



Land rights in postwar Liberia: The volatile part of the peace process

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ARTICLE INFO

Article history:

Received 20 November 2007

Received in revised form 7 May 2008

Accepted 12 May 2008

Keywords:

Postwar
Land tenure
Liberia
Africa
Rule of law
Peace process

ABSTRACT

The end to the war in Liberia, along with quality leadership and a large UN presence has laid the foundation for a successful peace process. Now the delicate part of the process is underway—building viable, equitable, and durable social relations, institutions and legal constructs. A potentially volatile part of any postwar scenario is the inability of land rights institutions to perform in an effective, legitimate, equitable manner. Reform of land tenure via policies, laws, institutions, and capacity, needs to happen in a manner that is able to attend to both the land rights related causes of conflict, and the tangle of land problems brought on by the war itself. This article reports on the current situation in Liberia, and examines the primary set of land tenure problems in the country. The article concludes with a series of suggestions for dealing with the unique circumstances of postwar land tenure, and the Liberian case.

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Introduction

A generally successful postwar disarmament and demobilization but ongoing reintegration effort in Liberia has now thrust other issues to the fore; particularly those that contributed to the cause of the conflict, and continue to operate in a volatile manner. Land rights in particular are a concern, and the potential exists that contentious land issues could degenerate into extremely problematic situations if not addressed in a timely, effective fashion (Daygbor, 2007; Banks, 2006; Johnson, 2007; Zelze, 2007). The President of Liberia has “expressed fear that the issue of land reform, if not swiftly redressed by the government and its international partners, could crop up into another war in the country” (Daygbor, 2007). In particular she has noted in recent speeches “that land reform is needed now to contain future troubles”, and that “land disputes are a major hurdle in the wake of attaining genuine peace in the country” (Daygbor, 2007).

In Liberia the central role that land tenure issues had in the cause and maintenance of the conflict, and the acutely problematic state of the issue currently, is well recognized (Richards et al., 2004; Richards, 2005; World Bank, 2007; GRC, 2007; Unruh, 2007b). Discontent over land issues, together with the exploitation of rural labor, led to the large-scale disenfranchisement and mobilization of rural youth, to the degree that they comprised the majority of the

fighters in the war (Richards, 2005). Prior to the conflict the enduring rural systems of clientage and deference, supported by forms of indirect rule, generated an accumulation of rural underclass grievances to produce a crisis of agrarian institutions (Richards, 2005). At the same time poor governance precluded the peaceful derivation of alternative, legitimate, and equitable institutions and approaches (Sawyer, 2005). Land grabbing over time by powerful urban and rural elites operated within an archaic, neglected, and discriminatory customary tenure system. And coupled with the inability of the non-elite (primarily youth) to acquire and maintain control of land and (their own) labor, the result was the generation of deep animosities that were not resolved by the signing of the peace accord that officially marked the end of the Liberian conflict. Nor have they been attended to by the large military and civil affairs presence of UMNIL (United Nations Mission in Liberia), and the various donors present in the country. Currently land rights-related violence occurs in different parts of the country (NC, 2007; GOL, 2006; USAID, 2007; Unruh, 2007a). In some areas, gains made by UNMIL to enforce significant aspects of statutory land law, have been reversed as people return to illegal rubber tapping, squatting, and land resource extraction activities (USAID, 2007).

At present the land tenure situation in the country is severe. Richards (2005) notes that while perhaps 100,000 young people joined various armed factions during the war, there are several hundred thousand additional rural youths now in Liberia and neighboring Sierra Leone that are potentially vulnerable to similar mobilization. And that “[y]oung people without secure tenancy rights will continue to float in the countryside without stable social

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Fig. 1. County boundaries, Liberia.

commitments, and thus remain vulnerable to both chiefs and militia recruiters" (Richards, 2005, p. 587). Likewise the UN indicates that "[t]housands of disarmed former fighters from Liberia's 14 year civil war are still roaming the country without training or reintegration into society, threatening Liberia's chances of future stability" (IRIN, 2007). Indeed "reform of rural rights seems as urgent an issue as tracking the gun-runners or diamond- and timber-smugglers" (Richards, 2005, p. 588).

This article offers an examination of the current land tenure situation in Liberia and considers approaches for attending to specific aggregate-level problems. Subsequent to a description of methods, and a land tenure overview of the country, the paper focuses on an analysis of specific types of land holdings and their associated problems. This is followed by an analysis of four primary problem sets in the context of a concluding 'way forward.' The literature on postwar land tenure is growing, and attends to important issues regarding the peace process, restitution, economic recovery, and the rule of law (e.g., CAS, 2006; Thomson, 2003; Leckie, 2003; Unruh, 2003). As well, a variety of case studies exist (Norfolk, 2004; Huggins, 2004; Cohen, 1993; Barquero, 2004; Bailliet, 2003). To date however there has been no examination of Liberia in a postwar land tenure context, despite the primary role land tenure played in the cause and maintenance of the war, and will play in meeting the challenges of the postwar socio-political environment and providing a foundation for durable peace and development.

Methods and geographic administration

The field research comprised a series of individual and group interviews, and focus group discussions totaling 210 people in the months of December 2006 and February 2007 as part of land tenure policy reform work led by the Liberian Governance Reform Commission. Those interviewed included smallholder farmers, large landholders, ministry officials, university researchers, NGOs, lawyers, UN personnel, commercial agriculture associations, bilateral and multilateral donors, international legal and development organizations, and a former president of the country. As well a review of the relevant academic, Liberian government, NGO, legal, and donor literature took place.

The county is the primary sub-national administrative unit in Liberia, followed by districts and townships (Fig. 1). Clans and chiefdoms are both administrative units with a kin aspect. Clans act as a set of local, customary institutions and play a role in land tenure, and clan leadership knows intimately the happenings in rural areas. Chiefdoms are spatial areas and constitute a group level customary land claim that connects with broader national understandings and institutions regarding land tenure. Chiefs are assisting with postwar reintegration and will continue to have significant local authority regarding land issues. Poro secret societies, whose influence is exclusive to the northeast of the country, can be general and fluidly defined spatial areas, and are reportedly of utility for governance issues including land tenure, in some ways. This may include social

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