

AN INTEGRATED LAND TENURE SYSTEM FOR POST WAR LIBERIA

BY

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DECLARATION

I, **Powoe, Mencer Tamba**, hereby declare that this submission is my own work towards the award of Master of Science and that, to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the university, except where due acknowledgement has been made in the text.

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ABSTRACT

Formal land administration systems in developing countries failed due to the lack of recognition of customary land tenure. In the developed world, recognition of land tenure is normally high because property rights exist as legal documents giving individuals clearly defined rights, formally recorded, and backed up by effective systems of adjudication and laws. To refuse to recognize the customary land rights of the poor when their claims are not considered valid relegates them to a status of second-class citizens and leads to insecurity of tenure. Social changes and tenure integration in peri-urban areas is a topic of importance in developing countries. Lessons learnt so far show that the process of integration relies on the acceptance of the existing land tenure realities on the ground. These lessons also indicate that it is important for the integration process to build on the land tenure arrangements that are in existence, to forge links between local/customary tenure rules and statutory land regulations and to develop an integrated land tenure system that fits the realities in these peri-urban areas. The research investigates the extent to which customary tenure has been affected in the study area to develop a tenure system that integrates customary and statutory land tenure systems. The study was conducted in Sergeant Kollie Town (SKT), Liberia. A household survey aimed at getting an insight of the current land tenure system was conducted using structured questionnaires and interviews. The questionnaires and interview investigated land ownership and user rights, land acquisition, conflict resolution mechanism, and women's rights to landed property. The final part of the research involved the development of an integrated land tenure system using findings from the case study. The integration of the best elements of the existing land tenure systems and how it should be done; the definition of the roles to be played by tenure institutions; and the land rights policy to be legislated are some of the major findings of the research.

Dedicated to:

My father, Boima T. Powoe

My mother, Martha K. Powoe

My siblings and the entire Powoe family in and out of Liberia

My children (Eddy S. G. Powoe, Veronica K. Powoe,

Naomi F. B. Powoe, and Princess K. Powoe)

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LIST OF ACRONYMS

LPIS	Land Policy and Institutional Support
MCC	Millennium Challenge Corporation
SKT	Sergeant Kollie Town
UN	United Nations
USAID	United States Agency for International Development

CHAPTER 1

INTRODUCTION

1.1 Background

Land tenure is a system of rights regulating the use or ownership of land (Deininger, 2003). It can exist formally or informally, as a legal document, or as unwritten local property rights for which there is a community-based consensus. It is sometimes referred to as a property rights regime having two components: property rights and property rules. Property rights are the bundles of entitlements defining the rights and duties of the owners and users in the use of the land resource, and property rules, which are the rules under which those rights and duties are, exercised (Hannah and Munasinghe, 1995). The collection of entitlements, plus the rules under which they are used, makes up the rights that often embody people's expectations about their claim to resources (Bromley, 1989).

Within the vast body of property rights/tenure literature, land tenure security has generally been defined as the level of assurance an individual has of his or her claim to a piece of property based on his/her bundle of entitlements (Worldbank, 2008). In the developed world, this level of assurance is normally high because property rights exist as legal documents giving individuals clearly defined rights, formally recorded, and backed up by effective systems of adjudication and law enforcement. Property rights may have a) a formal legal basis or, b) in the case of customary land, have no formal, legal basis but exist as informal rules that have become norms of society based on social differentiation, productivity and membership to particular sub-sets of community (Place, 1995). While both sets of arrangements can provide security of land tenure, they often fail to do so.

In Liberia, where a dual legal system is in practice, land tenure security remains a major challenge. When Americo-Liberian settlers arrived in Liberia in 1821, they encountered societies with indigenous systems based on local practices, customs, and rules. In areas under their control, the settlers imposed a land tenure system based on fee simple ownership which extended about 40 to 55 miles inland. The rest of the lands in the interior remained under the governance of customary land tenure systems (Unruh, 2009). Thus, a dual system emerged

under which the coastal areas of the country adopted statutory tenure systems, while the system in the interior continued to operate according to customary rules and norms (Unruh, 2009; Wiley, 2007). Landholdings under custom suffer extreme insecurity of tenure.

Customary land tenure systems in Liberia have been undermined by state action and claims to public ownership (Unruh, 2009). These customary tenure systems in addition are unable to manage conflicting claims between community members and outsiders. The statutory systems, on the other hand, are often weak. They are not supported by effective systems of adjudication and enforcement, and they lack legitimacy at village level.

Furthermore, to allow customary systems to flounder in the realm of illegality deprives the poor of state sanction for and protection of their basic rights (Unruh, 2009). When the poor's land claims are not considered to be valid because they lack formal recognition, then only the rich and the legally adroit, have tenure security. To refuse to recognize the customary land rights of the poor relegates them to a status as second-class citizens, discriminated against on the basis of class, and outside the bounds of constitutional protections.

The remedy is providing for those holders under custom a security of tenure comparable to that of those under statutory tenure. To achieve this, the two systems need to be harmonized: customary rights should be recognized, given legal parity with statutory rights, and provided with comparable legal protection by national law (Bruce & Kanneh, 2011). The design of an integrated land tenure system that will integrate customary and statutory land tenure systems in the country's reform program will dramatically change the relationship between the individual and the state.

1.2 Statement of Problem

Though a lot of research has been done on the establishment of the tenure systems in Liberia, (Wiley, 2007; Bruce & Kanneh, 2011), little have been achieved in addressing the issue of designing a system that will integrate the two systems. There still remains a serious doubt about the governance of land in the interior of the country. The Supreme Court of Liberia has made it clear in a series of case opinions that customary law will be upheld where it does not directly conflict with the Constitution or the express provisions of statutory law (Worldbank, 2008). Despite this, customary land law has not been dealt with in any significant way by statutory courts. This has prevented customary law from being absorbed into the larger framework of formal law in Liberia as it has in many other African countries. This creates

ambiguity concerning the enforcement of customary land rights in the courts. While it is true that there are commonalities in the administration of tenures in these peri-urban areas, customary tenures are drastically being weakened.

The dual tenure system and bias towards the statutory system continues to divide the rural traditional societies from the urban Liberian educated elites, who have in the past utilized numerous weaknesses in the customary systems. Because rural inhabitants had historically suffered from weaker land security, displacement and allocation of the land to others created resentment, and a feeling of inferiority (Pichel *et al.*, 2012).

Nevertheless, in peri-urban Liberia, land tenures have experienced great change due to increased stability and security in the country. The massive rush for land for developmental and private purposes has necessitated the movement of people towards cities. In these areas, overlapping and multiple rights, consisting of several interlocking systems of individual and communal rights exist. Members of these communities harbor serious doubts about titles and securing other rights in these areas. Of particular concern are disadvantaged groups in these areas who live in fear of losing their land.

Since the beginning of the implementation of structural adjustment programmes in many African countries over the last two decades, promotion in economic reform and liberalization, including the agricultural sector has been made. Tenure reform is often seen as an integral component of these wider changes. With all the flurry of activity, there is still a marked lack of analysis and assessment of the need to integrate customary and statutory systems in the whole reform process (Mwebaza, 1999).

A lot of researches have been conducted by (Knight, 2010; Mwebaza, 1999) aimed at integrating the two tenure systems in many of Sub-Saharan African Countries. Most of their works addressed integration from a legal stand point but very little from the tenure stand point. Forming an integrated land tenure system that will integrate customary and statutory land tenure is vital. It could reduce the problems of land conflicts in Liberia and other African countries. It will also consolidate and promote peace efforts being put in place by West African nations and the current government.

1.3 Research Objectives

The main aim of the study is to investigate the integration of the dual (customary and statutory) tenure systems in the study area.

- To investigate the extent to which customary tenure has been affected in peri-urban areas.
- To develop a system of tenure that integrates customary and statutory tenure system.

1.4 Research Questions

The following research questions are drawn on the basis of the objectives stated above.

- To what extent has customary tenure change in the study area?
- What should be considered as requirements for developing a new land tenure system that integrates customary and statutory system?

1.5 Research Methodology

To accomplish the objectives of the research within the context of the structured questions, the following tasks were carried out as shown in Figure 1.

The pre-fieldwork emphasizes the conceptions stages of the research and comprises of the determination of the research problem, its justification and the formulation of research objectives and questions. This served as the starting point of the entire research process. At this stage also, questionnaires for the collection of empirical data were prepared. It also served as the stage for the determination of the appropriate criteria for assessment notwithstanding the fact that it was subject to subjective refinement based on the experience in the field.

The fieldwork focused on how data was gathered to enable the researcher carry out an assessment based on the framework designed during the pre-fieldwork stage. Survey was conducted and the collection of primary and secondary data using field assistants was carried out. Primary data was obtained from the household survey using structured questionnaires and interviews and from narratives of chiefs and prominent elders. The secondary data was obtained from both published and unpublished literatures. Literatures about land tenure in

Liberia which have been published by international researchers/writers also provided useful information at this stage of the research.

The post-fieldwork covers the synthesis of the conceptual work, the field information and secondary data review and how best these results can be related to scientific literature. The design of the new land tenure system was done based on the result from the data analysis and the literature. The thesis was then written from the results of the analyzed data and conclusions and recommendations made.

