

**LIBERIA**

# **Country Assessment Report**

**Land for Life – An initiative to foster multi-actor-dialogue on land governance and responsible agricultural investments**

Funded by:  
**BMZ and Welthungerhilfe**

Commissioned by:  
**Rights and Rice Foundation with support from  
Welthungerhilfe**

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November 2018

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## ABBREVIATIONS

ABBREVIATIONS	DESCRIPTIONS
<b>ADR</b>	Alternative Dispute Resolution
<b>CARI</b>	Central Agricultural Research Institute
<b>CEDAW</b>	Convention for the Elimination of All Forms of Discrimination against Women
<b>CNDRA</b>	Center for National Documents and Records Agency
<b>CSOs</b>	Civil Society Organizations
<b>DEN-L</b>	Development Education Network-Liberia
<b>DLSC</b>	Department for Lands, Surveys and Cartography
<b>EC</b>	European Commission
<b>FAO</b>	Food and Agricultural Organization
<b>FAPS</b>	Food and Nutritional Policy and Strategy
<b>FCI</b>	Foundation for Community Initiatives
<b>FDA</b>	Forestry Development Authority
<b>FPIC</b>	Free Prior Informed Consent
<b>FUN</b>	Farmers Union Network
<b>GDP</b>	Gross Domestic Product
<b>GIZ</b>	German Technical Cooperation
<b>GVL</b>	Golden Veroleum Liberia
<b>INGO</b>	International Non-Government Organization
<b>LATA</b>	Liberia Agricultural Transformation Agenda
<b>LGSA</b>	Land Governance Support Activity
<b>LIS</b>	Land Information System
<b>LLA</b>	Liberia Land Authority
<b>LLC</b>	Liberia Land Commission
<b>LRA</b>	Land Rights Act
<b>LRSD</b>	Land Rights for Sustainable Development
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MAP</b>	Multi Actor Partnerships
<b>MDAs</b>	Mineral Development Agreements
<b>MME</b>	Ministry of Mines and Energy
<b>MOA</b>	Ministry of Agriculture
<b>NBC</b>	National Bureau of Concessions
<b>NFSNS</b>	National Food Security and Nutritional Strategy
<b>NGP</b>	National Gender Policy
<b>PIU</b>	Project Implementation Unit
<b>RRF</b>	Rights & Rice Foundation
<b>SDI</b>	Sustainable Development Institute
<b>SIDA</b>	Swedish International Development Cooperation Agency
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNICEF</b>	United Nations Children Fund
<b>USAID</b>	United States Agency for International Development
<b>VGGT</b>	Voluntary Guidelines on The Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
<b>VPA</b>	Voluntary Partnership Agreement
<b>WHH</b>	Welthungerhilfe
<b>WONGOSOL</b>	Women NGO Secretariat of Liberia

## PREFACE

- LfL initiative; Purpose of the CA; Methodology; Acknowledgments (1 page)

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## EXECUTIVE SUMMARY

### Objective, Purpose and Use of the Country Assessments

The objective of the country assessment is to describe and analyze the national land governance context for the implementation of the “Land for Life” initiative for the purposes of a) providing the project team of each of the four countries involved, with the background information needed to facilitate the initiative in an informed and timely manner, b) capturing baseline data for impact analysis on perceptions of stakeholders regarding MAP, and attitude towards inter-agency collaboration and land reform processes, c) building resonance for the “Land for Life” initiative by involving all relevant stakeholders in the elaboration and validation process, d) providing an opportunity and a means to establish a common understanding among relevant actors about four fundamental aspects, including (i) the existing policy and legal framework with regard to land rights and agricultural investments, (ii) the key challenges to be addressed in the area of land governance, (iii) the existing structures that govern land and agricultural investments, and (iv) the key international, national and local players to be involved in a dialogue process on land governance and agricultural investments, as well as their interests, ambitions, and roles.

### Methodology

The methodology adapted for Liberia country assessment consisted of a combination of: (i) desk review of policies, laws, international conventions, existing studies, and analysis of policy and legal frameworks and data, and (ii) conducting semi-structured interviews with purposively-identified key actors, including a) officials of relevant line ministries and agencies of the Government of Liberia at national level, b) donors, Inter-Governmental Organizations, International Non-Government Organizations, c) representatives of agricultural concessions, d) relevant staff of WHH’s implementing partner organizations, and e) residents of concession-affected communities to gather and analyze primary data for the country assessment. Since a part of the country assessment involved the consultants interacting with human subjects to gather primary data for analysis, WHH through the consultants, applied for and obtain Certification of Human Approvals from the University of Liberia-Pacific Institute for Research & Evaluation Institutional Review Board (UL-PIRE IRB), which is valid from August 23, 2018 to August 28, 2019 at Midnight. The UL-PIRE IRB will participate in validation of the Liberia Country Assessment Report for publication.

## Summary of Findings

### National and Local Food Security Situation

According to the Liberia Comprehensive Food Security and Nutrition Survey of the Ministry of Agriculture of Liberia, agricultural production in Liberia makes up 26% of direct and 27% of indirect gross GDP through other services (National Rice Development Strategy 2011). The agricultural sector is also the primary livelihood source for two-thirds (67%) of the population, chiefly at smallholder and subsistence level, as well as cash crop plantations (rubber, palm oil, cocoa, coffee, and sugarcane). 71% of farming households engage in rice production, and 40% in cassava production (National Rice Development strategy 2011). However, low agricultural production and productivity results in Liberia importing 50-60% of its staple food requirements, making the country

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1. It has a focus on the three counties. While the 3 counties represent the closer look, the paper is not about those three only I think, so I would still keep a national perspective and then add a couple of remarks more specific to the counties?
2. Going by block kind of limits the readability and interrupts the flow. Also the findings subsections seem somewhat disconnected. Using more or less the same information, you may see if you can come up with a couple of pages that are more consistent.
3. Point 2 would also very much help you in then working on the brief summary for the workshop. It would basically be the same thing just a little more detailed I guess.

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vulnerable to global food price volatility. The country assessment covered Sinoe, Bomi and Montserrado counties.

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Sinoe county has an estimated population of 81,301 people. The main activities are agriculture, fishing and mining. Rice is the most important crop, followed by cassava and plantain. For the purposes of income generation and seeking a livelihood, most productive workers migrate to alluvial gold mining areas within the county or seek work with the oil palm plantation GVL. Production constraints include poor road infrastructure that makes the region inaccessible during the rainy season. The consultants and country team members took three days to travel to Greenville to conduct interviews. Markets are limited and according to residents, markets are dwindling.

Bomi County is bordered by Montserrado in the east, Lofa in the north and Grand Cape Mount in the west. According to LISGIS, Bomi has an estimated population of 120,337, the majority of whom are engaged in agriculture (about 65-70 percent), alluvial gold and diamond mining (20 percent) and services (10-15 percent).

The population of Montserrado is estimated at approximately 1,118,000<sup>1</sup> inhabitants in the year 2008. It is the most populated county with Monrovia hosting more than 75 percent of the total population. Although there are many economic activities in the county, they are not sufficient to significantly reduce unemployment. Around Monrovia, some households grow rice and vegetables to feed themselves. Malnutrition is very high as many households cannot afford to meet their daily food requirements.<sup>2</sup>

#### Agricultural Investments Context

Within Bomi, Montserrado and Sinoe, there are rubber, logging, and oil palm concessions. The highest investments in agriculture are within the area of oil palm and rubber. In rice and other food crops, investments are limited and are mainly promoted by NGOs and smallholder farmers. According to studies by USAID in 2015, the Government of Liberia has awarded about 50% of Liberia's land to agricultural, forestry and mining concessions.

#### Land Governance Context

Most of the lands in the Bomi, Montserrado and Sinoe counties are customary lands, and are in the possession of various tribes. The new Land Rights Act will hopefully equally protect the ownership of the four categories of land in Liberia. In areas visited in Bomi, Sinoe and Montserrado, there are several disputes surrounding land ownership and use, mainly due to the redemarcation of boundaries of districts and townships without the awareness of and full involvement of all interested parties in decision making about where common boundaries start or end, with particular reference to customary lands.

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#### Multi Actor Partnerships Context

The development of a Multi Actor Partnership platform is an important step in organizing for action on land governance, and agriculture development in Liberia.

<sup>1</sup> [https://www.emansion.gov.lr/doc/Population\\_by\\_County.pdf](https://www.emansion.gov.lr/doc/Population_by_County.pdf)

<sup>2</sup> [http://www.fao.org/docrep/004/x9208e/x9208e00.htm#P380\\_27424](http://www.fao.org/docrep/004/x9208e/x9208e00.htm#P380_27424)

The World Bank Group, Swedish International Development Cooperation Agency (SIDA), Food and Agriculture Organization (FAO), Liberia Land Authority (LLA), National Bureau of Concessions (NBC), Welthungerhilfe/Rights & Rice Foundation, and others have various working groups fostering the agenda of land governance in Liberia. Bringing all these actors together is an important aspect towards obtaining good results on land governance and agriculture investments; especially at this time when the landmark Land Rights Act has been enacted into law. This Country Assessment Report provides key insights for promoting and advancing the MAP approach in Liberia.

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## CHAPTER 1: INFORMATION ON FOOD SECURITY, LAND GOVERNANCE, AGRICULTURAL INVESTMENTS

### 1. GENERAL OVERVIEW: NATIONAL AND LOCAL FOOD SECURITY SITUATION

#### State of National Food Security: Key Statistics and Facts

An estimated 64 percent of Liberians live below the poverty line, of whom 1.3 million live in extreme poverty. Social safety nets are poorly developed. Agricultural production has improved since the end of the war, but the country still depends on food imports and is vulnerable to economic shocks. 68 percent of the rural population and 55 percent of the urban population are extremely poor, with the highest incidence in the south-eastern counties of Sinoe, Grand Kru, Maryland and River Gee, where the average is 77 percent. In Grand Bassa, Margibi and River Cess the average poverty rate is 59 percent. Households spend 53 percent of their cash on food, primarily rice<sup>3</sup>

Though the Liberian agricultural sector is the most dominant sector in the economy, the national and local food security situation still remains in a dire situation. The Liberia agricultural sector is still largely subsistence with over 70% of the Liberian population involved in farming, and with the majority still using the manual cutlass method to cultivate the land. Many of the indicators for food production and food security point downwards due to a decline in smallholder farming, uncertain land ownership issues leading to the reduction in plot size and amount of land owned by farmers, limited capacity in sourcing and using new and improved plant and animal varieties and practices and bad roads.

There is a lack of robust agricultural growth which underlies the pervasive rural poverty that can be seen when traveling through rural Liberia. Chronic malnutrition is quite evident in Liberia and affects 42 percent of children under 5. In nine of the 15 counties, stunting rates exceed 40 percent.<sup>4</sup> Chronic malnutrition is the result of high levels of poverty and chronic food insecurity, lack of education among mothers, poor feeding practices, unsafe water, unsanitary environments and recurrent childhood illnesses. Vitamin-A deficiency affects 13 percent of children aged 6–35 months; 38 percent of pregnant women and 59 percent of children aged 6–35 months are anaemic. Undernutrition among women is highest in 15–19 year-olds – a concern given the high rate.<sup>5</sup>

Seventy percent of Liberians are living day by day. Those who hunt or raise food feed themselves and if there is a surplus, it is sold at a local market or at a roadside stand. There is little means for livestock rearing or processing goods or adding value and selling to retail brokers. Roads are too poor and transportation costs are too high. For that reason, nearly everything is sold locally.

