

Walking with villagers: How Liberia's Land Rights Policy was shaped from the grassroots

Ali Kaba and Gaurav Madan

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About the Sustainable Development Institute

The **Sustainable Development Institute (SDI)** works to transform decision-making processes in relation to natural resources and to promote equity in the sharing of benefits derived from natural resource management in Liberia. The organisation's vision is a Liberia in which natural resource management is guided by the principles of sustainability and good governance for the benefit of all Liberians. In 2006, SDI received the Goldman Environmental Prize.

About Namati

Namati is an international organisation dedicated to advancing the field of legal empowerment and to strengthening people's capacity to exercise and defend their rights. In partnership with civil society organisations and governments, Namati's Community Land Protection Program supports communities to follow national land documentation laws to protect their customary and indigenous land claims.

About the authors

Ali Kaba is a Program Manager and Senior Researcher at SDI. He has worked extensively with the Land Commission to help draft the new Land Rights Policy and was also one of eight national experts that worked on Liberia's short-to-mid-term development agenda – the National Vision 2030. Ali has authored numerous briefs and articles, and co-authored a comprehensive study on customary land rights in Liberia, *Protecting Community Lands and Resources – Evidence from Liberia*.

Gaurav Madan was a Namati Fellow partnered with SDI from 2012 to 2013 in its Community Land Protection Program. This included supporting community organising, and policy advocacy efforts around the Liberian Land Rights Policy. Gaurav is currently based at the Rights and Resources Initiative, supporting the realisation of community land, forest, and natural resource rights in Asia. Gaurav holds a Master's in International Affairs from the School of International and Public Affairs, Columbia University.



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Summary

Today in Liberia, it is estimated that around half the country's land mass has been promised to foreign companies and investors. From 2009 to 2011, as part of its Community Land Protection Program, the Sustainable Development Institute (SDI) and Namati embarked on a two-year action-research project to support rural communities in Liberia to protect, document, and manage their customary lands and natural resources. Drawing from lessons learned in the field, SDI and Namati sought to bring the voices and realities from rural Liberia to influential policymakers. Heavily informed by their field work, they embarked on a policy advocacy campaign from 2012 to 2013 that utilised a diverse set of tactics to influence Liberia's newly proposed Land Rights Policy. The Policy, passed in 2013, is a historic and progressive document which recognises and guarantees customary land ownership to rural communities in an unprecedented way.

This paper explains and analyses the steps SDI and Namati took to help shape Liberia's Land Rights Policy. It provides insights that may be of interest to practitioners in other countries engaging in land reforms. It sets out the opportunities and challenges of advocating for greater recognition of community land rights in national policies. From this experience, five main lessons can be gleaned:

- Generating and making use of empirical evidence significantly strengthened SDI's advocacy campaign and propositions.
- Enabling community members to speak directly to policymakers was important in highlighting grassroots realities and emphasising concerns that needed to be addressed.
- Mobilising wider civil society advocacy efforts rather than acting alone increased the visibility of the policy advocacy campaign.
- Engaging the public through the use of popular media channels helped promote public debate, added momentum, and put pressure on policymakers.
- Maintaining direct lines of communication with the Land Commission helped mitigate serious conflicts that arose from advocacy efforts.

1. Introduction

Founded by freed American slaves in the first half of the nineteenth century, Liberia has maintained a dual land tenure system (customary and statutory) characterised by unclear terms of land ownership for both private and customary lands. Since the 1950s the Liberian government has treated all un-deeded land as public land, managed and administered by the State. This classification has effectively weakened the tenure rights of the majority of Liberian citizens who claim ownership based on customary tenure systems.

The ongoing insecurity of land tenure has bred long-standing tensions between the State and rural communities, contributing to violence and conflict throughout Liberia's history, including a 14 year civil war (1989 to 2003). A rise in land scarcity has seen increased competition between communities and concessionaires, and between communities themselves for access to land. There is also an informal land market where one plot of land can be sold multiple times over with fraudulent land deeds granted to multiple parties. Today, tensions between communities, concession companies, and government are widespread, with many communities claiming that their land has been taken without their free, prior, and informed consent (Siakor, 2012). Land-based conflict along ethnic lines between communities also remains a threat to stability across the country.¹ Indeed, land injustice has been identified as a significant potential trigger to renewed civil conflict in Liberia (International Crisis Group, 2009). A number of national and international civil society organisations have emphasised the need to urgently address these potentially destabilising forces to ensure lasting peace and prosperity in the country.

