

# 'SO WHO OWNS THE FOREST'

Summary

An investigation into forest ownership and customary land rights in Liberia  
by Liz Alden Wily



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## **About the Author**

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# Summary

Map 1 – Location of Liberia in Africa





## **Liberia, once a landmark case for best practice and able to be so again**

*“You are experts, so you tell us, what happened to our forests! All we know is that the forests belonged to our fathers and our fathers’ fathers but government gave them to logging companies before the war. We cannot say who is the legal owner of forests today. But we will not let FDA<sup>1</sup> give away our forests again”, said the youth of Vondeh town.*

”

This quote encapsulates the confusions and conundrums of forest tenure in Liberia today, which this study set out to explore.

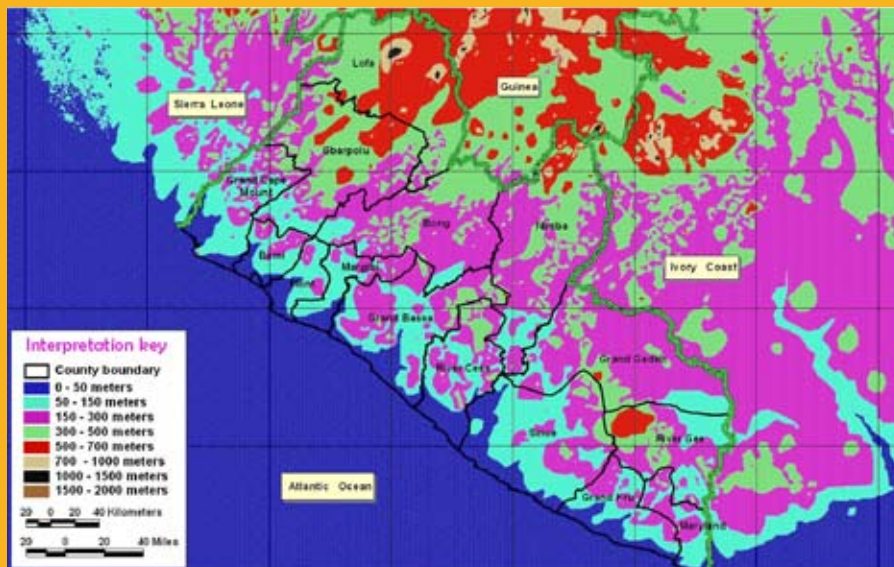
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Three ‘facts’ quickly emerged:

- Customarily, forests are an integral part of community property and this itself is surprisingly well defined in discrete land areas held by each village (town) or by clusters of towns referred to as clans or chiefdoms.
- The status of forest ownership under national law is unclear and is contradictory with customary law.
- People and the state are at odds as to who owns the forests and how the use of forests should be regulated.

The stage is set for a classical natural resource conflict. This will not go away on its own – it needs to be resolved.

Map 2 – Digital elevation model map of Liberia



Prepared by the geographic information systems and remote sensing laboratory of FDA

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Map 3 – Forest cover map of Liberia

Showing protected, proposed protected areas and national forests



Prepared by the geographic information systems and remote sensing laboratory of FDA



## Positive conditions to solve the conflict

The FDA (the Forestry Development Authority) and the Liberian government in general are fully aware of the need for legislative clarity and justice, to be laid out in a Community Rights Law. This study attempts to unravel the facts and to identify a practical way forward. This, the study concludes, is achievable given the many positive conditions exceptional to Liberia. These range from the relatively recent diminishment of customary ownership of forests and the uncertainty and weakness of the judicial foundation of such moves, to the strength of collective tenure in the present day rural community, and the existence of a solid history of legal collective entitlement that includes forestlands.

Helpful circumstances also include the fact that the FDA itself has begun the process of reforming state-people forest relations through its new National Forestry Reform Law. A commitment to reforming land relations has also been made at the highest level of the government, with the expectation that this will be guided by the investigative and planning work of a land commission.

