



# LAND MARKET SURVEY

Conducted in Montserrado, Margibi, Bong, Nimba and Grand Bassa Counties for LGSA



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**OCTOBER 2016**

This publication was produced for review by the United States Agency for International Development. It was prepared by Annie Jones Demen for Tetra Tech.

**This publication was produced for review by the United States Agency for International Development by Annie Jones Demen for Tetra Tech, through the Liberia Land Governance Support Activity, Contract No: AID-OAA-I-12-00032, Task Order No: AID-669-TO-15-00003.**

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## **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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# ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
CNDRA	Center for National Documents and Records Agency
DLSC	Department of Lands, Survey and Cartography
EPA	Environmental Protection Agency
FDA	Forest Development Authority
GIS	Geo Information System
FGD	Focus Group Discussions
GOL	Government of Liberia
ICT	Information Communication Technology
ILTF	Interim Land Task Force
KII	Key Informant Interviews
LAS	Land Administration Systems
LC	Land Commission
LGSA	Land Governance Support Activity
LIS	Land Information System
LISGIS	Liberia Institute for Statistic and Geo-Information Services
LLA	Liberia Land Authority
LMS	land Market Survey
LRA	Liberia Revenue Authority
LMS	Land Market Survey
LRA	Liberia Revenue Authority
MIA	Ministry of Internal Affairs
MLDL	Mediating Local Disputes in Liberia
MLME	Ministry of Lands, Mines and Energy
MOA	Ministry of Agriculture
PPP	Public Private Partnership
STARR	Strengthening Tenure and Resource Rights
TO	Task Order
USAID	United States Agency for International Development

# EXECUTIVE SUMMARY

This Land Market Study (LMS) was commissioned by Tetra Tech to inform the USAID-funded Liberian Governance Support Activity (LGSA). The aim of the LGSA is to support the establishment of more effective land governance systems, ready to implement comprehensive reforms to improve equitable access to land and security of tenure, to facilitate sustained and inclusive growth and development, ensure peace and security, and provide sustainable management of the environment.

The objective of the LMS is to examine the land services presently available in the country, and the gaps, or need/s not yet met, both at the county and national levels. The survey also highlights the types of land services that are in demand but have little capacity or are missing entirely. It concludes with a ranking of the services that have the highest demand, and those which have a high potential to contribute to the LGSA objectives and should be prioritized by the LGSA and the Government of Liberia (GOL) to support. The survey also advances specific recommendations on how the private sector can be engaged to realize some of the land services, throughout the county.

This survey was conducted in Montserrado, Grand Bassa, Margibi, Bong and Nimba Counties. Their selection was based on their accessibility, high potential for growth, and history of land conflict. A total of 89 persons participated in the survey: 40 as Key Informants, and 49 as Focus Group Discussants. Males constituted 56% and females 44%.

Findings from the survey revealed that most of the land services (surveying, registering, land inspection, land dispute resolution, evaluation and appraisal, and probating of deeds) are available in all of the study counties. Every surveyed county has a service center where land services are being provided. However, the centers are under staffed and lack the logistical capacity to effectively serve the public. As such, some people wanting services are still coming to Monrovia. Other services mentioned outside of Monrovia included planting of cornerstone, someone to conduct due diligence, and caretaker of the land until it is ready to be developed.

According to service providers, the services with the highest demand in all survey counties include surveying, appraisal, architecture design and construction. Services with the lowest demand are GIS, real estate brokerage, and production of aerial maps. Their low demand is due to the fact that they are unaffordable by the majority of the population. Services to include inspection of land before construction are available at the Ministry of Public Works, but the Ministry lacks logistics to attend to customers' needs.

Services which have a high potential to contribute to the LGSA objectives and for which LGSA and the GOL should prioritize their support are: a nationwide cadastral system, massive awareness to the public about land processes and instruments, and an institution to train land service providers.

Although women's access to, and ownership of, land has improved, their access is still low compared to their male counterparts. Gender has not been sufficiently mainstreamed in the traditional land system, and many women are still denied access to their father's land.

The private sector can be engaged to provide land services nationally and at the local levels by the government creating the enabling regulatory environment for private providers to venture into the counties. Credit facilities for innovative ideas, paved roads, provision of electricity and water, and creation of jobs will pull professionals to work in the counties as a result of demand for land services. The agricultural sector as well as the housing and urban development sector will be the main contributors to the increased demand for land services.



The recommendations captured for this report for the government and the project were:

1. The passage of the Land Rights Act and the Land Authority Act and enacted into law with full implementation.
2. The Land Authority should have prosecutor power.
3. The government should prioritize setting up a nationwide cadastral system using digital technology.
4. Work with the Probate Court to fast track the series of land issues to include probating and land dispute resolution. In the interim, there might be a need to set up a special land court and/or expand the use of alternative dispute resolution mechanisms to accelerate the solving of land cases.
5. The Probate Court and CNDRA should conduct due diligence before probating and registering deeds respectively.
6. Create institutions to train land surveyors, and promote and formalize, through legislation, the Association of Professional Land Surveyors of Liberia that has been established to license and monitor ethical behavior of land surveyors.
7. Tax unutilized land to serve as a disincentive to hoarding of large tracts of land.
8. Provide adequate awareness on all land related legislation, to include the processes as it relates to acquiring and transferring a piece of land, and about the various land instruments at the Legislature.



# I.0 BACKGROUND AND RELEVANCE OF THE SURVEY

## I.1 OVERVIEW OF LAND GOVERNMENT AND MANAGEMENT SYSTEM IN LIBERIA

In Liberia, land is not just earth: it is a symbol of identity, heritage and hope. Liberians who live in abject poverty declare themselves rich if they have a small place to sit down. Just a few generations ago, land in Liberia was plentiful. Today, the fight for land is desperate because many people have nothing else, and nowhere else to go.<sup>1</sup>

Since the end of the Liberian civil war, many Liberians have become aware of the rights to own and protect their land. As a result, land disputes have arisen in many parts of the country, including Monrovia, the nation's capital. These disputes are sometimes between individuals within communities, between people of the same tribe, between two or more tribes, and in some cases between counties. For instance, at the time of writing this report, there is a land dispute between Bomi and Cape Mount Counties, River Gee and Grand Gedeh, and Sinoe and Grand Gedeh Counties<sup>2</sup>. It is generally acknowledged in various analyses of post war Liberia that these conflicts have the potential to disrupt the peace and security of the country, if not carefully addressed.

Literature reviewed shows varied and multiple reasons for the emergence of these conflicts. One reason stated includes the absence of an efficient and effective land governance system.

It is because of the need to reform land issues in Liberia that in 2009 the National Legislature passed an act establishing a Land Commission (LC) "in order to judiciously, efficiently and adequately resolve all issues surrounding land in Liberia ... wherein every Liberian citizen will be afforded an opportunity to own, use, and dispose of land in accordance with the laws of the Republic and to also evolve robust land policy, law and programs ...". The four statutory objectives of the Commission were to:

- Ensure equitable and productive access to the nation's land, both public and private;
- Ensure security of tenure in land and the rule of law with respect to landholding and dealings in land;
- Ensure effective land administration and management; and
- Ensure investment in and development of the nation's land resources<sup>3</sup>.

The tenure of the LC ended on January 9, 2016. Some key achievements of the LC include but are not limited to:

- Convening the first National Urban Conference of Liberia;

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<sup>1</sup>Juliette Syn , Mediating Land Disputes in Liberia

<sup>2</sup> Interview with Frances Greaves, Civil Society Organization Chairperson

<sup>3</sup>Land Commission Annual Report, 2014, Monrovia, Liberia

- Producing over 15 reports and research products covering land issues; and
- Developing the Interim Guidelines and Procedures for the Sale of Public Land<sup>4</sup>.

However, its biggest achievements were the formulation of the first National Land Rights Policy, which was subsequently adopted by the people and Government of Liberia in 2013; and the drafting of the Land Rights Bill, currently before the Legislature for enactment. Shortly before its closure, the Commission developed the draft Land Alternative Dispute Resolution Policy, which will be finalized when the Liberia Land Authority (LLA) is established. Other achievements include the development of the final Land Administration Policy, which is awaiting Cabinet endorsement, as well as drafting the Act against the Criminal Conveyance of Land, already enacted into law by the Legislature and approved by the President.

Although the tenure of the LC has expired, the need for reform in the administration and governance of land is still evident. Consequently, an Act to establish a Land Authority and a Land Rights Act have been proposed but have been lingering at the Legislature for some time. With the end of the Land Commission and pending the creation of the Land Authority the President established an Interim Land Task Force with one of its responsibilities being to promote and assist with the process of the passage of the Land Rights Act and to create awareness throughout the country<sup>5</sup>. It is assumed that all functions of the erstwhile LC will be transferred to the LLA. At least 15,000 persons from forest affected communities across Liberia from fifteen political sub-divisions have signed a petition urging the Legislature to pass the much delayed 2014 Land Rights Act.<sup>6</sup> The passage of this Act, followed by implementation, could bring reform in the land sector.

