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International Outlook for Privately Protected Areas

Country Profile: LIBERIA

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Introduction:

This country profile is part of a study by the International Land Conservation Network (ILCN) and United Nations Development Program (UNDP) summarizing the **legal, policy, and institutional mechanisms used to establish and incentivize privately protected areas (PPAs) in 30 understudied countries.**

PPAs contribute to the achievement of global conservation goals and biodiversity targets by contributing to landscape-scale conservation, connectivity and ecological-representativeness of protected areas.

For the purposes of this profile, an area is considered a PPA if it conforms to the definition agreed upon by the International Union for the Conservation of Nature (IUCN). Generally speaking, a PPA's protection must be recognized and durable (with long term conservation intent); it must be governed by a private or non-governmental entity; and it must be governed and managed to meet the general conservation standards of a protected area (PA) as laid out by the IUCN.^{1,2} **Note: Alongside currently existing mechanisms in these countries, this study also references mechanisms that represent *potential opportunities for the creation of PPAs.***

The data in this profile is based on a 2018 desk review of law and policy documents, government reports, publications by multi-lateral organizations, scholarly literature, and other sources. For 28 of the 30 country profiles, data was reviewed by a volunteer in-country expert. We are grateful to these experts, whose names and the profiles they reviewed are listed in the appendix to the [International Outlook for Privately Protected Areas summary report](#).

Finally, this profile is intended to be a living document, which will be updated periodically as more information is submitted and time and resources allow. If you have a contribution, please contact the authors at landconservation@lincolninst.edu.

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¹ Mitchell, B.A., Stolton, S., Bezaury-Creel, J., Bingham, H.C., Cumming, T.L., Dudley, N., Fitzsimons, J.A., Malleret-King, D., Redford, K.H. and Solano, P. (2018). *Guidelines for privately protected areas*. Best Practice Protected Area Guidelines Series No. 29. Gland, Switzerland: IUCN. xii + 100pp.

² Dudley, N. (ed.) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., Shadie, P. and Dudley, N. (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21. Gland, Switzerland: IUCN

LIBERIA (*Republic of Liberia*)

Outlook for Privately Protected Areas

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1. Michael F. Garbo, Executive Director, Society for the Conservation of Nature of Liberia (SCNL), Liberia

I. Country Overview

Land Area

In spite of its small size, Liberia has an extensive and unique biodiversity, originating from its once completely forested lands.³

The total land area of Liberia is 11,137,000 hectares (ha).⁴ Of this, approximately 4,329,000 ha or 45 per cent of the land area retains forest cover. This number is down from the estimated 90 per cent of land area that was forested in 1959.⁵ Liberia's extant forest represents the largest remaining swathe (42 per cent) of the Upper Guinean Forest in West Africa.⁶

Land Ownership and Tenure

Land ownership in Liberia is defined by four distinct tenure categories and a cross-cutting category for *protected areas*, as detailed by the newly passed Land Rights Act of 2018,⁷ which builds upon the *2013 Land Rights Policy*.⁸ Article 2 of the Land Rights Act of 2018 defines *Customary land* as land owned by a community, the management of which is based in custom and the discretion of community leaders; *Government land* as land owned by the government for its own buildings, projects, or activities, and includes government protected areas and proposed protected areas; *Public land* as land which falls under no other category, and is designated for future use⁹; and *Private land* as land that is owned or otherwise held by private person(s) in fee simple.

³ Convention on Biological Diversity. Liberia - Country Profile. Biodiversity Facts. Status and trends of biodiversity, including benefits from biodiversity and ecosystem services. Accessed online at <https://www.cbd.int/countries/profile/default.shtml?country=lr#facts>

⁴ Food and Agriculture Organization of the United Nations. 2014. "Liberia". Accessed online at <http://www.fao.org/countryprofiles/index/en/?iso3=LBR> on June 2017.

⁵ Environmental Protection Agency of Liberia. 2017. Republic of Liberia: National Biodiversity Strategy and Action Plan II. P. 36. Accessed online at <https://www.cbd.int/doc/world/lr/lr-nbsap-v2-en.pdf> on June 2017.