There is also a rare opportunity for progress in that Liberia has valuable forest resources but at present it has not granted any long term forestry concessions: commercial exploitation under improved terms could thus be negotiated without incurring large scale expenses.



photo Tommy Garnett

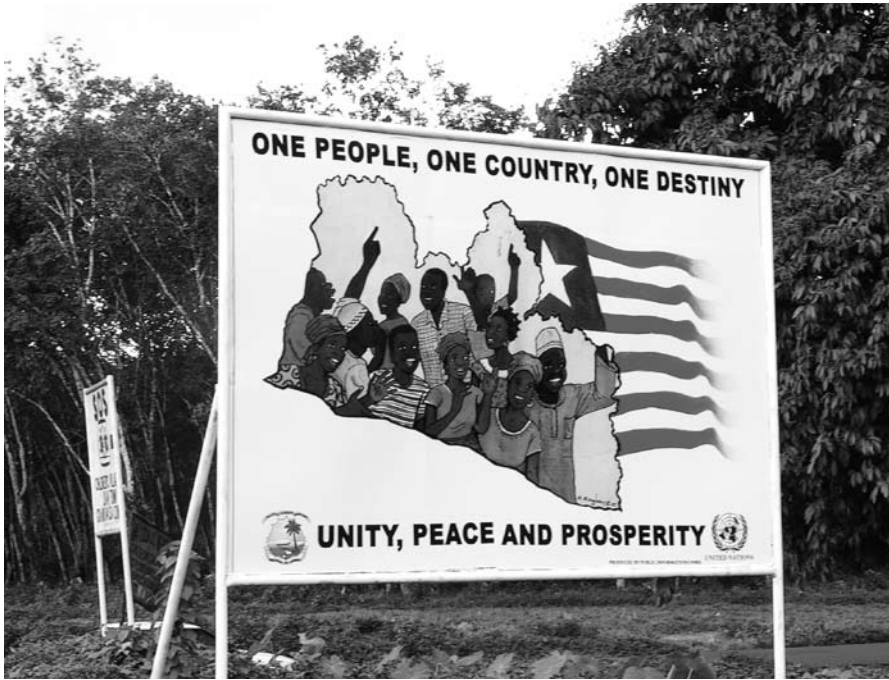


photo Saskia Ozinga

Positive conditions also include the fact that there is unusual continuity in the socio-spatial identity of customary domains, which have been built upon existing village-based socio-spatial arrangements ('towns'). The characteristic clustering of these in the mid 20th century into 'clans' and 'chiefdoms' has not always conformed to customary administrative arrangements on a countrywide basis. Nonetheless, traditional socio-spatial relations have largely been transposed into these arrangements, with the boundaries among chiefdom, clan and town determined upon what exists and through local consensus. From 1923 a conscious effort was made to build a formal administration upon unified customary norms agreed by gatherings of chiefs, delivered in a Hinterland Law that is notable for its integration of customary and statutory law.

Also helpful is the fact that Liberia is beginning to tackle the modernisation of interlinked tenure and forest management paradigms at a time when useful models for change have emerged elsewhere on the continent, while Liberia was at war with itself. Useful lessons may be learned from the recent experiences of no less than 20 countries in Sub Saharan Africa where governments have also been forced to address the consequences of a century of unfair or unworkable rural land ownership and forest management norms.

## **Liberia as a landmark case of best practice?**

As a small country with a relatively uniform and vibrant customary sector, combined with ambitions of the government and the people to put matters right after a long and bitter war, there would seem to be little excuse for Liberia not establishing itself as a landmark case of best practice.

However, beyond all this there is a particular circumstance which makes this especially viable and which this report investigates. This is the unusual handling of majority rural land rights since freed slaves first arrived on the coast of what is now Liberia and laid the foundations for the independent state. This provides a background of comparatively fair treatment of customary land rights and a solid history of collective entitlement that contradicts more recent revisions.

## **Recognising that Africans owned the land**

Unlike their British, French, Portuguese, German and Belgium counterparts, the governing Colonization Societies of these immigrants did not simply help themselves to the lands of the Africans they encountered<sup>2</sup>. Instead those early Societies acknowledged that the Africa they arrived in was far from empty of owners and that instead every land was owned by communities, each of these a discrete territory with known boundaries, owned collectively, and often well defended and governed by long established chiefs. Therefore they set about systematically purchasing the lands they needed for settlements, albeit at knock down prices. In due course the lands purchased became the public property of the new independent Republic of Liberia (1847) embracing around 40 percent of the total land area known today as Liberia. Much of this land was subsequently allocated to or purchased by immigrant settlers, their descendants, and emergent land using companies.

