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REPORTS

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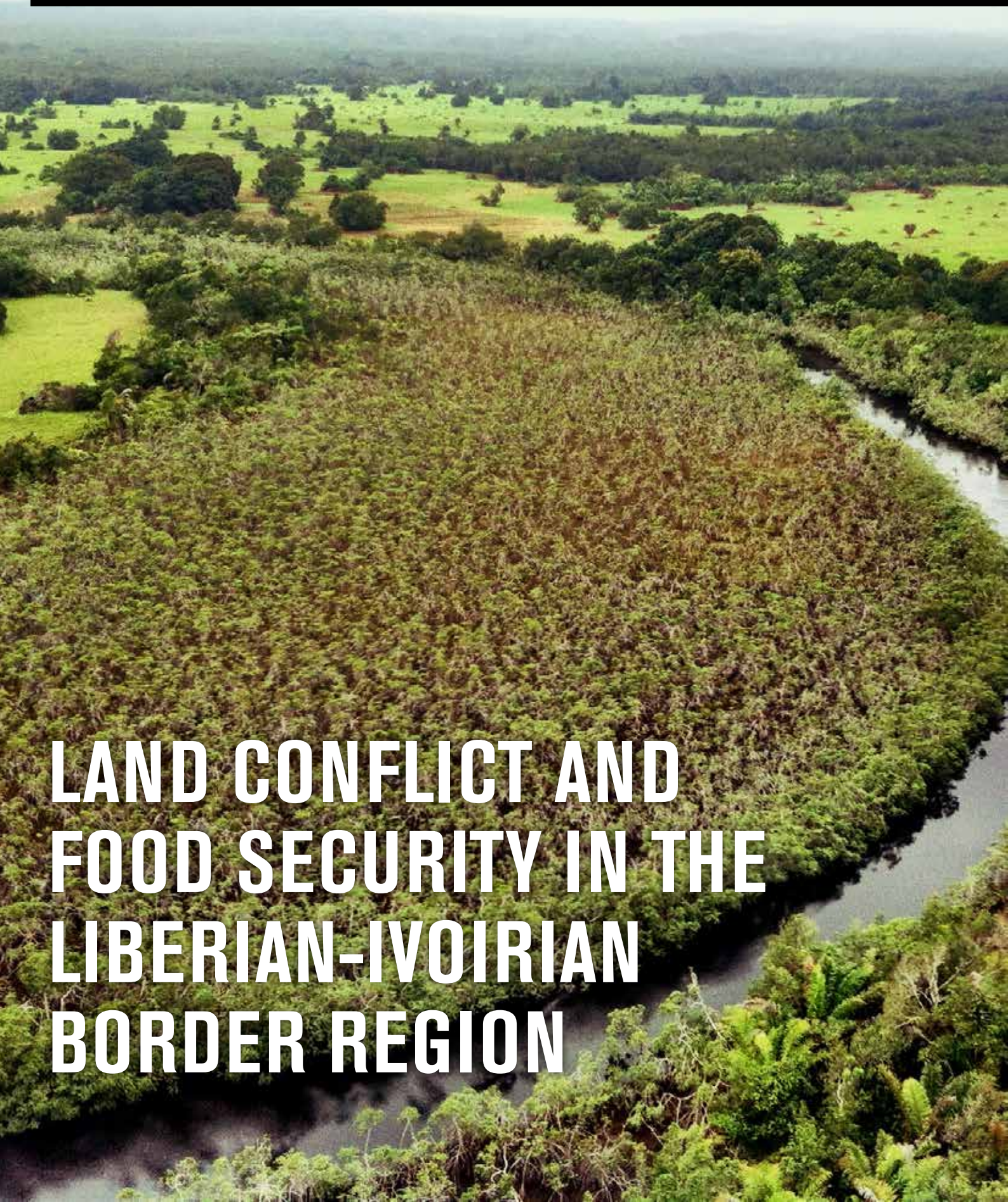

LAND CONFLICT AND FOOD SECURITY IN THE LIBERIAN-IVOIRIAN BORDER REGION

THE NORWEGIAN REFUGEE COUNCIL

The Norwegian Refugee Council (NRC) is an independent, humanitarian non-governmental organisation which provides assistance, protection and durable solutions to refugees, internally displaced persons and returnees worldwide. To learn more about the NRC and its programmes, please visit our website: www.nrc.no

NRC IN LIBERIA

The 1989–2003 civil conflict in Liberia killed 200,000 people, displaced one million and devastated the country's infrastructure and economy. More than 100,000 former combatants have been demobilised and virtually all internally displaced persons and refugees have returned home or resettled. Despite this progress, Liberia's transition is fragile and serious humanitarian issues persist, including the meeting the needs of tens of thousands of people displaced into Liberia by the 2010 post-election crisis in Côte d'Ivoire. NRC has been working in Liberia since 2003 providing protection, humanitarian assistance and durable solutions to individuals and communities affected by displacement.

NRC IN CÔTE D'IVOIRE

The 2010 post-election crisis in Côte d'Ivoire displaced more than 950,000 people, with 700,000 displaced internally and more than 250,000 seeking refuge in neighboring countries. More than 81,000 people remain internally displaced and 83,000 refugees remain displaced in the region. Their return has been impeded in recent months due to increasing violence. NRC has been active in Côte d'Ivoire since 2006, providing protection, humanitarian assistance and durable solutions to individuals and communities affected by displacement. Our work since the 2010 post-election crisis has focused on ICLA, Food Security and Livelihoods, Education, Shelter and WASH programmes in the western part of the country.

ACKNOWLEDGEMENTS

We would like to thanks all the individuals in Liberia and Côte d'Ivoire who took the time to speak with us and answer our many questions. For everyone facing a land dispute, we sincerely hope that a resolution will be reached as soon as possible. This project was conducted in collaboration with the Food and Agriculture Organization (FAO), the Danish Refugee Council (DRC), the World Food Program (WFP) and the United Nations Development Program (UNDP) in Liberia and Côte d'Ivoire. The project would not have been possible without the stellar research assistance of the ICLA and Food Security Teams in Liberia and Côte d'Ivoire : David Lamah, Amos Boeyou, Princess Kular, Rebecca Seklo, Ester Numah, Prisca Wakoubo, Bini Yao Bouatini, Lantoun Théophile Toure, Liliane Essecoffy-Lago, and Roland Abole. This report would not have been possible without the comments, feedback and support of Astrid Sletten, Maureen Magee, Steve Ndikumwenayo, Sebastien Daridan, Gregory Kitt, Laura Cunial, Fernando de Medina Rosales, Vibeke Risa, and Barbara McCallin.

FOREWORD

This report is the fifth in a series published by the NRC about housing, land and property rights, land tenure and land conflict in Liberia. It considers land tenure and land conflict from a Liberia/Côte d'Ivoire cross-border perspective, within the context of the forced displacement caused by the 2010 post-election crisis. Since 2006, NRC's Information, Counseling and Legal Assistance (ICLA) project has assisted individuals and communities in Liberia to resolve land disputes resulting from the 1989–2003 civil conflict. The NRC undertakes similar land tenure and land conflict work in Côte d'Ivoire.

Supporting local communities, stakeholders and institutions to prevent, manage and resolve land conflict is a key objective of the NRC's work in Liberia and Côte d'Ivoire. The intention of this series is to provide original research and analysis that supports the efforts of the Government of Liberia, civil society organisations and individuals to protect and promote housing, land and property rights and security of tenure in Liberia and other post-conflict settings. To read other reports in this series visit the NRC Liberia website www.nrc.no

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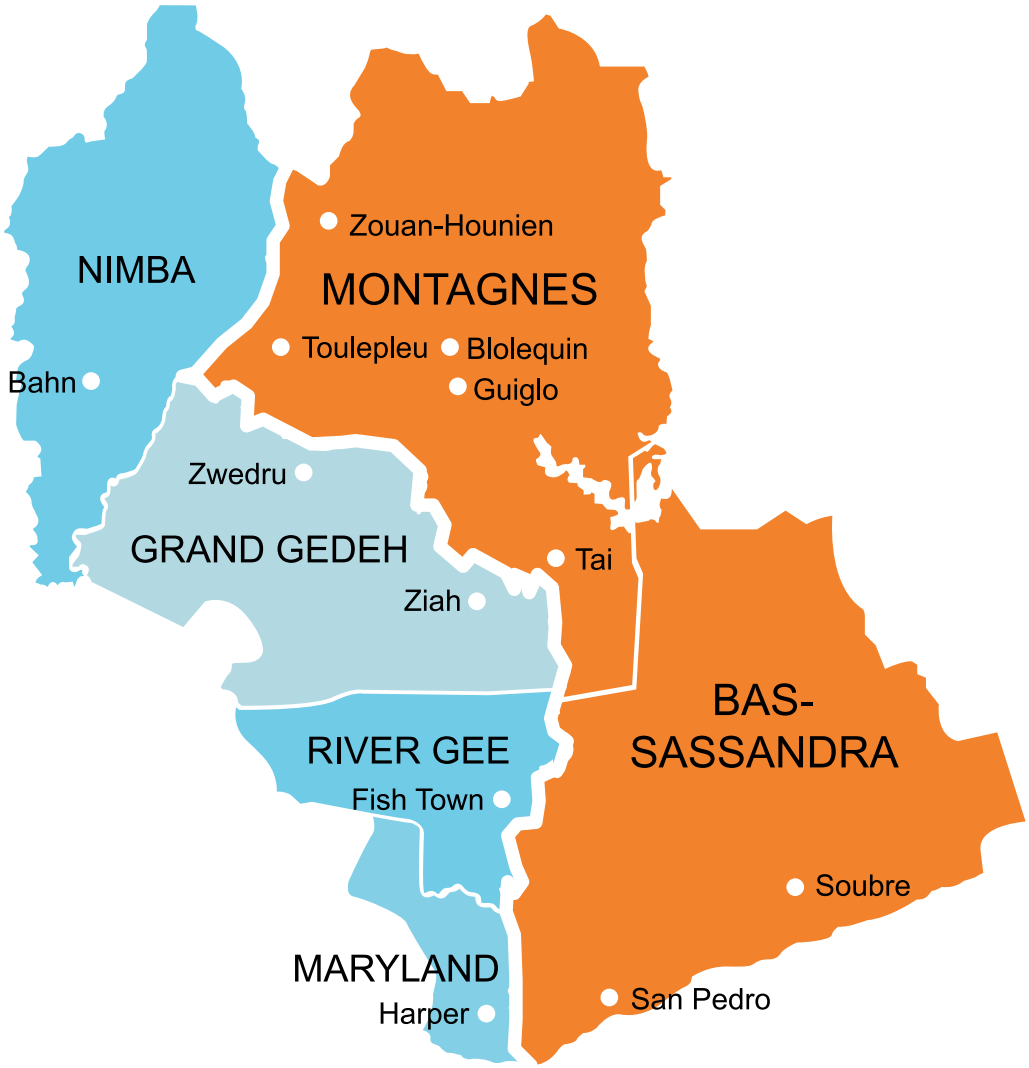
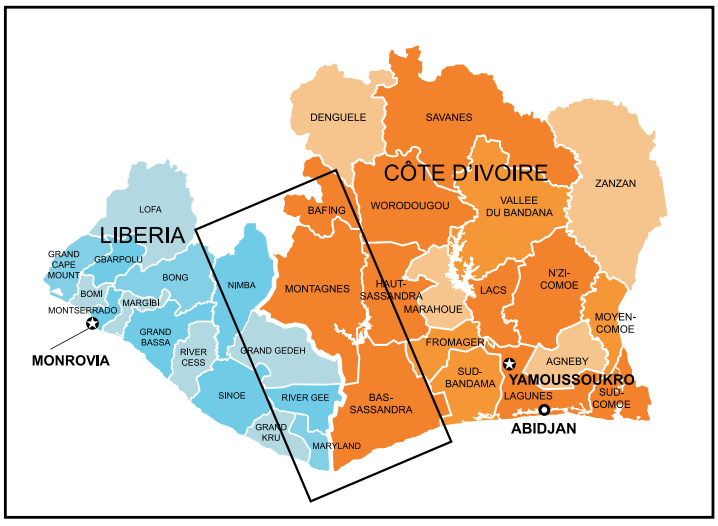




