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EXPLORATORY ANALYSIS OF WOMEN'S RIGHT OF ACCESS A LAND CASE OF MALI

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Annotation

The relevance of the study: Several factors combine to explain this situation, including the poor equipment of farms and the lack of supervision and strong support from the public authorities. In addition to these factors, the lack of security of land tenure is a major problem facing farmers [1]. This problem of land rights is exacerbated by women's poor access to farmland despite the fact that they make up a very large part of the agricultural labor force. Mali is a country whose economic structure is strongly dominated by the primary and tertiary sectors. In 2017, the contribution of the primary sector accounted for 38.34% of GDP, with a large share for agriculture (19 % of GDP). In 2019, it is estimated at 38.43% of GDP [2]. Malian agriculture remains largely dependent on rainfall. It is characterized by low agricultural yields. **Problem of the research.** Low access to agricultural property rights is a source of demotivation for women who paradoxically constitute the main agricultural workforce. This lack of a consecrated and explicitly recognized right to land ownership reflects the lack of incentives for women and would explain in part the low productivity and low total agricultural production.

Subject of the research: women's right of access to agricultural property and its impact on the country's production. **The aim of this paper** is to reveal the problems women's right of access to land. **The following tasks:** is to identify the legal arsenal relating to land law directly and to women's right of access to land ownership and to highlight the practical, social and customary difficulties encountered in the implementation of this right. Subsequently, it is necessary to highlight the link between this poor access to agricultural property rights and the low level of agricultural production in Mali. **Methods.** To deal with this theme we had adopted a feminist and critical posture. **The novelty** the adoption of the feminist posture helps us to understand women's discourse in a context marked in practice by the implicit denial of women's right to access agricultural land ownership. **The paper concluded** that the critical approach makes it possible to go beyond this observation to try to understand the relations of force and power between men and women in the particular context of the country. **As the result** women's right to access land ownership is a recognized and inalienable right in Mali. However, sociological, customary and religious constraints make the implementation of this right on the ground problematic. As a result, despite their significant weight in the agricultural labor force, women have little access to land, farms, inputs and equipment. The corollary of this situation is their low agricultural yield and their low contribution to agricultural value added.

Key words: women's right of access to land, the level of agricultural production, agricultural labor force.

Introduction. Relevance of the topic

Despite their very large share of the agricultural labor force and ongoing legal reforms in Mali, the majority of women do not enjoy their right of access to agricultural land. This poor enjoyment of their rights severely hinders their contribution to the value added in this sector.

The problem of research

The Malian Constitution states in Article 2 that: "All Malians are born and remain free and equal

in rights and duties. Any discrimination based on social origin, color, language, race, sex, religion, and political opinion is prohibited" [3]. Similarly, article 13 of Law N 2017– 001/ OF April 11, on agricultural land [4], enshrines the principle of equity in access to agricultural land for different categories of farmers and promoters of agricultural enterprises. In practice, these principles of modern positive law clash with customary practices, the patriarchal nature of Malian society and certain

religious and cultural constraints. The consequence of the denial of the right of access to women, who are the linchpin of agricultural production in our country, is a real source of demotivation that can directly or indirectly affect their agricultural yield and consequently, productivity and even agricultural production.

Object of the research

The research focuses on the practice of land law in general and more specifically on women's right of access to land ownership and its impact on the country's overall agricultural production.

The aim of this paper is to reveal the problems women's right of access to land.

Goals of the research

To carry out this research, we will highlight the texts and laws that guarantee women's right to access financial property. Then, we will analyze the discourses that make the application of these texts difficult. In addition, we will try to identify the consequences that arise from this situation and will end up suggesting avenues of reflection that could lead to the resolution of this problem.

Methods of research

To carry out this research, we will adopt two complementary postures. A critical approach based on diverse epistemological considerations and adopting plural theoretical orientations that can be found in several disciplinary and interdisciplinary fields. It is appropriate for the study of diverse phenomena that are situated at different scales in the field of investigation, whether at the macro, meso or micro social level [5]. Given that our article focuses on the relationship between men and women in terms of access to land ownership, which in practice is characterized by the relationship of domination and social inequality, critical theory is well suited to our study. Indeed, critical approaches pay close attention "to the power relations that organize society, in order to expose the existing forms of hegemony and injustice that structure social relations and human living conditions, as several authors have pointed out: Blais, M., & Martineau, S. 2006 [6]; Denzin, 2015 [7]; Denzin & Lincoln, 2018 [8]. This approach makes it possible to highlight the relationship between men and women and the participation of women in agricultural production.