*Liberia could redress land injustices more easily than almost any other country on the African continent*



Less positively, not until the 20th century could the native residents or their descendants living in this coastal zone (the ‘Littoral’) be allocated or buy plots for

<sup>2</sup> Virtually the only other exception on the continent was in Gold Coast Colony where powerful Ashanti chiefs prevented the British from taking over ownership of the land in the process of establishing British sovereignty



photo SDI



photo Saskia Ozinga

themselves, still a source of considerable bitterness today. Significant areas of the Littoral became plantations, owned by Firestone and other foreign companies.

It is however the rightful recognition that Liberia was not empty of owners (*terra nullius*) that proves so important today. Liberia was not understood as just 'used and occupied' by natives – as European colonisers preferred to regard it – but was owned under recognisable indigenous property norms. This laid the establishment of a policy and legal framework that in due course would enable the expanding Liberian State, from around 1930, to offer communities in the Hinterland where lands had not been purchased, the opportunity to formalise their customary collective territorial ownership under Aborigines Land Grants. Native owning communities were even informed in law that failure to take up this opportunity to put on record their properties would not jeopardise their 'right and title'. Several million acres were accordingly titled by more aware traditional leaders who had the means to cover the survey costs for registration.

*It is from the distinctiveness of Liberia's colonial history that swifter-than-usual remedy to land injustices may be found*



## **The unravelling of the system**

Perhaps inevitably this situation could not last forever. The system began to unravel when the American plenipotentiary to the Berlin Conference of colonial powers in 1885 failed to have his advice heard, concerning the need for the voluntary consent of African natives to the possession of their territories being a basic tenet of bringing civilisation to the continent. In the scramble for Africa that followed and in which the coastal Republic of Liberia duly participated in order to bring an invaluable interior under its sovereignty (and more than doubling the size of original Liberia) the principle of native rights and title was diluted.

It would take until well into the 1950s for Liberia to finally succumb to the convenient (and cheap) colonial orthodoxy that native Africans did not, after all, own the lands they had occupied, used and defended for centuries. From previously being guaranteed right and title they were assured only that their occupancy and use of lands would be protected by the passage of the Aborigines Law in 1956. Overnight Liberians became no better off than their counterparts throughout the continent from South Africa to Senegal, in effect permissive squatters on national or 'public lands'. If they wanted to become recognised

landowners, they had to buy back their lands from the government. To be fair, the prices charged were, and remain, cheap. Several million additional acres have been procured in this way, generally by more aware and wealthier communities. Meanwhile many other areas continued to be allocated to non-customary owners and even foreign companies, or were brought under mining or logging concessions.

The legal instrument for this dispossession was a familiar one. Justice officials in Liberia appear to have found a useful Supreme Court ruling of 1920 which included, within its opinions, findings from another Supreme Court ruling, this time from the US, making it a 'sad but inevitable' reality that natives should lose their property rights when new sovereign states are created. This was the 1823 Marshall ruling which established that while 'aboriginal title' existed, it was less a property title than an indication of political sovereignty and therefore could not co-exist with the superior title imposed by 'discovering' colonial conquerors. This ruling not only put an end to what had up until that point been often benign treatment of American Indian land title but was to be called upon repeatedly in empire building to justify the wholesale dispossession of millions of people around the world when new (colonial) states were created. Natives could lawfully live on the soil (and that right of practical possession would be protected) but they could not own the land itself.

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## **Separating political sovereignty from ownership of land within the territory**

It would take into the 1970s for the contrary cautions of jurists and Supreme Court rulings on all continents to begin to take root in land laws and for accepted 'possession' of rural lands to be concretely reinterpreted. For as the New Zealand Supreme Court had ruled as early as 1847 "it cannot be too solemnly asserted that (native title) is to be respected, that it cannot be extinguished other than by the free and informed consent of Native occupiers". Or as numerous courts including the British Privy Council had offered but been ignored "a mere change in sovereignty is not to be presumed to disturb rights of private owners". Or, as the Canadian Supreme Court was to conclude in 1973, pre-sovereignty property rights of indigenous peoples cannot forever fail to be acknowledged; continued and current occupation today should be acknowledged "as proof of possession and possession to be proof of ownership". As the Appeal Court of Tanzania observed in 1994 to do otherwise is to condemn (Tanzanians) to being squatters on their own land – "a very serious proposition". In short it has taken more than a century (and several centuries in Latin America) to begin to separate the injurious merger of territorial sovereignty rightfully held by the state from real

and collective ownership of the land. It is this task that lies at the heart of much rural tenure reform today.