The issues surrounding land, with their possible repercussions, have come to the attention of several of Liberia's development partners, including the United States Agency for International Development (USAID). Therefore, USAID Liberia has contracted Tetra Tech as the Prime Contractor to implement the Land Governance Support Activity (LGSA) Task Order (TO) under the Strengthening Tenure and Resource Rights (STARR) Indefinite Quantity Contract. LGSA supports the establishment of more effective land governance systems, ready to implement comprehensive reforms to improve equitable access to land and security of tenure, so as to facilitate inclusive sustained growth and development, ensure peace and security, and provide sustainable management of the environment. Tetra Tech provides technical and organizational assistance to the Government of Liberia (GOL), civil society, and communities to achieve four project objectives:

Objective 1: Policy, legal and regulatory framework for land governance strengthened;

Objective 2: Functionality of GOL land governance institutions improved;

Objective 3: Protection of customary land rights strengthened;

Objective 4: Stakeholder engagement in land governance strengthened<sup>7</sup>.

Tetra Tech has recognized that the land governance situation in Liberia must be reformed and improved to allow for security of land rights for the citizens and to provide accurate, up-to-date information that

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<sup>4</sup>Ibid

<sup>5</sup> <http://www.frontpageafricaonline.com/index.php/news/1816-liberia-faces-slump-in-donors-projects-over-liberia-land-authority-bill>

<sup>6</sup> The New Democrat, August 24, 2016 edition

<sup>7</sup> Land Market Study ToR

will allow for sound land management decisions. In that light, LGSA is focusing its activities on land governance reform and improvement that is needed regardless of the fate of the LLA Bill<sup>8</sup>. In view of the above, Tetra Tech, in anticipation of its support to the Government of Liberia, has commissioned this Land Market Survey (LMS).

## **I.2 OBJECTIVE AND SCOPE OF THE SURVEY**

The objective of the LMS is to examine the land services (surveying, banking, valuation, real estate, third party land dispute resolution, land developers, community-private sector negotiators) presently available in the country, and the gaps, or need/s not yet met, both at the county and national levels. The survey will analyze what land services exist in Monrovia and in the surveyed counties, and also highlights the types of land services that are in demand. It will identify land services that have little capacity or are missing entirely. The LMS concludes with a ranking of the services that have the highest demand, and those which have a high potential to contribute to the LGSA objectives and should be prioritized by the LGSA and the GOL to support. The survey also advances specific recommendations on how the private sector can be engaged to realize some of the land services throughout the country.

The market survey was conducted in Montserrado (Monrovia), Margibi, Grand Bassa, Nimba, and Bong Counties. The reasons for the selection of these counties are threefold. Firstly, they are more accessible. Secondly, they lie along the country's growth corridors and thus, have more potential for growth and development. Lastly, these counties have been acutely affected by land conflict over the years that have in some cases resulted in the destruction of properties and even death. In 2008, a Senator and 13 others were charged with murder following a deadly land dispute that left at least 14 people dead in Margibi County. The Senator was jailed, but later acquitted.

Nimba's land conflict is largely on tribal sentiments with the Gios and Manos on one hand, and the Mandingos on the other. During the height of the civil war, most Mandingos fled the country for fear of their lives. Upon their return, they met resistance from people who had either occupied or reclaimed their land. Unfortunately for most of the returnees, they had no legal title to the lands, but were squatters. The Superintendent of Nimba County has said that since the 14-year crisis, resolving boundary disputes and land ownership clashes has stirred commotion between local leaders and national government in several villages and towns in Nimba; especially Ganta, Sanniquellie and Bahn.<sup>9</sup>

The strategic location of Bong County, coupled with its proximity to the nation's capital, is incrementally placing demand for land within its boundaries. The capital is expanding outside of Monrovia fast into Margibi; thus increasing the demand for land, especially on the highway leading to the international airport. Another factor is the large acreage of land occupied by rubber farmers, especially Firestone. In recent times conflict has arisen over land acquired from local residents by the expanding oil palm concessions like Sime Darby, Equatorial Oil Palm and Golden Veroleum. This occupation of large segments of land accounts for most of the conflicts relating to encroachment. Land conflict in Monrovia is also acute, but mainly between individuals.

## **I.3 STRUCTURE OF THE REPORT**

This LMS report is divided into eight parts as follows: Part One is a presentation of the introduction and background in which the objective of the survey, methodology, scope of work and limitations of the

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<sup>8</sup> Since the original draft of this report the Land Authority Act was passed by the Legislature and signed by the President, thereby enacting the Law.

<sup>9</sup> <http://allafrica.com/stories/201506041261.html>

survey are discussed. Part Two gives the findings as per the objectives. Part Three looks at land services available at the national and local levels, followed by the demand for land services in Part Four. Gender issues surrounding land is presented in Part Five, and suggestions for engaging the private sector in Part Six. Part Seven suggest areas for the LGSA project to prioritize in its program, followed by conclusion and recommendations in Part Eight.

## I.4 METHODOLOGY OF THE SURVEY

The survey used a participatory approach involving all stakeholders in discussions regarding the objectives of the survey. The consultant reviewed a series of literature on land related issues available in hard copy and available on the internet. Amongst them are the erstwhile Land Commission annual reports, the draft Land Rights Bill, and the draft Land Authority Bill. The list of resources reviewed is found in Annex C.

A set of tools was developed to capture the required information as it relates to the objectives of the study, and informed by the literature review. Different sets of questions were developed for different sets of respondents. See Annex B for the various tools that were approved by the client with their inputs.

### I.4.1 FOCUS GROUP DISCUSSIONS

A total of seven Focus Group Discussions (FGDs) were conducted during the survey. Three separate discussions were conducted in Monrovia, and one respectively in each of the four other counties. Participants were selected based on their knowledge and experience with land issues. Each FGD consisted of six to ten persons. The semi structured tool/questionnaire served as the interview guide. With the approval of the participants, all discussions were recorded to adequately capture responses from participants. A highly qualified field assistant was hired to assist with the field work.

### I.4.2 KEY INFORMANT INTERVIEWS

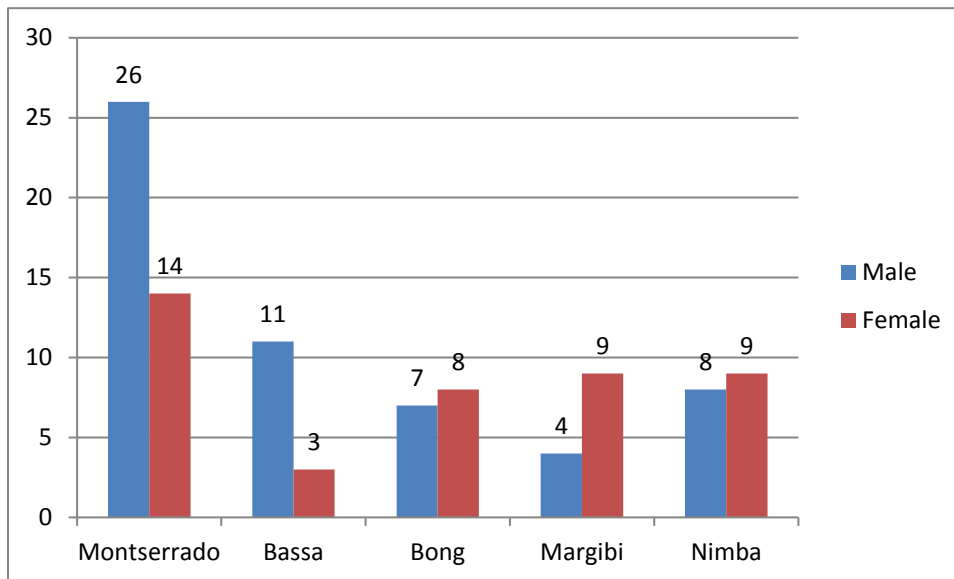
Key Informant Interviews (KIIs) were conducted with the relevant stakeholders in the land service business to include representatives from government ministries and agencies with land mandates, the private businesses providing land services, entities, civil society and individuals with vast knowledge of the subject matter. The matrix below shows planned and actual number of discussions conducted per county surveyed.

TABLE I: PLANNED VS. ACTUAL PARTICIPANTS				
COUNTY	PLANNED KIIS	ACTUAL KIIS	PLANNED FGDS	ACTUAL FGDS
Montserrado	≥15	20	3	3
Grand Bassa	5	5	1	1
Margibi	5	5	1	1
Bong	5	6	1	1
Nimba	5	5	1	1
Total	≥37	41	7	7

### I.4.3 PARTICIPANTS PER COUNTY, AND HOW THEY WERE SELECTED

A purposive sampling method was used to select participants. Purposive sampling is used mainly in qualitative data collection like this survey. The sample is based on the resources and time available, as well as the objective of the study<sup>10</sup>. In this case participants were selected from relevant government ministries and agencies, entrepreneurs providing land related services, legal professionals, and ordinary citizens with knowledge of land services. In some cases, other participants were interviewed based on recommendation from a discussant, i.e., the "snow ball" method. A total of ninety- nine persons participated in the survey. Males constituted fifty-seven percent and females forty-three percent. Montserrado alone accounted for forty percent of respondents. See Annex A for the list of participants per county.

**FIGURE A: PARTICIPANTS PER COUNTY**



### I.4.4 DATA ANALYSIS

The survey collected both qualitative and quantitative data. However, the study was tilted more toward qualitative data. Data analysis of the survey began as soon as data collection started after FGDs and KIs. From initial discussions, the consultant started to mentally process the data for themes or patterns emerging. It was important to do this early to focus on these patterns and themes as they appear during data collection. Subsequently, the 'data reduction' process was performed. This was necessary to identify and focus on the meaningful information, and to transform the data into a simplified format that is easily understood in the context of the survey questions. The process focused on looking for specific patterns and themes of interest while not focusing on unimportant aspects of the data not relevant to the study. Finally, the identified themes or content patterns were assembled and organized in a way where conclusions were drawn and displayed by text to produce the report.

