

1<sup>ST</sup>  
EDITION  
2019

# WHAT COMMUNITIES SHOULD KNOW ABOUT **LIBERIA'S LAND RIGHTS LAW**

GETTING THE BASICS RIGHT



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# INTRODUCTION

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This information booklet focuses on selected provisions of the Liberian Land Rights Law. It explains the law on land ownership in general but focuses on Customary Land and key questions related to Customary Land Rights. The booklet is in simple English. It is to be used for awareness about the Land Rights Law across Liberia.

**This booklet will be updated when the additional regulations being developed are finalized and adopted.**

This booklet is structured in **FIVE** parts.

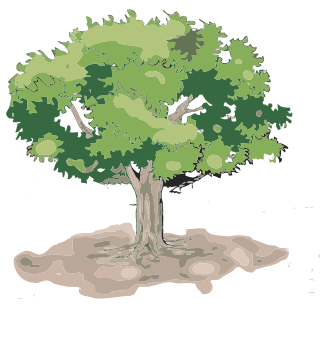
**PART 1** introduces the Land Rights Law & provides an overview of the scope; **(page 4)**;

**PART 2** deals with Customary Land & Ownership of Customary Land **(page 8)**;

**PART 3** deals with Tribal Certificate, Government Land & Public Land **(page 20)**;

**PART 4** deals with Protected Areas **(page 24)**;

**PART 5** deals with Women Land Rights **(page 26)**



# PART 1

## THE LAND RIGHTS LAW & LAND OWNERSHIP

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# THE LAND RIGHTS LAW & LAND OWNERSHIP

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## 1. WHEN WAS THE LAND RIGHTS BILL PASSED INTO LAW?

- ◆ The Land Rights Law, also called the Land Rights Act or LRA in short, was passed by members of the National Legislature on August 23, 2018.
- ◆ The President of Liberia signed this law on September 19, 2018. The law was printed into handbills on October 10, 2018.
- ◆ The law covers all land in Liberia including:
  - a) Private Land;
  - b) Public Land;
  - c) Government Land; and
  - d) Customary Land.
- ◆ The Liberia Land Authority, also called LLA, has the power to come up with rules necessary for carrying out this law.

## 2. WHICH LAND IS CALLED PRIVATE LAND?

- ◆ Private Land means land that is owned or otherwise held by private person or persons.

## 3. WHICH LAND IS CALLED GOVERNMENT LAND?

- ◆ Government Land means land owned by the Government including land used by government buildings, such as government offices, government schools and government hospitals. The land the government roads pass on is also Government Land.

# THE LAND RIGHTS LAW & LAND OWNERSHIP

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## 4. WHICH LAND IS CALLED CUSTOMARY LAND?

- ◆ Customary Land means land owned by a Community and used or managed according to the customs and tradition. Customary Land includes, but is not limited to residential land, farmland, communal forestlands, and fallow lands.

## 5. WHICH LAND IS CALLED PUBLIC LAND?

- ◆ Public Land means land that is not Private Land, or Customary Land, or Government Land.

## 6. WHAT IS THE ROLE OF THE LIBERIA LAND AUTHORITY IN LAND MATTERS?

- ◆ The Liberia Land Authority, also called LLA, has the power to come up with rules necessary for carrying out this law.



## 7. WHO HAS THE RIGHT TO OWN LAND IN LIBERIA?

- ◆ Every Liberian citizen, including men, women and youth, has the right to own land in Liberia. Any Liberian from any county, tribe or religion can own land in Liberia.
- ◆ One person can own land. Two or more persons can also own land together.
- ◆ A whole community or clan or chiefdom can own land also.
- ◆ The government can also own land.

