



Land Inventory and Land Management Planning in Sinoe County

Land Commission of Liberia

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Disclaimer

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1. Context

The Land Commission (LC) is developing methodologies for land inventory and assessment to address a number of challenges confronting the land sector. Some examples of land rights inventorying that is urgently needed are: concessions in the agricultural sector, private use permits in the forest sector, tribal land certificates as part of land administration reform and community land rights as an input in a new real property legal framework. It has adopted a strategy of learning- by-doing. It tests preliminary methodologies in a number of specific sites, and consolidates approaches before rolling these exercises out on a wider scale.

It is common knowledge that land and natural resources management and their planning are strongly sector driven in Liberia with little to no coordination between sectors. The forest, agricultural, mining sectors are all operating side-by-side. Different land use rights are granted by different institutions and may overlap in the absence of coordination and an overall picture and plan. There are even cases where the same institution issues conflicting land use rights over the same land and to the same beneficiary. Commercial logging rights, for example, are assigned over registered community forest lands where conservation is a major objective; or agricultural concessions areas are granted to different companies on the same land.

Similar situations occur with property rights. The Ministry of Lands, Mines and Energy (MLM&E), the Centre for National Documents, Records and Archives (CNDRA) and the Ministry of Foreign Affairs (MFA) all keep and maintain records on land ownership rights. On numerous occasions these property rights overlap.

Incompatible combinations of land use and property rights are arguably the most common. Concessions are granted over land that is assumed to be unencumbered public land but, in reality, these concessions extend over vast areas of deeded ownership¹ rights.

This situation drives land use planning in the direction of remedial action, mitigating and correcting conflicting land rights and land use allocation decisions that have emerged as a result of overlapping incompatible rights. Traditionally, however, land use planning is a tool to establish a coherent vision for future land use, negotiated between different sectors and between policy makers and different categories of land users and owners. This is not an exercise that can be initiated without regard to existing land rights. Inventory work at the national level indicates that the GoL has already allocated 50,95% of the total Liberian land mass as different long term land use rights (25 years and more) to various categories of land users, especially to commercial companies. Planned extensions of these areas take up another 25%; thus 75% of Liberian land is already committed, at least theoretically (see Table 1).

¹ Encumbrances are defined in concession contracts as “any pledges, liens, charges, assignments, judgments, taxes, assessments, estates, security interests, leases, title retention, agreements, mortgages, restrictions, developments, or similar agreements, easements, rights-of-way, title defects, options, adverse claims or claims from all or any persons claiming any estate, right, title interest of, in or to the Concession Area or any part thereof, including physical encumbrances such as trespassers, settlers and any structures which would obstruct or impede the Investor from being able to develop the Concession Area” source: Golden Veroleum Contract

Table 1 – Present and pipeline land use rights issuance by the Government of Liberia

Land Use Right	Actually issued (hectares)	PRESENT	
Agricultural Concessions – AGRIC	1.140.408,00		
Forest Management Concessions - FMC	1.007.266,00		
Timber Sale Contracts - TSC	65.000,00		
Community Forest Management Agreements – CFMA	126.785,00		
Mining Concessions - MIN	113.256,00		
Private Use Permits - PUP	2.239.630,00		
Protected Areas - PA	193.932,00		
Total	4.886.277,00		
% of Liberian Land Mass	50,95%		
Land Use Right	Potentially to be issued (has)	PRESENT + PIPELINE	
Agricultural Concessions – AGRIC	1.140.408,00		
Forest Management Concessions - FMC	2.270.097,00		
Timber Sale Contracts - TSC	230.000,00		
Community Forest Management Agreements – CFMA	194.102,00		
Mining Concessions – MIN	113.256,00		
Private Use Permits – PUP	2.239.630,00		
Protected Areas – PA	1.037.865,00		
Total	7.225.358,00		
% of Liberian Land Mass	75,33%		

The projected data need to be taken with care and require further assessment. Some of the indicated land use rights are not necessarily mutually exclusive. The spirit of TSC is in fact the harvesting of trees on future agricultural land. A sequence of TSC, followed by and agricultural concessions is thus rather logic. Some mining activities may also occur on

previously logged forest land under FMCs. It is interesting to note that almost the entire area proposed as FMCs is currently covered by PUPs². Parts or proposed Protected areas are also covered by PUPs, as demonstrated further in this study. These overlaps have of course implications for the projected total areas under different land use rights.

This note deals specifically with the inventory of land tenure and land use rights at a smaller scale, county or national, for addressing these land management challenges, which if left unattended, cause conflict. The focus is on developing an operational tool for strategic land management planning with two clear objectives: (i) redressing undesired situations through targeted land management actions, and (ii) preventing that these situations occur on a wide scale in the future.

The development process of such a planning tool considers the following steps:

- Inventory work;
- Assessment;
- Preparation and negotiation of an action plan;
- Channeling specific actions to relevant actors, especially to public institutions;
- Monitoring the action plan implementation.

The LC takes on the inventory and assessment responsibilities; it coordinates the preparation of an action plan with its partners, ensures that required action is channeled to relevant implementing institutions. The specific institutions are responsible, on the basis of their mandate, for implementing the necessary action. The LC can play the role of a monitoring body.

The EU project FED/2011/270957 is targeting Sinoe county as a pilot to develop and fine-tune the methodology. Sinoe has a good mix of different land use rights that are issued by the state or government to different land users, including agricultural and forest concessions, PUPs, an existing and proposed protected area³, community forest agreements. Several communities have received land grants and formalized their land rights; others have purchased land through public land sales. Economic activity is rapidly developing, with a focus on the use of land and natural resources. This is resulting in increasing pressure on the land resources base, and in land disputes.

Techniques that are used for the inventory and the assessment are simple. We try to use as much as possible information that is already available, and accessible. We have also worked so far with non-specialized technicians and without relying on modern technology such as Geographic Information Systems (GIS). This is not to say that such technology will not be required in the future. The project has already made proposals to the LC to have some GIS and Global Positioning Survey (GPS) equipment in place with some trained technicians. Other skills also need to be developed.

This paper is the result of work in progress. It has the ambition to lay a foundation for further thinking on land use and land management planning.

² Available but incomplete data indicate that out of a total area of 1,262,831 hectares of proposed FMCs, some 1,069,485 hectares are covered by PUPs.

³ A Protected Area is any area set aside under Chapter 9 of the National Forestry Reform Law as a National Forest, Nature Reserve, National Park, Strict Nature Reserve, or other special category for Conservation purposes

2. Inventory

County level inventory considers 4 layers of information:

- Base map on a Universal Transverse Mercator (UTM grid projection with 5000m intervals. This map is completed by (i) present settlement patterns, (ii) clan and district boundaries.
- Land tenure rights information depicting the major categories of land ownership rights that can be mapped at this scale. It includes mainly (i) collective (or community) private ownership rights such as aborigine land deeds, public land sale deeds and public land grant deeds, and (ii) enacted public land such as protected and proposed protected areas.
- Information on land use contracts and licenses that are issued by the State and its institutions, including the following: agricultural, forest and mining concessions; Timber Sales Contracts (TSC); Community Forest Management Agreements (CFMA); Private Use Permits (PUP);
- Land cover and present land use which gives an indication on the presence and structure of natural resources, especially forests, as well as on the intensity and extension of agricultural activity.

Each of these layers is briefly discussed below.

2.1 Base map information

A base map with county contours and major roads is projected on a UTM grid with 5000m intervals. The base map is made available by LISGIS in PDF and TIFF format. It is complemented with two essential attributes for future planning.

One layer captures present population settlement. It indicates the location of the 10,000 – 15,000 villages in Liberia, using the 2008 census data, thus providing a fairly accurate representation of current human settlements in the rural areas. This is a major improvement compared to previous efforts at sector land use planning under the Liberia Forest Initiative (LFI), which used a proxy for identifying human settlement. All areas located more than 3km from the road network were assumed to be uninhabited.

A second layer depicts the district and clan boundaries. Clans and their territorial jurisdictions continue to be of particular importance for land and land use management. They are sometimes considered as collective land holding units (see the SDI-IDLO work), or as land management units (see the MCC/USAID LPIS work). Clans are social and territorial units that benefit from the payment of area-based fees, derived from Forest Management Contracts (FMCs); referred to as “affected communities” under the law authorizing FMCs. Clans and districts are also important units for the issuance of PUP contracts.

The future handling of concessions and other land use entitlements will require, beyond any doubt, a genuine local consultation process with rural communities. This need is underscored by international best practice, as well as by concepts such as Free, Prior and

Informed Consent. At this moment the clan comes arguably close to this social unit that may be considered for such a consultation process.

This information layer provides thus a good indication of the identity and location of communities that need to be involved for different land and natural resources management tasks as part of the process of land use right allocation to third parties, including local consultation, negotiation and benefit sharing payments.

2.2 Land Tenure Rights

2.2.1 Tenure categories

Liberian land administration practice recognizes three major land tenure categories: private land, public land and community land. Common knowledge is that private land corresponds with individual ownership rights that are deeded. Public land is regarded by some, especially land administrators, as the balance of the Liberian land mass that is not deeded; community land has no prominent place in this scenario. Others, like the LC and several civil society organizations, regard this balance of individual deeded land as corresponding mainly with unregistered community, or customary land. The State can then identify and possibly register public land as a residual land tenure class.

Recent work identifies that many Liberian communities have acquired collective private ownership rights over their lands, which are legally deeded. The nature of this right is collective as compared to individual private rights held by individual persons or a private entity. The presence of collective private land entitlements has major implications for planning purposes, including the allocation of land use rights by the state over these lands. To date, the existence of these collective rights is ignored, resulting in planning and land allocation decision making on a “virgin community land rights basis”, ie. a basis that ignores such rights.

This inventory does not consider public land as a residual land category, but as land over which the state has, with reasonable certainty, established a right through pro-active intervention. It is thus not a residual category to un-deeded land. Enacted protected areas and new proposals for enacting such areas are an example. It is acknowledge that other public land exists. These may include narrow strips of beach front, international boundary security zones, buffer zones along major roads, power-lines, rivers, etc.. These are however not represented in the present inventory because they cover land areas that are too small for a county level analysis.

For the purposes of this study, land left over after taking into account deeded land and enacted public land is considered customary land, covering individual, household, group, and community rights.

It is acknowledged that Tribal Land Certificates (TLC) have likely been issued over: customary land areas (which in fact is the prime target for public land sales because customary land is considered by many to be public land), deeded community land, and enacted public lands. This requires further research as part of the TLC inventory pilots.

2.2.2 Inventory approach

Different approaches for data collection on land tenure rights are used as follows.

Archive research

Information on deeded land is kept in different archives: (i) CNDRA, (ii) MFA, (iii) Department of Land, Survey and Cartography (DLS&C) of the MLM&E. The records stored at the Executive Mansion were recently transferred to CNDRA.

The pilot team has worked with CNDRA and the MFA to develop a methodology for archive research on deeded tenure rights. Given the inventory scale and specific objectives, it focuses only on larger deeded areas of a collective nature including: (i) aborigine land grant deeds, (ii) collective public land sale deeds, (iii) collective public land grant deeds.

CNDRA

CNDRA was created in 1977 and mainly stores archives that include deeds from the end of the 1970s onwards. Records are organized by county. Records books for the following counties were identified:

- Montserrado; Nimba, Bong, Margibi, Careysburg, Grand Bassa, Grand Gedeh, Bomi, Lofa.

CNDRA does not keep any specific register book on Sinoe County.

It is noted that numerous deed records issued in the different counties have been registered in the approximately 600 separate books for Montserrado books, some 80% of the total number. County specific searches are thus not easy, as it will require a search of (i) the specific county books, and (ii) the Montserrado books. As long as data entries are not digitized, searches can only be done manually, page-by-page and book-by-book. This is however not an impossible task. With some experience, one register book can be searched in approximately half an hour for specific collective deeds. Information for this inventory is manually captured in a specifically designed form.

MFA

The Archives of the MFA contain most of the historic information issued prior to the existence of CNDRA. Jurisdiction of these archives has been transferred to CNDRA; due to a lack of storage space, the records remain however physically at the MFA.

Record books are organized per county, with Montserrado accounting for most of the books. County book listings are available. Intact books can be consulted; damaged books and records are kept in boxes and are in fact not accessible. Sinoe county records are captured in 14 volumes, covering the period 1855-1973. Most deeds registered in Sinoe county are included in the Montserrado books.

Archive research can be strategically targeted to the Montserrado books, focusing on specific years. A significant number of collective deeds were registered during the period

between the enactments of the Hinterland Regulations (1949) and the Aborigines Law (1956). This period is covered by 22 books only.

Interestingly, the archives maintain an indexing system, using index cards for all registers. These are alphabetically organized and include information on (i) the nature of the registered object with detail on the type of deed if the register refers to a land deed (i.e. public land sale, aborigine land grant, public land grant), (ii) the registration year, (iii) the land area subject to registration and (iv) the book reference. The index card system is a useful and practical tool to expediently identify the existence of specific deeds for the present inventory. Our experience demonstrates that a pack of several hundred index cards can be examined in 30-60 minutes. A systematic search for specific collective deeds is thus, yet again, doable.

Textual and spatial information

Deed registration includes only textual information. The deeded land area is described in metes and bounds. These need to be transferred into the physical shape of the land parcel or polygons before they can be projected on a base map. This is a skill that still needs to be developed by some LC technicians who have been assigned to continue the inventory work.

Selective field inventory

The team has tested the inventory of larger collective land deeds in the various registries. A small number of key informants were contacted and requested to provide information and contacts on local leadership (public and customary) that may have further information on deeded community land. The team contacted these people, visited the respective areas and organized informal interviews with locals. This approach was successful; local leaders, community members that acquired land deeds, are freely sharing this information. They feel pleased at having obtained this documentation, and want to ensure that others, including the government, are aware that they are legal landowners and need to be dealt with as such. Additional information was obtained on neighboring communities, which were subsequently visited.

The team identified in a few days some collective deeds and/or archive references to these deeds that were not known by using other inventory methods. The archive references are a good basis for validating this documentation.

It appears that this methodology of informal work with key locals is efficient and promising.

Systematic field inventory

Previous experiences with inventory work on individually held land show a different reality. Individuals seem to be more reluctant to make public their entitlements or claims. The ongoing pilot exercise on the identification of TLCs is a response to this. It aims at using a careful systematic approach to inventory these individually held parcels. It is not

clear yet what the possible outcome of such an exercise may be, and how it impacts on land management planning at the county/national scale.

It will depend on (i) the possible area sizes of these plots, and (ii) their frequency of occurrence, whether these are to be included in a county/national inventory. This research will take on the form of a systematic, nation-wide campaign. Some sort of cost/benefit/possible impact analysis is suggested, based on the results of a series of pilots. At this moment, these individual land tenure rights are not considered.

It is noted that the Sinoe fieldwork resulted in the identification of a larger-sized individual public land sale deed, covering some 17.000 acres. Such deed areas can be mapped at the present working scale and may have an impact on planning decisions. The inclusion of larger-sized individual land entitlements still needs to be considered for inclusion, or not, in the inventory.

