

Exploitation of Lagoon Water Bodies and Conflicts of Use: the Case of The Lagoons of Grand-Lahou (Cote D'ivoire)

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Abstract

Demographic pressure, the reduction of arable land and the instability of income generated by export crops have forced the people of Grand-Lahou to show more interest in fishing activities. Thus, the exploitation of water bodies is an important strategic and economic issue for the neighbouring populations. However, in recent years, this exploitation of aquatic resources has led to conflicts between operators. The aim of this article is to analyse the procedures for resolving these conflicts and to assess their effectiveness. The methodological approach has integrated field observations and analyses carried out on the basis of information collected through interviews with stakeholders. The results reveal various forms of conflict resolution with relative levels of effectiveness. This situation is a hindrance to the efficient use of Ivorian aquatic areas. It is therefore desirable for the State to play its role by proposing more effective ways of managing these conflicts.

Key words: Grand-Lahou, conflicts on aquatic spaces, regulation procedures

Introduction

In Côte d'Ivoire, the profound upheavals following the country's accession to independence, fuelled by galloping population growth, have led to the development of several sectors of activity. The exploitation of the aquatic environment, once in the hands of non-nationals, has become an area of interest and hope for the indigenous populations due to the agricultural crisis and the increasing scarcity of land, punctuated by the spread of more efficient fishing techniques. The lagoon of Grand-Lahou, which is the subject of this investigation, was traditionally exploited by the few indigenous populations, who practised subsistence fishing with rudimentary tools. Each large family of the riparian populations had a portion of this water at their disposal. The Avikam of Lahou Kpanda, who had the most valiant warlords, organised the sharing and allocated portions of the lagoon to their heads of family and their allies according to their level of participation in the war (Anoh, 2006).

The limits of each portion were known to each user and the exploitation of the resources was governed by laws established by the populations themselves.

However, the new measures taken by the State, as part of its policy of regulating the fishing industry, open up this lagoon area to other users. Through the introduction of the fishing permit, the public administration is installing non-native fishermen from the villages in the area to carry out fishing activities. In the fishing trade, the use of capture gear by these new arrivals, most often not very selective, such as rotating seines, has resulted in increased pressure on the fishing capital while environmental conditions have gradually deteriorated. This context of abusive exploitation of resources considered unacceptable by the natives leads to conflicts that will multiply between fishing communities. How do these conflicts manifest themselves, what are their impacts on fishing activity and how are they resolved? The aim of this contribution is to reveal the process of resolving these conflicts and to evaluate its effectiveness. It is our conviction that the establishment of conflict resolution bodies that do not take into account all stakeholders makes decisions

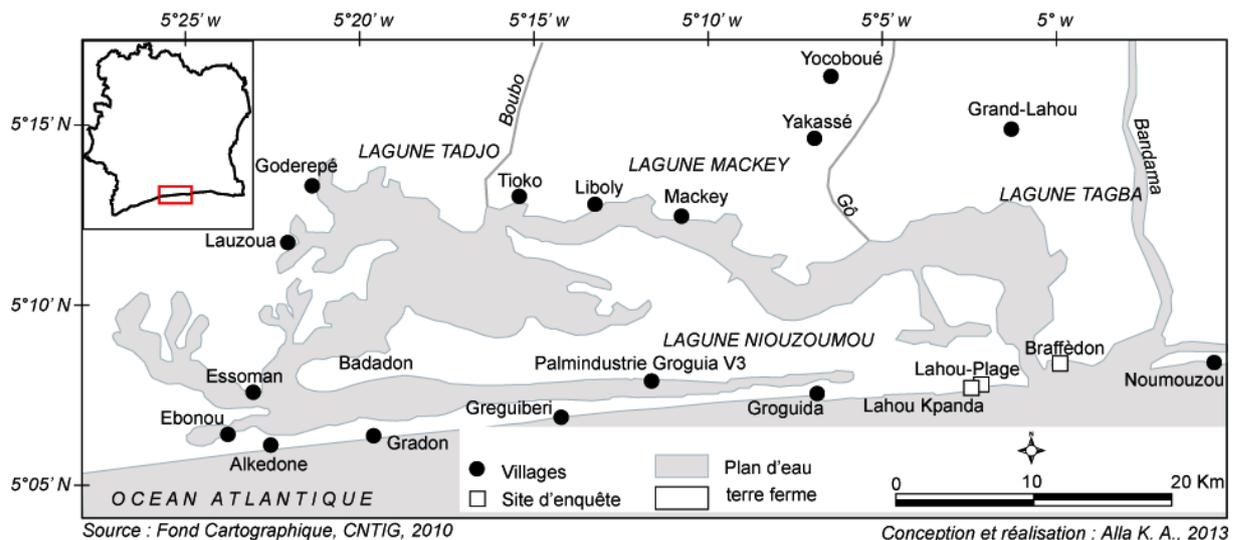
unpopular. The development comprises two points: the conditions of access to the operating areas, and the characteristics of conflicts in the aquatic areas of Grand-Lahou.

