

**The land tenure question in Côte d'Ivoire:  
A lesson in history**

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The rural people of Côte d'Ivoire seem to have been strangely absent during the events of late-December 1999, which resulted in the overthrow of President Bédié's regime<sup>1</sup>. The silence of the countryside during and after the coup was in stark contrast to the ferment which preceded it. In several regions there were bloody conflicts over land between locals and people from neighbouring countries, which commentators in the anti-government press ascribed to the new regime's campaign to promote 'ivoirité' (a sense of national Ivorian identity). Three months after the 'coup', the atmosphere in rural parts of Côte d'Ivoire remained one of latent tension, particularly in the coffee and cocoa producing areas<sup>2</sup>. But, somewhat intriguingly, land tenure issues do not feature in public debates during the current transition period.

We will begin by describing the situation preceding the coup d'état and the political repercussions of the land tenure conflicts. Then we will look beyond the more obvious regional, ethnic and national divisions, which the parties involved tend to emphasise, and try to bring out the underlying issues and sources of the present crisis by viewing them in their historical context. We will then return to the present situation and attempt to anticipate the possible short-term developments. Can we expect reduced tensions and clarification of the land tenure issue to emerge from an agreement on the question of Ivorian nationality? What will be the effect of the new legislation on rural landownership, which was adopted almost unanimously by members of parliament a year prior to the coup after a great deal of debate? Can new legal measures iron out the contradictions of a century of Ivorian rural policy – and, more particularly, the thirty-three years of President Houphouët-Boigny's ambiguous land tenure policy, aimed at promoting rapid agricultural development and establishing a city-based system of political patronage in the countryside?

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<sup>1</sup> Information for this paper was obtained during two visits to Côte d'Ivoire (11 December 1999 to 7 January 2000 and 3 to 27 April 2000). I would like to thank Mahamadou Zongo for the information he provided in the course of a joint mission.

<sup>2</sup> These areas are of great importance to the economy of Cote d'Ivoire which is the worlds' biggest producer of both crops.

## **BEFORE THE COUP D'ÉTAT: EXPLOITATION OF RURAL DISCONTENT BY NATIONAL POLITICIANS**

Serious turbulence in rural areas had been widely reported in both the government and opposition press, in the months preceding the coup: protests by producers against the fall in coffee, cocoa and cotton prices; wild claims in the media by the different political parties that particular rural areas were supporting them; frequent land tenure conflicts between locals and non-Ivorian migrants, throughout the country. During October to December, there were frequent reports of bloody conflicts between immigrants from Burkina Faso and the local people (Bété) in the sub-prefecture of Saïoua and (Krou) in the sub-prefecture of Tabou. These led to the evacuation of over ten thousand Burkinabè from the south west of the country.

These conflicts were generally associated with the controversy over 'ivoirité' and the undeniably xenophobic ideology being promoted by the government. In addition, the opposition press and critics of the regime observed a sharp distinction between the ways in which these conflicts were treated: 'timidly' when non-Ivorians or peoples from the North were involved; but very firmly when Baoulé people from the Central zone were affected. Some commentators claimed that, when Baoulé people were involved, 'Bédié [rushed] to the help of his own people and [left] others to their fate'<sup>3</sup>. The government press replied that these were no more than 'land tenure conflicts', resulting from the 'rate of land occupation' (sic), entirely unrelated to the question of 'ivoirité'<sup>4</sup>.

The controversy over the causes and nature of the inter-community tenure conflicts was reminiscent of the debates that had taken place, a year earlier, when the legislation on rural land ownership (*domain rural*) was adopted. This was publicly announced by President Bédié in his 'Fengolo appeal', made in December 1997 at the scene of a bloody conflict between Wè and Baoulé groups, and the preparations for this legislation gave rise to a great deal of political manoeuvring in different parts of the country to win the support of the rural electorate. The draft legislation was presented differently according to the political interests of the different parties: either as granting official recognition of the rights of customary owners and traditional chiefs, or dispossessing them of their rights to the advantage of the State; by some as a law protecting the

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<sup>3</sup> *Le Patriote*, 26 November 1999.

<sup>4</sup> President Bédié's communications adviser, Thierry Saussez, who made a direct contribution to the debate: "Fictions et réalités ivoiriennes", *Fraternité-Matin*, 20 December 1999.

rights of all Ivorians or, by others as a 'law inspired by Akan custom'<sup>5</sup>; even as a law protecting the interests of the 'barons of the regime'. In any case, the main points of the legislation were welcomed equally by the government and opposition parties, in particular the provisions excluding non-Ivorians from ownership of customary land. It was finally passed in December 1998<sup>6</sup>, almost unanimously, the opposition then claiming credit for its involvement in preparing the legislation.

The aspects of the new law most heavily emphasised in urban political circles during the draft stage, and in the media coverage of the land tenure conflicts, were those most easily understood, in particular the issue of 'ivoirité': the pressing of the claims of native-born Ivorians, which was exacerbated by the xenophobic ideology promoted by the regime. The sudden reactivation of land claims by locals is, in a way, the rural face of 'ivoirité'.

We believe that this explanation of recent events overlooks deeper causes, and the underlying historical factors which have shaped rural life in Côte d'Ivoire. Current land tenure conflicts need to be seen against a background of the vast agrarian colonisation movements which have played an important part in the country's history since colonial days, and particularly since independence. The

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<sup>5</sup> The Akan grouping includes the ethnic groups of the East and the Centre, in particular Baoulé migrants established in the forest region of the West. For further information about the debates surrounding the rural land legislation, it is worth looking at press reports filed in May 1998 (National Assembly seminar on the land tenure system in Côte d'Ivoire and the draft law on rural landownership) and December (the actual vote on the legislation).

<sup>6</sup> Law n° 98750 of 23 December 1998, Official Journal 14 January 1999. The implementation orders were signed on 13 October 1999 (Ministry of State, Ministry of Agriculture and Animal Resources, undated, Collection of texts relating to rural landownership). The law reserves rural land ownership for Ivorian citizens. It provides for an initial ten-year phase (subsequent to its promulgation, i.e. until January 2009) during which any person holding land tenure rights involving appropriation of land (excluding derived rights holders) must have his rights officially recognised with a view to obtaining a land tenure certificate (individual or collective). After this deadline, land unclaimed in this way will be registered in the name of the State and the person farming it will be deemed a tenant. Land tenure certificates held by Ivorians entitle the holders to have their land registered on an individual basis after a period of three years, and result in the issue of a permanent private ownership title. The best that non-Ivorian farmers can hope for is the promise of a long-term (heritable and alienable) lease, either from the native holders of land tenure certificates, if the latter have entered them as 'occupiers in good faith', or from the State, where the land is State-owned. It is easy to understand why this legislation was supported by donor organisations because it forces the pace towards individual private property as the norm. Paradoxically, though, this purpose of the legislation, though a vital aspect of it, has not given rise to national political debate.

existence of an 'internal land frontier' has contributed to the current situation in Côte d'Ivoire, not only economically but also politically and in terms of people's sense of identity<sup>7</sup>. The land tenure question as presented today therefore owes much to past dynamics and is characterised by 'frontier-type' agrarian institutions: a variety of intermediate organisations ensuring the influence of the State in local affairs, stabilising relations between locals and migrants, and also regulating the relationship between rural and urban populations.

