

LAND RIGHTS ACT



REPUBLIC OF LIBERIA

Date: July 3, 2014

Arrangement of Sections:

Preamble	1
PART I: PRELIMINARIES	1
CHAPTER 1: GENERAL PROVISIONS:	1
Article 1: Title	1
Article 2: Definitions:	1
Article 3: Purpose:	5
Article 4: Scope.....	5
CHAPTER 2: OWNERSHIP AND OTHER RIGHTS IN LAND	6
Article 5: Nature of Land Ownership	6
Article 6: Rights in Lands other than Ownership.....	6
Article 7: Categories of Land Ownership	6
Article 8: Eligibility to Own Land or Rights in Land	7
CHAPTER 3: PROOF, PROTECTION, REGISTRATION AND REGULATION.....	7
Article 9: Proof of Ownership or Rights in Land.....	7
Article 10: Protection of Rights in Land.....	8
Article 11: Registration of Rights in Land.....	8
Article 12: Regulation of Land Use	9
PART TWO: PRIVATE OWNERSHIP OF LAND.....	9
CHAPTER 4 OWNERSHIP OF LAND.....	9
Article 13: Nature of Private Ownership	9
Article 14: Purpose of Private ownership	9
Article 15: Eligibility to Own Private Land.....	10
Article 16: Obligations of Private Ownership.....	10
CHAPTER 5: ACQUISITION OF PRIVATE LAND.....	10
Article 17: How Private Land May Be Acquired.....	10
Article 18: Acquisition of Private Land by Purchase.....	10
Article 19: Acquisition by Purchase from Owner of a Private Land	11
Article 20: Acquisition by Purchase from the State.....	11
Article 21: Acquisition by Purchase from a Community	11
Article 22: Acquisition of a Private Land by Adverse Possession.....	11
CHAPTER 6: EXTINCTION OF PRIVATE OWNERSHIP	12
Article 23: Termination of Private Ownership.....	13
Article 24: Extinction of Ownership by Abandonment	13

Article 25: Failures of Heirs.....	13
Article 26: Loss of Citizenship	14
Article 27: Eminent Domain	14
Chapter7: CO-OWNERSHIP OF PRIVATE LAND.....	14
Article 28: Nature of Co-Ownership.....	14
Article 29: Tenants in Common.....	14
Article 30: Joint Tenants	15
Article 31: Tenancy by the Entirety	16
PART THREE: CUSTOMARY LAND	16
CHAPTER 8. Acquisition and Nature of Customary Land	16
Article 32-Identification of Customary Lands	16
Article 33- Nature and Extent of Community Ownership of Lands	17
Chapter 9: Identification and Organization of Land-Owning Community	18
Article 34-Identification of Land-Owning Community	18
Article 35-Organization of Land-Owning Community.....	18
Article 36-Governance and Management	19
Chapter 10: Demarcation and Categories of Customary Lands	21
Article 37-Demarcation of Customary Land.....	21
Article 38- Categories of Customary Lands.....	23
Article 39- Residential Area	23
Article 40- Agricultural Area.....	24
Article 41- Cultural Shrines and/or Heritage Sites	24
Article 42- Protected Land in a Customary Land	24
Article 43- Forest Lands	25
Article 44- Commercial Areas	25
Article 45- Industrial/Mining Areas.....	25
Chapter 11: Deeded Lands and Documented Rights in Customary Land	25
Article 46- Deeded Private Land within a Customary Land.....	25
Article 47- Tribal Certificate Lands within a Customary Land	26
Article 48- Concession Area within a Customary Land	26
Chapter 12: Sale, Lease and Other Transfers of Customary Lands	27
Article 49- General Provisions Pertaining to Sale and Transfer of Customary Land	27
Article 50- Adverse Possession and Condemnation of Customary Land	28
Article 51- Extinction of Customary Land.....	28

PART FOUR: GOVERNMENT LAND AND PUBLIC LAND.....	28
Chapter 13- Acquisition, Sale and Extinction of Government Land and Public Land	28
Article 52- Classification and Inventory of Government land and Public Land.....	28
Article 53-Acquisition of Government Land	29
Article 54-Acquisition of Government Land by Eminent Domain.....	30
Article 55-Sale and Transfer of Government Land.....	31
Article 56-Acquisition of Public Land.....	32
Article 57-Sale and Transfer of Public Land	32
Article 58-Extinction of Government and Public Land	32
Article 59-Adverse Possession of Government Land and Public land	32
PART FIVE: MATTERS COMMON TO ALL CATEGORIES OF LAND RIGHTS	33
Chapter 14: Protected Areas	33
Article 60-Nature and conditions pertaining to Protected Area.....	33
Chapter 15: LEASES	33
Article 61-Nature, Creation and Extinction of Leases	33
Chapter 16: EASEMENTS	34
Article 62- Creation of Easement.....	34
Article 63- Easement Created by Express Conveyance	35
Article 64- Easement Created by Implication from Pre-existing use.....	35
Article 65- Easement Created by Necessity.....	35
Article 66- Easement Created by Prescription	36
Article 67- Termination of Easements	36
Chapter 17: LICENSES	36
Article 68-Nature, Creation and Extinction of Licenses	36
Chapter 18: MORTGAGES	37
Article 69-Nature, Creation and Extinction of Mortgages.....	37
PART SIX: OTHER MATTERS	37
Chapter 19: Transitional Provisions; Repeals and Effective Date	37
Article 70-Transitional Provisions	37
Article 71-Amendments and Repeal of Inconsistent Laws	38
Article 72-Effective Date	38

Preamble

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

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

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

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

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

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

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

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

PART I: PRELIMINARIES

CHAPTER 1: GENERAL PROVISIONS:

Article 1: Title

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

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

Article 2: Definitions:

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

- 1. Abandonment:** It is the intentional, voluntary relinquishment of all interests and/or rights in a definite or identifiable piece of Private Land. Abandonment may be either (a) expressed or (b) presumed from a failure to (i) occupy or use the land for a continuous period of ten (10) years; and (ii) pay all taxes assessed on the land for a continuous period

of ten (10) years; provided that abandonment may not be presumed from failure of occupancy or used caused or traceable to duress or force majeure.

2. **Act**: Means this Land Rights Act, including any amendment thereto.
3. **Adverse Possession**: Means the acquisition of title to a piece of Private Land based on proved continuous, uninterrupted possession of said land without recognition by the claimant by adverse possession of any opposing claim of right and for the period established in Article (22) of this Act.
4. **Alternative Dispute Resolution Body**: Means any entity, whether a private or government entity, the purpose of which is to resolve, or facilitate the resolution of, disputes outside of court.
5. **Alternative Dispute Resolution Mechanism**: Means any process adopted or used to resolve, or facilitate the resolution of, disputes outside of court.
6. **Commission**: means the Land Commission of Liberia or its successor
7. **Community**: A self-identifying coherent social group or groups comprising people of all ages, gender, beliefs, and other backgrounds who share common customs and traditions and reside in a particular land area over which members exercise jurisdiction communally by agreement, custom or law and manage their land in accordance with customary practices and norms. A community may thus define itself to be a single village, town, clan, or chiefdom, or a group of villages or towns or clans.
8. **Community Land**: Means Customary Land owned by a particular Community.
9. **Community Member**: Means a Liberian citizen irrespective of age, gender, belief or religious backgrounds who is (i) a Resident of the community; or (ii) a descendant of the Community and has satisfied all the requirements established by Residents for being member of the Community.
10. **Community Membership**: Means the collectivity of all Community Members.
11. **Community Rights Law of Liberia**: Means the statute enacted by the Government in 2009 with respect to forest lands.
12. **Community Rights Law Regulations**: Means the Regulations to the Community Forest Law with Respect to Forest Lands, which are the set of guidelines and rules promulgated pursuant to the Community Rights Law of 2009 and which regulate the creation, administration and proper use of community forests in Liberia for long term growth.
13. **Concession**: The grant of an interest in a public asset including Government Land and Public Land (and on Customary land, prior to the Effective Date of this Act) by the Government or its agency to a private person or entity for a specified period during which the asset may be operated, managed, used, utilized or improved by the person or entity who pays defined consideration(s) to the Government and under such other conditions as provided in a written agreement. A Concession granted on any Customary Land prior to

the Effective Date of this Act does not make the Land Government Land, but the Land remains owned by the Community and reverts automatically to the Community upon the expiration of the specified term of the Concession.

