Policy Brief:
Women and Rural Communities Land Rights

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Introduction

Effective Implementation for the 2018 progressive Land Rights Act; Gender and Land Security is Equally Achieved when all People have equal rights, and Power to Effect Change, life prospects, opportunities, and the power to shape lives and contribute to society regardless of Age, Ethnicity, Religion, Tribes, Education, Status and Sex.

The Securing Land Rights for Women and Rural Communities in South-eastern Liberia (SLRWR-CSL) project is a three-years European Union funded intervention targeting 30 communities in Grand Gedeh, River Gee and Sinoe Counties. The project seeks to empowered women and rural communities to secure their Land Rights. It is being implemented by ActionAid Liberia as lead applicant with ForumCiv and Development Education Network – Liberia (DEN – L) as co-applicants. The objective of the project is to increase access to land rights for women and young people; strengthen community engagement in decision-making on land use and equip CSOs to provide sustainable advocacy for land sector reforms in Liberia. The strategy used is to strengthen Civil Society Organization’s, Community Based Organizations, women and youth networks, community leaders, and members of community structures such as Community Land Development Management Committee’s and increase accountability from duty bearers. The EU founded Project seeks to also provide legal aid to women and communities to claim and defend their land rights, resources to support communities to undertake or complete their Community Land Formulization (CLF) Process and technical support to small holder farmers in project communities.

This study outlines major findings from the project communities of Gaye Town, Jarwodee, Polar, Daybleh, Zliaken, Blown Town, Barkor Town, Nicko, Goyeazon and Pokor in Grand Gedeh, Karweaken, Jartorken, Jarkahken, Krononken, Nyaayanken, FishTown, Sweaken, Jarproken, Gbawleken and Momaken in RiverGee and Sinoe Counties. ForumCiv collected qualitative data in the target communities by using one on one discussion and key informative interviews (KII). Questionnaires were developed based on project document, the Land Rights Act and other legal frameworks. The purpose of the policy brief is to provide feedback to the Liberia Land Authority (LLA) on identified gaps in developing/finalizeing required and progressive regulations, realistic public awareness, and timely validations of tribal certificates. Other issues highlighted in the policy brief include customary formalization processes, gender mainstreaming in customary land governance structure, economic empowerment, effective decentralizing, and land administration. The outcome of this policy brief is intended to be used as an advocacy tool in addressing the identified gaps.

The major objective of the brief is to evaluate whether a land tenure intervention that promotes communal governance of natural resources, demarcates land boundaries, and provides mapping and titling support can address the critical need of protecting communal land and improving local resource governance for the overall benefit of citizens/ The brief first highlights background on land tenure in Liberia, then provides key points. It provides in-depth result on governance and land tenure.
Liberia holds 40 percent of West Africa's Upper Guinean rainforest. Liberia also celebrated the passage of the progressive 2018 Land Rights Act. The Act is people friendly and recognizes and protects the land rights of 2-3 million rural Liberians.

The 2018 Land Rights Act divided land into four categories: Private, Public, Government and Customary land. The Land Rights Act transformed the rights of communities from use to ownership as they obtained statutory deeds. National and International organizations have collaborated and supported communities and national leadership to combat the many challenges with customary land especially when it comes to investments in the natural resource sectors and commercial agriculture. There is a direct relationship between women’s right to land, participatory governance, economic empowerment, food security and poverty reduction. A secured land tenure and gender approach to land rights can enable shifts in gender power relations and assure that all people have the power to effect change, regardless of sex, ethnicity, tribes, status, education, and practices to improve and protect people’s rights to land ownership.

Women’s ownership of property extends their capabilities, expands their negotiating power, and enhances their ability to address vulnerability. It is also serving as a critical factor of income generation and social protection against gender-based violence. Women’s equal right to land is also a human rights issue. Liberia is rich in natural resources, including valuable timber species, significant biodiversity, and mineral resources, including iron ore, gold and diamonds. Agriculture provides a livelihood for the majority of the population, with most farming carried out on small landholdings, but there are also a number of large commercial plantations. Liberia has an urban-based elite, the descendants of freed slaves from the US and Caribbean. Most indigenous Liberians live in rural areas. The land-tenure system reflects this division of the population. Throughout coastal Liberia, the urban elites use a Western statutory system of land ownership based on individual fee simple titles.

