



INTERNATIONAL
LAND
COALITION



LIBERIA COUNTRY ASSESSMENT

LANDex Baseline

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INTRODUCTION

This report presents a full Country Assessment of land governance in Liberia carried out with the Global Land Governance Index ([LANDex](#)). As the first full report on Liberia, the report assesses the country on 33 indicators related to land governance, which are organized according to the 10 Commitments to People-Centered Land Governance and thematic areas that define and guide the work of the International Land Coalition (ILC). This approach measures land governance on three levels: i) the strength of the legal and institutional framework surrounding a land issue, ii) the degree to which policies or programs established in such frameworks had been implemented, and iii) diverse outcomes, impact or perceptions of implemented projects or policies.

All LANDex indicators are set on a 0-100 scale, with 100 being the highest possible score. A high score reflects the extent to which a country has fulfilled all aspects of the indicator, whether calculation- or evaluation-based. LANDex scores are not meant to rank countries but rather allow the land community to assess how the country is performing on important aspects of land governance. Through time, these scores reflect to what extent land governance appears to be improving or worsening in specific areas.

Five LANDex indicators – 1B, 1C, 3C, 4C and 5C.1 – are based on the calculation of variables from Prindex, a global survey that collects data on rates of property documentation and perceptions of tenure security.

The findings herein are based on nine out of the 10 Commitments since the commitment on secure territorial rights for indigenous people was found not to be relevant in the Liberian context. The commitments captured include: secure tenure rights, strong small-scale farming systems, diverse tenure systems, equal land rights for women, locally managed eco-systems, inclusive decision making, transparent and accessible information, effective actions against land grabbing, and protected land rights defenders.

Liberia's highest performing commitment is the commitment on locally management ecosystems with a score of 82.9, while the lowest performing commitment is strong small-scale farming, which has a score of 34.8. The country has also scored above average with commitments on the protection of land rights defenders, inclusive decision making and securing tenure rights. With the nine commitments taken together,

Liberia's overall score is 56.7.

COMMITMENT ONE

In Liberia, land is classified into four categories: private land, customary land, public land and government land.[1] Possession rights to land can be acquired from owners through leaseholds and within the category of customary land ownership, cultural practices including heritage and spiritual sites are protected. By law, non-Liberians are not allowed to own land and furthermore, only persons of negro descent are eligible to become Liberians.[2] In effect, non-negroes are disallowed from owning land.

The land reform process in Liberia has been underway since 2008. During this time, a Land Commission was created to drive the process, albeit with a limited mandate. A key output of this Commission was the Criminal Conveyance of Land Act of 2014 which criminalized fraudulent land transactions and places responsibility of complicit surveyors, sellers, and buyers. In 2016, the Liberia Land Authority (LLA) replaced the Commission and in 2018, the Land Rights Act was passed recognizing customary tenure and providing a process by which customary land tenure could be recognized within two years. Despite this law, and progress towards its implementation, efforts to make customary tenure fully attainable through secondary legislation and other processes, including those related to land use planning and survey services, are yet to yield tangible results.

The LLA does provide Alternative Dispute Resolution (ADR) services, which represents an important dispute mechanism that is less costly or time intensive than litigation. The LLA is also empowered through the Land Rights Act to regulate ADR mechanisms in relation to customary land.

Overall progress towards the objectives of land reform has been further hindered by the absence of a specific budget dedicated to land reform. Costs associated with the basic administrative affairs of the LLA are shouldered by the government, but costs related to reform efforts are largely shouldered by donor partners.

LANDex Commitment 1 indicators

- 1A: The legal and institutional framework in place at national level provides for secure tenure rights, for different types of tenure and by sex
- 1B: Women and men with legally recognized documentation or evidence of secure rights to land, for different types of tenure
- 1C: Women and men who perceive their rights to land are protected against dispossession or eviction, for different types of tenure

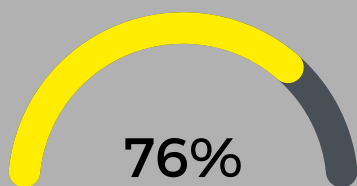
COMMITMENT ONE

Furthermore, progress is difficult to measure due to a dearth of land data that continues to plague the sector. There is no information on the quantity of land held in the four categories of land mentioned above. In terms of partnerships, policy formulation and implementation has been well attended by civil society and the Civil Society Working Group on Land Reform has been an important actor engaged in the land policy space. The engagement has, at times, required substantial insistence and assertiveness on the part of civil society.

