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*Office of the Chief Clerk*

**-2018-**

FIRST SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC OF  
LIBERIA

SCHEDULE OF HOUSE'S ENROLLED BILL NO. 14 ENTITLED:

**“AN ACT TO ESTABLISH THE LAND RIGHTS  
LAW OF 2018, REPUBLIC OF LIBERIA**

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE  
APPROVAL.

APPROVED THIS: 19<sup>th</sup> DAY OF September A.D. 2018

AT THE HOUR OF 11:11

THE PRESIDENT OF THE REPUBLIC OF LIBERIA

-2018-

ATTESTATION TO:

**“AN ACT TO ESTABLISH THE LAND RIGHTS LAW OF 2018, REPUBLIC OF LIBERIA**

*Albert Chie*

*for*

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VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/  
PRESIDENT OF THE SENATE

*Jannane Verdus Mamegusi*

\_\_\_\_\_  
SECRETARY, LIBERIAN SENATE

~~*[Signature]*~~

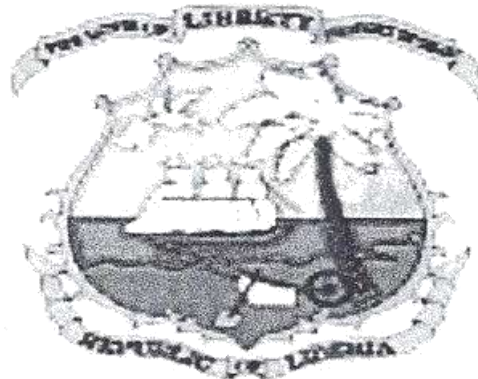
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SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

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CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

**AN ACT TO ESTABLISH THE LAND RIGHTS  
LAW OF 2018**

**RECEIVED**  
20 JUL 2018



**REPUBLIC OF LIBERIA**

July 11, 2018

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## PREAMBLE.

**WHEREAS**, Sovereignty over all the Land within the boundaries of the Republic of Liberia were vested in the State after the establishment of the Republic of Liberia;

**WHEREAS**, land is a critical resource, the ownership and use of which offer significant social, economic and cultural benefits and values to every individual, community and society;

**WHEREAS**, the ownership of land and subsequent transfers have been a subject of contestation and other conflicts in Liberia from the establishment of the Liberian state to this day, with negative impacts on social cohesion, peace and development;

**WHEREAS**, existing Liberian laws are inadequate to address the variety of issues arising from land acquisition, lease, use, transfer, administration and management; and in response thereto, the Government of Liberia established a Land Commission to study the Land problems and advise appropriate policy for adoption and implementation;

**WHEREAS**, through a participatory process that captures the key inputs of stakeholders, the Land Commission adopted a Land Rights Policy that was subsequently validated and adopted by the Government and people of Liberia;

**WHEREAS**, the Land Rights Policy establishes four (4) land rights categories along with the means of acquiring each category and the rights and obligations appurtenant;

**WHEREAS**, further, the Land Rights Policy provides that the Government of Liberia is responsible and does have the sovereign authority to enforce and protect each and all of the four (4) recognized categories of land rights; and

**WHEREAS**, it is necessary that the provisions of the Land Rights Policy and related matters be enacted into a law governing land ownership, use, administration and management in Liberia;

**NOW THEREFORE**, be it enacted by the Senate and the House of Representatives of the Republic of Liberia, in Legislature assembled;

# PART I: PRELIMINARIES

## CHAPTER 1: GENERAL PROVISIONS:

### Article 1: Title

Section 1.1: The title of this law shall be **The Land Rights Law of the Republic of Liberia.**

Section 1.2: This law shall be cited as **The Land Rights Act.**

### Article 2: Definitions:

For purposes of this Act, the following words or phrases shall have the indicated meanings set forth below:

**Abandonment:** It is the intentional, voluntary relinquishment of all interests and/or rights in a definite or identifiable piece of Private Land. Abandonment may be either (a) expressed or (b) presumed from a failure to (i) occupy or use the land for a continuous period of ten (10) years; and (ii) pay all taxes assessed on the land for a continuous period of ten (10) years; provided that abandonment may not be presumed.

**Act:** Means this Land Rights Act and any subsequent amendments thereto.

- **Adverse Possession:** Means the acquisition of title to Private Land by a Person or his privy based on the Person's notorious, continuous, and uninterrupted possession of the said Private Land without any objections being interposed by the Owner for the period established in Article 22 of this Act.
- **Alternative Dispute Resolution Body:** Means any entity, whether a private, Customary or government entity, the purpose of which is to resolve, or facilitate the resolution of, disputes outside of court.
- **Alternative Dispute Resolution Mechanism:** Means any process adopted or used to resolve, or facilitate the resolution of disputes outside of court.
- **Community:** Means a self-identifying coherent social group or groups comprising of Community Members.
- **Community Land:** Means Customary Land owned by a particular Community.
- **Community Member:** Means a Liberian citizen irrespective of age, gender, belief or religious backgrounds who was (i) born in the Community or (ii) parent(s) was born within a Community; or (iii) who has lived continuously within the Community for at least seven years; or (iv) a spouse of a Community Member both of whom reside in the Community.
- **Community Membership:** Means the collectivity of all Community Members.
- **Community Rights Law of Liberia:** Means the statute enacted by the Government in 2009 with respect to forest lands.



- **Community Rights Law Regulations:** Means the Regulations to the Community Forest Law with Respect to Forest Lands, which are the set of guidelines and rules promulgated pursuant to the Community Rights Law of 2009 and which regulate the creation, administration and proper use of community forests in Liberia for long term growth.
- **Concession:** The grant of an interest in Government Land, Public Land or Customary Land by the Government to a Person for a specified period under such terms and conditions as are provided in a written agreement. A Concession granted on any Customary Land reverts automatically to the Community upon the expiration of the specified term of the Concession.
- **Confirmatory Survey:** Means a land survey to be conducted, using the Global Positioning System (GPS) or comparable technology to determine the size, location, boundaries and other particulars of Customary Lands and to produce the coordinates and maps of each Customary Land.
- **Customary Land:** Means the land owned by a Community and used or managed in accordance with customary practices and norms, and which include, but is not limited to residential land, farmland, communal forestlands, and fallow lands. Unless expressly stated otherwise, the term "Customary Land" in this Act is inclusive of all categories set forth in Article 38(1) of this Act.
- **Deed:** Means a document evidencing Fee Simple ownership of Land which describes the size and location of a particular piece of Land and by which ownership of the Land described therein is transferred from the current Owner to another Person.
- **Easement:** is a non-possessory right in Land owned by another consisting of the right to the use of the Land for a specific and limited purpose including the right to cross over it.
- **Effective Date:** Means the date on which this Act is published into Handbills.
- **Eminent Domain:** Means the authority and power of the Government to take Private Land or Customary Land for public purposes after complying with the procedural and substantive due process requirements as established in the Constitution of Liberia and other applicable Liberian laws.
- **Equal Benefits:** Means the fair share to be received by all Community Members of a Community relative to the proceeds from use, lease or transfer of Customary Land or a fair share by all Liberians of the proceeds from the use, lease and/or sale of Government Land or Public Land.
- **Fee Simple:** Means an absolute ownership of Private Land and Residential Area which is alienable and inheritable.
- **Equal Protection:** Means the rights of all persons to enjoy and exercise all the freedoms and rights established by the Constitution and laws of Liberia, irrespective of age, ethnic background, race, sex, creed, and place of origin or political opinion.