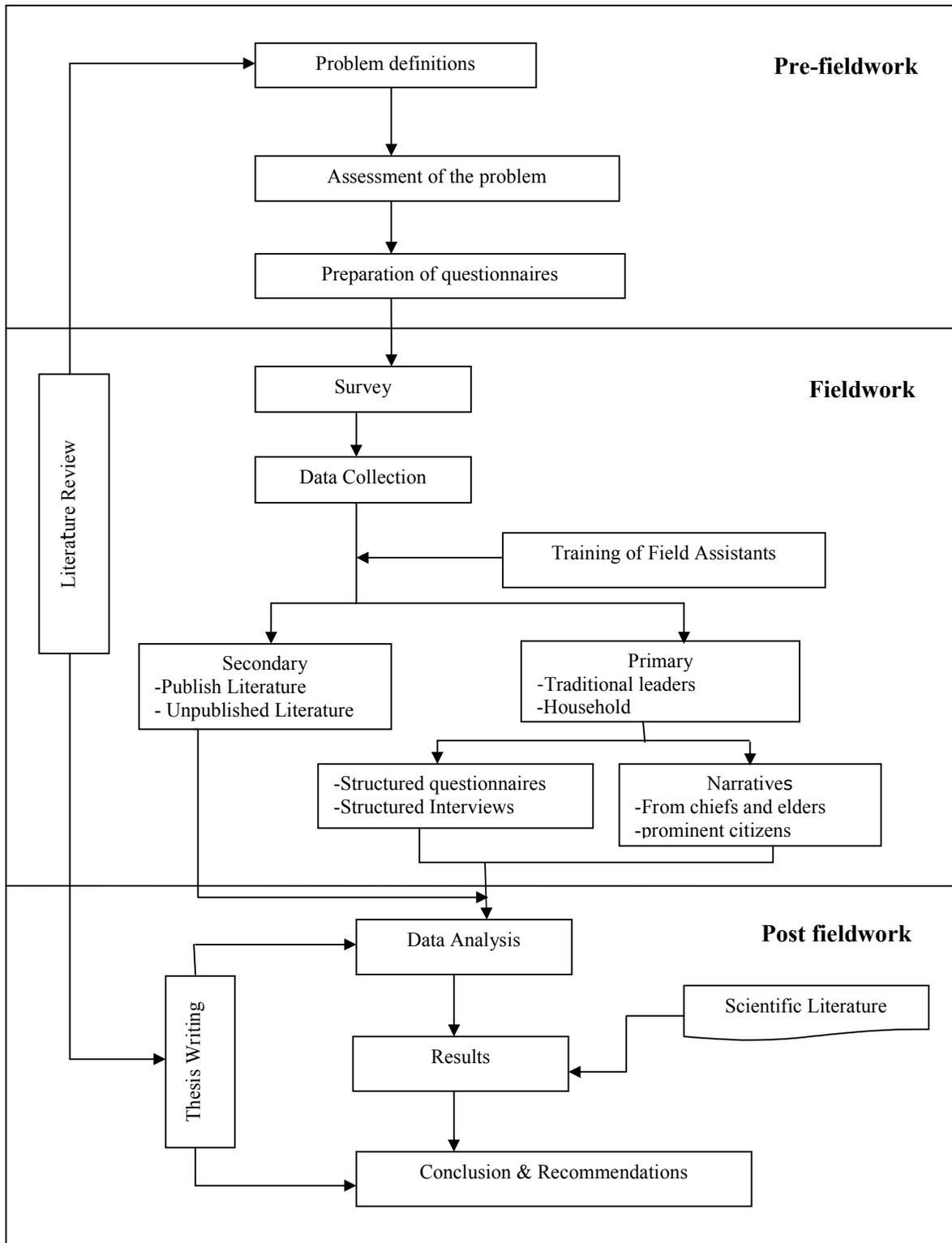


Figure 1: The Research Process

1.6 Structure of Thesis

Chapter one: This chapter introduces the research, provides background and presents the problem. The literature review is presented and so are the objectives as well as research questions defined. The chapter finally outlines the methodology and gives the structure of the thesis.

Chapter two: Chapter two is a literature review chapter. It discusses the statutory and customary land tenure systems in Liberia. This chapter also gives the theoretical and generic meaning of customary tenure; types of customary land tenures; the roots of customary tenures; and an in depth discussion of the governance of land in the hinterland. The historical perspectives of the statutory land tenure, tenure statutes, statutory recognition of customary land tenure, are presented.

Chapter three: Chapter three describes the study area and presents the methods used to collect empirical data for the study. It further outlines the methods of data collection, data analysis and the constraints in the data collection process.

Chapter four: Chapter four presents the results and analysis of the study. It further analyzes the customary and statutory tenure systems. The chapter by the use of SWOT analysis justifies the integration and finally presents strategies for the development of an integrated land tenure system.

Chapter five: This chapter discusses the conceptual analysis of the integrated land tenure system that integrates customary and statutory land tenure system in post war Liberia.

Chapter six: Chapter six gives the conclusions drawn from the study and makes recommendations for future works and research.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

This chapter reviews customary and statutory systems. The chapter first review literature on statutory systems and customary tenure systems in general. Further, the chapter reviews the statutory and customary land tenure systems of Liberia. Liberia's land administration is governed by both statutory and customary practices. The statutory systems are supported by legislation and the customary tenure systems, supported by tradition which governs the majority of land holdings in the hinterland. The peculiar nature of these two systems and how they interplay in the country's land administration is something that's worth investigating. The historical perspective and the statutory recognition of customary land tenure in Liberia are also presented in this chapter. The theoretical and generic meaning, roots, and types of customary land tenure are also discussed in this chapter.

2.2 Land tenure system

Land tenure system is a system that governs the traditional or legal rights individuals or groups have to land and the resulting social relationships among the people (Nkrumah *et al.*, 2003). The main components are the system of land ownership and system of labour organization. A tenure system may include rights sanctioned both by law and by custom. That is, alongside the formal legal systems, following defined administrative procedures, there also exist customary rules accepted by the majority of users (FrithjofKuhnen, 1982). Land tenure systems vary widely among countries and between the developed and developing countries. It can take many forms such as the statutory, customary, religious and informal forms. In Sub-Saharan Africa, the dominant land tenure system is the customary land tenure (Kajoba, 2002)

2.3 Land tenure system of Liberia

2.3.1 Customary land tenure

Customary land tenure is the right that an individual or group of people (tribe, clan, community) have over land and it is administered according to their custom/or norms. While it is not easy to find a satisfactory definition for customary land tenure, we can consider the

following definition: “Customary land tenure is defined as the rights to use or dispose of use rights over land which rest neither on the exercise of brute force, nor on evidence of rights guaranteed by government statute, but on the fact that they are recognized as legitimate by community, the rules governing the acquisition and transmission of these rights being usually explicit and generally known though not normally recorded in writing” (Simpson, 1976, p. 223).

In customary land tenure, people are linked to land through their membership of groups - clans and families. It is their group standing which gives them access to land. For example, in Liberia, most lands belong to the clan, a community made up of family groups consisting of all the descendants - living and dead – of a common ancestor and all generations to come. Consequently their concern was with maintaining their position linked to other persons rather than with rights in land. Links to and rights in persons through whom land was acquired and by whom it could be used were crucial, not rights to land as such (Pottier, 2005).

As (Fisher, 1993) noted, the major characteristics of customary tenure is that the land is regarded as belonging to the whole social group and not to an individual. It is also referred to as a system of land relation in which the ownership of the land is vested in a collective (whether a family, lineage or a clan) while the individual enjoys virtual unrestricted rights of usage. The head of such a collective or community is regarded as a symbol of the residuary, reversionary, and ultimate ownership of all land held by the collective (Mabogunje, 1992).

Customary tenure has its roots in oral tradition dated as far back as pre-colonial days. Early accounts of native land tenure systems by anthropologists, missionaries and colonial administrators deeply impacted colonial understandings of customary tenure in Africa. The central tenets of these perceptions included: the idea that rights in land were vested in the tribe or lineage as a result of either conquest, rights of first clearance, or ancestral claims on the land. Land, being inalienable from the lineage, could not be bought or sold, but belonged to the community as a whole. They believed that a tribe was a single political unit under the leadership of a chief and occupying a fairly distinct geographical territory. The perception of these missionaries furthered that the chief had the power to allocate and distribute land, regulate the use of the land and resolve disputes. The chief was also considered as either the "owner" of the land or "a trustee holding land for his tribe" (Chimhowu & Woodhouse, 2006).

In the words of one scholar, "Colonization was essentially a quest for land, a mission whose fulfillment necessitated negation or marginalization of pre-existing property claims and property relations and the creation of new, capitalist-oriented property regimes" (Gutto, 1995). There is ample evidence that in the time before colonial rule, Africans throughout the continent practiced a wide range of property-holding systems.

While the history and details vary according to colonial power and national context, colonial governments generally allocated the best, most fertile lands to European settlers and moved entire African communities onto more arid, marginal lands. In some nations, lands were zoned as "native lands", "reserve lands" or "tribal lands". Private land ownership within these zones was prohibited and outside of which most indigenous Africans were forbidden to live and practice their livelihoods (Knight, 2010).

2.3.1.1 Types of customary land in Liberia

Clan or tribal land

Clan/or tribal land is land traditionally occupied and used by native tribes according to customary law. In most part of Liberia and particularly in SKT, the land is vested in Madam Suakoko on behalf of the clan. Various family heads now administer the land on behalf of their units.

Communal Land

Communal land is one in which a right of commons may exist within a community where each member has a right to use independently the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture. Communal land is considered a social resource and also has some religious meaningfulness. Individual may become conscious of their place in the community through their relationship with the land. An important fact to be noted under the communal systems is that, non-members of the community are excluded from using the common areas (Asperen, 2007).

Usufructuary Land

Under the customary setting, this is referred to as a use right. A holder of use right may not have the right to sell or lease the property. This is usually acquired by a person who is a

member of a family or clan. Granted the land is not occupied, a holder may freely use part of the land for as long as he/she continues to show loyalty to the clan. This right may be lost due to abandonment, forfeiture, lack of successor, sale to strangers, or by compulsory acquisition by the state.

2.3.2 Statutory land tenure of Liberia

Written land tenures that are governed by the statutory laws of the country are termed statutory tenure. The historical perspective of statutory land tenure in Liberia dates far back as 1821 when Americo-Liberian settlers arrived. During this time, Liberian societies were being governed by indigenous systems based on local practices, customs, and rules. The settlers soon upon settlement imposed on areas under their control, a land tenure system based on fee simple ownership which extended about 40 to 55 miles inland. The rest of the lands in the interior remained under the governance of customary land tenure systems (Unruh, 2009). Thus, a dual system emerged under which the coastal areas of the country adopted statutory tenure systems, while the system in the interior continued to operate according to customary rules and norms (Unruh, 2009; Wiley, 2007).