In 2010, the Liberian government established a Land Commission, mandated with drafting new land policies to address the weaknesses in Liberia's land tenure system and rectify historical contradictions and inadequacies in existing legislation. The Sustainable Development Institute (SDI) engaged in policymaking processes, both as a partner to the Land Commission, and through informing and mobilising communities and other civil society organisations to carry out advocacy efforts. These efforts aimed to ensure that a new land rights policy would respond to local needs and aspirations and ensure greater protection for communities' rights to their lands and natural resources.

This paper begins by describing the context in which the drafting of the Land Rights Policy took place and the progressive nature of the resulting policy. The paper then summarises SDI's multi-faceted policy advocacy strategy, which included amplifying community voices and realities into the policy-making sphere, establishing a formal working relationship with the Liberian Land Commission, and mobilising broader civil

1. Over the past five years alone, ethnic land-based conflicts have been reported in Nimba, Lofa, Maryland, Bong, Sinoe, Grand Bassa and Montserrado counties.

society awareness and engagement. The paper highlights the challenges faced and lessons learnt throughout the process, and the enabling factors that led to successful advocacy in influencing Liberia's Land Rights Policy. Finally, the paper looks ahead at what remains to be done to ensure the gains reflected in the new Policy are duly translated into equally progressive laws and implemented accordingly.

2. Background

Liberia is largely an agrarian country and has abundant natural resources. The country is endowed with plentiful supplies of fresh water and a climate conducive to cultivating cash crops including rubber, palm, cocoa, and coffee. Liberia has large forest areas, including almost 42 per cent of West Africa's remaining rainforests (Tarr *et al.*, 2013). In addition, there are rich reserves of minerals including iron ore, gold, and diamonds. However, the nearly 100-year history of Liberian governments granting large-scale land concessions to foreign investors and local elites has weakened and undermined land tenure security for the majority of Liberians.²

Liberia currently has one of the highest land concession rates in Africa. A 2012 report found that “[*and allocated to rubber, oil palm and forestry concessions covers approximately 2,546,406 hectares, or approximately 25% of the country.*”³ Other reports estimate that around 50 per cent of the country's total land mass has already been promised to outside companies and investors.⁴ A Land Commission report into Private Use Permits (PUPs)⁵ showed that over 70 per cent of Liberia's land is currently under some form of concession, conservation area, or private claim, including land grants (De Wit, 2012), which are often negotiated by the state without the free, prior, and informed consent of affected communities.⁶ Although some of these contracts have since been cancelled, Siakor (2012) suggests the cumulative effect of concession granting on this scale is threatening human and food security and the livelihoods of many Liberians.

There are signs that the Liberian government, international donors, and national civil society organisations recognise the aforementioned contradictions and challenges. In 2006, the government passed the National Forestry Reform Law and the Community Rights Law. In 2010, the Land Commission was established to formalise and institutionalise the management of land and natural resource sectors, and in 2012, the Environmental Protection and Management Law, and the National Decentralisation Policy were passed.

2. Liberia signed its first concession with the American based agro-rubber company in 1926, which ceded 1,600 square miles (one million acres) to Firestone for a period of 99 years. Besides Firestone, other foreign direct investment in the rubber sector includes Sime Darby (originally B. F. Goodrich Rubber Company, briefly later renamed Guthrie Plantations), the Liberian Agricultural Company, the Salala Rubber Company, the Liberia Company, and the African Fruit Company. Today's Cavalla Rubber Company is the Maryland extension of Firestone (see Tarr *et al.*, 2013).

3. These concessions mostly include agricultural and mining concession. See for example, Siakor (2012).

4. A recent Rights and Resources Initiative report estimates 50 per cent or more of the land in Liberia has been distributed to concessionaires in the last five years alone (Rights and Resources Initiative, 2013).

5. PUP is a provision in the National Forestry Reform Law of 2009 that gives communities commercial rights to their forest resources. In less than two years, PUP led to permits to harvest timber on more than 23 per cent of Liberia's total land area. Most of the contracts have now being cancelled due to an investigation that exposed abuse in the system.

