



NORWEGIAN
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REPORTS

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CONFUSIONS AND PALAVA:

THE LOGIC OF LAND ENCROACHMENT IN LOFA COUNTY, LIBERIA

THE NORWEGIAN REFUGEE COUNCIL

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THE NRC IN LIBERIA

The 1989–2003 civil conflict in Liberia killed 200,000 people, displaced one million and destroyed the country's infrastructure and economy. Since the Accra Peace Agreement in 2003 more than 100,000 former combatants have been demobilised and virtually all internally displaced persons and refugees have returned to their homes or have been resettled. Despite progress in reconstruction and development, the security situation is fragile and serious humanitarian needs persist as returnees work to rebuild their lives. The NRC has been working in Liberia since 2003, providing protection and assistance to support the return and reintegration of refugees and internally displaced persons.

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FOREWORD

This report is the first in a series the NRC plans to publish about housing, land and property rights, land tenure and land-related conflict in Liberia. Since 2006, the NRC Information, Counseling and Legal Assistance (ICLA) project has assisted individuals and communities in Liberia to resolve land disputes resulting from the 1989–2003 civil conflict. Supporting local stakeholders and institutions to prevent, manage and resolve land conflict is a critical component of the NRC's work in Liberia. The intention of this series of reports is to provide original research and analysis that supports the efforts of the Government of Liberia and civil society organisations to protect and promote housing, land and property rights in Liberia.



Source: A. Coriveau-Bourque Data: Global Administrative Areas (2010)

INTRODUCTION

Land conflicts are common throughout Liberia. It is rare to talk to an individual who is not connected in some manner to a dispute over land, either as the main actor or through social networks, kinship alignments or the increasingly salient bonds of ethnicity or 'tribe'. As such, Liberia's post-war stability is closely tied to the performance of the systems that can diffuse or resolve these conflicts. Several observers have commented that a failure to effectively address these extremely contentious issues over land could provide the spark that sends Liberia back into another devastating war (Daygbor, 2007; ICG, 2009; Inquirer, 2009; Unruh, 2009).

Liberian President Ellen Johnson-Sirleaf has expressed concern over the proliferation of land disputes as a major hurdle in achieving lasting peace. At the time, she argued that land reform was necessary in order to contain future conflict (Daygbor, 2007). A national land commission was appointed in August 2009 with the objective to review land policy. While tensions over land are pervasive throughout the country, this reality is particularly poignant in Lofa County, one of the main theatres of both the civil wars that wracked the country in the 1990s and early 2000s.

Lofa County was the site of some of the Liberian civil wars' most intense violence. The extended duration of the conflict devastated the systems that regulated access to land before the outbreak of hostilities. In many instances, the violence deliberately targeted the infrastructure and symbols central to the maintenance of state and non-state institutions and authorities. The war provided an opportunity for individuals to settle scores, to loot and destroy what they had perceived to be symbols of their pre-war oppression (Ellis, 1999; Yoder, 2003; Richards, 2005).

The repeated dispersal of the population¹ also forced individuals and groups to forge new networks upon which they could rely, producing new, informal systems of authority and creating new channels through which power could be distributed and expressed. Old linkages were either severed (symbolically and/or physically) or were irreversibly altered.

In the six years since the end of the war, the population has mostly returned or resettled, but the landscape of authority has been significantly altered from its pre-war forms. While the primary pre-war informal and customary² systems are reasserting themselves, their power and legitimacy are significantly diminished in certain areas. Their authority also faces challenges from new solidarities, institutions and networks that emerged either during or after the war. These include youth organisations, women's groups, non-governmental organisations (NGOs), ex-combatant networks, new networks of patronage, the growth of 'non-traditional' religious movements and the rejection of traditional religious sodalities.

Each of these can provide an alternative to the dominant narratives that customary authorities are attempting to produce to exert their control. These networks also create new channels for social mobility and the acquisition of wealth. In the past, these mechanisms had been highly controlled by informal and customary authorities, often at levels that were abusive and exploitative (Ellis, 1999; Yoder, 2003; Richards et al., 2005; Richards, 2005).

The exposure to new narratives of justice and rights through displacement can deepen political awareness for formerly marginalised segments of the population (Unruh, 2003). This is the case in Liberia and has provided these marginalised groups with new tools, narratives and networks through which they can resist or negotiate with formerly

1 Many internally displaced persons and refugees returned to Lofa County following the election in 1997, only to be re-displaced again when the war reignited in 1999 and the LURD rebel group invaded Liberia from Guinea through Lofa County.

2 What I refer to as customary systems of authority, is what is defined as 'Tribal Authorities' within the Liberian government's administrative and legal framework.

oppressive systems. The creation of alternative channels has helped to undermine these systems of control³. Participation in armed groups has had a similar effect. The slowly re-emerging state is also a major actor in this process through its attempts to (re)assert its authority and, in some cases, insert itself into spaces over which it previously only had tenuous control. With the proliferation of new systems of authority and the weakening of formerly dominant ones, local and national monopolies over the legitimate use of force have been broken, with individuals and groups now able (and at times, willing) to use force to make and protect claims over land.

In Lofa County, as in a large part of Liberia, land is the main site of contention between these multiple systems. However, for Liberia, the concept of land must be expanded beyond its inherent biophysical properties and the value it has for livelihoods. Land in Liberia, as in many other countries, is deeply imbued with social and spiritual meanings that are directly tied to notions of ownership, social belonging and autochthony (Korvah, 1995; Ellis, 1999; Unruh, 2009; Bøås 2008, 2009).

Systems of land tenure dictate not only who has access to a parcel of land and its products, but for how long individuals or groups can access it and how it is used. Historically, control over the access to land resources in the Liberian hinterland also played a significant role in determining social mobility and dictating the opportunities for individuals to marry (Richards et al., 2005). From this perspective, land tenure systems must therefore be examined as relational processes, as a system of rights and obligations that shape human interactions (Unruh, 2003). Throughout Liberia's history, individuals and groups have found themselves at the intersections between different systems, creating a constant process of adaptation, contestation and negotiation.

An integral part of the contention between interacting tenure systems is the ability to dictate the terms regarding how these relationships are constituted. Dominant symbols or narratives can provide legitimacy to a certain set of claims and rights or can be used to delegitimise others (Shipton, 1994). As a result, land can also be deeply inscribed with institutional violences, from the division or exploitation of labour to the exclusion of particular individuals or groups from access to its productive resources (Blomley, 2003).