14. **Confirmatory Survey:** Means a land survey to be conducted, using the Global Positioning System (GPS) or comparable technology to determine the size, location, boundaries and other particulars of Customary Lands and to produce the coordinates and maps of each Customary Land.
15. **Customary Land:** Means the land owned by a Community and used or managed in accordance with customary practices and norms, and which include, but is not limited to wetlands, communal forestlands, and fallow lands.
16. **Deed:** Means a document which contains the size and location of a piece of land and by which ownership of the land described therein is transferred from the current owner to another person.
17. **Easement:** is the non-possessory right to enter and use the land in the possession of another and obligating the possessor not to interfere with the use(s) authorized thereby.
18. **Effective Date:** The date on which this Act is published into handbills.
19. **Equal Benefits:** Means the fair share by all Residents and/or members of a Community relative to the proceeds from use, lease or transfer of Customary Land or a fair share by all Liberians of the proceeds from the use, lease and/or sale Government Land or Public Land.
20. **Eminent Domain:** Means the authority and power of the Government to take any Private Land or Customary Land for any public purposes upon complying with procedural and substantive due process requirements as established in the Constitution of Liberia, and the provisions of Article 54 of this Act as well as other applicable Liberian laws.
21. **Fee Simple:** Means an ownership of Private Land and Residential Area that endures until the current owner dies without any heirs, and which is alienable, inheritable and can be devised.
22. **Equal Protection:** Means (i) in respect of persons, the rights of all persons to enjoy and exercise all the freedoms and rights established by the Constitution of Liberia, this Act and other Liberian laws, irrespective of age, ethnic background, race, sex, creed, and place of origin or political opinion; and (ii) in respect of land, ensuring that Customary Land is given protection equal to Private Land.
23. **Good Faith:** Means honesty in fact and the observance of all reasonable requirements and standards in matters concerning land ownership, lease, use and transfer.
24. **Government:** Means the Government of the Republic of Liberia.
25. **Government Agency/Entity:** Means an agency of the Government or an entity that is owned, managed, or controlled by the State, including all branches of Government, or by

persons in their capacity as government employees, including parastatal bodies. A government entity is the representative or agent of the State or Republic of Liberia.

26. **Government Land**: Means the land owned by the Government and used for the buildings, projects, or activities of the Government, including, but not limited to, lands on which are located: the offices of ministries, agencies, and parastatal bodies; military bases; roads; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; and airports.
27. **GPS**: Means Global Positioning System, which is a space-based satellite navigation system that provides locations along with maps of any place on earth.
28. **Joint Ownership**: Means co-ownership or concurrent ownership of Private Land by two or more persons.
29. **Land**: Means the unmovable portion of the earth's surface which generally consists of the soil and any space above the soil that is needed for the construction and/or use of any building inclusive of attachments by the possessor or occupier of the land.
30. **Land Administration**: Means the process of determining, recording and publishing information about the ownership, value and use of land and its associated resources, and the updating of the data bases of such information.
31. **Land Management**: Means decision making regarding the use of land and regulation of the use of land by others, including land use planning, zoning and integrate planning of the coordinated use of land and other natural resources.
32. **Lease**: Means to grant to a person or group of persons the right to possession and use of the land of another in return for rent or other consideration.
33. **Mineral Resources**: Means all non-living, natural non-renewable resources, including, but not limited to: fossil fuels such as coal, petroleum, and natural gas; diamonds; gold; iron ore; cobalt; lead; manganese; nickel; tin; dolerite; granite; limonite; phosphate rock; rutile; and sulfur.
34. **Mortgage**: Means an encumbrance created on a defined or definite piece of Land or an interest therein to secure the performance of an obligation.
35. **Natural Resources**: Means all living or nonliving natural renewable resources, including, but not limited to water, soil, trees, plants, animals, and microorganisms.
36. **Owner**: Means one who has the right to possess, use, lease, sell and transfer Land.
37. **Ownership**: Means the sum total of rights allowing one to possess, use and enjoy Land, including the right to lease, mortgage and sell Land.
38. **Parastatal Body**: Means a legal entity owned, managed, or controlled by the Government and created to undertake commercial activities on behalf of the Government.

39. **Person**: Means an individual, partnership, joint venture, association, corporation, cooperative, trust, estate, estate, unincorporated entity, Parastatal Body, Governmental agency or any public authority.
40. **Private Entity**: Means a sole proprietorship, a partnership, a business corporation or a not-for-profit organization that is owned by one or more individuals or a community.
41. **Private Land**: Means the Land which is owned or otherwise held by private persons under the provisions of this Act and other applicable laws of Liberia.
42. **Public Land**: means the land acquired by the Government through purchase, escheat, confiscation, gift or otherwise, which is not presently used by the Government for its facilities and operations and is also neither Private Land nor Customary Land.
43. **Resident**: Means a citizen of Liberia who maintains his or her primary residence within the self-defined boundary of the Customary Land area and engages in some form of livelihood activities in the community.
44. **Residential Area**: Means the portion of a Customary Land on which a Resident of a Community has his or her dwelling and carries on personal livelihood activities.
45. **Tribal Certificate**: Means any legal document signed before the Effective Date of this Act by the Tribal Authority and issued by the County Land Commissioner under the 1956 and 1973 Public Lands Laws, certifying the consent of the community to the sale or transfer of land.

Article 3: Purpose:

1. The purpose of this Act is:
- a) To define and delineate the different categories of land ownership and rights recognized in Liberia;
 - b) To prescribe the means by which each of the categories of land may be acquired, used, transferred and otherwise managed;
 - c) To ensure that all communities, families, individuals and legal entities enjoy secure land rights free of fear that their land will be taken from them, except in accordance with due process of law; and
 - d) To confirm, declare and ensure equal access and equal protection with respect to land ownership, use and management, including ensuring that Customary Land is given protection equal to Private Land and that land ownership is permitted for all Liberians regardless of their identity, whether based on custom, ethnicity, tribe, language, gender or otherwise.

Article 4: Scope

1. This Act applies to and covers the following:

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

CHAPTER 2: OWNERSHIP AND OTHER RIGHTS IN LAND

Article 5: Nature of Land Ownership

- 1: Subject to Section (2) of this Article (5), Land ownership shall consist of a bundle of rights that include:
 - A. The right to possess;
 - B. The right to use;
 - C. The right to exclude; and
 - D. The right to transfer by sale, devise, gift or otherwise.
2. The (i) absence of the right to transfer singly or jointly by sale, devise, gift or otherwise or (ii) a restriction on the exercise of any of the rights listed in Subsection 5.1 above does not defeat or negate a person's ownership of the land.
3. Ownership of land does not extend to Mineral Resources on the land and beneath it.
4. Land ownership may be held singly or jointly by individuals, or collectively by a community as a communal property or the Government as public assets.

Article 6: Rights in Lands other than Ownership

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

Article 7: Categories of Land Ownership

1. Every piece of land shall be classified as, and held under, one of four (4) distinct categories of land ownership in Liberia, as enumerated in Section (2) of this Article (7).

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

Article 8: Eligibility to Own Land or Rights in Land

1. In keeping with the provisions of the Constitution of Liberia, ownership of land shall be limited to Liberian citizens, non-citizen missionary, educational and other benevolent institutions.
2. A sole proprietorship or a partnership organized under Liberian law and the ownership of which is entirely Liberian shall be eligible to acquire ownership of, and hold title to, land in Liberia.
3. A Liberian business corporation or other business entity other than a sole proprietorship or partnership shall not be eligible to own land.
4. For purposes of the restriction on land ownership as established in Section (3) of this Article 8, any lands owned by a Liberian business corporation or any other business entity other than a sole proprietorship or partnership are required to be transferred to natural persons or other eligible business entities within twelve (12) months as of the Effective Date of this Act, failing which such lands shall escheat to the Republic of Liberia. A corporation which transfers land under this Section may lawfully provide in the agreement or instrument of transfer for a lease of the land so transferred for a term of up to fifty (50) years with an option to renew.
5. All persons, irrespective of nationalities or place of domicile or residence, shall be eligible to acquire, hold and enjoy rights in land other than ownership, including but not limited to the right of possession and or use pursuant to a concession, lease or otherwise.

CHAPTER 3: PROOF, PROTECTION, REGISTRATION AND REGULATION

Article 9: Proof of Ownership or Rights in Land

1. The proof of ownership of a Private Land shall at all times be by way of a deed that (i) is duly probated and registered in keeping with the law controlling, and (ii) shows a proper chain of title from the original owner of the land.

2. The proof of any Government Land shall consist of demonstrated existence on the land of government buildings, projects, or activities including but not limited to offices of ministries, agencies and branches of the Government, military bases, public schools and public universities, public hospitals, Libraries, museums, and public airports for any period prior to the adoption of the Land Rights Policy of Liberia.
3. The proof of any Public Land shall consist of competent evidence of its acquisition by the Government through purchase, escheat, confiscation gift or otherwise and the fact that it is not presently used for the present activities and/or operations of the Government and is neither a Private Land nor a Customary Land.
4. The proof of ownership of any Customary Land shall consist of any competent evidence including oral testimony showing a verifiable longstanding relationship and/or ties that the community claiming ownership of the particular Customary Land has had to the land, but under no circumstances shall the ownership of a particular piece of Customary Land be denied merely because of a failure to produce documentary evidence of title. The necessary proof required by this Section is only in respect of the claim of the particular community asserting ownership of the specific piece of Customary Land at the exclusion of all other communities.
5. Where proof of ownership of any land other than Customary Land is by a deed, the required chain of title shall be traced to some written consent duly given by the owners of the Customary Land from which the land being proven originated; provided that this subsection shall not be construed to invalidate any public land sale deed duly issued by the Republic of Liberia prior to the Effective Date of this Act.

