



Project FED/2011/270957

**Support to the Land Commission to elaborate
the land inventory of Liberia and to create a
model for participatory territorial planning**

Final Report - Addendum

Achievement to Output and Activity Statement

December 2012

1.1 Overall objective

1) An inventory of the Liberian land that will provide reliable information on tenure security, land uses, land claims, public and private land.

The project has responded to the overall objective by compiling and producing:

- A national inventory on collective private land ownership rights; agricultural concessions; forestry concessions; mining concession; existing and proposed protected areas on public land; community forest management agreements. This inventory includes concessions contracts, environmental and social impact assessment.
- A national inventory on Private Use Permits (PUP) and contracts on private land.
- An inventory of all relevant information on land rights, land uses, issues land use rights of Sinoe county.
- A national inventory of digital base maps.
- A national inventory of administrative maps indicating clan boundaries covering the country
- Databases on population and clan areas.

Overall conclusions are that tenure security is weak for all landowners including those that have formalised their lands as private lands. Different land rights and claims overlap and result in major conflict. Public land is ill defined and not demarcated.

The project has achieved that this information is now used by the Land Commission (LC) to define policies that must ensure higher degrees of tenure security. Information has also resulted in the Government of Liberia (GoL) taken action to address the land situation.

2) A model for participatory territorial planning in Liberia

The project has responded to this overall objective by:

- Developing a model for participatory territorial planning.
- Documenting this model in a report.
- Creating awareness in different stakeholder events that such model can be used to address a number of acute challenges that are inherent to the land sector including tenure insecurity, overlaps of land rights, allocation of land by the state to commercial operators.

The model was developed as a pilot exercise in Sinoe county, and can be used at different levels of intervention. It is arguably the most powerful territorial planning tool that is available in Liberia, as acknowledged by the Land Commission.

1.2. Purpose

The purpose of this contract is as follows:

i. To increase tenure security for citizens, communities and investors

Tenure security for citizens, communities and investors is weak. A majority of citizens do not have documentation that is legally recognized by land administration for proving ownership. Rights of many communities are secure on paper, as these were formalized under legislation that gives these rights private ownership. In practice however, community ownership rights are weak and have been eroded by arbitrary interference of the public sector over the last decades. The rights of investors are also weak; these have been issued by the state assuming that they were public lands free of any other right. Rights of investors over concessions and other allocated land uses are uncertain. Most of the concession rights have underlying customary rights with people and communities claiming these. This results in major conflict which may destabilize government. In brief, tenure security is overall weak mainly because of weak land governance practices.

The project has fully addressed this insecurity and provided the Land Commission with options to improve this situation. These recommendations have been made part of the new land rights policy statement. Other recommendations are still to be included in a future policy such as specific legislation to handle concessions.

ii. To provide real information to the Government of Liberia and the partners on land needs and opportunities.

The technical and mission reports prepared under the project, as well as several presentations made to policy makers, donor representatives and civil society groups, have resulted in effective awareness creation on several alarming issues. The Private Use Permits (PUP) information was taken up by the President to have at least three commissions created investigating the issue. It also resulted in a ban on new PUP issuance. Private sector operators have taken the case to the senate. The delivered information on present and pipeline allocation of land under different land use arrangements (including concessions) to private sector operators has instilled a big debate at the presidency and in cabinet on a general concession ban. Several international NGOs (NAMATI, Global Witness, RRI) and national NGOs (SDI, Green Advocates) have used project generated information for national and international advocacy work.

The Panel of Experts and the Security Council established pursuant to resolution 1521 have used the project generated inventory information to recommend sound action from the GoL to address the land sector, as follows *The Panel recommends that the Government of Liberia, supported by international partners, urgently and comprehensively address the country's underlying land tenure issues, including through efforts to clarify ownership, develop a centralized cadastre and establish functional mechanisms to resolve land disputes and transparently bear complaints related to natural resource extraction, in particular complaints from local communities. In this regard, it is critical to support the role of the Land Commission.*

iii. To help monitor land access and management in concession areas.

The participatory territorial planning model is set up in such a way that it can be used as a tool to monitor land management and access in concession areas. A specific technical report “Land Inventory and Land Management Planning in Sinoe county” documents how this is achieved. A major conclusion is that large concessions such as Golden Veroleum are issued over land that rural folks and communities are using since time immemorial. When the state allocates a long term concession over this land, there is major conflict. Several civil society groups and farmers have staged demonstrations in Monrovia to highlight the occurrence of conflict.

The report gives a number of clear examples on how a concession monitoring system can be used in practice. More importantly the monitoring system has resulted in a number of clear policy, land administration and land conflict management proposals, as documented in the report.

The results of this monitoring are tangible. The GoL has been discussing to issue or not a full moratorium over concession allocation. The Panel of Experts and the Security Council conclude that “*The Government of Liberia must reassess the status of plantation concession contracts to ensure that concessions have not been awarded with respect to encumbered land. Failure to do so may expose the Government to the legal and financial consequences of demands for compensation from local communities and possible breaches of contract with international companies*”. This statement is directly derived from the project recommendations which the consultant has represented in several public events and debates.

iv. To create a basis for urban and rural territorial planning at county and national levels.