### **THE 'AGRICULTURAL FRONTIER' AND THE RECURRENCE OF CONFLICTS BETWEEN LOCALS AND MIGRANTS.**

Firstly, it needs to be said that the recent conflicts between communities of different origins<sup>8</sup> are manifestations of land tenure issues as old as the movements of agricultural colonisation in Côte d'Ivoire. As early as the 1920s, the spread of cocoa and coffee growing in the southeast and the coastal areas attracted labourers from the savannah regions, particularly from Upper Volta but also from the Centre (Baoulé) and the forest areas of the West (Bété), where agricultural and climatic conditions were less favourable and forms of colonial despotism more harsh. Some of these labourers settled permanently. In the 1930s, the colonial authorities themselves encouraged the settlement of people from Upper Volta (mainly Mossi) in the Centre West of Côte d'Ivoire to develop the region's potential for growing export crops. The abolition of both the separate native administration and forced labour in 1946 removed the political and institutional obstacles limiting the expansion of agricultural pioneering on the forest plantation model. The new settlers soon formed a 'front' which spread across the forest region from east to west. As early as the 1950s, the colonial government had to deal with the discontent of local groups faced with a massive influx of immigrants, particularly in the Centre West of the country (Raulin, no date). In this, they were supported by the nascent Ivorian political elite under the banner of then RDA-PDCI.

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<sup>7</sup> We cannot go into this important issue here. Please refer to Chauveau and Dozon, (1985; 1987). D. A. Chappell (1989) has pertinently applied I. Kopytoff's 'internal African frontier' model (1987) to the Côte d'Ivoire.

<sup>8</sup> Of course, land tenure conflicts between villages or groups of villages belonging to the same ethnic community are also an on-going phenomenon in most parts of Côte d'Ivoire; not to mention the regular – and one is tempted to say 'normal' – conflicts which take place within local communities and domestic groups.

This pioneering movement took on unprecedented proportions after Independence, when there was a systematic policy of developing forest-based cash crops in the west and southwest. The 'cycle' of perennial agriculture – involving the clearing of new areas of land, the importation of migrant labour, and the gradual establishment of labourers as agricultural settlers – continued to gain strength. The massive influx of Ivorian settlers, especially Baoulé people, and of non-Ivorians, particularly from Upper Volta (now Burkina Faso), has led to the situation we see today: the forest region is so densely occupied that new plantations are established on old fallow lands or by the regeneration or redevelopment of existing plantations. As a result, there is now an intense market in the leasing of fallow land.

This pattern of agricultural settlement has naturally been the cause of frequent conflicts, relating both to land rights and to the ways in which the different communities share resources. Conflicts between people native to the west and Baoulé migrants have generally made the headlines<sup>9</sup>. However, it should be pointed out that the northern savannah regions have also experienced tenure disputes as a result of agricultural colonisation. The forest region has attracted the most attention because of the economic importance of plantation agriculture, and because of the high profile competition between political leaders from the east and west of the country. More recently, however, the press have become aware of an 'awakening' of the North in the new political context created by the new government since 1993. Frequent land tenure conflicts are just as much an issue in the savannah region, as demand for land grows and new pressures are created by commercialisation of crops (cotton, cereals, cashew nuts) and of cattle rearing. Here, there is a strong similarity with the situation in the western forest region, since the acceptance of Peul livestock farmers and their subsequent sedentarisation was the result of a policy introduced by the government in 1974, often against the will of the local population. This policy tended to create a relationship of patronage between these farmers (some of whom had considerable capital) and the agents of the State and local politicians.

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<sup>9</sup> Particularly, towards the end of the 1960s, between Baoulé and Bété groups in the Gagnoa region, in 1985 between Niaboua and Baoulé in the region of Zoukougbeu, and during the 1990 and 1995 elections between Baoulé migrants and local Bété, Gouro and Dida populations. More recently, when the new legislation on rural landownership was being formulated, conflicts broke out between Niaboua and Baoulé groups at Zoukougbeu in May 1998 and between Dida and Baoulé at Irobo in November 1998.

## **THE IVORIAN 'PEASANT STATE' AND THE DYNAMICS OF 'FRONTIER INSTITUTIONS'**

It should first be stressed that the recurrence of land tenure conflicts, though sometimes bloody, has not transformed everyday rural life into a constant battle. Rather, the 'internal frontier' process has created a situation of permanent negotiation involving varied coalitions of parties: locals, more or less willing to surrender their land; 'foreigners', seeking access under the more or less open protection of the administration; local government agents, who have established a more or less systematic patronage relationship with the migrants; and also town-dwellers originating from the rural areas, in particular civil servants and politicians, who also have vested interests in the land tenure issue.

Thus, the 'internal frontier' has produced and consolidated institutions, conventions, rules, organisations and 'institutional arrangements' at many different levels. These include the 'traditional' African institution of *tutorat* (guardianship) between local people and migrants; organisations set up by groups of immigrants themselves; pressure from State services to promote rural development, in accordance with rules which are more akin to patronage than true legal principles; local procedures and conventions to achieve greater tenure security in a situation of great uncertainty; and formal and informal organisations uniting village and townspeople, whether the latter be politicians, officials or ordinary Ivorian citizens.

### **The proliferation of intermediary organisations in the rural setting**

Despite independence, the colonial mode of governance<sup>10</sup> did not undergo a radical transformation. The country was still a 'Peasant State', characterised by a combination of bureaucracy and despotism. The fundamental method of regulation was through control over the allocation of land use and the distribution of income from the export of agricultural products, and the prevailing mode of governance was based on local government agents and the intermediaries who had emerged from local peasant society<sup>11</sup>. But another

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<sup>10</sup> The concept of governance is used here descriptively, in contrast with the normative usage adopted in international reports.

