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LIBERIA CASE STUDY

Mark Marquardt

**Best Practices for Land Tenure and
Natural Resource Governance in Africa**

October 2012

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



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

Public Land Sale held by the Republic of Liberia
 013210 46
 I know all men by these presents, That Col. J. Nathan, Sr. Commissioner of Public Lands for the County of Maryland in the Republic of Liberia having in conformity to an Act Regulating the sale of Public Lands, approved January 31, 1850, exposed to sale by Public Auction a certain Piece or Parcel of Land hereinafter named and described, which Piece of Land was purchased by Charles B. & Regina Cooper (wife) having paid into the Treasury of the Republic the sum of Two hundred fifty (\$250.00) Dollars being the whole amount of the Purchase money as per certificate of said Commissioner. Therefore, I William R. Tolbert, Jr. President of the Republic of Liberia, for and in consideration of the sum paid as aforesaid (the receipt whereof is hereby acknowledged) have given, granted, sold and confirmed and by these presents do give, grant, sell and confirm unto the said Charles & Regina Cooper (wife) their heirs, executors, administrators and assigns forever all that lot or parcel of land situated lying and being in the lots in Maryland County and bearing in the authentic Records of said Md. County the Number N/N Garm Land and bounded and described as follows; Commencing at the Point indicated by a growing soap tree on the south side of a Creek,

Public Land Sale held by the Republic of Liberia
 The Republic of Liberia
 To Charles & Regina Cooper (wife)
 Lot N/N Garm Land
 Situated at
 60.00
 Registered
 W. H. Radie
 Judge Probate Court
 Maryland County
 Probated this 24th day of November A.D. 1850
 W. H. Page
 Probate Clerk
 Maryland County
 Registered according to law this 10th day of December A.D. 1850
 46 47
 Volumes 6
 Newton B. Freeman
 Register of Deeds
 Maryland County
 Offered for Probation
 By
 J. Bolton Williams
 Attorney at Law

thence running as follows;
 47 South 59 degrees East 1610 feet to a Point;
 South 47 degrees West 290 feet to a Point;
 South 47 degrees East 290 feet to a Point;
 South 21 degrees West 6,428 feet to a Point;
 North 69 degrees West 1,820 feet to a Point;
 thence North 21 degrees East 7,130 feet to the Place of Commencement, and containing three Hundred (300) acres of land and no more.

To have and to hold the above granted Premises together with all and singular the buildings improvements and appurtenances thereto belonging to the said Charles & Regina Cooper (wife) their heirs, executors administrators and assigns. And I the said William R. Tolbert Jr. President of Liberia, for myself and successors in office do covenant to and with the said Charles & Regina Cooper (wife) by virtue of my office and authority given me by the Act above mentioned and right and lawful authority to convey the aforesaid Premises in fee simple, and the said William R. Tolbert Jr. President of Liberia and my successors in office will forever WARRANT AND DEFEND the said Charles & Regina Cooper (wife) their heirs, executors administrators and assigns against any person or persons claiming any part of the above granted Premises.

In witness whereof I the William R. Tolbert Jr. President of Liberia have hereunto set my hand and caused the seal of the Republic to be fixed this 26th day of March A.D. 1850 and of the Republic the 132nd year.

William R. Tolbert Jr.
 President

Revenue Receipt
 #161811558
 \$ 50.00

014603

REPUBLIC OF LIBERIA (TRANSFER DEED)

KNOW ALL MEN BY THESE PRESENTS, That I, Miss Agnes Elizabeth Thompson of the County of Montserrado and the Republic of Liberia for and in consideration of the sum of 100.00 (ONE HUNDRED) DOLLARS paid to me by George Mitchell of the County of Montserrado in the Republic of Liberia (the receipt whereof is hereby acknowledged) to have, give, grant, sell, and convey unto the said George Mitchell

I, the said George Mitchell have hereunto set my hand and caused the seal of the Republic to be fixed this 22nd day of February A.D. 1850 and of the Republic the 132nd year.