We want to build socially engaged social sciences that are at the forefront of issues of social justice, equity, non-violence, peace, and respect for human rights around the world. We don't want social science to pretend that it can address these issues only if it wants to.

The second posture adopted is the feminist approach. Our research has a double dimension: it represents both a socio-political project for the transformation of social relations and a scientific project for the elaboration of knowledge [9].

In this article, we want to highlight the central place that gender relations occupy in our analysis and to lay the foundations for the full and real inclusion of women in productive activities in the primary sector for the benefit of the entire economy of the country.

Adopting this dual position in our study offers several advantages. It allows us to take a critical look at the positive law on women's access to land ownership and its application in the field. It allows us to understand the relatively low added value of women in agricultural activities in Mali due to the low level of realization of this right.

Results

The Malian Constitution clearly establishes the principle of equality and non-discrimination in its articles 1 to 21, particularly in article 2, which states that "all Malians are born and remain free and equal in rights and duties. Any discrimination based on social origin, color, language, race, sex, religion and political opinion is prohibited" [3].

In addition to this constitution, a large number of laws and texts have been enacted at the institutional and strategic level, at the legislative, administrative and political level, and at the socioeconomic level to guarantee and enshrine the full rights granted to women in Mali.

At the institutional and strategic level, policies and structures have been implemented in favor of women. Thus, policies, programs and plans have been implemented: the National Gender Policy (PNG) and its action plan, adopted since 2010 [10] the national action plan for the implementation of Resolution 1325 and the national program to combat the practice of excision (PNLPE) [11]. At the institutional level, several structures have been put in place, including the National Directorate for the Promotion of Women (DNPF) [12]. At the national level, the National Directorate for the Promotion of Women (DNPF) has been created to promote the advancement of women and to promote the full rights of women in Mali [13]; the National Center for Documentation and Information on Women and Children (CNDIFE); the establishment of spaces for exchange, training and information for women known as "Women and Children's Houses (MFEs)," including two (02) in Bamako and one (01) in each region of the country, and women's self-promotion centers in certain circles and communes.

At the legislative level, concrete measures have been taken to discourage polygamy and guarantee women the same rights. In this regard, several laws have been enacted, including Law No. 2011-087 of December 30, 2011 on the Individual and Family Code of Mali [14], and Law No. 2015-52 of December 18, 2015 [15] establishing measures to promote gender equality in access to appointed and elected positions. This law sets at 30% the elective and nominative positions that must be attributed to gender. In theory, this is a significant step forward, but the reality on the ground is far from brilliant. Indeed, women's participation in political life still depends on social and practical factors.

At the administrative and political level, measures have been taken to increase the weight of women in legislative and executive bodies and to promote their representation in decision-making positions in both public and private organizations.

At the socio-economic level, the empowerment of women has been placed at the center of concerns. It must be noted that economically, the status of women is still very precarious. Most women work in the informal sector of the economy, which is a precarious and unprofitable sector. In terms of income, 70% of working women earn less than the minimum wage while this proportion is only 30% for men [16]. This situation aggravates the state of poverty among women.

In terms of agriculture, which remains the main activity of rural women, Law N0 2017-001 of April 11, 2017 [17] guarantees both men and women access to agricultural land rights. It should be noted, however, that women's access to land and property remains the responsibility of men, especially in rural areas.

In Mali, agricultural land is governed by Law N0 2017 on agricultural land. This law guarantees freedom of access to land on an equitable basis among all citizens regardless of social origin or gender.

However, it must be recognized that in practice, all the benefits gained by women are difficult to materialize for several reasons.

Inadequate implementation of rights guaranteed by legislation, violence against women, the low participation of women in the political and peace process, and the persistence of discrimination against women constitute major problems facing Malian women and are sufficient proof that women's quest for equality between men and women has only just begun.

Specifically, with respect to the law on agricultural land, some of the provisions make it difficult for women in Mali to access land. For access to private

individuals' agricultural land, the use of customary law with respect to the Chief of village or fraction visas (art. 16) [17] is a source of blockage for women's access to agricultural land. Under customary law, women's rights are subordinate to those of men. Any transaction on land that is subject to collective ownership or possession is subject to prior authorization by the Family Council concerned. The said Family Council is composed of all rights holders. Women are often absent from this family decision-making body. If they participate, they have very limited or even negligible power in the decision-making process.