Source: Norwegian Refugee Council and UNOCI

LAND CONFLICT AND FOOD SECURITY IN THE LIBERIAN-IVOIRIAN BORDER REGION

INTRODUCTION

In the fall of 2010, Ivoirians went to the polls to elect a new president, to end years of political stalemate, and to unify a geographically divided country. Disputes over the election results instead led to a violent post-election crisis. The New Forces (FN) armed group, later renamed Republican Forces of Côte d'Ivoire (FRCI), marched from the northern zone of the country that they controlled since 2004, through the west of Côte d'Ivoire to Abidjan. With international support, they deposed President Laurent Gbagbo and brought President-elect Alassane Ouattarra to power.

Prior to the post-election crisis, research conducted by the Internal Displacement Monitoring Center (IDMC) found that agricultural development policies in 1960s and 1970s conflict created an environment rife with land disputes in western Côte d'Ivoire. In the lead up to conflict that began in 2002, the polarization of ethnic and national identity in Côte d'Ivoire mapped on to ethnic cleavages between self-identified indigenous groups and migrants who came to the west as result of these agricultural policies.[1] Inter-group tensions manifested themselves in disputes over land and property. The passage of a land reform law in 1998, while offering some protection of customary land ownership, did not resolve existing land disputes or address the multitude of informal holdings and extra-legal transactions. The IDMC report found that informal agreements used to define access to and ownership of land stood in violation of both customary and statutory law and exacerbated politically sensitive disputes over land. As a result, between 2002-2011 land disputes plagued western Côte d'Ivoire.

What is the impact of the 2011 post-election crisis on land disputes in conflict-affected areas of western Côte d'Ivoire? In this post-crisis period, what are the new opportunities and challenges to building a foundation for sustainable development in the regions of Liberia hosting Ivoirian refugees and parts of Côte d'Ivoire most affected by the crisis? In February 2012, the Norwegian Refugee Council's Information, Counseling, and Legal Assistance (ICLA) and Food Security programs in Liberia and Côte d'Ivoire conducted a joint assessment on land conflict and food security in the border region. Conducted simultaneously with a United Nations' effort to assess food security and early recovery, NRC's assessment identified the next steps to address land conflict as an underlying cause of instability and displacement in order to create sustainable food security programming. We visited 14 villages on both sides of the Ivoirian and Liberian border, conducted over 40 focus groups and interviewed 164 individuals including Liberian host community members, Ivoirian refugees in Liberia, and Ivoirians in Côte d'Ivoire.

We find that land disputes remain a major obstacle to building sustainable peace and a potential threat to continued development and food security in both south-eastern Liberia and western Côte d'Ivoire. Disputes over land are common in all communities visited on both sides of the border. Among the individuals we interviewed who currently have or recently engaged in land disputes, 89% stated that they feared losing access to their land in Côte d'Ivoire. In Liberia, refugees are in disputes with host communities. In some cases, these disputes lead to wider conflict. In over 50% of land disputes identified on both sides of the border, respondents reported an incident of violence associated with their land dispute.

1 In French, these different social groups are referred to as autochtones (indigenous/first-comers), allogenes (migrants from outside of Côte d'Ivoire); and allochtones (migrants from inside Côte d'Ivoire). In this report, we use the English names to avoid confusion for non-French speakers.

We find that in Côte d'Ivoire the post-election crisis created opportunities for individuals from all social groups to capitalize on an unstable situation by grabbing land or questioning previously agreed contracts. Informal arrangements, including selling land, allocating it to individuals outside the community, or allocating the land of other communities are ongoing under flexible or unclear terms. Part of the problem remains the challenges individuals, communities and authorities face in implementing the 1998 law.[2] In addition to a lack of available resources necessary for implementation, key aspects of the legislation require further clarification, including the definition of terms such as "continuous and peaceful occupation" that determine individual's rights under the law.

In Liberia, Ivoirian refugees report that land disputes and land occupation in their communities of origin is a major reason they are reluctant to return to Côte d'Ivoire. While host communities offer generous support to refugees (many of whom identify as members of the same ethnic groups), the lack of a land administration framework in Liberia means that land transactions suffer from the same potential underlying weakness as the transactions ongoing in western Côte d'Ivoire. In both countries, the instability in land administration weakens food security because the most important agricultural input necessary, land, is violently contested.

This report proceeds as follows. In the first section, we summarize the history of land administration and land conflict in the regions included in the study. In the second section, we report our findings, with particular attention to future programming priorities in food security and peace building. In the third section, we conclude. In the final section, we provide recommendations to government actors, civil society and the donor community and in the annex we present our data collection methodology.

2 See Internal Displacement Monitoring Centre, Whose Land is This: Land Disputes and Forced Displacement in Western Côte d'Ivoire, 2009.

SECTION ONE
THE ROOTS OF CONFLICT

HISTORY OF LAND ADMINISTRATION IN LIBERIA

The history of land administration in Liberia provide essential context for today's disputes in the Liberian-Ivoirian border region. A civil legal code derived from 18th century American common law serves as the foundation of Liberia's land administration system. According to the law, for all land not "brought under common law" the "customary practices" of traditional communities administers property.[3] The law seems to provide protections for customary community-based land administration in addition to statutory regulation, but the boundaries of the statutory and customary systems are impressively vague.[4] The definitions of "public land", "private land" and "customary practices" remain unclear.[5] The long period of political instability during the 1989-2003 Liberian civil war, including the displacement of the majority of the Liberian population, disrupted the already weak bureaucratic administration system. The destruction of written records has left Liberia's land administration system vulnerable to misuse and rife with disputes.[6] Land reform is currently ongoing, but these problems make consistent, transparent land administration very challenging.

EVOLUTION OF CUSTOMARY AND STATUTORY LAND ADMINISTRATION SYSTEMS

Prior to the arrival of the American Colonization society in 1822 and the foundation of the republic of Liberia in 1847, communities in what would become present day Liberia used a variety of local systems to administer their land. Oral histories and existing documentation suggest that family, lineages, and the ethnic groups provided the structure for communal land ownership and administration. In these "small scale societies", processes existed to incorporate migrants who wished to use group-administered land, but in most cases territory controlled by a group was not a commercially tradable good.[7]

Settlers founded the Republic of Liberia by completing a land deal: they acquired a narrow slice of territory on the coast in exchange for a small supply of tradable goods. Whether the occupants who entered into the agreement were aware of the permanence of the transaction is unknown. The settlers were not able to uniformly extend political power and rule by their law into inland Liberia, known in local parlance as the "hinterland", until well into the 20th century. Even prior to the Liberian civil war, many rural communities had little knowledge of the statutory land administration system. The constitution seemed to empower inhabitants of these rural areas to administer their property rights under their own customary laws, but in practice the system remained ambiguous.

On the one hand, the weakness of settler legal institutions allowed the flexible and fluid customary systems to

3 For a review of the current status of Liberian land law, please see World Bank (2008). Insecurity of Land Tenure, Land Law and Land Registration in Liberia, Monrovia, Liberia.

4 See Gregory Norton, Searching for Soaptrees. Norwegian Refugee Council, Liberia, 2010.

5 The government recently released land policy guidelines that explicitly define public land, private land, customary land and protected land. However, these guidelines have not yet been passed into law and they are not yet known or understood in the regions of Liberia discussed in this report.

6 See Stephan Ellis Mask of Anarchy Cambridge University Press, 1998, for a review of Liberian history.

7 For more information on Liberian history and contact between inhabitants of the area that would become Liberia and the settlers, please see Clarence Liberty, Growth of the Liberian State: An Analysis of its Historiography, New World African Press, 2002.

dominate land administration outside of the originally settled coastal region. On the other hand, the flexibility allowed individuals with knowledge of the statutory system (both from Monrovia and from the rural areas) to use that system to acquire large amounts of land. Information asymmetries and power imbalances led to a proliferation of land ownership documents, many acquired under questionable legal and moral circumstances. These documents transferred ownership to empowered and connected individuals, often to the disadvantage of community-administered land and the poor. In many cases, deeds included the land of entire villages, including the village itself. In other cases, the deeds indicated amounts of land that do not exist on the ground. Marked with the thumbprint of illiterate town chiefs, these documents continue to foment land disputes in Liberia today.

