

FOCUS ON LAND IN AFRICA BRIEF

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Population growth in Monrovia has contributed to the development and expansion of informal settlements.

Lesson 2:

Using Land Policy to Improve Life for the Urban Poor

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INTRODUCTION

Residents of Peace Island heard the news in late September 2012: a portion of their ten-year old settlement would be demolished to make way for a new ministerial complex. Approximately 3,600 people could be evicted and no compensation would be provided to those households that could not prove their legal right to be on the land (Parley 2012, September 24).

A decade after the end of the Liberian Civil War (1989-2003), Peace Island now represents home, livelihood and community for its residents, many of whom fled the war's devastation in the country's interior. Community members have built shelters, organized a local government, created markets, found ways to earn money and sought educational opportunities for their children. Yet, the residents do not have a formal claim to the land on which they live and are not protected by government policy, making long-term development difficult and exposing the community to forced eviction and persistent poverty.



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Since 2000, more than 3 million urban dwellers across Africa have been forcibly evicted from their homes, restricting their access to basic services like water and sanitation, and increasing the risks of disease.

Though informal settlements often lack basic services, the urban poor depend on them for their shelter, livelihoods, and communities. Here, children pose in West Point slum.

As Liberia rebuilds and the pace of construction and investment in Monrovia intensifies, evictions and demolitions of informal settlements like Peace Island are increasing. The country's experience is not unique. Since 2000, more than 3 million urban dwellers across Africa have been forcibly evicted from their homes, restricting their access to basic services like water and sanitation, and increasing the risks of disease (UN-HABITAT 2007). Still, more and more people crowd into informal settlements as the overall urban population in sub-Saharan Africa grows. As of 2011, an estimated 60 percent of the region's urban populations resided in slums (Fox 2011).

In Liberia, informal settlements and their residents pose a dilemma for urban post-war reconstruction: are they part of the problem, or can they be integrated into the solution as Monrovia strives to rebuild its economy? And what rights do the residents of informal settlements have to stay in their homes and to receive public services, even without formal claims to the land that they rely on?

CONFLICT, IDPS AND THE EXPANSION OF INFORMAL SETTLEMENTS IN MONROVIA

Informal settlements have existed in Monrovia since the 1950s, but the city's current challenges with these settlements stem in large part from the Liberian Civil War. The war devastated the country, and caused the collapse of Liberia's legitimate economy and massive population displacement. During the conflict, over 270,000 people were killed and a further 500,000 were internally displaced in the face of wide-spread killing, rape, looting, destruction of property, and recruitment of child soldiers (IDMC 2010). Greater Monrovia became a place of refuge for waves of Internally Displaced Persons (IDPs) fleeing atrocities in rural areas and seeking the protection of international peacekeepers within the city's boundaries. IDPs crowded into abandoned buildings and other available spaces, most of which lacked basic services (Wright, Savage and Tennant 2007). After the conflict, while the majority of IDPs returned to their rural places of origin, many others chose to remain in Monrovia (exact numbers are

not known) and rebuild their lives in the city. Thus, the capital's population, which was around 600,000 prior to 1989, hovered at around one million in 2003 with the majority of residents residing in informal settlements (Wily 2007; Norton 2011).

Today, population growth and rural-urban migration continue to swell the number of city residents. Monrovia is now home to more than 1.2 million inhabitants, the majority of whom live in overcrowded informal settlements lacking basic sanitation and vulnerable to diseases such as malaria, diarrhea and cholera. Public and abandoned buildings, garages, improvised structures on vacant lots, and even wetlands are occupied by squatters lacking formal claim to the property (Wright, Savage and Tennant 2007).

Among these, the unfinished and abandoned Ministry of Defense complex in Peace Island, a promontory surrounded by swampland, has become home to 30,000 Liberians, though the community lacks roads, a bridge to the community, schools and health clinics (Williams 2011; CARD 2013). Yet, regardless of the challenges associated with life in informal settlements, the urban poor depend on them for their shelter, livelihoods, and communities.

TENURE INSECURITY IN INFORMAL SETTLEMENTS

Security of tenure is vital to urban development. Tenure security – the certainty that a person or community's rights to land will be recognized by others and protected when challenged – paves the way for improved services, such as wells and sanitation, and improvements in housing. It is critical to urban stability, economic development, investment, and the protection of human rights (UN-HABITAT 2007). On the other hand, tenure insecurity stymies development. Residents of Peace Island assert that security of tenure would enable them to improve their homes and acquire services. But local authorities consider the settlement illegal, and have reportedly rebuffed attempts by residents to obtain basic services, such as wells (Williams 2011).

In addition, informal settlements are vulnerable to forced eviction. Forced evictions can create urban homelessness crises, lead to violence, arrests and deaths of displaced people, and to the development of new informal settlements. According to UN-HABITAT (2007), it is always the poor who are evicted. Moreover, the evictees are almost always worse off after being evicted, with women and children being the most negatively impacted (UN-HABITAT 2007).