- **Government**: Means the Government of the Republic of Liberia.
- **Government Agency**: Means an agency of the Government or an entity that is owned, managed, or controlled by the State, including all branches of Government, or by persons in their capacity as government employees, including parastatal bodies. A government entity is the representative or agent of the State or Republic of Liberia.
- **Government Land**: Means the land owned by the Government including land used for the buildings, projects, or activities of the Government, including, but not limited to, lands on which the ministries, agencies, parastatal bodies, military bases, roads; ports, airports, public schools, public universities, public hospitals, public clinics, public libraries, public museums and public utilities. Government Land also includes Government Protected Areas, and Proposed Protected Areas as of the Effective Date of this Act.
- **GPS**: Means Global Positioning System, which is a space-based satellite navigation system that provides locations along with maps of any place on earth.
- **Joint Ownership**: Means co-ownership or concurrent ownership of Private Land by two or more persons.
- **Land**: Means the unmovable portion of the Earth's surface in Liberia which consists of the soil and any space above or below the soil.
- **Land Administration**: Means the process of determining, recording and publishing information about the ownership, value and use of land and its associated resources, and the updating of the data bases of such information.
- **Land Management**: Means decision making regarding the use of land and regulation of the use of land by others, including land use planning, zoning and integrate planning of the coordinated use of land and other natural resources.
- **Lease**: Means to grant to a person or group of persons, for a term of years, the right to possession and use of the Land of another in exchange for rent or other consideration.
- **Liberia Land Authority**: Means the Liberia Land Authority or its successor.
- **License**: A privilege to use owned or possessed by another and may be created by an agreement expressed or implied.
- **Marriage**: Means a legal relationship as defined in the Domestic Relations Law (1973) or Equal Rights of Marriages Law (2003) or civil procedure law (1973), or any successor legislation.
- **Mineral Resources**: Means all non-living, natural non-renewable resources, including, but not limited to: fossil fuels including coal, petroleum, and natural gas; diamonds; gold; iron ore; cobalt; lead; manganese; nickel; tin; dolerite; granite; limonite; phosphate rock; rutile; and sulfur.
- **Mortgage**: Means an encumbrance created on a defined or definite piece of Land or an interest therein to secure the performance of an obligation.

- **Natural Resources**: Means all living or nonliving natural renewable resources, including, but not limited to water, soil, trees, plants, animals, and microorganisms.
- **Owner**: Means one who has legal title to Private Land, or Customary Land or Government Land or Public Land.
- **Ownership**: Means the sum total of rights allowing one to possess, use and enjoy Land, including the right to lease, mortgage and sell Land.
- **Parastatal Body**: Means a legal entity owned, managed, or controlled by the Government created primarily to undertake commercial activities on behalf of the Government.
- **Person**: Means an individual, partnership, joint venture, association, corporation, cooperative, trust, estate, estate, unincorporated entity.
- **Private Entity**: Means a sole proprietorship, a partnership, a business corporation or a not-for-profit organization that is owned by one or more individuals or a community.
- **Private Land**: Means the Land that is owned or otherwise held by private person(s) under the provisions of this Act and other applicable laws of Liberia.
- **Proposed Protected Area**: has the meaning ascribed in the National Forestry Reform Law of 2006.
- **Protected Area**: has the meaning ascribed in the National Forestry Reform Law of 2006.
- **Public Land**: Means land which is not Government Land, Private Land or Customary Land.
- **Public Land Sale Deed**: Means the instrument issued pursuant to the provisions of the 1857 Act Regulating the Sale of Public Land
- **Resident**: Means a person who resides within the Community.
- **Residential Area**: Means the portion of a Customary Land set aside by the Community and used exclusively for residential purposes.
- **Spouse**: Means a person who is married to a Community Member.
- **State**: Means the Republic of Liberia.
- **Statutory Deed**: Means the instrument issued by the Liberia Land Authority to Communities after the completion of the Confirmatory Survey
- **Tribal Certificate**: Means a legal document issued by a tribal authority under the provisions of the 1956 Public Lands Law.

**Article 3: Purpose:**

- To define and delineate the different categories of land ownership and rights recognized in Liberia;

- To prescribe the means by which each of the categories of land may be acquired, used, transferred and otherwise managed;
- To ensure that all communities, families, individuals and legal entities enjoy secure land rights free of fear that their land will be taken from them, except in accordance with due process of law; and
- To confirm, declare and ensure equal access and equal protection with respect to land ownership, use and management, including ensuring that Customary Land and Private Land are given equal legal protection and that land ownership is provided for all Liberians, regardless of identity, custom, ethnicity, tribe, language, gender or otherwise.

#### **Article 4: Scope**

1. This Act applies to and covers the following:
  - All Land, whether presently or hereafter owned privately, publicly or collectively;
  - All Persons who own or seek to own rights or interests in Land, including individuals, communities and legal entities as well as the Government and its agencies; and
  - The original acquisition or title and subsequent transfer of any interests or rights in land.
  - Except to the extent necessary to define the rights and obligations attendant to each of the land rights categories, the scope of this Act is limited with respect to Land Administration, which is reserved for later legislation.

### CHAPTER 2: OWNERSHIP AND OTHER RIGHTS IN LAND

#### **Article 5: Nature of Land Ownership**

1. Subject to Section 2 of this Article 5, Land Ownership consists of the following rights:
  - The right to possess;
  - The right to use;
  - The right to include or to exclude; and
  - The right to transfer singly or jointly by sale, devise, gift or otherwise.
2. The right to restrict the exercise of any of the rights listed in Article 5(1) of this Act.
3. Ownership of Land does not extend to Mineral Resources on or below the surface of the Land.
4. Land ownership may be held singly or jointly by individuals, or collectively by a Community as communal property or by the Government.



### **Article 6: Rights in Lands Other than Ownership**

1. A Person not having title to Land may enjoy the right to possess and/or use of the Land pursuant to: (i) an agreement of lease; (ii) an easement; or (iii) a license. The Government may also grant a Concession on or over Government Land and Public Land.
2. The nature and conditions attendant to acquiring and enjoying each of the rights in Land other than ownership are set forth in Part 5 of this Act.

### **Article 7: Categories of Land Ownership**

1. Every Land shall be classified as, and held under, one of the four (4) categories enumerated in Article 7, Subsection 2 of this Act.
2. The four (4) categories of Land Ownership in Liberia are:
  - Public Land;
  - Government Land;
  - Customary Land;
  - Private Land
3. Subsisting with the four (4) categories of land Ownership is a unique land use category called Protected Area which may be created and co-exist within each of the four Land Ownership categories.
4. A Land classified or held under any one category of land ownership may be converted to another category; provided that a conversion made through a process not compliant with the conditions and requirements of this Act shall be void.

### **Article 8: Eligibility to Own Land or Rights in Land**

1. In compliance with the provisions of the Constitution of Liberia, ownership of Land shall be limited to Liberian citizens.
2. In keeping with the Article 22 of the Constitution non-citizen missionary, educational, and other benevolent institutions shall have the right to own property as long as such property is used for the purpose acquired. Title to the property shall revert to the original owner(s) of the land after a determination is made of the non-use of the property by the Land Authority.
3. A sole proprietorship or a partnership organized under the laws of Liberia consisting entirely of Liberian citizens shall be eligible to acquire ownership of and hold title to Land.



4. A Liberian business corporation organized under the laws of Liberia, which is owned one hundred percent (100%) by Liberian citizens at all times, shall be eligible to acquire ownership of and hold title to Land. This provision shall be strictly construed and the property held by such corporation shall escheat to the Republic of Liberia upon any violation of this provision.
5. All persons, irrespective of nationalities or place of domicile or residence, shall be eligible to acquire, hold and enjoy rights in land other than ownership, including but not limited to the right of possession and or use pursuant to a concession, lease or otherwise.