CIVIL WAR

Following a coup d'état in 1980, in 1989 warlord and future President Charles Taylor invaded Liberia from Côte d'Ivoire and set off 14 years of political instability and civil war. The central government in Monrovia ceased to function and the statutory land administration system broke down. The causes of the civil war are numerous and complex, but land disputes, including a major dispute between ethnic groups in the rural counties of Lofa, Nimba and Bong, contributed both to the dynamics of disputes and continue to play a role in post-conflict violence.

Inter-ethnic conflict was one dynamic that shaped civil war violence. Members of ethnic groups claiming first-comer or indigenous status attempted to expel members of the "foreigners" or migrant ethnic groups from their land, and in particular members of the Mandingo ethnic group. The Mandingo claimed that they too were indigenous to Liberia, at least in some regions. In other cases, they argued that they acquired land legally under the statutory system. The struggle between ethnic groups to define legitimate land ownership would continue in the post-conflict period and mirrors a similar struggle for land between different social and ethnic groups in Côte d'Ivoire.

Customary systems for administering land functioned during the civil war, but the social and economic dislocation wrought by the conflict disrupted local power structures. Research by the Norwegian Refugee Council's Liberia ICLA program finds the legacies of conflict in Liberia include asymmetrical information between individuals and government actors about land rights, a proliferation of actors and forums that attempt to exercise legitimate power in land administration, and high levels of disputes throughout the country.[8] The Liberian government recognizes the problems with the current statutory land administration system and is engaged in a high level land reform.

8 See Gregory Norton, Searching for Soaptrees. Norwegian Refugee Council, Liberia, 2010; Alexandra Hartman, Comparative Analysis of Land Disputes in Lofa, Nimba and Grand Gedeh Counties, Norwegian Refugee Council Liberia 2010; Alexander Corovo-Smith, The Logic of Encroachment in Lofa County, Norwegian Refugee Council, 2010.

HISTORY OF LAND ADMINISTRATION IN CÔTE D'IVOIRE

Côte d'Ivoire's land administration systems reflect colonial history, post-independence economic development policy, and nationalist goals of the recent political regimes. As in the case of Liberia, the conflict dynamics of the post-election crisis cannot be understood without the history of land administration. In Côte d'Ivoire, the institutions that govern land are often divided into two large groups: the "traditional" or customary systems and the statutory system, based on formal written laws passed by the Ivoirian central government. Customary land administration systems are often described as informal because they are largely non-written, but it is important to draw the distinction between this system and the de facto realities of land administration that are also informal, but which do not always follow stated customary norms and practices.[9]

EVOLUTION OF CUSTOMARY AND STATUTORY LAND ADMINISTRATION SYSTEMS

Similar to Liberia, several systems of land administration co-exist in Côte d'Ivoire. During the French colonial period, a series of colonial decrees limited the land rights of indigenous African populations in order to further French power. Colonial laws did not recognize local customary governance systems that prioritized land ownership based on perceived first-comer or indigenous status in a particular area.

Following independence in 1962, independent Côte d'Ivoire's first president, Felix Houphouet-Boigny, attempted a developmental land reform. Despite his efforts, Houphouet-Boigny failed to enact a 1963 land law. Instead, the regime furthered its mission to develop commercial agriculture in Côte d'Ivoire by supporting informal land user rights with incentives and political pressure at the local level. Houphouet-Boigny famously stated "La terre appartient à celui qui la met en valeur", or "the land belongs to those who use it".

Taking their cue from Houphouet-Boigny's clear, but non-legal, position on the importance of user rights, migrant workers from both outside and inside Côte d'Ivoire developed extensive coffee and cocoa plantations in land rich areas in the 1960s, particularly in the western regions bordering Liberia. No statutory legal framework administered land access. Workers acquired the right to use the land through the customary system, where powerful families, traditional "landlords", or other powerful community members managed the land on behalf of the community. Migrant workers settled both in villages and "campements" or camps near their cocoa and coffee fields, sometimes far away from the villages that granted them access to land.

Today, the dominant description of the customary land law in the border regions of western Côte d'Ivoire is that it is not possible to sell land on a permanent basis. Instead, the system allows members of the indigenous ethnic group to grant or exchange the right to use the soil to migrants. Migrants gain this access through "tutorat" or guardianship. Similar to practices in border regions of Liberia, "tutorat" binds first-comer landowners to migrants in a mutually beneficial relationship. At the same time, obligations of both parties to each other remain flexible. Economic trends, the good graces of the "indigenous landlord, politics and local practices determine, for example, whether migrants must pay rent, or whether they can pass on their usage rights to their children.

Both despite colonial-era legislation, which nullified community land rights, and because of the absence of statutory land reform, key aspects of the customary land law like "tutorat" dominated land administration in Côte d'Ivoire in the post-independence period. Migrants who arrived to develop commercial agriculture used these systems to access land in the absence of a private land market. However, as the following sections on this report show, the

9 Jean-Pierre Chauveau, 2006, La réforme foncière de1998 en Côte d'Ivoire à la lumière de l'histoire des dispositifs de sécurisation des droits coutumiers. Colloque international, "Les frontières de la question foncière", Montpellier.

flexibility of this system has permitted members of both indigenous communities and migrant groups to exploit and interpret it to their own advantage, creating the perfect conditions for land disputes.

CIVIL WAR

The decline of worldwide commodity prices and Houphouet-Boigny's death in 1993 led to a bitter and increasingly factionalized battle for control of the Ivoirian state in the 1990s. Ethnic cleavages increasingly pitted Ivoirians from the north of the country including their leader, Alassane Ouattara, against other ethnic groups. Questions of citizenship and nationality divided politics and made control of the state a zero-sum game over political legitimacy and access to economic resources. This larger national schism reflected local divisions in communities in western Côte d'Ivoire.

Over the years, pressures on first-comer groups to incorporate migrants and the rise of the cash-economy led to an exploitation of the customary system's much-heralded flexibility in the western border regions. New waves of migration both from outside of Côte d'Ivoire and from the south increased the ethnic heterogeneity of communities, and in some cases led to the occupation of the classified and protected forests. Local political actors manipulated ethnic cleavages and disputes over land for their own ends, worsening inter-group tensions.[10] Members of indigenous groups increasingly engaged in cash-based transactions for land both with members of their own communities and with migrants with ambiguous implications for ownership. Increasing land scarcity meant first-comer communities needed to renegotiate grants of land made in previous decades in order to make rural livelihoods viable.

In 1998, the government passed a law that aimed to recognize customary land rights and to transform them into formal property rights. It set up Village Land Administration Committees[11], which should administer land at the level of rural villages. The law limited the ownership of land to the state, public organizations, and individuals with Ivoirian nationality. It sought to provide clear rules for land administration in Côte d'Ivoire, but its complexity and ambiguity, the lack of political will, the absence of designated resources made implementation difficult. One issue with the law was that it prioritized meeting the need for land titles over sorting out competing claims for a given parcel of land. In the absence of a mechanism to sort out these claims, the mechanism for land titling does not function. Another issue is that the 1998 law marked a stark reversal of the prioritization of land user rights of the 1960s and 1970s. In the increasing climate of ethnic polarization, the perception emerged that the passage of the law threatened the property rights of migrant groups in western Côte d'Ivoire.

Following a failed election, a status-quo of open hostility between the northern rebel group, the Forces Nouvelles, and the Ivoirian government prevailed in the 2000s. The Forces Nouvelles controlled the northern half of the country and the government forces, led by Laurent Gbagbo, controlled the southern half separated by a buffer zone of "trust". Hundreds of thousands of people were displaced from their homes and land disputes over ownership and access erupted throughout the west. High profile and sometimes violent disputes pitted indigenous community members against migrants. The 2007 Ouagadougou agreement created a process for another election, including a citizenship determination process to identify eligible voters. The two rounds of the election took place in October and November 2010. Gbagbo's refusal to step down following internationally sanctioned victory by Ouattara led Ouattara's FRCI to invade government held territory and remove Gbagbo from power by force.

10 See Michael McGovern 2011, Making War in Côte d'Ivoire. Cambridge University Press for more information on the role of local political elites in the Ivorian civil conflict.
11 In French, these are known as the Comités Villageois de Gestion Foncière.

Table 1
Land Documentation and Agricultural Activities

	Hosts in Liberia (n=72)	Refugees with land in Liberia (n=29)	Refugees with land at origin (n=29)	Respondents in Côte d'Ivoire (n=63)
Document for land	25%	-	16%	27%
Refugee worked on land this year	38%	-	-	-
Cultivating rice	66%	7%	3%	49%
Cultivating cassava	42%	0%	0%	32%
Cultivating (other) food crops	6%	10%	7%	27%
Cultivating cocoa	18%	3%	45%	46%
Cultivating coffee	7%	0%	24%	35%
Cultivating rubber	42%	0%	7%	21%
Cultivating palm for oil	4%	0%	0%	0%
Cultivating sugar cane	3%	0%	0%	0%
Cultivating (other) cash crops	3%	0%	0%	3%

SECTION TWO
LAND DISPUTES ON THE BORDER

Even prior to the 2011 post-election crisis, tensions between land use and land ownership strained the land administration systems in western Côte d'Ivoire. Following the 2011 election, this situation became even more acute.On the Liberian side of the border, we find that disputes over land have a slightly different profile, but that in both countries a high proportion of disputes are associated with acts of violence. Our research demonstrates that both customary and traditional systems that manage land and resolve disputes, as well as statutory institutions, cannot meet current level of conflict. One sign of the failures is the increasing number of different authorities involved in attempting to resolve disputes. Our research finds that the land disputes have a negative impact on food security because the key input in food security programs, land, is contested. Even in areas where there is no current conflict, the lack of systematic land administration and a failure of food security programs to take land administration into account is a conflict risk factor for the future.