6. A recent independent audit of the procurement process by the Liberia Extractive Industry Transparency Initiative (LEITI) supported this claim, and reported that many concessions had neglected stakeholder consultation requirements in the Public Procurement and Concessions Act (LEITI, 2014).

Nonetheless, land reform in Liberia remains a highly politicised issue involving power imbalances at national and local levels. Designing reform policies in such a context requires strategic planning, sensitisation of the population, and consensus building across diverse sectors of society and the State. It was in this context that SDI operated, seeking to influence the content of Liberia's new Land Rights Policy from a grassroots-informed perspective.

3. Key outcomes

On 21 May 2013, the Liberian Land Commission held a National Validation Conference in Monrovia, Liberia where the Land Rights Policy was presented to President Ellen Johnson Sirleaf. Many of the key provisions and content that SDI and other civil society organisations advocated for were integrated in the final draft of the Land Rights Policy. Most significantly, the Land Rights Policy formally recognises customary land ownership and defines customary land rights as equal to private land rights (see Box 1).

Box 1. The new Liberian Land Rights Policy incorporates a number of important clauses that provide strong recognition and protection to customary land claims:

- **The recognition of customary land ownership and the recognition of customary land rights as equal to private land rights (Sections 6.2.1. and 6.2.2).** This means that there will not be a two-tier system of land ownership where private land rights are held higher than customary ownership. This recognition of communities' rights to own their land effectively empowers a large percentage of the Liberian population, not only as right bearers but land owners. Such a shift carries significant political and economic weight, as it encourages citizens to have more of a stake in Liberian society.
- **The government will grant a deed for customary land in the name of the community (Section 6.3.1).** While the Land Rights Policy acknowledges that communities own their customary land with or without a deed; the provision of legal documentation further strengthens communities' ownership of their lands. Previously, in most cases in Liberia, lack of paper documentation translated into lack of formal ownership. A formal deed would further empower rural communities to hold external actors, including government officials, investors, and companies accountable.
- **Communities will self-identify and define their geographical boundaries through participatory measures (Sections 6.2.3 and 6.5.1).** While there will likely be challenges in the process of self-identification, this clause may result in a significant amount of the country's land area being recognised as under customary ownership. Furthermore, through its research SDI recognised that boundary harmonisation exercises (which are a necessary part of self-identification processes) can be a useful peacebuilding and conflict-resolution tool in land documentation.
- **Management authority over customary lands and natural resources will be directly vested in community members (Section 6.4.1).** This provision contributes concretely to decentralisation and promotes local governance.
- **Ownership over customary land includes ownership of the natural resources on the land, including forests, water, and carbon credits (Section 6.3.2).** This recognises that communities' ownership rights extend not only to the land but other important resources which communities' depend on for their livelihoods, culture and traditions.

While the legal recognition of customary land ownership marks a new chapter in Liberia's history, SDI's advocacy campaign also pushed for the governance and management of customary lands and natural resources to be directly vested in the hands of communities. The recognition of customary land ownership and community land and natural resource management are significant shifts for Liberia, and can serve as a meaningful example for other countries initiating land reform processes.

The new Land Rights Policy recognises four categories of land ownership: private, customary, public, and government. The Policy stipulates that communities will be responsible for: self-identifying and defining their boundaries, establishing a local land management body, and managing community land and natural resources – all through the active inclusion of women, youth, elders, and minorities.

The policy demonstrates that SDI's policy advocacy campaign was largely successful. The document as a whole represents a historic opportunity for the nation by presenting guidelines for the legislature to write and approve land laws that will define and secure the land rights of all Liberians, paving the road for sustainable growth, community harmony, and equitable investment.

4. SDI's policy advocacy strategy

SDI's policy advocacy strategy was largely informed by action-research conducted at the grassroots through the organisation's Community Land Protection Program (CLPP). Additionally, the CLPP drew from previous research commissioned by SDI (Wily, 2007). The CLPP conducted two years of research with 20 communities (clans) in Rivercess, an overwhelmingly rural county in southeast Liberia. The communities took part in a random control trial to document their customary lands. Communities were given varying levels of support to go through a process of harmonising their community boundaries, formally agreeing on community rules regarding land and natural resource use, and creating local land governance structures. The project aimed to identify efficient and low-cost approaches to community land documentation efforts, and to design country-specific recommendations to improve Liberia's land laws and regulations (Knight *et al.*, 2013).