Consequently, the agriculture sector in Liberia is characterized by very basic agriculture value chains, limited market opportunities and very poor linkages between producers and markets. As a result of this low productivity and the inability of Liberia to feed itself, the country imports more than 80%

<sup>3</sup> World Food Program, Liberia Country Program 2013-2017, <https://www.wfp.org/operations/200395-liberia-country-programme-2013%E2%80%932017>

<sup>4</sup> Stunting prevalence between 30 percent and 39 percent is considered high and above 40 percent is very high. World Health Organization, 1995. Cut-off values for public health significance: [www.who.int/nutgrowthdb/en](http://www.who.int/nutgrowthdb/en)

<sup>5</sup> Ministry of Health and Social Welfare/United Nations Children's Fund (UNICEF). National Micronutrient Survey 2011.

of the rice that it consumes, and a lot of other food products that could otherwise be produced in Liberia. This issue makes poor Liberians, farmers vulnerable to global food price volatility and poverty. Liberia has one of the highest population growth rates in the world, although it has fallen in recent years. It reached a high of 4.6% annual growth in 2006, but has since fallen to 2.7% population growth per year. From 1960 to 2012, Liberia's population grew 274%. This trend of rapid growth is expected to continue over the next decade. Considering this information and the present trend of agriculture, it is a worrisome issue for food security and hunger in Liberia.<sup>6</sup>

### Relevant Policies and Programmes

The Ministry of Agriculture lines up three sector policies and strategies for the Liberia Agricultural Sector using the Liberia Agricultural Transformation Agenda (LATA).

The first policy is “The Improved Food and Nutrition Security Policy” which states that safe and nutritious foods are available in sufficient quantity and quality at all times, to satisfy the nutritional needs of all Liberians.

The above mentioned strategies are about improving food availability, enhancing accessibility of the population to nutritious foods, and promoting improved food utilization, and supporting rural employment and self-reliant wage work to spur local economic development.

The second policy is “Enhanced Competitiveness and Linkages to Markets”. The strategies involve improving the efficiency, competitiveness, and sustainability of food and agriculture supply chains, particularly those of smallholders, and linking these supply chains to markets; creating more and better opportunities for much greater involvement of the private sector in agriculture; increasing public investments, and creating an enabling environment for agricultural and agribusiness development.

The third policy is “Strengthened Human and Institutional Capacities”. The strategies involve, instituting improved governance, promoting civil society organizations, and facilitating decentralized and demand-driven service delivery; establishing functional, effective and efficient public sector support framework in agriculture for planning, coordinating, service delivery, monitoring and evaluation; reducing risks and improving coping mechanisms; mainstreaming gender and youth in agriculture and rural development; and ensuring sustainable use of natural resources.

The Government of Liberia has prepared three important agricultural policy documents<sup>7</sup>, including a) Statement of Policy Intent for the Agricultural Sector of 2006, b) 2008 National Food Security and Nutrition Strategy (NFSNS), and c) 2009 Food and Agriculture Policy and Strategy (FAPS). The Statement of Policy Intent for the Agricultural Sector was an interim measure that envisioned the holistic development of agriculture into a sustainable, diversified, income generating, modernized, and competitive agriculture sector that is well-integrated into domestic and international markets.

The key objective of the NFSNS is to make certain that “all Liberians have reliable access to the food they need and are able to utilize that food to live active and healthy lives.” It seeks to accomplish this goal by addressing four separate dimensions of food security: availability, access,

<sup>6</sup> World Population Review 2018, <http://worldpopulationreview.com/countries/liberia-population/>

<sup>7</sup> <https://www.abghq.com/downloads/Liberia.pdf>

utilization, and vulnerability. Also, the NFSNS calls for enabling factors such as sufficient human capacity, improved knowledge on household food security, and strengthened community-level actions.

### Relevance of Local Agriculture for Food and Nutrition Security

As stated prior, agriculture is the primary livelihood source for more than 60 percent of Liberia's population and provides sustenance for many households who engage in farming of rubber, rice, oil palm, cocoa, and sugarcane and other field crops. However, low agricultural productivity results in Liberia importing more than 80 percent of its staple food, making the country vulnerable to global food price volatility.<sup>8</sup> Poorly integrated, the sector lacks basic infrastructure such as machines, farming equipment/tools, farm-to-market roads, fertilizers and pesticides, and food storage capacity. Cassava and rice are the primary staple food crops.

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Besides the cash crops, there are numerous market opportunities and potential for agribusiness investment which focuses on developing the value chains of available food crops such as rice, cassava, vegetables, fruits, poultry and fish.

## 2. LAND GOVERNANCE CONTEXT

Liberia stands out as the most forested country in West Africa. In 2013, forest covered two-thirds of Liberia's land surface, of which less than half (44 percent) was mapped as degraded forest, followed by agriculture (13 percent of the land surface) and savanna (11 percent of the land surface). Smaller land cover classes include thicket (3 percent), gallery forest (2 percent), and plantations (1.5 percent). The remaining land cover classes each occupy less than 1 percent of Liberia's land surface.

The overall rate of change in land use and land cover has accelerated from 0.5 percent per year between 1975 and 2000, slightly below regional average, to 1.3 percent per year between 2000 and 2013, which is above the regional average for this time period. While the civil wars (1989–1996 and 1999–2003) slowed down development and as a result land use change, the post-conflict years have seen a surge in land cover transformation.

The most important trajectories of land use and land cover change have been associated with loss of forest cover: 3,000 sq. km of forest were lost between 1975 and 2000, and another 3,500 sq. km between 2000 and 2013, which represents an overall loss of 15 percent of the 1975 forest coverage. Most of the forest loss occurred in the eastern part of the country, in the Tropical Forest Zone (TFZ). Dense forest was mostly converted into degraded forest, savanna, agriculture and thicket, as a result of selective logging and slash-and-burn agriculture. Due to the highly dynamic nature of these land use strategies and the rapid re-growth of vegetation after clearing in this humid tropical environment, the land cover classes of agriculture, degraded forest and savanna show both gains and losses. On the other hand, dense forest, which takes the longest time to fully regenerate, has seen almost exclusively losses.

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Overall, I think the section needs

- a serious restructuring, meaning a certain degree of separation between the historical background and trajectory, determining the prevailing tenure systems, and then maybe some words on the institutional setting, etc. These should be balanced and should go from the more general information to the more specific, separating the various subthemes when they are addressed (e.g. forests, gender, IPs...). This should also take into account what will be covered under other, following sections or chapters, so to avoid redundancy (see chapter on legal system for example)
- Could benefit from a clearer logic flow. While I cannot say that any of the information I found here is irrelevant, because they are all relevant and interesting, it is really hard to follow the logic of the topics that are presented. I don't see a subdivision by theme, or a flow going from the generic to the specific, or sections preparing the ground for a better understanding of the following ones (like in the case of Liberia's history followed by subsequent tenure systems).

<sup>8</sup> <https://www.export.gov/article?id=Liberia-Agricultural-Sectors>

While several of the smaller land cover classes have seen higher losses as a percentage of their 1975 coverage, the 15 percent loss of forest is by far the largest in terms of actual area lost (6,600 sq. km) and is the most significant because of the importance of this remnant of Upper Guinean rain forest. Loss of woodlands has been even more dramatic, with a 98 percent loss since 1975, mostly replaced by thickets whose area has grown tenfold during the same time period. Since 2000, agriculture and irrigated agriculture have also expanded rapidly, along with agroforestry (plantations) and mining, all experiencing a revival since the end of Liberia's civil war in 2003.

One of the main triggers of the Liberian civil conflict, and a critical constraint to Liberia's sustained and inclusive economic growth, is its land tenure systems. Liberia faces unique land tenure challenges, mainly related to its specific historical and political context. Liberia was founded by migrant former slaves coming from the United States of America and the Caribbean, who attempted to create a western statutory system of land ownership, mainly for the Americo-Liberian migrant settler class.

The indigenous people that populate Rural Liberia, commonly referred to as the "Hinterland", use a customary land tenure system, which is based on communities' collective possession of lands that are located within boundaries that are mutually recognized by other communities that share common boundaries with the community that has possession rights to a particular parcel of land based on customary practices such as history of occupancy and use of the land. Customary land tenure is prone to land disputes among communities, within communities, and between communities and the government with competing claims to same parcels of lands, largely due to the informal nature of land rights under the customary tenure system.

The fragile land tenure situation in Liberia is made more insecure by contradictory natural resource policies, an unclear legal framework, and low professional and technical capacity in core land administration and management disciplines to develop and effectively administer land policy and law. For example, from a regulatory perspective, forest conversion is a process of land use change that should be governed by national land use plans, land allocation procedures, third party land use rights, permitting processes, forest clearance regulations, and commodity production rules. In Liberia, however, the legal framework governing forest conversion is incomplete and not all of these elements are covered. Leaving forest conversion ineffectively regulated risks the widespread clearance of forests at the expense of Liberia's biodiversity and communities' rights, and creates the business risk of an uncertain operating framework for companies. Nonetheless, in September 2016, Liberia's Forestry Development Authority (FDA) stated that it would not develop any further regulations on forest conversion, as it had determined not to allow, and thus not regulate, the commercialization of timber cleared for concessions. This is a flawed logic, as conversion timber is only one part of the forest conversion process. Having reviewed Liberia's laws and policies on forest conversion, six key risks stemming from inconsistencies and gaps in the legal framework have been identified:

- a) **Land use conflict:** The risk of conflicting land uses is heightened due to the lack of a national land use plan in Liberia. Although the Environment Protection and Management Law of 2002, Section 87 states that there should be a national land use plan, the government is still in the process of developing this comprehensive planning document. This makes it difficult to know the purpose for which land is intended, including how land should be distributed

for forestry, agricultural or mining activities. Concessions for different uses are issued on the same piece of land, resulting in considerable land use overlaps. Concessions are also issued on community forest lands and protected forests.

- b) Community land dispossession: In Liberia, customary land tenure was only recognized in customary law (based on the customs of communities), not in statutory law. Communities' rights were, therefore, not adequately protected in land tenure processes that are governed by statutory law, such as the concession-awarding process. Agricultural and mining concessions have been granted on land, including forest land, occupied and used by communities. Not only does insecure customary land tenure risk communities being dispossessed of their customary lands, but it also prevents the continued contribution of forest activities to local livelihoods.
- c) Unmanaged deforestation: Because forest conversion involves all land use sectors and the government agencies responsible for them, the risk of inconsistency between sectors' laws and agencies is considerable. Inconsistency between sectoral laws in Liberia heightens the risk that, for example, forests identified for protection by the FDA are nonetheless converted to other uses. For instance, Liberia's agriculture and mining laws do not restrict access to any land for agricultural and mining concessions. Forestry laws, on the other hand, include robust protections for Liberia's forests, including protected forest areas that cannot be converted. In addition, different sectoral laws establish contradictory conditions and responsibilities, contributing further to the risk of unmanaged deforestation.
- d) Community rights' violations: Without clear laws, communities' forest use rights have been infringed by forest conversion through government-awarded Forest Management Concessions (FMCs) and Timber Sale Contracts (TSCs). While customary land tenure was not recognized in statutory law, community use rights over forested lands are well established. Liberia's forestry law include use rights over community forest resources, and rights to approve commercial use of their forested lands. However, due to ambiguities in the wording of the law, it remains unclear whether these rights apply to forest conversion, or if they are restricted to commercial logging. Investors in Liberian land and natural resources must negotiate a Concession Agreement with the Government of Liberia to establish the terms of their investments, which usually include community benefit payments, resettlement and compensation. However, the Concession Agreements are negotiated only between the Government of Liberia and concessionaires, leaving the affected communities out. This runs counter to forest communities' free, prior and informed consent (FPIC), as enshrined in Liberia's forestry laws, and which should be upheld before the land is awarded. The fact that the concessionaires are awarded land by the government creates conflict, pitting the Concession Agreement against communities' rights to the customary lands.
- e) Harmful forest clearance: The permitting process for clearing trees for timber conversion in Liberia is unclear, which risks harmful practices being used. While timber harvesting permits include comprehensive requirements and procedures for cutting trees, none of these permits are currently used to regulate how timber should be cleared on land designated for agricultural or mining uses.
- f) Timber laundering: There is a risk that conversion timber enters the domestic or international commercial market. This is despite concession holders right only to clear

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timber for their own operational use (not for commercialisation), based on the terms of their Concession Agreement. In addition, in September 2016, the FDA confirmed that conversion timber may not be commercialised, restricting any trees cleared to “local use” only. However, trees are still felled and log converted to timber, therefore, timber conversion requires greater oversight to clarify the purpose and destination of the conversion timber.