Article 10: Protection of Rights in Land

1. All interests and rights in land, irrespective of the identity of ownership or the nature of ownership, constitute property entitled to the protection provided by the Constitution of Liberia for all property rights.
2. The Government has the sovereign authority and responsibility to protect and enforce protection of all interests and rights in Lands.

Article 11: Registration of Rights in Land

1. Except as provided in Sections (2) and (3) below, no title to or interest in land shall be enforceable unless in writing and duly registered with the appropriate agency(ies) of the Government.
2. The Ownership of Customary Land is by its nature based on unwritten customary norms and practices and is therefore not registered or required to be registered.
3. The existence, validity and/or enforceability of the ownership of Customary Land shall not be affected because of the lack of title document or prior registration as long as there is evidence including oral testimony of the existence of the required longstanding relationship and/or ties between the Community claiming the Customary Land and the particular land in question.

4. Within thirty-six (36) months as of the Effective Date of this Act, the Government working with communities shall commence the conduct of a confirmatory survey of the entire Customary Land in Liberia for the purpose of determining the size and boundaries of the Customary Land of each Community. The report of the Confirmatory Survey to include the precise coordinates and maps of each Customary Land shall, upon validation, be promptly probated and registered with the appropriate agency(ies) of the Government and, to the extent necessary, shall as of the date of registration be used to satisfy the general registration requirement of this Article, especially in subsequent cases of boundary dispute(s) between one Community and another community or a private person or government entity.
5. Notwithstanding the role of the Government in the conduct of the confirmatory survey provided for in this Article and Article 37 of this Act, two or more communities may, as a result of a proper survey conducted with GPS or other comparable technology or lawful process(es), agree the boundaries of their respective Customary Lands and thereupon execute a Stipulation of Boundaries. A Stipulation of Boundaries including GPS coordinates and maps of the Customary Lands concerned shall, upon being duly probated and registered, be enforced as any other deed or written instrument evidencing interest in land.

Article 12: Regulation of Land Use

The right to own and/or use land is not absolute, but is subject to reasonable regulations.

PART TWO: PRIVATE OWNERSHIP OF LAND

CHAPTER 4 OWNERSHIP OF LAND

Article 13: Nature of Private Ownership

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

Article 14: Purpose of Private ownership

The acquisition of a Private Land may be for any lawful purpose, including personal use as a residence, agricultural or commercial use, and industrial purposes.

Article 15: Eligibility to Own Private Land

1. Private Land may be acquired, held or owned by
 - a) Natural persons who are citizens of Liberia;
 - b) Sole proprietorships and partnerships owned entirely by Liberian citizens;
 - c) Diplomatic Missions; and
 - d) Non-Citizen missionary, educational or other benevolent institutions;
2. Land privately held by a diplomatic mission, non-citizen missionary, educational or other benevolent institution shall escheat to the Government of Liberia upon cessation of diplomatic relations or when the land is no longer used for the charitable purpose of the education institutions, missionary and other benevolent institution.

Article 16: Obligations of Private Ownership

Every owner of a Private Land is obliged to:

- a. Register his or her ownership of the land with the relevant agency of the Government and to maintain up-to-date records of such ownership and registration;
- b. Pay taxes on the land in keeping with the Revenue Code of Liberia;
- c. Comply with land use planning regulation(s), as are existing or may be promulgated from time to time;
- d. Avoid sale or any conveyance of the land to non-eligible person; and
- e. Use the land for only lawful purposes.

CHAPTER 5: ACQUISITION OF PRIVATE LAND

Article 17: How Private Land May Be Acquired

- 1) A Private Land may be acquired through **purchase, donation, intestacy, gift, will or Adverse Possession**; provided that in all cases a valid acquisition of a Private Land may be only by persons qualified to hold Private Land in keeping with Article (15) of this Act.
- 2) Acquisition of Private Land by purchase may be done through privately negotiated sale or at public sale done by auction.
- 3) A judicial sale done upon foreclosure of a Mortgaged property is a public sale for purposes of this Act.

Article 18: Acquisition of Private Land by Purchase

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

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

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

1. A Private Land may be acquired by purchase from a Private Land owner(s) or the owner's estate for any consideration and at any time.
2. A purchase from a Private Land owner shall not be valid and enforceable, unless:
 - a. the sale was made following publication or posting of notice(s) of the proposed sale in conspicuous places in the community where the land is located;
 - b. the Seller produces, and the Buyer obtains and retains, documentary confirmation of the seller's ownership of the subject land; and
 - c. the transfer deed from the Seller to the buyer is duly probated and registered in keeping with laws of Liberia.

Article 20: Acquisition by Purchase from the State

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

Article 21: Acquisition by Purchase from a Community

1. Private Land may be acquired by grant of a defined portion of a Customary Land to a Resident as a Residential Area; provided that the total area of Customary Land which may be acquired by or granted to a Resident shall not exceed one (1) acre.
2. Except as provided in Section (1) above, no Person shall purchase and/or hold as Private Land any portion of Customary Land after ninety-nine (99) years as of the Effective Date of this Act.
3. The Purchase of Customary Land for use as a Private Land shall be upon complying with the provisions of this Act and any regulations promulgated by the Commission to govern the sale of Customary Land.

Article 22: Acquisition of a Private Land by Adverse Possession

1. A person acquires a Private Land by Adverse Possession where (i) he or she moves on the said piece of Private Land under any asserted claim of right and remains in

possession for a continuous period of twenty (20) or more years; or (ii) where he or she moves on the said piece of Private Land under a color of title and remains in possession of the land for a continuous, uninterrupted period of ten (10) years.

2. For purposes of adverse possession, a “claim of right” shall mean any asserted ownership of Private Land whether supported by a document of title or not, while a “color of title” shall mean any claim of ownership of Private Land founded on a written instrument such as a deed, a will or a judgment that is for some reason defective or invalid.
3. To constitute adverse possession, one claiming a piece of Private land under a color of title is deemed to have been in possession of the subject land by proof of regular payment of taxes along with any of the following:
 - i. where the land has been usually cultivated or verifiably improved by the claimant;
 - ii. where the land has been protected by a fence or some substantial enclosure; and
 - iii. where the land, although not enclosed, has been used by the claimant for the ordinary need or use of the claimant.
4. Where a land has been partly cultivated or improved by a person claiming under a color of title, the portion of the land not cleared, cultivated or improved is deemed to have been actually occupied or possessed for the same length of time as the portion cultivated or improved if it is not customary for owners to cultivate all their land.
5. To constitute adverse possession, one claiming piece of Private Land under a claim of right is deemed to have been in actual possession of the subject land by proof of regular payment of taxes along with any of the following:
 - i. where the land has been usually cultivated or verifiably improved by the claimant; and
 - ii. where the land has been protected by a fence or some substantial enclosure by the claimant.
6. A defendant in an action to recover real property may assert ownership to the property under a claim of right alternative to or independent of a color of right, and such plead shall not be considered inconsistent under any rule of pleading or evidence.
7. For purpose of computing the period required under this Article 22, the period of possession of a person’s predecessor-in-estate shall be considered or included in the period of possession of the current possessor.
8. Adverse Possession is inapplicable to Customary Land, Government Land, or Public Land, and no Person may claim any Customary Land, Government Land or Public land by Adverse Possession.

CHAPTER 6: EXTINCTION OF PRIVATE OWNERSHIP

Article 23: Termination of Private Ownership

A private ownership of a land shall continue in perpetuity unless terminated by reason of:

- a. Abandonment;
- b. Failure of heirs;
- c. Loss of citizenship; or
- d. The exercise of eminent domain by the Government upon complying with the requirements of the Constitution and Article 54 of this Act.

Article 24: Extinction of Ownership by Abandonment

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

Article 25: Failures of Heirs

A privately owned land will escheat to the Government in the event that the owners dies intestate without any heirs.

Article 26: Loss of Citizenship

1. In keeping with the Provisions of Article 24 (b) of the Constitution of Liberia, a Private Land shall escheat to the Government where (i) its owner has become ineligible to own land because of the cancellation of his or her certificate of naturalization, and (ii) the owner presently has no heir(s) that are Liberian citizens.
2. In every case where the ownership of a Private Land is terminated by reason of loss of citizenship by a naturalized Liberian, the person losing the ownership or his/her estate shall be entitled to a lease of the land OR prompt and just compensation for the value of the Land and any improvements thereon.
3. The ownership of a Private Land and/or the rights attendant to such ownership shall not be affected or extinguished on ground of loss of citizenship unless as result a judicial hearing that complies with the Civil Procedure Law and consistent with due process of law.

