

CHALLENGE 3.



ACTIVITY REVIEW

LAND GOVERNANCE SUPPORT

ACTIVITY

This publication was produced at the request of the United States Agency for International Development (USAID). It was prepared independently by Social Impact, Inc. under the Liberia Strategic Analysis activity.

Cover photo: During a Pause and Reflect session of the Activity Review, USAID and implementing partner participants prioritized challenges with pink, yellow, and green post-its, pink signifying the highest priority.

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ACTIVITY REVIEW: LAND GOVERNANCE SUPPORT ACTIVITY

USAID/Liberia

Liberia Strategic Analysis Contract No: AID-669-C-16-00002

April 27, 2018

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ACRONYMS

ADR	Alternative Dispute Resolution
CCRO	Certificates of Customary Rights of Occupancy
CDCS	Country Development Cooperation Strategy
CNDRA	Center for National Documents and Records Agency
CRL	<i>Community Rights Law</i> with Respect to Forest Lands
CSA	Civil Service Agency
CSO	Civil Society Organization
DLSC	Department of Lands, Surveys, and Cartography
FDA	Forestry Development Authority
FGD	Focus Group Discussion
FOWODE	Forum for Women in Development
GBV	Gender-Based Violence
GC	Governance Commission
GOL	Government of Liberia
GRB	Gender-Responsive Budgeting
GRO	Granted Right of Occupancy
KII	Key Informant Interview
LLA	Liberia Land Authority
LOE	Level of Effort
LSA	Liberia Strategic Analysis
LTPR	Land Tenure and Property Rights
MELP	Monitoring, Evaluation, and Learning Plan
MOA	Ministry of Agriculture
MOE	Ministry of Education
NFRL	National Forestry Reform Law
NGO	Non-Governmental Organization
PIDS	Performance Indicator Database System
PMP	Performance Management Plan
PRS	Poverty Reduction Strategy
SI	Social Impact, Inc.
SOW	Statement of Work
USAID	United States Agency for International Development
USD	United States Dollar

I. EXECUTIVE SUMMARY

Through the Liberia Strategic Analysis (LSA) activity, USAID/Liberia engaged Social Impact, Inc. (SI) to conduct an external Activity Review of the Land Governance Support Activity (LGSA) at its midterm. LGSA supports the establishment of more effective land governance systems, ready to implement comprehensive reforms to improve equitable access to land and security of tenure, so as to facilitate inclusive sustained growth and development, ensure peace and security, and provide sustainable management of the environment. Tetra Tech and its partners form a collaborative team under LGSA, providing technical and organizational assistance to the Government of Liberia (GOL), civil society, the private sector, and communities in their land governance reform process. The implementation period for the activity is August 18, 2015 – August 17, 2020. The total budget allocated to LGSA is \$15.57 million, with the geographical focus on the capital of Liberia, Monrovia and in other priority USAID counties.

This Activity Review provides an independent and in-depth examination of how to support land tenure security through LGSA in the absence of an adopted *Land Rights Act*. The review analyzes the performance and appropriateness of the design and identifies recommendations for the remaining implementation period. The Mission will use findings from the review to inform a potentially more strategic USAID investment in LGSA and possibly other investments in the sector. The key intended users are USAID and the implementers of LGSA. Secondary users include the GOL, specifically the Liberia Land Authority (LLA), the Civil Society Working Group on Land Reform, non-governmental organizations (NGOs), and other civil society organizations (CSOs) working in this sector.

The Activity Review responds to four key questions through the overall findings, conclusions, and recommendations of the report, highlights of which are presented below:

- I. To what extent has progress been made in achieving the objectives under LGSA?
 - o To what extent – if any – has the timing of the establishment of the LLA, the pace of progress in operationalizing the LLA, and the failure to pass the Land Rights Bill impacted the overall progress of LGSA in achieving its objectives?
 - o Does the failure to enact the Land Rights Bill necessitate a shift either in scope or emphasis of the LGSA task order? If so, how?

Answer: LGSA's progress toward achieving its objectives is on schedule. Year One activities were not held up due to GOL or legislative action or omission. Following adoption of the *LLA Act* at the beginning of Year Two, LGSA's progress slowed down slightly, but the same executive leadership transitioned from the Interim Land Task Force (ILTF) to the LLA, rendering LGSA's assistance largely uninterrupted. In its third year, LGSA's ability to strengthen the protection of customary land rights is in question, absent passage of the draft *Land Rights Act*.

That being said, some of the performance indicators in LGSA's Monitoring, Evaluation, and Learning Plan (MELP) are weak (Component 1), are not aligned with LGSA's activities (Components 2 and 4), or are premature (Component 3). Some early activities have no indicators to help track progress (Component 3). These issues do not render the MELP meaningless or ineffective, but there are areas for improvement.

The following recommendations take into consideration the discussion above as well as the donor's desire for its investments to tangibly improve the lives of Liberians during the remaining years of LGSA.

- Shift LGSA's support to focus on *regulatory* reform, including options for recognizing community land use rights while continuing to support development of draft survey and surveyors regulations and valuation regulations. Otherwise, scale back support for guidelines on the transfer of public land and other support informing the development of a draft Public Lands Policy.

- Clarify with the LLA and the World Bank Liberia Land Administration Project LGSA's specific support to complement the new initiative, fully leveraging LGSA's assistance thus far. If necessary, scale down support of LLA's technical operationalization as the Liberia Land Administration Project comes online, to the extent the budget requires.
 - Modify the pilot methodology to strengthen community governance and advocacy capacity of existing community institutions, omitting the last step for registering community land rights, and instead assist the LLA in developing a regulatory application process under Component I.
 - Scale up support on communications and gender activities.
 - Reconsider staffing of technical specialists consistent with the above recommendations. There appears to be more land administration expertise on staff than needed, to the detriment of land governance expertise.
2. Identify best practices from USAID and other donors around the world facing similar contexts (e.g. post-conflict, developing countries in Africa) of land reform and present case studies of successes.
- o Are there any "quick wins" in land reform that can be identified, possibly from other country contexts, and applied to Liberia?

Answer: Although there are no "quick wins" at this time for Liberia's land sector, case studies with relevant lessons have been included on the following: community rights to and governance of forest resources in Liberia; local land governance in Mali and Tanzania; local advocacy programming in Malawi; and women's access to customary justice in Kenya.

3. How can LGSA contribute to land tenure security within the remaining years of implementation?
- o What are the main considerations for the strategic development of the Liberia Land Authority?
 - o Considering that LGSA has three years remaining, what are the most needed skills and demands for land reform, specifically at the technical level? Consider sequencing, i.e. what can be accomplished in one, two, and/or three years.
 - o What – if anything – can be done to further increase participation of women in a meaningful way?

Answer: Within the remaining years of implementation, the LGSA work plan should shift support toward regulatory – rather than policy or statutory – reform, as well as provide more support for *local* land governance. This includes piloting the methodology, as planned, including creating inclusive governance bodies, boundary harmonization, and mapping, and helping to empower communities to hold their government and legislative representatives accountable for implementation of the *Land Rights Policy* and the *LLA Act*. Such a modification includes continued, but reduced, support to the LLA on land administration in collaboration with the newly launched World Bank Liberia Land Administration Project. Continued emphasis on gender mainstreaming in the LLA is warranted, with more focus on gender-responsive budgeting. There also needs to be support for civil society to develop and implement a strategic gender plan to mainstream gender within the LLA and advocate for women's land rights. Finally, an additional empowerment activity for women and youth is recommended to ensure that women and youth are equipped with the confidence and skills needed to engage in local governance.

To address the shortage of competent professionals in the most needed technical skills, the following could be accomplished in the remaining one, two, and/or three years. LGSA can continue to support surveyors and land valuers for an additional year, while they jointly develop sustainability strategies for

both associations and an exit strategy for LGSA. LGSA also can support these two organizations in years two and three to advocate for surveying and land valuation laws. In the current work plan, LGSA is to work on building an alternative dispute resolution (ADR) association in Year Three, to establish standards for ADR practitioners and develop training modules. In Year Four, LGSA can support that organization to begin working with traditional leaders on their ADR skills and processes, consistent with the *Land ADR Policy*.

II. INTRODUCTION

Through the Liberia Strategic Analysis (LSA) activity, USAID/Liberia engaged Social Impact, Inc. (SI) to conduct an external Activity Review of the Land Governance Support Activity (LGSA) at its midterm. LGSA supports the establishment of more effective land governance systems to improve equitable access to land and security of tenure, so as to facilitate inclusive sustained growth and development, ensure peace and security, and provide sustainable management of the environment. Tetra Tech and its partners form a collaborative team under LGSA, providing technical and organizational assistance to the Government of Liberia (GOL), civil society, the private sector, and communities in their land governance reform process. The implementation period for the activity is August 18, 2015 – August 17, 2020. The total budget allocated to LGSA is \$15.57 million, with the geographical focus on the capital of Liberia, Monrovia.¹

This Activity Review provides an independent and in-depth examination of how to support land tenure security through LGSA in the absence of an adopted *Land Rights Act*. The review analyzes the performance and appropriateness of the design and identifies recommendations for the remaining implementation period. The Mission will use findings from the review to inform a potentially more strategic USAID investment in LGSA and possibly other investments in the sector. The key intended users are USAID and the implementers of LGSA. Secondary users include the GOL, specifically the Liberia Land Authority (LLA), the Civil Society Working Group on Land Reform, non-governmental organizations (NGOs), and other civil society organizations (CSOs) working in this sector.

CONTEXT

The civil war that ravaged Liberia for most of the 1990's finally ended in 2006, followed by inauguration of President Ellen Johnson Sirleaf, Africa's first woman President. The government adopted a *Poverty Reduction Strategy* (PRS) two years later, laying out an ambitious plan for stabilizing the country and "laying the foundation for inclusive and sustainable growth, poverty reduction, and progression toward the Millennium Development Goals."² Significantly, the PRS highlights two factors that contributed to the conflict: (1) the systematic exclusion and marginalization of significant segments of the population from political governance and access to key economic assets; and (2) economic collapse in the 1970s and 1980s that gave rise to high rates of unemployment and a significant rise in the cost of living. The PRS notes, "Land and property rights of the majority of Liberians were severely limited,"³ and mismanagement of national resources contributed to inequalities across Liberian society.

In 2011, the GOL adopted a *National Policy on Decentralization and Local Governance* to "empower the Liberian people to participate in all dimensions of local self-governance and facilitate equal political participation in the process of national democratic governance,"⁴ and to "ensure accountable, sound and lawful management of local resources;"⁵ and for county governments to "represent county concerns in all negotiations pertaining to extractive industries."⁶ A bill to implement the policy has been on the national legislative docket since 2015.

The GOL also introduced a program of land governance and tenure reform to address some of these historical injustices soon after the civil war. The question of how such reforms should be applied, and how

¹ Although the bulk of LGSA activities take place in Monrovia, there are a few exceptions. The public outreach campaigns are nationwide, and the anticipated field test of community self-identification and demarcation will be in Lofa, Bong, Gbarpolu, and Nimba. Supporting the LLA to set up regional offices is also being considered.

² GOL, *Poverty Reduction Strategy* (PRS) (Monrovia: GOL, 2008) 14.

³ GOL, PRS (2008) 4.

⁴ GOL, *National Policy on Decentralization and Local Governance* (Monrovia: GOL, 2011) sec. 1.3.

⁵ GOL, *National Policy on Decentralization*, sec. 1.4.

⁶ GOL, *National Policy on Decentralization*, sec. 3.1.

to balance citizens' interest with those of the GOL emphasizing private sector-driven economic growth has triggered disagreement among stakeholders on a core principle of the national *Land Rights Policy*. That Policy, adopted in 2013, recommends formal recognition and legal protection for customary land rights, entitling local communities to the “full bundle of rights.”⁷

A draft *Land Rights Act* that initially codified the *Land Rights Policy* provisions regarding recognition and protection of customary land rights was introduced to the Legislature in 2014. Thereafter, the 53rd House of Representatives adopted the draft *Land Rights Act* in 2017, although it is unclear the extent to which the adopted bill resembles the original draft. Despite requests to KIIIs, the Review Team was unable to obtain a copy of the official bill that the House adopted or the official bill that the Senate is considering.⁸ The current draft circulating has removed a significant number of protections of community land rights, including recognition of those rights. Thus, it is unclear whether the Senate will next vote on the draft *Land Rights Act* and, more specifically, which draft it will consider.

Although the draft *Land Rights Act* did not pass, the national legislature did adopt the *Liberian Land Authority Act*, which creates an autonomous institution granted a broad mandate for land governance. One of the main purposes of the Act is to consolidate the land functions existing in five different ministries and agencies into one institution.

It is in this environment that LGSA is currently operating.

ACTIVITY BACKGROUND

LGSA is USAID/Liberia's primary Strengthening Tenure and Resource Rights contract. Its activities are a continuation of USAID's engagement in land-sector reform in Liberia, beginning with the Millennium Challenge Corporation-funded Land Policy and Institutional Support project and the Land Conflict Resolution project, which ended in 2013 and 2014, respectively. These initial efforts assisted the GOL in developing a *Land Rights Policy*, the evolution of the LLA, and a *Land Administration Policy*.

LGSA continues USAID's land-sector reform efforts through support to the LLA in its establishment and its implementation of the *Land Rights Policy*, among others. The purpose of LGSA is to develop more effective land governance systems ready to implement comprehensive reforms. This project-level purpose is designed to contribute to two Development Objectives (DOs) of the USAID/Liberia Country Development Cooperation Strategy (CDCS): DO1-More effective, accountable, and inclusive governance; and DO2-Sustained, market-driven economic growth to reduce poverty, which ultimately supports the overall goal of strengthened Liberian institutions positioned to drive inclusive economic growth. LGSA works to achieve this through the following four components:

⁷ GOL, *Land Rights Policy* (Monrovia: GOL, 2013) secs. 4.2 and 6.2.2.

⁸ During the Activity Review, members of the Senate held a retreat to consider a bill on land.



ACTIVITY REVIEW PURPOSE AND AUDIENCE

LGSA was designed under the current USAID/Liberia CDCS, which assumed the draft *Land Rights Act* would pass. Given that the draft *Land Rights Act* may not pass during the lifetime of the activity, there is a need to examine if and how the intervention can be more effective in response to the current context.

The review provides succinct, actionable recommendations for USAID/Liberia to determine how to move forward with LGSA. Preliminary findings and recommendations were shared and discussed with both USAID/Liberia and the implementing partner during debrief sessions.

ACTIVITY REVIEW QUESTIONS

The Activity Review focused on the following specific questions in the design of instruments, analysis tools, and in the overall findings, conclusions, and recommendations of the report.

1. To what extent has progress been made in achieving the objectives under LGSA?
 - o To what extent – if any – has the timing of the establishment of the LLA, the pace of progress in operationalizing the LLA, and the failure to pass the Land Rights Bill impacted the overall progress of LGSA in achieving its objectives?
 - o Does the failure to enact the Land Rights Bill necessitate a shift either in scope or emphasis of the LGSA task order? If so, how?
2. Identify best practices from USAID and other donors around the world facing similar contexts (e.g. post-conflict, developing countries in Africa) of land reform and present case studies of successes.
 - o Are there any “quick wins” in land reform that can be identified, possibly from other country contexts, and applied to Liberia?
3. How can LGSA contribute to land tenure security within the remaining years of implementation?
 - o What are the main considerations for the strategic development of the Liberia Land Authority?
 - o Considering that LGSA has three years remaining, what are the most needed skills and demands for land reform, specifically at the technical level? Consider sequencing, i.e. what can be accomplished in one, two, and/or three years.
 - o What – if anything – can be done to further increase participation of women in a meaningful

way?

These questions were validated through meetings with USAID/Liberia to ensure that their scope was feasible.

SUMMARY OF METHODOLOGY

To answer the review questions above, LSA used a highly participatory approach, involving implementing partners, GOL, civil society, and academia, to identify progress and opportunities to inform the way forward for land governance in Liberia. This participatory approach required stakeholder involvement in identifying actionable recommendations. This engendered trust in and support to the process, while underscoring the importance of stakeholder buy-in and support for the recommended path forward.

Figure 1: Qualitative Research Methods



The review used four qualitative research methods, as depicted in Figure 1.

The Activity Review began with a thorough desk review of available literature on land governance, including LGSA documents, sectoral evaluations and assessments that were used to determine the intervention, and international best practices on the topic, and other data sources.

Key Informant Interviews

The Review Team interviewed 24 key informants. Key informants were identified based on the following factors: (1) a significant relationship with LGSA implementation; (2) knowledge of LGSA design in its historical context; (3) an influential actor in development of the draft *Land Rights Act* and/or the Liberian land sector, more generally; and (4) USAID implementing partners who are also working in the land sector.