In summary, an inconsistent and incomplete legal framework in Liberia means that forest conversion is not effectively regulated. This leads to uncertainty and risk for all actors involved, particularly affected communities. It is important to note that even where laws exist, implementation and enforcement remains an ongoing challenge.

Insecure tenure also undermines smallholder investment in agriculture. Weak institutions and customary practices affect women’s ownership of land disproportionately. In Liberia’s statutory and customary land tenure systems, women and men have property rights in land, but women often are not able to exercise their rights due to social norms related to gender, marriage, and extended family relationships. Given the dominance of women in land-based livelihood systems, lack of clear tenure security for women undermines the livelihood security for many rural Liberians.

Liberia’s dual land tenure systems reflect a long-standing division between the urban elite who are the descendants of migrant freed slaves from the United States of America and the Caribbean, and the indigenous African people, who are largely dependent on subsistence and smallholder farming for their livelihoods. Throughout coastal Liberia, the urban elites use a Western Statutory System of land ownership based “fee simple titles” for individuals. In the Liberian hinterland, the indigenous African people use their own customary land tenure system, which is based on “collective community ownership” of Customary Land<sup>9</sup>.

Some of the main land tenure issues in Liberia today are: a) the legal status of customary land rights; b) the ownership of trees and other forest resources on customary forest lands; c) displacement of customary communities related to government-awarded land-based concessions for commercial forestry (timber conversion), mining, and large-scale agroforestry (plantations); d) urban poverty; and e) women’s land rights.

The Governance Commission (GC) recommended creation of the Liberia Land Commission (LLC) in 2006. With the support of the President and the Legislature, and funding from donors, the LLC was established in 2009. The core mandate of the LLC was to explore and analyze Liberia’s land tenure challenges, and propose policy and legal reforms. The LLC produced studies, policy, and legal recommendations. The term of the LLC ended in January 2016.

The Liberia Land Authority (LLA) was subsequently established with the passage of the Liberia Land Authority Act by the Legislature in October 2016. The LLA has the legal mandate for land administration in Liberia. The LLA has subsumed the Department of Lands, Surveys and Cartography (DLSC) from the former line Ministry of Land, Mines and Energy. The Ministry is now only designated as the Ministry of Mines and Energy (MME). The Deeds Registry is currently

<sup>9</sup> Customary land is land which is owned by indigenous communities and administered in accordance with their customs, as opposed to statutory tenure usually introduced during the colonial periods. Common ownership is one form of customary land ownership.

**Commented [c11]:** So, from page 10, this is all on forests tenure insecurity.

**Commented [c12]:** This is relevant, but again I don’t follow the sequencing of the information that is provided.

**Commented [c13]:** On the dual system. Again, this in general helps understanding the context and the historical trajectory, but how does it fit here, after a long section on forests and a paragraph on gender discrimination?

**Commented [c14]:** Is it still, formally, an issue?

**Commented [c15]:** Is this an anticipation of the section on challenges?

within the Center for National Documents and Records Agency (CNDRA). The land tenure administration function within the Ministry of Internal Affairs, performed by Land Commissioners, has also been subsumed by the LLA. A Transition Committee was appointed by the President in June 2017, to implement a one-year transition period which allowed the LLA time to develop and implement transition strategies, which ended on June 30, 2018.

The LLA's main activities focus on a) land policy and land use planning; b) provision of land survey, mapping and registration services; c) provision of land valuation services; d) creation of a national Land Information System (LIS); e) alternative land dispute resolution services; f) coordination of access to government and public lands for investment and conservation projects; g) promotion of land use planning and zoning by local governments; and h) demarcation and titling of customary lands of customary communities.

The Land Rights Policy prepared by the Liberia Land Commission (LLC) was endorsed by the Government of Liberia in 2013. The policy provides recommendations for land rights in Liberia, based on the following four land rights categories: 1) Public Land, 2) Government Land, 3) Customary Land, and 4) Private Land. The Policy recommends the full legal recognition of customary land rights by protecting customary and private lands equally under the law.

The LLC drafted the Land Rights Act in 2014, which was enacted by the Legislature in August 2018, and signed into law by the President of Liberia in September 2018. The Land Rights Act is based on the recommendations from the Land Rights Policy, and reflects the four categories of land ownership as outlined above. The Land Rights Act ensures that customary land is given legal protection equal to private land, for all Liberians.

The Center for National Documents and Records Agency (CNDRA), which managed the Deeds Registry System prior to enactment of the Land Rights Act of 2018, continues to enhance its capacity to digitize and archive public records. The CNDRA populated a land cadaster for proper recording and mapping of title deeds. The most recent Land Registration System was supported by a law enacted in 1974, but incompletely piloted in Monrovia. For example, customary land rights<sup>10</sup> of indigenous peoples' communities have often been undermined by state action based on the government's claim of ownership of all lands without title deeds – public lands and customary lands – including customary lands conveyed to extended families and individuals by Tribal Certificates issued by tribal chiefs and endorsed by local government officials that are appointed and commissioned by the President of Liberia.

**Commented [c16]:** These paragraphs are a mix of information on the institutional setting and the policy and legal framework.

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<sup>10</sup> Customary land rights refer to established, traditional patterns of norms that can be observed within a particular socio-cultural setting (Thompson, 1991). Sets of customary rights and obligations may be called customary law.

## State of National Land Tenure: Key Statistics and Facts

As of 2013, the United States Agency for International Development (USAID) estimated that over 50 percent of Liberia’s lands<sup>11</sup> had been conceded to foreign investors<sup>12</sup>, which often overlap with customary land rights. This is a major area of concern, as it may be a significant driver for new rounds of conflict. A moratorium on new land concessions issued by the President of Liberia on January 16, 2015 provided some space for reconsidering land policy.

Table 1: Importance of land-use sectors in Liberia

Land area	9,632,000 hectares
Forest area	4,329,462 hectares (45% of total land area)
Forest sector key facts	- 9.3% of GDP (2011) - Employs less than 1% of the Liberian workforce
Agriculture sector key facts	- 36% of GDP (2012) - Employs almost 50% of the Liberian workforce
Mining sector key facts	- 4.6% of GDP (2011) (increased to 16.7% in 2013) - Employs less than 1% of the Liberian workforce

Data sources: <http://bit.ly/2e9cb8H>; <http://www.fao.org/3/a-4248e.pdf>; <http://bit.ly/2EzZ2L5>; and <http://www.fao.org/docrep/013/i1757e/i1757e.pdf>.

Land ownership in Liberia is restricted to Liberian citizens, which is currently restricted to only Negroes or people of Negro decent.

Acquisition of land by foreign and/or non-resident investors is possible through leasehold. Leases run for 25-50 years, but exceptions are permitted under the law.

The ownership, leasing, and use of land is governed by both statutory and customary laws. Chapter III, Article 22 of the Liberian Constitution states: “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. Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic.”

Rights to land ownership and use of resources such as minerals and timber have become increasingly critical issues in recent years, fueled by increased foreign investors’ interest, and clashes between customary and statutory land rights and land use.

Liberia is administratively divided into 15 counties. About 40%<sup>13</sup> of the country is considered coastal, extending 40–50 kilometers inland. This area is referred to as County Liberia, and is occupied mainly by the immigrant settlers who became Liberia’s political elite. About 10% of the

<sup>11</sup> Land in this instance is all land that is either government, public or customary land. Private land is not in this category.

<sup>12</sup> Chelsea Keyser, *Good Laws, Weak Implementation*, p. 1, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (Nov. 2013), [http://pdf.usaid.gov/pdf\\_docs/PA00M7RK.pdf](http://pdf.usaid.gov/pdf_docs/PA00M7RK.pdf).

<sup>13</sup> [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_Liberia\\_Profile.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Liberia_Profile.pdf)



coastal area is held under long-term leases by large, mostly foreign-owned agribusiness interests. Among them is Firestone, whose 1 million-hectare concession is the largest rubber plantation in the world. An undetermined portion of County Liberia remains under the control of the indigenous population (Wily 2007).

The other 60% of the country, referred to as Interior Liberia or the Hinterlands, is divided among the indigenous groups on a tribal basis, in discrete settlements bounded by rivers, streams and other natural boundaries. There is little information on the distribution among and within the different indigenous groups. Portions of the interior have been allocated by the government to immigrant settlers and foreign companies, or brought under mining, logging and agricultural concessions (Wily 2007).

The World Bank's 2018 Doing Business Report shows that Liberia scored 43.55/100 (172 of 190 countries) in registering property<sup>14</sup>, which represents a +3.10 change in score from the World Bank's 2017 Doing Business report. Compared to Cote D'Ivoire that scored 53.71/100 (139 of 190 countries) representing a change of +2.04 of score; Sierra Leone that scored 48.18/100 (160 of 190 countries) representing a -0.06 change in score; and Guinea that scored 49.80/100 (153 of 190 countries) representing a +0.32 change in score, these results show that the Government of Liberia has made significant progress in improving land governance, but it still lags far behind Cote D'Ivoire, Sierra Leone and Guinea.

The registering of property involves ensuring formal property rights is fundamental. Effective administration of land is part of that. If formal property transfer is too costly or complicated, formal titles might go informal again. And where property is informal or poorly administered, it has little chance of being accepted as collateral for loans—limiting access to finance.

About 60% of the land in Liberia is without clear title. According to Focusonland.com, rural communities, which make up 85 percent of Liberia's population, and largely practice subsistence agriculture, use their own customary land tenure system. However, most of the customary lands are not titled, and by the laws that regulated land tenure administration and management prior to enactment of the Land Rights Act of 2018, the state owned all public and customary lands not secured by title deeds.

The President of Liberia issued Executive Order No. 67 on January 16, 2015, extending the moratorium on public land sales, including the issuance of Tribal Certificates and Town Lot Certificates, which were issued by Executive Order No. 53 on December 20, 2013. The extended moratorium was effective for a period of one year. The government placed the moratorium on public and customary land sales to resolve the conflicting land tenure systems, and to allow ample time for the new land law, regulations, and procedures to be formulated.<sup>15</sup>

The Liberian Legislature passed into law the Land Authority Act in September 2016, setting up an autonomous agency solely devoted to land matters. The Liberia Land Authority (LLA) acts as one-

Commented [c17]: Example of repetition....

<sup>14</sup> <http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf> (2018)

<sup>15</sup> <http://www.focusonland.com/countries/liberia/>

stop-shop for all land issues, overseeing programs in land governance, land administration, land management, land policy, and land use planning. It is guiding implementation of the government's Land Policy and Land Rights Act of 2018, which categorizes lands into Public Land, Government Land, Customary Land, and Private Land.

Concession-related land challenges relative to large-scale acquisition of customary lands by agricultural concessions for development of plantations, without Free Prior Informed Consent (FPIC) of affected communities, still remain unresolved. For example, in the interest of minimizing lost productivity that is linked to cashflow-based output targets, and in the absence of government legally resolving concession-related land conflicts that frequently arise between affected communities and concessions, concessionaires often commit to making additional community-level payments<sup>16</sup> through social agreements and Memorandum of Understanding (MOU). For instance, GVL has consummated Memorandum of Understanding (MOU) with many affected communities in Sinoe County through directly negotiations under minimal supervision of local government officials (including tribal chiefs) that community residents do not trust because, according to them, "all local government officials at county level and in the districts, chiefdoms and clans that GVL has covered thus far, are on the payroll of GVL". GVL is using its MOU approach to directly engage affected communities to resolve customary land acquisition issues, but residents of affected communities remain highly skeptical about the future legal enforceability of the MOUs.

