

Land certificates and formalization of customary rights in Ivory Coast

Summary

In its efforts to secure and clarify land and usage rights, the State of Côte d'Ivoire, through Law No. 98-750 of December 23, 1998, established a legal formalization of these rights. Indeed, to secure rural property, this law distinguishes between two types of customary rights: customary rights conforming to tradition and customary rights ceded to third parties. This allows for the official recognition of customary rights by the State and protects these rights against expropriation or land disputes. The land certificate thus becomes an essential legal instrument for the formalization, securing, and recognition of customary rights in Côte d'Ivoire. This article aims to demonstrate the impact of the land certificate on the formalization and securing of customary rights. Our methodological approach consisted of collecting information from printed and digital sources, including books, activity reports, articles, and dissertations. This method was supported by participant observation techniques and an interview guide. This methodological approach allowed us not only to demonstrate the legal formalization of customary rights in Côte d'Ivoire, but also, and above all, the impact of land certification on the formalization of customary rights and the securing of land ownership and use.

Keywords: certificates, land, formalization, customary rights, Ivory Coast

Introduction

Traditionally, land rights in rural areas were governed by customary rules not codified in law. However, the 1998 law established a legal formalization of these rights, aiming to secure rural property. This law distinguishes between two types of customary rights: customary rights in accordance with tradition—rights of appropriation and use within indigenous communities according to their traditional practices—and customary rights ceded to third parties—rights transferred to individuals or groups outside indigenous communities, sometimes problematic according to the law. Therefore, the formalization of a land title necessarily involves the issuance of a land certificate. This is an administrative document issued by the State that certifies that a natural person, legal entity, or group holds customary rights to a plot of rural land, whether individual or collective. It constitutes official and legal proof of these customary land rights in rural areas. If the request is addressed to the Sub-Prefect, Chairman of the Rural Land Management Committee, which oversees rural land management and security, the issuance of the certificate is governed by Law No. 98-750 of December 23, 1998, relating to rural land, and Decree No. 2019-266 of March 27, 2019, which details the application procedure.

This procedure allows for the official recognition of customary rights by the State and secures these rights against expropriation or land disputes. The main objective of formalization is to guarantee land security in rural areas to prevent or resolve land-related conflicts, as the land certificate facilitates the legal recognition of customary rights, the stabilization of farms, the economic development of rural land, and access to credit and financing through the securing of titles. The land certificate thus becomes an essential legal instrument for the formalization, securing, and recognition of customary rights in Côte d'Ivoire, contributing to social peace, agricultural development, and the modernization of rural land tenure in the country. It is with this in mind that the present study aims to demonstrate how the land certificate contributes to formalizing and securing customary rights in Côte d'Ivoire. Therefore, our central question is: How can the land

certificate contribute to the formalization and securing of customary rights in Côte d'Ivoire?

For the purpose of understanding this article, we have structured it around three axes: first the methodological approach, then the theoretical aspect and finally, the results.

Methodology

This article is based on information gathered from print and digital sources, including books, activity reports, articles, and dissertations. Most of these documents address rural land planning, land tenure prospects and innovation, land certificates and the formalization of customary rights in Côte d'Ivoire, as well as the contribution of land certificates to the formalization and securing of customary rights in Côte d'Ivoire. The collected information was compared to select the most relevant elements for this article. This method was supported by participant observation techniques and an interview guide, which was used with notaries and key stakeholders in the land sector, including officials from the Ministry of Agriculture and Rural Development, the Rural Land Agency, ANADER (National Agency for Rural Development), local government management committees, surveyors, notaries, lawyers, local communities, and traditional chiefs.

Theoretical aspect

This step constitutes the focal point of this article. It highlights the two main axes that guide our analysis: the legal formalization of customary rights in Côte d'Ivoire, and the contribution of land certificates to the formalization and securing of customary rights in Côte d'Ivoire. This article will also include an inventory and critical review of all relevant publications on the certification and formalization of customary rights.

The legal formalization of customary rights in Côte d'Ivoire: In the late 1980s, Rural Land Plans (RLPs), as Delville and Gbaguidi point out, were one of the tools developed to enable the legal recognition of customary land rights. Indeed, since the 1990s, the formalization

of customary land rights has been a priority in Africa. International guidelines for Africa advocate “the formalization of these customary land rights within a framework of promoting private property and the market, or securing family farming. Numerous experiments are being conducted to find ways to formalize customary rights in rural areas”.¹

It is in this context that, in 2009, a study conducted by the Norwegian Refugee Council stated: “In Côte d’Ivoire, 98% of rural land management is based on customary law, and only 1 to 2% of rural land is legally registered.” This observation, which is indeed a sad reality in Côte d’Ivoire, means that most rural land transactions are carried out without a legal basis. In the event of land disputes—which are recurrent—the public administration is called upon to find a favorable solution, even though it was not involved in the customary transaction. No land database is available to provide information on these transactions. Consequently, customary land rights are informal, thus creating land insecurity.² It is therefore urgent to formalize customary rights.

The formalization of customary rights, among other meanings, refers to the recognition of these rights by public authorities. It involves their registration. This process integrates informal information and activities into a formal system. It formalizes property rights granted by customary law. It represents the political and legal response to a situation considered unstable and precarious due to its informal nature.³ In Côte d’Ivoire, according to legal standards, the formalization of customary law is achieved through specific mechanisms.

The beginnings or early stages of formalizing customary rights in Côte d’Ivoire: It is undoubtedly difficult to deny the link between colonial exploitation and the land crisis facing Côte d’Ivoire. Indeed, during the colonial era, the administration developed a policy of agricultural land development through the promotion of agriculture, whose main products were coffee, cocoa, rubber, and oil palm.

