



Liberian Land Commission: Policy Responses to Nationwide Consultations

Issue	Recommendation	Group	Responsive Language in the Land Rights Policy
Public Land	Some Public Land should not be sold for future use	Grand Bassa	“Public Land is defined as land: designated for future use; managed in the public interest; and which is not Government Land, owned by a community and used or managed in accordance with customary practices and norms, or owned as Private Land.” (5.1.7)
	Public Land should apply to undeveloped/unutilized land	Women of Sinoe, Grand Gedeh	
	Definition of Public Land is not clear	Media, Civil Society, Small Businesses, Youth/Students, Liberian Lawyers	
	Need to ensure that Customary Land is not mistakenly taken as Public Land	Urban Montserrado	
Government Land	Government Land should only be used for public purpose	Grand Gedeh, Sinoe	“Government Land is defined as land owned by the Government and used for the buildings, projects, or activities of the Government, including, but not limited to, lands on which are located: the offices of ministries, agencies, and parastatal bodies; military bases; roads; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; and airports. Government Land leased to an individual or private entity remains Government Land even if during the lease period the land is not used for the buildings, projects, or activities of the Government. Land leased by the Government from an individual or private entity, including a community, is not Government Land because it is not owned by the Government.” (5.1.2)
	Definition of Government Land is not clear	Media	
Customary Land: Ownership	Agree with customary land ownership without deed	Urban Montserrado, Bong, Lofa, Nimba, Women and Youth of Grand Cape Mount, Bomi, and Gbarpolu	“Customary Land, whether or not the community has self-identified, established a legal entity, or been issued a deed, is defined as land owned by a community and used or managed in accordance with customary practices and norms, and may include, but is not limited to: wetlands, communal forestlands, and fallow lands. Customary Land rights, including the rights of ownership, use or management, are equally protected as Private Land rights, whether or not the community has self-identified, established a legal entity, or been issued a deed in accordance with the below recommendations.” (6.2.1)
Customary Land: Boundaries	Boundaries should be decided by inclusive, inter-community dialogue	Grand Cape Mount, Bomi, Gbarpolu	“The boundaries of a community’s Customary Land will be determined through active participation by the community and neighboring communities, including: elders, chiefs, youth, women, minorities, and local authorities.” (6.5.1)
	Boundaries should be decided by traditional leaders	Gbarpolu	



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	Boundaries should be decided by government	Grand Kru	
Customary Land: Community Representatives	Community representatives should be elected/selected, with women and youth	Grand Cape Mount, Bomi, Gbarpolu, Urban and Rural Montserrado, Margibi, Maryland, Women and Youth of Grand Kru, RiverGee, Maryland, Youth of Grand Bassa, Margibi, Rural Montserrado, Rivercess	“Management authority over Customary Land will be vested in community members and their representatives. Community representatives must be selected in a manner that is fully representative and accountable to all community members, including women, youth, and minorities.” (6.4.1)
Customary Land: Customary Protected Areas	Need more detail on the criteria for Customary Protected Areas	Youth/Students	“Customary Land includes Customary Protected Areas which are owned by the community and must be conserved and managed by the community for the benefit of the community and all Liberians. Customary Protected Areas may be established by the Government upon request of the community or on initiative of the Government in collaboration with the community. Customary Protected Areas may include, but are not limited to: wetlands, major water sources, forest set aside by a community for eco-tourism, areas used by secret societies, and land upon which is located a sacred plant, tree, or other object with special ancestral significance.” (6.2.5)
	Customary Protected Areas should be jointly managed by community and government	Grand Cape Mount, Bomi, Gbarpolu, Youth/Students	
Customary Land: Definition of Community	Define community based on living together even if different backgrounds	Women of Grand Cape Mount, Bong, and Gbarpolu	<p>A community is a self-identifying group that uses and manages its land in accordance with customary practices and norms.” (6.2.3)</p> <p>“Each community will be responsible for identifying its own membership in accordance with a process that is fully representative and accountable to all community members, including women, youth, and minorities.” (6.2.4)</p> <p>“<u>Minimal Impact</u>: National policy and laws will have as minimal an impact on the customary practices and norms of communities as is consistent with the requirements of the Constitution, sound policy, shared responsibilities between the Government and communities, and Liberia’s international legal obligations, including women’s land rights.” (6.1.3)</p> <p>“<u>Integration</u>: Customary practices and norms not in conflict with national land laws, the Constitution, and international legal obligations, including women’s land rights, will be integrated into the national formal legal framework.” (6.1.4)</p>
	Define community as village, town, clan, and chiefdom	Gbarpolu	
	Community membership should require minimum residency/how long they have lived in the area	Grand Cape Mount, Women of Bomi, Gbarpolu, Grand Cape Mount, Youth/Students	



