring Burkina Faso, have reinforced the worries expressed in interview by officials and traditional leaders over the possible spread of violence to the Sikasso region in Southern Mali. These incidents add to growing concerns about displacement – the migratory movements of both people and livestock – as well as changes in the climate.

2 L. Raineri, *If victims become perpetrators*, London: International Alert, 2018, pp.23–27, <https://www.international-alert.org/publications/if-victims-become-perpetrators-violent-extremism-sahel>

3 Mali: deux localités attaquées dans le sud-est du pays, RFI, 20 May 2019, <http://www.rfi.fr/afrique/20190520-mali-localites-attaquees-sud-est-pays-koury-boura>

SIKASSO REGION

Sikasso Region, also known as Mali's 'third region' is crucial for agriculture (cereals, cotton, vegetables and fruits), thanks to its tropical and Sahelian climates and its rainfall. Sikasso hosts abundant natural resources – rich soil, plenty of water streams, lush forests and extractives such as gold. It ranks first among the 10 regions of the country in terms of population, with 3,268,023 residents in 2015. The population of the region is young, with 50.6% under 15-years old, and 33.6% between 15 and 39-years old.⁴ With 39.97 inhabitants per square kilometre, Sikasso Region ranks third in terms of population density after Bamako and Ségou Region. In terms of agricultural production, it represents 29.41% of the national total production of traditional cereals (producing, in descending order of quantity: maize, sorghum, rice, millet and fonio),⁵ and is a major fruit and vegetable production area. It is a key zone of passage for international pastoral transhumance (to Guinea, Côte d'Ivoire and Burkina Faso). Around 80% of the population in the region earns a living from agricultural activity (understood here in its wider meaning – including cultivators, herders and fishermen).⁶ The norm is familial exploitation of land and subsistence agriculture – each family exploiting its own parcel, rather than large-scale mechanised exploitations. Family structures are highly patriarchal, generally led by an elderly man.

Despite having the best agricultural production in the country, a rich soil and a certain abundance of resources, Sikasso is among the poorest and most malnourished regions of Mali.⁷ Access to land is a prerequisite for agricultural activity; control of land is synonymous with wealth, status and power. While Sikasso is relatively stable at present, compared to the Centre and North of the country, there are frequent incidents of violence related to conflict over access to land and use of land. These have led to civilian casualties on multiple occasions in the past two years. As tensions escalate elsewhere in the country, it is crucial that these do not spill over into Sikasso and that land issues are managed at an early stage to prevent them from combining with other factors and escalating into instability.

In order to better understand the relationship between grievances related to land and incidents of violence in the southern Sikasso Region, this study examines:

1. the potential for land-related conflict to destabilise Sikasso Region; and
2. the relevance and effectiveness of different mechanisms and actors engaged in the resolution of these conflicts to mitigate and deescalate tensions.

This paper identifies ways for the Malian government at national and local levels, with support from the international community, to tackle the root causes of instability and prevent the spread of violence in this region.

The paper is divided into two parts. The first part explores traditional and legal mechanisms of land allocation and the way in which each of these legitimate actors conceive their role in land-related conflict mitigation. It examines the power-relations at play in land management between different socio-economic, age and gender groups. The second part concentrates on the most observable types of land-related conflicts, their triggers and when they occur. Bringing these two different aspects together, the paper concludes with recommendations to the donor community and to national and local government in Mali.

4 Annuaire Statistique 2015 du Secteur Développement Rural, CountrySTAT (FAO), Table 1, http://mali.countrystat.org/fileadmin/user_upload/countrystat_fenix/congo/docs/Annuaire%20Statistique%20SDR%202015%20.pdf, accessed 10 January 2020

5 Ibid., Table 20

6 Un projet pilote du Tenure Facility au Mali, The Tenure Facility, p.2, <http://rightsandresources.org/wp-content/uploads/2017/09/Tenure-Facility-Mali-Factsheet-French.pdf>, accessed 10 January 2020

7 S. Allison, The Sikasso paradox: Can the Mali miracle be repeated?, Mail&Guardian, 22 September 2017, <https://mg.co.za/article/2017-09-22-00-the-sikasso-paradox-can-the-mali-miracle-be-repeated>

It is important to highlight that while some findings in this paper may resonate with the situation in other regions of the country, further research would be needed to understand and compare land governance challenges elsewhere in the country. This paper does not attempt to answer the question as to why Sikasso appears to be more resilient to the outbreak of major conflict than other regions. The factors that determine the resilience of the Sikasso region will differ from those that would make other regions resilient.

METHODOLOGY

This research report is based on a review of the academic and policy-oriented literature in French and English, as well as online media, to identify the most prominent natural resource-related conflict events in Sikasso Region. The outcomes of this desk research informed the selection of the 10 research sites,⁸ based on the following criteria: presence/absence of conflict dynamics, centre/periphery locations, proximity to natural resources of interest (land, water, forest), proximity to international borders (Guinea, Côte d'Ivoire, Burkina Faso) and regional borders (Ségou).

The literature review was followed by field research at the village level, including 20 semi-structured qualitative interviews and 11 focus groups with traditional leaders, authorities and representatives from women and youth groups, held in Sikasso Region in June 2018. This was followed-up by validation research, including 13 interviews in July 2019 with representatives of central and regional authorities, civil society organisations and international partners in Bamako and Sikasso. This follow-up research helped to strengthen the conflict analysis and the conflict-sensitivity perspective in this report. All interviews were conducted in French.

Traditional and legal systems of land allocation and conflict-resolution mechanisms

Formalising land allocation and land ownership represents a difficult challenge for the Malian state. Traditional systems of land allocation and management prevail, despite efforts by the legislative authorities to regulate the allocation and usage of land.

