

Critical Questions and Responses on Land Reforms in Liberia



Being text of a National Consultative Meeting on Land Reforms in Liberia

Organized by WANEP Liberia with support from IBIS

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1. Introduction

Intrastate conflicts in West Africa since the 1990s has been associated with the management and exploitation of natural resources especially land. Land and indeed natural resources are essential to sustaining people and peace in post-conflict countries, like Liberia, but governance failures often jeopardize such efforts. Natural resource management is therefore crucial to rebuilding communities, combating corruption, improving transparency and accountability, engaging disenfranchised populations, and building confidence after conflict and war. ***Land will never increase, it will decrease due to climate change and yet population continues to increase exponentially.*** As Liberia continues to sustain its peace and the population consistently upsurge due to birth and influx of investors, and the demand for land and other resources endures, there is potential for conflicts over land to deepen significantly and escalate if mechanisms for managing expectations are not harnessed and put in place.



When the guns are silenced, those who have survived armed conflict need food, water, shelter, the means to earn a living, a sense of safety and a return to civil order. Meeting these needs while sustaining peace requires more than simply having governmental structures in place; it requires

good governance. “Many who fled the war returned to find that their land had changed hands several times and was now occupied. Even if they could get their land back, there was no guarantee that someone else would not later claim it, continuing the cycle of displacement. As Liberians realised that there might not be an endless supply of land, ‘palavas’ (confusions) proliferated: different people claiming the same piece of land; arguments over boundaries that had never been identified; and different interpretations of what rights had been given”¹. At the same time, good governance is essential for ensuring that natural resource management can meet immediate needs for post-conflict stability and development, while simultaneously laying the foundations for sustainable peace.

2. Background

Land conflicts are prevalent phenomenon in most West African communities, and can occur at any time or place. Analysts often attribute the major cause of land dispute to both need and greed, and scarcity and increases in land value can make things worse. In post-conflict situations, especially during the early phases of economic transition (e. g. privatisation), when regulatory institutions, controls and mechanisms of sanctions are not yet in place, people eagerly grab land if their position allows for it – or forfeit land if they are in a weak position. In Liberia where land is now slowly attracting material value and increasingly becoming private property, people also try to accumulate as much land as possible.

According to PeacebuildingData.org, since the end of the Liberia war, 23% of the population experienced some sort of land dispute. The study explored various types of land disputes and found that the most commonly reported conflicts were over land being taken over by someone else (land-grabbing), and, most frequently, the grabbing of a house plot. A total of 14% of the population reported that the land of their house plot was grabbed during the war, and 9% reported a similar experience after the war. In comparison, farmland grabbing was less frequent

¹ Mediating Land Dispute in Liberia; Juliette syn

both during the war (4%) and after (3%). A majority of respondents comprising 69% said land disputes, commonly referred to as land *palavas*, were much more frequent after the war compared to before the war while 16% said there were fewer land *palavas within the same period*.

Liberia has never had a clearly defined land rights policy. Every Liberian feels on a daily basis its absence. The experiences and difficulties vary, whether it is a government official unable to secure land for government programs, a customary community fearful that a company will use its land without getting approval or providing just compensation, an urban resident caught up in a bitter and expensive land dispute or evicted without notice, or entrepreneurs uncertain that their investments are reasonably protected².

The establishment of the national Land Commission demonstrates the Liberian government's desire to address land issues. The commission's Land Dispute Resolution Taskforce has initiatives to analyse land disputes and coordinate the increasing number of actors in this sector, and it has endorsed the use of alternative dispute resolution, including local mediation.