Aside from the question of human rights, these issues of land rights have stopped generally poor rural majorities from being acknowledged as owners of invaluable capital assets, and in the process have helped prevent them from clambering out of poverty. Though such niceties were ignored in the course of 19th and 20th century state making, the commonsense principle of land rights justice lies at the heart of global tenure reform in agrarian states today. A number of African states are actively participating – and in critical respects, leading – this process; the transformation of African use and occupation of some three billion hectares of land into recognised ownership of those long-held customary properties. Many of the critical assets within those domains are traditionally community owned pastures and forests. Forested land continues to make up the larger proportion of most community land areas in Liberia's Hinterland.

It is this that is the primary resource governance challenge facing post-conflict Liberia and gives rise to the simple question: “Who owns the forests?”



photo SDI





## **So, who owns the forests?**

This study shows how the unusual early treatment of African land rights in Liberia will make it easier for Liberia than for most other states to take the legal and strategic remedial action needed to arrive at a workable and just answer. The most critical factor is that under Liberian law, in the past, it was seen as common sense to register community land areas as private, group owned properties, through straightforward mechanisms.

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### **Too casual adjustment of legal norms**

Additionally, the study suggests that the damage done to this situation from 1956 onwards was at least partly the consequence of a too-casual adjustment of legal norms in bringing the governance of the Hinterland territory into line with that of the original Littoral territory. In the course of bringing the two territories under a single governance system in the 1950s-1960s, their different origins in terms of land purchase and rights and therefore the meaning of 'public land' was forgotten.

Nor does this study find that officialdom has had much appetite in post-conflict times for endorsing the limitation upon rights and opportunities that has steadily resulted. At least two senior officials in the Ministry of Lands prefer to explain the role of the state as the trustee of unregistered community lands, a fair interpretation. Meanwhile the status of the offending legislation (the Aborigines Law,

1956) is in doubt; by its omission in a later codification of Liberian laws (1973-78) it may be considered no longer in force. Less positively, this leaves a vacuum in national law as to the exact status of customary land interests. New registration law (1974) does not remedy this. This, in the manner of such laws of the period in donor-advised agrarian states, focuses upon the registration of individual parcels and reinforces the idea that 'tribal land rights' covering almost all of the Hinterland do not amount to ownership and are merely encumbrances on government's 'public land'. Nonetheless, there is enough contrary legal precedent to weaken the force of these evolved new policies.

### **Undue influence of the forestry sector**

Perhaps a more troublesome reality to be confronted is the way in which the forestry sector has, since the 1970s, used the demise in customary land rights (since the 1950s) to favourably influence its own operations. Indeed it may be concluded that the determination of the administration to capture the values of the lucrative timber-rich resources on customary lands was a key driver in those tenure policy shifts in the first instance.

Developments in the forestry sector have mirrored property relations in the mining sector, but with perhaps less justification. With the exception of near-surface gold and iron mining, minerals have not played a role in traditional livelihoods. In contrast, forests are and always have been a profoundly integral element of rural land tenure, land use and livelihood. They have never been constitutionally declared national property, unlike minerals.

Nonetheless, the exclusion of forest property rights as part of modern forest governance has continued apace with the National Forestry Reform Law, 2006.

Forests and forestland have become two separate properties. This study identifies this as designed to 'double-lock the door' against meaningful popular participation in decision-making, management and revenue sharing. These are powers, which the Forestry Development Authority tightly holds, though it insists this is not its intent.

The legal reality is that even those communities which hold formal title to their customary properties (almost all of which include substantial forestlands) have no rights to the trees that are integral to the land. In practice this may even extend to planted kola and other trees where they obstruct logging. Formal

*The commercial forestry sector has taken full advantage of uncertainties in modern land law* ”

collective legal entitlements are few, but lands held under them include most of the area proclaimed to be National Forests. It is possibly this fact that explains the desperate stratagem of parting trees from the soils they grow from, first introduced into law by a rapacious Taylor Administration in 2000.