<sup>11</sup> The sociological model of the colonial peasant State has been well analysed in German research on Africa. See Debusman, 1997. This model has been researched in the context of the wider anthropological issue of social change and development (Bierschenk and Olivier de Sardan, 1998; Bierschenk et al, 2000).

feature of the post-colonial Peasant State was the maintenance of strong links between political elites and rural people, for reasons which were not purely cultural but had to do with the need of this system of governance to assure its own survival<sup>12</sup>. The dominant social relationship was that which linked, on the one hand, the central and local mechanisms of State power and a number of other privileged urban social categories closely associated with them (in particular export marketing agents), and, on the other, the rural producers, who were expected to respond to the imperatives of 'development', and whose social status differed little from that of colonial '*subjects*' (Mamdani, 1996). But, as in colonial times, the weakness of the post-colonial State, and in particular its need to gain local support, led to the establishment of intermediary organisations, providing the link between central authority and local farming communities.

This explains why village headmen continued to be recognised as representing the territorial administration at village level, why sub-prefecture councils were seen as the direct heirs of councils of notables, and why the procedures for the settlement of conflicts (over land tenure and other matters) by the sub-prefect (still known as the '*commandant*') and by lower court judges still relied just as much on the doctrine of '*equity*'<sup>13</sup> and '*customary*' settlements as the former customary courts had done. Without carrying the analogy too far, one could until recently regard members of parliament and the section and village secretaries of the ruling PDCI party as the direct heirs of the representatives, interpreters and *chefs de canton* of the colonial era. Moreover, in many regions, the latter retained considerable authority, despite the official abolition of their title, by combining their '*neo-traditional*' function with involvement in the PDCI. Since 1990 and the return to multi-party activity, this picture has been further complicated by additional village-level organisations set up by the various political parties.

The main difference between the colonial and contemporary structures of governance therefore does not lie in their principle of '*dual*' operation, nor in the '*decentralised despotism*' (Mamdani, 1996) in which the distinctions between State and local society, citizens and subjects, townspeople and villagers, meet, overlap and combine. Rather, the essential differences pertain, on the one hand, to the nature of the new beneficiaries of this system of governance, i.e. the '*citizens*' associated with the urban political and economic

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<sup>12</sup> Hence the strong emphasis on the value of the '*peasant farmer*' in political ideology (cf. the image of Houphouët as the '*farmer president*', which Konan Bédié has also tried to make his own).

<sup>13</sup> As opposed to basing their judgments on written, universally applicable legal rules.

establishment and their representatives in the rural setting; and, on the other, to the diversification of mechanisms which control and redistribute resources. The institutional mechanisms linking the government, ruling class and rural population have proved far more complex than a straightforward relationship of predation. Many levels and types of intermediaries have been generated, who have acted as 'brokers' between the State and rural society, between rural society and the towns, and between town-based 'citizens' and rural 'subjects'<sup>14</sup>. These 'brokers' have succeeded in combining official rules with informal practices, enabling them to take full advantage of their position as go-betweens.

Thus the intermediary organisations of a political and administrative nature have multiplied over time, following a 'rationale of accumulation' characteristic of the institutional dynamics of African countries<sup>15</sup>. For example, in addition to the more obviously political organisations already mentioned, there are many technical structures responsible for organising farmers and herders in particular areas of production, in the field of credit, in co-operative organisation, or with regard to health and education. Thus, each village has a number of micro-bureaucracies, and its own representatives in dealings with national organisations (various professional agricultural organisations, school parents' associations, etc.). And, as a consequence of the new land tenure and decentralisation policies, to these must now be added village land tenure management committees and rural community councils. These many bodies maintain shifting relations with village politicians and political organisations, traditional and 'modern', depending on the nature of the local power struggle and the capacity of eminent figures to hold a number of offices at the same time.

### **'Compromises' between the Ivorian Peasant State and local groups of farmers**

However, this form of local governance could not be based solely on predatory coercion, the cost and weight of which would have greatly outstripped the means available. Since the days of the struggle against colonialism, the political elites, who aspired to and succeeded in controlling the administrative machinery for managing resources, have negotiated relations with other

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<sup>14</sup> Regarding the issues of 'institutional proliferation' and brokerage, see Berry (1993) and Bierschenk et al (2000).

<sup>15</sup> For the concept of the 'accumulation' of institutions, and the related notion of 'overlapping', see Bierschenk and Olivier de Sardan, (1998).

groups, be they urban or rural<sup>16</sup>. It is worth remembering the compromise worked out prior to independence between the dominant faction of the PDCI-RDA controlled by Houphouët-Boigny, the colonial government, the local authorities and various categories of plantation owner. The issues then were the abolition of the native administration and of forced labour, and free movement of labour.

After independence, in 1960, what amounted to a social and political pact was established between the One-Party State, the urban ruling class, commercial interests, and various components of the Ivorian peasantry – including farmers and labourers from neighbouring countries (in particular Upper Volta). This was set against a background of growth fuelled by the export of agricultural produce and the abundance of land. In return for guarantees in respect of prices, outlets, farm inputs and a rising standard of living, rural people were expected to show political submission and recognise the monopoly of the State and its agents over management of the cash crop sector (mainly, but not exclusively, forest-based products)<sup>17</sup>. This pact included some special arrangements: between the State and non-Ivorian migrants – affording them access to land in return for electoral support<sup>18</sup> ; and also between the State and young people in the countryside, who were effectively offered schooling, access to urban employment and help in setting up as ‘modern farmers’.

Using this strategy, the State and the agents of central and local government took charge of regulating access to land resources. As a result, the government intervened in the ‘internal frontier’ process to an extent the colonial authorities had never dreamed of. This massive intervention was justified by two objectives: the need for rational, rapid economic development under the auspices of the State, and maintaining the State’s control over land. Direct intervention on the part of the State took various forms<sup>19</sup>: mixed agro-industrial farming projects in which the State held a majority stake; regional and sectoral

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<sup>16</sup> Space does not allow us to refer to all the works and articles on this subject in respect of Côte d’Ivoire, but for an overall view, see Losch (1999).

<sup>17</sup> See in particular Léonard and Ibo (1984) and Losch (1999) and his contribution to this specific issue.

<sup>18</sup> Regarding the special treatment of ‘foreigners’ in the national construction and political life of Côte d’Ivoire, as encouraged by Houphouët-Boigny. See also Dozon’s (1997) contribution to this specific issue.