1- Materials And Methods

1.1- Study site

The study was carried out on the lagoon of Grand-Lahou in the locality of the same name. Located between 5°07 and 5°14 north latitude and between 4° and 5°25 west longitude, the Grand-Lahou lagoon is an integral part of the large Ivorian lagoon system. Spread over 190 km², this aquatic area receives continental water from the Bandama River and the rivers Gô and Boubo (figure 1).

Figure 1: Presentation of the study space



The Grand-Lahou lagoon is composed of four small lagoons which are the Tadjou, Niouzoumou, Mackey and Tagba lagoons. The part of this body of water concerned by the study is the Tagba lagoon, on the banks of which are located the villages of Braffèdon, Lahou-Kpanda and Lahou-Plage. The choice of this area for this study is explained by the fact that in the large urban markets offered by the city of Abidjan, the demand for aquatic proteins, which have become first-rate consumer products, is increasing. The interest of the Grand-Lahou site for the investigations stems from its role as a major supplier to the city of Abidjan.

1.2- Methodological approach

1.2.1- Data collection methods

The data used in this article is based on documentary analysis and a field survey conducted in the villages of Braffèdon, Lahou-Kpanda and Lahou-Plage.

The documentary exploitation focused on reports and especially articles on water management, conflicts and fishing activity on the Ivorian coast. To this end, the writings of Anoh (2006) on the exploitation of bodies of water in Grand-Lahou, Coulibaly (2006) on the management of land conflicts in northern Côte d'Ivoire, Koudou (2015) on Water and conflicts in Côte d'Ivoire: a geographical look at fishing conflicts in the Taabo hydroelectric dam lake, and Silué (2014) on hydro-agricultural dams and conflicts of use in Korhogo were widely used. For the first author, who painted the heritage of the fishermen of Grand-Lahou, he highlighted the difficulties linked to the settlement of non-native people from the Coulibaly fishing zone (2006), while he dealt with the procedures for settling conflicts.

However, the area studied concerned land tenure in general. As for the writings of Silué (2014) and Koudou (2015), although they deal with conflicts linked to the exploitation of plans, the authors mainly question the causes and impacts of these conflicts on the fishing environment. Therefore, a study seeking to identify conflict resolution procedures and evaluate their effectiveness is timely. In this context, the present study is initiated to fill the gap at this level.

For its implementation, field surveys were carried out in three villages: Braffedon, Lahou-Kpanda and Lahou-Plage in 2017. They were completed in December 2018.