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	Define community based not on custom but on national laws, international standards	Women of Margibi, Rivercess, Grand Bassa, Rural Montserrado, Grand Kru, River Gee, Maryland, Youth/Students	
Customary Land: Women's Land Rights	Need to clearly specify women's land rights	Urban Montserrado, RiverGee, Grand Gedeh, Sinoe, Bong, Lofa, Nimba, Women of Lofa, Bong, Nimba, Margibi, Rivercess, Grand Bassa, Rural Montserrado, Sinoe, Grand Gedeh	“ <i>Equal Protection</i> . The Constitution guarantees that “all persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual,” including land rights. . . . Moreover, women’s land rights are often less protected than those of men. This policy aims to give equal protection to the land rights of men and women.” (2.5)
	Women should have equal rights to own customary land	Maryland, Nimba	“ <i>Minimal Impact</i> : National policy and laws will have as minimal an impact on the customary practices and norms of communities as is consistent with the requirements of the Constitution . . . Liberia’s international legal obligations, including women’s land rights.” (6.1.3)
	Need to exclude customary norms that prevent youth from having land	Youth of Nimba, Lofa, and Bong	“ <i>Integration</i> : Customary practices and norms not in conflict with national land laws, the Constitution, and international legal obligations, including women’s land rights, will be integrated into the national formal legal framework.” (6.1.4) “The Customary Land rights of groups, families, and individuals within the community will be decided by the community in a way that is fully representative and accountable to all community members, including women, youth, and minorities.” (6.3.3)
Customary Land: Community Legal Entity	Agree with creation of community legal entity	Gbarpolu, Bong, Lofa, Nimba, Women and Youth of Grand Cape Mount, Bomi, & Gbarpolu, Business Community	“Community ownership of Customary Land will be formalized by the issuance of a deed to a legal entity, bearing the name of the community. The name of the community will be decided by a process that is fully representative and accountable to all community members, including women, youth, and minorities. The community, as a legal entity, will have legal personality



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	Community name should appear on deed, but not individual names	Grand Cape Mount, Bomi, Gbarpolu, Urban Montserrado, Grand Bassa	and may therefore enter into contracts, own land, and participate in court actions or proceedings before alternative dispute resolution bodies.” (6.3.1)
Customary Land: Decision-Making Process	Decision-making process regarding transfers should involve entire community	Grand Cape Mount, Bomi, Urban Montserrado, Women and Youth of Grand Cape Mount, Bomi, Gbarpolu, Grand Kru, River Gee, Maryland	<p>“The deed will provide for private ownership by the community, so long as any decisions regarding management, use, and transfer are fully representative and accountable to all community members, including women, youth, and minorities. Any decision or action that contravenes this rule is prohibited.” (6.3.1)</p> <p>“The Customary Land rights of groups, families, and individuals within the community will be decided by the community in a way that is fully representative and accountable to all community members, including women, youth, and minorities.” (6.3.3)</p> <p>“Decisions regarding formal transfer of Customary Land to community members or non-members, including sales, leases, concessions, commercial use rights, or any other formal transfer, must be made in a manner that is fully representative and accountable to all community members, including women, youth, and minorities.” (6.4.2)</p>
Customary Land: Sales and other Transfers	Customary Land sales should be to community members	Grand Cape Mount, Women of Grand Cape Mount, Bomi, Gbarpolu	<p>“Management authority includes, but is not limited to: sales, leases, or the granting of commercial use rights to individuals, families, or groups within the community or outside the community; allocation of customary land rights to community members and non-members; and access to and use of land and natural resources as commons.” (6.4.1)</p> <p>“formal transfers are barred until the community has self-defined, been issued a deed, and established a legal entity in accordance with this Policy. Any decision or action that contravenes this rule is prohibited.” (6.4.2)</p>
Customary Land should never be sold, only leased	Maryland, Civil Society		
Outsiders should only be allowed to lease	Urban Montserrado, Women of Grand Cape Mount, Bomi, Gbarpolu		
Sales to outsiders should be allowed	Grand Cape Mount, Gbarpolu, Urban Montserrado, Liberian Lawyers		
Customary Land should not be sold but leased to concessionaires	Maryland, Sinoe, Large Landowners/Concessionaires		



