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CHALLENGES RELATED TO THE IMPLEMENTATION OF THE AGRICULTURAL ORIENTATION LAW ON WOMEN AGRIBUSINESS ENTREPRENEURSHIP IN MALI: THE CASE STUDY OF SAMANKO AND BAGUINEDA WOMEN

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RESUME

Le présent document étudie les défis liés à la mise en œuvre de la Loi d'Orientation Agricole sur l'Entrepreneuriat Féminin dans le secteur agricole au Mali : l'étude du cas des femmes de Samanko et Baguinéda. Ce faisant, il explique l'importance de la LOA ainsi que ses implications pour les femmes dans le domaine de la propriété foncière. En outre, il analyse les causes principales de la discrimination de genre à l'égard des femmes en se focalisant sur la manière dont cette loi a structuré les conditions d'accès des femmes aux ressources agricoles, en particulier leur propriété foncière. En outre, l'étude examine les difficultés socioéconomiques auxquelles les agricultrices ont été confrontées en raison de leur faible niveau de propriété foncière. Afin d'assurer une mise en œuvre efficace de l'étude, des méthodes de recherche qualitatives et quantitatives ont été utilisées pour recueillir les données de recherche au Mali auprès des autorités nationales et locales. Les questionnaires et les entretiens intensifs ont été les principaux instruments utilisés pour atteindre le résultat ci-dessus. Cependant, les données ont révélé que de graves inégalités entre les hommes et les femmes persistent en raison des disparités entre les genres et des conceptions erronées. Ils ont clairement indiqué que le contrôle des femmes sur leurs ressources et la propriété foncière est très problématique. Cela constitue donc une grave menace pour les droits des femmes, leur autonomisation et la réduction de la pauvreté. Enfin, les résultats ont conclu que l'absence de propriété foncière des agricultrices au Mali est principalement liée à la fragilité des institutions, au patriarcat, au poids des pratiques culturelles et traditionnelles qui entraînent l'exclusion et la marginalisation des femmes. L'étude suggère donc la mise en œuvre de l'approche institutionnelle et de la théorie de l'autonomisation qui implique la pleine participation des groupes marginalisés, en particulier des femmes, aux processus de prise de décision à tous les niveaux.

MOTS CLES

Agrobusiness, LOA, Entrepreneurship, Mali, Femmes.

ABSTRACT

The current paper studies the challenges related to the implementation of the Agricultural Orientation Law on Women Agribusiness Entrepreneurship in Mali: the case study of Samanko and Baguineda Women. In so doing, it clarifies the importance of the AOL and its implications for women in the area of land ownership. Additionally, it analyses the root causes of gender discrimination against women by focusing on how this law has framed the conditions of women's access to agricultural resources particularly their land ownership. Additionally, the study accounts for the socio-economic challenges' women farmers have faced due to their weaker land ownership. In order to ensure an efficient implementation of the study, qualitative and quantitative research methods were used to collect the research data in Mali with national and local authorities. Ouestionnaires and in-depth interviews were the primary instruments used to achieve the foregoing goal. However, the findings have revealed that serious inequalities between men and women persist due to gender gaps and misconceptions. They have clearly indicated that women' control over their resources and land ownership is very challenging. Thus, this is a serious threat to women's rights, empowerment and to poverty reduction. Lastly, the findings concluded that women farmers' lack of landownership in Mali is mostly to do with weak institutions, patriarchy, weight of cultural and traditional practices which result in women's exclusion and marginalization. The study therefore suggests the implementation of the institutional approach and the empowerment theory that entails the full participation of marginalized groups, especially women, in decision-making processes at all levels.

KEY WORD

Agribusiness, AOL, Entrepreneurship, Mali, Women.

INTRODUCTION

Africa's developing economies are heavily reliant on agricultural production for the sake of employment, foreign trade as well as food security (Moyo, 1999 & al). Efforts to eradicate poverty and mitigate food insecurity have centered on improving the lives of the marginalized rural peasant farmers. Such efforts require the availability of land, labor, and capital to transform agriculture that is

necessary for rural development. In this regard, Mali is not an exception. Agriculture is the most important sector in Mali. 80% of Mali's population was engaged in agriculture in 2018 (USAID 2018). Thus, how to increase the agricultural production is one of the most vital development agendas for Mali.

Henceforth, Women farmers in Mali constitute one vital human resource in the country's agriculture as mention earlier. They make essential contributions to agriculture and rural enterprises across Mali. Therefore, the research hypothesis that even though women are a crucial resource in the agricultural sector, they face constraints that reduce their productivity.

Women often manage complex households' duties and pursue multiple livelihood strategies that men do not. Their activities typically include producing crops, tending animals, processing and preparing food, working for wages in agriculture, collecting fuel and water, engaging in trade and marketing, caring for family members, and maintaining their homes. Nevertheless, many of these activities are not defined as «economically active employment» (Beaugard 2009) in national accounts, but they are essential to the well-being of rural households.