It is upon this background that the West Africa Network for Peacebuilding, WANEP- Liberia with the technical support of WANEP-regional and funding from IBIS West Africa, organized a 2 day

² Liberia Land Policy

National Consultative meeting on the theme ***“Facilitating the use of Land for National Cohesion and Development,”*** to identify the major land challenges and how to address it in consolidation of Liberia’s 10 years of sustained peace. The meeting brought together 27 participants, representing the diverse stakeholders on Land and Land reforms in Liberia including Civil Society Organizations, multilateral companies, Government Agencies, the UN and other INGOs and had as its objectives:

- Increase knowledge and awareness of stakeholders on issues of land and strengthen Civil Society Organizations capacity to engage government on effective land reform policy and advocacy;
- Draw up recommendations and implementation strategies on the Land Rights and land ownership policies with aim to protect citizens’ land rights and overall human security in Liberia

3. Major Types of Land Dispute in Liberia

Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources³. The type of Land disputes includes:

- Boundary conflicts
- Ownership conflicts linked to inheritance
- Ownership conflicts due to lack of land registration
- Multiple sale of privately owned land by private individuals
- Multiple sale of common property

³ GtZ Land Management

- Allocation of same land parcels by the land registration office due to technical shortcomings or corruption
- Overlapping/contradictory rights due to double allocation of land titles by different institutions all legitimised to do so
- Illegal occupation of state, private or common land (squatter settlements)
- Illegal lease of unused state land

4. Provisions of Liberia Land Policy as approved by Liberia Land Commission on May 31 2013⁴



The Land Rights Policy covers four land rights categories (Public Land, Government Land, Customary Land, and Private Land), and a crosscutting sub-category called Protected Areas, which must be conserved for the benefit of all Liberians. For Public Land and Government Land, the

Policy sets forth critical policy recommendations regarding how the Government transfers such land, and how the Government acquires land, especially through the exercise of eminent domain (i.e. forced acquisition). With respect to the new category of Customary Land, there are several significant recommendations: Customary Land and Private Land are equally protected; communities will self-define, be issued a deed, establish a legal entity, and strengthen their governance arrangements to make them fully representative and accountable. The Government

⁴ Liberia Land Policy approved by Land Commission

also undertakes to support communities in implementing these recommendations. Finally, several Private Land issues are detailed, which include loss of ownership, leases, easements, and adverse possession.

5. Challenges and Responses to Land Administration in Liberia

Challenges	Actions and Responses	Lead Agencies and Institutions	Timeframe	Expected Output
Ambiguity: the land laws in Liberia are still somewhat ambiguous and need clarity	Identification of ambiguous clauses through research and consultation	Constitutional Reform Committee (CRC), Land Commission., LLRC	1 month	Synchronized and clear laws.
Lack of adequate stakeholder participation	Constant consultation	CSOs, Traditional Leaders, and Land Commission	5-10 yrs.	Total involvement of all major stakeholders in land reform
Effects of concessions on land occupation against owners' rights	Strengthen local citizens' capacities and create the space for landowners' greater participation in discussions on concession agreements.	CSOs, LC, and community	20-50 yrs.	Sustain economic growth and development.
Double/ fraudulent land sale	Sensitization, due diligence/ application of the laws	LC, CSOs, Judiciary and sellers and buyers	20-50 yrs.	Reduction in land conflict due to double land sale
Limited Funding	Allocate appropriate funding and capacity building of relevant institutions	GOL through Ministry of Finance and other INGOs	50 yrs.	N/A
Limited collaboration amongst CSO, LC, and EPA	More and effective engagement of the stakeholder	CSOs, EPA, LC	Ongoing	Triangle relationship strengthened.
Delay in enactment of the land rights laws	Advocacy and lobby to fast track legislation	LC, CSOs and law makers	2 yrs.	Land Rights Policy amended and enacted into law.