## 8. CAN NON-LIBERIANS OWN LAND?

- ◆ Yes. Non-Liberians that are missionaries, educational institutions and other charity organizations can also own land to build schools, hospitals and to carry out other development activities. But, they can only continue to keep that land or use that land for the purpose it was given to them.
- ◆ Land given to non-Liberians that are missionaries, educational institutions and other charity organizations will go back to the original owners if the Liberia Land Authority finds out that they are no longer using the land for the purpose it was given to them or the purpose has changed.

## 9. WHAT ABOUT COMPANIES? CAN A COMPANY OWN LAND?

- ◆ Yes. A company owned by Liberians 100% can also own land.

## 10. WHAT ARE THE BENEFITS OF LAND OWNERSHIP?

- ◆ Land ownership gives different rights to the landowner. These rights together are called bundle of rights. The bundle of rights includes four important things for the Land Owner. They include:
  - a) The right to possess or hold on to that piece of land;
  - b) The right to use that piece of land;
  - c) The right to include or exclude other people from their land; and
  - d) The right to transfer or give all or some of their land to another person by sale, lease, gift or otherwise.
- ◆ BUT, mineral resources on the land and under the land are not for the landowner but for the government.

## **11. HOW CAN YOU PROVE THAT YOU OWN A PIECE OF LAND? WHAT DOES THE LAW ACCEPT AS PROOF OF OWNERSHIP TO LAND?**

- ◆ To prove that you own a Private Land, you must show a deed that is signed and stamped by the judge of a Magisterial or Probate Court in the county where the land is located.
- ◆ But, whether a community has a deed or not, the government still recognizes them as owners. The people living around them just need to testify that the people in the community have been living on the land and using it for a very long time; that is from the time their grand fathers and grand mothers were living.
- ◆ When a community owns Customary Land, all of the members of that community together are the owners of that land.

## **12. WHAT ARE SOME OF THE RESPONSIBILITIES OF A LAND OWNER?**

- ◆ Every owner of a private land is responsible to do the following:
  - a) Register their land with the Liberia Land Authority.
  - b) Keep and maintain current record of their ownership.
  - c) Pay taxes on the land.
  - d) Comply with land use planning regulations.
  - e) Avoid selling land to foreigners. It is illegal to sell land to foreigners.



### 13. HOW LONG CAN YOU OWN YOUR LAND?

- ◆ Ownership of private land is forever.
- ◆ But, you can lose your ownership or title to the land if you do any of the following:
  - a) Abandon the land for a continuous period of 10 years.
  - b) Your relative(s) fail to claim it when you die.
  - c) You lose your citizenship.
  - d) The government can decide that it wants to use the land for something very important and for the benefit of the whole county. In that case, the government can take the land.

### 14. WHO CAN DECIDE THAT I HAVE ABANDONED MY LAND?

- ◆ Only the court can say that you have abandoned your land. But the court can only do this in line with the law.

### 15. CAN COMMUNITY PEOPLE LOSE THEIR CUSTOMARY LAND BECAUSE THEY ABANDONED IT?

- ◆ No. Only Private Land can be abandoned. Customary Land, Public Land and Government Land cannot be affected by abandonment.



# PART 2

## **CUSTOMARY LAND & OWNERSHIP OF CUSTOMARY LAND**

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# CUSTOMARY LAND & OWNERSHIP OF CUSTOMARY LAND

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## 1. WHAT IS CUSTOMARY LAND?

- ◆ Customary Land is any land owned by a community based on customs, norms, oral testimony over a long period of time; at least 50 years.
- ◆ Customary Land is recognized as a type of land ownership in the Land Rights Law, that is the new land law.

## 2. CUSTOMARY LAND AND PRIVATE LAND, WHICH ONE HAS MORE PROTECTION?

- ◆ Customary Land belonging to a community has equal protection as Private Land or any other land. The law protects Customary Land just as it protects Private Land and Government Land also.