One consequence of this agricultural policy was the opening of pioneer fronts in several forested regions of the colony.¹ This policy continued after independence, between 1970 and 1980, in the southwest region. Furthermore, alongside this policy and to address the labor shortage, the colonial administration organized the relocation of populations from the savanna regions of Côte d’Ivoire and neighboring countries such as Upper Volta (Burkina Faso) and Sudan (Mali). Several of these populations from elsewhere obtained land transfers from the indigenous populations without major difficulties and following the principle of moral economy which stipulates that one cannot refuse a person access to land to meet their subsistence needs.⁴

The land was granted to those who applied for it. Applications were submitted to the land managers according to a specific procedure. Land acquisition could be either free or paid, but in both cases, it was accompanied by gifts of appreciation to the landowner. In some cases, these gifts might include a drink offered to the landowner as a token of gratitude, a portion of the harvest, or small gifts to the guardian during special occasions such as bereavements (Observatory of Internal Displacement Situations and the Norwegian Refugee Council, 2009).

In 1906, land management by the colonial administration took shape with the introduction of land registration, which became accessible to indigenous subjects but was primarily intended for chiefs and notables. To consolidate its control over land management, the colonizers drafted a law on July 26, 1932, aimed mainly at promoting

¹The opening of pioneer fronts began in the southeast in the 1920s. It was the turn of the central-west to welcome the pioneer front in the 1930s-1940s.

agricultural investment by providing security to European farmers. This law established registration as the sole means of acquiring land ownership.⁵ Consequently, under this law, unregistered land was considered “ownerless vacant land.” This land thus became the property of the colonial administration, thereby violating customary law and sparking strong protests from indigenous communities.

The colonial administration faced mixed results regarding its land registration policy, which had not had the desired effect. On May 5, 1955, a new decree addressed the entire issue of land and property rights in all French colonies. While it reiterated several provisions from previous decrees, it was innovative in the value it placed on customary land rights. Indeed, customary rights were recognized for unregistered lands. Consequently, “customary rights exercised collectively or individually on lands not appropriated according to the rules of the registration system are confirmed; no individual can be compelled to relinquish these rights except for reasons of public utility and upon payment of fair compensation”.⁶ This was a significant step forward, as the 1955 decree expressly recognized the customary rights of local communities to their lands.⁷

Once independence was achieved, the recognition of customary law was challenged by the new leaders. Côte d’Ivoire once again reverted to the tradition of colonial law, characterized by a strong predominance of the State, as evidenced by various legal texts.² All of these texts abolished customary law. The question of formalizing customary rights, in order to unify official law and actual land practices, is indeed a thing of the past. Both colonial and Ivorian legislators attempted this, without success.⁸ Land management in Côte d’Ivoire has been characterized by a dualistic system: the non-legal recognition of rights actually exercised by holders of customary rights and formal state law. Within this system, local “customary” practices persist, both on the part of state agents and rural populations.⁸

This dual system contributes to the implementation of various legislative mechanisms, among which the formalization of customary rights is always a central issue. One of the legislative mechanisms that introduced a major innovation was the 1998 law concerning rural land tenure.

1998 law relating to rural land tenure: the recognition of customary law in Côte d’Ivoire: Prior to this law, previous attempts had failed. The reason for this failure lay in the implementation of a land transaction system based on property titles, ignoring customary law (Observatory of Internal Displacement Situations and the Norwegian Refugee Council, 2009). Ivorian authorities have consistently faced a highly conflictual land tenure context, leading them to consider various land tenure security projects that ultimately resulted in the development of new land legislation: Law No. 98-750 of December 23, 1998, concerning rural land tenure.

The objective of this law is to secure land transactions concerning rural land by transitioning to a system of private individual ownership, with transactions managed by the State, thus providing institutional guarantees. The 1998 law also aims to address shortcomings by implementing a “modern law” based on the issuance of titles.

²A 1963 bill, which never came into effect, provided for the state to become the owner of all unregistered and uncultivated land.

A 1967 decree allocated land to those who cultivated it. Following Félix Houphouët-Boigny’s famous speech (“land to those who cultivate it”), this principle long influenced the country’s land policy. Finally, a 1968 circular from the Ministry of the Interior decreed that all unregistered land was the property of the State (see Volker Stamm, 2000).

Therefore, the law mandates the privatization of customary land rights, which until then had been part of the State's private domain and were only recognized on a personal basis for their holders.

According to the Rural Land Directorate,⁹ the 1998 law on Rural Land is the legal instrument of Côte d'Ivoire's rural land policy. It provides a precise framework for the settlement and prevention of land disputes. For this reason, it aims to:

- Clarify rural land rights;
- to secure investments in rural land;
- to establish security of rural land ownership;
- to stabilize and modernize farms;
- to encourage access to more secure modern law;
- to assign a market value to rural land.

Articles 2 and 3 of this law recognize customary lands as a component of rural land ownership and comprise "customary rights in accordance with tradition" and customary rights transferred to third parties. One of the key aspects of this law is the public authorities' recognition of the role played by custom. The law recognizes customary transfers on a transitional basis, with the intention of subsequently converting them into property titles for Ivorians or into long-term leases for non-Ivorians (Observatory of Internal Displacement Situations and the Norwegian Refugee Council, 2009).

