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OPERATIONAL MANUAL FOR UNDERTAKING CUSTOMARY LAND RIGHTS INVENTORIES

LIBERIA LAND CONFLICT RESOLUTION PROJECT

JULY 2014

Produced by the USAID-funded Land Conflict Resolution Program in close collaboration with the Land Commission of Liberia.

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DISCLAIMER

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ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
COP	Chief of Party
GIS	Geographic Information Systems
GPS	Global Positioning System
ICC	Interim Coordinating Committee
LC	Land Commission
LCC	Land Coordination Center
LCRP	Land Conflict Resolution Project
LISGIS	Liberia Institute of Statistics and Geo-Information Services
MOU	Memorandum of Understanding
NGO	Nongovernmental Organization
PM	Project Manager
PMP	Performance Monitoring Plan
SBCC	Social and Behavioral Change Communication
SDI	Sustainable Development Institute
STA/M	Senior Technical Advisor/Manager
TOR	Terms of Reference
USAID	United States Agency for International Development

INTRODUCTION

The Operational Manual for Undertaking Land Rights Inventories is submitted to USAID in fulfillment of the Liberia Land Conflict Resolution Project (LCRP) Deliverables 2 and 3, “Develop strategy to implement inventory of property rights for 16 towns and/or villages in Lofa and Nimba Counties,” and “16 completed community land maps that indicate...boundaries validated and agreed to by neighbors and the chief of the towns or villages,” respectively. The LCRP Performance Monitoring Plan (PMP) of 2013, which considered the time spent in negotiation of this exercise, clarified the statement regarding maps to “21 villages/towns and customary boundaries mapped through the support of LCRP.” The report, therefore, narrates the steps taken to complete both tasks and serves as a manual for future similar exercises. It was prepared by LCRP Land Tenure Specialist Adarkwah Y. Antwi and Tetra Tech Senior Geographic Information Systems (GIS) Specialist Nick Thomas.

This Operational Manual has been developed to guide field staff when undertaking an inventory of customary land rights in Liberia. It is designed to achieve a specific objective: to advise on field activities that are necessary to engage a community to self-identify, agree on their customary land boundaries with their neighbors and represent the information as a map in a GIS. The outputs from this manual would serve as a crucial tool to supporting the development of a comprehensive customary land rights recognition methodology in Liberia. The Manual is based on experiences and insights gained from fieldwork undertaken in Gbarlin Clan, Lofa County, funded by USAID through LCRP between March and July 2014. The 2014 fieldwork was preceded by an expanded concept note, prepared by the Customary Land Rights Task Force under the chairmanship of Dr. Antwi, and two site identification visits, during the last quarter of 2013. In addition, the community engagement process was implemented jointly by the Customary Land Implementation Team and Sustainable Development Institute (SDI), under a subcontract with LCRP, from March through May 2014. The community engagement preparations included training in community entry provided by SDI, and training in meeting facilitation and negotiation provided by Dr. Chris Moore, also with the support of LCRP.

This report attempts to provide a step by step guide for gathering field information that will lead to the identification of customary communities for purposes of land clearer land rights definition and resource management. It also provides guidelines on undertaking a participatory process with communities and their neighbors to mutually agree, identify, harmonize and record boundary points so as to generate a map of communities’ customary lands. In this regard the Manual guides a process that leads to the compilation of documental evidence to achieve two main objectives of customary land rights recognition as set out in Sections 6.2.3 (community self-identification) and 6.5.1 (participatory boundary demarcation with neighbors) of the Liberia Land Rights Policy. By completing the activities and exercises detailed in this Manual, information that hitherto was held only in oral form by the communities themselves, will, for the first time, be available in a geographically correct database (GIS) that can then be used to; (a) describe land boundary locations and, (b) serve as a tool in any subsequent conflict resolution and/or mediation activities. The approach has been developed in conjunction with the Liberian Land Commission’s Customary Land Implementation Team and has been used to successfully describe community limits between villages as well as larger customary land units including clan boundaries. The documentation that is attached as appendices, therefore, represents a starting point that the Land Commission or its successor can use in the expansion of this exercise in other districts and counties.

The Manual is organized into three main parts. The first part deals with steps involved in helping communities to self-identify and harmonize customary land boundaries with their neighbors. In the second part steps and processes involved in ‘ground truthing’ and GPS recording of community boundaries to

incorporate in a GIS are detailed. The third part provides snapshot advice on field team composition, their training requirements and summary comments on the entire process. The Appendix section includes samples of the outputs of the exercise, as well as information from the preparatory training processes.

I.0 ENGAGING COMMUNITIES TO SELF-IDENTIFY AND HARMONIZE BOUNDARIES WITH NEIGHBORS

This main objective of the community engagement phase is to help communities to self-identify and compile documentary evidence to that effect. Depending on the geographical size, the level at which the community self-identifies, and the speed at which agreements can be reached with community's neighbors on boundaries, this part of the field exercise is expected to take up to three calendar months to complete. A series of systematic community engagement approaches that is adaptable to all circumstances and levels of self-identification, be they at town, clan, chiefdom or other levels, are envisaged. These approaches comprise of focus group meetings, town hall meetings, etc. to facilitate a process to achieve self-identification. The number of meetings to be held and the format these meetings take depend on many factors including, the geographical extent of the community, the number of main towns and villages (satellite towns) and the level of cohesiveness of the community. An adequately qualified and trained field team (as indicated in Section 3.1) is expected to be nimble and adapt appropriate meeting strategies to gain the initial trust of a community in order to help them self-identify for the recognition of their customary land rights under the Liberian Land Policy.

I.1 MAIN STAGES OF THE COMMUNITY ENGAGEMENT PROCESS

Below is an outline of activities the team is expected to undertake during various meetings to fully engage the community. As should be appreciated, the activities enumerated are only indicative and may be added on or adapted to suit field circumstances. To engage effectively, it is expected that certain initial preparatory desk study and reconnaissance visits will have been undertaken by the field team to form some prior views and understandings of the community to be engaged (see Box 1 for brief guidelines on preparatory work).

