

THROUGH WAR AND PEACE, LIBERIA'S LAND LEGACY

NEARLY 15 YEARS OF CIVIL WAR LEFT LIBERIA IN DISARRAY, WITH LAND RIGHTS AT THE CENTER OF THE COUNTRY'S CHAOS

NOW, TECHNOLOGY IS HELPING TO HEAL THE WAR WOUNDS AND RESOLVE THE LAND CRISIS



You can find the scraps of paper scattered throughout the Western African nation of Liberia. Some are piled in cardboard boxes in government offices from Monrovia to Buchanan. Some are tattered and folded. Some are creased until they practically fall apart at the touch. They've been yellowed by age, charred by fire and gnawed by rats.

They are deeds — records showing ownership of land plots. Many are decades old and barely readable. Some are highly detailed, describing surveyed kilometers and city blocks. Others are so sketchy that the only boundaries listed are rocks and trees.

But each one stands for more than the aged paper itself. The deeds represent lives, families and generations. For many people, the deeds — and the land they claim as their own — are all they have. And in this war-torn nation, nothing is more important, nothing causes more conflict, than land.

"Land is the single most explosive issue in this country," says Andrew Thriscutt, a land administration and deeds ministry advisor with the Liberia Land Policy and Institutional Support (LPIS) project, a program funded by Millennium Challenge Corporation and spearheaded by the Liberian government and the United States Agency

for International Development (USAID). "Land has been at the center of wars. It's what the people here hold on to. It's what makes a difference in their lives. It's everything to them."

Liberia has been wracked by nearly 20 years of civil war. The fighting destroyed much of the nation's infrastructure and left 250,000 dead. Meanwhile, millions of Liberian refugees fled their homes, often retreating to neighboring nations like Cote D'Ivoire and Guinea.

Today, the nation is struggling to rebuild its badly damaged infrastructure and establish a secure foundation of law and order. But land disputes remain one of its most vexing and dangerous challenges.

About two million refugees who were scattered across the sub-region are returning to the land they once occupied — only to find that someone else has been living on it, sometimes for a decade. Across the nation, families, farms and businesses have been lost, while others have been built on disputed land. And the deeds — the tightly held scraps of paper that have signaled generations of lives and homes — can be virtually useless in the face of a shattered institutional framework.



"Almost everyone in Liberia has been affected by undocumented land rights," says Philomena Bloh Sayeh, director of the Liberian Government's Center for National Documents and Records Agency (CNDRA), the agency largely responsible for land administration and management. "From the people who fled the country during the turmoil to others who occupied those lands, this affects almost everybody across the board, one way or the other."

The LPIS project team stepped into the disarray determined to help Liberia overcome its land administration challenges. Managed by USAID, the \$4 million project aims to secure the policy and legal frameworks for land management. Among its main goals is to restore Liberia's land records and protect the fragile paper deeds by transferring them into a digital format. "The task isn't easy", Thruscott says. "But it's critical that Liberia's existing land records be protected and maintained — not only to safeguard ownership rights but to limit fraud, stimulate the economy, and keep the peace."

A STATE OF DISARRAY

Land tenure is a critical issue in post-conflict Liberia. Experts widely recognize it as a potential catalyst for further violence and civil upheaval. In a 2008 report, the Liberia Truth and Reconciliation Commission called land disputes a threat to national peace. An estimated 90% of Liberia's civil court cases are related to land. And as many as 63% of violent conflicts in Liberia have their root in land rights issues.

After years of conflict, Liberia's land management is in a state of disarray. Land records are missing, difficult to search for or at risk of deteriorating. The conflict left CNDRA in poor condition to oversee land administration. Like many institutions in Liberia, the agency has seen improvements, but is still burdened by a lack of institutional knowledge. It has few experienced staff and relies on outdated and inadequate resources. In 2010, just over 700 deeds were registered among its 3.8 million people. Indeed, land management is in such dire straits that a World Bank report recently named Liberia as one of the world's most difficult countries for property registration — ranking 176 out of 183 nations.

But already the LPIS project — comprised of a team from USAID, the World Bank, the government of Liberia, and private organizations — has helped Liberia make remarkable strides. In summer 2011, LPIS chose OpenTitle software from Thomson Reuters to secure Liberia's land records in a digital format. The software tool ties land records and boundary information to actual geo-referenced locations.