Whatever the cause, the result is very limited reform, which does no justice to the proclaimed spirit of the 2006 forestry law. As things stand, forest-owning and dependent communities throughout Liberia may be consulted (but not necessarily heard), and may receive one third of the rent which the government charges through leasing out their lands. There is no sign that communities will gain a share of significantly more lucrative stumpage or export fees. The law is explicit: people have no say as to whether or not their forestlands are logged. Their consent to the lease of their lands (for up to 35 years) for logging or salvage is not required, although they may protest and seek compensation where crops and houses are damaged. Real gains made through the promised reform are hard to find. In real terms this is limited to the above noted promise of one third of rental fees. These fees are, however, likely to be delivered in social services

*The core reconstruction needed is from paradigms where the state kindly shares some benefits with the people into paradigms where the state partners and guides the initiatives of the people*



To be fair, this does represent an improvement upon the pre 2006 situation. In fact, the promise of a rental share has been enough of a change to prompt rural communities to actively secure their community land area boundaries in order to prevent capture by the state and to be sure that they and not their neighbours will get the benefit. Just as dramatic are the frequent new community sanctions against opening up intact-forested areas for new farms. These responses would be worthy of celebration if it were not for the fact, as this study found, that most communities are unaware that they will get only a third of their rental due and no other income, nor that they will continue to have no control over their lands. They have no right to determine which of their lands, if any, are leased out to concessions, or even to protect sacred species against felling.



## **Steps towards reform**

Thus the reform path opened is still at best tentative and narrow. It is also far removed from the structural transformation of forest governance that best practice in the sector internationally presents today.

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### **Enacting fairer tenure legislation**

The critical missing building block is evident: the bringing of tenure relations, which underlie the sector, into fair and therefore lasting order. As the FAO observed following its last global review of forests (2007) the continued absence of attention to land rights remains an obstacle to sustainable conservation and utilisation. For this, the rights of the 1.6 billion rural poor who are more often than not the customary but unrecognised owners of forests must be properly considered. This is not just a matter of justice but of putting the forest economy on a sound and uncontested footing. Only as recognised owners and with the natural rights of owners fairly attended to, will the immense conservation force of rural communities be harnessed. Only as recognised owners will they too, along with national exchequers and big business, have the means to secure and improve their livelihoods. Only as recognised owners will the resentments that often drive degradation dissolve.

There are many examples of shifts to tenure-based forest governance around the

world. In Africa the best-known case is Tanzania. There, nearly five million acres of forest have been added to the protected area network over the last decade in the form of around 1,000 formally declared Village Forest Reserves. Moreover, the rehabilitation, conservation and regulation of these forests are cost-free to the state. The efficiencies of community based forest management have seen an additional nearly four million acres of National Forest Reserves handed over to local communities to manage.

*The issue is first and foremost a legal issue. Changes in law undercut the rights of Hinterland Liberians and changes in law must restore those rights*



The legal stimulus to this development was land legislation in 1999, which finally acknowledged customary land rights as equivalent to rights secured under introduced statutory forms, and thereby due the full force of law as private property, irrespective of whether or not these rights were held by individuals, families or whole communities and irrespective of whether or not they were registered. Uganda had effected a similar constitutional change in

1995. In Tanzania, this repossession of lands was followed in 2002 by a new forest act which empowered every community in the country to secure its communal forest assets in the form of above-mentioned Village Forest Reserves. The law awards them due right to regulate, licence and enter economic partnerships, provided they adhere to laid out principles and practices. Each community devises its own by-laws, which once approved by district councils are bound to be upheld by the courts as the guiding law for that forest. Community forest owners themselves are bound by the commitments they make in those by-laws. While conservation management is well advanced, commercial logging and eco-tourism agreements with the private sector are still evolving. When this takes off, profits gained will be taxable. Such trends are not confined to Africa, but are also emerging in Central and South America, where community based logging, supported by national forestry authorities, is increasingly entrenched.

Such developments, this study explains, go hand in hand with devolutionary good governance reform. In most African States this is being delivered through the evolution of traditional authority into fully-fledged elected community governments (chiefs as ex-officio chairs as necessary in the first stages), each empowered to govern people and resources within its discrete domain, again under the watchful eye of national regulation.

