

Assessment of the Spatial and Temporal Dynamics of Land Disputes in Liberia

BY

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DOI: [10.5281/zenodo.17198288](https://doi.org/10.5281/zenodo.17198288)

Article History

Received: 10-09-2025

Accepted: 15-09-2025

Published: 25-09-2025

Abstract

The importance of land resources for improving livelihoods in Liberia cannot be overstated. Due to the conflict-sensitivity of land issues, proper land governance is necessary to prevent or mitigate current and future conflicts. This study examined the potential impact of Liberia's recently enacted land rights law on land dispute incidents. Situations before and after the law went into effect were analyzed using data collected from different institutions and open sources between 2014 and 2021. Areas with a high prevalence of land disputes and the efficacy of the dispute resolution mechanism were also investigated. It was discovered that the introduction of the land law did not translate into reduction for boundary and land grabbing disputes. Cases of these two land disputes increased after the land law went into effect. However, the number of ownership and illegal occupancy disputes decreased after the land rights law was passed. The overall rates of land dispute settlement using the alternative dispute resolution mechanism were not impressive, which could be attributed to the involvement of political actors with multiple interests. The study discovered gaps in information dissemination about the land rights law and recommended that a robust public awareness campaign is initiated to inform people about the law. To achieve success with land dispute resolution, there should be a clearly defined relationship between ADRM and the formal system, ensuring the two are mutually beneficial. Furthermore, the full operationalization of dispute resolution initiatives must also include the active participation of civil society with specific roles and responsibilities.

Keywords: Dispute Resolution, Early Warning, Land Conflict, Liberia, Natural Resources.

Introduction

Land is a valuable resource, providing communities with livelihood opportunities in Liberia and many other African countries. In communities which operate a land-based economy, the associated benefits of land resources range from economic and livelihood support services which include rental fees from natural resources endowment that support job creation in tourism and agriculture sectors. Formal tenure covers significantly less than 10% of the area in a huge portion of most of Africa, thus signaling that more than 90% of land is held under the form of customary tenure without full legal recognition, i.e. de facto outside the realm of the law (Oosterberg, 2002). Rural communities in Liberia use land for farming, animal rearing, hunting, tree planting, traditional and sacred activities, small scale mining, etc. In

rural Liberia, having land is a significant component in determining one's livelihood. While most urban land is used for establishing settlements, rural areas are dominated by farming, logging, and mining, thus making land an important resource that supports the livelihoods of people.

Land disputes are not only unique to Liberia. It is now recognized globally as a human security threat by several countries with steps taken to mitigate them before they spill over (Wehrman, 2008). Land disputes have been a major source of disturbance and civil wars in many parts of the world (Agegnehu et al. 2021). There are numerous documentations on how land-related issues have resulted in civil wars and insurgencies in many agrarian-based nations (Anseeuw et al. 2011). Some land disputes involve only two

parties and hence they are relatively easy to resolve. Inheritance disputes between siblings over a particular piece of land and boundary trespassing disputes are the most common two-party dispute types (Wehrman, 2008). Land disputes become more complex and difficult to resolve where more parties are involved. The Ganta Land Dispute is one such case in Liberia which has taken tribal, religious and traditional twist because of the involvement of many parties coupled with the intermingling positions, needs and interests of the disputing parties (Land for Life, 2021). Land disputes in rural areas are often found between different interest groups, e.g., between farmers and investors and/or the state, as well as between farmers themselves (Dufwenberg, 2016). For example, some communities in Liberia have complained on the violation of their rights to free, prior and informed consent (FPIC) during the signing and approval of concessions (Rights and Resources Initiative, 2012).

Cognizant of the fact that land governance was key, and land disputes presented serious triggers for conflict, the Liberian Government started the process to formalize the land sector by establishing the Land Commission in 2009. This decision was supported largely by actors from civil society and international partners of the government. In furtherance of additional legal and institutional reform in the land sector, the Liberia Land Authority (LLA) was established by an Act of the National Legislature in 2016, taking over functions that were performed by other agencies like the Ministry of Mines, the Center for National Documents Records Agency (CNDRA), and the Ministry of Internal Affairs (MIA). Following that, Liberia passed a major landmark legislation in 2018, the Land Rights Act, which protects the customary rights of village communities, amongst others.