The 1998 law introduced a significant innovation by recognizing customary rights as the basis for future rural land titles. Indeed, as Guey¹⁰ states, while customary rights developed illegally alongside modern law prior to the adoption of the 1998 law, constituting a risky alternative, the law on rural land tenure fundamentally changed the situation. The legal recognition and regulation of customary rights now allows populations to choose between modern and traditional law.

However, this recognition also creates the conditions for a subtle shift towards the hegemony of modern law over traditional rights. Firstly, this dominance is inevitable insofar as one of the fundamental differences between modern law and customary traditional rights stems from the written nature of the former and the oral nature of the latter. The establishment of the land certificate constitutes proof of the recognition and formalization of customary land rights.

Contribution of the land certificate to the formalization and securing of customary rights in Côte d'Ivoire: Before proceeding, it is important to clarify, within the context of land tenure security, the difference between two documents: a land certificate and a land title. According to the Regional Observatory of Rural Land in West Africa (ORFAO), a Land Certificate is an administrative document that attests to the customary rights of an individual or group of individuals to a rural plot of land, whether held individually or collectively. It allows the holder to prove their land rights, enter into lease agreements, register their plot (only for Ivorian nationals), and obtain a land title within the limits of the conditions set by the law relating to rural land tenure. Any individual or legal entity, Ivorian or otherwise, holding customary land rights, can obtain a Land Certificate. In contrast, a Land Title is the document that guarantees, secures, and protects the owner's rights. The holder of a land title is recognized as the sole and true owner of the land in question.

Legally speaking, it is the registration of property rights in the land register maintained by the Registrar of Land and Mortgages, who is responsible for guaranteeing the real rights that a person holds over a

plot of land. Only the State, public authorities, and Ivorian individuals are authorized to request the registration of land in the Rural Land Domain in their own names. Those ineligible for land ownership in the rural domain must, unless they relinquish their rights, request registration in the name of the State in order to benefit, upon request, from a long-term lease.³

In matters of land management, the 1998 law is undoubtedly a key reference. This law defines and outlines the composition of the rural land domain. It addresses, among other things, the development, transfer, and management of rural land. Regarding the land certificate, Article 4 specifies that ownership of land in the customary domain is established by the land certificate. This is an administrative act of legal recognition of customary property rights. Obtaining the land certificate is done through a specific procedure.

The procedure for obtaining the land certificate: In 2019, a decree was signed to establish the procedures for applying customary rural land tenure as defined by the 1998 law. This is Decree No. 2019-266 of March 27, 2019. This decree clearly outlines the procedure for obtaining a land certificate. The process involves two main phases: conducting official surveys to establish rights to rural land and preparing, publishing, and managing the land certificate.

Conducting official surveys to establish rights on rural land: The survey is carried out at the applicant's expense. The applicant is any person or formal or informal group of people who believe they hold rights to customary rural land. To submit the survey request, the applicant completes a form defined by order of the Minister of Agriculture. The request includes information on the applicant's identity; a summary description of the customary land; and the applicant's selection of a land surveyor. It is addressed to the relevant sub-prefect in their capacity as president of the sub-prefectural rural land management committee.¹⁰

Once the request is clearly formulated, the Rural Land Agency (AFOR) takes over. It simply applies Articles 3 and 4 of Decree No. 2019-266 of March 27, 2019, concerning the conduct of the inquiry. It appoints an inquiry commissioner from its national list of inquiry commissioners. According to Article 3, the Sub-Prefect announces the opening of the inquiry by posting notices at the Sub-Prefecture, at the external offices of the Ministry of State, Ministry of Agriculture and Animal Resources, in the village concerned, at any other location useful for the purposes of the inquiry, and by radio broadcast.

The investigating commissioner sets up an investigation team which includes a representative of the Village Council, a representative of the Village Land Management Committee, and the manager of the land concerned.

In addition to the aforementioned individuals, the applicant, the neighboring residents, and any other person required for the purposes of the investigation will also be involved. At the end of the investigation, a file will be compiled. It will include:

- A plan of the land showing the adjacent plots. This plan is drawn up by the approved technical operator in accordance with topographic mapping standards.

- A boundary survey is conducted by an approved technical operator using a form defined by order of the Minister of State, Minister of Agriculture and Animal Resources. This survey is signed by the parties present and by the approved technical operator. Establishing this survey requires sufficient, possibly temporary, marking of the

³<https://orfao.uemoa.int/fr/cote-divoire-actualites-sur-le-foncier/quelle-est-la-difference-entre-le-certificat-foncier-et-le>

boundaries on the ground, such as wattle fencing or staking, for the purpose of visual identification by the parties present.

In addition to compiling the case file, the investigation results in the creation of a report documenting customary land rights. The investigation must be validated according to Article 8. Validation of the investigation is prepared by publicizing it in the villages concerned. This publicizing is carried out by the investigating commissioner under the authority of the Village Committee for Rural Land Management. The validation of the survey brings to a close the phase of carrying out official surveys to establish rights on rural land, and then begins the phase of establishing, publishing and managing the land certificate.

The phase of establishing, publishing and managing the land certificate: This phase is crucial for obtaining the land certificate. Indeed, upon receipt of the official survey file, the Departmental Director of Agriculture and Animal Resources reviews the file and prepares the Land Certificate, which he then submits to the Prefect of the Department for signature (Article 11). However, since its creation, the AFOR (Association for the Development of Rural Land) has replaced the Departmental Director of Agriculture and Animal Resources. The Prefect retains one copy of the land certificate, and the second is given either to the holder himself or his representative with a special mandate, or to the representative of the legal entity, or to the manager of the informal group designated by the members of said group, whose list is attached to the certificate.¹⁰

According to Article 13, the land plan is attached to the Certificate. Furthermore, the land certificate is published in the official gazette by the Director General of AFOR. Upon publication, the land certificate grants its holder a number of rights, such as the capacity to sue and be sued and to undertake any act of property management. It is transferable and assignable, in part or in full, according to Article 16. Obtaining the land certificate is a process involving both the State and the customary authorities who guarantee customary rights. The procedure for obtaining the land certificate complies with the 2019 law. This procedure makes the land certificate a useful administrative document for formalizing and securing customary rights.