Liberia has a total land area of 111,370 square kilometres, including 96,320 square kilometres of land (9.63 million hectares) and 15,050 square kilometres of water. About 3.43% of the land is arable, and 1.98% is in permanent crops (2005). About 30 square kilometres are irrigated (2003). Liberia’s terrain comprises mangrove swamps and beaches along the coast, wooded hills and semi-deciduous shrublands along the immediate interior, and dense tropical forests and plateaus in the interior. The inland grassy plateau and swamplands support agriculture. Women represent 43% of the agriculture labour force. However, they are yet to own, secure or have security of tenure for the land they are working on. Women and youth have limited decision-making power and control over how to use or managed the land or its outputs. The right to land is regulated either by the formal legal system or through customary law. There are many examples of how the two systems can both prevent and promote women and rural communities right to land. The formal legal systems in many countries including Liberia have constitutions or land laws that grant equal benefits sharing and gender equality in access, use, ownership to land. However, laws for marriage, benefit sharing, community governance, divorce and inheritance contradict these laws by discriminating against women and girls.

Today with power dynamics and value for money associated with land, customary systems do not recognize gender equality in access to land ownership and mainstreaming gender in customary governance. Notwithstanding, women’s right to land and property is vital to women’s economic empowerment. Land is a key for food production and income generation. Land can be used as colla-
teral for women access to low interest loans. Land is also a social asset that is crucial for cultural identity, political power and participation in decision making. Consequently, the policy brief gives an overview on how to consider gender mainstreaming in projects and programmes that targets land rights, governances, and disputes resolution.

The findings

**Customary land governance:** findings from the study show that beneficiaries in target communities under the Securing Land Rights for Women and Rural Communities in South-eastern Liberia governance structure contradicts the 2018 progressive Land Rights Act. Gender has not been fully mainstreamed through the community land governance structure. However, with the level of capacity building and awareness conducted, communities, especially women have gained significant confidence in themselves and are now willing to handle land administration and local land governance. Another major challenge is the power struggle among community structures established at the community level. The enactment of the 2009 Community Rights Law established one structure (Community Forest Management Bodies, Community Forest Development Committee) and the 2018 Land Rights Act (Community Land Development Management Committee). The major challenge between the two groups is reporting and decisions making relating to developmental initiatives and how communities are affected.

**Capacity gaps:** Several community structures including traditional leaders, counties land administrators, rural communities, CSOs, CBOs, Women Network, Youth group and land technicians have limited knowledge on related legal framework/tools that recognize land and community’s protection. Consequently, there is a need for capacity strengthening for most community structures. This will serve as catalyst to the implementation of the 2018 Land Rights Act at the local level. Moreover, there is a need for communities to be equipped with the requisite legal provision of the law and modern land applications/tools to help communities resolve boundary disputes, decentralize land administration, and digitalize customary communities land mapping.

**Monitoring and coaching:** Some rural communities have begun to lease land space. On the other hand, local authorities are still issuing public land sales/tribal certificates to some community members although they do not meet the requirements as set forth by the 2018 Land Rights Act and the proclamation of 2010 public land sale. There are series of allegation against counties land administrator to be involved in the above act, this is seriously impeding the objective of the 2018 Land right Act while at the same time creating serious conflicts among rural communities.

**Communities land use and management plan:** Since the passage of the Land Rights Act in 2018, most communities have not put in place the standardized land use and management plans for their customary land as developed by the Liberia Land authority. The communities subscribe to the usages of their cultural and traditional norms which are not gender sensitives. This situation continues to worsen the hardship and under-development in rural communities’ face.

**Tenure security:** Land tenure for women and rural community are not secured. There is a perceived likelihood of encroachment on community land by traditional stakeholders (Neighbouring communities, neighbouring clans, elites, investors, and government officials). The perceived risk of encroachment on rural community’s land by the above-mentioned actors are increasing over time. This calls for the development/finalizing of the different regulations and speedy customary land formalization process as enshrined in the progressive 2016 Liberia Land Authority Act and 2018 Land Rights Act. The full implementation of the 2018 Land Rights Acts is expected to curtail land gapping and leasing of customary land by few persons.

**Boundary harmonization:** Communities of intervention under the Securing Land Rights for Women and Rural Communities in South-eastern Liberia (SLRWRCSL) project face serious boun-
dary disputes. The disputes are similar in almost all the rural communities in that region. Increase in knowledge on land has resulted to disagreements on historic/traditional boundaries that was agreed on by the past generation. This situation has resulted to several boarder disputes and warrants swift intervention from government of Liberia especially the Liberia Land Authority and actors in the land sector. Community participatory mapping and boundary harmonization are very essential to the Community Land Formalization process mentioned within the 2018 Land Rights Act to curtails boundary disputes.