Regarding the management of agricultural land (Articles 43 to 46) [17], it is the responsibility of the National Agricultural Land Observatory and especially of the village land commissions and fractions made up exclusively of men, which makes respect for women's right of access to agricultural land quite problematic.

Similarly, the management of agricultural land disputes is handled by the village and fractional land commissions. Thus, conflict prevention is handled by the village and fractional land commissions. Any dispute relating to agricultural land is referred to the village and fractional land commissions that have territorial jurisdiction, prior to any referral to the courts (Articles 48 and 49) [17]. The village and fractional land commissions are responsible for managing agricultural land disputes. However, women do not have customary access to property.

The consequences of this de facto inequality of men and women under the Agricultural Land Law are numerous: difficulties in accessing agricultural loans, agricultural seeds and small agricultural equipment, all of which slow down their contribution to the value added of the agricultural sector, which must feed an increasingly large population.

Women and agricultural work in Mali

In Mali, and particularly in rural areas, the social division of labor makes an arbitrary distribution of agricultural activities between men and women. This distribution is often based on traditions and customs. The specificity of activities is linked to culture and ethnicity. In many rural areas, women are heavily involved in working in common fields (family fields). They go to the fields from 9 am and do not return until around 4 pm, which means that they can only cultivate their small plot of land very early in the morning before going to the fields. Therefore, one day it is forbidden to cultivate the common fields, allowing the women to take advantage of this time

to cultivate their own fields. The strong involvement of women in their private fields will influence their intervention in the common fields. As a result, they have small fallow areas. All strategies are used to keep women dependent because autonomy influences their submission [18].

The modernization of agriculture (multi-crop farming, herbicides, etc.) has reduced the involvement of women in common fields. Despite this, women do not have the opportunity to farm large areas. Generally, Fulani women do not participate in field work. In the Kayes region, the many areas dominated by the Soninké, women do not participate in common field work. Also, since this is a zone of high immigration, these women can work in the fields of their absent husbands; moreover, land pressure is less strong in these areas. In the Sikasso Region, women from the Miniankas, Senoufos and Bamanan ethnic groups are heavily involved in common field work. On the other hand, in the northern regions of the country, women are only slightly involved in agricultural activities. As a result, they do not have a passion for the land. Their activities are limited to transplanting, weeding and winnowing; this may be justified by the fact that they do not have enough cultivable land [18].

Women and Access to Land in Mali

Access to land for men and women varies by area. But it is clear that in rural areas, land remains the property of the founding family. At the village level, land owners allocate land to the farm managers. The latter share the plots among their heads of household, and they in turn can give some to their members. Generally, husbands allocate plots to women. Access to land often faces certain social constraints. In the Dogon Country, as in most of our rural areas, the borrower must neither plant nor collect wild fruits from the trees in his field.

In Mali, access to land and other renewable natural resources in rural areas is mainly based on customary rules rather than on positive law. These customary rules are generally not to the advantage of women. Traditionally, women in most ethnic groups in Mali have only indirect access to land. They generally benefit from plots of land acquired through a third party (usually a man: husband, head of lineage, other relative with the consent of the spouse, etc.) for their production but have no control over the resource. Discrimination against women in land management is related more to socio-cultural constraints that mean that in most communities, women cannot inherit land [18]. She generally has only precarious access to land, which is often marginal.

Men own more plots of land than women at the national level. This is related to the fact that men have access to and control over resources. They are the ones who allocate plots to women. Furthermore, agricultural extension workers have always considered women as ½ TH (male worker). Thus, if the man has 1ha, the woman is entitled to 0.50 ha. This certainly has a negative impact on women's income. Women's access to factors of production and working time in the fields is limited. The evolution of women's position means that at present, they can request plots of land, particularly those developed by the state [18, p. 32].

In 2014 the agricultural labor force will be evenly distributed between men and women up to 50%. However, men own 96.8% of the farms compared to only 3.2% for women [18, p. 33].