In witness whereof I the George Mitchell have hereunto set my hand and caused the seal of the Republic to be fixed this 22nd day of February A.D. 1850 and of the Republic the 132nd year.

George Mitchell
 President

IN WITNESS WHEREOF I, the said George Mitchell have hereunto set my hand and caused the seal of the Republic to be fixed this 22nd day of February A.D. 1850 and of the Republic the 132nd year.

George Mitchell
 President

IN WITNESS WHEREOF I, the said George Mitchell have hereunto set my hand and caused the seal of the Republic to be fixed this 22nd day of February A.D. 1850 and of the Republic the 132nd year.

George Mitchell
 President

Security of Tenure Deeds Registry



Issues: Security of Tenure



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

SQUATERS' RIGHT CERTIFICATE
BONDI-WUBOMAI CHIEFDOM, VOINJAMA DISTRICT,
WESTERN PROVINCE R. L.

This is to certify that I the undersigned, Aekoi Tellewoyan
 Paramount Chief of the Bondi-wubomai Chiefdom, Voinjama
 District No. 7, Western Province, in behalf of my Clan Chief
 and Elders of the Upper Wankan clan have this day and date
 granted permission to Mr. Joseph N. Blamo Sr.
 after applying with the necessary requirements according
 to the ruling of the President and the Native customary
 law to purchase from the General Government 200 150 acres
 farm land situated on the Right hand side of
 the Voinjama Kolahun road.
 Issued this 26th day of March A.D. 1956.

Signed: Ukai Paramount Chief
Manawolo Jallah (His exec) Clan Chief
K Amubon Chie & Co. Town Chief
Johnson Chiefdom Clerk, B.W. Chiefdom

M.D. Coyle
 Sectional Clerk

Approved: John B. ...
 District Commissioner, R.L.

Registered in the District
 Office. #176
 7/10/59

TRIBAL LAND CERTIFICATE Date: _____

This is to certify that We, the Elders, Town, Clan and Paramount Chiefs of the
 Town of Zor Zor, Sigiwa Clan, LORWA Chiefdom, Zor Zor
 District, Lofa County, on the above mentioned date unanimously agreed for the
 holder of this certificate MR. FLOMO GARMAY to draw and survey
 for HIMSELF in fee simple 200 (Two Hundred) Lots/Acres
 of Public Land occupied by MR. FLOMO GARMAY. This said land is
 situated within Sigiwa Clan, LORWA Chiefdom, Zor Zor
 District, Lofa County, on the LEFT handside of the road leading from
ZOR ZOR TOWN to KARLIMEI. Commencing from THE
CREEK PALAWUKA boundary block. Adjoining to
MR. KEZELEE KADUKU block.
 Directly opposite MR. BAYELOR ZAZA Parcel of Land.
 This said parcel of land is unencumbered, free and not part of the Tribal Reserves.
 To have and to hold the above mentioned area together with all the improvements and
 appurtenances thereto belonging to the said MR. FLOMO GARMAY, his/her
 executors, Administrators, or Assigns. We the Tribal Authorities of the said area
 for ourselves and our successors in office do convenant to defend the said MR.
FLOMO GARMAY, his/her Executors, Administrators or
 Assigns against any person or persons claiming any part of the above granted premises
 The Tribal Authorities therefore request the President of Liberia to grant permission
 to the order of survey for MR. FLOMO GARMAY
 to procure said parcel of land in fee simple for his/her Executors, Administrators
 or Assigns as he/she has fully complied with all the necessary legal requirements in
 in keeping with Tribal Customary Laws.
 In witness therefore, We the Tribal Authorities have this day fixed our signatures
 on this Instrument:-