Using existing information

Some public institutions, especially FDA, compiled information on collective land deeds in the past. One such exercise was the 2007 inventory on collective public land sale deeds and aborigine land grant deeds. The main objective was to establish some sort of land bank of larger sized collective land deeds for the issuance of forest use rights over these areas. The FDA requested, through the public media, the holders of such deeds to make their documentation available. There is anecdotal evidence that this campaign was a success, with many valid (but also illegal) documents appearing; there was evidence of overlaps.

The whereabouts of this inventory are not known; some say it is “lost”, or state that this public information was personalized and taken out of the public domain; others affirm that it was transferred to the MLM&E.

Another interesting source of information is of course the PUP contract files. All but a few PUP contracts were signed on collectively owned land, i.e. deeded community land. The LC only managed to access some 33 e existing contracts out of a presumed total of 65.

2.2.3 Summary inventory results

Figure 2 presents the preliminary results of the Sinoe County land tenure rights inventory. In the absence of a GIS facility at the LC, the map was generated manually in ordinary Microsoft software, using TIF-formatted shape files plotted on a simplified base map (individual villages are not included). This methodology does not provide exact geo-referenced information. The plotted land parcels are to be considered as approximate values; they are hand-drawn using the UTM grid as an underlying pixel system .

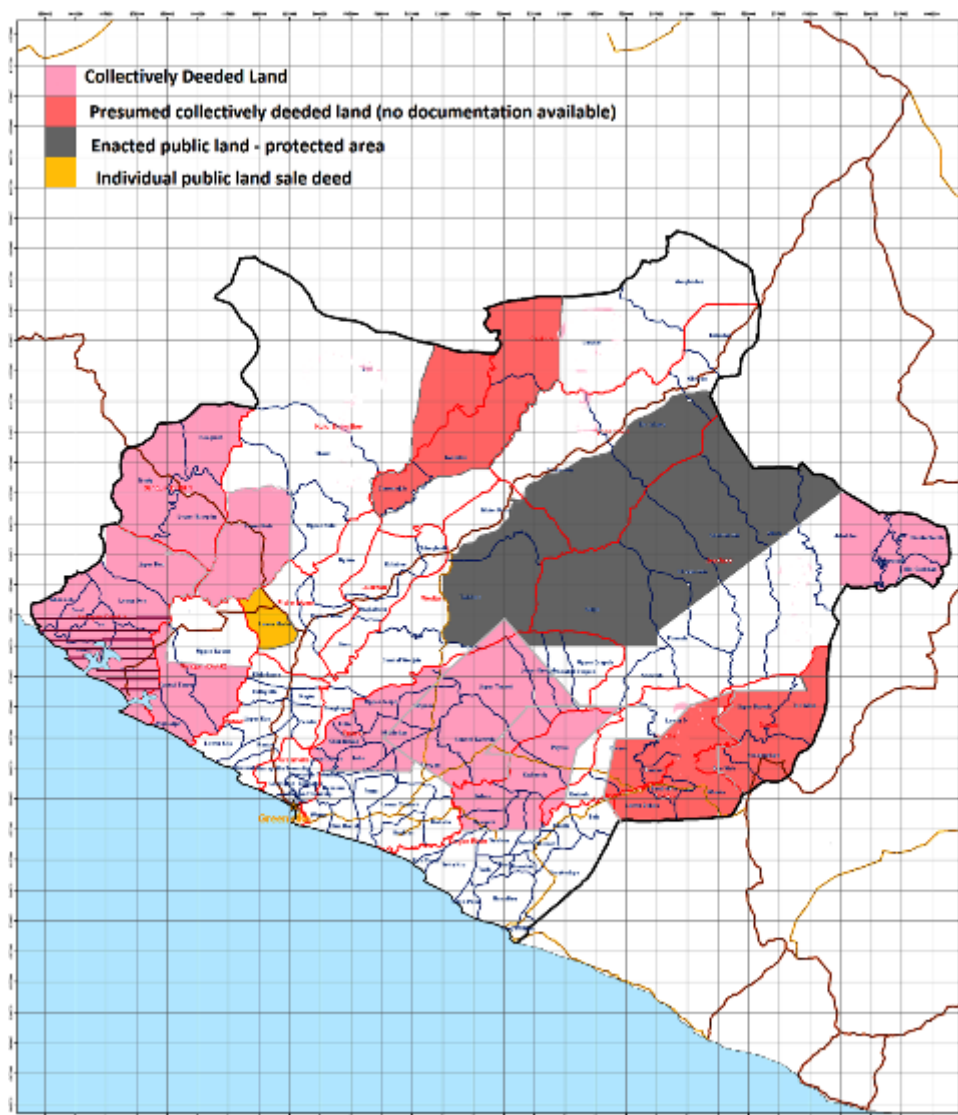
A next step is now to have fully digitized maps with geo-referenced polygons. We have provided LISGIS with scanned TIFF files of all the land deeds that underpin PUP contracts. Their geo-referencing is being processed. In addition, the project has made available t ARCGIS compatible shape files of other polygons that are included in the present map to LISGIS. Some information that is presently only available in metes & bounds still needs to be transferred into polygons.

The map legend includes:

- enacted public land (the Sapo National Park);
- collectively deeded land; this corresponds with community land acquired as public land sale deeds, aborigine land grant deeds and public land grant deed for which documentation could be obtained;
- presumed collectively deeded land; these are similar collective land deeds but for which no reliable documentation is yet made available;
- individual (family) public land sale deed.

All other land is considered as un-deeded customary land. All deeds require legal validation which is actually part of the PUP independent investigation. There is evidence of overlapping aborigine land grant deeds

Figure 1 - Land tenure map of Sinoe county – preliminary results



The presently available information is mainly derived from PUP documentation obtained in Monrovia and in Sinoe itself, as well as from research with local key informants

Five documented deeds that underpin a PUP are available; the area of a sixth one mainly fall within River Gee county. Another three are included as “presumed deeded”; deed documentation is not available but the PUP polygon included in the social agreements indicates the “presumed” deeded area. One community land area is derived from an undated FDA map that depicts agreed PUPs. Any evidence to two PUPs is still missing.

Whereas eleven PUP agreements cover a total area of 348.327 hectares, only 5 of these corresponding underlying deeds cover 254.546 hectares (see Table 2). Even considering the specific history of the Geetroh public land sale deed which was considerably reduced in actual area since its registration in 1952, the underlying deeded area exceeds the respective PUP areas⁴. The present map provides thus a reduced area of collectively deeded land in Sinoe county.

Table 2 - Collective deeds and Private Use Permit inventory Sinoe county

Private land owner	Area under PUP contract (ha)	Underlying Land Right Type	Area Land Right
Geetroh Community Forest Management Organization	22.831,00	Public Land Sale Deed 1952 (probated 1958)	250.000 acres
The People of Tarsue District	63.002,00	Aborigine Land Grant Deed 1952	155.678 acres
The People of Kulu Shaw - Boe district	20.193,00	only PUP evidence available; reference made to a aborigine land grant deed from 1974 ⁵	
The People of Kulu Shaw - Boe district	44.133,00	no evidence available	
The People of Dugbeh River District	29.396,00	Aborigine Land Grant Deed 1952	72.638 acres
The People Jeadea District	34.600,00	only PUP evidence available; presumed deeded	
The People of Seekon District	49.434,00	Only FDA map evidence available; presumed deeded	
The People of Kpayan District	20.402,00	Aborigine Land Grant Deed 1955	50.413 acres
Tartweh-Drapoh Management and Development Committee	33.162,00	Public Land Sales Deed 1962	100.000 acres
The People of Jeadebo District	7.143,00	no evidence available	
The People of Boedae District	24.031,00	only PUP evidence available; presumed deeded	
TOTAL	348.327,00 hectares		254.546,00 hectares

The inventory of land ownership rights in Sinoe underlines the importance of deeded collective land, which occupies a significant area of the county. These deeds still need to be legally validated, on the basis of an agreed set of objective criteria.

⁴ The erosion of landownership rights of the Geetroh community is described in De Wit P., 2012 “ Land Rights, Private Use Permits and Forest Communities”, Land Commission of Liberia.

⁵ This deed seems to be illegal as the 1956 Aborigines Law expressly repeals the 1905 Aborigines Law under which this deed was issued.

2.3 Land Use Rights

This section refers to land use rights that are issued by the GoL to different parties. The following were identified:

- **Agricultural Concessions;** two international companies, Golden Veroleum Liberia (GVL) and Equatorial Palm Oil (EPO) have acquired significant areas to develop oilpalm plantations.
- **Forest Management Contract Areas;** the FMC-I, awarded to Geblo Logging covers a minor part of Sinoe County. A significant part of the University of Liberia Forest (ULF) is located in Sinoe. Assigned land use is logging.
- **Protected Areas;** Sapo National Park, one of the two enacted parks in Liberia falls almost entirely in Sinoe. The proposed Sehnkwehn conservation area covers western coastal areas. Land use corresponds with protection and conservation.
- **Private Use Permits;** a total of twelve⁶ possible PUPs with an assigned land use of logging (see Table 2 above).
- **Community Forest Management Agreements;** the CFMA of Nitrian and Numopoh are signed, another three are in a process of being signed as per information of January 2012 (see Table 3 below). Land use is a mix of conservation, NTFP, eventually some small scale wood extraction, and is based on a community developed management plan.

2.3.1 Agricultural Concessions

The agricultural concession history in Sinoe county is less developed as in some other counties where especially rubber and oilpalm plantations have shaped land use since many decades.

A milestone is the signing of a Statement of Understanding (SoU) in 1952 between the GoL and the German African Fruit Company (AFC) for an 80-year agreement over 600,000 acres of land in the Sinoe, Sanquin and Webbo districts. Initially the main activity was the development of banana plantations⁷.

Around the same time the GoL granted some rights to the Letourneau of Liberia Company, overlapping with the former in the Bafu Bay area. Later the GoL granted many concessions to logging companies in the same areas. After the failure of banana plantations, a start was made with the plantation of rubber.

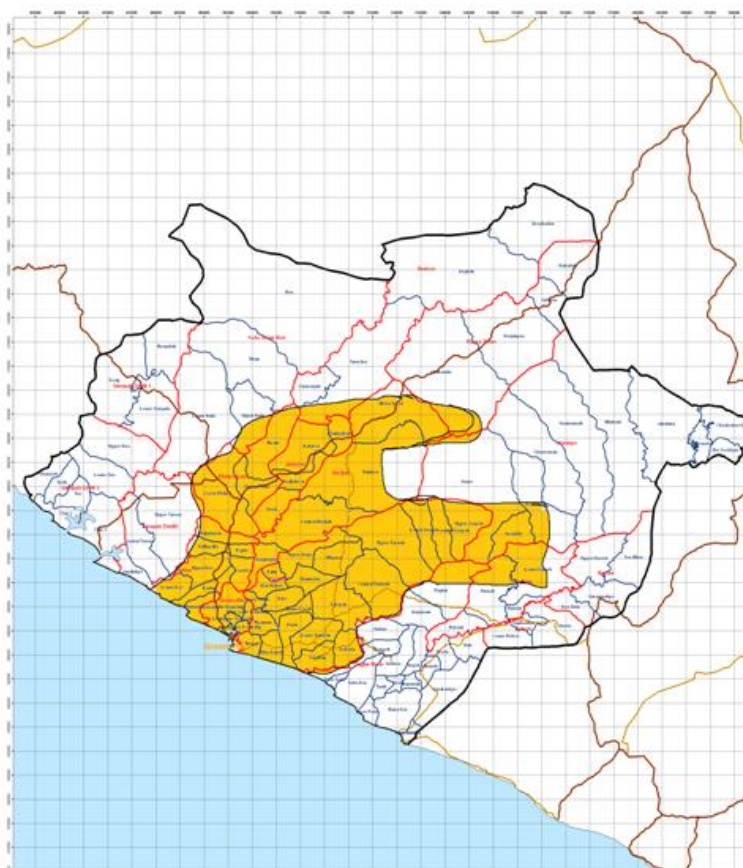
AFC assets are sold to the Liberian Mesurado Group in 1974. The SoU was never translated into a signed concession agreement. Article 5 of 1952 reads that "*... although the AFC may Sell to you its assets such as buildings and equipment it cannot assign, without the explicit written authorization from the Government, any title to the land which it holds nor any of the other rights or privileges which accrues to it under, the Statement of Understanding.*"

⁶ Table 2 refers to eleven PUPs; the PUP agreed with the Nitrian community is not included in this list as it does not have an underlying land ownership right.

⁷ F.P.M van der Kraaij, 1983 "The Open Door Policy of Liberia: and Economic History of Modern Liberia is an excellent research work on the concession history.

The Mesurado Group claimed 361,556 acres in Sanquin river area, north of Bafu Bay; 246,024 acres north of Greenville and 493,063 acres in former Grand Gedeh county.

Figure 2 – the projected SRC holding in Sinoe county



The Sinoe “holding” was later transformed under the name Sinoe Rubber Corporation (SRC). Figure 2 projects the former two SRC blocks which are located in Sinoe district . It is difficult to fully understand the possible impact of the AFC and the SRC on present day land ownership and land use. There is anecdotal evidence that shareholders of the Mesurado Group (the Tolbert family) acquired ownership rights over parts of the area. The impact on land use seems to be limited to the remnants of rubber and oilpalm plantations in the Butaw area.

Presently two major agricultural concession agreements are signed and active.

2.3.1.1 Golden Veroleum

Golden Veroleum (GVL) is the major concession holder in Sinoe. It requires special attention as most of its areas indicated for plantation development are located on “new plantation land”. This land that has no real plantation history and will be put developed as a plantation for the first time. This is in sharp contrast with eg. parts of Sime Darby or Firestone plantation which have a long history. Hence, anticipated challenges on these new lands are expected to be different and probably more acute.

Some salient contractual land tenure and land use rights arrangements drawn from the signed agreement are summarized in Box 1.

Box 1 – Contractual agreement on land over the Golden Veroleum concession

The GVL concession agreement, signed by the President on 16th August 2010, allocates 220.000 hectares of land for a concession area and 40.000 hectares of land for an outgrowers' program. (art 4.1 (d) of the Agreement). This area will be carved out of an approximate Area of Interest of 600,000 hectares, divided over different blocks located in different counties. A sketch map of the latter is attached to the concession agreement.

The GoL ensures that such lands shall be free of encumbrances at the date of handover, which include leases, title retention, agreements, easements, rights of way, title defects, adverse claims or claims from all or any persons claiming any estate, rights, title interest of in or to the concession area (art.1). This Net Concession Area is identified from a Gross Concession Area of 350.000 hectares which are identified within 24 months as part of an initial survey with the cooperation of the MLM&E. The initial survey shall include title searches at the land registry. The net concession area and the outgrower scheme lands are identified as part of a detailed land survey during a period ending on the 25th anniversary of the original contract issuance, i.e. before 2035.

The concession holder acquires a leasehold right of the surface of land for agricultural purposes. (4.9)

Once the Gross Concession Area and the outgrowers' program area been identified, the GoL shall not grant any further concession over these areas to any other party. At such time there is a land registration system in Liberia, GVL will be entitled to register the area covered by the agreement in accordance with the detailed surveys.