The Land Certificate: an administrative document for formalizing and securing customary law: The formalization and securing of customary law begins with its recognition by the State. This recognition was made possible by the 1998 law, which introduced a significant innovation by officially acknowledging customary rights.

Official recognition of customary law through the land certificate: Aline Aka Lamarche points out, state and customary rights clash on many points. According to her, if we consider the Western perception of land, it quickly becomes clear that, beyond any sentimental attachment an individual may have to a plot of land, land is first and foremost a commodity, capital, private or public property. Conversely, in the traditional African conception, land is not a commodity. It possesses three characteristics that render it inalienable.

However, at some point, the question of official recognition of customary law had to be addressed. Thus, for several decades, the formalization of customary rights has been a priority in land management. Programs for formalizing customary rights into formal rights aim to strengthen the security of land transactions by entrusting the State with control over these transactions (Observatory of Internal Displacement Situations and the Norwegian Refugee Council, 2009). One of the mechanisms implemented for the recognition of land rights remains the land certificate.

A land certificate is a document that attests to an individual's customary rights to a plot of land within the rural land domain. This document is an administrative act because its issuance follows a procedure involving administrative authorities, including the prefect of the department in question. Another important point is that the land certificate is established following an investigation conducted by an investigating commissioner assisted by an investigative team composed of a representative of the village council or local notables, a representative of the Village Committee for Rural Land Management (CVGFR), neighboring landowners, the applicant, and any other person required for the purposes of the investigation.

The investigation results in the creation of a boundary survey file and the establishment of a report documenting customary rights.¹⁰ The land certificate thus becomes an act of recognition of the rights held under customary law over rural land. In addition to being useful for formalizing customary law, the land certificate plays an important role in securing that same right.

The land certificate, a transitional document in securing customary law: According to Côte d'Ivoire's Land Policy Declaration (2017), "land tenure security" encompasses all processes, actions, and measures of any kind aimed at enabling users and holders of rural land to effectively carry out their productive activities, while protecting them against any disputes or disturbances to their use.

Within this process, the land certificate serves as a transitional document. Indeed, Article 8 of the 1998 law specifies that "*The establishment of the continuous and peaceful existence of customary rights gives rise to the issuance by the administrative authority of a collective or individual Land Certificate, enabling the registration procedure to be initiated under the terms and conditions set by decree.*" Furthermore, Decree No. 99-594 of October 13, 1999, establishing the implementing provisions for Law No. 98-750 of December 23, 1998, concerning customary rural land ownership, stipulates that the legal holder of a Land Certificate has three years to request the registration of the land in question. This three-year period begins from the date the Certificate is signed by the Prefect (Article 24). In 2023, a new deadline was set by Decree No. 2023-238 of April 5, 2023, which determines the procedures for registering land within the rural land domain. This extends the time allowed to convert the land certificate into a definitive title to ten years.

In light of the aforementioned decrees, it appears that in Côte d'Ivoire, the best way to secure customary land rights is through registration in the land register. This practice dates back to the colonial era. Thus, the land certificate constitutes the primary proof of land tenure security as defined by the law on rural land ownership.

Results

The results of the study are structured around the profile of the respondents, general opinion on the land certificate and the formalization of customary rights, the institutions and actors involved in the rural land domain, the causes and consequences of the proliferation and resurgence of land disputes and conflicts, the institutional framework to be implemented for the settlement and prevention of land conflicts, the importance of the land certificate in securing land tenure, the reason for the low participation of farmers' societies in land certification and the measures to be taken to strengthen and guarantee land security for rights holders.

Respondent Profile and General opinion on the land certificate and the formalization of customary rights:

Before addressing this part, it is worth recalling that out of a total of fifty (50) people interviewed, forty-five (45) actually answered our questions, representing a participation rate of 90 %.

Respondent Profile: This survey included 36 men and 9 women, representing 80% and 20% of the sample, respectively. Regarding their professional positions, 55.55% were from local government management committees, local communities, or traditional chiefs; 35.55% were from the Ministries of Agriculture, Economy and Finance (MEF), and ANADER (National Agency for Rural Development and Land Management), as well as land professionals; and 8.88% were lawyers. Given the specific focus of our study, which concerns land certificates and the formalization of customary rights, the majority of respondents, 22 (48.88%), had more than 5 years of professional experience, while 5 (11.11%) had between 0 and 5 years of professional experience Table 1.

Table 1 Socio-professional characteristics of respondents

Socio-professional characteristics of the respondents	Effective	Percentage
Gender of respondents		
Women	9	20
Man	36	80
Position held		
Local government management committees, local population committees, traditional chiefs	25	55.55
Agents from the Ministries of Agriculture, Economy and Finance, AFOR, ANADER and land professionals	16	35.55
Lawyers	4	8.88
Number of years of experience of respondents		
More than 5 years	22	48.88
0-5 years	5	11.11

Analysis of the data in Table 1 shows that the interviewees have the experience required to sufficiently discuss the impact of the land certificate in the formalization and securing of customary rights.