The perception of marginalisation or dispossession from land by dominant systems can be the source of grievance, which can be accumulated over time. Wars, particularly those as protracted and extensive as the ones in Liberia, will leave multiple layers of claims made on the same parcels (Unruh, 2003). Pre-war tensions will have a new layer of issues through which to sort, not the least of which is the violence perpetrated during the war, which at times used land as its justification.

Therefore, to control the definitions of what constitutes a legitimate claim over land is not only to control the means by which individuals derive their main subsistence, but is also to control the symbol which the lands represent, which allows those authorities to determine the criteria for access to and exclusion from the resource. In this report, I argue that the competing discourses employed by the various systems of authority in Lofa County to legitimise/justify claims are creating opportunities for land encroachment.

This means that the claim made on a particular parcel of land through one system of authority is incompatible with the expression of claims made through an alternative system and can lead to the perception of dispossession by other parties. This can come in the form of land occupation, exclusionary segmentation⁴, the expansion of boundaries and/or the destruction of property and markers of tenure.

³ Many of these trends existed before the war, but the extended displacement and high level of exposure to alternative narratives and systems of resource access (especially for youth) during the war has only accelerated this process. Many of these informal alternative systems of authority have been strengthened at the expense of pre-war informal and customary systems.

⁴ Exclusionary segmentation can be defined as the practice of denying the (re)settlement or return of individuals or groups based on a particular facet of their identity.

The result of these incompatible claims is (in Liberian English) commonly referred to as a 'confusion'. This is a form of dispute that has not yet escalated into verbal or physical violence, but will put two parties at odds with one another and cause tension. It is typically characterised by the expression of a grievance in private to some form of authority, with the aim to investigate and find a mediated outcome. However, palava occurs when the dispute has been brought into the public realm and is characterised by either verbal 'abuse' or physical violence.

As the vast majority of land titles in Lofa County are not formalised through the State⁵, the latter is unable to play an official role in the adjudication of most disputes, passing the responsibility to customary and informal institutions. Even in the cases where the state could be potentially involved, most disputants seek external arbitration through informal means, for reasons that will be explained later. And while the dispute may be between individuals, their ability to seek out alternative structures or forums⁶ for a resolution that will satisfy them or to draw on different logics of claims-making often brings multiple systems into contention with each other.

However, what appears to be an incompatibility between certain systems of claims must be investigated in terms of scale, particularly with regard to how these interactions affect local power dynamics. For example, formal titling for individual properties might be rejected by a particular set of customary authorities, but those same authorities will use formal titles to officially demarcate community boundaries in relation to neighbouring communities. This particular process also has a spatial dimension. The closer one gets to official 'cities' the more opportunities exist for individuals to shop forums and utilise formal titling to make claims. As one gets further from the cities, customary systems of authority appear to retain better control over their communities' internal spaces. In these cases, conflicts tend to be more focused on inter-community issues and on the exclusion of people belonging to a particular 'tribe' from their pre-war homes.

In many of these disputes (at both the intra and inter-community levels), it is rare for a single system to have the monopoly over the use of force⁷. As a result, there is an imperative to achieve an outcome through which both (all) parties will be 'satisfied' with the final result – for the sake of 'peace'. This imperative is due not only to a distinct aversion to palava (informed by pre-war informal norms for the maintenance of social order, and as a result of war-fatigue) at the local level, but also has substantial backing from non-governmental organisations (NGOs), the United Nations Mission in Liberia (UNMIL) and the government.

It should be clear that the objective of many of these negotiations is not punitive, but to encourage social cohesion and to strengthen local conflict resolution mechanisms. Resolutions in which both parties' interests appear to be satisfied are projected as the optimal outcome. As a result, these negotiations can often have a beneficial outcome for the perceived encroacher. Due to the weakness of the Liberian judicial system, impunity is rampant for those who facilitated the encroachment (a surveyor, a local authority or someone who illegally sells private land). As a result of a high probability of beneficial outcomes for perceived encroachers and the lack of punishment for perpetrators, there are few disincentives to deter others from engaging in such behaviour. This is evident from the continued proliferation of land disputes throughout Lofa County and, more broadly, Liberia.

5 No actual figures are available; this assertion comes from personal observation and numerous interviews with local government officials, farmers and NGO respondents.

6 A practice identified as 'forum shopping' frequently found in legally pluralistic areas (especially in conflict zones) (Unruh, 2003).

7 By a monopoly on the use of force or 'violence' I mean a set of institutions and practices contained within one particular normative order that regulate social, political and economic interactions. These are used to secure claims and enforce rights expressed within that particular system's logic of ordering society. In some cases, that may come in the form of norms that preserve hierarchal relationships or dictate the relations of power. These relationships can be benign or can marginalise segments of society. In the formal realm, these institutions (judiciary, police) are empowered to act on behalf of an individual, the state or a group by the law. These institutions have the ability within their sphere of influence to dispense punishment, adjudicate disputes and pass judgements which are enforceable.

SYSTEMS OF AUTHORITY

Before proceeding, it is necessary to provide context for some of my more problematic terminology, which will clarify how the various systems of authority I described earlier interact. In this report, I will use the terms 'formal', 'customary', 'traditional' and 'informal' to categorise the various ways in which power is channelled, distributed and expressed in Liberia. While the formal sector is easily identifiable by the institutions and interactions that are officially sanctioned, defined and contained within the structures of the state, the other three terms will require more extensive examination.

The literature often uses the terms 'customary', 'traditional' and 'informal' rather interchangeably to represent systems of social organisation that are separate from the state. The terms 'customary' and 'traditional' are often associated with static notions of culture which fail to take account of change; however, in the Liberian context, each term has a unique set of meanings. The terms 'customary' and 'traditional' are deeply embedded in the daily lexicons of Liberians as ways of describing the social institutions that frame their daily realities. The term 'traditional' is even reproduced within the country's legal framework, most notably in the Revised Rules and Regulations Governing the Hinterland of Liberia (2001)⁸. Therefore, it is impossible to write about Liberian social processes without clearly defining them within this unique context.

Ellis (1999, 200) provides a particularly useful way of moving beyond static interpretations of the use of 'tradition' in the Liberian context, arguing that when, discussing traditional Liberian beliefs, it is generally difficult to know whether to use the present or past tense, for calling a practice 'traditional' does not mean that it forms part of a corpus of belief and action that is unchanging, but is primarily a description of the way many Liberians understand ideas which they have inherited from earlier generations.