⁶ *Ibid.*, P. 36.

⁷ The Land Rights Law of the Republic of Liberia. 2018. Article 7 (2) and Article 7 (3). Categories of Land Ownership.

⁸ Land Commission, Republic of Liberia. 2013. Land Rights Policy. Accessed online at <https://www.documents.clientearth.org/wp-content/uploads/library/2013-05-21-policy-2013-land-rights-policy-ext-en.pdf> on June 2017.

⁹ Environmental Protection Agency of Liberia. 2017. Republic of Liberia: National Biodiversity Strategy and Action Plan II. P. 49.

About 44.5 per cent of land is private land in Liberia; however, many forests are managed by customary law and collective ownership applies to much of the land which is deemed private.¹⁰

Control of land and control of resources on that land are separate in Liberia.¹¹ Ownership of mineral resources has long been separated from surface ownership; the right to mine is governed by a system of permits and concessions. The National Forestry Law of 2000 also distinguishes between forest land and forest resources. This allows companies to obtain permits to extract forest resources situated even on collectively or privately-owned forest land. However, the 2006 National Forestry Reform Law exempts forests on communal lands from this division.¹² Thus, forest resources may be formally protected within a *Community Forestry Management Agreement* (CFMA), as well as in a protected area.

Protected Areas in Liberia

Protected Areas are co-extensive with but independent of the four land ownership categories established under Liberia's recently passed Land Rights Act of 2018. "Protected Areas" is a unique land use category recognized under Article 7 of Liberia's Land Rights Act of 2018, and includes all land designated by the government for protection or restricted use. The main forms of protected areas in Liberia include National Forest, Nature Reserve, National Park, Strict Nature Reserve, or other special category for Conservation purposes - all of which generally sit on government land.¹³

Additionally, a protected area may be a full nature reserve or a partial nature reserve. A full nature reserve protected area may not be a subject of a license or permit to use or utilize in any way, including extraction of any resource(s), per Article 59(4) of the Land Rights Act of 2018.

Liberia has five government-managed protected areas: Sapo National Park I; Nimba Nature Reserve; Lake Piso Multiple Use Reserve; Grebo Krahn National Park and Gola Forest National Park. However, processes have been initiated to secure protection for at least ten other areas. Their combined land coverage of 384,080 ha—is equivalent to 3.45 per cent of the total land area or 8.87 per cent of the country's forests.¹⁴ In the 2017 National Biodiversity Strategy and Action Plan (NBSAP), an additional 746,417 ha of land are slated for gazettelement as protected areas by the end of 2017, to reach a total of 10.15 per cent of land area or 26.11 per cent of forests protected.¹⁵

Article 59 (2) of the Land Rights Act of 2018 states that a protected area may be created by the Government in or on private land after complying with provisions related to eminent domain of the government. The Law also states that such protected areas should be conserved and managed in

¹⁰ Lomax, Tom for FERN. 2008. Forest governance in Liberia: An NGO Perspective. P. 12. Accessed online at www.efi.int/files/attachments/euflegt/fern_forest_governance_in_liberia.pdf on June 2017.

¹¹ The Land Rights Law of the Republic of Liberia. 2018. Article 5: Nature of Land Ownership. Article 5(3), "Ownership of land does not extend to mineral resources on or below the surface of the land".

¹² Republic of Liberia. 2006. Section 1.3 Definition. An Act Adopting the National Forestry Reform Law of 2006, establishing the basis for forestry regulation. Accessed online at <http://extwprlegs1.fao.org/docs/pdf/lbr67626.pdf> in December 2018.

¹³ Republic of Liberia. September 2006. Article 2.1.3 of An Act Adopting the National Forestry Reform Law of 2006. P. 10.

¹⁴ Environmental Protection Agency of Liberia. 2017. Republic of Liberia: National Biodiversity Strategy and Action Plan II. P. 35-37.