Policy formation processes in Liberia are usually complex and non-linear. SDI sought to fill substantial knowledge gaps at key moments on approaches to community land protection based on its direct experiences with organising communities to document and manage their customary lands and natural resources. Drawing heavily on important lessons learned from the first two years of research, SDI took the opportunity to continue building networks with national and international civil society organisations to inform Liberia's new Land Rights Policy.

It was important that SDI took an organised and strategic approach to policy advocacy for a number of reasons including the competing and vested interests inherent in land policy reform processes, the limited time and resources available to SDI, and capacity challenges at the Land Commission.

SDI's policy advocacy strategy can be broadly divided into three main areas: 1. Amplifying community voices, needs, and concerns; 2. Building and leveraging a formal relationship with the Land Commission; and 3. Strengthening civil society engagement.

4.1. Amplifying community voices, needs, and concerns

A significant focus of SDI's efforts was aimed at bringing the realities on the ground from rural Liberia to the forefront of national discussions on land tenure and natural resource management. To this end, SDI ensured that where possible, rural community members who had been active in the first two years of CLPP's land titling project engaged directly with policy makers at the Land Commission.

As part of drafting the Land Rights Policy, the Commission conducted regional consultations, bringing together representatives from three to four counties in each consultation. The consultations included community leaders, elders, chiefs, youth,

women and men. To enable wider and more in-depth participation, SDI recommended that the consultations be carried-out at a more local level still,⁷ with widespread representation of community members.

SDI attended three regional consultations (in Tubmanburg, Monrovia and Buchanan) and mobilised greater participation of community members. Each regional consultation was attended by around 180 participants coming from three or four counties. In addition to the CLPP team, SDI brought 12 to 15 additional community members to each of the three consultations attended.

At the consultations SDI engaged directly with participants (including customary leaders, women, and youth) and sought to enable their full participation. The overwhelming majority of participants at regional consultations had not read the Land Rights Policy draft prior to the consultations, and were therefore unaware of its content. As a rapid response strategy, SDI brought participants together before and after the official consultations to discuss sections of the Policy draft relevant to local communities. SDI developed and distributed literature and communication materials highlighting the positive and negative aspects of the Land Rights Policy draft, including ten major challenges in the draft document.

As an official participant in the regional consultations, SDI facilitators also took the opportunity to participate in discussions, providing their feedback on the Land Rights Policy in plenary sessions. The comments and suggestions made by both community members and SDI facilitators were captured and shared by the Land Commission at the National Validation Conference held in May 2013.

Another way SDI was able to bring community members' needs and concerns to the forefront of policymakers' attention was through a steady submission of policy briefs, communiques, and letters to the Land Commission. These communication tools incorporated input from international land tenure experts and the production of these was supported by Namati. SDI formally submitted policy briefs and recommendations to the Land Commission periodically, presenting important developments and lessons learned from the CLPP team's monthly visits to the field. For example, SDI brought significant attention to the scandal around PUPs which were being used to grant over 20 per cent of community-claimed land to private investors. SDI specifically highlighted the combined roles of local elites and their Monrovia counterparts in the PUP controversy and reiterated the importance of community land governance as a critical component of land tenure reform (Global Witness *et al.*, 2012).

The knowledge gained from SDI's field work alongside support from external partners such as Namati enabled SDI to develop concrete suggestions on how the language of the Policy should be molded, including proposing draft text.

7. In Liberia's political administration, each county (comparative to a State in the US Federal system) has a Superintendent, District Commissioners, Paramount Chiefs, Clan Chiefs and Town Chiefs. In many cases, the Paramount Chief is the highest customary position in a county.

SDI faced serious challenges in trying to bring a diversity of voices into discussions on the Land Rights Policy. Logistical constraints such as SDI's finite budget limited how many regional consultations SDI could attend. Similarly there were also financial constraints placed upon the Land Commission as to how many people could attend each regional consultation. Initially, SDI considered openly publicising the regional consultations to attract and enable wider participation. This plan was abandoned for fear of alienating the Land Commission by putting too much pressure on their capacity to host an open-ended number of participants. SDI therefore sought to maximise the opportunities the consultations did provide by contributing its own participation, by facilitating informed community participation and providing resources for additional participants who attended rapidly organised awareness workshops on the Policy.