Article 27: Eminent Domain

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

CHAPTER 7: CO-OWNERSHIP OF PRIVATE LAND

Article 28: Nature of Co-Ownership

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

Article 29: Tenants in Common

1. Any piece of Private Land acquired by or devised to two or more persons jointly and under the same instrument creates a tenancy in common whereby the co-owners become tenants in common.

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

Article 30: Joint Tenants

1. A Joint interest in land, otherwise called a Joint Tenancy, is one owned by two or more person in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself and other(s), or from tenants in common or joint tenants to themselves or any of them and other(s) when explicitly stated in the transfer to be a joint tenancy, or when granted to executors or trustees as joint tenants.
2. Each Joint Tenant is deemed to own the undivided whole of the land, and when one joint tenant dies, the surviving tenant (s) have a right of survivorship since she (they) always also had the undivided whole of the land even during the lifetime of the deceased joint tenant.
3. A court of competent jurisdiction may, upon proper application made, partition in kind or by sale a property held under a joint tenancy in the same manner and for the same reasons as stated in subsections Five (5) and Six (6) of Article 29 of this Act.

4. A joint tenancy may be severed and its attendant right of survivorship destroyed by any of the following: (i) death of one of two joint tenants; (ii) mutual agreement of the joint tenants; (iii) voluntary conveyance by gift or sale by one or more of the joint tenants; (iv) by partition proceedings or decree of partition; or (v) by foreclosure, and not execution, of a mortgage granted over the interest of a joint tenant.

Article 31: Tenancy by the Entirety

1. A tenancy by the entirety arises when a joint tenancy is created in two or more persons living together as husband and wife.
2. The right of survivorship exists in a tenancy by the entirety such that upon the death of one partner the other takes the entire land free of the participation of the heirs of the deceased partner. No tenant in a tenancy by the entirety may defeat the right of survivorship of the other tenant by conveyance, partition or testamentary disposition.
3. A tenancy by the entirety may be destroyed by divorce or by voluntary agreement of the couple.

PART THREE: CUSTOMARY LAND

CHAPTER 8: ACQUISITION AND NATURE OF CUSTOMARY LAND

Article 32: Identification of Customary Lands

1. Customary Land is acquired and owned by a Community in accordance with customary practices and norms based on long period of occupancy and/or use.
2. The existence and ownership of Customary Land shall become enforceable as of the Effective Date of this Act.
3. The acquisition and/or ownership of a particular Customary Land by a specific community is established by one or more of the following:
 - i. That the Customary Land, prior to the Effective Date of this Act, was deeded to the Community;
 - ii. The land is considered to be Customary Land by common and long-standing understanding among members of the Community, and includes land that has been used and/or possessed exclusively or continuously by the Community or some of its members for socio-cultural and economic purposes over a period spanning fifty (50) or more years, as established by oral testimonies of communities and their neighbors, and/or by landscape-based customary evidence; and
 - iii. The use or claim of use/possession of the land by the community through historical activities and ties is (i) acknowledged by some or all neighboring communities and/or (ii) recognized by rules of customary practice, as established

by oral testimonies of communities and their neighbors, and/or by landscape-based customary evidence.

4. All deeds granted, prior to the Effective Date of this Act, in the name of some individuals described in their official or representative capacities by use of words such as “the Elders of” or “the People of” shall be deemed to have conveyed a Customary Land.
5. Save for Customary Land granted by aborigine deed or any other written documentation prior to the Effective Date of this Act, ownership of Customary Land is not acquired from any person or government, but arises by operation of law based on the proven longstanding relationship of possession and protection between the individual community and the subject land. No documentary evidence other than oral testimonies of Community Members and members of neighboring communities is necessary to identify or establish a community’s ownership of a Customary Land.

Article 33: Nature and Extent of Community Ownership of Lands

1. A community’s ownership of a Customary Land is and shall be in the nature of a communal property.
2. The ownership of Customary Land consists of a bundle of land rights, which include:
 - i. The rights to exclude all others;
 - ii. The right to possess and use the land along with all non-mineral resources thereon;
 - iii. The right to manage and improve the land including planting crops, harvesting forest products, etc., directly or through third parties by way of management contracts or similar agreements/arrangements; and
 - iv. The right to transfer some of the land or the use and possession thereof through lease or other lawful means consistent with the provisions of this Act and any regulations promulgated hereunder.
3. A community’s ownership of Customary Land includes ownership and right to use and alienate, by any means, all non-mineral natural resources on the land such as forest resources, carbon credits, and water. The ownership of Customary Land does not include any mineral resources on or beneath the land which, in keeping with the Constitution of Liberia, remain the property of the entire nation held in trust by the Government.
4. Without prejudice to the provisions of Subsection 3 of this Article 33, all concessions, contracts, permits and other documented licenses executed by the Government in favor of any person and on Customary Land prior to the Effective Date of this Act shall remain valid and enforceable in keeping with their existing terms and condition, provided that the Community which owns the Customary Land on which the Concessions exists shall, as of the Effective Date of this Act, have the right to and be entitled to participate as owner of the Concessions Area in every scheduled review of

the Concession as provided in the said Concession or required by the Policy of the Government regarding periodic review of concessions and long-term contracts.

5. Save for concessions, contracts, permits and other rights granted in Customary Land by the Government prior to the Effective Date of this Act, any interference with or use of the surface of Customary Land in the extraction of mineral resources from beneath the Customary Land, whether done directly by the Government or pursuant to a concession granted a third party by the Government following the Effective of this Act, shall be (i) upon the free, prior informed consent of the Community, and then (ii) only upon a land lease agreement negotiated in good faith with the community which owns the Customary Land.

CHAPTER 9: IDENTIFICATION AND ORGANIZATION OF LAND-OWNING COMMUNITY

Article 34: Identification of Land-Owning Community

1. Each land-owning community shall have the right to define the area of its Customary Land in keeping with customs, oral or written history and locally-recognized norms.
2. Each Community shall have the right and responsibility to identify its members; except that no Resident of a Community may be excluded from membership of the Community.
4. All Residents of a community are members of the community with equal rights to the Customary Land and participation in the use and management of the community's land, regardless of age, ethnicity, religion, disability and identity.
5. Neither the Community nor its leadership or anyone else may deprive any Resident of his or her Residential Area. A restriction on a Community's Member's peaceful exercise of his or her land rights shall not also be valid, except in accordance with customs not contrary to this Act or the Constitution of Liberia, and for a community purpose as established by the Community; provided that where land is taken from a community member, comparable land or land of comparable value shall be provided by the Community in compensation.
6. Each Community shall promulgate rules for the determination of its members and the rights and responsibilities of membership to the extent not inconsistent with the provision and objectives of this Act.
4. The members of a community shall be and remain an open class, subject to changes such as caused by birth, death and migration.

Article 35: Organization of Land-Owning Community

1. The Residents of each Community with Customary Land or right to own Customary Land shall, in respect of the use and management of the Customary Land, organize the Community by undertaking necessary discussions and processes such as:

- a. create and name a Community Land Development and Management Association (CLDMA);
 - b. Draft, discuss and adopt necessary by-laws for CLDMA that will include the requirements that a non-primary resident may have to satisfy in order to become a Community Member; and
 - c. Elect the CLDMA's governing body, which is inclusive of a fair number of women, men, youth and other representatives of all other stakeholder groups.
2. A community organized in accordance with Section (1) of this Article (35) shall automatically acquire and have legal personality and all the rights that accompany such legal personality, including the ability and right to enter into enforceable contracts, sue and be sued.

Article 36: Governance and Management

1. The authority for the development and management of Customary Land shall be vested in the members of the Community, acting as a collective.
2. The members of a land-owning community, meeting in an assembly or otherwise, are the highest-decision making body of the community and of its CLDMA, and shall have the power and right to
 - a. adopt and amend the by-laws of the CDLMA;
 - b. approve the appointment of the governing board of the Community's CLDMA;
 - c. Approve the term of any transfer of Customary Land to Community Members or non-members;
 - d. Approve any proposed/requested lease or donation of Customary Land to the Government;
 - e. Review and decide on complaints arising from allocation and/or use of Customary Land, including matters relating to the allocation of Residential Areas, including seeking the support of the county authority for enforcement of the provisions of this Act or their decisions made pursuant to this Act and their by-laws;
 - f. Decide whether to approve an investor's request to lease any area of Customary Land larger than fifty (50) acres or to contract or receive a permit over any such area;
 - g. Decide when to sell any or all of the Community Land, subject to the ninety-nine year prohibition on sale of Customary Land as provided in Articles 49 and 51 of this Act;

