

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