

CASE STUDY

Rivercess County, Liberia

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Building Resilient Mechanisms for Inclusive and Accountable Local Land Governance

In 2013, Duah village in Liberia faced a serious challenge. Private company Lion Growth Ltd. was interested in the acquisition of Duah customary land. Duah's local leaders struck a deal with the company without consulting the community. As a result, Duah community mobilised and rallied around their new mechanisms for inclusive, participatory land governance and, with the support of Namati and the Sustainable Development Institute (SDI), held their leaders accountable. The community convinced their elders to cancel the deal, and this victory protected the Duah's customary land and livelihoods and legitimised the community's new participatory, people-focused land governance system.

PRINCIPAL ORGANISATIONS INVOLVED

Namati: Innovations in Legal Empowerment

Sustainable Development Institute (SDI)

LOCATION

Duah, Rivercess County, Liberia

TIMELINE

2009 - 2013

TARGET AUDIENCE

Civil Society

KEYWORDS

Civil society, policy makers, communities
Communal natural resource management, community rallying, leadership, participation, land deal

GOOD PRACTICES

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members.

Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 3** Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend
- Commitment 7** Ensure that processes of decision-making over land are inclusive
- Commitment 8** Ensure transparency and accountability
- Commitment 9** Prevent and remedy land grabbing

Case description

Background issues

Liberia has one of the highest land concession rates in Africa. In recent years, with the rise of land acquisition on behalf of transnational private companies for agricultural production and natural resource extraction, Liberia has found itself at the forefront of the global phenomenon of land concession grants to private companies. Like many resource rich countries in Africa, it is a desirable territory for private investment in such areas as rubber, palm oil and forestry. Between 2004 and 2009, the Liberian government granted land and forestry concessions to private companies, amounting to 1.6 million hectares - over 7% of the total national land area (World Bank 2011). In 2010, at least 661,000 hectares were granted to two transnational companies for palm oil production. To date, private investors continue to acquire land concessions throughout the country.

In addition to private investors, Liberian investors and local elites are also acquiring land at very high rates. This often takes place in covert deals, which do not account in national estimates. As a result of this unprecedented level of land acquisition by international and national investors, local communities across Liberia have come under increasing pressure to lease their customary lands. This often takes place under inequitable transactions between communities, investors and the government. These transactions are marked by uneven access to information and asymmetries of power between these groups.

In 2013, Duah community in Rivercess County, Liberia, experienced such a situation when community leaders signed a Memorandum of Understanding with external investor Lion Growth Ltd. In this MoU, they agreed to a substantial land deal without prior consultation or consent from the community. The land deal was very unfavourable for the community, and sparked a community action, which resulted in the reversal of the land deal in this unprecedented people driven case.

Solution

As a result of the on-going pressure experienced by communities on their lands, since 2009 Namati and SDI have been working with communities across Liberia to support them in consolidating their land rights. Initially starting with 20 communities in Rivercess, their work has expanded to nearly 70 communities across Liberia. The main objectives of Namati and SDI's efforts are to:

- Support communities to document and protect their customary land rights by following formal community land documentation processes;
- Establish strong intra-community land governance mechanisms that hold community leaders accountable, resolve conflicts, and secure the land rights of women and other vulnerable groups.

Following the unfavourable land deal struck with Lion Growth Ltd., Duah community members demanded that both their elders and the Land Governance Council which had just been set up by the community, adhere to the community's by-laws governing the management and transaction of community land and natural resources. Equipped with SDI's research and explanation of the MOU terms, community members also convinced the elders that the deal made with the investor was unfavourable, the benefits promised were inadequate, and that the deal itself was not in the community's interest.

A series of meetings were held and made it clear that community members were against the MoU and its implications. Recognising that they had agreed to a deal that was disadvantageous to their community and in violation of the hard work that the community had done in the previous four years, the elders went to Monrovia, met with Lion Growth Ltd., and cancelled the deal. They also agreed to respect their community's new by-laws for participatory land governance and ensure from then on full involvement of the community in all discussions with potential investors.

In sum, working alongside Namati and SDI, Duah community was able to make use of the new mechanisms for inclusive and participatory land governance which they set up, and hold their elders accountable. Duah community members reversed the elders' decision by engaging them in negotiations, which convinced them to cancel the deal with the external investor. The community's customary lands were preserved, livelihoods were protected, and their people-centred land governance mechanisms were legitimised.

Activities

From 2009, Namati and SDI spent four years working with Duah community to document and protect their customary land rights. During this time, SDI led Duah community members in:

1. Establishing an Interim Coordinating Committee responsible for leading their communities through the land documentation process;
2. Harmonising and documenting all community boundaries;
3. Drafting and adopting community by-laws and a natural resource management plan to govern intra-community land and natural resource administration;
4. Electing a governing council.

