HARMONIZING BOUNDARIES

Effective Negotiation Procedures to Delimit, Demarcate and Resolve Disputes over Boundaries

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ACRONYMS AND ABBREVIATIONS

ADR   Alternative Dispute Resolution

BATNA   Best Alternative to a Negotiated Agreement

CBO   Community Based Organization

CDR   Collaborative Dispute Resolution

CFDC   Community Forest Development Committee

CHC   Community Health Committee

CLMDA   Community Land Development Management Association

FDA   Forest Development Authority

GIS   Geographic Information Systems

GPS   Global Positioning System

ICC   Interim Coordinating Committee

ILTF   Interim Land Task Force

INGO   International Nongovernmental Organization

LC   Land Commission

LCC   Land Coordination Center

LGC   Land Governing Committee

LGSA   Land Governance Support Activity Project

MOU   Memorandum of Understanding

NGO   Nongovernmental Organization

NRC   Norwegian Refugee Council

PROSPER   People, Rules and Organizations Supporting the Protection of Ecosystem Resources

SDI   Sustainable Development Initiative

USAID   United States Agency for International Development

WATNA   Worst Alternative to a Negotiated Agreement

EXECUTIVE SUMMARY

This report on Harmonizing Boundaries: Effective Negotiation Procedures for Delimiting, Demarcating and Resolving Boundary Disputes provides information that can be used by individuals, families, clans, communities, towns/villages and political entities to delineate and demarcate boundaries. While prepared as a contribution toward implementation of Liberia's new Land Policy and Land Rights Act, the latter of which is currently a bill that details procedures for legal recognition of customary land rights, procedures in the report can be used in a variety of contexts and countries where parties want to harmonize either internal or external boundaries.

In April 2016, the LGSA recommended to the United States Agency for International Development (USAID) and Liberia's Interim Land Task Force (ILTF) that an activity be initiated to assist the Government of Liberia and customary communities identify boundaries between communities as part of the customary land recognition process.

The report is divided into several sections. Section 1.0 provides an overview of boundaries, why they are important, and considerations for their delineation and demarcation. Section 2.0 outlines procedures communities or other entities can use to negotiate agreements on internal boundaries and those with neighbors. Section 3.0 describes issues or disputes that may result in the context of boundary harmonization and potential negotiation procedures to resolve them. Section 4.0 provides information on technical assistance and technologies that can be used to delineate, demarcate and resolve boundary disputes. Section 5.0 describes procedures parties can use to promote voluntary compliance with agreements over boundaries. Section 6.0 details procedures to settle boundary disputes when involved parties are not able to reach agreements on their own. Appendices provide information on statutory documents related to Liberian land law, and field notes from studies of 12 Liberian communities that have engaged in boundary harmonization activities.

1.0   BOUNDARIES

1.1   FOCUS OF THE REPORT

Land is the unmovable portion of the earth's surface which generally consists of the soil and any space above the soil that is needed for the construction and/or use of any building inclusive of attachments by the possessor or occupier of the land.[1]

A boundary is a conceptual dividing line, physical barrier or mark between two tracts of land. From time immemorial, people have engaged in claiming and establishing boundaries for land for which they want pubic recognition, access, use or legal ownership.

This report focuses on: 1) an overview of boundaries, why they are important and considerations for their identification (*delimitation*) and marking (*demarcation*); 2) procedures to negotiate agreements that harmonize internal boundaries within communities or other entities and those with neighboring communities; 3) issues or disputes that may arise in context of boundary harmonization and potential negotiation procedures to resolve them; 4) information on technical assistance and technologies that can be used to delineate and demarcate boundaries; and 6) procedures to settle boundary disputes when involved parties are not able to reach agreements on their own.

1.1.1   BOUNDARIES

TYPES OF BOUNDARIES

There are ten common types of land and boundaries:

1. **Private land and boundaries –** Land owned or otherwise held by a private party and the dividing line between said land and that of a neighboring property or properties.

2. **Internal community land and boundaries** – Land within the territory of a community, and identified and designated for occupation and use by specific households or members.[2]

3. **Government or public land and boundaries** – Land owned by a government and used for the buildings, projects, or activities of the government for the benefit of all citizens, and the dividing line between this type of land and others.

4. **Municipal land and boundaries –** Land included as part of a city, town or village and their perimeters.

5. **Community land and intercommunity boundaries** - Land identified and designated for use by specific members of a community as distinct from land occupied or claimed by another, and the dividing line between them.

6. **Leased land and boundaries** – A right or privilege granted by one private person or entity to another to operate, manage or use, utilize or improve a designated tract of land and the resources on it for a specified period of time in exchange for rent; and the dividing line between said land and neighboring properties.

7. **Concession land and boundaries** – A right or privilege granted by a government to a private person or entity to operate, manage or use, utilize or improve a designated tract of land and the

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[1] Liberia Draft Land Rights Act, Chapter 1: General Provisions: Article 2: Definitions, p. 5.

[2] A community is – "a self-identifying coherent social group or groups comprised of people of all ages, gender, beliefs, and other backgrounds who share common customs and traditions and reside in a particular land area". Liberia Draft Land Rights Act, Chapter 1: General Provisions: Article 2: Definitions, p. 5.

resources on it for a specified period of time, and the dividing line between said land and neighboring properties.

8. **Protected areas and boundaries** – Land and the related bundle of land rights on either private or community land identified and designated by the government for restriction, conservation, protection and limited transfer for the benefit of all citizens; and, if on community land, will be managed by the community in collaboration with the supervision of the government.

9. **Easements and boundaries –** A non-ownership right of a party to enter and use a designated parcel of land possessed by another party – granted either by a formal agreement; because of well-known and prior access and use; because of necessity, such as when as there is no other way to access the land other than an easement; or prescription, the "actual, open, hostile, notorious and continuous use of a land for a period of ten (10) years under a claim of right" – and which obligates the possessor not to interfere with the use(s) defined in an agreement between them.[3]

10. **Land and borders between political jurisdictions** – Land designated to be within the limits of governmental jurisdictions such as districts, counties, states/provinces or countries.

LEVEL OF DETAIL OF BOUNDARIES

In general, there are two levels of detail for boundary definition – hard and soft.

- **A hard boundary** – A natural barrier that limits access between tracts of land, or a formally recognized and clearly marked dividing line between land claimed by two parties and over which each has a high level of authority or control.

- **A soft boundary** – A vaguely recognized or poorly defined dividing line between tracts of land and/or two or more parties. Soft boundaries are not rigid and pose few if any barriers to people crossing and having access to land or resources on either side.

Some land users, owners, customary communities, governments and nations have hard boundaries with their neighbors. Others may have soft ones.

Soft uncertain boundaries between neighbors may be due to a number of factors. Parties may be comfortable with an undefined boundary because they perceive that there is plenty of land for all, or only need access to shared resources for specific purposes (e.g. access to water points or collection of firewood, food or medicinal plants by women) or at different times of the year (e.g. cattle grazing on crop residue). They may accept that their leaders can allocate parcels to members near the undefined borders, and that this will not cause any problems. Parties may also be concerned that delimitation or demarcation may create unnecessary and undesirable conflicts, or efforts to grab land to assure possession future private land holding rights. In other situations, land between claimants may have historically or is currently jointly and collaboratively used without any significant completion or conflict. Finally, land in question may not be used at all or difficult to access resulting in no perceived by any of the parties for a defined boundary.

WHY BOUNDARIES ARE IMPORTANT

The establishment of clear hard boundaries within or between communities or other entities may be important for several reasons. They:

- Confirm common expectations and understandings of adjacent land users or owners concerning the dividing line between their properties;

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[3] Liberia Draft Land Rights Act, Chapter 16: Easements, pp. 34-36.

- Advance new legal and/or social expectations and understandings concerning the rights of parties that often have lower social status such as women, youth, minorities and other vulnerable groups;

- Provide greater predictability and security for female and male users and owners, communities, and other concerned parties by establishing what land is under their control and how it can be used;

- Are required for obtaining legal government recognition and rights to land, deeds or titles;

- Assure greater predictability concerning terms of access, use and ownership of natural resources on bounded land, and provide and protect secure land rights for diverse vulnerable parties, including women of all categories and ages (single, married, divorced and co-habiting women; plural wives, abandoned wives, widows, daughters of married women, disabled women, etc.);

- Help prevent conflicts over land due to different views by adjacent land users or owners, including household or family members concerning terms for access, use or encroachment;

- Promote investment by formal or informal users or owners, and allow potential access to funds for improvement of land due to predictable terms for use or ownership;

- Encourage development of effective rural and urban land markets that are free from discrimination – due to participants' status, financial means, gender, membership in a minority group or other factors – so that land can be put to the highest beneficial use; and

- Clarify or establish potential or actual political jurisdictions for land governance, and who will have the authority to participate in and make decisions concerning land.

Establishing hard boundaries is often an important step for achieving some or all of the benefits above. Their creation should be designed to broadly benefit and not ignore the needs and interests of individuals, families or members of specific land user groups that currently or will in the future live within or on both sides of a boundary. These people and groups often have cross-cutting ties and relationships with others within and across boundaries with whom they want to maintain their connections. They also frequently have livelihoods that depend on easy access to and continued use of land on both sides of a dividing line.

The establishment of hard boundaries should not preclude or prevent fair access and use of land by people living along a border, the establishment of mutually beneficial cross-boundary interactions and cooperation or, when appropriate, joint land use and management activities, which in some circumstances may be the only way to reach agreement and confirm hard boundaries.

BOUNDARY HARMONIZATION

Boundary harmonization involves intentional and planned activities by concerned parties to share their views and perspectives, identify and confirm common understandings, negotiate solutions to reconcile differences and reach a mutually acceptable settlement on a conceptual or physical dividing line between land claimed by each of them.

Boundary harmonization occurs in two contexts:

1. Delimitation and demarcation of land *within* a community or political entity, such within a family, household or an extended family, between neighbors in a customary community or adjacent land claimants in a town where land is statutorily owned;

2. Delimitation and demarcation of boundaries *between* land claimed by two or more communities or political entities, such as customary communities, municipalities, districts, counties or countries.

Liberia's definition of customary communities and community land is described in Liberia Experience – Box 1: Liberia Draft Land Rights Act, Customary Communities and Land.

Methods for harmonizing boundaries in these two contexts are similar. They can be used equally effectively to resolve issues between two neighbors with adjoining house plots and land, or by communities to deliberate and agree on their common boundaries. The focus on this document, however, will be principally on the resolution of issues and the delineation and demarcation of community boundaries.

The process for securing legal rights to community land is detailed in the new Liberia Land Policy, and in Liberia Experience – Box 2: Process for Securing Legal Rights to Community Land.[4]

One requirement for achieving legal recognition of community land is the delimitation, demarcation and formalization of a community's boundaries with neighboring communities. The draft Land Rights Act specifies that: "…a nation-wide Confirmatory Survey of the Customary Land of each Community shall commence within thirty-six (36) months as of the Effective Date of this Act, and conducted by or under the aegis of the Government of Liberia through the Interim Land Task Force (ILTF) or Land Authority for the purposes of confirming (and resolving any disputes relating thereto) the boundaries of Customary Lands. The Report of the Confirmation Survey shall be published, and the confirmed measurements of every Customary Land shall be validated and promptly probated and registered with the appropriate land registry pursuant to the laws regarding registration of titles and interest in land".[5]

> **Liberia Experience – Box 1: Liberia Draft Land Rights Act Customary Communities and Land**
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> The Land Rights Bill of the Republic of Liberia defines a community as "a self-identifying coherent social group or groups comprising people of all ages, gender, beliefs, and other backgrounds who share common customs and traditions and reside in a particular land area over which members exercise jurisdiction communally by agreement, custom or law and manage their land in accordance with customary practices and norms. A community may thus define itself to be a single village, town, clan, or chiefdom, or a group of villages or towns or clans".
>
> Community land is "customary Land owned by a particular Community" and "used or managed in accordance with customary practices and norms, and which include, but is not limited to wetlands, communal forestlands, and fallow lands".
>
> *Liberia Draft Land Rights Act, Part I: Preliminaries Chapter 1: General Provisions: Article 2: Definitions*, p. 2

Prior to or during the 36 month time period, communities may deliberate internally on the boundaries with their neighbors and engage in a delimitation and demarcation process. The procedures used should be conducted in a manner that involves collaboration and dialogue among elders, chiefs, youth, women and local authorities.[6] Once internal agreement is reached on prospective community boundaries, communities may engage in collaborative dialogue and negotiations with neighboring communities to develop mutually acceptable agreements on their common boundary.

The external boundary recognition process between neighboring communities has three components: 1) recognition, agreement on and formalization of uncontested boundaries; 2) resolution of disputes over any contested boundaries or portions thereof; and 3) the Confirmatory Survey described above.

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[4] These steps and activities may be conducted by communities unassisted, or with help from the Land Authority or non-governmental organizations with the necessary expertise and capacity to provide needed assistance.

[5] Liberia Draft Land Rights Act, Chapter 10: Demarcation and Categories of Customary Lands, Article 37: Demarcation of Customary Land, 2, p. 21.

[6] It is critical that women, youth, minorities and other vulnerable parties are full and active participants in all steps and procedures identified in Liberia Experience – Box 2: Process for Securing Legal Rights to Community Land. If this cannot be achieved voluntarily, quotas may need to be established for the involvement of different groups on committees or teams.

Liberia Experience – Box 2: Process for Securing Legal Rights to Community Land

1. Customary and statutory leaders meet and decide to participate in the customary land recognition process

2. Broader community members meet, decide and commit to participate in the customary land recognition process

3. Community members define the roles and mandate for an Interim Coordinating Committee (ICC) and select its members

4. Community members define community membership criteria and self-identify members

5. Community members map customary land and identify, harmonize and demarcate what they believe are its boundaries

6. Community members select a community negotiation team, and it prepare to negotiate with neighboring communities to identify, harmonize and demarcate common boundaries

7. Community negotiation teams identify, discuss, harmonize and tentatively demarcate boundaries between neighboring communities, and consult with, test and confirm agreements with their communities

8. Negotiation Teams, the ICC and communities document and formalize agreements on boundaries within and between involved communities

9. Community members develop community rules/by-laws on how Land within their community will be allocated, developed and managed

10. Community members establish a Land Development and Management body (or Governance Council), define its mandate, identify membership criteria and selection procedures and select its members

11. Communities and statutory authorities formally map community lands

12. Communities apply to the Government and secure legal title to their community land

STANDARDS AND CRITERIA FOR BOUNDARY HARMONIZATION

A variety of standards and criteria may be used by concerned parties – individuals, families or communities – to identify and establish boundaries. Those frequently used are presented in Box 3: Standards and Criteria for Boundary Harmonization. Some of them include:

- **Natural physical boundaries** – Mountains, rivers, streams, swamps or other natural barriers that are permanent or relatively immovable obstructions that limit access between two tracts of land can be used to recognize dividing lines.

- **Current and active use of land** – International judges and arbitrators making judgments to delimit and establish international borders often inquire about and examine patterns of current active land use by all members of concerned communities, including women. They use this information to make decisions that try to minimize adverse impacts on specific user groups. This process and related considerations are equally applicable for establishment of boundaries within a country. The method considers impacts of the establishment of

Box 3: Standards and Criteria for Boundary Harmonization

- Natural physical boundaries
- Current and active use of land
- Population preferences for affiliation
- Historic founding social lineage
- Historic and customary use
- Maps and surveys
- Religious or cultural importance
- Location of towns, villages or infrastructure
- Conformance with administrative government boundaries

boundaries on potentially affected parties living on or close to them, and their cross-boundary affiliations and livelihoods. It strives to minimize adverse effects that may result from establishment of hard boundaries.

- **Population preferences for affiliation** – Individuals, both men and women, and groups commonly have preferences for the communities to which they want to be affiliated and members. (Membership for women may be complicated if they move to villages in their husbands' communities but are not be granted full membership status.) Whenever possible, it is desirable to respect the preferences of populations for affiliation, and have them included within the physical boundaries of the community to which they want to belong.

- **Historic founding social lineage** – This standard relies on identification of parties who were the earliest settlers or "owners" of specific tracts of lands, who actively disbursed and assigned parcels to others for their use and were ancestors of current occupants.

- **Historical and customary use** – "the use or claim of use/possession of the land by the community through historical activities and ties is (i) acknowledged by some or all neighboring communities and/or (ii) recognized by rules of customary practice, as established by oral testimonies of communities and their neighbors, and/or by landscape-based customary evidence."[7] Customary land use and claims by women should also be recognized, even if they have not been formally enshrined or are seen as derivative or secondary to those of male members of communities. Recognition of such use can help rectify historic gender marginalization.

- **Maps and surveys** – Maps and/or surveys from various periods of history can be used as guidance or standards and criteria for identification and recognition of both past and current boundaries. Additionally, participatory mapping of current land uses and perceived boundaries by different user groups, such as women and youth who use forests for diverse purposes, may also be useful in defining "lived" boundaries.

- **Religious or cultural importance** – Identification of sites of religious or cultural importance – such as burial sites, sacred forests, shrines or venues to conduct rituals – are often factors in the establishment of boundaries. Where they are important to or used by multiple groups, it will be important to assure fair and equitable care of sites and fair access.

- **Location of towns, villages or infrastructure** – Physical features may be used as guidelines for the establishment of boundaries. Towns and villages with a significant majority population from an ethnic community may also be assigned to the territory and within the boundaries of that group. A government road could also be recognized as the dividing line between two tracts of land or communities.

- **Conformance with administrative government boundaries** – On occasion, formal government-established jurisdictional boundaries can be used as standards and criteria for establishing those of communities.

PROCEDURES FOR BOUNDARY HARMONIZATION

Boundaries may be recognized, established and disputes settled in a number of ways. These are detailed in Box 4: Procedures for Boundary Harmonization.[8] Some of them include:

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[7] Land Rights Law of the Republic of Liberia, Part Three: Customary Land Chapter 8: Acquisition and Nature of Customary Land Article 32: Identification of Customary Lands, i and iii P. 18.

[8] Individuals or groups available to provide third-party assistance in the resolution of land and boundary issues should include both men and women and should be trained in gender sensitivity. This training will help ensure that deliberations and/or decisions consider gender-based issues, concerns and criterion.

- **Physical Occupation or Coercion** (historic or current) – Occupation, control and physical defense of a territory and related boundaries or borders by a powerful group.

- **Widespread recognition and acceptance** – A "common and long-standing understanding among members of the Community, and includes land that has been used and/or possessed exclusively or continuously by the Community or some of its members for socio-cultural and economic purposes over a period spanning fifty (50) or more years, as established by oral testimonies of communities and their neighbors, and/or by landscape-based customary evidence"; and "the use or claim of use/possession of the land by the community through historical activities and ties is (i) acknowledged by some or all neighboring communities and/or (ii) recognized by rules of customary practice, as established by oral testimonies of communities and their neighbors, and/or by landscape-based customary evidence."[9] (Note, a community includes men, women, youth, minorities and differently abled persons.)

> **Box 4: Procedures for Boundary Harmonization**
>
> - Physical occupation or coercion
> - Widespread recognition and acceptance
> - Negotiation
> - Facilitated problem-solving
> - Customary dispute resolution
> - Independent neutral evaluation
> - Fact-finding
> - Survey
> - Administrative rule-making or hearing and decision
> - Arbitration
> - Legislation
> - Litigation and adjudication

- **Negotiation** – Unassisted talks and deliberations between concerned parties to identify and establish mutually acceptable dividing lines between land claimed by each of them.

- **Facilitated Problem-solving** –A process in which a trusted and mutually acceptable third party, a facilitator, who is without bias – gender or otherwise, designs and conducts a meeting in which participants improve their working relationships, share information, solve a problem and reach a mutually acceptable decision.

- **Mediation (mediated negotiations)** – A dispute resolution process in which a mutually respected, independent and mutually acceptable third party, a mediator, who is without bias – gender or otherwise, helps disputants to communicate more effectively, improve their working relationships and engage in productive talks to increase common understanding and/or develop voluntary agreements that resolve contested issues.

- **Customary dispute resolution** – A dispute resolution process in which one or more mutually acceptable customary leaders – a single man or woman, a committee of men or women, or a committee composed of both men and women – use customary laws and procedures to assist parties in conflict to reach a mutually acceptable settlement of issues in dispute, or that makes a non-binding recommendation for an amicable settlement.[10]

- **Independent neutral evaluation** – A dispute resolution process in which parties to a dispute submit contested issues to a mutually acceptable and knowledgeable third party to assess the strengths and weaknesses of each party's case, provide assistance in finding common ground and/or issue an advisory and non-binding opinion on how the dispute could be settled.

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[9] IBID, p. 18

[10] Customary decisions should be congruent with the country's constitution, national laws and international legal guarantees for gender equality, non-discrimination and rights of minorities.

- **Fact-finding** – A dispute resolution process in which a person in a position of authority or government agency requests an impartial individual, a fact-finder, to conduct an independent and neutral investigation into facts related to a dispute and issue a recommendation on how the conflict could or should be settled. Fact-finding has been used successfully to resolve planning, development and housing disputes, and collective bargaining conflicts between labor and management.

- **Surveys** – Technical procedures to formally establish the boundaries and size of a given parcel of land, which defines its distances and angles. Once completed, the results are often created as a map or update an existing plat map with the property's new boundaries.

- **Administrative rulemaking or hearing and decision-making** – Promulgation of rules and regulations by a designated government administrative agency with the authority to define boundaries, or parties voluntarily submitting contested issues to a government entity for either a non-binding or binding decision.

- **Arbitration** – A dispute resolution process in which parties voluntary submit contested issues to a jointly acceptable arbitrator and arbitration process for either a recommendation for a non-binding settlement or a binding decision.

- **Legislation** – The passage and enactment of laws by a government that define, recognize or establish specific tracts of land and their boundaries; and which commonly specify their purposes, terms for access, use, ownership and means of governance.

- **Litigation and adjudication** – An adversarial conflict resolution process in which a legally recognized authority, such as a judge or jury, hears and reviews evidence and argumentation including legal reasoning set forth by opposing parties or litigants to a dispute, applies standards and criteria set out in law and makes a binding decision regarding the rights and obligations between the involved parties.

Additional information on these procedures is provided in Chapter 6, Procedures to Resolve Boundary Disputes when unassisted voluntary agreements are not possible.

1.2   RESEARCH METHODOLOGY AND TERMINOLOGY

1.2.1 RESEARCH METHODOLOGY

Research for this report involved a desk study on boundary issues, disputes and methods to resolve them, both in Liberia and in many countries around the world; and fieldwork in Liberian communities to identify their experiences in negotiation of agreements to harmonize boundaries. Fieldwork consisted of interviews with community leaders and elders in 12 targeted customary communities; government officials at national, county and district levels; leaders of women's and youth groups; representatives of civil society and members of minority groups who currently are or have in the past engaged in initiatives to harmonize their community's boundaries.

1.2.2 TERMINOLOGY

There are a number of terms in Liberia used by government entities, nongovernmental organizations (NGOs), international nongovernmental organizations (INGOs), and customary and civil society related to land and boundaries. These include:

Alternative Dispute Resolution (ADR) - A catch-all term for a number of dispute resolution procedures that are alternatives to going to court.

Boundary – A conceptual dividing line, physical barrier or mark between two adjoining tracts of land.

Boundary harmonization – Intentional and planned activities by concerned parties to share their views and perspectives, identify and confirm common understandings, negotiate solutions to reconcile differences and reach a mutually acceptable settlement on a conceptual or physical dividing line between land claimed by each of them.

Collaborative Dispute Resolution (CDR) – A term that has gained growing acceptance around the world and in Liberia for dispute resolution mechanisms and procedures that emphasize parties collaborating to resolve their differences through negotiation, mediation, arbitration or other voluntary procedures.

Community mapping – A participatory process in which all or a significant number of community members – including men, women, youth, minorities and other concerned parties – identify their community's boundaries and significant features within it.

Delimitation – The process of drawing boundaries that establish the outer limits of a tract of land in which functional control or sovereignty is or will be exercised.

Demarcation – The process of defining, marking off and recording a line or boundary between tracts of land.

Deed – A document which describes the size and location of a piece of land and by which ownership of the land described therein is transferred from the current owner to another person.

Confirmatory Survey – A land survey conducted, using the Global Positioning System (GPS) or comparable technology to determine the size, location, boundaries and other particulars of Customary Lands and to produce the coordinates and maps of each Customary Land.

Customary Land – "land owned by a community and used or managed in accordance with customary practices and norms, and may include, but is not limited to: wetlands, communal forestlands, and fallow lands."[11] Also called community land.

GPS – Means Global Positioning System, which is a space-based satellite navigation system that provides locations along with maps of any place on earth.

Inter-community boundary – A conceptual dividing line, physical barrier or mark identifying land claimed, possessed, used or owned by two neighboring communities.

Intra-community boundaries - A conceptual dividing line, physical barrier or mark identifying land claimed, possessed, used or owned by members of a community.

Land Registry - Government agency which records matters concerning ownership, possession or other rights related to land, which can be used to provide evidence of title, facilitate transactions and prevent unlawful disposal of property. (In Liberia, the entity that registers documents is the Center for National Documents & Records Agency (CNDRA).

Survey - A technical process to formally establish the size of a given parcel of land, which defines its distances and angles. Once completed, the results are often created as a map or update an existing plat map with the property's new boundaries. Surveyors may also create a physical record of the survey on the land itself by erecting some form of boundary marker.

Title – A document that defines ownership of and rights to use of property

Title search – A review of all recorded documents in the chain of title of a property that identifies if there any easements or deeds that affect ownership interest in the property.

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[11] Land Rights Law of the Republic of Liberia, p. 3.

2.0 BOUNDARY HARMONIZATION

2.1 TWELVE PRINCIPLES FOR SUCCESSFUL BOUNDARY HARMONIZATION & NEGOTIATIONS

It is often helpful for parties engaging in boundary harmonization to have principles to guide their activities. A number of important ones are listed in Box 5: Principles for Successful Boundary Harmonization and Negotiations and described below.

2.1.1 PROMOTE LOCAL CONTROL AND BROAD ENGAGEMENT OF DIVERSE COMMUNITY MEMBERS

Decisions about customary land and delineation of boundaries should be determined by community members at the level they consider to be appropriate. Broad community participation activities should be implemented to assure that all community members – men, women, youth, elders, minorities and other concerned parties – are informed, have an opportunity for input and engagement, and accept and support boundaries that have been delimited and demarcated.

2.1.2 PREPARE COMMUNITIES AND BOUNDARY HARMONIZATION TEAMS FOR NEGOTIATIONS

Engage communities and their members in participatory boundary mapping. Discuss goals, expectations and interests of diverse community members for outcomes talks. Develop realistic expectations for results of negotiations. Have negotiation teams participate in training in interest-based problem-solving and sensitivity to gender, youth and minority issues.

> **Box 5: Principles for Successful Boundary Harmonization and Negotiations**
>
> 1. Promote local control and broad engagement of diverse community members
> 2. Prepare communities and boundary harmonization teams for negotiations
> 3. Establish and build positive working relationships
> 4. Focus on interests, not positions
> 5. Consider and value current over historical land occupation and uses
> 6. Recognize the needs and rights of specific land-user groups
> 7. Consider and respect the symbolic importance of land
> 8. Start negotiations cooperatively and maintain cooperation
> 9. When necessary, be provokable
> 10. When necessary, be willing to compromise
> 11. Assure that boundary agreements comply with principles of gender equality and relevant national and international laws and standards
> 12. Seek stable and sustainable community solutions and relationships

2.1.3 ESTABLISH AND BUILD POSITIVE WORKING RELATIONSHIPS: BOUNDARY HARMONIZATION ACTIVITIES AND NEGOTIATIONS OCCUR IN THE CONTEXT OF RELATIONSHIPS

Relationships include those between and among community members; between community members, the Interim Coordinating Committee (ICC) and their Boundary Harmonization Team; between the team and its counterparts from neighboring communities; and between involved communities and their members with those of neighboring communities.