While men in Mali are engaged in more lucrative sectors of the economy, such as state employment, private enterprises and long trade distance, productive employment such as commerce, salary jobs, and proving for the family as well. They are also the key decision-makers within the household. Thus, men make the rules, control, and manage household wealth, decide how to use family land, and make decisions about their families' subsistence. Accordingly, these facts constitute a form of human right violence. Violence on human beings goes beyond physical, but can also be economic violence, political violence, and social violence. Each type of violence presents obstacles to achieving women empowerment in the agriculture sector.

Moreover, empowerment is key to women emancipation. Empowering women in the agribusiness sector will correspond to them challenging existing power structures which subordinate them. Empowerment development must be by people, not only for them. (Gutierrez, 1995, Handler ,1989), thus people must fully participate in the decision-making processes that shape their lives. Consequently, investing in women's capabilities and empowering them to exercise their choices is not only valuable in itself but is also the safest way to contribute to economic growth and overall development (Kaminshi et al, 2000).

In this context, Mali's government has embarked upon policies and institutional initiatives. One of them is the Agricultural Orientation Law (AOL), which aims to reform the agricultural domain to ensure that the sector makes more contribution to the country's development agenda.

Therefore, this article examines what social and economic preconditions are needed for Mali's society to fully implement the AOL. Based on the author's fieldwork, this study surveys what socioeconomic challenges women in the agribusiness sector in rural areas have faced. Thus, the study first overviews women in agriculture and then analyzes the content of the Agricultural Orientation Law and its implication for women in the area of land ownership. Furthermore, in line with the theory of empowerment, this article examines the threats found in women farmers lack of landownership in Mali societies which result in their exclusion and marginalization in most societies. The study further argues that these issues can be solved using the institutional approach and the empowerment theory which requires the full participation of people in this case women in the formulation, implementation and evaluation of decisions determining the functioning and well-being of societies. Implementing these two concepts will help bring changes at the political level through mobilization, legal changes, consciousness raising and popular education.

Hence, some scholars have documented productivity differentials between male and female farmers, particularly in Sub-Saharan Africa. Tinker and Summerfiels (1999b), as well as Razavi (2003), argued that women are often discriminated in owning property rights, though these rights are crucial for their human security and development. In theory, women have the right to land, but in practice, they are often deprived of them.

In the same perspective, Boserup (2007) claimed that inequitable gender relations and women's insecure rights to land exclude them from participation in decision making over land and natural resource use. Furthermore, she said that in many parts of the world, these productivity differentials stem women's insecure property rights, which exacerbate inefficiencies created by imperfect land markets. To support this argument, Jane and Summerfield (2006) also appealed that tenure laws are not clear about women's rights. Women are often disadvantaged in both statutory and customary land tenure systems resulting in less property and less access to the rights to land and other natural resources. Even where existing legislation protects women's property rights, lack of legal knowledge of their rights and poor implementation may limit women's ability to exercise these rights (Djire, &al 2012).

Like manner in Mali, the principle of state ownership of land and other vital natural resources continues to this day as one of the fundamental legal foundations of Malian land law. Nevertheless, as the USAID (2010) found, women cannot traditionally own land in Mali. They are permitted to cultivate or use land temporarily. However, land can be taken away from them at any time, thus discouraging women in rural areas from investing in land improvements such as

irrigation, fencing, or tree planting.

Furthermore, according to Djire & al (2012), the principle of state ownership of land and other vital natural resources continues to this day as one of the fundamental legal foundations of Malian land law. Hence post-independence Mali governments continued the colonial legacy by reinforcing statutory legal principles to build national unity. Moreover, the government attempted to bring land policy and laws into conformity with the concept of Western legal principles of land tenure or land reform, which exclude women.

In this respect, Beauregard (2009) said that access to land and natural resources are governed by several different pieces of legislation, of which many are still influenced by French colonial laws (conferring ownership of the land to the state). On the other hand, recent political and economic changes in Mali have shaped other reforms (2006,2012,2016) by placing more emphasis on decentralization and private property. However, customary land tenure practices that date back to pre-colonial times are still applied. Under these practices, traditional leaders allocate usufruct rights over land and its resources in a common approach to land ownership and use (Jane, & al 2006).

Thus, juxtaposition occurs between Malian legal system governing land tenure in one hand and customary practices on the other hand. In the same way (Djire et al 2012) contended that land tenure in Mali is complex, consisting of modern laws, which essentially put land in the hands of the state to sell or attribute, and customary rights in which chiefs, elders, and other traditional leaders manage the land and its use. Only recently has the government of Mali begun to harmonize the complex web of laws and decrees governing statutory systems and put in place a mechanism to recognize and record customary practices. It is still unclear, however, how these reforms will play out in practice.

The literatures revealed that despite efforts for promoting gender equality in the agricultural sector women still faced challenges. Therefore, this research seeks to understand the root causes of these challenges. In order to achieve this the research examines the following questions: why do women farmers and entrepreneurs still face constrains in owning land despite the enactment of the AOL which guarantees equal land ownership to both men and women? What impacts can this lack of land ownership can have on their access to other agricultural inputs?