Livelihoods: Women are still at a disadvantage when it comes to access and land ownership although they are the major users of land. Women use land for most of family livelihood which include, food security, improvement of family economic status, healthcare, shelter, and sustainability. Notwithstanding, traditional norms and cultural barriers in rural communities have created impediments for women's livelihoods. Women in most instances lack the support from their male's counterpart to grow life trees like rubber, cocoa and oil palm. Women are restricted to growing fruits and vegetables that are gown and harvested on an annual basis. Since the global epidemics of Covid-19 rural women who were constraint to engaged in petty businesses to sustain their families face some challenges in catering to the needs of their families. Subsistence farming was also affected by the epidemic, and this had an adverse effect on household food security.

Equal benefit sharing: Women in rural communities face series of challenges from their male counterpart in accessing their rights as prescribe in legal documents like 2018 land rights Act, Inheritance law, Equal Rights of Customary Married Law, the Civil Procedure Law, the Domestic Relation Law, the Community Rights Law, the Constitution of Liberia. This is also extended to many other international treaties that Liberia is signatory to. Therefore, the government of Liberia, line ministries and agencies need to act to ensure that women in rural communities enjoy equal benefit as per their rights as citizen of Liberia.
Recommendations

**Customary land governance & boundary harmonization:** Communities recognition and protection. Women's participation in the development of land policies and regulations is fundamental to increasing rural communities and women's right to land and property. Land policies and regulations need to be based on the principle of gender equality, equal protection, benefits sharing, participatory/inclusive governance structure, and empowerment regarding land rights. There must be clear objectives/goals on equal and realistic right to land. Indicators and base-line data are important to enable follow-up during implementation. Boundaries harmonization remains key to the fulfilment of Community Land Formalization process in rural communities’ reference within the 2018 Land Rights Act on land tenure. The Liberia Land Authority need to prioritize land redistribution, land reform (for example in post-conflict settings), customary and family land laws, and liaise with relevant line ministries and agencies to ensure equal rights are protected and distributed including marital and inheritance laws, provides an opening toward a more gender equal legal framework.

**Land and policies:** the Liberia Land Authority (LLA) as per her statutory mandates enshrined within the 2016 Land Authority Act needs to step-up her game in the development and completion of basic Regulations to ensure the smooth implementation of the 2018 Land Rights Act referencing Customary Land Formulation, Tribal Certificates vetting process, Customary governance/election (CLDMC) guidelines, Disputes redress mechanism, and gender responsive land policy. The LLA is to facilitate informed policy making through supporting Communities engagements, Focal group discussion, dialogue/forum, research, and desk review with relevant actors.

**Land legislation:** There are several different laws in Liberia that regulate women's right to land. Ensuring equal rights could begin with analysing how existing land legislation, marital (including divorce) law and inheritance laws interact in terms of women's right to land and how statutory law can promote women's rights irrespective of their marital status. By looking at legislation on land, divorce, and inheritance for women's right to land and the consequences of proposed legal change; encourage legislation/regulations to make joint titling (by spouses) of private property or ownership rights, the default option in the registration process. Ensure regulations on the vetting process of tribal certificates registration process, analysing the participation of civil society, female local leaders, traditional stakeholders, gender experts and land actors in order to guarantee a critical and realistic community driven land Rights tool When a country undertakes legal reform, dialogue in raising the need to safeguard women's and customary Land Rights according to signed and ratified national and international legal frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Land Rights Act, The Human Rights Base Approach, amongst others are to be taken in serious consideration. That country’s constitution its Civil Procedure and descendent Estates law should steer clear from contradictions. Assist in building knowledge and capacity on gender equality, land administration, survey and participatory mapping, dispute resolutions, governance, leadership in right to land and the upcoming legislative/regulations process among actors such as legislators, civil society, rural communities, and land users.