<sup>19</sup> The western forest region provides a particularly good example of the process, though it also took place in other regions, albeit less intensively and with less of a fanfare on the part of the local authorities. In the North, for example, cotton and livestock were developed, and there were a number of regional development projects.

development operations; and the declassifying of protected forests to lay the ground for new plantations.

But it is not in the implementation of official development policy that we find the really decisive interventions on the part of the government and the ruling elite. A draft law strengthening the prerogatives of the State in matters of land tenure was shelved in 1962 in the face of discontent on the part of the customary authorities and the elites dependant on them. But, a range of other interventions of a fundamentally political nature proved to be remarkably effective in accelerating the 'pioneering' development of the country. They took the form of instructions to the administrative, political and judicial authorities, and to the local technical services. These instructions were grounded in the order issued by Houphouët-Boigny himself in 1963: "*la terre appartient à celui qui la met en valeur*" (the land belongs to those who develop it)<sup>20</sup>. This dictum assumed the force of law, though it completely contradicted the provisions of legislation inherited from the colonial period.

Non-Ivorian and Ivorian colonists thus enjoyed protection in gaining access to land: pressures were applied to the local village authorities and communities to get them to welcome migrant farmers, particularly those of Baoulé origin in the West, and foreign herders in the North. Disputes were settled in favour of migrants if it was seen that they were developing the land; locals were forbidden to make foreigners pay rent; and the infiltration of protected forests was tolerated. In the North, if crops were damaged by large herds practising transhumance, government agents sided with the herd owners. In the Western forest region, landed estates were allocated to members of the ruling elite, who often originated from the East or Centre of the country.

These arrangements and deals between the State and certain sectors of the rural population gave rise to other organisations, such as those representing the various agricultural settlers: communities of foreign migrants (Burkinabè, Malian, etc.), each having its own organisation at village, sub-prefecture and national level and concerned to manage relations with the political, administrative and customary authorities; and also Ivorian migrants' organisations, representing Baoulé people in particular, who enjoyed close links with the local and national authorities<sup>21</sup>.

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<sup>20</sup> However, in 1966 Houphouët failed to gain acceptance for the idea that foreigners should have 'dual nationality', the ultimate stage of his model of economic and political control.

<sup>21</sup> These organisations are generally based on hierarchies combining nationality and ethnic or regional origin which establish authority to give orders and settle conflicts.

## **The institution of ‘tutorat’ (guardianship) between locals and ‘foreigners’<sup>22</sup>**

Faced with administrative and political pressure, local people have tried to maintain some level of control over land made over to ‘foreigners’, by preserving, as much as possible, the institution of ‘*tutorat*’ (guardianship). Under this arrangement, the recipient of a land loan or ‘sale’ maintains a permanent debt of gratitude towards his ‘guardian’, who becomes his ‘father’ or ‘patron’, even if the newcomer is far richer. The ‘debt’ is repaid in various forms, generally symbolic, at the time the right of use is transferred, or a token share of the annual production of the land, or a contribution to the guardian’s expenses when he is involved in a major social event (a death, a funeral) or faces financial hardship. Continued payments to the guardian, which passes down from generation to generation, are generally accepted by the migrant farmer as long as the guardian’s demands are not exorbitant.

A paradoxical consequence of government pressure to ‘settle’ foreigners, particularly Baoulé migrants, was to encourage the transfer of land ownership from locals to foreigners. Since they could not openly oppose the influx of migrants, the only way in which locals could retain a degree of control over their land was to make over the land whilst maintaining a traditional guardianship arrangement, lest they lose all recognition of their prior rights. Government pressure caused the process of land transfers to snowball, because settling ‘foreigners’ on the periphery of the village territory enabled local people to signal their control over land vis-à-vis neighbouring villages, which were thus in turn dragged into a spiral of land transfer<sup>23</sup>. In addition, transfers of land were accelerated by the habit of remunerating the large migrant labour force needed to work local plantations by giving them plots of land.

However, as time has passed and pressure on land increased, the local rules governing guardianship have undergone a transformation. On the one hand, young local people are increasingly aware that they face a situation of land shortage for which their parents and grandparents were responsible and, on the other, given the now relatively high monetary cost of negotiating land transfers<sup>24</sup>, migrants are weary of being plagued with demands on the part of their guardians. This has transformed the guardianship arrangement into a

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<sup>22</sup> We are dealing here mainly with the situation in the Western forest region, which is very relevant to our theme.

<sup>23</sup> The same phenomenon of ‘signalling’ control over land tenure by settling foreigners has occurred between local clans, and even within the clans themselves.

<sup>24</sup> The price of a hectare of land (generally cleared land, as the forest has virtually disappeared) can easily reach 150,000 or 200,000 CFAF.

matter of perpetual re-negotiation, the outcome of which is dependent on the broader political context.

### **Local institutional arrangements in the field of land tenure**<sup>25</sup>

Despite the arbitrary intervention by government in local tenure practices and to limit the uncertainties and risks to which they give rise in daily rural life, local communities have adopted rules, procedures and forms of contract which ensure that their member's rights are secured. Where agreements governing labour, tenancy and, other land transactions are concerned, the use of witnesses and, more frequently, written documents gives local validity to the commitments undertaken (Koné and Chauveau, 1998). Though not formal contracts, these '*petits papiers*' ensure some recognition of the terms of agreement, and predictability in the event of disputes, at least until recently. Although not covered by the law, and possibly even illegal<sup>26</sup>, these 'institutional arrangements' are sanctioned by village headmen and sub-prefects, and even judges, as providing some degree of proof in the event of conflict in a field where the law itself is inapplicable<sup>27</sup>.

In addition, the absence of clear legal provisions and the difficulty judges and sub-prefects experience in applying sanctions in the village context, leads them to allow the local traditional authorities – the council of village notables, the chef de canton's customary court – as much scope as possible in settling disputes. A judgement by a prominent local politician (e.g. in former times, the secretary of the PDCI or local MP) will even be accepted. These local arrangements, on the fringes of the official legal apparatus, have therefore contributed to making transactions more secure and settling land tenure conflicts, even if they have sanctioned inequality of treatment between locals and 'foreigners' at the local level.

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<sup>25</sup> Here again, we are dealing with the situation pertaining in the Western forest area.

<sup>26</sup> The law in force until the new legislation was promulgated in 1998 (not yet implemented) forbade any private contract in respect of customary rural land over which the State was had eminent domain.

<sup>27</sup> Moreover, migrants tend to accumulate all kinds of written document attesting to the existence of their farming enterprise (plot descriptions drawn up by the Department of Water and Forests, plantation certificates requested from the local Agriculture department, etc.)