Our research found that inter-communal conflict over land continues to disrupt the peace in western Côte d'Ivoire. Despite narratives that tend to focus the blame for disputes on a particular group, we find that all ethnic and social groups share responsibility for the conflict. We also find that environmental factors play a role in conflict dynamics, increasing the pressure on scarce resources and increasing the risk for disputes. In communities hosting refugees or sharing boundaries with refugee camps, disputes between host communities members and refugees are ongoing. We also find that in the Liberian-Ivoirian border region, women and men experience land disputes differently. This suggests that remedies for land dispute resolution may need to take into account the different experiences of the post-election crisis and the different challenges men and women face during land disputes.

CRISIS OF LAND ADMINISTRATION IN WESTERN CÔTE D'IVOIRE

In interviews, chiefs, elders and landlords from indigenous ethnic groups described how they successfully managed land allocation and land dispute resolution during the boom years of the 1960s and 1970s. Today, however, individuals complain that these authority figures either abuse their power, or no longer exercise the same kind of control they had in the past. The 1998 land law is, almost without exception, not implemented. For example, until July 2012, no land title had been issued in Montagnes region. This institutional weakness permitted land disputes to escalate into larger conflicts between ethnic groups and between traditionally powerful groups, such as the elders, and emerging actors, such as the youth. Despite these problems, some individuals, especially from indigenous communities, still engaged actors from the customary system such as elders and chiefs while others turned to whatever elements of the administrative system provided services in their area.

Table 2 **Type of Land Dispute**	**Liberia** (n=92)	**Cote d'Ivoire** (n=62)
Access Dispute	32%	46%
Boundary Dispute	34%	14%
Contract Dispute	14%	35%
Inheritance Dispute	18%	5%
Renting Dispute	2%	6%

'TRADITIONAL' LAND ADMINISTRATION SYSTEMS UPENDED

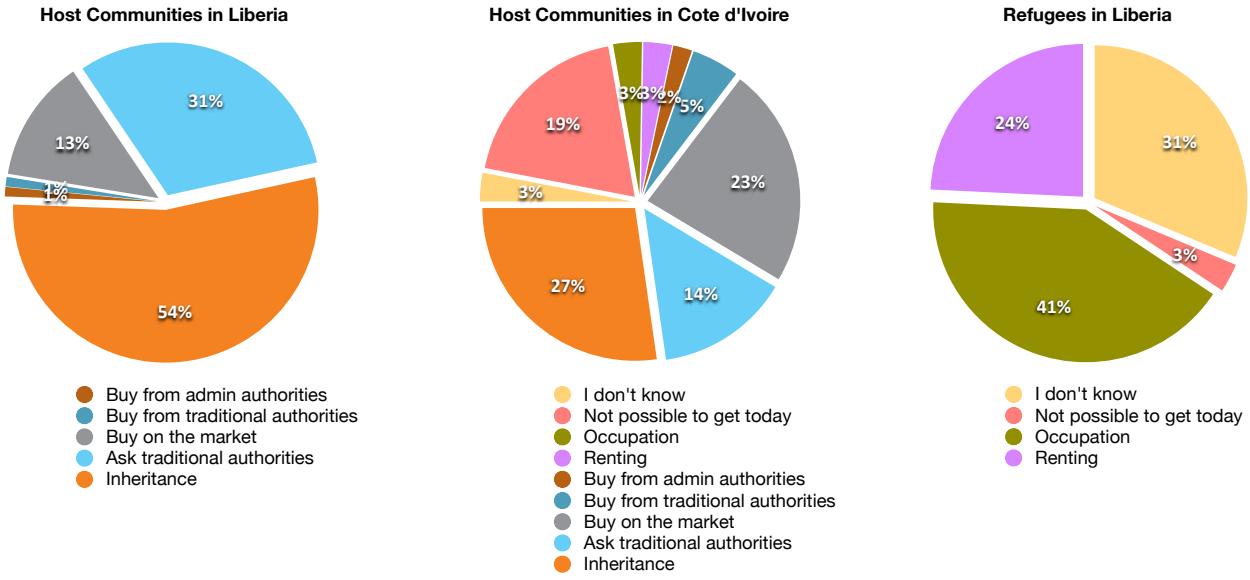
Our research corroborates previous work that finds traditional land administration systems in western Côte d'Ivoire fail to manage land and resolve disputes effectively.[12] In some cases, the individuals tasked with leading these institutions are part of the problem. For example, in one case, despite claims that no one bought or sold property in the village, members of the indigenous Guere ethnic group complained that the Guere town chief of a neighboring village 'sold' the land from their "traditional forest" to new "outsiders" or migrants in exchange for money. The new migrants were distinguished from earlier cohorts as having arrived in the village only after the end of the post-election crisis.[13] Two disputes emerged in this case: one between the indigenous ethnic group and the new arrivals over cultivating the forest and another between the two villages over who was going to pay back the money from the illegal sale. The representative of the state administration in the area, the sub-prefect, stated that he had fired one town chief for illegally selling the other community's land, but that he had been unable to remove the migrants from the forest.

In another village, community members from the indigenous Yacouba ethnic group stated that they had centralized mechanisms for handling local land administration and land dispute resolution. They had confidence in these mechanisms. They also described an ongoing land dispute as the criminal occupation of their classified forest by migrants in violation of their cultural and legal claims to the land. Interviews both with members of the migrant community and one-on-one interviews with indigenous individuals, however, presented a parallel narrative of the dispute. These other voices described a situation where certain members of the indigenous community actually facilitated the arrival of new migrants in the forest. In this version, the dispute involved the old community leadership versus younger community members seeking their own economic objectives. The failure to resolve the issue in part resulted from the decision not to include these "youth" from the indigenous community in the resolution process, which had already been elevated to the local government actors. Cases like the ones described above reflect the weakness of local land administration systems, the absence of the 1998 land law as a framework for dispute resolution, and a situation where customary leaders themselves are often involved in allocating land in ways that create conflict.

12 See Internal Displacement Monitoring Centre, Whose Land is This: Land Disputes and Forced Displacement in Western Côte d'Ivoire, 2009.

13 The origin of the new migrants was disputed- some individuals claimed they came from outside of the country, while interviews suggested that many actually migrated from other places inside of Côte d'Ivoire and in some cases these individuals might have lived on the land before but had to leave during previous rounds of conflict.

Land Acquisition Process



WEAKNESS OF STATUTORY INSTITUTIONS

Despite the weakness of local community-based institutions, other options for land administration are almost non-existent. The 1998 land law created Village Land Administration Committees, but these committees only exist in certain places, and are almost universally non-functional. During interviews in the localities visited for this study, no one identified them as places to engage with village authorities and legitimately acquire land. Instead, individuals from the same town or village frequently disagreed about how to acquire land. In focus groups, indigenous community members most often mentioned customary leaders, such as landlords, and inheritance from family members, as the main ways of accessing land. During one-on-one interviews, however, they also stated that buying land was also increasingly a way to acquire access. Members of migrant groups also spoke of buying land. The types of rights acquired through cash transactions remained unclear, however. Given the relative lack of documents, there was no agreement on what was being exchanged for cash. For example, in more than one community, when asked directly whether individuals who purchased land access with cash could pass their land rights to their children or heirs, respondents openly disagreed about the situation in their town or stated that they "didn't know".[14]

Survey data from land disputants in 6 communities[15] along the border confirms these findings. Thirty percent of individual disputants stated they bought the land that was in dispute from a private person, despite the fact that the 1998 land law technically makes some if not all of these transactions illegal. Individuals described 69% of the land involved in land disputes as individual land (as opposed to community land or family land).[16] Despite describing the land as belonging to an individual, however, did not mean that land was owned by an individual under statutory law.

14 In some communities, indigenous community members stated that members of migrant groups could not pass land on to their children while members of migrant groups in separate focus groups stated that they could.

15 See Appendix A for more information on the research design and a list of the research sites.

16 In the question, respondents were asked what kind of land it was and they were given the choice between individual land that belonged to an individual, land that belonged to a family (or families) or land that belonged to the community.

MULTIPLE AUTHORITIES FOR LAND DISPUTE RESOLUTION

The post-election political crisis has also broken down local land dispute resolution systems. In Côte d'Ivoire, survey respondents listed over 12 different authorities as individuals or forums where they could take a land dispute for resolution. Very few individuals mentioned either the tribunal, the authority sanctioned under statutory law to resolve disputes, or the police, as forums for resolving land disputes. Land disputants still commonly take their dispute first to the village chief. Seeking help from this institution is no longer sufficient in most cases, however. 85% of disputants interviewed went to at least two different authorities and half of all respondents had taken their dispute to at least three authorities in an effort to end the dispute.

In addition to the multiple forums for resolving disputes, most community members did not agree about a clear hierarchy or appeal system linking dispute resolution mechanisms, creating confusion about who actually had the power to resolve land disputes and where disputants should first bring the case to attempt to resolve it. This creates opportunities for manipulation and forum shopping, where individuals take their disputes to multiple authorities until they receive a result to their dispute in their favor. In several sub-prefectures, interviews with local officials as well as long lines at the administration office evidenced the pressure on the local representatives of the central government as they tried to cope with the high levels of disputes, even though they have no clear statutory or customary role in dispute resolution. Although the number of interviewees is small, our research found that the cost of resolving a dispute is also exorbitantly high for most individuals, costing the equivalent of well over 100 United States Dollars.

Table 3
Dispute Resolution

	Liberia (n=101)	**Cote d'Ivoire** (n=62)
Money Paid for Resolution	29%	19%
Amount of Money Paid (USD)	$137.47	$106.64
Dispute Recently Finished	5%	27%

INTER-COMMUNAL CONFLICT AND LAND DISPUTES IN IVOIRIAN VILLAGES

Land disputes in Ivoirian border villages reflect not only the weakness of land administration, but also ongoing tensions between indigenous communities and migrants.[17] These tensions have been building to the breaking point since the beginning of hostilities in 2002. The situation is aggravated by the continued ethnic polarization of Ivoirian politics and the lack of disarmament, demobilization and reintegration (DDR) of local militias perceived to represent different ethnic interests in the conflict.

REVERSAL OF FORTUNE IN IVOIRIAN VILLAGES?