<sup>10</sup> Family Health Institute, *Qualitative Research Methods, a Data Collector Field Guide*

#### I.4.5 CONSTRAINTS ENCOUNTERED DURING THE STUDY

During the survey there were no major constraints encountered that could affect the results. Recruiting a Research Assistant who had worked with the Land Commission made mobilization easier in all counties. Getting interviews with some government agencies in Monrovia was a challenge; however, they were aggressively pursued and their inputs are captured in the final study report.



## 2.0 FINDINGS FROM THE SURVEY

### 2.1 LAND ADMINISTRATION IN LIBERIA

#### 2.1.1 PROBLEMS IN THE MANAGEMENT AND GOVERNANCE OF LAND IN LIBERIA

Problems in the management and governance of land in Liberia have been documented by several authors. A detailed study carried out by John Bruce and other World Bank consultants in 2008 states that “the land law of Liberia is pluralistic, and consists of: (a) a civil law of land, consisting of a common law of land derived from American common law at the creation of the colony and developed subsequently by judicial decision, and statutes supplementing that common law; and (b) a customary law of land based on the practices of traditional communities and recognized by the Constitution as governing land not brought under the common law.<sup>11</sup>”

Although the application of these different laws to different areas of land is a common situation in former colonial Africa, the legal interface and interactions between these systems in Liberia is particularly vague and unsatisfactory and requires reconsideration and reform<sup>12</sup>. This report lists the main problems contributing to insecurity of land tenure in Liberia:

- “The legal distinction between public land and tribal lands lacks clarity, resulting in tensions between government, which has long asserted ownership of and the right to alienate [dispose of] large areas of land occupied by traditional communities, and those communities, who regard this land as their own.
- Fleeing citizens have left their property abandoned which in turn is occupied by squatters who can claim rights to the property through the law of adverse possession.
- The old deed registration system which existed before the war did not adequately record land transactions, making it very difficult to track land sales. The war has resulted in missing deeds, deed records and databases, resulting in high risk in the land market and in an epidemic of fraudulent land deeds and other documents, allowing sales of the same piece of land to several people.
- As a result of problems with the deed system, the court dockets are crowded with land disputes which have to be dealt with and cleared.
- The delineation of administrative units in the counties can be described as chaotic. Today there is often overlap and jurisdictional ambiguity between the state-supported customary units (clan and paramount chieftaincies) with the townships and cities that are subject to the statutory system. In such cases, the key question is who is the relevant authority?
- Decision making authority over land is fragmented among a half dozen state agencies, without an effective coordinating institution.
- Key land administration agencies have lost human and technical capital, are debilitated and need to be rebuilt”.<sup>13</sup>

The 2014 LC annual report states that “like most post conflict Liberian government institutions, the Land Commission lacks the critical mass of competent and trained land professionals to effectively carry out the specialized work set forth in some program areas.” The Commission was also constrained by

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<sup>11</sup> Norwegian Refugee Council, *Searching for Soap Trees: NRC Land Dispute Resolution in Liberia*

<sup>12</sup>*Ibid*

<sup>13</sup> Norwegian Refugee Council, *Searching for Soap Trees: NRC Land Dispute Resolution in Liberia*

the lack of modern information technology system to perform functions efficiently and effectively. According to Williamson et al, capacity development is one of the key issues for designers of land administration systems, but must be seen in the wider context of developing and maintaining institutional infrastructure in a sustainable way<sup>14</sup>.

This study finding corroborated all of the issues mentioned above in all counties during discussions. Other challenges mentioned were ignorance or lack of awareness of the population about the processes involved in obtaining land, be it public or private. The majority of the population is of the opinion that once a piece of land has been paid for, it legally becomes theirs even if the deed is not probated and registered.

The multiplicity of institutions with a land mandate, and operating in an uncoordinated fashion is another challenge with respect to land administration and governance. In its 2014 annual report, the LC states that “coordinating the land sector posed challenges during the year such that sector ministries and agencies and nongovernmental organizations proceeded with activities and projects in a non-coordinated way ... this constrained the ability of the commission to coordinate activities as provided in the Land Commission Act”<sup>15</sup>.

Several international land groups have said that Liberia risks a resurgence of social conflict if the Legislature does not pass the Land Authority and Land Rights Bills. The new land agency will take over the land function which is being carried out by the Ministry of Lands, Mines and Energy, altering its name to the Ministry of Mines and Energy. The LLA Act provides for the Land Authority to also consolidate certain functions now performed by the Ministries of Internal Affairs and Public Works, and the Center for National Documents and Records Agency. During discussions, many participants see the passing of the Act as a solution to the land problems in Liberia.

Creating and managing effective land markets are the most common reasons why governments invest in Land Administration Systems (LAS). Countries wanting an effective land market need to bring land into a market distribution system. This involves identifying both the land and the commodities related to that land through suitable infrastructure. When infrastructure is built, to support the land management paradigm, daily functions of the market are capable of delivering sustainable development, including social and environmental goals, and not just economic goals.<sup>16</sup> The land market in Liberia, is informal, and still requires an administrative system and established rules of the game. The benefits of such a system to include alleviation of poverty are summarized in the chart below. The table below mirrors the benefits of having a working LAS.

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<sup>14</sup> Land Commission Annual Report 2014

<sup>15</sup> Ibid

<sup>16</sup> Williamson et al, Land administration for Sustainable Development

**TABLE 2: TRADITIONAL BENEFITS OF A LAND ADMINISTRATION SYSTEM**

Support for government and rule of law	The formalization and processes used for land management engages the public and business, and in turn, this engagement leads to their support for the institutions of government.
Alleviation of poverty	A primary means of alleviating poverty lies in recognizing the homes and workplaces of the poor, and their agricultural assets worthy of protection.
Security of tenure	This is the method of protecting people's associations with land. It is the fundamental benefit of formal land administration. Ensuring security throughout the range of tenure used in a country helps provide social stability and incentives for reasonable land use. Conversion of some of the rights into property is the core process of commoditization of land needed for effective markets.
Support for formal land markets	Security and regularity in land arrangements are essential for successful and organized markets. LAS manages the transparent processes that assist land exchange and build capital out of land.
Security for credit	International functioning norms and banking practices require secure ownership of land and robust credit tenure (that is, tenure which support security interests in land) that can only exist in formal LAS.
Support for land and property taxation	Land taxation takes many forms, including tax on passive land holding, on land-based activities, and on land transactions. However, all taxation systems, including personal and company taxation, benefit from national LAS.
Protection of state lands	The coherence of national LAS is dependent on its coverage of all land. Thus management of public land is assisted by LAS.
Management of land disputes	Stability in access to land requires defined boundaries, titles, and interests. If LAS provide simple, effective processes for achieving these outcomes, land disputes are reduced. The systems also need additional dispute management processes to cover breakdowns caused by administrative failure, corruption, fraud, forgery, or transaction flaws.
Improvement of land planning	Planning is the key to land management, whether the planning is institutionalized within government or achieved by some other means. Impacts of modern rural and urban land uses affect adjoining land beyond. These impacts need to be understood and managed by effective land planning assisted by LAS.
Development of infrastructure	Construction of power grids, gas supply lines, sewerage systems, roads, and the many other infrastructure elements that contribute to successful land use require LAS to balance private rights with these large-scale infrastructure projects, whether provided by public or private agencies.
Governance of resources and environment	Integration of land and resource uses is a difficult aspect of LAS design. Land and resource titles require complicated and mutually compatible administrative and legal structures to ensure sustainability in the short and long term.
Management of information and statistical data	Each agency needs to appreciate the importance that the information generated through its processes holds for the public, businesses, and government in general. More importantly, everyone needs to understand the fundamental importance of integrated information for sustainable development.

SOURCE: WILLIAMSON ET AL

## 2.2 SUPPLY OF LAND SERVICES BY GOVERNMENT ENTITIES

Information from the Ministry of Lands, Mines and Energy reveals that the provision of land services by the government ministries can be found in all county capitals. Since the commencement of the government's decentralization program, service centers are operational in Margibi, Bong, Grand Bassa, and Nimba Counties, with plans to open centers in all other counties. These centers provide services to the public to include registering and probation of land deeds. However, these centers are understaffed and have little capacity. Consequently, some citizens wanting land services still have to travel to Monrovia to obtain these services.<sup>17</sup> Moreover, there is only one Government Surveyor and also one Land Commissioner per county, which is grossly inadequate to serve the citizenry of each county. Even with the available staff to perform the services, logistical constraints such as lack of vehicles were cited as a hindrance to providing some services to the public. Below is a listing of these entities, the activities they provide, challenges they encounter, and participants' perception of specific institutions.

### 2.2.1 THE INTERIM LAND TASK FORCE

The Interim Land Task Force is presently engaged in the vetting of public land deeds, and land dispute resolution, using the alternative dispute resolution (ADR) approach, having taken over the activities of the LC. It was instrumental in the passing of the LLA Bill at the Legislature, although the Land Rights Bills is still pending. The entity is also engaging donors including USAID, the World Bank, etc., for ongoing and planned projects in the land sector. However, the work of the Task Force is restricted to Montserrado County only, as it is a non-statutory entity, and therefore has a limited mandate. The main challenge now for the body is inadequate financial support, and delay in the passage of the Land Rights Bill. It is strongly believed amongst survey respondents that the speedy passage of both the Land Rights and Land Authority Bills will assist to mitigate the challenges in the land sector<sup>18</sup>. With the passage of the Land Authority Act, the Interim Land Task Force will cease to exist.