Since early 2012, CNDRA staff members at the Scanning Laboratory have used OpenTitle to digitize and index close to 6,000 deeds, representing almost 15,000 individual pages.

In September 2012, CNDRA opened a Customer Service Center in Monrovia. Now, Liberians can directly register new properties in the software system. In addition to digitizing old records, the Customer Service Center allows newly registered properties to be immediately safeguarded in the agency's database. "For the very first time, the public can have their deeds and records entered directly into a digital system which will register their land and ensure their ownership is legally recorded, verified, and stored in a national electronic database," says Tom Walsh, senior vice president and managing director at Thomson Reuters.

A HISTORY OF CONFLICT

Liberia has almost always been plagued by land conflict. In the early 1820s, freed slaves from North America and the Caribbean settled in the region on land purchased from the indigenous occupants. In 1847, the settlements became the independent state of Liberia.

From the outset, the Liberian government operated under dual systems of laws and policies — one for the coastal Americo-Liberians and the other for indigenous Africans living in the hinterlands. Land tenure for the Americo-Liberians were based on English common law (or "statutory rights"). The indigenous people governed themselves using their own "customary" fashion based on community rights.

Like other colonial systems throughout Africa, Liberia had different sets of laws for the elite in the capital cities and for the customary groups in the nation's interior. By 1956, statutory rights were given precedence over customary rights and all indigenous lands were effectively converted to state use.

"Liberia's history of land disputes was an underlying driver of the nation's civil war," explains USAID's Land Tenure and Conflict Advisor, Tim Fella. Today, the dual tenure system and bias towards the statutory system continues to divide the indigenous people from the urban-based Americo-Liberian elites.

At the same time, the government has long allocated large land concessions to private sector investors like timber, mining, and agriculture firms — often without the knowledge of the people already living there. The concessions bar the indigenous communities from the land they have occupied for generations. "There are government and community chiefs making deals to



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sell these lands without the community knowing," says LPIS's Thriscutt. "One day, people wake up and suddenly find there's an industrial company tearing up their land."

Even CNDRA director Sayeh's family has been caught up in the land chaos. "I have a cousin who lost her land and she's still trying to get it back," she says. "She was able to trace her documents, but somebody built a structure on the land. They went to court to try to resolve the issue — and they are still in court." Indeed, experts say that Liberia's land courts have a case backlog that could last for 15 years.

SAFEGUARDING LAND RIGHTS

CNDRA, created in 1977 to safeguard public documents like land registries, was in shambles by 1990. The chaos of the civil war caused the agency to all but disband. Vital land records were damaged or lost through everything from exposure to the elements to deliberate ransacking of the agency's building. After the civil conflict, USAID's Fella says, "You had a land administration framework that was entirely in disarray and more or less not functioning."

Today, many Liberians lack the resources to navigate the registration process. Registering a deed can be extremely expensive, piling up costs like official fees and the price of traveling to-and-from the government offices. The majority of deed copies are held in CNDRA offices, which are located in county capitals that can be hard to reach, particularly in the rainy season. With an area slightly larger than Portugal, Liberia has a mere 657 kilometers of paved roads. For many Liberians, it's a two-to-three day trip to Monrovia — each way.

Land holders often contract private sector professionals, like lawyers and surveyors, to help them through the process. A surveyor may charge over \$100 — a sizable sum in a country where most people earn \$2 to \$4 a day. With just 75 professional surveyors in the nation, "rogue" surveyors frequently cheat land holders with bogus surveys, Thriscutt says.

"A whole load of people will survey your plot of land using a tape measure and a compass and charge you \$100," he says. "Then they will find another person and survey the same plot for them."

And there is no guarantee that the deeds at the CNDRA offices are intact. While land records are generally recognized to be under CNDRA's mandate, many have been held in different government offices throughout Liberia — often with little regard for environmental damage. Some deeds are well-preserved in climate controlled rooms. Others, particularly historical archives, suffer from wear and

tear. They are often exposed to everything from rats and beetles to age and elements. Many are stored in rooms with no air conditioning. The opened windows may help the staff breathe comfortably, but they also introduce paper-deteriorating dampness.