Comparable changes, specifically tailored to local needs, are fully viable in modern day Liberia.

Nevertheless, the forces ranged against such reconstructed resource governance are considerable and especially where timber values are as high as in Liberia and where rent-seeking in one form or another has flourished.

## Honouring land rights and economic growth are compatible

There are unfortunately already signs that issuing new rubber or other concessions over community lands can trigger violence. A main challenge facing the post-conflict administration is to withstand pressure from a cash-poor Treasury and from private business to hurriedly issue concessions over community lands without the procedures and terms being (re)constructed to avoid injustice and conflict. Integral to this is the need to improve the meagre benefit share and decision-making and management powers of customary owners. The founding challenge is to find practical ways to set aside unfounded fears that good governance, resource conservation, economic growth and honouring majority land rights are not compatible.

*No one has yet gone to war over this issue. This is not said lightly, given the role of deprivation of land rights in so many civil wars and conflicts this last century, including in Sudan and in South Africa*



To be specific, the greatest impediment to uptake is fear that the government (and big business) may lose income by treating rural forest-landowners as



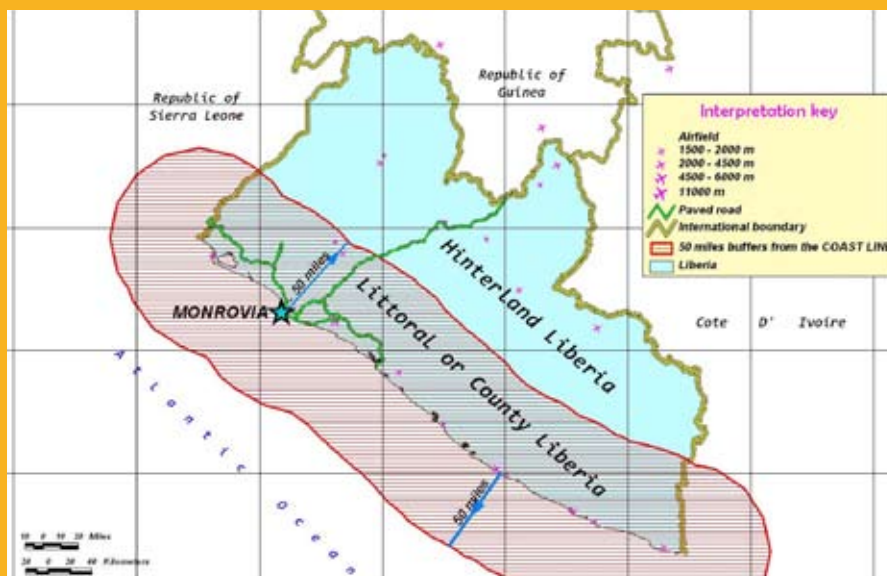
Map 6 – Map of Liberia  
 Showing inter-ethnic groups



Prepared by UNMIL GIS Unit 4 October 2006

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Map 7 – Map showing approximate boundary of two territories of Liberia  
 Up until 1963



Prepared by the geographic information systems and remote sensing laboratory of FDA