At Braffèdon, the first station of our work, a semi-structured interview organised around an interview guide was carried out with the president of the artisanal fishing cooperatives of Ivory Coast, himself a native and working in this village. The information sought concerned the organisation of the practice of the fishing profession in this locality. This included understanding the management system put in place for the exercise of this activity and listing the actors as well as all the stakeholders in the management of their waters. With the same contact person, we also identified the problems linked to the management of these waters and sought to locate the areas of conflict by trying to understand the methods put in place to resolve them. After this fisheries officer, a group of three other fishermen from the village of Braffedon provided information on the same concerns contained in our interview guide. In Lahou-Kpanda

and Lahou-Plage, our second and third stations respectively, an operation similar to the two previous ones was conducted with the chiefdom. After the chiefdom, working sessions were held with both national and non-national fishermen. With this group of interlocutors, information was recorded on how to access the spaces where they carry out their activities, on interactions with the other occupants of the lagoon. Following the authorities and village fishermen, our investigations focused on the administrative staff based in the city of Grand-Lahou. These interviews focused precisely on their relations with the other stakeholders in the fishing activity and, above all, on the procedures put in place to find solutions to the conflicts brought to their attention. In total, we collected our information from four groups of authorities

(the president of the fishermen's cooperative of Côte d'Ivoire, the chiefdom of the village of Braffèdon, Lahou-Kpanda and Lahou-Plage, the agents of the Grand-Lahou fishing office) and 12 national and nonnational fishermen.

For the last expedition (07/11/2018 to 09/11/2018), again using the same interview guide, addresses were made to the natives, to one of the younger brothers of the victim who was at the origin of the outbreak of hostilities and to three other young fishermen, the Lahou-Kpanda. In the Fantis camp, Mr Franck, the spokesman for the indigenous Avikam, was interviewed. Also, three women exiled from the same camp agreed to answer our questions. With these different interlocutors, we were able to get information on the reasons, the course and the consequences of this crisis on the waters of this zone. They also instructed us on the methods and means used for the sustainable resolution of this crisis. All the information obtained has been processed in the form of data processing.

1.2.2- Materials and data

The information collected was entered into the Spss version 20 software. The analysis of these data was preceded by the preparation of tables resulting from the crossing of certain variables. Argis and Adobe Illustrator software were used to produce the maps. The presentation of the study area required the creation of a map. Thus, using Argis, the background map of the study area was produced. The Adobe Illustrator software was used for the finishing touches of a map by symbol to locate the surveyed areas.

2- Results

2.1- Conditions of access to operating areas

The main conditions of access to the aquatic area of Grand-Lahou are the rights obtained from the state authority. This right is granted to the fisheries by the agents of the fisheries directorate established in the city of Grand-Lahou. The right of access to exploitation areas can also be granted by customary authorities.

2.1.1- State conditions of access to aquatic spaces

The conditions of access to the exploitation of lagoon areas in Grand-Lahou have been widely described and explained by Anoh (2006). The writing of this section will borrow extensively from this literature before pointing out the slight changes recorded in recent years. Indeed, as Anoh (2006) points out, in Côte d'Ivoire there are fishing regulations applicable to all water bodies. These regulations are made up of basic texts taken mainly from the merchant navy code (law no. 61-349 of 9 November 1961) and numerous ministerial decrees issued in application of this code. In 1986, these regulations were improved, but in several places, they repeated the provisions of those of 1961. It stipulates that the right to fish in the waters

of Côte d'Ivoire, cited in Article 1, belongs exclusively to the State, which may grant it to natural or legal persons under conditions laid down by decree. For the implementation of these laws, the dismemberment of the State's authority shall be ensured by the fisheries services established in the major fishing zone conurbations. Thus, these fishing cells submit to the fishermen, the payment of a fee for the acquisition of a fishing licence. This licence, the cost of which is fixed at 30,000 CFA francs for non-nationals and 15,000 CFA francs for nationals, gives those who wish to fish a right to access fishing areas. Despite this provision made by the state, the lagoon and maritime fishing sector in the villages of Braffèdon, Lahou-Kpanda and Lahou-Plage does not escape the control of the local residents who exploit the waters according to a traditional code based on the customary and traditional laws of the indigenous populations.