2.3.2.1 Types of Statutory Tenure

The statutory tenure system of Liberia recognizes some rights and these rights include fee simple, public land or government land, and private land. These categories of statutorily recognized land ownership in Liberia will briefly be discussed below.

Fee Simple

A holder in fee simple has the right to possess the land in perpetuity. Other rights also include: exclusion, right to gather or retain fruits, the right to will, and the right to transfer to heirs. He/she also has the right to alienate, mortgage, lease or sell temporarily or permanently.

Public Land

A public land is a land which is publicly owned under the Constitution, statutes and common laws of Liberia.

Private Land

Land which is owned or otherwise held under private property rights¹ by persons, communities or other corporate entities under the Constitution, statutes and common law of Liberia.

2.3.2.2 List of land statutes in Liberia

Article 86 of the Liberian Constitution (1986) is the foundational authority for the continued applicability of customary land. “The courts shall apply both statutory and customary law in accordance with the standards enacted by the legislature.” The key legal instrument by which this is accomplished is the “Revised Rules and Regulations Governing the Hinterlands of Liberia”. Also cardinal in this sense is the Aborigines Law (Title 1, Vol. 1, 1956).

Below are the tenure statutes of Liberia regarding property:

- a. Probate and Registration of Deeds: It provides for an effectively voluntary system of registration of instruments relating to real property, similar to those in effect in many states in the United States.
- b. Leasing: The law provides that certain rules altering the Common Law norms with regard to the law of landlord and tenant. Most of the issues are technical and they restrict leasing in ways that require reexamination.
- c. Alien Mortgage and Guarantee Act: This allows mortgaging of land to a foreign lender and foreclosure on such land and a foreclosure sale of such land by the foreign lender. This was included because of doubts raised in this regard by the Liberian Constitutions prohibiting ownership of land by foreigners.
- d. Chapter 5, 6, and 7 of the Liberian property law deal with foreclosure of mortgages, partition of land among co-owners, and calculations of “dower” (the common law right of a widow to a share, normally a third, in her late husband’s estate).
- e. Registered Land Law: “The purpose of the Registered Land Law is to substitute as expeditiously and as relatively inexpensively as possible, with the highest regard for

¹ Private property rights however shall not extend to any mineral resources on or beneath any land or to any lands under the seas and water ways of the republic. All such minerals and resources belong to the republic and may be used for the entire republic.

due process, for the present system of recording rights to and over land, a system of land registration” (Johnson, 2006, p. 28)

- f. Decree 23 of 1980: “A Decree to Provide for the Licensing and Registration of Land Surveyors...”, enacted by the People’s Redemption Council² (Banks, 2006).
- g. Chattel Mortgage Act: An act that deals with mortgages of moveable property rather than land.

2.4 Concluding remarks

This chapter discussed and examined the statutory and customary land tenure in Liberia. Secondly, it further defines land tenure system as well as discussed the land tenure system of Liberia. The chapter concludes with the discussion of the types of statutory tenure in Liberia. Chapter 3 describes the study area and methods of empirical data gathering.

² The full title of this decree is “A Decree to Provide for the Licensing and Registration of Land Surveyors and for the Control and Regulation of Surveys and Survey Methods and for the Protection of Survey Monuments, Markers, Beacons, and other Reference Appurtenances within the Republic of Liberia”.

CHAPTER 3

STUDY AREA AND RESEARCH METHODS

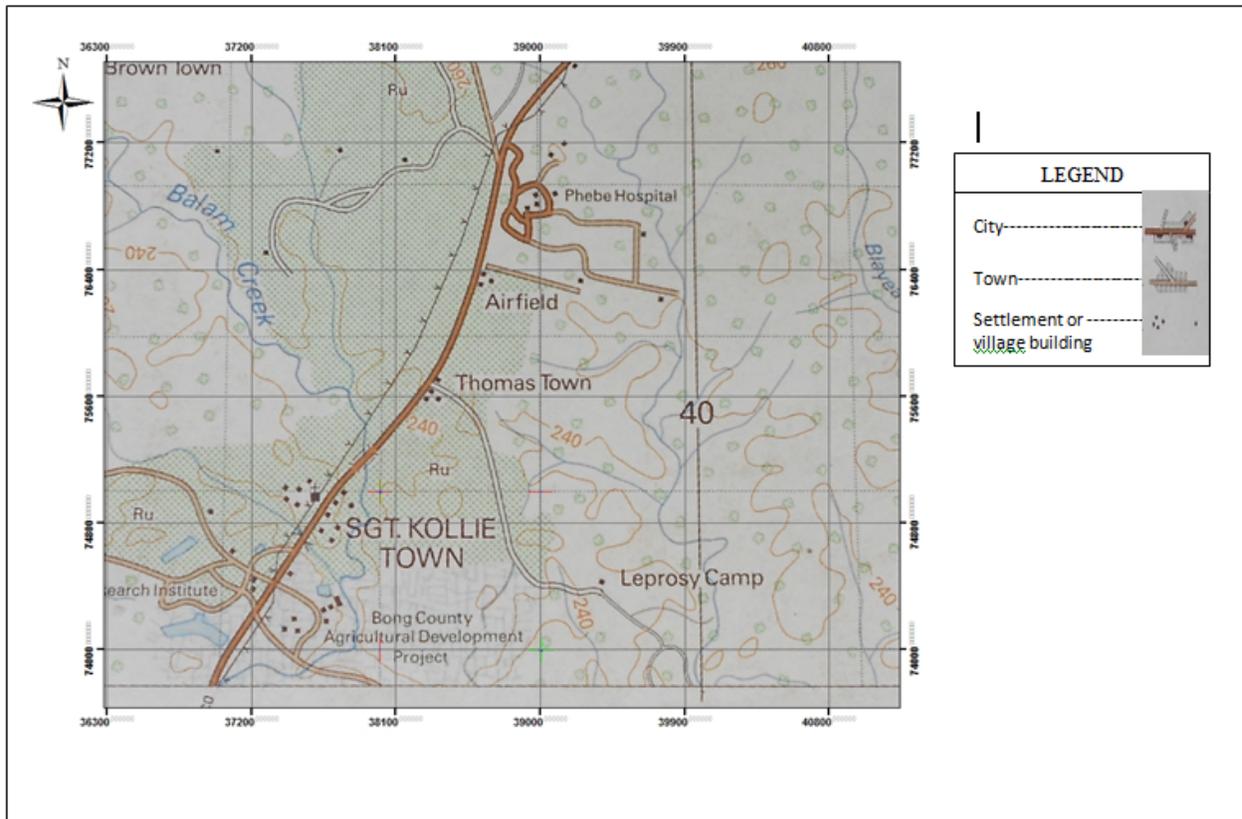
3.1 Introduction

The previous chapter discussed statutory and customary land tenure systems, their types, generic meaning and roots of customary tenure as presented from the colonial era. This chapter describes the study area and the methods employed in the gathering of empirical data for the study. The chapter is pivotal in explaining how the research made it operational; the various research questions into the most probable way of gathering enough evidences to answer them. The justifications for the selection of the case study method and the study area as well as the description of the primary and secondary data sources are also described. Finally, the chapter discusses how the data was analyzed. The chapter further discusses limitations and problems encountered whiles collecting the data in the field.

3.2 Study Area

SKT is chosen as a study area to collect empirical data for this study for the following reasons: First the area is easily accessible. Further the selection of the area was based on the willingness of the residents, collaboration of the chiefs and elders with the research team, and the availability of data. Given these points, the researcher is confident that, sufficient evidences in the form of data would be gathered to enable us conduct meaningful analysis in support of this research.

Sergeant Kollie Town (SKT) (Figure 2) is an old farming town in Suakoko district, Bong County-Liberia located approximately 14.5 kilometers from Gbarnga (the administrative capital of Bong County). It is one of the oldest towns in Suakoko district and it derived its name after a famous warrior, Sergeant Kollie (Kpotay, 2013).



Source: Liberia Cartographic Service 1987

Figure 2: Map of study area

Suakoko, is one of the districts in Bong, in the north-central county of Liberia. It is located between latitudes $6^{\circ}35'00''N$ and $7^{\circ}15'00''N$ and longitudes $9^{\circ}30'00''W$ and $9^{\circ}45'00''W$. It is bordered on the north by Zota district, south by Grand Bassa County, West by Sanoyea and Salala Districts, and East by Jorquelleh District.

Tradition has it that the land on which the town is situated was inhabited by Madam Suakoko since the 18th century. It is said that this area which has now been transformed to building plots was once a dense forest. The proximity of the area to Gbarnga (the administrative capital of Bong County) has resulted to high demand of the area by urban dwellers as a result of population pressure.

3.3 Data collection methods

The study is based on a case study methodology. Yin, (2003; 1994) identifies case study research as a strategy if the research questions are explanatory, when the research is on contemporary issue and when behavioral events within the research environment occur

within a real world context and outside the control of the researcher. The nature of customary and statutory tenures and the unstructured environment in which customary land tenure operates involving social, cultural and organizational issues makes the case study ideal for the research.

Yin, (2003; 1994) further distinguished between single and multiple case approaches. The single case research methodology is the basis of making this assessment. The choice of using a single case to investigate the phenomenon is by virtue of its ability to enable us get closer, have an in-depth insight and a better exposure to its deep structure and enabling a right description.

One of the ultimate aims of this section was to ensure the collection of every necessary/or relevant data. In order to achieve this, a combination of structured questionnaires and interviews as sources of data were used (Appendix 4). These complementary sources of information helped in validating and improving the reliability of the information gathered (Yin, 2003; 1994).

The methods of data collection for the study are based on qualitative and quantitative data collection tools. In so doing the researcher build a complete, richer picture surrounding the phenomenon than depending on their individual capabilities and also enable for cross-validation to ensure consistency and authenticity (Cavaye, 1996). The qualitative data collected was based on individual and group interviews, oral narrations with chiefs, other traditional leaders and land holders in the town (Figure 3).



Figure 3: Meeting with chiefs, elders and district commissioner

This was done in order to understand the relationships between the residents and their land holding so as to make a distinction between those aspects of tenure that are dynamic. The technique used in interviewing residents was chosen to overcome future interpretation problems that could present themselves from the observations. Based on the initial analysis and findings of the transcribed qualitative data, the quantitative data from the household interview using structured questionnaires of sample size of 80 respondents in SKT were collected. Appendix 4 shows the questionnaires that were used in the resident interview.