### 2.2.2 THE CENTER FOR NATIONAL DOCUMENTATION AND RECORDS AGENCY (CNDRA)

CNDRA is the custodian of all land instruments such as deeds, public land sales, warranties, etc. It also registers all deeds, and conducts research to find missing land documents. All of these services are presently available in the survey counties as part of government's decentralization. However, the lack of internet services for customers to access their documents online and the lack of modern equipment were mentioned as challenges to the Center's operations.

To ensure that women have access to family land, for every male who brings an administrator deed, the male is now usually required to bring a female relative of his, preferably his sister. This is done to ensure that females too have access to family properties. For married men who bring deeds for registration, CNDRA asks them to bring their spouses<sup>19</sup>. The Director General of CNDRA was part of the Interim Land Task Force, and the institution has engaged media institutions through the Task Force to create the necessary awareness on the Land Rights Bill.

During discussions, CNDRA was accused of contributing to the land conflict by issuing certified deeds without conducting due diligence, and in many cases, to the wrong owners.

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<sup>17</sup> Interview with Bong County Development Superintendent

<sup>18</sup> Interview with Stanley Toe of the Interim Land Task Force

<sup>19</sup> Interview with Josephine I. Benson Director of Deeds and Titles, CNDRA

### 2.2.3 MINISTRY OF LANDS, MINES AND ENERGY

The Department of Land Surveys and Cartography (DLSC) at the Ministry is mandated by law to serve as the primary institution responsible for the management of all cadastral and mapping data within the Republic of Liberia. Its core responsibilities are to conduct surveys relating to government lands, provision of a geodetic control network infrastructure, cartographic mapping, and resolution of land disputes. The existing staff have little knowledge of new developments in land based technology, and are still working with antiquated instruments. The average age of staff in the department is around 50, with a very large gap between senior, middle, and junior managers. This poses difficulties with long term training plans and the retention of institutional memory.

The core of the DLSC professionals are aging, justifying why special attention should be focused on recruiting young, energetic and bright minds that can take the entity to the next level of the land reform process. This will ensure knowledge transfer, timely on the job training, along with easy and comfortable upgrading of skills in modern technologies that are compatible with the present needs of the sector<sup>20</sup>. The proper functioning of the DLSC, capacity of public and private surveyors, and the oversight of surveyors are therefore essential to building the public confidence necessary to achieve Liberia long goal of equitable land access, land tenure security, and a functioning land market.<sup>21</sup>

### 2.2.4 MINISTRY OF PUBLIC WORKS – ZONING DIVISION

The Ministry of Public Works is responsible for zoning and regulations (including permits and enforcement), land use planning, and thematic mapping<sup>22</sup>. The Zoning Division of the Ministry is responsible for developing and enforcing zoning regulations and law, and come up with land use classification as it relates to residential, commercial and industrial areas. The Division is also responsible for verifying the ‘right of way, referring to path and alleys allocated for pedestrian and vehicles, but have been obstructed by buildings<sup>23</sup>’. Although one of the services rendered to the public and required by law is the issuance of construction permits, the population is not requesting permits before constructing buildings. However, there is a high demand for ‘sight inspection’ but the Division lacks the logistical capacity, especially vehicles to adequately perform this service<sup>24</sup>. The public encroachment in alleys and streets is challenging.

### 2.2.5 LIBERIA REVENUE AUTHORITY

The Liberia Revenue Authority (LRA) is an autonomous agency of government mandated to supervise and coordinate all revenue collection for the nation. As it relates to land, the LRA is responsible to collect legitimate taxes including real estate and property taxes, taxes on land (developed or undeveloped) and buildings. If a building is used for commercial purpose, the LRA collects land rental fees<sup>25</sup>. The Land Valuation and Real Estate Tax Division of the LRA handles all assessment and valuation of land and real property, thereby setting of rates for fees, fines, permits and payments for CNDRA

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<sup>20</sup> Interview with Josephine I. Benson Director of Deeds and Titles, CNDRA

<sup>21</sup> See USAID report on the preliminary survey of the public’s perception of Liberia’s Land Institutions

<sup>22</sup> Maps showing developmental activities such as WATSAN, agriculture, or where other development are taking place

<sup>23</sup> Interview with Amos Pippines of the Ministry of Public Works in Buchanan, Grand Bassa County

<sup>24</sup> Interview with Joselia Taplah, Director of Zoning, Ministry of Public Works

<sup>25</sup> Interview with Hon. Decontee T. King Sackie, Deputy Commissioner of Revenues, Liberia Revenue Authority

services. Services can be found in all parts of the county, but are more available in Monrovia where the bulk of commercial activities take place. The LRA is challenged by insufficient trained professionals in land related disciplines, such as property/tax law, land law, etc. The services in need, but not available, are a national cadastral system, and modern technology like GIS to know who owns which land and where. Improvement in this system will improve tax collection as tax is tied to property ownership<sup>26</sup>. The absence of these services therefore creates a challenge on enforcement of tax collection.

## 2.2.6 LIBERIA INSTITUTE FOR STATISTICS AND GEO-INFORMATION SERVICES

The Liberia Institute for Statistics and Geo-Information Services (LISGIS) is an autonomous agency of government. The principal tasks of LISGIS are data collection, compilation and retrieval for the census and for setting electoral boundaries. LISGIS works with the Ministry of Lands, Mines and Energy to demarcate electoral boundaries, and produce maps using GIS. It also works with the LC and the Ministry of Lands, Mines and Energy to establish district, clan and chiefdom boundaries. LISGIS also helps with demarcation of tribal reserves because the traditional population has certain areas that are referred to as 'no go zones' as these areas are accessible only to members of the traditional poro and sande societies<sup>27</sup>. Finding individuals who are part of the system to be trained in performing LISGIS activities in those no go zones is a challenge. Untrained surveyors and the absence of GPS facilities to spatially define land boundaries were also mentioned. LISGIS staff also mentioned an information gap amongst the public as it relates to acquiring public and private land, and obtaining a deed.

## 2.2.7 THE JUDICIARY

The Judicial Branch is a key stakeholder in the land sector as it relates to deeds and records registration through the Probate Court, and adjudicatory role through the Civil Law Court. The disposition of cases here refers to either resolution, appeal to the Supreme Court or dismissal. During discussions, participants expressed their dissatisfaction with the judiciary system. "As for the government there is no fair justice, whenever you take your case to the court if you don't have someone to supplicate for you, just leave your own with God because you will never get any justice" (Male FGD participant, Monrovia).

**PROBATE COURT.** "The Probate Court is empowered by state legislation to endorse all land deeds except those deeds for public land which are granted by the President. It is by the endorsement of the Probate Court that a document prepared for a transaction of property rights officially becomes a deed". Once the deed is endorsed by the Probate Court and returned to the applicant, it is forwarded to the Deeds Registry (CNDRA) for registration and archiving. During a FGD, the Probate Court was cited as being responsible for many land conflicts, as it issues Letters of Administration<sup>28</sup> without doing sufficient due diligence, and also attributes more land under the Administrator's authority than is available. During discussions, it was the general consensus that the court is corrupt and delays the probation process. However, one KII participant in Monrovia remarked that "there is nothing wrong with the Probate Court. When the Judge is good the court is good." The Clerk of the Probate Court suggests the following to make the Court more efficient and to ensure faster disposition of cases:

- Efficient and effective record management system;
- Highly trained clerical and managerial staff; and
- Regular training for judges and senior staff.

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<sup>26</sup>ibid

<sup>27</sup> Interview with Isaac Dweh, Head of LISGIS office in Buchanan Grand Bassa County

<sup>28</sup> Letter of Administration is a letter issued by the Civil Court to a person or group of persons to manage an interstate property

## 2.2.8 ENVIRONMENTAL PROTECTION AGENCY

The Environmental Protection Agency (EPA) is an autonomous agency of government established in 2002 to sustainably manage the environment in consultation with relevant line ministries and agencies. With respect to land related matters, the EPA has responsibility to delineate and protect environmentally sensitive areas such as wetlands, natural drainages, natural habitats, etc. Although the EPA has a multidisciplinary staff, there is a serious lack of a GIS/LIS capacity to capture the spatial distribution of these parcels. While individual staff members have some IT/GIS experience, no section is fully staffed, equipped and dedicated to carry out these functions.

## 2.2.9 FORESTRY DEVELOPMENT AUTHORITY

The Forestry Development Authority (FDA) was established by law to handle all forest land management. The FDA is faced with illegal harvesting and trading of forest products, pressure on use of forest lands, especially for the growing of agricultural crops such as oil palm and rubber, and high unemployment within the forestry sector (government and private) due to significantly reduced logging activity. Moreover, forest community dwellers are not benefiting from the resources. For example, both the land rental and cubic meter fees that should accrue to the affected communities are not forthcoming due to GOL's inability to deliver same to the people.

An important service needed but currently not available is ecotourism. Liberia has very rich endowments, cultural diversity, historic sites, beautiful fauna and flora species, beaches, lakes, waterfalls, rivers and other scenery. These features could attract tourists and other partners in order to generate revenue, and create a means to deliver basic social needs of the community dwellers while ensuring environmental protection.