1.1.1 CONDUCT OUTREACH AND EDUCATION OF COMMUNITIES

The first main task of the field team will be to conduct an outreach and education program to prepare the community it is about to engage (the target community) in this customary recognition field exercise. Informal contact would already have been established during the reconnaissance visits conducted as part of preparatory activities in Box 1 and therefore some rapport ought to have been developed at this stage with some key members of the community.

Tasks

- Develop clear messages to help communities understand the purpose and benefits of customary land rights recognition. For the Gbarlin exercise this was in a form of a T-shirt and scarf with simple statements about community knowing itself and negotiating their boundaries. See Appendix D for details of the messages on the T-shirt. Figure 3 shows four community members wearing the T-shirts and scarfs.
- Review, adapt and disseminate existing outreach documentation developed by partner projects on community land rights recognition in Liberia.
- Using Social and Behavioral Change Communication (SBCC) techniques develop and pilot-test messages to inform target (and neighboring) communities about the objective of the exercise, the process, and the benefits of cooperation.
- Design media strategy (including but not limited to graphic designs on clothing, public performance, text messaging, community meetings, school programs, radio call-in shows) in counties with existing Land Commission field presence (LCCs or their successors).
- Train LCC field staff in the dissemination of messages and reinforcement within local communities.
- Develop a monitoring framework to establish baseline and assess post-exercise levels of comprehension, acceptance and support of customary land rights recognition messages; use the framework for adjustments to the outreach program for different regions as appropriate.
- Estimate the level of long-term education requirements based on the implementation experience.

1.1.2 COMMENCE THE ENGAGEMENT OF COMMUNITY TO SELF-IDENTIFY

Under this and the other activity headings that follow, a combination of focus group meetings, general town hall style meetings involving all community members, as well as special meetings with sections of communities or committees, as appropriate, are organized to achieve self-identification. Box 2 provides some further pointers of meetings to be held.

BOX 1: PREPARATORY ACTIVITIES

1: Desk Studies

Research is essential to learn as much as possible about the county, the community, and the region. This initial desk research should include but is not limited to the following:

- Land Coordination Center baseline studies
- Government reports about the county and region
- LISGIS demographics and statistics about population, ethnic composition, languages spoken, religions practiced, size of towns, etc.
- Information about the geography of the area
- Historical accounts of the county, area, and community
- History of land conflicts in the county, area, and community
- Information about major concessions and companies operating in the county, area, and community

2: Reconnaissance Visits

Initial visits would be largely informal and possibly organized impromptu without prior scheduling with the community. They are aimed at collecting further information to enlarge the field team's understanding and help make some *à priori* decisions regarding possible levels of community self-identification, the field team's logistical and other planning requirements and other community dynamics such as:

- Level of community cohesion?
- What community governance structures and institutions exist?
- Who are the community leaders?
- What natural resources exist in the community and how are they used?
- What community institutions exist and how they operate?
- Any major land-related disputes in the community?
- What are the major threats to community-owned land?

Tasks

- Begin dialogue with statutory and customary community leaders to ascertain ideas of “a community” for the purpose of customary land ownership.
- Examine definitions obtained with the identified community in “community-wide meetings” and focus group discussions. This may imply holding many meetings at town, village, quarter or sectional levels.
- Document the various settlements (villages, towns, tribes, private claims, etc.) that might constitute the community.

1.1.3 CREATE INTERIM COORDINATING COMMITTEE AND RECRUIT ANIMATORS

Support the community to establish an interim coordinating committee (ICC) to guide the process of self-identification. This committee will serve as the coordinating body that the field team relates to in the entire community engagement process. It will also serve as the body to represent the community in boundary negotiations and harmonization with their neighbors.

Tasks

- Commence by identifying the existence of any governance entities (it is essential to ascertain and identify certain existing elder positions, such as landlords that must be included in this entity).
- Enhance any existing entities, if necessary, to ensure representation of women, youth and vulnerable groups as well as to be fit for the coordinating purpose.
- If the community desires, facilitate the creation of a new coordinating entity making sure that all sections of the community are well represented. For the ICC to gain full legitimacy within the community, it would be essential to allow the communities themselves to make decisions regarding the number of people to make up the ICC, backgrounds etc. However, the team should point out the necessity of including people with some basic educational backgrounds, knowledge of the community’s boundaries, women, youth etc. in order to create an effectual ICC, with the ultimate decision to them.
- Document the list of ICC members, indicating their status in community and their locations.
- Facilitate the development and adoption of terms of reference (TOR) for the ICC.
- Recruit at least two community members with literacy and other useful skills as animators that are to be trained and undertake the ‘heavy lifting’ activities involving liaisons to arranging meetings, boundary harmonization and regular feedback to field team.

1.1.4 TRAIN INTERIM COMMITTEE AND ANIMATORS

Provide necessary trainings to instil needed skills for undertaking the process, such as:

- Educate on customary land recognition provisions under the Land Rights Policy.
- Provide training on the processes and stages of the customary land recognition field work.

BOX 2: COMMUNITY MEETINGS

In order to get broad-based consensus and participation, it may help to organize “town-hall” style meetings throughout all large sections, towns, and areas of the community. Before these meetings the team should meet with the County and other statutory authorities. In these meetings:

- Introduce the team and the customary land rights recognition field exercise
- Discuss the benefits of the exercise for the County and for communities
- Discuss the challenges that are part of the field exercise
- Ask for the names of important key statutory and customary leaders
- Ask for names of important stakeholders and landlords in the County (who may live in or outside of the County)

Organize larger meeting(s) between the team, community leaders, and the community as a whole to determine how everyone will work together. In this meeting:

- Explain the mission and objective of customary land rights recognition field work.
- Discuss expectations and limitations.
- Explain how communities were selected.
- Discuss the role of the animators, ICC, the field team, the role of community leaders, and the role of the community in the project
- Explain the expected timeframe and process of the exercise.
- Clarify any financial and other logistical support the team may or may not be able to provide the community to facilitate the process.