## **The role of civil servants and ‘associations de ressortissants’**

Another important aspect of the ‘frontier’ system, though rarely acknowledged, is the relationship between local communities, on the one hand, and town dwellers originating from those communities, on the other. In Côte d’Ivoire, and Africa generally, an important role is played by development associations and friendly societies organised by town-dwellers originating from a particular region or village (*association de ressortissants*). Such associations play a prominent ‘brokering’ role between rural populations and the wider social and political environment.

The history of this brokerage is closely linked to the relationship between the State, civil servants and town-based politicians and their region or village of origin: the economic and political standing of these officials depends on their position in the State apparatus; this in turn depends on the extent to which they are deemed to represent the communities from which they come; their representativeness depends on the support they can muster locally; and this depends on their ability to mobilise State resources in favour of their region of village (Woods, 1994; Vidal, 1991).

The multi-level nature of Ivorian politics enabled Houphouët-Boigny’s government to control factional struggles within the ruling elite by distributing jobs to its members. The representativity of the elite was not subject to account by election, so as not to promote the development of too strong or too independent a relationship between politicians and their local constituency. This meant the ruling class could be controlled on an ethnic and regional basis, whilst references to ethnic origin in political life were officially outlawed. A further result was that associations and friendly societies helped to bridge the social gulf between the urban elite and various rural groups. The organised character of this political mechanism co-ordinating government, bureaucrats, politicians and rural populations was regularly strengthened on the orders of the PDCI and Houphouët-Boigny himself, particularly by making the appointment of MPs and local party leaders subject to internal competition. This tended to strengthen the position of those most active in *ressortissants* associations.

Their position as mediators has always had implications for matters of land tenure. Officials have their own individual or family interests in land to consider (as an investment during their active careers, and with retirement in mind). Above all, the land tenure question influences their political strategies. If they were standing for election to public office, they could not ignore the

consequences of the national land management policies put in place by the government for their region of origin. On the one hand, officials from a particular region have for many years been expected to relay government instructions or take part in procedures to handle land tenure conflicts, particularly those in the West between local communities and Baoulé migrants. On the other, they have been aware of some of the more sensitive aspects of government directives, for example as regards the effects of land alienation on local people as a result of accepting 'foreigners' on a massive scale in the West and Southwest, or the problems connected with the policy of settling foreign livestock keepers in the North. However, the dependence of government servants and their associations on the system of political patronage did not allow for open public debate on these issues, at least until the 1990s, lest they be met with open repression.

### **The internal frontier, electoral practices and the politicisation of the land tenure issue**

The land settlement process was not only the outcome of a deliberate decision on the part of the government, it was also a major factor in the way it assured its own political survival. The use of 'the foreign vote' in elections after independence gave the land tenure issue an inherent political dimension, far more important than during the colonial era. Government instructions to the local administrative, judicial and political authorities that they should support the settlement of 'foreigners' acquired a strong political connotation. By gaining the force of law, Houphouët-Boigny's dictum that 'the land belongs to the person who develops it' turned any opposition to the practice of settling new land into opposition to government policy itself.

The politicisation of land tenure issues and conflicts emerged even more explicitly at election time, when the PDCI used the non-Ivorian vote to gain electoral success, particularly in the agricultural and plantation regions of the West, where the instruction to vote for the PDCI was combined with the threat that migrants from Burkina Faso, Mali and Guinean would find themselves expelled from their lands in the event of the rival Front Populaire Ivoirien (FPI) being victorious. Even though the right to vote was officially withdrawn from foreigners after 1990, the PDCI-orientated administration nevertheless allowed a significant number of foreigners to vote in 1995. Current controversy about 'bogus identity cards' suggests that these practices continued right up to the coup d'état, despite the campaign to promote 'ivoirité' and new administrative controls on foreigners (residence visas, checks and harassment).

## **THE PEASANT STATE IN CRISIS: OPENING PANDORA'S BOX**

These various factors and their interactions provided the foundation on which the agricultural component of the 'Ivorian economic miracle' was based – against a background of rapid growth, political acquiescence on the part of local farming communities and their representatives, and an abundance of land. This persisted, for better or for worse, until the 1990s, partially absorbing short-term economic fluctuations and social and political crises. What we are now witnessing is the complete collapse of the Peasant State regime and the strategies pursued with different strata within rural society.

### **The 'frontier institutions' in crisis**

The reasons for the breakdown of the previous system are various but tend to converge:

- a crisis in the 'pioneer' production system, which began to be evident in the 1980s with the increasing scarcity and eventual disappearance of forest reserves in the South, and increasing pressure on land and exhaustion of the soils in the cotton-producing area of the North<sup>28</sup>.
- an urban economic crisis and the failure of the model for social progress based on education and urban growth. The 1990s were characterised by a significant return by townspeople to the villages and country towns from which they had come (Beauchemin, 1999). Some of the consequences of this 'rural return' were an increase in the demand for land, heated tensions within families, the involvement of city-educated people in village political life, and the rise in numbers of young unemployed villagers.
- a fall in the price of agricultural produce and in farmers' standard of living. The consequences of this, in the forest region, were high indebtedness, an increase in sales of land and the mortgaging of productive plantations, increasing pressure on 'foreigners' by guardians, and the break-down of family solidarity.
- a financial crisis affecting the State, with major impacts: rural populations were required to contribute to the financing of infrastructure works and public services; the distribution of public funds under the patronage system was drastically reduced; and local government bodies became steadily more corrupt.

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<sup>28</sup> i.e. a dominant production system based on slash-and-burn and extensive cropping. See Chauveau and Léonard (1996) among others, with regard to the forest area.

The combined force of the economic, political and social aspects of this crisis undermined the foundations of the unspoken pact between the State and the main groups involved in the opening up of the 'internal frontier'. Little by little, all 'frontier institutions' were called into question. Once the 'Houphouëtian pact' had lost its power to motivate and integrate, Pandora's box was burst open.

The deterioration in living conditions in the countryside and Konan Bédié's official abandonment of Houphouët-Boigny's land tenure<sup>29</sup> and immigration policies led to a decline in the legitimacy of policies to protect migrants. The institution of guardianship by locals over 'foreigners', increasingly concealed a situation of permanent dispute and was further called into question under the pressure of claims made by young people, townspeople returning to the countryside and other town-dwellers and officials with interests in their home areas. Even before the coup d'état, earlier agreements with migrants were being called into question and, by the same token, the validity of local arrangements and '*petits papiers*'.