## 3. SO, WHAT HAPPENS TO CONCESSIONS THAT WERE GRANTED ON CUSTOMARY LAND?

- ◆ All concessions granted on Customary Land before the signing of this law remains valid for the agreed period. But, during any review, the Community Land Development and Management Committee, also called the CLDMC, shall participate to represent the views and interests of the community.
- ◆ When the concession agreement expires, the land goes back to the community.
- ◆ After concession agreements expire, concession companies can renegotiate with the communities for further operations on the customary land.

## **CUSTOMARY LAND & OWNERSHIP OF CUSTOMARY LAND**

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### **4. CAN A PRIVATE LAND EXIST WITHIN A CUSTOMARY LAND AREA?**

- ◆ Yes. Private Land can exist within Customary Land area. Any Private Land that was acquired legally and lawfully before the passage of the LRA remains a Private Land.
- ◆ A community and its members must respected Private Land ownership. Private Land owners must also respect the Customary Land ownership of a community and its members.



### **5. WHAT ARE THE DIFFERENT WAYS IN WHICH A COMMUNITY CAN PROOF OWNERSHIP OF CUSTOMARY LAND?**

- ◆ A community can proof ownership of Customary Land through one of the following means:
  - a) By going through the steps described in the Land Rights Law.
  - b) By showing an Aboriginal Deed that it got before the Land Rights Law was passed.
  - c) If the members of the communities can testify that they have been living on the land and using it for 50 years or more or their forefathers lived on the land and used it before passing it to them.
  - d) If the neighbors of the community can testify that the people have been living on the land and using it for 50 years or more or that their forefathers were living on the land and using it before passing it to them.

## 6. WHAT ARE THE RIGHTS OF CUSTOMARY LAND-OWNING COMMUNITIES?

- ◆ The important rights that comes with ownership of Customary Land include:
  - a) The right to own or have and use the land and other resources on the land, except minerals.
  - b) The right to manage and improve the land, example, planting crops, building schools and clinics.
  - c) The right to exclude others, that is non-Liberians and non-community members.
  - d) The right to transfer portions of the land.
- ◆ The use of customary land by a third party or non-community member requires the Free, Prior and Informed Consent (FPIC) of the community. This means, for anyone from outside the community including NGOs, government, company to use part of Customary Land, the community must agree first.

## 7. WHAT ARE SOME OF THE RESPONSIBILITIES OF CUSTOMARY LAND-OWNING COMMUNITIES?

- ◆ Each community is required to do several things in order for them to exercise all the rights, privileges and responsibilities under the law.
- ◆ For example, each community is required to define the area of its Customary Land in keeping with customs, oral or written history and local norms.
- ◆ Each community shall identify its members. All members shall have equal rights to the use and management of the land whether man, woman or youth - regardless of age, ethnicity, religion and disability.
- ◆ A community cannot sell or permanently give out Customary Land to a private person until after 50 years of the passage of this law.

**CUSTOMARY LAND & OWNERSHIP  
OF CUSTOMARY LAND**

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## 8. HOW WILL COMMUNITY MEMBERS GET LAND FOR BUILDING THEIR OWN HOUSE?

- ◆ Each community member can own a Residential Area or place where he or she can build his or her own house. The community shall not deprive a community member of their Residential Area.
- ◆ The law protects the land that each community member gets as Residential Area just as Private Land.
- ◆ Residential Area can be leased or mortgaged but cannot be sold until the Community Land Development and Management Committee is established and by-laws for community land management and development are adopted.

## 9. WHO CAN MAKE DECISION ABOUT OR MANAGE CUSTOMARY LAND?

- ◆ The highest decision-making body concerning Customary Land shall be the community members when they come together as the Community Assembly.
- ◆ Each community shall establish its own Community Land Development and Management Committee or CLDMC to govern and manage their land. The community shall draft by-laws for the management of the CLDMC.
- ◆ Each community shall also draft by-laws for the management of their land and natural resources or how they will look after their land and resources together.
- ◆ Each community shall develop processes for non-community members to become community members.