During interviews, rural Liberians regularly began explanations of their current practices with the following phrases: "It is our traditional way that..." or "You know, in our traditions we ...". As the knowledge of traditional practices is generally transmitted orally, each generation borrows elements from this transmitted past and interprets them to fit their current realities. While the notion of 'tradition' plays an irrefutably central role in the shaping the Liberian moral economy, it is subject to multiple and often changing interpretations.

Customary authorities such as chiefs and elders are often referred to as "our traditional leaders", as are the leadership of religious sodalities (for example the Poro and Sande who operate in Lofa). They establish a clear distinction between those who operate according to 'historical practice' and the alternative modernities and authorities that are presented by religious (Islamic or Christian) or state officials or those introduced by international organisations⁹. I will demonstrate later that the boundaries between these various systems are rarely clear and that individuals and groups will often simultaneously participate in several of these systems.

Customary institutions, on the other hand, I will interpret as largely the construction of the Liberian state as part of the colonial project to control 'hinterland space'. Hinterland space is defined primarily by the area encompassed by the former provinces and that is now defined by Gbarpolou, Lofa, Bong, Nimba, Grand Geddeh and River Gee counties. It is the space controlled predominantly by Liberia's 'indigenous'¹⁰ communities, as opposed to the coastal areas where the Liberian state has historically been strongest due to the concentration of Americo-Liberian and 'Congo' settlers. However, the Law of the Hinterlands (2001: Amendments Sect. 2) allows for the hinterland space to even extend into these coastal areas that "are wholly inhabited by uncivilized natives."¹¹

8 From this point, it will be referred to as the Law of the Hinterlands. The original Law of the Hinterlands was enacted in 1905 and was amended in 1914 and 1949. The content of the 2001 version issued by the Ministry of Internal Affairs is apparently mostly unchanged (with some few alterations described in Bruce, 2007) from the 1949 version, despite the fact that most of the law had been apparently repealed in 1956 by the passing of section 600 of the Aborigines Law (Bruce, 2007; Barbu, 2007). The Aborigines Law was repealed in turn through its exclusion from the 1973 revision of the Liberian Code of Laws (Bruce, 2007). However, the very structures of customary governance outlined by the Law of the Hinterlands (2001) are very much still in place to this day, creating a situation in which reality on the ground does not necessarily reflect law. In addition, the Law of the Hinterlands has since been republished, but it remains uncertain whether it is 'law'.

9 There is even a governmental body called the National Traditional Council, a grouping of 'traditional' leaders whose responsibility it is to mediate disputes between communities and to disseminate government policy to rural populations.

10 The notion of indigeneity is highly controversial in Liberia and remains a divisive issue as to what groups have indigenous status and therefore have the legitimacy to assert their system of rule / right to compete for resources. One group that is often labelled as 'foreign', and therefore denied indigenous status within certain national narratives, is the Mandingo.

11 Bruce (2007) estimates that as much as 80 per cent of the land in Liberia remains under some form of customary authority.

The customary institutions found today in Liberia's rural areas (chieftaincies) are very much a construction of the state and have little to do with pre-colonial forms of social ordering as the term 'customary' might be interpreted to imply. While there were certain areas that had strong centralised authorities, the Liberian state's colonial project was designed to impose administrative control through indirect rule, by co-opting local leadership. In the absence of such centralised leadership, or in the event of the leadership's resistance, an authority acceptable to the state was summarily imposed (Doward, 1986; Ellis, 1999; Rosenberg, 2007; Bruce, 2007).

These structures were then fixed into place by formal law, known as the Law of the Hinterlands (2001), creating statutorily recognised 'customary' structures, which fall under the auspices of the Ministry of Internal Affairs. The administration of 'tribal affairs' is left to the chiefs who are to "govern freely according to the customs and traditions so long as (they) are not contrary to law (of the Republic)" (Law of the Hinterlands, 2001: Art. 29). These institutions are thoroughly permeated by informal networks and will often operate with a great deal of autonomy from the state, depending on the location.

It is therefore necessary to introduce an alternative term to discuss practices and systems of authority that are not officially defined. The 'informal' encapsulates all relations, exchanges, systems and networks that exist outside formal regulation yet are organised around common sets of norms, rules and mutually recognised symbols which regulate interactions between members of these networks. However, this does not necessarily mean that these systems operate only in absence of the state or emerge as an attempt to distance themselves from it, as is argued by Azarya and Chazan (1987).

Instead, informal networks and institutions can thoroughly permeate state and customary institutions, interacting and operating interdependently with them at a variety of scales. While these systems (the formal and various customary and informal) can be distinct sites or 'loci' of power, they are far from autonomous from each other and may overlap in space, muddying the boundaries that would keep them separate. Interaction between these varied systems can be characterised by cooperation, competition or both at the same time (Roitman, 1990). Individuals and groups living in these spaces of intersection and interaction are often subject to multiple systems of authority, either through choice, structural limitations or coercion.

In the Liberian context, informal networks and institutions can manifest themselves as religious institutions and sodalities, kinship networks, age-set groups, wartime bonds between combatants and their units (and leaders/patrons) and/or patronage networks¹². This is by no means an exhaustive list; instead, it is meant to give an idea of the wide variety of ways that informal networks might be constituted. In a situation of individual or group crisis, actors can therefore turn to any one of a myriad of networks or institutions to help defend their claim. Actors will seek out the system(s) that they perceive will give them 'the upper hand,' a strategic alignment based on the perceived ability for that system to enforce their claim in relation to their competitor's. Due to this flexibility, actors with sufficient capital¹³ tend to engage in 'opportunistic forum shopping' to maximise outcomes as described by Isser et al. (2009), unless the threat of social sanction or informal retribution is sufficient to secure a negotiated settlement.

In several sites, the erosion of dominant pre-war systems of authority has undermined these systems' ability to uniquely enforce a particular set of claims and punish those who violate its established norms and rules. It is therefore easy to see how opportunities for encroachment and, by association, conflict would increase with the additional proliferation of newly constituted systems of authority after the war, especially if the threat of violence could be evoked by several of these competing systems.

¹² The customary and informal institutions described above are far from homogenous, static or unified wholes. They are fluid and constantly subject to negotiation and tension as they interact with other systems and their members attempt to mould them to suit their needs.

¹³ Includes both monetary and social forms of capital.

