



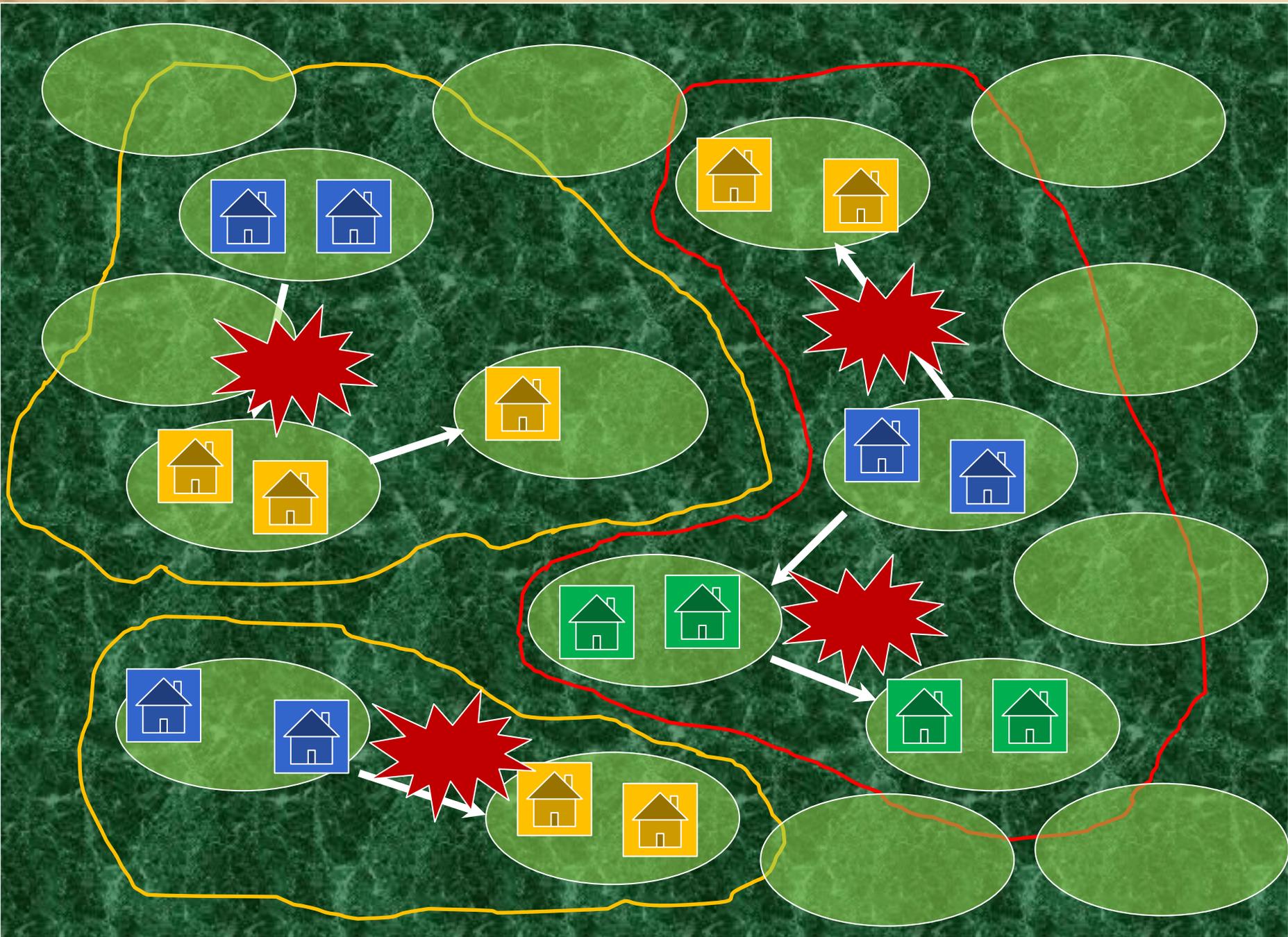
Ways to secure land rights in post conflict contexts - the example of South-Western Côte d'Ivoire

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Background: South-Western Côte d'Ivoire



- Extremely low population density until 1960s.
- Development of cocoa and coffee production and exploitation of forests caused a high influx of migrants from both neighboring countries and other parts of Côte d'Ivoire.
- Development of informal land transactions / an informal land market. Numerous settlements and plantations within protected areas.
- Economic crisis (1990s), 2002 civil war, 2010 post-election crisis: multiple waves of displacement, socio-economic and political tensions until today