Prior to the passage of the Land Rights Act, there were incidents of land disputes where communities were in a brawl with members of the country's most powerful elites or people with economic potential and/or political connections. In most cases, the interests of the community were not protected primarily because traditional communities lacked the required documentation and sophistication to prove formal ownership. There are documented cases where concession companies in the logging and mining sectors displaced villages that had no chance of protection and defense from the state and formal legal institutions (Nouwah and Korleh, 2018). Companies or individuals wanting to utilize community land must now satisfy the free, prior and informed consent process to engender consensus, seek approval and achieve positive and mutually beneficial outcomes for all sides. It was expected that the introduction of the new land law would considerably reduce most of the disputes and tensions that emanate from land resources whether privately or communally owned. In Liberia, land dispute resolution initiatives are dispersed between state and non-state actors, thus making activities uncoordinated and accomplishments unnoticed. The Liberia Land Authority (LLA) runs a dispute resolution section that handles cases. The Ministry of Internal Affairs (MIA) through the Peacebuilding Office (PBO) also undertook several land dispute resolution initiatives. The National Bureau of Concession (NBC) has also been involved with land

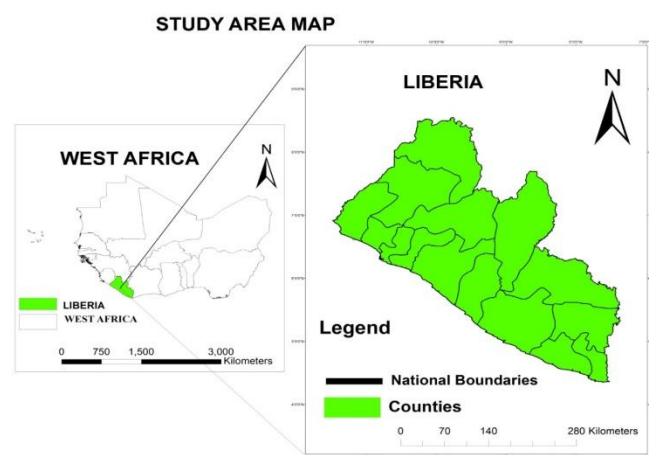
disputes resolution around conflict-prone concession areas. These different government agencies have recorded successes in their respective works around land disputes, but the totality of the works done cannot be easily quantified yet. It is advisable that the many players working in this area improve collaborative efforts, develop harmonized conflict resolution processes for various forms of land disputes, collaborate with non-state actors and civil society, and use the new land law as a guiding tool.

The Land Rights Act stipulates four types of land ownership: Public Land, Government Land, Customary Land and Private Land (Land Rights Law, 2018). This paper examines the temporal and spatial dynamics of disputes for those land ownership types in Liberia. It endeavors to compare the situation before and after the passage of the land law and assess the alternative dispute resolution mechanism employed and its influence on land disputes full closure or persistence. The paper also advances some recommendations for policy makers to utilize in their approach while designing strategies to prevent and resolve land tensions and disputes as they arise. There have been many studies undertaken with a focus on the causes and consequences of land disputes and their impacts on the fragility of peace in pre-and-post war Liberia, but a review of literature discovered a gap surrounding the impacts of policy interventions on the prevalence of land disputes.

Research Methods

Study Area

The study was undertaken in Liberia, West Africa. Liberia has fifteen (15) political subdivisions called counties. Liberia was founded by free American slaves who landed on the West Coast of Africa in 1822; and they subsequently sought for an autonomy which was granted in 1847 making Liberia the first independent Country on the African Continent. Liberia experienced a 14-year brutal civil war (1989-2003) and unequal distribution of the benefits accrue from natural resources including land is considered a key factor for the war. The total population of Liberia is 5,248,621 with male accounting for 50.4 percent and female making up 49.6 percent of that number, respectively (LISGIS, 2022). Liberia has sixteen (16) ethnic groups with an average national household size of 4.4 persons, and a population density of 140 persons per square mile.