## 2.2.10 MINISTRY OF AGRICULTURE

The Ministry of Agriculture (MOA), as a stakeholder in the land sector, is responsible for the management, promotion and governance of agriculture programs, including agricultural concessions in Liberia. It handles all oversight activities of agronomy, animal husbandry and other agricultural industries that lead to concessions programs for economic growth in agriculture. It also promotes and facilitates improvement in the food industry and national food security.

## 2.2.11 MINISTRY OF INTERNAL AFFAIRS

The Ministry of Internal Affairs (MIA), as a stakeholder in the land sector, has three major responsibilities:

1. Establishment of tribal boundaries in consultation with the Land Commission, pursuant to the Interior Regulation and the Liberian Land Review (LLR) of 1966, 1979, 1986.
2. Mediator role to resolve tribal, as well as county, land conflicts.
3. Oversee County Land Commissioners.

In addition to major responsibilities of the MIA, the Ministry works with the National Elections Commission to establish electoral thresholds.

## 2.3 PRIVATE SECTOR PROVIDERS OF LAND SERVICES

KIIs were conducted with five land service providers, all in Monrovia. The below matrix captures the services they supply, area of operations, challenges, and the demand for services. Discussants also gave recommendations on areas for the government to prioritize in the management and governance of land.

**TABLE 3: SELECTED PROVIDERS OF LAND SERVICES**

LAND SERVICE PROVIDERS	SERVICES OFFERED	DEMAND FOR SERVICES	AREAS OF OPERATIONS /RECOMMENDATION
AEP Consultants	<p>Liberian owned architectural and engineering firm, in operation for the past nine years.</p> <p><b>Services Offered:</b> Confirmatory survey of deeds, valuation, and land development. Where the firm does not have the capacity, it teams up with other firms to provide services such as geo- technical services (salt testing before designing the project) and Environmental Impact Assessment.</p> <p><b>Challenges:</b> Clients, especially the GOL, default in paying bills leading to loss of revenue.</p>	<p><b>High Demand:</b> Engineering design and supervising construction projects.</p> <p><b>Low Demand:</b> Real estate development mainly because there is little or no large scale development ongoing in the country at the moment.</p>	<p><b>Primary Area of Operations:</b> Montserrado but goes to any other county if the project is of good value.</p> <p><b>Recommendations:</b> Revamp entire land administration and governance of land. Government should be proactive in planning and managing land issues.</p>
Caesar Architects	<p>Liberian owned firm in operations since 1978.</p> <p><b>Services Offered:</b> Land survey, valuation and appraisal, research and land development services. The entity also performs GIS services, but lacks modern equipment to do so. Moreover, many clients cannot afford to pay for such services.</p> <p><b>Challenges:</b> Uncollected bills from the probate court for services rendered. Court slow and corrupt.</p>	<p><b>High Demand:</b> Survey, followed by appraisal due to the requirement by the banks.</p>	<p><b>Primary Area of Operations:</b> Montserrado and any county where there is a project.</p> <p><b>Recommendations:</b> Survey maps, land survey demarcation and plotting will help GOL in levying taxes.</p>



**TABLE 3: SELECTED PROVIDERS OF LAND SERVICES**

LAND SERVICE PROVIDERS	SERVICES OFFERED	DEMAND FOR SERVICES	AREAS OF OPERATIONS /RECOMMENDATION
<p>Architecture and Design Consultants</p>	<p>The firm has been in operations since 2007.</p> <p><b>Services Offered:</b> Boundary, investigative, and reconnaissance surveys; mapping, deeds preparation, construction, topographic survey and research.</p> <p><b>Challenges:</b> Resistance from squatters/intruders who are not owners of the land, sometimes resulting in violence and destruction of their equipment. Additionally, accessing public information from the Archives and CNDRA is a challenge in terms of time and money.</p>	<p><b>High Demand:</b> Surveying and background investigation for clients.</p> <p><b>Low Demand:</b> Production of maps, because many clients cannot afford to pay for this service.</p>	<p><b>Primary Area of Operations:</b> Montserrado, Margibi, Bong, Lofa, Nimba, Bomi, Grand Cape Mount, and Grand Bassa Counties.</p>
<p>Design Group Inc.</p>	<p>Liberian owned firm in operation since 1988.</p> <p><b>Services offered:</b> Design and supervision of architecture projects, surveys, appraisal of property for tax and commercial purposes, assessment of buildings, and town and city planning.</p> <p>Have just ventured into the real estate business due to the demand for the service. The firm does not turn any client away, but forms a partnership with other services providers to perform services they do not have the capacity for.</p> <p><b>Challenges:</b> Clients' unwillingness to pay for services rendered.</p>	<p><b>High Demand:</b> Architecture design and supervision.</p> <p><b>Lowest demand:</b> Land dispute resolution</p> <p><b>Gap in Service:</b> Real estate agents. This gap is forcing the firm to gradually move into this area.</p>	<p><b>Primary Area of Operations</b> Based in Monrovia, but willing to go wherever there is a good contract.</p> <p><b>Recommendations:</b> Prioritize zoning and building codes. The lack of these services hinders real estate and land services in Liberia. No serious real estate development without proper zoning. Lack of proper zoning encourages devaluation of property.</p>

**TABLE 3: SELECTED PROVIDERS OF LAND SERVICES**

LAND SERVICE PROVIDERS	SERVICES OFFERED	DEMAND FOR SERVICES	AREAS OF OPERATIONS /RECOMMENDATION
<p>Alliance Consultant Engineers, Planners and surveyors, Inc.</p>	<p>This firm has been in existence since 1996.</p> <p><b>Services Offered:</b> Survey, appraisal, engineering design and construction, research and consultancy.</p>	<p><b>High Demand:</b> Construction and appraisal.</p>	<p><b>Primary Area of Operations;</b> Monrovia, but has the capacity to work in all 15 counties.</p> <p><b>Recommendations:</b> To get the private sector involved in offering services in other counties, the government should support private venture with credit opportunities.</p> <p>Passage of Land Acts followed by massive awareness and implementation. Demarcate land ownership. Fast track land cases in the court system.</p>
<p>Comprehensive Design Consultants</p>	<p>A Liberian owned business.</p> <p><b>Services offered:</b> Architecture and interior design, planning, landscape design, construction management and supervision, evaluation and appraisal.</p> <p>The entity does not engage in construction - only supervision.</p> <p><b>Challenges:</b> Refusal of GOL to restrict architecture practice to Liberians. As a result, foreigners taking Liberian jobs.</p>	<p><b>High Demand:</b> Architecture planning and design.</p> <p><b>Low demand:</b> Architecture planning and supervision, because many Liberians do not know the services are available, or the importance of supervision in construction. Moreover, supervision is charged at 3% of the project cost which many Liberians cannot afford.</p>	<p><b>Primary Area of Operations:</b> Based in Monrovia, but has performed services in other counties as well as internationally.</p> <p><b>Recommendations:</b> Private sector engagement can be encouraged with access to long term credit for housing development. Security, power and roads are necessary to motivate land service providers in other parts of the country. A cadastre system where the land is laid out by residential, commercial and industrial areas. This facilitates taxation by zones.</p>

## 2.4 MEDIATING LOCAL DISPUTES IN LIBERIA PROJECT

Mediating Local Disputes in Liberia (MLDL) using ADR seems to be gaining momentum in many parts of Liberia. The Kaizen Company is implementing the United States Government, Bureau of International Narcotics and Law Enforcement Affairs (INL)-funded MLDL Program. During FGD in Nimba, the program was mentioned as playing a significant role in resolving land conflicts. This project was initially organized to settle land disputes, but later changed its mediation mandate to include other activities such as security. It collects information on security threats, collaborating with citizens and the law enforcement. The objective is prevention of conflict and crimes through an early warning system.

The survey team was informed that the project encourages parties to withdraw their cases from the court to the palaver hut. The areas of operations are Lofa, Bong, Grand Gedeh and Nimba Counties<sup>29</sup>. The methodology is to train mediators who conduct the process.

The staff interviewed informed that the organization has realized that the shortage of trained land surveyors in all parts of Liberia is making the service delayed and unaffordable for many Liberians. They recommended the establishment of an institution that trains surveyors. The surveying business should not be like a "Zoe bush"<sup>30</sup>. Untrained surveyors are one of the root causes of land problems that need rigorous and fast redress.<sup>31</sup>

The need to demarcate county, district, clan and town borders was highly recommended, and also to decentralize land documentation at the county and district level. "The services must be brought closer to the people through land education. Every citizen must be informed about the value, importance, and process in obtaining land, including squatters' rights." The project has been very successful in mediating conflict in its operational areas, including boundary conflict, between Vahun and Kolahun Districts in Nimba and Lofa Counties. The Norwegian Refugee Council and USAID Land Conflict Resolution Project have also implemented land conflict resolution projects in Liberia.

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<sup>29</sup> Interview with Mr. Martin J. Sopp of the MLDL project

<sup>30</sup> Referring to traditional secret societies, also called the "Poro" and "Sande" societies where only members can venture.

<sup>31</sup> Interview with a service provider.