The approach combined close-ended questions, to ensure comparability of answers among respondents, with open-ended questions and questions tailored to the interviewee, to take advantage of the special experiences and insights of each.

Focus Group Discussions

The Review Team conducted one focus group discussion with nine representatives from civil society. This approach ensured that the team had the opportunity to solicit input from a large number of representatives while also providing an opportunity for in-depth exploration. The team used open-ended questions to promote discussion. Participants were identified based on their heavy engagement in the land tenure reform processes and, therefore, were likely to have extensive knowledge and opinions about activities most needed to strengthen Liberia's land governance and improve land tenure security.

Pause and Reflect Sessions

Once the interviews were completed, the Review Team conducted a preliminary review and analysis of findings, identified initial performance issues and constraints, which, in combination with the findings from the desk review, helped inform the structure and content of three individual working groups, or Pause and Reflect Sessions. Those sessions, with LGSA and USAID; the GOL and USAID; and then with USAID, were opportunities for participants to reflect on the review findings and prioritize challenges for the land sector.

For more details on the methodology, see Annex A.

III. ACTIVITY REVIEW RESULTS

REVIEW QUESTION I

I. To what extent has progress been made in achieving the objectives under LGSA?

I.1 To what extent – if any – has the timing of the establishment of the LLA, the pace of progress in operationalizing the LLA, and the failure to pass the Land Rights Bill impacted the overall progress of LGSA in achieving its objectives?

Under LGSA's Monitoring, Evaluation, and Learning Plan (MELP) (revised June 2017), LGSA's progress toward achieving its objectives is on schedule. None of its Year One activities were held up because of GOL or legislative action or omission. Following adoption of the LLA Act at the beginning of Year Two, LGSA's progress slowed down a bit, but the same executive leadership transitioned from the Interim Land Task Force (ILTF) to the LLA, rendering LGSA's assistance largely uninterrupted.

That being said, some of the performance indicators in LGSA's MELP are weak (Component 1), are not aligned with LGSA's activities (Components 2 and 4), or are premature (Component 3). Some early activities have no indicators to help track progress (Component 3). These issues do not render the MELP meaningless or ineffective, but there are areas for improvement.

Year One administrative start-up proceeded according to the work plan. Technical activities and inputs under **Component 1**, focused on strengthening the policy, legal, and regulatory framework for land governance, have consisted of developing a legal reform strategy and supporting the development of draft laws and regulations, including the draft LLA Act, draft Land Rights Act, and Land Alternative Dispute Resolution (ADR) Policy. Although the draft Land Rights Act has not passed, two of LGSA's other targets did: a draft LLA Act that grants broad authority to managing public land, among other mandates, and the draft Land ADR Policy, which recognizes customary institutions on par with formal judicial institutions. This work is continuing during Year Three.

The performance indicators for monitoring LGSA's progress under this component, however, are insufficient for measuring *actual* progress toward pro-poor land law reform. Indicators such as Indicator 1.1: "Number of specific pieces of legislation or implementing regulations that were proposed, adopted, and/or implemented affecting property rights of the urban and rural poor as a result of USG assistance," are common for USAID land activities working on legal reform. Such an indicator captures the implementing partner's efforts to inform and influence legal reform but, ultimately, not the *adoption* of any reform policies, laws, or regulations. Adoption is beyond the control of the implementing partner and is therefore not measured.

Significantly, LGSA's indicator for this component is included in USAID's *LTPR Indicators for Consideration Under STARR IQC* and is the same as indicators used in other USAID land law reform activities.⁹

Similarly, the other two Component 1 indicators are common for measuring progress on land activities. Indicator 1.3, "Percentage of people trained who can correctly identify key learning objectives 30 days later as a result of USG assistance," and Indicator 1.4, "Number of people trained in land tenure and property rights issues," are intended to capture progress toward improving stakeholders' understanding of land tenure issues and thus influence adoption or implementation of a pro-poor land policy, law, or regulatory framework.

⁹ See https://www.usaidlandtenure.net/wp-content/uploads/2016/09/USAID_Land_Tenure_STARR_Indicators.pdf.

Component 2 is focused on supporting the human and institutional capacity for land governance. For the ILTF, LGSA developed a *Draft Institutional Transition Plan for Implementation of the Liberia Land Authority*.¹⁰ Based on the draft *Plan*, the LLA is one quarter behind in its implementation.

LGSA has developed an organizational structure, including a functions and staffing plan for each department, and prepared a one-year and five-year plan and budget for the LLA, setting forth its institutional goals and objectives.¹¹ LGSA also created a LLA logo and is helping build the website.

Following adoption of the *LLA Act*, which calls for the consolidation of land functions from five agencies and ministries into the LLA, LGSA conducted institutional audits of those entities.¹² The purpose of the audits was to determine the human, technical, and financial assets and resources, as well as high-level business processes that can be transferred and used in operating the new LLA.¹³

LGSA is also providing technical assistance to these agencies on their land administration function. For example, the Department of Lands, Surveys, and Cartography (DLSC) stores most of Liberia's essential hard-copy land documents, maps, survey plans, and related documents. LGSA has been helping the agency preserve these documents by cataloguing them in preparation for scanning (and in some cases digitizing), with 65 percent complete at the end of LGSA's Year One.¹⁴

LGSA is also supporting the introduction of spatial data infrastructure and the implementation of data standards for the land information system. This effort stems from a study under USAID's Land Policy and Institutional Strengthening activity that proposed minimum standards for spatial data collection and utilization. As part of that, LGSA is supporting a Data Standards Committee, which among other things, is developing a draft *National Spatial Data Infrastructure Policy*.

Given the World Bank's five-year, \$7 million United States Dollar (USD) land administration project coming online in April 2018, of which \$2.29 million is intended for LLA support, there is the potential for duplication of efforts and loss of resources if LGSA, LLA, and the World Bank do not coordinate closely on continued assistance to ensure that there is no duplication of effort. In its Project Appraisal Document, the World Bank cites LGSA's *Draft Transitional Plan* for the many tasks necessary to operationalize the LLA.¹⁵ For example, both LGSA and the World Bank are planning to help the LLA implement the legal provision in the *LLA Act* to create county land boards, although they may instead be regional land boards in the short-term.

There are two indicators for this component, one of which is no longer applicable due to a change in LGSA's work plan. Indicator 2.3 tracked "the number of individuals from land governance institutions who have received Master's degrees in land administration and governance as a result of USG support." Per an LGSA key informant, the activity is not supporting Master's students.

The other, Indicator 2.4, "Number of land transactions completed," has a Year One and Year Two cumulative target of 5,500, and the actual is 4,388 transactions. A discussion of this and a similar indicator under Component 4 is discussed under Component 4.

Under **Component 3**, LGSA conducted five applied research studies to support implementation of the *Land Rights Policy*, focusing on community self-identification, boundary harmonization, community governance structures, women's land rights, and communities interfacing with concessionaires. Based on

¹⁰ Based on the manner in which LGSA describes its support in some of its reports, it appears that LGSA has been the primary drafter of key documents, as opposed to assisting the GOL in their efforts to do so. Thus, the extent of government input and buy-in to the documents is often unclear.

¹¹ USAID, *LGSA Work Plan Year 3* (Monrovia: USAID, 2017) 3.

¹² Those agencies include the Land Coordination Centers, Center for National Documents and Records Agency (CNDRA), Department of Lands, Surveys, and Cartography (DLSC) of the Ministry of Lands, Mines and Energy (now Ministry of Mines and Energy), and the County Land Commissions of the Ministry of Internal Affairs.

¹³ See e.g., USAID, *Institutional Audit of the Key Liberian Land Governance Institutions* (Monrovia: USAID, 2016).

¹⁴ USAID, *LGSA Annual Report Year One*, 16.

¹⁵ The World Bank, *Project Appraisal Document*, 11-12.

findings of those studies, LGSA and its partners improved upon those methodologies and is about to begin piloting LGSA's *Methodology for Recognition of Customary Lands*, excluding the last step focused on communities applying for recognition of their land rights. All key informants emphasized the continued importance of communities undertaking such a process even absent the adoption of the draft *Land Rights Act*.

There are four performance indicators for this component, all of which are premature to report on at the end of Year Two, because they track outcomes associated with the pilot of the methodology for recognition of customary land rights. The MELP lacks indicators for tracking progress under this Component during Year One and Two.

Under **Component 4**, LGSA finalized and implemented a communications strategy, including public information and outreach campaigns as well as regional media trainings.

LGSA held a women's land rights stakeholders' meeting, which resulted in the re-establishment of the Women's Land Rights Task Force to develop a strategy and review and provide comments to the ILTF on the draft *LLA Act* and draft *Land Rights Act*. LGSA is also helping the Women's Land Rights Task Force develop a concept paper to solicit funding to implement additional activities. LGSA recently published its women's land rights study.

Finally, this component also includes helping establish or support nine private professional organizations of land professionals. To that end, LGSA has helped revitalize the Association of Professional Land Surveyors of Liberia. It also hosted property valuation and appraisal stakeholders to discuss how best to establish a professional entity that would self-regulate the profession and develop a work plan. It also engaged a local lawyer to complete and process all registration paperwork for the organization.

As mentioned above, two of LGSA's indicators are misaligned and inappropriately tied to the GOL's delivery of services:

- Indicator 2.4: Number of land transactions completed
- Indicator 4.4: Number of marginalized people who have access to land tenure and property rights services from land governance institutions

LGSA obtained baseline data from the GOL for these indicators to enable LGSA to identify trends in requests for land services and the number of land transactions before its engagement and during the activity. For both Year One and Two, the number of land transactions and marginalized people accessing services is lower than targeted.

Neither indicator is a good fit for LGSA, given that LGSA provides organizational and structural support to the land governance entities, namely, the now-defunct National Land Commission, the now-defunct ILTF, and their successor, the LLA. Support to the LLA involves conducting institutional audits of human and capital resources, helping with development of a transition plan, organizational management and budgeting, human and infrastructure needs, etc. Among other things, that support includes consolidation of land functions and staff from five ministries/agencies into the LLA. Consolidation has been slow because this process necessarily involves the Civil Service Agency (CSA). Some of the Land Commission staff that are migrating to the LLA were never part of the civil service or took the civil service exam required for employment with the LLA.

LGSA has not yet been providing technical assistance to improve access or efficiency of service delivery. Thus, using data on the number of transactions completed and number of marginalized people accessing services thus far is not relevant at this point to LGSA's technical inputs. These two indicators assume a faster pace for improving the GOL's service delivery than is realistic and is happening.

In sum, with the adoption of the *LLA Act* in October 2016 at the beginning of LGSA's Year Two, progress under Components 1 and 2 slowed down a bit, while ILTF leadership awaited appointment to the LLA. The

same individuals who led the ILTF were transitioning to the LLA so LGSA's assistance was largely uninterrupted.

LGSA's progress toward its performance targets also has not been delayed in Year One and Two. Based on a review of LGSA's performance monitoring plan through Year Two, September 2017, LGSA has met or exceeded all of its performance objectives, except those that are premature or misaligned. The MELP for Components Two and Four needs to be improved to track progress based on actual activities.

Additional MELP Observation

LGSA's MELP also calls for LGSA to generate "Snap Shots" (previously referred to as "Success Stories") using USAID's standard templates and procedures. In addition to the Snap Shots, the MELP calls for "pictorials of field activities including but not limited to training, awareness raising, coaching and dispute resolution process observation [...] as supporting evidence in reports to USAID."¹⁶

Although LGSA's Annual Reports for Year One and Two contain Success Stories/Snapshots, there are no additional visual representations or personal testimonies on its efforts, particularly related to direct engagement with Liberians. Thus, the reporting to USAID is dry and limited to the most essential technical information. In a KII, an LGSA representative acknowledged that they do not capture their local partners' field-based activities, which are frequently a good source for such stories. Reporting can improve substantially by identifying links between technical inputs and human results.

1.2 Does the failure to enact the Land Rights Bill necessitate a shift either in scope or emphasis of the LGSA task order? If so, how?

In its third year, LGSA's ability to strengthen the protection of customary land rights is in question, absent passage of the draft Land Rights Act. As such, a shift in emphasis to regulatory reform and local land governance may be warranted.

Under Component 3, LGSA spent two years studying issues related to community land governance, such as community identification, models of local governance structures, and boundary harmonization. Year Three, which started October 2017, is the year LGSA is piloting implementation of a methodology for recognizing customary land rights, consistent with the *Land Rights Policy*. That pilot involves testing the methodology, including mapping in 14 communities, along with two local partners. As currently conceived, the pilot process ends with communities applying to the LLA for statutory recognition of their land rights, as envisioned in the draft *Land Rights Act*.

Without passage of the draft Act, the pilot process remains important for two reasons: First, rather than statutory recognition by the legislature, the LLA has regulatory (administrative) authority to recognize community use rights to public land. As outlined in the Figure 2 below, the *LLA Act* grants the LLA authority to manage Public Land "in the interests of equitable development, access to and use of," as well as the power to promulgate regulations.

¹⁶ USAID, *LGSA MELP* (revised June 2017), 13.

Figure 2: LLA's Statutory and Regulatory Authority



Thus, the LLA could use regulations to legally recognize communities' rights to use public land. When this possibility was posed to several LLA commissioners, they indicated that they had not considered it, but also would defer to the LLA Chairman, who was not present for that discussion. Thus, it is unclear whether the LLA has an appetite for creating regulatory community-use rights.

Secondly, stakeholders see a need and demand for strengthening community governance, even in the absence of the draft *Land Rights Act*. Regardless of whether customary land rights are recognized by statute or regulation, or not at all, improving community land governance to be more participatory, transparent, and inclusive is a valuable objective, even absent legal recognition of customary land rights, that can lead to increased security of tenure. Experience in other countries that have faced similar land-governance issues, such as Botswana, Burundi, and eastern Democratic Republic of Congo, supports this conclusion to varying degrees.¹⁷

Finally, improving community governance is a necessary precondition to a community claiming land rights. Currently chiefs and elders handle land transactions at the local level in an opaque manner, frequently with limited or no involvement by women and youth. Additionally, these transactions are poorly documented, if at all, which makes it difficult to establish how much land has been sold or is in the process of being sold from community land. If the draft *Land Rights Act* had passed, communities still would have to go through this process before claiming their rights.

Recommendations:

The following recommendations take into consideration the discussion above as well as the donor's desire for its investments to tangibly improve the lives of Liberians during the remaining years of LGSA.

- Under Component I, shift LGSA's support to LLA to focus on regulatory reform, including options for recognizing community land use rights as well as continuing to support development of draft survey and surveyors regulations as well as valuation regulations. Otherwise, support should be scaled back for guidelines on the transfer of public land and other support informing the development of a draft Public Lands Policy.

¹⁷ Adams, M. n.d. *Land Tenure Policy and Practice In Botswana; Governance Lessons for Southern Africa*; Tchatchoua-Djomo, R., "Improving Local Land Governance? Exploring The Linkages Between Land Governance Reforms, Institutional Pluralism and Tenure Security In Burundi," in *The Journal of Legal Pluralism and Unofficial Law*, Vol. 50, 1 (2018); van Leeuwen, M. and van der Haar, C., *Land governance as an avenue for local state building in eastern DRC*, (Wageningen: IS Academy, 2014).

- Under Component 2, clarify with the LLA and the World Bank Liberia Land Administration Project LGSA's specific support to complement the initiative, fully leveraging LGSA's assistance thus far. If necessary, scale down support of LLA's technical operationalization as the Liberia Land Administration Project comes online, to the extent the budget requires.¹⁸
- Under Component 3, modify pilot methodology to strengthen community governance and advocacy capacity of existing community institutions, omitting the last step for registering community land rights, and instead assist the LLA in developing a regulatory application process under Component 1. Creating new governance bodies for this purpose, without underlying statutory authority, is not recommended.
- Under Component 4, scale up support on communications and gender activities.
- Reconsider staffing of technical specialists consistent with the above recommendations.

REVIEW QUESTION 2

2. Identify best practices from USAID and other donors around the world facing similar contexts (e.g. post-conflict, developing countries in Africa) of land reform and present case studies of successes.

2.1 Are there any “quick wins” in land reform that can be identified, possibly from other country contexts, and applied to Liberia?

This section presents several case studies of best practices in the land and forest sectors that are relevant to Liberia's land sector. Unfortunately, there are no “quick wins.” Content is based on desk research as well as the authors' respective experiences.

Case Study 1: Governance, Benefit-Sharing, and Dispute Resolution in Liberia's Forestry Sector

While looking elsewhere for best practices of land tenure reform that could be applied in the context of Liberia, it is also beneficial to identify lessons from reform efforts in other natural resource sectors within the country. For example, the forestry sector, which gained notoriety for its links to the Liberian civil war, has undergone a decade of reforms and has important lessons for the land sector, even though the political economy may be slightly different. The reforms illustrate how Liberian communities can develop governance bodies to manage resources, invest in community needs, and resolve disputes with logging companies using ADR mechanisms.