In doing so, the article brings to light the gap between the implantation of the AOL and the reality 12 years after the enactment of the AOL. Using data collected in Mali, it provides some pragmatic evidence to illustrate whether the Agricultural Orientation Law has improved women farmers land ownership or not.

1. METHODOLOGY

To analyze the impacts of the Agricultural Orientation Law on women's land ownership, this study presents findings from data obtained from the author's survey in two districts in Mali from January 24th, 2018 to February 28th, 2018. The first district is Samanko in Koulikoro region, at 53 km from Bamako. We selected this district because it has many women entrepreneurs in the agribusiness sector who provide Bamako markets with quality agricultural products. The market gardening perimeter of Samanko, if well managed, could provide the district of Bamako and surrounding areas with quality vegetables. It has plenty of potential to supply the Bamako market in real time with vegetables, given its geographical location and its modern infrastructure.

The second district is Baguineda, which is a town and municipality in Mali, a sub-prefecture of the Cercle de Kati in the Koulikoro region as well. Located at 30 km from Bamako on the Niger River. Agriculture is the dominant economic activity in this district as well. In fact, an irrigated area, managed by the Office du périmètre irrigué de Baguineda (OPIB), allows rice, sorghum and millet cultivation. The inhabitants also practice market gardening, arboriculture, livestock farming, fishing and trade are widely practiced.

These two districts are Mali's agro-ecological zones making it ideal for crop production. They were selected based on this reason and also for the fact that they are closer to Bamako, this reduced monetary and time cost for the research. In terms of numbers nationwide, most of the households obtained small-to-medium scale farms and it is these that our study focused on. We utilized multi-cluster random sampling to select the two women cooperatives and conduct interviews and questionnaires with women farmers and entrepreneurs in each district.

The two cooperatives were producing a wide range of products from horticultural crops (tomatoes, vegetables and potatoes) to staple crop (rice, millet, maize). We asked questions addressing the socio-demographic background of the respondents, questions related to women land ownership based on the AOL and its implementation, questions dealing with gender issues in agriculture, questions on the socio-cultural factors, questions correlated to household production and general challenges related to agriculture in Mali.

Additionally, we interviewed key informants including ministry officials and leaders at national level such as: the Minister of Agriculture; the Ministry of Finances, the Ministry for the Promotion of Women and Children; the National Directorate for the Advancement of Women; APCAM (Assemblée Permente des Chambres d'Agricultures du Mali); CNDIFE (Centre

National d'Information et de Documentation sur la Femme et l'enfant au Mali); L'OPIB (Office des Perimetre Irrigues du Baguineda). At the community level we interviewed local actors and National women's organizations such as: (La femme Rurale); Women in Law and development in Africa;

Women and Development Association in Mali and in an international organization that is Oxfam Mali. During this phase, we targeted one or two persons in each ministry. The interviewee was subjected to interview questions and questionnaires about the Agricultural Orientation Act and its impacts on women agribusiness entrepreneurship to get in-depth understanding of the objectives, purposes and the extent to which the AOL were fulfilled. In total the author did eighteen interviews and sixty-two questionnaires.

Furthermore, questionnaires were mainly carried out with entrepreneurs, farmers, and scholars on agricultural studies. However, the percentage of people surveyed varies according to the type of activity. The respondents were from various categories ranging from the followings: Self - employed / entrepreneurs 43%, Scholars on agricultural studies 17%, civil servants from different ministries and NGOS 14% and Farmers 7%. Thus, this study is the combination of different actors involved directly or indirectly with women agribusiness entrepreneurship in Mali. Based on the analysis of the AOL and the author's field research, the study examines the gaps in the implementation of this law and the reality twelve years after its enactment. Before shifting to discuss the research findings, it is convenient to provide a concise overview of women entrepreneurship and the Agricultural Orientation Law in Mali.

1.1. OVERVIEW OF WOMEN IN AGRICULTURE, IN ENTREPRENEURSHIP AND THE AGRICULTURAL ORIENTATION LAW IN MALI

1.1.1. OVERVIEW OF AGRIBUSINESS WOMEN

In Mali, the agricultural sector, the livestock sector, the fisheries sector, the environment and the forest sector, are all designated by the sector of agriculture or primary sector. Therefore, the potential and strengths of the agricultural sector are enormous. Approximately 43.7 million ha of land are suitable for agriculture and livestock. Among this huge amount of cultivable land only 5.2 million ha (11.9%) are cultivated annually (Food and Agricultural Organization 2012).

Thus, the economy of Mali is based to a large extent upon agriculture, with a mostly rural population engaged in subsistence agriculture. Agricultural activities occupy 70% of Mali's labor force and provide 42% of the GDP. Cotton and

livestock make up 75%–80% of Mali's annual exports. Small-scale traditional farming dominates the agricultural sector, with subsistence farming (of cereals, primarily sorghum, pearl millet, and maize) on about 90% of the 14,000 square kilometres (1,400,000 ha; 3,500,000 acres) are under cultivation. The most productive agricultural area lies along the banks of the Niger River between Bamako and Mopti and extends south to the borders of Guinea, Ivory Coast, and Burkina Faso. Average rainfall varies in this region from 500 mm (20 in) per year around Mopti to 1,400 mm (55 in) in the south near Sikasso (FAO 2012).