Data Collection and Analysis

The data used in the study were gathered between February 2014 and June 2021 from databases, open sources, technical reports, and key experts in land governance. Data were disaggregated as follows: data collected from February 2014 to January 2017 represented the period prior to the passage of the land rights law, and data collected from May 2019 to June 2021 represented the period following the passage of the law. Land conflicts were divided into five (5) categories: boundary, ownership, land grabbing, illegal sale or occupancy, and eviction. Only four conflict types were presented, except for eviction, due to insufficient data. After data collection, a descriptive analysis was conducted using Microsoft Excel 2013 for Windows 10. Tables,

graphs, and charts were used to display the data that had been analyzed.

Results

The temporal variation of land disputes prior to and following the passage of the Land Rights Law is depicted in Chart (1) below. It was found that the number of border conflicts rose from 25.9% prior to the law's passage to 40% following its passage. Instances of land disputes involving land grabbing also showed similar patterns. However, following the law's enactment, it was seen that ownership-related issues had decreased. Following the legislation, there was also a decline in illegal occupancy.

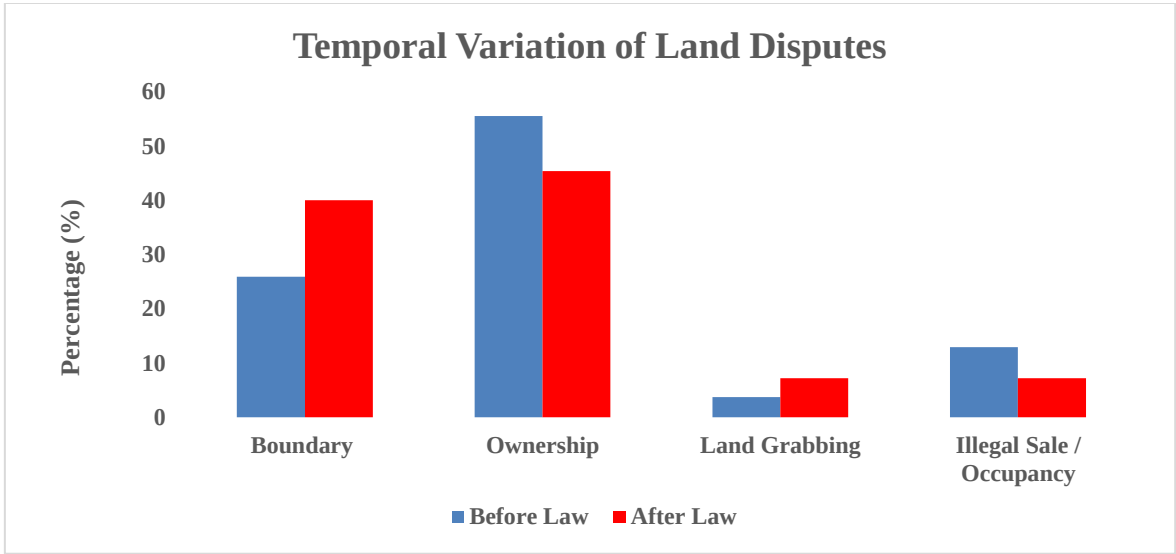


Chart 1: Variation in Land Dispute Types During and After Land Rights Law

Table 1 displays the areas in Liberia where specific dispute types were found to be most common. Lofa County dominated land disputes centered on boundary and ownership issues. This was followed by Nimba County, which finished second in the same categories. Bong County,

in Liberia's central region, dominated both land grabbing and illegal sale or occupancy categories. There were isolated cases of disputes recorded in other areas, but their numbers were relatively lower than others that were documented.