¹⁵ Ibid., P. 37.

accordance with the National Forestry Reform Law of 2006 or any successor legislation for the benefit of all Liberians (Article 59 (3)).

The expansion of Liberia’s protected area network corresponds to the long-standing national goal of protecting at least 30 per cent of forests in perpetuity. A larger network is a component of the current NBSAP.¹⁶ Liberia’s UN-REDD+ program, now in its fourth year, has made the protected area network a pillar of the emissions-reduction package, wherein protected areas “represent the main strategy for conserving carbon stock.”¹⁷ These programs focus on the expansion of government-managed protected areas. There are, however, multiple untapped legal mechanisms for PPA creation in the Country with the potential to help Liberia to meet its conservation goals.

II. Law and Policy for Private Land Use

Two overlapping definitions for private protected areas (PPAs) exist in Liberian law, neither of which has been effectively put into practice, such that the distinction between the two forms—in terms of purpose, structure, and outcomes—remains to be seen.¹⁸ One may establish a protected area on private land, or an environmental easement may be applied to private land. To the knowledge of this study, no group maintains a systematic database of PPAs in Liberia.

Privately Protected Areas

Private protected areas are not defined by name in the Land Rights Act of 2018, as opposed to the Land Rights Policy of 2013 wherein private protected area is defined by name.

Environmental Easements

Section 42 of the 2002 Act creating the Environment Protection Agency (EPA) of the Republic of Liberia defines *environmental easements*. These may be imposed by the government on any party, and do not affect the status of ownership. Rather, these allow the EPA to impose restrictions ensuring the management of natural resources on that land, for the preservation of flora and fauna, open space, ecosystem services, or other environmental attributes (see footnote for complete list).¹⁹ As this

¹⁶ Ibid., P. 36.

¹⁷ Forestry Development Authority and REDD+ Implementation Unit. October 2016. “National Strategy for Reducing Emissions from Deforestation and Forest Degradation (REDD+) in Liberia.” Accessed online at <http://www.ltsi.co.uk/wp-content/uploads/2015/01/Technical-Annex-A-REDD-Strategy-final.pdf> in June 2017.

¹⁸ LTS International and Liras. 2016. Policy, Legal and Institutional Framework - Technical Annex F Consulting Services Contract For the Development of A National REDD+ Strategy for Liberia. Accessed online at <http://www.ltsi.co.uk/wp-content/uploads/2015/01/Technical-Annex-F-Policy-Legal-Institutional-Framework-final.pdf> in June, 2017.

¹⁹ PROSPER (People, Rules and Organizations Supporting the Protection of Ecosystem Resources): Liberia Community Forestry Legal, Regulatory, and Policy Framework Assessment, P. 119-120. Restrictions that may be placed (as per the letter of the law) in order to: Preserve flora and fauna; Preserve the quality and flow of water in a dam, lake, river or aquifer; Preserve any outstanding geological, physiographical, ecological, archaeological, or historical features of the burdened land; Preserve a view; Preserve open space; Permit persons to walk in a defined path across the burdened land; Preserve the natural contours and features of the burdened land; Prevent, or restrict the scope of any activity on the burdened land which has as its objects the mining and working of minerals or aggregates; Prevent or restrict the scope of any agricultural activity on the burdened land; and to create and maintain works on burdened land so as to limit or prevent harm to the environment.

mechanism remains largely untested, to the knowledge of this study, it is uncertain whether a private landholder can solicit an easement for their land.

Privately-Managed Protected Areas

Government-owned protected areas need not be managed solely by government agencies, ministries, or departments. The 2013 Land Rights Law also stipulates that “limited use rights may be granted over Government Protected Areas to individuals, private entities, or government entities... if the use is consistent with the land’s conservation and management for the benefit of all Liberians, including, but not limited to, licenses for eco-tourism and permits for scientific research.”²⁰ No such arrangement has yet been reached in Liberia, but would support the government by making up for lacking resources, and thereby more effectively prevent encroachment and illegal harvesting in existing protected areas. Likewise, this opens the door to alternative funding sources, not predicated on extraction, in the form of tourist business and grants.