Nevertheless, if the word agriculture indicates plowing a field, planting seed, harvesting a crop, milking cows, or feeding livestock until recently, this was an accurate picture. But todays' agriculture is radically different. Agriculture has changed into agribusiness and has become a vast and complex system that reaches far beyond the farm to include all those who are involved in bringing food and fiber to consumers. The term agribusiness was first introduced in the 18th century by Davis and Goldberg. They defined it as follows:

Agribusiness is a sector that includes the sum total of all operations involved in the manufacturing and distribution of farm supplies; production operations on the farm; and storage, processing and distribution of farm commodities and items made from them. According to them agribusiness includes all activities that relate directly to food production as well as key inputs to the sub-sector (Davis and Goldberg, 1957). Accordingly, they divide the agribusiness sector into four main sub-systems: (1) input delivery; (2) farming/ primary production; (3) postharvest and processing (agro-industry); (4) marketing and distribution.

Hence agribusiness is a complex system of input sector, production sector, processing manufacturing sector and transport and marketing sector. Therefore, it is directly related to industry, commerce and trade. Furthermore the concept of agribusiness is also explained by the World Trade organization as a system that include not only that productive piece of land but also the people and firms that provide the inputs (i.e. Seed, chemicals, credit etc.), process the output (i.e. Milk, grain, meat etc.), manufacture the food products (i.e. ice cream, bread, breakfast cereals etc.), and transport and sell the food products to consumers (i.e. restaurants, supermarkets etc.) (WTO 2014). Through all these explanations above we realize that the definitions given to the term agribusiness varies according to the time, the organization and people. However, a similar explanation among these arguments is that agribusiness is more that agricultural production itself. It includes all the individuals related to the sector. This is to say that it does not only centers on farmers, but it also includes decision makers, policies, alliances and private sectors. All these make it a complex and interesting system.

Hence, many of the rural poor worldwide are smallholder farmers, and in most

of South and South East Asia, and in much of sub-Saharan Africa, smallholders dominate agriculture. Smallholders derive their livelihoods by cultivating small pieces of land, and supplementing their income with dairy, poultry or fish farming. While smallholder agriculture accounts for a large proportion of agricultural production, it is not only a source of economic activity, production and income, but also constitutes an important part of rural culture and social organization in Mali.

According to The Consultative Group on International Agricultural Research (CGIAR) and

(Albu, et al., 2005), smallholder farmers' livelihoods depend on much more than food production. Mali's government attention has recently been focused on not only working with farmers to improve agricultural production and productivity, but also broadening their activities to include processing and marketing which all covered the agribusiness sector.

Therefore, the role played by Malian women in the agribusiness sector is as complex as it is significant. Not all women in agriculture are subsistence or smallholder farmers or provide their labor to the industry. Across the agricultural spectrum, you also find commercial producers, processors, entrepreneurs, scientists and policy makers reason why this article goes beyond only the farmers since they are not the only actors involved in the agribusiness sector as explained in the previous sections. Furthermore, it is a challenge to define the crucial role of Malian women in agriculture and agribusiness, largely because it is such a rich and heterogeneous group of people within a large and non-homogeneous locality. For instance, even within the smallholder farmers' group, there is a great deal of diversity. Sizes of farms differ, and farmers' objectives range from production as the main source of food and income, to production as an extra source of food and income, to production for leisure. Mali women's access to resources and information, as well as their needs, can be as diverse as they are. But they all make some contribution to the sector and the economy.

With 80 percent of its population engaged in agricultural activities the majority (78%) of Malian women work in that sector which is considered as the cornerstone of Mali's economy and holds great potential for driving economic growth. They make essential contributions to agricultural production and rural enterprises across Mali. But even though women are a crucial resource in the sector, they face constraints that reduce their productivity. Among the challenges that women faced land ownership is the most crucial one.

1.1.2 WOMEN ENTREPRENEURSHIP IN MALI

It is generally maintained that entrepreneurship is a key for economic growth of the country. Entrepreneurship is defined as "a personal initiative, an innovation and creativity which developed into long-term business ownership, employment creation, capital formation and economic security" (Schumpeter 1961). This imply that developing entrepreneurial skills will lead to the industrialization and the alleviation of mass unemployment and poverty.

There are also many women who are engaged in entrepreneurship. According to Medha Dubhashi Vinze (1987), a woman entrepreneur is a person who is an enterprising individual with an eye for opportunities and an uncanny vision, commercial acumen, with tremendous perseverance and above all a person who is willing to take risks with the unknown because of the adventurous spirit she possesses.

Women Entrepreneurship is defined as all activities carried outside the household, which allow a woman to make sufficient profits for the less to maintain its activity. These activities are classified as subsistence agriculture, but generally involve small-scale activities, through little capital and technology in developing countries.