SDI did however make public its concerns about the consultation process, highlighting the limited number of participants, and the lack of preparation of participants with regards to the draft text disallowing them to provide fully-informed comments. SDI pointed to other African experiences where radio and newspapers were used to promote regular, substantive discussions on pertinent issues of land tenure policy. As part of its media campaign, SDI highlighted these shortcomings in an op-ed published in the Liberian press, as well as in letters to the Land Commission, the President of Liberia, and certain major international donors, namely USAID and the World Bank. Despite an otherwise positive working relationship, the Land Commission at one point accused SDI of attempting to undermine the policy drafting process.

4.2. Building and leveraging a formal relationship with the Land Commission

SDI's formal relationship with the Land Commission began in 2010 with Phase 1 of the CLPP activities in Rivercess County. SDI, the International Development Law Organization (IDLO), and the Land Commission entered into a Memorandum of Understanding (MOU) agreeing on guidelines for the CLPP and establishing it as an extra-legal but officially sanctioned process. Following the research stage of the project, SDI continued the CLPP project in Rivercess County and signed a second MOU with the Land Commission, alongside Namati, an international legal empowerment NGO.

From the outset, the Land Commission expressed an interest in learning from SDI's field work, as this type of intensive research on community land protection at the grassroots level had not been done before in Liberia. The Land Commission was particularly interested in how results of the project could inform policymaking, including gaining valuable insights into how a community could be defined and the size of customary lands that communities were claiming. The CLPP also generated important insights into local customary and traditional governance structures, community norms, traditions, and practices as they pertained to natural resource use, and into competing land claims from private or other local actors and elites.

The first MOU signed between the parties drew largely on the governance aspects of the Community Rights Law. The Community Rights Law mandates communities with forest resources (timber) to create a community forest management committee to monitor and manage revenues from the use of their forest resources. Building from a similar framework, the MOU endorsed SDI supporting communities to create strong local governance institutions for managing their community lands and natural resources. The MOU also committed SDI to producing quarterly briefings in which SDI would update the Land Commission on key research findings and any relevant developments in rural Liberia. The MOU incorporated three key elements to this effect:

- SDI to be formally invited to join a government task force to provide inputs to the Land Rights Policy draft;
- permission for SDI to establish formal contact with the Rivercess County Superintendent through the community land titling project. The MOU proved helpful in building formal relationships with other national and local entities and actors;
- recognition of SDI's community land titling project as a pilot project with the goals of strengthening customary land claims and governance. This ultimately resulted in the steps SDI took through the project informing the Land Commission as guidelines for formal documentation of customary lands.

Importantly, the terms in the MOU provided SDI with the opportunity to highlight community needs and aspirations in relation to land tenure issues. Through regular communication with the Land Commission, SDI was able to build important partnerships with the Land Commission's technicians and policymakers. Through these interactions, SDI was able to inform the Land Commission's work in drafting the country's new Land Rights Policy.

Upon completion of Phase 1 of the project, SDI published a detailed report of the main findings from the two years of field research along with clear policy recommendations (Knight *et al.*, 2013). At the start of Phase 2 of CLPP in April 2012, SDI and Namati entered into a secondary MOU with the Land Commission, which was signed in November 2012.⁸ This MOU:

- sanctioned and strengthened SDI's community land protection methodology in Rivercess County;
- enabled SDI to expand its community land protection and documentation efforts to other communities and counties in Liberia;
- endorsed SDI's plans to conduct GPS surveys of communities' customary land claims.

The formal relationship with the Land Commission placed SDI at the policymaking table, which in turn allowed the organisation to have direct access to other important

8. The Second MOU, signed in 2012 by the Land Commission, SDI and Namati provides for a collaborative effort in expanding SDI customary land protection methodology.

national policy discussions. Maintaining this relationship through official and informal meetings allowed SDI to more easily submit important policy briefs to the Land Rights Policy draft. Both the signing of the second MOU and the ongoing dialogue with technicians and policymakers regarding rural customary land tenure and community natural resource management were instrumental in facilitating direct communication between SDI and the Land Commission.