When the Forces Nouvelles rebel forces supporting Ouattara retook the western border area of Côte d'Ivoire previously controlled by the government in 2011, power dynamics at the village level fluctuated. During the previous rounds of fighting that started in 2002, indigenous populations in government-controlled areas (south of the security zone dividing the country) took advantage of the displacement of many non-indigenous groups to take or retake land, regardless of whether it had previously been theirs, or to renegotiate land use arrangements in their favor. Some members of indigenous groups refused to allow individuals they considered outsiders (whether from other regions of Côte d'Ivoire or from outside the country) to return to their land from 2002-2011, citing (incorrectly) the 1998 land reform as a validation of their position.

Following Gbagbo's capture and Ouattarra's accession to Presidential power in 2011, historic supporters of the former President, including members of the Guere and Oubi ethnic groups, took much longer to return to their communities than other displaced populations.[18] Both refugees who identified as members of indigenous groups in camps in Liberia and recently returned internally displace people (IDPs) from the indigenous community in Côte d'Ivoire claimed that now they were the ones who could not access their land. They argued that migrant groups remained armed despite the cessation of hostilities.

In some areas, these complaints appeared to constitute a straightforward reversal of fortune, where members of the migrant community now felt they held the upper hand. However, in other Ivoirian villages, members of the migrant community complained that they currently were the ones who could not access their farms and that members of the indigenous community were aiding the pro-Gbagbo militias across the border in Liberia. Regardless of whether power-dynamics had been inverted in border villages, or had simply destabilized as a result of the crisis, interviews and focus groups suggested that the relationship between members of different ethnic communities remained fragile if not fractured by the post-election crisis. Not surprisingly, land disputes also reflected the poor relationship between different ethnic communities.

17 Many of the migrants in this western border region are from within Côte d'Ivoire. Known in local terms as the allochtones, these individuals are neither full 'foreigners' nor indigenous. While they are not prohibited from owning land under the 1998 law, they do not have the same rights under customary law as indigenous community members and their position remains unclear. Few individuals identified themselves as members of this group during the research activities and their position within the larger cleavage between indigenous Ivoirians and migrants from outside of the country remains ambiguous.

18 This is based on the situation on the ground in the Ivoirian villages covered in this assessment and not on representative governmental data.

ALL GROUPS INVOLVED IN INTER-COMMUNAL LAND DISPUTES

In some villages, inter-group relations between different ethnic and social groups were so poor at the time of research it was not possible to meet members of different ethnic communities together to discuss land issues. Many of the disputes were presented in terms of "us" versus "them". In other places, meeting with the indigenous community and the migrant community occurred, but following the meeting individuals from each group denounced each other and their actions relating to land administration. In particular, members of the indigenous community in several villages stated that the migrants occupied their land and that "new" migrants that they had never met before had arrived and were planting cash crops on their farms. In one community, an individual stated that there were "buses" of men, women and children from Burkina Faso arriving and setting up camps on his land. Such testimonies were particularly common along the Zouan-Hounian – Toulepleu axis.[19]

At the same time, members of migrant communities also complained about indigenous groups blocking access to their land. They stated that their 'tuteurs' reneged on previously agreed contracts, including contracts that had been renegotiated with the help of the central government before the post-election crisis. Other members of the migrant community narrated long personal histories in the villages dating back to the 1960s, but stated that since the hostilities started in 2002, they had been unable to access basic rights, such as access to education. They also complained that the humanitarian intervention, often based in village centers and not on the "campements" or farms where many members of the migrant community spend much of their time, overlooked them and favored indigenous groups. In one community on the Guiglo – Tai axis, members of the migrant group stated that indigenous community members had not given up the armed struggle against the government and that migrants could not access their land because of security concerns.

While it was beyond the scope of this research to verify the veracity of these claims, and while individuals might have exaggerated their complaints to NGO workers in order to get sympathy for their position and material support, these stories make clear that inter-communal tension remains a major obstacle to building peace in border villages. Unresolved land disputes between members of different ethnic groups continues to hinder social cohesion. 79% of individual disputants surveyed in Côte d'Ivoire stated that their land disputes were inter-ethnic. 61% of land disputants stated that ethnic differences or the nationality of one of the parties made their land dispute difficult to resolve. Over half of indigenous community members involved in land disputes stated that they did not find the current situation where migrants from both inside and outside Côte d'Ivoire had the rights to land in their community acceptable.

Most worrying are the high levels of violence associated with these disputes, reported by members of all ethnic communities. 32% of respondents reported verbal threats of violence as a result of their land dispute and 27% of disputants reported that someone had been injured as a result of the dispute. In 18% of cases, the dispute had led to property destruction. 30% of the refugees interviewed in Liberia stated that one reason that they were not returning to their communities of origin was because their house or their land was occupied and 45% stated that general security concerns prevented them from returning.

19 As previously noted, while some people claimed that new migrants were from outside the country, other interviews, including those with migrants themselves confirmed that this was not always the case and in some cases "new" migrants included individuals from other parts of Côte d'Ivoire, and even individuals who had been presence in a particular village prior to 2002.

Table 4
Land Dispute Dynamics

	Liberia (n=100)	Côte d'Ivoire (n=62)
Year Conflict Started	2005	2009
Property Destroyed as a Result of Dispute	21%	18%
Violent Threats as a Result of Dispute	44%	32%
Violent Acts as a Result of Conflict	28%	27%
Violence with Weapons as a Result of Dispute	16%	11%
Witchcraft as a Result of Dispute	28%	8%
Death as a Result of Conflict	4%	6%
Number of Violent Events Associated with Dispute	3	4

LAND DISPUTES AND ENVIRONMENTALLY INDUCED DISPLACEMENT

The weakening of local institutions and tensions between different ethnic and national groups often overshadows another aspect of conflict over land in western Côte d'Ivoire. Especially in the south western border regions, individuals involved in land disputes stated that environmental factors, and specifically the decreased returns from their land are the most important factor shaping land disputes. Both indigenous community members and self-identified migrants near the south-western town of Soubre reported that disputes over land resources did not occur because of tensions between ethnic groups, but rather because the land administered by the community no longer yielded sufficient crops. As a result, individuals from all communities (first-comers, migrants from within Côte d'Ivoire and migrants from other countries) rotated their fields less, began farming within the village, and in the worst case, migrated away from their village in search of better land.

Interviews in a village near Soubre suggested higher levels of social cohesion than in other communities in border regions. Migrants to the area had learned the local language. Individuals from different social groups had similar understandings of the history of land administration in the community. Tensions between different groups were lower. However, despite the relatively good relationship between different ethnic and social groups, the situation appeared unstable. Individuals still reported many land disputes within the village, including high levels of contract disputes.

Perhaps most strikingly, environmental pressures on land in this area had direct implications for land disputes in other villages where inter-communal tensions were common. Interviews with members of the migrant community in other villages to the north confirmed that both the lack of land and the poor quality of land available in the south forced them to migrate north from villages around Soubre. These individuals originated in towns and villages without high levels of inter-communal tensions only to migrate to places where they were now involved in land disputes and where their identification as a migrant was an important part of the dispute dynamics.

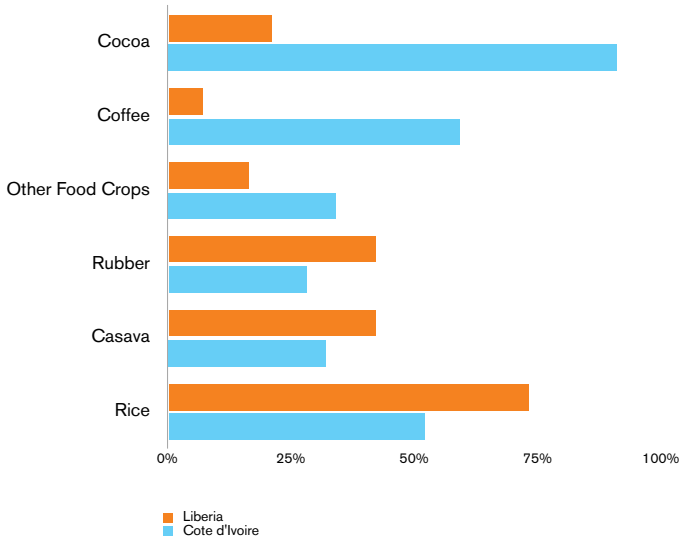
PROPERTY RIGHTS UNDER PRESSURE: IVOIRIAN REFUGEES IN LIBERIA

Nine years have passed since the end of Liberia's 14 year civil war. During the 2011 post-election crisis, Liberia remains relatively more secure than its neighbor. The recent history of civil conflict and similar patterns of disputes between self-identified indigenous groups and others perceived as outsiders, however, make the post-election crisis a potential threat to Liberia's peace. Land disputes in Liberia and in Côte d'Ivoire exhibit different dynamics, but also share some important similarities, such as high rates violent land disputes. The arrival of tens of thousands of refugees in south-eastern Liberia increases pressure on land and other resources. As a result, food security programs are a major component of the humanitarian intervention in Liberia and Cote d'Ivoire. Weak land administration systems in both countries mean that food security programs that require land as an essential input create the conditions for conflict between displaced and host communities. Despite the risks of conflict, the arrival of Ivoirian refugees in Liberia could also present an opportunity, in particular through an increased supply of labor in an historically land rich and labor poor region.

LAND DISPUTES IN LIBERIA AND CÔTE D'IVOIRE: A COMPARATIVE APPROACH

Important similarities and differences characterize the border regions of south-eastern Liberia and western Côte d'Ivoire. On the one hand, both sides of the porous Liberia-Ivoirian border share a similar climate, the same ethno-linguistic groups, high rates of intermarriage and an integrated regional economy. On the other hand, divergent political histories, including national-level institutions, have created important differences. Many communities on the Liberian side of the border are ethnically homogenous. At no time did large migrant populations from other places in Liberia or from outside the country arrive and engage in commercial agriculture. The private land market is almost non-existent, with the exception of several large sugar cane and palm oil concessions that have become flashpoints for local disputes. The relative isolation of the Liberian communities, their homogenous populations, and the slow pace of national-level land reform in Liberia has led many in the region to rely on customary systems of land ownership. Individuals report strong cultural ties to land, especially in Grand Gedeh, Maryland and River Gee counties. Almost half of the Liberians interviewed stated that their ancestors were buried on their property, an important cultural tie between families and their land. This rate is much higher than other parts of Liberia where the statutory land administration system is more influential.