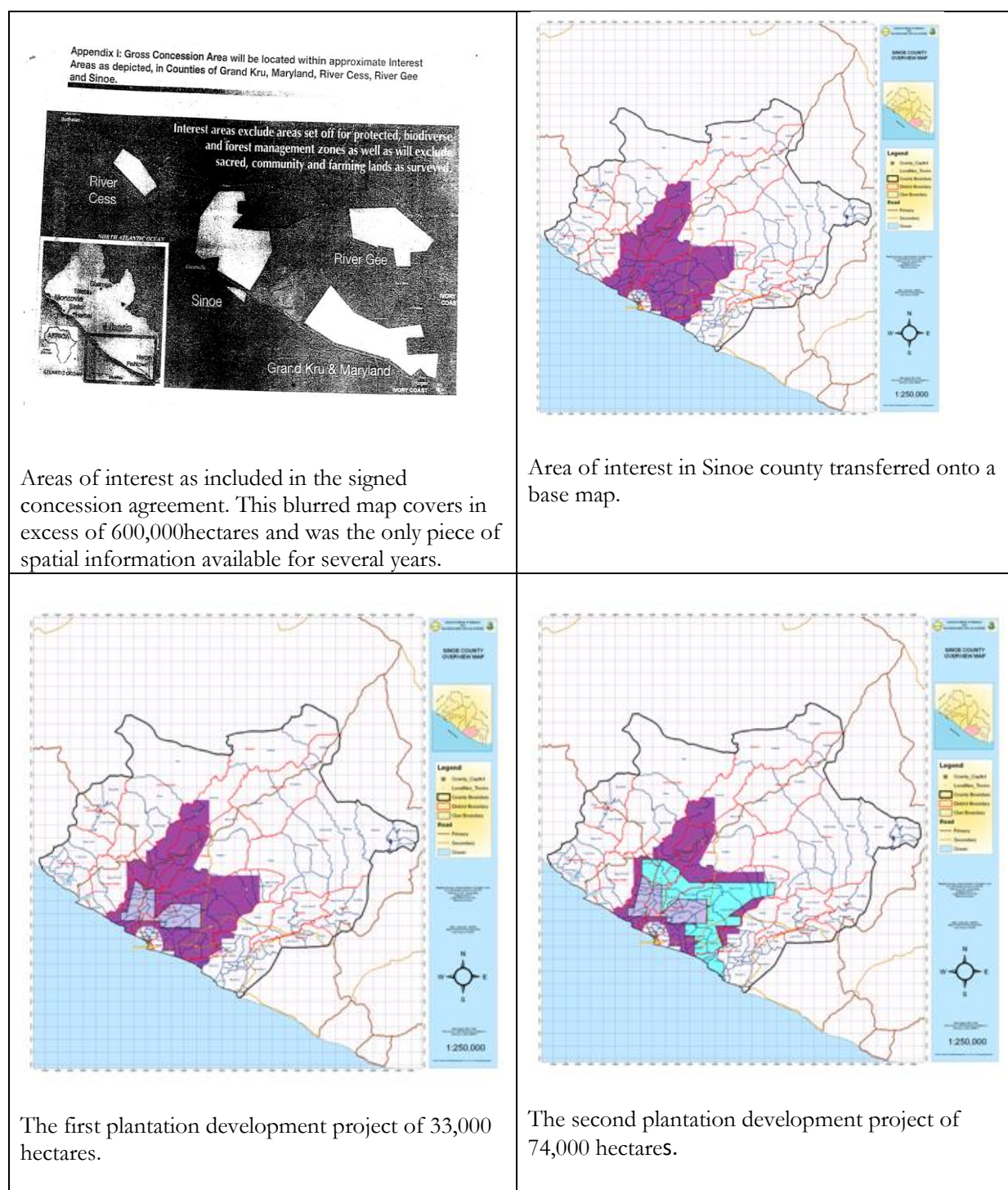
The investor pays an annual surface rental fee of US\$5 per hectare of land within the developed area, and, for the first ten years, US\$1,25 per hectare of land not within the developed area but within the concession area, and US\$2,50 per hectare of such land thereafter.

In addition, the GVL may access land outside the Gross Concession Area in case the land under the latter is found not to be suitable for palm oil production. Other additional areas may be leased, or the company can acquire private land through purchase. These lands shall be subject to the same rights, benefits and obligations as the concession area. The investor is not required to pay surface rental fees with respect to such additional areas and such land will not revert to the GoL at the end of the term.

Important preliminary comments and conclusions include:

- It is far from clear which areas the GVL will effectively occupy. The concepts of area of interest, gross areas, possible extension areas, possible purchases and leases of land in the absence of clearly defined procedures are misleading (see Fig.3). It instills a high degree of insecurity among local populations; local residents and landowners just do not know whether their lands may possibly be located within areas that were allocated by the GoL to the concession holder. If this is the case, it was achieved without due consultation and process. Fig. 3 presents the restitution of different concession area concept as these are perceived by the LC.
- The sketch map of areas of interest attached as Appendix 1 to the contract is the only spatial indication on the possible future locations of the concession areas. It is poor and questions arise why the GoL signs major investment contracts on the basis of such imprecise information. In fact it depicts some blocks which appear to coincide with "approximate areas" where the gross concession area will be located.

Figure 3 – Different concepts of GVL claimed areas



- The time of 25 years that is allowed to survey the net areas is unacceptable. It contributes significantly to an environment of insecurity in the long-term.
- It appears that lands of the outgrower scheme will be considered as GVL lands, i.e. lands that need to be unencumbered from any other right. If such rights and claims exist over these lands, these need to be “purged”. This contrasts with an outgrower scheme where participants maintain their rights established over the land. If such rights are informal, the investors have an interest to facilitate securing

the rights over this smallholder land, by among other things, contributing to their formalization.

- The reference to the need for a registry search into existing entitlements over the requested land is positive. In itself it is by far not sufficient to identify possible encumbrances, as indicated in previous sections. In fact, GVL seems to have doubts whether Liberia has such a registry.
- If such a registry exists, it is not clear which kind of rights GVL intends to register, as an outcome of the detailed survey.
- The issue of the concession land being unencumbered is controversial and is discussed as part of the assessment below.
- Annual surface rental fees are paid to the GoL and not to eventual landowners that were purged of their land rights.

At the moment of writing this note, Sinoe communities are expressing hard feelings in the county and the capital on land robbery, expulsion from their ancestral lands, just to name a few grievances. The technical assessment of the land ownership/land use situation in section 3.2.3 demonstrates that indeed there some causes for grievance. In excess of 8000 people spread over more than 22 villages are located within the first project area only. Second project areas cover many villages, but also vast areas of close dense forest

2.3.1.2 Equatorial Oil Palm

Equatorial Palm Oil (EPO) is active in Sinoe and Grand Bassa as the result of its acquisition policy. Initially, the GoL signed concession agreements with Liberian Forest Products (LFP) over 19,795 acres (8,011 hectares) on the 6th August 2008 and with LIBINC Oil Palm Corporation (LIBINCO) over 34,500 acres (13,967 hectares) on the 22nd May 2008. LFP was the rights owner of the Butow estate in Sinoe, and LIBINCO the owner of the Palm Bay estates in Grand Bassa county. LFP acquired earlier Equatorial Biofuels. EPO holds now the rights of the two signed concession agreements.

Both agreements show significant verbatim similarities, but differ substantially from the GVL contract. The following contractual points are of interest:

- The contracts do not include sketch maps of the requested areas, although the Butow concession has existed since 1965;
- The concession holder has twelve months to resurvey the concession area; the results of this survey should thus have been available since august 2009;
- The GoL may lease additional areas outside the actual production zones which thereafter become a part of the concession area; surface rentals are not to exceed the fair market rental value for such land;
- Tribal reserves of land, especially Sacred Tribal Land, set aside for the communal use of any tribe are excluded from the operation of the agreement. Should any question arise as to the limits and extent of such reserves, the GoL shall determine such questions. Within 12 months after signature of the agreement, the concession holder shall conduct with collaboration of local authorities, Ministry of Internal Affairs (MIA), MLM&E, MoA a socio-economic study to identify and demarcate

tribal reserves and/or sacred grounds. This condition shall extend to all future land that may be granted to the concession holder;

- The GoL warrants title to and possession of all rights granted to the concession holder;
- The contract does not include provisions for an outgrower scheme; these are only programmed on possible expansion areas which are not part of the LFP (and actual EPO) agreement.

The corporate research company Hardman & Co⁸ provides more detail on the actual allocation of land under the contract, as well as on the projected area extensions beyond the blocks that are contractually agreed with the GoL under the concession contracts (see Table 3).

It becomes clear that information on the areas apparently controlled by the concession holder is being used in an opaque fashion. It may give rise to speculation on the actual area to which the GoL has committed itself under the contract. There is an inflation of areas under agreement, stated by Hardman & Co, when these are compared with actually controlled areas under contract. This strategy is known to constitute a technique to boost investor confidence and thus increase stock market value of listed agricultural companies. In this specific case, the GoL has agreed on 8.011 hectares for the Butow block in Sinoe county, nothing more.

Table 3 - Land allocation and projected expansions of the EPO concessions

	Sinoe - Butow (hectares)	Grand Bassa Palm Bay (hectares)
EPO allocation	Planted: 4.600 Unplanted: 3.411 Total: 8.011	Planted: 5.600 Unplanted: 8.564 Total: 13.962
EPO expansion area	8.094	10.117
Outgrower allocation	8.094	10.117
Subtotal = Concession allocation	24.199	34.196
Additional area expansion	30.351	0
Total expansion	46.539	20.234

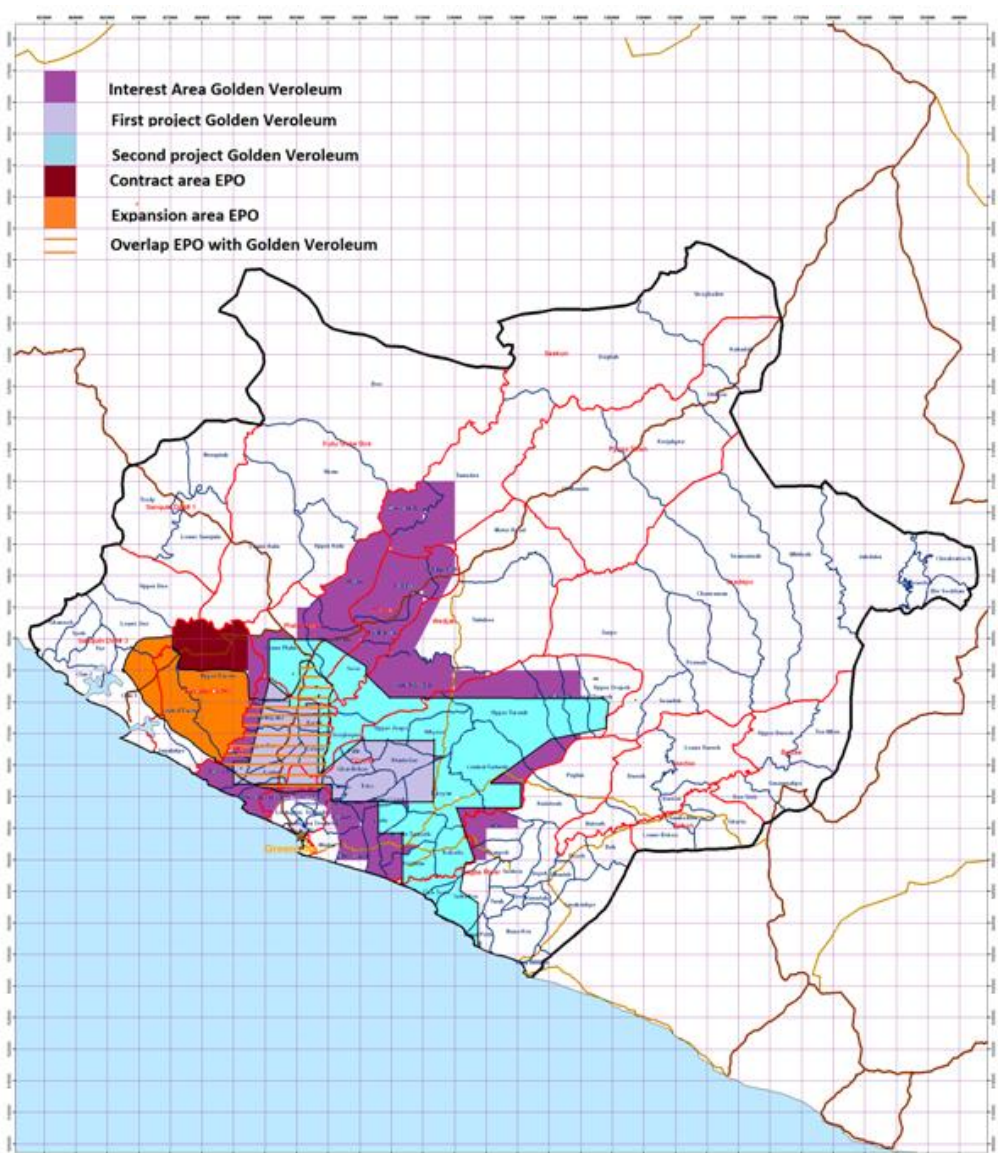
Sources: (i) Hardman & Co, 2012; (ii) LIBINCO and LFI concession contracts

The Golden Veroleum and Equatorial Palm Oil concession areas, in their various natures, are depicted in Fig. 4. It is evident that major overlaps exist, not only area- specific, but also possibly in relation to other contract specifics⁹.

⁸ Hardman & Co, 28th February 2012. Equatorial Oil Palm plc.

⁹ The GVL contract stipulates under its article 5.4 that the GoL shall not grant any licenses without the Investor's written approval to construct or operate oilpalm upstream processing plants and oil palm buying stations within 60 to 30 kilometers of the border of the (gross) concession area. This may have major impacts on the operations of EPO and other stakeholders. A 30km range represents some 282,600 hectares of adjacent land.