The choice of the sample size was influenced by the limited time and resources at our disposal. According to (Denscombe, 2007), the question of resources needs to be taken serious when it comes to deciding on a sample size. Snowball sampling method was adopted because of the efficiency it provides in selecting respondents in structured interviews (Patrick, 1981). The criteria for the selection of respondents did not depend on whether they were heads of household or they own land. 80 respondents were interviewed due to time and resource constraints.

Quantitative data from the household interview of 80 respondents comprising chiefs and elders were collected on how land holders and users have conducted and participated in land acquisition processes, land use, conflict, land transfer and the indigenous dispute mechanisms. The issue of women rights to land and property was also considered. Secondary data from desk study was gathered through literatures which helped to understand the nature of customary tenure dynamics.

Six (6) research assistants were involved in the survey. The choice of selecting them was based on their familiarity with the study area and the experience they had gained in similar exercises (Figure 4).



Figure 4: Research assistants after training

A training session was organized for the assistants to acquaint them with the details of questionnaires and interviews. Their feedback was necessary for the review of the questionnaires after testing the questionnaire in the field and noting the responses. The responses received from the field trial as well as other information allowed us to make some adjustment in the questionnaires to the understanding of the people.

3.4 Data Analysis

After designing the methodological framework as well as the data collection techniques, there was the need to prescribe an appropriate approach to help analyze data that was gathered vis-à-vis the research objectives. The data collected was coded and analyzed using the Statistical Package for Social Sciences (SPSS) and Microsoft excel for the presentation of results.

The deductive coding methodology was used to construct responses categories before administering the instrument to the respondents. The analysis employed in the study is the descriptive analytical method involving critical examinations and explanations of information and data collected during the fieldwork. Data of each case is analyzed separately and also compared with other cases.

Researchers using deductive coding often pre-test the instrument on a small sample of population of interest so they can modify the categories suggested by theory to fit the specific population (Nachmias and Nachmias, 1987). The analysis of the data was based on the expressed opinions of respondents (male and female) and how they have perceived the dynamics of the dual tenure systems.

On the other hand meanings were made from qualitative information gathered from the traditional authorities, district officials and oral narratives. Information are extracted and conclusions drawn with respect to the objectives of this study. Quotations from the qualitative data are an attempt to put 'flesh to the bone' of the information being conveyed from qualitative information. Each of the set of data (i.e. quantitative and qualitative) therefore complements the other.

3.5 Limitation of the field study

Limited time was available within which to organize both primary and secondary data collection. The researcher had to spend some time seeking authorization for the collection of data from some offices and persons hence straining the time allocated for the various information sources.

Interview at the household level had to take place only during the evenings when people have returned from their farms/work and during the weekends when there are no official duties. It was therefore with difficulty that information was received from the respondents since they often came back from work late and much tired. In the course of the day, time was taken to book appointments and arrange for interviews with senior elders and district officials. The tight schedule of the district officials and chiefs made it difficult for interviews to be granted according to our preliminary schedule. In spite of all these constraints, all the respondents were contacted with the exception of the County land commissioner who could not be reached due to official engagements. However the County Land Surveyor was helpful in

providing useful information with regards land transactions and demarcation in the study area.

Some respondents also expressed their concerns over their tiredness in answering survey questionnaires. They expressed having spent time to respond to such surveys in the past but reaped no benefits in terms of development. Such respondents will have to be talked to over and over again to get their response.

3.6 Concluding Remarks

This chapter has explained the techniques adopted for data collection and indicated how such information has to be analyzed. Each of the techniques described has in one way or the other contributed to the analysis of the dual tenure systems. The subsequent chapter gives details of the tenure systems analysis in line with the research objective.

CHAPTER 4

ANALYSIS OF CUSTOMARY AND STATUTORY TENURE SYSTEMS OF LIBERIA

4.1 Introduction

This chapter presents the result of the case study. It centers on the derivation of results obtained through interview, survey and meetings as captured in chapter three. The results include key characteristics as well as dynamics of customary tenure. The accounts of the respondents are presented in four categories; their perception in: land ownership and user rights, land acquisition, conflict resolution mechanism, and women rights to land and property. These responses are geared towards answering the research objectives and questions. The causal relations of these changes in the customary land tenure system form the basis of presenting these findings.

4.2 Changes in land tenure systems

4.2.1 Land ownership and user rights

Ownership of land and the rights associated to it is very important in the customary system. Land may be owned either by purchase, transfer, inheritance, gift or pledge. Various forms of user rights exist in each of the categories of ownership mentioned. Presently, rights that were once enjoyed by the community members have now been sharply restrained due to changes in tenure practices. These restrictions are reported to be associated with the high value of land due to rising demands. Respondents were asked the question “what are the ways one can own land in this town?” The results are shown in Table 1.

Table 1: Respondents opinion on land ownership in the study area

Land ownership										
Gender of respondents	Freehold		Leasehold		Inheritance		Offering/gift		Total	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Male	10	58.8	13	59.0	15	53.6	6	46.2	44	55
Female	7	41.2	9	41.0	13	46.4	7	53.8	36	45
Total count	17/80=21%		22/80=28%		28/80=35%		13/80=16%		80	100%

Most of the respondents revealed that their ownership to land was through inheritance. A careful look at the trend shows that 35% of the respondents owned/acquired land through inheritance. The reason families prefer this means of ownership is to ensure the continuous availability of land for use within the lineage. This will protect the rights of the unborn generation in line with customary practices. Customary tenure systems often make provision for collective ownership of land. It places constraints on individual's right to alienate land to outsiders. Other forms of rights including sharecropping, loan and exchanges of property among family members are allowed.

The ownership of land by gift/offering was common practice amongst the people of SKT. In recent past, due to the scarcity and appreciation of land in value, this method of transfer has now been weakened. A gift system is one in which the original owner presents the land to another person without any cost or strings attached. This act is binding and remains in force for as long as there are witnesses to such transaction. This practice is most common between relatives, friends and servants of traditional rulers. Trends in Table 1 show about 16% of the respondents who have acquired/owned land through gift/offering.

Other categories of interests found in this area are freehold and leasehold. 17 out of 80 respondents representing 21% secure their holding under statutory freehold because of the high security of tenure it provides. A good number of respondents about 28% still speak of leasehold as a form of ownership because the land they occupied could not be bought due to customary prohibitions.

4.2.2 Land Conflicts

Land conflicts are a major concern to most nations in the world. They come in various forms and sometimes lead to violent conflicts that destroy lives and properties. Almost every war that broke up since the beginning of civilization in Africa had something to do with land (Unruh, 2009). Liberia is currently experiencing lots of land related conflicts and so is this study area, SKT. Sources of disputes are numerous and they sometimes erupt because of community members taking advantage of rising land value by wanting to sell parcels in contravention of customary rules. The result is conflict between community members, between community members and outsiders, and between community members or leaders and the state. Poised to knowing the effect of each of these sources, a question was asked:

How would you indicate your opinion on how these sources of disputes lead to land conflicts? (see Table 2).

Table 2: Respondents' opinion on sources of disputes that lead to land conflict.

Sources of disputes that lead to land conflict										
	Encroachment		Multiple allocations		Concessions		Claims without documents		Indeterminate boundary	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Agree	78	97.5	71	88.8	49	61.3	50	62.5	71	88.8
Neither agree nor disagree	2	2.5	9	11.2	29	36.2	30	37.5	9	11.2
Disagree	0	0	0	0	2	2.5	0	0	0	0
Total	80	100.0	80	100.0	80	100.0	80	100.0	80	100.0

Table 2 shows the respondents' opinion on the five sources of disputes selected for this study that lead to land conflict. The trend shows that all of the sources have the potential of leading to conflict but at different magnitudes. Most conflicts in the study area occur as a result of encroachment, double allocation, and indeterminate boundary rated at (97%, 88%, & 88%) respectively. Concessions and claims without documents are rated (61% & 62%) but the former have not threatened the residents for many years now. Claims without documents are gradually balancing themselves with the introduction of modern documentation procedures and statutory practices.

Encroachment is the illegal occupation or use of portion of the land holdings of another. Multiple allocations of parcels are where the same parcel/land is allocated to more than one person. Concessions are legal grants by governments of some land to be used for a specified purpose. Indeterminate boundary has to do with the ambiguous nature of the boundary between adjoining properties or neighbors. Claims without documentation are situations where claimants have no documentary evidence to the parcel of land in question. These could be deliberate or sometimes as a result of the lost of every documentary proof during the war. Whatever forms the conflict occurs it is the responsibility of the traditional authorities to exercise their judicial role through the conflict resolution mechanism.

4.2.3 Conflict Resolution Mechanism

Customary or traditional justice systems have played and still play a key role in protecting land rights where they have been legalized by the state. Customary law provides the most accessible justice system for the majority of poor people living in developing countries (Asperen and Mulolwa, 2006). Disputes are dealt with in a plethora of local dispute settlement institutions from family elders to the more formalized chief's courts. When respondents were asked their preferred land conflict resolution type, their responses were (see table 3).

Table 3: Preferred Conflict Resolution Type

Conflict resolution mechanism										
Gender of respondents	Traditional council		State courts		Family settlement		Trial by ordeal		Total	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Male	18	39.1	20	43.5	5	10.9	3	6.5	46	57.5
Female	22	64.7	8	23.5	1	2.9	3	8.8	34	42.5
Total count	40/80 = 50%		28/80 = 35%		6/80 = 7.5%		6/80 = 7.5		80	100%

Table 3 shows 50% of respondents preferred the traditional mechanism over the other conflict resolution mechanisms. When respondents were asked whether the rulings of the traditional council bear any semblance of transparency, they responded that though there are no rules set aside for dealing with particular cases, they were satisfied with their ruling. The transparency associated with the resolution and the speediness makes the traditional conflict resolution mechanism the preferred choice of the respondents. The speediness and transparency with which these conflicts are resolved at both the community level and at the Traditional Council levels is what give the respondents assurance.