Therefore, women make up the majority 51.7 % of the Malian population. Most of them live in rural areas. Active employed women make up 40.9% of the total female population of which 78% work in the agricultural sector which includes crop production, its processing and marketing as well. Thus, women are present in all socio-economic and cultural activities in both rural and urban areas (FAO 2012).

The development of private initiative in Mali, especially micro-enterprises is recent. In this range, women are scarce despite their skills and significant contributions to the economy. Only 22% of them are employed in this sector.

Therefore, they are two types of entrepreneurs depending on whether they work in the formal or informal sector. The latter includes the majority of women entrepreneurs: a survey conducted by USAID in the district of Bamako estimated that 70% of women work in the informal entrepreneurship sector. While women entrepreneurs in the formal sector are therefore few in number and pioneers of recent times. They are found mostly among former public servants, young graduates or those trained on the job between 25 and 50 years old. They generally practice liberal professions (doctors, pharmacists, accountants, notaries, lawyers), provide services or have sales outlets. Malian women are therefore generally confronted with several problems, namely: the multiplicity and hardness of their work, illiteracy, lack of information and training, sociocultural constraints,

etc. Besides, with the economic crisis, women are increasing income-generating activities (trade, production, food processing and services: sewing, crafts, catering ...) to cope with their increasing costs. This status quo hampers their empowerment and lessens their ability to participate in the life of the nation. Much remains to be done to ensure that Malian women entrepreneurs are able to constitute a category that could weigh all their weight in the world of business.

1.2. THE AGRICULTURAL ORIENTATION LAW (AOL) AND ITS IMPLICATION FOR WOMEN

On August 16, 2006, the Agricultural Orientation Law (AOL) was adopted by the National Assembly of Mali, with the purpose of to «determine and conduct the long-term policy of agricultural development in Mali» and to promote «sustainable, diverse, modern and competitive agriculture, placing farmers in the center of the process « (GRET, 2005). More importantly the AOL aims to empower women along the agricultural value chains by paying specific attention to their needs particularly their land ownership. The Law has seven (7) titles with 33 chapters and a total of 200 articles. The followings are some of the articles in the AOL which favors women agribusiness promotion.

- Article 8 of the LOA states that agricultural development policy is aimed at promoting the equity between women and men in the agricultural sector, particularly in rural areas.
- Article 24 states that the State particularly favors the settlement of young people, women and vulnerable groups as farmers, by promoting their access to factors of production and by developing special technical or financial support mechanisms.
- Article 45 declares that the state promotes equity between women and men in rural areas, particularly on farm exploitation.
- Article 83 states that the state shall ensure equitable access to agricultural land resources for the different categories of farmers and promoters of agricultural holdings. To this end, the state facilitates the access of the greatest number of farmers, particularly women, young people and vulnerable groups in state managed areas.

In addition to the AOL the Government of Mali has also adopted legislative and institutional measures. In this line Mali has ratified several international conventions that have direct or indirect effect on the status of women. Mali has also joined in the adoption of numerous resolutions emanating from international organizations. It ratified the Protocol of the African Charter on Human and

Peoples' Rights (ACHPR). It also fully subscribes to the definition of discrimination based on sex. Article 2 of the Constitution of Mali states: «All Malians are born and remain free and equal in rights and duty. Discrimination based on social origin, color, language, race, sex, religion and political opinion is prohibited".

In addition, Mali also adopts the Gender Responsive Planning and Budgeting which seeks to integrate gender considerations into budget management to ensure an efficient allocation of resources according to defined needs. It also analyzes the impact of the budget on women, men, girls and boys to improve resource efficiency. Thus, the Agricultural Orientation Law represents a major step towards rural development, particularly about the promotion of rural women. The analysis of the AOL and implementing legislation reveals provisions promoting gender in the field of agriculture. Nevertheless, shortcomings and concerns are noted in the application of these provisions.

2. RESULTS AND DISCUSSIONS

2.1. LAND ACQUISITION PROCESS IN MALI

Land is a property of paramount importance whose exploitation is a factor of unity and social cohesion. It is, moreover, one of the foundations of the organization of the society at village level and is a means of production, of sharing and consumption between the various individuals of the family unit and of the community. The family land is also an economic and symbolic patrimony to the peasants.

However, land acquisition is done in two ways depending on whether you are in a managed area such as (Office du Niger, ODRS in Selingue and OPIB in Baguineda) or in a non-managed area which is not improved by any Organism. Managed areas are generally areas where intensive farming is practiced (especially rice and large market gardening) while the non-managed areas are the surfaces intended for dry farming (millet, sorghum, peanut, etc.). The delivery of the land acquisition act is the responsibility of the area. Thus, the managed zone is under the authority of the State through the technical services and managerial organizations such as (Office of Niger, ODRS, and OPIB). On the other hand, in non-organized zone, the préfet, the mayor and customary chief may issue plots.