**Implementation of land laws:** The passage of laws is not enough to secure rural communities and women's right to land. The effectiveness of laws depends on the development of regulations that outline the clear procedures, create massive awareness on the different legal frameworks, the abilities to invoke and ensure social acceptance, including to what extent cultural norms and traditions are practiced but don't influence formal laws. There is a need for the Liberia Land Authority to
rectify the power struggle in rural communities by clarifying the difference between CLDMC & CFMB who reports to whom, even though one group works on land and the other on forest. Since the passage and Implementation of the 2018 Land Rights Act, there has been many land Rights Conferences organized by National Land actors and the Liberia Land Authority reviewing the progress made within the land sector. Rural communities still await the outcomes from those conferences in addressing the challenges and gaps faced. There is need that the Liberia Land Authority learn lessons from the relationship between the Forestry Development Authority and the community forestry working group by empowering the Civil Society Organization-Working Groups on land tenure reform, to serve on the key committees in the development of regulations, creation of tribal certificates validation procedures, qualifying CLDMC election guidelines and election results and to create mechanisms to monitor the enforcement of laws on rural community protection and women's right to land.

**Enforcement:** The enforcement of legal instruments and compliances enable smooth implementation of laws and regulations. It is important that beneficiaries familiarize themselves with laws that recognize and protect them. Enforcement empowers the parties to have equal rights to institutions and actors such as lawyers, legal aids, etc. as well as the ability to make a claim. Most enforcement is jeopardized by weaknesses in line agencies and the institutional capacity of the judicial system or relevant institution to implement laws or handle all incoming cases, corruption, biased courts, and legal officers (who adhere to discriminating norms), and conflict situations in which the legal system and law enforcement tend to be run, or even neglected, by the relevant actors. The 2016 Liberia Land Authority Act outlined these two basic organizations “Part III: The national Consultative Forum (NCF) of the Authority & Part VI: 41.0 – 43.2 County Land Governance” with a clear mandate in ensuring accountability and transparency within the land sector, until now women and rural communities still await to reap the outcomes from these organizations. The LLA to needs to fulfil their task toward these bodies as per the 2016 Land Authority Act.

**Capacity gaps:** The Liberia Land Authority and the Government of Liberia need to Support capacity building of law enforcement institutions such as courts, local authority, and police, in community protection and gender sensitization training, as well as by raising awareness of existing laws and tools to support rural communities and women's land rights. Support capacity development for land technicians and administrator to comprehend the laws and tools that are required for their work. Support the redress mechanisms (NGOs, CSOs, CBOs, paralegals, and formal institutions) that assist rural communities and women to claim their legal rights.

**Monitoring and coaching:** The Liberia Land authority needs to increase her monitoring and coaching to county land offices across the 15 political sub-divisions to ensure full compliance of the 2018 Land Rights Act and their mandates mentioned within the 2016 Land Authority Act of Liberia. This will curtail the misstep in rural communities by county land actors and build their capacities in handling real land issues and finding possible solution.

**Land administration:** Land administration provides opportunities to ensure that land laws and policies are in full compliance to the benefit of all, it ensure rights are implemented, informal agreements regarding land rights are formalized and improve tenure security. Land administration deals with governance, surveying, titling, delimitation, registration, mapping, profiling, disputes, and user rights. It ensures equal rights to land in different systems of land tenure for all. When these are done accordingly there will be an increase of interest by rural community and women in raising their voices in land issues. The Liberia Land Authority needs to act by ensuring through analysis or dialogue that individual land titling and registration processes do not take away rights that rural community and women have had in a customary tenure system. Support the creation of a systematic land titling system which is accessible to all,
recommendations

regardless of status, education, sex etc. where legal land tenure documents are valid by using photographs or fingerprints during the registration processes, instead of signatures only. Exploring gender equality and equal benefit sharing by land authorities, when registering community/village lands with joint user rights, as the communal user right is often distributed to individuals through customary practices. Ensuring that rural community take responsibility to design and plan for their land certification and registration programs. Promote and support the development of standardized handbooks and templates for land technicians and lawyers to guarantee that correct information about marital status and joint ownership rights is known and upheld, as well as notices of security for debt, sale of property or transfers of title.

**Key takeaways**

- The Securing Land Rights for Women and Rural Communities in South-eastern Liberia Program has had a striking effect on how rural communities and women perceive their leaders in communities of intervention. This result provides important reasons to support the SL-RWRCSL intervention that land ownership, governance and formalization programs are mostly successful when they involve long-term and on-going support, capacity development and ensuring that community action plans are achievable for communities.
- The development and equal protection of community satisfaction with Community Land Programs mostly comes with livelihood, disputes redress mechanism, boundary harmonization process, including boundary negotiations with neighbouring communities, identifying boundary landmarks and planting boundary trees or mark. Scaling up these program components across Liberia would seriously be beneficial.
- Women overall increase their participation in land governance activities during the short period but not all. A longer-term analysis would enable us to have more in-depth understanding results and to investigate whether change is more positive over time.
- CSOs, CBOs, Rural Women Networks, Youth group and Counties land Technicians increase their participation and commitment to ensuring the Land Rights Act works for all, but there should be continued support through capacity building and availability of tools to enhance their duties.