Community forests

The community forest model falls under the IUCN’s category of community or indigenous management. However, in Liberia the establishment of a Community Forestry Management Agreements (CFMA) represents an effective way for individual citizens, particularly those of limited economic means, to ensure the conservation and protection of the forests they own. Given the scope of communal- and customary-tenure, the CFMA presents an important option for conservation. Partnerships with private organizations capable of providing funding is important to CFMAs, as communities generally lack the resources to produce and implement an effective management plan.²¹ The US Agency for International Development, the Norwegian government, and NGOs have played an important role in launching the CFMA program for Liberia.

The key legal structure providing for CFMAs is the *2009 Community Rights Law with Respect to Forest Lands*.²² This outlines the requirements for the creation and maintenance of CFMAs, including the formation of a Community Assembly and a Community Forest Management Board for governance. Crucially, per the *2006 National Forestry Reform Law*, community forests are protected from substantial exploitation, as housing, mining, farming, and timber extraction for commercial use are prohibited.²³ However, the 2009 law suggests that timber harvesting may occur, so long as it does not prevent the forest from being managed in an “environmentally sustainable manner” [sic], resulting in an ambiguous decision.²⁴

²⁰ Land Commission, Republic of Liberia. 2013. Article 5.1.7 of the Land Rights Policy. P. 8.

²¹ Global Witness. 2016. Making Community Forest Management Work for Liberia: Some practical suggestions. Accessed online at https://www.globalwitness.org/documents/18639/Community_forestry_report.pdf in June 2017.

²² Forest Development Authority of Liberia. 2009. Community Rights Law With Respect to Forests. Accessed online at <http://www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf> in June 2017.

²³ Republic of Liberia. 2006. An Act Adopting the National Forestry Reform Law of 2006, establishing the basis for forestry regulation. Section 9.10.b.ii. Accessed online at www.fao.org/forestry/16151-05fd47b845599b5d3a594a9b0240daccf.pdf in June 2017.

²⁴ Forest Development Authority of Liberia. 2009. Community Rights Law With Respect to Forests. Section 4.2.c and Chapter 6.

The first CFMA in Liberia was established in 2012. As of 2017, 24 CFMAs are active in Liberia, covering an area of 181,424.62 ha.²⁵ Over 100 additional applications have been submitted for review, and an effort has been launched to integrate these areas with the national and regional protected area network to achieve specific habitat and biodiversity goals.²⁶

III. Financial Incentives for Privately Protected Areas

There is no domestic tax structure to encourage private land conservation in Liberia. However, funding has been made available to various NGOs, communities, and government agencies to support land protection.

In 2014, the Norwegian government signed on to pay up to USD 150 million to the Liberian government from 2015-2020, to help Liberia meet its forest conservation goals. In exchange, Liberia has committed to enforce moratorium on logging concessions, and to gazette 30 per cent of the national forested area as protected areas by 2020, per national goals.²⁷

UN REDD+ is a global project coordinated by the United Nations, through which developed countries meet carbon emission standards by paying for the carbon sequestration services of forested territories. In 2012, a USD 3.6 million grant was awarded to the Liberian national government to slow deforestation, build on sustainable forestry practices, and advance the protected area network.²⁸

IV. Organizations for Private Land Conservation in Liberia

Government

- The Environmental Protection Agency (EPA) of Liberia was created in 2003 and charged with implementing environmental policy in the country.²⁹
- The Forest Development Authority (FDA) is a government-owned corporation, established by mandate in 1976 to sustainably manage and conserve Liberia's forest resources. The FDA received USD 3.6 million from UN-REDD+ in 2013 to achieve REDD-readiness by 2015, with the help of the global Forest Carbon Partnership Facility (FCPF).³⁰
- In 2016, the Liberia Land Authority replaced the Liberia Land Commission, which oversaw the push for new programs and legislation for resolving land and resource disputes since 2009.