The basis for rural territorial planning was created by:

- Producing the national and county land inventories;
- Developing, testing and documenting the methodology for territorial planning.

A basis for urban planning was not created. There was an agreement within the Land Commission that this would be the task of another supporting project, implemented by UN-Habitat. The EU project made initial efforts to develop a pilot exercise in an urban area close to Monrovia, in a partnership with UN-Habitat. This pilot did not realize. The expected partnership between the EU and UN-Habitat project to start handling urban area planning did not realize.

v. To continue support the Land Commission and other key partners to develop a strategy for designing and piloting a sustainable inventory of land in Liberia.

The project concludes that the Land Commission has a weak capacity to respond to its mandate of “Land use inventory, planning, land use and management of land based natural resources for environmental, socio-economic and other public purposes”. The

land management cluster is staffed by one inexperienced program officer who was recruited well into the present mandate of the LC. The designated commissioner was appointed in another public function during the course of the project, leaving a significant gap. The EU-project engaged on an ad hoc basis with a junior technician for the implementation of several tasks, including archival deeds research, field work. Proposals for having this technician designated to the rural land management cluster are still under consideration. On the other hand, there is an increasing demand for the LC to actively engage in addressing land inventory and assessment. This demand is created at least partly by the success of the EU project. This imbalance needs to be addressed and continued support is required.

This is a daunting but doable task, which can build on the foundation laying activities that were successfully implemented over the last year. The project has proposed a road map for a rural land management program. It considers the achievement of two major objectives during the present mandate of the LC, ie. before the end of 2014. It proposes to use the participatory planning methodology in all counties over the next 3 years. The second objective corresponds with the development of a National Land Management Portfolio. It identifies concrete land management actions and activities to guide the GoL, concession and license holders, land owners and civil society to improve the land sector. The proposed program lays the foundation for a third objective, which corresponds with the longer term vision – a land use policy.

These proposals need now to be further discussed with the LC and a wider range of stakeholders. They are shaped in the form of a rural land management program, which includes a detailed implementation budget, with a special focus on the strengthening the LC's capacity to implement this program.

1.3. Results to be achieved by the Consultant

A comprehensive Liberian land inventory containing reliable information on land tenure as well as a model for participatory territorial planning.

1.4. General

1.4.1. Description of the assignment

The consultant will elaborate a Liberian land inventory incorporating accurate information on land tenure and land rights in Liberia.

- 1. Inception Report - reviewing all relevant documents/reports to identify critical issues and way forward related to improved rural land management and governance, including:**
 - a. Review of Public Land Sales Interim Policy, legal assessments, reports from field experiences, workshops reports, institutional assessment, presentations by national and international experts, etc;**

The project prepared an Inception report in a timely fashion which was cleared by the EU project manager. The report contains a full review of land landscape including policies, legal framework, institutional assessment, project documents in support of the land commission, among others. The project compiled a comprehensive set of reports, presentations, documents, powerpoint presentations published since the inception of the Land Commission. The project established a database of all land and forest related legislation and assessed this framework.

b. Review of existing literature.

The project compiled and reviewed most of the existing literature of land and natural resources published since the early 2000s, including:

- All documents published by the Land Commission;
- Documents prepared under World Bank support;
- All reports prepared under the Millennium Challenge Corporation threshold project;
- All documents prepared by SDI-IDLO on community based land management;
- Most of the documents prepared by land sector leading NGOs such as SDI, SDI-FERN and Green Advocates;
- All documentation produced on Liberia by RRI;
- USAID and other donor documents, including a full set of documents prepared under the community forestry project (LRCFP);
- Government policies and legislation.

c. Review of available information on concessions and concessions management.

The project compiled and reviewed all publicly available agricultural and forest concession documents. It compiled a complete set of PUP contracts, which at the time of preparation was unique in Liberia. All PUP contracts were digitized and shared with several government institutions, and overseeing bodies. The inventory includes maps, most of which were digitized.

2. Land Sector Reforms Road-Map - Inputs to the revised land sector road-map and budget for 2011-14 and options to:

- a. Mainstream land issues in the Vision 2030 Exercise, including possible partnerships with different line Ministries and agencies in the delivery of specific outputs for the period.**

Vision 2030 is a planning exercise coordinated by the Ministry of Planning and with a strong facilitating role for the Governance Commission. Although the Land Commission sprung out of the Governance Commission, the LC does not maintain a regular routine working relation with the Governance Commission. The project has attempted to establish this link through a series of meetings with the Governance Commission and Ministry of Planning. Proposals to have a two-day joint workshop did not materialize. This had also a negative impact on a possible stronger involvement of the LC in the Vision 2030 exercise. Land issues are not yet streamlined in the 2030 vision.