According to a report<sup>17</sup> by the Sustainable Development Institute (SDI), since 2015 GVL has cleared or fragmented at least 380 hectares of high carbon stock (HCS) forest, 268 hectares of which were conservation areas. And since March 2017, it found GVL has cleared or fragmented about 320 hectares of High Conservation Value (HCV) areas that include chimpanzee habitats that the company itself had identified.

Investors should not underestimate the potential for costly and complex land conflicts to arise even after concluding concession agreements with the Government of Liberia, because as concessionaires commence operations, communities fear that their customary lands are being encroached upon without their free prior informed consent, thus resulting to land conflicts, and sometimes strike actions that result to violence.

### Prevailing Systems of Land Tenure

The Aborigines Law of 1956 gave ownership of tribe-related customary lands back to the State by declaring customary land rights to be only "usufruct rights"<sup>18</sup>. Those without written "title deed" were no longer the legal owners of the customary lands that they possessed. The Government treated all un-deeded customary lands as public lands, managed and administered by the State.

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<sup>16</sup> This is mostly in the form of built social infrastructures such as wells fitted with hand pumps, laterite roads that link isolated communities to other communities and the main highways, etc., as it is in the case of GVL in Sinoe County.

<sup>17</sup> Source: <https://frontpageafricaonline.com/news/liberia-another-sdi-report-finds-gvl-in-sinoe-land-grab-deforestation/>

<sup>18</sup> Usufruct is a right in a property owned by another, normally for a limited time or until death. It is the right to use the property, to enjoy the fruits and income of the property, to rent the property out and to collect the rents, all to the exclusion of the underlying owner. The usufruct has the full right to use the property but cannot dispose of the property nor can it be destroyed.

Conflicts over ownership of customary lands increased, driven by land grabbing for logging, agriculture, and mining concessions. Insecurity over land breeds tension between the Government and customary communities.

The Government of Liberia passed into law the Public Lands Law of 1972, which established procedures for selling or leasing public land to foreigners, thus enabling the transfer of state-owned land to private land ownership.

The Government of Liberia also passed the Registered Land Law of 1974, formalizing the current land registration system, and requiring landholders to register their landholdings. Government revisions to the Liberian Code of Laws create confusion as to whether the Hinterlands Act of 1949, or the Aborigines Law of 1956, are still in effect.

President Ellen Johnson-Sirleaf established the Land Commission (LC) in 2009 to draft a new land rights policy to address the weaknesses in Liberia's dual land tenure system, which fueled the 14-year armed conflict.

By 2012, more than 2.3 million hectares of forest lands, representing about 20% of Liberia's total land mass, was promised to commercial interests by the FDA through the issuance of Private Use Permits (PUP), a type of logging license designed to allow private land owners to cut trees on their property. Most of the private use permits were later found to be fraudulent and were cancelled by the government, and some participating government officials were prosecuted.

The Government of Liberia approved the Land Rights Policy in 2013, which recognizes the land ownership rights of Liberians who live on customary lands. After more than four years of debate, the Liberian Senate passed the new Land Rights Act on August 23, 2018, and the National Legislature (House of Representatives and Senate) in plenary, passed the Land Rights Act into law on September 4, 2018. President George M. Weah approved the Land Rights Act by signing it into law on Wednesday, September 19, 2018, in the C. Cecil Dennis, Jr. Auditorium at the Ministry of Foreign Affairs in Monrovia, Liberia. The Land Rights Act became the law that supercedes all other land laws in Liberia, immediately upon printing it into handbills.

*Figure 1: President George Weah signs the Land Rights Act into law, paving the way for recognition of customary land rights in Liberia.*



Photo Credit: Tenure Facility

### Pivotal Role of Civil Society

Their goals were to support the land reforms envisioned by Liberia’s new Land Rights Policy, build capacity for implementing the guidelines, and prepare for national adoption and upscaling.

The Land Commission in collaboration with Sustainable Development Institute (SDI), drafted a national guide that stipulates the procedures and processes for identifying customary communities and their customary landholdings. The Field Guide for Developing a Framework for Implementing Customary Land Rights Recognition Nationwide<sup>19</sup> set out the step-by-step process for communities to gain collective title to their customary lands, after enactment of the Land Rights Act into law.

The LRA legally ensures that the customary land rights of customary communities are recognized and protected equally as private land rights. It recognizes women’s land rights, and requires Free Prior and Informed Consent (FPIC) before customary lands can be rented or leased to concessions for use.

The LRA has created the needed change in the land tenure system in favor of customary communities in Liberia. By recognizing communities’ rights to their customary landholdings, the LRA fundamentally alters the future of land rights in Liberia, setting a precedent for how other countries in the region and worldwide, can address land tenure issues similar to those in Liberia.

The current President of Liberia showed sensitivity to the concerns that Liberians of customary communities have for their customary lands and the natural resources thereon. In his inaugural address, he said “we owe our citizens clarity on fundamental issues such as the land beneath their feet, and how national resources, and responsibilities, are going to shift from this capital to the counties.”<sup>20</sup>

National and international groups mounted a strong campaign to promote passage of the Land Rights Act, and more than 80,000 Liberians and Friends of Liberia abroad, sign a petition calling on the National Legislature (Senate and House of Representatives), and the President of Liberia to pass the Land Rights Act into law.

Liberian civil society, national and international observers herald passage of the Land Rights Act into law as a significant step in building the country’s emerging democracy and peace. The Land Rights Act was approved by President George M. Weah and signed it into law on Wednesday, September 19, 2018, in the C. Cecil Dennis, Jr. Auditorium at the Ministry of Foreign Affairs in Monrovia, Liberia. The Land Rights Act became law immediately upon printing it into handbills.

**Commented [c18]:** This section says very little about the role of civil society. It may be useful if it showed how CSOs came together to achieve this goal, as this would be an argument for the MAP to continue working into that direction, or supporting a CSO group. This is just an example.

As it stands now I don’t see its added value

**Commented [c19]:** That’s the only bit on CSOs, and it does not analyse nor provide any relevant information

<sup>19</sup> Source: <https://thetenurefacility.org/country/liberia/>

<sup>20</sup> Source: <https://www.bbc.com/news/world-africa-42773165> (Monday, January 22, 2018)

## Policy and Legal Framework: Policies and Laws Defining and Regulating the Land Tenure Systems in Liberia

### Fundamental Rights Enshrined in the Constitution of the Republic of Liberia

The Constitution of Liberia, adopted in 1986, contains fundamental rights enshrined for the benefit of all citizens of Liberia.

Articles 22(a) and 23(b) of the Constitution contain the fundamental rights that each and every Liberian citizen have to own property along as well as in association with others, provided that only Liberian citizens have the right to own real property within the Republic of Liberia. Article 23.b empowers the Legislature to “enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to surviving spouses and children of such marriages”.

### Property Rights Protected by the Code of Liberian Laws

In Liberia, land rights and land tenure administration and management are regulated by Statutory Law and Customary Law, but the former has always superceded the latter on legal practice because the only legal instrument that conveys land and confers title to land is the “Title Deed”, and not the “Tribal Certificate”.

### Women’s Land Rights

Women’s land rights are regulated by both statutory law and customary law in Liberia, as follows:

- a) The Domestic Relations Law of 1973, subsections 3.3, 3.4(1)(2), 3.5(1), 4.1, and 8.7 regulate property rights of married women; conveyance of property by spouses; right of action by or against married women; by wife or husband against the other, for torts; and property rights awarded to successful wife.
- b) The Decedents Estates Law of 1973 and The Equal Rights of the Customary Marriage Law of 1998 regulate customary marriage in Liberia. Sections 2.1, and 2.6(a) of the Decedents Estates Law of 1973 stipulate the rights, duties and liabilities of the statutory wife are accorded to the customary wife, consistent with and pursuant to the provisions contained in the Act Adopting a New Domestic Relations Law, known as Title 9 of the Liberian Code of Law Revised, 1973; and further stipulates that “the property acquired or owned by a customary woman either before or during marriage, belongs to her exclusive of her husband, and she is, therefore, free to do any lawful business in her own name, including the right to contract with third parties, but to the full knowledge and consent of her husband. The Equal Rights of the Customary Marriage Law of 1998 brought formal recognition of customary marriages, and extended the same property rights protections (with some major exceptions) of spouses married under civil law, to spouses married under customary law. Sections 1(a), 2.1, 2.6(a)(b), and 2.10 regulate property rights in customary marriages in Liberia.

**Commented [c20]:** I think it is a good start in that it first of all presents the higher level of law and the fundamental rights.

What seems less logic, is that the chapter then continues with a very long and specific description of women’s land rights, without having said anything about the system in general. Would it not be clearer if the general framework was explained and understood, the main policies and laws discussed, before a description of the implicatin for specific sectors, or groups is provided?

### Discrepancies Between Civil Law and Customary Law Regimes

These laws show important gaps which make them difficult to apply. In particular, they fail to define and provide for marital property regimes. Joint property remains a major challenge as the Domestic Relations Act does not give any indication as to how joint property arises and is managed within marriage. These gaps in the legislation prevent the systematic documentation of land rights.

The surviving spouse is treated differently in a civil marriage than in a customary marriage. In civil law, the surviving spouse is entitled to one-half of her deceased husband's property for her lifetime, while a surviving spouse of a customary marriage is entitled to one-third of her deceased husband's property only until she remarries. Importantly, a woman in a customary marriage must get consent from her husband before she can enter a contract or acquires property from a third party, while a woman in a civil marriage does not.

### Policies and Institutional Mechanisms Enforcing or Preventing Women's Land Rights

The Gender and Development Act of 2001 established the Ministry of Gender, Childred and Social Protection (MGCSP), and defined its institutional mandate, which involves: a) promotion of gender equality, b) women's advancement, c) children's welfare, and d) social protection in Liberia.

In particular, the Ministry of Gender, Children and Social Protection is responsible for, *inter alia*.

- Advising the Government of Liberia on all matters affecting the development and welfare of women and children;
- Coordinating the government's gender mainstreaming efforts to ensure that both women and men's perspectives are central to policy formulation, legislation, resource allocation, planning, and outcomes of policies and programs, focusing on gender equality, empowerment of women, development of children, and social protection;
- Monitoring and reporting back the impact of national policies and programs on women and children, as well as recommending appropriate measures to be taken in mobilizing and integrating women as equal partners with men in the economic, social, political, and cultural development of Liberia; and
- Ensuring national compliance with the reporting requirements of all international conventions on the elimination of all forms of discrimination against women and children.

**Liberia National Gender Policy (2010-2015):** The purpose of the National Gender Policy (NGP) was to demonstrate the Government's political will to eliminate all forms of gender-based discrimination to achieve gender equality. It serves as a framework to mainstream gender, and empower women, children, and vulnerable people in the national development processes.

**Land Rights Policy, 2013:** The purpose of the Land Rights Policy was to clarify the status of customary lands through formalization; women's land rights both in urban cities and customary communities throughout Liberia; and ownership of natural resources found on and beneath customary lands.

**Commented [c21]:** Still related to women's land rights. Should it not go under that specific section?

**Commented [c22]:** Same as above. All these subsections are at the same level, which does not help having a clear structure and readability throughout the document. Same applies in the ToC. You are presenting a section on women's land rights dealing with the various laws and mechanisms that protect and regulate those. Make it one section with subsections. You may then have the same for IPs, or any other category you see relevant, IF you want to go by categories of land users/citizens.

While the Land Rights Policy of 2013 draws attention to the need of women regarding access to and ownership of land, it does not contain any concrete measure to guarantee that they do not lose out in the process. The Land Rights Act of 2018 embodies provisions that effectively address this gap in policy and legislation.

**Convention on the Elimination of All Forms of Discrimination against Women CEDAW<sup>21</sup> (adopted on 18 December 1979). Accessed on 17 July 1984**

Articles 2, 4, 14, and 16 of the Convention on the Elimination of All Forms of Discrimination against Women condemn discrimination against women in all its forms, and agrees to pursue by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake to: a) embody the principle of the equality of men and women in their national constitutions or other appropriate legislation, if not yet incorporated therein, and to ensure, through law and other means, the practical realization of this principle.