Therefore, in Mali all lands belong to the state. However, in practice and with traditional practices land use is managed by village chiefs and customary chiefs within the boundaries of their collective territories. These traditional chiefs have greater control over rural land. They can cultivate it and take advantage of the

fruits on these lands. Moreover, they can also attribute them to the villagers or new purchaser without them having a definite title of ownership. The final allocation of the land belongs to the State. If the final allocation of the land is the responsibility of the State, how many women have become landowners since 2006?

2.2 .WOMEN LAND OWNERSHIP IN MALI

Regarding women land ownership, 50% out of 62 of the respondents argue that women don't have equal land ownership as their male counter-patterns. Women farmers are generally conferred the right to cultivate land under their husband guarantee." According to one of the interviewees, every married woman in Mali in rural areas has a double fertility role. The first being to ensure the reproduction of the family by giving birth to children and the second is cultivating a plot of land to increase the production level of the family." Thus, they are directly conferred an agricultural plot up on marriage in addition to their reproductive roles. In the same line another women farmer said that" we are never denied access to land, but our challenge is land ownership and the type of land we are given. I changed plot every three years. Our husbands give us land but once their become fertile they are taken from us"1

Women farmers in Mali can primarily access unfertile land for sometimes. Moreover, when it comes to titling these plots men are the ones involved in those processes. In addition to that, it is also important to note that the procedure of land ownership is rather expensive and takes long procedures (public surveys, authorizations). It should be noted that women farmers are excluded from this approach. Indeed, they do not necessarily have the financial means to implement this procedure and especially they do not know their land rights. Consequently, the procedures for land ownership are expensive and time consuming. Given the household structures, women are supposed to do the household core enabling them to fellow up with the procedures. When their husbands must do it on their behalf, they usually put their names instead of their wives' name. Additionally, when involved in the process women would also prefer writing their sons name when their husbands passed away.

In a survey conducted by Wildaf, Feddaf, Mali (2013) on women land ownership in the managed and non-managed area, they found out that:

-In managed area, women are marginalized and have weak access to plots because of the prejudices on their capacity of exploitation, their lack of financial resources. Besides women are also victims of bidding and corruption.

[.] Interview conducted with Samanko women's cooperatives on February 7/2018.

- In non- managed area, women have few spaces near the villages and around their husband's field. They also discovered the presence of investors of all kinds in the developed areas and directly competing with local farmers. In the absence of agricultural land, the rural population risks working for these investors as agricultural laborers, in return for small wages. (WILDAF 2013).

In recent years, however, rural land in Mali has become a favored investment sector for domestic and foreign capital. Their deployments have an impact on the local social and economic equilibrium and the food security of the populations.

All these factors lead to a decrease in women's share of income in the family economy (the lack of land ownership leads to the reduction of women's harvesting and processing activities that were considered a contributing factor to local economy). Furthermore, the households purchasing power also decrease with the expropriation of managed land. Once the managed lands are attributed to foreign investors, local people cannot access the fruits or products on these plots. Generally, women are the primary beneficiaries of these fruit products. Consequently, this leads to a reduction on women's productivity. Additionally, the monetarization of the labor force woman dispossessed from her land is forced to work as a farm worker for a meager wage that does not cover the essential household expenses. The selling off economic goods to support needs, the state of poverty often places woman in the position of pledging or selling at a low price an object of value going as far as production equipment to satisfy urgent needs.

The survey also found that communities are not involved in the land distribution process to new investors from abroad. The lands in question were allocated by the State services in accordance with its policy of promoting agribusiness to the detriment of the rural population.

Non-managed areas are village territories where dry crops (millet, groundnut) are grown. Many people interviewed during the survey said that the acquisition of agricultural land is mainly done by customary chief and councilors of their localities. Moreover, customary law granted privileges to customary chiefs over the allocation of land.

However, with decentralization it seemed that the land act (reviewed to legalize and organize the land system in Mali) has concentrated many activities and powers in the hands of the town hall and administrative authorities in general. As a result, customary chiefs have relatively little room for maneuver. Despite that, their legitimacy is not questioned in their respective territories. They still maintain their role of counsel and have influence on the rural populations.

Therefore, in rural areas men are given huge amounts of land for the cultivation of desirable varieties (rice, millet, sorghum, sugar cane, etc.), while women exploit small and unproductive plots for market gardening. These activities are income generating for them. They allowed them to contribute to the family expenses while taking care of themselves and their children as well.

Additionally, the information campaigns put in place by the State are concentrated only in peri-urban areas. The peasants in rural areas are left out and have no possibility of obtaining the titles of land. The responsibilities of land access are done accordingly by the village chief, the councilor, the mayor, the prefect, the governor of the region, the council of Ministers. Other than these different levels the state organisms deliver acts of exploitation of the managed plot.

Another important challenge related to land issue in Mali is the distribution process. If the Agricultural Orientation Law grants special attention to women land ownership in land irrigated by the state, it still remains unclear which amount of land has been irrigated by the state from 2006 to 2018 and which amount belong to what categories of women. Corruption also play an important role in land distribution and use 15% of the national budget goes into the agricultural sector yet less seems to be achieved in alleviating the challenges due to the misuse of budget. It took 5 years to establish the AOL yet there is still an administrative slowness in its implementation. Thus, the bill and texts related to the application of the law are uncompleted, furthermore there is a problem of law enforcement since the conditions and criteria for the application of the law are not clear.