## 3.0 LAND SERVICES AVAILABLE AT THE NATIONAL AND COUNTY LEVEL

There are several land services being provided by government ministries and agencies, as well as the private sector. Some services are in high demand, while other are in low demand, or not affordable by the general population. From literature reviewed and results from the survey, the land services available in counties include:

1. **Land surveyors:** available in all the five counties surveyed, and reportedly in all other counties. Nonetheless, their actual presence and level of functionality in all counties is an area for research. However, discussants are of the opinion that many of the land conflicts between individuals are a result of dishonest and untrained surveyors. In all counties, surveyors are scarce and their services therefore unaffordable to many, and delayed. This finding correlates with USAID findings that surveyors are the cause of many land conflicts.
2. **Registration and probation of land deeds:** The land deed is probated by a lawyer representing the party conducting the transaction, and signed by the Probate Judge in Montserrado County or the Circuit Judge in the other counties. The process is long and on some working days, not available at the local level.
3. **Appraisal and valuation:** Mainly available in Monrovia. This service is required by banks from clients who want to use a piece of land as a collateral for a loan.
4. **Land conflict resolution:** Using ADR is available in Margibi, Bong and Nimba. In Grand Bassa, it was a consensus that the court system and violence are two approaches used to settle land disputes.
5. **Legal services:** To probate, register land deeds, and mitigate in land cases.
6. **Planting of corner stone for individual land parcel:** Mainly mentioned in Monrovia, Nimba and Grand Bassa Counties.
7. **Security for unused land:** Mentioned in all counties.
8. **Title search:** Someone, usually a lawyer, to search and ensure that the proposed seller of the land is the rightful owner. This service was mentioned in Monrovia.

The most available services in all counties are surveying, registering and probating of land deeds. These services can be found in almost all county capitals, but not in districts and beyond. Participants in Monrovia know of more land services as compared to participants in other counties.

### 3.1 SERVICES IN SHORT SUPPLY OR DIFFICULT TO OBTAIN

The below services were mentioned by service providers as in short supply, or difficult to obtain. To fill the gap, the government has been hiring foreigners to perform these services.

1. **Honest surveyors:** Surveyors are integral to the land reform process. A parcel of land has to be surveyed before ownership rights are transferred. However, there is a shortage of technicians to perform the services. Presently there are seventy eight licensed surveyors, while other licenses are

being processed.<sup>32</sup> This is a forty-two percent increase from the 45 licensed surveyors reported by USAID in 2015.<sup>33</sup> A discussant puts it like this: “the shortage comes about because we now have many people buying land and if you go to put in for a surveyor, you have other people there who want to survey their land right there. It begins a competition: you who bring the most money, the surveyor will go to survey your land before even turning to you.” In other words, whenever there is a land dispute between two parties, the party who has the most money to pay the surveyor will induce that surveyor to go ahead and survey the land and issue a deed in their favor, whether legitimate or not (male FG discussant in Nimba County).

2. **Cadastre system using GPS:** Mentioned by the government institutions and service providers. Only a limited portion of Central Monrovia and suburbs have adjudication maps and these were not originally based on GPS coordinates.
3. **Real estate agents/brokers:** Due to economic reasons, many persons cannot afford to pay their fees. Moreover, there is no large scale real estate development ongoing in the country. The demand for this service is higher in Monrovia, compared to other counties (KII with service provider in Monrovia).
4. **Topographic/relief mapping:** Showing hills, valleys and mountains.
5. **Hydrographic services:** Maps for water bodies.
6. **Alternative land dispute resolution:** With the traditional people's involvement.

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<sup>32</sup> Interview with J. Josephus Burgess, Sr, head of the surveyors association

<sup>33</sup>USAID, Enabling Agriculture Trade AgCLLIR Liberia Agro Business Commercial Legal and Industrial Reform Assessment reported that there were only 45 licensed surveyors.

## 4.0 DEMAND FOR LAND SERVICES

In almost all of the surveyed counties the services repeatedly mentioned as being in high demand were: surveying, registering and probating of deeds, and land development. Planting of land corner stones and security for the land until it is ready for development, were unique to Monrovia and Nimba Counties. In Grand Bassa, a lawyer to settle dispute was mentioned during the FGD as being in high demand. Besides Montserrado, many of FG discussants were not aware of other services.

A training needs assessment of the Land Commission showed that “the sector, although endowed with professionals possessing bachelors and master degrees, is nevertheless, understaffed. The lack of highly trained professionals in relevant core disciplines required for the effective operation of a modern land authority is well noted. Skill deficits in much needed technical disciplines such as Geo Information System (GIS), Land Information System (LIS), Information Communication Technology (ICT), records preservation and management, digital scanning, etc., were established”.<sup>34</sup>

### 4.1 COST OF LAND AND LAND SERVICES

In all discussions, it was a consensus that there is no price structure for land and land services. Consequently, each service provider has her/his own price structure that is usually based on location of land and the client’s perceived ability to pay for land and services. Because of this, some land owners, after selling a plot of land, resell it for a higher amount to another client, and offer to relocate the original buyer to a less desirable location. This initiates a land conflict between the two buyers. However, the cost cited for surveying one lot of land was US\$50 – 150, depending on the location, such as rural versus urban. The majority (60 out of 72) of respondents in a USAID study stated that they paid less than \$100 to survey their land, while seven said they paid between \$100 and \$199. Only three paid more than \$500<sup>35</sup>. However, the report did not state the size of land that was paid for. Perhaps there was a vast difference between the sizes of the respective plots of land. The government also charges 2% of the land cost as property tax, which participants say is very expensive. One reason stated for the high cost of services is the scarcity of land service providers, especially good surveyors, in other parts of the country. Therefore, services are relatively cheaper in Monrovia than in other counties. The inability of clients to pay for services is reportedly resulting in default in payment of fees, and loss of revenue to service providers.

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<sup>34</sup>Land Commission, Training Needs Assessment conducted by Jafain Consortium, Inc. March 2015

<sup>35</sup>USAID Report on the Preliminary survey of public perception of Liberians land Institutions

## 5.0 GENDER ISSUES IN THE LAND SECTOR

Although women's access to and ownership of land has improved, their access is still low compared to their male counterparts. Gender has not been sufficiently mainstreamed in the traditional land system, and many women are still denied access to their father's land. For instance, in Grand Bassa, the study found out that women are restricted to certain areas of the land and barred from growing cash crops that have a long life span and more income. There is a Women's Land Rights Task Force that is now advocating for the passage of the Land Rights Law. However, this group has been dysfunctional for a while. The survey also gathered that because of the limited number of females in the profession, males cheat women clients by reducing the quantity of land they purchase. "When it comes to land, women are cheated more because men who are surveyors feel that women are weak and women don't know length" (Male Focus Group Discussant – Monrovia).

Another information the survey captured is that women are being asked for their spouses at the Probate Court in the process of registering their deeds. "If you are a lady and go to the Probate Court alone the first question will be, where is your husband? So there is no gender equality when it comes to land. People are still carrying on the old idea that only man should have the authority but not women" (Female, Focus Group Discussant, Nimba).

Although the situation with respect to women's access to and use of land has been enhanced over the last ten years, women's marginalization when it comes to ownership and use of land still exists in many parts of the country, especially in the rural areas. The need to provide adequate and massive awareness amongst women on their rights to land, and the processes in acquiring land can never be over emphasized.

## **6.0 HOW CAN THE GOVERNMENT ENGAGE THE PRIVATE SECTOR TO PROVIDE LAND SERVICES?**

Presently many of the land services are being provided by both the government ministries and the private sector. Nonetheless, these services are mainly found in Monrovia or the county capitals. As such, the onus is on the government to engage and encourage the private sector to venture in other counties including the districts to bring the services closer to the people and make them more affordable. The GOL must first of all give a much higher policy focus and priority to housing, urban planning and development as a major engine of growth and development within its Agenda for Transformation. This should be done within the context of available resources, openness to using the public-private partnership (PPP) model, and with a focus on housing and urban development along the economic growth corridors of Liberia.

This latter focus which would be based on the effective demand for housing from gainfully employed buyers in the formal and informal sectors along economic growth corridors would provide a sound market-driven business case. Furthermore, as has been highlighted in the KII with one of the architectural firms, there is a need to accompany this approach with far greater access to long term funding for a robust housing finance program in order for both housing developers and would-be home buyers to have access to finance. The sustainability of this approach would attract private sector resources for investments in housing and urban development. Only if this approach is adopted, will an enabling environment be provided to create a vibrant housing market where the demand for the various services listed below will become very significant.

Secondly, there is an urgent need for GOL to encourage existing and new agricultural concessions to accelerate the pace of implementation of more inclusive large scale out grower or smallholder farm programs in oil palm, rice, cocoa, livestock and vegetables. In this approach, Liberian community land owners may benefit from farming support in form of inputs, tools and agricultural extension services from concessions. The concessions would provide value-added processing and market access for the output of the individual out grower plots while also maintaining their own nuclear plantations of key commodities that have shown a better market resilience over the past few global commodity price cycles.

As is being done in other countries, it could not only stimulate the demand for land services, but would also significantly reduce conflicts between community land owners and the concessions. This would be based on the simple "win-win" logic of giving community dwellers access to income generating property as well as the opportunity to acquire homes in well planned communities, in exchange for giving up large tracts of land to the commercial companies.

Thirdly, there is a need to prioritize the survey and titling of the balance of over 80% of Liberia's total land area in order to reduce conflict and adjudication over land ownership claims. The proposals made above for increased economic activity in the country will bring about a major increase in the demand for land services but only if very high priority, political will and significant resource allocations are accorded them.