A summary of the findings is provided in the table below, but it is important to note that indicator 1A – an umbrella and macro indicator – is broken into four sub-indicators: private land rights, women's land rights (4A), customary land rights (3A) and indigenous peoples' land rights (5A). As with all people-based indicators, 1A and its related sub-indicators were derived through a guided assessment carried out by the Liberian NES. The sub-indicator 5A, on indigenous peoples' land rights, was not applicable in Liberia. Indicators 1B and 1C, instead, looking at rates of documentation and perceptions of tenure security, are derived from Prindex global survey data available for Liberia.

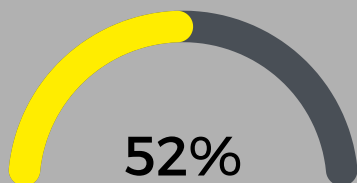
SCORES AND KEY MESSAGES

1A



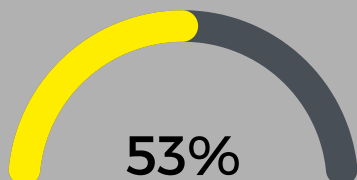
- Property rights are recognized in the Constitution and Land Rights Act including rights of transfer, sale, lease, inheritance, etc.
- Private rights are strongest, at 100, with women's land rights lagging – at 52 – and community land rights enjoying more protection, with a score of 76.

1B



- 52.1% of respondents in rural Liberia have some kind of documentation proving rights to their land.
- On average, rural women in Liberia are 6% less likely to have documentation than men in the same areas.

1C



- 53.8% of respondents in rural Liberia report feeling secure in their tenure.
- Rural women in Liberia report feeling on average slightly (1.3%) *more* secure than men in the same areas

COMMITMENT TWO

The most recent data estimates that there are 404,000 farming families in Liberia. If taken together with most recent census data for total population (e.g. 3,489,072, 2008), farming families are estimated to represent 11.5% of the total population.

In 2012, Namubiru-Mwaura estimated that the average size of an agricultural land holding in the country was between one and four acres. As we see below, LANDex indicator 2C.1 on distribution of land reports a land Gini of 0.74 in 1990, calculated by El-Ghonemy for Liberia. Historical data available in LANDex shows that nearly 20 years earlier, the land Gini reported by Frankema for 1971 was 0.68. In the 19 years between the two measurements, land concentration appears to have increased.

There are, however, ceilings on how much land under customary tenure can be used as agricultural or forest land. For these areas, the Land Rights Act provides for a total certain period of lease that cannot exceed 50 years.

Again here, land ownership is restricted to citizens of Liberia and only persons of negro descent are provided a pathway to citizenship, meaning that non-negroes are prevented from owning land.

The 1957 Zoning Code gives squatters rights to occupy abandon public land and the squatter may, upon payment of a fee, receive a squatter's rights certificate from municipal authorities. This right, however, is transient, because under Liberian law there is no right of adverse possession against public land. [MOU1] [U2] In cases involving private land, a person who has notoriously possessed the land for more than 15 years can claim a right to the land under adverse possession, so long as they are able to show that they have paid taxes on that land for the duration of the possession.

National development frameworks such as the Poverty Reduction Strategy (PRS), the Agenda for Transformation (AfT) and Pro-Poor Agenda for Prosperity and Development (PAPD) have indicated that smallholders are a priority. With the Land Rights Act of 2018, small holders now have further incentive for production as they have become land owners. Prior to the passage of the LRA in 2018, which recognized ownership of customary land, rural communities only had possessory rights over this land and could exercise such rights against everyone but government.

I

LANDex Commitment 2 indicators

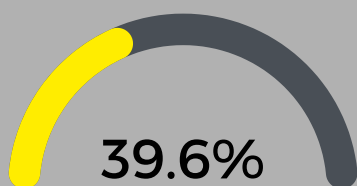
- 2A: The legal and institutional framework in place at national level supports family farmers
- 2B: National budget and support programs are dedicated to family farming
- 2C.1: Equitable land distribution, by size
- 2C.2: Productivity gap

COMMITMENT TWO

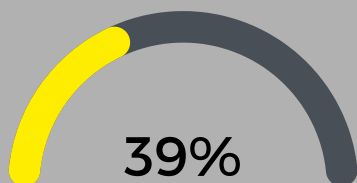
In terms of support received by family farmers, this is difficult to discern from the national budget. Although there is US \$1 million listed in the budget for “rice production and support to smallholder farmers”, it is not clear whether this appropriation would support micro-credit for small farmers. It is worth mentioning also that allocations in the national budget do not necessarily mean that the amounts would be raised and expended as budgeted.