Women and agricultural production

The Malian population, in its female component, encounters a certain number of difficulties in terms of access to land. In an analysis of agricultural production in Mali, women are much more present in the production of groundnuts and rice, while men produce millet, sorghum, rice, maize and cotton. It should be remembered that women produce more than half of the groundnuts at the national level (about 50.4%). This contribution could be even higher if they had access to plots of land, credit and agricultural equipment and agricultural inputs. Women account for 56% of total market gardeners. The average area per woman farmer is 404 m² or 4 areas [18, p. 35].

According to the results of the 2014-2015 Agricultural Business Survey, out of a total of 3,216,337 plot owners, only 454,085 (14%) agricultural plots belong to women against 86% for men. Male plot owners own an average of 1.7 ha compared to 0.6 ha for women [18, p. 35].

Regarding the low rate of allocation of developed land to women, several factors are at play, among others:

- the weight of tradition (men are the head of the household);
- the occupation of women in rural areas (90% of the time devoted to housework);
- low income (the development of these lands requires investments beyond the reach of women, etc.).

Women and agricultural equipment

In 2015, the Government of Mali distributed 887 tractors among producers in six regions. The Sikasso region alone was allocated 55.69% (i.e., 494 tractors), followed by the Koulikoro region with 20.52%. The proportion of women

benefiting from this allocation is very low. A total of 29 women (3.27%), more than two-thirds of whom are in the Koulikoro region (17). Of the 494 tractors distributed in the Sikasso region, only 5 women were provided, or 1.01% [18, p. 36].

This distribution challenges us in relation to women's access to motorized equipment, which is still very timid in 2015: only 29/887 tractors were allocated to women, more than half of which were allocated to women in the Koulikoro region [18, p. 36].

Women and access to credit

Because of their difficult access to agricultural land, women also have difficulty accessing agricultural credit. Thus, between 2014 and 2015, the number of farmers with access to credit has hardly changed compared to the 2013-14 season, with only 6% of women having access to it.

Conclusion

In light of our study, we can affirm that, in terms of legislation, women enjoy the same rights as men,

including the right of access to agricultural land. Despite their significant importance in the provision of agricultural labor, customary practices, customs and sociological considerations in Mali seriously impede their effective access to agricultural land in practice. This situation on the ground is reflected in their poor access to agricultural credit, inputs and agricultural equipment. Consequently, the confinement of rural women to common field activities to the detriment of their privately owned fields inhibits their motivation in agricultural production.

The result is a low female agricultural output, women's agricultural productivity and hence total agricultural production.

It therefore urges the inclusion of women in agricultural policies and the implementation of projects and programs aimed at restoring their rights in agricultural and land matters, which is a prerequisite for the promotion of agriculture in order to achieve food self-sufficiency for a "growing population.

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ПОШУКОВИЙ АНАЛІЗ ПРАВА ЖІНОК НА ПРИДБАННЯ ЗЕМЛІ В МАЛІ

Анотація

Актуальність дослідження: Ситуація пояснюється декількома факторами, в тому числі поганим обладнанням ферм і відсутністю нагляду і сильної підтримки з боку державної влади. Крім цих факторів, серйозною проблемою, з якою стикаються фермери, є відсутність гарантій володіння землею. Ця проблема прав на землю посилюється обмеженим доступом жінок до сільськогосподарських угідь, незважаючи на те, що вони становлять дуже велику частину сільськогосподарської робочої сили. Малі – країна, в економічній структурі якої переважають первинний і третинний сектори. У 2017 році внесок первинного сектора склав 38,34% ВВП, при цьому лівова частка припадала на сільське господарство (19% ВВП). У 2019 він оцінюється в 38,43% ВВП. Сільське господарство Малі, як і раніше в значній мірі залежить кількості опадів. Для нього характерним є низькі врожаї сільськогосподарських культур. Проблема дослідження. Обмежений доступ до прав на сільськогосподарську власність є джерелом демотивації для жінок, які як це не парадоксально, складають основну сільськогосподарську робочу силу. Відсутність легітимного і визнаного права на володіння землею відображає відсутність стимулів для жінок, що частково пояснює низьку продуктивність і низький загальний обсяг сільськогосподарського виробництва. **Предмет дослідження:** право жінок на доступ до сільськогосподарської власності та його вплив на виробництво в країні. **Мета даної статті** – розкрити проблеми права жінок на доступ до землі. Завдання дослідження: визначити правовий арсенал, що відноситься безпосередньо до земельного законодавства і до права жінок на доступ до земельної власності, а також виділити практичні, соціальні і традиційні труднощі, що виникають при реалізації цього права. Отже, необхідно підкреслити зв'язок між цим поганим доступом до прав на сільськогосподарську власність і низьким рівнем сільськогосподарського виробництва у Малі. **Методи.** Для вирішення цієї теми ми зайняли феміністську і критичну позицію. Новизна дослідження – у прийнятті феміністської позиції, яка допомагає нам зрозуміти жіночий дискурс у контексті, зазначеному на практиці, та неявним запереченням права жінок на доступ до власності на сільськогосподарські землі. У статті зроблено висновок про те, що критичний підхід дозволяє вийти за рамки цього спостереження і зробити спробу зрозуміти взаємозв'язок сили і влади між чоловіками і жінками у конкретному контексті країни. В результаті дослідження ми прийшли до висновку, що право жінок на володіння землею є визнаним і невід'ємним правом в Малі. Однак соціологічні, традиційні та релігійні обмеження ускладнюють реалізацію цього права на місцях. У результаті, не дивлячись на їх значну вагу як сільськогосподарської робочої сили, жінки мають обмежений доступ до землі, фермам, засобам виробництва та обладнання. Наслідком цієї ситуації є їх низька врожайність і низький внесок у додану вартість сільського господарства.