On the other hand, the project made major contributions to revise the GoL land sector roadmap and budget for 2011-2014. The project's inputs to the revision of the land sector road map focused on the revision of the land management objective (objective 4). This has resulted in the preparation of a program proposal for dealing with rural land management up to the end of the LC's present mandate, end 2014. The proposal focuses on the strengthening of the land management group in the LC, with additional designated personnel. It includes a budget to achieve this.

b. Improve coordination in the land sector between Govt Ministries and between Government, civil society and development partners.

Coordination between Government institutions

A lack of effective coordination, especially inter-sector but also intra-sector, as demonstrated in the forestry sector (FDA), are a major cause for a number of acute land management problems: different and incompatible land uses issued by the GoL over the same lands; unrealistic GoL engagements towards the commercial sector in concession and other land use contracts. The project has permanently addressed the need for better coordination, with the LC in a convening and facilitating role.

A concrete proposal for having a Concession Land Use and Tenure Task Force (CLUT) was developed with the LC in the early stages of the project. One of its major tasks is to facilitate the existence of a policy to handle land rights and land use in and around concessions and other land use rights issued by the GoL. The monitoring and evaluation of the implementation of such a policy is also important.

As part of the revised rural land management road map, the CLUT is also indicated to take on new responsibilities. It can be a driving inter-sector force to create multi-sector participation in the development of the National Land Management Portfolio, and somewhat further in the future, the National Land Use Policy and National Land Use Plan.

The LC would take on the secretariat of the task force, and counts with the participation of the Ministry of Finance (NBC), MLM&E, MoA, FDA, NIC, eventually EPA.

At the time of writing the final project report, this task force was not yet set up.

Coordination between Government institutions and civil society

The project succeeded through advocacy work to increase the constructive participation of civil society groups such as SDI and Green Advocates in the activities of the Land

Commission. With increasing frequency NGOs participated in the several debates, including land policy, handling PUPs and concessions. Major consideration was given to establish partnerships to implement eventually some pilots through NGOs. The project has supported NGOs with strategizing and conceptualizing such pilots.

Coordination with and between development partners

The EU-project managed to establish good coordination with different donors and donor supported projects, including MCC, World Bank, USAID.

3. Land Inventories and rural Land Use Plans – Contribute to the design of methodology and pilots for:

a. Developing rural land inventories and rural land-use plans using a simple, bottom up and participatory methodology.

The project has developed rural land inventory as follows:

- A national inventory on collective private land ownership rights; agricultural concessions; forestry concessions; mining concession; existing and proposed protected areas on public land; community forest management agreements. This inventory includes concessions contracts, environmental and social impact assessment;
- A national inventory on Private Use Permits and contracts on private land;
- An inventory of all relevant information on land rights, land uses, issues land use rights of Sinoe county;
- A full set of digital base maps for covering the country;
- A full set of administrative maps indicating clan boundaries covering the country;
- Databases on population and clan areas.

Overall conclusions are that tenure security is weak for all landowners including these that have formalised their lands as private lands. Different land rights and claims overlap and results in major conflict. Public land is ill defined and not demarcated.

The project has achieved that this information is now used by the Land Commission to define policies that must ensure higher degrees of tenure security.

The project has developed a model for participatory territorial planning as a pilot exercise in Sinoe county.

b. Support the setting-up of pilots to be developed in selected areas as a way to develop an overall, simple, but flexible, land use plan.

The pilot to develop an overall, simple but flexible land use plan was set up and fully implemented in Sinoe county.

Further support to set up other pilots was delivered to the Land Commission through the Land Conflict Resolution Project (USAID).

The project has also supported setting up pilots at the community level to address local land use planning and land management with NGOs consortia SDI-IDLO and at a later stage SDI-Namati.

It is underlined that in all these cases the project was requested to **support** the set up of pilots and **not** their **implementation**. The project budget did not support any piloting activity in the field. Hence the implementation of pilots was fully dependent on the Land Commission and its supporting partners.

c. Work with national counterparts to adapt the methodology, monitor the pilot and make recommendations for up-scaling.

The methodologies developed under the EU-project were presented and discussed in a series of meetings organized by the Land Commission. Most of the LC's national staff has participated in at least one these meetings. The methodologies were also shared in task force meetings with good participation of national and international staff of public institutions, donors, NGOs. Joint field trips to pilot and other areas were organized with national staff.

The formulation of an up-scaling proposal is well documented in Mission Report 3. It presents a fully worked out rural land management program, which includes a detailed implementation budget, with a special focus on the strengthening the LC's capacity to implement this program.

4. Securing Community Land Rights Report - Review of existing national and international experience in securing community land rights. The Consultant will:

a. Coordinate the study working in collaboration with local researchers (preferably from the University);

The aim of this activity was to review existing national and international experience for securing community land rights. The consultant worked on this topic with a researcher from the University of Liberia who is also senior consultant to the Land Commission. The consultant was also member of the land rights policy task force which dealt with securing community land rights. He further worked on a daily basis with the secretariat of this task force to elucidate on how community land rights could best be integrated in the future policy and legislation.

