



USAID
FROM THE AMERICAN PEOPLE

LIBERIA CASE STUDY

Mark Marquardt

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

October 2012

Introduction

Concepts:

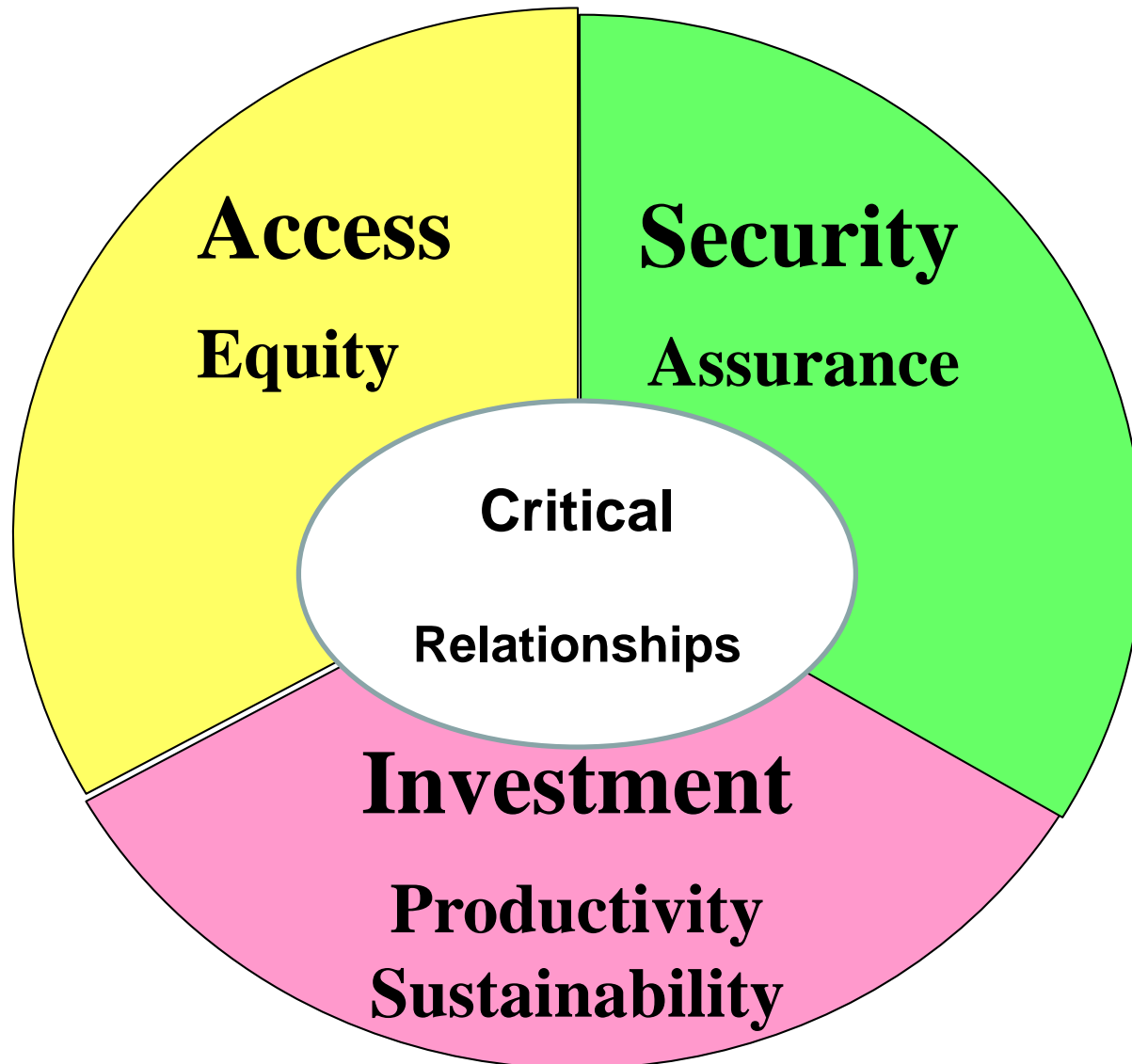
Land and Resource Tenure:

- 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, Nathan S. 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 Section 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,

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 390 feet to a Point;
 South 21 degrees West 6428 feet to a Point;
 North 69 degrees West 1820 feet to a Point;
 Thence North 21 degrees East 1130 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 B. & 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 B. & 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 B. & 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. 1980 and of the Republic the 132nd year

William R. Tolbert Jr.
 President

Revenue Receipt
 #161811558
 \$250.00

014603

REPUBLIC OF LIBERIA (TRANSFER DEED)

KNOW ALL MEN BY THESE PRESENTS, That I, Nathan S. Commissioner of Public Lands of the County of Maryland and the Republic of Liberia for and in consideration of the sum of 250.00 DOLLARS paid to me by George Mitchell of the County of Barrenville in the County of Barrenville the Republic of Liberia (the receipt whereof is hereby acknowledged) to hereby give, grant, bargain, sell, and convey unto the said George Mitchell

I, George Mitchell hereby assigns a certain lot or parcel of land, with the building(s) there on and all privileges and appurtenances to the same belonging situated in the Town Ship County of Barrenville and Republic of Liberia and bearing the authentic records of said County of Barrenville the number 1610 and bounded and described as follows:

Commencing at the Southeast corner of lot 1 to 25 parcel of Land lying running on a regular bearing and distance as follows: running South East 25 feet to a point; thence running South 21 degrees West 6428 feet to a point; thence running North 69 degrees West 1820 feet to a point; thence running North 21 degrees East 1130 feet to the place of Commencement.

And containing 300 acres of land and no more.

TO HAVE AND TO HOLD the above granted premises to the said George Mitchell

I, George Mitchell hereby assigns, and to his/her descendants their use hereof forever

And I, the said Nathan S. Commissioner of Public Lands for me and my heirs, executors, administrators, and assigns do covenant with the said George Mitchell his/her heirs and assigns that at and until the expiring of these presents I/we will be bound in the strength of the aforesaid general provision, that they are from henceforward, that I/we have good right to well convey unto the said George Mitchell

I, George Mitchell hereby assigns forever, as alienable, and that I/we and my heirs, executors and administrators, and assigns that WARRANT AND DEFEND the same to the said George Mitchell

I, George Mitchell hereby assigns forever, against the lawful claims demands of all persons.

WITNESSETH

IN WITNESS WHEREOF I, Nathan S. Commissioner of Public Lands have hereunto set my hand and seal this 22nd day of February A.D. 1980.

Signature and seal of the Commissioner of Public Lands

Signature and seal of the President of Liberia

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, Achoi Tellewoyan
Paramount Chief of the Bondi-wubomai Chiefdom, Voinjama
District No. 3, Western Province, in behalf of my Clan Chief
and Elders of the Upper Wankor clan have this day and date
granted remission to Mr. Joseph N. Blamo Sr.
after complying with the necessary requirements according
to the ruling of the President and the Native customary
law to purchase from the General Government 200 acres
farm land situated on the Right hand side of
the Voinjama Kolahun road.
Issued this 26th day of March A.D. 1956.

Sd/- William K. Sillah Chief
Clan-Chief

K. Amunbo Chie & Co.
Town-Chief

Johnson
Chiefdom Clerk, B.W. Chiefdom

M.D. Coyle
Sectional Clerk

Approved: John Sillah
District Commissioner, R.L.

