



RIGHTS AND RESOURCES INITIATIVE | NOVEMBER 2021

*Community Land Rights in Liberia:
A Summary of 2020 Analyses*

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Background

Land is a multifaceted and defining element of Liberian society. It serves as a key economic driver for people making a living working in the natural resource sector – primarily forestry, mining, and rubber – including many communities who depend on land and forests for subsistence.

Although Liberia did not succumb to European control and influence throughout the colonial period in the 1800s, the country's history of Americo-Liberian settlement exhibits similar characteristics of occupation and control witnessed in other parts of Africa. Americo-Liberians are free-born and freed slaves who immigrated to Liberia from the United States and other parts of the world in the 19th Century. The Americo-Liberians established the Republic of Liberia in 1822 and consolidated their power first in the coastal regions and later in the hinterland. They established settlements for themselves, concessionaires, and other settlers through the purchase or appropriation of Indigenous lands, initiating a long process of subjugation and economic disenfranchisement for many Indigenous and local communities in the country. Customary tenure regimes that had previously been guided by Indigenous communities' land governance were severely impacted by the new Americo-Liberian government's control of land. They remained in power for 133 years until they were overthrown in a coup in 1980. While the Americo-Liberian and Indigenous divide did not directly trigger Liberia's two civil wars, it was one of its structural causes and remains an underlying trigger for future conflicts. Post-Americo-Liberian governments entrenched ethnic divides and the use of land as a tool for political patronage.

Grievances tied to poor governance, corruption, and marginalization of youth in land ownership and access, combined with historical grievances related to loss of land, coalesced to ignite Liberia's First Civil War in 1989. Land and its associated resources became intrinsically linked with the war effort, including resource extraction and economic profiting, such as the case with timber and diamonds. A central element of the peace agreement was to ensure a just and equitable process of land reform. It is against this background that the Land Rights Law of 2018 came into effect. This law recognizes the customary land rights of rural communities, women's land rights, and requires that Free, Prior and Informed Consent (FPIC) be adhered to for activities occurring on community land. This new law complements the Community Rights Law of 2009 which created a legal framework for communities to participate in sustainable forest management.

Summary of findings

This summary highlights findings of three RRI studies conducted in 2020 as they relate to Liberia. These studies are:

1. *The estimated area of land and territories where the rights of Indigenous Peoples, local communities and Afro-descendant Peoples (referred hereon as "communities") have not been recognized.*ⁱ
2. *The identification of opportunities for investments in securing collective tenure rights in the forest areas of low -and middle- income countries.*ⁱⁱ

3. *The exploration of rights-based interventions in conserving biological and cultural diversity.*ⁱⁱⁱ

This document will explain what the findings of these three studies mean for Liberia and aims to equip local communities and civil society organizations (CSOs) with data to advance their advocacy work to influence future reforms, and help the government, donors, private sector actors, and conservationists make informed decisions.

Report 1: Estimated area of land and territories of communities where their rights are not recognized

1.1. Study rationale

Research shows that legally recognized community lands store more carbon, have lower emissions, and have significantly lower deforestation rates than lands owned by other actors. They also cost less to establish and maintain than conventional protected areas. Insecure, contested, and unjust land and forest tenure undermines efforts to protect, sustainably manage, and restore ecosystems essential to the realization of climate, conservation, and sustainable development goals. Further, community-owned and -managed land has emerged as a conservation strategy that is often lower risk, lower cost, and more effective than the conventional, public protected area approach. This report aims at developing a global baseline of the total area of land where Indigenous and local communities' rights are unrecognized. It draws on data from 42 countries covering almost 50 percent of global land area, excluding Antarctica.

1.2. Findings and interpretation

Globally, recognized and unrecognized community lands constitute 49.2 percent of the total area in the study. This supports previous research that found that communities have historic or customary rights to half of the world's lands. In comparison to Asia and Latin America, Africa has the largest portion of unrecognized community lands: 505 million hectares (Mha), or the equivalent to 49.9 percent of the land area in the 14 African countries studied. **In other words, the greatest opportunity for the global advancement of customary and collective tenure rights is in Africa.**

Out of Liberia's total land area of 9.63 Mha, an estimated 7.0 Mha (72.6 percent) is community land: 3.06 Mha (31.7 percent of Liberia's land area) is recognized and 3.94 Mha (40.9 percent) is unrecognized.