General opinion on the land certificate and the formalization of customary rights: General opinion on the land certificate and the formalization of customary rights can be summarized as the level of knowledge of the land certificate and the formalization of customary rights, as well as the institutions and actors involved in the rural land sector.

Level of knowledge of the land certificate and the formalization of customary rights: Within the framework of this research, knowledge about land certificates and the formalization of customary rights received particular attention during our surveys. Analysis of the responses from our participants revealed that land certificates and the formalization of customary rights spontaneously evoke village property titles, property security, conflict prevention, easier access to bank loans, and the promotion of investment in rural land.

Institutions and actors involved in rural land matters: Rural land management is subject to a dual system, involving public bodies such as the Ministries of Agriculture, Economy, and Finance, specialized agencies (AFOR), ANADER, local administrative structures (village management committees, traditional chiefs), and land

professionals (notaries, surveyors). Lawyers, NGOs, and international organizations like the FAO and the World Bank play a complementary role in rural land management in Côte d'Ivoire. However, those interviewed highlighted a lack of communication, poor coordination between administrative and traditional authorities, a lack of clarity in policies and the application of laws, poor case management, and slow administrative processing, which they consider to be the main weaknesses of the institutions and actors involved in rural land management.

Causes and consequences of the proliferation and resurgence of land disputes and conflicts: Although rural land policy aims to secure the rights of customary landowners, ensure equitable access to land, and enhance the value of agricultural land, rural land remains the backdrop to numerous disputes and conflicts in Côte d'Ivoire. In this regard, those interviewed amply discussed the causes and consequences of the proliferation and resurgence of these issues. of these disputes and conflicts.

Regarding the causes of proliferation and resurgence of land disputes and conflicts, the majority of respondents cited the lack of clear land titles, the complexity of rural land ownership in Côte d'Ivoire, population growth, migration, and rapid urbanization. One of the notaries interviewed confirmed these causes, emphasizing that “Population growth, the massive influx of foreigners, the large-scale return of young people to farming, and the scarcity of arable land exacerbate land disputes and conflicts.”

According to one of the traditional chiefs, “Land disputes and conflicts in rural areas are caused by the mismanagement of inheritances, the multiple sale of the same land, rivalry between communities, the high cost of land certificate applications, and the lack of communication between administrative authorities and traditional chiefs.” According to one of the lawyers interviewed, “rural land disputes and conflicts are partly linked to a lack of clarity in customary rights, illegal sales of land by indigenous people holding customary rights, and non-compliance with the clauses of rural land lease contracts.”

Moreover, the main consequences of proliferation and resurgence of land disputes and conflicts: violence, mistrust and tensions between communities, breakdown of social ties, and persistent insecurity in villages and rural areas are the most common issues. This explains why they appeared 33, 31, 28, and 26 times respectively in the responses of our interviewees Table 2.

Table 2 Distribution of respondents according to the consequences of the proliferation and resurgence of land disputes and conflicts

Consequences of the proliferation and resurgence of land disputes and conflicts	Effective	Percentage
Violence	33	73.33
Mistrust and tensions between communities	31	68.88
Deterioration of social ties	28	62.22
Persistent insecurity in villages and rural areas	26	57.77
Destruction of plantations and villages	23	51.11
Loss of human lives	23	51.11
Division within families	19	42.22
Population displacement	11	24.44
Increased productivity	6	13.33

The data in Table 2 indicate that in Côte d'Ivoire, the consequences of the proliferation and resurgence of land disputes and conflicts

are serious and varied, including violence, mistrust and tensions between communities, the breakdown of social ties, and persistent insecurity in villages and rural areas. They can also lead to the destruction of plantations and villages, loss of life, division within families, population displacement, and increased productivity. One traditional chief interviewed went further, stating that “land conflicts have become increasingly violent in our region, resulting in serious injuries, deaths, population displacement, and armed clashes. We can cite the armed clashes that took place in the villages of Guitrozon and Petit Duékoué in 2004.”

Institutional framework to be implemented for the settlement and prevention of land conflicts: The generally accepted idea is that the institutional framework for the resolution and prevention of land conflicts relies on an approach combining traditional institutions, administrative bodies, and specialized agencies. Institutions such as the Rural Land Agency (AFOR), Village Committees for Rural Land Management (CVGFR), the Ministry of Agriculture, and local administrative services (Prefectures and Sub-prefectures) play a crucial role in preventing and resolving land conflicts.

According to a Regional Director of Agriculture interviewed, “Through the delimitation of village territories and the certification of rural land, AFOR manages to prevent the numerous crises that plague rural land tenure.” An agent from the Ministry of Agriculture elaborated, stating that “the issuance of land certificates by AFOR helps prevent and facilitate the resolution of land disputes and conflicts in rural areas.” One of the village chiefs interviewed goes further to argue that “if the Prefects and Sub-prefects pay more attention to the complaints of rural populations, involve customary authorities in their actions, conduct thorough investigations, and sign land certificates based on land surveys, they will be able to prevent and resolve rural land conflicts as effectively as possible.”

In light of the above, we can conclude that despite the establishment of an institutional framework and specialized agencies, rural land remains a source of increasingly violent tension. Hence the need to define and implement new approaches to strengthen social cohesion among stakeholders in rural areas.

Policy to be defined and implemented to strengthen social cohesion among actors in rural areas: The majority of stakeholders interviewed believe that a sound land policy must combine securing and clarifying rights to rural land, inclusive management, and a participatory approach that prioritizes mediation and decentralization. “Empowering village land management committees facilitates the resolution of land disputes while strengthening land tenure security,” stated the ANADAR departmental director.