- Build capacity on conflict mediation/resolution.
- Develop capacity on community facilitation.
- Provide training and guidance on negotiation and harmonization of boundaries with neighbors.

1.1.5 ENGAGE COMMUNITY TO SKETCH OUT BOUNDARIES

- Divide community members into working groups (women, elder and youth, etc.).
- Facilitate to enable each group map and identify their boundaries, neighboring communities, hot spots/disputed areas, historical/traditional sites, concession areas, private deeds or deeded areas, large infrastructure (roads, schools), large body of waters (rivers, lakes, and creeks), private and public plantations, virgin forests, shared resources, waterways, and all natural resources in their community.
- Bring all groups together to view and discuss their maps.
- Facilitate to integrate group maps into one agreed community map.
- Facilitate the identification and noting of all adjoining communities (towns) that share boundaries with the target community.

1.1.6 PREPARE COMMUNITY AND THEIR NEIGHBORS (TOWNS) FOR BOUNDARY NEGOTIATIONS

- Organize meetings as appropriate to engage and explain purpose and process of customary land recognition to adjacent neighbors.
- Hold separate meetings with target community and neighboring communities to coach them on skills of negotiation.
- Provide training and guidance on negotiation and harmonization of boundaries with neighbors (see Appendix C).
- Support and provide liaison between communities to develop schedules of meetings with neighbors to negotiate on boundaries.
- Facilitate agreements on boundaries with neighbors (particularly direct neighbors).
- Facilitate the creation of boundary walking teams comprising of members from the target community and each neighboring community with which a boundary needs to be walked. These ‘boundary walking’ teams are to develop a schedule and jointly walk the boundaries to undertake a ‘ground truthing’ of the boundary as agreed in negotiating meetings. The walking teams are to mark as many identified points along the boundary as possible – with fixed/planted or natural features. This activity is particularly essential for the GPS work to be undertaken in part two of the field work.
- Record any private and other types of land claims the community is aware of to fall within their customary land area.
- Document harmonized and walked boundary agreements (i.e. preliminary agreements and an official Memorandum of Understanding (MOU)).

1.2 DOCUMENTED OUTPUTS OF COMMUNITY ENGAGEMENT

By this stage the field team ought to have compiled the following documentary evidence about the community. To enable standardization, forms or templates (or instruments) may be developed for compiling and reporting these outputs. Furthermore, where appropriate, it is essential to get the ICC chair to sign the documents.

1. An ICC for customary land recognition must have been formed and made operational (evidenced by signed list of members)
2. TOR for ICC must have been developed and adopted (evidenced by signed copy).
3. Number of towns, villages (or satellite towns) constituting the community must have been documented (evidenced by signed copy).

4. Brief history of community's land ownership must have been documented (evidenced by signed copy).
5. Community's rules and norms regarding land ownership and management (by –laws) must have been documented (evidenced by signed copy).
6. Sketched map of community's land area indicating names of neighboring communities, physical features and natural resources must have been completed(evidenced by the map)
7. Community boundaries must have been harmonized with neighbors (evidenced by signed MOU agreements with neighbors).
8. A check list of all above outputs must have been completed by field staff, signed and witnessed by community representatives.

These outputs are intended for two purposes: (i) to serve as evidential resource to aid the mapping of community's land described below and; (ii) to be scanned and attached to community maps as attribute data in a GIS.

2.0 GEO-REFERENCING OF AGREED BOUNDARIES

2.1 COMMUNITY SENSITIZATION FOR BOUNDARY MAPPING

This phase of the field work only commences after the community engagement phase (described above) is completed and a copy of the full pact of documented evidence enumerated in 1.2 above has been handed over to the survey or GIS expert. Staff able to communicate in the local language are used to tell the community what the purpose of the exercise will be, what the community will gain from partaking and what it will not. Setting the right expectations is an important stage of the sensitization process. A dedicated staff member is assigned to the sensitization task as the community must learn to trust the individual. This same individual is to be present throughout all subsequent stages of the process to facilitate clear communication and address any community issues that arise.

2.1.1 COMMUNITY MEETINGS

The format and purpose of these community meetings is multi-faceted. They provide a venue at which communities can vocalize their knowledge of customary boundaries, elect representatives from their own communities to represent them through the process and see the outputs of their work at the completion of activities. The essential element of all meeting activities and structured steps is the translation of local knowledge into spatially referenced data that can be incorporated in a geographic information system. The final structure of the meeting can be adapted according to the situation faced by the conflict resolution team but the ultimate aim remains the same. However, one issue that does not change is the idea that communities with a recognized dispute are never in attendance at the same meeting to avoid escalating what is often a sensitive issue.

The typical format of such a meeting is as follows with greater or lesser time spent in each area depending upon the mood of the meeting and the progress made. A team of staff facilitates the meeting with a minimum of a mapping specialist and the community sensitization representative being present. The entire event should not take longer than four to five hours and takes place in the community itself rather than off-site.

Expectation Setting (Step 1)

After introductions, a presentation is provided to community members on what will transpire during the day and what the ultimate aim of the day's effort will be, i.e. the verbal, written and graphic representation on a map of an agreed community boundary. Clear identification of this purpose is essential and reduces the likelihood of misconceptions associated with land. In the case of the Gbarlin Clan meeting, it was to identify the boundary according to themselves. It was made clear that it would be up to the community itself (Figure 1) to describe the boundary and that the LCRP team would facilitate the capture of this spatial data.

Figure 1: Community members being briefed on meeting purpose and agenda



Spatial Awareness Exercise (Step 2)

Ahead of the meeting, community sensitization would have resulted in sketch maps being generated, sometimes referred to as participatory mapping, helping community members to illustrate their immediate surroundings. The outputs of these activities, hand drawn map sketches, help a community begin the transition from spatial perception to geo-referenced data. The exercise involves giving separate groups at the meeting a skeletal map with no detail other than a road network and drainage patterns (Figure 2). From this, the groups spend 20 minutes listing as many settlements along the principal road as possible. The results are interesting for the whole group of participants as the limits of spatial perception are graphically demonstrated. Villages further from the road have markedly less capacity to list the villages along the road.