### **CHAPTER 3: PROOF, PROTECTION, REGISTRATION AND REGULATION**

#### **Article 9: Proof of Ownership or Rights in Land**

1. Proof of ownership of a Private Land shall at all times be evidenced by a Deed that (i) is executed by the legitimate Owner or Owners; (ii) is duly probated and registered in keeping with the law controlling, and (iii) shows a legitimate chain of title.
2. Proof of Government Land shall be evidenced by Statutory Deeds.
3. Proof of Public Land shall consist of competent evidence of ownership by the Government through purchase, escheat, confiscation, gift or otherwise, which presently is not being used by the Government and is neither Private Land nor Customary Land.
4. Proof of ownership of Customary Land shall consist of any competent evidence including oral testimony showing a verifiable longstanding relationship with or ties to the Community claiming ownership of the particular Customary Land. However, under no circumstances shall the ownership of Customary Land be denied because of a failure by the Community to produce documentary evidence in support of the claim. A Community may, in lieu of a Confirmatory Survey, enter into stipulations with one or more Communities or Private Persons in determining the boundaries of its Customary Land.

#### **Article 10: Protection of Rights in Land**

1. All interests and rights in Land, irrespective of the ownership or the nature of the ownership, are entitled to the protection provided by the Constitution of Liberia.
2. The Government has the sovereign authority and responsibility to protect and enforce all interests and rights in Land.

### **Article 11: Registration of Rights in Land**

1. Except as provided in Sections (2) and (3) below, no title to or interest in Land shall be enforceable unless such title or interest is duly registered in keeping with law.
2. The Ownership of Customary Land was by its nature based on unwritten customary norms and practices and was therefore not registered but will be required to be registered after the Effective Date of this Act in accordance with the provisions of Article 37(2) of this Act.
3. The existence, validity and/or enforceability of the Ownership of Customary Land shall not be affected because of the lack of title documents or prior registration if there is evidence, including oral testimony of the existence of a longstanding relationship or ties with the Community and the Customary Land.
4. Within twenty-four (24) months of the Effective Date of this Act, the Government working with Communities, shall commence the conduct of a Confirmatory Survey of all the Customary Land in Liberia for the purpose of determining the size and boundaries of the Customary Land of each Community. The report of the Confirmatory Survey shall include the precise coordinates and maps of each Customary Land and after validation the report shall immediately be probated and registered in keeping with law.

### **Article 12: Regulation of Land Use**

The right to the Ownership and use of Land is not absolute but is subject to reasonable regulations.

## **PART TWO: PRIVATE OWNERSHIP OF LAND**

### **CHAPTER 4 OWNERSHIP OF LAND**

#### **Article 13: Nature of Private Ownership**

1. The Ownership of a Private Land constitutes private property, which is alienable, descendible and devisable.
2. The Ownership of a Private Land confers on the Owner the right to possess and use the Land to the exclusion of all other persons including the Government, as well as the right to alienate the land partially or wholly and on such terms as the Owner may determine.
3. The Ownership of Private Land does not constitute a grant of any right to the use of Mineral Resources on or beneath the Land.
4. The Ownership of a Private Land shall be in Fee Simple unless there is any restriction that is clearly stated in the instrument of conveyance.

#### **Article 14: Purpose of Private Ownership**

The acquisition of Private Land may be for any lawful purpose.

#### **Article 15: Eligibility to Own Private Land**

Private Land may be acquired, held or owned by

- Natural persons who are citizens of Liberia;
- Sole proprietorships and partnerships owned entirely by Liberian citizens;
- Corporations owned entirely by Liberian citizens; and
- Missionary, educational or other benevolent institutions;

#### **Article 16: Obligations of Private Ownership**

1. Every Owner of Private Land is obliged to:
  - a. Register his or her ownership of the Land with the relevant agency of the Government and to maintain current records of such ownership and registration;
  - b. Pay taxes on the Land in keeping with the Revenue Code of Liberia;
  - c. Comply with land use planning regulation(s), which are in effect or may hereafter be promulgated.
  - d. Avoid sale of the Land to non-eligible person.

### **CHAPTER 5: ACQUISITION OF PRIVATE LAND**

#### **Article 17: How Private Land May Be Acquired**

1. Private Land may be acquired by purchase, donation, intestacy, gift, will or Adverse Possession; provided that in all cases a valid acquisition of Private Land may be only by persons qualified to hold Private Land in keeping with Article 15 of this Act.
2. Acquisition of Private Land by purchase may be done through privately negotiated sale or at public sale done by auction.
3. Judicial sale.

#### **Article 18: Acquisition of Private Land by Purchase**

A person who satisfies the requirements of Article 15 of this Act may acquire Private Land by purchase, through private sale or public sale by auction, from:

- i. Owner(s) of Private Land; and,
- ii. The Government, in the case of Government Land or Public Land.

### **Article 19: Acquisition by Purchase from Owner of a Private Land**

1. A Private Land may be acquired by purchase from Private Land Owner(s) or the Owner's estate for any consideration and at any time.
2. A purchase from a Private Land Owner shall not be valid and enforceable, unless:
  - a. The Deed was executed by the legitimate Owner(s);
  - b. Notice of the sale was published in a local newspaper and posted in conspicuous places in the community where the Land is located;
  - c. The buyer obtains and retains documentary confirmation of the seller's ownership of the subject Land;
  - d. The seller produces and the buyer obtains and retains documentary confirmation of the seller's payment of all taxes due on the land or the seller and buyer agree in writing that the buyer shall be responsible for the payment of all taxes due as of the date of sale; and
  - e. The transfer Deed from the seller to the buyer is duly registered in keeping with law.

### **Article 20: Acquisition by Purchase from the State**

1. Private Land may be acquired by purchase of Government Land or Public Land from the Government, upon complying with the provision of this Act, the Public Procurement and Concession Act and any other laws and regulations of Liberia governing the sale of Government Land and Public Land.
2. Public Land may be acquired from the Government as Private Land only upon complying with the provisions of this Act, the Public Procurement and Concession Act and any other laws and regulations governing the sale of Government Land and Public Land.

### **Article 21: Acquisition by Purchase from a Community**

1. Private Land may be acquired by a Community Member of a defined portion of Customary Land as a Residential Area, provided that no Community Member should be deprived of a Residential Area.
2. Except as provided in Section 1 above relating to Residential Area, no Person shall purchase, hold or permanently alienate any portion of Customary Land until after the expiration of fifty (50) years as of the Effective Date of this Act and upon complying with the provisions of Article 49 of this Act.
3. The Purchase of Customary Land for use as Private Land shall be upon complying with the provisions of this Act and any regulations promulgated by the Liberia Land Authority governing the sale of Customary Land.



## **Article 22: Acquisition of a Private Land by Adverse Possession**

1. A person acquires ownership of Private Land by Adverse Possession where: (i) he or she occupies the said piece of Private Land under an asserted claim of right but without valid title where the use and occupancy is open, exclusive, notorious, continuous period and hostile to the rights of the Owner(s) for a period of fifteen (15) or more years without any legal objections from the Owner(s); or (ii) where he or she occupies the said piece of Private Land under an alleged color of title, which is not recognized by the Owner(s) and remains in open, notorious, continuous possession of the aforesaid Private Land for a period of fifteen (15) or more years without any legal objections from the Owner(s).
2. For purposes of Adverse Possession, a "claim of right" shall mean any asserted ownership of Private Land whether supported by a document of title or not, while a "color of title" shall mean any claim of ownership of Private Land founded on a written instrument such as a deed, a will or a judgment that is for some reason defective or invalid.
3. In addition to the requirements of Article 22(1), to constitute the defense of Adverse Possession, one claiming Private Land must present evidence or proof of regular payment of taxes for the entire period of fifteen (15) years, along with any of the following:
  - i. where the land has been usually cultivated or verifiably improved by the claimant;
  - ii. where the land has been protected by a fence or some substantial enclosure; and
  - iii. where the land, although not enclosed, has been used by the claimant for the ordinary need or use of the claimant.
4. A defendant in an action to recover real property may assert the defenses of ownership to the property under a claim of right and color of title and such plea shall not be considered inconsistent or contradictory under any rule of pleading.
5. For purpose of computing the period required under Article 22, the period of possession of a person's predecessor-in-interest shall be considered and included in the calculation and determination of the period of the adverse possession.
6. Adverse Possession is inapplicable to Customary Land, Government Land, or Public Land, and no Person may claim any Customary Land, Government Land or Public land by Adverse Possession.