The consultant compiled and reviewed following research material, among others:

- 11 customary land tenure studies produced under LC's support projects;

- Two studies on women and customary land systems;
- Studies on 20 community land delimitation exercise in Rivercess county;
- 24 case studies of community land under the Private Use Permit Study.

The study on community land rights resulted in direct contributions to the drafting of the Customary Land chapter of the Policy Brief on Land Rights, which was approved by Cabinet and the President for discussion in all counties. This is a major achievement; the provisions included in the policy statement are from the strongest pro-community measures that the reporter has observed in African land law policy/legislation over the last 15 years.

The consultant has presented his conclusions of the study in the tasks force meetings that led to the approval of the draft.

b. Carry out field visits to validate their findings and contributing from his own experience on community land delimitation in the Liberian context;

The field validation of research findings focused on Sinoe, Gbarpolu and Nimba counties, as part of the county level inventory and assessment exercise.

Some major conclusions derived from the review and validation of research and activities to secure community include:

- Community land rights are but one category of customary land rights; securing community land is a priority, but other rights such as family and individual customary rights also need to be addressed. This is especially important for specific groups as the youth and women who face difficulties of tenure security under customary systems.
- Issues of community representation for securing and exercising land rights are essential. Community representation needs to be established on the basis of a raft of democratic and locally accepted principles. This representation needs to acquire legal personality in accordance with CRL provisions.
- The securisation of community land rights should not be treated as a stand alone activity. It must be considered in concert with local land use planning, community development, good land and natural resources governance.
- Secure community rights are void if these are not protected. Since more than a century, Liberian communities have secured their rights as ownership rights. Ad hoc interference of the GoL and its institutions has resulted in several of these rights being violated and lost. This erosion of rights without due process may constitute a new challenge in case communities start asking compensation for lost property.

c. Illustrate experiences from other contexts in securing land rights;

The reporter has extensively shared his 15 years of international experience of community land handling from a number of selected countries including Burkina Faso, Mozambique,

Uganda, Tanzania, Sudan, Angola, Guinea Bissau. A presentation was prepared for the LC and delivered in the Gbarnga workshop on customary tenure. Regular working sessions to exchange experiences with the Real Property Task Force, as well as daily discussions with its technical secretariat were maintained during the mission.

d. Support the design of a cost-effective and accessible methodology that creates access to economic development opportunities.

It are early days to design a cost-effective and accessible methodology to secure community land rights. First, there is a need for a solid policy vision on how to proceed with community and customary land rights. Second, pilots cannot be implemented as there is not legal tool available to secure community rights. The sale of public land is the only legal way, but there is a moratorium on public land sales. Third, the LC has explicitly stated that to be very careful with community land delimitation as it may create expectations that cannot be upheld by service providers. Fourth, there is no agreement with the Ministry of Interior to engage in such pilots. Fifth, demarcation and geo-referencing of community land is not yet authorized.

As a result the Land Commission has not yet initiated the design of a methodology to secure community land rights. On the other hand such methodologies do exist and were tested in other countries. Once there is a green light to pilot such experiments in Liberia, there is a good basis to set these up.

It is stressed that the project's role was to support the design of a methodology, and not its development as such. So far SDI is the only organization that is attempting to develop a certain methodology approach.

5. Development and concessions – Review of national and international experience in securing community and concessions holders' rights. The consultant will in collaboration with the Land Commission and national concession experts:

a. Investigate applications of the inventory to the planning, dispute resolution and M&E related to concessions.

The results of the land inventory and assessment were used to investigate two major applications.

The inventory and assessment of Private Use Permits has substantially contributed to finding a viable way forward to mitigate the negative effects and manage conflicts that this unbridled allocation process has caused. The investigation reconfirmed the role of the LC as a solid and sector cross cutting institution to coordinate remedial and preventive action for land and natural resources management. The investigation has resulted in a set of clear recommendations, as follows:

- Extend the present moratorium on the issuance of new PUP contracts into a moratorium on the actual logging under these contracts.

- Enact specific PUP regulations.
- Validate the land ownership rights supporting current PUP contracts.
- Re-issue and make public validated collective deeds.
- Restrict PUP contract agreements with the commercial sector to incorporated collective landowners only
- Work with the EU on the Verification Procedures under the Voluntary Partnership Agreement (VPA).
- Explore ways to make the issuance of PUPs part of a good mix of local and national land use planning.
- Extend assessment of PUPs to the assessment of Community Forest Management Agreements (CFMA) issuance.

Several of these recommendations were picked up by the President and the special commissions that were established. This supports the perception that the project was indeed strategically important.