Fourthly, the GOL should assist to strengthen land services professional bodies such as the Association of Professional Land Surveyors, and provide adequate regulatory frameworks plus industry standards. This, plus the use of regulatory agencies such as the proposed Land Authority, CNDRA, and the LRA, will enable proper governance of the ethical and professional conduct of affairs within each professional



body. Within the PPP framework, the country should be able to attract seasoned professionals in each of the below areas from the diaspora and other investor countries in order to more rapidly bridge whatever skill gaps might exist. The government is also best placed to seek support from donor agencies and countries for capacity building programs aimed at rapidly bridging land services skills gaps and increasing the number of public and private sector technicians in each domain.

Lastly, the government should provide the enabling environment for the private sector to venture into the land services at the national and local level. The enabling environment could include good roads, and regular power and water supply. Payment of fees to the private sector for services conducted is also important.

Private sector contribution to the enhancement of better service provision could be meaningful in the following ways:

- Help in upgrading local skills by periodic provision of training to the public and private sectors in modern survey and mapping techniques (many companies, concessionaires, NGOs and international agencies have trained personnel and highly sophisticated equipment to undertake this activity);
- Supply of spatial data and equipment to practitioners in the land sector at reduced rates and favorable terms;
- Sharing of available spatial data that are difficult or expensive to procure; and
- Working with government to set up a cadastral system to give service providers reliable and timely information to organize their activities for land use planning.

# 7.0 SUGGESTED AREAS TO PRIORITIZE BY THE LGSA SUPPORT TO THE GOVERNMENT

## 7.1 A LAND CADASTRAL SYSTEM

During key informant interviews with service providers and relevant government staff, the absence of a land cadastral system was the key reason for many conflicts in the land sector. According to Williamson et al, the cadastre is only one part of the LAS, but its significance is profound, components complex, and difficult to explain. The table below summarizes the components and importance of a land cadastral system.

TABLE 4: CADASTRE COMPONENTS	
Cadastré	A type of land information system that records land parcels as it relates to: <b>Juridical cadastre:</b> a register of ownership of parcels of land <b>Fiscal cadastre:</b> a register of properties recording their values <b>Land-use cadastre:</b> a register of land use <b>Multipurpose cadastre:</b> a register including many attributes of land parcels.
Index map	A map showing the legal properties framework of all land within an area, including property boundaries, administrative boundaries, parcel identifiers, road reserves, and administrative names.
Cadastral map	A map showing land parcel boundaries, sometimes buildings
Cadastré surveying	Surveying and mapping of land parcel boundaries in support of a country’s land administration, conveyance or land administration system.

SOURCE: WILLIAMSON ET. AL.

## 7.2 AN INSTITUTION TO TRAIN PROFESSIONALS IN LAND SERVICES

The absence of an entity to train land service providers, especially surveyors, was resounding amongst government ministries and service providers. There need to be an institution dedicated to the training of land services providers. Most of the well trained surveyors are aged and the need to train the next generation of surveyors committed to the profession and with high integrity cannot be over emphasized and will engender significant reform in the land sector.

## 7.3 AWARENESS ON LAND AND LAND RELATED ISSUES

From the FGDs, especially out of Monrovia, it was made clear that many people lack knowledge on the legal process of gaining title to land. Many persons believe that once a piece of land has been paid for and the receipt is in possession she is the owner of the rights to the land. Information is power. Enhancing public knowledge on the processes of gaining legal title to land, and the various land rights instruments (i.e. Land Rights Act) is paramount. Awareness should be conducted at all administrative levels, and in the various vernaculars. This action will assist to build public confidence in the government efforts to reform the land sector and reduce the many land conflicts presently being experienced.

## 8.0 CONCLUSION AND RECOMMENDATIONS

The conduct of this survey exhibited the enthusiasm and anxiety of Liberia to acquire answers, and give information about the challenges they are experiencing with respect to acquiring a plot of land. In the discussions many recommendations were advanced; many outside the mandate of this survey. It showed how the issues surrounding land ownership have become of great importance to Liberians, and needs to be addressed in a timely manner. The recommendations captured for this report were:

1. The first and foremost recommendation mentioned to the government by all discussants was to have the Land Rights Act, and the Land Authority Act passed and enacted into law with full implementation.<sup>36</sup> Moreover, the Land Authority should have prosecutor power. Many discussants are of the opinion that enacting the Land Rights Law will assist to resolve the many land issues presently existing in Liberia.
2. The government should prioritize setting up a nationwide cadastral system using digital technology.
3. Establish enhanced zoning and building codes with adequate enforcement in order to guarantee safety and wellbeing of inhabitants in both rural and urban areas.
4. Work with the Probate Court to fast track the series of land issues to include probating and land dispute resolution. In the interim, there might be a need to set up a special land court and/or expand the use of ADR mechanisms to accelerate the solving of land cases.
5. The Probate Court and CNDRA should conduct due diligence before probating and registering deeds respectively.
6. Create institutions to train, license and monitor ethical behavior of land surveyors.
7. Tax unutilized land to serve as a disincentive to hoarding of large tracts of land.
8. Provide adequate awareness on the processes as it relates to acquiring and transferring a piece of land, and about the various land instruments at the Legislature.

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<sup>36</sup> The Land Authority Act was passed after the drafting of this report.

## ANNEX A: SURVEY PARTICIPANTS PER COUNTY

FOCUS GROUP MONROVIA ONE				
NO.	NAME	SEX	POSITION	TELEPHONE NO.
1.	Caesar Hall	M	Water Engineer	0886527685
2.	John Bryant	M	Industrial Security	0886761844
3.	Sacnee Dennis	F	Travel Agent	0777543619
4.	Minnie Paegar Kallon	F	Lawyer	0888060494
5.	Thelma Cooper	F	Teacher	0880295458
6.	Ella Duncan	F	HR Specialist	0886515004
7.	Benjamin Karmoh, Jr.	M	Environmentalist	0886518928
8.	Margo Cooper Korkoya	F	Journalist	0886510862
9.	Alex Pael	M	Conversationalist	0886511138
10.	Joseph Y. Gibson	M	Civil servant	0886531098

FOCUS GROUP MONROVIA TWO				
NO.	NAME	SEX	PROFESSION	TELEPHONE NO.
1.	Francis T. Wayne	M	Education Administration	0880928927
2.	Beatrice Tokpah	F	Business Woman	0776501140
3.	Cecelia W. Thompson	F	Accountant	0776729933
4.	Abraham T. Krah	M	Researcher	0777204430
5.	Damanice A. Neufille	M	Entrepreneur	0770519762
6.	Sandy H. Anderson	F	Physician Assistant	077747215
7.	Nora J. Bakana	F	Business Woman	0777298915
8.	Rebecca J. Thomson	F	Business Woman	0886432854

**FOCUS GROUP MONROVIA THREE**

NO.	NAME	SEX	PROFESSION	TELEPHONE NO.
1.	Lawrence P. Rasammy	M	Businessman	0770773749
2.	Peter Togbah	M	Businessman	0886233296
3.	Jerry Browne	M	n.a	0886170162
4.	Alexandra V. Prevre	M	n.a	0886753230
5.	Moses Demen	M	Engineer Student	0777823400
6.	Amos Kollie	M	n.a	0777279302
7.	John Kerkulah	M	Farmer	0776193116

KEY INFORMANT INTERVIEWS MONROVIA				
NO.	NAME	SEX	PROFESSION/ENTITY	TELEPHONE NO.
1.	Sylvanus Oconnor	M	Architectural Engineer	
2.	Gibson Caesar	M	Architectural Engineer	
3.	Joseph Jones	M	Architect/Design Group	0770250324
4.	E. C. B. Jones	M	Engineer	0886531561
5.	John Woods	M	Forester	0880564070
6.	Frances Greaves	F	Civil Society Organization	
7.	Clr James A. Pierre	M	Lawyer	0886545143
8.	J. Omaxline Demen	M	Entrepreneur	0886118599
9.	Magnus Jones	M	Businessman	0883543103
10.	George Miller	M	Ministry of Lands and Mines	077033554
11.	J. Josephus Burgess, Sr.	M	Association of Professional Land Surveyors	07770100955
12.	Hon. Decontee Sackie	F	Liberia Revenue Authority	0886560806
13.	Jocelia Taplah	F	Ministry of Public Works	n.a
14.	Josephine L Benson	F	CNDRA	n.a
15.	Melvin Sheriff	M	National Investment Commission	0886544842
16.	Victor Smith	M	Alliance Design Group	
17.	Robert A. Gray	M	Comprehensive Design Consultants	0886953953
18.	Stanley Toe	M	Interim Land Task Force	
19.	Frank Krah	M	Habitat Representative Liberia	
20.	Peter Kambor	M	Bureau of Concessions	0886898296
21.	Samuel W. Thompson	M	Banker/Economist	0886558468
22.	Melvin Sheriff	M	Director at National Investment Commission	0886544842
23.	D. Maxwell Kamayan	M	President Liberia Business Association	0886556813
24.	Lawrence P. Massaquoi	M	Ministry of Agriculture	n.a
25.	Henry S. Bundoo	M	Ministry of Agriculture	n.a

**FOCUS GROUP AND KII DISCUSSANT GRAND BASSA COUNTY**

NO.	NAME	SEX	PROFESSION	TELEPHONE NO.
1.	Joseph Karyea	M	Civil Servant	0770796534
2.	Henry W. Tarr	M	Businessman	n.a
3.	Napoleon B. Karr	M	Civil Servant	0880875002
4.	Mamie Wriss	F	Businesswoman	n.a
5.	Wanlania Zondo	M	Business woman	n.a
6.	John Philip	M	Civil Servant	0775957028
7.	S. Handel Doe	M	Educator	0777763780
8.	Andrew Beere	M	Masonry	0770907644
9.	Savanna Paul	F	Educator	0886441162
10.	Williams K. Kpakpadu	M	Civil Servant	0777245661
11.	Elizabeth Barwon	M	Civil Servant	n.a
12.	Christian S. Logan	M	Civil Servant	077650040
13.	Isaac Dueh	F	Civil Servant	0777568050
14.	Amos S. Pippins	M	Civil Servant	0777739552