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Customary Land: Inheritance	Add inheritance to bundle of rights under Customary Land	Urban Montserrado	“Ownership of Customary Land is equally protected as private ownership, such that the community and its members, groups, families, and individuals within the community are entitled to the full bundle of land rights. These rights include, but are not limited to, the right to: exclude all others, use and possession, own natural resources on the land (e.g. forests), and to transfer all or some of the rights through sale, lease, concession, gift, donation, will, or any other lawful means consistent with this Policy and the community’s customary norms and practices.” (6.2.2)
Customary Land: Capacity Building	Not sufficient provision for community capacity to organize and administer their customary land	Civil Society, Large Landowners/Concessionaires	“The Government, with the consent and cooperation of communities, will provide sufficient resources and undertake the necessary activities to support communities in self-defining, obtaining deeds for their Customary Land, establishing the community as a legal entity, determining community boundaries, and ensuring community governance and management consistent with this Policy.” (6.6.1)
Customary Land: Reserves for Use as Public Land	Should provide for communities to reserve portion of customary land as public land	Small Business	<p>“Private Land and Customary Land may be donated to the Government as Government Land for a specific public purpose, including, but not limited to: housing, schools, hospitals or clinics, and roads.” (5.3.2.1)</p> <p>“If the land is not used for the specific public purpose for which it was donated within five (5) years of the donation, the previous owner or his/her heir(s) will have the right of reacquire the land without payment of compensation to the Government. The Government must make a good faith effort to locate the previous owner or his/her heir(s).” (5.3.2.2)</p>
Private Land: Private Protected Areas	Transfer of Private Protected Areas should not be restricted	Youth of Margibi, Rivercess, Grand Bassa, Rural Montserrado, Youth/Students	“Private Land may be designated by the Government as a Private Protected Area in accordance with due process of law because of its significant historical, cultural, or ecological value. In the case of Private Protected Areas the full bundle of rights is limited because: the land must be conserved and managed for the benefit of all Liberians; and all or some of the rights may be transferred only if the transfer is consistent with the land’s conservation and management for the benefit of all Liberians. Some examples are buildings from the Nineteenth Century, such as churches or former government buildings.” (7.1.2)
	Private Protected Areas should not be used for the benefit of all Liberians, because it is privately owned	Large Landowners/Concessionaires	
Concessions: Community Participation/Benefits	All community members should be involved in the concession process	Rural Montserrado, Margibi, Grand Bassa, Lofa, Nimba, Youth of Grand Cape Mount, Bomi, Gbarpolu	“Ownership of Customary Land includes ownership of natural resources on the land, such as forests, including carbon credits, and water. In accordance with the Constitution, the Government has exclusive ownership rights over “any mineral resources on or beneath any land or . . . any lands under the seas and waterways.” The Government will have authority to regulate natural resource use and access, consistent with customary ownership rights and legal due process.” (6.3.2)
	Concession process should involve traditional people	RiverGee	