Cultivation on disputed land

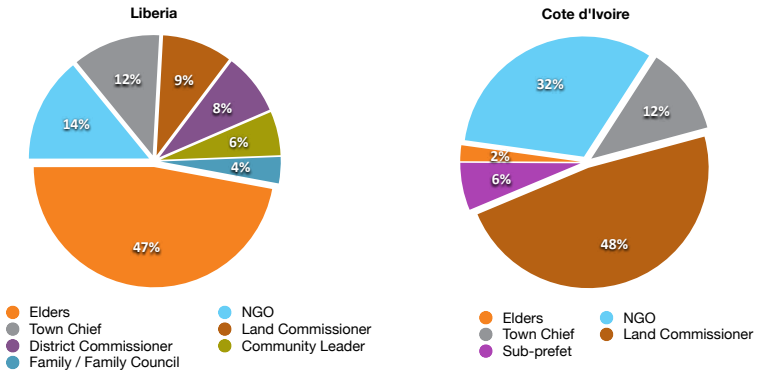


These cultural, institutional and demographic differences lead to different conflict profiles in Liberia and Côte d'Ivoire. While disputes over access to land are common in both regions, contract disputes are much more common in Côte d'Ivoire compared with Liberia. A large majority of disputes in Côte d'Ivoire are between members of different ethnic groups and reflect the larger political and national conflicts that divide the country. In contrast, Liberians with land disputes described their disputes as inter-ethnic in only half of the cases. Similarly, 31% of the disputes recorded in Liberia involved cash crops, compared to 54% of disputes in Côte d'Ivoire, reflecting the relatively higher commercial value of land under dispute on that side of the border.

It is important to note that the western region of Côte d'Ivoire and the south eastern region of Liberia also share important similarities. The weakness of the land administration regimes in both countries manifests itself both in the number of different authorities and actors involved in land administration and land dispute resolution, and in the lack of documentation. Thirty percent of individuals have documents for their land in dispute in Côte d'Ivoire. The most common documents are "petits papiers" or informal contracts drawn up between individuals with uncertain legal implications. In Liberia, a similar proportion of individuals interviewed state that they have documents for their land, but over half of these documents are tribal certificates, a document that has no legal standing under the current land law as it only valid for 90 days during the process of acquiring a public land sale deed.[20]

Similar to individuals with land disputes in Côte d'Ivoire, Liberians interviewed listed over 15 different authorities and forums where they attempted to resolve their land disputes. The amount of violence associated with land disputes is also same on both sides of the border, and very high, with individuals reporting an average of 3 violent incidents associated with each dispute.[21] As a result, while the climate of political violence makes resolving land disputes essential for building a sustainable peace in Côte d'Ivoire, our research suggests that land disputes especially in areas hosting refugees, remain a risk factor for security in Liberia as well.

First Authority Visited in Dispute Resolution



20 Public land sale acquisition has been frozen since 2010 so almost all tribal certificates in Liberia are invalid, although land reform may take these documents into account in the future.
21 Other research on conflict in Liberia has found slightly less, but still high levels of violence associated with land disputes.

LAND DISPUTES AND FOOD SECURITY

Refugees and IDPs often challenge existing patterns of land allocation and place stress on natural resources in host communities. This is the case for the Ivoirian refugee crisis in Liberia.[22] According to a Food and Agricultural Organization (FAO) assessment completed in April 2011, the Liberian communities that initially hosted Ivoirian refugees faced food insecurity ranging from 32.4% to 72.5% prior to the crisis.[23] Early reports suggested that most Liberian host communities generously supported the Ivoirian refugees in the early stages of the crisis with what little food they had, but high rates of food insecurity made the additional pressure on resources a conflict risk factor.[24] Poor rainfall and the timing of the post-election crisis during the 2011 harvesting season also rendered many communities on the Ivoirian side of the border, normally less food insecure than their Liberian neighbors, unable to produce enough food to feed themselves. Consequently, in both Liberia and Côte d'Ivoire, the government and the international community faced the challenge of alleviating food insecurity in an unstable property rights environment.

After initially providing food handouts, humanitarian agencies and government actors in both Liberia and Côte d'Ivoire increasingly focused on the idea of supplying agricultural inputs so that individuals and communities could return to pre-crisis food production levels in a sustainable way. Most of the interventions were predicated on access to land. Unfortunately, the fragile state of the property rights systems in both Liberia and Côte d'Ivoire including contract failures, the proliferation of different authorities managing property rights, and the high levels of insecurity over land access, risk to undermine these programs. This is especially true in cases where beneficiaries have unclear rights to their land, either because of disputes or because the land administration system does not clearly define their access, as is often the case for refugees and IDPS.

In Liberia, refugees and host community members explain that refugees access the land through the "stranger-father" system. Similar to the "tutorat" system in Côte d'Ivoire, under this system refugees access land through a specific individual in the host community, creative a "fictive-kinship" tie that binds them to a host community member.[25] An important difference between "tutorat" in Côte d'Ivoire and the "stranger-father" system in Liberia is the presence of cash crops. In Côte d'Ivoire, migrants have historically had the right to plant cash crops, whereas in Liberia, it is almost universally forbidden for members of non-indigenous groups to do so, as it can signal a more permanent claim to the land. Unusually, in several cases refugees stated they had planted cash crops. This suggests that refugees may intend to access land in Liberia over a longer time period, with important implications for humanitarian interventions in the region.

Disputes between refugees and host community members provide an example of the challenge facing food security programming in this environment. In 5 of the 8 host communities visited on the Liberian side of the border, refugees and host community members reported disputes over access to land for the refugees. In certain cases, the refugees complained that NGOs and UN agencies negotiated for land on their behalf, but that after they cleared the land and planted crops, host communities members denied them access. In one case, refugees reported that host community members threatened them and chased them off the land. In another case, refugees reported that host communities planted rubber on the land they cleared for staple food production. Conflict is not ubiquitous and in some communities, refugees and host community members did not report disputes. However, in almost all communities, the terms under which refugees use and access land are not transparent and are therefore vulnerable to conflict in the future.

In both Liberia and Côte d'Ivoire more than half of the individuals interviewed involved in land disputes stated that they feared losing access to their land in the future. This fear coupled with the continued fragmentation in the land

22 See Karen Jacobsen, Livelihoods in Conflict: The Pursuit of Livelihoods by Refugees and the Impact on Human Security of Host Communities, Expert Working Paper Prepared for the Center for Development Research Study: Migration-Development Links: Evidence and Policy Options, 2002, and Samuel Agblorti Refugee Integration in Ghana: The Host Community Perspective, New Issues in Refugee Research, No.203, 2011.

23 See FAO Assessment of Food Security and Food Production in Refugee-Affected areas in Nimba and Grand Gedeh Counties April 20, 2011.

24 See A Threat to Liberia's Stability: An Initial Assessment of the Effect of the Ivoirian Refugee Crisis on Peace and Stability in Grand Gedeh and Nimba County. Inter Peace. 2011.

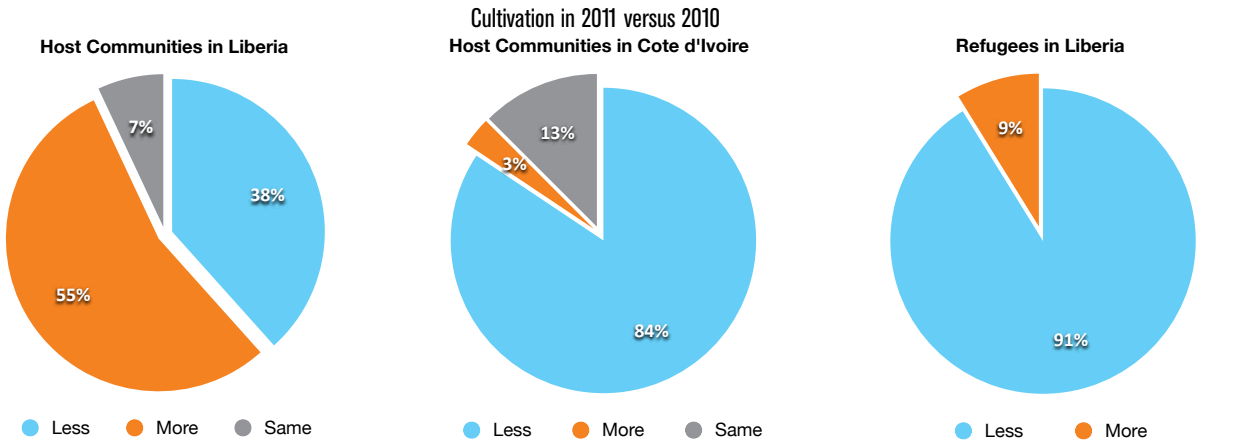
25 See Gerald E. Currens The Loma Avunculate: An Exercise in the Utility of Two Models, Ethnology,11:2 1972 for a more complete description of the fictive kinship system of incorporation in Liberia.

administration system means that the question of land is an issue for future food security programming. Without resolving the fundamental issue of land access over the longer term, and carefully outlining the terms under which outsiders, such as refugees, access land, the question of whether further food security programs can achieve their intended impact is uncertain. The current crisis in Côte d'Ivoire, which in part evolved through abuses of a flexible customary system, should serve as a cautionary tale of the consequences of relying on non-documented and non-transparent land administration systems in the current environment.

HIDDEN BENEFITS OF A SKILLED LABOR SUPPLY

The lack of secure land rights presents a challenge to programs that seek to improve agricultural output in the border region. If transparent land access agreements can be realized, however, the displacement caused by the post-election crisis may present an opportunity for some communities on the Liberian side of the border. Almost 40% of Liberians interviewed stated that refugees were currently working on their land. Almost 50% of the host community members stated that they had cultivated more land after the post-election crisis than before.

