

2009

ATTESTATION TO:

“AN ACT TO ESTABLISH THE LAND COMMISSION (LC)”



VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/PRESIDENT
OF THE LIBERIAN SENATE, R.L.

SECRETARY, LIBERIAN SENATE, R.L.

SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

AN ACT TO ESTABLISH
THE
LAND COMMISSION
(LC)



AN ACT TO ESTABLISH THE LAND COMMISSION

PART 1

PRELIMINARY

SECTION 1.1

PREAMBLE

WHEREAS, Chapter 10, Article 89- "Autonomous Public Commission"- of the Constitution of the Republic of Liberia, , empowers the national Legislature to enact statutes for the creation of Agencies as may be necessary for the effective operation of Government;

WHEREAS, Chapter 3, Article 22(a) of the Constitution of the Republic of Liberia (1986) provides that " Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic ;

WHEREAS, the issues of land rights, administration, management, sale, possession, occupancy, control and distribution have posed major challenges for a peaceful postwar Liberia;

WHEREAS, all the issues surrounding land in Liberia have to be resolved in order to maintain perpetual peace and stability; and to sustain the hard earned peace after so many years of Civil Conflict;

WHEREAS, in order to judiciously, efficiently and adequately resolve all the issues surrounding land in Liberia and to maintain a peaceful and stable society wherein every Liberian citizens will be afforded an equal opportunity to own, use and dispose of land in accordance with the laws of the Republic and to also evolve robust land policy, law and programs by promulgating the requisite land use regulations and guidelines within the appropriate Institutions. and to establish and maintain an Autonomous Agency/Commission dedicated to the pursuit of such desired goals and objectives;

NOW THEREFORE; IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LESGISLATURE ASSEMBLED:

SECTION 1.2

SHORT TITLE

This Act may be cited as the **LAND COMMISSION ACT** of 2008.

SECTION 1.3

DEFINITIONS

In this Act, unless the context otherwise requires, the following words and phrases shall have the meaning(s) as ascribed to them in this Section.

1.3.1 The Commission: The Land Commission

1.3.2 Public Land: Land which is publicly owned under the Constitution, statutes and common law of Liberia.

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

1.3.4 Land Use Planning: Planning for and regulation by the state, county or local governments of the utilization of land.

1.3.5 Land Taxation: Taxation levied by government upon private land.

PART II ESTABLISHMENT OF THE COMMISSION

SECTION 2.1

LAND COMMISSION

That from and immediately after the passage of this act, "AN ACT TO ESTABLISH THE LAND COMMISSION," there shall be established a **LAND COMMISSION**.

SECTION 2.2 INDEPENDENCE

The Commission shall be an independent body of the Government. It shall be financially autonomous, operationally independent and generally free in the pursuit of its mandate. It shall however, on a quarterly basis submit financial statements to the Legislature and the President.

PART III

MANDATE, DUTIES AND FUNCTIONS

SECTION 3.1

MANDATE

The general mandate and purpose of the Commission shall be to propose, advocate and coordinate reforms of land policy, laws and programs in Liberia. It shall have no adjudicatory or implementation role.

Its objectives in policy and law reform shall be to promote:

- 3.1.1 Equitable and productive access to the nation's land, both public and private;
- 3.1.2 Security of tenure in land and the rule of law with respect to landholding and dealings in land;
- 3.1.3 Effective land administration and management; and
- 3.1.4 Investment in and development of the nation's land resources.

The mandate of the Commission shall extend to all land and land-based natural resources, including both urban and rural land, private and public land, and land devoted to residential, agricultural, industrial, commercial, forestry, conservation and any other purposes.

SECTION 3.2

DUTIES AND FUNCTIONS

Consistent with, and in furtherance of, the general mandate set forth in Section 3.1, and recognizing the multiple roles of land as a productive resource, an environment, and a source of social security, the Commission shall have the following duties and functions:

- 3.2.1 To carry out fact-finding through studies, public consultations to determine needs of land users, and such other means as it may consider necessary regarding the current situation on those matters within its mandate, with a view to identifying inadequacies that deserve remedial action;
- 3.2.2 To recommend remedies for inadequacies, including, but not limited to actions, programs and reforms of land policy, law and institutions;
- 3.2.3 To call together government ministries and agencies and other entities or institutions to consider complex issues relating to land, including the creation of task forces to address particular issues or problems and recommend solutions thereof;