Figure 4 – Concession areas Equatorial Palm Oil and Golden Veroleum

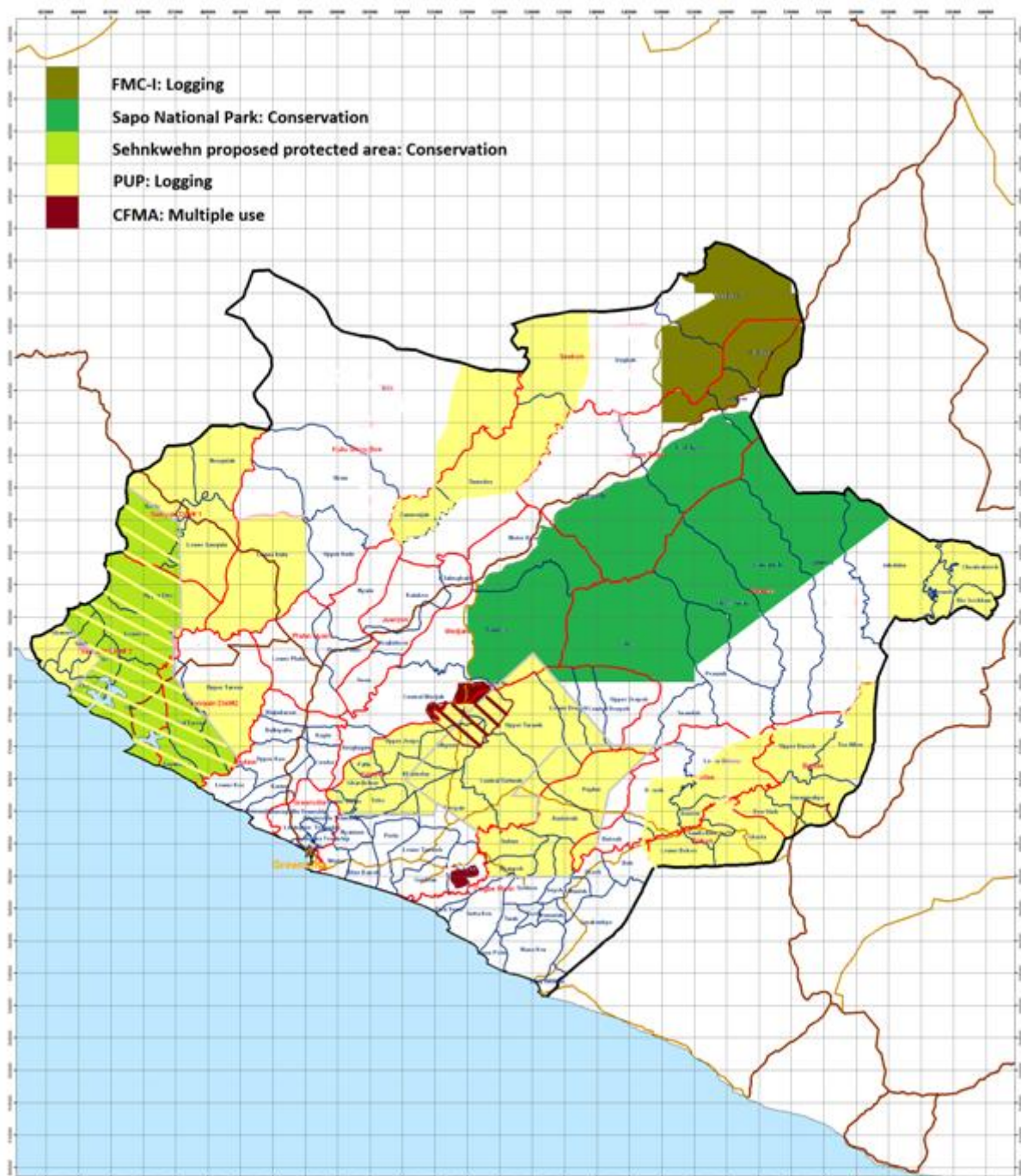


2.3.2 Forestry related land use contracts

Figure 5 illustrates the different forestry related land use contracts and permits awarded in Sinoe county, respectively as:

- Forest Management Contracts
- Protected areas
- Private Use Permits
- Community Forest Management Agreements

Figure 5 – Forestry related land use rights issued by the GoL in Sinoe county



2.3.2.1 Forest Management Contracts

The FMC-I contract of 131.466 hectares, issued to Geblo Logging is located mainly in Grand Gedeh, covering only a minor northern part of Sinoe.

It is interesting to plot the FMC-I polygon over the base map. The overlay indicates that some 4 clans of northern Sinoe county (respectively Dagbah, Voogbadee, Kabadah and Gblyee) should in principle be benefitting, as “affected communities”, from the payment of area-based and other fees. The map is thus an important part of a monitoring framework for these payments.

The southeastern part of Sinoe is covered by the University of Liberia Forest (ULF). This extensive forested area was granted by President Doe, although local communities have claimed rights over the area for many years. The forest has never been logged; under the national Forestry Management Strategy it is classified as a pipeline FMC.

Two PUPs have been established over the ULF. This confirms a recent national trend that most of the proposed FMCs are being substituted by PUP agreements¹⁰. It underlines also the possible existence of another major challenge which must be subject of future inventory work: ***Are the FMCs (partly) allocated over land that appears to be owned by communities and deeded in their name, as is the case with the proposed FMCs?***

As the result of an intervention by LC, the rights over the ULF were restituted to some local communities, including Dugbeh River community. The neighbouring Tartweh-Drapoh community is however claiming that their area of approx. 11.000 hectares was erroneously returned in this restitution process to the community of Dugbeh River. Adding this land to other land, the Dugbeh River community has signed a PUP agreement of 29.396 hectares with FDA. The ULF case and its restitution to community need further assessment to feed into the policy dialogue.

2.3.2.2 *Protected areas*

Sapo National Park was proclaimed in 1983 as a protected area over 130.800 hectares. It was extended to 180.400 hectares under the Sapo National Parks Act in 2003. Although the major designated land use is protection under tourism management, actual land use in several parts is different, and includes hunting and artisanal mining.

Field work confirms that local communities continue to claim their land that was eventually included in Sapo.

The proposed Sehnkwehn conservation area covers important parts of southwestern Sinoe, including coastal lagoons. The entire Sinoe area is located on deeded community land. The assigned land uses of protection and conservation are in competition with the logging activities that are established under the Tarsue District PUP.

It is noted that enacted protected areas can be presented on the land tenure rights map, as enacted public land, and on the land use map as a conservation area.

2.3.2.3 *Private Use Permits*

PUPs are contracts that are signed between private landowners and the FDA with the objective of logging valuable forest species on that land. The logging itself is executed by a commercial logging company, often the same ones that enter into a forest management contracts (FMCs). This approach diverts from the original spirit of PUPs which were intended to respond to the needs of individual land owners to log some forest on their land. All PUPs in Sinoe are on collectively owned land, i.e. deeded community land. The

¹⁰ Our research indicates that 7 proposed FMC are now covered by 24 PUPs, totaling an area of 1.069.485,00 hectares

inventory and assessment of PUPs is the subject of a specific assessment conducted by the LC.

Information on PUP agreements is provided in section 2.2.3 and Table 2.

2.3.2.4 Community Forest Management Agreements

CFMAs are agreements between FDA and communities to locally manage forest resources. Forest management plans present land use statements that envision how communities themselves see the future use and management of their forested lands. It is acknowledged that this vision can be strongly influenced by the facilitator of such local land management planning exercises, or by specific power groups within the community.

Two such CFMAs located in Sinoe are the result of almost 4 years of support and presence of the USAID-funded Land Rights and Community Forestry Program (LRCFP), while another three are in the process of achieving an agreement.

Specific documentation on these pilots still needs to be accessed and analyzed. The specific management plans must be assessed for a better understanding of the projected future land use, and their assessment in relation to other issued land use rights that may have been issued over the same areas. This latter situation requires some more research, with the Numopoh community forest as a good example.

Table 4 gives an overview of the presence of CFMA in Sinoe county.

Table 4 - CFMA inventory in Sinoe County

Community	Location	Area (hectares)	Status
The People of Nitrian	Kpayan District	947	Approved
The People of Numopoh	Kpayan District	7.320	Approved
The People of Lower Jedepo, Doodowicken		1.875	In process
The People of Upper Weadjah, Jlay town		2.000	In process
The People of Nywealiken		2.000	In process

2.3.3 Summary Inventory Results

Figures 4 and 5 present the preliminary results, in a spatial form, of sector specific (agriculture and forestry) land use rights issued by the GoL to various land users. Similar to the land tenure rights information above, these maps are produced manually. They are thus indicative, prepared to feed into the development of an inventory and assessment methodology, rather than an atlas-precise map, based on geo-referenced polygons. In fact, the precision of this manually produced map exceeds that of maps presented by concession holders as part of their concession request (see GVL).

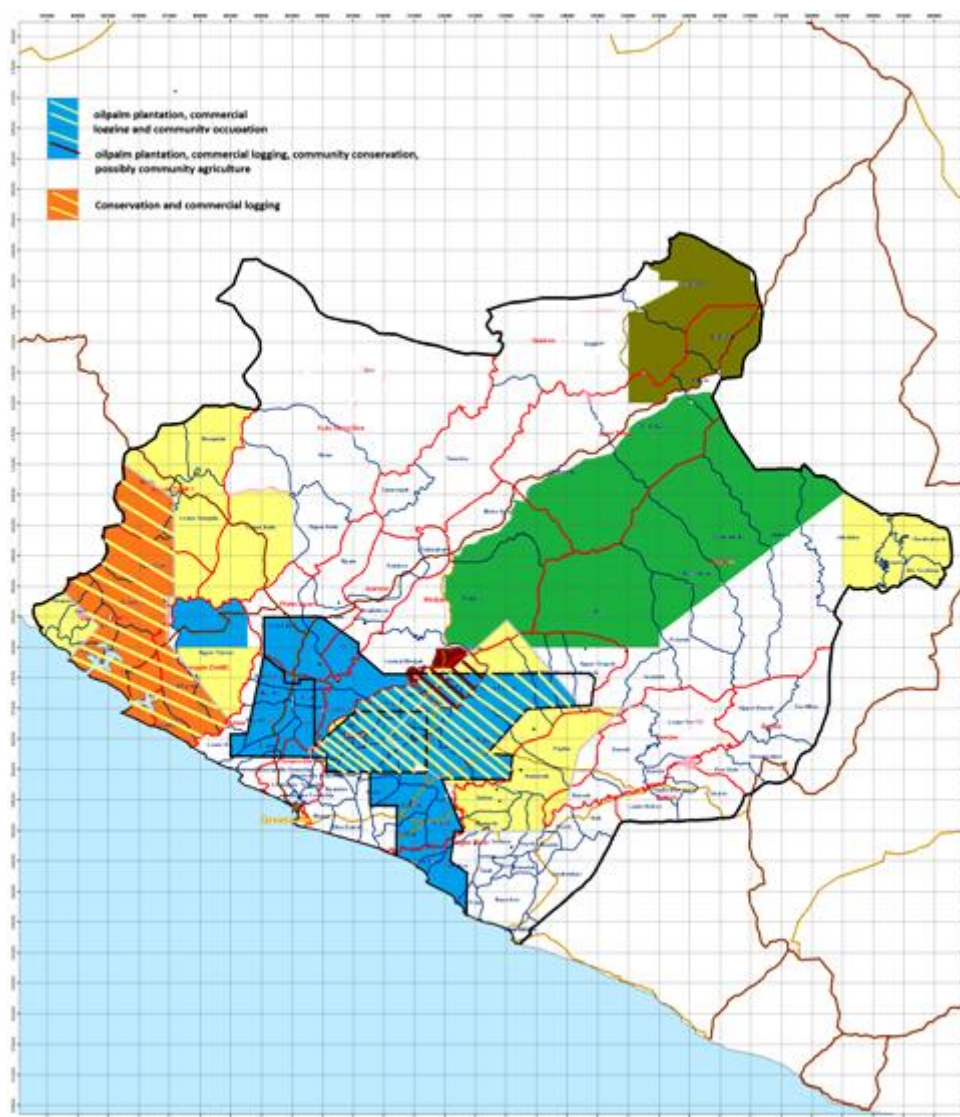
The inventory team initiated the compilation of digital information by producing more detailed and spatially correct maps for future use in a GIS system. In fact, most shape files to produce the digital maps are available.

The sector specific land use rights maps are complex, being the result of the GoL's unbridled and uncoordinated granting of long-term land use rights to different actors. It is clear that these maps reflect a serious lack of sector specific visioning. There are several overlaps, some of which are compatible and some which clearly are not. The proposed protected area vision does clearly not match with the allocation of these lands to commercial logging. Similarly, community based conservation is not in line with commercial logging of the same areas. Other incompatible overlaps are of a different nature, with commercial agricultural companies seemingly competing for the same land.

The inter-sector overview of the inventory becomes more complex, with several multi-tiered incompatible overlaps.

Some community areas north of Greenville are characterized by a multi-tier overlap: (i) community forestry with a strong conservation dimension with (ii) commercial logging under a PUP, and (iii) oilpalm production by GVL under a plantation model, (iv) possibly oilpalm production by EPO on the same lands.

Figure 6 – Inter-sector overview of issued land rights and incompatibilities



The assessment of these overlaps is further discussed in section 3.2.

2.4 Present Land Use

Present land use indicates how specific tracts of land are actually being used. The concept differs from the previous category of “issued land use rights” in that present land use is actually what happens on the ground. This may be consistent with prescribed and issued land use entitlements under a contract or license, or inconsistent. As an example, conservation is the prescribed land use of the Sapo National Park, with tourism activities being allowed as a form of land use. Present land use of several parts of the park is however: illegal mining; hunting; and collection of non-timber forest products by different land users including local community members who continue to consider this land as being community land for their use, but also immigrants who seek economic opportunities out of their own communities.

The most recent and, more importantly, readily available information source for present land use are the County Forest Maps created in the mid-2000s as part of the land use planning component of the LFI. These maps are derived from a geospatial analysis of LandSat imagery from the years 2001 to 2004¹¹. The maps, available at LISGIS, capture mainly land cover and forest resource assessment. Land cover refers to major vegetation, agricultural activity, areas with concentrated human settlements, swamps, and others.

Land cover presents information that is visually measurable, but it gives only a snapshot at a particular time. In the Liberian context, this snapshot was taken at a time of conflict, emigration, displacement and reduced rural activity. The presently available snapshot image from 2001-2004 may thus underestimate present human activity in these areas, and reinforce the perception of low forest-based activities.

The Sinoe map legend includes the following categories:

- Closed dense forest; strict conservation with local dwellers excluded from land use;
- Open dense forest;
- Several combinations of agricultural activities and forest presence, including
 - Agricultural area with small forest presence;
 - Agriculture degraded forest;
 - Predominant rural agricultural domain;
 - Mixed agriculture and forest area ;
 - Agro-industrial plantations.

It is evident that the maps are a combination between land cover (closed and open dense forest) and land use attributes (different agricultural activities mixed with land cover forms).

The Sapo National Park falls within the “closed dense forest” land cover category. The preferred prescribed land use for closed dense forests seems to correspond with strict conservation, with local dwellers excluded from land use.

PUPs are issued over a range of land cover/land use categories, including patches of open and closed dense forest, mixed agriculture and forest area, and other agricultural areas.

The categories that present a combination of agricultural activities (a land use category) and different forms of forest presence (a land cover category) must be subjected to further field assessment. The snapshot from the turbulent 2001-2004 years likely underestimates the expansion of agricultural activity in 2012. As a rule of thumb, one can assume that all these categories must be considered primarily as agricultural land. It is noted that the category “agriculture” remains generalized, not distinguishing annual crop systems from permanent tree cropping (e.g. rubber or oilpalm estates).

There is a need for updating present land use information in Liberia. The county forest maps were mainly produced for land use planning purposes in the forest sector, resulting in a biased sector view. A more sector balanced approach is required, with a good mix of geospatial analysis and field work.

Presently the LISGIS Sinoe county team is gradually updating the Sinoe County Forest map, indicating newly constructed roads, new settlements. This is a laudable effort that needs to be supported. It is also known that recent satellite imagery (2010) covering the

¹¹ LandSat is a specific type of satellite imagery

entire country was made available to by the US Forest Service to the FDA. This is of course and excellent tool to initiate a program of present land use mapping.