Liberia is a member of the Forest Carbon Partnership Facility (FCPF), a global partnership of governments, businesses, civil society, and Indigenous Peoples focused on Reducing Emissions from Deforestation and forest Degradation (REDD+). Its success hinges on clarifying and demarcating ownership rights of certain forested landscapes. Forests make-up almost three quarters of Liberia's total land area (6.6 Mha – or 69 percent), excluding areas occupied by plantations and other agricultural activities.^{iv} The study reinforces the critical need to accelerate national actions and

international investments to secure collective land, forest, and resource rights in Liberia specifically, and Africa more broadly.

Report 2: The Opportunity Framework 2020: Identifying opportunities to invest in securing collective tenure rights in the forest areas of low - and middle-income countries

2.1. Study rationale

Globally, Indigenous Peoples and local communities comprising roughly 2.5 billion people customarily manage over 50 percent of the Earth's land mass, but governments currently recognize their legal ownership to just 10 percent of this land.^v Forty percent of existing protected areas and 36 percent of intact forest landscapes are estimated to overlap with Indigenous territories. When local communities' claimed lands are included, these overlaps could be as high as 80 percent.

There has been progress in addressing this historic injustice in recent years as governments have begun to pass legislation that recognizes the historic and customary use and ownership of these lands. Unfortunately, legal frameworks for the recognition of collective tenure rights are often not implemented, as governments and civil society often lack the political will, financial resources, or capacities to implement even existing laws and court decisions. While Liberia's progressive Land Rights Law was passed in 2018, the process of formally registering community lands has been slow. Outbreaks of land and natural resource-related conflicts have emerged in several parts of the country, such as in Nimba County. Additionally, tensions remain high in areas where forestry, palm oil, and other forms of concessions overlap with customary land. The recognition of community forest rights in Africa continues to lag behind progress made in Asia and Latin America, despite positive steps by some countries like Liberia to legally recognize community-based tenure.

The Opportunity Framework 2020 examines the status of country readiness for investments in community land and forest rights, prioritizing countries that are members of the Forest Carbon Partnership Facility (FCPF), an international initiative to help governments reduce deforestation and thereby mitigate climate change. The study is designed to facilitate awareness and identify potential opportunities for investment by governments, supporters of the FCPF, and other potential donors, and to provide a simple framework for monitoring the status of readiness for investments over time. The study evaluates and scores 29 countries (including Liberia) on:

1. Adequacy of existing legal frameworks
2. National government's willingness to support implementation of projects for recognition of collective forest rights
3. Sub-national governments' willingness and interest to support scaling-up these projects
4. Government capacity to institute reforms
5. Capacity of communities and affiliated CSOs to implement projects

A score ranging from 0-15 was assigned to each country based on the assessment of these five parameters.

2.2. Findings and interpretation

The aggregate score for Liberia was 13 out of a possible 15, meaning the country is ready for large-scale national or sub-national projects to implement forest tenure reforms.^{vi} These are projects that require proactive support and investments from central governments, bilateral and multilateral donors, or regional development banks like the African Development Bank. Community lands are also carbon store houses, and in Liberia there are 1,004.85 million tones (MT) of carbon held within recognized lands, 1,293.83 MT in unrecognized lands, for a total of 2,298.68 MT of carbon in lands held by communities.^{vii}

Liberia's Land Rights Law of 2018 acts as a framework for customary land ownership and management, and CSOs are working on operationalizing several aspects of the Law to safeguard communities from future land grabs. Similarly, the Community Rights Law of 2009 provides recognition of communities' conditional use of forest resources, including a provision enabling them to sign small-scale contracts for harvesting timber and non-timber forest products. Liberia is one of the most heavily forested countries in Africa and it has the potential to exemplify the importance of forests as a core element of climate restoration via the direct pursuit of secure land and forest tenure for communities.

Report 3: Rights-Based Conservation: The path to preserving Earth's biological and cultural diversity?^{viii}

"Throughout conservation's checkered history, we have seen exclusionary conservation as a gateway to human rights abuses and militarized forms of violence. We now have evidence that this approach is also economically devastating. Paying Indigenous Peoples to abandon lands they have historically protected better than governments and private entities is wasteful and furthers past wrongs." - José Francisco Cali Tzay - United Nations Special Rapporteur on the Rights of Indigenous Peoples

3.1. Study rationale

Urgent action is needed to prevent the collapse of biodiversity across the planet. In an effort to propose solutions, certain governments, organizations and conservation scientists have put forward proposals for bringing at least 30 percent, and up to 50 percent, of the planet's terrestrial area under formal "protection and conservation" regimes to address the dual biodiversity and climate change crises. However, given that important biodiversity conservation areas often overlap with territories inhabited and claimed by communities, expanding biodiversity conservation significantly impacts these communities. Indeed, conservation's colonial history has contributed to a growing list of human rights abuses, displacements, and increasingly militarized forms of violence in the pursuit of

protecting biodiversity. It has been estimated that up to 136 million people were displaced when formally protecting half of the global area currently protected (8.5 million km²).