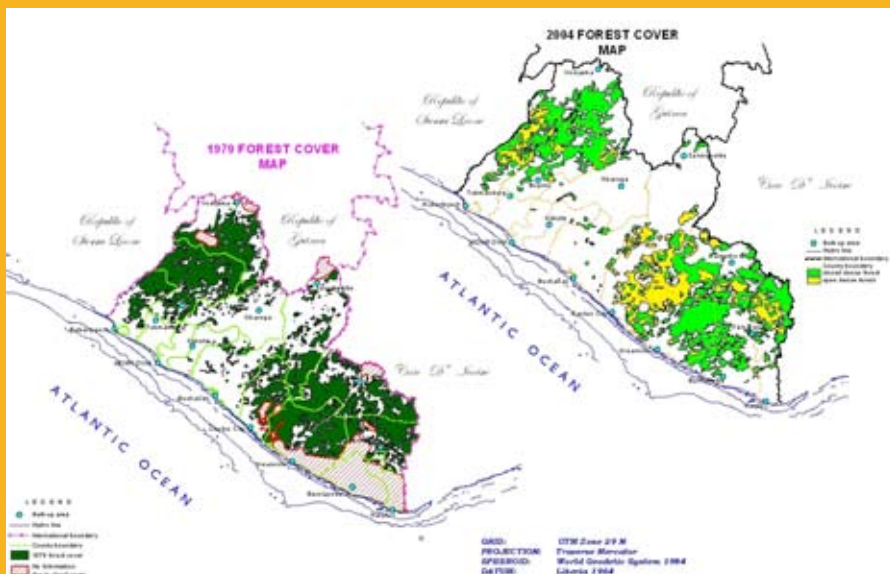


partners in economic development, not end-of-chain beneficiaries. Both will indeed lose part of their (past accustomed) share of profit by the involvement of a third partner, communities, but these losses will be outweighed many times over by the gains to stability in the sector and by the conservation efforts, which communities, by being recognised as forest owners, will provide. There will also be the incalculable benefit of embarking on a path of genuine development matched by growth.

The key instrument for this is clear. Broadly, if it is changes in law which have most diminished the property rights of the rural majority, then it will be the law that restores those rights. Clarification of forest ownership is a pivotal element of this reform, for it is treatment of forestland rights that have most brought the contradictions of people's law and government's law to the fore.

*If law diminished rights  
then new law must restore  
them*

Map 8 – County map of Liberia showing forest cover loss 1979-2004



Prepared by the geographic information systems and remote sensing laboratory of FDA

## **Recognising that most forest is owned by communities**

The most important legal step, the most important legal step that has to be taken by the forestry sector is to rid the new legislation of the dubious distinction of separating natural trees from the land they grow on and allow the sector to begin working with land owners (titled and untitled) not against them. Reconstruction of procedures to reflect the fact that the forest resource, not just forestland, is already privately owned on a customary basis by communities follows, so giving clarity to the constitutional rights of forest owners. This includes respecting their right to decide if logging should or should not take place on their lands and to be party to agreements from the outset. It includes enabling communities to enter into agreements themselves for the use of their forests, under the regulatory eye of the authority. 'Social contracts' between loggers and communities designed to buy local cooperation will thereby give way to more mature contractual agreements in which communities themselves are the principal partners. The terms of these agreements, guided by regulation and the facilitation services of the FDA, will of necessity cover not just how the concessionaire and salvage contractees will operate, where and with what limitations and duties, but the mechanisms through which the ground rent and other shares of revenue will be delivered to the community resource owner. Income tax and other fees may be withheld at source.

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Related, natural resource legislation needs to provide for the designation of protected areas as a management classification of forests, irrespective of their ownership. In the first instance this would remove the need to de-gazette eleven National Forests which were proclaimed as national property in 1960 without evidence that customary ownership (even as registered in fee simple Aborigines Deeds) was properly dealt with through compensation payments as constitutionally required. In the second instance, it would allow very large areas of forests to be brought under formalised community protection. In this manner Communal Forests would become the major class of forest reserve and within which commercial or conservation developments take place. Current forest law (2006) relegates Community Forests to small forest patches adjacent to settlements.

## **Providing clear and accessible forms for registering collective ownership**

Within the property sector, restitution of the 'right and title' of customary owners to their respective collectively owned land areas needs to be made explicit in law. This should be in terms which unambiguously recognises private property

rights, to be upheld by the courts to the same degree as other private rights, registered or not yet registered, and subject to full compensation in the event of compulsory acquisition for genuine public purposes. Procedures for securing the consent of communities for alienating their lands need revisiting.

A new tenure arrangement more suited to customary property norms is also required. This is less critical for the basic entitlement of the community as landowner than to cater to the needs of individuals and families seeking greater security of tenure over respective parcels within the community property (such as for farms and houses). Under the current system, their establishment of title alienates these parcels entirely from community ownership and jurisdiction; this allows elites to fail to use the land for the purpose claimed and opens the way to land hoarding

*The choice is not between meeting social rights or serving the needs of investment and growth, but in the restructuring of resource tenure and governance to allow the two to serve each other*

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and speculation. A customary leasehold of varying duration and conditions, drawn from a founding collective customary deed of ownership, would be more appropriate. Several African States have developed forms in recent years which fulfil such requirements, and these deserve scrutiny for their usefulness to Liberia.