4.2.4 Women's Rights to Landed Property

In many societies, improving access and security for women will require changes in policy and legislation, for example specifically recognizing the rights of a woman to hold land, and

allowing a title to be issued in her name. Under customary tenure, very broadly speaking, daughters do not inherit property from their fathers or uncles, but move onto their husbands' lands after marriage. Too often, women are left holding whatever rights they have at the will of male relatives. Single, divorced or widowed women can end up dependent on the goodwill of distant family members (Kameri-Mbote, 2005). Often a bride price is paid to a woman's family which can be quite high and oftentimes leads to the tacit and sometimes explicit understanding that the man has purchased his wife and that she is his property (UNHCS, 1999). Table 4 presents the views of respondents when asked whether women should have rights to landed property.

Table 4: Women rights to landed property

Women's rights to landed property								
Gender of respondents	Agree		Neither agree nor disagree		Disagree		TOTAL	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Male	17	33.1	13	28.3	16	20.0	46	57.5
Female	29	36.3	3	8.8	2	2.5	34	42.5
Total count	46/80 = 57.5%		16/80=20%		18/80=22.5%		80/80=100%	

Table 4 shows 57.5% of all respondents are supportive of the debate of women's rights to landed property, 20% remain undecided, and more than 20% unsupportive. This support is intended to protect women's land rights³ given that they are much more likely to be disadvantaged than men.

Issues surrounding rights of women to property and land are hotly being debated since the election of a female president in Liberia. Women have been active in series of campaigns

³ The protection of women's land rights on written consent for transfer of private land ownership to a spouse is consistent with the Liberian Constitution which applies to the spouse's Private land whether acquired before or during the marriage. This protection is only applicable on Private Land, which is managed, used, and transferred according to statute.

fighting for equality in all spheres of life. Land rights discrimination against women is a violation of human right⁴.

One of the most important immediate motivations for this research was the challenges facing women at the customary level. The field survey pointed out the following:

- Women are often evicted when their marriages break down or end. In particular, widows are often evicted from their married homes by their husbands' families.
- Divorced or widowed women who return to their natal home when their marriages end are often made unwelcome and are evicted by their brothers.
- Unmarried sisters are often evicted from their natal homes by their married brothers after their parents die. This occurs because sons assert that they alone inherit the land, even where the father may have chosen his daughter to be responsible for the family home.
- Married women are not treated as people who have rights in the land. The land is treated as the property of the husband and his natal family. Wives are often not consulted in relation to decisions about the land whether these are about how to use the land or about transactions in the land⁵. Women are treated as minors, both within the family and the community.
- Women, particularly single women, struggle to access residential land because "traditionally" residential sites are allocated only to men in patrilineal areas.
- Women are often excluded from traditional institutions such as tribal and village council meetings where key decisions about land rights are taken. The problems cited include women not being represented in tribal councils and courts, not being allowed to address meetings, and being denigrated or ignored when they try to speak.

⁴ The UN Commission on the Status of Women noted in 1998 that land rights discrimination against women is a violation of human rights. It urged states to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, including through the right to inheritance.

⁵ Within these basic parameters, there is some disagreement among scholars as to the relative strength of women's land rights. Many scholars argue vehemently that customary paradigms deeply disempowered women, making them equivalent to "property" owned by their husbands.

- Tribal courts that decide family and land disputes are generally dominated by elderly men and are perceived to favor men over women. This has serious consequences because disputes may result in women being evicted from their homes, and women being denied redress.

4.3 SWOT analysis of customary and statutory tenure systems

SWOT is an acronym used to describe four strategic factors - strength, weaknesses, opportunities and threats – of an organization or system. By definition, Strengths (S) and Weaknesses (W) are considered to be internal factors over which you have some measure of control while Opportunities (O) and Threats (T) are considered to be external factors over which you have essentially no control (Thakur, 1964).

A SWOT analysis is useful for any kind of strategic planning. It's a relatively quick way to look at organizational strengths, weaknesses, opportunities, and threats. The overall purpose of a SWOT analysis is to examine the internal and external factors that help or hinder you in achieving each of your objectives. It can be used as a brainstorming tool or to help focus your attention on key areas. SWOT analysis can be used as a means of gathering information from a range of perspectives or to use the results to strategic advantage by either matching the strengths to opportunities or converting threats or weaknesses into strengths or opportunities (Thakur, 1964).

A SWOT analysis was used here for a preliminary evaluation of the land tenure systems in the case study area (see Tables 5 & 6). The analysis uses all the data obtained from the case study under the check list items in the interview form (see Appendix 5). Evidence and/or proof from the case study are provided to describe each SWOT item. The analysis is used as input for the implementation of the integrated land tenure system in Chapter 5.

Table 5: SWOT matrix of customary land tenure

<div style="text-align: center;"> EXTERNAL FACTORS INTERNAL FACTORS </div>	OPPORTUNITIES (O)	THREATS (T)
		O1. Registration O2. Tenure integration
STRENGTHS (S)	S-O Strategies	S-T Strategies
S1. Most preferred tenure system S2. Land use rights S3. Traditional arbitration methods	1. (S1, S2, O2) Enact appropriate legislations for the formal recognition of customary tenure. 2. (S2, S3, O1) Allow discriminate registration of land rights 3. (S3, O2) Strengthen dispute resolution mechanism by setting up local institutions.	1. (S1, S2, S3, T1, T3) Put measures in place to tackle problems that may give rise to conflict. 2. (S2, T2, T4) Clearly make known existing customary laws that govern the use of land and make them binding. 3. (S1, S2, T2) Allow for mediation between the claimants and perform redemarcation
WEAKNESSES (W)	W-O Strategies	W-T Strategies
W1. Insecurity of tenure W2. Poor boundary system W3. Poor documentation W4. Women's rights to landed property	1. Create more awareness by educating people about the new land tenure system 2. Conduct training for those involved in handling land records and other land related activities, 3. Provide a secure and proper storage for land documentation. Computers will be of vital importance where applicable.	1. (W1, W2, T3, T4) Avoid conflicts and reduce urban pressure by allowing everyone equal access to land and resources 2. (W2, W3, T2, T3) Make improvement on boundaries methods and documentation. 3. (W1, W4, T1, T3) Give titles/deeds to both men and women for landed properties

Table 6: SWOT Matrix of statutory land tenure

EXTERNAL FACTORS INTERNAL FACTORS	OPPORTUNITIES (O)	THREATS (T)
	O1. Land Titling O2. Deeds registration O3. Land Rights Policy	T1. Lack of legitimacy at village Level T2. Conflict
STRENGTHS (S)	S-O Strategies	S-T Strategies
S1. Tenure security S2. Absolute ownership S3. Fixed boundary	1. (S1, S2, O1) Encourage property owners to take advantage of the ongoing titling program in the country. 2. (S1, S2, O1, O2) Make improvements in land registration as measures to improve land tenure security. 3. (S1, S2, S3, O3) Provision of secure land rights and equal protection	1. (S1, S2, T1) make provision for confidence building at the rural level by improving laws that are locale friendly 2. (S2, S3, T2) Tackle conflicts by ensuring the use of best practices in exercising land rights.
WEAKNESSES (W)	W-O Strategies	W-T Strategies
W1. Partial enforcement in study area W2. Lacks full control of tenure matters in the town	1. Strengthen the capacity of traditional authorities by providing some form of training. 2. Ensure the coexistence with custom by using land rights policies	1. (W1, W2, T1) Decentralization of land administration functions by involving traditional institutions will minimize the weaknesses. 2. (W1, W2, T2) Impartial implement of statutory laws will enhance better relationship between community members.

The matrix presents strategies that form the basis for the design of an integrated land tenure system. The various strategies (SO, ST, WO, & WT) are to be translated into tasks for the design of the new integrated land tenure system. SO is considered as strategies that will employ the use of the system's strengths to maximize the external opportunities. ST strategies will help minimize the level of threats by using the strengths. WO and WT are strategies that work at minimizing the internal weaknesses of the system by taking advantage of opportunities while WT are strategies aim at avoiding external threats whilst minimizing internal weaknesses.

CHAPTER 5

CONCEPTUAL ANALYSIS OF INTEGRATED LAND TENURE SYSTEM

5.1 Introduction

Having conceptually analyzed the statutory and customary land tenure systems in chapter four (4) using SWOT analysis, Chapter 5 presents the conceptual analysis of an integrated land tenure system that will serve as contribution to improving land tenure security in Liberia. The chapter also presents the conceptual framework for implementing the new system based on the lessons learnt from the field study (Chapter 3). The framework pays attention to two major features which are strategies that discuss the major areas needing improvement and available options for their implementation: tenure integration and tenure institutions. The implementation order and step by step analysis here outlined if followed, should guide us to attaining our ultimate goal, developing an integrated land tenure system for post war Liberia. The chapter concludes with remarks and presents chapter 6 which concludes the entire research.

5.2 Conceptualizing integrated land tenure systems

In our quest to conceptually analyze the land tenure systems in peri-urban areas, the researcher can reach a number of conclusions based on the analysis from the field study. Comprehensively, a number of observations can be made based on the comparative analysis of the two features examined. In this section, the researcher reflects on the conclusions drawn from the field study, so as to analyze the feasibility of developing an integrated land tenure system for post war Liberia.