SDI faced a significant challenge in maintaining a working relationship with the Land Commission whilst retaining its independence as a civil society organisation at the forefront of heated discussions on land and natural resources. While the CLPP activities continued in the field and SDI submitted policy briefs to the Land Commission, SDI also engaged in more direct forms of advocacy around the Land Rights Policy drafting process. On many occasions, SDI's advocacy efforts relating to the Land Rights Policy and other programmatic campaigns (especially those dealing with contentious disputes between local communities and concession companies) were not well received. SDI had to tactfully navigate these situations and remind the Land Commission that while they were partners, the organisation also had to maintain its independence as an organisation seeking to operate in the best interests of its own constituents.

While SDI established a formal relationship with the Land Commission in 2010, the origins of this relationship can be seen during the previous years. Following SDI's work on the Community Rights Law⁹ of 2009, the organisation had already begun to establish an extensive network and reputation within the policy community in Liberia. In 2009, SDI approached the Governance Commission (a key government institution that undertakes research and consultations on governance issues, recommending policy and institutional reforms to improve public service delivery) to give a presentation on its ongoing research into community land protection and documentation. The presentation was made to Dr Amos Sawyer (Chair of the Governance Commission) and other leading policymakers. Around the same time, the Liberian government, through the Governance Commission, passed an act to create the Land Commission to lead the process of initiating important land reforms in Liberia. From this starting point, SDI's relationship evolved with key government actors in the land and local governance reform processes. Subsequent to the formation of the Land Commission, SDI proactively sought to establish relationships with important Commissioners at the Land Commission, including the Chair, Dr Othello Brandy. SDI was also keen to build and maintain a relationship with other leading government agencies (in particular the Ministry of Internal Affairs¹⁰) to positively inform future land policies.

9. The Community Rights Law grew out of the National Forestry Reform Law of 2006. The Community Rights Law gives forest-based communities rights over forest resources.

10. The Ministry of Internal Affairs is mandated to manage the affairs of local government authorities, including decentralised land administration, management, and dispute resolution.

4.3. Strengthening civil society engagement

In Liberia, civil society can be fragmented at times with different actors and organisations pursuing their own aims with limited coordination between them. As SDI became more engaged in community land protection efforts, it became clear that there was a growing need for a stronger and broader civil society advocacy campaign. Accordingly, SDI sought to build partnerships with national and international civil society organisations that were actively addressing issues of land tenure, benefit distribution, and natural resource rights. This included reaching out to local organisations such as the Rights and Rice Foundation, Save My Future Foundation, Federation of Liberian Youth, and the Liberian National Student Union, as well as international NGOs including the Norwegian Refugee Council, Action Aid and Search for Common Ground.

One way SDI sought to do this was by consistently sharing publications and insights regarding land tenure issues with national and international partners, and government agencies and officials. In addition SDI organised multiple public workshops, trainings, forums and meetings around the Land Rights Policy. The Land Commission and other relevant government agencies (such as the Governance Commission and Ministry of Internal Affairs) were consistently invited to all events. SDI also reached out to student groups by organising two student forums at the University of Liberia, in an attempt to galvanise youth interest and involvement in the Land Rights Policy process, as well as in larger debates around land concessions, benefit distribution, and land ownership.

While SDI's primary focus was on the rights of rural communities to their land and natural resources, the CLPP team also made a point to reach out to urban slum dwellers and those residing in informal settlements in Monrovia. This aimed to raise awareness not only about the Land Rights Policy, but also to discuss urban Liberians' questions, concerns, and claims regarding their land tenure security. Liberia's civil war displaced many Liberians into undocumented and contested land spaces in and around Monrovia. In urban slums like Westpoint, New Kru Town, and Peace Island, land tenure insecurity is high and court cases and home demolitions occur regularly.¹¹

The workshops, trainings, and student forums organised around land tenure and natural resources provided an opportunity to hold substantial discussions about pressing issues of land ownership, land concessions, and benefit redistribution in Liberia. These events were also an opportunity to interact with engaged Liberian citizens and raise awareness about the Land Rights Policy and the ongoing process to shape it. Based on these interactions SDI has been able to build meaningful connections with other interested stakeholders and support organisations and individuals to engage the Land Commission directly.

11. It is worth mentioning that a significant percentage of people living in slum areas in and around Monrovia migrated from rural places and maintain strong ties to their native villages and towns. Some of these individuals also act as useful conduits to transmit information to rural communities.

