



Liberia Land Commission Act

“ AN ACT TO ESTABLISH THE LAND COMMISSION (LC) “

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Introduction

- This document provides the Land Commission's policy recommendations for land rights in Liberia, centered on four basic types of rights: Public Land, Government Land, Customary Land, and Private Land. In addition, a Protected Area is land which may fall under the Government Land, Customary Land, or Private Land categories but which must be conserved for the benefit of all Liberians. This Policy is a vision statement of where Liberians want to go with their land sector; none of the below principles or recommendations will be applied retroactively to change prior actions by the Government. Rather, this Policy will help ensure that in the future Liberia's land sector is orderly, just, and contributes to economic growth and development for all Liberians.



PART I PRELIMINARY

SECTION 1.1 PREAMBLE WHEREAS,
Chapter 10, Article 89- "Autonomous
Public Commission"- of the Constitution
of the Republic of Liberia, the national
Legislature to enact statutes for the
creation of Agencies as may be
necessary for the effective operation of
Government;



Con't

WHEREAS, Chapter 3, Article 22(a) of the Constitution of the Republic of Liberia (1986) provides that " 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 ;



Con't

WHEREAS, the issues of land rights, administration, management, sale, possession, occupancy, control and distribution have posed major challenges for a peaceful post war Liberia;

WHEREAS, all the issues surrounding land in Liberia have to be resolved in order to maintain perpetual peace and stability; and to sustain the hard earned peace after so many years of Civil Conflict;



Con't

WHEREAS, in order to judiciously, efficiently and adequately resolve all the issues surrounding land in Liberia and to maintain a peaceful and stable society wherein every Liberian citizens will be afforded an equal opportunity to own, use and dispose of land in accordance with the laws of the Republic and to also evolve robust land policy, law and programs by promulgating the requisite land use regulations and guidelines within the appropriate institutions, and to establish and maintain an Autonomous Agency/Commission dedicated to the pursuit of such desired goals and objectives;



Con't

NOW THEREFORE, IT IS HEREBY ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA, IN LEGISLATURE ASSEMBLED:

SECTION 1.2 SHORT TITLE This Act may be cited as the LAND COMMISSION ACT of 2008.



THE LAND RIGHTS POLICY COVERS FIVE LAND RIGHTS CATEGORIES:

- .Public Land,
- Government Land,
- Customary Land,
- Private Land, and,
- A cross-cutting sub-category called Protected Areas, which must be conserved for the benefit of all Liberians.



LAND RIGHTS PRINCIPLES IN LIBERIA

- The Government is responsible for administering and managing land within the territory of Liberia in the public interest.
- The Government recognizes and protects the land rights of communities, groups, families, and individuals who own, use, and manage their land in accordance with customary practices and norms, as equal to Private Land rights.
- The Government recognizes and protects Private Land rights.
- The Government recognizes and protects the right of the Government to own land.



TRANSFERS OF LAND IN LIBERIA

- The Government may sell or lease Government Land or Public Land.
- Sales and long-term leases of Public Land and Government Land must be done through a public, competitive bidding process overseen by the government entity which manages the land. Automatic renewal of long-term leases is prohibited.



TRANSFERS OF GOVERNMENT PROTECTED AREAS

- Transfers of Government Protected Areas are only permitted in the form of a limited use right consistent with the land's conservation and management for the benefit of all Liberians.
- Transfers of Government Protected Areas for commercial use must be through a public, competitive bidding process overseen by the government entity which manages the land.



3. An individual or legal entity seeking limited use of a Government Protected Area must provide to the government entity which manages the land a plan describing the following:

- the individual or legal entity acquiring the land;
- the purpose of the use;
- the proposed methods for achieving the purpose of the use;
- the exact size and location of the area over which use is sought, with supporting maps;
- the length of time of the use;
- and the benefits to be received by the Government and the Liberian public, including any payments and a payment schedule. Before the transfer is final, the Government must provide the above plan to individuals, private entities, and communities likely to be affected such that they are given a reasonable period of time to review the plan. The plan must be advertised to the public for a reasonable period of time.



PRIVATE LAND IN LIBERIA

Private Land is land owned by an individual or private entity, in which management and use decisions are based solely on formal law (i.e. statutes, regulations, executive orders, and court decisions), where the owner enjoys the full bundle of land rights, which include, but are not limited to, the right to: exclude all others, use and possession, own natural resources on the land (e.g. forest), and to transfer all or some of the rights through sale, lease, concession, gift, donation, will, or any other lawful means. In accordance with the Constitution, the Government owns mineral resources “on or beneath” Private Land (e.g. gold, diamonds, oil, iron ore).



POLICY RECOMMENDATIONS:

- In accordance with the Constitution, only Liberian citizens may own Private Land, either individually or jointly.
- Liberian non-profit organizations, religious organizations, businesses, or any other Liberian private entity established in accordance with Liberian law may own Private Land as Liberian citizens.



LOSS OF OWNERSHIP OF LAND IN LIBERIA

Policy Recommendation:

- ❑ An owner of Private Land may lose their ownership right in favor of the Government if the Government exercises eminent domain (i.e. forced acquisition) in a manner consistent with this Policy.



JOINT OWNERSHIP OF LAND IN LIBERIA

Policy Recommendation:

Joint ownership of Private Land may be in any form provided for by court decisions, statutory law, or regulations.

THANKS
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