The current draft of the Convention on Biological Diversity post-2020 Global Biodiversity Framework commits to placing at least 30 percent of the Earth's terrestrial and marine environments under formal conservation by 2030. Thus far, however, it does not guarantee that the rights of communities will be fully respected and promoted. This report reinforces peer-reviewed findings that already show how communities are far more effective than governments at protecting ecosystems and forests, especially when given formal rights that allow them to continue protecting their territories, and that supporting their agency and self-determination is the most cost-effective path to achieving global biodiversity goals.

3.2. Conservation in Liberia

Liberia is home to the largest remaining section of the Upper Guinean tropical forests of West Africa. This is estimated to cover 6.6 Mha and contain invaluable timber species and biodiversity, including endangered and endemic species like the Liberian Greenbull, the western Nimba toad, the Diana monkey, and the pygmy hippo. Forests currently cover 69% of the country's land area, and it is estimated that at least half of Liberia's population live within 2.5 kilometers of a forest. Many communities also derive their livelihoods from forests which provide safety nets during times of socio-economic upheaval such as droughts, floods, and pandemics. Indeed, forestry is the fourth largest contributor to the economy in Liberia, accounting for up to 10 percent of the country's Gross Domestic Product (GDP). Unfortunately, the Liberian civil wars in the late twentieth century accelerated deforestation when forest revenue was used to purchase weapons and sustain food security needs.

While the legal frameworks surrounding community forestry are robust, implementation has been hampered by war and socio-political conflict. Palm oil and agriculture expansion, REDD+ projects, and logging all continue to challenge Indigenous and local community forest governance, the pursuit of community land rights, and the creation of sustainable livelihoods.

3.3. Findings

3.3.1. The global population of communities living in important biodiversity conservation areas ranges between 1.65 billion to 1.87 billion people.

In Africa, Asia, the Caribbean, Oceania, and the Americas, it is estimated that over 25 percent of each region's population currently lives within important biodiversity conservation areas. In Liberia, this is the current reality for half a million people. And, if the Liberian government commits to placing 30 percent of the country's terrestrial and marine environments under formal conservation by 2030, 2.1 million people (37 percent of the total population) will live in important biodiverse areas by the end of the decade.

3.3.2. A greater proportion of people living in important biodiversity conservation areas are in low- and middle-income countries and may be at risk if exclusionary practices are used to expand conservation areas.

High-income countries account for only 9 percent of the people living in important biodiversity conservation areas, whereas low- and lower-middle income countries account for 56 percent. In addition, the population densities in important biodiversity conservation areas are much higher in low- and lower-middle income countries than in high- or upper-middle income countries. A significant portion of communities in low- and middle-income countries are more likely to depend on the natural resources held within their socio-ecological systems. Exclusion from these areas could have profound impacts on food and livelihood security. In countries with weaker protections in place for tenure rights, there is a considerable overlap between important biodiversity conservation areas and populations whose rights to land have yet to be recognized. Excluding or restricting communities from lands prioritized for strict biodiversity conservation could have severe socio-economic impacts with disproportionate effects on rural women.

3.3.3. Expanding conservation areas by using historically dominant models of exclusionary conservation would be highly contentious, prohibitively expensive, and come with human rights costs that will fuel land conflicts.

Globally, relocation cost estimates for 1.2 to 1.5 billion people currently living in unprotected biodiversity conservation areas range between 4 and 5 trillion USD. While considerable, this notional cost remains an underestimate as it only represents the costs directly tied to physically resettling people. Absent from the cost estimate are the indirect costs of social, political, and cultural disruption; lost access to local, ecological, and cultural resources; non-monetizable assets (i.e., traditional ecological knowledge, historical roots, sacred sites, spiritual connections); and the multigenerational trauma of evicting communities whose identities are inextricably linked to their traditional territories. Thus, the limited scope of applying resettlement-linked compensation for conservation is strongly critiqued by many social scientists and civil society, regardless of whether resettlement is voluntary or involuntary, particularly in countries where democratic and governance processes are weaker.

These notional costs were calculated using development-induced displacement as a framework and averaging the per person compensation within relocation plans for projects funded by the World Bank, African Development Bank, and Asian Development Bank. The intention behind this calculation was to expose a hidden cost in conservation initiatives, particularly as people are often rendered invisible in global conservation strategies. With conservation predicted to become a leading industry even more so than it already is, the promise of financial gains would likely lead to elite capture. Projections for the cost of conserving biodiversity are expected to be over 100 million USD. The study's calculations therefore show that, if "good practices" are followed in resettlement, these optimistic cost predictions are unrealistic.