Rather than beginning negotiations in a mistrustful and adversarial manner, people involved in boundary harmonization and negotiations should strive to establish and build positive working relationships, and minimize or productively address negative ones. This should be done prior to developing any solutions

to boundary issues, making any exchanges or requesting concessions. If strong and positive relationships can be established, negotiations are likely to go much more smoothly.

2.1.4   FOCUS ON INTERESTS, NOT POSITIONS

Parties to negotiations often become attached to and advocate very specific positions, solutions they believe will best meet and satisfy their needs and interests. While a specific position may be one of the best outcomes possible for one party, rigid attachment to it can result in a deadlock and failure to reach agreement because it does not recognize, acknowledge or satisfy the interests and needs of others. An alternative to immediately advocating positions is to identify each party's interests and needs, and then seek or build multiple solutions that might satisfactorily address them.

Interest identification should be conducted by each community and their negotiation teams prior to negotiations. This may be done in large community meetings or in combination with smaller gatherings of members of specific constituent groups – women, youth, elders, etc. Small group meetings with single constituent groups are often more effective for gathering accurate and comprehensive input than large meetings as they can promote a more open and safe environment where participants are less constrained by cultural or social norms regarding who is entitled to speak and have their needs and interests and recognized. Input from small groups should be conveyed to their larger communities and negotiation teams and used to guide future negotiations.

Once negotiation teams have met and begun to talk, they too, should spend time educating each other about their communities' individual and joint needs and interests on boundary issues. This should be done before teams present specific proposals for solutions.

After all parties' needs and interests have been presented and fully understood, negotiators should jointly identify or develop several potential solutions that will address and meet as many of them as possible. Once a number of options have been generated, negotiators should evaluate and identify those with the greatest potential for agreement. These should be further explored and developed, and refinements or modifications made as needed. Negotiators should then select and agree upon the option or options that best meets their individual and mutual needs and interests.

2.1.5   CONSIDER CURRENT OVER HISTORICAL LAND OCCUPATION AND USES

Facts on the ground and current control of customary of land should be a significant factor when determining boundaries rather than relying exclusively on historic ties or occupation. This standard is increasingly being used for decision-making in emerging boundary jurisprudence and contemporary international law. The exception however is when there has been a historical injustice that needs to be recognized, addressed and righted.

Additionally, boundary delineation should be human-oriented rather than focusing exclusively on satisfying collective-community or governmental interests. Individual and collective stories of people who currently live in boundary areas or who currently or may in the future cross boundaries, especially those who may be marginalized, should be collected and analyzed to identify their interests and needs and any potential adverse impacts on everyday lives that may result from boundary delimitation. These interests may include the right to collective self-determination concerning which side of a boundary they will live on and communities to which they will be affiliated, access to and use of water and other natural resources, protection of agricultural or pasture rights, and admittance to heritage sites. Any negative impacts should be considered and mitigated to the greatest extent possible. Finally, when reaching agreements on boundaries, parties should strive to minimize or do no harm to parties straddling or on each side of a new dividing line.

2.1.6 RECOGNIZE THE NEEDS AND RIGHTS OF SPECIFIC LAND-USER GROUPS

Land often has diverse users based on gender, age, ethnicity, etc., who want or need access or use rights for a range of purposes. These may include agricultural use, harvesting timber or seeking food. This combination of rights by multiple potential or actual land users, which on occasion is on the same tract of land, is often referred to as "a bundle of rights."

Some rights for access, use or ownership are explicit and are widely recognized and codified in some manner. Others may not be as clear. The latter is often the case for women, youth and minorities. Examples are women's need and customary access to water points or ability to access forests for food, medicinal herbs or firewood; youth's access to forests to cut timber; or minority group member's need to enter land for the same purposes as members of the majority community. Agreements to harden and demarcate boundaries should take these more implicit rights into consideration and strive to include, as appropriate or possible, continued rights of access or use of land across boundaries by specific customary user-groups. Failure to do so may undermine community members' abilities to secure livelihoods and result in less stable boundary outcomes.

2.1.7 CONSIDER AND RESPECT THE SYMBOLIC IMPORTANCE OF LAND

Land can have diverse meanings and importance to different people and communities. Land with symbolic, cultural or religious meaning is often one of the most important. Efforts should be made to identify parcels of this type, and make appropriate decisions about division and assure maximum protection of sites and continued free access to all who choose to visit them.

2.1.8 START NEGOTIATIONS COOPERATIVELY AND MAINTAIN COOPERATION THROUGHOUT TALKS

Past practice and research indicate that when parties start and continue negotiations with cooperative attitudes and behaviors rather than adversarial ones, they generally reach agreements with the most benefits for all concerned.

Negotiations over boundaries, especially where perceived or actual scarce resources are concerned or where parties have past problematic relationships, often start with perceptions and actions by each party to try to take advantage of the other, get as much as they can for themselves at the expense of their counterpart or negotiations in bad faith. These perceptions and actions are not helpful for promotion of the collaboration required to reach successful boundary agreements.

2.1.9 WHEN NECESSARY, BE PROVOKABLE

When encountering an unreasonable position, demand or threat from another negotiator, do not immediately give in to coercion. Counter it by identifying and stating the interest(s) assumed the other negotiator is trying to have met, and ask for confirmation of understanding. Then explain your interests and why the proposed position does not satisfy them.

Next, make a counter-proposal for a solution that meets the interests of all parties and its benefits. Alternatively, ask other negotiator for a new proposal that might be jointly acceptable.

If the above process fails to result in an acceptable solution, explain the potential risks and costs for all parties if an agreement cannot be reached – such as increased risks of conflict, constraints on the use of contested land, time delays, the communities' inability to have their land recognized by the government, legal fees resulting from litigation and so forth. If an agreement still cannot be made, set the issue aside, and explore others that may be more amendable to an agreement.

Discussion and agreement on other issues may create more flexibility to tackle previously more intractable ones.

2.1.10   BE WILLING, IF NECESSARY, TO COMPROMISE

Negotiations generally involve the development of common understandings and/or trades of things that each party values. Luckily, parties do not always want the same things, and even if they do, they commonly find things to trade that each values differently so that agreement is possible.

Rather than looking at agreement on an issue as only having the possibility of a win-lose outcome in which for one party to win the other must lose, explore how issues and their solutions can be linked so that trades or packages of agreements that meet parties' different interests and needs can be developed. If this is not possible, explore how gains and losses can be shared in a mutually acceptable manner.

2.1.11   ASSURE THAT BOUNDARY AGREEMENTS COMPLY WITH PRINCIPLES OF GENDER EQUALITY AND NATIONAL AND INTERNATIONAL LAWS AND STANDARDS

Terms of boundary agreements should align squarely with gender equality principles enshrined in the nation's land rights policy, constitution, and internationally ratified regional and international human rights instruments such as Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

2.1.12   SEEK STABLE AND SUSTAINABLE COMMUNITY SOLUTIONS AND RELATIONSHIPS

Strive for procedures and outcomes of boundary negotiations that are widely accepted, durable and encourage positive long-term relationships between people living along or on either side of the formal boundary line. In general, this can best be achieved and justified by assuring that all community members, including those that may be the most marginalized, believe that their essential needs and interests have been considered and met to the greatest extent possible, the final outcome is equitable and fair and there has been minimal deviation from historically recognized boundaries.

2.2   NEGOTIATION PROCEDURES – POSITIONAL AND INTEREST-BASED PROCESSES

Reaching agreements to harmonize boundaries may involve merely recognition and confirmation of the situation on the ground and joint acceptance of the extent and limits of each party's land, or negotiations to reconcile and resolve differences about where a boundary is, might be or should be located.

Negotiation is a relationship establishing and problem-solving process in which two or more people or groups voluntarily discuss their views and differences and reach a joint decision that satisfactorily meets their individual and common needs and interests. Successful negotiations generally result in involved parties reaching common understandings or agreements, making promises to each other or exchanging things that each values. Exchanges may be tangible (such joint recognition and confirmation of a historic boundary, or trading parcels of land along a boundary to accommodate parties' different interests), or intangible (such as an agreement to change an attitude or expectation, or make an apology).

Successful negotiations frequently depend on the attitudes of involved parties and the procedures they use for talks and agreement-making. Two common procedures and related attitudes are positional negotiations and needs or interest-based negotiations.

2.2.1 POSITIONAL NEGOTIATIONS

A position is a preferred option or solution to an issue, problem or dispute advocated to meet a party's need or satisfy an interest.

Positional negotiation is a problem-solving process for addressing an issue, solving a problem or resolving a dispute in which negotiators develop and sequentially exchange positions and counter-positions until they happen upon, make adequate concessions or propose a solution that adequately meets and satisfies their individual and joint needs and interests. The outcome is often a compromise in which gains and losses are shared.

The process for positional negotiations is illustrated by the bargaining that often occurs in a market. Each party, the seller or the buyer, start by proposing a positon to the other, their preferred solution that is the amount of money they are willing accept or exchange for the goods being sold, which will result in the most benefit for each of them. The buyer commonly proposes a lower, and the seller a higher price for the purchase. Parties propose positions and counter positions to each other. An agreement is reached if and when they identify, or develop from information gleaned from each other's proposals, a solution that is mutually acceptable to both.

Negotiators using a positional process for negotiations often have the following attitudes about other negotiators, the issues or resources in question and expected outcome of the process:

- Negotiators are opponents

- The resource being negotiated is limited

- The goal of negotiations for each negotiator is to get the greatest amount possible, commonly at the expense of the other party

- There is only one right solution, the one advocated by each negotiator

- A win for one party must result in a loss for the other

- A concession, for whatever reason, is a sign of weakness

- If a full win is not possible, a compromise with shared gains and losses is the best that can be expected

Negotiators, who use positional negotiations, commonly use the following procedures. They:

- Consider their needs and interests, but not necessarily those of the other negotiator(s), and select a position, a preferred solution, which best meets them

- Make initial high, or conversely low, demands that will result in the most benefits for the individual negotiator making them

- Stay on the offensive at all times, as this is important for achieving desired goals

- Engage in proposing and exchanging positions and counter-positions, each of which grants more or accepts lower benefits for the negotiators making them

- Arrive at agreements as a result of a compromise in which gains and losses are shared in an acceptable manner

The above views about other negotiators, the subject of negotiations process and outcomes, although described in the context of bargaining in a market, are equally common in negotiations over boundaries. They involve an exchange of positions and counter-positions over the location of a boundary line until such time as the parties agree or reach a compromise with some gains and losses for each party on where it will be.

2.2.2 INTEREST-BASED NEGOTIATIONS

Interest-based negotiation is another and often more productive way of reaching agreements.

A need or interest is an essential necessity, desire or concern that a party wants have addressed and/or satisfied. Needs and interests can usually be met and satisfied by a variety options or solutions.

Needs or interests may be psychological/relationship, procedural or substantive in nature as identified in Figure 1: The Triangle of Satisfaction.[12]

Figure 1: Triangle of Satisfaction

- **Psychological/relationship needs and interests** concern how individuals or groups – communities, clans, negotiation teams, men , women, youths, elders minorities and others – want to feel about themselves and other parties and be treated during and after negotiations. Psychological/relationship needs and interests commonly include a negotiator's desire to be hard, trusted, acknowledged and respected. For example, in boundary negotiations, negotiators often want to be able to be listened to n a respectful manner, and trusted that the information they share will be accepted as truthful.

  These needs and interests also refer to individual or group desires for how productive working relationships will be created, shaped and valued.

- **Procedural needs and interests** refer to preferences or requirements of a community, specific members, its team or a negotiator for the forum and ways problem-solving or negotiations will be conducted, and how understandings or agreements will be reached and implemented. They may have preferences for large group meetings between teams, smaller mixed-interest working groups or the use of go-betweens or mediators to facilitate productive talks.

  Procedural needs and interests may also include desires for an efficient, fair and timely process and clear understandable steps that are free from undue pressure or coercion. Parties often want adequate time and opportunities to present their views, and acceptable procedures to identify or develop mutually acceptable solutions. For example, in boundary negotiations, negotiators may want to be able to meet with their counterparts on a prospective boundary, "walk the land" and jointly identify and respectfully discus where they believe it should be, rather than meeting in a town far from the possible boundary and one party making a demand for its preferred location, arguing and trying to force acceptance of its view. Parties also frequently want to fully present their views without interruption, immediate counter-arguments or rejection by other negotiators.

- **Substantive needs and interests** are tangible outcomes or benefits a party wants to attain or receive as a result of negotiations. For example, in boundary negotiations, negotiators from a team

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[12] Christopher Moore. *The Mediation Process: Practical Strategies for Resolving Conflict.* San Francisco: Jossey-Bass, 4th ed., 2014.

may want a town, sacred site or water point included in their community's land. They may also want to continue jointly to share and manage a forest resource that has been used by both communities in the past.

Interest-based negotiation is a problem-solving process in which negotiators establish and build positive working relationships, educate each other about their needs and interests, collaborate to identify or develop multiple potentially acceptable options and ultimately agree on a "win-win" solution that results in individual and joint gains.

A need and/or interest-based negotiation process begins by negotiators developing positive relationships with each other. They do this by stating a willingness to cooperate to find mutually acceptable solutions to issues that each of them believes to be important. They listen respectfully, attentively and carefully to each other. Negotiators work hard to understand what is important to each of them, and indicate that they are concerned with more aspects of their relationship than just an agreement on a boundary line.

Rather than each party developing a preferred solution or position, proposing it to each other and alternating exchanges of positions and counter-positions as occurs in positional negotiations, interest-based negotiators begin talks by educating each other about what is important to them – their needs and interests that will have to be addressed and satisfied if a mutually acceptable agreement is to be reached.

Once negotiators have a full understanding of each of their needs and interests, they define the problem to be addressed as a joint search for or development of integrative options, solutions that satisfy all of them to the greatest extent possible. Generally, thorough discussions and exchanges of ideas, they develop and a range of potential outcomes before narrowing their choices to the most desirable ones. These are then assessed for how well they address and satisfy their interests, with the less satisfactory dropped and the best refined and modified until a final agreement is reached

The attitudes of negotiators who use an interest-based approach toward other negotiators, the issues or resources being negotiated and desirable outcomes is significantly different than that of positional negotiators. Interest-based negotiators:

- See all parties as cooperative problem-solvers and strive to build respectful and positive working relationships with their counterparts

- Understand that the goal of negotiation is to find or build solutions that meet all parties' needs to the greatest extent possible

- Assume that the resource being negotiated is not necessarily limited, and trades on items that parties value differently can result in mutual benefits

- Believe that there are probably several solutions that will be mutually satisfactory

- Think that win-win outcomes are both desirable and possible

Interest-based negotiation procedures also differ from those of the positional approach. Interest based negotiators:

- Strive to educate each other about the needs and interests to be addressed or problems to be solved if agreements are to be reached

- Look for or develop objective and fair standards and criteria to guide negotiations and agreement making and that do not discriminate against any group and its interests

- Hold off generating potential solutions until each of their interests and needs are fully understood

- Use focused and collaborative discussions to identify or build multiple potential outcomes that address issues of concern

- Evaluate potential outcomes to identify those, or the one, that is acceptable to everyone and provides the most benefits to all concerned

- May use links and trades on issues and options they value differently or create package agreements that in total satisfy as many parties' interests and needs as possible

Interest-based negotiation procedures are highly applicable and effective for negotiation of boundary issues. This approach is generally more likely than a positional negotiation to result in customized agreements that meet the specific interests of each of the parties, facilitate ease of implementation, promote compliance with the terms of the settlement and build ongoing positive relationships. More information on these two approaches can be found in the training manual that accompanies this report.

2.3   PREPARING FOR BOUNDARY HARMONIZATION NEGOTIATIONS

Boundary harmonization and related negotiations are a component of legal recognition of customary land. They may be initiated and completed at several stages in the land recognition process depending on the readiness of the communities to engage in talks and the past and current relations between the participating parties.

The first time when boundary harmonization may occur is after customary and statutory leaders have talked and decided to participate in the Customary Land Recognition Process, community members have met, decided and committed to participate in the procedure; community members have defined the roles and mandate for an Interim Coordinating Committee (ICC) and selected members to guide the process; and communities have defined criteria for community membership and identified their members.

A second time when boundary harmonization may occur is after a community has developed a set of by-laws for the governance of community land and created some form of inclusive governance structure, such as a Community Land Development and Management Association (CLDMA) to conduct land management and administration. This timing is often appropriate when communities need more time and experience to organize themselves, practice working together collaboratively or where there are potentially multiple disputes over potential boundaries with neighbors and more time is needed to prepare for negotiations.

Once the first, and potentially the second, set of tasks above have been completed, the community and its leaders are ready to prepare for and conduct boundary harmonization activities. Described below are steps to initiate effective activities and negotiations.[13]

2.3.1 IDENTIFYING AND PREPARING A BOUNDARY HARMONIZATION TEAM

A second factor for successful boundary negotiations, in addition to using an effective negotiation process, is the identification and preparation of appropriate boundary negotiators and the formation of effective negotiation teams. The involvement of skilled negotiators can often make the difference between reaching agreements or deadlocks. There are a number of considerations for identifying and preparing negotiators to engage in boundary disputes.

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[13] These steps and activities may be conducted by communities unassisted, or help may be needed from the new Land Authority or non-governmental organizations with expertise in conducting effective negotiations.

QUALITIES AND CRITERIA FOR SELECTING EFFECTIVE BOUNDARY NEGOTIATORS AND TEAMS

There are several important qualities and criteria for the selection of potential negotiators and team members. Some of the most important are listed below.

- Personal honesty, integrity and trust by community members, good relationships and communications with them and lack of bias about the needs and interests of women, youth, minority and other concerned community members. Community members have a right and expect that the people who represent them in negotiations will be honest, and need to trust that they will to the best of their abilities advocate for their interests. They also want people with whom they have good relationships and are committed to communicate and consult with them on boundary issues regardless of their gender, age, position or status in the community.

- A personality and skills that enable them to talk and work effectively with people who hold diverse views. Selecting negotiators who have these qualities can help minimize unnecessary tensions between future negotiators due to personality or style differences. People with qualities relevant for cross-border negotiations can often be identified by examining how people interact within the community and selecting those who have the desired traits.

- An understanding of and capacity to represent diverse community members and effectively advocate for their interests. Communities are composed of parties with diverse interests. Some may be similar. Others may be quite different. Reaching a community consensus on where its boundaries are requires members of the Boundary Harmonization Team to fully understand those they represent and be effective advocates for them and their interests.

  Representation of parties with diverse interests – such as people from different classes or having differing levels of status, women, youth, the elderly or minorities – is generally best achieved by having them as members of a community's boundary harmonization team. Their active involvement enables them to directly raise and advocate for their interests and concerns. Additionally, effective advocacy requires considered and ongoing consultation with those who will be most affected by the location of the boundary.

- Knowledge of effective negotiation procedures and skills to implement them. While knowledge and skills in negotiation can be learned, it is often wise to identify people who in the past have been successful negotiators. This criterion, however, should not be used to exclude other community members, such as women or youth who may have less direct experience with this skill, from participating on a negotiation team. Communities should actively recruit team members from a broad cross-section of community members who can provide complementary knowledge, insights, styles and skills in negotiation. Basic knowledge and skills of all team members can later be enhanced by pre-negotiation training in effective procedures for talking and reaching agreements.

- An in-depth understanding of relevant national policies and laws, issues to be negotiated, interests to be addressed and a range of potential options that might be mutually satisfactory to address them. Good negotiators must have a firm grasp of the policy and legal parameters in which they will be negotiating. This includes an understanding the constitution and land policies and laws; and the rights of women, youth, children and minorities as they relate to land. They also need to understand that statutory laws have supremacy over customary laws.

  Prospective negotiators also need to be actively involved with members of their communities in the initial pre-negotiation identification of community boundaries so that they understand the issues that are most important to address. They should also engage with community members to explore potential settlement options to be discussed in future negotiations so that there is a common understanding of the range of possible outcomes that might be acceptable.

- Skills in persuasion to apply with other negotiators and members of their communities. In the course of negotiations with another party or community, or internal discussions between negotiators and members of their communities, there will often be a need for negotiators to have and use skills in persuasion. Other negotiators or community members may need to be influenced and convinced that specific options will meet their interests or are the best alternatives available to them. Having these skills can enable a negotiator to build the internal support and acceptance by members of their communities for agreements that they have reached in talks with other parties.

- Flexibility. Reaching negotiated agreements requires negotiators to be flexible to find mutually acceptable solutions to boundary issues. Flexibility, however, does not mean sacrificing important interests or needs, especially for those who are more vulnerable. Flexibility requires understanding which needs and interests are most important and "must haves" for all members of a community – men, women, youth, minorities and others with special concerns and; and which are less important, can be traded or, if necessary, dropped. Flexibility also means openness on the part of negotiators to identify and explore multiple ways for how needs and interests can be addressed and met. Liberia Experience - Box 6: Flexibility of Boundary Harmonization Team Members provides examples of the flexibility of specific kinds of negotiators.

> **Liberia Experience – Box 6: Flexibility *of Boundary Harmonization Team Members***
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> The degree of flexibility demonstrated by Boundary Harmonization Team members depends on prevailing social dynamics within the community, local customs and norms and, to a great extent, individual personalities. Some CSOs working on Boundary Harmonization in Liberia report instances of elders readily accommodating the interests of other communities, while youth defend entrenched positions in negotiations; in other instances elders rigidly argue guard historical arrangements despite clear changes in 'facts on the ground'.

IDENTIFYING AND SELECTING NEGOTIATORS AND FORMING A TEAM

Applying the qualities identified above, communities are now ready to select their negotiators. Before doing so, they should consider one other factor, the creation of a balanced and effective negotiation team.

A negotiation team is a group of individuals who come together to represent a specific entity, a community in the context of community boundary negotiations. Having a team involved in negotiations, rather than just one negotiator can serve a number of purposes:

- Providing broader knowledge, expertise and skills for internal discussions and with negotiators from other communities. Having multiple team members with relevant information and skills can help ensure that communities have the best representation possible in talks. This includes the expertise and skills that can be provided by both men and women.

  Consideration should be given to identify potential team members who have the knowledge and skills and are able to apply them to negotiate issues in question. For example, if knowledge of historic or customary boundaries is important, involving members of families that originally assigned land and created boundaries or elders with knowledge of past decisions may be important. If knowledge of women's use of water points or forests is needed, female members of negotiation teams can provide it. Liberia Experience –Box 7: The Role of Women in Inter-community Boundary Negotiations describes how women's interests are gathered and presented in boundary negotiations.

- Assuring representation of all constituent parties' views and concerns. Communities and their diverse members may have different concerns and interests that they want advocated for and met. For example users of forests for subsistence timbering by pit-sawyers or women's need to access water points or firewood may need to be recognized and considered in the delineation of boundaries. Representatives of these groups may need to be included as members of negotiation

teams, and if not other means acceptable to them to consult and include advocacy of their concerns in talks.

- Guaranteeing multiple speakers and "voices" are heard. Negotiations are often more effective if there is more than one person able to speak for a group and its interests. Having multiple members of a negotiation team, both women and men, provides different perspectives, logics, styles and persuasion strategies that may be more easily understood or accepted by negotiators on another team.

- Having an adequate number of people to "share the load" and perform tasks required to implement effective negotiations involving multiple parties. Negotiations, especially those that involve multiple constituencies within a community, require significant time and effort for team members to implement. Background information will need to be gathered, research conducted and multiple meetings held with community members as they engage in preliminary delineation of boundaries prior to talks. Additionally, a community's negotiators will need to be actively involved in ongoing communication and solicitation of input from community members during negotiations, provision of updates on progress, and holding community meetings to secure approval of settlements as they develop or at the conclusion of the process. Having multiple team members can help coordinate and adequately accomplish all the tasks that need to be performed.

> **Liberia Experience - Box 7: The Role of Women in Inter-Community Boundary Negotiations**
>
> While it is taken for granted that men, elders and customary and statutory authorities may participate in substantive negotiations over boundary issues, social and cultural norms pose barriers to women's participation in these activities.
>
> The field research undertaken for this study found that women generally play a limited role in inter-community boundary negotiations, despite being directly affected by the outcomes of boundary harmonization processes through their farming activities and need to access footpaths and resources, such as water. The field research found no boundary negotiation teams that included a woman.
>
> Women's views are heard and taken into consideration in internal community discussions concerning boundaries, but their interests and concerns are presented by men in the boundary negotiation process with other communities.
>
> Despite their limited public role in negotiations, actors supporting boundary negotiation processes can leverage the influence women hold through their roles in the family, religious institutions, traditional societies and their economic activities to introduce and advance their interests and concerns during Boundary Harmonization processes.

When women are involved on negotiation teams, measures need to be taken to assure that they can engage as full participants and not be overburdened by serving on the team and performing other roles in their community and families – caretakers, domestic work, fetching water and growing food. Failure to do so can result in underrepresentation of women, a less balanced team and loss of valuable expertise and skills needed for productive talks.

- Assuring accurate representation of negotiators' constituents' views, and protecting negotiators from the "hero-traitor dynamic". Negotiator's constituents need to believe they will be represented and their interests advocated to the best of their negotiators' abilities. This trust can be enhanced and ensured by the involvement of multiple community members – including women, youth and minorities – on a negotiation team.

Having a team can assure that the full range of community interests are raised, discussed and advocated during talks, that no member has given in to undue pressure from other parties or promises of personal benefit, and that the best possible outcome for settlement has been reached. Multiple team members can also be better "agents of reality" when working with community

members to develop reasonable potential settlement options for boundaries so that members are not surprised or disappointed if the outcome of talks are not identical with their initial expectations (or positions). Having multiple team members can also prevent a "hero/traitor" dynamic from occurring in which community members expect a more favorable outcome of negotiations than was possible and blame the members of their negotiation team, who were seen as "heroes" at the beginning of talks and later as "traitors" because they did not "win" as much as community members hoped for.

DETERMINING THE SIZE OF THE NEGOTIATION TEAM

There is not a right size for a negotiation team. The number of members required usually depends on: 1) the number and complexity of issues to be negotiated, such as how to handle enclaves, shared forests or women's land access, use or rights; 2) the kinds of knowledge, expertise and skills required to negotiate and reach agreement on issues in question; 3) the diversity of constituencies to be represented – such as male land owners, or in the case of women, married, cohabitant, divorced or widowed women, plural wives and female children – and their need or demand to be represented on a negotiation team; 4) the number of members needed to perform required tasks prior to, during and at the conclusion of talks, such as conducting multiple large community consultation meetings and separate consultations with groups of women, youth or minorities; and 5) the number of members of the counterpart negotiation team.

Liberia Experience – Box 8: How Communities Select Boundary Negotiation Teams provides information on how a number of Liberian communities select members of their boundary negotiation teams.

Liberia Experience – Box 8: How Communities Select Boundary Negotiation Teams

Communities in Liberia commonly appoint specialized negotiating teams to represent community interests in negotiations or dispute resolution processes with other communities.

Communities deliberately select individuals to serve on negotiating teams, based on their personal qualities and skills, stature, expertise or prior relationship with the other community. While the size of negotiating teams can vary, they generally tend to consist of 10 to 15 people. The selection process, particularly if the community intends to engage in a formal discussion with another community, is usually conducted in an open consultation with all community members.

Customary leaders or elders play prominent roles on negotiating teams, as they generally have the trust of their own community members and the knowledge, skills, relationships and legitimacy to engage effectively with other communities. Other respected and trusted members of the community round out members of the negotiation teams.

Some negotiation teams effectively incorporate dissenting or 'difficult' community members on teams to have them 'at the table', rather than have them disrupt the process from the outside.