The exercise is undertaken for two reasons. The first, mentioned above and a second that provides the mapping specialist with a measure of the variation of spatial awareness present within the group. The difference in knowledge quickly becomes apparent through this exercise. The specialist can then ascertain which groups/individuals might be best suited for further activities. This is especially important when political sensitivities may result in the election of community members with less spatial understanding than others to undertake subsequent tasks.

Figure 2: Participants documenting spatial understanding



Elections of Village Representatives (Step 3)

Many times, clans self-identify village membership simply by sitting altogether. Collectively, these villages hold the information associated with the clan boundary and all voices should be heard. The villagers are asked to identify two individuals that can describe the clan boundary as it passes by their settlement. Once nominated, the individuals are brought to the front of the general assembly (Figure 3) and a verbal agreement from the remaining village members is obtained that these individuals are indeed acceptable to describe the boundary. The purpose of this step is associated with step 4 below and is important so as to eliminate the risk of results being subsequently contested by others in the meeting.

Figure 3: Nominated community representatives being presented to the meeting plenary



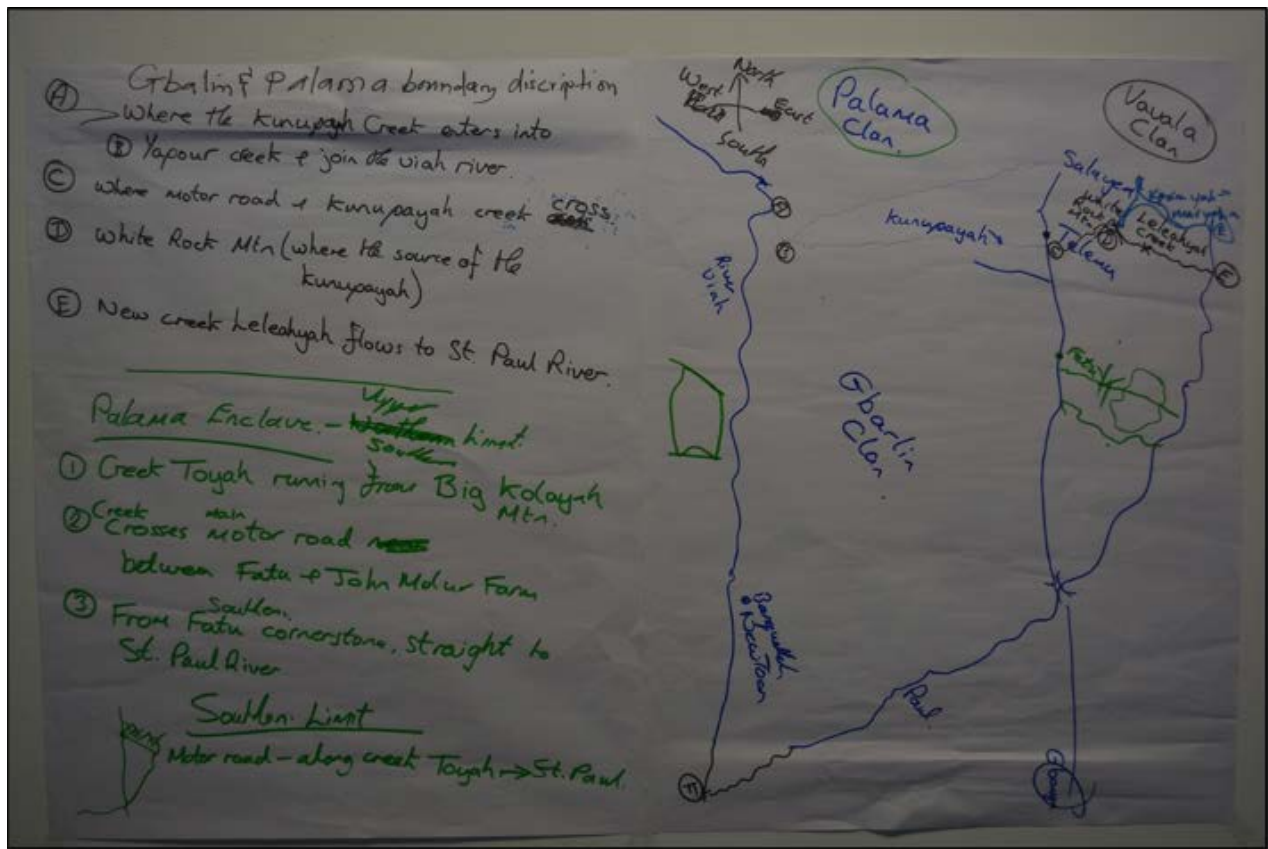
Verbal/Written Description of the Boundary (Step 4)

Meetings sometimes have more than 100 general participants and the following step would be impossible to complete without the ‘committee’ identified in step 3. The committee is asked to verbally discuss the boundary using recognizable features. Subsequently, this is written down. Consensus is built among the members until a final written description is completed. The committee then reports out reading the boundary description to the remainder of the general meeting attendees. Any questions are fielded and once answers are provided, the boundary description is used in step 5.

Map Documentation (Step 5)

There are two approaches that have proven successful, depending upon circumstance, when the boundary is tentatively added to a geo-referenced map. Laminated maps including major features and satellite imagery of the clan areas can be marked up using dry-erase ink. Alternatively, the image analyst can interactively document the boundary in front of the meeting. Whichever is applied, any boundary identified will subsequently be ground-truthed and the meeting is reminded of this fact. The verbal/written description is used to approximate the location of relevant marks along the boundary. Post-processing is undertaken to in essence ‘join-the-dots’ and create the draft boundary.

Figure 4: Written and sketched initial boundary description



Presentation to the Meeting (Step 6)

The culmination of the meeting is the presentation of the map with boundary annotations to the quorum. If all of the previous steps are adhered to, the final result is 'revealed' (Figure 5) by the mapping specialist to the meeting attendees. The process should be smooth given that the meeting attendees have already agreed to the boundary description generated as part of step 4. Invariably there are questions and these must be fielded with tact and sensitivity. After the map has been shown and continued agreement achieved, the meeting is concluded.