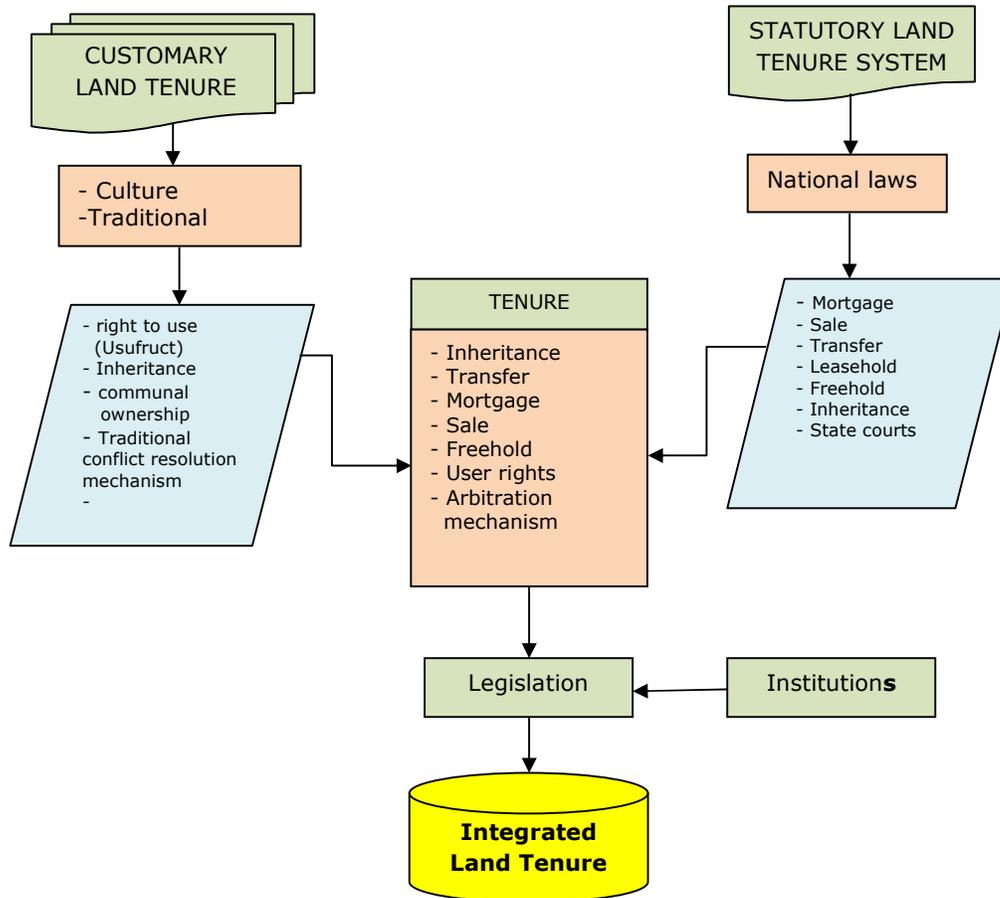


Figure 5: Conceptualized integrated land tenure system

5.2.1 Integration of tenures

The integration of tenure systems in Liberia is cardinal and comes at a time when the country is seeking support for land rights policy. Integration, the act of combining into an integral whole, will put the country’s land administration a step ahead. Most part of Liberia is under the governance of customary system while the rest of the country especially the coaster areas are under statute. Since the two systems have some commonalities, it may be best to bring all of those common elements into one place and have them integrated (see Figure 5). These integrated elements will now pass through legislation to eventually form the integrated land tenure system. How this should be done is, to integrate those common elements and leave in place those that can’t be integrated. By so doing, customary tenure practices will remain in

place rather than totally being dissolved. The two existing systems will remain functional in all areas depending on the degree of interaction between them. Below are suggestions that will make the new system workable as well as minimizing conflicts between the existing systems:

- ✓ In the most remote rural areas where there is little interaction, make customary tenure dominant because there is little conflict.
- ✓ In fast growing peri-urban areas, where the two systems collide thus resulting to conflict, legislate for equal rights and security of tenure.
- ✓ In a competitive urban environment, statutory tenure should be dominant.
- ✓ Establish administrative processes and dispute resolution mechanisms that are simple and clear.
- ✓ Explicitly protect the land claims of women and other vulnerable groups and establish women's right to hold or own land.
- ✓ Create local land administration structures similar to existing customary structures that are of low cost.

Knight (2010) noted that in order for a law that harmonizes customary and statutory systems to be well and widely implemented, there must be a political will to get it done.

A number of benefits could be derived from the process of tenure integration.

1. Access to resources for livelihood by community members will be maintained since the customary system prohibits the giving of all rights to one individual.
2. It will reduce the cost associated with government operation/administration in most remote area by recognizing the authority of customary authorities. Disputes that could derail government functions could easily be resolve before they reach the courts.
3. It will prevent social unrest that usually follows when peoples' rights are tempered with or denied.

5.2.2 Legislations

The formal recognition of customary tenure must be done through legislations. Though not every right under custom will be legislated, those associated with the livelihood of communities or individuals should. By so doing, it will ensure that customary land holders may freely and actively become competitors in the land market. There has always been and still is a relationship that exists between the two systems thus allowing their peaceful coexistence. By adopting the model in Figure 5, recognition of the customary rights and equal tenure protection is of necessity should the two systems be integrated. Under the developed integrated land tenure system, legislations for the recognition of land rights under the land rights policy will be sought that will not only enhance the land rights delivery processes but that will also make the poor to be able to access the legal process. Legislations could be in the form that will allow for the integration of the two systems.

5.2.3 Institutions to manage land tenure

The process for the administration of customary land in rural Liberia is headed by customary/traditional leaders. These traditional leaders, hierarchically arranged in a top-down order of chieftaincy are: paramount chief – clan chief – town chief – town elders. At the chieftain level, all rights to land is placed in the trust of the paramount chief, who protects the land for use by members of clans that make up the chieftain. His responsibilities are shared by clan chiefs whom he designates to allocate land rights to members of their various clans. Arko-Adjei (2011) noted that these chiefs exercise trusteeship over the land held in trust for their communities. Not only are they responsible for the management of the community land but are also in charge of dispensing justice using traditional methods.

The new system should allow customary land tenure institutions to play their effective roles in allocating and distributing land to their community members. They should have the right to select/elect their leaders and or appoint members to the community council. By giving these institutions the right to perform, will make them feel a part of the process thus making the integrated system workable and acceptable by all. On the other hand, the state should recognize and empower these institutions by recognizing their authority. While the customary institutions play their clearly defined roles, the state institutions should handle the issues of registration, titling, and legal protection of land rights. This level of understanding between the two systems will enhance peace and avoid future land conflicts.

5.3 Women's rights to landed property

The question of gender has been brought to the forefront of land policy debate at the global level, not least by UN Habitat's Global Campaign for Secure Tenure and international development cooperation agencies (Deininger, 2003; DFID, 2002; UHHSP, 2003a). (Toulmin & Quan, 2000) note that new legislation in many countries is improving the opportunities for women to own property. In Africa, customary tenure is often applicable in rural areas (Pottier, 2005). Asperen, (2007) argues that customary tenure systems are sometimes regarded as old-fashioned, however its strengths cannot be underestimated: customary tenure systems are relatively simple, can be operated on low cost basis and are in general equity based, although the position of women and marginalized groups are in some cases weak.

Under the integrated system, women's land rights as discussed in (section 4.2.4) should be of paramount concern to the land advocates for equality between men and women. The underlying causes of most developmental challenges facing Liberia and other Sub-Saharan African countries are hinged on gender inequality (Matashane-Marite, 2005). Wide spread poverty, high HIV/AIDS prevalence rate and food insecurity are some of these challenges.

Women should be given the right to own titles and to also be able to register their land rights which have statutory provision. Women should be given the right to form part of customary institutions and be a part of decision making on land matters. Equal access to land and property should be given to all Liberians (male and female) consistent with the constitution⁶ of Liberia regardless of their identity whether based on custom, tribe, language, ethnicity, gender, and otherwise.

5.4 Concluding remarks

This chapter comprehensively discussed the analysis of an integrated land tenure system resulting from the conceptual analysis that will integrate customary and statutory land tenure systems. Although the analytical views of the proposed integrated land tenure system are provided, its implementation will depend largely on the legislation of some cardinal issues⁷.

⁶ The constitution gives all Liberians the right to own property alone as well as in association with others, which means land ownership is permitted for all Liberians.

⁷ Cardinal issues like, equal access to land and property, women's right to land and property, statutory recognition of customary rights, etc. would have to be legislated.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 Conclusions

The aim of this research was to conduct a thorough investigation of customary and statutory land tenure in the study area and investigate the extent to which customary tenure has been affected in peri-urban area to support the development of an integrated land tenure system for post war Liberia.

To what extent has customary land tenure change in the study area?

The study revealed drastic changes in the customary land tenure in the study area. These changes are as a result of pressure being exerted on this peri-urban area of SKT due to urbanization. The alienation of customary land by chiefs and community members for financial gains due to rising land value and the rights from group ownership to individual ownership of land due to urban pressure, are amongst the changes in the dynamics of customary land tenure. Though these dynamics have implications for land administration, dealing with their impact is dependent on the structure provided by customary institutions. These customary changes are the main reason for the conceptualization of an integrated land tenure system.

What should be considered as requirements for developing an integrated land tenure system?

Considering the research finding, in developing a new land tenure system, it is important to note that the best elements/attributes from each system are picked to form the new integrated land tenure system that will suit the existing conditions. The system must be user friendly and very easy to understand. It shouldn't be overly complicated and must have the ability to addressing the rights needs of the community. By retaining land ownership in the hands of a group in the case of some customary reserve areas the system should be able to discourage speculation and control transfers.

The question of securing land tenure, particularly for the most economic and socially vulnerable groups and individuals should be taken seriously. Insecurity of tenure among

community members in the study area has been accelerated by urbanization. There is need to reduce this insecurity by recognizing customary tenure and giving affordable titles to land holders including women who are most affected.

The integrated land tenure system should take advantage of the existing linkages between customary and statutory land tenure systems. These linkages include the arbitration of land disputes by the traditional authorities, the police and court of law, etc. It is important that the best elements from each system be selected to form the new integrated land tenure system i.e. the two systems should learn from each other.

6.2 Recommendations

The subject of land is an ever evolving matter and calls for further study in various dimensions. This study has brought out the changes in the dynamics of customary and statutory land tenure systems and investigated how to integrate them. Based on the discussions of the limitation of the study, the following have been recommended for further research:

- This study was conducted in one peri-urban area, SKT, due to time constraints and available resources. In order to further investigate, research should be conducted to include more areas and enough time allowed studying these social changes in these communities.
- Apply other assessment approaches and/or methods to ways of improving the new land tenure system that will integrate customary and statutory land tenure systems in the country.