Interviews with community members found that that youth and women are usually not selected to represent communities. Youth are seen as not possessing sufficient knowledge of boundaries nor the 'maturity' to perform effectively as a community negotiator. In the case of women, it appears that social and culture norms weigh against their participation in prominent community roles and limit their involvement in inter-community negotiations.

In Nimba County, a community reported that an existing community institution, its 'community-based health team', was tasked with negotiating a boundary dispute with another community. The team was successful because it had a reputation for effectiveness and had built good working relationships with members of the other community when addressing health issues of common concern.

There are a number of potential types of members of negotiation teams, each of which may play a different role and have diverse responsibilities and authorities:

- Team member/advocates - Team members, both men and women, who are directly engaged in discussing, advocating team/community interests and developing options with members of another negotiation team that address and settle all or specific issues of concern. These members often have expertise on a specific topic or skills needed to help reach agreements. Measures need to be taken when women are serving in this role, that they have clear roles and responsibilities and are not marginalized.

- Spokesperson(s) – This team member or members, regardless of their gender, are responsible for coordinating, presenting and advocating for the team and community's views and interests on issues under discussion. Spokespersons may or may not be the team leader. (More will be said about types of spokespersons later.)

- Decision makers – Team members, who are generally also advocates, authorized by their community or constituents to make decisions for the team, and preliminary decisions for the community. Decision makers may be one or more men or women, but often include all of the advocates on a team.

- Recorder(s) – This team member or members are responsible for taking notes prior to negotiations during the team's deliberations and preparations and during talks and recording discussions and agreements that are reached. Note taking and recording of agreements may be done by hand or on a computer, or publicly on a flip-chart or using LCD projection.

  The level of detail desired for meeting notes and agreements should be decided by the team before recording begins. They may be general summaries or quite detailed depending on what is needed.

  Each negotiating team should have at least one recorder for their team. Periodically, during talks, and especially when agreements are being reached, one of the recorders from a team should read what has been written and/or agreed upon and have it verbally confirmed by all involved negotiators. Doing this will prevent multiple sets of notes with different content and terms for agreement.

- Providers of technical assistance – These individuals may be formal members of negotiation teams, advisers, consultants or assistants who provide specific expertise needed by a team to perform effectively. Technical assistance providers may engage with members of negotiation teams during part or all of the process and generally do not have any formal decision-making authority to make decisions for the team, its members or a broader community. They provide information on what is possible, but not what should be done.

  Technical assistance providers may deliver a variety of forms expertise and help. They may be a customary leader or elder with historical knowledge of community boundaries, a scribe who can help negotiators record the content and outcome of negotiations, a person with expertise in using a Global Positioning System (GPS) to help delimit boundaries, a surveyor, a person with legal knowledge or lawyer or an individual with gender expertise and knowledge of the rights of men and women.

In addition to members of negotiation teams, there are three other roles that may be considered to enhance the process of negotiations – witnesses, witness observers and community member stakeholders. These individuals may be both men and women who bring different experiences and knowledge. Although not members of negotiation teams, these individuals may want or need to be present during negotiations to help guarantee the adequacy if information considered, fairness of the process and/or to confirm what is agreed upon.

- Witnesses – These individuals or groups are of two types. The first are individuals or groups, both men and women, which have personal knowledge of or have seen an event or action in the past that is relevant to settle issues under discussion in negotiations. These individuals or groups may provide information similar to that by some of the technical experts described above, such as to attest when a community member was given use rights to a parcel of land and what boundaries were designated, who planted tree crops and where, or how women have used land for gathering firewood, food or medicinal plants.

- Observer witnesses – These individuals or groups, the second kind of witnesses, attend and observe negotiations to see for themselves or for their communities, that all relevant issues and views have been discussed and considered, and that procedures and outcomes are fair. It is important for women to be observers to assure that their issues have been discussed, considered and procedures are fair to women. On occasion, the presence of observers can moderate parties' adversarial behavior and promote fairer processes than if they were not involved.

  Observer witnesses may also be used to confirm the terms of agreements that have been reached. The fact that agreement-making and agreements are observed can help hold negotiators publicly accountable for advocating for the diverse interests of their communities and promote compliance and implementation of terms of settlement. Observer witnesses may also assist negotiators when they are communicating back to their communities or constituents to confirm what actually happened in talks and the fairness of the process and outcomes.

- Community member stakeholders - These individuals, both women and men, are often community members who live and have land or structures near, on or across a proposed boundary who have a direct interest in the demarcation of the boundary. When appropriate or needed, they may be asked by a negotiation team to provide information for negotiations, but not directly participate in deliberations or the joint team decision making.

SELECTING TEAM MEMBERS

Members of negotiation teams should be selected to assure inclusive representation of all categories of community members including women, youth, minorities and other vulnerable groups. Team members may be selected using a number of procedures.

- Current members of a community's Interim Coordinating Committee (ICC) may be drafted to serve as members of the negotiating team.[14]

- If new people are desired, needed or required, a community may ask its ICC to solicit nominations from the community, ask specific groups, such as women to nominate candidates, or nominate potential candidates itself for community consideration.

- The ICC may convene and conduct a large and inclusive community meeting in which candidates for the negotiation team are identified and representatives chosen by a vote (either a simple or super 2/3 majority), consensus or acclamation. If this method of team selection is chosen, a significant number of women should be in attendance and involved in the process.

STRUCTURING THE NEGOTIATION TEAM

Once members have been selected, they need to determine the roles and responsibilities of members. Rolls may be formal or informal and agreed upon explicitly or indirectly. Several formal roles for members of negotiation teams are described below

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[14] ICCs need to be gender balanced so that if some of their members serve as a community's negotiation team, it is more likely to have gender balance.

- **Team leader** – Most negotiation teams have a formal leader who is responsible for coordinating the work of the team. A team leader may be designated by the group that selected the team, selected by team members or assume the position and be accepted by other members due to their knowledge, expertise, skills, formal position in the community, or personality. The team leader may or may not be an exclusive decision-maker for the team and its internal functioning and dynamics.

- **Spokesperson(s)** – This team member or members are responsible for coordinating, presenting and advocating for the team and community's views and interests on issues under discussion, and not proposing or reaching agreements that harm the land rights of specific categories of community members. Spokespersons may or may not be the team leader.

  In general, there are two types of spokespersons: 1) solo spokespersons, and 2) facilitative spokespersons. Each type has strengths and weaknesses for promoting effective talks.

  - **Solo spokespersons** are individuals who take the lead in representing the team, presenting its views on most if not all issues during talks and reaching agreements with the other party. They are often, but are not always, the team leader. (When they are not, it is generally because the team leader wants the strongest advocate to assume the role of lead negotiator role, or wants to be freed from the pressure that may exerted on them by the other team so that they can observe, consider options under discussion and develop the most effective strategy for the lead negotiator to execute.)

    Generally, solo spokespersons talk with other team members prior to direct negotiations, or in private meetings during breaks in talks, to solicit their input and reach an agreement on what will be discussed, presented and how. After these internal talks, however, he or she is responsible for communications with the other team and procedures used.

    Strengths of the solo spokesperson model include that only one person is communicating for the team, a unified team view is presented, there is generally less confusion or lack of clarity regarding the team's message and coordination problems that might have resulted from multiple team members speaking is eliminated. Weaknesses of the model are that he or she may not be the most knowledgeable member on specific issue(s) in question in comparison to others on the team and may not effectively use the wisdom of the group. Solos spokespersons may also not be the most skilled negotiator on the team, either in general or for specific issues. He or she may also on occasion unintentionally advocate views that the team does not support or that fall short or go beyond what was agreed upon internally. This model limits opportunities for other team members to correct or change them.

    Finally, the model may work well if the solo spokesperson has a good relationship with his or her counterpart on the other team. If, however, the relationship is poor or deteriorates during the process of the talks, there may be limited opportunity for other team members who may have or create better ones to be involved in discussions.

  - **Facilitative spokespersons** are team members who coordinate and facilitate how issues of concern to the team and their community are communicated to members of the other team and who does it. Facilitative spokespersons may facilitate presentations by multiple members of their team, and may also try and facilitate productive talks between all teams involved in the process. Again, they may or may not be the team leader.

    The levels of control facilitative spokespersons have over the content and processed for deliberations and decision making varies. Some may frame the general focus for the overall discussions or specific issues, and then turn responsibility for leading negotiations on them to several other team members with relevant expertise or skills. These other team

members may be authorized by the facilitative spokesperson or team to negotiate an issue from opening to the final agreement, or be allowed to lead discussion on the issue, present the team's views, help generate options, but return responsibility for final agreement-making to the facilitative spokesperson.

Strengths of this model include the best use of the wisdom and skills of all team members as appropriate or needed; greater ownership of the process and outcome by team members; opportunities to change the person, voice and logic presented in negotiations; and chances to build positive working relationships between multiple team members and those on the other team, or correct problematic relationships if they occur. Weaknesses of the model include the requirement of greater coordination between and among the facilitative spokesperson and team members in making presentations and presenting views, the possibility that the team may not present a united front and unified view or a member presenting an inaccurate team view.

- **Other team members** – Depending on decisions made about the spokesperson(s) and their roles, responsibilities and authority, other team members may be designated to provide specific kinds of information in talks or be the focal point and take the lead on discussion of specific issues. They may be given authority by the team or spokesperson to introduce and describe an issue to be addressed, lead discussion on it and help generate or propose one or more options to address it. They may either be authorized to reach an agreement on the issue in question or this responsibility may be designated for the spokesperson with the approval of the whole team.

In addition to the formal team roles described above, there are also informal team roles that members may play that can help or hinder productive negotiations. Several of these include:

- **Moderates –** These team members generally take the most reasonable views on issues in question and are willing to try and meet the needs of other parties as well as their own or to reach compromises where gains or losses are shared in a mutually acceptable manner. They can, however, take positions in which more than necessary is given in order to reach an agreement.

- **Hardliners –** These team members generally take stronger views on issues in question, and demand more from negotiators on the other team. At times they can appear to be or are actually unreasonable in their expectations. They can also, however, play a significant role in helping a team request and secure the greatest benefits possible.

- **Quasi-mediators –** These team members generally have good relationships with all others and serve as internal facilitators to reconcile differences between team members. They help reach mutually acceptable internal agreements on substantive issues, negotiation procedures to use in joint talks and who will be the spokesperson for specific issues. On occasion, quasi-mediators may also facilitate informal or formal talks between male and female members of teams, or between teams from both parties.

PREPARING THE TEAM TO WORK TOGETHER AND WITH THE COMMUNITY

- **Internal team decision making –** For negotiation teams to function effectively, members need to clarify and agree on the authorities of each member for decision-making, and the team as a whole, and how team decisions will be made. Unless there is a member with a clear mandate and authority or mandate to make decisions for the team or community, most teams operate using a consensus decision-making process. See Box 9: Consensus, for a definition of consensus and procedures to reach it.

Box 9: Consensus

Consensus decision making is a procedure by which a group makes a collective decision or agreement without voting, which all participants can accept.

- Reaching a consensus requires group members to educate each other about their important needs, interests and concerns, and identify or develop an integrative agreement that addresses and satisfies both individual and group interests to the greatest extent possible.

- A consensus decision or agreement does not require or mean unanimity. Participants do not have to feel equally strongly about or have the same degree of enthusiasm for a specific outcome or its component parts.

- A consensus will be considered to have been reached when either a meeting participant or facilitator recognizes or develops a proposal for a potential agreement, states it and all participants verbally or non-verbally affirm their concurrence, or at a minimum agree not to actively oppose or subvert it.

Consensus, **CDR Associates 2014**

- **Determining procedures for community engagement for input and decision-making prior to and during boundary negotiations** – Either during the process of team member selection in later in discussions between the team, Interim Coordinating Committee and community members, the community and team will need to determine expectations for how the broader community and team will interact prior to, during and at the conclusion of negotiations. They need to decide: 1) what kinds and extent of engagement the community expects and wants with the team, 2) its frequency and where it will occur, 3) formats for meetings, 4) who is expected to attend, 5) kinds of updates on progress of talks that are desired; 6) how the community will be involved in pre-negotiation preparation and decision making, and 7) kinds of consultations the team will need to have with the community prior to reaching tentative, partial or a comprehensive agreements, which will later be brought back to the community for consideration and final approval. Additionally, they should discuss how participation of women, youth and minorities will be assured during all stages of team consultations, and how their voices and interests will be heard, considered and advocated.[15]

- **Defining negotiation mandates –** Negotiation teams generally need and expect guidance or a mandate from the group they represent. A mandate defines the objectives they should try to achieve in talks. In general, it is critical for communities to engage in pre-negotiation discussions and be clear about the degree of flexibility their team will have to develop possible agreements, so that it does not violate its mandate.

Mandates may be quite hard and quite specific with little room for negotiators to modify them during talks. Alternatively, they may be flexible and allow negotiators significant room to maneuver and freedom to determine how they will achieve identified goals.

As each community engages internally to define what they believe to be their boundaries, they may identify particular boundary lines they see as non-negotiable. An example might be a sacred site of imminent importance to a community or secret society. If and when this occurs, they need to be very clear with their negotiation team that this is a red-line that they need to honor and should not cross. Ideally, there will not be too many of this type of issue as they can result to increased conflict, deadlocks and an impasse in completing the boundary harmonization process.

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[15] Times and locations of meetings and the facilities that are available can be especially important for women given their domestic responsibilities and needs for toilets/latrines or shade if they are menstruating, pregnant or breast feeding.

Ideally, communities should give their negotiation, general guidance and some flexibility on the goals and objectives for negotiations, or the negotiation team will be no more than a messenger from the community and will not be able to develop creative solutions with mutual gains as talks progress. A more flexible mandate might be: "Strive to achieve recognition of the boundary community members identified through community mapping. If agreement is not possible, explore with other negotiators why this is the case, what the interests are not being addressed or considered, develop some potential options that might be mutually satisfactory and bring them back to us for consideration and advice."

Liberia Experience - Box 10: Preparation and Training of Negotiating Teams for Engagement with Counterpart Communities describes how Liberian communities have prepared their negotiation teams.

- **Providing Training -** Training should include substantive content on the constitution and other statutory and customary laws that address land and property issues and rights, such as those related to women's rights and inheritance. It should also provide conceptual frameworks, principles and processes for engaging in effective negotiations. Some of these include procedures for conducing both positional and interest-based processes, methods for moving from advocacy of positions to collaboration, ways to avoid or overcome deadlocks, methods for recording agreements, and formats for or consulting with and securing final agreements by communities. Training should also develop participants' skills in effective communications, public speaking, asking questions, framing and reframing issues and interests, generating options and making proposals.[16] Training should also include a component on gender awareness and sensitivity.

Training can also include components on internal team roles, facilitation and decision-making. Building these internal team skills can significantly impact successful team functioning.

> **Liberia Experience - Box 10: Preparation and Training of Negotiating Teams for Engagement with Counterpart Communities**
>
> In situations where communities are undertaking boundary negotiations without support or assistance of non-governmental organizations (NGOs), negotiation preparation activities take the form of internal community consultations focused on selecting negotiation team members and providing guidance to them on community concerns and interests to address in upcoming talks with a counterpart community or communities.
>
> In communities supported by NGOs – such as the Sustainable Development Institute (SDI), Norwegian Refugee Council (NRC) and more recently Parley, or governmental institutions such as the Land Commission – community leaders, members and negotiation teams may receive capacity building training in negotiation and mediation skills, community governance procedures and coaching and 'helpdesk' type services throughout their engagement with other communities. In some instances, these services are provided to all parties involved in negotiations.
>
> SDI's community land rights protection activities include sensitization about trends in land rights policy and law in Liberia, land use planning and community-based natural resource management. This information assists communities to better understand the long-term benefits of determining boundaries and promotes a more interest-based approach to resolving boundary issues.
>
> The Norwegian Refugee Council encouraged communities to engage local customary and statutory leaders in boundary dispute resolution efforts to help promote community recognition and legitimize the procedures and their outcomes. Their involvement also helped communities and their members maintain and adhere to negotiated boundaries over time.

In general, there are two formats for negotiation training programs: 1) seminars conducted separately and privately for each community's negotiation team; or 2) joint seminars where all

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[16] Training may be especially beneficial for marginalized individuals or groups – such as women, youth or minorities – who may not have extensive experience in negotiations or opportunities to acquire and refine their negotiation skills.

negotiators are trained together. Separate and customized training programs can be developed for individual community boundary harmonization negotiation teams if that is what they want. Parties often select this format if there has been significant past or current tension between communities, there is significant mistrust or they have issues they want to discuss confidentially. Better yet, however, are identical parallel training programs in which participants learn the same information and procedures. Having common knowledge and approaches will later enhance their coordination for productive talks.

An even superior format for training programs is conducting a joint seminar in which all members of negotiation teams participate in the same program and receive identical information on land issues and rights, negotiation approaches, procedures and skills. It also provides an opportunity for negotiators from each community to share what their customary values, rules and norms are.

This format in other contexts, such as preparation for labor-management negotiations, has been found to significantly improve parties' communications and coordination in subsequent talks, enable them to effectively use and implement interest-based negotiation procedures, and avoid unnecessary deadlocks and reach collaborative agreements that result in mutual gains more rapidly. Joint training also helps negotiators better understand each other as individuals and the communities they represent, clarify past differences and build positive working relationships, which is not possible if negotiating teams participate in separate training programs.

Interesting aspects of joint training are participant participation in multiple negotiation simulations that address issues similar to but not identical to the ones they will be negotiating in the future. Participants often play roles of negotiation team members who have different perspectives, needs and interests to those that they might have in real negotiations. This role reversal component often provides participants greater insights into the views and needs of other parties, and enables them to develop solutions that will address and meet them.

- **Assignment of team member responsibilities and in-team coordination –** Once training has been completed, team members will need to discuss and assign responsibilities for what and how each member of the team will perform during upcoming negotiations. This task generally occurs after community mapping described below when community perspectives on boundaries have been identified.

2.4   MAPPING COMMUNITY BOUNDARIES

A major component of preparation for successful boundary harmonization and negotiations is mapping community boundaries. Community mapping is a participatory process in which all or a significant number of community members, including women and other vulnerable groups, identify their community's boundaries with a neighboring community and significant features within it – places of cultural or religious importance, infrastructure or natural resources. Direct engagement of community members in the process builds common knowledge and understanding of community boundaries, enhances their power and influence in future talks with neighboring communities and creates ownership of decisions and outcomes.

Ideally, community boundary mapping should occur after the selection and formation of the community's negotiation team, so that its members can be fully participate in the process, understand the basis for community thinking and decision-making about boundaries, and be clear about the boundaries they will advocate for.

There is not one method to conduct community mapping.[17] The approach selected depends on conditions within the community and its members' preferences for outcomes and procedures. In general, community mapping of boundaries can be conducted in two ways: 1) the "inside out" method, and 2) identification of boundary peripheries.

- **The "inside out" method -** This approach to community mapping and boundary identification involves community members meeting as a whole or in smaller clusters of members – such as women's, youth or elders' groups – and identifying a central plot of community land or significant community landmark whose boundaries are not contested. Based on further discussions, community members delimit sites of importance to the community, such as towns, churches, hospitals, government buildings, community forests, water points, protected areas, sacred sites, etc. Working from the initial central point, community members delineate internal boundaries until they reach the outer perimeters of what they understand to be the external boundary of their community.

- **The boundary periphery method –** This approach focuses on delimiting what community members perceive to be the outer parameters of their land and features – such as towns, infrastructure or other sites importance – without necessarily defining internal boundaries of community members' land. This method may be used if it is not likely that neighboring communities will contest the location of towns or other important features in one or another's customary land.

  The process involves either all community members meeting as a whole or in smaller constituent groups to identify what they perceive to be the community's boundaries with neighboring communities, or asking community members along the potential periphery of the community to meet in smaller groups along what they believe to be the community's boundaries to discuss and identify what they believe them to be. This information is then brought back to the whole community in a larger meeting to be confirmed.

2.4.1 TOOLS TO CREATE VISUAL IMAGES TO SUPPORT COMMUNITY MAPPING

A number of tools can be used to support communities mapping their land and boundaries with neighbors. The most common are: 1) sketch maps, 2) satellite imagery and maps, and 3) digital mapping and graphics.[18]

- Sketch mapping and maps involve community members drawing one or more pictures of their community's land, important features on it and their understanding of its boundaries. These maps are commonly used early in a community mapping process to develop a general understanding by members of community land. They are, however, generally not spatially accurate enough for identification of the location of specific features or distances between them and cannot usually be utilized in mapping software.

  Satellite imagery mapping is conducted using high resolution satellite imagery, often printed on large format paper. Using the satellite images for visual guidance, community members identify major points of interest and, where possible, boundary markers. This information can then be readily translated to mapping software and is useful for calculating distance and area.

- Digital mapping, which is also called digital cartography, involves the use of mapping software to create maps of community features and boundaries. This approach often involves displaying satellite imagery on a computer or mobile device and projecting the satellite image on a large screen or wall.

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[17] Two approaches are described in Rachael Knight, Marena Brinkhurst and Jaron Vogelsang. *Community Land Protection Facilitators Guide.* Seattle, Washington: Namati, 2016; and Virgina Roaf *Community Mapping: A Tool for Community Organising.* London: Water Aid, 2005.

[18] Rachel Knight et al. *Community Land Protection Facilitators Guide.* p. 136.

Working with community input, facilitators and data collectors then directly enter the community's spatial information into mapping software.

2.4.2   IMPLEMENTING COMMUNITY MAPPING

Described below are potential steps for conducting community mapping. Most, but not all of them, may be required to successfully map community land and its boundaries.

1. **Identifying champions –** Generally, by the time a community is ready to engage in community mapping, there will already be a significant commitment among members to define its external boundaries. Nevertheless, having champions for the process – respected men, women, youth and elder leaders as well as the ICC and boundary harmonization negotiation team members – is valuable to build community participation and support for the process. They can help convene meetings.

2. **Planning the community mapping process** – As community mapping takes a significant amount of time and energy, community leaders, the ICC and boundary harmonization team should allow adequate time, often as much as a month, for preparation. Preparatory activities commonly include informing community members about the goal and value of community mapping, how it will be used in the customary land recognition process, the process to be implemented, when and where meetings will be held and the importance of having as full community participation as possible. Participants should include all or representatives of members of the community – customary leaders, elders, members of first families who were the original "owners of the land", religious leaders, women, youth, the differently abled, and members of minority groups. Ideally, firm commitments from female and male community members to attend and participate should be secured.

3. **Carrying out an initial land and settlement profile –** This initial activity involves community members in discussions and conduct of a rough non-technical survey of community land in which potential boundaries are identified as well as infrastructure, houses, schools, medical facilities, water points, etc. This process can be used to provide initial information and generate interest on the part of community members in more in-depth participation in the process. It can also identify potential areas of differences or conflict concerning boundaries. At this point, any disagreements on boundaries should be identified, but put on hold for later discussion and resolution.

4. **Designing forms to solicit greater detail on issues related to community boundary delineation/identification –** It is often helpful to gather and record more detailed written information on community perceptions about boundaries and related issues. Forms with relevant questions may be created and administered to specific groups – women, youth, minorities and especially community members who live near or on potential community boundaries. Information recorded on the forms may be solicited by community members, both men and women, who have been trained as interviewers and log responses, or if people participating in the data collection effort are literate, by asking them to write their own responses.

5. **Drawing an initial sketch or preliminary map of a community's boundaries and other places of importance to prod community members' thinking –** In some circumstances it may be helpful to have a small working group of respected community members develop a preliminary map of the community and its potential external boundaries. (This step may also be omitted with community members moving directly from step 3 to step 6 below. However, if this step is implemented, care should be taken to assure the small group is broadly representative of the community and not just composed of a small group of male leaders or people who may have strong personal interest in the location of the boundaries or who may be corrupt.) Total accuracy of this map is not required, as details will be filled in later.

6. **Drawing a more detailed map of the community –** This step involves convening another whole-community meeting, or several separate meetings attended by community members living along potential community boundaries. At these meetings, community members will draw a more detailed map of community land. At this point more accuracy is required.

A single community map can be created with the direct participation of all meeting attendees or community maps may be developed and drawn in small groups. If small groups are used, they can be made up of a cross section of community members or specific categories of members, such as customary leaders, women and youth. If small groups are used, the results of the mapping exercise should be brought back to the whole group, presented, questions answered and the outcomes consolidated into a single community map.

Small group maps or the full community map can be drawn on large sheets of paper taped together so that it is large enough to accommodate a detailed drawing of the community, its boundaries, infrastructure, structures and important sites. Small pieces of various colored paper, or Post-Its, can be prepared beforehand that will be used to indicate houses, schools, medical facilities, water points, etc. and be taped on the map at appropriate places. (Use of this method allows for moving markers for specific structures or resources around to reflect approximate scale and distances. Drawing these on the map can create confusion if they cannot be erased and their locations changed.)

Participants can start by identifying a number of features of their land.

Some of them include identification of:[19]

- Natural features such as bays, lakes, ponds, rivers, streams, wetlands, swamps, major hills, mountains, forests, etc., which if relatively permanent and appropriate, can be designated as natural boundaries of a community's land.

- Natural features related to the community such as community forests or protected areas; historical, religious or sacred sites; and water points.

- Administrative/political boundaries, towns and villages, infrastructure (roads, paths, trails, bridges, railroad tracks, wells, etc.) and government buildings (administrative facilities, schools, power plants, etc.).

- Community structures (such as markets, medical facilities, churches, mosques, community centers, wells, etc.)

- Homes or structures of families or individuals in the community living near, on or potentially across community boundaries

- Concessions and their known boundaries

Alternatively, participants can identify a specific parcel of land or structure that is roughly in the center of the community or along a tentative boundary line, and work from it to complete a map of the community's boundary. As discussions progress and more aspects of the map are filled in, more details should be solicited from participants and refinements made for exact locations of features, spatial relationships and distances. Liberia Experience -Box 11: How Communities Identify Boundaries describes methods used for boundary identification utilized in Liberia.

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[19] A good list of potential features to be mapped can be found in Rachael Knight et al *Community Land Protection Facilitators Guide.* p. 140.

7. **Completing a detailed land inventory related to boundaries –** A land inventory, as it relates to a community boundary mapping, should identify the names of families and their members who live in structures or utilize resources (fields, forests, water points, etc.) near tentatively identified boundaries. These parties will often be key stakeholders with major interests in where boundaries are delimited. Once identified, community members trained to gather detailed information about the boundaries and use the form prepared earlier to gather it should visit each family or household, interview both men and women separately and gather details from them about their historical grant of use rights, use and perceptions about the community boundary and any potential impacts boundary demarcation might have on them. Whenever possible, the interviewers and land occupants, both women and men, should "walk the land" together to build a detailed and common understanding of where they think the boundary is or should be.

8. **Analyzing the data –** Once information has been collected from individuals and families living along a potential boundary, it should be consolidated to identify the projected boundary of a community, and analyzed to determine any variations or gaps. Analysis may be conducted in either a large community meeting or in smaller constituent groups – such as separate meetings of men, women, youth, elders, minorities, etc. – which subsequently bring their conclusions back to the larger group.

9. **Validating the data –** The accuracy of data on the tentative community boundary should then be validated by returning to the households of people living along a potential boundary, providing them with information about findings and getting confirmation from both men and women about its accuracy. Final conclusions should be brought back to and confirmed at a whole-community meeting. The latter forum can also be used to work out any disagreements that may have developed concerning final understandings about the community boundary.

An additional follow-up activity should be members of the community's Boundary Harmonization team "walking the land". Members should physically visit, directly observe and become intimately

familiar with natural features, important sites and physical structures near or on the projected boundary. They should also work with community members, both women and men, who live along the boundary so that they have a firm grasp of the land they will be discussing in upcoming negotiations with the neighboring community.