Equally important land problem remains serious even among traditional leaders and the state. There is a clash between the rule of the law and traditional customs and rules under which women can't own land. And the rule of the law which guarantees women land ownership fails to specify the methodological procedures under which they can own land and how they are selected to be in land committees.

In a survey conducted by the Statistiques De Production Agricoles, Enquête Agricole De Conjoncture (Agricultural Production Statistics) in its annual report of 2011-2012 found that the percentage of women with access to land (as landlord) was less than 4 percent in all the regions in Mali. Particularly, 3.6 per cent in Kayes was the highest rate compared to only 0.6 per cent in Timbuktu and 1.3 per cent in Sikasso, Segou and Gao. This rate was relatively low. It means that women have very little access to land ownership in Mali, despite favorable political measures for them such as the Agricultural Orientation Law, which grants them a positive discrimination.

Moreover, in another study carried out by the Cellule De Planification Et De Sta-

tistique Du Secteur de Développement Rural: Enquête Agricole de Conjoncture 2016-2017(Planning and Statistics Unit of The Rural Development Sector) discovered that there is still a strong gender gap in land distribution in all regions.

However, Kayes remains the only southern region to be moving towards gender equality in land distribution. This can be explained by the fact that Kayes region has the most migrant population. When men go on migration, women are left with large amount of land. In contrast with Sikasso and Segou, the main agricultural regions of Mali are doing worst. As for the northern regions that is Mopti, Timbuctou and Gao they are doing better compared to Sikasso and Segou regions. This is so because women inherent land in those regions and agriculture is not the main source of income for women in those places. Additionally, there is a huge amount of land in the north compared to the south.

2.3. OTHER CHALLENGES RELATED TO WOMEN LACK OF LAND OWNERSHIP

In addition to the challenges mention above the following challenges also weight against women land ownership.

2.3.1 SOCIO-CULTURAL CHALLENGES

With regard to the socio-cultural factor's respondents were asked to what extend the following factors i.e. (marital status, age, level of education, level of income, and religion) have had an effect on women entrepreneurship. 84% out of 62 participants emphasize on income level as the first factor while 79% referred to the level of education and other 75% mention marital status as the factors affecting their entrepreneurship. Furthermore, the author wanted to find out which of these factors mostly affect women entrepreneurs and it was find out that marital status was ranked as the first challenge, followed by level of education and lastly the level of income.

Married women are bound to follow socio- cultural norms and rules even in conducting their entrepreneurship activities. They have less freedom and opportunities to engage on their activities because of social expectations on them. To this regard one of the respondents said" once you are married you are blocked, you can't take any decision or engage in anything related to your business without asking your husband permission first. If you fail to do so you are qualified as "moussokoutigui "women leader. This may expose your marriage and essentially your business at social risks" 2

[.] Interview conducted at OXFAM Mali on February 13/2018.

2.3.2 ACCESS TO EDUCATION

In the field of education, illiteracy rate remains very high in general and particularly for women 83% and 92% for rural women. The result of the survey proves the low level of education of the Malian population with (72%) in the primary sector. However, this percentage is higher in trade service with 75% of higher education level. Less than 50% of the population in all sectors have basic education level. Low level of education plays a crucial role in accessing means and factors of production to both men and women. In addition, many of the respondents also say that level of education is also important. The more educated a women entrepreneur is the more successful her business will be. Educated women are open-minded, they possess marketing and business skills and can easily access information and claim for their rights. They can also take decisions at their enterprise or professional level, have an impact on their communities and families. Thus, many participants argued that uneducated women lack these skills and are more exposed to social norms regressing their production level compared to educated women entrepreneurs.

2.3.3 ACCESS TO INFORMATION AND TRAINING

With regards to women access to training and information cooperatives play an important role in that domain. 67% out of the 62 respondents are aware of the existence of either a cooperative of production, processing, marketing, and credit. More than half claim to receive either information, education, social services from these cooperatives. However, 57% purport not to receive fertilizers, seeds, and chemicals from these cooperatives as well. This imply that cooperatives are doing well in providing women with training and information for free, but they cannot still afford providing them with equipment.

Nevertheless, many extension service providers are based in the capital city. According to one of the respondents: "extension service providers don't want to go to rural areas more than 50% of them are based in Bamako. The state must revise its affectation policies". And she added" men are the beneficiaries of training in rural areas because women don't have access to decision making".

Often, they are compiled to respect socio-cultural norms by passing through their husbands and community leaders to attend the training sessions." ³Another woman added" even if the training and information services are available to us our workload doesn't allow us to attend them. Many of the trainings took place in daytime when we are busy with our household duties". ⁴

^{3 .} Interview conducted at IPR/IFRA « Institut Polytechnique Rural de Formation et de Recherche Appliquee » on January 29/2018.

^{4 .} Interview conducted with Samanko women's cooperatives on February 7/2018.