In the final years before the coup, the brokerage role of officials and *ressortissants* associations became more complex. The economic crisis opened up gaps in the system of governance based on an unspoken ethnic and regional bargain. In particular, events conspired to bring the land tenure issue to the fore, in people's minds and in political debate. The capacity of officials and *ressortissants* associations to protest against official land tenure policy was considerably strengthened, given the drastic reduction in the subsidies and spending going to their own constituencies, and competition between the different parties. Officials with links to a particular area and local politicians (both from a common social background) generally supported the claims of their electoral constituencies.

Finally, the State's legislative programme in the field of land tenure has been a further factor in 'politicising' the issue and emphasising the political manipulation of land tenure disputes. The pilot stage of the Rural Land Plan began in 1990 in various parts of the country as a prelude to preparing the new legislation. However, far from being a straightforward experiment in registering existing rights, this has tended to increase uncertainty over land rights, encouraging opportunistic behaviour and exacerbating power struggles in the village political arena (Koné and Chauveau, 1998; Chauveau et al,

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<sup>29</sup> Under the influence of donor organisations conscious of the consequences of this legacy for the exhaustion of forestry resources and the promotion of private property.

1998). As regards the new legislation on rural landownership, it has served as a warning<sup>30</sup> of how little control can be exercised over people's reactions and anticipation strategies. The rural population tends to be very ill-informed, or selectively informed according to the perceptions and interests of the administrative and legal authorities, politicians and officials concerned.

### **'Retraditionalisation' of the land tenure issue or 'overpoliticisation' in a context of plurality of institutions and standards ?**

All these factors have conspired to bring the land tenure issue into the spotlight and give an ethnic slant to political competition. Non-Ivorian farmers, particularly those originating from Burkina Faso, have been the most obvious targets of calls for land to return to customary users, because the administrative protection they previously enjoyed has been withdrawn in a particularly visible way. On the whole, though, the return of 'customary' claims to local land and their 'reinvention' as a useful fiction in the political arena has affected all migrants, whatever their nationality.

The recreation of local identity and the greater emphasis given to questions of ethnicity in urban politics is echoed by the debate on 'ivoirité'. However, they do not alone account for the thinking and attitudes of the many different parties involved in the land tenure question. The ethnic issues, though they are not clearly spelled out in political debate (nor in the comments of foreign observers), are themselves the result of deeper tensions.

Taking the violent events of November-December 1999<sup>31</sup>, a number of common factors emerge. Most conflicts broke out after local villagers had been informed of the provisions of the new law of December 1998 on rural land, in particular the clause restricting the right of ownership to Ivorian

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<sup>30</sup> See for example, the speech made by Me Boga, president of the parliamentary FPI group, in the Méagui region, where the land tenure issue is particularly thorny '*La terre n'appartient plus à celui qui la met en valeur*' (The land no longer belongs to the person who develops it) in *Notre Voie*, 14 May 1999.

<sup>31</sup> We are referring to the conflicts at Saïoua (*Notre Voie*, 18 November 1998, *Fraternité-Matin*, 24 Nov. 1999), Tabou (*Le Jour*, 16 Nov. 1999, *Fraternité-Matin*, 16 Nov. 1999, *Le Jour*, 23 Nov. 1999, *Fraternité-Matin*, 24 Nov. 1999, *Le Jour*, 26 Nov. 1999), Tiebissou (*Notre Voie*, 11 December 1999, *Le Patriote*, 14 December 1999) and Tingrela (*Le Patriote*, 17 Dec. 1999).

citizens alone<sup>32</sup>. Or, as in the case of Tabou, the conflict was triggered by the implementation of an industrial palm plantation project in the vicinity with significant implications for land tenure.

A second factor was that the same groups of people tended to be involved in each case: the local MP and officials originally from the area more or less instigating the event; the sub-prefect playing an ambiguous role, on the one hand being conciliatory, on the other suspected of colluding with the 'foreigners'; local youths, 'urban returnees', and young 'foreigners', provoking the disputes then organising attacks and counter-attacks; *gendarmes* taking bribes from the 'foreigners' prior to the conflict. Other characters were also there in the background but did not always seem directly involved in the conflict: local chiefs and notables; official or unofficial representatives of the migrant groups; regional VIPs. Still others were called on to bring their weight to bear in quelling local disorder, for instance the 'political barons' who had invested in land on a large scale in the Southwest.

Finally, the attempts to settle these conflicts also followed a similar pattern. After initial intervention by the *gendarmes* – lacking in force when non-Ivorians or Ivorians from the north of the country were concerned<sup>33</sup> – the local authorities organised a dialogue between the conflicting parties, in conjunction with the government (in particular the Ministry of the Interior) and, in the case of Tabou, the Burkina Faso embassy. The traditional chiefs, elected representatives and officials originally from the region were invited to take part in this process. At a later stage, delegations of traditional chiefs and officials from the region might be received by high level authorities in Abidjan. The expected outcome was reconciliation between the parties. But in the case of Tabou, the intention initially expressed by General Guéi, shortly after he seized power, to allow the expelled Burkinabè people to return met with resistance from Krou chiefs and officials.

The recent conflicts have had the appearance of 'theatrical performances' involving the 'frontier institutions' we described earlier, represented by a

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<sup>32</sup> Some local customary authorities had been informed in 1998 of preparations for the new legislation by parliamentary opposition and 'mixed' missions. Moreover, before the actual vote on the law, the 'traditional chiefs' were invited by the territorial administration to provide information for Parliament by completing a questionnaire on the traditional rules governing land tenure and their own views on the content of the new legislation. Obviously, in their answers they tended to favour 'customary' practices.

<sup>33</sup> In contrast with their energetic intervention in earlier conflicts in which Baoulé people were involved (*Le Patriote*, 26 Nov. 1999, *Notre Voie*, 26 Nov. 1999).

collection of figures, some of whom played several roles simultaneously: local and migrant Ivorian farmers, Ivorian and non-Ivorian migrants, as well as customary and village chiefs, village-level administrators, rural-based young people, local and national politicians, officials and townspeople originating from the various regions, and the local agents of the government. But though the plot might seem the same as before, the scene has changed and the outcome can no longer be determined in advance. The 'accumulation' and multiplication of rules, norms, authorities, organisations and intermediaries can no longer guarantee control by the State and its support at local level. In particular, the land tenure question has involved many social groups in addition to rural producers and the State, and issues other than the use of land. Finally, and this was the most important factor, the economic, political and social crisis has permanently undermined the earlier unspoken pact linking the State with the main groups involved in land tenure issues.