SDI and Namati also provided legal and technical training on conflict resolution and sustainable resource use and management to Duah community. Additionally, training on national laws pertaining to women's rights and land and natural resource use were provided.

Duah community made significant progress, aided by the work of Namati and SDI. The community mapped their lands, met with their neighbours to resolve a boundary conflict and agree on harmonised boundaries, signed MOUs and planted boundary trees to memorialise and document boundaries. In addition, they drafted community by-laws and a natural resource management plan to govern the administration and management of their lands and natural resources. They also democratically elected the Land Governance Council to oversee community land management. All members of Duah community took part in these activities, adhering to their agreed "ground rules" of inclusivity, transparency, and consensus based decision-making.

In 2013, after the Lion Growth Ltd. deal was exposed, SDI obtained a written copy of the MoU and provided Duah community members with the details of the agreement. SDI staff calculated the dimension of the Duah land and informed the community of the estimated total size of their land (information that Duah community did not have because their GPS mapping was not yet complete). They explained how the terms of the deal would apply to all of the Duah lands, dispossessing all community members from their homes and farms, leaving them nowhere to live and practice their farming. SDI staff also provided advice to the Land Governance Council and community animators on how to approach the elders with a collaborative, constructive approach rather than an accusatory approach that would exacerbate the conflict between the elders and the community's Land Governance Council.

In October 2013, SDI facilitated a series of meetings with Duah community where the details of the situation were discussed publicly. SDI staff explained the terms of the MOU and the potential implications of agreeing to them. Duah's community animators (skilled community members trained by Namati and SDI) asked the leaders who had signed the MoU to explain their actions. Community members also stood up and questioned the elders and the Land Governance Council, asking them why such a deal had been allowed to proceed, especially with no consultation with community members. At first, the elders insisted that it was their traditional role to negotiate and allocate land on behalf of the community, but over the course of several meetings they were persuaded by community members that they had acted in violation of the community's new by-laws and land management plan. The elders became aware of the impact of their actions on the wider community, and recognised their mistakes after discussing them during these meetings.

Importance of the case for people-centred land governance

This case demonstrates the importance of community mobilisation to achieve change. In Duah change was achieved on two levels; change of opinion of the village elders, and change in outcome of the deal with Lion Growth Ltd.

This case demonstrates that when there is consensus and clarity in objectives within a community, and when this is transformed into mobilisation, it is possible to make a concerted effort that can radically change the outcome of a situation and which is legitimised by the will of the people.

Finally, the establishment of the Land Governance Council exemplifies Duah community's success in creating and working through a new participatory people-centred land governance system, and in upholding and strengthening that system when it is being tested.

Changes

Baseline

A report in 2012 claimed that in Liberia "land allocated to rubber, palm oil and forestry concessions covers approximately 2,546,406 hectares, or approximately 25% of the country" (Silas Kpanan'AYoung Siakor 2012). By January 2013, another study estimated that over 5.10 million hectares (almost 54% of Liberia's landmass) had been granted or promised to investors through concession agreements (Rights and Resources Group 2013). Of these, 5.02 million hectares of land were granted to transnational corporations.

With Namati and SDI's support, Duah community drafted community by-laws and a natural resource management plan to govern the administration and management of their lands and natural resources. They democratically elected a Land Governance Council to oversee community land management. This enabled them to hold their elders accountable in an instance where an inequitable land deal was made with an external investor. By convincing their elders to cancel the deal in recognition of the community's will, Duah community counteracted the trend of high concession rates taking place in Liberia in recent years. Namati and SDI's work supported Duah in defending themselves against this threat of land dispossession, taking place by transnational corporations under the government's consent.

Achievements

When community elders bypassed the community's new land governance mechanisms and struck an unfavourable deal with Lion Growth Ltd., Duah community faced a test. The land governance mechanisms established in Duah prescribed a participatory and inclusive approach to decision-making, and the elders' decision defied this.

However, Duah's land governance mechanisms proved to be resilient and effective in the face of this challenge. Duah community reacted by rallying around their mechanisms, challenging their elders' decision, and convincing them to retract on the deal. This was a major achievement signifying the strength and legitimacy of these mechanisms, but also showing that it is possible for an empowered, unified and legally aware community to successfully challenge their leadership and ensure good governance of their community lands and resources.

Through this process, the community also succeeded in changing the opinions of its elders. This was another major achievement due to the fact that it is highly uncommon in communities with this model of social governance, where elders are highly respected leaders and are entitled to take decisions for all the community. In a context such as this, to have the elders' decision challenged and their minds changed through open debate with their community, is an important precedent.