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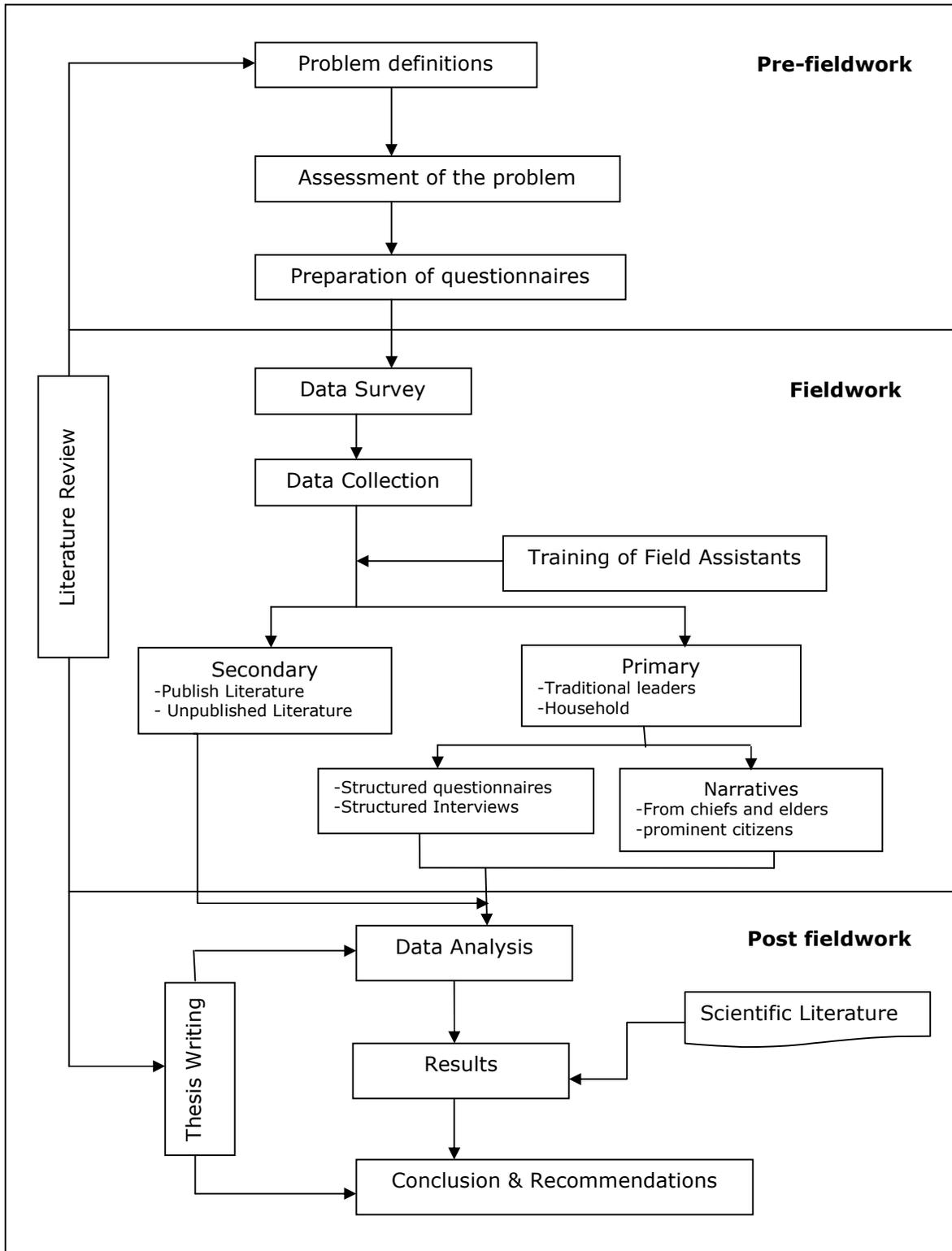
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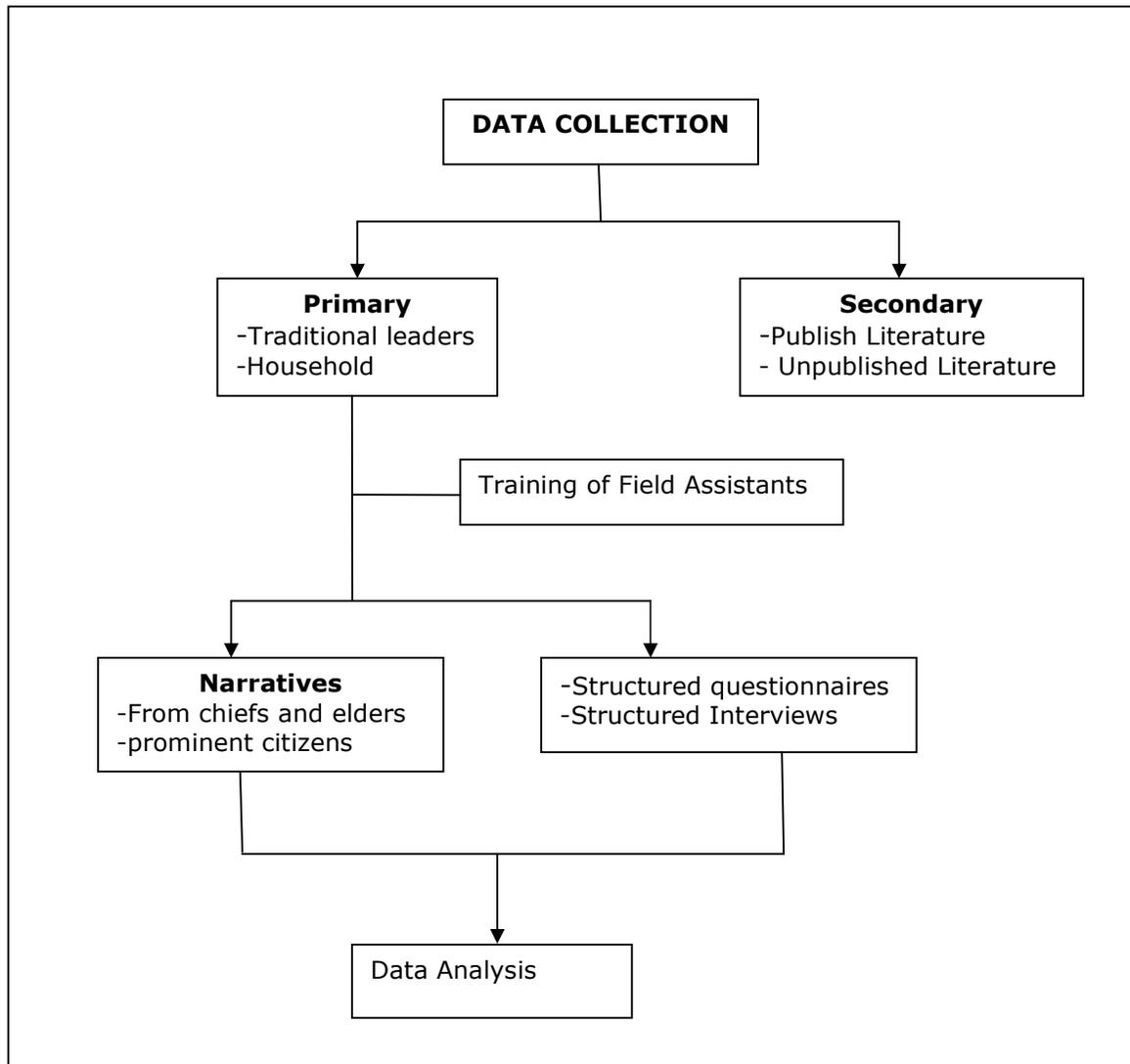
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APPENDICES

Appendix 1: Research Process



Appendix 2: Data collection flowchart



Appendix 3: Screen shot showing data processing

	Gender	Age	Occupation	Freehold	Leasehold	Inheritance	Offering	Length_of_sing	Individual_or_family_ownership	Deed	Tribal_certificate	None	Encroachment	Illegal_planting_of_live_trees	Land
1	1	3	4	1	1	0	0	5	1	0	1	0	5	4	
2	1	4	5	0	0	1	1	4	1	0	1	0	5	4	
3	2	3	2	0	0	1	1	5	1	0	1	0	4	4	
4	1	3	4	0	0	1	1	5	3	0	1	0	5	4	
5	1	2	1	0	1	1	0	4	3	1	0	0	5	4	
6	2	2	2	0	0	1	1	5	1	0	1	0	5	4	
7	1	2	3	0	1	0	0	3	2	0	1	0	5	4	
8	2	3	2	0	0	1	0	4	3	0	1	0	5	4	
9	1	4	5	0	0	1	0	5	2	0	1	0	5	4	
10	1	1	1	1	0	0	0	3	3	1	1	0	5	4	
11	1	4	5	1	0	0	1	5	1	1	1	0	4	4	
12	2	3	5	0	0	1	0	4	3	0	1	0	5	4	
13	2	2	4	1	1	0	0	4	2	1	1	0	5	4	
14	2	4	5	0	0	1	0	5	3	0	1	0	4	4	
15	1	2	2	1	0	1	0	4	1	1	0	0	5	4	
16	1	3	4	0	1	1	0	5	3	1	1	0	5	4	
17	2	4	5	0	0	1	0	5	1	0	1	0	4	4	
18	2	2	1	1	0	0	0	3	3	1	0	0	5	4	
19	1	4	2	0	0	1	1	4	2	0	1	0	5	4	
20	1	2	2	1	0	1	0	5	1	0	0	1	5	4	
21	1	3	2	0	0	1	0	5	2	1	1	0	5	4	
22	2	4	5	1	1	0	0	4	3	0	1	0	5	4	
23	2	2	3	0	0	1	0	4	3	0	1	0	5	4	
24	1	1	1	1	0	1	0	4	3	1	1	0	5	4	
25	1	3	5	1	0	0	0	5	1	0	0	0	5	4	