10. **Recording the Data –** Final maps and photographs of important points on the projected community boundary should be taken at or subsequent to the final whole-community meeting and prior to contacting the neighboring community and beginning of negotiations. They will later be used in talks to explain where a community believes its boundary or boundaries to be.

    Additionally, the map or maps should be stored in a safe place where they will not be harmed or damaged, and participants in the last whole-community meeting before negotiations should decide when and with whom the map(s) can be shared

POTENTIAL OUTCOMES OF INTERNAL COMMUNITY MAPPING

Once a community has completed its internal mapping of its understood boundaries, members will likely have identified a number of perimeter boundary characteristics that will require discussion both internally and ultimately with representatives of their neighboring community. These include:

1. A clear and hard boundary delimited by an immovable and or fairly permanent natural barrier between lands claimed by each community;

2. A clear and hard boundary marked by a permanent or fairly permanent marker – such as a soap tree, stone or formal boundary marker – which will likely be recognized and accepted by members of each community;

3. A clear and potentially hard boundary demarcated by a man-made structure, such as a road or powerline;

4. A clear and potentially hard boundary due to clear past and/or present occupation of land by members of a community, and their building structures and planting live trees on it;

5. A clear and potentially hard boundary identified by respected and trustworthy customary leaders (from both communities if they are identifying community boundaries), "owners of the land" or elders who can provide credible and valid testimony about the granting of past use rights to community members;

6. A clear and potentially hard boundary delimited and demarcated as a government administrative unit or political jurisdiction;

7. An unclear boundary due to the loss, destruction or unintentional or intentional moving of a boundary marker;

8. An unclear boundary due to lack of or differing documentation, such as Tribal Certificates, surveys or legal deeds;

9. An unclear boundary due to potential or actual encroachment;

10. An unclear boundary due to past or current joint use by community members and those from one or more neighboring communities;

11. An unclear boundary due to assignment of land by the government to a concession or designated as a protected area, and lack of formal delimitation or demarcation of this land;

12. An unclear boundary due to a possible legal or illegal land sale on or near the boundary without appropriate delimitation, demarcation and documentation;

13. An unclear boundary due to lack of prior necessity or interest of members of neighboring communities, or physical barriers to delimiting or demarcating it.

Some or all of the above boundary conditions may need to be addressed and resolved internally by community if inter-community boundaries are to be successfully harmonized.

2.5   COORDINATION WITH NEIGHBORING COMMUNITIES AND THEIR NEGOTIATION TEAMS[20]

Once a community and its members have created a map of community land, identified what they believe to be its boundaries and have communicated their understandings to their boundary harmonization negotiating team, they are ready to finalize their internal coordination efforts and make contact with a neighboring community or communities to prepare for negotiations. This involves a number of activities and consideration of meeting formats that will best result in successful talks. Liberia Experience - Box 12: How Inter-Community Boundary Negotiations are Convened describes Liberian approaches to this task.

Liberia Experience - Box 12: How Inter-Community Boundary Negotiations are Convened

Communities usually decide to engage in boundary harmonization because of an event or situation that demands a clarification of the boundary. Typically these are encroachments by one community on to the land of another community. However, two communities in Nimba County were motivated to resolve a boundary dispute to enable their eligibility for a road rehabilitation project.

The decision to engage another community to discuss a boundary dispute or a boundary harmonization process is significant and therefore it is usually taken after consultations and deliberations involving the entire community.

The purpose of the meeting is to develop a shared understanding among community members about the issues at hand, determine whether a collaborative dispute or harmonization process is desirable and feasible; to select the negotiating team; and to provide guidance to the team on their authority to negotiate and the positions or interests they should advance during the negotiation. The procedure for contacting the other community and the need for involving third parties, such as statutory leaders, higher-level customary leaders or NGOs are also discussed.

During the intra-community meeting customary leaders, elders, as well as women and youth exchange information and opinions freely. Community members directly affected by the boundary issue – such as families farming at the boundary – are directly consulted.

Prior to approaching another community, communities frequently decide to involve district or county-level statutory authorities. This is done to respect local authority structures, and in anticipation of the support these individuals can provide to resolving boundary issues.

Community leaders and the negotiation team then determine an appropriate way of approaching the other community to propose a discussion or negotiation on the boundary. This proposal may be in the form of a letter, or the community may send a representative to make contact with leaders of the other community to explain their concerns and propose a meeting. Sometimes trusted higher-level customary or statutory authorities are asked to facilitate these initial contacts.

Once contact is established, negotiation teams members from both communities meet to schedule, identify a venue and plan a formal meeting.

The coordination process has several components:

- **Internal community and team meetings –** Gatherings to complete preparations for contacting their counterpart community and team.

- **A joint coordination meeting –** A meeting of community leaders and members of each community's boundary harmonization negotiating team to confirm each community's willingness and readiness to engage in good faith negotiations to reach agreements on their common boundary, and discuss the logistics and process for talks. Important logistical questions include:

  - Who will be involved and represent each community in talks – the members of the Boundary Harmonization Teams and any others each community wants to be involved and present?

  - What information should, needs to or must be shared before negotiations begin or once they have started?

  - What process will be used for productive negotiations? Ideally interest-based negotiations.

  - What common principles, standards or criteria will the communities and their negotiation teams use to guide talks and joint efforts to find mutually acceptable solutions to boundary issues? Where negotiations will occur – generally along the projected boundary line.

  - Are the parties willing "walk the land" to identify where they believe the boundary to be, and when will this happen?

  - What is the expected length of time for each negotiation meeting?

  - If meetings last more than a morning or afternoon, who will provide refreshments for negotiators – such as each community alternating provision of refreshments for all negotiators.

  - How frequently will negotiation meetings be held and what time should be allowed between them to gather any needed information or for internal community discussions and consultations?

  - How long do communities want talks to be held, and do they want to set either mileposts or a deadline to help promote and measure progress?

  - How will each boundary harmonization team consult with their community members during negotiations to secure their input and agreement on boundaries?

  - How will the negotiators record progress of talks and agreements that are reached?

  - How will agreements be recognized and approved individually by each community and jointly by the involved communities?

  - Are members of each community's negotiating team willing "walk the land" to identify where they believe the boundary to be before formal talks begin, and when will this happen?

  - What will be the date, time and place for the first negotiation session?

- **A report back by representatives of each community and their negotiation teams to their community members –** A briefing on the outcomes of and decisions made at the coordination meeting and next steps for talks.

- **Consideration of the types of meetings that will be needed for productive negotiations and boundary harmonization**.

2.5.1   TYPES OF MEETINGS FOR BOUNDARY HARMONIZATION NEGOTIATIONS

Effective talks to reach agreements on and resolve disputes over boundaries require thoughtful consideration of the "architecture" of the discussions. Architecture involves the types meeting formats needed for productive talks, and who should be involved in each of them.

Described below are a number of types of meeting formats for negotiations, and when each may be appropriate and used. During the course of negotiations, negotiation teams will need to decide on and coordinate the use of appropriate meetings.

IN-TEAM NEGOTIATION MEETINGS

In-team meetings are forums for private internal discussions among members of each negotiation team. (See Figure 2: In-Team Negotiation Meetings.) They are held both before and during negotiations. Common topics discussed by each team include the issues they want to talk about with other parties, their interests, goals and the strategies to be used to achieve desired outcomes, and who will talk, when and how.

Figure 2: In-team Negotiation Meetings
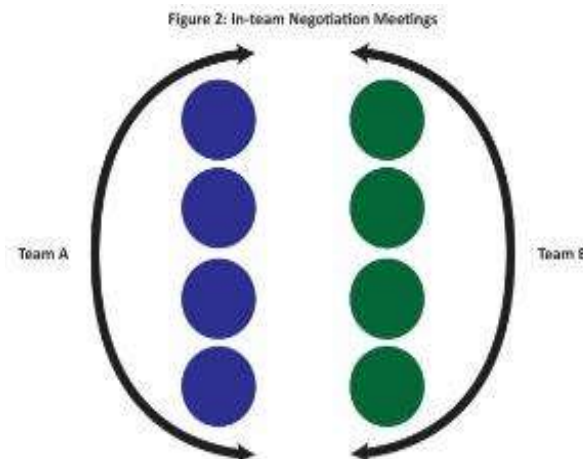
On occasion, subgroups composed of negotiation team members may be formed to develop strategies to address specific issues. These strategies are then brought back to the whole team for consideration, approval and implementation in joint talks. For example, women on the team may want or need to meet to develop issue-specific strategies to address gender issues.

If in-team negotiation meetings are proceeding well, the help of an intermediary may not be needed.

If, however, if there are problems with internal team decision-making, the assistance of a third party – a facilitator or mediator – may be useful to enable one or both teams to understand their issues and interests and those of their counterpart, create a negotiation agenda, develop proposals or options for settlement, break deadlocks and reach consensus. Intermediaries commonly conduct these talks by shuttling between the parties to help participants build internal consensus and convey information that moves them toward agreement.

BILATERAL NEGOTIATION MEETINGS

Bilateral negotiations are the most formal meetings between negotiation teams and are convened when negotiators are ready to talk directly with each other, adequate trust has been developed or where parties believe enough bargaining room exists for negotiations to be productive. (See Figure 3: Bilateral Negotiation Meetings.)

Figure 3: Bilateral Negotiation Meetings

Team A   Team B
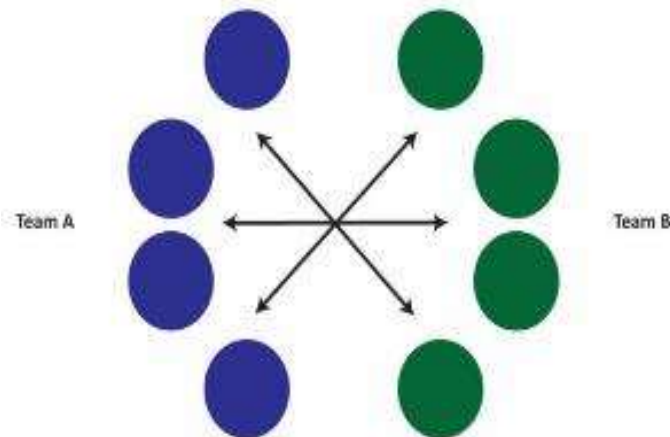
Bilateral negotiations may be conducted in private with only the teams from each community, or in an open meeting with a larger number of participants or observers. Participation of team members during bilateral negotiation meetings may be clearly defined and restricted or quite open. Exchanges may be led by spokespersons for each team, facilitative spokespersons who manage communications of team members or by multiple participants sharing their views.

Generally, bilateral negotiations are useful to review the history of boundary issues, define sources of agreement or disagreement, explain the merits of each party's case, clarify interests to be met, and approve conditional or final settlements. This meeting format is not as effective for developing an agenda, refining options, making links or trades to satisfy interests or developing settlement packages, especially if there are many people on each team. These tasks are best accomplished by smaller meetings by teams or mixed interest groups with representatives from each team.

In highly polarized boundary disputes, parties may find it difficult to engage productively in direct bilateral negotiations. They may need the assistance of an intermediary to suggest and provide a productive process, help establish meeting guidelines, facilitate direct talks or shuttle and carry messages between them.

CONSTITUENT NEGOTIATION MEETINGS

These meetings are used when a negotiator or a team is accountable to a larger group of people or multiple stakeholder or constituent groups –such as an extended family, clan, women, youth, minorities or community – whose members are not directly involved in negotiations. (See Figure 4: Constituent Negotiations).

Meetings with constituents are needed and used to get guidance or a mandate for the negotiation team from the broader group, to update community members on the progress of talks, to find solutions for difficulties encountered in negotiations and to ultimately approve any settlement reached. For a final settlement to be approved, teams need to consult with their constituents and/or other relevant authorities, in some cases negotiate with them, and gain their formal acceptance and support for the agreement. Constituent negotiations may be held with groups negotiators are accountable to as a whole, such as a community, or with specific stakeholder groups.

Figure 4: Constituent Negotiation Meetings
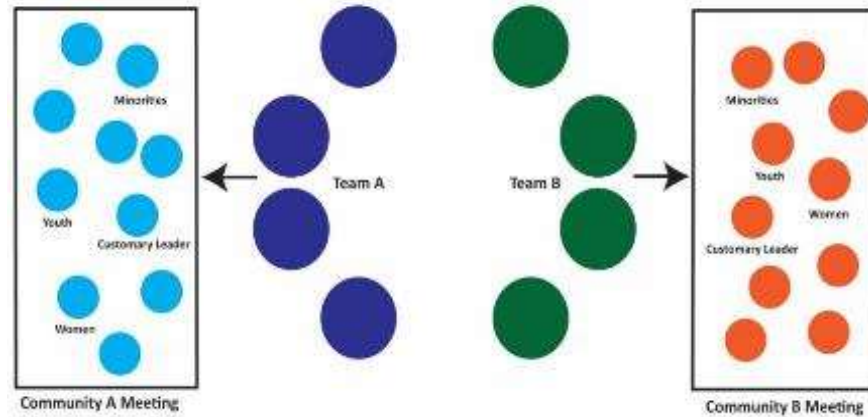
On occasion, intermediary assistance may be needed to help negotiators effectively talk with constituents, identify key interests to be satisfied, explore trade-offs and settlement options or "sell and agreement".

HIERARCHICAL NEGOTIATION MEETINGS

These meetings are held when a negotiation team is responsible and accountable to superiors in an organization, such as a government agency or hierarchy of chiefs, who have final decision making authority. (See Figure 5: Hierarchical Negotiation Meetings.) Multiple sequential negotiation meetings may be required up and down the chain of command during negotiations. These meetings are often needed to clarify the mandate for the team, develop negotiation strategies, develop and assess the acceptability of potential settlement options and secure approval of the final outcome of talks.

Figure 5: Hierarchical Negotiation Meetings
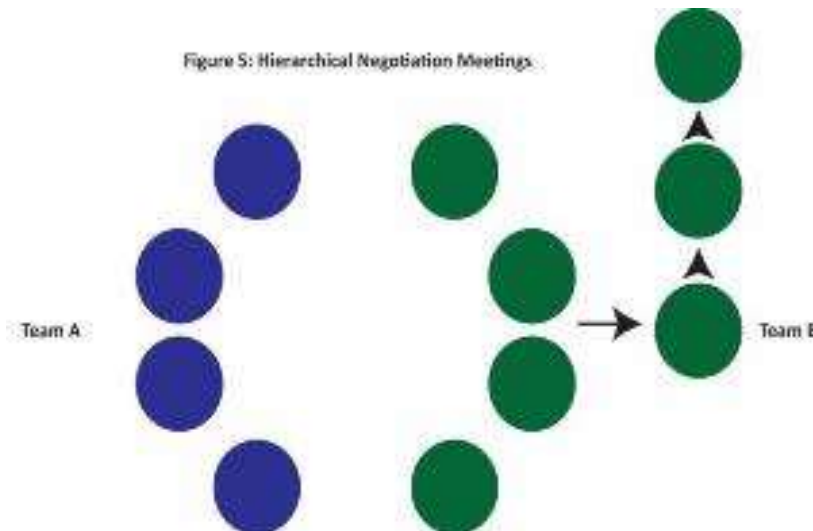
VESTED INTEREST AND CONCILIATORY NEGOTIATION MEETINGS

Vested-interest and conciliatory negotiation meetings involve one or more individuals from a team talking privately with one or members of another one. However, the goals of these two types of negotiations are very different.

Vested interest negotiations, commonly called "under the table" talks, involve one or more negotiator talking privately with a negotiator from the other side, without the knowledge, authorization, or approval of his or her team, constituents or other authorities. The goal of these talks is to explore

settlement possibilities that will directly and personally benefit the individuals involved, or enrich a subgroup they represent, rather than their team, constituents or organization. These negotiations should be both avoided and prevented, as they commonly result in outcomes that are unfair to the participant's team or those to whom they are responsible.

Conciliatory negotiations, on the other hand, involve one or more negotiators from each team engaging in informal talks with the permission of their teams. The goal of conciliatory discussions is to find integrative options and areas of agreement that can be brought back to participants' respective teams' broader constituency for consideration and approval. Participants in conciliatory talks are generally respected individuals and moderates on their teams who are able to communicate effectively both within their team and with people on the other team, and who can commonly see some merit in the "other side's" views. They are often "quasi-mediators within their teams and may also help support intermediaries.

SIDEBAR NEGOTIATION MEETINGS

This kind of meeting provides an opportunity for private conversations between the spokespersons of teams or leaders of communities engaged in negotiations. Classic examples are the "walks in the woods" or "fireside chats", conducted by world leaders. The confidential nature of these talks often enables leaders to build rapport and trust between them, develop or explore ideas without the pressure of observers, refine potential options and make trades that can be brought back to full teams, other senior leaders or constituents for approval and ratification.

Sidebar negotiations may be initiated by spokespersons or leaders of one or more parties, or coordinated by an intermediary. Whether the third party is present or active in the talks depends on the will of the participants or the assessment of the intermediary that his or her assistance is needed for productive dialogue to occur.

If a sidebar meeting is to be held, it is generally important that other team members are aware of it and measures are taken to prevent vested interest bargaining or leaders engaging in corruption. This can often be prevented by having at least two leaders from each party participate.

MIXED INTEREST WORKING GROUP NEGOTIATION MEETINGS

As noted above, bilateral talks are not necessarily the best forum for developing or refining options for agreements. Often smaller mixed interest working group meetings, with representatives from each team, specific types of team members, and occasionally external participants with needed knowledge or skills, are better forums to accomplish these goals.21

Smaller groups allow for more open and free exchange, targeted insights and input from participants, and a space that is conducive for refining ideas for consideration by the plenary group.

If mixed interest working groups are used, it is important that each of the negotiation teams define the tasks they are to address and their limits of authority for decision making. Frequently, mixed interest working groups are mandated only to develop options for consideration, which have to be brought back to individual teams or bi-lateral negotiations for consideration and final approval.

Mixed interest working groups can be initiated by the parties themselves, or encouraged and convened by an intermediary. The latter may also facilitate one or more groups and provide an effective process for their deliberations.

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[21] Mixed interest groups composed of specific kinds of team members, such as women, can be formed to consider and develop options or proposals to address cross-cutting gender-based issues and concerns.

EXTERNAL PARTY NEGOTIATION MEETINGS

Prior to or during negotiations, individual negotiation team members or whole teams involved in bi-lateral discussions on boundary harmonization may be requested to have meetings and reach understandings with specific parties within or outside of their communities who, though not directly involved in talks, have concerns about their potential outcomes and impacts. These may be community members who live along a future boundary, customary authorities, representatives of women or youth, people with specific vocations such as pit-sawyers, executives from a concession, or government officials. Each of these parties may have goals independent of those being advocated by the negotiation teams for their respective communities.

Meetings with external parties can help negotiators to better understand their specific interests and concerns, and as appropriate, advocate for them. Meetings may be held in private or public.

If, however, there is any potential that these meetings may perceived by community members as compromising the goals of the community or mandate of the team, they should either be attended by multiple, or all, negotiation team members, and conducted publically.

Intermediaries frequently assist negotiators and teams manage communications with external parties. They may convene meetings, facilitate talks and help external parties articulate their interests and concerns.

MULTILATERAL NEGOTIATION MEETINGS

The range of negotiation meetings described above illustrates the potential complexities of talks and diverse forums in which they may be conducted. While in many cases, negotiations over boundaries involve only two parties, there are situations where multiple ones will need to engage. (See Figure 6; Multilateral Negotiation Meetings.)

Examples of when multiparty meetings may need to be held include when multiple communities need to determine the community affiliation of a town near a border or with a highly mixed ethnic population, boundaries of a concession that intersect the boundaries of multiple communities or administrative boundaries of districts or counties are involved.

Generally, the more parties involved in negotiations, the more they will likely require an intermediary to assist them to design, manage and conduct an effective process for deliberations and decision making.

Figure 6: Multilateral Negotiation Meetings
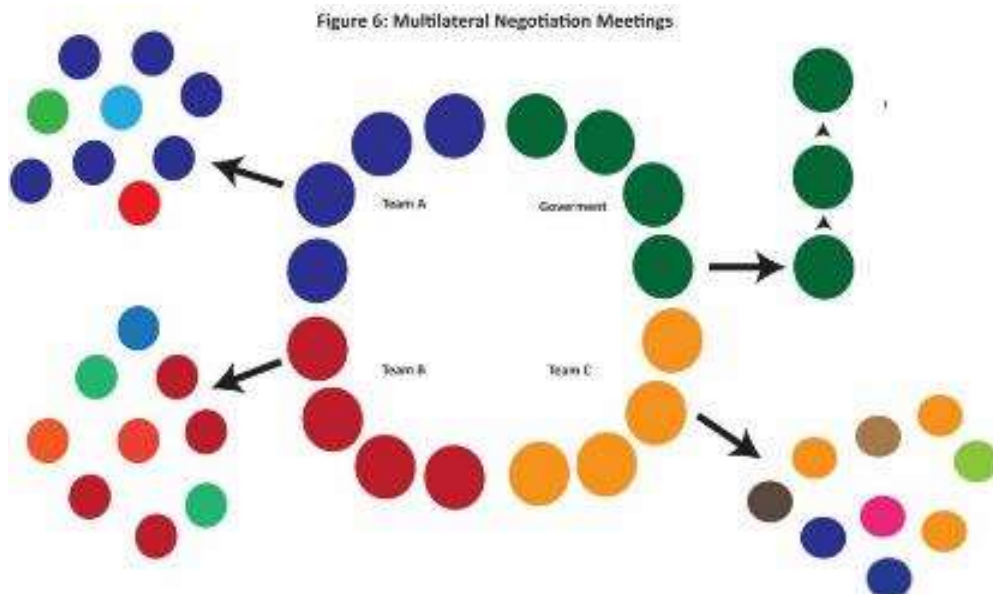
2.6 WALKING THE LAND TO IDENTIFY WHERE COMMUNITIES AGREE, HAVE QUESTIONS OR DISAGREE OVER BOUNDARIES

As noted earlier, "walking the land" by the members of each community's boundary harmonization team is critical for understanding community views regarding where members think its boundaries lie and to prepare for negotiations. Similarly, subsequent joint walking the land by members of all involved negotiation teams from each community is very important.

Joint "Walking the land" can be either a common data collection activity by negotiation teams before negotiations start, or the first step in formal talks. Regardless, both men and women should participate to assure that the issues of all community members concerning the boundary are identified.

"Walking the land" can serve a number of functions:

- Building positive working relationships between the negotiation teams and their members – Members of negotiating teams from involved communities spending time together, getting to know each other and potentially sharing a meal together can help them to develop positive working relationships.

- Developing a greater and common understanding by the members of the negotiation teams of each communities perspectives on the common boundary – Walking the land enables negotiators see first-hand where each team believes the boundary to be; ask questions of each other about the logic, rational and interests behind their views; and, if needed or desirable, talk with community members who live along the potential boundary.

- Identifying the issues will need to be addressed – Discussions during walking the land enables negotiators to identify topics for future discussion, describe them in a mutually acceptable way so that they can be more easily addressed and determine a potential sequence their consideration.

- Gathering background information to prepare for future negotiations – This includes learning about parties' views on issues, their interests and concerns; gathering data on historical or customary land occupation and use and by whom; hearing logic and rationale of the "walkers" on the proposed location of the future boundary; and collecting and reviewing written or oral information available to document boundaries.

2.6.1 PROCEDURES FOR WALKING THE LAND AND STARTING NEGOTIATIONS

To begin the process of "walking the land", negotiation teams from each community should meet together at a mutually agreeable location where they have decided to begin conducting preliminary boundary identification activities. Ideally, this should be a place where communities have already agreed, or will likely easily agree on, where their common boundary is. Starting at such a point can help get negotiations off to a good start with an agreement that illustrates that collaboration between them and making an agreement is possible.

Next the teams should walk together, or drive if access is possible, through the land that each party has identified where their common boundary should be. As they travel, they should observe, discuss and identify:

1. Where they agree on the location of the boundary,

2. Where they might be able to agree on the location of the boundary if minor adjustments were made of one or more of their views,

3. Where they need more information, what type and from whom it can be obtained to make a decision on the boundary, and

4. Where they have serious questions or disagree about the location of the boundary and will need more discussion to reach an agreement and complete boundary delineation, and what indicators could be used to do so (e.g. roads, rivers/streams, paths, trees, etc.).

If the first "walking the land" is primarily a data collection exercise, after completing the first "round" of walking and identification of areas of agreement and where future talks will be necessary, the negotiation teams should return to their communities to analyze the information they have collected. They should also consult, as appropriate, with their community members as a whole, or with smaller constituent groups of specific members such as women or parties who live along the future boundary. The goal of these meetings is to begin to develop a strategy for addressing specific issues along various reaches of the potential boundary.[22]

If "walking the land" is the first step in actual negotiations, parties may want to take one or more of the following approaches for discussions. They may:

- Identify areas where they agree on the boundary and confirm them.
- Move to a focus on the areas where agreement on the boundary is likely with minor modifications, and discuss and reach agreement on what they will be. After discussions, and if agreements can be reached on this second set of issues, they can be combined with the first agreements to begin development of a settlement package with agreed upon boundaries.
- Decide to delay talks on reaches of the boundary that are not as clear until additional information can be gathered and analyzed.
- Move to discussions of boundary issues about which they disagree.

Individual boundary issues where parties clearly disagree may be resolved separately, or in combination with others. Issues can be solved separately if: 1) they are clearly independent of other issues in question, 2) their settlement will not lower a party's power and influence to get their interests met on other issues; 3) they do not unduly adversely impact one or more specific groups that are weaker or marginalized, such as women or minorities; and 4) they will not be needed in the future for trades to address interests and needs parties value differently.

If any of the above conditions are likely, parties may want to explore how multiple contested issues can be linked and trade-offs made that will satisfy interests that each values differently.[23]

2.7   NEGOTIATING AGREEMENTS ON BOUNDARIES

There is not one correct way to negotiate or reach agreements on boundaries. The approach and procedures that are used depend on the issue in question and whether the involved parties believe they are "negotiable", how important each party's interests or needs are to them and their knowledge and skills in implementing their chosen method for reaching agreements – ideally, interest-based negotiation.

As noted above, the interest-based approach to negotiation promotes greater collaboration than that focused on the exchange of positions and counter-positions. It is more likely to result in a customized outcome and agreements that meet more of each party's interests than a compromise reached through positional negotiations.

Procedures described below explain how negotiators can apply an interest-based approach to reach better and more satisfactory agreements over boundaries.

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[22] Potential strategies to address potential boundary issues that may require resolution are provided later in this chapter under section 3.0 Issues that May Cause Boundary Disputes and Potential Negotiation Procedures and Strategies to Resolve Them.

[23] IBID. Descriptions of potential links and trades can be found in this section later in the document.

2.7.1 GENERAL STEPS FOR NEGOTIATING AGREEMENTS

PREPARATION

1. Each community and negotiating team, as a whole or in smaller working groups, identifies their individual and common interests, needs, concerns about the future boundary and speculates about what the other community's might be:

    - What are each community's substantive, procedural and psychological needs and/or interests?

    - What is each community's power and means of influence, including their Best Alternative to a Negotiated Agreement (BATNA), and Worst Alternative to a Negotiated Agreement (WATNA)?

    - What are some initial ideas on options on the location of the boundary that might meet all communities' needs and/or interests?

2. Each negotiating team thinks about the overall format for negotiations, what members of their negotiation team will say and how:

    - How will a positive tone and negotiation climate be created? How will positive relations and history be recognized and enhanced and negative ones minimized?

    - What needs to be said and/or done early in negotiations to accomplish the above goal?

    - What will be the steps for negotiations, how will each of them be conducted and by which negotiation team member(s)? Consider opening statements, tone setting, identification of goals for talks, process for issue identification, description of interests and who will go first.

3. Negotiating teams communicate and jointly decide on the logistics for negotiations

    - When and what time will talks be held?