At this stage the community outreach specialist will also explain the next steps to be conducted. This includes the need for further 'ground-truthing' of the boundary by physically walking and the use of Global Positioning System (GPS) devices for accurate locational data collection.

Figure 5: Presenting the initial boundary to the community plenary



Post Meeting Refinement (Stage 7)

Subsequent to the meeting, time is taken to generate the boundary and present it professionally in a map. The data at this stage still requires verification through field visits and the use of GPS data collection. It is at this stage that areas of contention along the boundary between clans are noted (Figure 6). The map product that results is to be sent back to the community for verification. A town hall style meeting may be organized to bring the community and their neighbors together and the map presented for confirmation by the community as a true representation of the boundary information provided by them. The 'verified' map product then feeds into any conflict resolution or mediation activities and nicely quantifies the degree of any disagreement while emphasizing the areas of the boundary which are agreed upon.

Figure 6: Example of a boundary map with agreement status noted



2.2 GPS DATA COLLECTION AND BOUNDARY DEMARCATION

After the community meetings, field visits are arranged to include local counterparts (e.g. the Land Commission). As mentioned, the boundaries collected at the public meetings need verification and handheld GPS units are used as part of a field visit where community members act as guides. The process of data collection is simplified by setting the GPS unit up ahead of time to capture and track data as well as specific locations (waypoints). Notes and naming conventions are applied to GPS data to streamline data transfer once back in the office.

2.2.1 GPS Units and Accuracy

After nearly 20 years of consumer GPS development, the degree of locational variation between GPS units of different manufacturers is now so small as to be insignificant for the purpose of customary boundary demarcation. Most GPS units are capable of providing a +/- 3 meters accuracy in forested areas. The answer to which device is suitable should therefore not be focused on accuracy but rather durability in what can be challenging harsh field conditions. Boundary demarcation in forested areas requires units that are water and dust proof, have a long battery life, are portable (i.e. light) and are considered simple to operate. The Garmin GPS map range has proven itself reliable on multiple field excursions but other GPS units are as capable.

2.2.2 Training on GPS Usage Prior to Boundary Data Collection

While the GPS device is designed for ease of use, field staff will require training. Practical areas covered include the generation of site waypoints with associated annotation, using the track generation feature, navigation to and from locations and the theory behind how the device actually works. A day is set aside for this training with an equal split in time between lecturing and field practices. Upon completion, trainees are capable of collecting and using GPS data. Additional training is also needed to show how information can be downloaded from the GPS ready for inclusion into a GIS. Depending upon the software to be used, the level of prior technical skills and familiarity with geospatial concepts of the trainees, this may take additional four or more hours of lectures, demonstrations and practice. Practice is the most important aspect of the training to ensure that methods taught can be applied when needed.

2.2.3 Verifying the Community Boundary with GPS

Accompanied by community members with knowledge of the boundary, a minimum of two staff will visit the field with these individuals to capture the coordinates of boundary markers. Rarely are boundaries accessible to walk along directly. Rather a series of waypoints are collected and the boundary interpreted between these. While each landscape is different, experience shows that the field team should cover on average at least 15km per day. This will take approximately six hours of walking. For this reason, team members must be in adequate shape to undertake an activity that can be extremely physically challenging. Adequate field supplies including food and water must be prepared in advance prior to field work.

A briefing is essential with the community members before starting as to exactly what the purpose of the field visit is (collecting boundary marker coordinates) and which part of the boundary is to be collected. It should also be verified that boundary markers are recognizable and accessible. A plan must be in place prior to departure.

Figure 7: Boundary demarcation using GPS units and local community members



3.0 CONSTITUTION OF FIELD TEAM AND SUMMARY COMMENTS

3.1 CONSTITUTION OF THE FIELD TEAM

It is expected that a two person field team is required to undertake the community engagement phase of the exercise. This team will also provide coordinating support to the expert (Land Surveyor or GIS expert) who will undertake the geo-referencing phase of the exercise. Beyond suitable analytical and literacy skills, the team should possess good interpersonal and communication skills and be prepared to operate in environments with very basic and, sometimes, challenging conditions. Ability to speak a local language/dialect would be an added advantage. Further capacity building, particularly regarding dispute resolution and negotiation skills and strategies as indicated below at 3.3, will be a necessary requirement. This team will be augmented by the recruitment of two animators from the community who will be trained to understand the concepts of customary land recognition as envisaged by the Liberia Land Policy and the processes involved in the field work. These animators are to be provided with a stipend and are expected to be the extended arm, as it were, of the field team to undertake the ‘heavy lifting’ of the day to day mobilization of community members for meetings and other field exercises as earlier indicated in 1.1.3 above.

3.2 TRAINING ON NEGOTIATION SKILLS

Given the importance of boundary negotiations in this field exercise, the field team’s capacity needs to be enhanced in this area in order to appropriately train or direct communities in negotiation of boundaries. Training in the following topical areas was found to be helpful before commencing the pilot field exercise in Lofa County:

- Two party interest-based negotiation;
- Meeting facilitation – to be implemented by the team or to coach community members;
- Communication skills – handling strong emotions, active listening, framing and reframing;
- Conceptualizing “the table process” and the range of types of negotiations that may be conducted in multiparty negotiations over boundary identification and harmonization;
- Preparing for multiparty negotiations; and
- Conducting multiparty negotiations.

3.3 DISPUTE RESOLUTION BACK-UP

Given the main objective of this field exercise -- to compile boundary information of a self-identified community to generate an initial map – it is expected that a full need for dispute resolution services would

occur subsequent to the completion of the exercise when the initial map may be used as a tool to mediate, settle and finalize any overlapping boundaries or claims. However, the Land Commission (or any future authority to be entrusted with the recognition of customary land rights in Liberia) may need to develop at the outset a full strategy for mediation and dispute resolution of overlapping boundaries and other disputed claims that may emerge from the boundary map. This dispute resolution strategy, if in place before the field work, may also serve as a back-up to resort to, should any protracted disputes be encountered that hinder the progress of the field work. In any event, it should be anticipated that minor disagreements and disputes may arise and hinder or delay the field exercise if not adequately addressed. The field team's training in negotiation and mediation discussed above is to be brought to bear to deal with such disagreements. Furthermore, the skills, experiences and knowledge of the County's Land Coordination Center (LCC) staff need to be utilized to access USAID (via LCRP) trained alternative dispute resolution (ADR) practitioners in the community to help mediate and resolve disputes in order to complete the field work.