2.1.2- Conditions of access to aquatic spaces from customary authorities

Studies by Anoh (2006) show that in the Grand-Lahou region, portions of water are under the exclusive responsibility of the heads of large families, who pass it on to members of their lineage or other members of the community on request. Any individual wishing to set up a fishery should have prior authorisation from the head of the family owning the water portion. This authorisation from the head of the family refers to the rights of use, authorising local residents to exercise power over the withdrawal and exploitation of aquatic resources from marine waters and especially lagoons. Thus, the beneficiary of the portion of water thus ceded enjoys the benefits of his activity. However, this enjoyment implies in return the respect of certain clauses vis-à-vis the person from whom the right was obtained.

The obligations to which the loan beneficiaries are subject mainly concern respect for local values and standards of decency. These may include, for example, participation in funeral ceremonies, observance of village prohibitions and so on. They are applied only to non-nationals. The application of this clause involves the deduction of certain sums from the fishermen's income. The value of these levies is not the same everywhere. In Braffèdon, the head of large families receives the sum of 1,500 CFA francs a month as a bonus from fishermen from Benin, Ghana, Mali, Senegal and Togo. In addition to this payment, the fishermen have to make payments in kind to their hosts. At this level, it should be noted that the frequency of these donations depends on the quantity of catches recorded per tide and this clause was only really respected in the 1980s. Today, due to the increasingly economic nature of fishing activity, the application of this clause is being undermined. Donations are becoming rare and above all very obsolete. As for the villages of Lahou-Kpanda and Lahou-Plage, several prescriptions are in force. They relate to the purchase of a daily ticket of 2000 F CFA required by the managers of the aquatic areas of the villages from non-nationals working at sea. As for those who exploit the lagoon water body in search of fish and crabs, they must pay a fee of 1,000 F CFA equivalent to the price of the daily ticket. The same lagoon welcomes foreigners exploiting shrimps. These fishermen are required to use authorised equipment as shown in photo 1.

Photo 1: Shrimp catching gears



Source: Our surveys, 2018

These pots are placed in a portion of the lagoon representing the area where a fisherman operates. The catches made by the deployment of these traps are shared between the fishermen and the people in charge of the portion of water used. However, this clause governing access to shellfish exploitation is not static. It takes varied and highly fluctuating forms. In addition to these traps, other types of gear are authorised for catching crustaceans. These are gillnets with the regulatory mesh size (from the mesh size commonly known as "two fingers"). Fishermen using the nets must pay a tax to the family owning the portion of water where the fishing takes place. The transaction is fixed according to a contract whose clauses recommend the payment of the sum of 5,000 F CFA per month per set of three nets.

2.2. Conflicts with diverse origins and manifestations

Several definitions can be given to the term conflict. This is how Kofi (2015) tells the FAO that: land conflict is a "dispute over land that arises when individual or collective interests are at variance...". The dispute can be explained as much by the general dynamics of neighbourhood relations as by concrete land problems". In this article we will understand conflict as an expression of divergence, disagreement, disputes, differences, declared opposition or violent confrontation. In the context of the exploitation of the aquatic spaces of Grand-Lahou, similar situations occur. However, they differ from one another and present varying intensities depending on the opposing actors and the nature of the interests involved.

2.2.1- Typologies, causes and manifestations of conflicts

Conflicts arising from the exploitation of marine and lagoon bodies of water in the Grand-Lahou area do not have the same importance and implications. However, they can be grouped into three categories of opposition: autochthonous-indigenous; allogenic-allogenic and autochthonous-allogenic.

Cases of conflict involving confrontation between indigenous and autochthonous people as well as between allogenic and allogenic people are rare. These may be disagreements between parents and children, or between elders and cadets, or between individuals of the same age generation that arise in the context of the fishing trade. These quarrels usually involve cases of theft of fish or even theft of nets. When one fisherman catches another in the act of stealing, this leads to an altercation, sometimes very heated, between the victim and the culprit. If the thief acknowledges his wrongdoing and apologises, in many cases an amicable settlement is arranged between the two fishermen. Otherwise, the case is brought to the attention of the community leader. It should be noted that these cases of conflict have less dramatic effects. However, in the Grand-Lahou area, there are more worrying and more frequent cases of conflict. These are conflicts between natives and non-natives.