    - Where will negotiation teams meet and the location be for talks?

    - What is the projected duration of individual meetings

    - Who will provide refreshments and, if needed, accommodations?

NEGOTIATION SESSIONS

Whether the first negotiation session or subsequent ones, there are a number of procedures that help promote establishing positive relations and agreement-making:

1. Negotiators begin talks with positive opening statements

    - Establish rapport by spending time for relationship establishing and building. Identify past positive relations (and agreements) and, if necessary and appropriate, acknowledge, apologize or address any past problems that may pose barriers for productive talks on future boundaries. If in the past, other negotiators have personally been difficult, focus on separating the person from the problem to be addressed.

    - State the purpose for talks in general or for the negotiation session in a clear and impartial manner, which emphasizes a desire to find mutually acceptable solutions to the issues in question.

    - Ask the other negotiators to confirm any past positive relationships or history between the communities.

2. Negotiators identify, state and agree on issues for discussion

- State issues to be discussed in a neutral and impartial manner.

- Confirm agreement on the issues to be discussed.

- Discuss the sequence for discussion and develop an agenda.

3. Negotiators educate each other about issues, interests, needs and concerns that are important to discuss, understand and reach agreement on

- Determine which negotiation team will start to present its views.

- Ask members of that team present their views and their thinking on the boundary issue in question, including their interests and logic and rationale for the placement of the boundary.

- Be inquisitive – Ask open-ended questions to better understand each other's their needs and interests – "peel the onion".

- If a negotiator states a position, ask what their underlying interests are – "Can you tell me why that idea or proposal is important you? What interests does it meet?"

- If a negotiator proposes an option, ask how it meets their interests.

- Summarize the needs and interests that have been heard and check in to see if the summarization is accurate. Correct any misunderstandings.

- The other team should then share its views, logic and rationales and needs and interests.

- Explain how the teams are more likely to come to an agreement if they can find solutions that both communities needs and interests.

4. Negotiators develop multiple options to address issues and/or resolve differences

- Develop a joint problem statement that asks how the negotiators can find a solution that meets both community's needs and interests. "What can we do that will meet (your interests) and (my interests) too?"

- Highlight general principles – such as those in the constitution or a land policy or act – that may be agreed upon as a starting point.

- Consider developing standards and criteria to frame potential options - Identify principles, mutual goals or general levels of agreement that will ensure the solution meets both community's needs and interests.

- Use discussions, brainstorming, finding a key idea and elaborating on it, or using model agreements from elsewhere and modifying them to address the current problem.

- If they criticize your ideas, ask "why"? This will help create a common understanding of interests.

- Use cross questions – "What is needed from our community and us as negotiators to meet your interests and needs?" "What can you your community do and provide to ours to get what it wants?"

- Use collaborative language – "Building off your idea…", "What would you do to improve my idea?"

5. Negotiators evaluate options

   - Narrow the list of options by identifying the ones that look the most promising or are definitely off the table.

   - Evaluate options based on whether they meet principles, standards and criteria or key interests or needs – substantive, procedural and psychological.

6. Negotiators modify, refine and select options

   - Choose options that meet most needs and interests, modify them or make necessary links and trades.

   - Note that some positional negotiation may occur here.

7. Negotiators finalize agreement and develop an implementation and monitoring plan

   - Clarify who will be involved and what, when, where and how the agreement will be implemented. If needed, set up implementation and monitoring procedures, and a method for re-opening issues if there are future problems.

   - Conduct appropriate rituals for closure – consider statements and behaviors that enhance closure on relationship/psychological, procedural and substantive issues.

Liberia Experience - Box 13: How Inter-Community Boundary Negotiations are Conducted describes Liberian approaches for completing this task.

RESOLVING DISPUTES OVER BOUNDARIES

Described below are some general steps negotiators can use to address and resolve specific boundary issues. Not all of them may have to be used to reach an agreement.

- **Negotiators state and confirm a common understanding and agreement on the issue to be addressed –** Such as, "We need to reach an agreement on where our common boundary will be between these two points. Is that correct?"

- **Negotiators clarify each of their community's interests and needs–** "We each have needs and interests about where the boundary should be, which may either be the same, complementary (one can be met without eliminating satisfaction of another) or different. Let's take some time where each of us can describe our interests and needs and how they should influence our decision about where our common boundary will be."

  Explore the current occupation and use of land in question and its potential boundaries – "Let's spend some time talking and sharing information on: a) the current status and use of the land that may be affected by our decision on our common boundary, b) its current occupant or uses (if any) by men and women, c) the community to which they belong, and d) any other factors that should be considered in our decision making (such as live trees and plants; use of land for hunting, gathering or timber; structures or improvements to them; access to something of importance such as a water point or sacred site; etc.."

- **Discuss the historical use and occupation of land in question –** "Who has been on this land in the past, when did they arrive, how did they get a use right, and how was it used? If occupants or users changed, how did this happen, and what changed? Who knows about this, could tell us more, serve as a witness and testify if we need additional information?"

Liberia Experience - Box 13: How Inter-Community Boundary Negotiations are Conducted

Following agreement between two communities to discuss their boundary to either resolve a dispute or initiate a harmonization process, community negotiation teams invest a significant amount of time meeting informally before starting formal negotiations. At this stage of talks, building rapport, getting a sense of all parties' views of their situations and clarifying the potential location of the boundary are important priorities.

An additional important consideration reported by communities is the selection of the venue for talks. In most cases, communities opt to convene discussions at a 'neutral' location, such as a clan or district headquarters. Sometimes, the community proposing talks agrees to meet in their counterpart's community.

Commonly, customary leaders, statutory district or county authorities and NGO staff, are involved in boundary negotiations. They may serve as observers and witnesses to promote a fair process and outcomes, or, as needed, may facilitate discussions.

Negotiation meetings are usually open to observers from all involved communities, and especially members who live or farm along a prospective boundary. Participation by these latter parties is regarded as particularly important as their interests may be directly affected by the discussions and their outcome. Additionally, when needed, they can provide information during discussions about boundary histories, issues and concerns.

Meetings usually open with prayers and narratives by elders about the historical relationships between the involved communities, and the importance of resolving differences for the sake of peace. Negotiating teams then propose 'ground rules', such as taking turns talking, speaking and listening respectfully, not personalizing issues and staying on point during discussions. These activities are perceived to establish a positive tone and guidelines for talks.

Usually, the negotiation team from the community that proposed the meeting speaks first. They commonly acknowledge their relationship with the other community, understanding of the boundary and outline in general terms the issue that motivated them to call for talks. After the initiator's opening statement, a representative of the other community speaks, following a similar format and responding to the issues that have been raised or asking questions to clarify points.

Who speaks during subsequent discussions varies depending on the norms of the involved communities and their teams' approaches to conducting talks. In some cases, only team leaders or spokespersons speak on behalf of their communities and teams. In others, multiple team members speak. They may be designated to do so by the team leader, or if an intermediary such as a customary or statutory leader or NGO is involved as a third party, by the intermediary. Almost all communities noted that observers are not allowed to speak, unless they live or farm along a potential boundary.

Discussions unfold from a more general focus to specific topics concerning the boundary. Both areas of agreement and disagreement are surfaced. Where significant differences exist, negotiating teams can become very positional. As discussion proceeds, emotions may rise and exchanges can become quite heated. This is especially the case if unresolved differences or disputes between communities have lasted for a significant amount of time, there have been incidents of violence or property destruction and rapport between the communities has deteriorated. At such points in talks, elders, religious leaders or an intermediary may intervene to cool things down and re-establish a positive tone.

Shared or non-competitive interests are often identified to help 'ease tensions'. Identification of these types of interests often motivate negotiators to develop mutually acceptable integrative interest-based solutions, or if necessary, 'compromises'. Additionally, when members of one team recognize that the other has a valid concern or past right, or concessions are made that allow access to disputed farming sites, foot paths or resources, parties are often able to make progress and incrementally advance toward a more comprehensive agreement.

Boundary negotiation teams, regularly take breaks during discussions to conference internally. At these points intermediaries often develop proposals to address concerns work to propose ways of addressing concerns or develop strategies to encourage all parties to keep talking. At key decision points, negotiating teams also consult their communities for further guidance and instructions.

The field study found that most boundary harmonization negotiations require several meetings between teams to settle all issues or resolve disputes.

- **Review any written documents may help clarify occupation, use or ownership rights –** "Are there any written documents that have granted a use or ownership right to the land in question that will help define its boundary and determine to which community it should belong?"[24] Invite knowledgeable people who can provide additional information needed for informed and wise decision making – "Who can we invite as credible and mutually acceptable witnesses to tell us what we need to know about past events and the land in question?"

- **Request input from a community member or members from one or both communities who will likely be affected by a decision over the location of a boundary –** "Who do we need to hear from to better understand a local view of the boundary and the concerns they want to have considered in deciding where it will be?

- **Identify standards and criteria that will be applied in making decisions about the common boundary –** "What standards and criteria can we apply to help us make a decision that will be mutually acceptable for both communities?" (For example, "Can we agree that a community member whose occupation of a parcel of land has been uncontested for at least one generation, say 20 years, will have the boundary drawn so that the member's land will be designated for management by his/her community? Can we agree that a community member of one community who has planted tree crops on unused or undistributed land claimed and widely recognized to belong to another community and it has been uncontested for a period of time, should either have the right to use these crops for a defined period of time, or the land should be designated as part of the land of the planter's community?"

Based on negotiators' provision of information or answers to the above questions, negotiators are likely to be able to reach an agreement on a specific boundary issue. If, however, this is not possible, the issue may need to be linked to the resolution of another one so that trades can be made and agreement can be reached. For example, imagine the potential boundary of two communities is characterized by a checkerboard pattern of occupation by members of the two communities. Parcels of land occupied and used by members of each community are adjacent to each other and not contiguous to the wider communities to which the occupants belong. If negotiators try to reach a resolution on the boundary for each of the landholdings, they may not be able to reach an agreement. If, however, they cluster several issues and claims, they may be able to reach some acceptable trades, such as "These parcels of land along the proposed border, which we believe are part of our community's land but are occupied by members of your community will be given to your community in exchange for roughly equivalent amounts and qualities of holdings on land claimed by your community but occupied by members of ours."

A number of additional strategies for resolving specific boundary issues can be found in Section 3.0 Issues that May Cause Boundary Disputes and Potential Negotiation Strategies to Resolve Them.

2.8   CONFIRMING NEGOTIATED BOUNDARIES WITH COMMUNITIES

Once communities' boundary harmonization teams have reached tentative agreements on either segments of the future boundary or the complete boundary line, they need to return to their communities, explain the outcome of talks and the conditional boundaries on which they have reached agreement. Agreements are conditional in that they cannot be finalized unless they are accepted and approved by the involved communities.

If the boundary harmonization teams have been meeting periodically with each of communities throughout the negotiation process, kept them up to date on conditional agreements that have been

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[24] Customary documents in Liberia include Tribal Certificates. Statutory documents identified by the Liberia Land Commission can be found in Appendix A: Statutory Documents on Land Ownership in Liberia.

reached and gained support for them, the final boundary confirmation meeting with each of the communities should not be difficult. If, however, the teams have not kept their communities informed about the progress of talks, last-minute changes or trades are required to reach a comprehensive agreement or if both during and after negotiations some community members do not accept the proposed boundaries, boundary confirmation meetings may be harder. New or contested issues will need to be addressed and resolved in either in whole-community meetings or smaller meetings involving participants with specific issues or concerns about the issues in question.

Once the Boundary Harmonization Team has reached a conditional comprehensive agreement on the boundary between the involved communities, the ICC or the team should call a whole-community meeting, with as many members in attendance as possible. The Team should present the final outcome of talks, explain the logic and rational for the location of the boundary and what trades or compromises were required to reach the conditional. A sample agenda for this meeting is provided in Box 14: Sample Agenda for an Internal Community Boundary Approval Meeting.

During the meeting, the community's Boundary Harmonization team should accept and fully answer any questions community members have, so that members are prepared to make an informed decision. As much time as required should be taken for questions and answers. When all questions have been asked and answered to community members' satisfaction, the ICC and/or the Boundary Harmonization Team should ask the community whether they support the proposed boundary. Ideally, a consensus decision making process, as described earlier in this document, should be used to make the decision. A consensus should be tested for and reached only after all community members have a full understanding and agree to the proposed boundary. The decision should be as free from pressure or coercion as possible. Community members should indicate their agreement verbally, and absent dissent, the proposed boundaries should be considered approved. If however, one or more community members do not support the location for the proposed boundary, the boundary harmonization team and community have several options.

1. They can discuss the concern of the dissenting community member either at the whole community meeting or in a small group, and see if they can find a solution to address it, such as allocating an equivalent amount of land in another part of the community that they are losing by the current delimitation;

2. They can discuss the concern, and if they cannot find a mutually acceptable solution, may ask the dissenting party whether they would be willing to "stand aside" and accept the wisdom and will of the broader community for the proposed boundary; or

3. They can discuss the concern and the community can decide to send the boundary harmonization team back for further discussions with their counterparts from the other community to see if modifications can be made to the proposed boundary that will be mutually acceptable. If this option is selected, the boundary harmonization team or ICC will need to determine with the community if they have other things they can trade to reach an agreement on the proposed change. After talks with the other team, the ICC or boundary harmonization team will need to once again to convene a whole community meeting to present and consider the results of the talks, and hopefully approve them.

If none of the above procedures result in an agreement that is acceptable or feasible for the community or the party with the concern, the ICC or boundary harmonization team may ask community members to agree to switch to voting to decide whether or not to approve the proposed conditional boundary and make it permanent. Before doing so, however, the community needs to determine: a) who is eligible to vote, generally community members identified during the earlier community member self-identification process (including, women, youth and members of minority ethnic groups, etc.), and measures taken to assure that certain groups are not excluded from participation; b) the acceptable voting age; and c) what threshold of votes will be required to indicate approval.

Box 14: Sample Agenda for an Internal Community Boundary Approval Meeting

- **Welcome** - A member of the community's ICC or its Boundary Harmonization Team and explanation of who will be the facilitator for the meeting
- **Review of the agenda for the meeting and expected outcome**
  - An overview of the boundary identification process and outcome
  - Community discussion and approval of the proposed boundary between the community and its neighbors
- **A brief review of the new Liberian Land Act; the rights of women children and minority groups; and requirement for communities boundary identification for legal recognition of community land**
- **A brief review of the mandate and work of the Boundary Harmonization Team**
- **An overview of the proposed boundary**
  - Sketch maps, photographs, or digital maps may be used to provide a detailed picture of the proposed boundary
  - Reasons will be provided for the recommended location, and an explanation of proposals for specific stretches where there were issues or concerns of each community
- **Questions from community members and answers from Boundary Harmonization Team Members**
  - Meeting participants may ask up to four related questions at a time on a topic of concern, to which the Team members will respond. The process will be repeated until all questions have been answered.
- **Request for approval of the proposed external community boundary**
  - A member of the ICC or Boundary Harmonization Team will ask the assembled community *"Do we as a community accept the proposed boundary that has been identified between our community and our neighbors?"*, and ask for a sign of approval - verbal, nodding of heads or a straw poll by members raising their hands.

    They will then ask, *"Does anyone have a major or significant concern about any impact of the proposed boundary on the community that would prevent us from approving it?"*
  - If there is no dissent, an agreement is considered to be reached and the ICC or Boundary Harmonization Member Team member restates the agreement, *"It looks like the community is in full agreement of the community on the proposed common boundary. We will now consider it to be approved."*
  - If there is disagreement the whole community should be asked if they want more discussion of the concern, and if so whether it should be done by the whole community or by a smaller group. If the former, the facilitator will lead a discussion and work to develop a consensus.
  - If a subcommittee is preferred, the meeting may be adjourned for a brief time to allow members of the ICC, Boundary Harmonization Team, person with the concern and other concerned community members to talk and try and resolve the issue. If resolution is expected to take more time, the community meeting may be adjourned and convened at a later time to consider the outcome of the small group talks to resolve the issue, and if acceptable approve it.
  - If after either the whole community or small group talks about the issue in question, a there is still not a consensus, the facilitator or ICC team may propose that the community switch from consensus to voting to determine if the proposed boundary is acceptable. If the community agrees to change procedures, the facilitator or ICC should ask whether they want to use a supermajority, such as 2/3 or 3/4ths or a simple majority of 51% to approve the boundary. (They may also explain the benefits of each number of votes to approve a proposal.) Depending on the community's decision on the number of votes required to approve a proposal, a vote on the proposed boundary should be taken.
  - If the proposed boundary is approved, the agreement should be written down, read back to the community and verbally confirmed again by community members.
  - Perhaps if there is serious opposition the group should go and see the boundary in question
- **Confirmation of Next Steps**
  - The ICC should then explain the next steps for boundary confirmation including marking the boundaries, a meeting of the involved communities and their leaders to confirm the boundary and sign a Memorandum of Understanding that will serve as a record of the agreement.
- **Thanks for attendance and adjournment of the meeting**

In general, there are two kinds of voting thresholds for approval of a proposed decision: a) a simple majority of all eligible members and voters in the community, both men and women; or b) a supermajority. A simple majority requires an approval of 51% of all eligible voters. A supermajority requires a proposal to gain a specified level of support greater than the threshold of one-half used for a majority decision.

While a simple majority can be used to make a decision on a proposed boundary, if the outcome of the vote is close to 50%, the losing side may be very angry, dissatisfied with the outcome and may in the future not support or comply with the boundary. For this reason, communities may want to consider voting with a supermajority threshold for approval.

Votes with supermajorities assure that a broader number of people support a decision. In a community, this may be important to help maintain community harmony and have an outcome that most members accept and will comply with. Communities can choose the number of votes required for supermajority approval, such as 2/3rds or 3/4ths of eligible voters or some other figure above 51%. When, however, considering establishing the threshold number for approval, the community should not set the number so high that it will be difficult to obtain a decision or so low that minority of members can block a decision on the boundary that may pose a barrier to future recognition by the government of community land.

Regardless of whether a simple or supermajority is selected as the community's decision making process, care needs to be taken to assure there is a quorum of all eligible voters, including women, youth (if they are determined to be eligible to vote) and minorities. Liberia Experience - Box 15: how communities ratify agreements describes Liberian procedures for community approval of boundaries.

Liberia Experience - Box 15: How Communities Ratify Agreements

Procedures for ratification of agreements on boundaries and mapping/demarcating them generally depend on the magnitude of differences between communities and their negotiation teams on contested issues, and the kinds and amount of support provided by intermediaries. They range from informal to formal.

In relatively un-contentious situations, such as when a community boundary may have been unintentionally or intentionally trespassed in the course of seasonal farming activities, boundary negotiation teams often resolve the issue by verbally recognizing and re-affirming the original location of the boundary and asking the encroacher to vacate encroached upon land, or establishing a new boundary and agreeing that in the future each community's members will respect it. In these situations, negotiation teams frequently appear to be fully empowered to take decisions on behalf of their community and written agreements and physical demarcations are rare.

In situations involving multiple encroachments or strong disagreements about the location of a boundary, negotiation teams usually solicit more information and guidance from their communities and present proposed terms for agreement to the encroaching community. If necessary, further inter-community negotiations may be required to settle unresolved issues.

Two communities in Nimba County approached the resolution of extensive disputes through a process of incrementally resolving and ratifying agreements between multiple farms along the boundary. Farmers from each community working land along the boundary were asked to negotiate individual farm boundaries with their counterparts, which would then be recognized and respected by each of their communities.

Boundary negotiations to resolve significant disputes or officially harmonize boundaries tend to be more formal and documented through mapping, especially when NGOs are involved. The Norwegian Refugee Council facilitated multiple boundary negotiation processes that culminated in written agreements, which specified the location of boundaries and terms and conditions on resource use. They also provided technical surveys and boundary diagrams that were appended to agreements.

2.9   DEMARCATING NEGOTIATED BOUNDARIES CONFIRMED BY COMMUNITIES

Once each of the involved communities has internally approved the dividing line between them they are ready for demarcation, the process of defining, marking off and recording their boundary. Demarcation may occur after a joint meeting between all involved communities at which they sign a Memorandum of Understanding (MOU), a formal agreement between them, or prior to the joint community meeting by the conduct of a survey or use of electronic mapping.

Demarcation can be conducted by members of both boundary negotiating teams working together, or by participation of a broader number of members from each community. Greater involvement generally promotes greater understanding and ownership of where the new boundary is because of direct participation in and/or witnessing the demarcation process.

Broader participation can also help promote future compliance. Those who participated are more likely to comply with the boundary and educate other community members about the dividing line and encourage them to accept and comply with it.

Liberian procedures for marking boundaries can be found in Liberia Experience – Box 16: How Communities Mark Boundaries.

Liberia Experience - Box 16: How Communities Mark Boundaries

Upon securing approval by involved communities of an agreement on their boundary, the negotiation teams from each of them jointly walk the land and plant trees to demarcate it. Marking is conducted publically with the expectation that the process will promote community awareness and encourage respect for and compliance with the demarcated (or re-demarcated) boundary. At this stage too, community members may still raise concerns that need to be addressed either internally by their negotiation team or community or in further negotiations with the other community.

While costly to implement, communities that received assistance to document and map boundaries reported high satisfaction and confidence that the boundary agreement would be respected. Communities that did not receive this type of support reported concern that disagreements over the boundary might re-emerge in the future.

Formally delimiting and recording communities' boundaries can be accomplished using four methods: 1) writing, drawings or sketch maps on paper; 2) photographs; 3) data recorded from a Global Positioning System (GPS); or 4) the conduct of a survey. Each of these methods can be used to provide proof of the final agreement reached on the boundary.

- **Paper –** Some communities, especially where clear natural boundaries separate them or when written agreements or maps jointly created by the boundary harmonization teams can be drafted or drawn with great precision rely on these documents to provide at least the initial proof of agreed-upon boundaries. These documents should be duplicated and provided to each community, their customary leaders, members of the ICC and Boundary Harmonization Teams and an appropriate government agency.

- **Photographs –** Photos of specific reaches of a boundary, natural or man-made markers (such as existing soap trees or stones, and participants in the boundary marking process can be taken that will augment either paper or electronic records. Photos of boundary marking participants shaking hands at various locations along designated boundaries often serve as records regarding where boundaries are and the fact that an agreement on its location was reached at a particular location.

- **Global Positioning System (GPS) –** GPS is a navigational system that uses satellite signals to fix the location of a radio receiver on or above the earth's surface. The radio receiver is commonly a hand-held device that receives and records information on the longitude and latitude of its location.

GPS is often used to confirm and provide an electronic record of community agreements on their boundaries. Such records are often required by governments to register land or obtain a deed certificate or title.[25]

- **Surveys –** As noted earlier, a survey is a technical process to formally establish the size of a given parcel of land, which defines its distances and angles. It is generally conducted by a professional surveyor who is licensed and qualified to conduct this service. Once completed, survey results are often created as a map or update an existing plat map with the property's new boundaries. Surveyors may also create a physical record of the survey on the land itself by erecting some form of boundary marker.

Generally, communities will want to use two out of the three procedures above to formalize and provide tangible proof of their boundaries.

2.9.1 MARKING COMMUNITY BOUNDARIES

Once communities have formally delimited their boundaries, they need to mark them in locations where a natural boundary is not present. This process often occurs after a common boundary has been recognized in formal meetings between members of the involved communities and a formal Memorandum of Understanding (MOU) has been signed by their members.[26]

Boundary marking is usually conducted by a Boundary Marking Team with members from each of the involved communities. Ideally, some of the participants have been members of the communities' Boundary Harmonization and Negotiation Teams.

The Team walks or drives along the boundaries negotiated by the Boundary Harmonization Teams and places or plants appropriate markers – commonly stones or trees – at designated locations to demarcate the boundary of community land. If rights of way have been granted to specific land user groups, these too should be designated with appropriate markers.

Ideally, community members – men, women, youth and minorities – who live along the boundary to be demarcated should be invited and participate in the demarking process to confirm its accuracy and build their commitment to adhere to, maintain and comply with the designated boundaries.

2.10 FORMALIZING COMMUNITY BOUNDARIES

Formalizing community boundaries commonly involves convening a joint meeting between leaders and members of all of the communities that have participated in the boundary harmonization process, and their leaders or representatives signing a memorandum of understanding (MOU) that confirms understandings and agreements about the location of the communities' boundary or boundaries.[27]

Joint meetings may be held between just two communities who want to confirm their boundaries, or between multiple ones that have engaged in the process. Attendees from the community or communities confirming their boundaries should include leaders and a significant number of community members from each of them. Smaller delegations of leaders and community members from individual communities on each side of the primary community confirming its boundaries are acceptable as long as they have the authority to make commitments for their communities.

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[25] Liberia will require either GPS documentation to complete the legal customary land recognition process.

[26] A good description of procedures to mark community boundaries can be found in Rachel McKnight et al. *Community Land Protection Facilitators Guide,* pp. 172-176.

[27] A memorandum of understanding or MOU is an agreement between two or more parties that confirms a common understanding or agreement between or among them, and indicates their commitment to a joint course of action. It is not a legal document, but may be turned into one depending on the way it is written and the parties' intent. The terms of parties' MOU on their boundary or boundaries will be legally recognized after they have followed the designated government filing process for recognition of customary land.

Joint community meetings and signing of MOUs have several purposes. They:

- Provide another forum to educate community leaders and members about where a common boundary has been delimited (and has or will be demarked);

- Confirm the boundary's location;

- Formalize understandings and agreements about the boundary in writing;

- Document and memorialize the agreement in the form of a MOU, appropriate maps and photographs;

- Promote psychological commitments of community leaders by their public support and signing the MOU, and by community members and those living along and on both sides of the boundary to respect and not violate it by their participation in the signing ceremony and the celebrations afterward.

MOUs commonly have the following components:

- The names of the parties to the agreement, commonly the names of the communities rather than its leaders or a family that is the ancestor of the original settlers or "owners of the land";

- The date and location where the MOU signing is taking place;

- A preamble that describes the purpose and intent of the agreement, "To permanently settle and establish the common boundary between… and provide concrete proof for all time of our understandings and agreements ";

- A written description of the agreed upon boundary or boundaries with enough detail that it is clear and easily understood;

- Drawings, maps and photographs and survey or electronic documentation if one has been conducted or collected;

- Descriptions of any special conditions, which captures both men' and women's uses, such as joint use areas, natural resources, use rights for specific community members or rights of way;

- Designated names of signatories and spaces for them to sign the MOU, generally for community leaders authority to represent and make commitments for their communities;

- Designated names of signatories and spaces for witness to the signing of the MOU (which may also include non-designated spaces for community members to sign);

- Spaces for government officials to sign to confirm that they attended the joint community meeting and witnessed the signing ceremony.

2.10.1 DRAFTING THE MOU

MOUs to be signed by leaders of communities that have participated in boundary harmonization activities should be drafted before the formal signing community. Drafting may be done by members of one community, or by a joint drafting committee with members of all of the communities that have been involved communities.

If the initial drafting of the text of the MOU is written by the leaders of one community with the assistance of other members with drafting skills – such as members of the ICC and Boundary Harmonization Team, or community facilitators or mediators who have worked with them during the negotiation process – the draft will need to be shared, revised as needed and confirmed with the leaders of the other involved community or communities before being considered to be final. The Boundary Harmonization Teams from each of the communities may again need to be involved in this process.

An alternative is unilateral drafting by one community is to create a joint drafting committee composed of leaders from each community or their representatives who are skilled drafters. If the leaders are not directly involved in drafting, drafts will need to be shared and vetted with them the ICC and the Boundary Harmonization Teams from the involved communities to assure the accuracy of the terms of agreement. Members of Boundary Harmonization teams may also need to be involved on the drafting committee either as full members or observers or witnesses to assure the accuracy of the MOU's content.