## **CHAPTER 6: EXTINCTION OF PRIVATE OWNERSHIP**

### **Article 23: Termination of Private Ownership**

1. A private ownership of Land shall continue in perpetuity unless terminated by reason of:
  - Abandonment;
  - Failure of heirs;
  - Loss of citizenship; or
  - The exercise of Eminent Domain by the Government after complying with the requirements of the Constitution and Article 54 of this Act.

### **Article 24: Extinction of Ownership by Abandonment**

1. The ownership of a Private Land shall become extinct by Abandonment and the Land shall escheat to the government.
2. For the purpose of this Article, the owner of Private Land shall be presumed to have abandoned the Land upon showing that: (i) the Owner has failed to pay the assessed taxes imposed on the Land for a continuous period of ten (10) years; and (ii) the Land has not been occupied, developed or used by the Owner for a continuous period of ten (10) years.
3. A presumption of Abandonment shall not arise or lie in any case where the failure of a Private Land Owner to use, occupy or develop the Land or pay requisite taxes was the result of involuntary conduct such as duress, armed conflict or other events of force majeure. For purposes of counting the continuous period required to prove Abandonment, the duration of any nonuse of the Land or nonpayment of taxes related thereto attributable to duress, armed conflict or any force majeure shall be excluded.
4. No Land shall be declared and/or treated as Abandonment unless as a result of a special proceeding duly filed with a court of competent jurisdiction and where the facts of Abandonment are proved in keeping with the provisions of this Act, the Civil Procedure Law and other applicable laws of Liberia.
5. The Ownership of a Private Land shall be extinguished and the Private Land automatically converted to Public Land upon the entering of a final judgment of Abandonment.
6. Private Land acquired by the Government as Public Land on account of Abandonment shall be managed, used, and subject to transfer by the Government in the same manner and on the same conditions as appertaining to all Public Land.
7. Customary Land, Government Land and Public Land shall not ever be deemed abandoned, and no Customary Land shall be acquired by the Government on ground of Abandonment.

### **Article 25: Failures of Heirs**

Private Land shall escheat to the Government in the event the Owner dies intestate without any heirs.

### **Article 26: Loss of Citizenship**

1. In keeping with the provisions of Article 24 (b) of the Constitution of Liberia, Private Land shall escheat to the Government when its Owner has become ineligible to own Land because of the Owner's loss of Liberian citizenship; and (ii) if the Owner's spouse, children or grandchildren are not Liberian citizens.
2. In every case where the ownership of Private Land is terminated by reason of loss of citizenship, the Owner or his/her estate shall be entitled to a lease of the Land from the Government or payment by the Government of just compensation for the value of the Land and any improvements thereon.
3. The Ownership of Private Land and the rights attendant to such ownership shall not be affected or extinguished on the ground of loss of citizenship unless as a result of a judicial hearing consistent with due process of law.

### **Article 27: Eminent Domain**

The Ownership of Private Land may be terminated by the exercise of the power of Eminent Domain by the Government upon complying with the provisions of Article 54 of this Act and the procedural and substantive requirements established in the Constitution of Liberia as well as other applicable Liberian laws.

## **CHAPTER 7: CO-OWNERSHIP OF PRIVATE LAND**

### **Article 28: Nature of Co-Ownership**

1. Two or more persons who satisfy the requirements of Article 15 of this Act may jointly acquire, own, hold and use Private Land and thereby become its co-owners.
2. Co-ownership of Private Land grants the Co-owners concurrent rights of present or future possession, use and control of the Land.
3. The following are the three (3) types of co-ownership of Land recognized in Liberia: (i) Tenants in Common; (ii) Joint Tenants and (iii) Tenancy by the Entirety.

### **Article 29: Tenants in Common**

1. Private Land acquired by or devised to two or more persons jointly in the same instrument creates a tenancy in common making the co-owners tenants in common.

2. All tenants in common have separate but undivided interests in Land but the interest of each is descendible and may also be alienated by sale or gift or encumbered by mortgage or otherwise.
3. A tenant in common may, by lease or license, grant unto another person the right to possess and use the land held under common tenancy to the full extent as such lessor or licensor herself might have used or occupied it if such lease or license had not been granted, and a co-tenant who expels the lessee or licensee is liable for trespass.
4. Any joint ownership of land is a tenancy in common unless specifically proven to be another type of common ownership.
5. Any Circuit Court of competent jurisdiction may, upon the petition of any co-tenant or an interested person, including creditor, order partition in kind of any land held in tenancy in common and may appoint a referee or surveyor for that purpose, and any decrees or judgment appertaining such partition shall bind the parties and all persons who thereafter claim title to such land.
6. In lieu of partition in kind, the court may order a partition by sale of any land when (i) the physical attributes of the land are such that partition in kind is impracticable or likely to be inequitable, and (ii) a sale will better promote the interests of all owners. The provisions of this Section shall extend to and include land owned in common by two or more persons when the whole or a part of such land is vested in any person for life with remainder to her heirs. A conveyance made in consequence of a decree ordering sale of such land shall create a valid and marketable title in the purchaser thereof, and shall bind the person entitle to the life estate and his or her heirs and any other persons having remainder interest in the land.

#### **Article 30: Joint Tenants**

1. A joint interest in Land, called a joint tenancy, is one owned by two or more person equally by a title created in a single instrument.
2. Each joint tenant is deemed to own an equal and undivided interest in Land with the right of survivorship.
3. A joint tenancy may be severed and its attendant right of survivorship extinguished by any of the following: (i) by the death of one of two joint tenants; (ii) mutual agreement of the joint tenants; (iii) voluntary conveyance by gift or sale by the joint tenants; (iv) by a decree of partition; or (v) by agreement of the joint tenants, foreclosure of a mortgage granted over the interest of a joint tenant.

#### **Article 31: Tenancy by the Entirety**

1. A tenancy by the entirety is created when joint tenants are also husband and wife.
2. The right of survivorship exists in a tenancy by the entirety with the surviving spouse becoming the sole Owner of the property in Fee Simple upon the death of the other spouse.



3. A tenancy by the entirety may be annulled or extinguished by divorce or by voluntary agreement of the husband and wife.

## **PART THREE: CUSTOMARY LAND**

### **CHAPTER 8: ACQUISITION AND NATURE OF CUSTOMARY LAND**

#### **Article 32: Identification of Customary Land**

1. Customary Land is acquired and owned by a Community in accordance with its customary practices and norms based on a long period of occupancy and/or use.
2. The existence and ownership of Customary Land shall become enforceable as of the Effective Date of this Act.
3. The acquisition and ownership of Customary Land by a Community is established by one or more of the following:
  - i. The Customary Land, prior to the Effective Date of this Act, was deeded to the Community;
  - ii. The Land is considered to be Customary Land by common and long-standing understanding among members of the Community. This includes Land that has been used or possessed exclusively or continuously by the Community or some of its members for socio-cultural and economic purposes for a minimum period of fifty (50) years as can be established by oral testimonies of members of the Community and members of neighboring Communities.
  - iii. The use or claim of possession of the Land by the Community through historical activities and ties are: (i) acknowledged by some or all neighboring Communities; and/or (ii) recognized by rules of customary practice, as can be established by oral testimonies of members of the Community and members of neighboring Communities.
4. All Deeds granted prior to the Effective Date of this Act, in the name of some individuals described in their official or representative capacities by the use of words such as "the Elders of" or "the People of" shall be deemed to have conveyed a Customary Land.
5. Save for Customary Land granted by aborigine deed or other written documentation prior to the Effective Date of this Act, Ownership of Customary Land is not acquired but arises by operation of law based on the proven longstanding relationship between the individual Community and the Land.