More importantly, the thought experiment highlights how Indigenous Peoples and local communities invest their own time and money into their territories with the intention of conserving resources.

Globally, Indigenous Peoples and local communities invest an average of US\$3.57 per hectare on conservation practices in their territories. Not only will displacement be costly, but it will also lead to conservation practices which are themselves more expensive, controlled by fewer people, and only benefit those running the industry.

3.3.4. Communities conserve forests, ecosystems, and biodiversity effectively.

Indigenous and local communities with secure land tenure achieve similar if not better conservation outcomes than private or state-managed protected areas and do so at a lower cost. However, they seldom, if ever, receive the financial, political, and technical support granted to public or private conservation initiatives or the security of state-sanctioned enforcement measures.

Yet, as recognized by a growing body of research, communities continue to sustainably manage and steward their lands and territories successfully. This is in large part due to the reciprocal relationship communities have with their territories of life, integrating livelihood, energy, and health, with identity, culture, autonomy, and freedom for the entire “territory of life” which connects the actions of today, the ancestors of the past, and the future generations yet to come. Rights-based conservation can preserve these relationships and play a role in protecting both the environment and the rights of communities who collectively steward them.

3.3.5. Recognizing the traditional and customary lands of communities will substantially contribute to, or even exceed, area-based conservation targets.

Communities’ role is integral to achieving the UN’s ambitious 2030 global biodiversity agenda. With their Indigenous knowledge and proven track record in conservation, they hold the key to preventing a global biodiversity collapse. Recognizing their tenure rights is also a far more feasible and cost-effective approach to conservation compared to traditional, protected area approaches. For example, the estimated cost of recognizing community tenure rights in currently unprotected, high-biodiversity areas is less than 1 percent of the cost of resettling these communities out of protected areas.

Recommendations

These recommendations are taken from the RRI reports: The Opportunity Framework 2020 and Rights-Based Conservation: The path to preserving Earth’s biological and cultural diversity? They should not be taken as an exhaustive list but rather a brainstorm of ways that various stakeholders can support rights-based conservation in Liberia and beyond.

For Governments

- Enhance coordination between the Liberia Land Authority, Forestry Development Authority, and Ministry of Internal Affairs to implement the 2018 Land Rights Law and secure collective land and forest rights recognition for communities;

- Work proactively with communities to ensure formalization of community land rights as enshrined in the 2018 Land Rights Law;
- Implement culturally appropriate legal, institutional, and regulatory reforms to recognize and protect the customary land and resource rights of communities and particularly the women within them;
- Recognize the rights of communities to existing protected areas and important biodiversity conservation areas. Establish links with local organizations representing these groups to develop culturally appropriate frameworks for rights-based conservation regimes;
- Uphold the distinct and differentiated rights of communities, including their right to self-determination, locally adapted governance institutions, and culturally appropriate land use priorities;
- Commit national and official development assistance (ODA) funds for nature protection towards supporting effective conservation efforts by communities;
- Ensure that community conservation efforts are counted in post-2020 global area-based targets. This will enable the integration of Indigenous land rights into national conservation plans and provide recognition for the conservation contributions of these groups;
- Establish and finance national accountability and reparation mechanisms to address past and present human rights violations in state-sanctioned protected areas as well as privately managed conservation areas.

For Conservation Organizations and Philanthropists:

- Support efforts by communities, and particularly the youth and women within them, to advance their land and livelihood rights in important biodiversity conservation areas;
- Prioritize actions and investments that advance the legal recognition and protection of tenure rights, the right to self-determination, and protection and valuation of traditional ecological knowledge held by communities;
- Endorse the "[Land Rights Standard](#)"^{ix} principles for best practices in recognizing and respecting community rights, and ensure its effective implementation through appropriate accountability mechanisms (i.e., organization specific criteria, indicators, trainings, transparent monitoring, and reporting);
- Support local governance institutions and decision-making platforms to promote joint learning, resolve conflicts, redress grievances, and develop life plans as well as equitable benefit-sharing approaches;
- Support the flow of funding and capacity building resources to organizations representing communities to facilitate the recognition and securing of rights and governance of their lands and territories.

For CSOs and Communities

- Enhance and strengthen community-based institutions in land and natural resource governance;

- Proactively seek out and engage in dialogue with state and private sector actors on natural resource governance on community land;
- Continuously work on strengthening CSO networks as a way to better understand legal frameworks and national and international developments in the arena of land and natural resource governance;
- Pursue proactive dialogues and intensify advocacy efforts targeting governments and conservation agencies as partners for the implementation of reforms in the conservation and environmental sectors;
- Enhance capacity building in the identification and registration of community land;
- Articulate and apply Indigenous knowledge and practices in conservation;
- Actively work towards securing community land rights and redressing historical injustices, including those that exist within individual communities.