Liberia's *National Forestry Reform Law* (NFRL) of 2006 grants 30 percent of the Land Rental Fees that logging companies pay central government to communities impacted by logging concessions.¹⁹ These companies also pay royalties directly to communities based on the volume of timber harvested in their area.²⁰ To receive these funds, communities are required to establish formal governance bodies that are constituted through democratic elections and to develop by-laws to govern their interactions.

The community bodies enter into Social Agreements with logging companies, which are attested to by the Forest Development Authority (FDA), defining the rights and responsibilities of the parties. The FDA mediates when disputes or conflicts arise during implementation of the Social Agreement.²¹ If parties fail to

¹⁸ The Liberia Land Administration Project launched in April 2018. In-country time constraints prevented the Review Team from providing more detailed recommendations for allocating areas of land administration support between LGSA and the World Bank. The Review Team is mindful that LGSA is better positioned to bring its support to their logical conclusion.

¹⁹ GOL, *National Forestry Reform Law of 2006*, sec. 14.2e(ii).

²⁰ Ibid.

²¹ Forest Development Authority (FDA) Regulation 105-07, *Regulation on Major Pre-Felling Operations under Forest Resources Licenses*, sec. 37.

resolve the dispute, they may resort to non-binding third-party mediation and if they fail to reach a settlement, may proceed to binding arbitration.²² A dissatisfied party, however, retains the right to proceed to a court of competent jurisdiction in Liberia.²³

Forest communities are therefore involved in a social experiment that may prove to be critical for Liberia's future economic, social, and democratic development. Adopting some of the elements of the forest sector reform may contribute to improving land governance in rural Liberia. For the benefits and positive impacts of land tenure reform to reach the rural population may require limited financial investment from the central government – as experience in the forest sector shows. But most significantly, land disputes and conflicts, which are reportedly prevalent, could be managed by adopting institutionalized dispute resolution approaches drawing on the examples of the forestry sector.

For a more in-depth discussion of the forestry sector's reforms, see Annex C.

Case Study 2: Local Land Governance in Mali and Tanzania

This case study provides an overview of how Mali and Tanzania have dealt with local land governance in the context of land tenure reforms.

Liberia shares significant and relevant similarities with both countries. Mali initiated its land tenure reform in a post-conflict context, *de facto* state ownership of all un-deeded land, centralized land governance and administration, but the practice was based on the principle of duality – wherein statutory and customary land tenure systems operated side-by-side.²⁴ Liberia's land tenure system shares these characteristics. Tanzania and Liberia, on the other hand, share a similar dilemma: how to balance the interest of the government in land matters with the interest of citizens holding and using land under customary tenure, and how to regulate both under a singular legal regime. Additionally, the draft *Land Rights Act* proposed a democratic local land governance and administration framework. This proposal reflected key characteristics of the local structures in Mali and Tanzania, including locally elected institutions charged with the responsibility of governing and administering land at the local level.

This case study does not delve into the contextual complexities of each country. Rather, it focuses on how local land governance is situated within broader national governance systems and how that impacted community land tenure. The study concludes with lessons for Liberia.

Local Land Governance in Mali

In Mali, decentralization, which involved the transfer of management of public services to local government, the devolution of some authority over land and natural resources, and democratization, took off in the 1990s. The 1993 *Decentralization Law* established administrative units at the regional, district, and community levels. It also provided for the election of local assemblies to manage communities, and for the communities to manage their own natural resources, including developing land use plans.²⁵ The law allows for villages to decide with which other villages they would like to form an association but requires that the process be

²² FDA Regulation 105-7, sec. 37(b) and (c).

²³ FDA Regulation 105-07, sec. 37(d).

²⁴ Jones-Casey, K., et al., *Challenges of local land governance in Mali*, 2011.

²⁵ Ibid.

“progressive, consultative and participatory.”²⁶ Most villages chose to identify with villages that share kinship or lineage or comprised of similar ethnic groups.

While Mali’s decentralization framework has been hailed as progressive, it also is criticized for being “dense, difficult to navigate, and even more cumbersome to implement.”²⁷ For example, registration procedures are expensive and lengthy,²⁸ and institutions responsible for land administration, including courts and tribunals, are often based in urban areas distant from the rural areas that they are supposed to serve. The majority of rural people also have limited understanding of the rules and procedures that govern land registration.²⁹ Other concerns include existing religious and traditional practices that limit women’s land rights, as well as entrenched opposition to liberalization of laws in favor of women’s land rights, because doing so is widely perceived as conflicting with local customs and religious traditions.³⁰

Notwithstanding these challenges, the laws opened an “important avenue for communities to gain greater control over land use decisions and over the natural resources on which they depend”³¹ – a key policy objective of Liberia’s PRS and the National Agenda for Transformation. As the challenges described above became more evident with implementation of the laws, the Government of Mali initiated efforts to address emerging issues³² to ensure coherence between the laws and regulations governing land and other natural resources.³³ For example, an *Agriculture Land Policy* provided a more coherent framework for land management that takes into account decentralization.³⁴ Other measures included giving “special attention to access to land for women and youth, according them preference when it comes to allocating land in irrigated areas”³⁵ and creating dedicated institutions at regional and community levels, with the responsibility of “settling land disputes prior to their appearance before courts.”³⁶

Local Land Governance in Tanzania

In Tanzania, local land governance is distributed between multiple local bodies, including the Village Council, Village Assembly, Village Land Adjudication Committee, and Village Land Council. For example, the Village Council administers land on behalf of all the villagers, while the Village Assembly approves the council’s recommendations.³⁷ The Land Adjudication Committee mediates all disputes.³⁸

Land administration is also decentralized. The Village Land Councils are legally empowered to issue Certificates of Customary Rights of Occupancy (CCRO), which may be valid for an indefinite period of time, to individuals that acquire land in accordance with local customs. A Granted Right of Occupancy (GRO), which may be held within or outside village land areas, applies to land acquired before the *Land Acts* came into force and may last for up to ninety-nine years. Significantly, although CCROs and GROs are different,

²⁶ Jones-Casey, K., et al., *Challenges of local land governance in Mali*, 4

²⁷ Ibid.

²⁸ Diawara, A. et al., *Securing Land Rights in Mali: Local Solutions to Thorny National Problems*, 2014, 1.

²⁹ Ibid.

³⁰ Hughes, O. *Literature Review of Land Tenure in Niger, Burkina Faso, and Mali: Context and Opportunities*, 2014, 28.

³¹ Jones-Casey, K. et al., *Challenges of local land governance in Mali*, p.5.

³² Diawara, A. et al., *Securing land rights in Mali: local solutions to thorny national problems*, 2014, 1.

³³ Hughes, O. *Literature Review of Land Tenure in Niger, Burkina Faso, and Mali*, 25.

³⁴ FAO, *Country Fact Sheet on Food and Agricultural Policy Trends: Mali*, (Rome: FAO, 2017).

³⁵ Hughes, O. *Literature Review of Land Tenure in Niger, Burkina Faso, and Mali*, 26.

³⁶ Ibid.

³⁷ Tanzania’s land tenure reform was launched in 1999, with enactment of the *Land Act No. 4*, which governs land in cities and other areas, and the *Village Land Act No. 5*, which governs land in village areas. Subsequently, the *Courts (Land Dispute Settlements) Act of 2002* and *Land Use Planning Act of 2007* were also adopted. These laws and others that predated them, but remain in force, make up the legal framework governing land in Tanzania.

³⁸ Massay, G.E., *Tanzania’s Village Land Act: 15 years on*, 2016.

the two of them have the same legal status. Full customary rights exist regardless of whether certificates have been issued.³⁹

Although the laws are hailed as progressive, the changes have come with challenges, including abuse of the systems during implementation. In response, the Government of Tanzania introduced legislations to address some of the emerging issues. For example, when the government realized that issuing CCRO without land use plans created hurdles for land use planning in the future, it introduced the 2007 *Land Use Planning Act*, requiring land use plans before CCROs could be issued.⁴⁰

Other challenges have included the slow pace of implementation of reform measures. For example, as of April 2016, only 13 percent of villages had completed the required land use plans due to limited technical and financial resources, land use conflicts, limited skilled manpower, and the practice of sub-division of villages.⁴¹ Also, the issuance of CCROs has been slow. Land disputes are also common, in part, because the institutions at the local level are neither fully functional nor effective.

With support from USAID, the number of land use plans completed and CCROs issued has increased substantially, with 21 new village land use plans and 14,747 CCROs issued.⁴²

Lessons for Liberia

Local land governance in both Mali and Tanzania shares some common features, including the devolution of land governance to local institutions, streamlining processes and procedures against bureaucratic bottlenecks, and pursuit of an adaptive approach to early reform measures overall. Reforms in both countries have produced positive results, in instances where they have been implemented. Both countries have also faced implementation challenges and have adopted additional measures to address these emerging issues.

Drawing on the commonalities, some lessons applicable to Liberia include:

- Land governance institutions must be:
 - Transparent, responsive and accessible to all segments of the population. This means that the populations, especially the rural poor, find the procedures and processes affordable and easy to navigate and use.
 - Appropriately situated within or aligned with local government, and with clear roles and responsibilities for local elders or traditional leaders. The institutional arrangements should involve separation of roles and responsibilities and adequate checks and balances.
 - Representative in nature and their creation should strive to achieve equal representation of various stakeholder groups, with explicit requirements for meaningful representation of women and youth.
- The legal frameworks should require participatory governance, with local bodies or institutions playing central roles. Ideally, implementation at the local level should involve limited or no direct interaction with central authorities.
- Locally appropriate, transparent and responsive land related dispute resolution mechanisms should be in place prior to roll out of land documentation processes, and should be the required passageway to the formal court or justice system.

³⁹ Hundsbaek Pedersen, R. *Tanzania Land Law: the implementation challenge (DIIS Working Paper 2010:37)*

⁴⁰ Ibid.

⁴¹ Massay, G.E., *Tanzania's Village Land Act: 15 years on*, 2016.

⁴² USAID, *Feed the Future – Land Tenure Assistance Activity Fact Sheet* (Dar es Salaam: USAID, 2017); USAID, *Feed the Future – Tanzania Land Tenure Assistance (LTA) Annual Report Year Two* (Dar es Salaam: USAID, 2017) 6.

- Land tenure reform should be an adaptive and ongoing learning process. Guidelines, processes and procedures being developed should be as generic as possible to allow for flexibility in implementation. The lessons learnt from implementation could then be used to further improve on them.

Case Study 3: Local Advocacy Programming

Effective, accountable, and inclusive governance, including at the local level, is a key development objective of both USAID and the GOL.⁴³ To that end, USAID's CDCS envisions civil society as playing a "watchdog role."⁴⁴ In addition to civil society, communities also can play a watchdog role as well as an advocacy role to hold government accountable for implementing the *Land Rights Policy*, for example. World Vision's Citizen Voice and Action is a community advocacy methodology that aims to improve the relationship between local government and communities as well as the delivery of local government services: "Individual changes in citizen capacities and skills cause community changes in the relationship between service providers and citizens."⁴⁵ The methodology mobilizes community members, equips them with tools to monitor government services, and facilitates a process to improve those services. Citizen Voice and Action is also used to amplify local community voices to influence national legislative reform and to influence traditional institutions to abandon harmful customs. The latter two examples are briefly discussed here.

Amplifying Local Voices for National Advocacy

In Kenya, Citizen Voice and Action was used to link local communities and national CSOs to demand enactment of a law implementing a constitutional provision that made primary education compulsory and free. The effort included compiling and submitting consolidated community views to policy makers and lobbying legislators. These efforts culminated in the passage of a new *Education Act*, which "provided mechanisms for the progressive realisation of the right of all children to free and compulsory basic education."⁴⁶

Abandoning Traditional Customs

In Malawi, communities used CVA methods to research and facilitate a dialogue among traditional leaders and community members about the declining education levels due to increased student dropout rates by eighth grade, an estimated 90 percent of whom were girls. Girls were dropping out to marry older men, a custom that was socially encouraged to alleviate poverty. Traditional leaders would perform the ceremony, which was required for the marriage to be legitimate.

Following a series of community meetings using roleplays and drama, participants discussed school standards, attendance, and performance, and an action plan was agreed to. Senior leaders summoned 485 village headmen and school leaders from the project area to address the problem. A stakeholder group was created, which developed bylaws providing that any chief who allowed early marriages would lose his title, and any parent who allowed or facilitated their child to be married would also face consequences. The bylaws were endorsed by the local education officer. Committees were set up at each school to monitor compliance. As a result:

⁴³ See USAID's Development Objective 1 is, "More effective, accountable, and inclusive governance," under which sub-intermediate result 1.1.3 is, "local systems for government capacity development strengthened."⁴³ See also Liberia's *Poverty Reduction Strategy* (2008) at 22.

⁴⁴ The USAID CDCS defines Intermediate Result 1.4 as, "Civil society strengthened to play watchdog role."

⁴⁵ World Vision International, *Changing Lives through social accountability: Case Studies from World Vision's UK Government's Department for International Development (DFID) Programme Partnership Arrangement* (London: World Vision International, 2015). All information in this section is from this document.

⁴⁶ Ibid.

- Dropout rates decreased from 20-25 percent to 3-5 percent. Students were reenrolled.
- All 285 traditional leaders are engaged with children's education in their villages. Before none were.⁴⁷

Case Study 4: Women's Access to Customary Justice

All-male customary institutions with entrenched biases against women can and do transform into supporters of women's rights and empowerment. According to the International Development Law Organization, "the fluidity and dynamism of informal justice systems can open up opportunities for modernization and progressive reforms around women's rights. . . ."⁴⁸ Legal empowerment approaches may also work in informal justice settings because the customary authority of male leaders is generally connected to their ability to reflect the values and interests of the community.⁴⁹ Thus, while male customary leaders often benefit from the status quo and resist positive change for women, they may also have incentives to respond to community expectations."⁵⁰

Outcomes from the USAID-supported activity, *Enhancing Customary Justice Systems in the Mau Forest, Kenya*, also known as the Kenya Justice Project is one example.⁵¹

In the wake of Kenya's post-election violence and a new Constitution, the project piloted a model for improving rural women's access to customary justice related to land, while also building processes to bridge the gap between the formal and informal justice systems in Kenya, consistent with Kenya's Constitution. Activities consisted of: (1) separate delivery of a training curriculum to targeted groups (chiefs, elders, women, and youth) focused on civic education, legal literacy, rights and responsibilities related to land and forest resources (with special emphasis on rights of women and children), including pause and reflect sessions and skill-building; (2) facilitated community conversations with and between targeted groups about difficult issues; (3) peer trainings for targeted groups to share information throughout the community; and (4) arts-based legal education activities generated by teachers, youth teaching assistants, and students to reach the broader community.

An impact evaluation found that the pilot "demonstrated significant and higher magnitude improvements"⁵² in:

- Legal awareness, particularly women's legal knowledge, men's knowledge of women's rights, and women's familiarity with the local justice system and alternative dispute resolution.
- Women's confidence in both fairness and outcomes if they need to access the local justice system.
- Procedural and process improvements in local dispute resolution institutions, including enactment of community bylaws or constitutions to guide their actions and enhanced recordkeeping of proceedings.



⁴⁷ Ibid.

⁴⁸ International Development Law Organization (IDLO), *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* (The Hague: IDLO, 2016).

⁴⁹ IDLO, *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* (The Hague: IDLO, 2016).

⁵⁰ IDLO, *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* (The Hague: IDLO, 2016).

⁵¹ USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Final Report* (Washington, DC: USAID, 2013). Landesa was the implementer under a USAID sub-contract with Tetra Tech.

⁵² USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Impact Evaluation Report*.

- Elders requiring family consent of land transactions, including the spouse.
- A new election process for the Council of Elders, resulting in women and youth representation on the Council. For the first time in the history of the Maasai and Kalinjin communities, two of the communities elected 14 women elders out of 50 total two months after the pilot ended. The number of women elders grew to 22 in 2013 and 33 out of 50 elders total in 2014.⁵³

The evaluation also found evidence that the communities experienced improvements in other areas as a result of improvement in women's access to justice and increased access to land. Although it is too soon to draw conclusions, potential longer-term impacts may include improvement in women's overall well-being, increased assertion by women of rights to justice and better services, increased demand for girls' education, and reduced domestic violence.⁵⁴

Now that LLA is finalizing the *Land ADR Policy* that recognizes customary justice processes as equal to judicial dispute resolution, there is a window of opportunity.⁵⁵ A few lessons from the pilot relevant for Liberia include: (1) despite reputations for bias against women, traditional leaders can and do change their thinking and behavior toward women; (2) shorter training sessions spread out over a longer period of time may be more accessible to rural citizens with less education and time than all-day trainings; (3) trainees are keen to share what they have learned with their peers, which is energy that can be leveraged to disseminate the information throughout the community as well as build the trainees' confidence, leadership, and public speaking skills; and (4) emphasis on procedural improvements – in addition to substantive trainings – contributed to noticeable improvements in the administration of justice.⁵⁶

REVIEW QUESTION 3

3. How can LGSA contribute to land tenure security within the remaining years of implementation?

Consistent with USAID guidance on the sequencing of interventions to address weak land governance institutions, LGSA can continue supporting national governance institutions as well as focus more on improving local land governance and provide more support to civil society in monitoring implementation of the Land Rights Policy and the LLA Act. LGSA can also address the strategic considerations of the LLA such as a robust public education campaign about the Authority's broad mandate. It could also support implementation of the new Land ADR Policy and support women's increased participation in local land governance.