FORMAL TITLING AND THE 'CIVILISED' MODERNITY

The Liberian state has a rather complex approach to the management of land resources and negotiating the relations between the two official segments of its legalistically dual system. On one hand, it recognises private properties as those secured by a formal title deed. In theory, all private lands were purchased from the state at the constitutionally defined prices of 50 cents per acre¹⁴ for farmland and 30 dollars for city lots¹⁵. To be valid, each of these formal titles must have been surveyed, probated in court and registered at the National Archives. The state judicial system is the official venue through which disputes over formal lands might be resolved. On the other hand, there are public lands. All lands not formally registered as private lands or concessions, or demarcated as natural reserves are the property of the state. Therefore all people occupying these lands are deemed to be unofficial 'squatters'¹⁶ or 'custodians' with usufruct rights, but they do not own the land, no matter what claims they might make. As one government official¹⁷ explained, "they can own their rubber tree and the rice, but they do not own the land."

However, being unable to assert dominance over the 'hinterland space' or the 'illegible' indigenous processes that exerted authority over people and regulated access to land, the colonial Liberian state established a second legal framework for the 'uncivilised' peoples of Liberia which gave customary authorities the ability to administer these spaces on behalf of the government (Law of the Hinterlands, 2001). These customary authorities were also endowed with a 'custodianship' over the lands, where they could negotiate access to these lands with full Liberian citizens (i.e. 'civilised' Liberians) on behalf of their people.

Therefore, if individuals (strangers to the community) wanted to purchase 'hinterland' lands from the government, they would have to acquire the permission (via signatures) of the custodians (the chiefs and elders), by acquiring a customary title called a Tribal Certificate. Similarly, should indigenous people become 'civilised' and choose to formally demarcate their customary or informally defined boundaries, they would also have to purchase the land from the state. While the distinction between the uncivilised and civilised no longer has legal bearing, the distinction between 'natives' or 'indigenous' people and strangers to the community remains. Those who want to formalise their title in these hinterland areas must still acquire Tribal Certificates prior to purchase from the government, be they members of the community or 'strangers'.

The Tribal Certificate on its own provides the title holder with no legal protections within the formal realm; it is merely a gatekeeping mechanism that allows one to proceed with the formal land acquisition process. However, the cost of formal titling is prohibitive (the survey cost is usually the largest expense, followed by requests for cold water¹⁸ to lubricate a process which can otherwise take years, even decades, to complete). The formal titling process is also strongly dependent on the cultivation of informal relationships, as social linkages are important at all levels in order to proceed with the purchase. As a result, most Liberians from the Hinterlands who attempt to get an official title to secure their claims do not move beyond acquiring the Tribal Certificate¹⁹. Others never move beyond acquiring the Tribal Certificate due a combination of insufficient knowledge about the complex process of formal titling and of symbolic resistance to a system that many perceive as illegitimate.

¹⁴ The Law of Public Lands does not specify the currency; it only states 50 cents and 30 dollars. However, the official currency of Liberia has changed since the passing of the law; at the time, it was the United States dollar (USD). It is currently the Liberian dollar (LD). However, the Liberian dollar does not have cents denominations and has lost such value that the United States dollar amount (without adjustment) is generally accepted by the government in these transactions.

¹⁵ There are four lots in one acre. The officially registered cities I visited in Lofa County include: Foya, Voinjama (the county capital) and ZorZor.

¹⁶ Not to be confused with formally recognised squatters in Monrovia.

¹⁷ The names of all respondents and communities have been removed or changed in this text. All unique signifiers have also been obscured in order to protect the identity of my sources. As this report demonstrates, land is a particularly emotive and contentious issue in Liberia. It is not my intention for my report to inflame tensions or cause embarrassment to any individuals or communities, but to shed light on complex processes.

¹⁸ A Liberian euphemism for a bribe

¹⁹ This has not yet been quantified; however, the assertion is based on observations and extensive discussions with farmers, local leaders, government agents and development practitioners.

As with many other colonial projects, formal titling in Liberia became a tool for encroachment, by those 'literate' in state processes, into 'indigenous' lands and the subsequent exclusion of the previous occupiers. While the effects of this titling project were particularly acute in the coastal and central rubber growing areas, many communities in Lofa County were unaffected, and to some extent remain so. There is evidence that some powerful individuals did acquire large tracts of land to build coffee, cocoa and palm oil plantations around Lofa County's major commercial centres and along the main roads; however, the extent is far from that observed in areas closer to Monrovia.

Despite this relative isolation, two factors have combined to undermine customary and informal control over lands in Lofa County: the creation of the rural 'city' and the war. First, by creating cities in the hinterland, the government not only created many new official positions to offer through patronage, but also created entirely new jurisdictional areas in which customary leaders had no official authority and by law were prohibited from operating²⁰. Acquiring land within the 'city' no longer requires a Tribal Certificate. Instead, an equivalent formal certificate known as a City Certificate is needed. This only has to be signed by formal authorities, notably the mayor, the county land commissioner and the county superintendent. By removing the Tribal Certificate, the customary custodianship over newly designated 'civilised' space is theoretically officially bypassed. The ill-defined boundaries of these cities further contributes to the erosion of customary authority in communities (towns and villages) near the city and creates new opportunities for formally protected encroachment to occur.

According to government authorities in Voinjama City, the national government recently decreed that city boundaries would be defined by an eight-mile radius from the city centre, encompassing an area exceeding 200 square miles (see Appendix I). This was explained to me by local authorities as a project "to remove barriers to future development, so that the city could grow unimpeded." To provide context to this claim, in the county capital Voinjama, there are less than a dozen buildings more than one story in height and (based on a rough estimate taking into account the density of houses) the maximum current radius of the city would be one mile. Therefore, all lands encompassed by this extended boundary would no longer be under customary control and would fall under the mayor's jurisdiction, officially eliminating the role of customary authorities on a large scale, not to mention increasing the official price of an acre in these areas from 50 cents to 120 dollars²¹.

The second element was the war, which forced most citizens of Lofa County either to flee to Guinea, Cote d'Ivoire or Ghana, or to become displaced within Liberia. Many of these individuals were exposed to alternative systems of authority, through participation in a combatant group or being educated in displaced persons camps where Western narratives of women's and child rights percolated deeply into the present rural consciousness. The near-complete destruction of (building) property, the occupation of land parcels through alternate claims and the deliberate targeting of symbols of informal and customary authority, only served as a reminder to individuals and groups of the tenuous security that informal or customary claims provided in places where competition for land was high and where customary law no longer held the monopoly over legitimate force. In addition, some of those who left their families' lands in Lofa County to find work in Monrovia or as plantation labour have, since the end of the war, attempted to secure their families' 'traditional' holdings (both in city and hinterland Lofa) through formal titles (such as through pre-war title deeds), but do not have short-term plans to return, at least not until the coffee and cocoa economies become viable once again²².