Ключові слова: право жінок на доступ до землі, рівень.

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ПОИСКОВЫЙ АНАЛИЗ ПРАВА ЖЕНЩИН НА ПРИОБРЕТЕНИЕ ЗЕМЛИ В МАЛИ

Аннотация

Актуальность исследования: Ситуация объясняется несколькими факторами, в том числе плохим оборудованием ферм и отсутствием надзора и сильной поддержки со стороны государственных властей. Помимо этих факторов, серьезной проблемой, с которой сталкиваются фермеры, является отсутствие гарантий владения землей. Эта проблема прав на землю усугубляется ограниченным доступом женщин к сельскохозяйственным угодьям, несмотря на то, что они составляют очень большую часть сельскохозяйственной рабочей силы. Мали – страна, в экономической структуре которой преобладают первичный и третичный секторы. В 2017 году вклад первичного сектора составил 38,34% ВВП, при этом большая доля приходилась на сельское хозяйство (19% ВВП). В 2019 году он оценивается в 38,43% ВВП. Сельское хозяйство Мали по-прежнему в значительной степени зависит от количества осадков. Для него характерны низкие урожаи сельскохозяйственных культур.

Проблема исследования. Ограниченный доступ к правам на сельскохозяйственную собственность является источником демотивации для женщин, которые, как это ни парадоксально, составляют основную сельскохозяйственную рабочую силу. Это отсутствие освященного и явно признанного права на владение землей отражает отсутствие стимулов для женщин и частично объясняет низкую производительность и низкий общий объем сельскохозяйственного производства. Предмет исследования: право женщин на доступ к сельскохозяйственной собственности и его влияние на производство в стране. **Цель данной статьи** – раскрыть проблемы права женщин на доступ к земле. Следующие задачи: определить правовой арсенал, относящийся непосредственно к земельному законодательству и к праву женщин на доступ к земельной собственности, а также выделить практические, социальные и традиционные трудности, возникающие при реализации этого права. Следовательно, необходимо подчеркнуть связь между этим плохим доступом к правам на сельскохозяйственную собственность и низким уровнем сельскохозяйственного производства в Мали. **Методы.** Для решения этой темы мы заняли феминистскую и критическую позицию. Новизна принятия феминистской позиции помогает нам понять женский дискурс в контексте, отмеченном на практике неявным отрицанием права женщин на доступ к собственности на сельскохозяйственные земли. В документе сделан вывод о том, что критический подход позволяет выйти за рамки этого наблюдения и попытаться понять взаимосвязь силы и власти между мужчинами и женщинами в конкретном контексте страны. В результате право женщин на владение землей является признанным и неотъемлемым правом в Мали. Однако социологические, традиционные и религиозные ограничения затрудняют реализацию этого права на местах. **В результате,** несмотря на их значительный вес в сельскохозяйственной рабочей силе, женщины имеют ограниченный доступ к земле, фермам, средствам производства и оборудованию. Следствием этой ситуации является их низкая урожайность и низкий вклад в добавленную стоимость сельского хозяйства.

Ключевые слова: право женщин на доступ к земле, уровень сельскохозяйственного производства, сельскохозяйственная рабочая сила.

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