A summary of the findings is provided in the table below, but it is important to note that within indicator 2A, which measures the legal and institutional framework for strong small-scale farming, the national strategy and political will were determined to be quite strong. Investments and extension services, however, remain limited and no national platform exists to coordinate actions on family farming. Indicator 2B estimates the portion of the agricultural budget dedicated to small-scale farmers to be around 17%, while no specific data is available on the financial support or technical resistance received. As mentioned above, indicator 2C.1 reports the most recent Gini coefficient for land at 0.74 in 1990, though an updated figure would be required to give an accurate picture of land distribution in Liberia today.

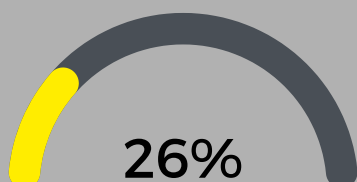
SCORES AND KEY MESSAGES

2A

- Liberia has adopted many policies and programs aimed at achieving food sovereignty
- Education services are not easily available to farmers
- No policy that facilitates access to land and family farming for youths
- Market information systems do not exist.

2B

- There is no data on the number of family farmers in the country, including how many have received financial support or the disaggregation by sex

2C.1

- Between 1971 and 1990, land concentration increased in Liberia, with the Gini coefficient jumping from 0.68 to 0.74, inverted to a score of 26 for LANDex.

COMMITMENT THREE

As mentioned above, there are four kinds of land tenure in Liberia: private land, customary land, public land and government land. Rights of possession can be acquired from owners through leaseholds. Government and public lands are owned by the public but held in trust and managed by the government. Private lands in Liberia can be owned by a) natural persons who are citizens of Liberia, b) sole proprietorships and partnerships owned entirely by Liberian citizens, c) corporations owned entirely by Liberian citizens and d) missionary, educational or other benevolent institutions.

The category of land broadly known as customary land is recognized as communal property. Customary land is owned by a community in accordance with customary practices and norms, based on the period of occupancy or use. Customary land rights are recognized in the Land Rights Act, as mentioned above, and the law recognizes cultural shrines and heritage sites for the practice of culture and traditional rites. Customary land ownership is deeded and enforced by law.

The legal framework in Liberia does not, however, explicitly protect pastoralists, fisher folk or other holders of overlapping, shifting and periodic rights to land. The law does not provide them any right to land, apart from the rights that would be acquired through purchase or lease.

All residents of the community benefit from use of the community land, and it is managed through an organized body called the Community Land Development and Management Committee (CLDMC). Tenancy on communal land is shared among residents of that community unless a lease arrangement has been made with non-residents for possessory occupancy for a period not exceeding 50 years. The government, through the Land Authority, has begun the process of titling community land, though there is still much work to be done. At the time of publication of this report, only six communities had been given a title to their land.

The Land Rights Act, while representing progressive legislation on community land tenure, does not grant ownership to protected areas within customary land gazetted before the effective date of the Act (Sept. 2018) and does not recognize waters within the lands as belonging to the community.

LANDex Commitment 3 indicators

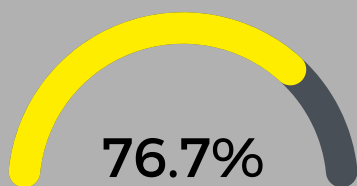
- 3A: The legal and institutional framework in place at national level recognizes a continuum of individual and communal rights
- 3B: Diverse tenure rights and regimes are implemented
- 3C: Women and men living on community land who perceive their rights to land are protected against dispossession or eviction, for different types of tenure

COMMITMENT THREE

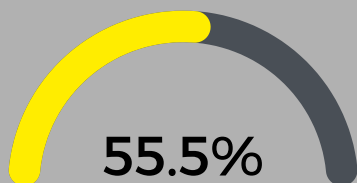
The Land Rights Act does require the consent of the community prior to the land being acquired by government or another actor, but also recognizes the government right to mineral resources as superior, which could be interpreted as going against FPIC considerations.

A summary of the findings is provided in the table below, but it is important to note that indicator 3A, a sub-indicator of 1A, largely reflects gains in customary tenure rights achieved through the Land Rights Act of 2018. A key feature of ownership missing from the Act is the unbound right to sell, as communities must wait 50 years from the passage of the Act to sell their land. Despite political support and technical capacity, 3B reflects the extent to which these laws have not yet been implemented, highlighting that only seven communities have been titled since 2018. Only one respondent in the Prindex sample for Liberia indicated they lived on community land (and were not secure), too small a number to gain meaningful insight.