²⁵ Forest Atlas of Liberia: Open Data Portal. 2007. "Community Forests". Website. Accessed online at http://lbr-data.forest-atlas.org/datasets/b403afe5eb8e46799fe36b6ed459770c_0 in June, 2017.

²⁶ Bode, Scott. June 8, 2017. "Before and After: A Decade of Protecting Liberia's Forests." *ADCI/VOCA*. <http://www.acdivoca.org/2017/06/before-and-after-a-decade-of-protecting-liberias-forests/>

²⁷ Gaworecki, Mike. April 26, 2016. International Forest Conservation Finance is Flowing to Africa. *Mongabay*. Accessed online at <https://news.mongabay.com/2016/04/international-forest-conservation-finance-africa-flowing/> in June 2017.

²⁸ Forest Development Authority of Liberia. What is REDD? Accessed online at <http://www.fda.gov.lr/projects/redd/what-is-redd/> on June 2017.

²⁹ See EPA Liberia website at http://postconflict.unep.ch/liberia/index_2a.php?m=2&sm=2a.

³⁰ Forestry Development Authority of Liberia. Forest Carbon Partnership Facility Project (FCPF) – Project Coordinator Position. Accessed online at <https://www.forestcarbonpartnership.org/sites/fcp/files/2013/Nov2013/REDD%20corodinator.pdf> in June 2017.

Non-governmental

- The Society for the Conservation of Nature in Liberia (SCNL) became the first private conservation organization in Liberia when it was founded in 1986.³¹ The SCNL remains the only such organization in the country, and works with international organizations to achieve its goals, including BirdLife International.³²
- Liberia Forest Initiative (LFI) was launched in 2004 with support from the US State Department. LFI supports numerous programs to meet the 3 Cs platform for forest management: Community, Conservation, and Commercial.
- Since 2011, the Global Environment Facility (GEF) has partnered with the Liberian government and other conservation groups active in the country to consolidate and advance the PA network of Liberia.³³
- The Pygmy Hippo Foundation (PHF) is a species-focused conservation non-profit involved in the management of Sapo National Park, among other projects.³⁴
- The US Agency for International Development (USAID) has been an active participant in Liberia's forestry management, recently spearheading the Liberia Forest Sector Project (LFSP) and Land Rights and Community Forestry Program (LRCFP).
- Global Witness, a UK-based International NGO is dedicated to supporting the creation and/or management of PPAs in Liberia. Specifically, they have conducted in depth study of the Community Forestry Program.

Section V. Case Studies

GolaMA Project

The GolaMA project (Gola Management Area, and “Unity” in the Lofa language) is led by the Society for the Conservation of Nature in Liberia (SCNL), in cooperation with the Forest Development Authority (FDA), the Royal Society for the Protection of Birds, six local communities, and a grant from the European Commission.³⁵ The project addresses about 40,000 ha of rainforest stretching between three existing PAs: Gola Forest National Park and Foya Forest Reserve in Liberia, and Gola Rainforest National Park in Sierra Leon.³⁶ To establish habitat corridors in support of biodiversity conservation, SCNL has been helping the communities between the PAs to establish Community Forest Management Areas for the forests in their customary control.

³¹ See SCNL website at <http://www.scnlliberia.org/>.

³² See SCNL profile on BirdLife International website at <http://www.birdlife.org/africa/partners/liberia-society-conservation-nature-liberia-scnl>

³³ Global Environment Facility. September 7, 2011. The ‘Commercial, Community, and Conservation’ Forestry Approach in Liberia. Accessed online at <https://www.thegef.org/news/%E2%80%98commercial-community-and-conservation%E2%80%99-forestry-approach-liberia> [in June 2017](#).

³⁴ See PHF website at <http://pygmyhippofoundation.org/about>.

³⁵ Front Page Africa. 2015. Liberia: Forest Conservation Group Holds First Project Discussion. Accessed on <http://allafrica.com/stories/201510151171.html> on June 2017. See European Commission grant no. DCI-ENV/2013/323889.

³⁶ See SCNL website at <http://www.scnlliberia.org/>.