Before discussing how LGSA can contribute to land tenure security within the remaining 2.5 years of implementation, consideration of a few critical factors identified by key informants is helpful. First, we must consider whether and to what extent there is political will within the newly elected administration to continue with land tenure reform. Second, as described above, we must assess the level of LLA's interest in and appetite for administrative recognition of community use rights on public land. Finally, we should ensure any potential refinement of LGSA's work plan ought not be rendered obsolete if the draft *Land Rights Act* passes in the short term.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ GOL, *Land Alternative Dispute Resolution (ADR) Policy* (Monrovia: GOL, 2018).

⁵⁶ USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Evaluation Report*, 76-79.

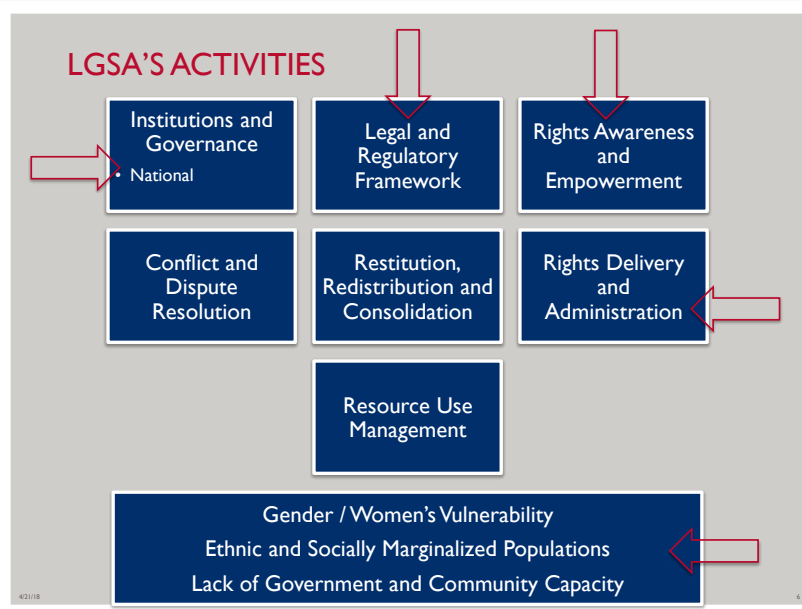
Guided by USAID's Land Tenure and Property Rights (LTPR) Matrix in Figure 3, the potential land interventions in any country are laid out.⁵⁷ Figure 3 also identifies with red arrows the main areas of intervention within that matrix where LGSA is currently focused.

In addressing how LGSA could be modified to better address the current context, consideration of the sequencing USAID recommends for LTPR interventions is useful. According to USAID, "Thoughtful sequencing of LTPR interventions means that appropriate content, scale, timing, and order will better achieve desired objectives. Conversely, inappropriate content, scale, timing, or order of LTPR interventions can

yield poor results, no outcome, wasted resources, or at worst, negative and unintended consequences."⁵⁸

Where development objectives for the land sector primarily relate to "Institutions and Governance," one key LTPR sequencing consideration is, "Good governance must precede LTPR regime changes."⁵⁹ In Liberia's context, the almost simultaneous legislative introduction of the draft *Land Rights Act* and the draft *LLA Act* is inconsistent with this guidance. From this perspective, failure to pass the draft *Land Rights Act* is positive, giving the LLA time to solidify itself before it attempts to lead a major land tenure reform.

Figure 3: LGSA's Current Focus of Activities Within USAID's Land Framework



USAID's Considerations for Sequencing Land Interventions

Where USAID's primary objective is improved land governance, some of the interventions that USAID recommends from a sequencing perspective include:

- **"Strengthen civil society.** Expand the capacity and role of civil society in advocacy, promoting good governance, and assisting government with community mobilization for service delivery. Train organizations in laws and regulations governing LTPR and avenues for advocacy and redress.
- **Support administrative devolution.** Empower local government and communities to support transition to regional and sub-regional control over land administration and land use management through legislative, regulatory, and institutional reforms.
- **Facilitate decentralization and local governance.** Support transition to local control over land governance and resolve land-related problems by empowering and strengthening local institutions, including land boards, land commissions, and traditional leaders. Promote transparent and participatory decision making that strengthens collaboration between local government and these bodies to clarify and enforce rights.
- **Promote elections of local leaders.** Endorse democratic elections of chiefs, the legitimate authority of tribal councils, gender inclusivity, and accountability to state institutions."⁶⁰

⁵⁷ See USAID, *Land Tenure and Property Rights Framework* (Washington, DC: USAID, 2013), 41.

⁵⁸ USAID, *Land Tenure and Property Rights Framework*, 42.

⁵⁹ Ibid.

⁶⁰ Ibid.

Building Institutional Capacity for Land Governance

USAID advises, “Institutional and human capacity must be increased before progressive government performance can be expected.”⁶¹ To that end, LGSA is helping to build the administrative and technical capacity of Liberia’s national land governance institutions, supporting the transition of institutions, as discussed under Review Question I.

Another sequencing consideration when there are weak land governance institutions is to “empower local government and communities to support transition to regional and sub-regional control over land administration and land use management through legislative, regulatory, and institutional reforms.”⁶² In its current work plan, LGSA is about to begin piloting the *Methodology for Recognition of Customary Lands*, excluding the last step focused on communities applying for recognition of their land rights. As mentioned above, all key informants emphasized the continued importance of communities undertaking such a process even absent the adoption of the draft *Land Rights Act*.

The benefits of a similar community process in Liberia were recently documented. A mid-line performance evaluation of a similar but truncated community process (excluding mapping) found “compelling evidence that participation in [the process] is positively associated with perceptions of improved local land governance.”⁶³ Further, the evaluation found “a significant increase in trust, satisfaction, perceived accountability, capacity, and transparency of leaders. Households in treatment areas are more likely to express confidence in their leaders’ ability to protect their forests, their ethical behavior, and in the clarity and fairness of their decision-making processes.”⁶⁴ Finally, the evaluation stated, “Households in treatment communities are more likely to be involved in developing land rules, and that respondents in these communities are more satisfied with land rules, and more likely to believe that leaders punish rule-breakers.”⁶⁵ The evaluation did not, however, find evidence of improved perceptions of land tenure security, speculating that perhaps the ten-month duration of the program is insufficient.⁶⁶

Alongside LGSA’s phased rollout of the pilots, it would be useful to develop and implement guidelines based on the *Land ADR Policy* to pilot alongside the governance pilots.

Support of Civil Society

A third key sequencing consideration in the context of Institutions and Governance is that, “Civil society must provide ongoing public scrutiny and input.”⁶⁷

LGSA currently provides limited support to the Civil Society Working Group on Land Reform and the Women’s Land Rights Task Force. That support could be increased to include supporting civil society’s efforts to collaboratively monitor and evaluate implementation of the *LLA Act*. For example, civil society (rather than LGSA⁶⁸) needs to influence LLA to prioritize creation of the National Consultative Forum, a multi-stakeholder (both governmental and non-governmental) body charged with discussing and making recommendations regarding the Authority’s affairs, as mandated under the *LLA Act*.⁶⁹ Such a practice among

⁶¹ USAID, *Land Tenure and Property Rights Overlay* (Washington, DC: USAID, 2013), 14.

⁶² *Ibid.*

⁶³ USAID, *Community Land Protection Program (CLPP) – Midline Evaluation Report* (Washington, DC: USAID, 2017).

⁶⁴ *Ibid.* at 5.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.* at 5-6.

⁶⁷ See USAID, *Land Tenure and Property Rights Framework*, 43.

⁶⁸ An LGSA key informant indicated that on several occasions, the project discussed formation of the Forum with the LLA to no avail.

⁶⁹ *LLA Act*, secs. 9–14.

civil society is common in Kenya, for example, where its Land Sector Non-State Actors engage in regular monitoring and evaluation of ongoing reforms through regular publication of a “scorecard.”

Although civil society remains committed to advocating for passage of the draft *Land Rights Act*, a strategy refresh is warranted.

3.1 What are the main considerations for the strategic development of the Liberia Land Authority?

The main considerations for the strategic development of the Land Authority are: (1) uncertainty about the new President’s political will for land tenure reform; (2) some public misperceptions about the LLA’s viability; (3) rural land access and use remain unprotected; and (4) its limited institutional and technical capacity and resources.

In considering the strategic development of the LLA, KII responses generated a few common themes. These themes reflect priorities for USAID’s consideration when deciding how to proceed with LGSA.

Uncertainty about Political Will

Although the prior government was clear on its support for land tenure reform and, in particular, the need to recognize community land rights, this administration has yet to articulate the details of its commitment to “pro-poor” governance.⁷⁰ With the *Land Administration Policy* and the *Land Rights Policy* in place, it remains to be seen if there will be any implementation of those policies by the LLA, including codification of its progressive provisions in favor of communities land tenure security.

To position itself strategically, the LLA needs to proactively deliver on its obligation under section 8.1(n) of the *LLA Act* to “advise the President on needed changes in the policies and laws governing land rights, and land governance, including land administration and management.” This obligation ought to include publicly articulating the case for formal recognition and legal protection of customary land rights and delivering that message to the President.

Public Perceptions about the LLA, Absent Passage of the Draft *Land Rights Act*

Several key informants indicated that the LLA now faces difficulties in implementing its mandate. Others hold the view that without the passage of the *Land Rights Act*, the LLA is not a viable institution. One respondent described the LLA as a “toolbox without tools.” Another lamented that since communities still occupy public land, the LLA will not regulate itself to protect community’s occupancy, although the LLA can regulate itself. These perceptions may be the result of limited understanding of the *LLA Act*, which in fact has a broad mandate, but perhaps not the mandate that key informants want. If these views are widespread, public ignorance of LLA’s mandate and authority will likely undermine its reputation and effectiveness, particularly if not corrected soon.

When pressed, the same respondents proposed important work that the LLA could be undertaking, including continuing to advocate for the draft’s passage and preparing communities for when it does pass. There also was the supposition that the failure of the Legislature to pass the draft could be a blessing in disguise, given the unpreparedness of the LLA to take on its implementation.

Similarly, if Liberians are unaware of the LLA’s broad mandate and authorities, then there is likely a low expectation of the LLA actually improving the land sector. On the other hand, if Liberians are made aware of the LLA’s broad mandate and authority, the risk of Liberians becoming frustrated with the LLA increases as time passes since adoption of the *LLA Act*.

It may be that key informants expressed concern about the LLA because it now cannot fully implement the *Land Rights Policy*, which contains an ambitious and progressive vision for transforming land relations between

⁷⁰ “Weah’s “Pro-Poor” Agenda Imperiled?” in *The Daily Observer* (March 9, 2018).

the state, local populations, and the private sector. The drafting of the *Land Rights Policy* was preceded by extensive consultation on land issues, and so presumably, it reflects the interests and aspirations of many Liberians, especially those in the rural areas.

Taking their cue from the new policy, the drafters of the *Land Rights Act* sought to turn the promises of the policy into legally enforceable rights. The draft *Land Rights Act* submitted to the Legislature reflects the vision laid out in the policy. Therefore, while the LLA does not need the *Land Rights Act* to be viable, it does need it to fully implement the *Land Rights Policy*. The power shift that would have occurred if the original draft became law seems to have rattled many within Liberia's elite, resulting in its opposition.

This situation has put the LLA in a quagmire. On the one hand, the LLA could seek regulatory measures within its mandate and use that to deliver on the promises of the policy and anger the establishment. On the other hand, if it does nothing, thus satisfying the establishment, it risks triggering a vicious cycle of land conflicts between the state, communities, and concessionaires. A third option could be finding a middle ground that does not deliver fully on the promises of the policy but provides some measure of tenure security for communities.

Rural Access and Use of Customary Land Remains Unprotected

Absent legal recognition of community land rights, rural citizens' access and use of customary land remain unprotected, and related problems will persist. Under existing law, all non-deeded land is public land, but the government informally allows communities to use it. This fact, however, has not stopped communities from claiming ownership and resisting concessionaires from taking over land that the government has granted to them.⁷¹

In addition, without legal authority to identify, demarcate, and register inter-community boundaries consistent with community agreements, durable solutions to inter-community boundary disputes will remain. While community-based land dispute resolution mechanisms exist, a legal basis for their continued intervention does not.

Again, given the continuing legal vacuum, LLA ought to explore administrative protections of community access and use to public land. This issue is particularly important given the revisions made to the draft *Land Rights Act*. Not only do the revisions remove recognition of community ownership of land in the original draft, they introduced provisions that are in direct conflict with the *Land Rights Policy*. Moreover, the revisions to the draft ignore a critical lesson that Liberians cannot afford to forget per the PRS: "Land and property rights of the majority of Liberians were severely limited," and mismanagement of national resources contribute to inequalities across the country.⁷²

Considering that Liberia remains a fragile state, the LLA has a major role to play in safeguarding the peace by being proactive. Also considering that conflict between communities and concessionaires negatively reflects on the business environment and limits the ability of these companies to expand their operations, it has consequences for national revenue. As the LLA becomes functional and visible outside Monrovia, it is likely to see an increase in the number of complaints brought before it.

Limited Institutional Capacity

Finally, as with many of Liberia's institutions, the LLA, and those staff and functions transferring to it from other agencies and ministries, have severe human and infrastructure constraints.⁷³ LGSA's institutional audit

⁷¹ De Schutter, O. *Tainted Lands: Corruption in Large-Scale Land Deals* (International Corporate Accountability Roundtable & Global Witness, 2013) 21; Richards, M. *Social and Environmental Impacts of Agricultural Large-Scale Acquisition in Africa – with a Focus on West and Central Africa* (Washington, DC: The Rights and Resources Initiative, 2013).

⁷² GOL, PRS, 14.

⁷³ USAID, *LGSA Institutional Audit of Key Liberian Land Governance Institutions* (Monrovia: USAID, 2016).

focused on the Deeds Registry offices and County Land Commissioners' offices in all counties, Land Coordination Centers in six counties, among others.

Overall, the audit found human resource capacity is limited. Staff of the various agencies lacks understanding of the roles and responsibilities of the various governance institutions, such as the Land Commissioners and surveyors. According to the audit, this widespread misunderstanding is the cause of the majority of land disputes.⁷⁴ Employees have little access to training and professional development opportunities, although employees in the Deeds Registry Office were trained between 2015 and 2017. There is less education among DLSC employees who do the surveying. The education level of Land Commissioners is low with few high school graduates. They have little to no land-related training. The majority is between the ages of 47 and 60.

In terms of infrastructure, all of the offices are considered sub-standard except for the Deeds Registry Offices at most CNDRA locations and few county offices. Many of the offices lack electricity. For those with electricity, most of the equipment and technology are at the end of their use life with outdated operating systems and slow processors. None of the DLSC offices or County Land Commissioners have computers. There are no vehicles for surveyors to use to get to survey sites.

3.2 Considering that LGSA has three years remaining, what are the most needed skills and demands for land reform, specifically at the technical level? Consider sequencing, i.e. what can be accomplished in one, two, and/or three years.

Beyond LGSA's Land Market Survey, which identifies surveying and land valuation services as priority technical skills, the other technical skill in demand is alternative dispute resolution, particularly involving traditional actors. LGSA can continue to support surveyors and land valuers for an additional year, while they jointly develop sustainability strategies for both associations. LGSA can also support these organizations in years two and three to advocate for surveying and land valuation laws. As planned for Year Three, LGSA can also work to build an ADR association to establish standards for ADR practitioners and develop training modules. In Year Two and Three, LGSA can support that organization to work with traditional leaders on their ADR skills and processes consistent with the Land ADR Policy.

LGSA is currently supporting the development of a land surveying profession, including a professional association and a nine-month certificate course. Strengthening of private provision of surveying services is a priority area of focus in the LGSA Task Order. This section draws attention to the two other skills identified as most in demand.