THESIS DATA ANALYSIS.sav [DataSet1] - SPSS Data Editor

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	Name	Type	Width	Decimals	Label	Values	Missing	Columns	Align
1	Gender	Numeric	8	0	Gender of Respondent	{1, Male}...	None	8	Right
2	Age	Numeric	8	0	Age of respondent	{1, 3 to 29}...	None	8	Right
3	Education	Numeric	8	0	Occupation of respondent	{1, Student}...	None	8	Right
4	Freehold	Numeric	8	0	Freehold as a way of land ownership	{0, Others}...	None	8	Right
5	Leasehold	Numeric	8	0	Leasehold as a way of land ownership	{0, Others}...	None	8	Right
6	Inheritance	Numeric	8	0	Inheritance as a way of land ownership	{0, Others}...	None	8	Right
7	Offering	Numeric	8	0	Offering/gift as a way of land ownership	{0, Others}...	None	8	Right
8	Length_of_holdng	Numeric	8	0	Length of time a landholder may hold interest	{1, 1 to 15 y...	None	8	Right
9	Individual_family_ownership	Numeric	8	0	Land belonging to a family or individual	{1, Yes}...	None	8	Right
10	Deed	Numeric	8	0	Land documentation kept by respondent	{0, Others}...	None	8	Right
11	Tribal_certificate	Numeric	8	0	Land documentation kept by respondent	{0, Others}...	None	8	Right
12	None	Numeric	8	0	Land documentation kept by respondent	{0, Others}...	None	8	Right
13	Encroachment	Numeric	8	0	Encroachment as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
14	Illegal_planting_of_live_trees	Numeric	8	0	Illegal planting of live trees as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
15	Land_grabbing	Numeric	8	0	Land grabbing as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
16	Double_allocation	Numeric	8	0	Double allocation of scarce land as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
17	Claims_without_documents	Numeric	8	0	Claims without documents as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
18	Indeterminate_boundary	Numeric	8	0	Indeterminate boundary as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
19	Concession	Numeric	8	0	Concessions as a source of dispute that leads to land conflict	{1, Strongly ...	None	8	Right
20	Conflict_resolution_type	Numeric	8	0	Preferred conflict resolution type of respondent	{1, Tradition...	None	8	Right
21	Role_of_traditional_authorities	Numeric	8	0	Role of traditional authorities in urban land administration	{1, Yes}...	None	8	Right
22	Sale_of_communal_land	Numeric	8	0	Sale of communal land as a change in land transaction that leads to the dynamic	{1, Strongly ...	None	8	Right
23	Fee_simple	Numeric	8	0	Freehold/fee simple as a change in land transaction that leads to the dynamic	{1, Strongly ...	None	8	Right
24	Land_loss	Numeric	8	0	Land loss for development as a change in land transaction that leads to the dynamic	{1, Strongly ...	None	8	Right
25	Offering_of_gift	Numeric	8	0	Offering/gift as a change in land transaction that leads to the dynamic	{1, Strongly ...	None	8	Right
26	Right_to_farm_and_gather_fruit	Numeric	8	0	To farm and gather fruit as an existing user right to land	{0, Others}...	None	8	Right
27	Transfer_of_holding	Numeric	8	0	To transfer holding/ownership as an existing user right to land	{0, Others}...	None	8	Right
28	Sharecropping	Numeric	8	0	Sharecropping as an existing user right to land	{0, Others}...	None	8	Right

Data View Variable View

SPSS Processor is ready

Appendix 4: Structured questionnaires

SURVEY QUESTIONNAIRE

To elicit data and information from respondents who comprise traditional authorities, state officials, elders, prominent citizens, and residents of Sergeant Kollie Town (SKT).

This section contains questions that capture both general and specific information regarding:

A. PERSONAL INFORMATION

- Q1. Gender**
- | | |
|--------|-----|
| Male | [] |
| Female | [] |
- Q2. Age**
- | | |
|--------------------|-----|
| 18 to 29 years | [] |
| 30 to 39 years | [] |
| 40 to 54 years | [] |
| 55 years and above | [] |
- Q3. Occupation/Title**
- | | |
|---------------|-----|
| Student | [] |
| Farmer | [] |
| Trader | [] |
| Health worker | [] |
| Town Elder | [] |

B. LAND ADMINISTRATION

- Q4. What are the ways can one own land in this town?**
- Freehold [] Leasehold [] Inheritance [] offering/gift []
- Q5. How long can a landholder hold interest?**
- | | |
|---------------------|-----|
| 1 to 15 years | [] |
| 16 to 30 years | [] |
| 31 to 50 years | [] |
| 51 to 100 years | [] |
| 101 years and above | [] |
- Q6. Is there any land within the traditional area that belongs to any family or individual?**
- Yes [] No [] I have no idea []
- Q7. What type of documents on land do you keep or have?**
- Deed [] Tribal Certificate [] None []

Q8. How would you indicate your opinion on how these sources of disputes lead to land conflicts?

Sources of disputes	Strongly agree (5 points)	Agree (4 points)	Neither agree nor disagree (3 points)	Disagree (2 points)	Strongly disagree (1 point)
Encroachment					
Illegal planting of live trees					
Forceful taking away of land from others					
Double allocation of parcel or land					
Laying claims without proof or documents					
Improper boundaries determination					
Concessions					

Q9. What is your preferred land conflict resolution type?

- Traditional council []
 State courts []
 Family settlement []
 Trial by ordeal []

Q10. Do you think that traditional leaders/authorities have a role to play in urban land administration?

- Yes [] No [] sometimes [] not at all []

Q11. These changes in land transaction have led to the dynamics in methods of land transfer in the customary setting.

Changes in land transaction	Strongly agree (5 points)	Agree (4 points)	Neither agree nor disagree (3 points)	Disagree (2 points)	Strongly disagree (1 point)
Sale of communal land by those holding it in trust for the community					
Freehold/fee simple					
Land lose for developmental purposes					
Offering/gift					

Q12. What user rights exist on lands in the traditional area?

- The right to farm and gather fruits []
 The right to transfer holding/ownership []
 The right to sharecropping []
 The right to private ownership []
 Squatter right []

Q13. Have you got land?

Yes [] No []

Q14. How big is your land?

1 to 3 lots []

1 to 15 acres []

16 to 50 acres []

51 to 100 acres []

101 acres and above []

Q15. Is there presently a land shortage?

Yes [] No [] I have no idea []

Q16. Women should have rights to land and property.

Strongly agree (5 points)	Agree (4 points)	Neither agree nor disagree (3 points)	Disagree (2 points)	Strongly disagree (1 point)

Q18. Which one of the two systems would you prefer?

Customary []

Statutory []

Both (Customary & Statutory) []

Thanks for participating!!!!

Appendix 5: Interview Questionnaire

SURVEY QUESTIONNAIRES

Name of interviewee: _____ age _____

Position/Title _____ Date interviewed: _____

Interviewer: _____ Signature: _____

PURPOSE

To elicit data and information from higher land policy experts and other citizens who comprise the officer and staffs of the County Land Administration and citizens/residents of SKT. This section contains questions that capture both general and specific information regarding:

TRADITIONAL AUTHORITIES

1. What are the way can one own land in this town?
2. Is there any land within the traditional area that belongs to any family or individual?
3. Does each member hold a separate individual interest over the whole land or portion of it?
4. For how long can a land holder hold interest?
5. Under what circumstances can a tenant or landholder forfeit his or her interest in land?
6. What restrictions does the traditional council give to landholder within the traditional area?
7. What rules govern the rights, privileges, and obligations regarding land use, and the administration of land in the traditional area?
8. Who is in charge of boundary demarcation and surveying in the traditional area? How is it done?
9. What user rights exist on the lands in the traditional area?
10. Which government legislation on land registration and surveying conflict with the customary practices in your traditional area?
11. What are the sources of land disputes in your traditional area? How do you solve them?
12. Is it possible for someone to know who holds or uses a particular parcel in the traditional area?
13. What is your opinion or view about the current practice of administering and allocating land by the traditional authorities?
14. Is there need for improvement of the current practice of land administration and allocation by the traditional authorities? Yes [] or No []? If yes, mention them.
15. What type of documentation on land do you keep? Explain your answer?
16. Apart from customary laws, do you know any other laws governing land administration and allocation?
17. What are the conflicts between the customary laws and the statutory laws governing land administration and allocation?

18. Do you think that traditional authorities have a role to play in land administration in urban areas? Explain your answer?
19. If yes to the above, what exact functions do you think traditional authorities can do in urban areas?
20. How do you think customary land tenure systems can accommodate better women's land and property rights?

SETTLEMENT HISTORY

1. When and how was the village/town established?
2. Are there principal landholding groups in the village/town and how did they acquire this position?
3. How have rates of settlement and the characteristics of settlers changed over time?
4. Has migration from rural areas been an important factor in settlement?
5. How important has been the settlement by people from Gbarnga or abroad?
6. To what extent does the rate of settlement in the past 10 years differ from previous times?
7. What is the present total area of the village-developed and undeveloped?
8. What boundary indicators are used? Concrete pillars [], soap trees [], others [], none []
9. Is there presently a land shortage? Yes [], no []
10. Has there ever been a court ruling demarcating land within the village/town?

LAND ADMINISTRATION

1. What are the main principles underlying traditional land management and administration?
2. Are there traditional land covenants or conditions governing land allocations to users?
3. What checks do you have against encroachments, trespassers, or anti-social development?
4. Do you help in any way to initiate planning layouts prior to land allocation and development?
5. Do you own land? Yes [] no []
6. How big is your land? 1 lot [], 2 lots [], more than 3 lots [], 1-10 acres [], 10-50 acres []
7. How did you acquire the land?
8. When and how was it surveyed?
9. How are benefits/revenues from the land spent? Retained by chief [], invested in the community [], distributed to community members [], don't know [].
10. What relations do you have with the lands Commission, District Assembly, Survey Department, Land Title Registry?
11. What rights in land are recognized by law in this country?
12. Which of these rights are registrable in the Land Title registration? What overriding interests are recognized?
13. What type of certificate do you issue to applicants?

14. On average, how long does it take to register a document and what is the average cost?
15. What are the basic processes applicants have to go through before their document can be registered?
16. Which one of the two systems would you preferred? Customary [], Statutory [], both []
17. Is there any difference in the way/manner people owned land in the past as compare to now?
Yes [], NO []

** Is there anything that we left out that you want to comment on? **