#### **Article 33: Nature and Extent of Community Ownership of Lands**

1. A Community's Ownership of Customary Land is and shall be communal property.
2. The Ownership of Customary Land includes:

- i. The right to exclude others;
  - ii. The right to possess and use the Land and non-mineral resources thereon;
  - iii. The right to manage and improve the Land including planting crops and harvesting forest products directly or through third parties by way of management contracts or similar arrangements; and,
  - iv. The right to transfer portions of the Land through lease or other lawful means consistent with the provisions of this Act.
3. Save for Concessions, contracts, permits and other rights previously granted in Customary Land by the Government prior to the Effective Date of this Act, and subject to the Government's Constitutional right to extract all Mineral Resources found below the surface of the Land, any interference with or use of the surface of Customary Land require the Free, Prior and Informed Consent (FPIC) of the Community.

## **CHAPTER 9: IDENTIFICATION AND ORGANIZATION OF COMMUNITY**

### **Article 34: Identification of Community**

1. Each Community shall have the right to define the area of its Customary Land in keeping with customs, oral or written history and locally-recognized norms.
2. Each Community shall have the right and responsibility to identify its members; except that no Community Member of a Community may be excluded from membership of the Community.
3. All Community Members of a Community are members of the Community and have equal rights to the use and management of the Community Land, regardless of age, gender ethnicity, religion and disability.
4. The Community shall not deprive a Community Member of his or her Residential Area. Any restriction on the exercise of the Land rights of a Community Member shall not be valid except it is in accordance with the customs and traditions of the Community and are not in violation of the provisions of this Act and the Constitution of Liberia, provided that the Community shall compensate a Community Member with comparable Land when Land is taken from a Community Member by the Community.
5. The Community shall be and remain an open class subject to changes as caused by birth, death and migration.



### **Article 35: Organization of Community**

1. The Community Members:
  - a. Shall draft by-laws using process agreed by the Community
  - b. Create and establish a Community Land Development and Management Committee (CLDMC);
  - c. Develop processes, which shall include the eligibility requirements for a non-Community Member to become a Community member; and
  - d. Elect the CLDMC and set up rules for the management for the conduct of the CLDMC.
  - e. Shall develop a land use management plan
2. A Community organized in accordance with Section 1 of Article 35 shall have legal and possess legal personality with all the attendant rights, including the ability and right to enter into enforceable contracts and sue and be sued.

### **Article 36: Governance and Management**

1. The authority for the development and management of Customary Land shall be vested in the members of the Community acting collectively.
2. The Community Members acting collectively are the highest-decision making body of the Community. They shall have the power by a vote of two-thirds of the Community membership:
  - a. To approve the sale, lease or transfer of Customary Land to Persons other than Community Members.
  - b. To approve the sale, lease or donation of Customary Land to the Government;
  - c. To approve requests of leases of Customary Land in excess of fifty (50) acres.
  - d. To approve the sale of Customary Land, subject to the fifty (50) year prohibition on the sale of Customary Land as provided in Articles 49 and 51 of this Act;
  - e. Investigate complaints involving CLDMC members and in connection therewith, remove members of the CLDMC, provided that the successor of any removed member shall be elected in accordance with the provisions of Article 36(4) of this Act.

- f. Decide any matters relating to the Community's Customary Land consistent with the provisions of the bylaws of CLDMC.
3. The CLDMC shall establish, support and maintain several sub-bodies and committees.
4. The CLDMC shall be accountable to the entire membership of the Community and shall report to the membership at frequencies established in the by-laws, provided that a report shall be made to the membership at least once annually.
5. The CLDMC shall allocate view and render decisions on complaints arising from the allocation and use of Customary Land, including matters relating to the allocation of Residential Areas. These decisions shall be made available to the entire Community membership.
6. The membership of the CLDMC shall consist of equal representation of the following three stakeholders' groups men, women and youths. Except for chiefs of the Community who shall be ex-officio members of the CLDMC, the representatives of the three stakeholder groups shall be democratically elected.
7. All decisions of the CLDMC, including appointments of officers, shall be made by consensus.
8. Any decision taken in respect of Customary Land shall be in accordance with the customs, traditions and practices of the Community.
9. No member of the Community shall be eligible to serve as member of the CLMDC or of any committee constituted by the CLMDC if: he or she (i) has been convicted of a felony; (ii) has been legally adjudged bankrupt; (iii) has been legally adjudged mentally incapacitated under the laws of Liberia or any legal system; and (iv) is under eighteen (18) years of age.
10. Members of the CLDMC shall serve on a pro bono basis and this shall be strictly enforced.
11. Any member of the CLDMC shall be liable under applicable law for acts of corruption, negligence or incompetence in the discharge of his or her duties, whether or not same results in injury to the Community.
12. The Government in collaboration with the Community shall promulgate appropriate regulations for the management of the CLDMC.
13. Each CLDMC shall work with the relevant local Government officials and the Government shall provide sufficient and adequate resources for the proper and timely implementation of the provisions of this Act.

## **CHAPTER 10: DEMARCATION AND CATEGORIES OF CUSTOMARY LAND**

### **Article 37: Demarcation of Customary Land**

1. A Community's claim of Ownership of Customary Land shall be established by competent evidence including oral testimonies of Community members, maps, signed agreements between neighboring Communities and any other confirming documents.
2. A nation-wide Confirmatory Survey to confirm the boundaries of all Customary Lands shall commence within twenty-four (24) months of the Effective Date of this Act. The Confirmatory Survey shall be conducted by or under the aegis of the Government through the Liberia Land Authority. The report of the Confirmatory Survey shall be validated, published and registered with the Liberia Land Authority, the Liberia Land Authority shall thereafter issue a Statutory Deed, and it shall be recorded in keeping with law.
3. Depending on the amount of available Customary Land, during the Confirmatory Survey, a maximum of ten (10%) percent of Customary Land in each Community, or an amount of Customary Land at the discretion of the Community, shall be set aside and allocated as Public Land.
4. The absence or delay in the conduct of the Confirmatory Survey shall not negate the existence or enforceability of a Community's Ownership of Customary Land, but the Confirmatory Survey shall be a condition precedent for the encumbrance or transfer of Customary Land which is a subject of any contested claim by another Community or by the Owners of any of the four (4) categories of Land Ownership.
5. Pending the issuance of formal title documents to the Community, for purposes of evidence of title, subsequent to the completion of the Confirmatory Survey, the confirmed measurements, inclusive of precise coordinates and maps of each Customary Land, as validated and registered shall serve in lieu of a Deed as proof of Ownership.
6. Where the boundary, extent or size of a Customary Land is contested by a Private Land Owner, the burden of proof shall be on the person challenging the boundary, extent or size of the Customary Land, and the standard of proof in such case shall be by clear and convincing evidence, as established by proof of the acquisition of the Land by a Public Land Sale Deed.
7. Where the boundary, extent or size of a Customary Land is contested by another Community, the controversy shall be resolved as if the dispute was a contest of title between two Private Land owners, and the standard of proof shall be that of preponderance of evidence, which may be established by the oral testimonies of Community Members and/or landscape-based evidence of customary claims, or other customary evidence.

8. The Government through the Liberia Land Authority shall develop regulations for the solution of all disputes involving Customary Land between Communities through customary law and Alternative Dispute Resolution Mechanism.
9. Any decision of the Liberia Land Authority shall be subject to judicial review in the Circuit Court where the Land is located by the filing by the petitioner with the Circuit Court within thirty (30) days of the decision of the Liberia Land Authority. The decision of the Circuit Court is subject to appeal to the Supreme Court of Liberia in accordance with the provisions of Section 51 of the Civil Procedure Law or any successor legislation.
10. If there are no objections or exceptions to the decision of the Liberia Land Authority, the Liberia Land Authority shall file a petition with the Circuit Court within thirty (30) days for judicial enforcement of its decision.