Dispute Types	Locations	Percentage of Total Cases
Boundary	Lofa	15.10%
	Nimba	12.10%
	Maryland	9%
	Gbarpolu	9%
Ownership	Lofa	20%
	Nimba	17.80%
	Bong	13.40%
Land Grabbing	Bong	33.30%
	Lofa	16.70%
Illegal Sale/Occupancy	Bong	25%
	Margibi	16.70%

Table 2 shows the percentage of resolutions for various land dispute types throughout the country. In general, resolution rates were poor, with relative improvements noted for only

disputes over ownership. It was discovered that no resolution had been recorded for any of the land-grabbing issues.

Dispute Types	Total Cases	% of Dispute Resolve
Boundary	33	8.4
Ownership	45	16.4
Land Grabbing	6	0
Illegal Sale / Occupancy	12	9

Discussions

The study discovered that, contrary to popular belief, the implementation of land law did not result in a decrease in boundary disputes. Although the new land legislation recognizes collective ownership and includes options for obtaining legal title, many rural communities are still unaware of it. The Liberia Land Authority (LLA) has commenced the process of raising public awareness of the law. In the absence of clearly specified, promoted, and informed property rights to communal land, as well as a lack of enforcement, growing competition and encroachment on common land are very likely. The Rural Land Administration and Land Use Proclamation of Ethiopia (2005) similarly support these findings, emphasizing the importance of explicitly defining property rights to communal land.

Disputes over land ownership decreased following the implementation of the land law. It appears that residents in urban areas were more aware of the legislation than their counterparts in rural areas, which served as a disincentive to those who had an intent of dispossessing them. On the other hand, ownership conflicts accounted for the highest percentage of total cases reported, with a resolution rate of 16.4%. Population growth, urban expansion, rising demand, tensions between traditional and modern land ownership systems, and large-scale land acquisition by corporations and well-connected people may have all contributed to a rise in ownership disputes. Ownership disputes were especially widespread in Lofa, Nimba, and Bong counties, where large-scale food and tree crop cultivation were taking place, as well as the operation of multiple mining concessions. Furthermore, cities and towns are outgrowing their original boundaries, and there has been a rush for farmland by individuals, groups, and businesses with a growing interest in agriculture.

More boundary and land grabbing disputes occurred after the land rights law was enacted. This could be ascribed to the activities of land-related institutions, which have elevated the discourse on land matters and the value of land resources in Liberia, coupled with increased interest from judicial authorities because of the recency of the passage. According to a 2016 USAID assessment, 90% of civil court cases in Liberia are related to land conflicts, with up to 63% of violent cases stemming from land rights problems. Land policy reform is generally intended to help restore justice and the rule of law in land governance, but it may result in the formation or intensification of conflict if conflict-sensitive circumstances are not handled properly for all parties involved. The Land Rights Law has enhanced the

recognition of ancestral rights to land, which can now be used to legally claim property ownership. This could be a reason for the escalation of tensions and the increment in land disputes as communal lands link to ethnic groups can now be easily claimed (D'Arcy and Nistotskaya, 2019).

Boundary disputes were also reported to be one of the highest among different disputes in Norway in a study by Goodale and Sky (2000). Most rural lands in Liberia have not undergone any form of cadastral survey by a qualified body, leaving holders without appropriate boundaries to assert their claims, which may be the cause of the high rate of boundary disputes reported in this study. A similar study by Agegnehu et al. (2021) identified boundary disputes as the most dominant among a plethora of land disputes and the lack of surveying to set cadastral boundaries was found to be the main challenge. Several studies also revealed that boundary disputes constituted a significant fraction of land dispute types (Barry and Danso, 2014; Colin, 2013; Wehrmann, 2006).

Efficacy of the Alternative Dispute Resolution Mechanism (ADRM)

The primary land dispute resolution methodology recorded in this study was alternative dispute resolution mechanism (ADRM) which primarily consisted of negotiation and mediation techniques involving chiefs and elders, representatives from the Land Authority, Local government representatives, the Peacebuilding Office (PBO), members of the Legislature and limited or no involvement of civil society.

