LAND GOVERNANCE CHALLENGES: THE CASE OF LIBERIA

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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

1st GoL line ministries

2nd CSO, led by Green Advocates and SDI

3rd 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 ¼ 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