#### **Article 38: Categories of Customary Lands**

1. A Community may divide its Customary Land into various categories, including but not limited to the following:
  - a. Residential Area
  - b. Agricultural Area
  - c. Commercial Area
  - d. Industrial & Mining Area
  - e. Cultural Shrines & Heritage Sites
  - f. Protected Area
  - g. Forest Land
  - h. Any other category of Land that the Community may deem appropriate.
2. The categorization of Customary Land shall be based on customary practices and long period of use, as well as consensus reached by members of the Community, provided that Customary Land may be re-categorized based on changed conditions.

#### **Article 39: Residential Area**

1. Residential Areas shall include a portion of a Customary Land set aside by the Community and used exclusively for residential purposes.
2. A Community Member, irrespective of gender, shall be entitled to Residential Area for his or her exclusive possession and use as a residence.
3. Every Residential Area assigned to a Community Member shall have the same legal status as Private Land.



#### **Article 40: Agricultural Area**

1. Every Community Member shall be entitled to carry on agricultural activities on a portion of the Customary Land designated by the Community as an agricultural area.
2. With the approval of the Community Membership, a Community Member, or Person may by lease, mortgage or otherwise use an agricultural area for medium to large or large scale agriculture, including animal husbandry and cash crops production and for an agreed term of years.
3. The CLMDC of each Community shall adopt in its by-laws procedures and requirements for leases of large tracts of agricultural land to Community Members and Persons.

#### **Article 41: Cultural Shrines and/or Heritage Sites**

1. A reasonable portion of each Customary Land shall be designated by the Community as cultural shrines or heritage sites in accordance with the customs and traditions of the Community.
2. A cultural shrine or heritage site shall consist of any area of Customary Land:
  - a. used for many years by some distinct group of members of the Community for the practice of their cultural or traditional rites;
  - b. on which is located a sacred plant, water body, mountain, tree, or other object with special ancestral significance; or
  - c. designated as such by the Community.
3. A cultural shrine or heritage site shall enjoy the same protection accorded Protected Areas in this Act and other applicable Liberian laws.

#### **Article 42: Protected Land**

1. All Land gazetted by the Forestry Development Authority (FDA) or any successor as Protected Areas shall be and remain Protected Areas within Government Land; Other land previously designated but have not been gazetted as the Effective Date of the Act shall be negotiated between the FDA and the Community based on provisions 2 and 3 of this article.
2. A portion of Customary Land may be set aside as a Protected Area by the Government:
  - (i) at the request of the Community; or (ii) upon the request of the Government following good faith negotiations. If the negotiations are unsuccessful, the Government reserves the right to exercise its rights of Eminent Domain as provided in Constitution of Liberia, Article 54 of this Act and any other applicable Liberian laws.
3. Every Protected Area in a Customary Land shall be and remains owned by the Community and conserved and managed by the Community for the benefit of the Community and all Liberians.



- 4 Protected Areas within Customary Lands may include forest, wetlands, major water sources and land set aside by a Community for ecotourism.
- 5 Any portion of Customary Land established or set aside as a Protected Area shall not be sold, leased, or granted as a Concession, but a limited use rights may be granted to Community Members for livelihood activities, provided that the use is consistent with the conservation and management provisions of the National Forestry Reform Law of 2006 or any successor legislation.
- 6 The Government shall provide reasonable resources and technical assistance to build the capacity of Community Members to manage Protected Areas within Customary Land to enable the Government to monitor area's biodiversity and the Community Members' compliance with the conservation and management provisions of the National Forestry Reform Law of 2006 or any successor legislation.

#### **Article 43: Forest Lands**

1. A portion of Customary Land shall be considered and used as forest land if it is not:
  - (i) a Residential Area; an agricultural area; a cultural shrine or a Protected Area; and
  - (ii) has timber as its primary cover.
2. A Community may use its forest lands and harvest all timber and non-timber products thereon, directly or indirectly in keeping with the provisions of the Community Rights Law of Liberia and the National Reforms Forestry Law of 2006.

#### **Article 44: Commercial Areas**

A portion of Customary Land may be designated and used by the Community as a commercial area to build and operate shops and other commercial enterprises. Any Land in a commercial area may be leased by the Community to non-Community Members for commercial purposes.

#### **Article 45: Mining Areas**

A portion of Customary Land may be used by the Community as a mining area under license from the Ministry of Lands, Mines & Energy.

### **CHAPTER 11: DEEDED LANDS AND DOCUMENTED RIGHTS IN CUSTOMARY LAND**

#### **Article 46: Deeded Private Land within a Customary Land**

1. The existence, presence, and recognition of Customary Land shall not extinguish the existence of Private Land located within or surrounded by Customary Land.
2. Private Land acquired prior to the Effective Date of this Act shall be presumed to be valid.

3. Private Land located in Customary Land shall enjoy equal protection with Customary Land, and it shall be the joint and several responsibility of the Community and its members to ensure that the rights of every Private Land Owner is protected. Private Land Owner(s) shall also bear the reciprocal responsibility to the Community to abide by rules adopted by the Community.

#### **Article 47: Tribal Certificates**

1. The holder of a valid Tribal Certificate issued prior to the Effective Date of this Act for which a Public Land Sale Deed was not obtained is granted a maximum of twenty-four (24) months to finalize and complete all the steps necessary to obtain a Public Land Sale Deed. Appropriate and sufficient notification will be provided by the Liberia Land Authority to the holders of Tribal Certificates to enable them to complete the required steps. The validity of Tribal Certificates shall be determined by a rigid validation process involving the community conducted by the Liberia Land Authority. If the holder of a Tribal Certificate does not obtain a valid Public Land Sale Deed within twenty-four (24) months, the Land, subject matter of the Tribal Certificate, shall revert to the Community and become Customary Land.
2. As of the Effective Date of this Act, the holder of a valid Tribal Certificate shall be entitled to one hundred percent (100%) of the developed portion of the Land, subject matter of the Tribal Certificate. The undeveloped portion of the Land shall be renegotiated between the Tribal Certificate holder and the Community.

#### **Article 48: Concession Area within a Customary Land**

1. All portions of a Customary Land covered by any Concession(s) issued by the Government prior to the Effective Date of this Act shall remain subject to such concession, contract, permit or documented license for the entire period of their existing terms and conditions.
2. During any review of any Concession located on Customary Land after the Effective Date, the inputs and concerns of the Community shall be presented through the CLDMC to ensure that the rights and interest of the Community are safeguarded and protected.
3. Communities on which Concessions are located, after the Effective Date, including mineral Concessions, shall at all times collectively maintain a minimum of five percent (5%) undiluted free carried interest in the rights of the Concession, license or permit, in addition to any other benefits which the Community shall be entitled to receive under the provisions of the Concession, license or permit.
4. At the expiration or sooner determination of Concession(s) located on Customary Land, the Concession Area(s) shall revert to the Community and shall become Customary Land.

## **CHAPTER 12: SALE, LEASE AND OTHER TRANSFERS OF CUSTOMARY LANDS**

### **Article 49: General Provisions Pertaining to Sale, Lease and Transfer of Customary Land**

1. Customary Land on which a Community Member(s) has his or her residence as at the Effective Date of this Act shall be automatically transferred to the Community Member and shall be owned by the Community Member in Fee Simple, consistent with the provisions of Section 2 of Article 36, Section 2 of Article 39, and Section 4 of Article 70.
2. The transfer of a Residential Area to a Community Member(s) shall be confirmed and formalized by a Deed to be issued by the CLDMC in the name of the Community Member after the establishment of the CLDMC, except that the absence of such Deed shall not affect or defeat the Community Member's ownership of his or her Residential Area if otherwise provable.
3. Except for transfers of Residential Area as provided in Section 1 of this Article, Customary Land shall not be sold or otherwise permanently alienated to a private person until after a period of fifty (50) years following the Effective Date of this Act.
4. A Customary Land may be leased on such terms and conditions as the Community may determine by and through its CLDMC for areas smaller than fifty (50) acres, and by general consensus of the Community Membership for areas larger than fifty (50) acres. The total certain period of any lease of Customary Land shall not exceed fifty (50) years.
5. A lease agreement in respect of any Customary Land shall include payment of rent and equitable benefits to the Community; an agreed payment schedule and a mechanism to ensure full and timely payment of rent and the performance of all obligations assumed by the lessee.
6. A lease of a Customary Land may not be made to any Person until:
  - i. the Community has organized and established a CLDMC; and,
  - ii. the lease or transfer is duly authorized in keeping with the provisions of Articles 35 and 36 of this Act.