3. Assessment

The assessment methodology is based on the following steps:

1. Identifying a series of specific land tenure and land use rights clusters that are the result of overlaying the different information layers (land use rights, land tenure, present use and land cover, settlement patterns);
2. Matching land tenure, issued land use rights, present land use attributes with each other, and identifying and analyzing compatible and incompatible combinations of attributes. This is facilitated by using a matrix format;
3. Proposing possible land management interventions to remedy the incompatible situations, as well as to prevent certain situations to occur in the future. This is facilitated by the use of a Land Management Template.

The present work has focused so far on steps 1-2, ie. the establishment of the present situation and the identification of challenges.

The implementation of step 3 requires more of a participatory process approach. Each identified challenge may require different types of interventions including (i) administrative action, (ii) policy action and eventually (iii) some sort of dispute resolution process.

Responsibilities for administrative action are determined by institutional mandates. These may vary from simple interventions such as the regularization of a deed which demonstrates some technical inconsistencies by the MLM&E to a difficult more difficult task of administrative adjudication of overlapping legally valid ownership rights.

Identifying action for dispute resolution is more linked to the nature of the mechanism (mediation, adjudication, others) which will steer institutional responsibilities (civil society groups, county coordination centers, technical public services, courts).

Policy action is considered to have a more inter-institutional character, crossing sectors to avoid situations that are the result of this isolated sector approach. Addressing policy issues is iterative and two-directional. On the one hand, certain policies may already be in place to address certain issues. On the other, the present land management assessment exercise may direct government to develop, adapt or change certain policies to mitigate undesired situations and encourage specific land and land use interventions.

There exist several examples of such policies that can be subject of discussion, such as:

- Consideration for the development of smallholder outgrower schemes for permanent tree crops to mitigate the negative impact of the plantation model on local communities;
- A clear policy on the handling of ownership rights, whether deeded or not, over land that is issued as a concession;
- A rethinking of the approach for the establishment of the protected areas network, as already proposed by the LC in its 5-year work program. The need for such a revision is strongly supported by the ongoing work on land policy/law reform,

which envisions in its draft protected areas established on community owned land (and not public land as is actually the case)

- The better and consistent use of the Free Prior and Informed consultation processes with local communities for the issuance of land use rights to third parties.

The possible land management interventions of a different nature can be assembled in a Land Management Planning Tool. It is in fact a portfolio of land management actions and activities to guide the GoL, concession and license holders, land owners and civil society actors to remedy and prevent undesired challenges that are the result of past and present decision making. It may also constitute a useful guiding tool for concession and permit holders themselves for the realization of their agreements.

The following sections demonstrate the use of this proposed method of action-oriented assessment.

3.1 Land management clusters

Figure 7 identifies and roughly sketches three different situations for assessment which are characterized in Table 5.

Figure 7 – Land management assessment clusters

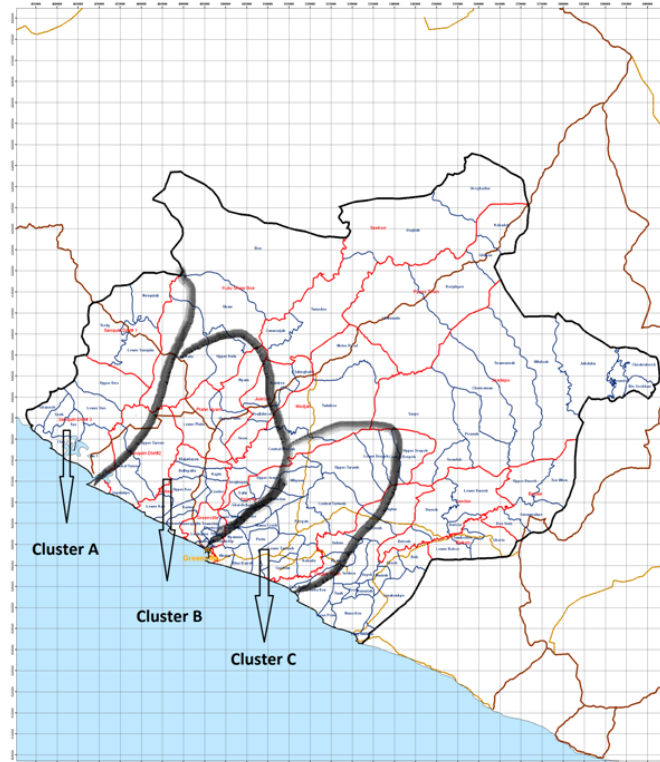


Table 5 – Characterization of different land management clusters

	Cluster A	Cluster B	Cluster C
Land Tenure Rights	Deeded community land with the exception of the Butow block	Predominantly unregistered customary land	Predominantly deeded community land with other lands under unregistered customary tenure
Land Use Rights	<p>Western part designated as potential Cestos-Sehmkwehn protected area, covering 146.413 hectares in Rivercess and Sinoe counties</p> <p>PUP contract over an area of 63.002 hectares.</p> <p>Butow oilpalm block allocated to Equatorial Palm Oil (EPO) over an area of 8.011hectares; extensions in the same area are projected for (i) another 8.094 hectares as plantation and 8.094 hectares as outgrower program</p>	<p>Interest area, gross concession area and net concession areas of GVL for both the plantation and the outgrower program</p> <p>The first project covers an area of 33.000hectares; the second project 74.000 hectares.</p> <p>Extension area of EPO over a additional possible total of 30.351hectares</p>	<p>Signed PUP contracts for commercial logging;</p> <p>Registered community forest management agreement</p> <p>Interest area, gross concession area and net concession area of GVL for both the plantation and the outgrower program</p>
Present Land Use	Mix of coastal smallholder agriculture, inland remnants of various forest types, including closed dense forest, and inland agricultural activities	<p>Predominantly smallholder agriculture with small forest cover</p> <p>Large parts of GVL second project on close dense forest</p>	<p>Smallholder agriculture with small forest cover in western parts;</p> <p>Various forest covers mixed with agricultural in eastern part;</p> <p>Northern fringes with closed dense forest adjacent to Sapo National Park</p>

3.2 Land management matrices and templates

The matrix presented in Table 6 compares in a systematic way (i) attributes within a same information layers (for instance different land ownership rights) and (ii) attributes across different information layers (for instance land ownership with issued land use rights).

3.2.1 Cluster A - Land management matrix

Table 6 – Land matrix cluster A

Sanquin deed ¹²	Duo deed	Korbor deed	Geetroh deed	Butow block (EPO)	Proposed protected area	Logging under PUP	Extension EPO plantation area	Extension EPO outgrower scheme
Sanquin deed	Overlap highly likely	Overlap			PA on private land; problematic	Signed agreement; but ??	Plantation on private land; to be negotiated	Outgrower on private land; possibilities
	Duo deed	Overlap likely			PA on private land; problematic	Not agreed with Duo community	Plantation on private land; to be negotiated	Outgrower on private land; possibilities
		Korbor deed			PA on private land; problematic	Not agreed with Korbor community	Plantation on private land ; to be negotiated	Outgrower on private land; possibilities
			Geetroh deed			Signed agreement but ignorance of majority community members		
				EPO Butow block				
					Proposed protected area	Incompatible land uses	Incompatible land uses	Incompatible land uses
						Logging under PUP	Land uses are not incompatible; ownership is	Synergy possible
							Extension EPO plantation area	
								Extension EPO outgrower scheme

¹² The Sanquin deed underpins the Tarsue district PUP. The aborigine land grant deed is issued in the name of the Chief, Elders and Citizens of Sanquin District. The PUP agreement with FDA is issued in the name of the People of Tarsue District.

Each matrix entry (a combination of a row and column attribute) identifies an incompatibility, a challenge or an opportunity.

Each matrix entry can now be presented in the form of a land management template.

3.2.2 Cluster A - Land management templates

A Land Management Template is a simple tool that is used to visualize the results of a land matrix by using map extracts that indicate specific situations. It states the specific challenges to be faced by land management institutions for a specific situation, and suggests specific action to address these challenges. Land management action is organized in different categories, including (i) administrative action, (ii) policy responses and (iii) dispute resolution if this is required.

The use of Land Management Templates builds further on a systematic approach, facilitates the involvement of non-technicians in finding viable administrative and policy solutions, and may encourage participation of a wider audience in decision making.

In what follows some examples of templates are presented.

3.2.2.1 Overlapping community deeds

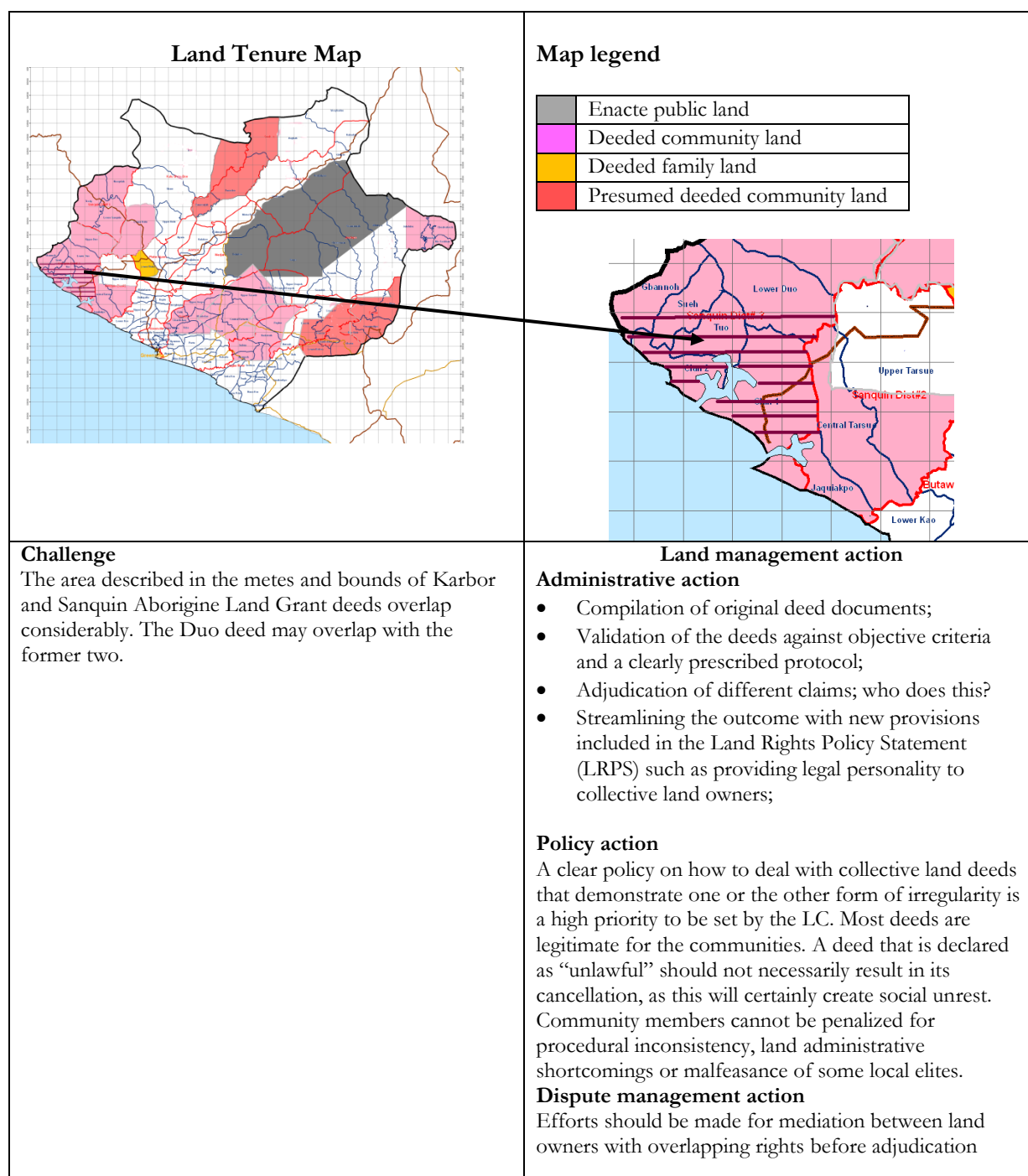
The inventory has compiled evidence on 3 deeded community lands in the Southwestern part of Sinoe. A copy of the Sanquin deed is available as part of a separate PUP assessment done by the LC. A copy of the Korbor deed was obtained in the field. The reference to the Duo deed was provided by a local leader and needs to be checked; the deed itself was not available at the time of field work.

Table 7 – Identified collective land ownership deeds in Southwestern Sinoe

Community land	Deed type	Record reference	Area
Sanquin deed	Aborigine Land Grant - 1952	MFA Monserrado Vol. 66B pp 78-79	155.678 acres
Korbor deed	Aborigine Land Grant - 1936	MFA Vol 1950 p285	63.000 acres
Duo deed	?? -	MFA Vol. 68A pp 8- 52 (?)	245.000 acres

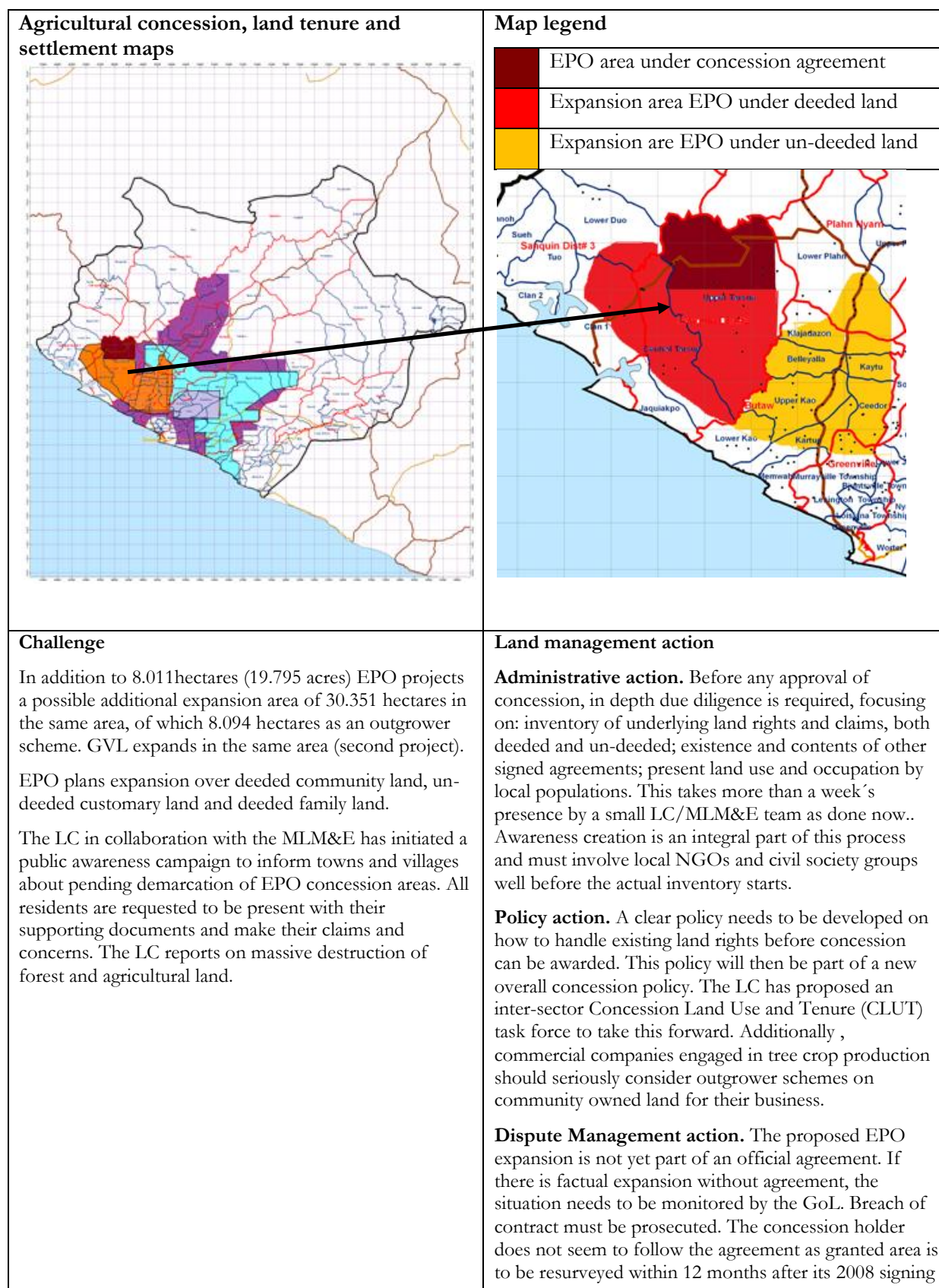
The Sanquin deed, now (erroneously?) denominated the Tarsue district deed covers a large area in the southwest. On the basis of the metes & bounds description, the Korbor deed overlaps at least partly with the former. At the same time, the Duo deed is located in the same area and likely overlaps with the other two. Local authorities affirm that only Korbor and Duo chiefdoms have acquired a deed in the past, not Tarsue. This situation requires further investigation.