Others, however, believe that securing and clarifying rural land rights should be key components of the land policy to be implemented. “To provide sufficient land security for rural populations, the procedures for issuing land certificates and contracts should be simplified and inexpensive,” a notary stated. A regional director of agriculture emphasized that “establishing a rural land registry and promoting contractual agreements between landowners and non-landowner farmers will secure property rights, prevent conflicts, and consolidate peace and social cohesion within rural communities.”

It is within this framework that the State of Côte d’Ivoire, in addition to having taken measures to facilitate the delimitation of the territories of villages and plots of nationals and non-nationals, put in place a rural cadastre and promoted the contractualization of relations between landowners and non-owning operators, created

the Rural Land Agency (decree no. 2016-590 of 03 August 2016), the Customary Use Certificate (decree no. 2021-748 of 8 December 2021), and this, with the aim of preventing and resolving conflicts in collaboration with traditional chiefs and local authorities.

Significant examples of what the land certificate represents: The land certificate is a key tool for preventing conflicts and facilitating their resolution (Law 98-750 of December 23, 1998). The aim here is to gather from respondents the most significant references to the land certificate, as shown in Table 3 below.

Table 3 Reference to the land certificate

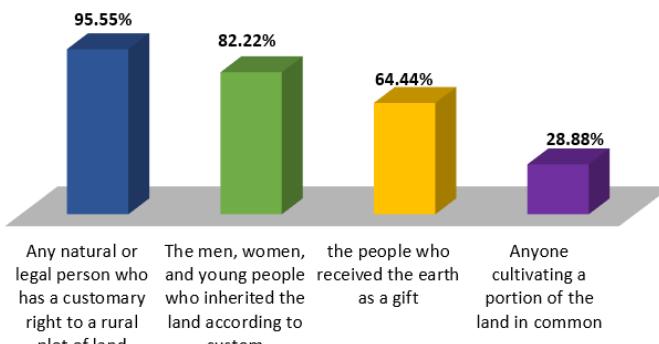
Representation of the land certificate	Effective	Percentage
A document issued by the administration that clarifies land rights and their social and legal recognition.	42	93.33
A document representing legal proof of customary rights to a plot of rural land	40	88.88
A document that proves one's rights to a rural plot of land, prevents conflicts, and facilitates the process of obtaining a definitive land title.	34	75.55
A document that serves as a first step towards securing land tenure	29	64.44
An inheritance document ensuring the transfer of property to the heirs	24	53.33
A document that can serve as collateral to obtain bank loans to finance the development of their plot of land	13	28.88

Analysis of the responses based on the data in the table reveals that for the majority (93.33%) of respondents, a land certificate is a document issued by the administration that clarifies land rights and their legal recognition. Similarly, for 40 respondents (88.88%), a land certificate is a document representing legal proof of customary rights to a plot of rural land. For 34 respondents (75.55%), a land certificate is a document that proves their rights to a rural plot, prevents conflicts, and facilitates the process of obtaining a definitive land title.

The results also show that for 29 respondents (64.44%), a land certificate serves as a first step toward securing land tenure. On the other hand, 24, or 53.33 % of those interviewed, support the land certificate as an inheritance document ensuring the transmission of property to heirs, while 13, or 28.88 % of those interviewed, believe that the land certificate is a document that can be used as a guarantee to obtain bank loans to finance the development of their plot.

These results reflect the level of knowledge that the respondents have of the land certificate and which consequently allows them to freely discuss to whom the land certificate should be issued.

Beneficiary of the land certificate: Regarding the beneficiaries of the land certificate, the majority of respondents (43, or 95.55%) stated that the land certificate can be issued to any individual or legal entity with customary rights to a plot of land; 37 (82.22%) stated that it can be issued to men, women, and young people who have inherited the land according to custom. However, 29 (64.44%) of respondents maintained that the land certificate can be issued to people who received the land as a gift. Thirteen (28.88%) believed that it can also be issued to anyone cultivating a portion of the land under a shared ownership agreement Figure 1.

**Figure 1** Distribution by beneficiaries.

Importance of the land certificate in securing land tenure: Like other documents that protect land rights, the land certificate plays a crucial and positive role in securing land tenure. For the majority of respondents (41, or 91.11%), the land certificate, by clarifying customary rights, helps prevent land disputes and facilitate their resolution. 29 respondents (64.44%) believe that the land certificate allows for the legal formalization of lease and sales contracts, while 9 respondents (20%) believe that the land certificate guarantees the rights of heirs to their land, protecting them against dispossession or unjust expropriation Table 4.

Table 4 Distribution of respondents according to the importance of the land certificate in securing land tenure

The importance of the land certificate in securing land tenure	Effective	Percentage
It clarifies customary rights , helps prevent land disputes, and facilitates their resolution.	41	91.11
Formalize rental and sales contracts legally	29	64.44%
It guarantees the rights of heirs to their land, protecting them against unjust dispossession or expropriation.	9	20%

Explanation of the low participation of farmers' societies in land certification: The survey results reveal that the low participation of peasant societies in land certification is due to several factors, including lack of information, high costs and complexity of procedures, socio-cultural constraints, and a lack of distrust in the legal system and institutions.

In reality, this is a technique to prevent the land certificate from challenging their customary rights. This is what emerges from the remarks of one of the customary chiefs interviewed: "I observe the issue of rural land certification from a distance because very often the land certificate is issued without taking into account existing customary rights or based on false information."