### **Article 50: Adverse Possession and Condemnation of Customary Land**

1. The elements of Adverse Possession are inapplicable to Customary Land, and no title to Customary Land shall be claimed or asserted based on Adverse Possession.
2. The acquisition of Customary Land for public purpose or public use shall be pursued by way of negotiations with the relevant Community through lease or purchase on mutually agreed terms. Condemnation or the exercise of Eminent Domain shall be exercised over Customary Land after compliance with provisions of the Liberian Constitution and Article 54 of this Act.



### **Article 51: Extinction of Customary Land**

Subject to the exceptions provided in Article 49 of this Act in respect of Residential Areas, Customary Land may be extinguished wholly or partially by consensus of the Community Membership, provided that no decision or any sale shall be made earlier than fifty (50) years as of the Effective Date of this Act.

## **PART FOUR: GOVERNMENT LAND AND PUBLIC LAND**

### **CHAPTER 13: ACQUISITION, SALE AND EXTINCTION OF GOVERNMENT LAND AND PUBLIC LAND**

#### **Article 52: Classification and Inventory of Government Land and Public Land**

1. Government Land and Public Land constitute public assets or resources held in trust and managed by the Government for the benefit of all Liberians.
2. Government Land shall consist of all Land owned and/or used by Government for its offices or other activities, including but not limited to parastatal bodies; military bases, public roads, public schools and universities, public health facilities, public libraries and museums and airports.
3. Within thirty-six (36) months as of the Effective Date of this Act, the Government shall commence an inventory of Government Land and, to the extent necessary, harmonize the boundaries between every piece of Government Land and any other land classification.
4. Public Land is not Private Land or Customary Land and consists of all Land held or acquired by the Government through purchase, confiscation, escheat, gift or otherwise, which may or may not presently be used by the Government.
5. The Government shall maintain a publicly accessible inventory of all Public Land including classification of the nature or use of each.

#### **Article 53: Acquisition of Government Land**

1. Government Land is acquired by any of the following means:
  - By treaty
  - By prior or pre-existing possession and usage
  - By donation
  - By purchase
  - By abandonment
  - By reversion



- By escheat
  - By confiscation
  - By Eminent Domain
2. The Government may acquire Government Land or Public Land by donation if the Land was given to the Government by any Person or Community and if the Land is used by the Government.
  3. Government Land or Public Land can be acquired purchase of Private Land.
  4. Government Land or Public Land can be acquired by Abandonment consistent with the provisions of Article 24 of this Act.
  5. Government Land or Public Land may be acquired by reversion where the land ceases to be used by a diplomatic mission or a charity or missionary organization provided that such land used by a diplomatic mission or a charity or missionary was not a Customary Land.
  6. Government Land or Public Land may be acquired by confiscation including the Owner's failure pay applicable real estate taxes.
  7. The Government may also acquire and hold Land as Government Land or Public Land if the Owner dies without heirs.

**Article 54: Acquisition by Eminent Domain**

1. In keeping with the Provisions of the Liberian Constitution, the Government may acquire any Land and property thereon through the exercise of Eminent Domain or expropriation in the event of armed conflict, where the public health and safety are endangered, or for any other public purposes.
2. Before exercising its right of Eminent Domain, the Government shall make reasonable and good faith efforts to first lease the Land for the intended public use or purpose. If the Government and the Owner(s) of Private Land or Customary Land fail to reach an agreement, the Government shall have the right to exercise its right of Eminent Domain to have the Land condemned and expropriated. Condemnation proceedings shall comply with the provisions of Subchapter E of the Civil Procedure Law or any successor legislation.
3. When the Land acquired by Eminent Domain is not used for the purpose for which it was acquired for a period of five (5) or more consecutive years, the previous Owner or the Owner's representatives or successors shall have first rights to re-acquire the Land from the Government at the current market value of the Land, less the amount of compensation which was originally paid to the Owner.
4. The Government's use or occupancy of Private Land or Customary Land shall be either by (i) lease or purchase in the case of Private Land; or (ii) by the Government's exercise of Eminent Domain consistent with the provisions of the Constitution of Liberia.

### **Article 55: Sale and Transfer of Government Land**

1. The Government may sell or lease Government Land or Public Land to a Person, provided that sale of Government Land or Public Land shall be only to Persons eligible to own Land in Liberia.
2. The sale and long-term leases of Public Land and Government Land shall be done through a public competitive bidding process by the relevant Government agency authorized to manage Government Land and in accordance with the Public Procurement Law or any successor legislation.

### **Article 56: Acquisition of Public Land**

Public Land may be acquired in the same manner as Government Land.

### **Article 57: Sale and Transfer of Public Land**

Public Land may be sold or transferred in the same manner as Government Land.

### **Article 58: Adverse Possession of Government Land and Public land**

The elements of Adverse Possession are inapplicable to Government Land or Public Land, and no title to Government Land and Public Land shall be claimed or asserted based on Adverse Possession.

## **PART FIVE: MATTERS COMMON TO ALL CATEGORIES OF LAND RIGHTS**

### **CHAPTER 14: PROTECTED AREAS**

#### **Article 59: Conditions Pertaining to Protected Areas**

1. There shall be co-extensive with but independent of the four (4) land ownership categories established in Article 7 of this Act a unique land use category called Protected Area, which shall include all Land designated by the Government for protection or restricted use.
2. A Protected Area may be created by the Government in or on Private Land and Customary Land after complying with the provisions of Article 42 and Article 54 of this Act.
3. Where Private Land or Customary Land is acquired under the provisions of Article 42 or Article 54 of this Act and is thereafter designated as a Protected Area, the Land shall be conserved and managed in accordance with the National Forestry Reform Law of 2006 or any successor legislation for the benefit of all Liberians

4. A Protected Area may be a full nature reserve or a partial nature reserve. A full nature reserve Protected Area may not be a subject of a license or permit to use or utilize in any way, including extraction of any resource(s).

## **CHAPTER 15: LEASES**

### **Article 60: Nature, Creation and Extinction of Leases**

1. A lease consists of the right to the possession of the Land by the lessee for the period or periods of the lease. A lease may be made to any Person.
2. An enforceable lease is created by a written instrument duly signed by the Owner of the Land.
3. A lease to a Person who is eligible to own Land in Liberia may be for as long as the parties agree, except for Customary Land where the term shall not be more than fifty (50) years.
4. A lease to a person who is not eligible to own Land in Liberia shall be limited by the following terms:
  - a. An initial certain term of ten (10) years, if the initial value of the improvement to be made by the lessee on the Land is not less than US\$100,000.00 (One Hundred Thousand United States Dollars) or its Liberian Dollar equivalent. An option of renewal of the lease may be granted to the lessee for a single additional term of up to five (5) years. The option shall be exercised and negotiated only after the expiration of the initial certain term.
  - b. An initial certain term of fifteen (15) years, if the initial value of the improvement to be made by the lessee on the Land is not less than US\$500,000.00 (Five Hundred Thousand United States Dollars) or its Liberian Dollar equivalent. An option of renewal of the lease may be granted to the lessee for a single additional term of up to ten (10) years. The option shall be exercised and negotiated only after the expiration of the initial certain term.
  - c. An initial certain term of twenty-five (25) years, if the initial value of the improvement to be made by the lessee on the Land is not less than US\$1,000,000.00 (One Million United States Dollars) or its Liberian Dollar equivalent. An option of renewal of the lease may be granted to the lessee for a single additional term of up to ten (10) years. The option shall be exercised and negotiated only after the expiration of the initial certain term.
6. The optional period shall be negotiated within the last two (2) years prior to the expiration of the initial term certain.
7. A lease may be extinguished by:
  - i. mutual agreement of the parties;
  - ii. condemnation of the leased premises.