²⁰ In practice, in many 'cities' customary and city authorities in the 'hinterland' share management duties and work closely together. Nonetheless, customary legal authority is diminished, while power is retained often through informal networks.

²¹ Four city plots at 30 dollars equal one acre at 120 dollars.

²² Several informants indicated that as long as there was 'no money' in the rural areas, they would not return. Lofa County's formerly lucrative coffee and cocoa industries have yet to be revitalised, confining most agriculture to subsistence farming and the cultivation of annual cash crops for domestic consumption (pepper, peanuts, bittaball). Lofa County does not have the rubber infrastructure of the southern counties, with the exception of ZorZor and Salayea districts. However, dilapidated roads reportedly increase the cost of transport to markets.

“BUY LAND? FROM WHO?”

When I inquired about the perceived willingness of individuals and groups who assert claims through informal notions of tenure to purchase land from the government, one government official said:

“I think I told you something earlier as to the ignorancy [sic], is partly responsible for this [the failure to purchase land from government]. One, some of the tribal authorities think that they are not even supposed to buy the land, because they feel that they are custodians [of the land]. Like for example [gives name of a Town A], that’s where I’m from, we have tribal boundary with Voinjama ... and other towns around us ... while the land is within their [the elders’] jurisdiction, they feel like the land it is for them [emphasis expressed by respondent].”

The official went on to explain that in the 1970s he tried to convince his town’s elders to secure the land through formal means during a boundary dispute with another town in order to avoid future ‘confusions’.

The head elders at the time reportedly replied: “Uh, and how I will buy this land? Then we must buy from who?”, implying no one that had the right to sell it in the first place, as it was their forefathers who had settled the land and had “cleared the bush” to make it arable. According to their ‘traditional’ notions of making claims, what right had the government to ask for money for land that was already theirs? While the government official whom I interviewed attributed their refusal to “ignorance”, further interviews in Town A revealed that it was not a lack of awareness regarding state processes, but a deliberate rejection of the titling project of the state.

When I visited the elders of Town A and talked with them about attempts to formalise tenure claims, they explained to me that their claim over the land was established by their forefathers’ conquest of the area through war and was cemented by their “clearing of the bush” to “make farm”. Those who came after the original settlers, ‘strangers,’ who came to join their village/town had to find a ‘stranger-father’ amongst the original inhabitants to vouch for them. The local authorities would then designate where they could farm, but no ‘live crops’ (permanent trees) were allowed to be planted without the express permission of those who initially cleared the bush. The integration of the ‘stranger’ was often facilitated through marriage, whereby the stranger was then given land of his own to plant “whatever he should want” (including ‘live trees’), so that their daughter “would not starve”. The planting of the live crop or trees (cocoa, coffee, rubber, kola were the main ones in my areas of study) is the ultimate symbol of personalised claims-making in many parts of Liberia where tenure is still expressed through customary and informal systems of rule. It is also the primary source of agricultural revenue. This logic of claims-making is directly tied to the local patterns of land use. By planting a permanent crop such as a tree, a farmer removes the land from the cycle of swidden-fallow agriculture²³ that characterises the majority of subsistence farming in Lofa County.

Land that produces highland rice, which is not considered to be a ‘live crop,’ is administered by those who ‘brushed’ first, yet it remains the community’s, and the community benefits from the farmer’s contribution to the collective food stores, to be used for celebrations, emergencies or ceremonially²⁴. In some communities, the leaders showed me tracts of land that were administered and worked collectively and were for the exclusive production of rice, a strategic response to scarcities of land for rice production as individuals had created extensive coffee and cocoa plantations. Also, those individuals or families who, due to their own efforts at clearing bush or inheritance, have authority over the use of large tracts of unused land are often expected to provide some of their ‘surplus land’ to less fortunate farmers.

²³ Swidden-fallow agriculture is also identified as shifting cultivation where farmers clear a section of forest and cultivate the parcel in a sequence of crop phases: a swidden of annual subsistence crops (rice, cassava) for a few planting seasons, potentially a transition phase of marketable crops (pepper, peanuts, bittaball) and/or the permanent planting of ‘live trees’. If live trees are not planted, the parcel may be left fallow, and a secondary forest will have time to regenerate for several years. Once farmers are ready to reuse the parcel, the secondary growth or live trees that are no longer productive will be cut down and turned into charcoal and the cycle will begin again. I have yet to find a rigorous study on land use patterns in post-war Liberia. The model above is based on the work by Coomes and Burt (1997) from the Peruvian Amazon. Granted, it is problematic to apply this model to a different geographic and socio-political environment; however, it seemed the most appropriate model to describe shifting cultivation in Lofa based on my observations and interviews in Lofa County. Studies specifically tailored to this issue are necessary in order to understand the range of practices that exist in Lofa County and throughout Liberia. For an examination of how pre-war labour patterns relate to different forms of cultivation in northern Voinjama, Lofa County (Lawalazu town), see Currens (1976).

²⁴ However, in some areas, it was reported to me that ‘swamp-land’ that has been cleared for wet-rice production can be farmed more intensively and is more difficult to initially clear. Therefore, the claim on that land is more personalised and is given a status comparable to the planting of a ‘live tree’

Boundaries between farmers are identified through oral histories of the land; the point of juncture being where each farmer had 'brushed' (cleared the bush) in the past. Boundaries could also be demarcated by 'soap'²⁵ trees or streams. However, these markers were not necessarily to indicate the exclusive use by one individual or family and were certainly not removed from community systems of production. While there were certain subtle and localised variances, I found the above description of customary and informal tenure to be rather consistent amongst respondents who were Loma, Mandingo, Kissi and Gbandi in Foya, Voinjama, Quardu Gboni and ZorZor districts²⁶.

Another common thread between many of the communities I interviewed was that 'the land stayed with the community' if the original farmer left, no matter what was planted on it. They and their children would always be entitled to a parcel if they ever returned, but they could not abstractly remove land from community systems of production, as could potentially (and frequently does) occur with the formal demarcation of private property through title deeds.