The inventory and assessment of Agricultural Concessions was instrumental in identifying and better understanding a series of challenges that are the result of poorly - informed decision making on land allocation. The detailed assessment of Golden Veroleum and Equatorial Palm Oil concessions has highlighted following challenges, among others:

- Concessions are contractually granted on un-encumbered land; in reality most of the granted land is however encumbered, with collective private ownership rights extended over large concessions areas;
- Most allocated concession areas are well populated with land occupied and used by local communities;
- Different concession areas overlap, especially the projected expansion areas; this may create corporate dispute;
- Concession areas overlap with registered community forestry conservation areas, proposed protected areas;
- Concession areas overlap with close dense forest areas with a high conservation value;
- Exclusivity over carbon rights for concession holders deprives local communities and the GoL from conserving these areas;
- The location of effectively allocated areas is blurred and contractual surveying conditions of allocated land are completely inadequate to create swift clarity on effective concession boundaries;
- The GoL is excessively restricted to issue licenses to third parties for (palm oil) processing plants and buying stations; this may also result in corporate dispute
- Outgrower schemes for tree crops seem to be better adapted to the prevailing social conditions in several concession areas (tenure situation, livelihoods, settlement patterns); these schemes are not yet considered as a viable alternative to the plantation model.

The project has achieved, through a number of presentations, that a good number of stakeholders, including the Ministry of Agriculture, were exposed to the challenges that

emerge when such large sized land allocations are made in the absence of the necessary due diligence work.

b. Map stakeholders involved with concessions including Government Agencies, International partners, Civil Society organizations and investors association.

This activity is identical to c. below

c. Do a quick assessment of the institutional setting regulating concessions which will serve as a basis for future projects in this sector.

The Project has produced a complete assessment of the legal and institutional framework that governs the issuance of concessions and regulates its use. In a 22-page table format, the assessment covers forest, agricultural, mining and petroleum concessions. This document was made available to the LC and the EU agricultural and natural resources program units for further use.

d. Analyze the linkages between concessions sector and Development Corridor, Vision 2030, PRS 2 and other broader frameworks for development by the Government.

The concession sector has always dominated the Liberian economy and will continue to do so in the near foreseeable future. This linkage between development and concessions is reconfirmed by recent policy statements.

The “2030 Vision” does not yet exist as a finished product. The “Liberia retrospective analysis” is a first step and the results of this assessment are being discussed in county workshops. This analysis mainly focuses on (i) an economic and (ii) governance vision for the future. It identifies some “seeds for change” such as oil palm plantations, youth planting life trees, better management of the resource curse. It acknowledges the continued potential of a plantation economy (forest and agriculture), though in a different format with more respect for community rights and local development.

An official Liberia corridor policy does not exist, although some ideas are indirectly reflected in the PRS2.

The Liberia Economic Development Strategy, prepared by IBI for the Ministry of Planning and Economic Affairs highlights the importance of the agricultural sector as “the engine of prosperity as Liberia refines and reshapes its economy”. It considers an agricultural investment strategy built around four farming models including (i) small farmer or domestically-oriented traditional household farms, (ii) domestic medium-sized farms producing a combination of subsistence and industrial crops, such as oil palm, for export and local markets, (iii) foreign investment targeting commercial-sized plantations, and (iv) limited state-owned plantations such as oil palm.

The project concludes that a continued focus on concessions as an economic driver without consideration for pro-poor strategies that focus on small holder sector development will exacerbate conflict that has already emerged as the result of an unbridled concession policy.

Small farmers can just not be alienated from their land as a result of concession issuance by the state. The outgrower producers model for crops such as oilpalm and rubber needs to be explored more. Although such a model is part on major concession agreements little effort is made to effectively put this mechanism into place.

6. Training and capacity building – Ensuring that the capacity is in place to manage and implement land sector reforms.

The Consultant will:

a. Do an initial assessment of existing capacity and training available in Liberia.

The project has worked closely together with University of Liberia senior research staff for one year. One of the conclusions of this partnership is that Liberia does not have an existing training capacity available in the land sector. Various efforts were made to involve students in land work, but nothing concrete was realized.

Other projects such as the World Bank and USAID identify candidates for training and sent these abroad, to recognized schools such as the KNUST in Kumasi, Ghana.

Most of the training in the land sector in Liberia is delivered on the job. This has urged the project to take on this strategy and focus on involving Land Commission staff in most of the activities that were promoted through the project.

The results of on-the-job training were satisfactory. Day-to-day support was delivered to three LC clusters: land management, land administration and land policy & program. Most field work was jointly executed with the Program Officer for Land Management. Towards the end of the project, the Program Officer got increasingly involved in other duties; in fact he was associated with the urban land management cluster. On-the-job training with the land policy cluster was more successful. Efforts to have a designated technician working on a full time basis in the project failed.

b. Identify needs for capacity and institution strengthening for Government, private sector and civil society organizations based on their possible roles and responsibilities in the land sector.