These conflicts have various origins, but they can be divided into four main categories: bad fishing practices linked to the use of prohibited material such as small-mesh nets, the use of phytosanitary products, the theft of catches from other fishermen's nets and the refusal to pay a proper share of the catch to the owners of the aquatic areas being exploited. Conflicts can erupt in the context of intolerance in cohabitation. When a foreign fisherman finds a native on his fishing area for which he has paid all the fees (payment of licence, customary rights), this can be a source of dispute that can reach unimaginable proportions. In Lahou-Kpanda and Lahou-Plage, one of the sources of conflict is the fixing of prices and places of sale of foreign catches.

2.2.2- From conflicts to various manifestations

In 2012, they explained, a conflict erupted between allogenic and indigenous fishermen. The latter having seen the price of the big bowl soar from 18,000 to 25,000 and 30,000 CFA francs in two months, they asked the fishermen to lower the price of fish. This request was not acceded to by the protected persons. It was then that the indigenous populations demanded that they stop selling on the banks. The day after this ultimatum, the fishermen who did not want to comply with this injunction came to sell their catch at the prohibited place. The women of the village, who were their first customers and who did not agree, opposed the sale. This led to heated discussions between the two camps. The immediate consequences of this grab were that the fish offered for sale were spilled into the lagoon. To the rescue, men from the different camps supported the position of their wives. These positions only worsened the situation and even led to the exchange of blows. Thanks to the intervention of the fishing authorities and the arrival of the maritime police, the crisis ended the same day. The natives obtained a reduction in the price of the fish bowl, but the

after-effects that remained have considerably altered the harmony in the cohabitation between the two camps. From now on, the non-indigenous fishermen will remain distrustful of their hosts.

The crisis was born at the beginning of December 2014 in Lahou-Kpanda. It pitted the indigenous Avikams against the Ghanaian fishermen of the Fanti community of the said locality. In the previous paragraphs, it was stated that non-national fishermen should make payments in kind to their hosts who are customary owners of their fishing grounds. The fish thus caught are redistributed to the elderly and disabled people of the village. For the proper functioning of these provisions, the chiefdom of Lahou-Kpanda appoints young Avikam to enforce this practice. For example, one of these young supervisors calls a Fanti fisherman who says he has not had enough fish to dump at the chiefdom. Feeling that the fisherman's statement was a deception, the young supervisor decided to approach the Fanti's pirogue to remove his doubt. This act triggers a heated altercation between the two men. In the course of their exchanges, the Ghanaian fisherman made death threats against the young supervisor.

However, at the end of their discussion, the two protagonists find a favourable outcome which results in an invitation to take "a drink"¹ from the Fanti fisherman. This was a week after their exchange. Three days after this meeting, the young supervisor dies. Before giving up the soul, he informs his family that the Ghanaian is at the root of his discomfort. On the day of his burial, "the incantations evoked by traditional specialists orient the coffin of the deceased in the Ghanaian's courtyard". This was enough to unleash the wrath of the indigenous people. The house of the indexed Ghanaian and those of the members of his neighbouring community were immediately ransacked (photo 2). The equipment for conservation (smoking room) and transport (photo 3) of the fishermen's catch was completely destroyed.

Photo 2: The ransacked fisherman's habitat, which was the source of the conflict



Photo: Alla, 2018

Photo 3: Damaged fishing product transport equipment



Photo: Alla, 2018

¹ A drink: Friendly meeting over a drink

This situation leads the inhabitants (Fanti) of these buildings to exile in the city of Grand-Lahou to their parents' homes. The Ghanaians even declare losses of money estimated at more than a million CFA francs. For the lull to set in, the avikams of Lahou-Kpanda demanded the banishment of the Ghanaians, the "fraudulent" fisherman, from the camp. Also, in the wake of the settlement of this crisis, the spokesman of the Fantis to the indigenous Avikam, was also banned and banned from activities for misconduct against the chieftdom of Lahou-Kpanda.