Figure 8 – Overlapping community deeds



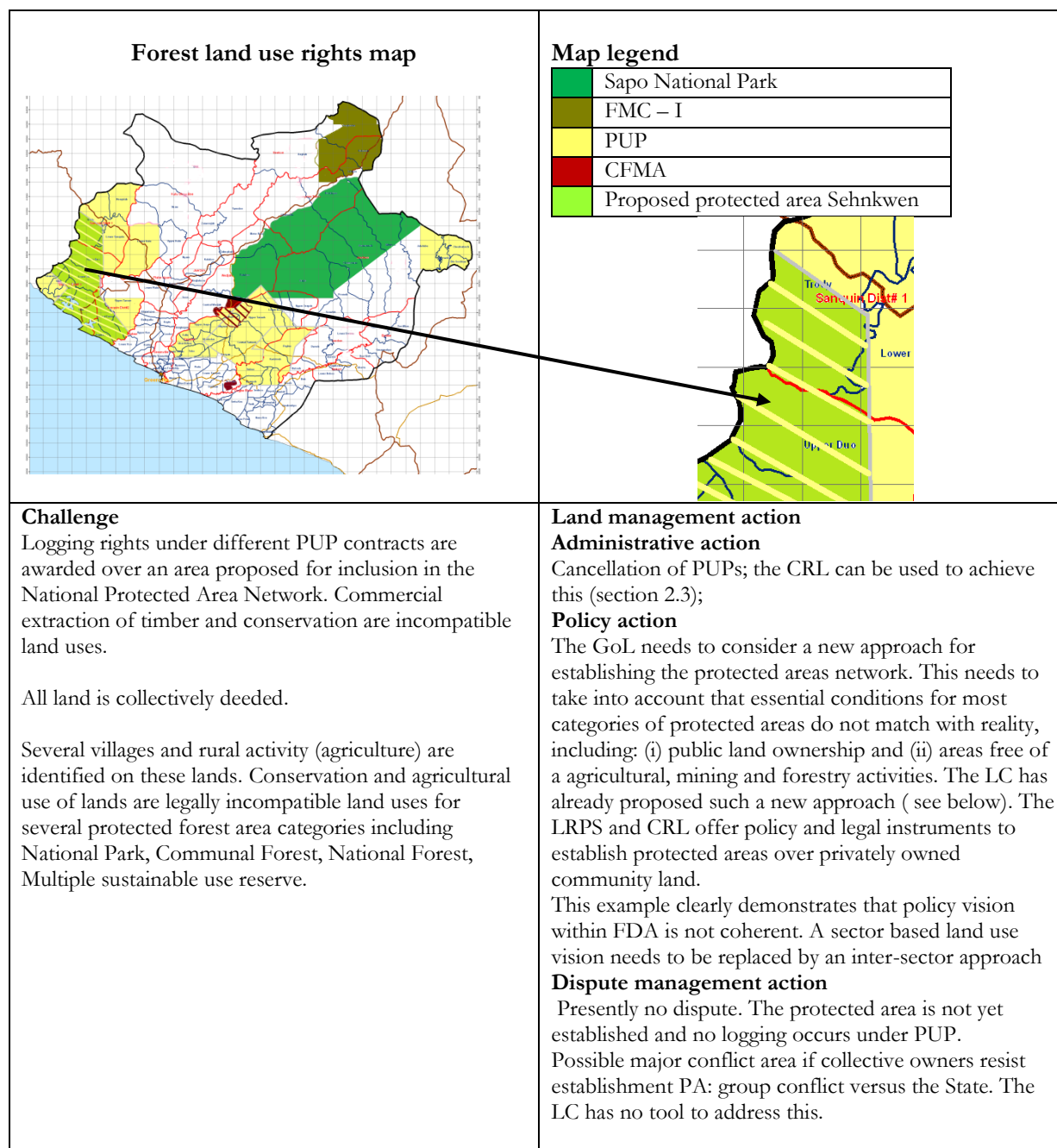
3.2.2.2 Agricultural concession areas over community owned land

Figure 9 – Expansion areas of Equatorial Palm Oil



3.2.2.3 Overlapping forestry use rights

Figure 10 – Overlapping forestry use rights



The present Land Rights Policy Statement is a precursor of a Land Rights Policy and the foundation for a new future land law. It recognizes that protected areas can be established as Customary Protected Areas on community owned land. In combination with the CRL, this provides an enabling legal environment for communities to be more pro-actively involved in conservation, which may lead to the rethinking of the approach for the establishment of the protected areas network, as mentioned above.

Under its 5-year program, the LC has already laid out the basis for such a new process as follows:

- Assessing the legal status, surveying present land use and occupation, identifying and validating land claims; surveying and registration of rights within over the areas;
- Referring all new requests for protected/conservation areas to a community consultation process;
- Visioning process with area managers, neighboring communities, other stakeholders on future use of protected areas;
- Negotiating social/territorial pacts (plans and boundaries) with stakeholders; local land use planning;
- Drafting and agreeing on area specific management plans;
- Gazetting areas and management plans;
- Initiating implementation of management plans.

The implementation of this approach is multi-sectoral with involvement of FDA, EPA, MLM&E, Land Commission, NGOs and civil society.

3.2.3 Cluster B - Land management matrix

This centrally located area presents in fact a situation that captures one of the most acute challenges that Liberia will need to deal with over the next few years: the implementation of large sized agricultural concession agreements, EPO and GVL, mainly based on a plantation model on (i) land that is owned, claimed, occupied and used by local people, and (ii) other land that has a high environmental and commercial value by its forest presence. Striking a sound balance between different interests, encouraging investment in rural areas while respecting legal and legitimate rights of local populations is the challenge.

Table 8 – Land matrix cluster B

Unregistered customary land	Family Deed	Extension EPO plantation area	Extension EPO outgrower program	GVL plantation area	GVL outgrower Program
Unregistered customary land	Technical irregularities	Overlap and conflict	Not yet agreed and implemented but with opportunities for rural development and conflict prevention	Overlap and conflict	Not yet agreed and implemented but with opportunities for rural development and conflict prevention
	Family deed	Possible overlap		Overlap but smooth regularization possible	
		Extension EPO plantation area	Decisions to be made by EPO; plantation model will result in conflict; outgrower program much more appropriate	Possible corporate conflict with major implications for GoL	Possible corporate dispute; Conflict with local populations Opportunities for for rural development and conflict prevention
			Extension EPO outgrower scheme	Possible corporate dispute; Conflict with local populations Opportunities for for rural development and conflict prevention	Not yet agreed and implemented but with opportunities for rural development and conflict prevention
				GVL plantation area	Outgrower program much more appropriate
					GVL outgrower program

Most of the entries in the matrix display a conflict or possible future conflict situation, including:

- different commercial corporations which have competing rights and/or claims to identical areas
- commercial corporations and the GoL which has awarded or plans to award identical land to different parties under conditions that are in violation of the agreements

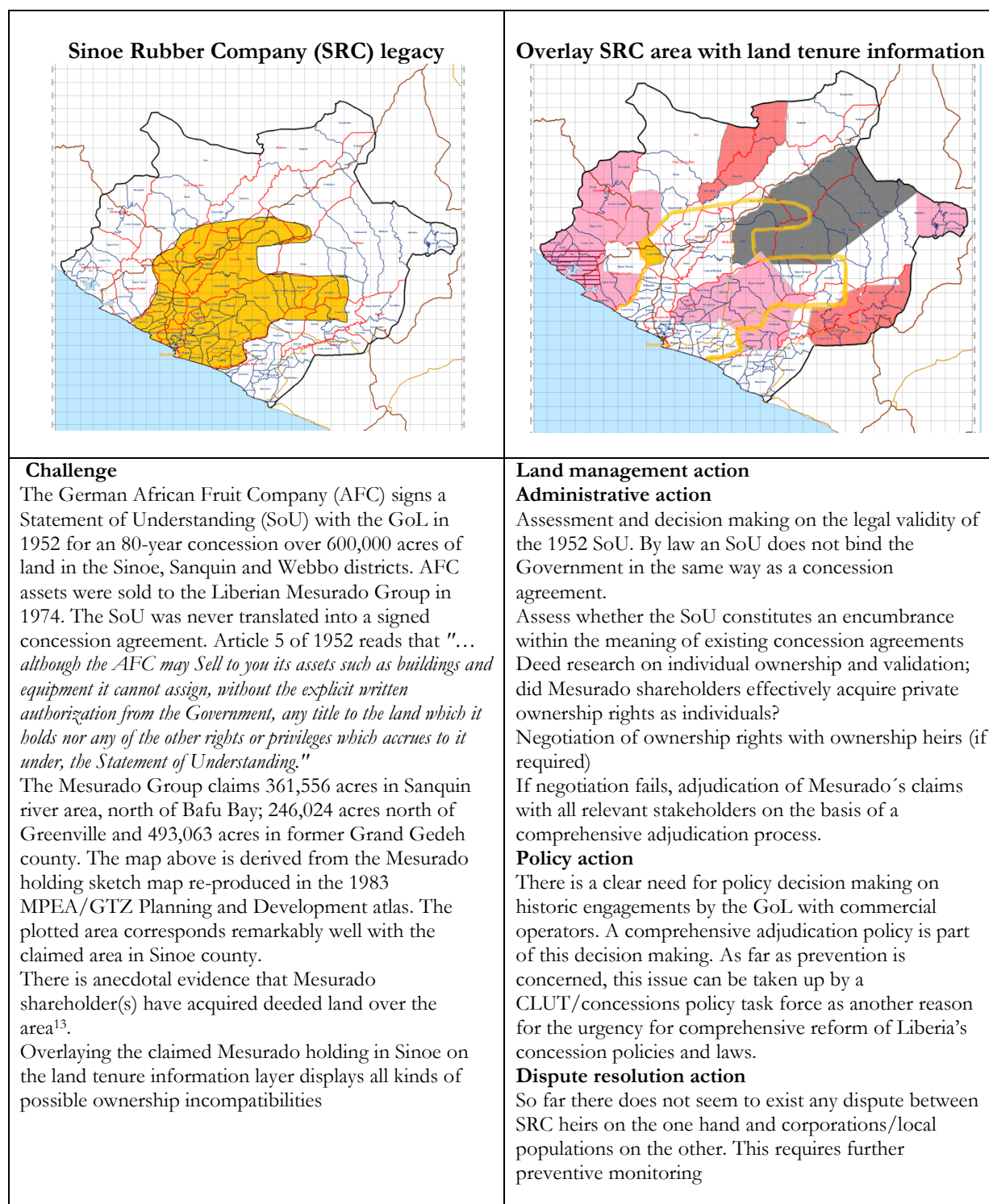
- commercial corporations and local populations whose land have been “sold” without their knowledge and consent, in the absence of due process and tangible benefits, resulting in the loss of their livelihoods
- local populations and the GoL with the communities holding the latter responsible for the present and future distress
- possibly local populations between themselves if it appears that resettlement on the others land is part of the solution

This situation is complex, multi-layered and best presented in an interactive atlas version. The following templates attempt to capture the essence of some challenges.