Year over Year Cultivation



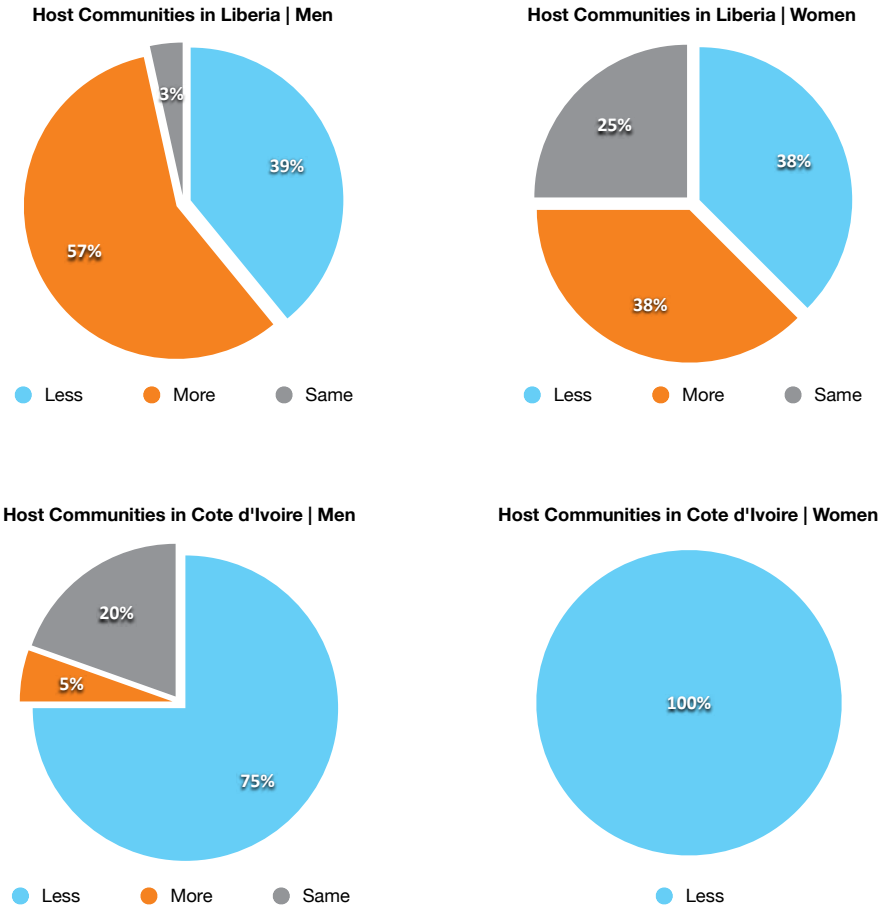
Commercial agricultural is less common in south-eastern Liberia than in western Côte d'Ivoire. While some large plantations exist, the Liberian side of the border boasts rich land resources with a comparatively less dense population. When Ivoirian refugees arrived in Liberia, they brought with them agricultural knowledge and a supply of labor. Both of these inputs could improve access to food in chronically food insecure south-eastern Liberia. The arrival of refugees in Liberia strained food supplies and challenged land administration systems. However, if carefully managed, it may also offer new opportunities for both host communities and refugees who intend to remain in the region over the longer term.

MEN AND WOMEN IN LAND DISPUTES IN THE LIBERIAN – IVOIRIAN BORDER REGION

Our research finds that both men's and women's different food production activities, as well as how the post-election crisis unfolded, lead to different experiences of land disputes for men and women. While many individuals facing land disputes cultivated less following the 2011 post-election crisis, the effect of the crisis on women's cultivation was more profound (for example, in Côte d'Ivoire 100% of women said they cultivated less as a result of the post-election crisis compared with 69% of men). Ivoirian women and children made up a larger proportion of the refugees that initially arrived in Liberia, making them specifically vulnerable to land disputes with host communities over access to land and food security. In Liberia overall, we find that inheritance and other intra-family disputes that often involve women are some of the most difficult to durably resolve and longest lasting disputes.

Year over Year Cultivation by Gender

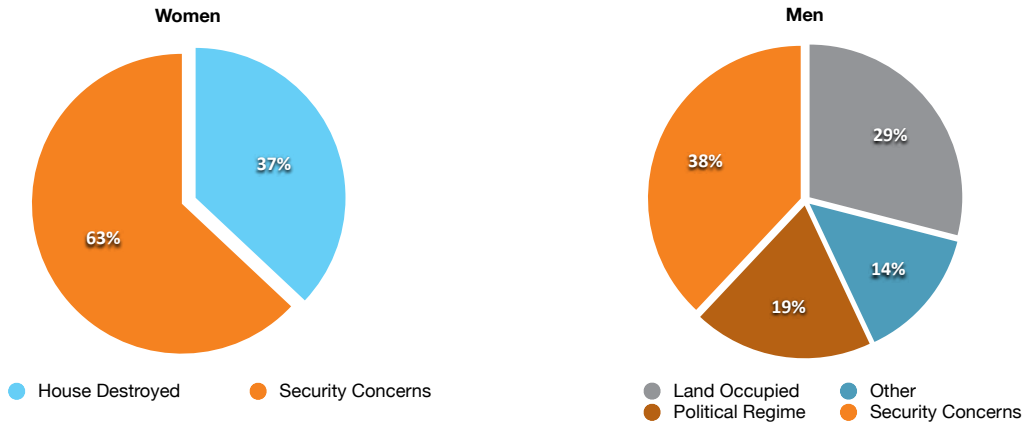
Cultivation in 2011 versus 2010



PERSONAL INSECURITY

Men and women discussed personal insecurity as a challenge they faced as a result of the post-election crisis specifcally and because of land disputes. Female refugees in Liberia were more likely to state that security concerns (as opposed to the political regime, for example) made them unwilling to return to Côte d'Ivoire than male refugees. Whether women face more threats to their personal security is not clear from the data, but interviews suggest that they might have a different calculus for their return.

Main Reason Not to Return by Gender



Similarly, in Côte d'Ivoire, women with land disputes were more likely than men to state that they currently cannot access their land, regardless of the nature of the dispute. A surprising finding is that women report the same levels of violence and threats of violence associated with their land disputes as men in Côte d'Ivoire, while in Liberia, women report higher levels of violence. More than half of the women interviewed in Liberia reported a violent threat as a result of their land dispute and 44% reported an incident of witchcraft. While the relatively small number of people interviewed for our survey means that these numbers should be taken with caution, they are still strikingly high proportions of female respondents reporting violence as a result of their dispute.

Table 5
Land Dispute Dynamics by Gender

	Liberia		Côte d'Ivoire	
	Men	Women	Men	Women
Year Conflict Started	2006	2002	2009	2008
Property Destroyed as a Result of Dispute	20%	28%	16%	21%
Violent Threats as a Result of Dispute	41%	56%	37%	25%
Violent Acts as a Result of Conflict	25%	39%	11%	4%
Violence with Weapons as a Result of Dispute	13%	28%	16%	4%
Witchcraft as a Result of Dispute	24%	44%	8%	8%
Death as a Result of Conflict	2%	11%	8%	4%
Number of Violent Events Associated with Dispute	3	2	5	1

TENURE INSECURITY AND INTER-ETHNIC DISPUTE DYNAMICS

In Côte d'Ivoire and in Liberia women's status in the family, and particularly her marital status, made her vulnerable to land disputes and decreased her land tenure security during the post-election crisis. Our research confirms that women are much less likely than men to have documents for their land on both sides of the border. We find that unmarried women, such as widows, report more land disputes than married women. Widows may be especially vulnerable when it comes to land disputes and, especially in Côte d'Ivoire, they were more likely to state that they feared losing their land in the future during interviews.

Women's relative tenure insecurity also affects ongoing inter-ethnic conflicts described in a previous section. In the ethnically diverse and heterogeneous communities in Côte d'Ivoire young children and female members of the migrant communities faced specific challenges. In some cases, this population spends time in villages selling and cultivating crops such as cassava and bananas while other family members engage in cash crop production in "campements" outside of the village. Field work suggests that in certain villages there may be very low levels of social cohesion between these women and other community members and that they face specific issues relating to access to land and other services such as education and health care. Taking the difference experiences of women of migrant background into account is essential for meeting the needs of this population.

SECTION THREE
CONCLUSIONS

Durable solutions for displaced individuals and consolidated peace and stability in the Liberian – Ivoirian border region are immediate priorities following the 2011 post-election crisis in Côte d'Ivoire. Yet, our research finds that the institutions tasked with managing land use and allocation, as well as resolving disputes function poorly or not at all. This is true for both state-sponsored institutions backed by written legal frameworks and for informal and customary institutions that operate at the local level. Disputes over land and property rights are therefore common, often go unresolved and are commonly associated with violence. To realize their goals, governments, civil society, and humanitarian and development actors must prioritize land administration and land dispute resolution.

Land disputes frequently overlap or involve larger conflicts between ethnic groups, first-comers and more recent migrants, between host communities, IDPS and refugees, and between generations in the border region. Members of all ethnic, social and political groups have taken advantage of the instability and grabbed land or questioned previously agreed informal and formal contracts. Women in particular face a unique set of challenges in securing their land tenure, while facing just as much violence as men in land disputes. In Côte d'Ivoire, the 1998 law has not prevented land sales, extra-legal land allocation, or the allocation of land under flexible or unclear terms. While host communities in Liberia offer generous support to Ivoirian refugees and have provided them with access to land in many cases, the lack of consistent and transparent framework for land administration and allocation means that these transactions suffer from the same potential underlying weakness as the transactions ongoing in western Côte d'Ivoire. In both countries, these practices must be brought under control through responsible partnerships between civil society and the government so that land is managed in a fair, transparent and equitable manner, conflict is prevented, and all disputants have access to remedies to their disputes.

Institutions responsible for land administration and for land dispute resolution are the foundations for future food security of the Liberia-Ivoirian border zone, not only for the areas affected by displacement, but for the whole region. Interventions aimed at improving food security must take land administration and conflict over land rights into account so that agricultural development today does not explode into conflict tomorrow. Towns and villages in Liberia and Côte d'Ivoire will continue to face population movements, economic development and ecological change. Supporting equitable and secure land tenure rights and the means to resolve the inevitable disputes between individuals and groups is an opportunity to create a successful transition between lifesaving humanitarian intervention today and stability and economic development in the future.