Once the draft MOU is considered to be final, it should be presented to each of the communities for review and conditional approval by each of them prior to the joint community meeting. When the written document is conditionally approved, multiple copies should be produced for the signing ceremony.

At the final meeting between representatives of the involved communities participants should also discuss and reach agreement on the agenda for the signing meeting, and the roles and responsibilities of leaders and members of each community that will attend it.

Immediately before the joint community meeting is convened, representatives of each of the communities may want to briefly meet again to confirm the availability and accuracy of all documents and to go over the agenda for the signing meeting. In situations where representatives have limited or no reading skills, the documents should be verbally explained and read to them.

2.10.2 TIMING AND LOCATION OF MOU SIGNING AND PREPARATION

Signing meetings and subsequent celebrations should be held at times and locations that are mutually convenient and acceptable to all parties. If meetings are to be held during either a rainy or hot season, arrangements should need to be made to accommodate problematic weather.

Generally, signing ceremonies are held at the community that will be recognizing and confirming all or most of its boundaries with neighbors. Consideration should be given to a location in the community that can accommodate all community members and significant delegations from neighboring communities.

Signing ceremonies and celebrations commonly take a good part of a day, and may go into the night. If celebrations last through the evening, arrangements will need to be made to accommodate guests.

2.10.3 AGENDA FOR THE MOU SIGNING MEETING AND SUBSEQUENT CELEBRATION

Often, leaders and those involved in drafting the agreement will meet early in the morning of the signing meeting to go over the final draft, review it for accuracy and if necessary make any necessary changes. They should designate a recorder to make changes at that meeting or the later joint community meeting.

There is not a standard format and content for signing meeting agendas. They, however, commonly have the following components;

- A welcoming speech or ceremony conducted by the host community, with both men and women from all involved communities sitting at the front of the meeting and participating;

- Reciprocal speeches by leaders and representatives of other communities who have been involved in boundary harmonization activities;

- A description of the goals, process used for boundary demarcation and the roles of the Boundary Harmonization Teams;

- The public reading of the MOU, its terms and optionally the logic and rational for the location of any specific or potentially problematic delimitation issues;

- A question and answer session to address any final concerns that leaders of involved communities or members may raise;

- Signing or thumb printing of the document, first by community leaders, second government officials, third by witnesses and finally, optionally, by community members;

- A concluding speech indicating the full support of the communities for the agreement and confirmed boundaries and a vote of thanks for everyone's participation in the process.

At the conclusion of the signing ceremony, the leaders of each community should receive a copy of all signed agreements and documents. Similar documents should be provided to local government officials, as appropriate.

Subsequently a celebration of the agreement should be held with each community contributing something – food, drinks other refreshments, music, etc. – for the party.

2.11 SECURING LEGAL RECOGNITION OF COMMUNITY LAND BY THE GOVERNMENT

Regulations for securing legal recognition of community land differ from country to country. In Liberia, once involved communities have delimited and demarcated their boundaries, if they have not done so already, they will need to establish a community land management governance structure, a Community Land Development and Management Association (CLDMA). Members should be an "equal number of self-selected representatives of each of the three (3) key stakeholder groups, namely (1) adult men; (2) adult women; and (3) youth plus (b) two (2) representatives of chiefs and traditional leaders. Except for chiefs and traditional leaders, each of the key three (3) stakeholder groups shall democratically elect its own representatives to the governing body of the CLDMA, and its election shall be inclusive of all its members without regards to ethnicity, religion or any other identity."[28] Guidance and procedures to establish these bodies are detailed in Draft Land Rights Act as well other reports and monographs.[29]

Creation of Community Land Development and Management Associations also commonly involves negotiations to develop procedure's for identifying and nominating candidates for membership, approving them and negotiating by-laws by which they will operate. Constitutional and international principles should be respected regarding gender equality in all aspects of the process. Once again, interest-based negotiations are highly appropriate for reaching agreements related to the formation of an association, member selection and operation.

Once the Confirmatory Survey provided for in in the Draft Land Rights Act has been completed using GPS or other comparable technology, and accepted by two or more communities, they may execute a Stipulation of Boundaries, which includes coordinates and maps of the concerned customary land. This document will need to be probated and registered with the land registry, in the case of Liberia – CNDRA. In the future, ownership of registered community land will be enforceable as any other deed or written instrument evidencing interest in land.[30]

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[28] Liberia Draft Land Rights Act, Chapter 9: Identification and Organization of Land-Owning Community, Article 36: Governance and Management, 4, p.21.

[29] Rachael Knight et al *Community Land Protection Facilitators Guide.* 2016; Ali Kaba et al. *Community Guide: Protecting Community Land and Resources.* 2013.

[30] Liberia Draft Land Rights Act, Chapter 10: Demarcation And Categories Of Customary Lands Article 37: Demarcation Of Customary Land 5, p. 23.

3.0 ISSUES THAT MAY CAUSE BOUNDARY DISPUTES AND POTENTIAL NEGOTIATION STRATEGIES TO RESOLVE THEM

3.1 ISSUES THAT MAY CAUSE DISPUTES AND RESOLUTION STRATEGIES

A range of issues may result in disputes over boundaries and make it difficult for communities to delineate and demarcate the perimeters of their land. Described below are a number of issues that in the past have caused land and boundary disputes in many countries. Many of them are likely to be encountered in the future when determining boundaries between individuals, families, clans, communities or governmental jurisdictions. A number of potential negotiation procedures and strategies are provided to address them. Strategies may be implemented by parties on their own or may be facilitated by a trusted and respected third party with facilitation or mediation expertise.

3.1.1 GENERAL BOUNDARY DELINEATION AND DEMARCATION ISSUES

There are a range of issues related to boundary identification and marking commonly encountered by individual, family, clan, or community land holders when converting soft boundaries to hard ones.

EXAMPLES OF ISSUES:

- An undefined or soft boundary that has never been delimited or demarcated by neighboring communities for a range of reasons.

- Disagreement between or among parties over the location of a boundary or size of parcel of land.

- Lack of boundary demarcation.

- Lack of boundary markers due to loss or destruction.

- Boundary markers that have been unintentionally or intentionally moved.

- Gender discrimination concerning land access, use or ownership within communities or along boundaries.

- Surveys – Lack of surveys, what types are needed or desired by parties, who conducts them, cost sharing, outcomes, etc.

- Lack of clarity of boundaries in land-related documents (such as Tribal Certificates or titles in Liberia).

NEGOTIATION STRATEGIES:

- Issue and Strategies: Disagreement over the location of a boundary or size of parcel of land, lack of clear boundary demarcation, lack of boundary markers due to loss or destruction or boundary markers that have been moved (intentionally or unintentionally).

- Jointly visit contested land, "walk the land" and look for boundary markers – boundary stones, trees or natural immovable objects that have in the past or could currently help to define boundaries.

- Jointly visit contested land or property, "walk the land" and provide each party an opportunity to explain their views regarding where boundaries should be and why.

- Ask for advice from former or existing parties with land adjacent to that which is contested, and seek their views on past or current boundaries.

- Consult with village or community notables – "owners of the land", chiefs or elders – who are knowledgeable about the land in question, boundary and property issues and seek their input or views on current or former boundaries.

- Review relevant land documents to determine if they provide details useful for determining boundaries.

- Discuss and reach agreements, either on where a newly identified boundary should be or a compromise in which contested land is divided, shared or exchanged in a mutually acceptable way.

- Alternate use-rights on contested land so that each can use it, but at a different time – seasonally, annually or another time frame.

- Develop a joint-use agreement.

- Reach an agreement on use by one party, with a potential time frame and compensation to the other.

ISSUE AND STRATEGIES: LACK OF CLARITY OF LAND BOUNDARIES IN DOCUMENTS

- Review legal documents such as Tribal Certificates or titles, and reach agreement on their clarity about land boundaries.

- Submit legal documents to a respected authority, government or community leader, and request his or her input and/or opinion on terms in legal documents.

- Utilize some of the procedures in the section above for identifying, defining and reaching agreement on boundaries.

ISSUE AND STRATEGIES: LAND SURVEYS

- Consult available land surveys to determine how boundaries have been identified and demarcated in the past.

- Conduct a land survey to determine exact amounts of land claimed or "owned" by parties and potential boundaries.

- Conduct a land survey to formally demarcate and document agreed upon boundaries.

- Discuss and agree on how surveyors to conduct the survey will be selected.

- Talk about and agree on the type of survey to be conducted.

- Agree on how costs of the survey will be allocated and paid for – 50/50, based on capacity to pay, importance to one party of having the survey conducted or another logic and rationale.

3.1.2 DOCUMENTATION AND LAND REGISTRATION ISSUES

Accurate documents can help resolve land issues; inaccurate ones may result in or escalate conflicts. A careful search for and analysis of documents can promote frameworks for agreements.

EXAMPLES OF ISSUES:

- Loss of documents – Tribal certificates, titles, deeds, bills of sale, tax receipts, utility bills, etc. that could prove valid use or ownership rights.

- Loss or destruction of land records or other documents in a government land registry.

- Unclear documents where the intent of the parties is vague or imprecise.

- Multiple documents issued for the same parcel of land.

- Potentially or actually forged documents.

- Lack of documents held by women or their names on them to prove access, use or ownership rights of land or immovable commodities.

- Competing titles (for private land), both of which appear to be or may be valid.

- Lack of credible witnesses to verbal agreements concerning land use or ownership or who can testify regarding past land arrangements.

- Difficulties in conducting document searches for documents issues by the government or other relevant documents.

- Lack of clarity on the part of land claimants on who to go to obtain documents or conduct document searches.

- Delays in government processing requests for copies of documents due to administrative rules and practices or inadequate staff.

- Difficulties of long-term occupants and "owners" of land for more than a generation to obtain necessary ownership documents from government officials.

NEGOTIATION STRATEGIES

ISSUE AND STRATEGIES: LOSS OF DOCUMENTS

- Provide and consider documents other than grants, permits, titles or deeds, such as receipts or acknowledgement of sale, utility records, etc., as proof of ownership or a use right.

- Identify multiple credible individuals or groups that can provide information on past land ownership arrangements.

ISSUE AND STRATEGIES: LOSS OR DESTRUCTION OF LAND RECORDS OR OTHER DOCUMENTS IN GOVERNMENT LAND OFFICES

- Conduct a document search at multiple levels – by one or more parties, a facilitator or mediator or lawyer – to determine if duplicate records are available.

- See options in section above if relevant documents cannot be identified.

ISSUE AND STRATEGIES: UNCLEAR AND IMPRECISE DOCUMENTS

- Discuss possible interpretations of the documents.

- Develop a logic and rational for an interpretation that may facilitate agreement.

- Ask a mutually acceptable respected person in the community to provide an independent and impartial interpretation of the document.

ISSUE AND STRATEGIES: POTENTIALLY OR ACTUALLY FORGED DOCUMENTS

- Carefully examine documents to determine their validity – names, dates, description of land in question, signatures, etc.

- Have a facilitator or mediator talk privately with the party whose documents may not be valid, and express their concern that it may not support the party's case. Explore risks to parties of reaching an agreement based on questionable documentation

- Discuss methods to authenticate a document if one or more parties continue to contest its validity. This may involve taking it to a lawyer, government entity or official with knowledge about documents and authentication.

ISSUE AND STRATEGIES: COMPETING DOCUMENTS OR DEEDS, BOTH OF WHICH APPEAR TO BE VALID

- Utilize procedures similar to those described above for potentially or actually forged documents.

- Assess when documents were issued, authorized or signed to determine if one has precedence over another due to the timing of issue.

3.1.3 PROBLEMATIC LAND TRANSFERS OR SALES

There are a number of types of land transfers or sales that may result in later conflict. Parties may be able to develop solutions to address them on their own, but frequently may need third party assistance to do so.

EXAMPLES OF ISSUES:

- Fraudulent land sales and titles/deeds.

- Illegal land sale by a customary authority.

- Sequential "illegal" land sales to multiple parties.

- Land sales made during the conflict with low sale price due to duress, lack of consent of spouse or female relatives with and interest in the property or other factors.

NEGOTIATION STRATEGIES:

- Review all available land documents and determine which is/are valid and legal.

- Take documents to a government agency or independent lawyer for review and authentication.

- Identify the earliest valid and legal document(s) that can be used to trace a use or ownership right.

- Review and trace multiple land transfers or sales over time.

- Determine amounts of money paid by parties who have purchased illegally offered land or property.

- Talk together or in private meetings about procedural or substantive options the possessor of the legal document(s) has to either secure the land or property or obtain compensation for his/her loss if it is returned to the original user or owner.

- Discuss, either together or in private meetings, the procedural or substantive options the legal use right or owner has to reclaim land or property that has been illegally transferred or sold or obtain compensation for his/her past payments.

- Discuss and consider, either together or in private, the administrative or judicial options parties have available to each party to satisfy their interests, and the risks, time and costs of pursuing them.

- Explore potential options and conditions (price, timing and other relevant terms) that may be used to compensate the legal land or property user or owner by the illegal occupant if the latter purchased the land or property in good faith.

- Develop potential options and conditions (price, timing and other relevant terms) for the legal owner of the land or property to compensate the illegal purchaser for any improvements that have been made on the property.

3.1.4 ENCROACHMENTS AND/OR SECONDARY OCCUPATION

Land disputes over boundaries commonly occur over partial or total encroachment by a party who does not have a valid or legal right of access, use or ownership to the land.

EXAMPLES OF ISSUES:

- Encroachment on customary land due to lack of available land or displacement of the encroacher from other land for which they may or may not have a valid access, use or ownership right.

- Occupation of land by a party that is not the valid holder of customary or other government documents.

- Encroachment on the land of vulnerable community members or minorities, such as women, cohabitants, plural wives, widows, orphans, differently abled persons, etc.

- Demands for compensation by a party with a valid customary use right by from another party who is illegally occupying or using the land or property.

- Demands by an illegal property occupant or user for compensation for physical improvements made by them to illegally occupied property.

- Demands by an illegal land occupant or user for a temporary or permanent use right of land or for compensation for trees or crops they have planted on it.

- Forcible illegal occupation of land.

NEGOTIATION STRATEGIES:

- Explore the reason for encroachment and/or illegal occupation of land.

- Conduct discussions between the party with a potential or actual valid claim with the occupant, and exchange views on the basis for the claim/occupation and provision of relevant supporting information or documentation.

  o Hold discussions with the occupier on whether they are willing to leave, when and any other relevant conditions.

  o Discuss potential actions and consequences that may result if the occupier is not willing to leave. Each party should consider and assess their Best Alternative to a Negotiated Agreement – (BATNA) – such as an inability to complete the legal land recognition process.

  o Consider in private or discuss together, parties' BATNA if they continue to maintain each of their positions, and the costs and risks of pursuing actions other than negotiations to meet their needs and interests, such as some form of third party decision making or forced eviction.

- Discuss with the party with a potential or actual valid claim to land in question, conditions and timing they would find acceptable for the occupant to vacate claimed property.

- Explore the logic and rationale for either payment of compensation by the illegal occupant to the valid holder of a use or ownership right for use of the land, or for the valid use right or owner of the land to pay for improvements on the land made by the illegal occupant in exchange for them vacating it.

- Develop relevant baseline information on the condition of the land and/or property at the time it was left, abandoned or occupied by the party without the legal right to do so.

- Create an inventory of changes or improvements to land or property made by the party without the legal right to be on the land or reside on the property.

- Discuss and establish principles for amounts to be paid in compensation to either party, e.g. labor, materials and enhanced value of the property will be considered.

- Develop procedures to calculate the value of changes or improvements to the property made by the party without the legal right to be on the land or reside in the property. If necessary, consider securing the help of an acceptable 'valuer' to determine the value of the improvements.

- Explore whether and how crops in fields, trees or fruits resulting from the labor of the "illegal" occupant can be harvested and/or shared with the legal owner of the land or property.

- Determine if the legal owner of the land or property is in principle willing to pay some compensation for improvements made for the use of land or property during his or her absence. (Compensation may be framed as money paid to take care of or protect the property in the absence of the legal user or owner.)

- Identify the terms for compensation including form, amount, timing and other conditions.

3.1.5 HISTORIC OR CURRENT JOINT LAND USE OF BORDERLANDS

It is not unusual for some communities to have jointly had access and use of land along a prospective or actual community boundary. Joint use may be the result of soft boundaries, adequate land and resources for everyone to use or mutual agreements. When delimiting hard boundaries, communities have a choice as to whether to continue joint use, or divide the land and related resources between them in a mutually acceptable way.

EXAMPLES OF ISSUES:

- Use of same tract of land by different parties for similar purposes.

- Use of the same tract of land by different parties for different purposes (a "bundle of rights' for different uses of the same land).

NEGOTIATION STRATEGIES

- Discuss and reach a formal agreement on joint land use on either or both sides of a boundary.

- Decide on specific land uses by each party on either or both sides of a boundary.

- Agree on joint use of land on either or both sides of a boundary, but specify who will own the land.

- Reach agreement to jointly use of land on either side of a border that is time limited for one of the parties.

- Come to an understanding on land management and administration procedures for land that will be jointly administered and used.

- Agree on a rental or lease arrangement for land that was in the past been jointly used, but now will be owned by one community.

3.1.6 ENCLAVES

Enclaves are tracts of land within a larger territory whose inhabitants are culturally or ethnically distinct from those living in the surrounding area. Disputes over land and boundaries may occur between members of enclaves and those of another ethnic group in the surrounding community, or members of an enclave who want to be politically affiliated with and have their land included and connected in some way with their lager community on the other side of a community border.

EXAMPLES OF ISSUES:

- The status of an enclave, its land and members is not clear due to its location close to a future border but not within the territory of its larger ethnic community.

- The status of an enclave, its land and members is not clear due to its location some distance from the border and the territory of its larger ethnic community.

- Members of an enclave want formal political and ethic affiliation with others in their ethnic community located in a territory that is not contiguous to the enclave.

NEGOTIATION STRATEGIES:

- Review how the enclave developed – such as gradually being surrounded by another ethic group or migration of its members into the land of another – and the duration of its existence – long historical roots or more recent creation.

- Discuss historical agreements between the majority community and members of the enclave regarding land access, use, ownership, political affiliation and, as appropriate, boundaries.

- Talk and reach agreement on the acceptability or non-acceptability of continuing the existence of the enclave and its members within the land of the surrounding community.

- Pursue one or more of the following options, if the enclave's continued existence within the territory of the larger and different community is accepted:

  o Pursue integration of the enclave by recognizing that its members live within the boundaries of the surrounding community and that the customary land occupied by them will remain within its boundaries. Formally recognize that members of the enclave will henceforth be considered and treated as members of the larger community, but may, if they so desire, maintain their ethnic identity, culture and religion.

  o Recognize that the land of the enclave will remain part of the land of the larger community that surrounds it, but members of the enclave will be allowed to govern their own internal political, cultural and religious affairs.

- Pursue one or more of the following options, if the enclave's continued existence within the territory of the larger and different community is not acceptable:

  o Recognize that the enclave, its members and land will be part of a customary community external to that which surrounds it, and allow members of the enclave to affiliate politically or ethically with their cohorts in any manner that they choose.

- o Negotiate the boundaries of the enclave.

- o Reach an agreement on corridor rights that connect the members of the enclave to the territory of its wider community, terms of access and which community owns it.

- o Consider compensation of the larger community by members of the enclave for loss of land that will be transferred to enclave members' customary community.

- o Initiate a swap of land between the involved communities of equivalent size or value as the enclave.

3.1.7 TOWNS, VILLAGES AND BOUNDARIES

The possibility of inclusion of or exclusion of towns or villages inside or outside of a community's boundaries can result in significant benefits for communities or disputes.

EXAMPLES OF ISSUES:

- Disagreements over whether or not a settlement is a town.

- Disputes between two towns over their boundaries.

- Claims by multiple towns of a parcel of land between them.

- Two communities want a town near what may be the future boundary between them included in their customary land because it is a major center of commerce and provides economic benefits and work for people living in nearby villages.

- Two communities are contesting the inclusion of a town within each of their boundaries. The town is a "straddling village" that is close to both of them, and has a mixed population with the two largest groups from each of the communities' ethnic groups.[31]

- Some members of a "straddling village" on the potential boundary between two communities want to divide it and give political jurisdiction to quarters with members of each community that reside there.

- Two communities want a town near or what may be on the future boundary between them included as part of their customary land. Approximately 60 % of the population is from one ethnic group, 30 % from a second and 10% from a third. Fields near the town of each of the ethnic groups are intermingled in a random way, and are not directly near the quarter where each of their members live.[32]

- Two communities want a town near what may be the future boundary between them included as part of their customary land because it is the political center for the County and in the future will provide jobs for community members.

- One community wants a town that is potentially on the border between it and another included within its boundaries, because the majority of the population who reside there are members of its ethnic group.

- Some members of a "straddling village" on a potential boundary between two communities want to divide it and give political jurisdiction to quarters with residents from each of them.

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[31] Gbenga *Oduntan International Law and Boundary Disputes In Africa.* New York: Routledge, 2015; and Gbenga Oduntan "The Demarcation of Straddling Villages in Accordance With the International Court of Justice Jurisprudence: The Cameroon–Nigeria Experience". Chinese Journal of International Law (2006) 5 (1): 79-114.

[32] These kinds of settlements are often called *straddling towns or villages.* Rarely are the residents from each community or their property spread equally in the town or village.

- Avoid, to the greatest extent possible, splitting a town or village along ethnic lines. Strive to preserve the current social and economic relations of residents.

- Hold a plebiscite and allow residents of contested towns and villages to determine the community to which they want to be affiliated. Delimit community boundaries accordingly.

- Discuss allowing community members living in sections of a town or quarters to affiliate with and have their land assigned to the customary community of their choice. Delimit community boundaries accordingly.

- Explore creating a transboundary autonomous zone with mutually agreed upon town boundaries. Allow residents to jointly administer the town and zone.

- Create a joint administration of the town that is collaboratively managed by representatives of both communities.

- Consider creating a panel of independent experts to deliberate and decide to which community a town will belong.

- Consider following the following criteria for delimitation, if it is determined that a town will be divided by a boundary between communities:

  o Assess the current or historical occupation of sections of the municipality by members of each community;

  o Determine the location of religious sites or historical quarter of importance to each community;

  o Identify and catalogue the number of businesses, houses or other structures occupied or owned by members of each community; and

  o Identify the resources that have historically been used and proximity of members of each community to their farmlands.

  o Allow residents of a town that is to be split by a boundary to move to the section and community to which they want to be affiliated.

3.1.8 INFRASTRUCTURE AND BOUNDARIES

The location of infrastructure, such as roads or powerlines, can often be used to delineate and harmonize a boundary. The location of other kinds of infrastructure, and to which community it is allocated, can also be a source of disputes.

EXAMPLES OF ISSUES:

- The location of a road, hospital, schools, government buildings, power stations, water points and facilities (including wells or pumps), etc., and how they influence boundary delimitation.

- Realignment of a road results in a perceived change of a boundary.

NEGOTIATION STRATEGIES:

- Use an existing road or powerline to delimit and demarcate a boundary between communities.

- Develop a semi-circular offset for a road in a town that demarcates a boundary, or route it around the town so that territory will not be lost by each community.

- Delimit and demarcate boundaries in ways that do not preclude, exclude or limit access by members of different communities to mutually needed and beneficial infrastructure such as hospitals, schools, water points. Reach agreements on joint use and unimpeded access even if the infrastructure is designated to be within the boundary of a specific community.

3.1.9 NATURAL RESOURCES ON COMMUNITY LANDS

EXAMPLES OF ISSUES:

- Members of two communities have historically and are currently using a forest that spans the two communities for similar purposes – timber harvesting, pit-sawing, charcoal production, hunting and collection of firewood, food and medicinal herbs. A hard boundary between the two communities has never been identified and demarcated. Each community wants the forest and its resources to be included within its community's boundary.

NEGOTIATION STRATEGIES:

- Clearly identify the resources on the contested land and their current or projected uses by the members of each community.

- Determine if the uses by members of each community are complementary, compatible or incompatible.

- Explore giving parties from one community, such as women, access and use rights for resources they claim or need even though the land in question may be designated as belonging to another community, if the uses by each community are compatible or not incompatible.

- Determine how to create a boundary so that each party or community secures some of their desired resources, if their uses are incompatible. Develop principles do guide a fair delimitation, such as differences and levels of community needs, needs of specific user groups, historic use, proposals for future use, etc.

- Develop joint management entities to determine rights of access, resource use, and extraction activities.

3.1.10 PROTECTED AREAS ON CUSTOMARY LAND

Boundary issues or disputes may develop when land designated by a community for special protection or use falls on one or another side of a proposed or contested boundary.

EXAMPLES OF ISSUES:

- A major source of water used by two communities is claimed by and falls within the potential boundaries of one of them. Loss of the resource poses both an inconvenience and threat to the downstream community, and especially its women, if it does not have guaranteed access and/or some level of control of needed water resources.

- A community has set aside forest land for ecotourism and ecological and economic benefits it expects to receive from protection. The land is now claimed by a neighboring community that wants it included within its boundaries.

- The land and boundary related to a sacred plant, tree or other object with ancestral significance, and which is used by secret societies, is contested by two communities. Each community wants it included within its boundary.

- Consider joint use strategies described above.

3.1.11 CONCESSIONS OR GOVERNMENT PROJECTS NEAR OR ON CUSTOMARY LAND OR BOUNDARIES

Problems or disputes between communities, concessions and government sponsored land use projects are not unusual. Demarcation and delimitation of community boundaries and their relationship to concessions and government projects may result in especially difficult issues.

EXAMPLES OF ISSUES:

- A government in a prior administration granted timber and palm oil plantation concessions to private companies with limited consultation with a project-affected community on concession-community boundaries. The community now wants to establish the boundaries its community land in relation to that allocated to the concession.

- A concession spans land claimed by two communities. In the past, only one of them negotiated and received any benefits from the company. Now, each of the communities wants to its community to negotiate new benefit agreements with the company. Each community wants to designate as much community land for itself as possible, so that it can secure more benefits from the company.

- The nation's Forest Development Authority (FDA) in cooperation with the World Bank plans to designate forest areas to be protected as carbon sinks as part of the REDD + initiative to address climate change. Communities will receive benefits for forests within their boundaries that receive such designation. Two communities each claim a forest that is projected to receive designation and want it included in their customary land so that they will receive benefits.

- The FDA designates a forest as a protected area, and limits access by women for collection of food, firewood or wood to make charcoal.

NEGOTIATION STRATEGIES:

- Convene meetings between representatives of the community, concession/company and/or government to determine what each of their interests are in the land and claimed or preferred boundaries.

- Examine past historical use of land claimed by the community and the terms of the concession agreement or plans of the government.

- Determine if the interest of the community can only be met by the establishment of a boundary with the concession, or whether some other form of benefit or compensation would be acceptable.

- Negotiate fair and equitable terms for a benefit agreement with amounts, form and timing of payments specified and how they will be administered by the concession/company, government and internally by the community.[33]

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[33] Ginger Gibson and Ciaran O'Faircheallaigh *IBA Toolkit: Negotiation and Implementation of Impact and Benefit Agreements.* Toronto, Canada: Walter and Duncan Gordon Foundation, March 2010.

3.1.12 BOUNDARIES BETWEEN COMMUNITIES AND STATUTORY GOVERNMENTAL ADMINISTRATIVE UNITS

EXAMPLES OF ISSUES:

- Boundaries of government statutory administrative units are different from those of communities within them.

- Boundaries of government statutory administrative units divide customary communities so they are located in more than one administrative unit.

- Government statutory administrative centers are located in places that are not the same as where customary leaders reside and/or govern.

NEGOTIATION STRATEGIES:

- Discuss whether it is absolutely necessary for government statutory administrative boundaries and those of customary communities to be the same, and if so, why.