SDI published a number of op-eds in Liberian newspapers about land use and management, and the drafting process and content of the Land Rights Policy. Topics that were addressed in these public columns included the importance of community governance over land and natural resources, the need for the explicit recognition and protection of women's land rights, and the importance of public participation in the consultative and drafting processes. The Land Commission did not always respond well to these policy messages, at times negatively affecting the relationship between the Commission and SDI. However, both institutions were able to maintain open lines of communication throughout – even during tense moments – and ultimately a number of the important policy points made by SDI were incorporated in the final document.

5. Lessons learned

Liberia's Land Rights Policy of 2013 is largely a progressive policy that seeks to transfer land ownership from the State to the People, with provisions to protect the customary land rights of rural Liberians. SDI's policy advocacy campaign contributed to this outcome in a number of ways. Throughout these efforts, SDI saw significant successes, but also faced many challenges, setbacks, and mistakes. From this experience, five main lessons can be gleaned:

- **Generating and making use of empirical evidence significantly strengthened SDI's advocacy campaign and propositions.** SDI's policy advocacy campaign was directly informed by several years of research on community land protection and documentation. This gave the organisation and its advocacy efforts legitimacy in the eyes of policymakers and government officials. This subsequently led to a seat at the policy formulation table where SDI was able to further input to and critique the Land Rights Policy draft.
- **Enabling community members to speak directly to policymakers was important in highlighting grassroots realities and emphasising concerns that needed to be addressed.** During the regional consultations organised by the Land Commission, community members directly addressed the Land Commission and their views were formally recorded. As the direct constituents of the Land Rights Policy, community leaders and members were able to present their opinions openly and honestly.
- **Mobilising wider civil society advocacy efforts rather than acting alone increased the visibility of the policy advocacy campaign.** SDI reached out to other civil society organisations, student groups, and international partners. This led to greater attention to the Land Rights Policy process and advocacy for the recognition of community land rights.
- **Engaging the public through the use of popular media channels helped promote public debate, added momentum, and put pressure on policymakers.** SDI made use of radio and newspaper outlets to debate key components of the Land Rights Policy and the drafting process. This created critical spaces for public dialogue and accountability.
- **Maintaining direct lines of communication with the Land Commission helped mitigate serious conflicts that arose from advocacy efforts.** The MOU signed with the Land Commission, and the ensuing periodic briefings provided a venue to diffuse tense situations and engage in constructive dialogue when other actions threatened to derail the larger process.

In the Liberian context there were a number of enabling factors which allowed SDI's advocacy strategy to be successful. Many of these can be seen within the larger context of a post-conflict society attempting to develop, democratise, and

decentralise power. The democratisation process has facilitated the emergence of an empowered citizenry, civil society, and interest groups – all of whom are now more able to advocate and claim their role in reform processes, including those around land tenure. Decentralisation and devolution of power have been pushed as a process of post-war peacebuilding in Liberia. Following the civil crisis, land-related conflict has become a common concern and an increasing challenge to be addressed by a wide range of actors at all levels, in both the private and public sectors. Furthermore, development partners have pushed for land reforms as part of their work on governance, conflict prevention and management, peacebuilding and reconstruction.

Practitioners engaging in policy reforms in other countries will need to consider these lessons in light of their own context. One overarching lesson, however, is the need to be patient and prepared to adopt a flexible but sustained approach that emphasises collaboration, public dialogue, and the convening of diverse stakeholders. This facilitates the identification of common and diverging views on both the policy formation processes and content, and enables sticking points to be highlighted and then resolved collectively.

In retrospect, there are elements of SDI's strategy that could have been executed better. To ensure more widespread participation in the drafting process, SDI could have pushed harder for more thorough consultations at a more local level, with better representation of the Liberian population. In its own internal workplan, SDI did not allocate enough resources for policy advocacy. If more time and resources had been available, the campaign would have benefited from the empowerment of a greater number of community members and leaders who are familiar with land tenure and natural resources issues and would have been able to engage with policymakers and government officials. SDI could have also collaborated with other civil society organisations and approachable government agencies at an earlier stage.