Specifically, States parties to this Convention undertake to: a) embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle, b) adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women, c) establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination, d) refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation, e) take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, f) take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women, and g) repeal all national penal provisions which constitute discrimination against women.

**African Charter on Human and Peoples' Rights<sup>22</sup>, adopted on 17 June 1981; Ratified on 4 August 1982**

Articles: 2, 3(10(2)), 14, and 18(3) of the African Charter on Human and Peoples' Rights, to which Liberia is a signatory, enshrines the following rights for all individual citizens of member countries, including the obligation of States to eliminate all discrimination against women and ensure the protection of the rights of women and children as stipulated in international declarations and conventions:

“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.”

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<sup>21</sup> Source: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>22</sup> Source: [http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf)

“Every individual shall be equal before the law.”

“Every individual shall be entitled to equal protection of the law.”

“The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.”

“The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.”

**Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa<sup>23</sup> (Maputo Protocol)**, adopted on 11 July 2003; Ratified on 14 December 2007

Articles 2(1)(a)(b)(c)(d)(e), 2, 3(1), 8(f), 15(a)(b), 18(1), (2)(a)(b)(c)(d)(e), 19(c), and 21(1)(2) of the Protocol of the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), to which Liberia is a signatory, contain the relevant provisions that legally obligate member States to eliminate all forms of discrimination against women; preserves women’s right to dignity; right to food security; right to a healthy and sustainable environment; right to sustainable development; and right to inheritance of parents’ and spouse’s property. These are the provisions that member States are legally obliged to integrate into national policies and legislation.

**Land Legislation**

**Public Lands Law – Title 34 of the Liberian Code of Laws Revised:** In Liberia, land tenure administration and management has, heitherto, been regulated by the Public Lands Law – Title 34 of the Liberian Code of Laws Revised. The Land Rights Policy of 2013, and the Land Rights Act of 2018, which is a product of the Land Rights Policy, have changed that now. The newly enacted Land Rights Act of 2018 supercedes all other land laws in Liberia.

**Land Rights Policy, 2013:** The purpose of the Land Rights Policy was to clarify the status of all categories of lands in Liberia through formalization. It contains a number of important policy recommendations, including a) Communities’ ownership of Customary Land to be formalized by the issuance of title deeds to a community-based legal entity that represents the community, with the title deed bearing the name of the community, b) Ownership of Customary Land that includes ownership of natural resources on the land, such as forests, including carbon credits, and water. In accordance with the Constitution, the Government of Liberia has exclusive ownership rights over “any mineral resources on or beneath any land, and on or under any lands under the seas and waterways.” The Government retains authority to regulate natural resource use and access, consistent with customary ownership rights and legal due process, and c) the Customary Land rights of groups, families, and individuals within the community, which will be decided by the community in a way that is fully representative and accountable to all community members, including women, youth, and minorities.

<sup>23</sup> Source: [http://www.achpr.org/files/instruments/women-protocol/achpr\\_instr\\_proto\\_women\\_eng.pdf](http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf)

**Commented [c23]:** This is all about Women Land Rights. It is 3.5 pages long. Can it be synthesized, can it be less bullet points and maybe more descriptive and analytical in some parts (as it is in others)? Perhaps also use tables to summarise all the legal instruments that at different levels help protect their rights. As it stands now it is too much of a menu in some parts.

Same comment was made in previous draft

**Commented [c24]:** I think before going into the description of the various laws and policies, the section would highly benefit from an introductory part explaining the setting, giving a descriptive idea of the framework in general that can guide the readers.

Also, I would recommend the use of the tools indicated in the Inception Report, like tool 1 for instance, which would be very appropriate here to understand and compare in terms of dates of approval, responsible ministries and other state agencies, etc.

**Commented [c25]:** There are at least a few other laws and policies which I imagine would be relevant. The whole section on forests disappears here, there is no single law mentioned, at the least the main one, the forestry law, or the mining law. Are they relevant in terms of land rights and land tenure system? If they are, they should at least be mentioned here AND go in the summary table (tool 1). Remember the objective of this paper is to have a clear overview and understanding to allow interventions in the field of land governance and land rights, like the ones of the communities which are so well described with their challenges a few pages above.



**The Land Rights Act, 2018:** The Land Rights Act (LRA) was passed into law by the Legislature in September 2018. It sets out a wide range of protections for customary land rights. These provisions fulfil the promise of tenure security for customary land rights contained in the Land Rights Policy.

Articles 2 (15), (16), (21), and (22) provide a clear definition of customary land, means of acquiring it in fee simple through titling, and the legal protections that the LRA provides for owners of customary lands.

Article 9 (1), (2), (3), (4), (5) provides legal guidance on proof of ownership of or rights in the four categories of lands in Liberia.

Article 16 spells out the legal obligations that every owner of private land must fulfill to consummate legal ownership of private land in Liberia.

Article 21(1) and (2) regulate how private land may be acquired by grant of a defined portion of a customary land to a resident as a residential area, provided that the total area of customary land which be acquired by or granted to a resident shall not exceed one (1) acre.

Article 32 (1), (2), and Article 34 (4) stipulate how customary lands are identified, and how customary land-owning communities are also identified through self-identification based on customary practices and norms, based on long period of occupancy and/or use. These Articles further stipulate that “all residents of a community are members of the community with equal rights to the customary land, and participation in the use and management of the community’s land, regardless of age, ethnicity, religion, disability, and identify.

#### Ongoing Policy and Legal Reforms, and Level of Inclusiveness

*Liberia Land Administration Project (September 28, 2018 to October 31, 2022; US\$7.00 million)*

The Liberia Land Administration Project is a four-year project (September 28, 2018 to October 31, 2022), and it is financed by the International Development Association (IDA) to the tune of US\$10.0 million, managed by the World Bank Group.

The Project Development Objective is to support the operationalization of the Liberia Land Authority, and inform the development of a new land administration system. The project has the following four components:

- Component 1: Support to the Liberia Land Authority
- Component 2: Support inventory and analysis of tribal land certificates
- Component 3: Support options for land administration
- Component 4: Project Coordination, Monitoring and Evaluation

The planned key results include:

- LLA has the necessary business plans and staff trained in place to function
- LLA has a better understanding of the distribution of land rights at country level (specifically number of counties with land certificate inventory

**Commented [c26]:** These are not policy reforms, which are carried out by state actors, but rather key initiatives by development partners

These are two significantly different things. The first one would require a type of analysis described under instrument 2, and the other one under instrument 5, of the IR.

**Commented [c27]:** There is no mention of the FAO engagement on the VGGT despite the 5 I think workshops held on land governance specifically. This is probably one of the most relevant initiatives to the MAP, if not the most important in terms of coordination. Any difficulty in talking to FAO?

As also mentioned by Constanze, there is no mention of the tenure facility, which was there in the previous version. Has there been changes in their engagement, or any news explaining the facility being removed from the CA?

Please add this here.

Also, please use the dedicated tables and tools as per the IR.

- LLA has a road map for developing a system for recording and managing land rights information

#### *Land Governance Support Activity (LGSA)*

The Liberia Land Governance Support Activity is funded by the United States Agency for International Development (USAID) to the tune of US\$15,570,000. The project is supporting the establishment of more effective land governance systems and comprehensive reforms to help ensure equitable access to land and security of tenure for all, facilitate inclusive sustained growth and development, ensure peace and security, and provide sustainable management of the environment. LGSA is applying USAID's Collaborating, Learning and Adapting (CLA) principles through the demand-driven support to the land reform agenda led by the GOL; strengthening of land governance human and institutional capacity; development of a customary land rights recognition model based on the Land Rights Policy that can be scaled up; and support of stakeholder engagement in land governance through communications and outreach and strengthening of local capacity through the provision of land sector services.

#### Objective:

1. Strengthen policy, legal and regulatory framework for land governance.
2. Improve functionality of GOL land governance institutions.
3. Strengthen protection of customary land rights.
4. Strengthen stakeholder engagement in land governance.

#### Current activities include:

- Strengthening the policy, legal and regulatory framework for land governance by providing advisory support and recommendations for land policy and legal and regulatory reforms;
- Providing the public with information on proposed reforms;
- Conducting policy research;
- Improving human and institutional capacity for land governance by supporting institutional transition to the Liberia Land Authority;
- Conducting action research to support provisions of the land rights policy and land rights law that recognize customary land rights;
- Supporting women's land rights initiatives;
- Supporting the Surveyors Association;
- Assessing media options for publicizing legislation and institutional reform agenda; and
- Developing and managing grants supporting civil society and private sector entities engaged in land governance activities.

#### Accomplishment to Date include:

- Comprehensive review of legislative reform agenda and proposals made for future policy, legal, and regulatory reform;
- Institutional audit and assessments completed for the Center for National Documents and Records Agency, the Department of Land Survey and Cartographic Services, the former Land Commission, and County Land Commissioners;
- Transition plan for the Liberia Land Authority drafted;
- Learning agenda for customary land rights implementation developed;

- Gender strategy for inclusion of gender responsive program activities developed; and
- Surveyors Association reconstituted, by-laws adapted, and leadership elections held.

Planned Outcomes:

- Legislative and regulatory reform agenda adopted and implemented by the Liberia Land Authority;
- Decentralized land management and institutional capacity development established and functioning;
- Public informed of and utilizing Government of Liberia land governance institutions;
- Master's-level training in land governance completed and graduates placed in Land Authority staff positions;
- Public outreach and awareness campaigns on land rights and governance developed and implemented;
- Facilitation of community-led processes to strengthen community land governance, including capacity building of communities, local institutions, and stakeholders undertaken;
- Development of a procedure for the formalization of customary tenure rights;
- Civil society, private sector, and citizen engagement in land governance strengthened;
- Land related private professional organizations such as real estate association, bankers' association, etc. established and functioning; and
- Public-private partnership mechanisms for the provision of land administration services established.

*Land Rights in Liberia: Equitable Access to Land for The Poor and Marginalized in Nimba, Lofa, Bong, and Margibi Counties*

The Land Rights for Liberia project is funded by the European Union to the tune of €1,323,141.46, for the period January 2017 to January 2020, is implemented by the Catholic Agency for Overseas Development (CAFOD) and Welthungerhilfe (WHH) in collaboration with Liberian NGOs including Sustainable Development Institute (SDI), Rights and Rice Foundation (RRF), Development Education Network-Liberia (DEN-L), and Liberia Law Society (LLS).

The Land Rights for Liberia project focused on advocacy efforts to encourage the passing of the Land Rights Act into law, through awareness raising at national, county and community level, and by improving the advocacy and organizational capacities of Civil Society Organizations (CSOs) at different levels, with a special focus on the CSO Working Group on Land Rights.

Once the law was passed into law, the project, in collaboration with the Liberia Land Authority, shifted support to communities to self-identify and manage their customary lands, and provides legal assistance to communities, where needed.

Stakeholders at different levels are being linked to ensure the documentation of challenges and lessons learnt in the execution of the Land Rights Act in Liberia.

### *Landesa's Land Rights for Sustainable Development Project (January 2018 – December 2020)*

Through the Land Rights for Sustainable Development Project (LRSD), Landesa promotes game-changing sustainable and equitable land-based development for all rural Liberians, including women and youth.

The project supports the development of responsive land laws and policies, strengthens government and civil society capacity to implement land rights reforms, raises national and community-level awareness of land rights, and builds evidence for land rights reforms through research, monitoring, and evaluation. Partners: Liberia Land Authority, Development Education Network-Liberia, and Foundation for Community Initiatives (January 2018 – December 2020).

### 3. FOCUS ON AGRICULTURAL INVESTMENTS CONTEXT

#### National Agricultural Setting

Agriculture in Liberia is a major sector of the country's economy worth 38.8% of GDP, employing more than 70% of the population and providing a valuable export for one of the world's least developed countries (as defined by the UN). Liberia has a climate favorable to farming, vast forests, and an abundance of water, yet low yields mean that over half of foodstuffs are imported, with net agricultural trade at -\$73.12 million in 2010.<sup>24</sup>

The major crops are natural rubber, rice, cassava, bananas and palm oil. Timber is also a major export at \$100 million annually. Although agricultural activity occurs in most rural locations, it is particularly concentrated in coastal plains (subsistence crops) and tropical forest (cash crops). The sector is very important for women as they are widely employed in it in comparison to the economy as a whole.