- h. Investigate all complaints involving one or more members of the governing body of the CLDMA and, in connection therewith, remove one, some or all of the members of the governing body; provided that the successor of any removed member(s) shall be pursuant to the self-selection procedure established in Section (4) of this Article (36); and
 - i. Decide any such matters relating to the Community Land consistent with the provisions of the by-laws.
- 3. The governing body of a CLDMA shall be elected by and accountable to the entire membership of the Community. The governing body shall report to the membership at such frequency as shall be established in the by-laws, provided that such reporting shall be done at least once a year at an annual assembly or meeting of the Community Members.
- 4. The membership of the governing body of a CLDMA shall consist of, to the extent possible, (a) equal number of self-selected representatives of each of the three (3) key stakeholder groups, namely (1) adult men; (2) adult women; and (3) youth plus (b) two (2) representatives of chiefs and traditional leaders. Except for chiefs and traditional leaders, each of the key three (3) stakeholder groups shall democratically elect its own representatives to the governing body of the CLDMA, and its election shall be inclusive of all its members without regards to ethnicity, religion or any other identity. The representatives of a stakeholder group whose election by the group did not comply with the requirements of this Section shall not be approved by the Membership of the Community.
- 5. All decisions of the governing body of a CDLMA, including appointment of officers of the association, shall be made primarily by consensus. In the event that a consensus is not possible on a given matter after discussions at two meetings, the matter may be decided by 2/3 vote of the members of the Community present and voting in a meeting duly called upon service of citations.
- 6. Any decision taken in respect of a Customary land, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions and practices of the community concerned to the extent complemented by the by-laws or rules of the CLDMA, provided that a decision which denies women or children or persons with disability access to ownership, occupation or use of any Customary Land or imposes any condition which contravenes the objectives of this Act or violates the Constitution of Liberia shall be null and void.
- 7. Without limiting the scope of the Bylaws and/or Constitution to be adopted by every Community, no member of the Community shall be eligible to serve as member of the governing body or of any committee or teams to be constituted by the thereby if he or she (i) is presently an official of Government; (ii) has been convicted of a felony; (iii) has been legally adjudged bankrupt; (iv) has been legally adjudged mentally incapacitated under the laws of Liberia or any legal system; and (v) is under eighteen (18) years of age.
- 8. Members of the governing body of a CLDMA shall serve on a pro bono basis; and this condition shall be strictly enforced.

9. A member of the governing body of a CLDMA shall be personally liable for any acts of corruption, gross negligence, and bad faith in the discharge of his or her duties, whether or not same results to injury to the Community.
10. The Government, with the participation and consent of the communities, shall promulgate appropriate regulations to govern the minimum requirements to be observed in the governance and management of CLDMAs and the collection, management and accounting for all funds and other resources received in connection with the development and management of Customary Land.
11. Each CLDMA shall work with and be integrated in the official administration of the community in keeping with the Decentralization Policy of the Government, and the Government shall provide appropriate, adequate resources and technical assistance to communities for the effective implementation of this Act and to specifically assist communities in self-defining with boundaries demarcation, and with the confirmation and establishment of an effective alternative dispute resolution mechanism for Customary Land disputes.

CHAPTER 10: DEMARCATION AND CATEGORIES OF CUSTOMARY LANDS

Article 37: Demarcation of Customary Land

1. A Community's claim of ownership to a particular piece of Customary Land shall be established by competent evidence including oral testimonies of Community Members, and as documented in community-made participatory maps and signed agreements between neighboring communities.
2. Consistent with Section 11.2 of this Act, a nation-wide Confirmatory Survey of the Customary Land of each Community shall commence within thirty-six (36) months as of the Effective Date of this Act, and conducted by or under the aegis of the Government of Liberia through the Commission for the purposes of confirming (and resolving any disputes relating thereto) the boundaries of Customary Lands. The Report of the Confirmation Survey shall be published, and the confirmed measurements of every Customary Land shall be validated and promptly probated and registered with the appropriate land registry pursuant to the laws regarding registration of titles and interest in land.
3. The absence or delay in the conduct of the Confirmatory Survey shall not negate the existence or enforceability of a Community's ownership of a Customary Land, but the Confirmatory Survey shall be a condition precedent for the encumbrance or transfer of any piece of the Customary Land that is a subject of any contested claim by another Community or the owner of any of the other land right categories.
4. For purposes of written evidence of title subsequent to the completion of the confirmatory survey, the confirmed measurements inclusive of precise coordinates and maps of each Customary Land, as validated and registered following the Effective Date of this Act, shall serve in lieu of a deed for proof of ownership since ownership of a Customary land is generally not evidenced by a deed. Notwithstanding the foregoing, in no case shall there be a requirement that ownership of Customary Land be proved by a

deed, except acquisition of the Customary Land is based on or is traced to an aborigine deed or similar written instrument.

5. Notwithstanding the role of the Government in the conduct of the Confirmatory Survey provided for in this Article and Article 11 of this Act, two or more communities may, as a result of a proper survey conducted with GPS or other comparable technology or awful process(es), agree to the boundaries of their respective Customary Lands and thereupon execute a Stipulation of Boundaries. A Stipulation of Boundaries including precise coordinates and maps of the Customary Land concerned shall, upon being duly probated and registered, be enforced as any other deed or written instrument evidencing interest in land.
6. Where the boundary, extent or size of a Customary Land is contested by a Private Land owner or any other person other than another community, the burden of proof shall be on the person challenging the boundary, extent or size of the Customary Land, and the standard of proof in such case shall be by that of clear and convincing evidence, as established by all necessary records showing due transfer of the land, including its first acquisition pursuant to a valid Tribal Certificate, if first acquired before the Effective Date of this Act.
7. Where the boundary, extent or size of a Customary Land is contested by another community, the controversy shall be resolved as if the dispute was a contest of title between two Private Land owners, and the standard of proof in such case shall be that of preponderance of evidence, which may be established by the oral testimonies of community members and/or landscape-based evidence of customary claims, or other customary evidence.
8. The resolution of all disputes involving Customary Land shall first be pursued through customary law and dispute resolution mechanism at the level within and between communities. The Government shall support the communities to resolve all disputes involving Customary Land at the community level.
9. A dispute involving Customary Land which is not resolved at the Community level shall first be brought before the Commission before the commencement of any judicial proceeding.
10. The Commission shall endeavor to ensure that every land dispute brought before it is resolved through mediation or arbitration, failing which the Commission shall order a full investigative survey to be conducted by a team of Government-paid surveyors under observation by equal number of surveyors from each of the contesting parties. The Commission shall make a binding written determination of who has superior claim between the contesting parties based on the findings of the investigative survey. Any party not satisfied with a final decision of the Commission shall have a right to judicial review of the decision.
11. Pursuant to the dispute resolution mechanism provided for by this Act in respect of disputes involving Customary Land, all judicial proceedings relating to title or size of Customary Land shall be commenced only by a petition for judicial review of the decision of the Commission.

12. The Commission shall file an appropriate petition for judicial enforcement of its decision in any land dispute. The petition for enforcement shall be filed upon the expiry of the thirty-day period provided for the filing of petition for judicial review of the decision of the Commission.

Article 38: Categories of Customary Lands

1. A Land-owning Community may divide its Customary Land into various categories, including but not limited to the following:
 - a. Residential Area
 - b. Agricultural Area
 - c. Commercial Area
 - d. Industrial/Mining Area
 - e. Cultural Shrines/Heritage Sites
 - f. Protected Area
 - g. Forest Land
 - h. Any other Categories of land that the Community deems appropriate.
2. The categorization of Customary Land shall be based on customary practices and long period of use, as well as consensus reached by members of the Community from time to time; provided that a piece of land under one categorization may be re-categorized based on changed condition(s).

Article 39: Residential Area

1. For purposes of Customary Land, Residential Areas shall include all lands on which a Resident of the Community resides.
2. As of the Effective date of this Act, each Resident of a Customary Land community, irrespective of gender, shall be entitled to some portion of the Residential Area for exclusive possession and use as a residence; provided that no more than one (1) acre of land may be granted to any one Resident.
3. Every Resident of a community shall be entitled to hold and keep his or her Customary Land Residential Area perpetually in the same way as a Private land is held.
4. The interest of a Resident of a Community in his or her Customary Land Residential Area is alienable, descendible, devisable, and can be pledged or used as collateral/security for the member's obligations to any person.
5. A Community Member who is not a Resident has no right to a Residential Area.

Article 40: Agricultural Area

1. Every member of a community shall be entitled to carry on agricultural activities on as much of the Customary Land appropriate for and dedicated to agriculture, and which in fact is accepted and used for farming and other agricultural activities by members of the community.
2. Upon the approval of the Community Membership, a person may by lease or otherwise use a larger tract of Agricultural Area for medium to large-scale agriculture, including animal husbandry and cash crops production and for an agreed term of years consistent with the provision of this Act on lease of Customary Land. Any person granted approval by the Community Membership under this Section shall have the right to assign or pledge the agriculture products generated on the Customary Land as collateral or security for the person's obligation(s).
3. Each Customary Land community shall develop procedures in its by-laws for addressing applications made and received for larger tract of Agricultural Land, and the terms and condition for such usage.