Traditional mechanisms of land allocation and conflict resolution

In Sikasso, each village has one or several *Chefs de Terre* (land chiefs) who ensure the continuity of land management based on tradition. Generally, these chiefs are elderly male descendants of the founding families of the village. Land is allocated through donations, loans and successions, as instructed by the chiefs.⁹ Due to both the availability of fertile land and respect for *diatiguiya – Malian hospitality* – traditional authorities allocate a parcel of land in their village to any outsider who requests it, on the condition that they abide by local customs.¹⁰ This practice persists to the present day.¹¹ Combined with the geographical position of the region, this has allowed the Sikasso region to be a zone of internal and external migration, be it temporary and seasonal (e.g. for the pastoralist Fulani of Central Mali), or permanent from neighbouring countries (e.g. Ivorians and Burkinabe) or intraregional (such as the large Minianka community that moved from the north of the region to the south following the droughts of the 1970s and 1982). Population growth, climate change and economic development (with the implied need for larger agricultural coverage) is placing this approach to land allocation under increasing pressure. This results in increasing reluctance among villages to host and support the settlement of migrants. This has been observed in Yorosso and Koutiala *cercles* directly neighbouring Ségou Region. One interviewee described the reaction of the local villagers as follows: “the problem is not when migrants arrive, it is when they want to settle.”

A major cause for concern regarding local traditional power structures is their tendency to be exclusive in their methods of allocating land parcels, perpetuating structural discriminatory practices against the *cadets sociaux* – i.e. those who are subject to the authority of elders, such as women, young people and migrant populations.¹² In the traditional system, the basic social unit is the family rather than the individual. This contradicts legal provision, which establishes individual ownership. “Customary law tends to reflect social hierarchies and inequalities (...) and provide[s] few – if any – mechanisms for challenging or changing the social norms they reflect, particularly for those with the least social power.”¹³ This is particularly true for women, who face barriers to owning land. Indeed,

9 A. Moussa, *Contrôle des femmes et des jeunes sur les ressources foncières agricoles: Expérience de la Coopération Suisse au Mali*, Mali: Bureau de la Coopération Suisse à Bamako, 2013, p.7, https://www.eda.admin.ch/dam/countries/countries-content/mali/fr/resource_fr_222224.pdf, accessed 10 January 2020

10 H. Scotto di Rinaldi, *La participation des populations locales à l'élaboration d'un projet de gestion durable de leur forêt villageoise: évaluation, facteurs, explicatifs, propositions d'appuis dans la zone d'intervention du programme GDRN, région de Sikasso*, Mali: CNEARC, Intercoopération Mali, 2010, p.67, pp.72–79

11 Interview with the village chief of Zégoua, June 2018; focus group with village council of Kalana, June 2018

12 A. Thiam, *Centre du Mali: Enjeux et dangers d'une crise négligée*, Geneva: Centre for Humanitarian Dialogue, 2017

13 E. Ursu, *Between ideals and needs: Is Malian customary justice incompatible with international human rights standards?*, The Hague: Clingendael, 2018, p.3, https://www.clingendael.org/sites/default/files/2018-04/PB_Malian_customary_justice_international_human_rights_standards.pdf, accessed 10 January 2020

while women represent a sizeable majority of the agricultural workforce in Mali (75%,¹⁴ according to UNDP), they rarely legally own the land on which they work.¹⁵ It is generally believed that a woman is an inherent part of the family and therefore does not need to own her own land. If she requires it, a parcel will be allocated to her by the head of the family. The research confirmed a paternalistic attitude shared by male interviewees in relation to this process of land allocation, with one describing land allocation to women as “giving them a land plot to cultivate their little vegetables”.¹⁶ A representative of a rural women’s association explained how this plays out in practice with the richer, more fertile land tending to be allocated to men, and women’s agricultural activity seen as secondary;

“when they lend us land, it is a rough and poor terrain that only brave women can work. And as soon as the land bears fruits, they cancel the lease.”¹⁷

Land-related conflicts are primarily solved locally by **traditional authorities** who play a mediation role, listening to both concerned parties, consulting their advisers and proposing a settlement of the dispute. For example, conflicts related to herders crossing farmland are traditionally solved by a recognition of non-intent and reparation payment for the damage caused, whereas conflicts over property are traditionally solved by a review of land claims according to collective hereditary rights of the founding families of each village. Customary law tends to favour the objective of community cohesion, over and above any perspectives on individual rights and wrongs. The problem with a traditional system that is inherently discriminatory is that the arbitrators themselves may have a stake in the land-based conflicts in which they are expected to fulfil the role of mediator.

To date, traditional leaders retain legitimacy in rural areas, which may have been a factor in making Sikasso more resilient to the kinds of systemic violence and the ethnicization of land-related conflicts seen elsewhere in Mali. Sikasso has also benefited from favourable conditions such as the availability of land, good linkages with administrative centres, and less severe climate change impacts than in other parts of the country.