Cases where land is 'removed' from community systems of production predominantly occur when owners are absent, lest they face social and potentially violent sanctions from their neighbours. Title deeds which, through formal systems of authority, can be used to deny communal access to land, are therefore seen as being a counter-intuitive manner of making a claim (paying for land that they already occupy and work) and incompatible to the local norms of reciprocity and, as a result, socially disruptive.

One elder in a town near Voinjama lamented that his community's lands were: *"[no longer] safe, because government now can give it to anybody, anytime, that give them [the government] money. First time [in the past], it was not so, we not buying land [just like that]. That purchasing land thing bring the trouble and this war here."*

Another elder added that: *"during the war since some of these people that have died, their children now this time look at your own [inaudible] what you got, so long that they now have somebody in the government upstanding [who is powerful] they will come now, spy on you, sometime taking your own lot area. When you talk, they say 'this man, can't understand people' ... when you go to report, you can take the case to the chief, one or two, three time, they not even say anything. [Translation: During the war, several of the 'traditional' authorities who kept order died. Now, members of the younger generation, who have no respect for the traditions and are envious of your possessions, are able to use the connections they made during the war with powerful politicians or government officials to take your land; when you object, you are told that your claim has no basis.]"*

Therefore, the erosion of customary authority through the expansion of land titling has resulted in strong perceptions of tenure insecurity, a process hastened by what is perceived to be a diminishing legitimacy for customary claims, mainly brought about by younger generations who have access to alternative narratives and power structures.

However, many customary authorities expressed the view that if they were to allow their citizens to purchase their own land (their permission is theoretically required, for the Tribal Certificate), it would not only undermine their own positions, but precipitate the unravelling of social order. It would, in their view, create a more individualised relationship to the land and symbolically rupture the social bonds and networks of reciprocity that are maintained through agricultural practices. In addition, what was perceived to be excessive parcelling of land for private use in Salala District in Bong County (especially if it is concentrated in the hands of a few owners), was attributed by many respondents to growing food insecurity in that area.

²⁵ 'Soap' trees are reportedly very hardy and can survive in a number of environments (swamp/highland), making them good markers for claims. They are used to demarcate boundaries as far as southern Bong County, where I also collected data.

²⁶ And even among my Kpelle-speaking respondents in Salala District, Bong County.

DISCOURSES OF DEVELOPMENT

Both customary and formal systems of land management have employed development-themed discourse as a mechanism to assert their control over contentious spaces, each creating opportunities for encroachment, from the others' perspective. Formal titling was described to me by several government officials as an inevitability of 'civilised modernity'. Customary systems were often described as uncivilised and as a hindrance to the economic development of rural areas. Using arguments that were clearly influenced by Hernando de Soto, they argued that the absence of private titles was perceived as stifling to the development of a land market and limiting the flexibility of the productive potential of the land.

Alternatively, several customary authorities argued that formal titles had the potential to hinder community development. One town chief argued: *"It can make the city dirty. Somebody buy land and not ready to build house they take it. And you poor man, maybe you got materials to build house but you don't got money to buy land, but now, you can't build it because the government say that land is for someone else."*

The chief went on to explain that under 'traditional law', claims on land are made by the ability of an individual to build on and use a particular parcel. The formal title provided by the deed, without subsequent use of the land was therefore counter-intuitive and undermined the 'development' of a community by creating an unused space in a town.

Such spaces are perceived as unclean due to the rapid overgrowth of 'bush' that would occur on the lot. An ill-maintained space characterised by overgrowth was described by respondents in terms of wilderness: for example, "if the bush remain in the town, it becomes somewhat dangerous for the people in the town, because snake will come there and different thing will come from there and harm the people." Therefore, through the frontiersman mentality upon which individuals and groups assert their rights over a particular piece of land by the suppression of the wilderness, the reservation of house-spots for previous owners is perceived to be incompatible with that particular development-based logic, providing a basis for the occupation of (or encroachment on) 'vacant' lands.

Whether to extend this logic of occupation to underused agricultural lands remains the subject of debate among several communities, particularly when it comes to claiming lands on which 'live crops' have been planted. Due to the slow recovery of the coffee and cocoa sectors, there has been little incentive for farmers to clear the overgrown brush from their pre-war plantations; as a result some tree-owners have begun to clear some of their tree crops for subsistence food production.

In cases where the owners are absent or lack the labour/capital due to poverty, many of these lands are now being 'reclaimed' by other members of the community, either for rice production or to plant their own trees, often with the result of dispossessing widows or the elderly, who do not have the ability to manage their holdings. This is despite the fact that respondents agreed almost unanimously that to cut down someone else's tree without permission was to 'bring palava' to the community. And while this encroachment is justified (in some cases) through 'traditional' notions of development, it also literally and symbolically uproots the foundations for customary claims-making by rendering such claims insecure.

One elder, who was a proponent of this, explained that "development is not for one person: if I see you doing development, I will go and do it elsewhere." He explained that by seeing someone else being successful, others would be encouraged to emulate and compete, stimulating local development. However, this logic has been either improperly managed and/or deliberately manipulated, leading to an illicit land rush that has produced many of the land confusions that were reported. It is an indication that the systems of authority are too weak to guarantee the security of tenure claims in both formal and customary realms.

IDENTITY AND THE RIGHT TO RETURN

In addition, the customary development-based logic has come directly into conflict with notions of the 'right to return' promoted by international organisations through the United Nations Principles on Housing and Property Restitution (2005, 2.1) which state that: *"All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any ... property that is factually impossible to restore."*

This is certainly a possibility in a smaller town or village with a smaller, more ethnically homogenous population: *"So when this person [the former owner of that spot] come and he wants that spot, and that man has already build his house, it is the responsibility of the town chief to relocate him ... that can also help to enlarge the town."*

However, when the particular parcel in question is a valued commercial or residential space in a city, this becomes more problematic.

Return of the former owner may be delayed by a myriad of factors, including their own sense of security, or their financial situation which would contribute to their (in)ability to rebuild on a particular lot. The right to return to previously owned lands, or the relocation, can also be the source of significant post-war tension if there are multiple layers of claims relating to the same parcel. However this begs the questions: which claims are 'most valid'? And from a temporal perspective, how far back should claims for occupancy be examined or considered? This is particularly important when the plot may have been acquired by its immediate pre-war owner in a way that was seen to dispossess an individual or group to their historical claims.