Lack of information on the land policy	Adequate information dissemination on the content of land policy	LC, CSOs	Ongoing	Up to 85% of Liberians informed on Land Rights Policy
Lack of endorsed national dispute mediation policy.	Lobby, advocate endorsement of mediation policy	LC, CSOs, and INGOs	1 yr.	Mediate and mitigate land related disputes
Conflicting sections of land laws.	Host local and regional consultation for the harmonization of land law	LME, MOA, FDA, EPA, LC, CSO etc.	24 months	All land laws including the land rights policy harmonized and adopted.
Exclusion of the locals in concessional agreement negotiations	Inclusion and full representation of the locals in negotiation	All relevant sectors /agencies	Ongoing	Interest of affected people are addressed
Limited capacity of all stakeholders in land policy implementation.	Provision of adequate support to all relevant institutions and agencies.	GOL, Donors, LC, LME, EPA, CSO, community and LEITI	Ongoing	Stakeholders are adequately capacitated in the implementation of land rights policy.
Limited involvement of traditional leaders and chiefs.	Total involvement of traditional leaders and chiefs	LC, EPA, NBOC, MOJ, MOA, LC, CSO, MIA, etc.	Ongoing	Increased participation of Chiefs and Zoes in land related issues.
Improper management of contracted lands.	Equitable concession of land policy for full compliance with conditions and terms of contracts.	GoL, LME, EPA, NBOC, MOJ Moa, MIA, CSO and CBO etc.	Ongoing	National interest and community interests protected.
Lack of sustained advocacy by CSOs	Engage in a robust advocacy at local, regional and national levels.	Government Agencies, CSOs, CBOs and INGOs	Ongoing	Community interests on land protected.

6. Conclusion

This report emanating from the National Consultative meeting on Land Reforms in Liberia clearly demonstrate the enormity of issues relating to land in Liberia and its tendency to create conflict and distort the fragile peace and the gains of the last 10 years.



In view of the multi-dimensional nature of land and land related conflicts, approaches have leaned towards either on its social or economic dimension; but for effective and operational analysis and response to land issues, both approaches must be taken into account. Similarly, there is a need for land

conflict analysis in Liberia to go beyond formal/informal dualisms to take into account the interaction between different segments of the society especially the nexus between the community tensions and the national peace process. Land dispute resolution mechanisms, including land institutions like the Land Commission of Liberia, courts and alternative dispute resolution techniques need to be constantly reviewed to ensure that it is able to manage the existing tensions and expectations of a post war state like Liberia

Never again should Liberia be allowed to plunge into the ugly years of armed conflict and war



APPENDIX 1

West Africa Network for Peacebuilding A Two-day National Consultation on Land Policy Reform August 12 – 13, 2013 @ Bella Casa Hotel Final Participants Listing



No.	Name of Participant	Institution	Title/Position	Contact Details	E-mail Address
1.	First Category - Government Institutions / Agencies				
1.	Dorothy Ben Everett	Margibi County Ministry of Internal Affairs	Land Commissioner	0886 – 552192	
2.	J. Adams Manobah	Environmental Protection Agency, 4 th Street, Sinkor Monrovia, Liberia	Assistance Manager for Policy	0886 – 623817	jtikoto@netzero.com
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4.	Mr. James S. Harris Sr.	Land Commission, Grand Bassa County, Republic of Liberia	Land Commissioner	0886 – 445504	
5.	Philip M. Kollie	West Africa Network for Peacebuilding 19 th Street, Cheeseeman Avenue	Crisis Prevention Program Coordinator	0886 – 579860/0777 - 977167	mckayntornorlah@yahoo.com
6.	Richelieu Wollor	United Nation Mission in Liberia PAP Building –Opposite City Hall	National Officer	0770 - 319683	rwollor@un.org
7.	Varney S. Kamara	Liberia Democracy Watch Ashman Street, Monrovia	Program Associate	0886 –431139	alihassan178@yahoo.com
8.	Abraham Cooper	National Traditional Council of Liberia	Staff	0886 – 317150	
9.	Patrick Vonleh	Nimba County Ministry of Internal Affairs	Land Commissioner	0886 – 499023	
10.	Cerue Lyien	WIPNET Branch /Bong County	Coordinator		
11.	Mustapha K. Wesseh	National Archives of Liberia 12 th Street, Sinkor - Monrovia	Assistant Registrar	05 – 490103	



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II. Second Category – NGOs/CSOs					
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