Land Valuation and Appraisal

Land valuation and appraisal was the second skill most in demand in the *Land Market Survey*.⁷⁵ This service is required by banks from clients who want to use land as collateral for a loan.⁷⁶ The Land Valuation and Real Estate Tax Division of the Liberian Revenue Authority values all land and real property and sets rates for fees, fines, permits, and payments for CNDRA services.⁷⁷ This division lacks personnel trained in land and tax law.⁷⁸ There is a push for privatizing land valuation services.

The *Land Administration Policy* calls for a new law on land valuation, amendments to the Real Property Taxation Code, and a transfer of land valuation responsibilities from the Ministry of Finance and

⁷⁴ USAID, *LGSA Institutional Audit*, 19.

⁷⁵ USAID, *LGSA Land Market Study* (Monrovia: USAID, 2016), 15.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

Development Planning and the Liberia Revenue Authority to the LLA, although in continued collaboration with the Revenue Authority.⁷⁹ LGSA recommends a joint task force to address this issue.⁸⁰ In particular, section 31 of the Public Land Law, requiring the sale of public land in the “interior” at 50 cents per acre and one dollar for land along a river, needs to be repealed.⁸¹

Under Component 4, LGSA started providing assistance to establish a private valuers’ association in Year Two. LGSA can continue this work for two more years to develop valuation standards as well as advocate for a new land valuation law.

Land Dispute Resolution

LGSA’s *Land Market Survey* found “(honest) surveying” as the most needed skill in the land sector, followed by appraisal, architecture design, and construction.⁸² There appear to be no other assessments of skills most in demand in the land sector. In December 2017, however, UNDP issued a Terms of Reference (TOR) for an *Assessment of the Technical Capacity of Land Professionals in Government Ministries, Agencies and Commissions* so more data may be forthcoming.⁸³

LGSA’s *Strategy for Further Reform of Liberia’s Land Law* ranks non-judicial dispute resolution as the third priority for the land sector, following county land governance and customary land.⁸⁴ The Strategy notes that in the absence of “trustworthy and competent” alternative dispute resolution institutions, the National Land Commission became the go-to organization during its tenure, which was a role not within its mandate.⁸⁵ Presumably, the LLA will now be a forum for lodging complaints. Notably, USAID’s sequencing considerations to address weak land governance includes strengthening traditional leaders and gender inclusivity.⁸⁶

Key informants also consistently noted the need for land dispute resolution services, which ranked sixth in the LGSA survey.⁸⁷ Key informants also identified legal expertise in land as another priority, which is one of the initiatives of the USAID-supported Legal Professional Development and Anti-Corruption activity in Liberia.

As in other countries, rural citizens of Liberia have limited access to accessible, fair, and effective land dispute resolution services in a context where land conflicts and land-related grievances are both visible and pervasive.⁸⁸ These conflicts and grievances include national-level disputes resulting from concessions, county-level disputes over boundaries, family- and community-level disputes, and interethnic disputes, among others.⁸⁹ There also are disputes related to multiple sales of the same parcel, traditional/

⁷⁹ USAID, *LGSA A Strategy to Further Reform Liberia’s Law on Land* (Monrovia: USAID, 2016) viii, 25.

⁸⁰ USAID, *LGSA A Strategy to Further Reform Liberia’s Law on Land*, 34.

⁸¹ USAID, *LGSA A Strategy to Further Reform Liberia’s Law on Land*, 90.

⁸² USAID, *LGSA Land Market Study*, 15.

⁸³ According to the TOR, “The findings, conclusions and recommendations are expected to set the agenda for capacity building, which should be an ongoing activity of the LLA.” See https://jobs.undp.org/cj_view_job.cfm?cur_job_id=76028.

⁸⁴ USAID, *LGSA A Strategy*.

⁸⁵ USAID, *LGSA A Strategy*.

⁸⁶ USAID, *Land Tenure and Property Rights Overlay*, 14.

⁸⁷ USAID, *LGSA Land Market Survey*, 15.

⁸⁸ USAID’s 2016 *Liberia Conflict Vulnerability Assessment* found that one of the most “salient frustrations” expressed by assessment interviewees in all 13 counties include limited access to the justice system. See USAID, *Liberia Conflict Vulnerability Assessment – Final Report* (Monrovia: USAID, 2016).

⁸⁹ Ibid.

multigenerational ownership vs. formal deeds/property titles, lack of trained land surveyors, and lack of awareness of property laws.⁹⁰

The Land Commission developed a draft policy on ADR, which the LLA recently finalized.⁹¹ Its next step is to seek public consultation on that document. Both that policy and the *Land Administration Policy* call for an ADR law.

The *Land ADR Policy* “provides a framework for the resolution of land disputes in Liberia.” In addition to identifying the problems of land dispute resolution, it makes recommendations to address them. It calls for: (1) the equal recognition of statutory judicial dispute resolution and Land ADR mechanisms as legitimate ways to resolve differences over land; and (2) the pilot Land Coordination Centers and Community-Based Mediation Committees are viable models for land dispute resolution.⁹²

The policy recognizes a variety of different informal dispute resolution mechanisms, including customary institutions, such as elders’ courts, elders’ committees, neighborhood groups, and chiefs’ institutions. Government non-judicial dispute resolution mechanisms and service providers include the Ministry of Youth and Sports, who help resolve disputes involving governance issues in youth organizations. The policy also recognizes civil society-based dispute resolution.

In addition to recognizing these informal efforts, the *Land ADR Policy* presents standards and criteria to formally institutionalize and implement Land ADR, including calling for gender inclusivity and enforcement. Much more can be done to improve traditional resolution of land disputes, including their accessibility, fairness, efficiency, and enforcement.

As planned for Year Three, LGSA also can work to build an ADR association to establish standards and codes of conduct for ADR practitioners of both mediation and arbitration, as well as develop training modules. In years two and three, LGSA can support that organization to work with traditional leaders on their ADR skills and processes, consistent with the *Land ADR Policy*.

Between supporting the land valuers’ profession and ADR practitioners, with a primary goal of good land governance, support of ADR practitioners and implementation of the *Land ADR Policy* is more applicable.

3.3 What – if anything – can be done to further increase participation of women in a meaningful way?

During the pause and reflect sessions with LGSA, its two CSO partners, the LLA, and USAID, there was consensus that a priority needs to be strategic consideration, focus, and action on gender issues in the land sector. LGSA ought to support such strategic planning and action as well as to continue supporting gender mainstreaming in the LLA with a gender unit. Based on LLA’s perception that LGSA places an over-emphasis

⁹⁰ Ibid.

⁹¹ GOL, *Land Alternative Dispute Resolution (ADR) Policy* (Monrovia: GOL, 2017).

⁹² Ibid at v.

on women, however, LGSA must support LLA's focus on alleviating constraints to land that both genders face, such as those of male youth, not just rural women.

In addition, consistent with Liberia's National Gender Policy,⁹⁴ support to the LLA needs to include assistance in gender-responsive budgeting (GRB), the goal of which is to make government budgets more responsive to the needs of men and women.⁹⁵ The aim is to avoid creating unfunded mandates, which undermine public confidence in the government and erode the rule of law.

At the same time, if not already supported by another donor, LGSA can support GRB advocacy training for civil society engaged in the land sector.

Finally, efforts to increase women's meaningful participation must take into account their disadvantaged position relative to men. First, the 2013 Demographic and Health Survey has found that "men have a huge advantage in average educational attainment, having completed a median of 6.5 years of schooling compared with 3.4 years among women ... The total proportion of females with no education compared with males (33 and 13 percent respectively) ... only 39 percent of women have completed primary school, compared with 62 percent of men."⁹⁶ Moreover, 53 percent of women who completed sixth grade cannot read.⁹⁷

Second, women are generally excluded from decision-making processes around community land governance, and there are fewer female land governance officials in positions of decision-making authority at the formal municipal, county and national levels.⁹⁸ In addition, rural women have limited exposure to information beyond their community. According to the GOL, two-thirds of rural women have no access to media on a weekly basis, as compared to 47 percent of rural men.⁹⁹

Rural youth are similarly excluded from local land governance and high youth unemployment is a "latent but easily mobilized destabilizing force."¹⁰⁰

Recommendations:

In sum, in the absence of the draft *Land Rights Act*, LGSA's work plan should shift toward *local* land governance, including piloting the methodology, as planned, thus empowering communities to undertake

Gender-Responsive Budgeting in Uganda

Uganda's GRB efforts are considered a success. The country's first GRB was developed after a CSO Forum for Women in Development (FOWODE) partnered with the Ugandan women parliamentarians to increase resources for gender issues. The partnership started at the national level but later trained politicians in GRB at local levels. FOWODE began participating in Ministry of Finance committees each year in the early months of the budget cycle and other CSOs have joined. The government then started to require gender budgeting and installed gender focal points and budget officers across five sectors. Although implementation is weak.

Uganda is considered a success for adoption of this practice.⁹³

⁹³ Greve, A. *Gender Mainstreaming has become a common practice but how does it work in practice?* (Washington, DC: Chemonics 2013).

⁹⁴ GOL, *The National Gender Policy* (Monrovia: GOL, 2009), 23.

⁹⁵ Kusambiza, M. *A Case Study of Gender Responsive Budgeting in Uganda* (London: The Commonwealth Secretariat, 2013).

⁹⁶ GoL *Demographic and Health Survey* (Monrovia: GOL, 2013), 35.

⁹⁷ USAID, CDCS, 66.

⁹⁸ USAID, *LGSA Women's Land Rights In Liberia in Law, Practice, and Future Reforms: LGSA Women's Land Rights Study* (Monrovia: USAID, 2018).

⁹⁹ GoL, *Demographic and Health Survey* (2013), 35.

¹⁰⁰ USAID, CDCS, 66.

the process and hold their government and legislative representatives accountable for implementation of the *Land Rights Policy* and the *LLA Act*. Such a modification includes:

- Scaled-back legal support to the LLA focusing on the regulatory framework for land valuation, surveying, and recognition of community use rights on public land.
- Agreed-upon support for the LLA with the Liberia Land Administration Project on allocation of support for land administration.
- Scaled-up support on gender mainstreaming in the LLA is warranted, including GRB.
- Strategic support for civil society.
- An additional empowerment activity for women and youth in addition to the substantive trainings that are already planned during pilot implementation, including:
 - Separate trainings for women and youth to govern, including modules on basic constitutional rights, civics, negotiation, and public speaking training with practice sessions.
 - Basic numeracy training for women in recognition of rural women's low educational attainment.¹⁰¹
 - Periodic pause and reflect sessions during which trainees take time to discuss and reflect on integration of their lessons into their daily lives.
 - As a condition of participation, trainees agree in advance to conduct their own awareness-raising sessions with ten of their peers, also known as "peer sessions," on each of the above topics. In doing so, they solidify their own learning, practice leading group sessions, and practice public speaking skills.

Significantly, unlike typical trainings that are consolidated into short periods of time, these modules are intended to be weekly or bi-weekly two-hour sessions. This slower pace acknowledges the heavy workload that women bear (their "time poverty"¹⁰²) and women's lower education levels, and it gives an opportunity for trainees to process what they have learned and return with questions for enhanced knowledge transference.¹⁰³

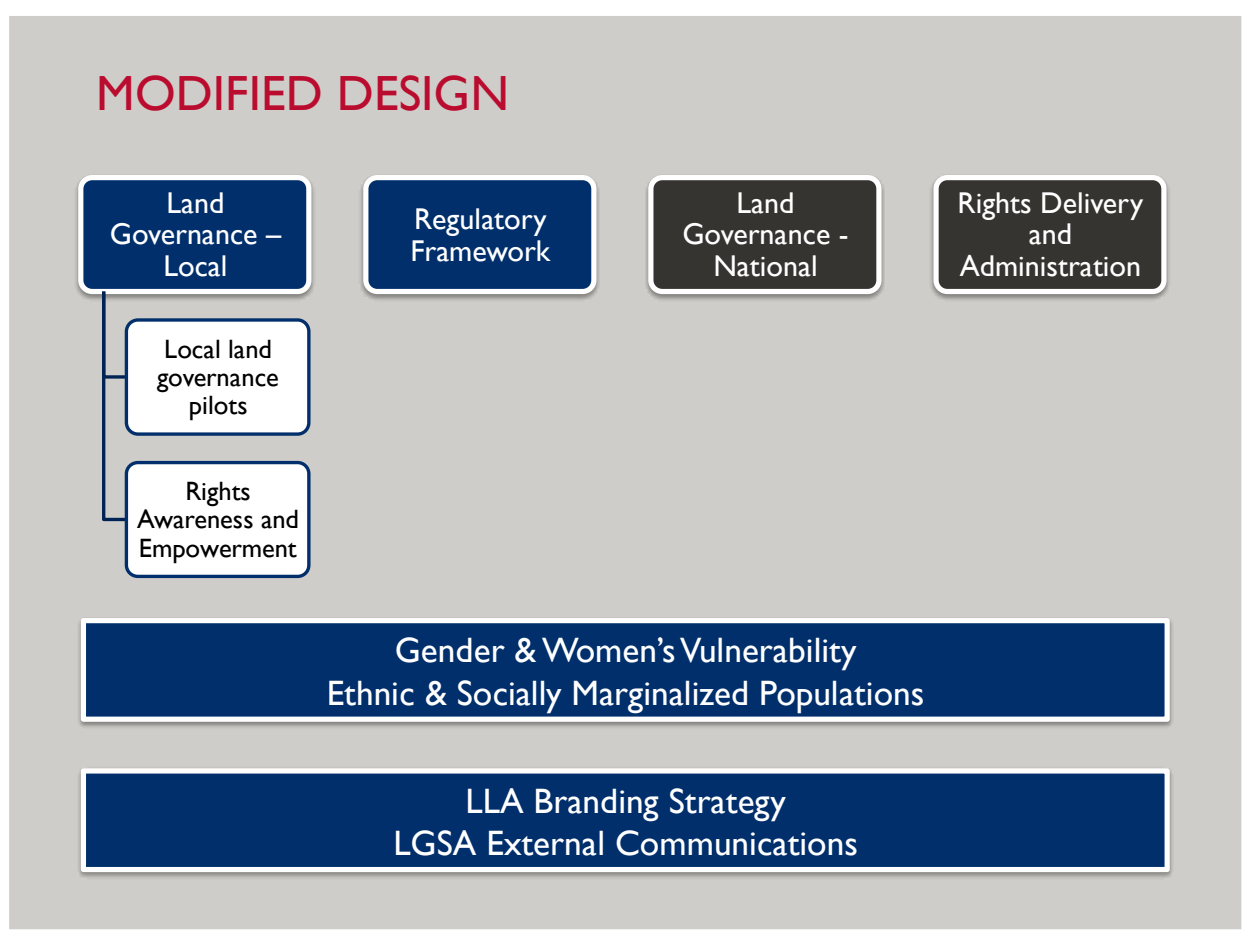
The proposed modification is visually represented in Figure 4 below, with LGSA focusing on regulatory reform, local land governance with existing community institutions (including piloting the methodology), and limited land administration support in collaboration with the Liberia Land Administration Project.

¹⁰¹ A global UN project that provides holistic support to women entrepreneurs found that numeracy training was needed for women in Liberia because they could not recognize numbers and, therefore, could not use mobile phones or count money. See *Accelerating Progress toward the Economic Empowerment of Rural Women (RWEE)* at: <http://www.fao.org/gender/insights/detail/en/c/447284/> <http://mptf.undp.org/factsheet/project/00092003>

¹⁰² The Women's Empowerment in Agriculture Index measures the empowerment, agency, and inclusion of women in the agriculture sector in an effort to identify ways to overcome those obstacles and constraints. See International Food Policy Research Institute, <http://www.ifpri.org/publication/womens-empowerment-agriculture-index>.

¹⁰³ Shorter and slower-paced trainings and pause and reflect sessions are key methods of the Kenya Justice Project. See USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Final Report*.

Figure 4: Suggested LGSA Design Modification



Technical Fit of Implementing Partner:

At USAID’s request, considerations about the technical strength of Tetra Tech in relation to the recommended programmatic shifts are explored below.

- Tetra Tech has an excellent reputation for its land expertise.
- Based on the manner in which LGSA describes its support in its reports, it appears that LGSA has been the primary drafter of key documents, as opposed to assisting the GOL in their efforts to do so. The extent of government input and buy-in to the documents is unclear.
- Tetra Tech’s reporting to USAID is dry and limited to the most essential information. The Communications Specialist acknowledged that they do not capture their local partners’ field-based activities, which is most likely to have a human element. Reporting can improve substantially by identifying links between technical inputs and human results.
- During limited interactions with Tetra Tech staff, the Review Team noticed an inability or unwillingness to translate high-level technical jargon to regular audiences, including the donor. There appears to be limited patience for explaining land governance and tenure concepts to non-land tenure specialists. Tetra Tech appears unaware of the limitation this creates to communication and coordination with partners and stakeholders.
- There appear to be technical biases of the COP against extensive public information campaigns, although the reason is not clear.