Article 41: Cultural Shrines and/or Heritage Sites

1. A reasonable portion of each customary land may be classified, committed and protected for use as Cultural Shrines or Heritage Sites, where necessary or required by the customs and traditions of the relevant community.
2. A cultural shrine or heritage site shall consist of any area of Customary Land:
 - a. used for many years by some distinct group of members of the Community for the practice of their cultural or traditional rites;
 - b. on which is located a sacred plant, tree, or other object with special ancestral significance; or
 - c. designated as such by the community.
3. A Cultural Shrine or heritage site shall enjoy comparable protection accorded Protected Areas in keeping with the provisions of this Act and other applicable Liberian laws.

Article 42: Protected Land in a Customary Land

1. Besides Cultural Shrines/Heritage Sites, a portion of Customary Land may set aside as a Protected Area by the Government (i) at the instance of the Community; or (ii) upon the request of the Government which, following good faith negotiations, is accepted by the Community by vote of two-thirds of the Community membership present and voting at a meeting duly convened and held.
2. Every Protected Area created in a Customary Area shall be and remains owned by the Community, and conserved and managed by the Community for the benefit of the Community and all Liberians.

3. Protected Areas within Customary land may include wetlands, major water sources; Customary land set aside by a Community for ecotourism.
4. Any portion of Customary Land established or set aside as a Protected Area shall not be sold, leased, or granted as a concession, but a limited use rights may be granted to Members of the Community for livelihood activities if the use is consistent with the land's conservation and management for the benefit of the Community and all Liberians.
5. The establishment by the Government of a Protected Area within a Customary Land without the consent of the Community shall constitute a taking of land not belonging to the Government and must comply with the procedural and substantive requirements for the exercise of eminent domain as provided in Article 53 of this Act and the Constitution of Liberia as well as any other applicable Liberian laws.
6. The Government shall provide reasonable resources and technical assistance to build the capacity of community members to manage the Protected Areas within Customary Land, and for appropriate agencies of the Government to monitor both the area's biodiversity and required compliance with all rules and regulations concerning conservation and protection of the area.,

Article 43: Forest Lands

1. A portion of a Customary Land shall be considered and used as Forest land if and/when it is (i) not a residential area, an Agricultural Area, a Cultural Shrine or a Protected Area, and (ii) has timber as its primary cover.
2. A community may use its Forest Lands and harvest all timber and non-timber products thereon, directly or indirectly in keeping with the provisions of the Community Rights Law of Liberia and the National Reforms Forestry Law of 2006.

Article 44: Commercial Areas

A portion of customary land may be designated and used by the Community as a Commercial Area for use to build and operate shops and commercial enterprises.

Article 45: Industrial/Mining Areas

A portion of a Customary Land may be designated and used by the Community as an Industrial/Mining Area if it has or is believed to have mineral deposits that Members of the Community may exploit under License obtained from the Ministry of Lands, Mines & Energy and in keeping with all other applicable Liberian laws.

CHAPTER 11: DEEDED LANDS AND DOCUMENTED RIGHTS IN CUSTOMARY LAND

Article 46: Deeded Private Land within a Customary Land

1. The existence, presence, and recognition of a Customary Land shall not destroy or extinguish the existence of a Private Land located within or surrounded by the Customary

Land as long as the Private Land was acquired pursuant to a valid transaction and its ownership is evidenced by a valid, requisite deed.

2. A Private Land acquired prior to the Effective Date of this Act and evidenced by a deed duly probated and registered shall be presumed as valid, unless shown to have been acquired by fraud.
3. A Private Land located within a Customary Land shall enjoy equal protection with the Customary Land, and it shall be the joint and several responsibility of the community and its members to ensure that nothing is done to injure the person or rights of every Private Land Owner whose land is located within a Customary Land, provided that the Private Land owner shall also bear reciprocal responsibility to the Community, including abiding by rules of general application adopted by the Community and doing nothing to disturb the peace.

Article 47: Tribal Certificate Lands within a Customary Land

1. Any land covered by a valid tribal certificate issued prior to the Effective Date of this Act but for which there is no valid public land sale deed, is and shall remain part of the Customary Land within which it is located.
2. Where a tribal certificate was issued in respect of a piece of land that still remains a Customary Land pursuant to the provisions of Subsection 1 of this Article 46, the holder of the Tribal Certificate may apply and be granted a lease for the acres stated in the Certificate for a period of up to fifty (50) years to enable the holder continues his or her present occupancy or use of the land if, in reasonable reliance on the tribal certificate, the holder (a) took possession of some portion of the land in or before the year 2010, and (b) began some appreciable improvements on the land with at least some crops planted and/or a house built thereon.
3. Where a tribal certificate was issued in respect of a piece of land that still remains a Customary Land pursuant to the provisions of Subsection One (1) of this Article 46, the holder of the certificate shall be entitled to and will be allowed to complete all steps necessary to conclude purchase of up to twenty-five (25) acres of the land if in reasonable reliance on the tribal certificate:
 - a. the holder (i) took possession of the land and (ii) paid all taxes on the land; or
 - b. the holder (i) took all requisite steps and obtained all approvals for obtaining the requisite Public Land Sale Deed except obtaining signature of the said public land certificate by the President; and (ii) the holder has made substantial developments/improvements having a permanent nature on the land.
4. A deed obtained under Section 47 (3) of this Act shall be issued in the name of the Community owning the Customary Land as the grantor and signed by the duly authorized representatives of the Community.

Article 48:- Concession Area within a Customary Land

1. All portions of a Customary Land covered by any Concession(s) issued by the Government prior to the Effective Date of this Act shall remain subject to such concession, contract, permit or documented license for the entire period of their existing terms and conditions.
2. In respect of a Customary Land subject to a Concession or other government-created encumbrance in keeping with Subsection (1) of this Article, the Community satisfying the requirements of Article (31) of this Act is and shall remain the owner of such Concession Area or Government-encumbered land with an indefeasible reversion upon the expiration of the term of the concession, contract or permit. The Community shall accordingly have the right and be entitled to participate, as owner of the Concession Area, in every scheduled review of the Concession as provided in the said Concession or required by the Policy of the Government regarding periodic review of concessions and long-term contracts.
3. Any negotiation for any extension of an existing concession, contract or permit on a Customary Land granted by the Government prior to the Effective Date of this Act shall require both the participation and the free, prior, and informed consent of the community that owns the Customary Land, and it shall be the right of the community to demand and receive land rental fees, equitable benefits, or other consideration for use of its Customary Land. The consent of the Community required under this Section shall be evidenced by a vote of at least two-thirds (2/3) of the entire membership of the Community present and voting at an assembly of the Community duly convened upon notice stating the purpose of the assembly.
4. The community which owns a Concession Area or an area subject to some Government-created contract, license or permit shall be deemed repossessed of such concession area upon the end of the certain term of the concession, and shall have the sole right to accept or reject any further extension of the lease or use of its Customary Land unless upon acceptance of such reasonable terms it may set.

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

Article 49: General Provisions Pertaining to Sale and Transfer of Customary Land

1. The Area of Customary Land on which a Resident has his or her residence as at the Effective Date of this Act shall be automatically transferred to the Resident and owned by the Resident in fee simple as a part or the whole of his or her Residential Area, Subject to the conditions of Section 2 of Article 39.
2. Each Resident of a Community shall own his or her Residential Area in fee simple. The transfer of a Residential Area to a Member of the Community shall be confirmed and formalized by a deed to be issued after the establishment of, and in the name of the CLDMA of the Community.
3. Except for transfer of Residential Area as provided in Section (1) of this Article, Customary Land shall not be sold or otherwise alienated to a private person until after a period of ninety-nine (99) years following the Effective Date of this Act.

4. A Customary Land may be leased on such terms and conditions as the Community may determine by and thru its CLDMA for lands smaller than fifty (50) acres, and by votes of the Community Membership for lands larger than fifty (50) acres. The total certain period of any lease of Customary Land shall not exceed fifty (50) years.
5. A lease agreement in respect of any Customary Land shall include payment of rent and equitable benefits to the Community, an agreed payment schedule, and mechanism to ensure full and timely payment of rent and performance of all obligations assumed by the lessee thereunder.
6. A lease of a Customary Land may not be made to any person, Liberian or non-Liberian until:
 - i. the Community has organized and established a CLDMA; and
 - ii. the lease or transfer is duly authorized in keeping with the Constitution, Bylaws and relevant procedures adopted by the CLDMA.

Article 50: Adverse Possession and Condemnation of Customary Land

1. The elements of Adverse Possession are inapplicable to Customary Land, and no title to Customary Land shall be claimed or asserted based on Adverse Possession.
2. The acquisition of Customary Land needed for public purpose or public use shall be primarily pursued by way of negotiations with the relevant community for purpose of obtaining it through lease or purchase on mutually agreed terms. Condemnation or the exercise of Eminent Domain shall be exercised over Customary Land as a last resort, and then only upon complying with provisions of Article 54 of this Act.

Article 51: Extinction of Customary Land

Customary Land may be extinguished in all or in part upon a decision by 2/3 vote of the Members of the Community to partition the Customary Land into Fee Simple holdings for members of the Community, provided that no such decision or a sale thereunder shall be valid if made earlier than after ninety-nine (99) years as of the Effective Date of this Act.