The situation described here seems to be a clear case of what Thomas Bierschenk defines as 'political concretisation', a model characterised by 'non-democratic representation (Bierschenk, 2000). According to Bierschenk, this type of governance does not conform to the conventional democracy-versus-dictatorship pattern, but reflects 'a negotiated non-democratic political order'. Its negotiated character does not derive from a concern to promote democratic dialogue. It is rather the unintentional consequence of the country's history and the building of the Peasant State, with the associated accumulation of intermediate authorities, organisations, rules and norms, at both local and national level. In this way, the governance of the country depends as much, if not more, on the past accumulation of institutions than on the formal rules established by a government at any given moment, which are merely added to existing institutions rather than replacing them<sup>34</sup>. Seen in this light, the real governance of the country is the result of negotiation between successive institutional 'layers', between the actors representing them (many of whom straddle a number of such layers) and between the many conflicting norms.

Nevertheless, such a view requires some modification. For one thing, at certain times in the country's history, its different social components have worked together closely on joint 'projects'. The struggle for independence was one such project. Subsequently, the Houphouëtian compromise<sup>35</sup> described earlier, though criticised by some radicals, received assent from most of the country's social groupings. For another, the different groups and institutions

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<sup>34</sup> Clearly, this institutional dynamic is not unique to African countries.

<sup>35</sup> Obviously this was not the work of a single man, nor the result of a decision free of all historical determinism.

involved did not have the same weight nor room for manoeuvre. The coherence of Houphouët-Boigny's historic compromise was also ensured by the coercion and domination of a system and social class. By adding institutional layers as a pragmatic way of dealing with successive protests and economic crises, the State and ruling class themselves took a hand in the 'proliferation of institutions'.

This institutional accumulation could be managed through the distribution of patronage in times of relative prosperity, but control became much more difficult when the resources and privileges it dispensed were in decline. This is what began to happen in the 1980s, and intensified in the 1990s when donor agencies became more interventionist and began to attack the patronage system itself. The 'politicisation' of the land tenure question and the recourse to violence as a way of resolving land-related conflicts were closely associated, as Bierschenk's theory predicts, with the 'lack of differentiation between State and civil society, the political manipulation of the economy, the pluralism of authorities and rules, the ethnic slant given to political discourse, and the lurking omnipresence of the use of force' (Bierschenk, 2000: 4)<sup>36</sup>. In most fields, and particularly in the allocation of land rights, a centrifugal effect of dispersion and institutional fragmentation began to be felt. At the national and urban level, Ivorian society became increasingly fragmented into groups with different norms and interests. In the rural context, which in any case became increasingly tied into urban networks and interests, there was a growing diversity of interests within the village political arena<sup>37</sup>, reflecting the heightening of reciprocal tensions over land tenure within local communities and between the different communities to which the farmers belonged. In this respect, Bédié's political error was not so much that he called into question the 'Houphouëtian pact', which had lost all force, but that he was incapable of proposing a new compromise other than a straightforward 'shrinking' of the social base that benefited from the regime.

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<sup>36</sup> It is not possible in this article to deal with the regional variants of the Ivorian model of governance.

<sup>37</sup> Regarding the essential characteristics of 'powers at village level', which also applies to Côte d'Ivoire, see Bierschenk and Olivier de Sardan (1998: 29). The writers sum them up as follows: 'the many-headedness of political bodies; partial autonomy of local arenas; multiplicity of forms of legitimacy; great flexibility in institutional arrangements; limited capacity of the State to impose norms; limited capacity of local political bodies to regulate collective problems; and heavy dependence on the outside world'.

## **What lay behind the silence of the rural population, during and after the coup d'état ?**

One point remains to be clarified. Why, given these circumstances, did the Ivorian countryside remain silent during and after the coup? What lay behind this silence?

A reconstruction of the events seems to suggest that the main social categories with vested interests of one kind or another were caught off guard, be they local farmers, Ivorian migrants or non-Ivorian migrants; young or old; elected representatives, local politicians or officials with roots in the country; chiefs, notables or 'ordinary farmers'. Local government officers, at the prefecture and sub-prefecture levels and in the technical services, also followed the course of events with the greatest circumspection, from 23 December until its total stabilisation on 27 December<sup>38</sup>. With the exception of garrison towns, where soldiers demonstrated noisily, the only signs of the coup d'état in the interior were visits paid by military emissaries to the local authorities and – in some large villages situated on main roads and in a few other towns – break-outs by common-law prisoners.

Village folk followed the coup d'état on the radio, or on television in the more prosperous villages. In one sub-prefecture of the Centre-West, for example, the general atmosphere was one of surprise and anxious waiting. Wives of Baoulé migrants hurriedly left the village market, but without meeting with any sort of opposition or aggression; Burkinabè migrants made ready for a hurried departure, but with the greatest possible discretion<sup>39</sup> ; and some non-local Ivorians loaded their shot-guns in case they were threatened. 'Everyone minded their own business'. Opposition politicians visiting their villages for the end-of-year holidays suddenly departed for the capital.

Instructions were issued to the sub-prefects by the new government very rapidly after the coup d'état: inform the rural communities, through village headmen, that the present events do not concern them, that it was 'a matter between President Bédié and the military' and that 'no one is to create trouble,

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<sup>38</sup> Though clearly rumours were already circulating, among people in contact with political circles in the capital.

<sup>39</sup> Even before the coup, there was a degree of panic among the Burkinabè population. The order issued by the consular authorities and 'delegates' – over a hundred, who met at the end of each month in Abidjan – was that they should avoid banding together in the event of local populations engaging in mass action to recover land.

whether local, Baoulé or Burkinabè, PDCI, FPI or RDR'<sup>40</sup>. On the whole, the rural populations remained detached from events, partly because the serious problems they were facing, caused by the deregulation of the agricultural sector and the fall in producer prices, muted their reaction to the collapse of a regime from which they had expected little.

But if we turn our attention to the various parties involved at local level, particularly in the field of land tenure, signs of agitation were apparent. In the West and Southwest, for example, local political realignments gradually began to take shape: the political affiliations of notables began to change, openly or more discreetly; while the position of former PDCI MPs or mayors was called into question. When the elected representative was an Ivorian from another part of the country, there were demands that a 'local boy' should take their place; when the representative was of local origin, the demand was that he should be replaced by a local notable belonging to the FPI. Various groups, such as local people returning to the village after failing to 'make it' in the towns, were determined to take back the land given or lent to 'foreigners', sometimes making little distinction between Ivorians and non-Ivorians. Baoulé migrants are well aware that local people have only temporarily buried their grievances. The Burkinabè, after their 'relief' at the fall of Bédié and the let-up in harassment, sent delegates to various regions of Côte d'Ivoire on a 'study and discovery mission', in February 2000, to investigate new settlement possibilities. But the advice came back to desist from investing in Côte d'Ivoire for the time being.