At this point, contentious notions of ethnic or 'tribal' identity start playing a bigger role, especially if one group denies the right of another even to make claims on land, despite their well-documented presence in the area for many generations. These questions regarding autochthony, particularly between Lofa County's Loma and Mandingo communities, have been extensively examined by Bøås (2008; 2009). I visited several primarily Loma towns where former Mandingo residents were still deterred from returning due to explicit threats of physical violence against them.

STRATEGIC COMPATIBILITIES

The power to legitimately define the terms of access or exclusion from land is a strong indicator of the strength of a system of authority. Further investigation into the earlier case where respondents in Town A said that formal titling was incompatible with their customary notions of tenure, revealed an interesting twist. The government official mentioned earlier added in further discussions that Town A had recently applied to collectively purchase their land through formal titling as a strategic response to post-war encroachment on their boundaries by neighbouring communities. Due to the absence of formal boundary demarcations, they did not have the power or “right to eject anyone from there,” which caused palava between the communities. Without formal documentation, the judiciary could not intervene on behalf of either claimant, passing the responsibility for the adjudication or arbitration of the dispute to the Paramount Chief and the District Commissioner.

Town A's reversed position regarding their earlier rejection of the formal tenure system is not an isolated case, nor is it the first. Government officials indicated that it was a relatively recent trend for communities (towns) to draw finances through their extended networks (from their relations in 'Monrovia and America') to get a formal title in the name of the community as a means to secure their boundaries. Several communities throughout Lofa County (in Voinjama, Foya and ZorZor districts) expressed to me a similar determination to secure their tenure through formal titling despite their simultaneous questioning of the process's legitimacy.

However, when examined as a question of how power is exercised at different scales, the underlying logic of these actions became clear. By defining the boundaries of the entire community through formal means, they recognised de facto the legitimacy of the state titling project. But this act simultaneously strengthened the leadership's customary control over internal processes of land access and use, and prevented future individual parcelling, despite the fact that they were within the limits of the city (under another authority's jurisdiction). By trading their customary claims to the land for formalised ones (agreeing to pay for land that was theirs within a particular logic), they were in fact preserving the institutions of customary and informal control. In addition, it strengthens the community's ability to make claims over lands that are disputed with neighbours. By applying for a formal title deed for the community's lands, the communities are strategically falling back on a more powerful authority (the state) at that scale. By recognising and adopting the survey and the title deed, they add additional tools to their customary arsenal for claims-making and have the ability to use the force of law to enforce their claims.

Just as the formal title deed is a tool for encroachment at an inter-community scale, there is evidence that encroachment is occurring now also at the intra-community level. By having the 'upper hand' (better finances and political connections) one community in particular, referred to as Town B, has been accused of using the title deed to extend its traditionally defined boundaries into the customary jurisdictional areas of its neighbours, who have no recourse within the formal judicial system.

FOR THE SAKE OF PEACE AND DEVELOPMENT

The formal judicial system in Liberia is predominantly perceived as being a vehicle for elite power, used to perpetuate a culture of impunity and used for dispossessing and or disenfranchising the majority (Isser et al., 2009). This wariness comes from the belief that only those who have 'the upper hand' (money to hire lawyers and extensive informal networks with politicians and civil servants to secure a favourable verdict) are able to participate in the process. A frequent tactic used by parties wishing to avoid trial is to simply not show up at the court appointed date, manipulating the system in order to force the plaintiff to return to the court again and again.

For rural Liberians, this can mean incurring additional costs through expensive and frequent trips to the county capital where the courts are located, combined with the lost opportunity cost of their labour. In addition, the formal system has no jurisdiction when it comes to resolving customary disputes as the law has few provisions to protect claims made under customary systems, meaning that the courts are often irrelevant in the management of these cases²⁷. In addition, the outcome of formal adjudication is most often a zero-sum outcome in which one party loses everything while the other gains. According to Isser et al. (2009), most Liberians see this as an unfavourable outcome as it fails to resolve the conflict and can result in resentment.

Therefore, the vast majority of cases are referred to arbitration through informal mechanisms. As long as they are perceived to be legitimate arbiters by both parties, these negotiators can be any of a myriad form of informal authority including religious leaders, heads of kinship networks, chiefs, elders, market managers, chairpersons of youth and women's groups or government officials operating in an informal capacity. As a result of this multiplicity of authorities, actors in a dispute often engage in forum shopping, seeking out a system that will guarantee the best outcome.

If the disputants are unable to agree with the outcome of informal arbitration, they are able to seek out alternatives, generally moving up in the hierarchy of authorities until a satisfactory outcome can be identified. An appeal to an alternative authority is generally acceptable; however, this process comes with its own costs as different authorities might ask for 'a token' in compensation for hearing out the case, but this is generally substantially less than the costs of formal judicial processes. As with the formal system, informal dispute resolution mechanisms can be subject to similar manipulations by the actors; however, due to their existence within a bounded set of norms and rules that are recognised by both parties, the process is generally seen as "the most relevant justice institution for the vast majority of the country's population" (Isser et al., 2009, 23).

The need to secure a 'satisfactory outcome' (the 'peace' imperative) for both parties in a dispute is born from the convergence of several factors. First, there is an overwhelming sense of conflict fatigue in Liberia as the country attempts to emerge from the devastation of the civil war. The violence of the civil war, which was often characterised by the settling of scores (Ellis, 1999), is only too present in the collective memories of Liberians. Even to the present day, retributive justice is reportedly prevalent, particularly in the form of poisoning. And while this is based on speculation and rumour, whether it is true is immaterial as the belief that it occurs plays a large role in the ordering of society.

27 Particularly in Lofa County

In addition, the powerful religious sodalities of Poro and Sande enforce a system of social ordering that suppresses the public airings of dispute. If there is a problem between two individuals, they are expected to deal with their grievances through the channels dictated by the practice of these groups²⁸. Should public displays of verbal or physical violence occur, both parties will be subjected to some form of punishment. And while their current authority is less than in past incarnations, they still wield a great deal of influence in the control of localised affairs.

This is combined with the precariousness of the UNMIL-enforced stability, which could be easily disrupted by opportunistic political actors and the lack of a monopoly over the use of force by a single system of authority in many spaces. International organisations and NGOs are playing a big role in encouraging informal dispute arbitration, holding training workshops, launching awareness campaigns, and occasionally acting as arbiters themselves.