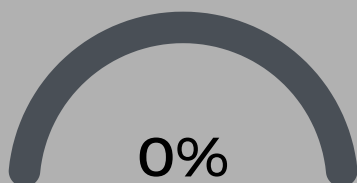
SCORES AND KEY MESSAGES

3A

- The Land Rights Act in 2018 established strong customary tenure rights in Liberia.
- The titling process defined in the law has been slow and had limited effect.

3B

- Since 2018, only six communities have been officially certificated as land-owning communities, paving the way for issuance of their title deeds.
- The Liberia Land Authority is technically equipped and remains supported by partners but continues to lack adequate financing.

3C

- Only one respondent in Liberia reported they lived on community land, and they reported feeling insecure.

COMMITMENT FOUR

The Constitution and Land Rights Act provide for equal protection principles for citizens, regardless of sex. Additionally, the Land Rights Act ensures that women are represented in decision making on customary land by requiring at least two adult women are members of the Community Land Development and Management Committee, mentioned above. The Liberian Land Authority (LLA), which administers the Land Rights Act, must itself be gender balanced. The LLA has also called on the National Consultative Forum of stakeholders on land governance to reflect the gender balance and the needs of men and women.

Property within a marriage may be owned by the entirety with rights of survivorship, but the Constitution is explicit about the property a man or women bring into the marriage or a property that is acquired after as a result of his or her own labor shall not be alienated or controlled by the other without voluntary consent. In this sense, the property of a married woman is not subject to the control of the husband. In fact, she retains all rights over property acquired before a marriage or at any time thereafter as though she were unmarried.

Wives have the right to inchoate dowers that are equivalent to one third of the deceased husband's property under inheritance law and a life estate in the dwelling home. Within marriage, women have all rights to property they acquired before and within marriage, and maintain a right to acquire property on their own.

Despite these rights, however, neither the Constitution or Land Rights Act provide affirmative action venues for women to access, claim or otherwise acquire land other than those venues provided to the general public. There is no official data that would describe the percentage of land or agricultural land under women's control or ownership, making it difficult to discern their enjoyment of these laws in practice.

LANDex Commitment 4 indicators

- 4A: The legal and institutional framework in place at national level is gender responsive
- 4B: The share of women among owners or rights-bearers of agricultural land
- 4C: Women who perceive their rights to land are protected against dispossession or eviction, for different types of tenure

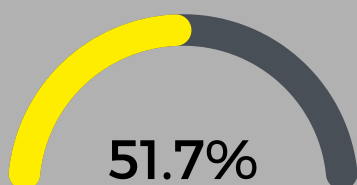
COMMITMENT FOUR

A summary of the findings is provided in the table below, but it is important to note that indicator 4A, a sub-indicator of 1A, contains the six proxies included in SDG 5.a.2. These proxies are drawn from a larger set of questions that measure the extent to which the national legal framework is gender responsive.

Despite established quotas for women's participation in land governance, we see that no financial resources are dedicated to increasing their control over land. There is no available data for 4B, which means the proportion of women that control or have rights to agricultural land cannot be determined. Of the 240 women in rural Liberia that comprised Prindex sample respondents, 54% felt secure in their tenure. On average, women in rural Liberia reported slightly higher levels of security than men in the same areas.

SCORES AND KEY MESSAGES

4A

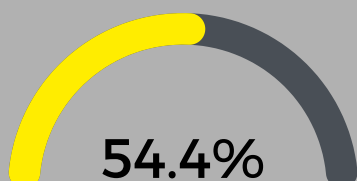


- Spousal consent is compulsory for land transactions and women and girls in Liberia enjoy equal inheritance rights.
- No financial resources have been allocated to increase women's control over land.
- Quotas for women's participation have been established for decisions related to community land.

4B

- The lack of data on women's ownership of agricultural land makes it difficult to determine how women's land rights are enjoyed in practice.

4C



- 54.4% of women in rural Liberia feel secure in their tenure.
- Women in rural areas report slightly lighter levels of tenure security than men.

COMMITMENT SIX

Land use planning in Liberia has not been approached on a holistic scale and to date, there is no land use policy in the country. Land use plans are required in advance of any large-scale concession (above US \$10 million) and at the local level, the Forest Development Authority (FDA) and local communities demand land use plans before forest use agreements are signed with companies.

Specific sectors and communities have benefited from some deliberate attempts at land use planning. For example, in 2013 Liberia ratified a Voluntary Partnership Agreement (VPA) with the European Union aimed at protecting forest resources and in many rural communities, and NGOs have supported self-identification and land use planning processes. Some areas, specifically wetlands and other conservation sites, have been categorized as protected areas.