## **CUSTOMARY LAND & OWNERSHIP OF CUSTOMARY LAND**

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### **10. WHO WILL BE ON THE CLDMC? HOW WILL THE COMMUNITY PAY THE PEOPLE ON THE CLDMC?**

- ◆ The members of the community will elect the members of the CLDMC. But, the CLDMC shall have equal representation of men, women and youth.
- ◆ The members of the CLDMC shall do their work without pay.
- ◆ If the CLDMC is not established yet, the elders, chiefs, traditional leaders, women and youth shall be responsible to manage and develop Customary Land.

### **11. CAN A COMMUNITY GET A DEED FOR ITS CUSTOMARY LAND?**

- ◆ Yes. If a community wants a deed for its Customary Land it can get it.
- ◆ The LLA shall issue a Statutory Deed after the community has done the things the law says.

### **12. SO WHAT DOES A COMMUNITY HAVE TO DO TO GET A DEED FOR ITS CUSTOMARY LAND?**

- ◆ To get a deed for its Customary Land a community shall do the following things:

#### **a) Community Self Identification**

The first thing is for the Community to show itself or Self-Identify. This means the people in one or more towns, the people in one or more Sections, the people in one or more Clans or even the people in one or more Chiefdoms come together and say we are one people and we want to own our land together.

But they will have to show that they have been living together before and in peace for many years and they do many traditional or customary things together.



When these people come together, they have the right to say this is our community land area. Also, when they come together they have the rights and responsibilities to identify the members of their community.

**b) Participatory Mapping**

Another thing they have to do is called Participatory Mapping. This means they have to come together and show the land, mountains or hills, forest, rivers and creeks that their fathers and their fathers before them used way back. When they do this, they should also show all their boundaries and their neighbors.

When they come together to do this, men, women and youths should be fully and equally involved.

**c) Boundary Harmonization**

Another thing the community has to do is called Boundary Harmonization. This means the people in the community will come together with their neighbors or the other people living around them to agree on the boundaries between their communities.

When they agree on the boundaries then they have to mark the boundaries or areas so everybody knows that those are their boundaries.

**d) Development of By-laws**

One other thing is they then have to make their own laws or write down the laws they have about how to manage or make decisions about their land. This is called development of By-laws.

Each community shall create by-laws for the management of their land and natural resources and the governance of the CLDMC. Everybody, women, young people and men should all be involved in making the law.

**e) Establishment of CLDMC**

When they finished making their own land law, then they will elect people to serve on their community land committee called the CLDMC. These people will be in front of the community land business.

## **CUSTOMARY LAND & OWNERSHIP OF CUSTOMARY LAND**

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### **f) Confirmatory Survey and Registration**

After the community does all the other things, the LLA will come in and survey their land and register it. This final step is called the Confirmatory Survey and Registration.

### **g) During the Confirmatory Survey**

The LLA will be trying to know the exact size of the community land area, the location, and the boundaries of each community land and put it on paper.

### **h) After the LLA finish the Confirmatory Survey**

Depending on the amount of land available, 10% of Customary Land in every community shall be set-aside as Public Land. Land set aside as Public Land shall no longer be Customary Land but rather Public Land.

## **13. IS THAT ALL A COMMUNITY NEEDS TO DO?**

- ◆ Yes, that is all the community needs to do get deed for its land.
- ◆ But, before you can give any of the community land out, for example for lease or rent, the community has to do one last thing. The community has to prepare something called Land Use Plan and management plan for its land.

## **14. WHAT DOES A LAND USE PLAN INCLUDE?**

- ◆ In the land use plan, the community will show where it wants to use for farming, where it wants to keep as forest, where it wants to build school or clinic in the future, where it wants to build roads and bridges, and where it wants to give to business people that want bring company in their area.

## 15. HOW WILL COMMUNITIES DECIDE WHICH LAND TO USE FOR WHAT?

- ◆ Each community will divide its land into different groups including residential area, agricultural area, commercial area, industrial and mining area, cultural shrines and heritage sites, protected areas, forestland, etc.
- ◆ These different groups shall be based on customary practices, extended period of use and agreement reached by the community members.