Despite the apparent silence of the countryside, recent political events have not altered the fundamentals of the land tenure question. Rather, the earlier positions of the various parties have been confirmed by the new developments. Far from ensuring a positive transition, the new political situation has only widened the earlier divisions between the various vested interests and compounded the issues of competition for access to land, social status, ethnic and national identity, and party allegiance more intensely than ever before. The present period of waiting has increased rather than diminished the mistrust

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<sup>40</sup> The zeal of police and gendarmes in checking on non-Ivorians was also weakened by these orders, to the great relief of the latter.

between the different groups<sup>41</sup>. These splits are handled by the prefecture and sub-prefecture authorities, using authoritarian methods and intimidation, but they are bound to break out afresh. As one sub-prefect remarked, the government which emerges from the transition process will have to 'carry the can'.

## **CAN THE CLOCK BE PUT BACK?**

Seen from the countryside, the change of regime in December 1999 occurred in an acute situation of plural norms and institutional instability, without clear and accepted rules. This was as true for the state authorities, whose way of handling the patronage system no longer worked, as for the local village authorities, faced with the fragmentation of village interest groups. It was also true for the informal local arrangements – already fragile – set up to ensure security of land tenure, which were seriously threatened by the new provisions of the State's land tenure policy. Even before the coup, the Ivorian political class had accepted that earlier methods of regulating access to land could no longer function effectively. However, the shelving of the land question as a matter for political debate after the coup d'état, when land conflicts had provided much of the fuel for political discussion prior to it, was bound to raise questions.

At the current time, in the run-up to elections, the political and administrative elite is preoccupied with debating the new Constitution, the terms on which the President should be elected, the electoral code and matters of nationality, with strong regionalist, if not traditionalist, overtones. Land tenure conflicts have virtually disappeared from public debate and are reported as minor news items. General Guéi hoped to pour oil on troubled waters by advocating the return of migrants to their land holdings. On a visit to Burkina Faso, he even declared that 'some Burkinabè are more Ivorian than the Ivorians themselves'. But after sharp reactions in the press, after delegations of chiefs and civil servants from the Tabou region had voiced their opposition to a restoration of the status quo

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<sup>41</sup> In the Tabou region, the recovery of the portion of land necessary for the sacrifices agreed as the price of reconciliation between Krou and Burkinabè gave rise to a fresh outbreak of violence (*Le Jour*, n° 1516, 25 February). Ten thousand Dagari Burkinabè displaced from Tabou are still in the Gaoua region, where they have been receiving Japanese food aid (*Le Jour*, n° 1536, 21 March 2000). Even more recently, a hundred or so Malians were expelled from Sahé in the Southwest (Grabo), following renewed conflict over land tenure (*Le Jour*, n° 1537, 22 March 2000).

ante<sup>42</sup>, and given further violence at San Pedro between Krou locals and returning Burkinabè, General Guéi had to change his tune and negotiate different terms, similar to those stipulated by the previous regime: foreigners must undertake to ‘respect the rules of hospitality’.

In view of the fact that both the CNSP and the political class have stated their intention to renew the essential components of the Nation and of public life, it is all the more astonishing that the land tenure question is absent from the current debate. It is claimed that the transition government should not try and settle so fundamental an issue. This may be true. But can the political class really expect that implementation of the land legislation voted by consensus before the coup d’état, will be sufficient to ‘put back the clock of history’ in the field of land tenure?

It is not so easy to put away the intrigues<sup>43</sup> and institutional dynamics of the past. There is a danger in assuming that legislation reorder social relations on a matter – that of land tenure – so intimately linked with the country’s history, leaving the leaders appointed after the transition period with an even more delicate situation to deal with than before the coup d’état<sup>44</sup>. The danger is all the more real in that the political struggle, again focused on the question of national identity and the terms on which the president should be elected, is giving rise to indisputably xenophobic excesses on the part of one party, the FPI, which had condemned them prior to the coup d’état<sup>45</sup>. Some of the factors emerging from current political debates are liable to increase the earlier instability, in particular the tendency to ‘resurrect’ customary claims over land for political ends, and the economic austerity measures, which are pushing people to stake claim to land.

How can a reconfiguration of citizenship, local allegiance and land tenure rights be brought about simultaneously? In achieving this goal, how is it

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<sup>42</sup> By complaining that the Burkinabè Lobi and Dagari had been thumbing their noses at them since he came to power. ‘They tell us they have a brother who is your colleague and who has asked them to resettle in the region’ – an allusion to General Palenfo, number 2 in the CNSP and a native of the Ivorian Lobi country (*Le Jour*, n° 1500, 7 February 2000, *Notre Voie*, n° 523, 7 February).

<sup>43</sup> This could bring out of the cupboard some of the ‘skeletons’ of Ivorian history, closely related to land tenure, such as the 1970 repression in the Gagnoa region.

<sup>44</sup> Without making a detailed analysis of the provisions of the law on rural landownership, it is clear that it implies a revolution in customs and practices and that, if it is to be effective, it must face up to the unavoidable social and political realities of rural life in Côte d’Ivoire.

<sup>45</sup> It being understood that the people of Côte d’Ivoire are perfectly entitled to consider the question of their national identity.

possible to reconcile the role of law and appeals to local identity? How can dispassionate information about the new land tenure legislation best be imparted? How can one compensate for the present lack of any forum for reaching agreement on the rules for renegotiating existing rights? How does one ensure that the implementation of the legislation is properly monitored? These are basic questions which should be exercising the Ivorian political class, with greater and more open involvement than in the past by all groups concerned by the land tenure question. These questions can lead to reflection on what information those affected by the law should be entitled to expect, mechanisms for renegotiating the rules, and the part to be played by local regulation mechanisms (not to be confused with 'custom') in order to ensure that the law is duly enforced.

One final observation could be made. Looking beyond the specific circumstances, this analysis shows that the land tenure question in Côte d'Ivoire presents important features of more general applicability: the issue of settlement of pioneer areas as a means of generating economic growth; relations between nation state, political parties and the changing face of village politics, and finally the links between rural people and town-dwellers given a background of economic recession and the weakening of State authority.

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