The National Forestry Reform Law (NFRL) and the Environmental Protection and Management Law (EPML) of Liberia govern aspects of the sustainable use and management of land, while the Environmental Protection Agency (EPA) coordinates sustainable use of land throughout Liberia. Companies or individuals that have rights to land and intend to implement projects on their land are required to conduct an environmental impact assessment before the project is licensed by the EPA. The Forest Development Authority implements the NFRL, which provides guidelines specific to reforestation to mitigate the impact of logging.

Despite these institutional frameworks, media reports have exposed unsustainable land use by concession holders and in some cases, concessions have been fined by both the FDA and the EPA. Both the NFRL and the Community Rights Law of 2009 encourage communities to engage in commercial forestry, incentivizing the protection of the environment through conservation and sustainable forestry practices. This was further reaffirmed in the Land Rights Act of 2018. Furthermore, civil society and NGO groups, as well as the FDA, have supported communities in land-use planning and mapping, particularly for forests and engagements with logging companies.

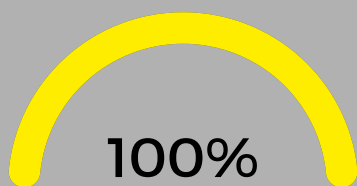
LANDex Commitment 6 indicators

- 6A: The legal and institutional framework in place at national level promotes the local and sustainable management of ecosystems
- 6B: In rural districts, land use change and land development are governed by sustainable use plans that take into account the rights and interests of local land users and owners
- 6C: Women who perceive their rights to land are protected against dispossession or eviction, for different types of tenure

COMMITMENT SIX

A summary of the findings is provided in the table below, but it is important to note that Liberia receives the highest score for indicator 6A, indicating clear commitments towards Land Degradation Neutrality (LDN) and the presence of a LDN Technical Working Group, which released a target setting report in 2019. Several Liberian laws, including the Community Rights Law of 2009, provide for participatory management of land. No data is available for 6B, reflecting the fact that land use planning has not been implemented in a widespread or holistic way, as noted above. Indicator 6C reflects the fact that local communities can have land designated for them in law and that these communities have the right to own land. Of the total 9.63 million hectares (mha) in Liberia, 3.06 mha are owned by local communities.

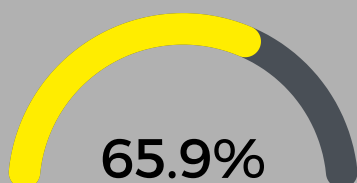
SCORES AND KEY MESSAGES

6A

- The LDN Technical Working Group has set clear goals to achieve LDN in Liberia.
- Several Liberian laws call for local participation in the management of land.

6B

- There is currently no data available to determine the number of rural administrative units that have sustainable, participatory land use plans in place.

6C

- Laws in Liberia allow land to be designated for and owned by local communities.
- 31.8% of Liberia's total land area is owned by local communities.

COMMITMENT SEVEN

While land use planning is still rather limited in Liberia, public input is sought in the preparation and amendment of rural land use plans, including rezoning. The Land Rights Act, a major piece of land-focused legislation, mandates public participation. There remains, however, little evidence that decision-making processes that seek public input are arrived at in a transparent manner. Policies, laws and procedures do generally reflect the rights, needs and aspirations of communities who will be affected by them, but a key issue in Liberia remains the implementation and enforcement of the legal framework.

Women remain largely underrepresented in decision-making processes. In rural communities, their role as caregivers hinders their representation at meetings and when they are present, patriarchal norms limit their contributions in discussions and decision-making. At the national level, few women are considered subject matter experts on land and most have limited experience participating in decision-making processes dominated by men.

Civil society in general remains very active and organized on land advocacy in Liberia and has been extremely influential in processes to approve recent laws and policies. Their work is largely unrestricted and they often coordinate with the Land Authority, the FDA, the Ministry of Agriculture and others. Civil society actors also work with international partners, including FAO, the EU and USAID. Farmer organizations have had less influence, which may be due to the fact that family farming remains a primarily subsistence activity with low levels of coordination among farmers. Two farmer-led civil society groups have had some influence at the national level: the Civil Society Working Group on Land Rights Reform and the Farmers Union Network (FUN).