# PART 3

## TRIBAL CERTIFICATES, GOVERNMENT LAND & PUBLIC LAND

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# TRIBAL CERTIFICATES, GOVERNMENT LAND & PUBLIC LAND

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## 1. WHAT WILL HAPPEN TO TRIBAL CERTIFICATES?

- ◆ The LLA will record all Tribal Certificates. The LLA will then check to make sure that all Tribal Certificates are real or true. The community will also be involved in the process.
- ◆ The LLA will provide enough information to people having real or true Tribal Certificate to help them complete the required steps to get their Public Land sale deed.

## 2. WHAT HAPPENS IF I AM UNABLE TO PROCESS MY TRIBAL CERTIFICATE INTO DEED?

- ◆ People with real or true Tribal Certificate have 2 years, after the LLA has developed the processes, to finalize and complete the steps to obtain a Public Land Sale Deed.
- ◆ If the holder of a real or true Tribal Certificate does not complete the process to get their Public Land Sale Deed within the 2 years after the processes have been developed, they will lose their land and the land will go back to the community and become customary land.

## 3. WHAT HAPPENS AFTER THE LLA HAS CHECKED YOUR TRIBAL CERTIFICATE?

- ◆ The Tribal Certificate holder shall be given 100% of the land they have already developed or done something on before the Land Rights Law was passed. This means: (1) land that you have planted life-trees or other crops on; (2) land that you have built a house on; (3) land that you are using for making rice farm on; (4) land that you are making garden on; or (5) land that you are doing something on or have done something on will remain with the Tribal Certificate holder.
- ◆ The land the Tribal Certificate holder has not done anything on will be negotiated between the community and Tribal Certificate holder.

## **TRIBAL CERTIFICATES, GOVERNMENT LAND & PUBLIC LAND**

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### **4. WHICH LAND IS GOVERNMENT LAND?**

- ◆ Government Land is any land owned and/or used by the government for its offices or other activities. Examples of Government Land are:
  - a) Land where the government has built hospitals and health centers and schools across the country.
  - b) Land where the government has built military barracks.
  - c) Land that the government bought before for different reasons.

### **5. WHO CONTROLS OR MANAGES GOVERNMENT LAND?**

- ◆ Both Government Land and Public Land are managed by the government to benefit all Liberians.
- ◆ Within 3 years of the signing of the law (October 10, 2018), the government will locate or find and register all Government Land in the country.
- ◆ When it becomes necessary, the government will work with the people to agree on the boundaries between every Government Land and any other land.

### **6. WHICH LAND IS PUBLIC LAND?**

- ◆ Public Land are all land acquired by the government through one of the following means:
  - a) Purchase. The government bought the land and set it aside as Public Land.
  - b) Confiscation. The government legally took the land by force and set it aside as Public Land.

- c) Escheat The land does not have owner because the first owner died without giving it to his or her children.
- d) Gift or otherwise: someone gave the land free-of-charge to the government.
- e) After the survey of each community land, the 10% that the community and the government will set aside as Public Land.

## 7. WHO MANAGES OR USE PUBLIC LAND?

- ◆ The government will have a public record of all Public Land. Public Land may or may not be used presently by the government.
- ◆ Any Liberian citizen can buy Public Land from the government and it shall become their private land. The LLA will set procedures in place for buying Public Land.



# PART 4

## **PROTECTED AREAS**

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# PROTECTED AREAS

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## 1. WHICH LANDS ARE CALLED PROTECTED AREAS?

- ◆ Protected Areas are land set aside by government for restricted uses such as National Parks or Straight Nature Reserves for Conservation Purposes.
- ◆ The government may create Protected Areas on any land. This means government may create Protected Area on Private Land, or on Government Land, or on Public Land or on Customary Land.
- ◆ Protected Areas shall be managed in accordance with the National Forestry Reform Law.