- In response to the Team's request for basic financial data indicating the budget allocation for each component (to understand the relative investment for each component), Tetra Tech provided a spreadsheet that reflects allocations for direct costs only, not an allocation of staff resources. As such, the budget allocation for Component 1 is minimal, whereas the allocation for Component 3 is significant. (Component 3 costs are primarily sub-contracts.)
- The former COP is a land administration specialist, as is the new COP, although he is a lawyer by training. The Land Governance Specialist is an international land administration specialist by training. The Land Administration Specialist is a Liberian, whose prior experience is unclear. It may be that Tetra Tech staffed the land governance specialist position with an international land administration specialist to build the capacity of the Liberian Land Administration Specialist.
- There does not appear to be a specialist on the team in land governance, and there also is not a dedicated land lawyer on staff, despite the ongoing legal technical assistance to the LLA. (Early on, Tetra Tech brought on an international land lawyer to create the legal reform strategy.) One of the sub-contractors, Landesa, is primarily staffed with land lawyers and gender specialists, although its sub-contract is limited to gender-specific technical assistance.

Benchmarks:

If USAID scales back investment in national land governance institutions and processes, a few benchmarks for reengagement include:

- Statutory or administrative recognition of community access to and use or ownership of land.
- Statutory or administrative recognition of customary justice institutions.
- Statutory or administrative recognition of women's rights to land.
- Amendment of the Constitution to recognize community access to and use or ownership of land or customary justice institutions.
- Statutory or administrative restraints on the government's authority to allocate rural public land to third parties and thereby provide some protections of communities' access and use.
- The National Investment Commission publicly commits to developing and implementing an agenda for responsible and inclusive large-scale land-based investments. (Shortly before the 2017 Presidential Run-off Election, FAO provided *limited* technical assistance to that end.)
- The draft Local Government Act passes.

ANNEX A: METHODOLOGY AND LIMITATIONS

To answer the Activity Review questions, LSA developed a highly participatory approach, involving implementing partners, GOL, civil society, academia, and donors to identify progress and opportunities to inform the way forward for land governance in Liberia. This participatory approach required stakeholder involvement in identifying actionable recommendations. This approach engendered trust in and support to the process, while underscoring the importance of stakeholder buy-in and support to the recommended path forward.

This Activity Reviews used four qualitative research methods. Primary collection of quantitative data and large-scale structured surveys are beyond the scope of this review.

Desk Review

The Activity Review began with a thorough desk review of available literature on land governance, including LGSA documents, sectoral evaluations and assessments that were used to determine the intervention and international best practices on the topic, and other data sources. The Review Team will use quantitative data provided by the implementing partner in regular quarterly and annual reports, performance reporting, and assessments. The team will also draw on datasets from the LLA and Ministry of Lands, Mines, and Energy, as needed. Primary collection of quantitative data and large-scale structured surveys are beyond the scope of this review.

Initial analysis will serve as the foundation for subsequent key informant interviews (KIs) with the LLA, USAID/Liberia, Tetra Tech, the Civil Society Working Group on Land Reform, and other stakeholders identified by USAID/Liberia and the Review Team.

Key Informant Interviews

The Review Team targeted 24 KIs, with the acknowledgement that some will likely be unavailable during the data collection period. Interviews with such a diverse group of key informants exposed the team to varied perspectives and opinions and allowed them to triangulate a response to the review questions above. Interviews were semi-structured, allowing for adequate and uniformed questions to cover the four review questions but still permitting flexibility. The approach combined close-ended questions, to ensure comparability of answers among respondents, with open-ended questions and questions tailored to the interviewee, to take advantage of the special experiences and insights of each.

The team selected key informants based on the following factors: (1) a significant relationship with LGSA implementation; (2) knowledge of LGSA design in its historical context; (3) an influential actor in development of the draft Land Rights Act and/or the Liberian land sector, more generally; and (4) USAID implementing partners who are also working in the land sector. Below are the key informant category targets for KIs.

Informant Category	Total # of KIs Targeted	Total # of FGDs Targeted
USAID/Liberia	1	
USAID/Washington	1	
LGSA Implementing Partners (Tetra Tech, Sustainable Development Institute, Parley, Landesa, Community Development Initiative)	6	
Government of Liberia (LLA; Land, Mines, and Energy; National Investment Commission; Governance Commission)	5	
Senate Committees (Agriculture, Fisheries & Forestry; Lands, Mines, Energy & Environment; Concessions & Investment)	2	
Senate Leadership	1	
Civil Society	2	1

Informant Category	Total # of KIIs Targeted	Total # of FGDs Targeted
Land Lawyers and Academics	1	
International NGOs	2	
Other donors investing in the land sector	2	
International land experts working or who have worked in Liberia	1	
Total	24	1

Focus Group Discussions

The Review Team conducted one focus group discussion (FGD) of 9 representatives from civil society. This approach ensured that the team had the opportunity to solicit input from a large number of CSO representatives while also providing an opportunity for in-depth exploration. The team used open-ended questions to promote discussion. Participants were identified based on their heavy engagement in the land tenure reform processes and, therefore, are likely to have extensive knowledge and opinions about activities most needed to strengthen Liberia's land governance and improve land tenure security.

Pause & Reflect Sessions

Once the interviews were completed, the Review Team conducted a preliminary review and analysis of their findings, identified initial performance issues and constraints, which, in combination with the findings from the desk review, helped inform the structure and content of the individual working groups, or Pause and Reflect Sessions. The Review Team is in the process of designing these sessions and will provide additional details to USAID prior to the onset of the sessions.

Analytical Methods

The Review Team used a combination of the following analytical methods:

- Conceptualizing, coding, and categorizing information obtained through KIIs and FGDs;
- Authenticating conclusions by triangulation of data obtained from different sources;
- Using content analysis to identify and highlight notable examples of project successes (or lack of successes) that have contributed to (or inhibited) the activity's goals;
- Using comparative analysis to examine relationships and results across different activity components, activities, and achievements as revealed by stakeholders; and
- Using gap analysis to examine whether aspects of the activity, if any, fell short of anticipated performance, and the likely factors behind these gaps.

Gender Analysis Approach

Consistent with USAID's *Evaluation Policy* and its *Gender Equality and Female Empowerment Policy* and recognizing that effects of integration and the success of the activity might vary across gender, LSA applied a gender perspective to the entire review process. Starting with the desk review, data related to gender-based variances in outcomes were examined, and documents were reviewed with a gender-sensitive lens to inform a better understanding of gender dynamics in the implementation environment. The Team included both female and male researchers, and a gender balance among respondents was sought.

During the data analysis phase, all participant-level data was disaggregated and reported by sex. Analysis and discussion of findings, and where appropriate, findings and conclusions, were included in the final reporting (both written and oral).

Finally, in addition to equality in gender participant and benefits, and consistent with USAID guidance, strategic opportunities for promoting women's empowerment were pursued.

Social Analysis Approach

In addition to issues of gender, the Team considered issues of social demographics and conflict sensitivity in the data collection and analysis processes, and how they may affect the outcomes of the activity and/or the findings and recommendation. These include data such as: age, economic status, formal education status, and employment status. For the qualitative data, KII and FGD instruments collected and recorded these data.

Limitations

The Review Team encountered the following limitations and biases in undertaking this review.

Limitation/Bias	Result	Mitigation Strategy
Review was conducting during post-election transition of government.	Some key government stakeholders not yet in place so could not speak on behalf of its institution.	Interviewed within the scope of their authority and sought out other sources for similar perspectives.
Donor dependency on the part of beneficiaries may have skewed KII and/or FGD responses or overstated the needs to sustain the program in order to get more funding.	Qualitative data may be inaccurate, or information withheld that is essential to the review.	Triangulated information, to the extent possible. In addition, consistent with the SOW, the team exercised its own judgment, not relying solely on qualitative representations.
Political or personal motivations may underlie some government responses, which may skew or overstate certain needs.	Some government perspectives may favor political positions, while not contributing toward development objectives.	Ensured team understands political context and motivations.
Respondents interviewed may not have been representative of the group and, thus, responses may not be generalizable.	Information gathered is accurate from the respondents' point of view but may not represent reality for a large number of participants.	Triangulated data to promote more reliable information that is used for analysis.
During the joint USAID-LGSA Pause and Reflect Session, the IP may be less likely to speak freely in USAID's presence. The IP also may resist potential programmatic changes.	The review outcome may not be informed by the IP staff's experience and expertise.	Emphasized that the purpose of the activity review is to leverage USAID investments in the best possible way to generate potentially better development outcomes. Individual KIIs with IP staff will solicit more transparent information, which will be used to inform the Pause and Reflect.

ANNEX B: LGSA PROGRESS TOWARD TARGETS

Component 1: As indicated in the table below, all three indicators have been met or exceeded. Data reported for indicators 1.3 and 1.4 are not disaggregated by sex, as required.¹⁰⁴

COMPONENT 1: STRENGTHENING THE POLICY, LEGAL AND REGULATORY FRAMEWORK FOR LAND GOVERNANCE	YEARS 1 AND 2 TARGET	YEARS 1 AND 2 ACTUAL	LOP TARGET
1.1 No. of specific pieces of legislation or implementing regulations that were proposed, adopted, and or/implemented affecting property rights of the urban and rural poor as a result of USG assistance.	5	5	12
Indicator 1.3 Number of people trained in land tenure and property rights issues.	600	805	1900
1.4 Percentage of people trained who can correctly identify key learning objectives 30 days later as a result of USG assistance.	80%	89.8%	80%

Component 2: There are two indicators for this component, one of which is no longer applicable due to a change in LGSA's work plan.¹⁰⁵ Indicator 2.4, "Number of land transactions completed," has a Year One and Year Two cumulative target of 5,500, and the actual is 4,388 transactions. A discussion of this and a similar indicator under Component 4 are discussed in the main document under Component 1.

COMPONENT 2: IMPROVEMENT OF HUMAN AND INSTITUTIONAL CAPACITY FOR LAND GOVERNANCE	YEARS 1 AND 2 TARGET	YEARS 1 AND 2 ACTUAL	LOP TARGET
2.3: Number of individuals from land governance institutions who received Master's degrees in land administration and governance as a result of USG support	n/a	0%	15% over baseline
2.4: Number of land transactions completed	5500	4388	80%

Component 3: There are four performance indicators, all of which are premature to report on at the end of Year 2, as they track outcomes associated with the pilot of the methodology for recognition of customary land rights.

COMPONENT 3: PROTECTION OF CUSTOMARY LAND TENURE STRENGTHENED	YEARS 1 AND 2 TARGET	YEARS 1 AND 2 ACTUAL	LOP TARGET
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¹⁰⁴ See e.g., USAID, *LGSA Annual Report Year Two* (Monrovia: USAID, 2017).

¹⁰⁵ Indicator 2.3 tracked "the number of individuals from land governance institutions who have received Master's degrees in land administration and governance as a result of USG support." Per an LGSA key informant, the activity is not supporting Master's students.

3.1 Percentage of adults in pilot areas who report that their land tenure rights are secure	n/a	n/a	40
3.2: Number of parcels with relevant parcel information correctly or newly incorporated into an official land administration system as a result of USG assistance	n/a	0%	15% over baseline
3.3: Number of people with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land are secure as a result of USG assistance	n/a	0%	20% above baseline
3.5: Percentage of community governance entities implementing rules for the inclusion of women, youth and strangers	80%	0%	80%

Component 4: There are four indicators for this component, all of which have been met, with one exception, discussed above.

COMPONENT 4: STRENGTHEN CIVIL SOCIETY, PRIVATE SECTOR, AND CITIZEN ENGAGEMENT IN LAND GOVERNANCE	YEARS 1 AND 2 TARGET	YEARS 1 AND 2 ACTUAL	LOP TARGET
4.1 Number of gender responsive outreach materials on land tenure and property rights distributed through USG assistance	21	22	66
4.2: Number of gender responsive public outreach activities on land tenure and property rights held with USG assistance	60	137	474
4.3: Number of new or existing professional organizations or surveyors and other land related professions supported	3	3	9
4.4: Number of marginalized people who have accessed[sic] to land tenure and property rights services from land governance institutions	380	338	900

ANNEX C: CASE STUDY OF LIBERIA'S FORESTRY SECTOR

The GOL enacted the *National Forestry Reform Law of 2006*¹⁰⁶ (NFRL) as part of efforts to reform the legal framework governing forest resources in the country. A key provision of the law required the forestry authorities to “present to the Legislature for consideration and passage a comprehensive law governing community rights with respect to Forest Lands¹⁰⁷” within one year as of the effective date of the law. Following two years of delay, the Legislature enacted the *Community Rights Law of 2009* (CRL) with Respect to Forest Lands, the same year the “*Act to Establish the Land Commission*”¹⁰⁸ of Liberia was enacted.

Legal Recognition of Communities' Rights over Forest

The Guiding Principles of the CRL states that “all forest resources on community forest lands are owned by local communities”¹⁰⁹ and “any decision, agreement, or activity affecting the status or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.”¹¹⁰ The CRL also grants communities the right “to control the use, protection, management, and development of community forest resources”¹¹¹ but grants unto the FDA the powers to regulate their activities, with the caveat that “all matters related to land tenure and proprietorship shall be dealt with by the Land Commission in accordance with national land policies issued and legislations enacted.”¹¹²

So far, land tenure reform has adopted a rights-based approach similar to that of the forestry sector. For example, the *Land Rights Policy*¹¹³ contains four guiding principles, one of which states: “The Government recognizes and protects the land rights of communities, groups, families, and individuals who own, use, and manage their land in accordance with customary practices and norms, equal to Private Land Rights.”¹¹⁴ Also, the government (through the FDA) has to regulate the management and use of forest resources under the CRL. A guiding principle of the *Land Rights Policy* is that “the Government is responsible for administering and managing land within the territory of Liberia in the public interest.”¹¹⁵

By adopting similar principles, forest sector and land tenure reforms have maintained a policy coherence that is often difficult to achieve. While the policy coherence between the CRL and *Land Rights Policy* is arguably positive, the separation of authority over forest and the land beneath the trees, between the FDA and the LLA – may be contributing to a legal conundrum for the government and people of Liberia. For example, there seems to be strong disagreement among stakeholders about the depth and breadth of legal recognition of customary land rights. These disagreements gained preeminence during hearings on the draft *Land Rights Act* between 2014 and 2017, even though some of the main underlying points of contention had already been addressed in favor of communities in the *Land Rights Policy*.

Lessons from Forest Sector Reform

The benefits of legal recognition of community rights in the forestry sector vary but may be categorized in economic, political, and social terms. While understanding of the reform impacts may be limited, some lessons are relevant for land tenure reform.

¹⁰⁶ NFRL of 2006.

¹⁰⁷ NFRL of 2006, sec. 10.1(c).

¹⁰⁸ *Act to Establish the Land Commission*, 2009.

¹⁰⁹ CRL of 2009, sec. 2.2a.

¹¹⁰ CRL of 2009, sec. 2.2c.

¹¹¹ CRL of 2009, sec. 3.1(a).

¹¹² CRL of 2009, sec. 2.2e.

¹¹³ GOL, *Land Rights Policy* (Monrovia: GOL, 2013).

¹¹⁴ GOL, *Land Rights Policy*, Guiding Principle 4.2

¹¹⁵ GOL, *Land Rights Policy*, Guiding Principle 4.1

The NFRL grants 30 percent of the Land Rental Fees logging companies pay to the government to communities impacted by logging concessions.¹¹⁶ In 2015, the government transferred an initial \$1 million USD to the National Benefit Sharing Trust Board¹¹⁷ to distribute to forest communities as part of the 30 per cent they are entitled to. By April 2017, a total of approximately \$2 million USD had been transferred to the National Benefit Sharing Trust Board.¹¹⁸ Additionally, logging companies pay royalties directly to communities based on the volume of timber harvested in their area, which amounted to about \$1 million USD for the period 2009 - 2016.¹¹⁹

While these amounts may be minuscule, to receive these funds communities must establish formal governance institutions and put in place systems and procedures to manage their benefits in a transparent and accountable manner. For example, they need to establish local bodies that are constituted through democratic elections and develop constitutions and by-laws to govern their interactions that require participatory processes when making decisions about the forest or how to use the financial benefits they receive from logging. Having these community bodies in place has also made it easier for the FDA, CSOs, and logging companies to easily engage with forest communities. It has also made it possible for national and international NGOs to transfer resources to them and work with them to strengthen their capacity to participate in forest governance processes at the national level, for example through representation on the National Multi-Stakeholder Monitoring Committee that monitors implementation of the Liberia-EU Voluntary Partnership Agreement on forest.