3.2.4 Cluster B – Land management templates

3.2.4.1 Dealing with the past – a legacy of uncertainty

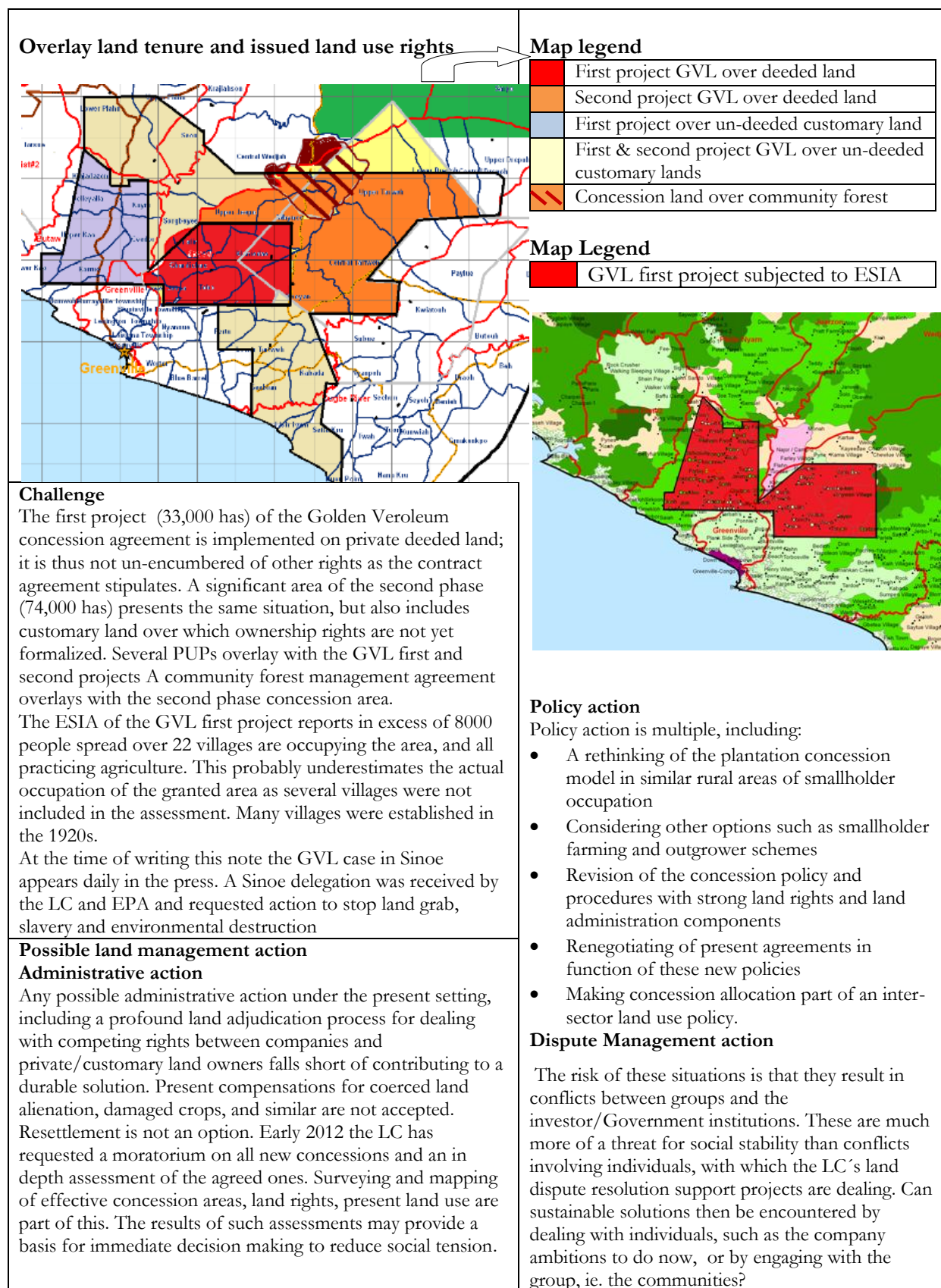
Figure 11 – A legacy of uncertainty – the Sinoe Rubber Corporation



¹³ Personal communication Jeanette Carter

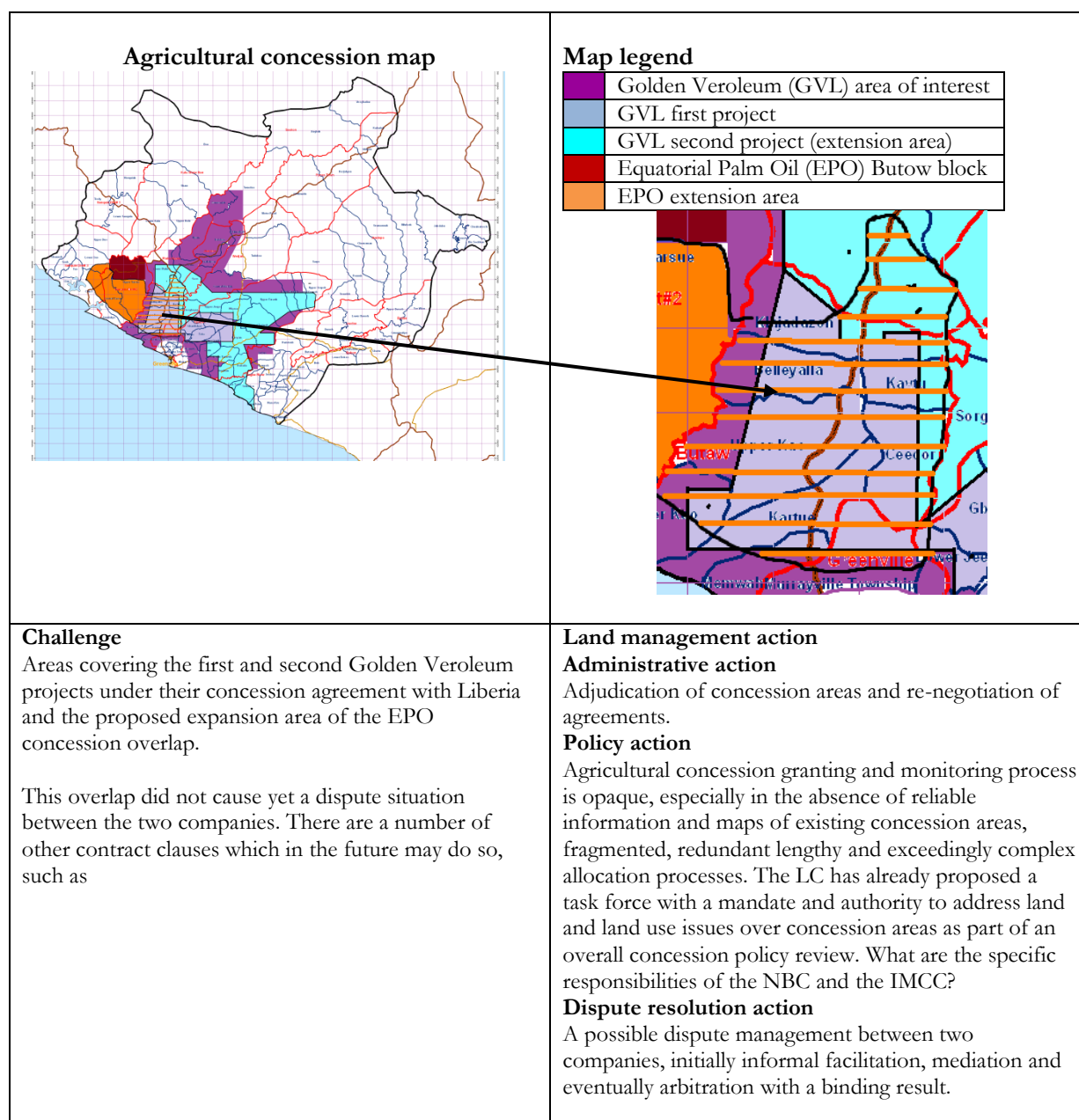
3.2.4.2 Concession allocation over encumbered community land

Figure 12 – Concession allocation over community land



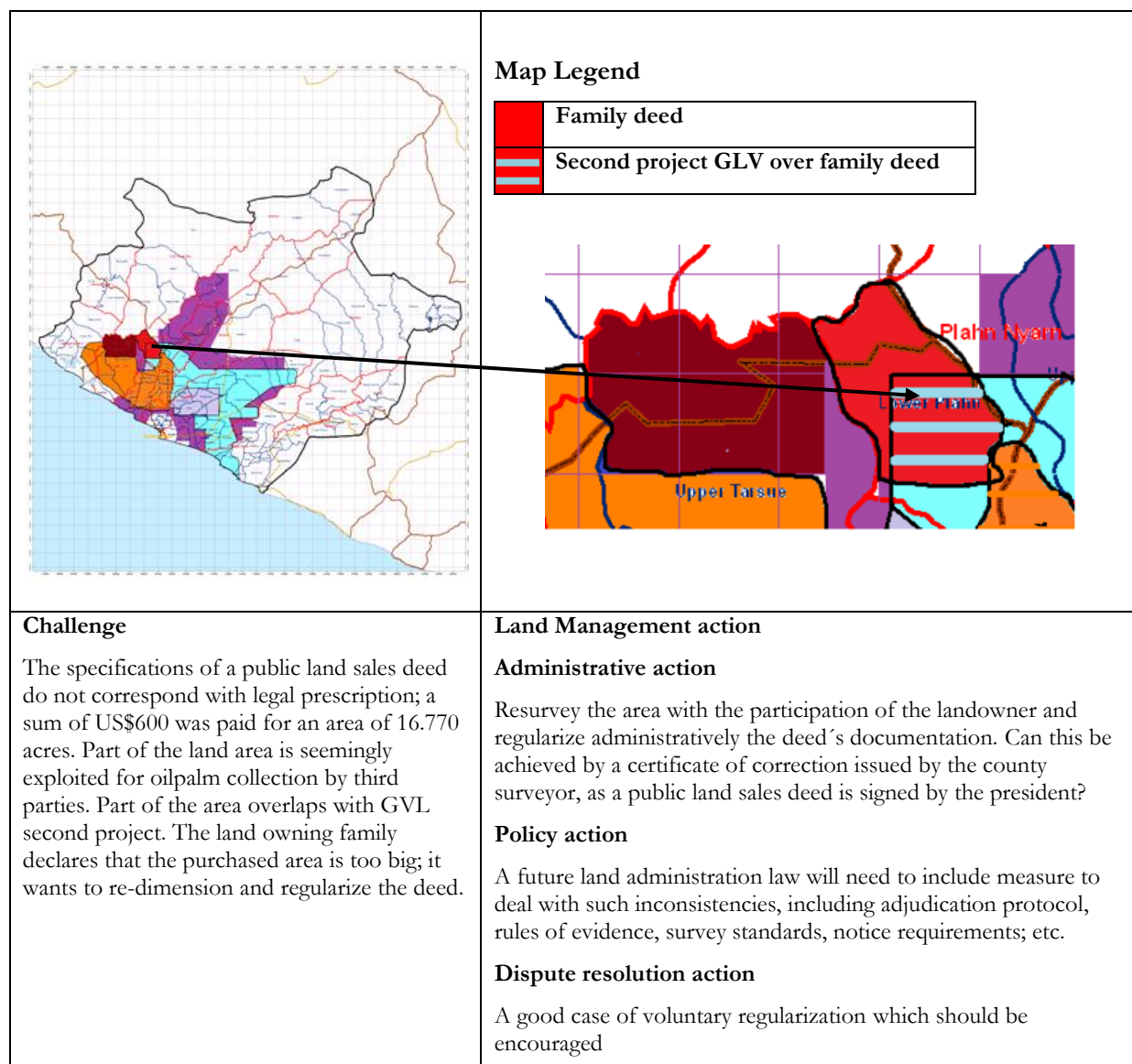
3.2.4.3 Conflicting investor interests

Figure 13 – Conflicting investors interests and agreements



3.2.4.4 Needs for deed regularization

Figure 14 – A case for regularization of issued deeds



3.2.4.5 The State and communities as pro-active land managers

One of the causes for present dispute is the engagement of the Government in the GVL concession agreement that: “the government undertakes to ensure that such (concession) lands shall be free from encumbrances at the date of handover of such lands in accordance with the development plan”. As indicated in footnote p. 2, encumbrances are inclusive and far reaching. Does this invariably put the GoL in a delicate situation vis-à-vis the investor? Not necessarily.

As a matter of policy, it may be that the Government's inability to hold to its covenant that land in the concession area is unencumbered in many ways is cancelled out by the investor's failure to: (i) perform reasonable due diligence in investigating the proposed concession site before entering into the concession agreement, (ii) failing to map the concession area within a reasonable amount of time, and (iii) generally acting in bad faith

by attempting to use an insufficient policy and legal framework to its advantage. In other words, again solely from the perspective of sound policy, when both parties act incorrectly a fresh start could be permitted.

This start can be the result of a genuine policy review as mentioned above. Adopting more pro-active oriented policies would be welcome. It seems that at the national level, the Forestry sector has set the example. Due diligence, including forest inventory (underlying land tenure issues are still missing) results in a reasonable proposal for a FMC which is presented for bidding by qualified companies. The Inter-Ministerial Forest Concessions Committee prepares (in principle) an annual concessions plan.

In the agricultural sector, the GoL, as in many other African countries plagued with massive land grabs, sits back and awaits proposals from companies with contracts drawn up by reputable law firms without any acknowledgement for GoL or Liberian citizens' interests. Can the National Bureau of Concessions (NBC), the LC in support to sector institutions not pull off this pro-active strategy?

Second, it is clear that any concession development will need to be carefully negotiated with local communities and customary land owners. Local land use planning may facilitate communities to identify some areas that can be converted into oilpalm plantation blocks, probably several smaller sized parcels rather than a large consolidated block. Tenure forms under which this can be realized need to be discussed but may refer to other-than investors ownership rights such as lease agreements.

It is also up to the communities to display a more pro-active approach to investment in rural areas. This is a long term program and can only be achieved through a coherent package of interventions, rather than isolated activities. The main pillars of such a package may include:

- Strategising and prioritising the scope and areas of intervention;
- Building the 'business capacity' of communities and transforming communities from passive recipients of investment into more genuine active business partners, using local, participatory land use planning as a tool;
- Securing land rights of communities and investors to support development through negotiating and implementing a local agreement on the location and nature of different rights over land and natural resources;
- Pro-active local investment – producing and delivering a development portfolio to address all major public and private development bottlenecks and opportunities (infrastructure, public services provision, general capacity building, private investment, etc.) facing the communities in the targeted priority area;

Vision 2030, decentralization policies and local capacity building, new land legislation, land use policy and land use planning are all part of a supporting platform to achieve this

3.2.5 Cluster C – Land management matrix

Cluster C presents a mix of deeded community land and informal customary land over which the government has agreed to issue a 65-year concession area to GVL. This situation is discussed above. It is noted that in this part of Sinoe oilpalm expansion is projected over vast tracks of closed dense forest which may result in serious environmental damage.

A number of other forestry related issues draw particular attention. The FDA has signed PUP contracts with several land holding communities. There is also a signed agreement community forest management agreement with one of the communities that fall under a PUP agreement.