It was found out in this assessment that the resolution mechanism did not record a significant success overall for all dispute types. This could be attributed to the presence and interference of other administrative representatives during the resolution process, including the active participation of politicians wielding excessive authority and influence. There is a high possibility that when resolution mechanisms become formalized, they turn weaker, thus swaying people away from the discussions in traditionally entrenched settings. In a previous study by Norwegian Refugee Council (2010), the more land dispute resolution technique became formal, the lesser percentage of disputes were resolved in Lofa and Nimba Counties respectively. Rural residents will most likely honor an invitation from town chiefs or elders than from a peace and reconciliation committee or any formal structure.

Another reason for the low rate of dispute resolution may have been the asymmetrical power relationships between the parties like farmers, miners, loggers and the local communities, etc. These types of disputes are difficult to

resolve compared to ones involving symmetrical power relationships (Moore et al., 2009). Aside from the formal and structured nature of most of the resolution approaches, the issue of trust could have been a deciding factor. It appears that people could not trust the state to enforce their property rights or resolve disputes over land, so they did not subscribe to processes that involved the active participation of state actors or honor their outcome. Land dispute resolution if not managed properly is quick to be overcome by political, economic or social interests with the most common being elements of identity like ethnicity. In a most recent situation where efforts were exerted to resolve a boundary dispute between River Gee and Sinoe Counties, disagreements ensued among the parties after the committee reported that a settlement was already reached. Cases of such are difficult to resolve as several factors are at play including politics and ethnicity, especially if the resolution is driven by state actors who are mostly politicians. According to Wehrmann (2008), the most important prerequisites for resolving land disputes are a comprehensive understanding of the causes of disputes as well as the positions, needs, and interests of the disputing parties.

The resolution rate for boundary disputes was lower than those of illegal occupancy, suggesting that there were challenges associated with the alternative dispute resolution mechanism, thus intensifying few beyond the control of those who were involved with the resolution exercise. Furthermore, land disputes surrounding illegal sale or occupancy may have been likely resolved through formal medium by a court of competent jurisdiction. The same could be referenced for ownership disputes where a definitive resolution outcome is sought by parties involved which oftentimes consider the verification and authentication of documentation and/or the production of new and legitimate ones that clearly stipulate title. The infusion of traditional or customary values in the resolution cycle may have contributed to the relative success of ADRM for the incidents reported both before and after the passage of the land law. Additionally, resolutions for ownership dispute types with links to inheritance likely accounted for some of the comparative success scored by customary and community-based interventions.

Conclusions and Policy Implications

The passage of the land rights law was a great step to define tenure rights, reduce disputes and enhance benefits accrued from land resources. From the assessment, the introduction of the land law did not have meaningful impact on the reduction of boundary and land grabbing disputes. However, positive effects were observed for ownership and illegal occupancy suggesting that the introduction of the land law could record noteworthy progress in the near future. Strong awareness and consent to use the law are two obvious elements that could have a big impact on how the land law can help to reduce disputes. These should be facilitated by a rigorous national public sensitization campaign. Moreover, there is a need to synchronize land dispute resolution

mechanisms under one umbrella for effective coordination, administration and the realization of tangible outcomes. State actors involved with resolving land disputes must endeavor to operate under a conglomeration, in that way, resources and expertise can be pooled together. On the other hand, state and non-state actors must continuously have dialogues and draw up a consolidated agenda, thus ensuring that the different dispute resolution mechanisms and their accompanying procedures are not duplicated. Consideration must also be made for a deeper involvement of civil society to facilitate checks and balances, tracking, monitoring and evaluation.

Acknowledgement

The author thanks the early warning infrastructure in Liberia specifically the National Center for the Coordination of Early Warning and Response Mechanism (NCCRM), the Peacebuilding Office (PBO) and the West African Network for Peacebuilding (WANEP) for the supply and validation of some data used in the study.

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