Even the best-preserved deeds may turn out to have limited value. Many deeds don't contain details about the physical location of the actual property. Without this spatial information, the only reference to a location is a metes and bounds description or a lot number. Metes and bounds can be virtually useless if the topography and vegetation have changed — a common occurrence in Liberia where the dense rainforest grows rapidly. "The deed might say: 'Go to a tree, walk 80 paces to that rock over there, then back to that tree and that rock,'" Thriscutt notes. "The problem is the tree or the rock or whatever has changed from the time the deed was given."

A NEW GENERATION

Despite the havoc wrecked on land policy by the civil war, CNDRA, with LPIS support, has committed to easing the problem. To jump start its land registry program, CNDRA needed to improve both its human resources and its technology. CNDRA recognized the need to establish an affordable, rapidly deployed digital land registry system — and educate Liberians on how to use it.

In 2009, CNDRA returned to its original building. But maintenance suffered during the conflict. The building itself was poorly suited for a modern IT infrastructure, with overburdened electrical circuits, no air conditioners and roofs leaking on record storage and staff.

But the biggest challenge to modernizing CNDRA's record system isn't the agency's headquarters. "By far, it is human capacity," says Timothy Fella, of USAID. During the civil conflict, "the educational system collapsed," he notes. Indeed, Liberia has just a 57% literacy rate. "You encounter people with a shortage of educated, experienced people that need to carry out some very complicated functions in regard to land," Fella says. One government official told LPIS's Thriscutt that, at best, 50 of every 500 employees are capable of completing even the most basic work responsibilities.

CNDRA's first task was to find a way to manage scanning records and indexing for rapid searches. Liberia needed a digital record system that was easy to use, mobile, spatially enabled, flexible, quick to implement, scalable, and cost effective. In conjunction with LPIS, the agency reviewed a number of systems. In summer 2011, it chose OpenTitle,



Thomson Reuters software system, to restore Liberia's land records and secure them in a digital format.

OpenTitle combines geographic information systems (GIS) software with an integrated document management system. That allows it to capture land and property information through documents and videos. The system delivers basic mapping tools and the ability to digitize new features on an ortho-photo or satellite image background. Since the OpenTitle system is spatially enabled, it serves as more than just a database for digital information. It allows land records to be associated with actual geographic information. Most importantly, OpenTitle links spatial units to documentary evidence on the owner/occupier and their rights.

With guidance from LPIS stakeholders, including representatives from USAID, the software was installed and put to use quickly. Since September 2011, 15 CNDRA staff members have been trained to use OpenTitle. Many CNDRA employees are relatively young and lack the skill sets needed to work in an archive or registry office. Prior to joining CNDRA, few had experience with information technology. But, as CNDRA director Sayeh notes, "Our employees readily embraced the workshops and training."

On average, it takes just one day to train CNDRA staff on integrating paper records, indexing them and storing them in the database. The more complex georeferencing tasks, like importing geographic data and linking property records to a point or parcel, require more training. But Sayeh says her staff became conversant in the new system in just a week. Sayeh highlights the work of her younger staff who are enthusiastic about the technology. Older employees can be less comfortable with the transition, she explains. "It's about getting comfortable in using computers and removing a mental block. They may think 'This is for the younger generation, not for me,'" Sayeh states.

The project has even addressed educating the public on their land rights. The LPIS-assisted education campaign includes radio dramas, newspaper advertisements, and community workshops to help the public better understand their land rights. One popular radio drama features a two-party conversation: A man bemoans that rats have eaten his land deeds. His friend explains that, by registering his deed, he was able to get a copy of his own rodent-destroyed records. Since the launch of the public education campaigns, some counties are seeing a 20 percent increase in registrations, Sayeh says.

LIBERIA'S NEW BEGINNING

In 2012, Liberia achieved another milestone when CNDRA opened its Customer Service Center in Monrovia. The scene would have been all but unimaginable just a few years earlier: Liberian citizens peacefully walking into an office to register new properties in a software system. One by one, people were led by a greeter to the appropriate desks, where staff helped them digitize their frayed and torn deeds — the slips of paper that often represented everything they owned.

While land rights in Liberia are still in dispute, and the country's war wounds are far from healed, CNDRA believes it's on its way to easing some of the nation's land conflicts. At the opening of the Customer Service Center, Sayeh watched her countrymen take control of their land rights, as they turned their old paper deeds into modern digital records. She called it one of "my proudest moments here." As Sayeh exclaimed, "The opening of the deeds and records Customer Service Office represents a new beginning for the people of Liberia."