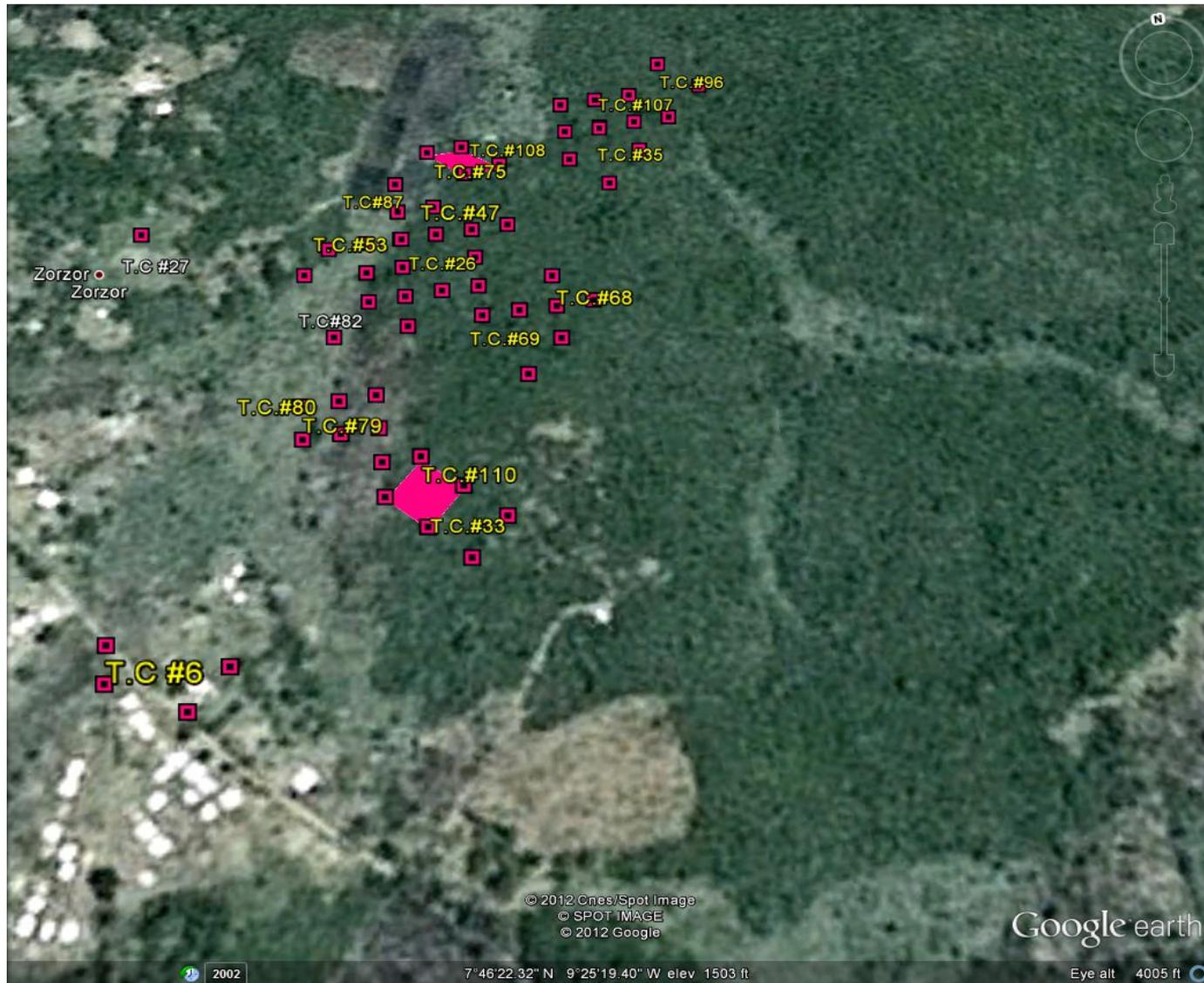
Respectfully submitted by
 the Tribal Authorities:-

<u>Moses W. Abouward</u> TOWN CHIEF	<u>Mr. Yassa Beyan</u> 28.4.1987 ELDER
<u>Jamuel K. Sillah</u> 15/6/87 CLAN CHIEF	<u>William Koro</u> 15/6/89 SECTIONAL CLERK
<u>Kaibetora Dorleh</u> 15/6/87 PARAMOUNT CHIEF	<u>...</u> 15/6/87 CHIEFDOM CLERK
<u>...</u> CHIEFDOM CLERK	<u>...</u> 25/7/87 LAND COMMISSIONER, LOFA CO., DATE