#### Overview of Agricultural Investments

Palm oil, rubber and timber are the keys to creating tens of thousands of low-skilled jobs in Liberia, but investors and the government are still looking for ways to maximise profits, minimise abuses and increase benefits to local communities.<sup>25</sup>

The majority of the investments in agriculture in Liberia are in Timber, Oil palm, Rubber, cocoa, and coffee. Investments in rice and other field crops are mainly donor-driven. Donors have also heavily invested in the agricultural sector. The United States Government has invested the largest amount of resources in the production of rice and other field crops mainly as a poverty reduction strategy.

Concessions have dominated the rubber sector for a long time, and are given considerable free reign even today, despite their current lack of investment in the sector. Firestone nor any of the several concessions do not produce any value added products and many of them treat workers unfairly.

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<sup>24</sup> Buzanakova, Alina. "Liberia Agriculture Sheet - Open Data for Liberia"

<sup>25</sup> Theafricareport.com

In exchange for \$3.19 in daily wages, Firestone Natural Rubber Company, a Bridgestone subsidiary, expects a typical Liberian worker to tap 650 trees a day, carrying seventy-pound buckets of latex for miles. A single laborer would have to work twenty-one hours per day to meet this quota, a near-impossible task. Which is why Firestone gives workers an extra incentive: tap 650 trees per day or see their daily wages slashed in half. <https://pulitzercenter.org/reporting/firestones-super-bowl-fumble>

Concessions used to provide many services such as extension, supply of clones, credit, and transportation, today they provide little to nothing in terms of services for the sector. And the smallholders suffer. Firestone still dominates processing, which is actually only enough for export to its markets in Europe and the US.

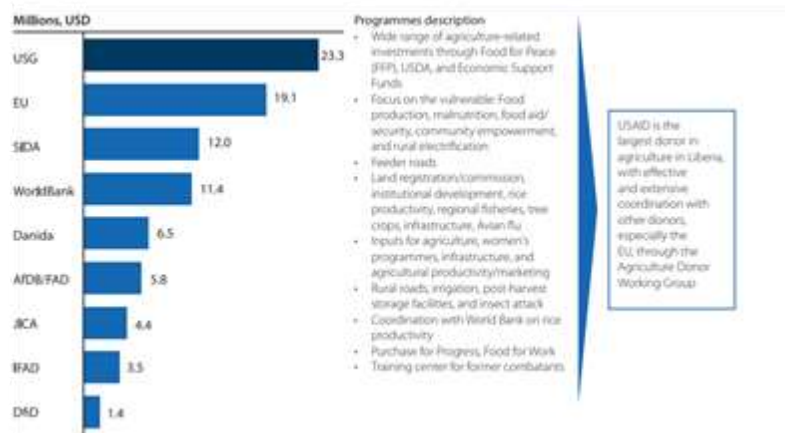
Golden Veroleum has a concession for 350,000 hectares in Sinoe, Grand Kru and River Gee, while Sime Darby has a concession for 220,000 hectares in Bomi and Grand Cape Mount. Equatorial Oil Palm has a concession of 169,000 hectares in Grand Bassa and Maryland Oil Palm has 9,000 Hectares in Maryland. GVL and Sime Darby have both planted 10,000 hectares each as of mid-2015 and are developing their first mills.

These concessions are all having problems with the terms of their lease agreements. The lands were leased from the government without any participation of the people who are the custodians of the lands. This erroneous method of lease is the basis for many of the issues that the oil palm concessions are facing.

Nearly 2 million hectares of forestlands have been leased to just three oil palm concessionaires in Liberia. Liberia's oil palm sector has been some of the most troublesome investment sectors in the country, with riots, protests and human rights abuses.

Figure 2: Distribution of Donor Land-Based Investments, Millions, USD

Commented [c28]: Please add the date



Source: <https://www.abghq.com/downloads/Liberia.pdf>

## Policy and Legal Framework Regulating Agricultural Investments

The Liberia Agricultural Transformation Agenda (LATA) is the latest policy framework and vision for developing agriculture and agribusiness in Liberia. It represents a decisive holistic move towards transforming Liberian agriculture into a strong economic pillar. The LATA policy framework encourages agriculture to move from subsistence farming to business. It introduces and makes optimal use of science and technology, research and innovation, adequate policies and regulations, regional and international trade agreements, nurtures domestic private sector and attracts foreign investors with a proven track record in Africa and promotes economic development and inclusive growth through job creation<sup>26</sup>.

- a) Elements of the Liberia Agricultural Transformation Agenda include:
  - The E-Registration of all farmers in the 15 counties of Liberia to create a database. More than 250,000 farmers already registered.
  - It is facilitating access to finance by cost-sharing mechanisms for agro-inputs (initiated and ongoing).
  - Set up a holistic de-risking mechanism for commercial lending, including credit guarantee, technical support, insurance, bank incentive mechanism, bank rating, co-financing and grants to SMEs (initiated and being planned)
  - Promote finance leasing and micro-finance institutions (regulations adopted, some investors operating)
  - Attract and incentivize value chain investors (incentives available)
  - Implement warehouse receipt system (proposal under review)
- b) Reform the policy environment.
  - Liberia Agricultural Commodity Regulation Agency (Act adopted)
  - Seeds, Fertilizers and Pesticides Act (in process)
  - Land Rights Act passed into law
  - Specific regulations and taxation regime per value chain (in process)
- c) Promote Private Sector Investment
  - Fast-track investment proposals for LATA through strong Governmental leadership and coordination (Presidential Task Force ongoing)
  - Set up a special scheme for incentives and business development support for Signature Investors at critical stages of the value chain (in process)
  - Duty-free access for essential equipment, seeds, goods for agricultural development (Executive Order 73 existing)
  - Targeted investment promotion and development of export markets (ongoing)
  - Doing business differently as a government
  - Redefining the role of the Ministry of Agriculture as a business enabler and not an implementer (institutional reforms ongoing)
  - Provide clear strategic direction and targets (LATA programming in process)

**Commented [c29]:** It is understood that LATA is the overarching framework for agricultural investments. Would it nevertheless be possible to add a table listing all the (at least main) laws and regulation having a impact or implication with regards to land/agricultural investments? Where is the principle on FPIC stated for example? Should there be an impact or social assessment as part of the procedure? And which is the law providing for such procedures? This kind of information would be particularly relevant for this section I believe

**Commented [c30]:** When was it approved? For how long has it been implemented now?

**Commented [c31]:** Is this the reality, or an ideal vision deriving from the description of the investberia website mentioned as the source?

<sup>26</sup> <http://investliberia.gov.lr>

- Strengthen coordination and collaboration across Government agencies to ensure objectives are met (Task Force, Sector Working Groups ongoing)
- Strengthen partnerships with all key stakeholders (Public-Private, Government – Donor, Government - NGO mechanisms set up)
- Increasing access to information and transparency (online communication will be strengthened)

### Key Challenges Related to Agricultural Investments

Investment in agriculture is the key for economic growth and job creation in Liberia. But there are significant constraints and hurdles that must be removed before that potential can be realized. According to the NIC, GROW and other organizations working within the sector in Liberia:

- Lack of access to affordable finance has been consistently cited by private-sector investors as the number one obstacle to implementing agriculture projects in Liberia.
- Access to a stable electricity supply, the ability to transport goods, and investment in irrigation.
- Smallholders lack the skills to increase quality and quantity of production
- Farmer organizations can be poorly managed
- Lack of support by government
- Bureaucracy
- Faulty lease agreements

**Commented [c32]:** Are not land grabbing and land dispossession a challenge related to agricultural investments??  
No infringement nor threats to local communities' land rights as a consequence of agricultural investments??

### Ongoing Policy and Legal Reforms, and Level of Inclusiveness

Within LATA, there are several policy reform documents that have been initiated and are ongoing. These documents as listed above are very important in changing the way agriculture investment is done in Liberia.

The Liberia Agriculture Commodity and Regulatory Agency (LACRA) is an important agency in ensuring that companies and organizations dealing in the development and trading of commodities are regulated appropriately.

The seeds, pesticides, and fertilizers Act is important also as it will regulate the import and use of these chemicals on the Liberian market. Currently, any agency or business can import any kind of chemical and dump onto the Liberian market without the adequate safeguards.

The Land Rights Act is a huge development in agriculture. Both for private farmers, concessions and customary owners of land. The land rights act outlines the laws regarding ownership of land, and takes away the uncertainty of land rights and ownership.

And then there are regulations and taxation regime for each value chain. These will outline what can be done with taxes and tariffs that can improve the various value chains.

**Commented [c33]:** I think the CA needs a deeper level of analysis than this.  
How would this be used by MAP actors to intervene in such reforms?  
There are ad-hoc tools developed to analyse this information and turn it into debatable, ready to use and measurable information for the MAP to strategise and operate. Namely, tool 2 of the IR

#### 4. SUMMARY OF KEY CHALLENGES

The key challenges with regards to food and nutrition security and agriculture investments are basically the same with minor differences in all three counties studied.

In all three counties, respondents noted that there is too much power vested in the local government officials regarding land administration and land ownership.

- The superintendents were seen as responsible for arbitrating land issues, and in some instances, made unilateral decisions on how land ownership disputes were finally resolved.
- The system for arbitration is not set and land issues are handled on a case-by-case, ad hoc basis, most times headed by the superintendent or his direct designate.
- When settled by local government officials, land disputes re-occurred in the same areas.

Community residents prefer the intervention of the superintendent or his designates in cases of land confusion instead, compared to litigation in the court system.

- Going to court to settle a land cases is seen as very expensive and a waste of time.
- As a matter of fact, many lawyers from Sinoe County, for example, do not perceive community residents to be good paying clients, which is a disincentive for lawyers to offer legal services to the citizens.
- And though community residents perceive the local government officials to be corrupt, they still prefer them to court proceedings.

The majority of the residents of customary communities do not own their customary landholdings in fee simple.

- The customary landholdings are owned collectively by communities and are administered and managed through customary practices.
- The traditional boundaries of the customary communities are defined by mutual recognition of lines of demarcation among neighboring communities, which boundaries are identified by landmarks such as trees, creeks/rivers, mountains/hills, and agreed upon stopping points where each customary community brush footpaths/roads and stop.
- The ownership practices of these customary landholdings are known by all community residents. The death or relocation of holders of customary lands for long periods of time can be interpreted to mean abandonment, and can result to loss of customary landholdings for reallocation by the leaders of customary communities.
- Customary land is rarely deeded and registered in accordance with statutory laws.

#### Commented [c34]:

This section is key, as it is the result of the analysis made of context, facts and legal frameworks and its limitations. As such, it will represent the basis for strategic discussions regarding the set up of the MAP, and the development of its strategic areas of intervention.

It is also the result of the in depth look in 3 selected counties, which has the potential for providing more hands on perspectives on the problems faced by local populations. This last part should however be an addendum to the overall analysis, whereas the whole section here is limited to elements that are specific to those counties and that emerge mostly from interviews.

This section should be the summary of the challenges for the whole chapter 1: desk review, interviews with key informants and field work.

Additionally, this is the only section where one can find information and feedback from the field work. It would have been good to get more insights a part of the overall analysis, using concrete cases you have observed to illustrate and support the desk review you have made. I think that was the idea.

The IR clearly mentions a focus on vulnerable groups, with the idea of making a case for advocacy purposes. So far we only have one very minor bullet point covering this, and I think following our field work there would be much more to say and material to use.

**Commented [c35]:** Is there a corresponding analysis of what should be - and how should work - land dispute resolution mechanisms?