Legal and administrative efforts to integrate traditional practice

Through the Land Code (2000),¹⁸ the Pastoral Charter (2001),¹⁹ the Agricultural Orientation Law (2009)²⁰ and the more recent Law on Agricultural Land (2017),²¹ legislative authorities have attempted to combine formal governance with traditional systems. Each of these laws have important legal consequences:

- the Land Code recognises traditional ownership;
- the Pastoral Charter recognises and codifies herders’ way of life and their relationship with other land-users;

14 PNUD Mali: Stratégie Genre et Plan d’Action 2018–2020, <https://www.ml.undp.org/content/dam/rba/docs/Reports/undp-rba-Strat%C3%A9gie%20Genre%20du%20PNUD%20Mali%202018-2020-july%202018.pdf>, accessed 11 January 2020

15 Only 1.6% of registered owners of agricultural land were women in Sikasso Region in 2012. Socio-Economic Database of Mali, Mali Data Portal, <http://mali.opendataforafrica.org/MLSECD2015/socio-economic-database-of-mali-2012>, accessed 11 January 2020

16 Interview with Sikasso Regional official, 2019

17 Interview with women from Kalana, 2018. Similar views were shared by an international organisation that works in Sikasso.

18 Loi n°02-008 du 12 février 2002 portant modification et ratification de l’ordonnance n°00-027/p-rm du 22 mars 2000 portant code domanial et foncier, <https://mali.eregulations.org/media/DOMAIN%20DOMANIAL%20ET%20FONCIER.pdf>, accessed 11 January 2020

19 Loi n°01-004 du 27 février 2001 portant charte pastorale du Mali, <http://extwprlegs1.fao.org/docs/pdf/mli25376.pdf>, accessed 11 January 2020

20 Loi n°06-045 portant Loi d’orientation Agricole, <http://www.hubrural.org/Mali-Loi-no06-045-portant-Loi-d.html?lang=fr>, accessed 11 January 2020

21 Loi n°2017-001 du 11 avril 2017 portant sur le foncier Agricole, <https://www.droit-afrique.com/uploads/Mali-Loi-2017-01-foncier-agricole.pdf>, accessed 11 January 2020

- the Agricultural Orientation Law creates the Commissions Foncières or CoFo – an inclusive local mechanism of land management; and
- the Law on Agricultural Land foresees a quota of land allocation to women and youth.²²

In addition, a recent reform of the administration incorporates the traditional governance system as the first level of local governance by recognising the authority of village leaders (whose designation is left to the discretion of each village) upon registration at the Prefecture.²³

In terms of land-related conflict resolution, the legal recognition of traditional ownership and leadership and complementary **hybrid mechanisms** – the **CoFo** – establishes a bridge between formal and traditional systems. It moves away from the domination of hereditary male traditional leaders in land justice through the inclusion of representatives of professional organisations, youth and women representatives in land commissions. These commissions were initially set up at regional, *cercle* and town level. Some local elders refused to be part of the land commissions, believing that the state had too much say in the commissions which, they believed, posed a challenge to their legitimacy. As a result, a governmental decree in April 2018 added village local commissions to the system to even out power distribution. With the system currently in place, a land-related conflict would need to pass through four stages of conciliation/mediation in both traditional and administrative authorities before reaching a court.

A large majority of those interviewed prefer conciliation and mediation to a judiciary answer to land-related conflicts. Overall the **juridical system is perceived as being vulnerable to compromise through corrupt practices** and too removed from the concerns and technicalities of the agricultural sector. The juridical answer to land-related conflict has been criticised by many interlocutors who deplore slow decision-making (the wish of the judge not to take sides), a justice system that benefits those who pay more, and the lack of preparation by judges to inform their verdict.²⁴

Furthermore, interviewees (village chiefs, judicial authorities, prefects and governors, as well as international and local NGOs supporting their establishment and the improvement of land governance) have described the land-governance system as lacking an overall vision and lacking effective cross-institutional collaboration between different agencies such as the Ministry of Agriculture, Herding and Fishing, the Ministry of Territorial Administration and Territorial Development, and the Ministry of Justice.

Land commissions (*Commissions Foncières* or CoFos) have at times proved effective. This is the case in Finkolo-Ganadougou – a village in the *cercle* of Sikasso where the CoFo reported having resolved 28 conflicts since its establishment. These commissions are nonetheless slow to get established, and numerous local officials are not aware of how to create them, or even of their existence. Furthermore, the setting up of a successful commission is often dependent on external support from development programmes (in the form of training provision and resourcing).²⁵ While the CoFos have demonstrated their capacity to deliver on their conciliation mandate, they are falling short in executing their other responsibilities²⁶ – i.e. conducting an inventory of local land-management practices, supporting the set-up of a local cadastre and participating in the set-up and organisation of land

22 Defined by the Youth Employment Agency (APEJ) as people aged between 15 and 39-years old.

23 Article 8 of the law on creation and administration of villages, fractions and neighbourhoods, 2006

24 B. Ahmed, Mali: litiges fonciers, lenteur de la justice, corruption... Les plaintes contre les agents de l'État en hausse, Jeune Afrique, 20 May 2019, <https://www.jeuneafrique.com/781845/politique/mali-litiges-fonciers-lenteur-de-la-justice-corruption-les-plaintes-contre-les-agents-de-letat-en-hausse/>

25 Funded by Helvetas, SNV, DanishAid, implemented locally by AMEDD, MaliFolkecenter Nyetaa, and other actors of the Réseau de Plaidoyer pour la Sécurisation du Foncier Agricole (RP-SéFA)

26 Décret No09-011/P-RM du 19 Janvier 2009 fixant les attributions, la composition et les modalités de fonctionnement des commissions foncières locales et communales, article 2, <http://extwprlegs1.fao.org/docs/pdf/mli141914.pdf>, accessed 11 January 2020

management. Hence, there is room for improvement in terms of the role of CoFos in preventing land-related grievances from developing in the first place.

Official recognition of the role of traditional leaders presents similar challenges, as the process of their registration as village leaders by prefectures has not been completed systematically. The formalisation of the status of village leader is an important step to bridge the divide between traditional and formal governance. It has had, however, unforeseen consequences, with tensions and new rivalry having emerged between founding families in some villages as the position of village leader acquires enhanced status. This highlights the need for conflict-sensitivity in land policy development.