For Donors and Private Sector Actors

- Ensure the application of communities' right to FPIC and other international best practices in all community-related transactions;
- Open avenues for dialogue with communities and state actors on resources held in community lands, including carbon.

Conclusion

Together, these three studies summarized above underscore the urgent need to catalyze effective solutions to scale up land and forest tenure reforms, develop and promote human rights-based approaches to conservation, and improve the sustainable governance of resources around the world. The long-term struggle for land rights in Liberia spans from the creation of Liberia as a state to present-day efforts to address historical land injustices enshrined in the 2009 Community Rights Law and the 2018 Land Rights Law.

Yet, despite decades of mobilization, lack of political will remains a major obstacle to moving the rights agenda forward in the country. Concerted efforts from all spheres - government, civil society, donors, and the private sector – are needed to advance rights-based land governance practices. The government should seek to work with CSOs, CBOs, the private sector, and bilateral agencies in centering community land rights in all engagements. Otherwise, the ambitiously stated conservation and climate commitments will not be met. The private sector must engage in ethical business practices and clean up its value chains as is consistent with international best practices. At all levels, gender policies should be incorporated into land-related discourse and programmes to secure the rights and livelihoods of communities, and the women within them. Given Liberia's broad forest cover, the country can demonstrate how community land rights, forest and biodiversity conservation, alternative conservation regimes, and the quest for just climate change policies can play out in complex local, regional, national, and international landscapes.

For questions about this document or RRI's work in Liberia, please contact [Shannon Johnson](#).

About the Rights and Resources Initiative

The Rights and Resources Initiative is a global Coalition of 21 Partners and more than 150 rightsholders organizations and their allies dedicated to advancing the forestland and resource rights of Indigenous Peoples, Afro-descendant Peoples, local communities, and the women within these communities. Members capitalize on each other's strengths, expertise, and geographic reach to achieve solutions more effectively and efficiently. RRI leverages the power of its global Coalition to amplify the voices of local peoples and proactively engage governments, multilateral institutions, and private sector actors to adopt institutional and market reforms that support the realization of their rights and self-determined development. By advancing a strategic understanding of the global threats and opportunities resulting from insecure land and resource rights, RRI develops and promotes rights-based approaches to business and development and catalyzes effective solutions to scale rural tenure reform and enhance sustainable resource governance.

RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, D.C. For more information, please visit www.rightsandresources.org.

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- ⁱ Rights and Resources Initiative (RRI). 2020a. Estimated area of land and territories of Indigenous Peoples, local communities and Afro-descendants where their rights are not recognized. Rights and Resources Initiative, Washington, DC. Available at: <https://rightsandresources.org/publication/estimate-of-the-area-of-land-and-territories-of-indigenous-peoples-local-communities-and-afro-descendants-where-their-rights-have-not-been-recognized/>
- ⁱⁱ RRI. 2020b. The Opportunity Framework 2020: Identifying Opportunities to Invest in Securing Collective Tenure Rights in the Forest Areas of Low- and Middle-Income Countries. Rights and Resources Initiative, Washington, DC. Available at: <https://rightsandresources.org/publication/the-opportunity-framework-2020/>.
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- ^{iv} Forest Carbon Partnership Facility. 2021. Liberia: National Forest Inventory 2018-2019. Forest Carbon Partnership Facility, Monrovia. Available at: <https://www.forestcarbonpartnership.org/system/files/documents/Liberia%20National%20Forest%20Inventory.pdf>.
- ^v RRI. 2015. Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Rights and Resources Initiative, Washington, DC. Available at: <https://rightsandresources.org/publication/whoownstheland/>.
- ^{vi} The analysis does not claim to be a comprehensive assessment of the country's potential for reforms, but rather a snapshot of the existing conditions and available data. The score is also not given in comparison with any other country.
- ^{vii} RRI. 2020b.
- ^{viii} This report has not analyzed marine protected areas as population distribution data is incapable of addressing issues of the use, access, and management of water bodies and their resources. Though water rights, and issues of access to water related resources, are relevant in the conservation debate, analyzing and addressing these issues is beyond the scope of this analysis and requires further research.
- ^{ix} RRI. 2021. The Land Rights Standard. Rights and Resources Initiative. Accessed September 20, 2021. Available at: <https://rightsandresources.org/land-rights-standard/>.