“There is a need of everything for everyone” can be the conclusion of the needs assessment. The project has however taken on a targeted approach and addressed needs for capacity and institution strengthening at the level of the Land Commission, and more specifically on the land management cluster. The general conclusion is that this cluster does not provide a minimum of capacity to handle challenges. It has urged some advisors

to the LC to agree that the rural land management cluster does in fact not exist. In the absence of any further support in this area, it is not well understood how the commission will respond to present and future requests to put into place a stronger support platform.

A specific area of identified concern is the absence of GIS capacity at the commission. In the absence of modern technology, the project has dealt with complex and multilayered datasets as good as it possibly could. Since the inception of the project, proposals were made to have a minimum of GIS capacity in the LC. Training could be provided on the job, with the punctual technical input of a partner institution such as CNDRA. The creation of such a GIS unit remains a challenge that needs to be addressed.

c. Identify areas / messages for out-reach and education campaign.

The project has identified needs and delivered on outreach, education and advocacy as follows.

Outreach and awareness creation. The inventory and assessment exercises on PUPs and Sinoe county have resulted in a critical mass of understanding on a number of land and natural resources dynamics. If these are not adequately dealt with in a timely manner, the GoL risks to face an increasing number of grievances from different sectors, not at least rural communities. This work has also demonstrated that there remain major inter (between forestry and agriculture for instance) and intra sector (the forestry sector) challenges. The project has reached out to get these messages through to a wider audience by organizing regular briefings to the LC itself, task forces operating under the coordination of the LC, donors, civil society groups, other projects in the land and forestry sector, the Agricultural Donor Working Group, several public ad hoc commissions requested to assess the PUP situation, the Presidency. The project has also presented options to address these challenges in a constructive way.

Advocacy. The project has supported the coordinating and pivotal role of the LC in addressing land and natural resources governance. It has created opportunities for the LC to engage pro-actively in a number of processes, including (i) the PUP handling (especially for setting criteria for land deed validation and consequently for the adjudication), (ii) the development of a policy to address land and land use in and around concessions, (iii) decentralization.

Education. Permanency at the LC and regular presentations to the LC and its partners by the project have contributed to achieve better levels of understanding of the land and natural resources sector. The sharing of international experience and best practices derived from a significant number of land reform processes on the African continent has contributed to frame the Liberian situation in a larger context.

OUTPUTS

1) Consult with the Land Commission and its partners and examine critically the existing methodologies, identifying gaps, strengths and weaknesses, and make detailed practical recommendations for the way forward;

All issues identified under this output are addressed under the specific activities that were identified to achieve the output; consultation, assessment of gaps, strengths and weaknesses. In fact the entire project has been an iterative and interactive consultation process with the Land Commission and many other institutions to come to some way forward for addressing the land sector. Several of the recommendations that were made during the course of the process reached the highest level of governance in Liberia and prompt action was taken. Such action included: moratorium on PUPs and a full investigation; pressure to have a full moratorium on the issuance of new concessions; full investigation of several agricultural concessions that were assessed as part of the project (Sime Darby, Golden Veroleum). Several reputable international institutions have taken up recommendations of reports produced during the project; examples are the Security Council of the UN, the UN Panel of Experts. Civil society has picked up on needs for follow on recommendations made in reports.

The most concrete and tangible recommendation output for a way forward was the preparation of a fully costed, three-year program proposal on rural land management. If this program would be financed and executed, the LC would probably be in an excellent position to take its tasks as suggested under 5) below.

2) Provide clear rationales for suggested inputs based on local experience or international best practice

The single most important rationale for suggested inputs as per proposed 3-year rural land management program is the result of the national inventory which was a primary objective of the project.

Land inventory results indicate that the different land use rights categories issued by the State to mainly commercial entrepreneurs, to communities, or to itself (in the case of protected areas) represent in excess of 50% of the total land area of Liberia (see Table below). In fact they will determine land use patterns for many years to come, as most of these use rights have been issued for a period of 25 years or more.

The situation of longer term committed land use becomes more problematic when consideration is given to pipeline land use rights allocations. Conservative projections indicate that the State has committed itself to issue longer term land use rights over an area that corresponds with some 75% of the total Liberian land mass.

Even taking into account that some of these land use rights are not necessarily mutually exclusive, it remains a major challenge to manage this situation. This is the main rationale for urgent and effective intervention as proposed under a 3-year program.

Land use rights allocation Projected Situation

Land Use Right	Actually issued (hectares)	Land Use Right	Potentially to be issued (has)
Agricultural Concessions –AGRIC	1.140.408,00	Agricultural Concessions –AGRIC	1.140.408,00
Forest Management Concessions - FMC	1.007.266,00	Forest Management Concessions - FMC	2.270.097,00
Timber Sale Contracts - TSC	65.000,00	Timber Sale Contracts - TSC	230.000,00
Community Forest Management Agreements – CFMA	126.785,00	Community Forest Management Agreements – CFMA	194.102,00
Mining Concessions - MIN	113.256,00	Mining Concessions – MIN	113.256,00
Private Use Permits - PUP	2.239.630,00	Private Use Permits – PUP	2.239.630,00
Protected Areas - PA	193.932,00	Protected Areas – PA	1.037.865,00
Total	4.886.277,00	Total	7.225.358,00
% of Liberian Land Mass	50,95%	% of Liberian Land Mass	75,33%

3) Make recommendations for capacity and institution strengthening

There is definitely a need to strengthen the LC’s capacity to better respond to its mandate of “Land use planning, land use and management of land based natural resources for environmental, socio-economic and other public purposes”. The project proposes a 3-year support program which includes concrete suggestions for capacity and institution strengthening. Three areas merit attention.