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	Communities should be shareholders in concessions	Bomi, Gbarpolu, Grand Bassa, Rivercess, Maryland, RiverGee, Sinoe, Women of Grand Cape Mount, Bomi, Gbarpolu	
	Community should receive benefits from resources extracted on their land	Gbarpolu, Urban Montserrado, Rivercess, Grand Gedeh, Sinoe, Bong, Lofa, Nimba, Women and Youth of Lofa, Bong, Nimba, Civil Society	
Concessions: Government's Role	Government should approve and monitor all concessions on Customary Land	Grand Cape Mount, Women of Grand Cape Mount, Bomi, Gbarpolu	"The Government is responsible for managing concessions on Customary Land in the public interest and in a manner that fully recognizes and protects the Customary Land rights of communities." (6.2.2)
Wetlands: As Government/Public Land	Government should not sell wetlands	Urban Montserrado	"Government Protected Areas include, but are not limited to: wetlands, national parks, such as Sapo National Park; and lands on which are located national monuments or memorials." (5.1.4)
	Government should acquire undeveloped wetlands	Urban Montserrado	
Wetlands: As Customary Land	Government should regulate all wetlands even if owned by communities, in collaboration with communities	Women of Margibi, Rivercess, Grand Bassa, Rural Montserrado, Grand Kru, River Gee, Maryland, Sinoe, Grand Gedeh, Youth of Margibi, Rivercess, Grand Bassa, Rural Montserrado, Sinoe, Grand Gedeh	"Customary Land, whether or not the community has self-identified, established a legal entity, or been issued a deed, is defined as land owned by a community and used or managed in accordance with customary practices and norms, and may include, but is not limited to: wetlands, communal forestlands, and fallow lands." (6.2.1) "Customary Protected Areas may include, but are not limited to: wetlands . . ." (6.2.5)
	Wetlands should be included as part of customary land	Youth of Grand Kru, River Gee, Maryland, Lofa, Bong, Nimba	"The Government is responsible for administering and managing land within the territory of Liberia in the public interest." (4.1)



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Adverse Possession	Adverse possession of 20 years should be allowed except if armed conflict, etc.	Urban Montserrado	<p>“Adverse possession is a legal basis for bringing a claim in court to assert ownership over Private Land or Customary Land if an individual has been openly and continuously in possession of the land for at least twenty years and an individual or private entity, including a community, failed to take any steps to protect their otherwise lawful ownership interest within the twenty year period.” (7.9.1)</p> <p>“Adverse possession may be challenged if an individual or private entity, including a community, proves they failed to take any steps to protect their lawful ownership interest because of an armed conflict or genuine fear of severe injury or loss of life.” (7.9.2)</p> <p>“Adverse Possession is prohibited on Government Land and Public Land.” (7.9.3)</p>
Squatters	Squatter on land owned by another should be compensated for improvements	Urban and Rural Montserrado, Maryland, Grand Bassa	<p>“Along with its policy and legal reform work through the cluster process, the Land Commission, in cooperation with relevant Government institutions and donor partners, is undertaking studies of the most complex and pressing issues facing the land sector. Fundamentally, these issues relate to land rights, for example: who has legal authority to grant concessions (individuals, communities, or groups), who is entitled to land rights, and what is the nature of these rights. All of these issues require, in line with the above principles, data collection and analyses prior to recommending needed reforms. When the studies are completed policies and laws will be proposed that respond to the realities of the Liberian context, balance competing interests, strengthen the rule of law, and further Liberia’s development goals.” (Background)</p>
	Need to address squatters in the policy	Business Community	
Eminent Domain: Fair Market Value	Government should pay fair market value	Urban Montserrado	<p>“The valuation of just compensation must be based on the land’s fair market value assuming a willing buyer and a willing seller and excluding any changes in value as a result of the decision to expropriate. In addition, just compensation must include temporary costs reasonably incurred by the landowner as a direct result of the expropriation, including, but not limited to: legal fees; and relocation costs, such as transportation to new land and compensation and projects to restore the natural resources and economic base of those relocated.” (5.3.1.8)</p>
Eminent Domain: Public Purpose	“other public purposes” needs to be defined more clearly	Urban Montserrado	<p>“In the context of the Government’s exercise of its eminent domain power, ‘public purpose’ means a purpose beneficial to the public but for which no private entity has been willing to use its resources.” (5.3.1.4)</p>



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