Another challenge related to women access to information and training is illiteracy. Generally training and information are done in French while 83% of Malian women are illiterate. This percentage reached 95% in rural areas. TV is not accessible to all and some participants claimed that only educated women benefit from those trainings and information.

2.3.4 ACCESS TO DECISION-MAKING

In that section respondents were asked to what extend women entrepreneurs were involved in decision making processes. 54% of the participants maintain that women have more power in taking decisions at their enterprises level. Very few asserts that this power cannot be extended in their communities, political or religious organization. Their decision-making level is only high at their professional level. In this regard, one of the participants purports that: "The more women are exposed to a larger public the less their influence is". They have more influences in their families especially when alone with their husband's. Accordingly, one of the respondents said: "Women experiences and knowledge matter. They pay more attention to rules and details than men. Unfortunately, they don't have right to express themselves especially in rural areas. It's men who decide everything."5 To make decisions as a woman you have to consult with men first. Traditions play an important role in shaping their access to decision making.

Thus, all sorts of issues intermediate against women farmers in Mali. Life for both men and women smallholder farmers are bent with hardships and poverty. Most of the land is owned by the government, and in the traditional system of land use, men are more likely to have access to land than women. Their lack of access to land, credit, and other important resources, along with the cultural and traditional issues that preclude them from making decisions or controlling productive resources, hamper their performance in agricultural production. Lack of access to credit is also a major constraint in women's success in their agricultural pursuits, since it hampers their capacity to purchase the necessary inputs and services.

CONCLUSION

Based on the results obtained throughout this investigation and the research questions which guided the implementation of the study, we concluded that the issue of land ownership in Mali is subject of many attention and interest. In addition to legal issues, it expands to economic, social, gender inequalities and

^{5 .} Interview conducted at CNDIFE on February 9/2018.

cultural aspects as well. In response to my research question that is: why women still face constraint in owning land despite the enactment of the agricultural orientation law which guarantees them equal land rights, the research concluded that women still face constraint firstly because of the multiplicity of land actors or distributors (mayor, village chief, clerk, etc.) complicates women's land ownership Additionally, the research also found the law to be vague. Its implementation is then problematic besides the state managed land. Furthermore, the law does not specify whether they are women of all categories or women heads of exploitation who must benefit the state managed land, nor does it specify the distribution procedures of this managed the land among women, young people and vulnerable groups. Thus, the texts advocating the principle of gender equality in the law, remain mostly theoretical in absence of specific measures to ensure its implementation, and to draw line between the modern law and customary law. Neither the AOL nor the customary law have really made positive impact on women land ownership. Thus, if men have the right to land ownership, women only benefit from the right of land (exploitation) because women are always at the second level when it comes to implement either the positive law or the customary law. This is where the institutional approach highlights in the introduction intervene. Thus, progress may only occur in Mali if titles, deeds, ownership, property rights and laws are efficiently documented and respected.

Secondly, there is an overlap between the customary law and the positive law, the old system is not challenged. Thus, the AOL does not question customary tenure and now recognizes modern land titles that are in the name of the state. It therefore proposes a modernization of agriculture without challenging the position of large family landowners that are customary systems. Reason why, 12 years after the enactment of this law, women land ownership and access to other resources such as credit, information, seeds, fertilizers and equipment in Mali especially in rural areas is based mainly on customary rules rather than positive law. Accordingly, the cultural aspects of people and not the environment determine economic success. In the context of Mali cultural practices do not favor women land ownership.

Thirdly, in response to my second research question that is what impacts can this inequality of land have on women access to other agricultural resources, the research also concluded that because women are less represented in land committees this led to a lack of skill transfer and resources to them. The texts greatly focus on the responsibilities at state structures level, forgetting the current context of decentralization, especially the representation of women in regional and local committees. More interestingly, women lack of education, and their lack of knowledge about the gender empowerment aspects of the AOL have a negative impact on their empowerment. Furthermore, women's lack of repre-

sentation in land committees, as well as in decision making bodies keep them in a circle of instability. These factors also hinder their socio-economic empowerment and keep them in the vicious cycle of insecurity and poverty. These factors jeopardize not only the stability of their farms, their access to factors of production (credit, seeds, fertilizers, equipment) but also endanger the life of all the individuals who rely on these women productions, especially their children. This is where the empowerment theory discussed by (Gutierrez, 1995), (Kaminshi et al, 2000) in the introduction intervene. This theory aims to remove the social barriers that prevent access to power and influence the marginalized group by organizing them for action. Additionally, it also mobilizes assets in ways that multiply influence beyond that available to single individuals. More importantly the theory helps existing leaders learn the importance of sharing power for achieving community success. Thus, empowerment theory addresses the inequities in the distribution of resources and experiences that confer power, such as education, income, and financial credit to men and help women make real gains of these resources. It also arises women consciousness about their negative situation that is their domination, marginalization, subordination and oppression by the existing social structures. More importantly, it motives women to change those structures by changing themselves through the means available to them. Finally applying the empowerment approach lead to a positive change in women's conditions and help them aim for a better life for themselves and their community.

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