*There is no basis in the constitution or property law to render forest resources the property of the state*

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Another change will be to reconstruct land classes. Tribal land is best conceived as community land and distinct from public land, itself necessarily defined as national property acquired for genuinely public purposes (schools, roads, service centres, etc.). Amendments to the Public Lands Law, still fashioned around the needs of immigrants in the mid 19th century, need to follow.

## **Catching up with justice and the demands of the people**

Rural Liberians should also be supported in attempts to formalise their collective ownership. While systematic titling rightly raises alarm given its poor record across the continent, the conditions and demands in Liberia suggest there could be a different outcome. The number of parcels referred to in the first instance is few; areas administratively designated as clan areas number fewer than 1,000



photo Jola Lead Riesco



photo Jola Lead Riesco

collective estates. Boundaries are often rivers and streams. As a UNDP funded exercise demonstrated in 2006, the boundaries of all 73 clan areas in its pilot county were identified and mapped together with community leaders in a matter of a few weeks. Should villages (towns) within these clan areas be the target, these too are comparatively few in registration terms at around 11,000. Communities need to be free to choose at which level it is most viable for them to secure formal entitlement. This is pertinent, as administrative designation of community land areas tends to vary, some defined as towns, others as clan areas or chiefdoms.

*Communities are already taking the basic steps needed to secure their founding collective property rights. The government needs to catch up*



Demand for collective entitlement is extremely high, following years of war, displacement and the considerable efforts of communities to re-establish themselves and confirm their respective land areas. In the meantime the population has grown. In some cases larger settlements are subdividing into two or more settlements, at which point establishment of boundaries becomes important. Enclosure behaviour is everywhere visible; many communities seeking to protect their declining resources from encroachment by neighbouring commu-



photo Tommy Garnett

nities, 'notables,' and in forested counties by the Liberian State, with worries that the FDA will again ignore the fact that the forested areas of their territories belong to the communities. There is already a considerable level of dispute over boundaries, though this is mostly constructive in that the results are agreed by both parties and in the form of more clearly specified boundaries among communities. Applications for collective entitlement to county land commissioners abound. While new land laws should establish that customary rights are protected without formal registration, Liberian communities are all too painfully aware that they need the double insurance of probated deeds documenting such moves. As a senior official has observed, the demand and readiness for formal registration of community land areas is such that it is in this instance the government that needs to catch up with the people and to revise its 1970s commitment to sub-division and individualisation of tenure where this is not applicable – such as relating to forests, not well-suited to such subdivision.

### **Integrating land and forest reform with local governance reform**

There are also good governance reasons why the current flurry of boundary agreements should not be discouraged; 'community land areas' are a vibrant governance norm. Traditionally chiefs are already 'elected' by their people and these arrangements may be readily developed into more inclusively democratic and empowering community governments. Liberian communities already

regulate not just their social lives but their internal land use and tenure relations. The evolution of this into more specific legal powers and duties is logical and overdue. Legislation and various programmes may readily guide the formation of community councils with a clear strategic vision as to their formal rights and responsibilities including primary authority over their land and other natural resources. Experiences in Africa abound in how this may be practically achieved.

*One effect of recent changes is that collective identity and the desire for action are strengthening, not declining. This is typical of customary regimes today where naturally collective resources like forests or pastures are a central asset of the community*



Such steps would lead to advances in good governance among rural people and of their resources. They also offer the

promise of turning a fraught state-people relationship into a working partnership. National revenue losses will be minimal, although the mechanisms through which these are obtained will alter significantly.

## **Drafting the community rights law with a holistic reform vision in view**

A complete overhaul of land law will be needed sooner rather than later - a task already beginning under the guidance of the Governance Reform Commission. This will necessarily make the status of customary land interests a focus of rural reforms. In the short term, the proposed community rights law will be able to lead the way and should be structured to do so. Its amending effects should extend well beyond the new forestry law into standing legislation affecting Hinterland local government and particularly the existing Public Lands Law and Property Law. Precise suggestions for content and overall strategy are made in the full report.



*photo Iola Leal Riesco*

Map 9 – Overlay of 2002 concession areas on the forest cover



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Map 10 – Protected area network of Liberia  
Up until 1963



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