- 3.2.4 In case of urgent problems noted in the course of the Commission's work, especially problems involving coordination of a number of ministries and government agencies, to propose to the President actions to deal with these problems, and to initiate, coordinate and supervise actions authorized by the President in particular cases;
- 3.2.5 To propose legislation and to supervise its drafting, including amendments to the Constitution, as it may consider necessary;
- 3.2.6 Consider and make recommendations, for the purposes set out in 3.1 and 3.2 above, concerning the following matters:
 - 3.2.6.1 Rights in real property, and the extent of security in those rights;
 - 3.2.6.2 The dichotomy between common law and customary land rights, and the reform and equitable harmonization and/or integration of those system, including their institutional dimensions;
 - 3.2.6.3 Public land management, sale and leasing;
 - 3.2.6.4 The basis and terms of acquisition of land by the state under the law of eminent domain;
 - 3.2.6.5 Land administration, including land survey, probation, registration and valuation;
 - 3.2.6.6 Rationalization of government structures and competencies in government for improved land administration and management;
 - 3.2.6.7 Land use planning, land use and management of land-based natural resource for environmental, socio-economic and other public purposes;
 - 3.2.6.8 Education/short term training needs to build capacity in land administration and land related professions;
 - 3.2.6.9 Organization and regulation of private professions of importance to the land sector, such as surveyors and valuers;
 - 3.2.6.10 Land taxation and other land-based revenue;
 - 3.2.6.11 Markets in land and rights in land;

3.2.6.12 Investors' access to land and terms of access for both domestic and foreign investors, individual and corporate;

3.2.6.13 Equitable access to and security of tenure in land for women, youth, and other categories of persons who may have labored under a disadvantage in this regard;

3.2.6.14 Prompt and fair resolution of disputes over land; and

3.2.6.15 Such other issues as the Commission may see fit and as related to its mandate.

3.2.7 In addition, the Commission shall carry out all other activities that are ancillary and necessary to attaining its overall goal and objectives.

3.2.8 The Commission shall in its consultations, deliberations and other activities:

3.2.8.1 Maintain transparency and accessibility in its work;

3.2.8.2 Identify best practices nationally and internationally which may be of use in achieving its mandate;

3.2.8.3 Foster broad-based public discussion and understanding of land policy issues and the measures to address them;

3.2.8.4 Consult regularly with concerned stakeholders, including land users, government ministries and other agencies, civil society organizations, community-based organization, and non-governmental organizations, and

3.2.8.5 Provide a forum through which ministries and other agencies with land responsibilities can discuss and coordinate interim actions in the land sector by these ministries and agencies during the life of the Commission.

PART IV COMPOSITION, TENURE AND QUORUM

SECTION 4.1 COMPOSITION

The Commission shall be composed of seven (7) Commissioners, including a Chairperson and Vice Chairperson, to be appointed by the President with the consent of the Senate as is provided for by law. No two Commissioners shall come from the same county. The

Commissioners shall be appointed on a non-partisan basis and shall be selected for their integrity and impartiality. Their selection should reflect gender balance.

SECTION 4.2 TENURE OF COMMISSION

The tenure of the Commission shall be five (5) years.

SECTION 4.3 MEETINGS OF COMMISSION

The Commission shall meet on at least a monthly basis as called to do so by the Chair person, and shall every third month hold its meeting in the counties on rotational basis. Any two-thirds of the membership of the Commission, including the Chair person or, in his/her absence, the Vice Chairperson chairing the meeting, shall constitute a quorum for the transaction of business in continuity of the Commission's mandate, duties and functions. Decisions of the Commission shall be made by consensus or by simple majority of the votes of the Commissioners present, where a consensus cannot be reached; and in the event of a tie, the Chairperson shall have a casting vote.

SECTION 4.4 SERVICE OF COMMISSIONERS

The Chair person and Vice Chair person shall devote full-time service to the Commission; and each of the other Commissioners shall devote quarter-time service to the Commission. The Chairperson may however ask a Commissioner to undertake specific tasks, with his or her service increased accordingly.

SECTION 4.5 SECRETARIAT

The Technical and Administrative Secretariat shall consist of a Director and such staff as may be necessary to the effective functioning of the Commission. It shall be supervised by the Chair Person or if assigned by the Chairperson, by a Vice Chairperson.

The Secretariat's duties shall include:

4.5.1 Preparation of the draft annual work plan and budget for the Commission;

4.5.2 Undertaking actions in support of the Commission including commissioning studies, preparing draft policy statements, reviewing and analyzing draft legislation, organizing seminars, consultations and other similar events, identifying capacity-building needs, preparing public information materials, etc.;

4.5.3 Preparation and servicing Commission meetings, including the keeping of minutes of those meetings;

4.5.4 Preparation of draft reports of the Commission;

4.5.5 Expending funds on behalf of and as approved by the Commission, keeping the accounts of the Commission, and preparing financial reports for the Commission, and

4.5.6 Such other functions as may be necessary to support the effective operation of the Commission.

SECTION 4.6 DUTIES OF THE CHAIRPERSON AND VICE CHAIRPERSON

SECTION 4.6.1 DUTIES OF THE CHAIRPERSON

The Chairperson of the Commission shall have the following duties and functions:

4.6.1.1 Head the Commission and be ultimately responsible for the administrative operations of the Commission;

4.6.1.2. Serve as official spokesperson for the Commission;

4.6.1.3. Preside over meetings of the Commission;

4.6.1.4. Represent the Commission in all conferences, except where he/she designates any of the Commissioners or member of the staff to represent the Commission.