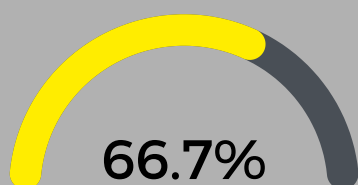
LANDex Commitment 7 indicators

- 7A: The legal and institutional framework in place at national level promotes the equitable representation of women and men in decision making
- 7B: Rural land use management and changes are based on public and community input
- 7C: Target groups include women, youth and holders of customary rights that have access to and are supported to engage in multi-stakeholder platforms

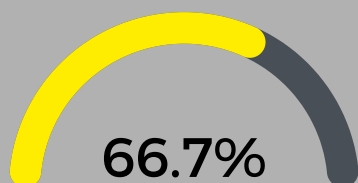
COMMITMENT SEVEN

A summary of the findings is provided in the table below, but it is important to note that the highest level, the Constitution of Liberia calls for participation in decision-making processes. There is, however, no clear call for equal representation of women and men, as reflected in indicator 7A. Rural land use plans and changes, including rezoning, do include public input and burden sharing, as reflected in indicator 7B, but in practice these mechanisms do not assure transparent decision-making processes. In 7C, we see that a multi-stakeholder platform does exist to address issues of land governance, but this platform is in an early phase of formation. Mechanisms to ensure the inclusion of women, youth and marginalized communities.

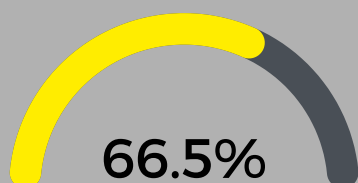
SCORES AND KEY MESSAGES

7A

- Public participation in decision making is enshrined at the highest level, but there are no provisions calling for equal representation of men and women.

7B

- Rural land use changes do include public input, but decisions are not always made in a transparent way.

7C

- A multi-stakeholder platform is under formulation in Liberia, and could reinforce mechanisms to ensure inclusive participation.

COMMITMENT EIGHT

Under the Land Rights Act, the Liberia Land Authority (LLA) is the institution responsible for documenting land records in the country. Prior to this designation, the National Archive was responsible for land records. The records held by the Authority are accessible upon payment, but records are often incomplete as land sections of land across the country are undocumented or documented in records lost during the civil war. The Land Authority has established outposts beyond Monrovia but budgetary constraints continue to limit their work.

Official land data in the country is not readily available and accessible. Researchers working on land continue to rely largely on third-party estimates. A repository of laws and information on laws is held by the Ministry of Foreign Affairs, but as with many government agencies, the websites and information contained are not updated frequently. Several laws remain available in hard copy only and at times, there are rumors that laws are passed without any documentation. Access to information is defined through the Freedom of Information Law.

The Land Rights Act, in principle, decentralizes land administration from the national level to the local level through the creation of Country Land Boards (CLBs). The system, however, is not fully operational. If functioning properly, the CLBs will independently administer land at the district level. Their functions will include registration and documentation, conveyances and administrative hearings.

According to the Constitution, a census is to be conducted every 10 years. Yet since 2008, when the last census was conducted, the next scheduled census continues to be postponed due to limited funding. There was no land related information collected during the 2008 census.

The general perception is that land institutions are quite corrupt, which will be discussed in indicator 8C, and over the last 10 years there has been reported abuses in the private use permit system. Fraud has also been reported throughout the land registration system, while double of multiple sales of the same land still occurs. There is no mechanism for periodic review of laws and policies at the national or local levels. Ad hoc systems do exist and they are largely led by civil society organizations with objectives of influencing law reviews and reforms.

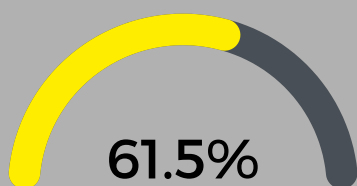
LANDex Commitment 8 indicators

- 8A: The legal and institutional framework in place at national level calls for timely, reliable and accessible data on land and land-related issues
- 8B: National information on public land deals is made publicly available
- 8C: Corruption in the land sector

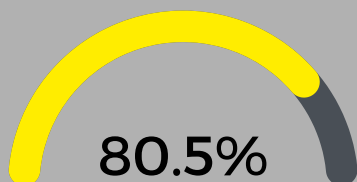
COMMITMENT EIGHT

A summary of the findings is provided in the table below, but it is important to note that despite laws calling for a broad amount of information on land to be shared in the registry, reflected in 8A, large swaths of land remain undocumented or unidentifiable in maps held in the registry. Laws do not contain protections for whistleblowers but do state principles of no tolerance to corruption. The public can access information about ownership and control on land, as seen in 8B, and the land registry is disaggregated by gender. Information on land deals or public revenue is less readily available, and requests for documents at the registry generally take more than one week to procure. Corruption in the land sector remains a problem, as reflected through Afrobarometer data presented in 8C, with 87% of Liberians believing a wealthy person would be able to register land that is not theirs by paying a bribe.