Traditional methods of conflict resolution remain the first resort. These traditions represent the cement that binds together society in rural areas. The legal efforts to recognise these mechanisms and a willingness to integrate them into a hybrid system offers the opportunity for the state to reach out to communities, in which it has hitherto barely had any presence or visibility.²⁷ The presence of state representatives in these hybrid structures is also a chance to circulate good practices and knowledge of formal rules, thereby preventing an ultra-localization of land-conflict mitigation mechanisms which would make them difficult to accept by outsider communities. The next section explores these ideas further, by looking specifically at the power and gender dynamics inherent in both legal and traditional systems.

Power and gender dynamics

In addition to the legal and traditional systems, intergenerational and gender dynamics also play a role in the distribution of land within agricultural communities. The inherent discriminatory tendencies within these dynamics creates the potential for conflict. Changes in demography and economic development, urbanisation and land titling have also had an influence on intergenerational and gender dynamics and challenged the established traditional model.²⁸

Socio-economic changes influence the attitudes of young people in rural areas to traditional and formal authorities. Modernisation is challenging the traditional large family structure. As young people marry, they are often refusing to follow the tradition of living in an extended family network in one compound. Many choose instead to move outside of the parental house after marriage. This process of family nuclearization is changing the nature of how land is kept within a family and farmed collectively. As younger generations are choosing to leave the family home, there is a growing demand for a different way to allocate parcels of land, so that each new couple can receive their own individual land parcel. This produces a fragmentation of household plots, not only changing the nature and level of productivity but bringing with it the potential for property disputes within families.

Several interviewees described how, in the event of violence at the community level, young males have an instrumental role in either defending certain areas or reacting to assaults as members of vigilante groups. Concerns have been voiced by former officials that youth unrest will become a problem in Sikasso Region, especially around access to jobs. In June 2019 the grievances of young men and women relating to the lack of implementation of political promises of employment and to judicial injustices (real or perceived) over land-related conflicts, erupted as demonstrations in Kolondieba.²⁹

27 C. Craven-Matthews and P. Englebert, *A Potemkin state in the Sahel? The empirical and the fictional in Malian state reconstruction*, Dakar: ISS, *African Security Review*, 11(1), 2018, pp.1–31

28 J. Quan, *Changes in intra-family land relations*, in L. Cotula (ed.), *Changes in customary land tenure systems in Africa*, Stevenage: IIED, 2007, pp.51–64

29 Kolondieba: Les conflits en latence, *L'Essor*, 29 June 2017, <https://www.maliweb.net/societe/kolondieba-conflits-latence-2354282.html>, accessed 11 January 2020



Despite these concerns, some youth representatives in Sikasso Region have demonstrated a willingness to play a constructive role in the development of the region. Youth groups have been established and are structured around the Conseil National de la Jeunesse or youth branches of various professional associations. Some traditional leaders, officially registered as village or neighbourhood representatives, revealed that they had established committees for neighbourhood/village development in order to involve local youths in decision-making for their communities; other young people were invited to participate in development or sanitation initiatives.

The exclusion of women from property ownership is a deeply entrenched problem for which there are no easy solutions in the short term, but there are opportunities to empower women in the agricultural sector. The discriminatory nature of traditional land allocation limits women's agency. Asked if they wanted more recognition within traditional management systems, several of the women interviewed³⁰ answered that this was not their main priority.³¹ Far from not seeing the value of land ownership, instead this points to the deep understanding that many of these women have of structural factors that prevent them from becoming landowners – “the war against the tradition? We lost that a long time ago,” a woman interviewed in Kolondieba said.³²

Aware of the exclusionary nature of existing traditional norms, women are finding new ways to negotiate these obstacles without antagonising their communities. These include enrolling in literacy classes, or vocational training on financial management, putting the skills acquired into practice in cooperatives or **'tontines'**, ensuring a wider dissemination of land-ownership registration and access to credit opportunities. These represent good entry-points for women's empowerment; organising themselves in cooperatives and associations gives women and

30 Twelve interviews were conducted individually or in group with female traders, women's associations representatives and rural women.

31 The president of a women's association in Kalana highlighted in a focus group that women “do not want land. Our emancipation has to take a different path.” Interviews with women from Kalana, Filamana, Kolondieba, Kadiolo, Zégoua, 2018

32 Interviews with women from Kolondieba, 2018

young people the opportunity to directly and indirectly challenge the traditional norms. However, these structures do not necessarily empower all their members equally, but tend to reflect the existing social pyramid. The head of women's groups at village level, for example, are often related to founding families and chiefs. Similarly, youth groups are led by men. Rather than attempting to redress these imbalances, the socially-privileged leaders justify their position to their members by appeal to the capacity gap with members, wherein social privilege may be seen to endow superior competence. Training of all cooperatives' members is therefore key to avoid replicating elitist structures as well as to empower the most marginalised parts of the population.

Land-related conflict resolution efforts can also rest on strong and well-organised (pyramidal) professional associations and interest groups. The Chamber of Agriculture and interprofessional branches organised by type of production – for example, the *Plateforme Nationale des Producteurs de Riz du Mali* (PNPRM) for rice, etc. – are organising themselves as a lobby through the *Coordination Nationale des Organisations Paysannes* (CNOP), two of whom – the *Fédération Nationale des Femmes Rurales* (FENAFER) and the *Fédération Nationale des Jeunes Ruraux* (FENAJER) – give representation to the voices and interests of women and young people. Women and youth organisations play an active role in conciliation and the reconciliation of land-related disputes. Representation for women and young people is compulsory in the CoFos. However, traditional social power dynamics still prevail in the governance of these commissions, meaning that the perspectives of women and youth representatives are often given less weight than those of other commission members.