2.3- Various procedures and bodies for conflict resolution

This analysis aims to highlight the arbitration bodies involved in the procedures for resolving conflicts arising in connection with the exploitation of fishing areas in Grand-Lahou. In this area, particularly in the villages of Braffédon, Lahou-Kpanda and Lahou-Plage, the scale of conflict resolution changes according to the nature and actors involved in the conflict. The chain of conflict resolution depends on the extent of the damage.

In cases in which the manifestation of the conflict is only verbal exchanges, especially between natives, the banks of the lagoon are rarely crossed. For this form of settlement, the stakeholders themselves identify their needs and interests and agree to find solutions that benefit everyone. Because both parties find solutions to their problems themselves, the resolutions are more easily enforceable. This ensures that harmony is maintained in the conduct of their activities. On the other hand, if such conciliation has not been achieved, the alleged victim refers the matter to the customary authorities. At this level, the resolution scale can successively integrate either the family, the lineage or the village chief, in addition to the two antagonists. Each level of the chain leads to the involvement of particular categories of actors with specific legitimacy. However, it can be noted that in Grand-Lahou, for the majority of conflicts over aquatic areas, the village chief's authority remains the main frame of reference for arbitration. In his jurisdiction (his village), the plaintiff requests a summons from the village chief in return for a sum of money. Depending on the will of the claimant, this sum varies in the majority of cases from 10,000 to 30,000. After the chief's verdict, the party at fault pays the equivalent of the sum to the victim. According to the testimony of those investigated, this body generally manages to establish peace.

However, it is not uncommon to find that in cases of conflict, the first plaintiff directly chooses the fisheries directorate. Referral to the Fisheries Directorate authorities is generally made by non-nationals. The latter pay their licence fee of 30,000 CFA francs to the fishing authorities based in Grand-Lahou. As a result, they find it difficult to understand that the indigenous populations subject them to the payment of other taxes. So, as it is the fisheries directorate that issues them with licences, they rely on it to demand justice. In the event of a dispute, when they are seized, the approach adopted by these administrative authorities is to summon the protagonists, who are accompanied by their witnesses. Here, the aim is no more to do justice than to seek to reconcile or appease the conflicting parties. Above all, the authorities are aware that even if 'the law is there', the weight of custom is still alive in the villages of Braffedon, Lahou-Kpanda and Lahou-Plage. Because of this preponderance of customary laws in the exploitation of the waters, the natives refuse to pay for their fishing licences. So in the event of a conflict, when asked for this document, they find themselves at a disadvantage and the authorities decide against them. When a verdict of this kind is rendered, the Native people, even when they do not publicly demonstrate it, challenge the neutrality of the fisheries administration officers. They accuse them of being corrupted by non-natives. In order to conduct a confrontation over this kind of accusation, no testimony was obtained from the fishery officers. In any case, however, this arbitration body by the Fisheries Directorate authorities is still very poorly accepted by the indigenous populations. Regulation by the safety authorities is requested in cases where the damage was accompanied by assault and battery. When such a situation occurs, the criminal aspect would be investigated by the gendarmerie or police services and then referred to the justice system, which would give a verdict.

In other cases, as in the case of the settlement of the situation that prevailed at the beginning of December 2014, several bodies and even the political authorities intervened. In addition to the gendarmerie, this involved the intervention of the Deputy Mayor, the Deputy Mayor, the Sub-Prefect, the Prefect of Grand-

Lahou and even the agents of the cooperation unit of the Ghanaian ambassador to Côte d'Ivoire. It is the collaboration between these different bodies that has made it possible to establish a lull in this area of Grand-Lahou.