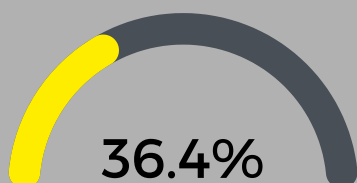
SCORES AND KEY MESSAGES

8A

- Records in the public register are not coherent with those available on maps.
- Costs of registering a property transfer are low but charges are not recorded in a reliable manner.

8B

- The land registry in Liberia is searchable and copies or extracts of documents are available to the public.
- Land deals are published to some extent, and revenue should be made available as well.

8C

- 39.6% of people in Liberia believe an ordinary person could pay a bribe to register land that isn't theirs.
- 87.5% of people in Liberia believe a wealthy person could pay a bribe to register land that isn't theirs.

COMMITMENT NINE

Private, customary and government land holding is plagued with conflict and confusion despite the rather progressive guidance provided by the Land Rights Act. The authentication of deeds, administrator rights and illegal conveyances pose challenge to private land rights in Liberia. For customary and government lands, limited public participation in concession negotiations have resulted in protests and riots in affected communities and have hindered concessions development. Communities living within concessions areas have faced displacement and livelihood challenges.

Land-related conflict is also widespread in Liberian concession holdings. Indeed, the Truth and Reconciliation Commission (TRC) has attested to the fact that much of Liberia's civil war was rooted in long-standing land conflict.

Land purchase and lease in Liberia has always been ongoing. The land market, however, is not fully developed. Recent years have seen an emergence of real estate companies, but mortgage arrangements remain limited. Informal markets exist largely in rural areas where people are not cognizant of property law. Even so, informal markets represent a small portion of land as the formal market itself is already polarized.

Investments in land resources in Liberia have been massive. Over the past 10 years, the country has attracted more than US \$8 billion in land resource investments. These investments have been largely made by large multinational corporations, while local communities have received only small benefits from the investments. The benefits often come in the form of social development funds, school and clinics for children and the opening of feeder roads. Large payments are generally made to the national government.

The Environmental Protection and Management Law (EPML) of 2000 says that every concession, before beginning operations, would do an Environmental Social Impact Assessment and Analysis to gauge the impact the concession would have on communities in the concession area and submit mitigating plans outlining scenarios to manage the adverse impact of the concession. Communities commonly suffer impacts to their livelihoods that force them to relocate without help from concessions or government. There are cases, however, where companies have paid for the value of crops and land being acquired.

Free, prior and informed consent of existing land owners is required in the EPML, as well as the Community Rights Law and the Land Rights Act.

LANDex Commitment 9 indicators

- 9A: The legal and institutional framework in place at national level prevents land grabbing in private and public investments and includes the existence of procedural safeguards
- 9B.1: Cases where attempted large-scale land acquisitions were challenged
- 9B.2: Free, prior and informed consent (FPIC) and other safeguards are implemented in large-scale land transactions.
- 9C: Cases where promised compensation was received or action was taken against violators

COMMITMENT NINE

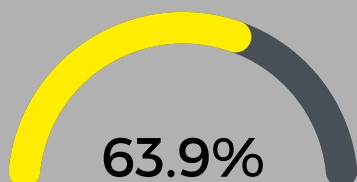
In practice, however, local communities are rarely at the table, especially when it involves agreements with huge multinational corporations. Most of the time, negotiations are concluded outside the country before communities are informed of company intent to operate in their communities.

The Liberia Extractives Industries Transparency Initiatives (LEITI) has made some inroads in this regard. Contracts for concessions are uploaded to their website, but not all contracts are made available.

A summary of the findings is provided in the table below, but it is important to note that there is no ceiling on land that can be held by a legal entity and only private concessions require government involvement. FPIC is required by law but often falls short of expectations. According to Land Matrix, of the 21 attempted large-scale land acquisitions in Liberia since the year 2000, 15 had been successfully concluded, three – in Butaw, Sinoe and Grand Bassa – included information on the presence of conflict and only one included information about compensation received.

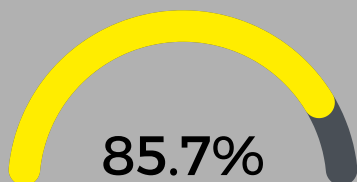
SCORES AND KEY MESSAGES

9A



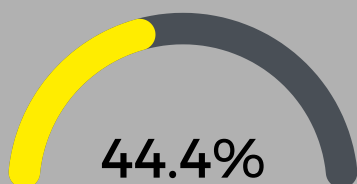
- There is no ceiling in Liberia the amount of land that one legal entity can hold.
- FPIC is required for a concession, permit or license to operate in the Land Rights Act.