**Commented [c36]:** Meaning land disputes?



The legal means of owning land through the titling process is really not clear, and most times the only document thought to be a deed is the Tribal Certificate.

- The process of issuing Tribal Certificates have been abused by chiefs and local government officials over time, and there is a concerted effort by the Liberia Land Authority to collect and authenticate all Tribal Certificates in Liberia.

There is also a challenge around the fact that community residents perceive that the concessions use chiefs and government officials at all levels as a shield of protection to grab their customary landholdings.

- Community residents are not invited by local government officials to meetings with the concessions. Residents' perceive this action as an effort on the part of the local government officials to avoid sharing benefits from the concessions with them.
- The dissemination of information to community residents by local government officials, about benefits due them as a direct result of the allocation of their customary landholdings to concessions, is not effective.
- Furthermore, the number of hectares of customary lands allocated to concessions by local government officials is not really known by residents of the affected customary communities; and the amount of customary lands reserved by the local governments and concessions for use by the affected customary communities that have lost customary landholdings, is in question since the community residents have no means of verifying how much of their customary lands have been turned over to agricultural, forestry, and mining concessions by local government officials.
- The vast majority of community residents think that they are being cheated out of their customary landholdings awarded to the concessions by the governments, and the amount of customary lands reserved by the local governments and the concessions for them to continue their subsistence and smallholder farming activities does not fully take into account their long-term food security and socioeconomic needs.

*Local government officials and elected representatives are also not enforcing the land laws to the full extent of the law.*

- For example, notice of land surveys should be given to adjacent land owners, and announcements of land surveys should be made to the public as prescribed by law. This is not done in most cases.
- Vulnerable groups in the areas visited range from landless women in general to widows, the elderly, sick and disabled persons, youths, and the ultra-poor.

In Plussinee, Sinoe County, an elderly man who is a customary landholder of the village, which had been taken over by Golden Veroleum Liberia (GVL), noted that he could not farm anymore; he had been fired from a low paid job by GVL, and now only depends on scraps from his children. The customary land left for him and his people to tend is a small swamp, and basically he has lost his only source of land-based livelihood to GVL.

- These people are vulnerable and susceptible to hunger, poor sanitary conditions, and high death rates if their family ties and families do not have a strong relationship and caring bond. There is no legal basis for such discrimination.
- Disabled people are not able to work or cultivate farms. They have no or limited resources. Some do not have children or wives or husbands to take care of their needs.
- Land issues and decisions do not engage and involve youth. They are sidelined, especially if fathers and/or uncles are present. Also, youth do not have the resources, do not appear responsible, or have distinguished social or political positions in customary communities.
- Due to limited arable land, agricultural production is declining in Bomi, Sinoe and rural Montserrado. Farmers practice traditional subsistence farming methods, with the slash-and-burn-shifting cultivation method predominant. With vast areas of customary landholdings taken away for concessions to use for their businesses, subsistence and smallholder farmers can no longer shift from one parcel of farmland to another every farming season, and they do not have the capacity and wherewithal to obtain new and improved inputs (seeds, agrochemicals, implements and appropriate technologies) to adopt new farming methods such intensification vis-à-vis extensification. Many community residents seek daily wage jobs with the companies that operate the concessions, or resort to illicit artisanal mining for gold and diamonds, motorcycle taxi services, petty trading of goods and services, and other menial activities to make a living.

## CHAPTER 2: MAPPING AND ANALYSIS OF RELEVANT ACTORS AND NETWORKS FOR NATIONAL AND LOCAL LAND GOVERNANCE AND AGRICULTURAL INVESTMENTS

### 1. *National Legislature – Senate Standing Committee on Lands, Mines and Energy*

The Senate Standing Committee on Lands, Mines and Energy of Liberia Senate is the lawmaking body of Liberia, with oversight responsibility for all land matters in Liberia. It has interests in working with CSOs since the CSOs are working in many geographical locations, and with a varied number of people in the electoral districts.

Potential contributions from the Senators include ensuring that the peoples' interests should always be sought when negotiating concession agreements, and that the voice of the people should be heard in matters concerning land for agricultural use.

Considering the importance of land rights and the law, it is necessary to have the Senators fully engaged by the communities that they represent.

### 2. *Liberia Land Authority (LLA)*

The Liberia Land Authority is the land policymaking body of Liberia. Besides the funding it receives from the government, the LLA also fosters bilateral partnerships with donors, international development organizations, NGOs/CSOs, and statutory and customary communities.

The Liberia Land Authority is the agency formed by the combination of several government land authorities. It has the technical expertise in land knowledge, data gathering and analysis.

The LLA will spearhead all land policymaking, influence, land sales and titling, monitoring, land conflict mitigation and management, and decision-making regarding land issues in Liberia. The LLA is currently implementing the Land Rights Act, which was enacted into law to make the conveyance and titling of government, public, customary and private lands in Liberia equally legally protected.

Before now, land issues were dispersed at several locations within the Executive and Judicial branches of the government. The LLA now contains all departments related to land governance in Liberia.

### 3. *Ministry of Agriculture (MOA)*

The Ministry of Agriculture (MOA) is responsible for the governance, management and promotion of agriculture in Liberia. The MOA is responsible for the oversight of agronomy, animal husbandry and other agriculture industries; the economic organization of the agriculture and food industries, and national food security.

The MOA is also clothed with the responsibility to ensure that no concessions are imposed on communities by the government. It should ensure that no allocation of customary lands for

agriculture investments are entered into until the affected customary communities give free prior informed consent.

The MOA is not only to regulate agriculture investments by concessions. It is also to ensure that any investments on the land should benefit local communities, and should be sustainable and responsible.

The MOA is supported by provisions in the national budget of less than 5%, even though the government is a signatory to the Malabo Accord which stipulates that signatories to the accord should allocate an annual percentage of not less than 10% to agriculture.

Besides government support from the national budget, agriculture is supported mainly by bilateral donors, NGOs, and the private sector. This support is not effectively coordinated. Lack of harmonization and alignment of policies and programs among various donor agencies continue to mar effective aid delivery to recipients who in turn have been eluded by the key concepts of inclusiveness, popular participation, and 'good governance.'<sup>27</sup>

#### 4. *National Bureau of Concessions (NBC)*

The NBC has the mandate to monitor and evaluate concessions. There are fears that concession farm establishment will be slow and difficult, and will limit national employment if the Land Rights Act is not fully implemented. This fear is misplaced since many communities do not get the employment promised when they provide land to concessions.

The establishment of outgrower schemes for oil palm concessions as a requirement within the first three years of a concession agreement, has been delayed due to the limited capacity of the government to provide a financial framework for the outgrower schemes. This delay has been the underlying reasons for the perception by many communities that they are not benefitting from the lands allocated to the concessionaires.

The NBC is leading the effort with NGOs such as GROW, IDH, UNDP, USAID, and others to craft and implement an Outgrower Scheme. The NBC is also conducting education workshops with regards to the Land Rights Act, and FPIC.

The NBC is further making efforts to have concession-affected communities and the concessions to resolve land conflicts in the court system of the Judiciary.

#### 5. *Judiciary*

The judicial court trial system should be the main body through which land cases are settled. The Judiciary should provide legal assistance for litigation of land conflict cases.

Implementation of legal reform programs is supported by fiscal year budgetary allocations to the judiciary in the National Budget. Judicial reform and capacity building programs are supported by bilateral and multilateral donors.

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<sup>27</sup> <https://afrodad.files.wordpress.com/2013/10/a-critical-assessment-of-aid-management-and-donor-harmonisation-liberia1.pdf>

There must be some supporting mechanisms to encourage land cases to go through court proceedings instead of being administratively arbitrated by biased or corrupt local government officials of the Executive Branch of government.

The proposed MAP will be in a good position to coordinate an Alternate Dispute Resolution (ADR) mechanism that should be adopted and implemented by the LLA.

#### *6. World Bank Group*

The World Bank Group has the financial resources, operating structure, and expertise to be a lead partner in the proposed MAP. It has conducted a land assessment, worked with the government to increase productivity and marketing arrangements in rubber, oil palm, and coffee. The Bank has supported the vetting of Tribal Certificates for customary lands, to allow agriculture investment programs to be implemented in a timely manner for the benefit of targeted groups and their communities.

The Bank has also helped improved food security by supporting research at CARI, providing scholarships, financing SMEs, and the providing technical support for program design, procurement of goods and services, supervision, and reporting to donors and lenders.

The Bank is especially interested in a coordinating role, and the mobilization of resources within the proposed MAP.

#### *7. Food and Agriculture Organization (FAO)*

The FAO has helped to bring various actors in land tenure governance into a partnership to improve land governance in Liberia. Its signature program dealt with making policies better for those who rely on land for food security. It has worked with a number of civil society organizations in achieving improved land governance in Liberia, e.g. partnering with FDA to resolve forest land issues, i.e., national forest inventory which identify land areas under forest governance, fisheries governance issues, food security and agriculture.

The FAO was also very instrumental in promoting application of VGGT in Liberia, which has been adopted by 113 countries. It has provided awareness, technical assistance, training and capacity building.

The FAO is also interested in a coordinating role within the proposed MAP.

#### *8. European Union (EU)*

The EU currently supports programs on forestry governance and the VPA process. It has a history of working to map the Liberian forest resources, and are working with communities to determine land and forest use.

The EU concede that there are many shortcomings, and their work has been slow, but a lot of effort is required to have results.

The EU supports the Tribal Certificate registration process to be implemented within one year, and concession agreements being reviewed for clarity in certain areas. For new concessions, they recommend that the LRA be used for negotiation, and that human rights violations be curtailed by the use of the FPIC process.

Litigation of land cases have a high cost, and can be delayed for years due to the absence of an Alternative Dispute Resolution system.

Some of the issues the EU points out that could raise issues in the Land Rights Act are:

- People do not see the benefits of not being corrupt. Corruption could derail the good intent of the Land Rights Act.
- It will be ideal to have all actors participate in donor meetings where the proposed MAP can coordinate and have positive results.
- Need to know what resources each participant has available, and how to coordinate and build capacity.

The EU notes that the proposed MAP is the best option to bring all actors together. It is interested in participating, but not in funding.

#### *9. German Technical Cooperation (GIZ)*

Like the proposed MAP, to make the LLA work effectively, there should be buy-in from all stakeholders; support to CSOs; and increased quality of service delivery.

It is notable that many of the concession-related land disputes arise from GPS-based demarcation of lands without consideration of the rights of the people on the ground. Due to political reasons, many redemarcation of district/township boundaries are instituted without taking into consideration the interests of the people who live in those areas.

GIZ would like to participate in the proposed MAP, but not at a funding level. They are interested in seeing how the LLA will relate. But they would like to participate in an advisory role.

#### *10. Swedish Embassy/SIDA*

SIDA's support to the land sector is very strategic around peace building and increasing the need for the private sector to be more investible. It also works to prevent conflict in communities by supporting the Liberia Land Authority to craft policies that bring more structured results to the land authority.

The technical cooperation arrangement between the Swedish Land Mapping Cadastral Authority will allow the agency to coordinate and cooperate directly with the Liberia Land Authority. It will assist in:

- Building the capacity of staff
- Provide training and education on conflict prevention.

- Areas to collaborate are deed registration and eradication of corruption in land governance in Liberia.

SIDA also looks forward to supporting CSOs so that they are able to hold the LLA accountable, and radically mitigate corruption and its effects.

#### *11. Traditional Council of Liberia*

The Traditional Council of Liberia wants to be involved in land reform processes to represent the interests of customary communities. It can help disseminate information to rural communities for proper understanding, using the local vernaculars to effectively communicate customary land rights.

The Traditional Council of Liberia was not initially vocal, but lately became involved to carry the message on the Land Rights Act, benefitting from support from The Carter Center.

The Traditional Council of Liberia notes that the process of forming new boundaries for new districts and townships are causing problems in customary communities. These processes are marred by corruption. Current land administrators are not handling land business judiciously. Many are fixated on financial gain, been receiving bribes, selling at above stipulated land fees, and ignoring the law.