Another leader states that: "In the land certificate issuance process, the law is sometimes misapplied, calling into question customary land rights. This often creates tensions in our communities." Even if the low level of participation of farming communities in land certification is evident, it has both positive and negative consequences for the former beneficiaries of customary land rights.

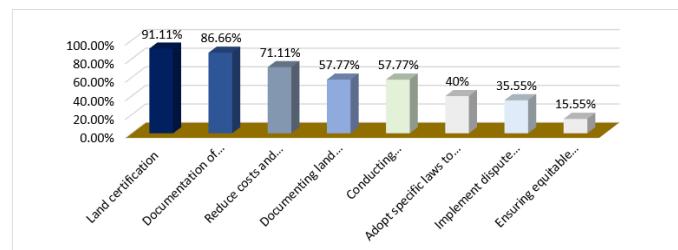
Consequences of the recognition and formalization of customary land rights for former beneficiaries: Recognition and formalization Customary land rights can have both positive and negative consequences for former beneficiaries. Regarding the positive consequences, surveys show that recognition and formalization Customary land rights provide better land security for former beneficiaries of customary land rights, help prevent disputes,

guarantee community rights by protecting them against dispossession, and facilitate access to bank loans to finance the development of plots.

Regarding the negative consequences, it appears that recognition and formalization Customary land rights present risks of transformation and weakening of customary rights, and of excluding certain beneficiaries. In this regard, a landowner states that: "Formalization processes, which often fail to take into account customary tradition and local realities, exclude certain beneficiaries or the true beneficiaries, generating confusion, conflict, and disorder in our communities."

In short, while the formalization and recognition of customary land rights contribute to guaranteeing land security, protecting communities against dispossession, and facilitating access to bank loans for investments, they also have numerous consequences for both former beneficiaries and entire communities. Therefore, it is important to take specific measures to strengthen and guarantee land security for rights holders.

Provisions specific to strengthen and guarantee land security for holders of customary rights: To strengthen and guarantee land security Holders of customary rights, the interviewees mentioned a number of provisions to be taken into account (Figure 2).

**Figure 2** Measures to be taken.

Regarding the measures to be taken to strengthen and guarantee land security in holders of customary rights, The respondents overwhelmingly suggested land certification (91.11%), documentation of rights (86.66%), and reducing the costs and simplifying the procedures for issuing land certificates and contracts (71.11%).

They also suggested documenting land donations and contracts (57.77%), conducting information and awareness campaigns on land rights and existing procedures (57.77%), and adopting specific laws to harmonize customary and modern land rights (57.77%). Furthermore, they emphasized implementing dispute resolution mechanisms involving all stakeholders in rural land management (35.55%) and guaranteeing equitable access to land ownership for women and the most vulnerable populations (15.55%).

Overall, despite the diverse opinions, it is clear that the 45 respondents made suggestions in favor of establishing land tenure security mechanisms that rely on all actors involved in rural land management during the recognition and formalization of customary land rights.

Discussion

Land certificates and the formalization of customary rights are perceived differently by those interviewed. They mention village land titles, property security, conflict prevention, easier access to bank loans, and the promotion of investment in rural land.

In Côte d'Ivoire, rural land management is subject to a dual system, involving public bodies such as the Ministries of Agriculture, Economy, and Finance, specialized agencies, local administrative

structures, and land professionals. However, the findings show that the main weaknesses of the institutions and actors involved in rural land management are poor communication, inadequate coordination between administrative and customary authorities, unclear policies and law enforcement, poor case management, and slow administrative processing. These results support the analysis by Kouamé⁵, which highlights the poor coordination between central and decentralized administrations and the limited capacity of local institutions to manage rural land. This situation contributes to rural land issues becoming a backdrop for disputes and conflicts in Côte d'Ivoire.

In this regard, the results show that the lack of clear land titles, the complexity of rural land tenure, population growth, migration, and rapid urbanization exacerbate land disputes and conflicts. This finding does not corroborate those of the African Institute for Economic and Social Development (2003), which posits that population growth, the steadily increasing immigration rate, the massive return of out-of-school youth to farming, and the persistent economic crisis since 1980 constitute the main causes of disputes and conflicts in the rural land sector.

The same applies to the findings of Kouassi¹¹ on conflicts related to the illegal sale of rural land by indigenous peoples holding customary rights to that land. According to Kouassi, land grabbing by the state and multinational corporations, illegal land sales by indigenous populations, and the irregular settlement of foreigners on rural land are the main causes of rural land conflicts. This leads to violence, mistrust, and tensions between communities, the breakdown of social ties, and persistent insecurity in villages and rural areas.

The results also show that the institutional framework for the resolution and prevention of land disputes relies on an approach combining traditional and administrative bodies, as well as specialized agencies, institutions such as the Rural Land Agency (AFOR), Village Committees for Rural Land Management (CVGFR), the Ministry of Agriculture, and local administrative services (Prefectures and Sub-prefectures). Furthermore, our analysis of the results showed that the land certificate issued by the administration clarifies land rights and their legal social recognition. This contributes, among other things, to preventing land disputes and facilitating their resolution, formalizing lease and sales contracts legally, and guaranteeing the rights of heirs to their land, protecting them against unjust dispossession or expropriation.

These results corroborate the findings of AFOR that the land certificate helps to preserve peace and social cohesion in villages, prevent land conflicts or facilitate their resolution, promote the stabilization and modernization of agricultural holdings, safely exploit plots of land, guarantee a secure inheritance for children, sign clear land lease contracts with established operators, and facilitate access to financial products.