Strengthening of the Land Commission’s own capacity. The LC needs to build a field capacity to (i) complete the national land inventory and assessment in each of the 10 counties, and (ii) develop the national land management planning portfolio. It is proposed that the LC considers the recruitment two field team, each with 2 junior Land Management Officers. Technical and coordination support is provided by a Senior Land Management Coordinator. In addition international technical assistance in the form of a consultant is essential for at least another three years. In addition there is a need having a basic GIS capacity in the LC. This will require training and skill development, which can be provided on the job, with the punctual technical input of a partner institution such as CNDRA.

Involvement and training of local actors. The proposed approach land inventor, assessment and planning encourages participation of county staff as part of the land inventory/assessment field teams. It is considered that two county level technicians are identified by the County administration in consultation with the LC to be part of the field work. Such technicians can be drawn from the county LISGIS services, MLM&E, FDA or similar.

Better coordination with other sectors. A lack of effective coordination, especially inter-sector but also intra-sector, are a major cause for a number of acute land management problems: different and incompatible land uses issued by the GoL over the same lands; unrealistic GoL engagements towards the commercial sector in concession and other land use contracts. The project has permanently addressed the need for better coordination, with the LC in a convening and facilitating role.

A concrete proposal for having a Concession Land Use and Tenure Task Force (CLUT) was developed with the LC in the early stages of the project. One of its major tasks was to facilitate the existence of a policy to handle land rights and land use in and around concessions and other land use rights issued by the GoL. The monitoring and evaluation of the implementation of such a policy is also important. As part of the revised rural land management road map, the CLUT is also indicated to take on new responsibilities. It can be a driving inter-sector force to create multi-sector participation in the development of the National Land Management Portfolio, and somewhat further in the future, the National Land Use Policy and National Land Use Plan.

The LC would take on the secretariat of the task force, and counts with the participation of the Ministry of Finance (NBC), MLM&E, MoA, FDA, NIC, eventually EPA.

4) Make recommendations for policy and legal reforms

The LC's 5-year program has defined a series of policies and laws that are to be developed during its mandate. The Land Rights Policy is the best advanced with a draft policy statement now available. This policy identifies different categories of land ownership rights. A Land Administration Policy is scheduled to be discussed next. It will provide a vision on different land administration tasks (surveying standards, handling of Tribal Land Certificates, eventual transfer of deeds register in land register, formalization of un-deeded community land, land tenure regularization, among other things) and institutional responsibilities.

The EU project has identified the need for having a number of specific policy issues addressed either in already programmed policy development work, or as a specific policy. These include: (i) the establishment of protected areas on community owned land; (ii) a land restitution policy to respond to grievances of (collective) land owners who have lost ownership rights over time; (iii) an adjudication policy to deal with irregularities that have occurred during land allocation (including the sale of public land).

The major priority for the rural land management cluster program is however the development of a sound policy to address land rights in and around existing and future concessions. This can be made part of an overall concession policy. It is important to notice that this policy must consider retro-active action on existing and already agreed concession contracts.

A land use policy is a vision for change on the future use of land and natural resources. A land use plan is the result of applying this vision on the ground. It starts from the present situation (see the inventory), and applies the policy guidance which results in a product that reflects this change. The major objective is to have this exercise implemented at the national level. The adopted approach is however also designed to have land use plans at

the county level. These will later constitute an important tool for county level planning as part of the decentralization policy.

A land use plan does not substitute subject matter law that handles ownership rights, rules to issues FMC, PUP, agricultural concession or CFMA. It does neither substitute procedures that are inherently part of the allocation of land use rights, such as the local consultation of FPIC, for instance. It rather indicates which land use options should be encouraged where. Specific sector law is used to achieve this. During the process it may be possible that this legislation will require amendment.

The project proposes that the Land Use Policy will be developed as follows:

- *Analytical phase*: corresponds with the national land inventory and assessment discussed above. The results of this work are made available county by county. This approach will allow that policy statement development can start as soon as there is a minimum critical mass of understanding available.
- *Policy statement development phase*: The approach to implement this phase is different. The Land Management Templates will be used as a tool to identify possible options for policy action and change. These templates are designed in such a way that options for policy interventions are already identified in the early stages of inventory and assessment. In addition, as referred to above, these options are the result of a reflection of different stakeholders at different levels, including:
 - LC and its partners, regrouped in the CLUT task force;
 - County stakeholders themselves through participation in the county restitution workshops and follow up to these;
 - Any other stakeholder that is deemed to have an interest for specific situations such as the commercial sector, civil society and NGOs.