Community land rights: From policy to implementation

On 30 June 2013 – after the Land Rights Policy had been presented to President Sirleaf – SDI brought together over 50 representatives from civil society organisations, student unions, and the government to discuss the Land Rights Policy. The discussions resulted in a critical review of the Land Rights Policy, and an official civil society response to the Policy that was distributed nationally and internationally, and published in national newspapers (Tarr *et al.*, 2013). The civil society policy response highlights the important positive elements of the Land Rights Policy that should become enshrined in Liberian law and raised concerns about a number of weaknesses that still exist.

While the Land Rights Policy represents a historic stride forward for Liberia, it is currently only a set of guiding principles. The task remains for Liberian lawmakers to translate the principles and guidelines presented in the Policy into a set of meaningful and equitable laws. The main concern is that opportunistic local elites

and some foreign investors could take advantage of specific language and loopholes for their own benefit and to the detriment of local communities, and ultimately the Liberian people. Some of the outstanding challenges include ascertaining the status and future of land that is currently under concessions, the question of what will happen to large land holdings, and revising the seemingly problematic definition of 'public land'.

Moving forward, there remains the need for continued advocacy to ensure that all Liberians benefit from the country's development, and that communities' rights to their customary lands and natural resources are respected. This will require renewed efforts as lawmakers translate the Land Rights Policy into law. It will also require supporting local communities – both rural and urban – to reach out to their representatives and officials in order to have their voices, needs, and concerns heard during this process. In the face of ever increasing land concessions, ongoing tenure insecurity, and the threat of land injustice, ensuring the self-determination of communities to not only protect their customary lands, but equitably manage and govern them will be of paramount importance to ensure sustainable growth and development over the decades to come.

References

- De Wit, P. 2012. Land rights, private use permits and forest communities. Land Commission of Liberia EU Funded Project FED/2011/270957. Available at: http://eeas.europa.eu/delegations/liberia/documents/press_corner/20130916_01.pdf.
- Global Witness, Save My Future Foundation and Sustainable Development Institute. 2012. Signing their lives away: Liberia's private use permits and the destruction of community-owned rainforest. Available at: http://www.globalwitness.org/sites/default/files/library/Signing%20their%20Lives%20away%20-%20Liberian%20Private%20Use%20Permits%20-%202012%20Sept%202012%20U_0.pdf.
- International Crisis Group. 2009. Liberia: Uneven Progress in Security Sector Reform, Africa Report N°148. Available at: <http://www.crisisgroup.org/~/media/Files/africa/west-africa/liberia/Liberia%20Uneven%20Progress%20in%20Security%20Sector%20Reform.pdf>.
- Knight, R., Siakor, S. K. and Kaba, A. 2013. Protecting community lands and resources: Evidence from Liberia. Sustainable Development Institute, Monrovia. Available at: <http://www.sdiliberia.org/sites/default/files/publications/2013%20Protecting%20Community%20Lands%20and%20Resources.pdf>.
- Land Commission. 2013 (May 21). Land rights policy, Republic of Liberia. Available at: http://www.landlib.org/doc_download/Land%20Rights%20Policy%20Final%20Final%20Final.pdf?a4705305cd27e04fb1f66830e7e0ef9d=NDk%3D.
- Liberia Extractive Industries Transparency Initiative (LEITI). 2014. Brief overview of the 5th EITI report for Liberia. LEITI, Monrovia. Available at: http://www.leiti.org.lr/uploads/2/1/5/6/21569928/brief_overview_of_5th_eiti_report_for_liberia.docx.
- Rights and Resources Initiative. 2013. Investments into the agribusiness, extractive and infrastructure sectors of Liberia: An overview. Rights and Resources Initiative, Washington DC.
- Siakor, S. K. 2012. Uncertain futures: The impacts of Sime Darby on communities in Liberia. Sustainable Development Institute and Wild Rainforest Movement, Monrovia.
- Tarr, B., Dunn, E., Kwabo, N., Kaba, A., Saydee, G., Jappah, R. and Brown, M.L. 2013. The National Vision papers. The Ministry of Planning and Economics Affairs and the Governance Commission, unpublished.
- Wily, L. A. 2007. So who owns the forest: An investigation into forest ownership and customary land rights in Liberia. Sustainable Development Institute, Monrovia. Available at: [http://www.sdiliberia.org/sites/default/files/publications/2008_So_Who_Owns_the_Forest%20\(FullReport\).pdf](http://www.sdiliberia.org/sites/default/files/publications/2008_So_Who_Owns_the_Forest%20(FullReport).pdf).