Additionally, these community bodies enter into Social Agreements with logging companies, which are attested to by the FDA. The Social Agreements define the rights and responsibilities of the parties, while the FDA regulates its implementation. In addition to regulating implementation of the Agreement, the FDA mediates when disputes or conflicts arise during implementation.¹²⁰ In the instance that the parties fail to resolve the dispute, with the assistance of the FDA, they may resort to non-binding third-party mediation,¹²¹ and failing to reach a settlement, the parties may resort to binding arbitration.¹²² However, a dissatisfied party, after exhausting these steps, retains the right to proceed to a court of competent jurisdiction in Liberia.¹²³

Forest communities are therefore involved in a social experiment that may prove to be critical for Liberia's future economic, social, and democratic development; adopting some of these elements of reform in the land sector may possibly contribute to improving land governance in rural Liberia. Additionally, it may allow for the benefits and positive impacts of land tenure reform to reach the rural population and may require limited financial resources from the central government. But most significantly, land disputes and conflicts, which are reportedly prevalent, could be managed by adopting dispute resolution approaches using approaches similar to those in place in the forestry sector.

¹¹⁶ NFRL of 2006, sec. 14.2e(ii).

¹¹⁷ Liberia - EU Voluntary Partnership Agreement, Aide-memoire from the 3rd Joint Implementation Committee meeting, January 20 – 22nd, 2016.

¹¹⁸ SDI, *Financial Flows from Logging to Communities and the Central Government*, (Monrovia: SDI, 2017).

¹¹⁹ Ibid.

¹²⁰ FDA Regulation 105-07, sec. 37(a).

¹²¹ FDA Regulation 105-07, sec. 37(b).

¹²² FDA Regulation 105-07, sec. 37(c).

¹²³ FDA Regulation 105-07, sec. 37(d).

ANNEX D: CASE STUDY OF WOMEN'S ACCESS TO CUSTOMARY JUSTICE

All-male customary institutions with entrenched biases against women can and do transform into supporters of women's empowerment. Outcomes from the USAID-supported activity, *Enhancing Customary Justice Systems in the Mau Forest, Kenya*, aka the "Kenya Justice Project" (KJP) is one example.¹²⁴

Fluidity of Customary Systems

"[T]he fluidity and dynamism of informal justice systems can open up opportunities for modernization and progressive reforms around women's rights... Legal empowerment approaches may also work in informal justice setting because the customary authority of male leaders is generally connected to their ability to reflect the values and interests of the community. Thus while customary male leaders often benefit from the status quo and resist positive change for women they may also have incentives to respond to community expectations."¹²⁵

In the wake of Kenya's post-election violence and a new Constitution, KJP piloted a model for improving rural women's access to customary justice related to land, while also building processes to bridge the gap between the formal and informal justice systems in Kenya. Activities consisted of: (1) separate delivery of a training curriculum to targeted groups (chiefs, elders, women, and youth) focused on civic education, legal literacy, rights and responsibilities related to land and forest resources (with special emphasis on rights of women and children), including pause and reflect sessions and skill-building; (2) facilitated community conversations between targeted groups about difficult issues; (3) peer trainings for targeted groups to share information throughout the community; and (4) arts-based legal education activities generated by teachers, youth teaching assistants, and students to reach the broader community.

In working with chiefs and elders, the KJP focuses on both procedural and substantive improvements. Procedural improvements of the processes of traditional authorities can increase transparency and accountability. For example, KJP worked with elders to take more comprehensive minutes of all proceedings using a template developed jointly with the project, documenting decisions in writing also using a jointly drafted template, and introducing a simple document management system.¹²⁶ The project included taking traditional actors to formal courts to reflect on the different procedures that the elders use and those of the formal courts.

In addition to working with traditional authorities to improve their procedures, the pilot built their understanding and application of constitutional rights regarding land and other important protections. Training on land law and conflict mediation is common. In addition to those trainings, however, sessions on the difference between criminal and civil cases were useful and facilitated their consideration of the appropriate scope of their jurisdiction. Again, during the KJP, elders decided that sexual assault cases should be outside their jurisdiction, primarily due to the advocacy of women project trainees.¹²⁷

Trainings for the women included, among other things, public speaking trainings grounded in Kenyans' constitutional right to express themselves and petition the government.

One of the key complaints about traditional justice systems is their renowned bias against women. A best practice in working with traditional justice actors is to help them develop their own code of conduct or by-

¹²⁴ USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Final Report*. Landesa was the implementer under a USAID sub-contract with Tetra Tech.

¹²⁵ International Development Law Organization, *Accessing Justice: Models, Strategies and Best Practices on Women's Empowerment* (The Hague: IDLO, 2016).

¹²⁶ USAID, *Enhancing Customary Justice Systems in the Mau Forest, Kenya: Final Report*.

¹²⁷ Ibid.

laws that will govern their behavior, including their treatment of women and vulnerable groups. See the Box below.

Gender Composition

Addressing the often-unequal gender composition of traditional dispute resolution institutions is also an area for intervention. From a human rights perspective, often the main complaint about traditional institutions is that they tend to be comprised of men only, who hold entrenched biases against women and have narrow views of culturally appropriate roles and rights for women (or lack thereof). Some countries have started to address this issue with the assistance of donors.

USAID's Kenya Justice Project worked with traditional elders to draft their own *Katiba*, or Constitution, which includes their duty to identify "special interest groups and make sure their rights are respected." Those groups are:

- Widows
- Orphans
- Unmarried girls/single women who may be oppressed by male relatives.
- Elderly men

Following adoption of the *Katiba*, the elders read the entire document out loud to their community.

Through a series of short trainings, pause and reflect sessions, and community conversations over several months, the KJP resulted in the election of 14 women to serve alongside male elders and resolve land disputes for the first time in these traditional Maasai and Kalenjin communities. Each year following the project's end, the number of women elected increased from 22 to 33 women elders, respectively.

In sum, an impact evaluation found that KJP “demonstrated significant and higher magnitude improvements”¹²⁸ in:

- Legal awareness, particularly women's legal knowledge, men's knowledge of women's rights, and women's familiarity with the local justice system and alternative dispute resolution;
 - Women's confidence in both fairness and outcomes if they need to access the local justice system;
 - Procedural and process improvements in local
- 

dispute resolution institutions, including enactment of community bylaws or constitutions to guide their actions and enhanced recordkeeping of proceedings;

- Requirement of family consent for land transactions;
- A new election process for the Council of Elders, resulting in women and youth representation on the Council. For the first time in the history of the Maasai and Kalinjin communities, two of the communities elected 14 women elders out of 50 total two months after the pilot ended. The number of women elders grew to 22 in 2013 and 33 out of 50 elders total in 2014.
- Chiefs and elders publicly issued a new *Katiba* (local constitution) to guide their decision making and clarify their legal responsibilities to the community, including protecting the rights of women and minority groups. They also drafted and attested to their own Code of Conduct.
- Elders consistently forwarding criminal cases to the police;



128 Ibid.

- Respect for women's rights by men in the community, particularly where women's rights have resulted in observable benefits at the household and community level, such as women's increased economic activity or their increased involvement in dispute resolution; and
- Women's access to land, which has increased. Women have gained more control over assets at the family level.

To help replicate the success of the KJP model across Kenya, USAID allocated funding for a second phase of KJP to produce an implementation guide, which outlines KJP's underlying principles, and the steps, resources and time needed to prepare for and launch similar efforts in new communities.¹²⁹ Although the pilot had little funding across phases, including an impact evaluation, it secured buy-in from key players in the Kenyan government, including the Chief Justice of the Kenya Supreme Court and Kenya's National Council for the Administration of Justice.¹³⁰

The project is testament to the fact that traditional institutions and actors can transform. A short video on KJP is online here: <https://www.youtube.com/watch?v=MoTqSZQVCiY>.

¹²⁹ USAID, *Kenya Justice Project Implementation Guide -- Dissemination of Lessons Learned: Enhancing Customary Justice Systems in the Mau Forest, Kenya* (Washington, DC: USAID 2014).

¹³⁰ USAID, *KJP Success Story: Kenya Justice Project Pilot Ready To Be Scaled-Up Nationwide* (Washington, DC: USAID, 2014).

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ANNEX F: DATA COLLECTION PROTOCOL AND INSTRUMENTS

KII and FGD PROTOCOL Informed Consent Guide

The moderators will utilize the following informed consent guide before each KII and FGD:

I. Introduction:

The interviewer/moderators should first introduce herself, then welcome and thank the key informant or all of the focus group discussion (FGD) participants for being there. The moderator should then explain the purpose of meeting, how participants were selected, any potential benefits or risks to participating in the FGD, and how long it will take.

II. Confidentiality:

The interviewer/moderators should clearly describe how the data collected will be used, including with whom it will be shared, and crucially, whether names or other personal or identifying information will be included with the data. The moderator must be honest about how the data will be used, but should also reassure the participants that the data will be treated sensitively and that their privacy will be respected to the greatest degree possible given the needs and purposes of the evaluation.

For the purposes of LGSA Activity Review, data obtained through KIIs and FGDs will be kept private and anonymous, although the names of KIIs and civil society organizations participating in the FGD will be disclosed with no attribution of data points. The evaluation team will use qualitative data to help identify and support evidence of program successes (or failures), and may use non-attributed – i.e., anonymous – quotes from its FGDs, KIIs and the mini-surveys as part of this process.

After providing this information, and to ensure the data collected are reliable, the moderator will explain that participation is entirely voluntary and that there are no consequences for declining to participate.

After informing participants of this information, the moderator should ask each member to confirm that they consent to participate.

III. Ground Rules for FGDs:

The ground rules will generally include the following:

- Everyone is encouraged to share his or her ideas, and the FGD is stronger if everyone participates.
- There are no wrong answers, and everyone's perspective is equally valued.
- The ideas shared during the FGD should not be shared outside the FGD with non-participants to respect participants' privacy.
- Disagreements about ideas can be valuable and productive, but personal attacks will not be tolerated.

After establishing these ground rules, the moderator should ask if there are any questions or concerns participants have, and these issues should be addressed and consensus reached as a group before moving on.

LGSA KIIIs
(Est. Time ~55 min)

Introduction

1. Before we begin, can you please tell us a bit about your involvement with LGSA? (Probe: role, duration, intensity, level of involvement)
2. Were you involved in the design of the project/proposal? If so, does the project as implemented today differ in any significant way?

Progress and Achievement of Objectives

3. LGSA is structured along four components and objectives (have four sets of objectives/components on hand in case interviewee needs help to recall all of them). In your opinion, has LGSA been equally successful in achieving the objectives for each of those components or has the project been stronger in some areas as compared to others?
4. In your opinion, what have been LGSA's biggest successes so far?
5. What have been its biggest challenges? (Probe: why?)
6. How does the failure to pass the Land Rights Act affect LGSA's impact and overall progress toward objectives?
7. Are there certain components that could be further leveraged to achieve project objectives in the absence of the Land Rights Act?

Strengthening Land Governance Capacity and Engagement

8. LGSA was designed to strengthen human and institutional capacity for land governance as well CSO, citizen, and private sector engagement in land governance. How would you assess LGSA's efforts toward this end?
 - a. Has it been more successful engaging certain stakeholders compared to others?
 - b. Are there any key groups/stakeholders not presently being engaged that should be?
 - c. How would you describe LGSA's current capacity and the transition process?
9. What land-sector constraints was the Land Rights Act going to address/rectify/improve?
10. In your opinion, what other ways can those constraints be removed other than through the Land Rights Act?
11. What are the main considerations for LLA's strategic development?
12. How does the World Bank's new funding to strengthen the LLA's institutional capacity affect LGSA's support? And the Bank's funding for land administration?

Potential Modifications

- I3. Given your familiarity with LGSA, and given that the Land Rights Act is not going to be adopted, to what extent, if any, do you think the components should be modified to make LGSA's contribution to the current political context and state of land governance in Liberia?
- I4. What are the main considerations for the strategic development of the Liberia Land Authority?
- I5. What could LGSA do to further increase participation of women in a meaningful way?
- I6. You are one of our primary intended users for this evaluation. As such, our aim is to provide you with relevant and useful information to help you better manage/oversee this project. Is there anything in particular that you feel is important for us to explore during our fieldwork? (Emphasize limited time in-country)

Liberia Land Authority
Ministry of Lands, Energy and Mines Klls

(Est. Time ~55 min)

*focuses on Components 1 and 2

Introduction:

1. Before we begin, please tell us a bit about your familiarity with LGSA.
 - a. How did you first hear about the project?
 - b. What do you think is the aim of the project? What type of activities does it include?
 - c. What is your role/involvement in the project?
 - d. Have you worked directly with LGSA? If so, how?

Evaluator Rating: Based on answers above, respondent appears (1-5 with 1 not at all, 5 very familiar):

1 2 3 4 5

Progress and Effectiveness:

1. In your opinion, what is the current state of institutional transitions to the Liberia Land Authority? Please explain.

1	2	3	4	5
Not at all effective	Somewhat effective	Effective	Highly effective	Very effective

2. Please complete the following statement based on the options provided. In my opinion, the passage of the Land Rights Act is _____ to the LLA's effectiveness.

Very important No opinion	Important	Somewhat Important	Not at all important
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- a. Please explain.

3. Please complete the following statement based on the options provided. In my opinion, the passage of the Land Rights Act is _____ to Liberia's future.

Very important No opinion	Important	Somewhat Important	Not at all important
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- a. Please explain.

4. How would you describe the effectiveness of LGSA's support to the LLA?

1 2 3 4 5

Not at all effective Somewhat effective Effective Highly effective Very effective

Please explain.

5. How familiar are you with LGSA's support to the policy, legal, and regulatory reform underway?

Evaluator Rating: Based on answers above, respondent appears (1-5 with 1 not at all, 5 very familiar):

6. How would you describe the effectiveness of LGSA's support to legal reform process?

1 2 3 4 5
Not at all effective Somewhat effective Effective Highly effective Very effective

Please explain. (Probe.)

Strengthening governance and the policy, legal and regulatory framework

7. What are the main considerations for the strategic development of the Liberia Land Authority?
8. What land-sector constraints was the Land Rights Act going to address/rectify/improve?
9. In your opinion, what other ways can those constraints be removed other than through a Land Rights Act?
10. In light of the delay in passing the Land Rights Act, how could the government otherwise protect access and use to customary land?
11. Are there major constraints in the land sector that donors have thus far neglected or under supported?
12. How does the World Bank's new funding to strengthen the LLA's institutional capacity affect LGSA's support? And the Bank's funding for land administration?

Potential Modifications

13. If you had the chance to re-design LGSA given the lack of a Land Rights Act, what changes would you make, if any?
14. What could LGSA do to further increase participation of women in a meaningful way?
15. Any other changes you would make to improve its effectiveness to support land governance in light of the current context?
16. During this process, is there anything in particular that you feel is important for our team to explore during our fieldwork? Or other individuals you think we should speak with (Emphasize limited time in-country)

Legislative Committee KIIIs

(Est. Time ~55 min)

*focuses on Components 1 and 2

Introduction:

1. Before we begin, please tell us how long you've been a member of this Senate Committee?
2. What has been your role/involvement in the land reform process, if any?

Strengthening the policy, legal and regulatory framework and governance

3. What are some of the key points of agreement in the land reform process?
4. What are some of the key points of disagreement in the land reform process?
5. What is the current legislative agenda regarding land reform?
6. What are some of the ways the government could ensure that families have secure access to customary land for their livelihoods?
7. Are there major constraints in the land sector that have thus far been neglected or under supported?

Civil Society Working Group on Land Reform

(Est. Time ~45 min)

*focuses on Components 1 and 2

Introduction:

1. Before we begin, please tell us a bit about your familiarity with LGSA.
 - a. How did you first hear about the project?
 - b. What do you think is the aim of the project? What type of activities does it include?
 - c. What is your role/involvement in the project?
 - d. Have you worked directly in with LGSA? If so, how?

Evaluator Rating: Based on answers above, respondent appears (1-5 with 1 not at all, 5 very familiar):

1 2 3 4 5

Progress and Effectiveness:

2. In your opinion, what is the current state of institutional transitions to the Liberia Land Authority?
3. Please complete the following statement based on the options provided. In my opinion, the passage of the Land Rights Act _____ to the LLA's effectiveness.

Very important Important Somewhat Important Not at all important No
opinion

- a. Please explain.

4. Please complete the following statement based on the options provided. In my opinion, the passage of the Land Rights Act _____ to Liberia's future.

1 2 3 4 5
Very important Important Somewhat Important Not at all important No opinion

- b. Please explain.

5. How familiar are you with LGSA's support to the policy, legal, and regulatory framework reform underway?

Evaluator Rating: Based on answers above, respondent appears (1-5 with 1 not at all, 5 very familiar):

6. How would you describe the effectiveness of LGSA's support to civil society, private sector, and citizens to engage in land governance?