The findings of authors such as Chauveau and Lavigne Delville² and the Rural Land Directorate⁹ have highlighted the reasons for the low level of participation of peasant societies in land certification. According to these authors, the low level of participation of peasant societies in the state's legal and administrative framework is explained, on the one hand, by their adherence to the customary principle that land should not be refused to anyone seeking sustenance, thus ensuring everyone has access to a minimum level of subsistence. On the other hand, it stems from the state's inability to replace these networks in guaranteeing economic independence and security against life's risks (subsistence, illness, etc.) for the population (and especially the most vulnerable).

Added to these reasons are the lack of knowledge and biased interpretation of the law and its implementing texts, the absence of local awareness-raising actions, and the failure to perceive the interest of the land certificate, which, according to them, justifies the low participation of peasant societies in land certification and, consequently, in the land tenure security process.

The results suggest that recognition and formalization Customary land rights can have positive consequences such as improved land security, dispute prevention, guaranteed community rights, protection against dispossession, and access to bank credit, while also presenting risks of transforming and weakening customary rights and excluding certain beneficiaries. Similarly, Colin, Léonard, and Le Meur (2010) argue that formalizing certain rights will strengthen them at the expense of others, and that the formalization of land rights can lead to land insecurity due to manipulation during registration processes or because it creates precarious situations for migrants, women, and others.

Along the same lines, Fitzpatrick¹² specifies that, since local land rights do not constitute *de facto* ownership, the formalization of "ownership" necessarily results in a transformation of existing rights, with risks of exclusion. Hence the need to take measures to strengthen and guarantee land security for holders of customary rights, including land certification, documentation of rights, cost reduction and simplification of procedures for issuing land certificates and contracts, documentation of land gifts and contracts, information and awareness campaigns on land rights and existing procedures.

Conclusion

This article aimed to demonstrate how land certificates contribute to formalizing and securing customary rights in Côte d'Ivoire. It follows various field investigations conducted primarily in August and September 2025. The approach adopted was qualitative (data collection through document review, participant observation, and semi-structured interviews).

The results of this study showed that proliferation and resurgence Land disputes and conflicts are partly linked to the lack of clear land titles, the complexity of rural land tenure in Côte d'Ivoire, population growth, migration, and rapid urbanization. This leads to violence, mistrust, and tensions between communities, the breakdown of social ties, persistent insecurity in villages and rural areas, the destruction of plantations and villages, loss of life, family divisions, population displacement, and increased productivity. Hence the need to combine securing and clarifying rights to rural land, establishing inclusive management, and a participatory approach that prioritizes mediation and decentralization.

To this end, the land certificate will clarify customary rights, prevent land conflicts and facilitate their resolution, formalize lease and sales contracts legally, and guarantee the rights of heirs to their land, protecting them against unjust dispossession or expropriation.

Next, the study reveals that the low level of participation of farming communities in land certification is due to several factors, including a lack of information, high costs and complex procedures, socio-cultural constraints, and a lack of trust in the legal system and institutions. Finally, the study shows that recognition and formalization Customary land rights can have both positive and negative consequences not only for former beneficiaries, but also for communities.

Furthermore, the study recommends land certification, documentation of rights, cost reduction and simplification of procedures for issuing land certificates and contracts, documentation

of land donations and contracts, awareness-raising on land rights and existing procedures, and the adoption of specific laws to harmonize customary and modern land rights, in order to strengthen and guarantee land security. holders of customary rights.

Acknowledgments

None.

Conflicts of interest

The authors have no conflicts of interest for the development of this article.

References

1. Lavigne Delville P, Gbaguidi N. A return of the repressed? The legal formalization of customary land rights in Benin in the 1990s through the prism of late colonialism. *Anthropol Dev.* 2022;(53):92–108.
2. Chauveau JP, Lavigne Delville P. Promoting concerted and effective local management of natural and land resources. *Negos-GRN Policy Notes.* 2012;(10):1–4.
3. Rejrabi I. *The Recognition of Customary Land Rights: A Comparative Study in West Africa.* Master's thesis. Intercultural School; 2020:72.
4. Kouame G. Land policy in rural Ivory Coast: historical trajectories, reforms and perspectives. Presented at: Workshop on Land Policy Trajectories in West Africa and Madagascar; 2018; Saint-Louis: CTFD–GRET:13.
5. Kouame G. *Social Actors and Land Management: Foreign Populations and Land Dynamics in the Bouma Region.* DEA thesis. Institute of Ethno-Sociology; 2001:73.
6. Bonnecase V. *Foreigners and the Land in Ivory Coast During the Colonial Era.* Montpellier, France: IRD; 2001:57.
7. Stamm W. *Rural Land Plan in Ivory Coast: An Innovative Approach.* London, UK: International Institute for Environment and Development (IIED Issue Paper); 2000:27.
8. Chauveau JP. A sociological reading of the new law on rural land ownership. *IRD Réfo.* 2002;(6):1–45.
9. General Directorate of Rural Development and Water Management in the Agricultural Sector, Directorate of Rural Land. *Declaration of Rural Land Policy of Côte d'Ivoire.* Ministry of Agriculture and Rural Development; 2017:27.
10. Guey GME. *The Protection of Rural Land Ownership in Ivory Coast: A Challenge for Peace.* Doctoral thesis. Lumière University Lyon 2; 2023:380.
11. Kouassi KJ. *Conflicts Related to the Illegal Sale of Land From the Rural Land Domain by Indigenous People Holding Customary Rights Over These Lands.* Paris, France: Éditions Charles Léopold Mayer; 2017.
12. Fitzpatrick D. “Best practice” options or the legal recognition of customary tenure. *Dev Change.* 2005;36(3):449–475.