Typology of land-related conflicts in Sikasso Region

Conflicts over land are common in Sikasso Region, although they vary in intensity and scale. They are an indicator that population growth (+9.27% between 2009 and 2012)³³ and internal migration are putting pressure on land availability.³⁴

The conflicts in Sikasso can be listed in two main categories: conflicts over land ownership and conflicts over land-use.

CLIMATE CHANGE AND SOIL DEGRADATION

In addition to pressures related to security, Sikasso Region faces other contemporary challenges. The growing cultivation of **cash crops** is having a negative impact on the quality of land. For example, the long-term exploitation of cotton in Kadiolo has led to a degradation in the quality of soils, causing internal regional migration from Eastern to Western parts of the region. The long-term monoculture of the cashew trees could lead to similar results. When land that should be left fallow at certain times in order for the soil to regenerate is instead given over to cash crops and speculative land-use, the result is soil exhaustion.

Climate change is observable in the region through changes in rainfall patterns both in terms of intensity (increase of catastrophic occurrences) and timing (unpredictability of the length of the rainy season). This makes the selection of crops and agricultural planning difficult and adds uncertainty in terms of water availability for pastoralist and sedentary livestock keepers.

These processes could potentially increase competition over access to land between different communities and users. If not managed, this competition could result in recurrent communal and inter-communal disputes, and even outbreaks of violence.

Conflicts over land ownership

Ownership disputes may start as conflicts between individuals but can rapidly escalate into conflicts between one community and another. This section explains the different types of conflicts that have been observed over land ownership in Sikasso Region.

The conflicts most likely to lead to violence include those between host communities and 'migrants' (populations considered to originate from outside of the region) over inheritance, the length or conditions of a lease.

These conflicts occur when migrant leaseholder farmers exploiting a piece of land consider it theirs, or when conditions for land exploitation are changed by the traditional authorities. According to traditional rules, the party that receives a land loan cannot assert property rights or transfer it as inheritance and cannot plant any trees on

33 WASH Cluster Mali, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/Cartes_Population_mali.pdf, accessed 11 January 2020

34 Interviews with traditional leaders in Yorosso, Blendio and Kolondieba, 2018

the parcel of land in question.³⁵ However, the lack of written proof of land transactions (sale, lease) in traditional agreements can lead to disagreement and conflict.

Given migrants' precarious tenure regime, the decisions issued by village leaders according to traditional practices tend to favour the 'original' inhabitants, leaving migrants susceptible to expropriation. As the 'migrant' status is almost permanent, this can lead to entrenched grievances over the ownership of land.

In other cases, resentment builds against the migrant communities whenever they appear to be enjoying more prosperity than the host community. In these circumstances the host community may take advantage of the rules of traditional ownership to redress the perceived economic injustice by limiting the migrant communities' access to land. This is what happened in Solakoroni village, in the *cercle* of Bougouni in May 2019. Host communities were angered by a court decision rebuking the local mayor for limiting access to land for migrants to 5 hectares. Some members of host communities attacked Minianka migrants, resulting in two deaths, leaving several others injured and causing physical and material damage. After the intervention of the region's governor, 400 Miniankas were displaced to the nearest administrative centre.³⁶ A similar event claimed six lives in 2017 in the village of Kafana, in the *cercle* of Sikasso.

Authorities tend to respond reactively towards these types of conflicts, rather than take a proactive approach that might anticipate and prevent outbreaks of violence. A vision of how to manage population movements in the long term is lacking. The legislative authorities hope to solve those conflicts by requiring any land-related transaction to be agreed in writing, whether sale, lease or inheritance – but this legal requirement has not yet been fully implemented.³⁷

A second common type of conflict related to land-ownership concerns the delimitation of field boundaries between different villages, due to differences between traditional and administrative legitimacies. These conflicts usually occur at the beginning of the rainy season (May–June), which is when farmers plan their agricultural year. The boundaries of new villages that have been created and decided on by government administration are often contested by traditional leaders, who consider them part of their jurisdiction.³⁸ This is aggravated by the state's delimitation of these administrative boundaries without consultation with the traditional authorities or without the appropriate cadastral surveys.³⁹ The superimposition of contradictory traditional boundaries and administrative boundaries can lead to a **double taxation** of farmers, who find themselves having to pay an honorary tax to the *chef de terre* of the traditional village and an official tax to the new village authority. Furthermore, this can generate competition over land parcels between the communities of different villages which can sometimes erupt into violent confrontation.⁴⁰

Similar delimitation conflicts occur between Malian communities and those from neighbouring countries. Villages at the border with Guinea, Burkina Faso and Côte d'Ivoire experience regular tensions due to competition over natural resources around poorly delimited borders. Despite mediation and the peacekeeping efforts of state authorities, these borders remain poorly demarcated.