APPROVED FOR: ... DISTRICT COMMISSIONER, LOFA COUNTY, REPUBLIC OF LIBERIA DATE _____

000022

Security of Tenure Tribal Certificate

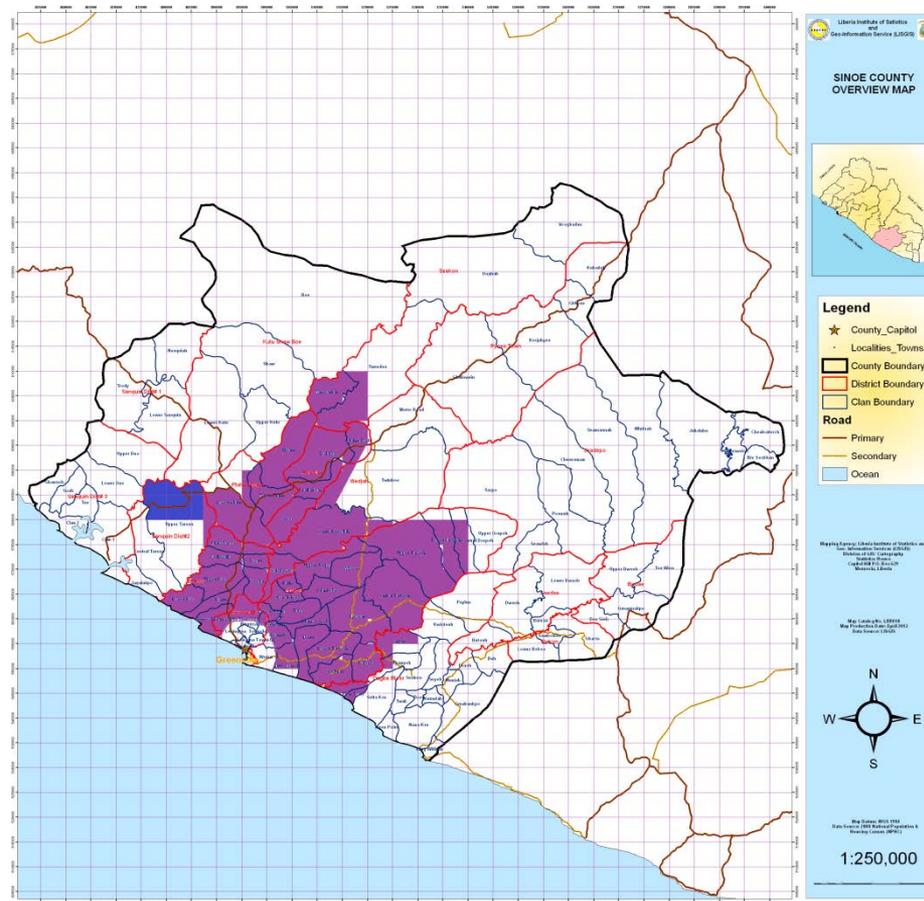


Issues: Investment

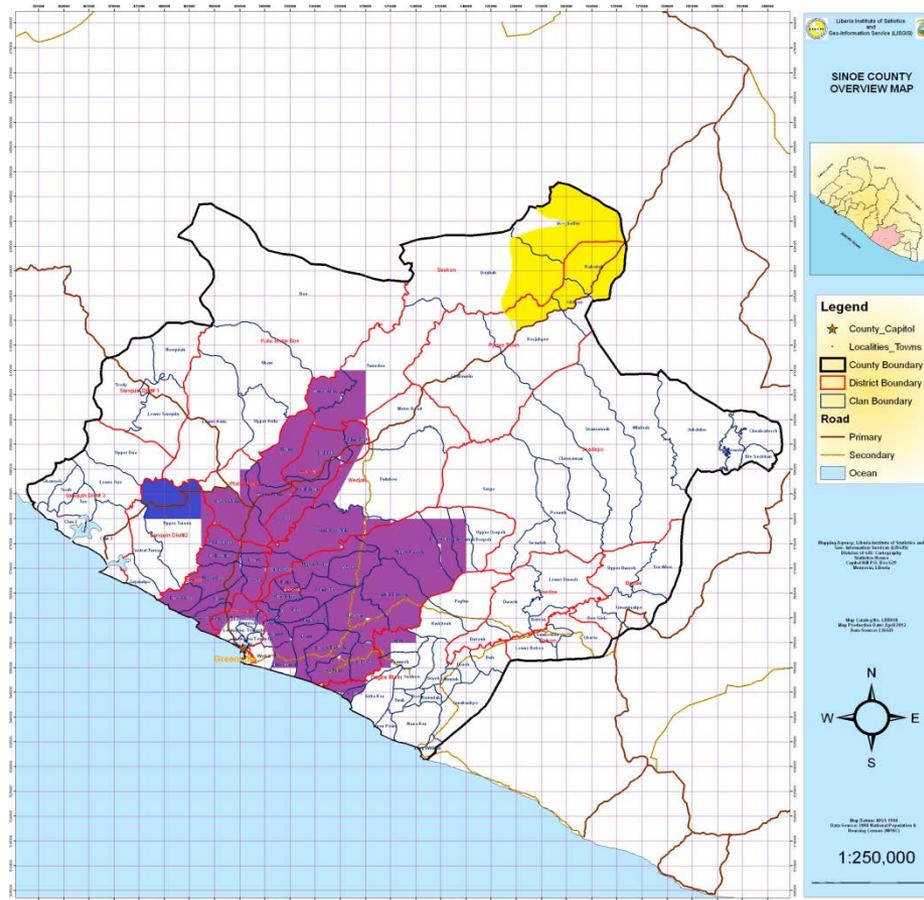
Concessions:

- 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 concessioning process
- Overlapping concessions