SECTION 4.6.2 DUTIES OF THE VICE CHAIRPERSON

The Vice Chairperson of the Commission shall be the principal Assistant to the Chairperson and perform such duties as may be assigned by the Chairperson. In case of the absence or incapacity of the Chairperson, the Vice Chairperson shall perform all the responsibilities of the Chairperson during his or her absence or incapacity.

PART V POWERS AND AUTHORITIES OF THE COMMISSION

SECTION 5.1 POWERS

The Commission shall have, enjoy and exercise such powers as are necessary for the fulfillment of its mandate, duties and functions.

SECTION 5.2 AUTHORITY

The Commission shall have, and exercise such authorities as are in the full implementation of all of its duties and functions as are made and provided for in this Act.

PART VI RESIGNATIONS, REMOVAL AND APPOINTMENT OF SUCCESSOR

SECTION 6.1 RESIGNATION

A Commissioner shall hold office for the term to which he or she is appointed during good behavior. Notwithstanding his or her appointment for a specific term, a Commissioner may resign his or her position upon giving the President thirty (30) days due notice.

SECTION 6.2 REMOVAL

A Commissioner may be removed from office by the President for proven misconduct, gross breach of duty, violation of the code of conduct for Liberian public servants, conviction of a felony, incapacity and incompetence or other proved acts incompatible with his or her office

SECTION 6.3 APPOINTMENT OF SUCCESSOR

If a Commissioner resigns, is removed or dies whilst in office, the President shall appoint, in keeping with the provisions of section 4.1, pertaining to appointment and qualification, another person in his/her place within Thirty days of the event giving rise to the vacancy. Each commissioner appointed shall serve for the term established in Section 4.2, provided however that the Commission's life span shall be the limit of such appointment.

PART VII FUNDING

- 7.1 The work of the Commission shall be funded by the Government of Liberia and possibly by development partners or such other sources as the government may invite to provide direct technical assistance, grants or donations.
- 7.2 The Commission shall adopt and adhere to a system of sound financial management principles in conformity with financial regulations of the government of Liberia as well as internationally accepted best practices.
- 7.3 The Commission shall be subject to the annual auditing as prescribed by the General auditing Commission, and shall within three months as of the end of each fiscal year, submit its

financial report to the Legislature and the President and thereafter publish it.

PART VIII REPORTING AND BUDGETING

- 8.1 The Commission shall operate an independent budget and shall submit an annual financial report of its expenditure activities to the President and copies to the donor partners who have provided support during the period.
- 8.2 The Commission shall submit annually to the President, a report which shall include the assessment of the impact of Government's initiatives, strategies, and recommendations for promulgating land policy, law and programs in the administration and management of land in Liberia.
- 8.3 The Commission shall be responsible to and report to the President on its activities and the performance of its mandate provided, however, that in addition to its reports to the President, the Commission shall in all instances where it recommends the promulgation of new land policy or draft legislation for changes in our laws relating to land, such policy shall or law shall be submitted directly to the President for executive action or for the President's further transmission to the National Legislature for its appropriate action.
- 8.4 The Commission shall submit such and other reports as are requested by the president or the Legislature.

PART IX EFFECTIVE DATE

This Act shall take effect immediately upon publication in hand bills.

ANY LAW TO THE CONTRARY, NOT WITHSTANDING.

2009

FOURTH SESSION OF THE FIFTY SECOND
LEGISLATURE OF THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL NO.19 ENTITLED:

**"AN ACT TO ESTABLISH THE LAND COMMISSION
(LC)."**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Thursday, July 3, 2008 @ 12:44 GMT.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted the third reading and the Bill was adopted, passed into the full force of law and ordered engrossed today, July 23, 2009 @ 12:37 GMT.



CHIEF CLERK, HOUSE OF REPRESENTATIVES

2009

FOURTH SESSION OF THE FIFTY-SECOND
LEGISLATURE OF THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED BILL
NO.19, ENTITLED:

**"AN ACT TO ESTABLISH THE LAND COMMISSION
(LC)."**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, June 23, 2009 @ 3:50 G.M.T.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted the third reading and the Bill was adopted, ordered engrossed and passed into the full force of the law today. Thursday, July 23, 2009 @ 3:45G.M.T



SECRETARY, LIBERIAN SENATE, R.L.