- iii. judicial proceedings.

## **CHAPTER 16: EASEMENTS**

### **Article 61: Creation of an Easement**

1. An easement may be created by:
  - a. express conveyance
  - b. by pre-existing use
  - c. necessity; and
  - d. prescription.

### **Article 62: Easement Created by Express Conveyance**

1. An easement may be created by express conveyance:
  - a. In a Deed conveying the Land to which the easement is appurtenant
  - b. Through a written agreement independent of the Deed conveying the Land to which the easement is appurtenant
  - c. By testamentary grant.
2. In order to be enforceable, an easement created by a written instrument either by a Deed, testamentary grant or any other written instrument, must be (i) signed by the Owner of the Land or his or her predecessor-in-estate or in interest; and (ii) probated and registered in keeping with law.

### **Article 63: Easement Created by Implication from Pre-existing use**

1. If an easement existed on Land prior to any subsequent division of the Ownership of Land, the prior use of Land will continue unless a contrary intent is clearly expressed or may reasonably be implied.
2. The following factors shall be considered in determining the reasonable expectation of the parties that a division of Ownership of Land will not terminate or extinguish any prior easement rights in and to the Land:
  - a. the prior use was not temporary;
  - b. the continuation of the prior use was reasonably necessary for the enjoyment of the other part of the Land;
  - c. the existence of the prior use was well known to or apparent to the parties
  - d. The prior use was for utilities serving the other part of the Land.
3. The existence of an easement by implication from pre-existing use is a factual matter to be determined from an analysis of the facts of each case.



#### **Article 64: Easement Created by Necessity**

1. A conveyance which otherwise deprives Land conveyed to a grantee creates by implication and operation of law an easement granting or reserving such right, unless the express language or other circumstances of the conveyance clearly indicates that the parties intended that the right not be granted or reserved.
2. When the Owner of Land conveys any piece thereof to another, and the piece conveyed is without any ingress or egress except over the Land retained by the Owner, an easement of necessity is created by law in favor of the grantee and/or possessor of the piece conveyed by the Owner.
3. One who asserts or claims easement by necessity has the burden to establish its existence.
4. A person claiming an easement by necessity must establish:
  - a. that the Land benefited by the easement was once part of a larger tract of land held under one Ownership immediately after its severance and conveyance
  - b. that a necessity for an ingress or egress existed at the time of the conveyance or severance; or
  - c. there is a present necessity for an ingress or egress in respect of the Land.
5. Persons without any access to a public road except by passage over or through the Land of another may petition the Ministry of Justice to apply to a court of competent jurisdiction to condemn a portion of the Land necessary to grant a Person(s) the right of way.

#### **Article 65: Easement Created by Prescription**

1. Easement by prescription is established by actual, open, hostile, notorious and continuous use of Land for a period of ten (10) years or more.

#### **Article 66: Termination of Easements**

An easement may be terminated by:

- a. mutual agreement of the parties
- b. release executed in favor of the burdened land
- c. Abandonment
- d. by merger, which arises when the same Person owns the burdened land and the Land benefited by the easement.

## **CHAPTER 17: LICENSES**

### **Article 67: Nature, Creation and Extinction of Licenses**

1. A License may be terminated at will unless it is coupled with an interest or the Person terminating it is legally estopped.
2. A License granted to a Person to come on the Land of another to remove a chattel is one coupled with an interest and is not revocable until the chattel is removed.
3. A License is irrevocable if it expressly states so in writing or if the licensee has made substantial expenditure in reasonable expectation of or reliance on a written License.

## **CHAPTER 18: MORTGAGES**

### **Article 68: Nature, Creation and Extinction of Mortgages**

1. A Community Member may mortgage a part or the whole of his or her Residential Area to secure the payment of a debt or the performance of any obligation of the Community Member.
2. The nature, creation, validity and enforcement of a mortgage duly created over any Customary Land or an interest in Customary Land shall be governed by the relevant provisions of the Liberian Commercial Code of 2010 or any successor legislation.

## **PART SIX: OTHER MATTERS**

### **CHAPTER 19: TRANSITIONAL PROVISIONS; REPEALS AND EFFECTIVE DATE**

#### **Article 69: Transitional Provisions**

1. Until a Community has established a CLDMC, the development and management of its Customary Land shall be by the elders, chiefs, traditional leaders, women and youth of that community.
2. While a Residential Area may be leased or mortgaged at any time, there shall be no sale of a Residential Area until the Community has established its CLDMC and the adopted the by-laws in keeping with Chapter Nine of this Act.
3. Until the Confirmatory Survey is completed in respect Customary Land, or if the neighboring Communities have agreed to their respective boundaries in keeping with Articles 11 and 37 of this Act, no action shall be taken to establish the boundaries of Customary Land, Public Land or Government Land.

### **Article 70: Amendments and Repealers**

1. The Aborigines Law, same being Title 1 of the Liberian Code of Laws of 1956 is hereby repealed in its entirety.
2. The Public Lands Law, same being Title 32 of the Liberian Codes of Laws of 1956 is hereby repealed in its entirety.
3. The Public Lands Law, same being Title 34 of Liberian Codes of Laws Revised of 1973 is hereby repealed in its entirety.
4. Chapters 2, 3, 5 and 6 of the Property Law, same being Title 29 of the Liberian Code of Laws Revised are hereby repealed. Provisions of this Act shall govern leases of Land.
5. Subchapter E of Chapter 16 of the Civil Procedure Law, Title 1 of the Liberian Code of Law Revised, is hereby repealed in its entirety. The provisions of this Act shall govern the procedures required for the exercise of both condemnation and eminent domain.
6. Subsections 2 and 3 of Section 2.12 of the Civil Procedure Law, Title 1 of the Liberian Codes of Laws Revised are hereby repealed. The provisions of this Act shall govern adverse possession and mortgage of land.
7. The second, last sentence of Section 2 of the Zoning Act of 1958 is hereby repealed. The provisions of the Zoning Act of 1958 shall not apply to other municipalities or lands and locations not within the Commonwealth District of Monrovia, Montserrado County.

### **Article 71: Regulatory Authority**

The Liberia Land Authority is granted the authority to promulgate regulations necessary for the effective implementation of this Act.

### **Article 72: Effective Date**

This Act shall become effective upon being printed and published in Handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

-2017-

SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF  
THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL NO.28 ENTITLED:

“AN ACT TO ESTABLISH THE LAND RIGHTS LAW OF 2018”

On Motion, Bill read. On Motion, the Bill was adopted on its first reading and sent to Committee Room on Monday, December 8, 2018 at the hour of 13:30 G.M.T.

On Motion, Bill taken from the Committee Room for its Second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Thursday, August 17, 2017 at the hour of 15:28 G.M.T.

  
CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

-2018-

FIRST SESSION OF THE FIFTY-FOURTH LEGISLATURE OF  
THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED BILL  
NO. 28 ENTITLED:

“AN ACT TO ESTABLISH THE LAND RIGHTS LAW OF 2018”

On Motion, Bill read. On Motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, August 22, 2017 at the hour of 15:00 G.M.T.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Thursday, August 23, 2018 @ 13:12 G.M.T.

  
SECRETARY, LIBERIAN SENATE, R.L.