RECOMMENDATIONS[26]

FOR THE GOVERNMENT LIBERIA

- Establish a standardized process for documenting and allocating land to refugees and displaced individuals currently residing in Liberia that clearly and transparently lays out the rights and obligations of land owners and land users, including the location and dimensions of the land to whatever degree of specificity necessary, the length of the agreement, the compensation and the possibilities for modification
- Regularize and record the previous agreements that allocated land to refugees so that all allocation follows the same transparent guidelines
- Continue to promote the use of collaborative dispute resolution for land disputes, where applicable, including disputes between refugees, host communities, and other land users in areas hosting displaced populations
- Establish a standardized system of documentation during local dispute resolution processes in order to encourage the consistent and mutually beneficial engagement of multiple authorities and dispute resolution forums if necessary
- Establish a consistent and transparent referral pathway for disputes engaged in the local dispute resolution to enter the formal dispute resolution system if necessary
- Engage the emerging issue of the environment and resource scarcity as emerging conflict risk factors

FOR THE GOVERNMENT CÔTE D'IVOIRE

- Implementation of the 1998 land law, including the clarification of the following points either through statutory amendment or centralized policy process:
    - Define the notion of "continuous and peaceful" occupation with regard to internally displaced peoples and refugees so that they will not be discriminated against for not being able to demonstrate their rights due to a dispute
    - Define the action to be taken when "continuous and peaceful" occupation cannot be determined
    - Define what the "obligation of lease for the non-proprietor farmer when the latter is of good faith" entails, including the criteria for "good faith"
    - Clarify the rights accorded to individuals possessing "petits papiers" and other informal documents currently used for sale and land-use agreements but not recognized under the law
    - Clarify the rights of non-Ivoirian farmers, including their right to own buildings (and if not, the process for compensation), their right to land certificates, and the terms for setting up long-term lease agreements
    - Clarify the status of land transactions undertaken since the passage of 1998 law that do not follow the letter of the law but nevertheless reflect the facts of land usage and allocation on the ground

26 Many of the recommendations pertaining to Ivory Coast restate or elaborate recommendations made previously by NRC/IDMC. For further background and analysis on these issues, please see Who's Land is This, NRC/IDMC 2009.

- Establish a mechanism for IDPs to travel to their habitual place of residence in order to access their rights under the 1998 law and ensure that the refugees and displaced persons are represented when the land certification process is ongoing

- Support collaborative dispute resolution processes for land disputes at the local level, including the use of collaborative dispute resolution by local customary and administrative authorities as well as representatives of all groups using land in a particular locality

- Establish a consistent and transparent referral pathway for disputes engaged in the local dispute resolution to enter the formal dispute resolution system if necessary

- Disseminate the contents of the 1998 law through a general information campaign, including clarifications aimed at regularizing ongoing actions and practices currently not in line with the letter of the law

- Determine a reasonable and appropriate fee schedule for individual claimants who submit their cases to the customary and or administrative land disputes mechanisms and monitor the implementation of fees

- Engage the emerging issue of the environment and resource scarcity as emerging conflict risk factors

FOR CIVIL SOCIETY

- Promote the transparent and equitable implementation of the legal framework for land administration (such as the 1998 law in Côte d'Ivoire and the land law reform in Liberia) through the dissemination of information about such laws and policies to the general public and officials charged with implementation

- Monitor the implementation of the legal framework for land administration and advocate for transparent and equitable implementation should the need arise

- Support the use of collaborative dispute resolution of land disputes where applicable through knowledge transfer and capacity-building

- Advocate for programming (such as food security interventions) that take land administration and land dispute resolution into account in order to avoid future conflict

- Advocate for programming (such as food security interventions) that take women's experience with personal security and land tenure security as result of the post-election crisis into account in order to promote equitable access to land and land rights

FOR THE UNITED NATIONS AND INTERNATIONAL NGOS

- Support the government in clarifying and subsequently disseminating information about the legal framework for land administration (such as the 1998 law in Côte d'Ivoire and the land law reform in Liberia)

- Support programming (such as food security interventions) that take land administration and land dispute resolution into account in order to avoid future conflict

- Support engaging the emerging issue of the environment and resource scarcity as a conflict risk factor in both Liberia and Côte d'Ivoire

- Ensure that land needed for humanitarian interventions, particularly refugee camps and refugee transit centres, is acquired through transparent, inclusive and systematic procedures which record pre-existing rights and claims, describes the type and distribution of benefits that will flow to the community, establishes a grievance mechanism to handle future claims/disputes and which detail rights and restrictions over the longer term use and tenure to the site.

FOR DONORS

- Support the government in revising and subsequently disseminating information about the legal framework for land administration

- Support the governments and civil society organizations to complete profiling exercises to better understand the protection needs and intentions to locally integrate or return of displaced populations on both sides of the border

- Support the government and civil society organizations to implement programs that take land administration and land dispute resolution into account in order to avoid future conflict and promote food security and development in the near and long term

- Support the government and civil society to implement programs (such as food security interventions) that take women's experience with personal security and land tenure security as result of the post-election crisis into account in order to promote equitable access to land and land rights

APPENDIX A
COLLECTING DATA ON LAND DISPUTES AND FOOD SECURITY

RESEARCH DESIGN

The data analyzed in this report was collected simultaneously with a joint assessment mission in the border region of Liberia and Côte d'Ivoire in collaboration with the Food and Agricultural Organization (FAO), the Danish Refugee Council (DRC), the World Food Program (WFP) and the United Nations Development Program (UNDP). The Norwegian Refugee Council's programs in Liberia and Côte d'Ivoire collected the data on land conflict and the relationship to food security programs for this assessment.

The goal of assessment was to answer three key questions that inform food security and land dispute resolution policy in south eastern Liberia and western Côte d'Ivoire. These three questions are relevant for both programming and policy development in both Liberia and Côte d'Ivoire because these two nations share a border region jointly affected by the Ivoirian post-election crisis, albeit in different ways.

1) How is the post-election crisis in Côte d'Ivoire changing patterns of land tenure, land use, and land conflict in the affected areas in Liberia and Côte d'Ivoire?

2) How does the existence of land disputes, and the success or failure of land dispute resolution systems, affect the movement of populations in Liberia and Côte d'Ivoire?

3) How do de facto land tenure systems and the existence of land disputes in Liberia and Côte d'Ivoire affect community, government, and civil society efforts to ensure food security in 2012?

In order to answer these questions, NRC chose a comparative assessment framework that would allow us to explore the different dynamics between regions and between the countries of Liberia and Côte d'Ivoire. Given this research design, we selected six villages in Côte d'Ivoire and eight villages and refugee camps in Liberia for inclusion in the assessment. These villages and refugee camps included: Oulaitabily, Diai, Gouleako II, Koreagui, Besserke, Bianhitouo II, Yobloken, Little Weebo Town, Little Weebo Refugee Camp, Yookudi, Wissetoken, Nyaaken, PTP Refugee Camp, Manyea Community, Duogee Town, Duogee Refugee Camp, Solo Refugee Camp, Tuzon Town, Behwallay, Bahn Town and Bahn Refugee Camp. We selected these villages based on consultations with local stakeholders and on the basis of geographic location.[27] Broadly, we wanted to ensure both that information from these villages could shed light on land disputes and food security programming following the post-election crisis and that we covered the entire geographic area under assessment, which included Nimba, Grand Gedeh, River Gee and Maryland Counties in Liberia and Montagnes, Moyen-Cavally, and Bas Sassandra administrative regions in Côte d'Ivoire (please note that the names of these regions have since been changed).[28]

27 These stakeholders include: the Danish Refugee Council, the Food and Agricultural Organization, the World Food Program, the International Rescue Committee , Action Contre le Faim, OCHA, the International Committee for the Red Cross, and UNHCR.

28 The area included in the study is now encompassed by the Montagnes and Bas Sassandra districts and the regions of Cavally, Tonkpi, Nawa and San Pedro.

METHODOLOGY

NRC used both qualitative and quantitative data collection methodologies to collect the data included in this report. All participation in the data collection effort was voluntary and collected under informed consent protocols. In order to gather information at the community level for all the localities visited, the research team conducted focus group discussions will the different social groups relevant to the research (if they existed). These included:

CÔTE D'IVOIRE

Indigenous Men
Indigenous Women
Migrants from inside Côte d'Ivoire Men
Migrants from inside Côte d'Ivoire Women
Migrants from outside Côte d'Ivoire Men
Migrants from outside Côte d'Ivoire Women

LIBERIA

Inhabitants of the host community/ Indigenous Men
Inhabitants of the host community / Indigenous Women
Refugees from Côte d'Ivoire Men
Refugees from Côte d'Ivoire Women

Appendix Table 1
Demographic Characteristics

	Liberia		Côte d'Ivoire	
	Mean	Observations	Mean	Observations
Female	18%	101	38%	63
Age	50	90	45	63
Married	64%	99	83%	63
Never Married	8%	99	8%	63
Widow	28%	99	10%	63

For each locality included in the study, the research team visited the community and conducted a full day qualitative research that included a community-wide meeting, followed by meetings with specific social groups. The logic behind this strategy was that members of different groups might feel more comfortable addressing the issues raised by the research in smaller, gender segregated gatherings which defused potential tensions between different social groups in the villages. Overall, the research team conducted over 60 focus groups in the 14 villages included in the study.

Appendix Table 2
Migration and Displacement Status

	Liberia		Côte d'Ivoire	
	Mean	Observations	Mean	Observations
Member of Indigenous Group	70%	101	62%	63
Migrant (Outside the Country)	0%	101	8%	63
Migrant (Within the Country)	1%	101	30%	63
Refugee	29%	101	0%	63
Not Displaced - Current Conflict	-	-	33%	63
Repatriated Refugee - Current Conflict	-	-	10%	63
Returned IDP - Current Conflict	-	-	57%	63

For the quantitative data collection portion of the research, the research team encouraged any individual currently or recently involved in a land dispute to seek a one-on-one interview with members of the research team. During this one-on-one interview, the researcher collected quantitative data on the land dispute. Efforts were made to collect information from both sides of the dispute in all cases, but given the short time frame of the data collection period this was largely not possible. In total, 164 individuals provided information on their land disputes for this project.

DATA COLLECTION

Data collection took place during the months of February and March 2012

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