3.4 SUMMARY COMMENTS


Supporting communities to self-identify and document their customary boundaries is a time intensive and, occasionally, sensitive subject which should not be approached in a rushed fashion. That said, communities never fail to be interested in undertaking the work when the engagement or sensitization phase, which is essential prior to mapping activities, is effectually conducted. Depending upon the situation presented by communities, up to four months of work is required to collect the information needed to generate mapped data as seen in Figure 6. The greater part of this time is spent on engaging or sensitizing the community (80%) with the remainder on mapping activities. While it is tempting to speed up the sensitization phase, caution should be exercised and each case should be dealt with individually. The technical skills needed to undertake the community mapping work and subsequent GPS data capture are transferrable but must be practiced continually to ensure quality is maintained. The production of maps is also a capacity building task that is possible but is more complicated and should really be handled by a cartographer or other professional with prior GIS experience.


APPENDIX A: COMMUNITIES WITHIN GBARLIN CLAN

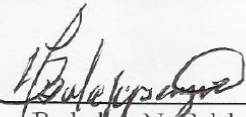
Gbarlin Community has seven (7) towns and fifty (50) satellite villages.

NAME OF TOWN	SATELLITE VILLAGES
Gorlu - Clan Headquarters	
	Wannani
	Robert Farm
	Gbegbe Farm
	Joe Farm
	John T. Woods Farm
	Sumo Kudo Farm
	Bee Farm
	Dukuly Farm
	Jaywah Farm
	Fatu Farm (section on Gorlu side)
	Willaplue
	Mathie Farm
	Jayquelleh village
	John Badgbeh Village
	John Lewis village
	Old man Africa Farm
	Warrant village
	Harkpelleh village
	Boesha Town
	Joekan village
	Millekan village Dennis village
Gbonyea	
	Pa Moore
	Miller
	Lorma Village
	Janjaymu
	Korlubah
	Palefalan
	Daico
Kpayaquelleh	
	Gaylalie Village
	Gbalayea
	Willie's Farm
Kpowansanyea	
	Gbonomu
	Kpafayan
	ED Village
	Kellemue
Kpeteyea	
	Keleyaquelleh

NAME OF TOWN	SATELLITE VILLAGES
	Kpoyourta
	Bouryaquelleh
	Bleta
	Yeakpoma
	Gbayapolu
	Melepaleyan
	Labaquelleh
Barquelleh (New Town)	
	Forma
	Gboadee
	Glekpayaya
	Saysay
	Seo
Gbarquita	
	Has no villages

Signed by: 
 John Keamue
 Clan Chief/Gbarlin Clan

Approved by: 
 Ma. Joseph Siryon
 Paramount Chief/Salayea District

Attested by: 
 Barkollon N. Galakpayan
 District Commissioner/Salayea District

APPENDIX B: GBARLIN CLAN TOWN BY-LAWS

SALAYEA DISTRICT, GBARLIN CLAN, LOFA COUNTY

GORLU TOWN

1. No woman is to losing hair in the town and goes around the town.
2. No one is to bring palm in the town
3. No one is to undressed himself and walk in the town
4. Palm head is 10.00 LD fined is 1500.00 LD.
5. No one is to follow his friend's wife or husband fine is 150.00 LD.
6. One day work is 100.00LD.
7. No one is allow to abused in the town fine is 1500.00LD.
8. No one is allow to fright in the bush the fine is 2000.00LD.
9. No woman is to be stranger father for any stranger that come in the town.
10. No one is to brink wail net in the town fine is 1500.00LD.
11. Anyone who put two two person head together the fine is 2000.00LD.
12. Anyone who take someone thing or steal in the town the fine is 2000.00LD.

KPETEYEA TOWN

1. Nobody is to follow his friend's man or woman
2. No abusing in town publicly
3. No gossiping.
4. No frightening.
5. No stealing.
6. No one is allow to cut palm in the bush and let it spoil.

KPAYAQUELLEH TOWN

1. Nobody is allow to fright in the town

2. Public abuse is not allow.
3. No one is allow to follow another person wife or husband.
4. No one is allow to cut palm on another person land without informing the person.
5. Daily work is 100.00LD. Above that is not allow.
6. Traditional rules should be respected.
7. No one should enter the town with a palm head or fishing net that is wet.

GBAQUITA TOWN

1. Anybody abuse in the town publicly will pay the fine of 500.00LD.
2. If two men or women fright in the town each of them will pay the fine of 500.00LD.
3. If two man or woman fright in the bush each of them will paid the fine of 1500.00LD.
4. If you beat your wife in the bush, you will be fined 1500.00LD.
5. Any stranger come to town citizen for hunting should be reported to the chief hunter or town chief.
6. Failer will be fined 500.00LD.
7. Any stranger come to citizen should be reported to the town chief, failer to do so after two days will be fined 1500.00LD.
8. If anybody follows his friend wife that person will be taken to court to pay 500.00LD. After that, the person will be taken to the chief elders of the town.
9. Chichipoly in the town will be fined 500.00LD.
10. Refused to brush road will be fined 500.00LD.
11. If you refuse to brush waterside road will be fined 250.00LD.
12. Indirect talk fine 1,500.00LD
13. Anyone who steals palm wine will be fined 3,500.00LD.

BARQUELLEH NEW TOWN

1. Public abuse when you are caught you pay the amount of 1,500.00LD.
2. Che-che poly when you are caught you will pay the amount of 1,500.00LD.
3. No one is allow to fright in the town or in the bush. If you are caught, you will pay the amount of 1,500.00LD.
4. Any order from the chief or chiefs of the town should be respected. Anyone who delay or refuses to come will be fined 500.00 LD.