Until recent years, Monrovia's municipal government approached the city's informal settlements with a policy of tolerance. A large, older settlement that has avoided eviction is West Point. It was established prior to 1960 and has grown to as many as 70,000 residents. The community is treated as an administrative unit within the city and residents believe that they have a social contract with municipal authorities. Perceiving themselves to be tenure secure, many residents build permanent structures on the land that they claim. However, the city's policy of tolerance is fading in the face of urban development and increased demand for land (Williams 2011).

Evictions and demolitions of informal settlements at the behest of the municipal government and private landowners are increasing. In one such example, the well-established, though largely informal, settlements and small businesses of Red Light Market will be relocated and demolished (C. Stevens, external review, December 20, 2012). Settlers living in Waterside and Old Government

Hospital – a long-abandoned, government-owned building – are slated to be evicted, while a newer settlement located in the abandoned Ducor Hotel was demolished beginning in 2007 (UN-HABITAT 2008; Norton 2011; Lupick 2012, August 2; Lupick April 11).

Furthermore, forced evictions of informal settlements are likely to accelerate as the municipal government seeks to redevelop the city and members of the Liberian diaspora increasingly return to Monrovia to reclaim their land.



Prior to its demolition in April 2012, Old Government Hospital had been home to settlers and their families for over 20 years.



When Old Government Hospital was demolished, the families living there were scattered throughout the city.

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LEGAL BACKGROUND

Residents of Monrovia's informal settlements are not protected by law or administrative policies. There are no legal protections for residents of informal settlements, no process for formalizing settlements, and no legal framework for government expropriations of land. According to Bruce and Kanneh (2011), the lack of laws governing expropriation and formalization is a major gap in the legal framework, particularly given the large number of residents that would be negatively affected by forced evictions.

As Liberian law does not provide a framework for governing informal settlements, many administrative acts affecting their residents are based on established practice rather than formal law (Williams 2011).

For example, in some larger, more established settlements like West Point, residents paid de facto taxes to receive 'squatter's rights' certificates from the Monrovia City Corporation (MCC). These certificates constituted a use and possession right on public land valid for one year. Despite their temporary nature and questionable legal basis, these

certificates still conferred residents with a sense of security (Williams 2011; RoL 2008). Since 2010, however, the MCC has refused to issue or renew squatter's rights certificates. The Township Commissioner of West Point informally renews certificates for the settlement, and many residents continue to believe that these are validated by MCC. It is not known if the recently issued certificates could serve as a legal basis for challenging potential evictions by the MCC (C. Stevens, external review, December 20, 2012).

CAN DEVELOPMENT PROJECTS HELP?

While residents of informal settlement have very little security of tenure under Liberian law, World Bank infrastructure projects have built-in guidelines that protect the interests of affected residents. Liberia must follow the World Bank's standards on "involuntary resettlement" that include the relocation of populations during implementation of World Bank projects.

The World Bank's Operational Policy 4.12 specifically calls for paying "particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national compensation legislation." One example of this policy being applied is the resettlement of the Happy Corner community, which was demolished for the construction of the Vai Town Bridge and relocated under a Resettlement Action Plan (Williams 2011, pg. 8). However, most urban development projects are undertaken at the behest of the municipal government and do not follow such guidelines.

WAYS FORWARD: PRIORITIZING URBAN TENURE ISSUES

The municipal government's prior practice of tolerance toward informal settlements allowed for their growth, though without planning or formal assistance. This practice of tolerance has changed, however, and evictions are on the rise, displacing residents from their homes and livelihoods. With the evictions has come a pervading sense of tenure insecurity, which in turn hinders improvements to informal settlements. Nonetheless, Monrovia's slums continue to grow.

In response to these challenges, the Liberian Land Commission began to prioritize urban land issues in 2010. The Commission announced plans to conduct an inventory of urban land and to develop a National Urban Plan. The urban land inventory process will reportedly focus on identifying informal settlements and urban infrastructure issues. Such an inventory could be a positive first step toward developing an urban policy and legal framework that addresses the reality of modern Liberian cities (Williams 2011; C. Stevens, external review, December 20, 2012).

An Urban Land Policy Working Group headed by UN-HABITAT was established in 2012 to help develop an urban land policy. The Working Group is focused on "addressing the . . . definition of an urban area; [the] institutional, policy, and legal framework; urban growth trends; land markets; and an urban land information management system" (C. Stevens, external review, December 20, 2012). This policy could include processes for recognizing residents' rights to occupy and use the land through ownership or leasehold – a system known as regularization.

Still, government interventions have not provided stronger protections for residents of informal settlements. Advocates have argued that protection against forced evictions is a critical step toward the integration of informal settlements into urban life and the assurance of shelter and livelihood for thousands (Durand-Lasserre 2006). At the same time, advocates argue that where evictions are unavoidable, it is critical to protect the rights and needs of the settlement residents by providing equivalent housing and compensation to prevent further impoverishment (Williams 2011).

In Monrovia, informal settlements like Peace Island are a source of shelter and livelihood for hundreds of thousands of urban poor. To enable development in urban communities and the provision of services, and to ensure that the residents of informal settlements in Monrovia are protected from homelessness, instability, and further impoverishment, it is important to address the tenure security of such settlements through urban policy, legal and administrative reform, the provision of compensation and alternative housing in resettlement schemes and, where appropriate, the regularization of settlements.

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