1	2	3	4	5
Not at all effective	Somewhat effective	Effective	Highly effective	Very effective

Strengthening the policy, legal and regulatory framework and governance

- 7. What are the main considerations for strategic development of the LLA?
- 8. What land-sector constraints was the Land Rights Act going to address/rectify/improve?
- 9. In your opinion, what other ways can those constraints be removed other than through the Land Rights Act?
- 10. In light of the delay in passing the Land Rights Act, how could the government otherwise protect access and use to customary land?
- 11. Are there major constraints in the land sector that donors have thus far neglected or under supported?

Potential Modifications

- 12. If you had the chance to re-design LGSA given the lack of a Land Rights Act, what changes would you make, if any?
- 13. Any other changes you would make to improve its effectiveness to support land governance in light of the current context?
- 14. What could LGSA do to further increase participation of women in a meaningful way?
- 15. During this process, is there anything in particular that you feel is important for our team to explore during our fieldwork? (Emphasize limited time in-country)

Civil Society Working Group on Land Reform
Focus Group Discussion
(Est. Time ~90 min)

1. Familiarity with LGSA

- a. In what context have you interacted with LGSA?
- b. What is your understanding of what LGSA is trying to achieve?

2. Engagement in Land Reform Process

- a. What has been your organization's role in engaging in the land tenure reform process?
- b. Why is your organization engaging in the land tenure reform process?

3. Land Reform Processes

- a. What have been the most successful milestone in the land reform process?
- b. What have been the most significant challenges in the land reform process?

4. Way Forward

- a. In light of challenges you've identified above, what are the priority issues that you believe need to be addressed now?
- b. What would be the best strategies and/or approaching for addressing those issues? (push for specificity)
- c. What could LGSA do to further increase participation of women in a meaningful way?

5. Anything else?

If no one brings up strengthening women's land rights and/or increasing women's participation, ask.

ANNEX G: ACTIVITY REVIEW STATEMENT OF WORK

LAND GOVERNANCE SUPPORT ACTIVITY

ACTIVITY REVIEW

STATEMENT OF WORK

I. Background

This Statement of Work (SOW) describes the conditions of work and terms of reference for an external activity review of USAID's Land Governance Support Activity (LGSA). LGSA supports the establishment of more effective land governance systems, ready to implement comprehensive reforms to improve equitable access to land and security of tenure, so as to facilitate inclusive sustained growth and development, ensure peace and security, and provide sustainable management of the environment. Tetra Tech and its partners form a collaborative team providing technical and organizational assistance to the Government of Liberia (GOL), civil society, and communities in their land rights reform process.

The purpose of this activity review is to provide an independent and in-depth examination of how to support land tenure security through the LGSA activity without the passing of the Lands Rights Act. The review will explore the performance and appropriateness of the design and identify recommendations for the remaining implementation period. The Mission will use findings from the evaluation to inform more strategic USAID investment in the sector.

Overview of LGSA

Activity: Land Governance Support Activity

Contract Number: AID-OAA-I-12-00032

Task Order Number: AID-669-TO-15-00003

Activity Dates: August 18, 2015 – August 17, 2020

Funding: \$15.57 Million

Implementing Partner: Tetra Tech

Subcontractors: Sustainable Development Institute, Parley, Landesa, and Collaborative Decision Resources Associates

Contracting Officer's Representative: April O'Neill

Alternate Contracting Officer's Representative: Emily Kronic

Activity Manager: Mulbah Forkpa

Results Framework: See Annex I

Geographical focus: Montserrado

LGSA is USAID/Liberia's primary Strengthening Tenure and Resource Rights contract. Its activities are a continuation of USAID's engagement in the land sector reform underway in Liberia, beginning with the Millennium Challenge Corporation funded Land Policy and Institutional Support project and the Land Conflict Resolution project which ended in 2013 and 2014 respectively. These initial efforts assisted the GOL in the development of a Land Rights Policy, the evolution of the Liberia Land Authority (LLA), and a Land Administration Policy.

LGSA continues USAID's engagement in land sector reform through support to the LLA in its establishment and its implementation of the Land Rights Policy, among others. The following components of LGSA are linked to the Results Framework in Annex I. To link the LGSA results framework to the overall USAID/Liberia objectives, refer to the USAID/Liberia results framework in Annex II.

Component 1: Strengthening the policy, legal and regulatory framework for land governance

- Provide advisory support and recommendations for land policy and legal and regulatory reform,
- Develop and disseminate public information on proposed reforms, and
- Conduct and disseminate policy research.

Component 2: Improvement of human and institutional capacity for land governance

- Support institutional transition to the Liberia Land Authority,
- Support decentralized management and institutional capacity development, and awareness of GOL land governance institutions,
- Support master's-level training in land governance (subsequently converted to a Geomatics' certificate program), and
- Public outreach and awareness campaigns.

Component 3: Conduct action research to support provisions of the land rights policy and land rights law

- Develop a learning agenda followed by the development and field testing of processes for customary land rights implementation,
- Facilitate community-led processes to strengthen community land governance, including capacity building of communities, local institutions, and stakeholders.

Component 4: Strengthen civil society, private sector, and citizen engagement in land governance

- Develop and manage grants under contract supporting civil society and private sector entities engaged in land governance activities, and
- Strengthen private professional organizations and facilitate the establishment of public-private partnerships in activities surrounding land administration.

2. Purpose of Review

LGSA was designed under the USAID Country Development Coordination Strategy (CDCS) that assumed the Land Rights Bill would pass. Given that it is unlikely to pass during the lifetime of the activity, there is a need to redirect the intervention to be more effective and respond to the current context. To ensure that LGSA's activities are strategically contributing to outcomes in the most effective way, this activity review will examine the performance and appropriateness of the design.

The review will provide succinct, actionable recommendations to determine how to move forward with LGSA. Findings and recommendations will be shared and discussed with USAID/Liberia, the implementing partner (IP), and relevant partners, as appropriate.

3. Review Questions

1. To what extent has progress been made in achieving the objectives under LGSA?
 - o To what extent – if any – has the timing of the establishment of the LLA, the pace of progress in operationalizing the LLA, and the failure to pass the Land Rights Bill impacted the overall progress of LGSA in achieving its objectives?
 - o Does the failure to enact the Land Rights Bill necessitate a shift either in scope or emphasis of the LGSA task order? If so, how?
2. Identify best practices from USAID and other donors around the world facing similar contexts (e.g. post-conflict, developing countries in Africa) of land reform and present case studies of successes.
 - o Are there any “quick wins” in land reform that can be identified, possibly from other country contexts, and applied to Liberia?

3. How can LGSA contribute to land tenure security within the remaining years of implementation?
 - o What are the main considerations for the strategic development of the Liberia Land Authority?
 - o Considering that LGSA has three years remaining, what are the most needed skills and demands for land reform, specifically at the technical level? Consider sequencing, i.e. what can be accomplished in one, two, and/or three years.
 - o What – if anything – can be done to further increase participation of women in a meaningful way?

4. Methodology

The activity review is expected to apply participatory qualitative methods for data collection and analysis. The review team will conduct a desk review of available literature including activity and project documents. The team will also look at sectoral assessments that were used to determine intervention and international best practices on the topic. Initial analysis will serve as the foundation for subsequent key informant interviews (KIIs) with the LLA, USAID/Liberia, Tetra Tech, the Land Civil Society Working Group, and other stakeholders identified by USAID/Liberia.

The qualitative data collection will be supplemented through collaborative workshops, or Pause and Reflect sessions, that will provide joint analysis on various intervention opportunities and priorities. The team will convene up to four Pause and Reflect sessions: 1) to walk IP and USAID through the preliminary activity review findings and recommendations and obtain their input on priority areas moving forward; 2) to engage LLA and other relevant stakeholders in preliminary activity review findings and recommendations and obtain their input on priority areas moving forward; 3) to work internally with the USAID/Liberia Democracy and Governance (DG) team (and possibly USAID staff from other technical and/or support offices) to review results and facilitate rank ordering exercises; and 4) Continuation of internal work with the DG team (and possibly USAID staff from other technical and/or support offices) to review results and facilitate rank ordering exercises.

It is expected that the review team will use data provided by the implementing partner in regular quarterly and annual reports, performance reporting, and assessments. The team will also draw on datasets from the LLA and Ministry of Lands, Mines, and Energy as needed. Primary collection of quantitative data and large-scale structured surveys are beyond the scope of this review.

The USAID/Liberia DG team will provide documents for the desk review, as well as contact information for prospective interviewees. The review team will be responsible for identifying and reviewing additional materials relevant to the activity review, as well as additional contacts. Illustrative data sources include but are not limited to:

1. LGSA Task Order
2. LGSA Vision Statement
3. Annual Work Plans
4. Activity Monitoring and Evaluation Plan
5. Quarterly and annual progress reports
6. Performance Indicator Database System data
7. Baseline assessment
8. LGSA Reform Strategy for Liberia Law on Land
9. Institutional Audit Reports of GOL Entities that will be absorbed into the LLA
10. Other organizational assessments and tools
11. USAID/Liberia CDCS
12. Agenda for Transformation
13. Other related national data and reports

5. Deliverables

Evaluation deliverables include:

- a. Inception Report with preliminary analysis from desk review (to serve as the basis for the final report), work plan, and data collection instruments.
- b. Planning Meeting with USAID/Liberia to review preliminary analysis and refine remainder of activity review.
 - Draft Findings, Conclusions, and Recommendations (FCR) matrix and a proposed agenda/framework for conducting up to three Pause and Reflect sessions.
- c. Inbrief with USAID/Liberia, Implementing Partner, and maybe the GOL on finalized methods and approach.
- d. Four Pause and Reflect sessions.
- e. Debrief with USAID/Liberia and a separate debrief with Implementing Partner and maybe the GOL.
- f. Draft Activity Review Report - A draft report should be submitted to LSA for review, and LSA must submit the draft report to USAID/Liberia within two weeks after the in-country work is conducted. The written report should clearly describe findings, conclusions, and recommendations and conform to USAID requirements outlined below. USAID will provide comments on the draft report within five working days of submission. Then, LSA will submit the draft report to the Implementing Partner for another five working days to provide comments and disclose a statement of difference, if applicable.
- g. Final Report - LSA will submit a final report that incorporates USAID and Implementing Partner comments no later than ten days after final, written comments on the team's draft report have been submitted by all parties.

The draft report should meet the following criteria:

- i. The report should be in line with USAID Evaluation Policy (see Appendix I – Criteria to Ensure the Quality of the Evaluation Report) and USAID Secretariat Style guide.
- ii. The report should be no longer than 30 pages, excluding executive summary, table of contents, and annexes.
- iii. The report should include a 3-5 page Executive Summary highlighting findings and recommendations.
- iv. The report should represent a thoughtful and well-organized effort to objectively respond to the evaluation questions.
- v. The report shall address all review questions included in the SOW.
- vi. Methodology shall be explained in detail and all tools used in conducting the activity review such as questionnaires, checklists and discussion guides shall be included in an Annex in the final report.
- vii. Limitations to the review shall be disclosed in the report, with particular attention to the limitations associated with the methodology (selection bias, recall bias, etc.).
- viii. Findings should be specific, concise, and supported by strong evidence.
- ix. Recommendations should be action-oriented, practical, specific, and evidence-based.
- x. The final report should be edited and formatted.
- xi. Liberia Strategic Analysis must submit the final report to the Development Experience Clearinghouse.

The report will be submitted electronically. The final report will be edited/formatted by the contractor and provided to USAID/Liberia five working days after the Mission has reviewed the content and approved the final revised version of the report.

6. Team Composition

The evaluation team will be composed of two individuals: one team leader and one technical specialist. USAID may propose internal staff from USAID/Liberia to accompany the team during the KIIs in this external activity review as observers.

1. **Team Leader/Senior Evaluation Specialist:** S/he will be responsible to carry out a desk review, key informant interviews, and then design and facilitate collaborative workshops to gather the requisite information from all stakeholders, including government, donors, development practitioners, and technical specialists. The Team Leader will oversee the review design, development of instruments, integrate the findings of team members, and coordinate the preparation of deliverables. The Team Leader should have at least ten years of experience in the administration, design, and/or evaluation of multi-faceted land governance interventions in developing countries. Knowledge of land tenure and property rights, and/or land administration is preferred. Must have demonstrated experience working with government officials and other stakeholders to support policy, legal, and institutional reform processes.

S/he should have experience in managing multi-disciplinary teams and developing and conducting qualitative evaluations with participatory methods. It is essential that the candidate has the ability to conceptualize and structure evaluation activities and produce high quality evaluation reports in English. An advanced degree in a discipline related to land management, land administration, land economics, law or a related field is required.

2. **Land Governance Specialist:** The subject matter specialist shall at least eight years of experience and knowledge about the political context in Liberia, particularly on land governance, land tenure, and property rights. Must have strong social analytical skills, specifically in designing and evaluating similar Human and Institutional Capacity Development (HICD) programs. The incumbent must be able to conduct interviews and analyze the resulting data. Strong American English language speaking and writing skills are required.

Prior to their arrival in Liberia, all team members are required to familiarize themselves with USAID's Evaluation Policy, with USAID's publication outlining a good evaluation report, and with USAID's checklist for assessing an evaluation report. Additionally, all team members should possess a strong familiarity with the political, economic, policy and educational context in Liberia.

7. Logistics and Level of Effort

The review team is anticipated to visit and conduct consultations and data collection visits primarily in the greater Monrovia area. USAID and the Implementing Partner can assist in providing contact information. LSA is responsible for making meeting and logistical arrangements for the evaluation team including hotel, air travel, and local transportation arrangements.

Review team members are authorized and expected to work a six-day week. Travel over weekends may be necessary. Work should commence as soon as practicable, but no later than January 2018. For planning purposes, contractors should be aware of Liberian and US holidays during the evaluation time frame.

The activity review should follow the illustrative level of effort given below.

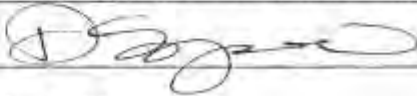
Task/Deliverable	Estimated time (Days)	
	Team Leader	Team Member
Desk review & preparatory work (offshore): draft inception report submitted to USAID/Liberia	5	4
Travel to Liberia	2	0
Planning Meeting with USAID/Liberia	1	
In-brief with USAID/Liberia and prepare for field work	2	
Data collection and ongoing data analysis	5	
Prepare agenda and workshop materials, i.e. activities, templates	2	
Pause & Reflect Sessions	5	

Debrief to USAID/Liberia Mission leadership and separate debrief to IP and possibly GOL stakeholders	1	
Analysis and report drafting	8	4
LSA performs quality assurance check and edits draft report	4	
LSA submits draft report to USAID/Liberia	1	
USAID provides comments on draft report	5	
Team Leader revises draft report to incorporate comments and submit final report	3	1
LSA performs quality assurance check and submits final report	5	
Total time required	49	
Working days Team Leader (including international travel)	34	
Working days Team Member	25	

ANNEX H: DISCLOSURE OF ANY CONFLICTS OF INTEREST

Name	Deborah Espinosa
Title	Senior Attorney and Land Tenure / Gender Specialist
Organization	Consultant to Social Impact, Inc.
Evaluation Position?	☒ Team Leader ☐ Team member
Evaluation Award Number (contract or other instrument)	Liberia Strategic Analysis Contract No: AID-669-C-16-00002
USAID Project(s) Evaluated (Include project name(s), implementer name(s) and award number(s), if applicable)	Land Governance Support Activity, Tetra Tech, Contract No. AID-OAA-I-12-00032, Task Order No: AID-669-TO-15-00003
I have real or potential conflicts of interest to disclose.	☐ Yes ☒ No
If yes answered above, I disclose the following facts: <i>Real or potential conflicts of interest may include but are not limited to:</i> 1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant through indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant through indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.	

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	April 4, 2018

Name	Silas Kpanan Ayoung Siakor
Title	Land Governance Specialist
Organization	Social Impact
Evaluation Position?	☐ Team Leader ☒ Team member
Evaluation Award Number (contract or other instrument)	L 034
USAID Project(s) Evaluated (include project name(s), implementer name(s) and award number(s), if applicable)	Land Governance Support Activity
I have real or potential conflicts of interest to disclose.	☐ Yes ☒ No
If yes answered above, I disclose the following facts: <i>Real or potential conflicts of interest may include, but are not limited to:</i> 1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated. 2. Financial interest that is direct, or is significant through indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation. 3. Current or previous direct or significant through indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project. 4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated. 5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated. 6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.	

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature	
Date	April 4, 2018

U.S. Agency for International Development - Liberia
502 Benson Street
Monrovia, Liberia