5. No citizen is allowed to keep any stranger in the village or town without the town authority authorization will be fined the amount of 1,500.00LD.
6. Anyone failed to do development in the town will paid the amount of 750.00LD.
7. No one is allowed to steal. If you are caught, you will pay the amount of 1,500.00LD fine.
8. If any hunter carry stranger in the bush without the town authority knowing, the person will paid the fine of 2,500.00LD.

GBONYEA TOWN

1. The cost for labor for a person per day or daily hire shall be not more than 75.00LD. Anyone or group of persons that will be caught in violation of this rule shall pay a fine of not less than 500.00LD.
2. Failure by the violator (s) to pay this amount will lead to another action by the town authority to deny the person from making farm or other work on the land that belongs to Gbonyea.
3. Fight or public abuse is prohibited in the town. Violators will pay the fine of 500.00LD.

APPENDIX C: LAND DISPUTE NEGOTIATION TRAINING – AIDE MEMOIRE

As trainees will be working with communities to help them identify their interests and standards and criteria for making decisions on a number of critical issues and tasks – creating a TOR and selecting members for an ICC, helping communities to self-identify their members, engaging in participatory community mapping, preparing for multi-party negotiations, drafting community by-laws and developing and selecting members of a land management structure – the team members will need to be very clear about how to explain what interests are and how to recognize them. They will also need to understand the roles of procedures, standards and criteria for making agreements on boundaries.

It would be helpful for team members to read the training manual prepared for the workshop, and discuss once again the concepts of interests. They should explore how interests will be identified and used by communities to engage in multi-party negotiations to map their internal boundaries, and to work between communities to harmonize external intercommunity boundaries.

Objective standards and criteria are measures used to guide decision making. They may include past historic use of land, government jurisdictional boundaries, infrastructure and natural borders formed by hills, lakes or rivers. The team should explore how it will introduce the use of standards and criteria to communities to assist them in decision making.

Finally, communities will need to become familiar with a range of negotiation procedures to reach agreements on both their internal and external boundaries. The team should become familiar with some of the procedures described in the handout, “Sources of Community Boundary Disputes and Potential People, Procedures and Standards to Settle Them”, so that they can explain them to community negotiators, and the latter can use them in boundary demarcation initiatives.

C.1 SOURCES OF COMMUNITY BOUNDARY DISPUTES AND POTENTIAL PEOPLE, PROCEDURES AND STANDARDS TO SETTLE THEM

Potential Sources of Intercommunity Boundary Disputes

- **Family ownership of land:** Who and when ancestors of customary land owners and their families occupied and claimed land or founded a town

- **Different views about historic occupation and use of land by members of two or more Communities, and the perceived or actual boundaries between them:** Diverse views held by land owners, elders, chiefs, members of communities or clans or families
- **Disagreement over grants and terms of land occupation and/or use rights:** When, where, by whom terms for occupation and use of land were given
- **Encroachment:** People from one community crossing onto the land of another to occupy property, build houses or other structures, plant crops/live trees and or use natural resources
- **Differences between Government-created jurisdictions and boundaries and those of customary communities:** These commonly include Ministry of Internal Affairs, County, District, community or clan boundaries
- **Changes in boundaries of a town due to shifts in Governmental jurisdictional boundaries:** Governmental changes in jurisdictional boundaries and a town previously in one jurisdiction and historically occupied by one clan, is now in another jurisdiction occupied by another clan
- **Changes in the population of a town:** When a town settled and claimed by one clan has experienced major changes in population so that a significant number of another clan now live there and raise questions about the town's community affiliation
- **Development of clan "islands" or enclaves:** When members of one community have moved onto the land of another, their presence has been accepted, they have been granted customary land use rights, they form a village composed almost exclusively of their ethnic group that is surrounded by the host community and not physically connected with their original community or land, and the smaller group wants to be affiliated with or included within the boundary of their original community
- **Past voluntary acceptance of "strangers" by a land owner and Community, and questions about their current status and land occupation and use rights:** Differences in past recognition, acceptance and practices and a current situation or practice
- **Competition over perceived or actual scarce land and/or related resources:** Farmland, pasture, forest land, plants, wildlife, etc.
- **Misuse or abuse of shared areas:** When individuals or groups from one community do not follow customary practices, understandings or agreed-upon rules made with another
- **Concessions:** When land that spans two or more communities' boundaries is granted by the government to a concession with minimal or no consultation with either community, and one or more of them contest the grant, concession ownership or right to use land; access to resources and/or denial of them to community members; and potential or actual positive or negative impacts on one or more of the project-affected communities
- **Proposed development projects on land :** Competition over private or public projects, and who gets potential or actual benefits
- **Discovery of valuable resources on land:** Commonly potential or actual mineral, forest, water, animal or plant resources

People – Individuals or Groups who can Provide Information or Testimony about Boundaries

One or more of the following people may provide information or testimony about the historic location of boundaries, or the occupation and use of a community's land.

- Customary owners of the land – past land allocations, family “ownership”, boundaries, etc.
- Elders – Community history, family lines, boundaries, etc.
- Chiefs – Potentially same as land owners and elders
- Leaders of men’s and women’s societies – Information on historic uses of sacred land
- Women – Information on women’s use of land or natural resources
- Forest users – Loggers, collectors of medicinal plants, hunters, etc. use of land
- National, County or District officials who can provide information on jurisdictional or statutory issues
- Individual community members, families or groups with knowledge of boundaries
- Surveyors

Procedures

Conducting joint site-visits by members of two or more communities or their negotiating teams to:

- Agree on a boundary as proposed by one, several or all parties
- Agree on a boundary by making minor modifications or clarifications
- Identify where more information will be needed for talking further or reaching agreement, and how it will be collected and assessed
- Where parties may or do disagree, why (what needs or interests are not met by a potential boundary) and where more discussions will be needed to reach agreement

Natural Landmarks – Permanent and not likely to Change

Use and agreement on natural landmarks, which are relatively unchangeable, can be used by communities to identify, agree on and demarcate boundaries.