In most cases, it is those with the 'upper hand' in a dispute who are able to encroach in the first place as they naturally have the financial and social capital to be able to engage in such activities. However, in my interviews I came across a second and rather surprising trend in which encroachment was often used to take land from land-wealthy individuals (and could be equally used to dispossess poor claimants). I was interviewing a secondary-school educated man who worked for an NGO. He explained to me that he and his neighbours had recently been involved in "a confusion" with the family of a large landowner. Further investigation revealed that the NGO-worker and his (recent) neighbours had purchased land from one of the landowner's sons, who represented himself as the manager of the (landowning) family's formally titled estate.

Each of the purchasers had given the man 600 USD per lot in one of Lofa County's cities and received only receipts for the purchase in exchange, not official transfer deeds, providing their claims with no formal legal protection. According to the respondent, the property was never surveyed before it was transferred. As soon as all the purchasing families had built a house, they were approached by another individual who claimed to be a representative of the original family, who claimed that they were illegally squatting on the land and were to be summarily evicted. The now-squatters quickly appealed to a local chief (note: within a city, where all disputes are to be handled by the mayor) to intervene on their behalf.

As the land-owning family was locally based, they recognised the authority of the chief and agreed to informal arbitration. As the parties convened, the original landowners demanded that the squatters vacate the premises voluntarily and take their possessions with them. The chief appealed to the landowners that such actions could lead to "bad feeling in the community" and create palava if the squatters were evicted without recompense for their "development" (the buildings they put in place). It was added that it was not the squatter's fault that they had been misled, resulting in the "confusion" as to who was the real representative of the property-owners.

The landowning family insisted it had no interest in these structures and had no desire to reimburse the squatters for their 'investment'. As an alternative, the chief proposed that the squatters formally re-purchase the land from the landowning family and be provided with transfer deeds. The squatter group argued that they had already spent all their money on the original payment for the land and did not have the finances to pay again. The landowning family used the potential of going to formal court as leverage against the squatters (which would leave them with nothing) in order to secure an outcome. In the end, the actors agreed that the squatters would re-buy the lands at full price (another 600 USD per lot) but would be paid in instalments over a designated period of time and would receive formal transfer deeds in exchange.

²⁸ These practices are not revealed to non-initiates.

When I asked the squatters (now land owners) if they were outraged that they had to pay again, they unanimously responded that they were satisfied with the outcome as they now had land and there was no palava. At first, I interpreted this entire process merely as a positive outcome for a situation that clearly could have ended worse for the original squatters who had involuntarily encroached, but a question kept bothering me: why did they never ask for a survey or transfer deed in the initial transaction? The frequent recourse to 'ignorance' used by some government, UN and NGO respondents to describe this behaviour of 'involuntary encroachment' was unsatisfying, especially since some of the original purchasers were formally educated.

As my research progressed, I noticed that the case I had originally examined was a recurring motif in several of the 'confusions' that I was encountering. In each of the scenarios, the term 'confusion' reappeared in several forms. Not only was the dispute itself a 'confusion' between different systems of claims-making; but at a certain point, usually when the original encroachment occurred, the encroachers would claim that they were 'confused' about the boundary, the agreement which had dictated the original terms of occupation, or the identity of representative who facilitated the encroachment.

In each of these cases, an admitted 'confusion' by the encroacher, interpreted by the outside observer as 'ignorance', would provide the defendant with a platform of 'accidental guilt'. So while they still admit their error, which according to Isser et al. (2009) is considered to be necessary in the informal resolution of a disputes, they are potentially in a better position to secure a favourable outcome²⁹. While none of the respondents readily agreed to confirm my theory, its frequency and the propagation of disputes that fit this narrative leads me to believe that the term 'confusion' helps to obscure the intent behind (many, but not all) acts of encroachment.

In each of these cases, as soon as the transaction was complete (in some instances of blatant occupation, no transactions actually occurred) the encroachers would build structures as fast as they could to 'window' or 'roof level,' or plant trees to stake their claim, through 'development.' This ensured that plaintiffs in an informal arbitration would now be faced with the dilemma of either refunding the 'development' (which in some cases, the land was not developed due to a lack of capital), or agree to sell/cede the disputed land to the encroacher 'for the sake of peace and development'. An additional feature of such informal dispute resolutions was that the facilitators of encroachment (in the case mentioned above, the son who illegitimately represented himself as the manager of the estate) or the perceived encroachers are rarely punished³⁰. While it is not the objective of these informal negotiations to seek punishment (they are more focused on a notion of restorative justice) the mechanisms that would prevent (or at least deter) the repetition of this behaviour are lacking, perpetuating a culture of impunity³¹. In the case of the government officials who profit from facilitating illicit land transactions, many of them retain their posts, much less face criminal charges or fines.

²⁹ The outcome is also influenced by a variety of other factors including having strong political and social networks and financial capital to bias the arbiter/adjudicator of the dispute.

³⁰ There were occasional reports of perceived encroachers being subject to social sanctions.

³¹ This assertion applies both to the formal judiciary and customary and informal institutions.

CONCLUSION

Liberia's civil wars, stretching from 1989 to 2003, left the country's institutions and infrastructure in ruins. All the formerly dominant systems of authority that enforced social order at different scales have been significantly weakened and face newly constituted systems in competition for dominance. The main site for this competition in Lofa County is land, as it represents not only economic potential, but the ability to dictate the organisation of rural society.

In this context, individuals and groups attempting to secure their claims to land resources are strategically manoeuvring between systems, in the formal, informal and customary realms. While many of these narratives appear to be incompatible at certain scales, they have shown themselves able to complement one another elsewhere, creating a complex post-war environment where disputes must be examined within their own unique contexts and within the logics that inform them.

As each of these systems attempts to assert itself over rural Liberian space, their often divergent narratives ('modernity', 'tradition', 'development', 'peace') create opportunities for individuals and groups to justify encroachment on land, setting the scene for potential conflict. This is further exacerbated by the breakdown of local and national monopolies over the legitimate use of force. The current condition is one where a plurality of weak systems tenuously coexists, but prevents a single system from implementing a 'hegemonic narrative' for the ordering of society.

This plurality produces, in turn, conflict resolution mechanisms that only seem to perpetuate the status quo, if not actually to undermine several of the foundations upon which land claims are secured; the result is only to reduce the security of tenure in these spaces. In this self-reproducing system of encroachments and 'satisfactory resolutions', it therefore appears that the system itself may undermine many of the remaining foundations upon which claims are made.

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