**Key messages**

- The validation of tribal certificates team should comprise of LLA, CSOs, CBOs, key community leaders and the civil society working group on land reform tenure in Liberia.
- The quality of community participation will be determined by the level of engagement by its members and not solely dependent on the numerical representation of men, youth, and women.
- The outcomes of the conduct of confirmatory surveys could be contested and its resolution will be firstly handled by Alternative Dispute Resolution mechanism.
- Leasing of customary land should be consistent with the 2018 Land Rights Act (LRA), not without the formation/establishment of the CLDMC.
- The language of representation of community members sub-structures should be consistent with the LRA.
- The composition of the boundary teams should be clear in terms of number and line of communication.
- The Liberia Land Authority should make part III & Part VI: 41.0 – 43.2 of the 2016 LLA Act a major priority which will enable smooth implementation of the 2018 Land Rights Act, by establishing the national Consultative Forum (NCF), ensure that the civil society working group on land tenure reform plays a major role as well as the County Land Governance structure, ensuring the establishment of County Land Board across the Country with the a clear mandate in ensuring accountability and transparency within the land sector.
Conclusion

Liberia is one of the countries in Africa that celebrates the passage of people-centred land rights law that recognizes and protects women and rural community natural resource rights. The passage of those legal frameworks provides opportunity for community transformation. Since the late 1955 women’s and Youth’s rights to own real property and to vote were ratified in a Constitutional Referendum. Statutorily, women acquire property rights upon marriage, divorce, death of a spouse, or as a non-spousal heir. Men and women have property rights in their roles as spouses and by inheritance. Several African nations have passed laws that recognize and support the central role of community tenure in rural land administration and management. These include Botswana, Burkina Faso, Ghana, Mali, Mozambique, Namibia, Niger, Senegal, South Africa, Uganda, and Tanzania. In Liberia, women and rural community land rights have received recognition as a major-issue face within the land sector that include customary formalization, boundaries harmonization, the integration of customary rules, customary governance structure, livelihoods opportunity and dispute resolution bodies.

The impact of efforts to support women and rural communities to protect their customary land remain largely underexplored through rigorous, quantitative evidence. The Rights Way Forward argument for formal protection, recognition, and development of customary tenure security for collective legitimate landholders is a must.

The Securing Land Rights for Women and Rural Communities in southeastern Liberia project found strong and striking effects related to land governance, livelihoods, benefit sharing, ownership, and management despite not providing individual incentives. Power dynamics have sharpened the trust across a host of different categories in local leaders, technicians, and community participation in local governance. The project seeks to positively increase people’s attitudes and behaviors, empowering rights holders to hold duty bearers accountable for the enjoyment of their rights. It seeks to also open the eyes of community leaders and members on new ways to engage duty bearers on rights issues.

Respondents during a FGD in the project communities pledged their support to the project, provided success stories on the land Rights Act implementation, believing that this policy brief will create a complete turn-around for positive intervention promoting inclusive governance, and development which will progress their livelihood and economic empowerment.
International conventions related to gender and right to land

• Universal Declaration of Human Rights (1948)
• Beijing Platform for Action
• UN Convention on the Elimination of All Forms of Discrimination against Women, Article 16
• Economic and Social Council Commission on the Status of Women Resolution 42/1, Human Rights and land rights discrimination
• Convention on Economic, Social and Cultural Rights Art.11 (1966)
• Habitat II Conference, Istanbul 1996 Preamble
• Istanbul Declaration on Human Settlements (esp. Par.7) III Commitments D
• Rome Declaration on World Food Security (1996)

Further reading

• Action Aid, 2008: Securing Women’s rights to land and livelihoods - a key to ending hunger and fighting AIDS.
• Domestic Relations Law at 3.4; Devolution of Estates Act, 2.1, 2.6.
• FAO, 2002: Gender and Access to Land, FAO Land Tenure Studies
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• Government of Liberia, (2017), Liberia Forestry Regulations
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  • UN Habitat, 2008: Gendering Land Tool – Achieving secure tenure for women and men.
• The World Bank, 2009: Gender in agriculture source-book.

Not limited to a reform process, but could be other processes e.g. revision/development/adoption of a policy or legislation, etc.

Contact information:

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