- Mountains or hills
- Valleys
- Large rocks
- Lakes or ponds that have not, or are not likely in the future, to be drained or change shape

Natural Landmarks - Relatively Permanent, but can Change

Use and agreement of natural landmarks, which may at some time in the future change, may be used to demarcate boundaries as long as the agreement specifies their location at a particular place and time.

- Rivers, streams or creeks whose location and boundaries are specified at a specific date so that any changes due to flooding or drought are taken into consideration
- Trees (such as soap trees)
- Clear boundaries of cleared fields, forests or plantations

Human-Produced Infrastructure

Identifying and agreeing on the role of relatively permanent human-made structures can help communities demarcate boundaries.

- Boundary stones
- Roads
- Bridges
- Waterways
- Government buildings
- Schools
- Clinics
- Others that can help define boundaries

Historic Occupation of Land

- Testimony, stories, pictures, songs, old drawings or maps that help explain who settled land in question, where and when
- Demonstrated occupation, by whom and for how long

Historic Customary Use Right

- Testimony, stories or songs regarding who granted a use right, when, to whom and for how long
- Any allowances or restrictions on land use
- Demonstrated use of land according to a customary use right
- Clan membership, recognition of affiliation and line of inheritance

Customary or Statutory Documentation

- Valid Tribal Certificate
- Valid title/deed
- Valid documents demonstrating purchase
- Other documents that indicate past occupation or use of land

- Surveys

Governmental Jurisdictions (Described in Maps or other Documents)

- County boundaries
- District boundaries
- Zones or blocks
- Government land used for buildings projects of activities of the government (such as ministries, agencies, military bases, schools, public hospitals or clinics, schools, etc.; land sold or leased by the government; protected areas; beaches, etc.)
- Public land designated by the government for future use, managed in the public interest and which is not private or customary land and managed according to customary practices and norms.
- Old maps or documents indicating historic jurisdictions

Sacred Land and Places

- Identification of sacred land and places, and their customary boundaries

Principles for Division

- Historic occupation
- Historic use rights and exercise of them
- Recognition of crops or live trees, who planted them and who has rights of use/ownership
- Credibility of claim
- Need by one or more parties

Proportional Divisions

- 50/50 – Sharing benefit or losses equally
- 2/3 and 1/3, 3/4 and 1/4 or some other split based on one of the principles above

Towns Self-Identifying

- Members of towns using a transparent, fair, inclusive and transparent process to determine which Community they will be affiliated with
- Towns adopting historic affiliation designated by government jurisdictions or documents

Enclaves of One Community within the Boundaries of another Community

- Presence, and recognition of the status of isolated “islands” of one community within the land of another, with little or no connection of occupants to their former “home” community
- Presence, and recognition of the status of isolated “islands” of one community within the land of another, with strong connections to their former “home” Community
- Recognition or non-recognition of corridors between enclaves and a community’s former community and their land

Land Swaps

- Communities exchange parcels of land in mutually acceptable amounts and locations

Shared Land

- Agreement to share contested land with mutually agreed upon terms for each community’s use
- Agreement to share contested land with terms for co-management and procedure to resolve any differences that may arise

Divide Land with Co-Management and Use

- Division of contested land, with an agreement and structure to co-manage it

Mergers

- Two groups previously considered to be separate communities or groups, merge to form one new combined community

Agreements on Future Use, Time for Use and/or Lease Rights

- Agreement between two or more communities on the specific use of land “owned” by one Community and being used by members of another
- Agreement between two or more communities on the time and duration land “owned” by one Community may be used by members of another
- Lease terms
- Terms and timeline for return of land used by members of one community to its rightful owners

Symbolic Land Recognition

- One community recognizes a symbolic portion of another’s land, to acknowledge a claim by the other, but not in the exact amount, form or location requested

Land Grants, Sales or Compensation for Losses

- One community gives a defined use right to another
- One community agrees to sell a portion of their land to another
- One community agrees to compensate another for land the former occupies

Links and Trades

- Communities link contested land issues and trade satisfaction and gains on one issue in exchange for concessions on another that they value differently
- Communities link contested land issues with other important or contested non-land issues, and trade satisfaction of one issue in exchange for receiving less on another that they value differently

Delayed Decisions

- Communities delaying making a decision on boundary demarcation until more information on the land in question is available, one of them needs to use a portion of it or an external party wants to obtain a use or ownership right to a parcel

Mediation Convened by the Land Commission

- Communities agree to participate in a mediation process convened by the Land Commission and its Land Coordination Centers (LCCs) for assistance to negotiate a mutually acceptable agreement. LCCs assist the parties to identify and select one or more mutually acceptable mediators and the process to be used.

Customary Decision Making

- Communities agree to submit contested land boundary issues to a mutually acceptable group of customary authorities – landlords, elders, chiefs, zoes, members of the National Council of Elders, etc. – who are authorized to mediate and/or make a binding decision to which all parties commit to follow and implement

Private Arbitration

- Communities agree to submit contested land boundary issues to a mutually acceptable panel of arbitrators that they select, that is authorized to make a binding decision to which all parties commit to follow and implement

Statutory Judicial Decision Making

- Communities agree to submit contested land boundary issues to a statutory Circuit Court, which currently requires a jury, to make a binding decision to which all parties commit to follow and implement.

APPENDIX D: GBARLIN CLAN OUTREACH MESSAGES ON T-SHIRT



Front View



LAND COMMISSION

IMPLEMENT CUSTOMARY/COMMUNITY LAND RIGHTS



USAID
FROM THE AMERICAN PEOPLE

LCRP

SDI

Back View

HELP THE LAND COMMISSION:

- AGREE ON YOUR COMMUNITY**
- AGREE ON YOUR BOUNDARIES**
 - AGREE ON YOUR BY-LAWS**
- AGREE ON YOUR LAND LEADERS**
- MAP YOUR LAND AND NATURAL RESOURCES**

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