35 Interviews with village chiefs of Zégoua, 2018; A. Chene-Sanogo, *Enjeux fonciers et développement 'durable' au Mali*, Dijon: Université de Droit de Bourgogne, 2012, p.100

36 La chasse aux sorcières des paysans Minianka se poursuit dans le *cercle* de Bougouni, Bamada.net, 8 June 2019, <http://bamada.net/la-chasse-aux-sorcieres-des-paysans-minianka-se-poursuit-dans-le-cercle-de-bougouni-deja-plus-de-2-morts-et-pres-de-400-deplaces-enregistres-le-president-ibk-interpelle-a-la-journee-paysanne>, accessed 11 January 2020

37 Ordonnance n°00-027 du 22 mars 2000 portant Code domanial et foncier, Article 48, <http://www.droit-afrique.com/upload/doc/mali/Mali-Code-2000-domanial-et-foncier-MAJ-2002.pdf>, accessed 11 January 2020

38 Interview with Sub-Prefect of Kalana, 2018

39 Interview with APCAM official in Sikasso, 2019

40 As happened between villages of Dioumantene and Ndiorola in Kadiolo *cercle*, prompting police intervention. Interview with the traditional leaders of Sikasso town, 2019

Attacks between villages at the border have resulted in the theft and destruction of goods, and caused harvest losses.⁴¹ This is the case in the *cercle* of Yanfolila, at the border with Guinea and Côte d'Ivoire, where the discovery of gold, exploitation of border fields (especially for cash crops, such as cashew trees) and cattle theft has led to an increase in border conflicts. In another example, in 2017, four gendarmes were killed when they tried to intervene to de-escalate a conflict between two communities in Yanwoloni village (*cercle* of Yanfolila) over a gold extraction site.⁴² These conflicts are often solved only thanks to high-level inter-governmental intervention.

Conflicts over property rights also occur between individuals – especially in and around urban areas where intensified land speculation by real estate developers or extensive agricultural investors is noticeable.

Those conflicts have the potential to raise land-related grievances among the most economically and socially marginalised communities, the groups most underrepresented by the administrative system. This part of the population, alongside the traditional leaders and local administrations, suffer from limited knowledge of the law, their rights and entitlements. This is sometimes exploited by the more educated and financially stronger members of the community or outsiders. This, in turn, fuels resentment at what is considered economic predation, and reinforces the perception of an administrative and judicial system biased towards the rich, often referred to as the “**Bamako elite**”.

In some cases, **local officials are involved in such economic predation**. This does nothing to dispel the perception of state institutions as corrupt – either by direct collusion, as, for example, with the former Mayor of Sikasso in 2015,⁴³ or by a lack of oversight of local governance activity, as in the case of the mayor of Nienele in 2014 who was accused of privatising all communal land in order to profit from the land transactions.⁴⁴ Another case involved the President of the Permanent Assembly of the Chambers of Agriculture (APCAM) who had been accused of land grabbing in the commune of Koumantou – which led to clashes between communities.⁴⁵ These accounts discredit state institutions in the eyes of the local populations and fuels a deep sense of mistrust.

Property conflicts also take place **within families**. Conflicts occur when family leaders (male elders) make decisions about land without necessarily consulting their extended families, who may rely on this land for their livelihoods. A common form of conflict here is over the granting of a land title. Land titling is supposed to take place after legal investigations involving all interested parties. These investigations are very rarely conducted, however, which makes most land titles juridically contestable.⁴⁶ Although these conflicts might not necessarily lead to violence, they contribute to a loss of credibility by traditional authority figures who are using improper land titling to secure formal ownership of the land they oversee, and are thereby perceived to be seeking to profit from their position. In Central and Northern Mali, perceived collusion between traditional leadership and the legal system has led to the challenging of customary governance, and the search for alternative models of governance in the form of non-state actors or centred around strong ethnic identities.⁴⁷

41 F. Powelton, Guinée-Mali: Affrontements entre frontaliers dus à un conflit foncier, Sahel Intelligence, 27 February 2015, <http://sahel-intelligence.com/5949-guinee-mali-affrontements-entre-frontaliers-dus-a-un-conflit-foncier.html>, accessed 11 January 2020

42 Incident au site d'orpaillage de Yanwoloni, *MaliJet*, 1 December 2017, http://malijet.com/la_societe_malienne_aujourd'hui/199656-incident-au-site-d'orpaillage-de-yanwoloni-quatre-gendarmes-tues.htm, accessed 11 January 2020

43 Spéculation foncière: le maire de Sikasso, Mamadou Tangara, placé sous mandat de dépôt à Bamako, *MaliJet*, 16 July 2015, <http://malijet.com/actualite-politique-au-mali/flash-info/133072-speculation-fonciere-le-maire-de-sikasso-mamadou-tangara-place-s.html>, accessed 11 January 2020

44 Litige foncier à Sikasso: un maire vend les terres de tout un village, *MaliJet*, 18 July 2014, <http://malijet.com/actualite-politique-au-mali/flash-info/107356-litige-foncier-a-sikasso-un-maire-vend-les-terres-de-tout-un-vil.html>, accessed 11 January 2020

45 Spéculation foncière à Tienkougoba: Bakary Togola à l'origine de l'affrontement entre des villages, *Maliweb*, 20 October 2018, <https://www.maliweb.net/immobilierdomaines-fonciers/speculation-fonciere-a-tienkougoba-bakary-togola-a-lorigine-de-laffrontement-entre-des-villages-2782729.html>, accessed 11 January 2020

46 Interview with former Minister of Justice, 2019

47 A. Tobie, Central Mali: Violence, local perspectives and diverging narratives, Stockholm: SIPRI, 2017

The different types of conflicts over land ownership discussed so far are mainly due to a dissonance between weakening traditional norms and incomplete formal norms, corrupt political practices, and inequalities in socio-economic development. The next section will explore how these same factors influence conflicts over land-use.

Conflicts over land-use

Conflicts over land-use tend to occur when different socio-economic groups – whose identities often overlap with ethnic affiliations – claim the right to use the same land for livelihood purposes.

Most conflicts over land-use are between herders and farmers.