## 2. HOW CAN GOVERNMENT CREATE PROTECTED AREAS ON CUSTOMARY LAND?

- ◆ In Customary communities, the government can set aside land as Protected Areas through one of the following means:
  - a) At the request of the community;
  - b) Upon request of the government; or
  - c) Through something they call eminent domain. This means the government can use the law to create the Protected Area, even if the community or landowner says no.

## **PROTECTED AREAS**

### **3. WHO OWNS OR CAN MANAGE THE PROTECTED AREA ON CUSTOMARY LAND?**

- ◆ Protected Areas in customary land is owned and managed by the community. The government will help the communities to come together and train them to manage their Protected Areas.
- ◆ Cultural shrines/Heritage Sites shall enjoy same protection as Protected Areas.

### **4. CAN PROTECTED AREAS BE SOLD?**

- ◆ No. Protected Areas cannot be sold, leased or granted as a concession. Community members can only have limited use for of Protected Areas for livelihood activities.





# PART 5

## WOMEN LAND RIGHTS



# WOMEN LAND RIGHTS

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## 1. CAN WOMEN BE INVOLVED IN LAND MATTERS?

- ◆ Yes. All Community Land Management and Development Committees shall have equal representation of men, women and youth.
- ◆ Community members will now make all decisions about Customary Land together and must include women and youth.

## 2. DOES THIS MEAN WOMEN BE INVOLVED IN DECISION-MAKING ABOUT LAND?

- ◆ Yes. Women shall now equally participate in community decisions about land. This includes decisions about developing or managing land in their communities.

## 3. DO WOMEN HAVE RIGHTS OVER LAND?

- ◆ Women are also citizens of Liberia. Therefore, they have the right to own land just like men. Women have the right to a share in their father or mother's land. This is to say women can own land and women can be or become landlords.

## 4. CAN WOMEN OWN LAND BY THEMSELVES?

- ◆ Yes, women can own land by themselves, Women can also own land along with others such as their husbands, brothers and sisters.

## **5. DO WOMEN HAVE RIGHT TO OWN LAND IN THE COMMUNITY?**

- ◆ Yes, women as residents of a community are entitled to a Residential Area within customary land. This means, Residential Area can be deeded in a woman's own name.
- ◆ When women own land in their own name that land will have the same protection as any other Private Land.

## **6. CAN WOMEN HAVE RIGHT OVER THEIR LATE HUSBAND LAND?**

- ◆ Women can have control over the properties of their family members who have passed away. This includes their husbands, parents, brothers and sisters.

## **7. WHAT ABOUT WOMEN WHO CAME INTO THEIR HUSBAND COMMUNITY TO MARRY - DO THEY HAVE RIGHT OVER LAND IN THAT COMMUNITY TOO?**

- ◆ Yes, the husbands and wives of residents of a community are considered Community Members. They also are entitled to the same rights and privileges as any other community member. Also, women who live in a community for at least seven years are not strangers anymore. They have the same rights like any other community member or women that were born in that community.

## 8. DOES THIS MEAN THE LAW PROTECTS WOMEN TOO?

- ◆ As citizens, women who are members of a community, irrespective of age or status, have equal protection under the law.

## 9. WHAT ABOUT BENEFITS – DO WOMEN HAVE SHARES IN COMMUNITY BENEFITS FROM LAND?

- ◆ As citizens of Liberia and community members, women are entitled to fair share from any benefit that comes to the community. For example, if the community benefits from lease or rent the land the women also have right to a fair share of the benefits from the rent or lease.





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**Liberia Land Authority (LLA)** The LLA was established by an act of Legislature on October 5, 2016 under the laws of the Republic of Liberia. The primary mandate of the LLA is to develop policies on a continuous basis, undertake actions and implement programs in support of land governance, including land administration and management.