

# LAND GOVERNANCE CHALLENGES: THE CASE OF LIBERIA

AMOS SAWYER  
GOVERNANCE COMMISSION OF LIBERIA  
&  
Workshop in Political Theory & Policy Analysis  
Indiana University

Prepared for ARD Week 2009  
World Bank  
March 2, 2009

# Outline of presentation

- Overview of the Governance Reform Agenda of Governance Commission
- Outline of major land governance challenges to be addressed
- Organizing to address land challenges
- Expected role of the World Bank

# Governance Reform in Liberia

- Comprehensive Peace Agreement (CPA) of 2003 recognized governance flaws as structural cause of 14 years of violent conflicts
- Governance Reform Commission established by CPA to address governance reform challenges
- Governance Reform Commission vested by statutory law in 2007—renamed Governance Commission

# Mandate of Governance Commission

Recommend policies, laws and implementation strategies for reform in:

- public sector
- security sector
- land
- building public integrity (anti-corruption)
- Decentralization and shared authority
- civic education and civil society empowerment

GC interprets mandate: to initiate ***inclusive processes*** for development of policies, legislation & strategies for reform

# Land Governance Challenges: Context

- Inequitable access and insecure tenure to land—a factor causing 25 years of violent conflicts
- Land questions are explosive
  - Sporadic eruptions of violence due to land disputes are already occurring
  - “The next war will be about land.” a view commonly expressed by many Liberians
- Government has made land reform a top priority
- President mandated Governance Commission to take lead in designing approach to land reform

# Major land challenges as related to violent conflicts and civil war

- Post-conflict insecurity of tenure
  - Illegal occupation and displacement as a result of violent conflicts & civil war
  - Land rights documentation either missing or in disarray
  - Organized fraud perpetrated in land sector
    - Involving government surveyors, probate court officers & managers of archives, among others
  - Malfunctioning land administration agencies
  - Courts corrupt and lack capacity
  - Breakdown of other land dispute resolution mechanisms

# Land challenges related to period of violent conflicts (cont)

- Land dispute resolution
  - Claims emanating from 25 years of intermittent conflicts
    - Adverse possession
    - Double or triple sales
    - Land boundary disputes between ethnic communities
  - Is a land court needed?
  - Introducing ADR mechanisms

# Major land challenges predating period of violent conflicts (historical)

- Lack of harmonization of pluralist land law
  - civil law (statutory & Judicial)
  - customary law
- Need for modernization of backward, antiquated and inequitable land laws
  - Public land law
  - Hinterland regulations and “settler advantage”
  - Ambiguous laws on forest rights
  - Issues of inequity (gender, ethnic communities, “strangers”)
- Need for comprehensive land law based on clear policies

# Historical land challenges (cont)

- Land administration
  - Deed registration system
    - Dominant system in use
    - contaminated with fraud
    - To be reorganized, conserved and digitalized
  - Land registration system
    - initiated in mid-1970s but not completed
    - Need for piloting and later, phasing in system
  - Need to rationalize & capacitate land administration agencies
    - Ministries of Lands, Mines & Energy; Internal Affairs (Local Government); Public Works; Agric; Forestry Dev. Authority; Office of the President; Probate Court); and other agencies – all have land administration responsibilities

# Other land challenges

- Community land rights and agricultural and forestry concessions
- Unproductive urban land
- Land for small holder agriculture & sustainable livelihoods
- Land rights in peri-urban communities
- Zoning challenges, especially in urban and peri-urban areas
- Land taxation issues, especially to discourage large undeveloped landholdings

# Organizing for Land Reform: developing a roadmap

President Sirleaf mandates Governance  
Commission to:

- Organize process to address land challenges for long term
- Recommend solutions to immediate/urgent problems President needed to address
  - Urgent problems related to public land sales president expected to approve

# Governance Commission immediate action

Governance Commission built an inclusive  
partnership:

Organized a steering committee through  
process of incremental inclusion

1<sup>st</sup> GoL line ministries

2<sup>nd</sup> CSO, led by Green Advocates and SDI

3<sup>rd</sup> International partners, led by WB

# World Bank immediate action

- Prepared independent draft of land challenge concept note
- Appointed consultant to undertake assessment mission

# Land Reform Steering Committee

- GoL: core members
  - Ministry of Lands, Mines & Energy
  - Ministry of Internal Affairs
  - Ministry of Agriculture
  - Forestry Development Authority
  - Governance Commission – chair and secretariat

- International partners: (core members)
  - World Bank
  - USAID
    - US Forest Service
  - UN Habitat
  - FAO

- Civil society (core members)
  - Green Advocates
  - Sustainable Development Institute
  - National Bar Association

International NGO:

- Norwegian Refugee Council

# Steering Committee Plan of Action

- Provide enhanced understanding of land challenges:
  - Organize thematic groups to catalogue land challenges
  - Hold consultations at county levels
  - Produce document cataloguing land challenges
  - Organize validation forums at regional levels
- Recommend plan of action for establishing mechanism to address challenges in medium to long term
  - Regional consultations on establishment of land Commission
  - WB expert involvement
- Recommend plan of action to address short term challenges
  - Ad hoc inter-ministerial technical committee organized
    - Ministry of Lands, Mines & Energy; Internal Affairs; Justice; GC

# Land Commission Recommended

- Draft legislation establishing Land Commission submitted to Legislature in August 2008
- LC recommended to consist of 15 members:
  - 3 full time: chair and 2 others
  - 12 to work  $\frac{1}{4}$  time
  - No two members from same county (15 members from 15 counties)
- Full time technical and professional staff
- Duration of 5 years (subject to renewal as required and through legislative enactment)

# TOR of Land Commission

- Lead in deepening understanding of land challenges through research and consultations (collaborate with UL in land challenges research)
- Recommend policies and legislation to government on land challenges
- Collaborate with Law Commission on harmonization of land laws
- Recommend mechanisms/institutions for land dispute resolution including the use of ADR
- Collaborate with various agencies (local, national international) agencies to develop coordination strategies for implementation of land laws and policies

# Pending Passage of Land Commission Act:

- Resource mobilization initiative
  - UN Peacebuilding Fund grant of \$780,000 - UN Habitat and Governance Commission partnership
    - Identify and support immediate needs as possible
      - Research land issues immediately relevant to LC's work
      - Support skeletal technical staff
      - Meet minimal logistical needs
      - Establish information and communication strategies and mechanisms for appropriate public engagement with LC
- Develop resource mobilization strategy in collaboration with MoF
- Strengthen interaction with line ministries with land-related responsibilities

# World Bank Leadership of international partnership

- International partnership requires with WB leadership
- UN-Peacebuilding fund—a one shot grant to assist startup
- Land Commission needs institutional support, especially for technical secretariat, and program support
- Support Governance Commission: preparatory work, coordination, monitoring and evaluation
- Capacity building support needed for LM&E,
- Support for land record conserving and digitalization

# Final Word

Most of the essential conditions for land reform exist in Liberia:

- Political will:
  - demonstrated by presidential actions and pronouncements
- Popular support
  - Supported by all political parties, csos, urban and rural populations
- Appropriate timing
  - When a range of complementary reforms are being undertaken

What is Missing?

- Appropriate institutions (now being developed)
- Funding
- Technical capacity

World Bank leadership of international partnership is important

THANK YOU