3- Discission

An analysis of these conflict resolution procedures, in the context of the exploitation of water bodies in Grand-Lahou, shows that several instances are solicited. The protagonists refer the matter to the State judicial system. This is a practice that is common in West African states, as Koffi (2015) testifies: "In application of the constitutions in force in all West African states, it is the courts and tribunals that are the institutions responsible for settling land disputes. The judge has the legal power to impose on the parties in conflict the solution that results from the application of the land laws in force". The plaintiffs also have recourse to customary authorities. However, these conflict resolution bodies described, in the context of the exploitation of water bodies in Grand-Lahou, have not always succeeded in imposing lasting peace between fishermen.

One might think that at the level of the Fisheries Directorate, in which the representatives of the State are included, the verdicts handed down are accepted by all the protagonists. This is not the case, or at least this impression must be put into perspective, because the legitimacy of this body is very often contested, especially by the members of the families responsible for the bodies of water. In fact, when after a settlement, these native fishermen are not satisfied with the verdict, they do not oppose any immediate contestation. But when they return to the village, they return to the same scene that produced the clash. Whereas the agents of the administration, due to the lack of means of transport, cannot ensure a permanent and close control to enforce the application of their verdict. The explanation for this attitude adopted by the natives is that they have not always accepted to share and even to be supplanted by the non-natives in the exercise of their common activity.

In fact, due to the performance of fishing results, we are witnessing a quasi-monopoly position in commercial fishing activities. Similar to the case of the Souamlin people depicted by Koudou (2015) in Taabo, this situation has created a sense of frustration among the natives, due to the fact that not only is the monopoly once exercised over "their waters" now eluding them, but also because it is now foreigners who have the usufruct of it. This situation, described by Verdeaux (1989: 210) as a "powerlessness to enforce the old order", maintains the natives' mistrust of the state authorities. These state agents are suspected by national fishermen of uprooting their heritage to the benefit of foreigners.

In another case, when the customary authorities are seized, when the defendants are non-nationals, they do not respond to summons. For this category of fishermen, the payment of the fees imposed by the permits should be sufficient to benefit from the protection of the fishing agents installed in the town of Grand-Lahou. Such a situation creates a deleterious atmosphere for the proper conduct of fishing activities.

In order to find lasting solutions to such situations and prevent conflicts, the proposal of Koffi (2015), which advocates the institutionalisation of customary rules in national legal procedures, could be accommodated. Customary rules can be placed upstream of procedures for settling land problems. The advantage of such an approach would be that the customary authorities would have a better understanding of local realities. This would help to overcome the weakness of the central (administrative) justice system, which settles disputes on the basis of the application of laws stemming from legislation that is not always understood and accepted by the indigenous populations.

However, such an option requires a restructuring of customary institutions taking into account the aspirations of the communities and providing these institutions with adequate means of functioning.

Conclusion

The lagoon water intended for fishing is the object of covetousness of several users in Grand-Lahou. The presence of these numerous users of the lagoon causes conflicts whose resolution requires a plurality of recourse. These include recourse to the administrative authorities by the State and the customary authorities. These bodies do not always give satisfaction to the protagonists. This situation, which does not express

strong resistance to the implementation of the resolutions resulting from these jurisdictions, is attributable to the lack of a consensually established body in the area. We are therefore witnessing a position of justice of the customary authorities alongside that of the administrative authorities, who are unable to achieve the complementarity that could create harmony in the exploitation of the lagoon water body of this locality. The impacts of this absence of justice are globally negative for an efficient exploitation of this aquatic space. This is why the actors concerned by the exploitation of the Grand-Lahou lagoon must establish a management policy that takes into account the legal texts, but also customary practices. In short, the direct and active involvement of the neighbouring populations in the decision-making processes that concern them would ensure the advent of a peaceful climate in the exploitation of the water resources. Moreover, the State must stop taking these ambiguous positions, which consist of adopting laws, that it will not ensure that practical arrangements are made for their application.

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