Evidence

Kaba, A. and Keyser, C. (2014) *Lesson from the Field: Holding Leaders Accountable and Ensuring Community Participation in Land Transactions* <https://namati.org/resources/lessons-from-the-field-holding-leaders-accountable-and-ensuring-community-participation-in-land-transactions/>

Lessons learned

Lessons for civil society

Community education and awareness are of crucial importance. After working with SDI and Namati for four years to strengthen land and natural resources management, Duah community members felt empowered to hold their leaders accountable and demand that they respect the community's decisions. This is because they understood their rights and felt able to call upon their by-laws to ensure just, representative governance.

It is also important to reduce the more deeply rooted and far reaching asymmetries of power that weaken communities in the face of external investors.

Lessons for policy makers

Lessons learned through this case study for policy makers include the fact that local land governance structures and community by-laws are central to community land protection, as they establish protocols and procedures to hold local leaders accountable and ensure community participation in decision-making. Duah's case highlights the importance of ensuring authentic integration of new land governance mechanisms into existing local power structures.

Another key lesson is that it is important to work closely with elders and traditional leaders to ensure they participate in land governance bodies and are committed to their success. To existing community leadership, a participatory decision-making process may be unfamiliar. The experience highlights the importance of a strong working relationship between a Land Governance Council and traditional leaders, which promotes accountability, inclusive decision-making and compliance with community by-laws.

Challenges

This case highlights the complexities inherent in the balance of power between community elders and land governance bodies established by the community. The concept of participatory governance is still new to most rural communities in Liberia and other parts of the world, where elders and traditional leaders typically have authority over most community matters, including questions of land. Integrating traditional leadership and elders into the new local land governance mechanisms is very important, but can be a major challenge. In many rural parts of the world, including Liberia, it is taboo to directly challenge the authority of elders.

Another main challenge was that of the existing major information asymmetries which undermined both the elders' ability to negotiate with Lion Growth Ltd. and the community members' ability to participate in the negotiations. The elders negotiating the deal did not understand the extent of the land area involved, the monetary value of the land to the community, or the serious implications the deal would have for local land use and access. Lack of access to information, is a key obstacle to knowledge of procedures and entitlement to rights, and as a result is a major cause of disempowerment.

Follow-up

Currently SDI and Namati are drafting community governance rules in Duah to ensure formal adoption of the new Governance Council and its governing actions and powers. It is hoped that this, together with the national Land Policy to protect customary community land passed in 2013, and the upcoming Land Rights Act will collectively result in a strengthened legal mechanism enabling communities like Duah to further document and protect their rights.

Four new components have been added to Namati and SDI's work to reduce asymmetries of power and information that weaken communities in their negotiations with investors. Firstly, ensuring that each community has a GPS-recorded map of their territory to understand the size of land requested by an investor. Secondly, Namati is developing a community land valuation tool to help communities measure the economic value of their lands and resources to better understand and negotiate terms of a land deal. Thirdly, Namati is developing a training module on negotiation skills for communities. Finally, SDI and Namati are piloting an 'Early Warning System' in Rivercess county; when an investor makes an inquiry about land in a community, a hotline is available for community members to receive immediate legal and technical support.

Supporting material

References and further reading

Knight, R., Brinkhurst, M., Vogelsang, J. and Namati's Community Land Protection partner organizations (2016) *Community Land Protection Facilitator Guide*.

<https://namati.org/resources/community-land-protection-facilitators-guide/>

Namati and SDI (2013) *Community Guide to Protecting Community Lands and Resources*.

<https://namati.org/resources/liberia-community-guide-to-protecting-community-lands-and-resources/>

Rights and Resources Group (2013). *Investments into the Agribusiness, Extractive, and Infrastructure Sectors of Liberia: An Overview*. Washington DC: RRG

Siakor, S. (2012) *Uncertain Futures: The Impacts of Sime Darby on Communities*. World Rainforest Movement. http://wrm.org.uy/wp-content/uploads/2013/01/uncertain_futures_sm.pdf

World Bank (2011) *Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?*.

http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf

Photos, videos



A Grassroots Legal Advocate facilitating a community land protection meeting in Rivercess (Namati, 2014)



Community members in Rivercess creating participatory by-laws for land and natural resource management (Namati, 2014)

Contacts

Namati: Innovations in Legal Empowerment

Community Land Protection Program

436 14th St., Suite 1220

Oakland, CA 94612 USA

communitylandprotection@namati.org



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ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's 207 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

Authors: Marena Brinkhurst (Namati), Jaron Vogelsang (Namati), Ali Kaba (SDI) and Amira Kheir (ILC Secretariat).

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INTERNATIONAL LAND COALITION SECRETARIAT

at IFAD, Via Paolo di Dono 44 , 00142 - Rome, Italy tel. +39 06 5459 2445 fax +39 06 5459 3445

info@landcoalition.org | www.landcoalition.org