9B.1



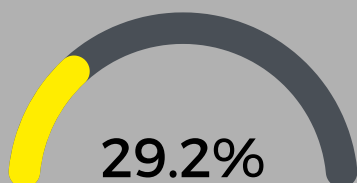
- Three of the 21 attempted large-scale land acquisitions in Liberia included information on documented conflict.
- Two of the conflicts involved parent company Kuala Lumpur Kepong Berhad from Malaysia.

9B.2



- Often, FPIC efforts are limited to informing citizens of impending operations.
- Guidelines to improve implementation of FPIC are being developed.

9C



- Actions were taken against violators in two of the LSLAs.
- Compensation for communities was received in only one of the 15 concluded LSLAs.

COMMITMENT TEN

Liberia has supported provisions of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms but has not made a specific commitment to its implementation. In its 2016-2021 Strategic Plan, the Independent National Commission on Human Rights, which is responsible for monitoring and investigating cases of violence against defenders, said it plans to enhance the capacity of 60% of government institutions, human rights defenders and CSOs that work to defend human rights.

Even so, today there are no specific laws to protect human rights defenders in Liberia and the country has no definition of a “human rights defender.” In the absence of a protective legal or policy framework, defenders in the country remain vulnerable and frequently subject to arbitrary arrest and detention, lengthy imprisonment and even torture. The country has a statutory Independent National Commission on Human Rights that is responsible for monitoring and investigating cases of violence against human rights defenders.

In 2019, a law was passed that repealed libel and defamation laws that were used to silence dissent, a notable win for press freedom named after the late president of the Press Union of Liberia, Kamara Abdullah Kamara.

The Liberian Constitution prescribes a broad set of human rights to all citizens of the country and details clear responsibilities of the authorities to protect all citizens from abuses or negations of these rights.

State and non-state actors regularly publish reports on the situation of human rights defenders. This includes those by the Independent National Commission on Human Rights, the Liberia Coalition of Human Rights Defenders and through UN sanctioned UPR process and the US State Department Human Rights Report, among others. Human rights defenders are largely not distinguished by what they protected, making it difficult to distinguish land and environmental defenders among the broader group.

The government does provide limited individual and collective protection measures in cases where the risk does not emanate from the State. In those cases, the Ministry of Justice provides protection following notice. As most of the threats against defenders are posed by government, in these cases, it is often international organizations that provide support.

LANDex Commitment 10 indicators

- 10A: The legal and institutional framework in place at national level protects land and environmental defenders
- 10B: Protective measures ensure the safety of land and environmental defenders
- 10C: Verified cases of land and environmental defenders killed, attacked, harassed, detailed, imprisoned or kidnapped in the prior 12 months.

COMMITMENT TEN

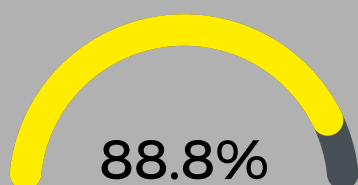
OHCHR and the EU have support schemes and there are regional and continental hubs for defenders in Sierra Leone and South Africa, respectively.

Civil society does engage with INCHR and plays a part in the National Human Rights Action Plan (NHRAP) Steering Committee, but state-led protection mechanisms and platforms remain limited due to inadequate funding.

A summary of the findings is provided in the table below, but it is notable that indicator 10A displays a relatively robust legal framework for the protection of human rights defenders. A national human rights institute has been established (INCHR) with a clear mandate to investigate and monitor attacks against human rights defenders. Regular state-led (and non-state) reports on the situation of human rights defenders are regularly published, but state-led protection mechanisms are limited in their effectiveness. This is due in large part to inadequate funding, but in cases where the threat against the defender has emanated from the state, these mechanisms are not engaged. Civil society actively engages with the INCHR, as well as other regional and international support mechanisms. Civil society is currently organizing to develop a dataset on attacks against land and environmental defenders.

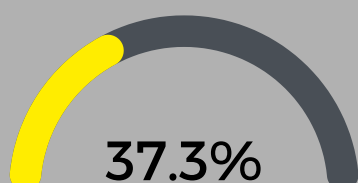
SCORES AND KEY MESSAGES

10A



- Liberia has supported several provisions despite not committing to them

10B



- Regular state-led reports are published by INCHR on the situation of human rights defenders.
- Protection mechanisms are limited and largely not employed by government
- Land and environmental defenders are largely not distinguished from human rights defenders.

10C

- There is currently no available data to track aggressions towards land and environmental defenders in Liberia.