Registered in the District
Office. #176
7/10/58

TRIBAL LAND CERTIFICATE Date: _____

This is to certify that We, the Elders, Town, Clan and Paramount Chiefs of the
Town of Zor Zor, Gijima Clan, LORNA 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 Gijima Clan, LORNA Chiefdom, Zor Zor
District, Lofa County, on the LEFT hand side of the road leading from
ZOR ZOR TOWN to KARLIMEI. Commencing from THE
CREEK PALAWHKA boundary block. Adjoining to
MR. KEZELEE KINKU block.
Directly opposite MR. GAYELOR 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 covenant 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>Mr. W. A. Abouward</u> TOWN CHIEF	<u>Mr. Yassa Beyan</u> 28.6.1987 ELDER
<u>Samuel K. Sillah</u> 15/6/87 CLAN CHIEF	<u>William Koro</u> 15/6/87 SECTIONAL CLERK
<u>K. Sillah Dorleh</u> 15/6/87 PARAMOUNT CHIEF	<u>Johnson</u> 15/6/87 CHIEFDOM CLERK
<u>John Sillah</u> DISTRICT COMMISSIONER	<u>John Sillah</u> LAND COMMISSIONER, LOFA CO., DATE

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

000022

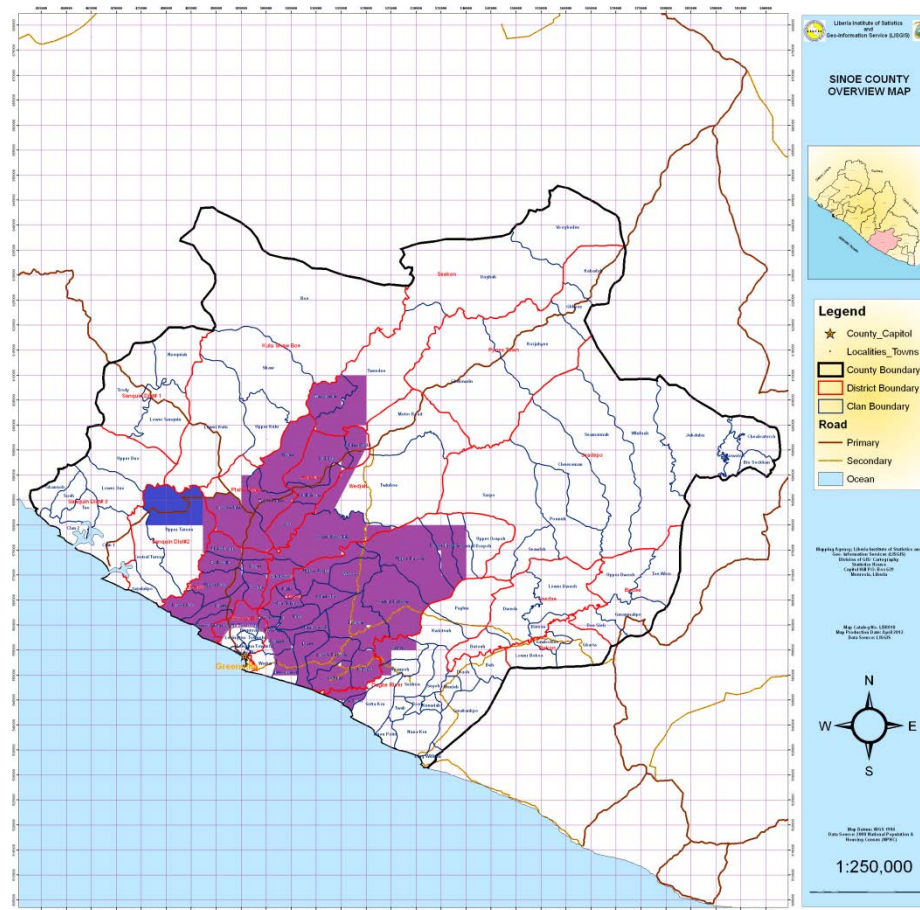


Issues: Investment

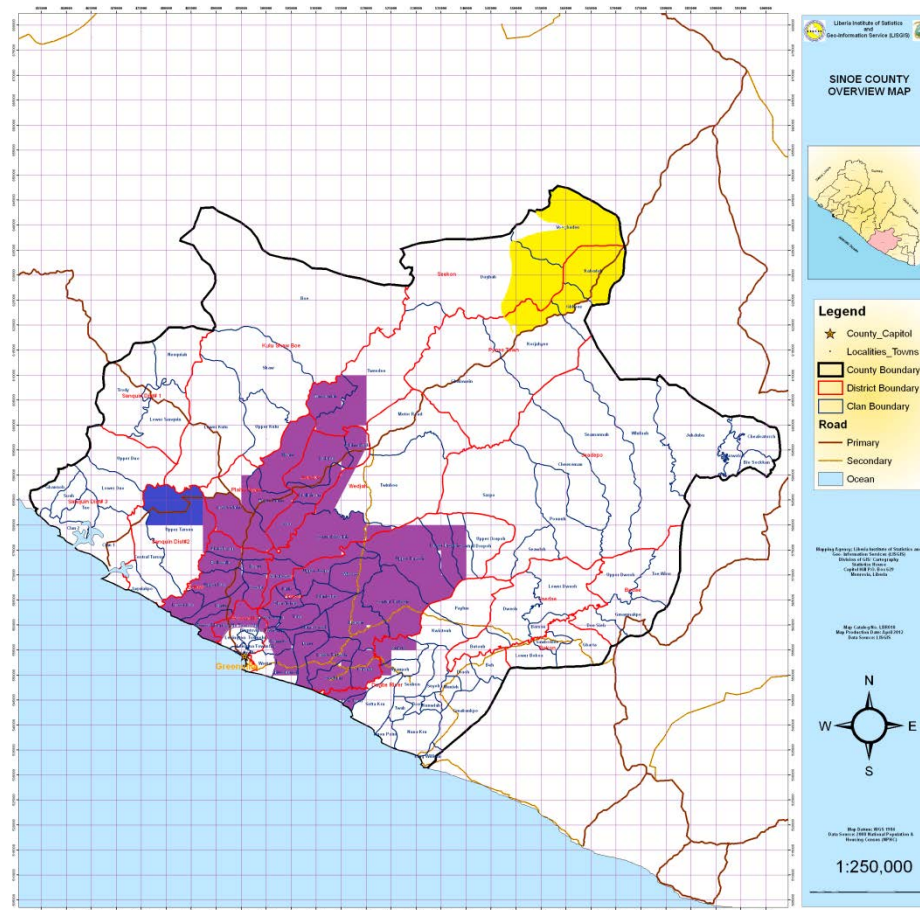
Concessions:

- 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

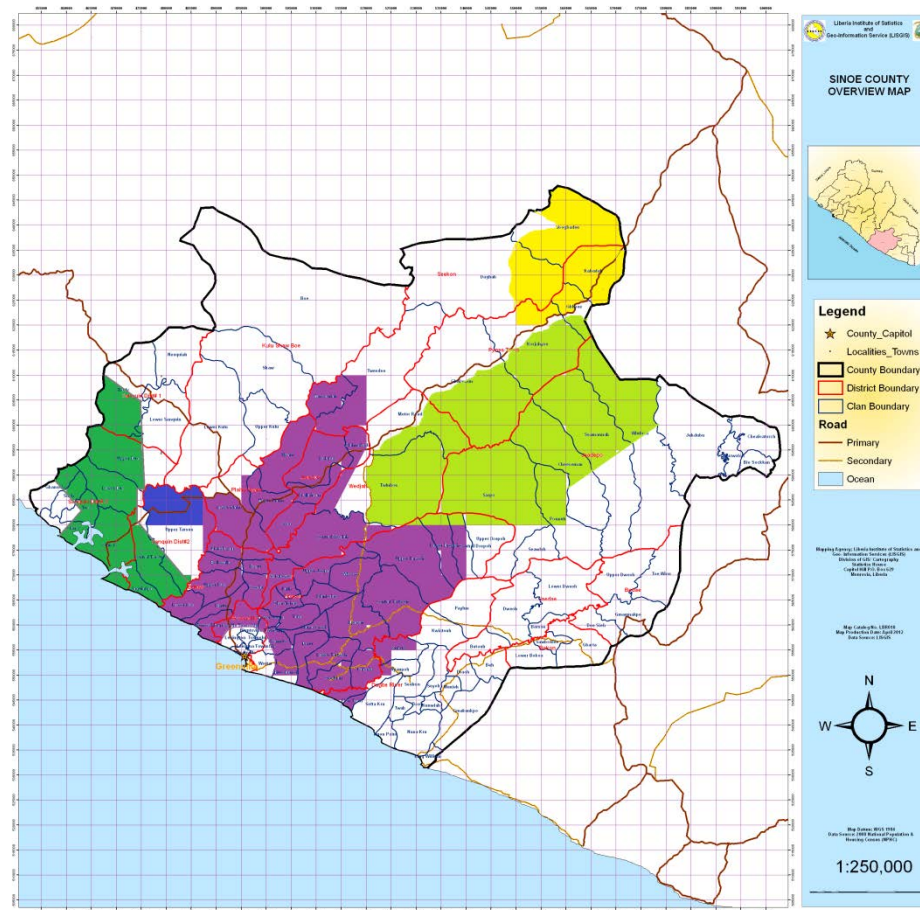
Concessions



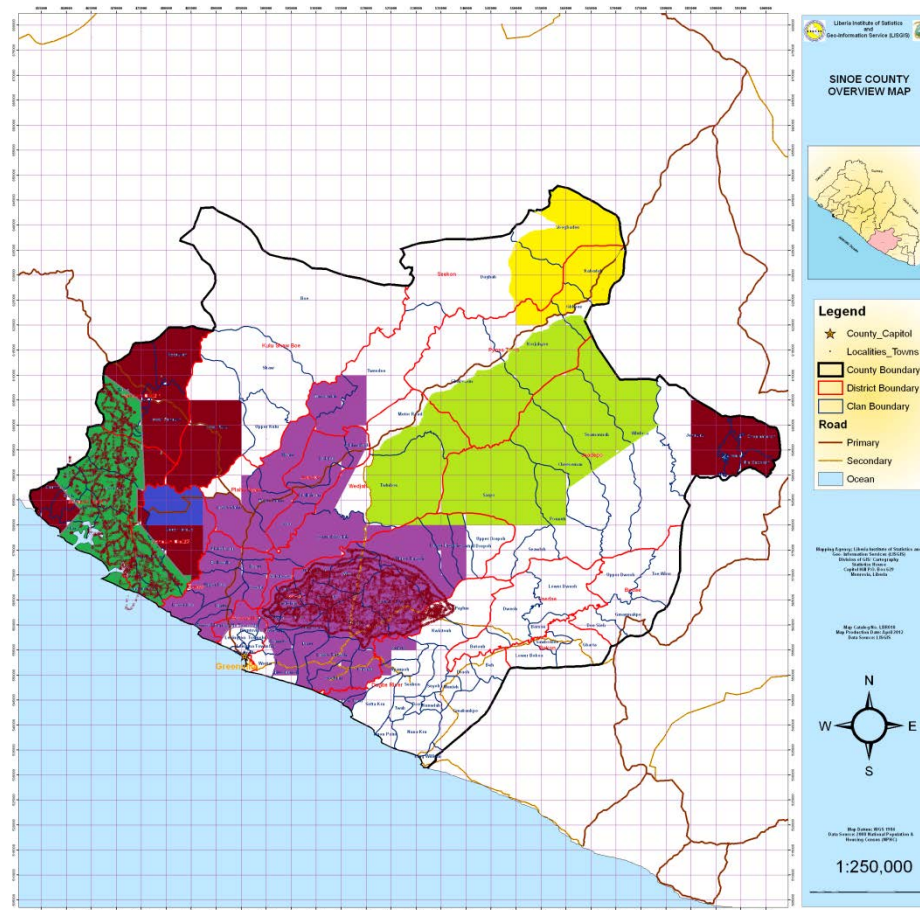
Forest Management Contracts



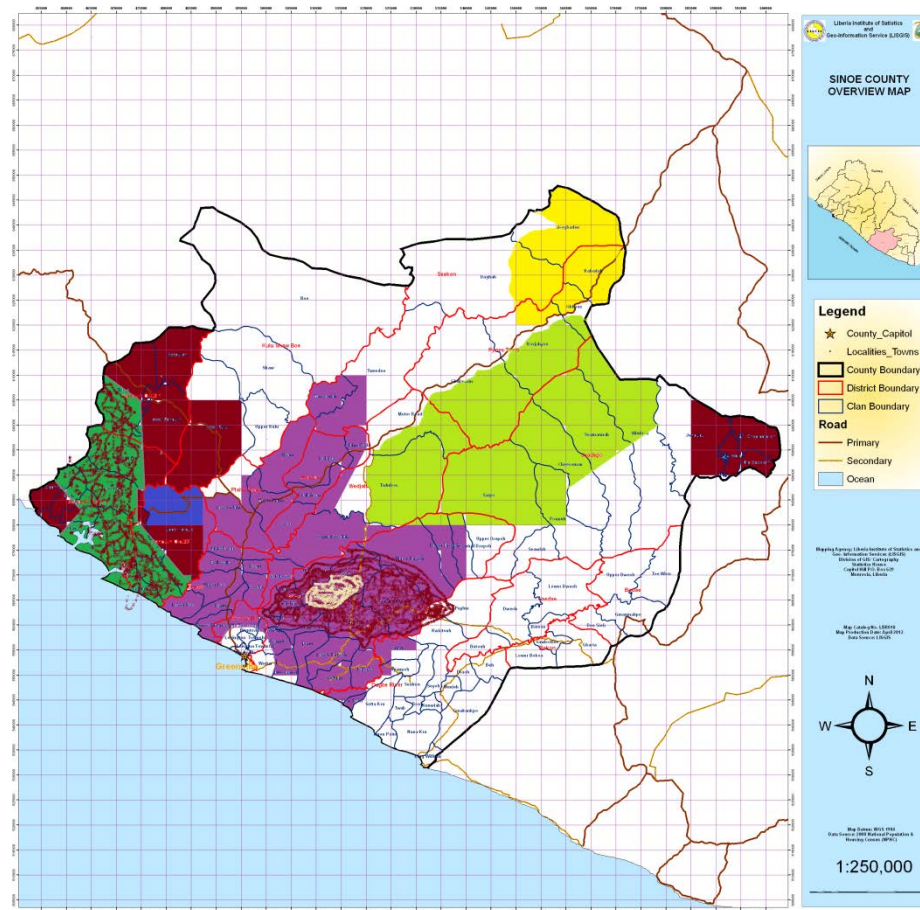
Protected Areas (existing and proposed)



Private Use Permits



Community Forestry Management Agreements



Critical Land Issues

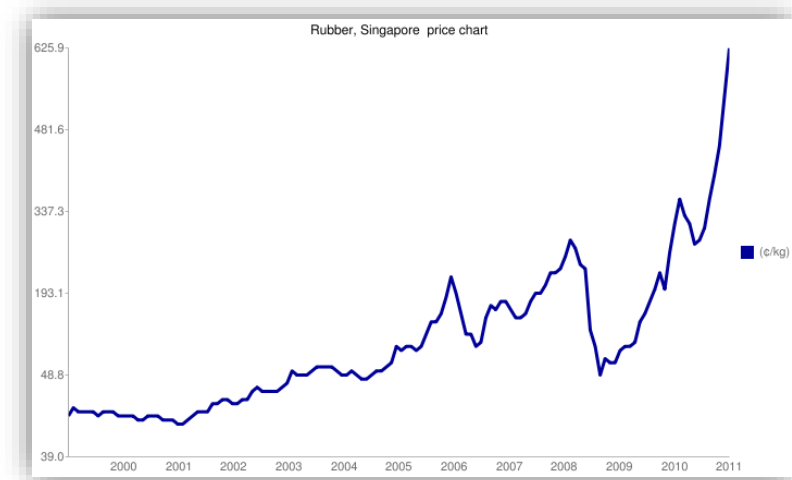
- **Significant Disadvantaged Populations**
 - Indigenous peoples with no formalized land rights
 - Rural Women (divorced, widowed, poor)
 - Internally displaced peoples from the civil war returning to home lands
 - Youth “lost generation” not brought up in a customary society due to war years
- **Recovering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