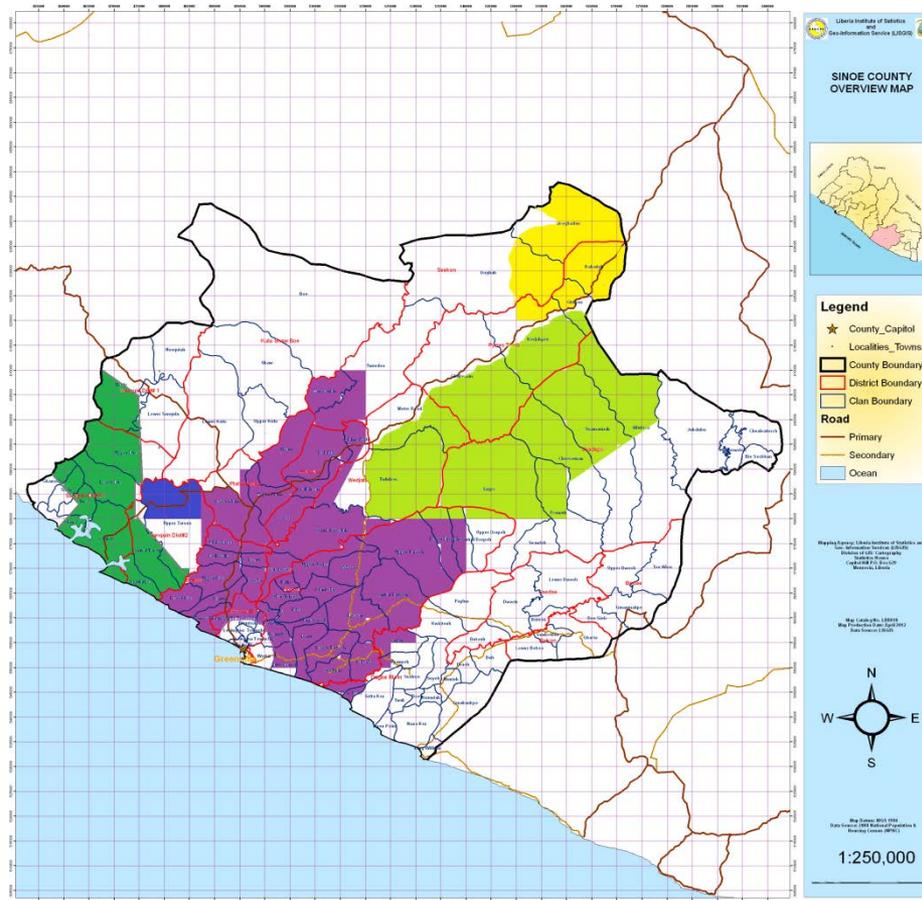
Concessions



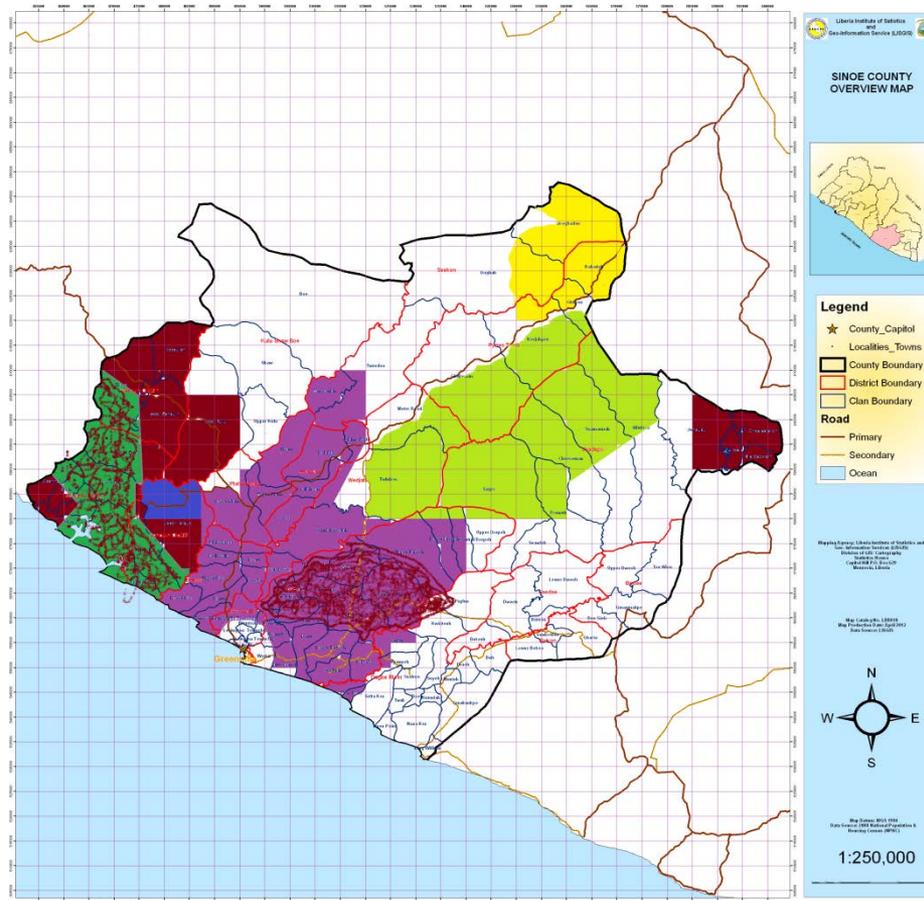
Forest Management Contracts



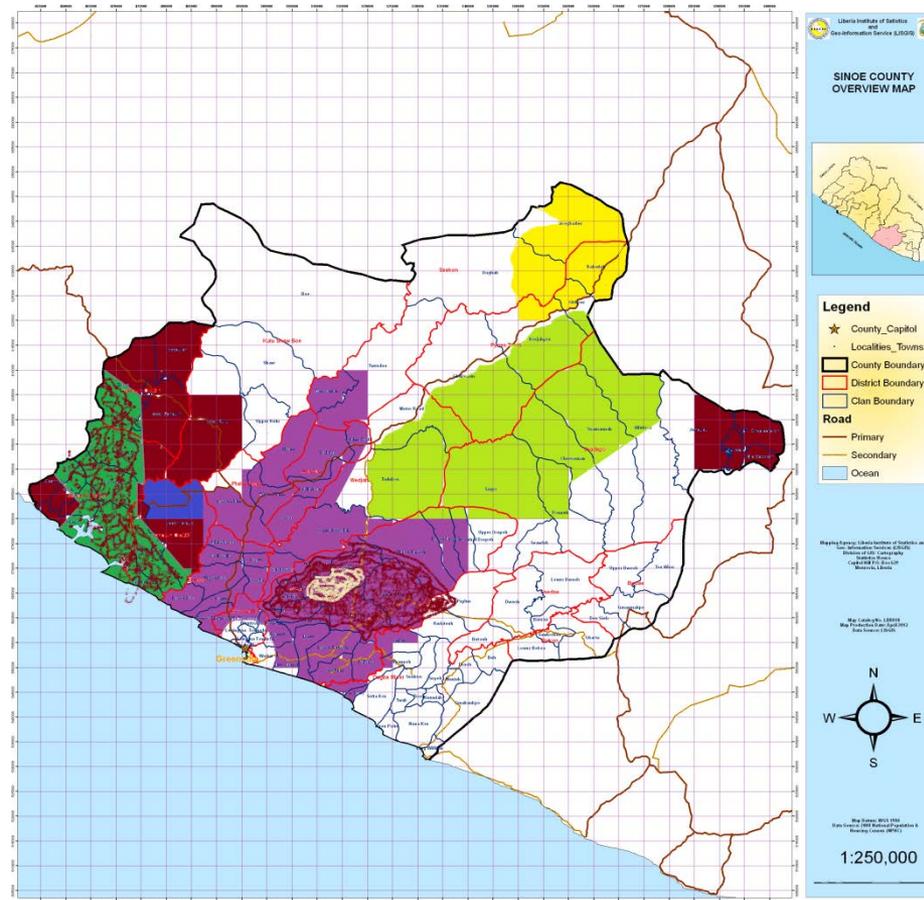
Protected Areas (existing and proposed)



Private Use Permits