Transhumance takes place between October and January when herds are relocated from Central Mali towards the southern region, and the neighbouring countries – Guinea, Côte d'Ivoire and Burkina Faso – in the search for grazing zones. The return of transhumant communities and cattle happens between April and July, which coincides with the beginning of the agricultural season, when farmers start sowing their crops. This overlap of different types of land exploitation creates several conflicts.

The seasonal movement of livestock tends to take place in a disorganised fashion, even when local conventions stipulating the dates and routes for the passage of herds have been agreed upon.⁴⁸ Herding communities sometimes avoid the costs of livestock declarations and sanitary control by moving their herds at night. As cultivators may experience damage to their crops due to the passage of livestock on their land, herders are accused of destroying the livelihoods of cultivators by not keeping adequate control over their livestock. More and more of these disputes seem to result in violence,⁴⁹ with a perceived increase in interventions from the Gendarmerie. In response, local communities organise themselves for protection, as in Filamana, where local youths have been encouraged to form vigilante groups to guard fields and protect forests against herding communities. Such practice has also been observed in the cercle of Kadiolo, where the hunter community was assigned a similar role.⁵⁰

Most interviewees – authorities and village leaders – blame the herder community for disrespecting the local rules agreed by communities. The Pastoral Charter foresees the establishment of dedicated pastoralist routes and grazing areas. But transhumant communities are unlikely to be able to access information on those local agreements.⁵¹ Herders therefore tend to contest the informal taxation imposed on them for access to water points and grazing areas, as well as any crop-damage compensation decided on by traditional authorities.⁵²

Several non-profit organisations (such as Helvetas, CARITAS and SNV) have been investing in the establishment of pastoralist routes, defining passage corridors, delimiting grazing zones and organising access to water points. Cercles equipped with pastoral tracks and infrastructure experience fewer disputes related to the transhumance

48 CARITAS Mali supported the adoption of a convention in Kalana but, according to the population, the local authorities charged with its implementation have never operationalised its principles.

49 Interview with representative of Sikasso branch of the FENAJER – National Federation of Rural Youth, 2019

50 Kadiolo: les autorités prennent des dispositions sécuritaires dans le cercle, Bamada.net, 22 May 2019, <http://bamada.net/kadiolo-les-autorites-prennent-des-dispositions-securitaires-dans-le-cercle>, accessed 11 January 2020

51 Those conventions are kept by traditional leaders, as well as the regional office of the Department of Herding and of Agricultural Engineering.

52 In Yorosso, the village chief established very clear rules for monetary reparations: the farmer receives XOF1000 (USD 1.8) for every cattle that enters the field. If the sanction is not accepted, the village chief calls upon the Land Commission to deliberate; interview with village chief of Yorosso, 2018. A similar process is available in Blendio and in Kalana, the municipality has a similar system and imposes fines of XOF1000 per animal that enters the fields, accompanied by a visit from the agricultural state authorities; focus group with authorities in Kalana, 2018.



period.⁵³ These initiatives have the potential to reduce the chance of conflicts elsewhere. Local authorities have stated that this support is generally limited in scope and time, with incomplete markings disappearing over time or insufficiently 'tested' to ensure their effectiveness.⁵⁴

Gold extraction causes conflicts between miners and local communities due to land grabbing, and the environmental impact on people's health and their livelihoods. The extraction of gold in the *cercles* of Bougouni, Kolondieba, Yanfolila and Sikasso – to the west of the region – puts additional pressure on access to land and other resources. When a mine is managed by companies, communities voice concerns around land grabbing, and the lack of any trickle-down benefits to the community. However, as in the agricultural sector, extraction activity is mostly organised around artisanal sites and individual gold panners rather than large industries. Extraction by artisanal miners increased after the destabilisation of the state in 2012 due to a disappearance of any oversight of extracting activities.⁵⁵ If it continues to be unregulated, this may have a detrimental environmental impact,⁵⁶ such as the pollution of water streams reported in Yanfolila, with adverse effects on the health and livelihood of the fishing community. Representatives of fishing communities complain that the go-ahead for exploitation is given by local authorities who focus on short-term financial gain rather than based on an understanding of long-term health impacts and productivity.

53 Kadiolo, at the border with Côte d'Ivoire, has a transhumance track that runs parallel to the main road that connects the city of Sikasso with its southern neighbour. Likewise, in 2002, Koury, at the border with Burkina Faso, established a series of pastoral tracks between Ségou (the main origin of herds) and Yorosso (the last city before the border). There is a main track of 100-metres width and multiple secondary tracks of 50-metres width, which were built with the support of Helvetas – Swiss Intercooperation and Association Malienne d'Eveil et du Développement Durable (AMEDD); interview with the Secretary-General of the municipality of Koury, 2018.

54 Interviews in Kolondieba, Filamana and Kalana, 2018

55 Mali: Environmental protection and awareness in the Sikasso region, <http://www.siemenuu.org/en/funding/old-programme/mali>, accessed 11 January 2020

56 M. Keita, G. Ogandi, O. Owuor and W. Nyamao, Impacts of artisanal gold mining on water quality: A case study of Tangandougou Commune in Sikasso Region, Mali, *Yazd: Journal of Environmental Health and Sustainable Development*, 3(4), 2018, pp.621–629, https://www.researchgate.net/publication/329914077_Impacts_of_Artisanal_Gold_Mining_on_Water_Quality_A_Case_Study_of_Tangandougou_Commune_in_Sikasso_Region_Mali

A further type of conflict is seen between the state agencies responsible for the preservation of protected forests and local communities that need access to wood for domestic purposes. There is also competition between and within communities over the intensive exploitation of forests and its impact on the ecosystem. Local tensions can descend into violence, as in May 2019 when a male ranger from the local Water and Forest Department was killed in Mamabougou in the cercle of Sikasso. In another case, at the border of the Niénendougou Reserve, the *Chefs de Terre* installed migrants in protected zones to test the resolution of the authorities on their protection agenda. The intention was that if these newcomers were subject to fines of the Office des Eaux et Forêts [Waters and Forests Office], locals would not expand their agricultural and herding activities to protected areas, but if they were not, the Reserve would be exploited and cultivated. This is another sign of how migrant communities are at times used and installed in precarious conditions.