- Explore how new government administrative boundaries may or will be redrawn to reflect the boundaries of customary communities, if it is important that the boundaries be the same.

- Redraw the boundaries of governmental statutory administrative units to make them congruent with those of customary communities

- Explore whether smaller governmental administrative units in geographic size or population can be created within larger administrative units to reflect the boundary of a customary community.

- Discuss whether it is absolutely necessary for the location of government statutory administrative decision making personnel or bodies and those of customary communities be the same, and if so, why.

- If it is important that the location of government statutory administrative and customary decision making personnel or bodies be the same, discuss where they should be located to facilitate easy communication and coordination between them, and how moves will be made.

3.1.13 CHANGES IN NATURAL PHYSICAL BOUNDARIES

Natural physical features or objects – mountains, rocks, oceans, bays, rivers, streams, shorelines and specific species of hardy trees, such as soap trees – often serve or are selected by people as boundaries or boundary markers because of their perceived permanence. However, this is not always the case.

EXAMPLES OF ISSUES:

- Shifts of shorelines of rivers, lakes or ponds due to flooding that result in changes of land area and an increase, damage or destruction of resources for one or more parties.

- Changes in stones or trees as boundary due to natural events such as fire, flooding or human destruction or removal.

NEGOTIATION STRATEGIES:

- Conduct a site visit to the place where changes in the physical feature have occurred and assess its extent and potential or actual damage to concerned parties.

- Consult relevant maps or other documents that describe the physical feature and its location prior to the change.

- Determine the amount, type and use of land on each side of a river that have shifted if it has changed course. Identify impacts, both benefits and harm, which have occurred to parties on both shores. Consider how to restore previous amounts of land lost to parties by redefining boundaries. Parties may consider: a) accepting the new course of the river and impacts it has had, b) compensating the party that has lost land by providing alternative property on either side of the river or by other means such as a monetary payment.

- Reach agreements on the new boundary and mark it, potentially using more a more permanent feature.

3.1.14 LAND, BOUNDARIES AND RIGHTS OF FAMILIES, WOMEN OR OTHER VULNERABLE POPULATIONS

Delimitation and demarcation of community boundaries can raise the potential of harm to vulnerable members of a community such as women, children, the differently abled or minorities. Communities and negotiating teams need to assure that any of these parties are not harmed by agreements reached on community boundaries.

EXAMPLES OF ISSUES:

- Protection of poorer and less powerful community members, families and members of families from more powerful ones who claim more land and may be willing to sacrifice the interests of weaker parties in boundary demarcation.

- Recognition of women's needs and interests for easy access to water points, firewood collection, food and medicinal plants.

- Recognition of women's needs for access to resources as means to secure livelihoods, such as land to plant crops or trees or charcoal production, especially when the resources are located near to or on community boundaries.

- Lack of recognition of women's rights regardless of their marital status, such as single, divorced, widowed, plural wives), cohabitants and their children's full bundle of rights, including the right to inherit, have access, use, control or own land on par with male counterparts.

- Lack of recognition of land rights of children born from different communities, wives, cohabitants or liaisons to claim land in one or both of their parents' communities.

- Recognition of the needs and rights of minorities and other vulnerable parties to have access, use or ownership of land, and not have their needs or interests sacrificed in boundary delimitation and demarcation.

NEGOTIATION STRATEGIES:

- Include all concerned parties in deliberation about their land rights.

- Work to have all communities and their boundary harmonization teams understand and recognize the special needs and interests of vulnerable community members and how they will be advocated and secured in boundary negotiations.

- Ensure that all communities and their boundary harmonization teams have access to information on relevant laws and legal rights of women and other vulnerable parties in the community and agree to apply them in boundary negotiations.

- Consult with a qualified and acceptable legal expert on applicable legal principles, laws and rights of men, women, youths, minorities and other vulnerable parties if it is not possible to reach agreement on which are relevant and should be applied.

- Encourage, as necessary, women or other parties to seek independent legal advice.

- Explore, as appropriate or necessary, whether land can be jointly accessed or used.

3.1.15 ACCESS AND EASEMENTS

Agreements on boundaries are occasionally blocked by parties' inability to agree on how they can cross the land of others and secure entry to their land. This can often be secured by reaching an agreement on the terms of an easement, a right to cross or otherwise use someone else's land for a specified purpose.

EXAMPLES OF ISSUES:

- A user or owner of land is surrounded by land used or owned by other landholders and does not have physical access to their land.

- A user or owner of land is surrounded by land used or owned by other landholders and does not have a legal right of access to their land.

- A legal land user or owner will not for any number of reasons allow the legal user or owner of land adjacent to or within his or her land to have access to their land.

NEGOTIATION STRATEGIES:

- Discuss the claimant's need, interest or right to access.

- Identify the reasons why access is being restricted or prevented, and develop solutions that address the denier's needs and interests.

- Determine the type and timing of access desired/needed and the interests related to them.

- Explore conditions under which access might be allowed, and any potential exchanges that might be made to implement it.

- Explore the BATNA of the party whose access is being blocked, and any alternative ways to achieve access form the party blocking access or others with adjoining land.

- Explore the BATNA of the party blocking access and consequences or risks of maintaining his/her/their position.

- Discuss the benefits that could be achieved by granting/obtaining access and any risks or harm can be minimized.

3.1.16 PLANTING OR DESTRUCTION OF TREES AND/OR CROPS

The presence of or claims of use or ownership of trees or other live crops planted on land can create difficulties in establishing community boundaries unless the communities and concerned members can reach agreements on who has a legal right and owns them.

EXAMPLES OF ISSUES:

- Planting of trees, such as rubber or mango – on land claimed by another party or community.

- Planting of crops on shifting agricultural plots on land claimed by another party or community.

- Claims of tree or other life crops on property across a boundary.

- Destruction of life trees or crops by members of one community on land claimed by another.

- Trees and crops spanning a boundary.

- Destruction or damage of tree or other live crops owned by a party by others across a boundary.

- Determine if ownership of trees or crops can be confirmed by testimony of customary officials, customary "owners of the land", respected elders or community leaders, women or review of relevant documents.

- Discuss including land where a valid claimant's trees or crops are located as part of the claimant's land or community.

- Explore allowing a claimant to maintain permanent or time-limited ownership and/or use of the trees or crops, even though they are on land designated for another party or community

- Discuss allowing a claimant to harvest this season's crop and then vacate and return the land to the other party or community which is the valid user or owner, or to which it has been assigned in boundary negotiations.

- Explore allowing the claimant to have a future rental or lease agreement of the land where life trees or crops are planted.

- Discuss how trees and crops spanning a boundary will be equitably shared by recognizing location, investment and labor contributed by concerned parties.

- Determine what crops and how many have been destroyed or damaged by testimony of respected, trusted and credible witnesses. Assess the value of the lost trees or crops by comparing their value to similar trees or crops. Discuss to whom, how, what form and when compensation will be paid for lost crops or trees.

3.1.17 SEASONAL USE RIGHTS

Occasionally, land users only want use rights of land for a specific period of time. If land in question is across a boundary, parties may have to decide if and the terms of granting such rights to a petitioner.

EXAMPLES OF ISSUES:

- Grazing opportunities or rights.

- Rights or opportunities to plant seasonal crops

NEGOTIATION STRATEGIES:

- Clarify use right needs and requests, potential timing and other conditions that might be required to meet them.

- Determine if the request for seasonal use rights are compatible, complementary or in conflict with other permanent use rights. (For example, if rights are complementary, a party may give pastoralists grazing rights in fields after harvest, in exchange for the rights to the dung left by their animals.)

- Explore whether and how any conflicting use rights can be addressed and reconciled, and what promises or exchanges need to be made between involved parties to allow for proposed uses.

3.1.18 ABUSE OF CUSTODIAN ROLES AND RESPONSIBILITIES AND/OR POWER OF ATTORNEY

Custodians are individuals or groups designated by a party with a valid or use/ownership right to land to take care of the land for them in their absence. Custodians may be asked to care for land and property of adults and minor children, whether boys or girls. Caretaker roles and responsibilities may be informal or formal, and define either generally or specifically what can or cannot be done with the land during the user/owner's absence. If responsibilities are formally designated, the custodian may be given power of attorney by the absentee land user/owner, which grants them the right to represent the latter in all business transactions. Issues and disputes may arise in boundary demarcation if the caretaker does not adequately defend the user/owner's right to their land and some or all of it is lost to another community during the process.

EXAMPLES OF ISSUES:

- A party who has a valid use/ownership right to land/property on or close to a boundary delegates it and gives power of attorney to a custodian to take care of or use during his or her absence. The caretaker fails to live up to the assigned responsibilities by selling, not returning or transferring it to another community in the process of boundary delimitation.

- Lack of clarity or differences between two or more parties regarding the terms of a custodian arrangement/agreement.

- Competing interests of family members or relatives with those of a child.

- Claim by a custodian that that land/property was given to them by a valid land user/owner, and that they now have use or ownership rights. The valid land user/owner claims that the land was only loaned or given to be taken care, and a uses or ownership right was not permanently transferred.

NEGOTIATION STRATEGIES:

- Discuss the views of all parties about their understanding and expectation for roles and responsibilities of the caretaker, the extent of the power of attorney and what actions were or were not to be performed.

- Explore whether each party has some responsibility for what has happened if there was lack of specificity regarding relationships and responsibilities.

- Clarify the extent and amount of claimed harm, and, if necessary or possible, determine a value for it.

- Explore whether the caretaker or party granted the power of attorney accepts that harm has occurred or been done to the valid land user or owner.

- Ask what the party who has incurred harm wants to "make it right" – acknowledgement of wrongdoing by the other party, an apology, some exchange (money, labor, etc.).

- Explore what might be done to make the party who has suffered harm whole if the caretaker/party with the power of attorney takes responsibility for the harm that has been done.

- Discuss any possible advantages and benefits for the caretaker taking responsibility for harm that has been done.

- Explore parties' BATNAs if they still cannot agree, and how it might address and satisfy their substantive, procedural and relationship/psychological interests.

- When agreements are reached that involve the rights of children, orphaned or not, land should be titled in their individual names as different family members (daughters and sons equally) or designated as the sole heir of land.

3.1.19 IMPACTS ON AND BY OTHER PARTIES

A number of parties may be concerned, affected or adversely impacted by decisions on a community boundary beyond those living in communities engaging in boundary harmonization. Some of them include, but are not limited to, absent community members, investors or politicians. Care should be taken by communities and Boundary Harmonization Teams that the interests and potential actions of these parties are considered when delimiting boundaries so that the outcome of the process will be durable and not overturned by people that are dissatisfied.

EXAMPLES OF ISSUES:

- Members of a customary community with valid customary use rights along a potential boundary are absent and not involved in the boundary harmonization process. Failure of absent parties to engage may be due to a number of factors – disinterest, lack of knowledge about the process or meetings, inability or failure of community leaders to contact and inform them about the activity, lack of resource to travel to meetings or being out of the country.

- Members of customary communities other than those residing in the communities harmonizing their boundaries, want to have or continue to have access and use rights to historic cultural or religious sites important to them.

- Investors want to secure use or ownership rights to community land and natural resources along a proposed boundary, and have an interest in where the boundary will be located.

- Politicians who want to maintain or build their supporters may be adversely affected by the demarcation of a community boundary that may divide their constituency.

NEGOTIATION STRATEGIES:

- Major efforts should be made by communities, their leaders, ICCs, Boundary Harmonization Teams and relatives of absent community members with potential or actual interests in the future location of the community's boundary to contact the latter to determine their interest in being involved in the boundary delimitation process. This is especially important if the absentee member(s) have land near or on a prospective community boundary.

- Seek either the direct involvement of absentee members in internal community meetings where the initial demarcation of the community will be identified, or get specific written input from them if they have concerns about the boundary's potential location.

- Relatives, community leaders, the ICC or Boundary Harmonization Team should secure the power of attorney from absentee community members with land use or ownership rights near or close to where the future community boundary may be demarcated that clearly defines the absentee member's interests and explicitly states what can or cannot be done with their land as a result of boundary delimitation.

- Community leaders, the ICC or the Boundary Harmonization Team should provide absentee community members with a written summary of the results of boundary harmonization negotiations and the proposal that will be submitted to the community for its consideration prior to final approval, if direct engagement of the absent party is not possible.

- Give absentee community members a timeframe in which to respond and provide input. Feedback should be considered by the Boundary Harmonization Team and/or the community in the whole-

community meeting where proposed boundaries will be discussed and approved. If no comments are received, the community should conclude that it can proceed with approval of proposed boundaries.

- Make efforts to educate communities and community members, and especially those living along a potential future boundary, about the interests of investors concerned about the location of a future community boundary. This knowledge will help communities and community members secure any benefits that may result from boundary delimitation and avoid harm.

- Consider the interests of politicians whose political power and/or constituents may be positively or negatively affected by boundary delimitation. Understanding their interests and addressing them may be critical to preventing undue political pressure on boundary harmonization activities.

3.1.20 FUTURE RELATIONSHIPS BETWEEN OR AMONG COMMUNITIES

One of the main goals of boundary harmonization should be to promote interparty and/or intercommunity stability and reduce the causes of current or future conflict between them. Delineation of boundaries in a manner that encourages ongoing cooperation between parties should be a goal of the process.

EXAMPLES OF ISSUES:

- A community and its members are concerned that members of the neighboring community will not comply with or violate agreed upon boundaries.

- Each community has one or more resources – people, infrastructure, medical facilities, a market, natural resources, etc. – that is desired and could be cooperatively used by them for mutual benefit.

- Population growth of one community may outpace that of another

- Economic opportunities for communities may evolve at a different pace

NEGOTIATION STRATEGIES:

- Discuss how any future differences or potential violations of community boundaries will be addressed and resolved. Set up regular meetings to discuss the concerns of each community. Decide on and designate who will be involved, the process to be used and the timing of meetings.

- Clarify what each of the involved communities will do if they cannot reach agreement on future boundary issues or disputes, and the institutions, parties and procedures that will be used to seek resolution of them.

- Explore developing cooperative economic ventures involving both communities, which will result in joint gains for all concerned.

- Explore creating transboundary institutions or a zone jointly administered by the parties when the area contains a valuable resource such as water, a forest or economically or socially important institution (a hospital, school, a market, etc.) – that is desired by each of them.

- Consider the creation of transboundary natural conservation zones.

- Allow a contested area to be designated as an autonomous zone and be self-governing to lower competition for control between competing communities.

4.0 TECHNICAL ASSISTANCE AND TECHNOLOGIES FOR BOUNDARY DELINEATION AND DEMARCATION

4.1 SIMPLE MOBILE TECHNOLOGIES AND APPROACHES FOR MAPPING COMMUNITY LAND

Use of mobile technologies, such as smartphones and tablets with Global Positioning System (GPS) functions, is an easy way to electronically gather and manage information needed for successful participatory community mapping. In combination with other participatory processes – community outreach, sensitization and capacity building – data collected by mobile technologies can help promote more efficient data collection and management and informed decision-making.

Most mobile devices have internal GPS functions that operate similarly to commercial handheld GPS units. Smartphones and tablets with GPS functions are readily available and can function as an alternative to traditional GPS units, which are often more difficult for community members to obtain and operate. Internal GPS functions of mobile devices are often sufficient for community mapping purposes that do not require high levels of accuracy. Internal GPS functionality can also be paired with Bluetooth GPS devices that offer higher levels of accuracy.

Simple mobile technologies can be used throughout a participatory mapping process to capture and store community knowledge so that it can be accurately reflected on a map. For example, during the first stage of participatory mapping they can help communities record information from sketch mapping. Later, they may be used to capture information identified by community boundary harmonization teams as they jointly "walk the land". Finally, they can memorialize boundary delimitation and demarcation activities and agreements.

Mobile devices are easy to operate and do not require a high level of specialized knowledge or skill by users. Data collectors do not have to be surveyors or GIS specialists. They can be local community members, NGO or CBO staff members who are often youths already proficient in the use of mobile technologies. All that is required is familiarity with the local community and landscape, and the technical skills to collect data on their devices.

Mobile technologies can be integrated into the community mapping process by initiating the phases and activities described in Figure 7: Participatory Mapping and use of Mobile Tools for Land Information Collection.

Phase 1: Community Sensitization and Planning. In this phase, community members engaged in community mapping and individuals or organizations providing mobile technology assistance form a data collection team. They discuss and decide on the kind of data to be collected that will meet the needs and requirements of the community and the objectives of the mapping exercise.
Next, the implementation team develops appropriate data collection forms. One form should be an online graphical user interface (GUI) or Excel, and specify the appropriate input type (free text, pick list, multi-select, yes/no selection, photo, video), that will promote data quality and design for each type of spatial entity to be collected. At this time, the team should also determine appropriate data management procedures. By the end of this phase, community members and data collectors should be prepared for data collection.

Phase 2: Physical Mapping and Information Collection. This phase involves collection of relevant information identified in Phase 1. Data collectors are given refresher training or final briefings prior to going to the field to collect needed information. Collectors capture both spatial and non-spatial

(attribute) data on smartphones or tablets. The data collection team ensures that set procedures and best practices are followed when collecting the data.

When working in rural areas with no or limited connectivity, collected data is stored on the tablet or smartphone. This allows data gathering to proceed in offline environments. When connected to Wi-Fi or cellular networks data can be uploaded to a cloud-based or locally hosted server.

Figure 7: Participatory Mapping and use of Mobile Tools for Land Information Collection

Community Sensitization and Planning	Physical Mapping and Information Collection	Data Management, Visualization, and Reporting for Community Review
• Determine spatial and non-spatial data to be collected • Design and customize mobile data collection forms according to needs assessment • Determine data collection procedures • Set up data management system including server set up, if needed • Test and refine data collection forms • Train data collectors on tablets/smartphones • Develop narrative/script around the introduction of technology to the community	• Provide refresher data collector training • Conduct fieldwork and data collection • Ensure that data collectors are following data collection procedures • Upload data on a scheduled basis as connectivity permits	• Check and validate data that has been uploaded to the server • Download data to a GIS for analysis (as needed) • Report out information to community members in a format that meets community needs

Phase 3: Data Management, Visualization, and Reporting for Community Review. The third phase of mobile technology assistance for participatory mapping involves data management, visualization and reporting outcomes for the review by either or both boundary harmonization teams or communities. It may also include processes for data review and validation by third parties, such as an independent reviewer or the government.

Initially, community members and individuals or organizations providing mobile technology assistance check and validate the data that has been uploaded to the server for accuracy. They may then, as necessary, download it to a GIS for analysis and map production. Map production should ensure that the community can easily access and understand community mapping outputs. Ultimately, the information is presented to either or both the boundary harmonization teams and communities for their review, consideration and use in deliberations or agreement-making on land use or to determine their boundaries.

4.2 SURVEYORS AND SURVEYS

Surveyors, whether employees of government agencies, such as the Ministry of Lands, Mines and Energy in Liberia or in private practice, can provide a range of social and technical services to parties engaged in harmonizing boundaries. Liberia Experience – Box 17: Surveyors and Surveying in Liberia describes a number of considerations for communities considering securing the services of a surveyor.

Some of the services that can be provided by surveyors are described below:

- **Public information and awareness raising** – Many governments and their agencies, such as the Liberia Ministry of Lands, Mines and Energy's Department of Lands, Survey and Cartography, establish rules and regulations for surveyors concerning how community outreach and publication of public notices should be conducted prior to initiation of a survey. Such outreach promotes a transparent process and provides opportunities for parties that may potentially be affected by the results of a survey to observe, give feedback and confirm or object to its outcome. Community members at meetings may also be asked to help surveyors point out where they believe a boundary to be and clear brush so that it can be surveyed.

- **Informal consultations with one or more parties –** Often parties lack information on how boundaries are determined, surveys conducted and their outcomes and products. Surveyors may meet with concerned parties individually to provide information needed for wise and informed decision-making about boundaries or other special issues.

- **Informal "ground-truthing"** – Surveyors can review documents and convene informal meetings between and among parties and other neighbors to information relevant for the resolution of differences and talk about potential options for resolution prior to a survey. Activities include visiting the site, walking the boundary and making informal estimates of the size of a parcel of land or where a boundary is. These activities often provide a reality check for parties and enable them to gain new insights about their issues, interests and potential solutions.

- **Conducting an investigative survey** – This kind of survey examines a specific issue or plot of land rather than recording a plat for a whole parcel or boundary, records spatial information at the site of a boundary dispute, and helps establish exactly what happened, the extent of any damage, cause and consequential impacts and assists in the determining potential recovery rights. The result may or may not result in in a diagram, but set of notes, and assessment and advice.

> **Liberia Experience – Box 17: Surveyors and Surveying in Liberia**
>
> Surveying is a regulated profession in Liberia. People securing services of a surveyor to demarcate or delineate land boundaries should ensure that the surveyor they are using is licensed. Lists of licensed Land Surveyors are available from the Association of Professional Land Surveyors of Liberia, the Interim Land Task Force/Liberian Land Authority or the Surveyor Licensing Board.
>
> Surveyors in Liberia commonly work in teams with survey technicians that assist with conducting surveys. Survey Technicians may work independently to complete survey assignments, but are always supervised by a Licensed Surveyors who are accountable for the work of the Technicians.
>
> Surveyors are required by the government to follow mandatory procedures, specifically posting surveying notices that publicize a future survey and informing appropriate local officials such as County Land Commissioners and County Resident Surveyors. Failure to follow procedures may result in serious penalties.
>
> Risks for surveyors and others assisting communities to demarcate or delineate community boundaries are acts or omissions defined in the 'Criminal Conveyance of Land Act' (2014). 5)
>
> Surveys can be costly and generate a significant amount of data to create reports, plats and other documents and records. People securing services of surveyors should inquire about methods to be used for collecting, organizing, securely storing and processing data. Data loss is a significant risk and may lead to delays and additional costs.
>
> People securing the services of surveyors should monitor and follow-up on their work to assure that post field-survey tasks are completed and field notes and data are converted into agreed-upon products – plats, diagrams, maps, deeds, etc.
>
> Physical facts on the ground may change with surprising speed. Timely completion of survey products and their prompt return to parties that ordered them helps insure that community land rights are properly recorded and protected.

- **Conducting re-surveys** – These surveys are often used to address issues related to potential or actual changes in a boundary. There are three kinds of resurveys: 1) a survey *to reestablish or restore land boundaries and subdivisions* by the rerunning and remaking of the lines that were represented in a field note record and/or on the plat of a previous official survey: 2) a survey to *retrace and reestablish the lines of an original survey* in their true original positions according to the best available evidence of the positions of the original corners; and 3) an independent survey to officially *rerun and remark a new boundary*, which is intended to supersede the original survey and establish new boundaries.

- **Conducting boundary demarcation surveys** – These technical surveys conducted with instruments and tools focus on marking a single line or boundary, but without intending to close off a parcel. They are a pre-requisite for communities to establish their boundaries and secure legal recognition of customary land.

- **Conducting Confirmatory Surveys** – A land survey conducted, using the Global Positioning System (GPS) or comparable technology to determine the size, location, boundaries and other particulars of Customary Lands and to produce the coordinates and maps of each Customary Land.

- **Conducting a full land survey** – This type of survey demarcates all sides of a parcel of land and identifies the names and properties of adjacent land user/owners. The outcome is a document with a description of the land and a plat map, which may also be a deed.

- **Serving as a member of a mediation team** – When a dispute is being mediated, the lead surveyor and his/her technical assistant may be involved in discussions with disputing parties and help them reach voluntary agreements.

4.3 GLOBAL POSITIONING SYSTEMS (GPS)

A Global Positioning System (GPS) is a navigational system that uses satellite signals to fix the location of a radio receiver on or above the earth's surface. The radio receiver is commonly a hand-held device that receives and records information on the longitude and latitude of its location.

GPS can be used to confirm and provide an electronic record of community agreements on boundaries and as well as a tool to help resolve disputes.[34] In performing this latter function, GPS provides a visual record of potential or actual boundaries so that contending parties can compare it to knowledge on the ground, any existing maps and "see" the extent and importance of their land and resources on it and any discrepancies that may exist. This information can then be used to promote group discussion and negotiations on the logic and rational for boundaries and where they are or should be located.

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[34] J.J. Verplanke, M.K. McCall "Boundary dispute settlement using Mobile GIS".
    ftp://ftp.itc.nl/pub/pgis/PGIS%20Articles/Boundary%20dispute%20settlement%20using%20mobile%20GIS.pdf

5.0   PROMOTING VOLUNTARY COMPLIANCE WITH BOUNDARY AGREEMENTS

Voluntary compliance with boundary agreements is highly desirable. It helps enhance and preserve positive relationships between parties, and avoids costly and potentially harmful action to enforce them.

In most situations parties that have mutually agreed on and harmonized their boundaries live up to their agreements. There are, however, circumstances, either unintentional or intentional, when this may not be the case.

Parties to boundary agreements need procedures to both prevent and address future disputes. Such procedures should be transparent, easily understood, easy to use, cost-effective, and result in positive outcomes that preserve relationships and satisfactorily address perceived or actual problems. Common processes that help achieve these goals include documentation and registration, community education and issue or complaint resolution procedures.

5.1 DOCUMENTATION AND REGISTRATION

One of the most effective ways to prevent future boundary disputes is to assure that agreed upon boundaries are fully documented and registered with the appropriate customary and statutory authorities and institutions. Legal documents that are registered confirm agreements, and enable a party to better advocate for their interests in any future negotiations to a violation of a boundary or if necessary to enforce agreements in court.

5.2 COMMUNITY EDUCATION

Education of community members who have participated in boundary harmonization about the terms of agreement is a second method for preventing boundary disputes. If community members know where boundaries are, and what the rules are for what they are allowed or not allowed to do on the boundary or on each other's land, they are less likely to unintentionally or intentionally violate them.

Individuals or communities that have harmonized their boundaries with neighbors will have conducted significant educational efforts during delimitation and demarcation discussions and boundary confirmation activities. After a period of time, however, community members may not remember exactly where their community boundaries are, especially if they have not been clearly marked or markers are damaged or destroyed, or youth or new community residents who were not involved in the original process join the community. Periodically, on a regular basis, it may be valuable to have one or more meetings with community members, to educate them about where the boundaries are, agreements related to them that have been made and have an opportunity for them to ask and have answered any questions they have about where the boundaries are and what they are allowed or not allowed to do.

5.3 ISSUE OR COMPLAINT RESOLUTION PROCEDURES

In spite of the best intentions of parties that have harmonized their boundaries, situations may arise in which one or both of them believe that the other has violated their understandings about the boundary and other agreed upon terms. An effective conflict prevention, and if needed, a resolution process is for communities and their members to jointly hold regular quarterly or half- yearly meetings during the first

year after the boundary agreement is signed. At these meetings, community representatives can evaluate how their boundary agreement is working, identify any unforeseen problems have arisen and address them in a timely way so that any differences do not escalate. After a year, annual meetings between the parties may be held to prevent or address any issues that have developed.

There are circumstances, however, when some perceived or actual violation may have occurred and needs to be addressed immediately rather than waiting for the regular meeting between parties. As part of the original boundary harmonization discussions, parties should agree on how issues of concern will be raised apart from at regular meetings, and how they will be responded to. Some of the issues and procedures they should agree on include:

RAISING ISSUES

- Who can raise an issue about a perceived or actual violation of a boundary or terms of the agreement – Any community member, customary leaders, members of the Community Land Development and Management Association (CLDMA), others such as executives of a concession?[35]

- To whom in the community should a complaint first be raised before referring it to the other party, their representative(s) or community? A customary authority, a member of the CLDMA or someone else?

ASSESSING THE MERIT OF ISSUES

- What should be the internal process for evaluating the validity and merit of a complaint? What standards and criteria, and procedures will be used?

REFERRING THE COMPLAINT TO THE OTHER COMMUNITY

- If a complaint is judged to be valid, how will it be communicated to the other party or community, and by whom?