Community Forestry Management Agreements



Critical Land Issues

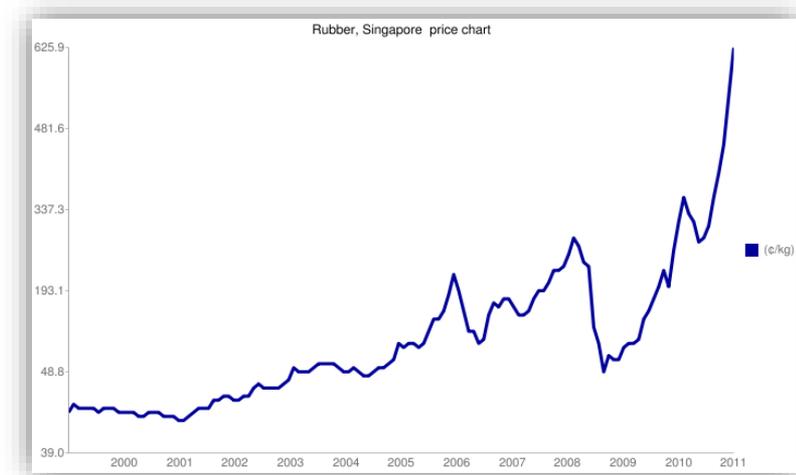
- **Significant Disadvantaged Populations**
 - Indigenous peoples with no formalized land rights
 - Rural Women (divorced, widowed, poor)
 - Internally displaced peoples from the civil war returning to home lands
 - Youth “lost generation” not brought up in a customary society due to war years
- **Recovering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