People's interests must be sought and must be inclusive, and the Traditional Council of Liberia promises to ensure that that message is clear within the MAP.

#### *12. Farmers Union Network (FUN)*

The FUN promotes national rice production. FUN notes that getting the system to work on behalf of farmers is a serious weakness, and it will continue to engage the government constructively.

FUN is visible in the 15 counties of Liberia, and has the capacity to leverage expertise and other resources to improve farming in Liberia. The organization has a network of qualified agronomists and farmers, has links to farmers and supporting institutions, and the capacity of accessing customary lands for agricultural investments.

#### *13. Women's NGO Secretariat of Liberia (WONGOSOL)*

WONGOSOL remains involved at all levels to advocate for women's rights to own and possess land. WONGOSOL is serious about implementation of the LRA, and will ensure women have access to land.

WONGOSOL has its presence and visibility in the 15 counties of Liberia, and has the capacity to leverage expertise and resources to execute its agenda.

WONGOSOL maintains collaboration, awareness raising, hold meetings and delivers land rights information to women all over Liberia.

Joining MAP means that WONGOSOL's main objective is to push women's interests and better livelihoods for women.

#### 14. *Rights & Rice Foundation (RRF)*

The RRF played a major coordination and advocacy role in the passage of the Land Rights Act, for the betterment of the Liberian society. The RRF maintains that effective implementation of the LRA is key to land tenure security and peace in Liberia. The RRF has the capacity to leverage expertise and resources, and has access to other CSO groups and networks. The organization can mobilize customary communities, organize and train them for implementation of the LRA at community level. The RRF is also open to facilitating the organization of the Multi Actors Partnership (MAP) in Liberia. It also has the capacity to unite the network of the CSOs Working Group on Land Rights with public and private sector actors to contribute to effective implementation of the LRA.

#### 15. *Sustainable Development Institute (SDI)*

The SDI has conducted research on land issues, supported INGO partners with the goal to promote the government's initiatives on land reform.

The SDI has fought corruption and the criminal conveyance of land. It has the capacity to leverage expertise and resources to build collective voices.

#### 16. *County Superintendents*

The County Superintendents are involved in policy implementation and decision making; partnership with concessions and CSOs; project visibility and exerting the influence of government, conveyance of land to concessions and private owners; monitoring of land governance functions; and exercising administrative adjudication of land disputes among all land users at the county level.

Considering the political and administrative powers that County and Statutory District Superintendents wield over land governance, it does show that the local government offices of the Ministry of Internal Affairs will be a useful addition to the MAP, but their powers have to be checked within the MAP in order to maintain integrity.

#### 17. *Civil Society Organizations*

CSOs are located in and operate in all of the 15 counties of Liberia, and have partnerships with donors, the Liberia Land Authority (LLA), Forestry Development Authority (FDA), Ministry of Mines and Energy (MME), Ministry of Agriculture (MAO), and with customary communities.

### [Views and Expectations on the Development of a MAP for Land Governance: Risks, Opportunities, and Recommendations](#)

During consultations, many of the stakeholders seemed to want to be a part of a system or partnership of like-minded groups working together on land governance in order to complement each other and to garner support. But, many of the donor-type organizations, while they are interested in a MAP structure, either want to play a non-funding coordinating role to leverage their

**Commented [c37]:** There is no analysis, nor recommendations. No information that can be used during the workshop or that can advance the debate. The whole SHA part should have informed the debate, provided an analysis about the different perspectives, the points of divergence and convergence, etc. I don't know if the SHA tools, which have not been shared, contain this information, but as it stands now I don't see this section helping the LfL team that much. It is agreed and understood that the outcomes of the SHA should be treated with caution as they may be sensitive and confidential, but the CA itself as it stands now will not help. Please do use the outcomes of the SHA analysis to beef-up the chapter and provide a strong basis for advancing the discussions during the WS.



expertise and organizational structures and cultures to boost the sustainability of a MAP on land governance in Liberia.

The risks involved in the proposed MAP arrangement is the fact that various partners have different ideas and visions of how to operate within the proposed MAP structure. This is risky as any misstep can be blamed on the entire structure instead of on just one outlier.

The way forward, as recommended by stakeholders, is to have a framework that ensures that the proposed MAP focuses on clearly identifying weaknesses and challenges, and effectively coordinating the harnessing of the collective expertise and resources of members for the effective implementation of the new Land Rights Act.

**Commented [c38]:** But where is the analysis of those differences? Can we add elements that may inform a debate when they will be discussing the framework mentioned here below?

## Reflections on Multi Actor Partnership as a Concept

"Coming together is a beginning, keeping together is progress, working together is success."

Henry Ford (Source: <https://www.civilsocietyacademy.org/single-post/multi-actor-partnerships>)

Multi Actor Partnership (MAP) is a collaborative process involving diverse groups of actors striving to work together to address complex problems. Multi actor partnership processes have gained increasing importance and relevance during the last two decades. MAPs acknowledge the vast complexities and interconnectedness of issues. Many problems obviously exceed the capability of any single actor to solve. Complex problems include issues related to the socioeconomic wellbeing of people generally.

Think about land rights issues, wherein different actors have competing and/or conflicting interests, often with devastating effects on communities and their ecosystems. Such issues demand collective efforts of key actors of the state, private sector, and civil society to progress towards a common goal and win-win outcomes.

Sustainable Development Goal 17, which aims to strengthen the means of implementation, and revitalize global partnership for sustainable development, formulated the following targets:

**Section 17.16:** Enhance global partnerships for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology, and financial resources to support the achievement of the sustainable development goals in all countries, in particular developing countries.

**Section 17.17:** Encourage and promote effective public-private-civil society partnerships, building on the experience and resourcing strategies of partners.

**Application of Multi Actor Partnerships:** For civil society organisations (CSOs), collaborative multi actor partnerships can be an interesting advocacy strategy, which can complement other strategies, such as evidence-based advocacy, legal action, or mass mobilization to advance change and influence policy making.

Multi actor partnerships have been formed by implemented in Liberia by sectoral Ministries and Agencies of the Government of Liberia, Donor Agencies, the United Nations (UN), International Nonprofit Organizations (INOs), Foreign Profit Organizations (FPOs), and National Nonprofit Organizations (NNOs).

Commented [c39]: Check wording

The dominant engagement approach has been and continues to be, for example, a donor agency funds a project that an INO or a consortium of INOs are contracted by the donor agency to implement in coordination with a particular ministry or agency with the participation of some NNOs as implementing partners; a coordinating committee is usually set up as the mechanism through which the implementing partners share information with and report to the donor agency and the beneficiary ministry or agency.

The approach of the FPOs has been the setting up of the Corporate Responsibility Forum (CRF), which serves as the mechanism through which the various concessionaires share corporate responsibility-information and strategize on leveraging corporate responsibility projects and programs.

The NGO Policy Guidelines of the Government of Liberia mandate all NGOs – international and national – to become part of the NGO Council that is prescribed by the guidelines, for the purposes of accreditation, coordination and institutional linkages, capacity building, and self-regulation. NNOs formed the Liberian NGO Network for the purpose of engaging with the Ministry of Finance and Development Planning (MFDP), Monitoring Steering Group (MSG) of the INOs, and with the UN and donor agencies on behalf of NNOs, but has not survived due to its unrealistic operating framework.

With support of the EU-funded Land Rights for Liberia project implemented by the Catholic Agency for Overseas Development (CAFOD) and Welthungerhilfe in collaboration with the Rights and Rice Foundation (RRF), Sustainable Development Institute (SDI), Development Education Network-Liberia (DEN-L) and Liberia Law Society (LLS), the Working Group on Land Rights was formed to advocate for passage of the Land Rights Act into law, and to following passage of the Land Rights Act into law in 2018, to collaborate with the LLA and other stakeholders for the effective implementation of the Land Rights Act. The staff of CSOs that are members of the Working Group on Land Rights have been trained in advocacy, Project Cycle Management (PCM) and Financial Management (FM) to equip them technically and managerially.

The multi actor partnership approaches adopted and applied by the government, the private sector, donor agencies and their implementing partners, and Liberian civil society organizations have not always been strategic, coherent and effective enough in terms of sustainability and impact.

For development CSOs, Multi Actor Partnership is an innovative way of engagement, resulting in higher impact. It also means that the organization has to take up a new role, which is inherently different from conventional partnerships with other civil society organizations. Therefore, this has to be carefully and strategically considered. This may require WHH moving from the role of a grantmaker to a facilitator, or a partner in a multi actor initiative, to be able to engage with a greater diversity of network partners, becoming more visible and putting vision for change above partnership with a civil society partner.

## RECOMMENDATIONS

According to the United Nations SDG 17.16, Multi Stakeholder Partnerships should be used as a key tool for “mobilizing [state and non-state actors] and sharing knowledge, expertise, technology, and financial resources, to support the achievement of the sustainable development goals in all countries.”

Civil society organizations can support the Multi Actor Partnership (MAP) project in its adaptation to the local environment or context, so that its processes, products and/or services can be interlinked in a harmonious way with local actors. The MAP project should employ civil society, public, and private sector actors at all levels, i.e., national and county level, in all of the fifteen counties of Liberia.

At the very beginning, all actors must have a constructive dialogue, understanding the interests and approaches of all the stakeholders, leading to the definition of goals and a strategic plan, and development of a consensual plan of action. Without a common understanding of the MAP platform among all of the parties, based on mutual trust, it is very difficult for the initiative to succeed. The key to supporting and brokering more effective multi stakeholder cooperation, therefore, may lie in a change in mentality on the whys, whats, and hows of multi stakeholder partnerships.

An essential part of the MAP platform is the creation of bridges or linkages between the public sector (government), the private sector (business), and the civil society sector (non-governmental organizations including faith-based organizations, and community-based organizations).

## ANNEXES

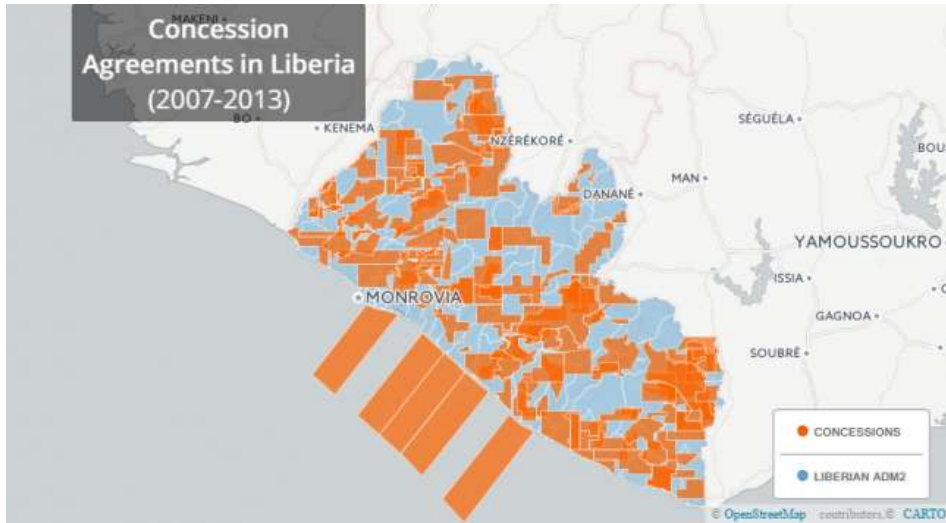
Compile in a separate document:

- Sources/contacts in Excel document
- Interview records/notes
- All SHA compiled tools

**Commented [c40]:** I don't see these helping or informing the WS debate in any way. There is no connection to the analysis or the context, they could apply to any context and would not require prior analysis.

**Commented [c41]:** Which is what the CA should inform and provide guidance on

**Commented [c42]:** Yes but it would be interesting to see them at some point, as of now none of them was shared. In addition some were meant to be used in the body of the text for the sake of clarity, not as annexes.



Source: <https://www.aiddata.org/liberia-concessions>