LIBERIA CASE STUDY

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Best Practices for Land Tenure and Natural Resource Governance in Africa

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Introduction

Concepts:

Land and Resource Tenure:

- Institutional structures that determine how individuals and groups secure access to and utilize land and other natural resources
- Mixture of social, economic, political, and legal institutional factors

Bundle of Rights:

- Location, time, use, people
OVER-RIDING RELATIONSHIPS

Access
Equity
Security
Assurance

Critical
Relationships
Investment
Productivity
Sustainability
Historical Context

- 1820’s – Freed slaves from North America and Caribbean begin to settle coastal Liberia with the help of colonization societies
- 1847 - Republic of Liberia established Americo Liberians largely settle in the coastal strip leaving indigenous populations in the interior
- Duality of customary and statutory tenure systems
- Liberian economy dominated by concessions since the 1920’s
- Indigenous populations have maintained customary tenure regimes but have also tried to protect rights within statutory structures
Issues: Access to Land

- Public Land: All land not deeded has been treated as public land

- No definition of ‘Public Land’ nor has there been any clarification of its relationship to pre-existing customary rights and customary land

- “Public Land” since the 1930’s has provided the means for the state to alienate customary land for concessions and allocation in fee simple to individuals and groups
Issues: Security of Tenure: Deeds

- Records kept in four locations
- Records problematic
  - No maps kept
  - Mother deed vs. subdivisions
  - Fraudulent documents
  - Inability to trace chain of title
- 1974 Land Act to move to Title Registration System
  - Pilot exercise
Security of Tenure  Deeds Registry

Republic of Liberia

Section 2010

Therein given by the present Chalk
Deeds Registry in the County of New Hope in the Republic of Liberia, in conformity to the
Regulations of the Act of 1950, No. 202, the said

To have and to hold the above granted premises

September 9th, 1950

William F. Tubman, Jr.
President
Security of Tenure  Deeds Registry
Issues: Security of Tenure

1. Ask Questions About the Land From Community Members Before You Try to Buy It
2. Survey the Land You Want to Buy
3. Get the Deed and Revenue Receipt on the Land From the Land Seller
4. The Buyer Should Turn Over the Deed and the Grantor Tax Receipt to His or Her Lawyer for Verification
5. Make Sure Your Lawyer Takes Your Deed to the Probate Court for Probation
6. Present Your Land Deed and Real Estate Tax for Verification at the Deeds and Title Section at CNDRA/National Archives
7. Also Get Your Deed Registration Form and Billing From the Deeds and Title Registry at the CNDRA/National Archives
8. Fill in the Form and Present It for Verification at the CNDRA/National Archives
9. Go to the Finance Ministry and Pay Your Deed Registration Fees and Obtain Your Flag Receipt
10. Bring Your Flag Receipt to CNDRA/National Archive Deeds Section to Complete Your Deed Registration and Obtain Your Register Deed
Security of Tenure Deeds Registry

Deed Scanning

Customer Service Center
Issue: Security of Tenure: Tribal Certificates

Tribal Certificates

- 1st step in process to obtain a public land sale deed
- In use since the 1950’s and probably before
- Tribal authorities certify land available for purchase
- Used by outsiders and elite to obtain customary land
- No records of certificates issued, nor standardization of information contained in them
- Land allocated not defined nor amounts understood
- Perceived as deeds
Security of Tenure Tribal Certificates
Security of Tenure  Tribal Certificate
Issues: Investment

Concessions:

- Forestry, mining, and agricultural
- 40-50% of land in Liberia allocated to concessions
- Lack of consultation with indigenous communities prior to granting of concessions
- Lack of clarity in the identification of land to be concessioned
- Lack of transparency in the concessioning process
- Overlapping concessions
Concessions
Forest Management Contracts
Protected Areas (existing and proposed)
Private Use Permits
Community Forestry Management Agreements
Critical Land Issues

- **Significant Disadvantaged Populations**
  - Indigenous peoples with no formalized land rights
  - Rural Women (divorced, widowed, poor)
  - Internally displaced peoples from the civil war returning to home lands
  - Youth “lost generation” not brought up in a customary society due to war years

- **Recovering Land Institutions**
  - Coherent land policy and legal framework
  - Experienced and trained staff
  - Tools for land administration
  - Records of land transactions
  - Institutional know how
Critical Land Issues

• **Land Information Systems Weakened**
  – Many deeds lost or destroyed
  – Surveys not accurate
  – Information focused on coastal areas.

• **Concessions Policies and Practices**
  – Indigenous land rights often secondary to concessions to foreign companies
  – Overlapping and inconsistent concessions from different ministries over agricultural, mineral, and timber

• **Festering Land Disputes**
  – Clashes between customary and statutory tenure regimes leading to conflicts and sometimes violence
Changing Tenure Dynamics

- Growing organization of rural populations to protect land rights
- Increase in rubber prices
  - Land converted to tree crops from subsistence crops
  - Youth gaining access to land through tree crops
- Shortening of fallow periods

Long Term Trends in Rubber Prices
Way Forward: Land Commission

**Mandate:** Propose, advocate, and coordinate reforms of land policy, laws and programs in Liberia

**Primary Objectives:**
1. Promote equitable and productive access to the nation’s land
2. Promote security of tenure in land and the rule of law with respect to land holding and dealings in land
3. Promote effective land administration and management
4. Promote investment in and development of the nation’s land resources
Way forward

• Land Policy  (vision)

• Law Reform  (legal framework to address policy issues)

• Institutional and Administrative Reform  
  (structures to implement policy and monitor results)
Thank you!