PART FOUR: GOVERNMENT LAND AND PUBLIC LAND

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

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

1. Government Land and Public Land constitute public assets or resources held in trust and managed by the Government for the benefit of all Liberians.

2. Government Land shall consist of all lands occupied or used by the Government for the buildings, projects, or activities of the Government, including, but not limited to, lands on which are located the offices of ministries, agencies, and parastatal bodies; military bases, public roads, public schools and public universities, public health facilities, public libraries and museums, airports and other Government-owned facilities.
3. Within thirty-six (36) months as of the Effective Date of this Act, the Government shall commence an inventory of Government Land and, to the extent necessary, harmonize the boundaries between every piece of Government Land and any other land classification.
4. Public Land consists of all lands held acquired by the Government through purchase, confiscation, escheat, gift or otherwise, which is not presently used by the Government for its facilities or operations and is neither Private Land nor Customary Land.
5. The Government shall maintain a publicly accessible inventory of Public Land including classification of the nature or use of each.

Article 53: Acquisition of Government Land

1. Government Land is acquired by any of the following means:
 - a. Prior or pre-existing possession and usage
 - b. Donation
 - c. Mutual Agreement
 - d. Abandonment
 - e. Reversion
 - f. Escheat
 - g. Confiscation
 - h. Eminent Domain
2. The Government acquires ownership of a piece of land and such land becomes a Government Land if (i) the land is not a Private Land, (ii) the Government shows that its possession and /or usage of the land began prior to the Effective Date of this Act, and (iii) the land is used for the facilities and/or operations of the Government or any of its agencies
3. The Government may acquire Government Land or Public Land by donation if the land was given to the Government by any person or a community for little or no consideration and the land is used for the facilities or operations of the Government or any of its agencies.
4. Acquisition of Government Land or Public Land by mutual agreement is established by any purchase of a Private Land by its owner who willingly sells the land to the Government.
5. The acquisition of Government Land or Public Land by Abandonment is governed by Article (24) of this Act.
6. A Government Land may be acquired by reversion where the land is ceased to be used by a diplomatic mission or a charitable or missionary organization.

7. The Government may acquire a Government Land by confiscation of the land for any violations of law punishable by forfeiture of land, including cancellation of the owner's certificate of naturalization or failure to pay taxes.
8. The Government may also acquire and hold as Government Land or Public Land when the owner dies without heirs or where, after all communities have self-identified their Customary Lands, the land is not claimed by any community and is also not a Private Land. A land claimed by one or more communities shall never be acquired by Government as Government Land or Public Land under this Section, but will be deemed as owned by the sole community claiming it or, in case of contested claims, by the Community which proves its ownership; subject to the right of communities to agree their boundaries by mutual agreement.

Article 54: Acquisition by Eminent Domain

1. In keeping with the Provisions of the Liberian Constitution, the Government may acquire any land and property thereon not presently owned by it through the exercise of Eminent Domain or expropriation in the event of armed conflict, where the public health and safety are endangered, or for any other public purposes.
2. Before exercising Eminent Domain to acquire a piece of Private Land or Customary Land, the Government shall make a reasonable, good-faith effort to first lease, and then if absolutely necessary for the public purpose intended, acquire the Private Land or Customary Land through mutual agreement that provides just and timely compensation in accordance with fair market value and the principles.
3. When the Government and the owner of a Private Land or Community Land cannot reach a mutual agreement for sale or transfer of a Private Land or Customary Land needed by the Government for any of the reasons provided in Section (1) of this Article, the Government shall have the right to institute a special proceeding in a court of competent jurisdiction for condemnation or expropriation of the land in accordance with the provisions of at the Constitution of Liberia, the Civil Procedure Law and the provisions of this Act.
4. Prior to the filing of a condemnation proceedings, the Attorney General or a County Attorney on behalf of the Government or any other subdivision of the Republic shall prepare a condemnation petition and have copies thereof served on all owners of and all other persons with a record interest in the land to be condemned or expropriated at least ten (10) days before filing the petition in the Circuit Court of the county in which the land is located. The condemnation petition shall contain the following:
 - (a) A Clear description of the land sought to be condemned or expropriated;
 - (b) A statement of the purpose or use for which the land is sought to be condemned or expropriated;
 - (c) A statement of the rights of all the persons interested in the land;
 - (d) A statement of the value of the land to the best of the petitioner's knowledge;

- (e) A statement that the Government's representative has been unable to come to an agreement with the owner(s) of the land and all other persons having record interest in the land either (i) for surrender of the Land or (ii) as to the amount of compensation to be paid therefor; and
 - (f) A prayer for the condemnation or expropriation of the land.
5. A condemnation petition shall be filed and served in keeping with the provisions of the Civil Procedures Law.
 6. If the Government or any of its agencies or subdivisions prays for condemnation in respect of only part of a piece of Private Land or Customary Land and the value of the owner's remaining land is diminished, the land owner shall be entitled to plead such diminution in value of the remaining land and to have the Government either (i) pay fair just and timely compensation for the diminution in value of the remaining land in addition to compensation for the portion condemned; or (ii) expropriate the entire Land and make payment of compensation for the entire land.
 7. The owner(s) of the Land sought to be condemned along with any other person having record interest in the land shall be entitled to (i) a jury trial of any and all issues of fact raised in a condemnation petition and (ii) alternatively, to the appointment of a competent independent referee to decide on any or all issues of facts raised in the petition.
 8. If on the basis of a jury verdict or the decision of a referee a judgment is given ordering condemnation of the land upon payment of a specified fair and just compensation, the compensation awarded shall be paid promptly by the Government prior to taking the land. In all cases of condemnation of Private Land or Customary Land, the requisite fair and just compensation shall include the land owner's legal fees and relocation costs.
 9. When a Private Land or Customary Land acquired by the Government through the exercise of Eminent Domain ceases to be used for the purpose for which it was acquired, the Government shall accord the former owner the opportunity to exercise the right of first refusal to buy back the land from the Government before any other prospective buyer. When the land acquired is not used for the purpose for which it was acquired for a period of five (5) or more consecutive years, the previous owner or the owner's representatives or successors shall be entitled to exercise the right to buy back the land from the Government before any other prospective buyer. The Government shall make a good faith effort to negotiate with the previous owner on the buy back of the land.
 10. If the buildings, projects or activities of the Government are located on Private Land or Customary Land not acquired through Eminent Domain, mutual agreement or otherwise, the Government's continued use of the land shall be either through (i) lease or purchase the land; or (ii) the exercise of Eminent Domain consistent with the provisions of this Act and the Constitution of Liberia.
 11. Any Liberian citizen or legal entity, including any governmental entity, may seek to cancel, prevent, or challenge the expropriation of a Private Land or Customary land.

Article 55: Sale and Transfer of Government Land

1. The Government may sell or lease Government Land or Public Land to a Liberian citizen and a sole proprietorship or a partnership organized under Liberian law as stipulated under Article 8 section 2 of this Act; provided that sale of Government Land or Public Land shall be only to persons eligible to own land in Liberia.
2. The sale and long-term leases of Public Land and Government land shall be done through a public, competitive bidding process overseen by the government entity which manages land. Automatic renewal of long-term leases is prohibited.
3. Before the sale or lease of any Government land or Public Land is final, the Government shall inform individuals, private entities and communities likely to be affected thereby such that they are given a reasonable period of time to review the sale or lease. The notice required to be given under this Section shall be widely published in at least two newspapers and on at least two radio stations (at least one of which shall be a radio station in the community where the land is located) and such airing or publication shall run for a consecutive period of at least two weeks. The notice shall provide the exact location and size of the land along with a summary of the survey plan, and any payment to be made to the Government and the payment schedule. Any sale of Government land or Public land that contravenes this provision shall be null and void.
4. Before the sale or lease of Government Land or Public Land is final, the sale must be reviewed by the government entity responsible for coordinating the management of Government land and Public Land.
5. Any Liberian citizen or legal entity, including any government entity, may seek to cancel, prevent, or challenge the sale or lease of Government Land or Public Land.
6. The proceeds from sale of a Government Land constitute non-tax revenues that shall be deposited into the General Revenues Account and expended as well as accounted for in keeping with the Public Financial Management Law of Liberia.

Article 56: Acquisition of Public Land

A Public Land may be acquired in the same manners as Government Land.

Article 57: Sale and Transfer of Public Land

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

Article 58: Extinction of Government and Public Land

All Government Land and Public Land shall be held in perpetuity, unless sold or otherwise transferred by the Government in keeping with the provisions of this Act.