This approach provides thus a richer decentralized and grassroots contribution. It is more complex to manage and the necessary coordination mechanisms need to be put in place, such as the CLUT. In first instance it will result in a comprehensive set of policy statements. It is then that the CLUT assumes the task to negotiate these into a solid and coherent land use policy vision.

- *National consultation phase*: This concerns a consultation of the consolidated vision at national level. It already has benefitted from the inputs of 15 counties, several sector interests, national level negotiation. The product is this likely to be legitimate for a wider platform.
- *Cabinet approval*.

5) Make recommendations for the role of the Land Commission.

The mandate of the Land Commission is enshrined in legislation as follows “*The general mandate and purpose of the Commission shall be to propose, advocate and coordinate reforms of land policy, laws and programs in Liberia. It shall have no adjudicatory or implementation role*”. It has a convening, coordinating, facilitating and advisory role, but has no decision making powers.

In the context of the main objective of the project, ie. land inventory and participatory planning, the role of the LC is shaped on the basis of a proposal for having 3 concrete outputs as follows:

- Producing a National Land Inventory and Assessment;
- Development National Land Management Portfolio;
- Proposing a National Land Use Policy and Land Use Plan.

Producing a National Land Inventory and Assessment. The LC has the mandate to produce such an inventory and to lead the assessment, thus an executive function. An important issue for the assessment is to validate landownership rights. This is a two step two-step approach: (i) development of validation criteria that are the result of inter-sector consensus, and (ii) the validation itself. Whereas the first task is a clear task for the commission, the validation itself is an adjudication task which should be handled by the institutions in charge of this responsibility, not the LC itself.

Development National Land Management Portfolio. The National Land Management Portfolio (NLMP) corresponds with a set of land management actions and activities to guide the GoL, concession and license holders, land owners and civil society actors to remedy, fix and prevent undesired outcomes of poor land governance and land administration. These challenges include technical irregularities of issued land ownership and land use rights, incompatible overlaps, obvious anomalies in land use allocation, all of which result in insecurity and dispute. At the same time the tool is used as a reference to correctly implement the land use agreements.

The identified actions are systematically aggregated as:

- (i) administrative action;
- (ii) policy action, and
- (iii) dispute management action.

Support tools to arrive at this action portfolio in a systematic, inclusive and participatory way have already been developed: (i) the Land Management Matrix and (ii) the Land Management Template.

The tasks of the LC in this process are coordination, advisory, execution and monitoring, as follows:

- The LC coordinate the identification of existing and eventually the development of new tools to address the challenges; some tools to handle group disputes (“the People versus the State”) seem to be missing;
- The LC provides the necessary consolidated information to a wider inter-sector group to take action – ie. channel the action to appropriate actors such as mandated institutions, civil society groups, other stakeholders, including the ownership and rights holders themselves;
- The LC takes action itself when this falls under its mandate; for example the validation of land ownership rights;
- The LC monitors and evaluates the implementation of the dispute management action portfolio.

Proposing a National Land Use Policy and Land Use Plan. A land use policy is in fact a longer term vision on the use and management of land and natural resources. It is an inter-sector, intra-sector and inter-societal statement to the question “Which kind of land uses can best be promoted where”? It also provides a framework to adjudicate between different land uses that have already been approved but that result in present dispute. It reflects an acceptable level of commonality that is obtained after informed consultation, negotiation and decision making.

The Land Commission plays the role of facilitator. It provides the instruments to negotiate, ensures that these instruments are adequately used, suggests certain strategic directions, manages differences of opinion, brings together elements and moulds these into a coherent product that has a broad platform of approval. The most important tools to initiate the negotiation correspond with the two outputs considered above.

The outputs will provide a basis upon which the Land Commission and its partners will: carry out pilot inventories; start addressing territorial planning issues posed by different land uses (communal land , concessions, etc); collect information to feed into on-going policy reforms and eventually put forward detailed land law reform proposals for further development in collaboration with the Law Reform Commission.

The Achievement to Output and Activity Statement does not leave doubts that the project has achieved its major objectives.

The project has demonstrated how land and land use inventories are implemented. This has resulted in a documented methodology that can readily be used by the LC to carry out further work.

The project has developed and documented a methodology for territorial planning. It has resulted in concrete proposal which must allow (i) to remedy present situations of tenure insecurity, overlapping land rights and conflict resulting from these situations, and (ii) to take preventive action for these conflicts to occur at a large scale in the future.

The information and assessment that was generated under the project has directly contributed to feed into the land rights policy, specifically the section that handles customary and community land rights. It has also permitted to develop a proposal for further policy, law and institutional development with concrete scheduled outputs (i) a Land Use Policy, (ii) a policy to handle land rights that underlay concession rights, (iii) a Concession Land Use and Tenure Task Force that needs to take the lead in land use policy development under the auspices of the Land Commission.