Some of the state agencies interviewed in Sikasso Region have shared the view that the proliferation of conflicts is due to the transition from traditional to an integrated hybrid system of land management. If the state cannot demonstrate that it is capable of delivering this transition, and effectively support communities to set up mechanisms to prevent and manage these different sets of opposing interests, it will pave the way for communities to organise themselves through localised parallel security systems, as observed in Central Mali.⁵⁷ This would run the risk of communities becoming less willing to cooperate, retreating to their core identities, and increase the risk of inter-community conflicts between different socio-economic or ethnic groups. The danger is that violence might become the default response to land-based grievances. Given these concerns, the government needs to ensure **more coordinated conciliatory efforts to agree on shared rules of use.**

57 A. Tobie, 2017, Op. cit.

Conclusion: Priorities to prevent escalation of land-related conflicts

The crisis in Northern Mali in 2012 and the growing insecurity in Central Mali since 2015 demonstrate how state failure and the absence of a social contract between the state and its citizens can lead populations to organise themselves around local identities – whether religious, ethnic or socio-economic. Such ad hoc reorganisation creates opportunities for political manipulation and violent conflict, where land-use represents a key faultline.

With the security situation deteriorating in neighbouring Burkina Faso, and growing concerns around migratory movements of both people and livestock, as well as changes in the climate, Sikasso Region faces many uncertainties. Protests in the region against court decisions and police interventions can be seen as early warning indicators, in the context of a state disconnected from its citizens and the consequences this has for stability.

The region has advantages that make it resilient to shocks, yet it has not been fully spared from violent conflict around access to natural resources. Those grievances of different communities around access to land and associated livelihoods are met with reactive rather than proactive responses by the authorities. Often the intervention of high-level power brokers is needed to bring these conflicts to an end, where efforts to tackle root causes of the disputes are lacking.

In rural and remote parts of the region, customary law regulating land-use is often both discriminatory and patriarchal, its effect compounded by the absence of state authority. Customary rule is itself challenged by its intersection with the impact of climate change, migration, intergenerational tensions and trends in economic development.

There have been positive developments in the legal system that seek to recognise customary land law, establishing bridges between traditional and formal governance mechanisms. The creation of the CoFos and their expansion at village level have the potential to be operative mechanisms to integrate the two systems more effectively. Yet the state needs to do more to put governance frameworks into practice. It needs to be more present in rural areas through its subnational bodies and reaffirm its authority over land management, while recognising the diversity of practice, encouraging representation of the *cadets sociaux*, and not antagonising traditional systems.

As such, the context demands a dual approach:

First, putting in place, or reinforcing, mechanisms to manage and resolve disputes that could lead to violent confrontation – a critical short- to medium-term effort to reduce the spread of violence from the Central Mali or across international borders.

Second, achieving a sustainable and enduring solution to land-related conflict – which involves medium- to long-term engagement with local and national government institutions to accelerate the implementation of legal frameworks, putting these into practice; adapting approaches to the demands of climate change; and advancing genuine planning around population movements.

Investing in preventive mechanisms now will help avoid the high cost of remedial action in the future.

Recommendations

1. **The national government and international partners should give priority to the places at most risk identified through regular local-level conflict analysis.** The identification and monitoring of early warning signs which point to a deterioration of the security situation, such as targeted attacks on state institutions or inflammatory ethnic rhetoric are critical to this prioritisation. Equally importantly, the interventions that are informed by such analysis should ensure they are **conflict-sensitive** to avoid the reinforcement of existing conflict dynamics or creating new ones.
2. **Mali's international partners should support the training of intermediary groups** – such as associations, youth groups, women or sectorial cooperatives, local city councillors and village advisers – in inclusive land governance as well as facilitating the exchange of good practices among different communities.⁵⁸ This will serve the dual purpose of supporting communities to manage land-related conflicts while tackling entrenched inequalities in dispute mechanisms.
3. **Mali's international partners should work with the national and local governments** to put in place a **coordinated system of capacity building and training in land management** and dissemination of the law at all levels of government by:
 - a. Improving coordination and collaboration between the Ministry of Agriculture, Herding and Fishing, the Ministry of Territorial Administration and Territorial Development and the Ministry of Justice through a reinforced oversight of the land registry, and the training of lower-court clerks and judges on land management laws.
 - b. Developing a greater understanding of the governing legal framework for land management, and the capacity to apply this framework at all administrative levels, especially related to the registration of village leaders and setting up CoFos, in order to facilitate a more meaningful decentralisation process.
 - c. Ensuring the dissemination of land management policies, to allow the reinforcement of oversight by citizens' watchdogs.
4. **Mali's international partners should improve the impact and sustainability of conflict-mitigation interventions** that they support by embedding different levels of governance in their activities and developing communication guidelines to share and encourage the replication of successful interventions.

58 For example, to use discussions about land-use as an entry point for discussing the implementation of the new law on land quotas for young people and women, and to exchange ideas and information about productive approaches between traditional decision-makers.

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