**FOCUS GROUP AND KII BONG COUNTY**

NO.	NAME	SEX	TELEPHONE NO.
1.	George Gluteh	M	0886899641
2.	James A. Mulbah	M	0886855313
3.	John Korma	M	0880619032
4.	Martha Sumo	F	0888820497
5.	Marie Flomo	F	0880210112
6.	Stephen T. Sakor	F	0888278271
7.	Martha Harris	F	n.a
8.	Mammie Harris	F	n.a
9.	Martin Kollie	M	0888210152
10.	Martha Kollie	F	n.a
11.	Martha Dolo Kolliemah	F	0886913752
12.	James Flomo	M	0770298765
13.	Cecelia Forkpa	F	0880820496
14.	Francis Paye	M	n.a
15.	Hon. Anthony Sheriff	M	0886721125



**FGD AND KII PARTICIPANTS NIMBA COUNTY**

NO.	NAME	SEX	TELEPHONE NO.
1.	Benedict S. Guanue	M	077649663
2.	Agnes Bowman Baar	F	0886498797
3.	Edwin Saye Waa	M	0886481889
4.	Aletha Somo	F	0886437873
5.	Roy Richards, Sr.	M	0886276142
6.	Amelia Paye	F	0880677383
7.	Esther Bleetan	F	0880677383
8.	Rebecca K. Behn	F	0886461404
9.	Marcuo M. Goe	M	0886483481
10.	Jacob Dahn	M	0777304609
11.	Bryon Dolo	M	0776581913
12.	Hon. Door Cooper	M	0886406382
13.	Rita Paye	F	0770339974
14.	Yah Bella	F	
15.	Musu Kadama	F	0886605372
16.	Martin J. Sopp	M	0886566995
17.	Marti Troy	F	0886390386

**FGD AND KII PARTICIPANTS MARGIBI COUNTY**

NO.	NAME	SEX	TELEPHONE NO.
1.	Richard G. Moore	M	0886517878
2.	Etta Jausua	F	0776287038
3.	Grace Kollie	F	n.a
4.	Marconie George	F	n.a
5.	Betty Blaine	F	0770258682
6.	Bopee Dade	M	0775224060
7.	Martha Gargar	F	n.a
8.	Commissioner Joseph Y. Gibson	M	n.a
9.	Dorothy B. Everette	F	0886517978
10.	Roseline Kerkulah	F	0880517876
11.	Isaiah Demen	M	n.a
12.	Boto Jah	F	n.a
13.	Tenneh Kerkula	F	0886936410

# ANNEX B: SURVEY TOOLS

## B.1 LAND MARKET SURVEY QUESTIONNAIRES FOR COMMUNITY MEMBERS

County: \_\_\_\_\_ Date: \_\_\_\_\_

### Get Informed Consent

### SOCIO-DEMOGRAPHIC CHARACTERISTICS –TICK (✓) OPTION

1. Sex of respondents:

a) Male [ ]                      b) Female [ ]

2. Age

a) 18-25 [ ] b) 26-35 [ ] c) 36-45 [ ] d) 46-55 [ ] e) 56-65 [ ] f) 66 and more [ ]

3. Educational Level:

a) University [ ] b) Secondary School [ ] c) Vocational School [ ]

d) Primary School [ ] e) None [ ]

4. Name: \_\_\_\_\_

5. What land services do you know of? (Multiple Answers)

a) Survey [ ]

b) Valuation [ ]

c) Real Estate broker [ ]

d) Third party Land Dispute Resolution Entity [ ]

e) Land Developer [ ]

f) Negotiator (community/private sector) [ ]

g) Other (please specify) \_\_\_\_\_

6. Which land services are available in your community?

a) Survey [ ]

b) Valuation [ ]

c) Real Estate broker [ ]

d) Third party Land Dispute Resolution Entity [ ]

e) Land Developer [ ]

f) Negotiator (community/private sector) [ ]

g) Other (please specify) \_\_\_\_\_

7. Which land services do you need in your community but are not available?

- a) Survey [ ]
- b) Valuation [ ]
- c) Real Estate brokerage [ ]
- d) Land Dispute Resolution Entity [ ]
- e) Land Developer [ ]
- f) Negotiator (community/private sector) [ ]
- g) Other (please specify) \_\_\_\_\_

8. Have you ever been involved in the transaction of any land service?

Yes [ ]

No [ ]

9. Which of the below land services have you engaged with or benefitted from?

- a) Survey [ ]
- b) Valuation [ ]
- c) Real Estate broker [ ]
- d) Land Dispute Resolution Entity [ ]
- e) Land Developer [ ]
- f) Negotiator (community/private sector) [ ]
- g) Others \_\_\_\_\_

9 a) How long did it take to register your land parcel?

- a) 1 - 30 days [ ]
- b) 31 - 60 days [ ]
- c) 61 - 90 days [ ]
- d) Over 90 days [ ]

9 b) How much did it cost to register your land?

- a) 1 - 30 dollars [ ]
- b) 31 - 60 dollars [ ]
- c) 61 - 90 dollars [ ]
- d) Over 90 dollars [ ]

9 c) Did you have to pay cold water to register land

Yes [ ]

No [ ]

10. What would you say about the time it takes to survey a plot of land?

a) Time is okay [ ]

b) Time is too long [ ]

11. How much does it cost to survey land in US\$?

a) Less than 100 [ ]

b) 100 to 500 [ ]

c) 501 to 1000 [ ]

d) Above 1000 [ ]

e) Don't know [ ]

12. How long did it take you to get a property valued?

a) 1 - 30 days [ ]

b) 31 - 60 days [ ]

c) 61 - 90 days [ ]

d) Over 90 days [ ]

e) Don't know

13. How much does it cost to have land valued (in US\$)?

a) Less than 100 [ ]

b) 100 to 500 [ ]

c) 501 to 1000 [ ]

d) Above 1000 [ ]

e) Don't know

14. How long did it take a Real Estate Broker to find you a place?

a) 1 - 30 days [ ]

b) 31 - 60 days [ ]

c) 61 - 90 days [ ]

d) Over 90 days [ ]

e) Don't know [ ]

15. How long did it take to resolve your land issue in Court?

- a) 1 - 30 days [ ]
- b) 31 - 60 days [ ]
- c) 61 - 90 days [ ]
- d) Over 90 days [ ]
- e) Don't know [ ]

16. In your opinion, how efficient is the Probate Court?

- a) Very efficient [ ]
- b) Not very efficient [ ]
- c) Fairly efficient [ ]
- d) I don't know [ ]

**B.2 QUESTIONS FOR SERVICE PROVIDERS (KEY INFORMANT INTERVIEWS)**

- 1. How long has your entity been in existence?
- 2. What are some of the services that you provide? Please list them
- 3. In which counties do you provide these services?
- 4. What services are being requested by your clients but you are not able to provide and why?
- 5. Are you aware of these other services? ( List other services not mentioned)

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- 6. What should be done to make these services available?
- 7. From your experience, what services have the highest demand and what in your opinion is the reason?
- 8. Which services have the lowest demand, and what is the reason?
- 9. What experience do you have with the probate court, if any?
- 10. What are some challenges that you encounter while performing your services?
- 11. What are some gender issues that you have noticed in the performance of your services?
- 12. What recommendation/s do you have for the government reference land governance and administration?

**B.3 FOCUS GROUP DISCUSSION IN COMMUNITIES**

- 1. What are the different land services available in this county?
- 2. What land services do you, or people you know normally use?

3. What would you say about the cost of these services?
4. What are some of the challenges associated with obtaining these services?
5. What are some of the services that you sometimes need but can't find someone/institution to provide?
6. Are there services available that you don't use? If yes, why?
7. How much are you willing to pay for such service?
8. What is your experience with the probate court, if any?
9. What is your opinion about the Land Authority?
10. What services do you think the government should prioritize and make available in the counties?
11. What is your experience with the CNDRA?
12. What recommendations do you have for the government reference land management and administration?
13. What are the reasons for land dispute in this county, and how are they resolved?
14. What are some gender issues you have noticed in the governance and administration of land?

#### **B.4 KII FOR GOVERNMENT OFFICERS**

1. What are the land services available in the country?
2. What counties can you find these services?
3. What services are needed but are not available and why?
4. What services do you think the Land Governance Support Activity project should prioritize to support, and why?
5. How do you think the private sector can be engaged to provide priority services at the national and local levels?
6. What are some of the challenges in land governance and administration presently?
7. How can these challenges be mitigated?
8. What are some gender issues obtaining in the governance and administration of land?
9. How are these issues being addressed?
10. What has the government done to create adequate awareness about the Land Act and Laws?

#### **B.5 KII FOR CIVIL SOCIETY**

1. What do you think are major land issues in Liberia?
2. How can these issues be addressed?
3. What are some gender issues associated with the governance and administration of land?
4. How can the civil society contribute to the governance and land management system in Liberia?

5. What can be done to create adequate awareness on the Land Act?
6. Others



## ANNEX C: SOURCES CONSULTED

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