Article 59: Adverse Possession of Government Land and Public land

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

PART FIVE: MATTERS COMMON TO ALL CATEGORIES OF LAND RIGHTS

CHAPTER 14: PROTECTED AREAS

Article 60: Nature and conditions pertaining to Protected Area

1. There shall be coextensive with, but independent of, the four land ownership categories established herein a unique land use category called Protected Area, which shall include all lands designated by the Government for protection or restricted use.
2. A Protected Area may be created by the Government in or on a Private Land or a Customary Land upon complying with the provisions of Article 53 of this Act
3. Where a Private Land or Customary Land is duly acquired in keeping with Article 42 or Article 53 of this Act and thereupon designated as a Protected Area, the full bundle of land ownership rights are limited, and the land so designated shall be conserved and managed for the benefit of all Liberians and its transfer permitted only if not inconsistent or detrimental to conservation and management of the land for the benefit of all Liberians. The ownership of a Protected Area acquired from Customary Land through Article 53 of this Act may be held by the Government, but the management of the Protected Area shall be by the community in collaboration with and under the supervision of the Government.
4. A Protected Area may be a full nature reserve or a partial nature reserve. A full nature reserve Protected Area may not a subject of a license or permit to use or utilize in any way, including extraction of any resource(s).

CHAPTER 15: LEASES

Article 61: Nature, Creation and Extinction of Leases

1. A lease shall consist of the transfer of possession, but not title, of any of the land categories established under this Act. A lease may be made to any person, irrespective of nationality or nature of existence.
2. An enforceable lease shall be created only by a written instrument signed by the owner of the land, and probated and registered in keeping with law.
3. Except for the portion of Protected Areas and Cultural Shrines and Heritage Sites, any portion of the land classification established herein-i.e., Private Land, Customary land, Government Land and Public Land-may be properly/validly leased by the owner or a person duly authorized to act on behalf of the owner.
4. A Lease to a person who is eligible to hold title to land may be for as long as the parties agree, except for Customary Land where the term shall not be more than 99 years.
5. A lease to a person who is not eligible to hold title to land shall be limited by term as follows:

- a. where the Lessee undertakes to improve the land by investing not less than US\$100,000.00 (One Hundred Thousand United States Dollars) or its Liberian Dollar equivalent, the lease may be for a certain term of up to twenty (20) years plus a single optional term of up to 20 years.
 - b. where the Lessee undertakes to improve the land by investing not less than US\$500,000.00 (Five Hundred Thousand United States Dollars) or its Liberian Dollar equivalent, the lease may be for a certain term of up to thirty (30), plus a single optional term of up to 30 years.
 - c. where the Lessee undertakes to improve the land by investing not less than US\$1,000,000.00 (One Million United States Dollars) or its Liberian Dollar equivalent, the lease may be for a certain term of up to fifty (50) year plus a single optional term of up to 50 years.
 - d. Where the Lessee undertakes to improve the land by investing US\$1,500,000.00 (One Million Five Hundred Thousand United States Dollars) or its Liberian Dollar equivalent, the lease may be for a certain term of up to sixty-five years (65) years plus an optional term of a maximum duration as the certain term.
6. The rental payable under a lease of any land shall be freely determined by the parties, but no lease agreement shall pre-determine the rental to be paid during an optional term. The exact amount of the rental for every optional term shall be determined upon the exercise of the option, and shall reflect the market conditions existing or expected at the time of the exercise of the option.
7. A lease may be extinguished by:
- i. mutual agreement of the parties;
 - ii. by condemnation of the leased premises
 - iii. by a summary proceeding to recover possession of land based on proved delay or failure to pay rental for 90 or more days as of the due date or failure to meet other conditions of the lease agreement.

CHAPTER 16: EASEMENTS

Article 62: Creation of an Easement

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

Article 63: Easement Created by Express Conveyance

1. An easement may be created by express conveyance:
 - a. in a deed conveying the land to which the easement is appurtenant
 - b. through written agreement independent of the deed conveying the land to which the easement is appurtenant
 - c. By will
2. In order to be enforceable, an easement created by a written instrument either by a deed, will or any other writing must be (i) signed by the possessor of the land or his or her predecessor-in-estate or in interest; and (ii) probated and registered according to law with the appropriate agency of Government responsible for registration of interests in land.

Article 64: Easement Created by Implication from Pre-existing use

1. Unless a contrary intent is expressed or may be reasonably implied, the fact that prior to a conveyance separating the ownership of a land into two or more parts, a use was made of one part for the benefit of another, implies that it was the intent of the person(s) making the conveyance that the prior use would continue.
2. The following factors shall be considered in determining the reasonable expectation of the parties that a conveyance of land separating its ownership into two or more parts would not terminate a right to continue the prior use of one part for the benefit of another:
 - a. the prior use was not temporary;
 - b. the continuation of the prior use was reasonably necessary to enjoyment of the other part of the land or interest previously benefited by the use;
 - c. the existence of the prior use was well known to or apparent to the parties
 - d. The prior use was for utilities serving the other part of the land.
3. The existence of an easement by implication from pre-existing use is a factual matter to be determined from analysis of the facts of each case.

Article 65: Easement Created by Necessity

1. A conveyance that otherwise deprive a land conveyed to a grantee or retained by the grantor of the right necessary to reasonable enjoyment of the land conveyed or retained creates by implication and operation of law an easement granting or reserving such right, unless the express language or other circumstances of the conveyance clearly indicate that the parties intended that the right not be granted reserved.
2. When the owner of a land conveys any piece thereof to another, and the piece conveyed is without any ingress or egress except over the land retained by the owner, an easement

of necessity is created by law in favor of the grantee and/or possessor of the piece conveyed by the owner.

3. One who asserts or claims easement by necessity has the burden to establish its existence.
4. A person claiming an easement by necessity must establish:
 - a. that the land benefited by the easement was once part of a larger tract of land held under one ownership immediately its severance and conveyance
 - b. that a necessity for an ingress or egress existed at the time of the conveyance/severance; or
 - c. that the present necessity for an ingress or egress in respect of the land is great.
5. The owner of a land without any means to reach a public road except by passing through the land of another may petition the Ministry of Justice to have appropriate application made to a court of competent jurisdiction to condemn a portion of the land belonging to his or her neighbor(s) as is necessary to grant the person a right of way. The cost of the condemnation proceedings and of the private property shall be borne by the person at whose instance the condemnation was done.

Article 66: Easement Created by Prescription

1. Easement by prescription is established by actual, open, hostile, notorious and continuous use of a land for a period of ten (10) years under a claim of right.
2. Exclusion of the owner of the land is not necessary to establish or prove an easement by prescription. What is required is that the claimant's use of the burdened land was not dependent upon a similar right of use being held or granted by others.

Article 67: Termination of Easements

An easement may be terminated by:

- a. mutual agreement of the parties
- b. Release executed in favor of the burdened land
- c. Abandonment
- d. by merger, which arises when the burdened land and the land benefited by the easement become owned by the same person.

CHAPTER 17: LICENSES

Article 68: Nature, Creation and Extinction of Licenses

1. A License is a privilege to use a land possessed by another.

2. A License may be created by an agreement, express or implied.
3. A license may be terminated at will, unless it is coupled with an interest or the person terminating it is estopped.
4. A License granted to a person to come on the land of another to remove a chattel is one coupled with an interest, and is not revocable until the chattel is removed.
5. A license is irrevocable if it expressly states so or the Licensor is estoppel based on the fact that the licensee has made substantial expenditure in reasonable reliance of a written license.

CHAPTER 18: MORTGAGES

Article 69: Nature, Creation and Extinction of Mortgages

1. A Resident may mortgage a part or the whole of his or her Residential area to secure the payment of a debt or the performance of any obligation of the Resident.
2. A person granted the right to use a larger tract of Customary Land for medium to large-scale agricultural activities in keeping with Article 40 of this Act may mortgage his or her agricultural products on the Agricultural Land including his or her interest in the Agricultural land.
3. Except as provided in Sections (1) and (2) of this Article, a Customary Land may be mortgaged only upon a decision of two-thirds of the Community membership present and voting at an assembly of the Community duly convened and held upon notice stating the purpose therefor.
4. The nature, creation, validity and enforcement of a mortgage duly created over any Customary Land or an interest in Customary Land shall be in accordance with the Mortgage Chapter of the Liberia Commercial Code (2010).

PART SIX: OTHER MATTERS

CHAPTER 19: TRANSITIONAL PROVISIONS; REPEALS AND EFFECTIVE DATE

Article 70: Transitional Provisions

1. Until a community has formally self-identified, its members shall comprise all its Residents.
2. Until a community has established a Customary Land Development Association, the development and management of its Customary Land shall be by the elders, chiefs, traditional leaders, women and youth of that community.
3. There shall be no lease or sale of any Customary Land until the community has self-identified, its CLMA established and the by-laws and governing body agreed in keeping with Chapter nine (9) of this Act.

4. Until the Confirmatory Survey is completed in respect of a particular Customary Land or the Community concerned has agreed its boundaries with neighboring community or communities in keeping with Articles (11) and (37) of this Act, the boundaries of Customary Land and of Government land shall be as claimed at the Effective Date of this Act, with all contested lands subject to “no action” by any claiming party.

Article 71: Amendments and Repeal

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

Article 72: Effective Date

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

ANY LAW TO THE CONTRARY NOTWITHSTANDING