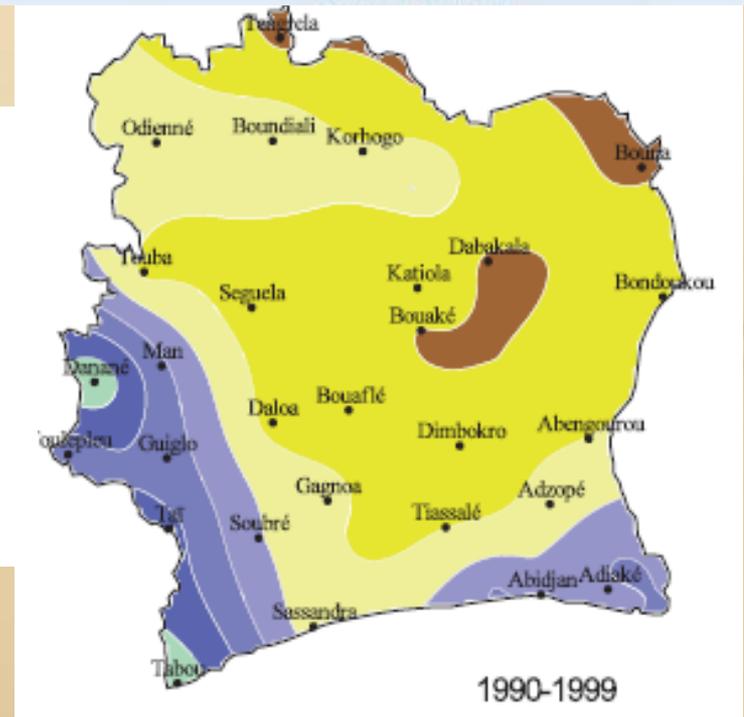
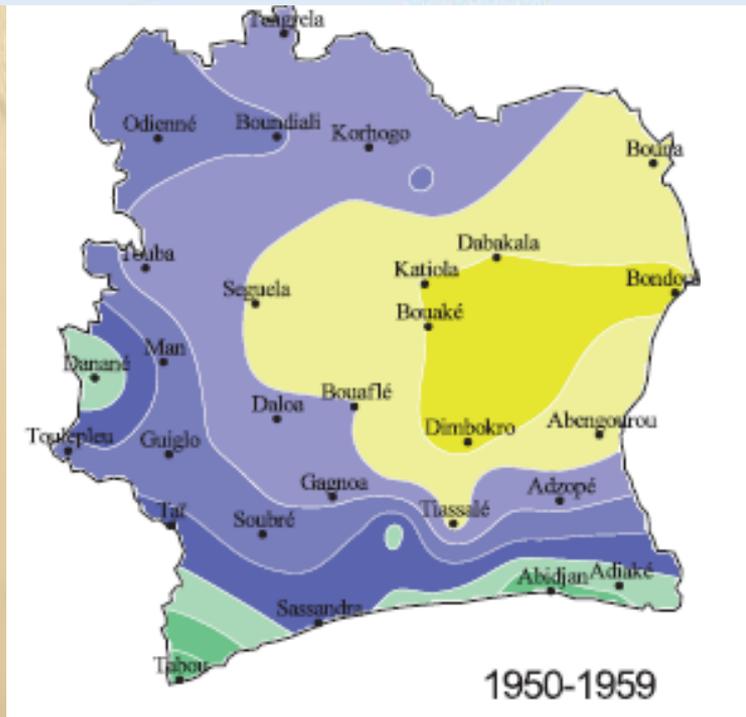


Implications for classified forests

- 1965 Forest code foresees classified forests (protected, but exploited sustainably by a national authority) .
- Since then, and especially during the crises, thousands of persons have settled informally in protected forests, amongst them many internally displaced persons.
- The Ivoirian Government has decided to evict those “illegal” settlers: war-like circumstances, human right violations.
- How to reconcile environmental (climate change !) and economic / human interests ? What happens if a project (i.e. national park) existed *before* users / settlers (by far not only internally displaced persons !) moved in ?



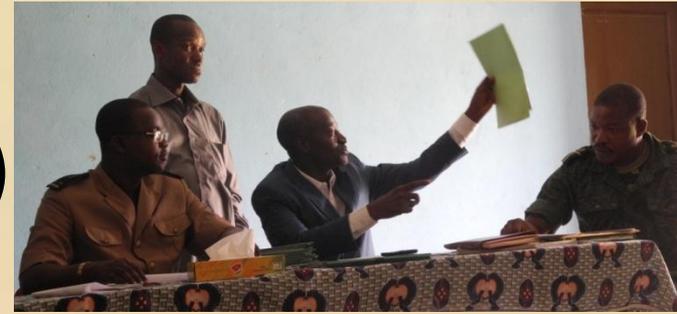
Climate Change in Côte d'Ivoire 1955 - 1988



Land-related legislation (I)

- 1998 rural land law: recognition and formalization of customary rural land rights, based on land certificates and land titles (land owners of Ivoirian nationality) / long term leases (land owners of non-Ivoirian nationality). Registration on application.
- Long-term process requiring significant financial (more than 1500 € / ha) and institutional capacity, severe lack of information at all levels
 - Very limited implementation (only 2 titles issued so far in research area, one to a politician, the other one to an investor)
 - Exclusion of poorer population groups in favor of private investors

Land-related legislation (II)



Type of tenure right	Owner's rights	Possible owner
Land certificate	Transitory title, must be converted into land title / within three years	All
Land title	Ownership in perpetuity: sale, lease, mortgage, inheritance	Land owner of Ivoirian nationality
Long-term lease (<i>bail emphytéotique</i>)	Land title registered in the name of the State, 99 year lease right, inheritance	Land owner of non-Ivoirian nationality

Findings

The existing rural land legislation is the result of a national process involving all stakeholders. It is based on the recognition of customary land rights and accepted by both administration and “informed” individuals

BUT

trying to immediately reinforce its implementation with its current application decrees is likely to cause additional land conflicts (re-negotiation of informal transactions, unclear civil status of land users, female farmers and internally displaced persons might be further marginalized)

- VG 3.1 States should [...] recognize and respect all legitimate tenure right holders and their rights. They should **take reasonable measures to identify, record and respect legitimate tenure right holders and their rights**, whether formally recorded or not.
- VG 17.4: Implementing agencies should adopt **simplified procedures and locally suitable technology to reduce the costs and time required for delivering services. The spatial accuracy for parcels and other spatial units should be sufficient for their identification to meet local needs**, with increased spatial accuracy being provided if required over time.

Recommendations

- Documentation of the status quo (before displacements took place - restitution might be necessary) by involving all affected persons and by communicating the result to the whole village. Support the elaboration of sound contractual arrangements between customary land owners and land users.
- Reinforce the allocation of land certificates in rural areas (instead of land titles) and move towards a systematic land registration process (group approaches / joint land registration), in order to reduce the cost and complexity of the registration process.

Thanks a lot for your attention !



Based on the findings of a study
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