Table 9 – Land matrix cluster C

Kpayan deed & PUP	Tartweh Dropoh deed & PUP	Dugbeh River deed & PUP	Numopoh community forest	Public land & Sapo National park
Kpayan deed & PUP			? Internal community disagreement	
	Tartweh Dropoh deed & PUP	Inter community claims and dispute	? Internal community disagreement	Community claims of lost land; dispute with GoL
		Dugbeh River deed & PUP		
			Numopoh Community forest	Land use synergies
				Public land & Sapo National park

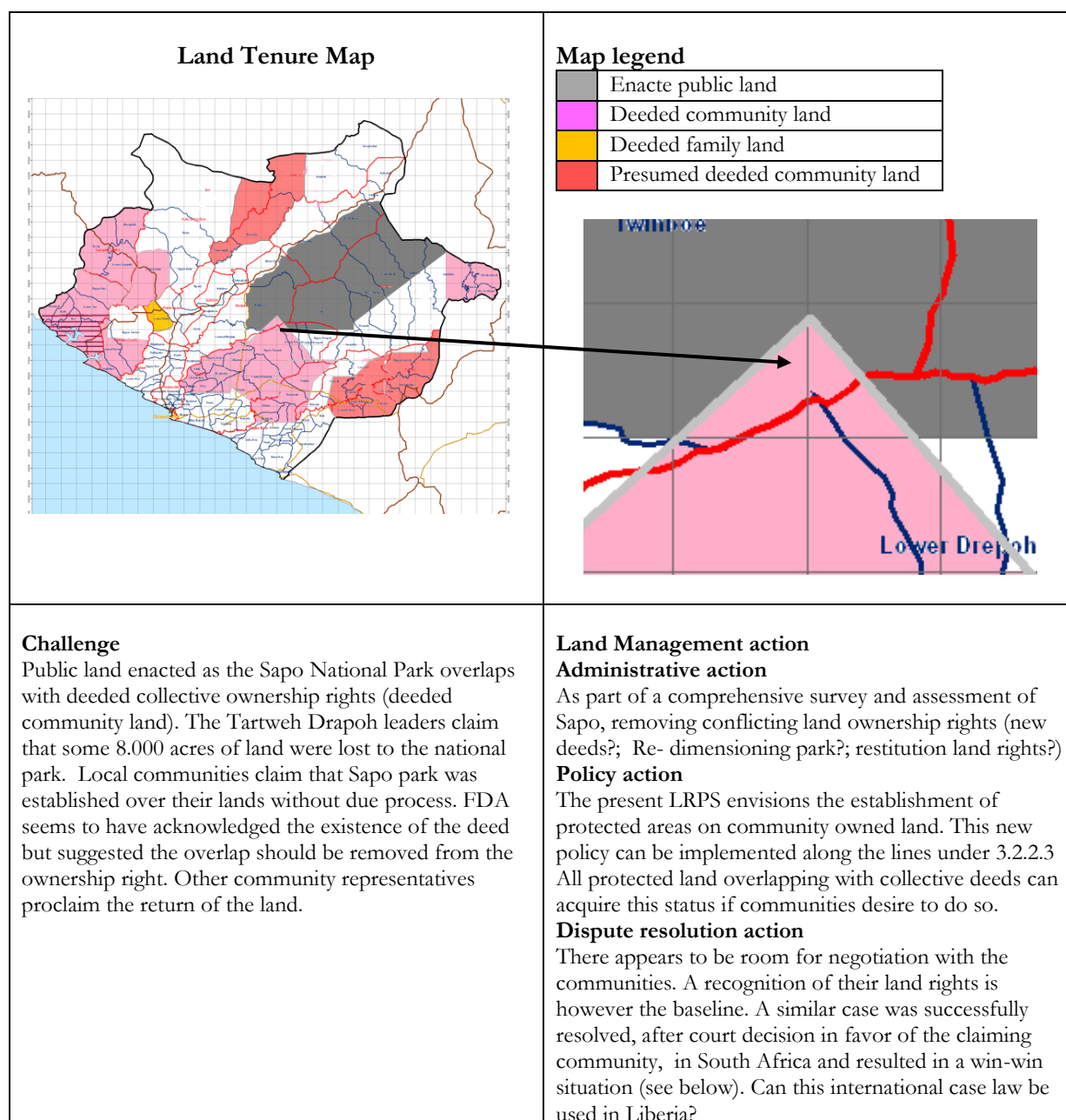
The present inventory does not yet shed clarity on which community has signed in fact the Numopoh CFMA. Numopoh community includes 36 villages of which only 5 have direct access to the community forest. The plotted CFMA area over the land tenure map, indicates that both the Kpayan and Tartweh Dropoh deeds overlap with the forest area. Interestingly both the “People of Kpayan district” as well as the Tartweh Dropoh Resources Management and Development Committee have also agreed to a PUP over their respective areas. Salient detail is that the two PUP contracts are signed by the same two individuals. Details on the CFMA of the Numopoh people need further assessment at a larger scale. These internal community dynamics require further research.

3.2.6 Cluster C – Land management templates

3.2.6.1 Community owned protected areas

The present forest legal framework establishes protected areas on public land only. This model does not respond to recommendations and best practice observed since Rio 1992 which focuses mainly on communities as a driving force for conservation, not the State. In addition, when communities own forests, legal or legitimate, and these are taken away by the State without due process and turned into conservation areas, local populations have no incentive whatsoever to engage in the conservation of “their” resources.

Figure 15 - Overlapping ownership rights in Sapo National park



Several countries including South Africa, Mozambique and have updated their land tenure and natural resource laws, to maximize viability of protected areas by recognizing community ownership over these areas. Box 2 illustrates how a conflict situation can be transferred in a synergetic relationship between the State, local communities, and eventual commercial interests. The draft Land Rights Policy Statement recognizes this international good practice and recommends the establishment of protected areas on community owned land.

Box 2 – Makuleke claim in the Kruger National Park in South Africa

The Makuleke land claim to the northernmost section of the Kruger National Park was lodged in December 1995 and gazetted by the Land Claims Commission in terms of the Restitution of Land Rights Act in August 1996. The community was forcibly removed from their ancestral lands in the Pafuri reserve (between the Limpopo, Mutale and Luvuvhu Rivers) of the Kruger National Park and the surrounding state-owned land in 1969. The majority Tsonga-speaking population was relocated to Ntlhaveni in the former Gazankulu homeland. Venda speakers were relocated to the former Venda homeland.

The claimed Pafuri area is an environmental hotspot from a biodiversity viewpoint and during the initial stages of the claim there was much opposition from conservation circles. After two years of intensive and complex negotiations a settlement was agreed and the Land Claims Court ordered the restoration of the ancestral land of the Makuleke Community, subject to various conditions to ensure that both the conservation status of the land and the community rights are protected. The settlement contains these key elements:

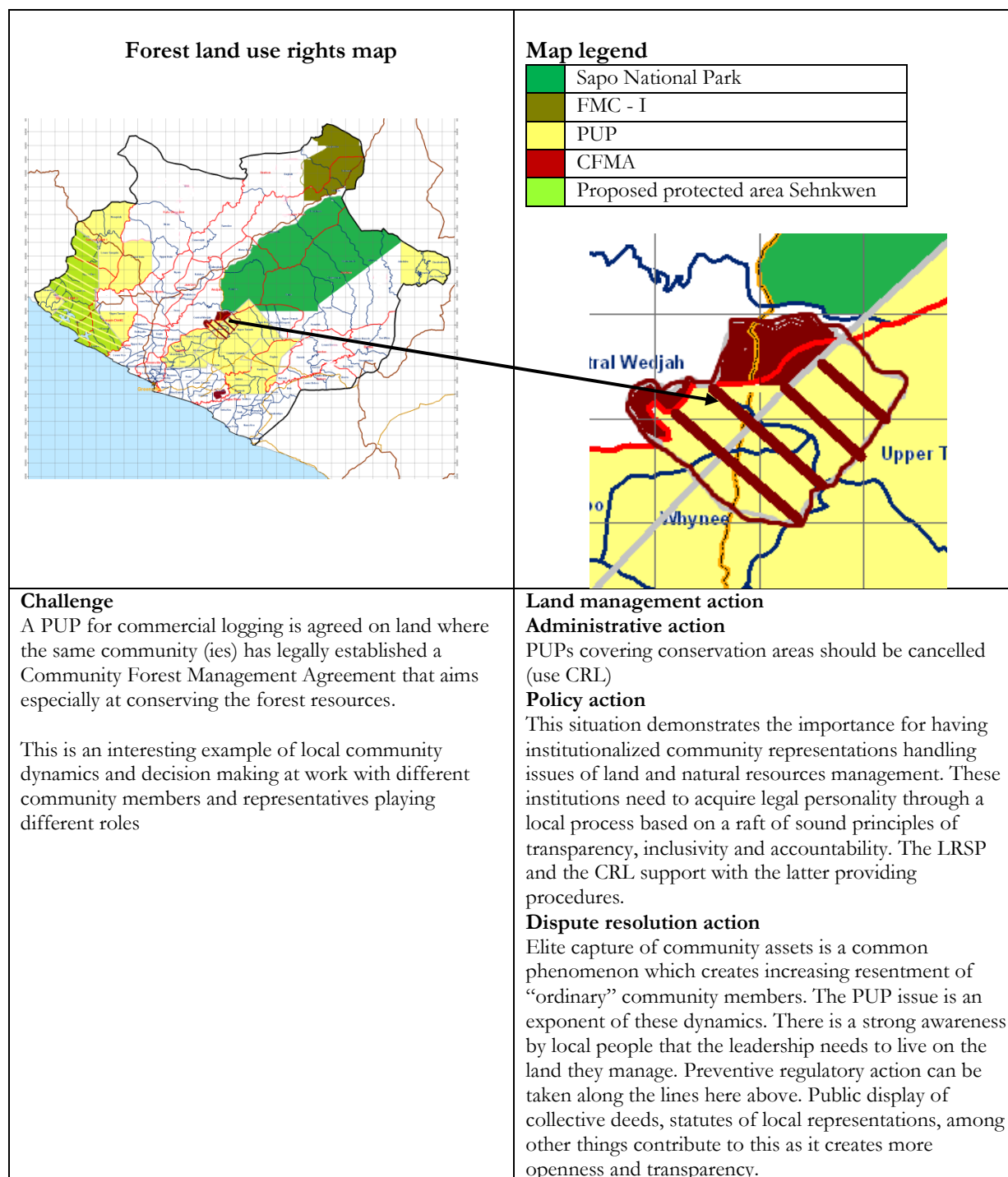
- A ‘contractual park’ between the community and South African National Parks (SANParks) was established for a period of 50 years over 22 734 hectares of pristine conservation land in the northernmost Kruger National Park between the Limpopo, Mutale and Luvuvhu Rivers.
- The community was not resettled on the land. Community members remain where they presently live. Some of the land returned to the community fell outside the Kruger boundaries, and some 3 600 hectares of this land was added to the park.
- A Joint Management Board (JMB), consisting of members of the SANParks and the community manages the land. SANParks is contracted by the JMB to conduct day-to-day conservation management. The JMB (ie with agreement of SANParks, or through the use of the dispute resolution procedures) can terminate this arrangement and employ staff or another agency to conduct such conservation management.
- The Makuleke community has full rights to develop the land for eco-tourism ventures with the financial revenue accruing to them. An upmarket lodge has recently started operating and more lodges are planned.
- Mineral rights are reserved in favour of the state although the Department of Minerals and Energy agreed that prospecting and mining would be prohibited.

Ref. CTC, 2003¹⁴

¹⁴ CTC (2003), “Appraisal of the Potential for a Community Land Registration, Negotiation and Planning Support Program in Mozambique”. Maputo, DFID

3.2.6.2 Local community dynamics at work

Figure 16 – Conflicting community land use decisions



4. Endnote and follow up

The objective of this note is twofold:

- Assessing the land and land use situation in Sinoe county as a learning process to identify existing challenges that will need remedial and preventive land management action to maintain social stability and promote development, based on the use of land and natural resources
- Develop an action oriented methodology for inventory and assessment that can be replicated in all counties as a basis for achieving some higher overarching goals, including policy development

Sinoe county is a good choice for piloting. It shows a good mix of different land uses, including major agricultural concessions, forest logging under FMC and PUP, conservation on public land and community land, a lively agricultural smallholder sector. Over the years communities have also made major efforts to formalize their land ownership rights. It is interesting to assess how these rights have evolved over time and how communities are exercising these rights in a context of severe commercial pressure on the resources base. This assessment instructs the future handling of community ownership rights in the new land law.

The Sinoe pilot has identified several anomalies in the allocation of land use rights by the Gol through its institutions, including:

- commercial land use rights established over deeded (and un-deeded) collective ownership rights without due process;
- protected areas established over deeded (and un-deeded) collective ownership rights without due process;
- overlapping corporate concession areas;
- incompatible land use rights issued over the same area by different community groups;
- doubtful allocations of PUPs;

This situation exposes the Government of Liberia to liability under its engagement with different stakeholders. Several of these irregularities have already resulted in serious dispute, with wide coverage in the national press. This situation requires swift, well thought remedial action.

To respond to the need for urgent action in an organized and systematic fashion, this note contributes to the development of a methodology. It demonstrates how land inventory and assessment at the county scale can lay a foundation for informed decision making on land management.

The inventory focuses on a limited number of essential attributes

1. concession rights, land and natural resources licenses and permits that are issued or planned to be issued by the state for exploitation and conservation by commercial and other parties including the state itself;
2. land ownership rights and claims over and in the vicinity of these land use rights;
3. present patterns of land use and occupation by mainly local population in these same areas

For the assessment, two tools were developed: (i) the Land Management Matrix, and (ii) the Land Management Template

A Land Management Matrix compares in a systematic way:

- Attributes within the same information layers (for instance different land ownership rights), and
- Attributes across different information layers (for instance land ownership with issued land use rights).

Matching attributes enables the systematic identification of:

- Absolute incompatibilities that are difficult to be solved under the present policy/legal and regulatory framework;
- Inconsistencies that may be corrected through administrative or legal action under the present framework;
- Matching cases or situations that may even create synergies if proper action is taken.

A Land Management Template is a facilitating tool to transfer the results of the matrix into action. For each specific situation of incompatibility or inconsistency, a specific set of interventions can be identified to remedy the situation.

The template includes an analytical part under the form of map extracts that illustrate the challenge, and a short problem statement that describes the challenge. It is completed with a succinct section of proposals to remedy undesired situations. Proposals are aggregated in three themes: (i) administrative action, (ii) policy action, (iii) dispute resolution action.

The advantages of working with templates are multiple. Complex issues can be visualized and presented in a simple fashion so that these are easier understood. It compels a systematic approach, defining problems and possible solutions for *all* situations and not only the best known. If well used it is a strong tool for informed participation in decision making. It is especially this participative character that needs attention.

The above process results in the identification of a county specific set of interventions to deal with specific land and natural resources management challenges. This provides solid guidance for the various public land and natural resources management actors to remedy the present chaotic situation for the years to come. It will compel these actors to make some choices and prioritize interventions. The tool does not substitute sector specific work programs, but at least provides a demand driven basis to make strategic choices to be included in these programs.

The methodology is accessible to non-specialized technicians and does not depend excessively on modern technology. This is not to say that such technology will not be required in the future; it will make data capturing, storage and analysis much simpler and efficient. The project has already made proposals for the LC having a basic GIS capacity, as well as field missions using GPS equipment. This will however require training and skill development.

The Sinoe inventory was implemented by the LC itself under the EU support project. The methodology offers however possibilities to turn the process into an inclusive and participatory tool. The Land Management Templates can be used by a larger group of

different actors, including the county stakeholders, sector specific actors, the CLUT to identify, prioritize and plan remedial and preventive actions. A system needs to be set up to achieve this participation in a systematic way, eventually along the following lines:

- The results of the county inventory and assessment are restituted by the LC through the CLUT in a 2-day county workshop. County representatives are acquainted with the different templates. Several groups may be requested to complete the proposal part, with or without further facilitation.
- The CLUT itself can be tasked to provide inputs. This can be achieved by organizing regular meetings of this group in Monrovia, in addition to their participation in the county restitution workshop.
- Specific sector actors such MLM&E, FDA, MoA, NIC, NBC can be requested to provide inputs, apart from their inputs through the CLUT.
- For certain situations private sector representatives and NGOs may be better positioned to provide suggestions, based on their knowledge and understanding.

The LC remains the driving force of this process, as follows:

- Putting the inventory and assessment system into place;
- Inform, create awareness and educate stakeholders;
- Channel action to all public, private and civil society partners;
- Coordinate, evaluate and monitor the action;
- Take action itself on a number of specific issues such as
 - Identifying and validating land rights: concessions; PUPs; Protected Areas, others
 - Advising and handling land rights under concessions and other issued land use rights
 - Facilitating conflict management and developing appropriate tools

As a follow up to this note, a proposal was drafted for a national land management program, to be implemented over a 3-year period. It aims at replicating the methodology as to achieve national coverage. The outputs of this program are threefold:

1. National Land Inventory and Assessment
2. National Land Management Portfolio
3. National Land Use Policy and Land Use Plan