- Should the complaint be written or is verbal communication acceptable?

- What evidence should be provided in a complaint to demonstrate its merit?

- Should a suggestion for a solution be included in the complaint, or merely a statement of the perceived or actual problem?

INVESTIGATING AND RESPONDING TO THE COMPLAINT

- How will an investigation of the complaint be conducted, and by whom? The responding party, jointly by all parties and independent party?

- How long should the recipient of a complaint have to investigate it, make a decision, offer or implement a remedy or agree to attend a joint meeting to discuss it?

- If a joint meeting is needed to address complaint, who should attend? The complainant(s), community leaders, members of the Land Develop and Management Association, others?

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[35] Consideration should be given regarding how women and minorities can raise issues given their potential reluctance to disrupt family or community harmony, lower rates of literacy, levels of comfort and acceptance for speaking in public, tenuous recognition of their rights, concerns about potential gender or ethnic stereotypes or bias of "deciders" that could lead to unfavorable outcome for them. Methods to raise issues may include raising them in private, or bringing them to a women's group or minority group caucus that can raise an individual concern as a collective one.

- Who will chair or facilitate the meeting? A member of one of the parties or an independent outsider?

- What will be the process for conducting the meeting? (Ideally, interest-based negotiation using procedures described earlier in this monograph.)

DECIDING ON HOW THE COMPLAINT WILL BE RESOLVED

- Can the outcome of a complaint be decided and resolved unilaterally by one community or will both communities need to be involved?

- What authority will communities have to make a decision and impose a consequence on a violator of an agreed-upon boundary or terms in the harmonization agreement? Can they order, require and enforce compliance, restitution or compensation if harm has occurred?

- If a voluntary agreement between parties is not possible, how will they individually or jointly decide on an assisted dispute resolution process that will enable them to reach a voluntary agreement, get advice on a possible settlement or secure a binding decision that resolves their differences? (The next section of this monograph provides a number of procedural options parties may use if unassisted voluntary agreements are not possible.)

6.0 PROCEDURES TO RESOLVE BOUNDARY ISSUES WHEN VOLUNTARY UNASSISTED AGREEMENTS ARE DIFFICULT OR NOT POSSIBLE

In many boundary harmonization initiatives parties are able to recognize or negotiate acceptable boundaries on their own. There are, however, circumstances when parties may encounter differences that are difficult to reconcile.

To the greatest extent possible, the resolution of disputes within or between communities over boundaries should be resolved using customary dispute resolution mechanisms and law and at the community level, as long as agreements are consistent with the constitution and other statutory laws. When, however, this is not feasible, communities may need additional help from outsiders reach closure and an outcome.

Several types of third-party dispute resolution assistance have been identified earlier in this monograph: 1) help that enables parties to negotiate voluntary agreements, 2) advice on potential settlement options for specific issues or a total package, and 3) non-binding or binding third-party decision making. Procedures in each of these categories are described below.

6.1 HELP TO REACH VOLUNTARY AGREEMENTS

Parties often cannot reach agreements on their own due to problems in their relationships, use of ineffective negotiation procedures, an inability to identify mutually acceptable options for agreement or external structural factors such as time and resources. When any of these problems are present, people in dispute may need the assistance of a third party intermediary to help address and overcome them.

In general, this kind of assistance is provided by three types of intermediaries and procedures: 1) facilitators and facilitated problem-solving, 2) mediators and mediated negotiations, and 3) a customary authority or authorities and customary dispute resolution processes. Liberian utilization of third party assistance is described below in Liberia Experience - Box 18: How Intermediaries Support Inter-Community Boundary Negotiations.

6.1.1   FACILITATED PROBLEM-SOLVING

Facilitated problem-solving is a process in which a trusted third party, a facilitator, designs and conducts meetings in which participant's improve their working relationships, share information, solve a problem and reach a mutually acceptable decision. Facilitators either do not have an interest in the specific outcome of issues under discussion, or are able to step aside from their personal views and facilitate an impartial process. Facilitators do not have authority to make substantive decisions for meeting participants.

Facilitators may either be a mutually acceptable member of one or both of the involved parties, or an outsider. External facilitation assistance and facilitators may be provided by government officials, respected leaders of NGOs or CBOs or private professional facilitators.

Liberia Experience - Box 18: How Intermediaries support Inter-Community Boundary Negotiations

While some communities arrange and conduct negotiations on boundary issues without external support, in other cases an individual, group or organization plays a supportive intermediary role.

Statutory and customary authorities, the Ministry of Internal Affairs, the Land Commission, NGOs and community institutions such as Community Forest Management Associations, have frequently assisted communities to organize and conduct boundary negotiations.

Statutory and customary authorities at the district and county levels generally often have the legitimacy and accurate information about inter-community boundary issues to serve as intermediaries. Their role is especially important in situations where clan or other administrative boundaries are at issue. While some communities, report concerns that statutory and customary authorities may be biased toward or against a specific community, these actors generally appear to be trusted and contribute positively to negotiation efforts.

NGOs may become engaged in community boundary negotiations because of their mandates or program focus. SDI, for example, supports community land rights protection and assists communities to self-identify members, harmonize boundaries and develop community governance institutions as part of their program.

Other organizations, such as the Carter Center, PeaceWorks Liberia, the Norwegian Refugee Council and more recently Parley provide collaborative decision-making and dispute resolution assistance, or have done so in the past, that support community boundary harmonization. These organizations are often perceived by communities as impartial, trusted and skilled mediators.

A number of communities report that Community Forest Management Associations (CFMAs) have also played leading roles in resolving boundary disputes within or between communities or those located adjacent to community forests. Some CFMAs possess high legitimacy in their communities as well as developed dispute resolution capacity.

Government institutions, such as the Ministry of Internal Affairs, the Forest Development Authority and the Land Commission have played a more limited role in resolving boundary disputes, due to their limited presence or resources. However, in large scale boundary disputes or harmonization process their involvement is important.

For more details, please see: Appendix B: "Field Notes on Community Boundaries, Inter-Community Boundary Disputes and Dispute Resolutions Efforts in Twelve Communities in Liberia".

Facilitators generally help meeting participants reach consensus decisions, which all participants can support. In some circumstances, however, when a consensus is not possible or participants prefer to use another decision making process, facilitators may help conduct voting. Liberia Experience Box 19: Facilitated Problem-solving in Liberia provides a country-specific example of facilitation.

Liberia Experience - Box 19 Facilitated Problem-solving in Liberia

The Sustainable Development Institute (SDI), a Liberian non-governmental organization, has provided facilitation assistance to many customary communities as they have worked on various tasks involved in formalizing ownership of community land. They have helped convene and facilitate meetings where communities have identified their members and harmonized their boundaries where cooperative problem-solving, rather than dispute resolution, are required to help them achieve their goals.

6.1.2 MEDIATION (MEDIATED NEGOTIATIONS)

Mediation is a dispute resolution process in which a mutually respected and independent third party, a mediator, helps disputants establish or improve their working relationships, communicate more effectively and engage in productive talks to increase common understanding and/or develop voluntary agreements that resolve contested issues. Generally, mediators do not have a relationship with any of

the involved parties that might bias their views toward one or more of them, are impartial regarding the issues in dispute, and do not have authority to make a decision for the involved parties. They should, however, have some knowledge about issues under discussion, relevant customary and statutory laws and should not be biased by discriminatory beliefs or ideologies.

Liberia Experience - Box 20: Mediation of Land Disputes describes the assistance provided by Land Coordination Centers and local Dispute Resolution Committees to mediate land disputes.

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Liberia Experience - Box 20: Mediation of Land Disputes

Independent mediation has been provided to members of customary communities involved in land disputes by local Dispute Resolution Committees established by the Liberia Land Commission (LC). Committees were recruited by the LC and trained by consultants to the Commission. Committees have been supported by county-based Land Coordination Centers (LCCs) established by the LC. LCC staff have provided provide case intake and assignment, strategy advice, witnessing, monitoring, agreement recording and record keeping assistance for dispute resolution committees.

C. Moore *Technical Recommendations and Justifications for Local Dispute Resolution Entities.* Monrovia,

Liberia: Land Conflict Resolution Project, USAID and Tetra Tech, June 2014.

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Mediation assistance, like facilitation, can be secured from professional mediators and individuals trained in the process, government officials or respected leaders or staff of NGOs or CBOs.

Mediators often meet with parties separately at the beginning of the process to identify the source of the deadlock(s) in negotiations, and then develop procedures and strategies to overcome them. Subsequently, they may meet with parties together or shuttle between them to implement an effective dispute resolution process. Outcomes of mediation are voluntary agreements that parties commit to comply with and implement.

6.1.3   CUSTOMARY DISPUTE RESOLUTION

Customary dispute resolution is a process in which one or more customary authorities use customary laws and procedures to assist parties in conflict to settle contested issues.

Customary laws are long-established and widely accepted standards and practices of a community located in a particular place or locale. Customary procedures vary from processes similar to mediation in which final decision making authority rests with the parties, procedures in which parties present their views on issues in dispute and the third party makes a recommendation for a settlement and strives to persuade disputants to accept it, or third party non-binding or binding decision-making. Many customary dispute resolution processes include steps for appeals to higher customary authorities if a recommendation or non-binding decision by the third party is not acceptable to one or more disputants.[36]

Customary dispute resolution, when it is conducted by a respected, unbiased and fair community leader and involves members of the same community, can be highly effective in helping disputants reach mutually acceptable settlements of their differences.[37] Complications can arise, however, when disputants are from different communities – whether clans or ethnic groups – and there is not a respected customary authority from either of them that is acceptable to all concerned; or when parties are women or other vulnerable parties and the immediate customary decision maker is biased, adheres to discriminatory customary law or practices or is corrupt.

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[36] *Case Progression: Paramount Chiefs and the Tribal Governor's Courts Structure.* Monrovia, Liberia: UNMIL – Legal and Judicial Support Division, 2013.

[37] Isser, D., Lubkemann, S. and N'Tow, S. *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*, p. 3.

When either of these conditions exists, disputants may need to take their differences to a customary authority of superior rank or status to the leader in their immediate communities, or to one or more mutually acceptable and trusted customary authorities who are from outside of their communities for assistance.

Liberia Experience – Box 21: the National Council of Chiefs and Elders of the Republic of Liberia describes how an organization of customary authorities can be involved in dispute resolution.

> **Liberia Experience – Box 21: The National Council of Chiefs and Elders of the Republic of Liberia**
> This entity, with a mandate "to preserve, protect and foster positive Liberian traditions cultural heritage and traditional institutions and assist government sustain peace, reconciliation and reunification", has in the past and can in the future provide customary authorities to help resolve disputes within and between communities. Intermediaries are respected customary leaders who are either independent of the groups in dispute or involve respected leaders with more impartial third parties as co-mediators. An example of members playing an intermediary role was their initiative between members of the Lorma and Mandingo communities in Voinjima in Lofa County in 2010. The process involved case investigation, a ruling and judgment by the intermediaries concerning responsibility and guilt of the parties, an apology, commitments for future relationships between members of the two communities and provisions for how any future non-compliance would be handled.
> C. Moore *Promoting Access to Justice: A Study on Strategies to Implement Collaborative Dispute Resolution Mechanisms and Procedures for Resolving Conflicts in Liberia.* Monrovia, Liberia: Liberia Ministry of Justice, February 13, 2014.

6.2 ADVICE ON POTENTIAL SETTLEMENTS OR AGREEMENTS

As noted above, customary authorities often make recommendations on potential settlements as part of customary dispute resolution procedures. Three other procedures in which advice on ways to settle disputes is sought and provided are: 1) independent neutral evaluations, 2) fact-finding and 3) surveys.

6.2.1   INDEPENDENT NEUTRAL EVALUATION

Independent neutral evaluation is a dispute resolution process in which parties to a dispute submit contested issues to a mutually acceptable and knowledgeable third party to assess the

Strengths and weaknesses of each party's case, provide assistance in finding common ground and/or issue an advisory and non-binding opinion on how dispute could be settled. They may also provide an opinion on the likely outcome if the dispute is taken to a court for a judicial decision.

6.2.2   FACT-FINDING

Fact-finding is a dispute resolution process in which a person in a position of authority or government agency requests an impartial individual, a factfinder, to conduct an independent and neutral investigation into facts related to a dispute and issue a recommendation on how the conflict could or should be settled. Fact finding has been used successfully to resolve planning, development and housing disputes, and collective bargaining conflicts between labor and management.

6.2.3   SURVEYS
A survey is a technical process to formally establish the size of a given parcel of land, which defines its distances and angles. It is generally conducted by a professional surveyor who is licensed and qualified to conduct this service.

Surveyors can play a variety of roles in dispute resolution.   In some countries they are authorized by governments to resolve boundary disputes. An example is that of surveyors in Denmark, which is described in Box 22: Danish Surveyors and Boundary Dispute Resolution.

Box 22: Danish Surveyors and Boundary Dispute Resolution

In Denmark, "chartered surveyors" (*landinspektører*) are charged by a legislative act with resolving boundary disputes. Conflicts over the location of a legal boundary cannot be brought before a court for a judicial ruling, "until a chartered surveyor has investigated the case and established the boundary, either with the consent of the parties, or according to professional judgement".

Erik Stubkjær, Line Træholt Hvingel and Hanne Brande-Lavridsen "Surveyors' Role in Danish Land Management from the 1980s". Fachbeitrag. *zfv* 3/2014 139. Jg., p. 174
https://www.google.com/#q=Surveyors%E2%80%99+Role+in+Danish+Land+Management+from+the+1980s

"If doubt or dispute about a property boundary occurs, related to a land subdivision or as an independent matter, anyone who has a 'legal interest' in this question can apply to a land surveyor for a decision on where the line goes. This is done in a *skelforretning*. The chartered land surveyor seeks to get the parties to agree. When agreement is reached, the parties sign a binding declaration. If the parties fail to agree, the chartered land surveyor will perform a temporary boundary marking and draw up a declaration. The declaration will be sent to the parties with a map attachment and informing them that the boundary marking is binding if neither party brings the case to court within 8 weeks.

Leiv Bjarte "Land subdivision in Norway: A comparison with Denmark and Sweden". FIG Working Week 2011, Bridging the Gap between Cultures, Marrakech, Morocco, 18-22 May 2011
www.fig.net/.../ts05h_mjoes_5284.

6.3 NON-BINDING OR BINDING THIRD-PARTY DECISION MAKING

6.3.1   ADMINISTRATIVE RULEMAKING OR HEARING AND DECISION-MAKING

Administrative rulemaking or hearing and decision making involves the promulgation of rules and regulations by a designated government administrative agency with authority to define boundaries, or parties voluntarily submitting contested issues to a government entity for either a non-binding or binding decision.

Many countries establish administrative institutions, including land tribunals, with mandates to promulgate administrative rules and regulations that help prevent or provide guidelines for the resolution of disputes. These bodies may also be given mediation and adjudicative functions. Adjudicatory powers vary from providing advisory opinions to issuing binding decisions. Generally, contested decisions by an administrative body can be taken to court by one or more disputants for judicial review and a legally binding opinion.

Several examples of land tribunals include: the United Kingdom's Upper Tribunal, which includes a Lands Chamber; Botswana's Land Tribunal; Vanuatu's Customary Lands Tribunal; Canada's Environmental and Lands Tribunals Ontario; and Bombay and Kerala States in India Land Tribunals; and the newly approved Liberian Land Authority described in Liberia Experience - Box 23 The Liberian Land Authority and Administrative Dispute Resolution.[38]

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[38] UK - https://www.gov.uk/appeal...tribunal-lands/overview; Vanuatu -
http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/VanuatuCustomaryLandTribunalSystem.pdf Bombay, Kerala and West Bengal States, India http://www.epw.in/system/files/pdf/1959_11/25/land_tribunals_in_land_reform_legislationkerala_and_bombay.pdf and http://wblrtt.gov.in/aboutus.html; Ontario - *http://elto.gov.on.ca;* and Zanzibar
http://www.judiciaryzanzibar.go.tz/essential%20_satutes/ACT%20NO.7%20THE%20LAND%20TRIBUNAL.pdf

6.3.2   LEGISLATION

Legislation, in the context of land and boundaries, is the passage and enactment of laws by a government that define boundaries and specific access, use, ownership rights or political jurisdictions for defined parcels of land. Legislation is most likely to be used once there has been agreement among concerned parties on boundaries, and as a process to recognize and formalize them.

6.3.3   ARBITRATION

Arbitration is a dispute resolution process in which parties voluntary submit contested issues to a jointly acceptable arbitrator and arbitration process for either a recommendation for a non-binding settlement or a binding decision. Arbitration may be initiated privately or in the context of a judicial process.

An example of judicially supervised arbitration are procedures used in Liberia, as described in Liberia Experience – Box 24: Arbitration.

In Papua New Guinea, a land dispute that cannot be resolved by a local land mediator can be taken by involved parties to the Local Land Court. The court is composed of a Local Land Magistrate as chairman and either two or four land mediators, who provide additional mediation, or if an agreement cannot be reached, arbitration. Limited rights of appeal are allowed to the Provincial Land Court of a Local Land Court's decision based on claims of "errors of jurisdiction, decisions made contrary to natural justice or cases of manifest injustice". [39]

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[39] *Making Land Work Volume Two Case Studies* Norm Oliver and Jim Fingleton "Settling Customary Land Disputes in Papua New Guinea". Canberra, Australia, Australian Agency for International Development, pp. 224-237. http://dfat.gov.au/about-us/publications/Documents/MLW_VolumeTwo_CaseStudy_11.pdf

Liberia Experience – Box 24: Arbitration

The Liberia Code of Laws Revised, Volume 1 Title 1, Chapter 24 allows disputing parties to utilize either a referee and/or an arbitrator to reach a judgment when use of one of the procedures is mutually acceptable. If initiated during a judicial preprocess, these dispute resolution procedures are considered as quasi-judicial and are supervised by a judge of a Circuit Court, the court mandated to settle land disputes. Decisions resulting from these procedures are recognized and upheld by Courts if there is no fraud or other violation of Civil Procedure Law.

For Trial by Referee, the intermediary must be a practicing attorney. For an arbitration proceeding, the arbitrator(s) does not need to be a lawyer.

Arbitrators in land disputes are commonly members of the Board of Arbitration who are surveyors rather than lawyers. Disputants are generally not represented by lawyers as issues involved are technical and not legal.

Arbitration may also require an investigative survey. The court may nominate a qualified professional, subject to the comment by the parties, or each disputing party may nominate a candidate, each of which will prepare and submit an independent report. If the surveyors reach the same conclusion, the arbitrator, and subsequently the court may accept and base an award or ruling on it. On rare occasions, and if all parties agree, a monetary award may be made. If the two reports do not result in a similar recommendation, the court may review them and render a binding decision, which may under certain conditions be appealed to the Supreme Court to sustain, reverse, modify or remand to the lower court.

Parties to an arbitrated dispute have 30 days after the arbitrator has completed his/her report and made an award to state and file objections to the procedure. If the objections have merit and it is appropriate to review whether the arbitrator was neutral and impartial or the process was flawed, the Circuit Court may call for a hearing and make a decision that is binding on the parties. If the decision is unacceptable to the parties, it may be appealed to the Supreme Court.

Laurel Rose "Land Dispute Management in Liberia". Washington, D.C.: World Bank, 2011.

In other countries, independent institutions have been established either by governments or non-governmental organizations to resolve issues covered under both statutory and customary law. An example is described in Box 25: Ghana's Alternative Dispute Resolution Center.

Box 25: The Ghana Alternative Dispute Resolution Center
The Center is an independent body created by an Act of the Parliament, and governed by a board appointed by the President. It is financially supported by a fund that receives grants from the government, fees for dispute resolution services and donations and gifts from the general public, institutions and organizations.

Along with arbitration of disputes involving issues covered by statutory law, the Center provides customary arbitration. Cases may be submitted disputants themselves or be referred by a court. Parties are authorized to select an intermediary of their choice.

Customary arbitrators apply the rules of natural justice and fairness and are not required to apply any legal rules of procedure in the arbitration process. Awards do not need to be in writing, is binding on the parties and does not need to be registered with a court to be binding. If, however, parties want a record of the award, a written copy may be filed with the nearest District Court, Circuit Court or High Court as appropriate. An award has the same standing and may be enforced in the same manner as a judgment of the court.

Ghana - Alternative Dispute Resolution Act, 2010 (Act 798)
http://www.wipo.int/wipolex/en/details.jsp?id=15113

6.3.4 LITIGATION AND ADJUDICATION

Litigation and adjudication are adversarial conflict resolution processes in which a legally recognized authority, such as a judge or jury, hears and reviews evidence and argumentation including legal reasoning set forth by opposing parties or litigants to a dispute, applies standards and criteria set out in law and makes a binding decision regarding the rights and obligations between the involved parties. The process for Liberian judicial resolution of boundary disputes is detailed in Liberia Experience - Box 26: Judicial Resolution of Boundary Disputes.

> **Liberia Experience - Box 26: Judicial Resolution of Boundary Disputes in Liberia**
>
> Circuit Courts with judges who conduct jury trials are mandated to settle serious land conflicts that involve both statutory and customary issues and laws. The most common land disputes before these courts concern deeds and boundaries.
>
> Courts commonly use two procedures to resolve boundary disputes: 1) investigative surveys, and 2) referrals to arbitration. Investigative surveys involve a recording of spatial information at the site of a boundary dispute. They help establish exactly what happened, the extent of any damage, cause and consequential impacts and assist in determining potential recovery rights. If the survey is conducted under the auspices of the court, it is mandatory.
>
> The Liberia Ministry of Lands and Mines is authorized to conduct surveys and submit the results to the court. Disputants may also conduct their own private surveys.
>
> Laurel Rose "Land Dispute Management in Liberia". Washington, D.C.: World Bank, 2011.

In Norway, the government has established specialized courts to address and resolve land conflicts. This model of judicial dispute resolution is described in Box 27: Resolution of Land and Boundary Disputes by Land Consolidated Courts in Norway.

> **Box 27: Resolution of Land and Boundary Disputes by Land Consolidation Courts in Norway**
>
> In comparison to other Nordic countries, Norway has a significant number of internal land disputes. To resolve these issues, the country has developed special Land Consolidation Service with in the judiciary, with 41 land consolidation court districts and 5 land consolidation court appeal districts. The court's jurisdiction includes land consolidation planning, the planned readjustment and rearrangement of land parcels and their ownership, and the resolution of boundary disputes. Boundary issues comprise 50% of the court's caseload.
>
> Citizens have a choice whether to bring disputes to either a Civil Court of the first instance or to a Consolidation Court, but in practice most land cases are heard by the latter. In general, citizens have a preference for using Consolidated Courts to hear cases where legal issues are not clear or have not yet developed in to a legal case appropriate for a Civil Court to hear, they want advice from an independent body with a specialization in land issues, they value the technical equipment and competencies of court connected personnel to conduct follow-up cadastral work required when a case is settled, which ordinary courts do not have and which parties must request be done by the surveying department of the concerned municipality.
>
> Consolidated Courts function less formally procedurally than other Norwegian Civil Courts. Disputants do not need to be represented by a lawyer. Each court is overseen by a judge, the President, with a specialized degree, commonly a Masters from the Agricultural University of Norway where they have studied land law, surveying, mapping, cadaster and land consolidation. They are assisted by two lay judges.
>
> Consolidation Court judges use a variety of procedures to help parties resolve their differences. They may mediate, suggest arbitration, and if necessary, make a binding judicial decision by a majority decision of the three judges.
>
> Jørn Rognes and Per Kåre Sky "Mediation in the Norwegian Land Consolidation Courts". Madison, Wisconsin: University of Wisconsin Land Tenure Center, 1998.

APPENDIX A: STATUTORY DOCUMENTS ON LAND OWNERSHIP IN LIBERIA

1. Eleemosynary Grant Deed: Used as a gratis conveyance, whether or not reciprocally, to a diplomatic mission or to a religious institution (as in the case of ELWA) for an indefinite period of time but with the right of reversion reserved in the government, which shall become vested at the time of abandonment of the property or when the property shall no longer be used for diplomatic or religious purposes by the tenant.

2. Mother Deed: A mother deed is an important document in a property transaction. This is the document that reflects the original granting of land in the form of a deed out of public land from which one is able to trace the origin of property as well as all other subsequent relevant conveyance deeds. It is the main document to determine ownership of a property. Tracing ownerships should always begin with scrutiny of the earliest document recorded.

   If such documents are not made available, certified copies have to be obtained from the registering authorities. Earlier documents are called mother or parent documents.

   Ownership of property changes hands through a series of transactions. It is very important to trace the ownership of a property, especially when it is either being purchased or is being offered as a security. The mother deed acts as the main legal document as evidence ownership of property. It also acts as the main document for further sale by the buyer as it establishes proof of his ownership.

3. Public Land Sale Deed: Used for the sale of public land only by the Republic of Liberia at the government's statutory price, procedures and allocation. This deed bears the signature of the President of Liberia.

4. Curator's Deed: This is used when a Probate Judge, after diligent inquiry to identify the heirs of an unattended intestate estate, orders the Curator of Intestate Estate to administer the Intestate Estate and sell the lands of the deceased to pay the just debts of the estate by executing and issuing Curator's Deed

5. Warranty Deed: This is used mostly for the sale of private lands, and ordinarily referred to as deed with covenants. It carries the signature of the original seller of the land and the private surveyor.

6. Quit Claim Deed: This is used frequently by co-owners to partition and distribute their property held in common by signing Quit Claim Deeds to one another with or without a bill in equity to the same effect, it may be adopted when the transferor warrants his or her previous right of occupancy of the land conveyed, but not against any superior claims.

7. Executor's Deed: This deed is employed to distribute the estate (land) of a person who died leaving a valid last will and testament upon a decree of the proper probate court; an Executrix Deed shall be used where the will names a woman as executor.

8. Administrator or Administratrix's Deed: Used mostly for the purpose of distributing an intestate estate of a deceased or where executor(s) named in a valid will have all died or have been disqualified by the court. Every such Administrator or Administratrix shall be appointed by probate court of the city and county where the land is located or where the deceased last had his domicile.

9. Deed of Escheat: Used by the Probate Court to transfer a Private Land to the Government due to failure of heirs and also land abandoned by a charitable or political institution.

10. Trust Deed: Used to convey property in trust to a person called trustee to manage it for the benefit of another person or persons to achieve some desired objectives of the maker of the trust after which the trust property shall be distributed to the named beneficiaries. A Trust Deed involving a real property shall not convey absolute title to the trustee but to the beneficiaries as designated by the Deed of Trust.

APPENDIX B: FIELD NOTES ON COMMUNITY BOUNDARIES, INTER-COMMUNITY BOUNDARY DISPUTES AND DISPUTE RESOLUTIONS EFFORTS IN TWELVE COMMUNITIES IN LIBERIA

This section presents a summary of structured interviews conducted by Parley in May 2016 with community leaders in twelve communities across five counties in Liberia (Bong, Gbarpolu, Lofa, Nimba and Rivercess). The interview protocol covered the following topics:

- Administrative Data (location, date, etc.);

- Community Observation (rapid assessment of physical, socio-economic characteristics of community);

- Community Boundary Disputes

  o   community boundaries,

  o   boundary disputes,

  o   boundary dispute resolution efforts,

  o   outcomes of resolution efforts, and

  o   dispute resolution actors/intermediaries.

The purpose of this research activity was to enhance understanding of how communities establish and demarcate inter-community boundaries, the nature of boundary disputes between communities in Liberia, how communities resolve boundary disputes, the outcomes of boundary dispute resolution efforts, and actors/intermediaries that assist communities to resolve disputes. Key themes and lessons are highlighted in the 'Liberia Experience' text boxes presented in the preceding report.

Field interviews were conducted and drafted by David Lamah and Prince Williams.

BAH TOWN COMMUNITY, NIMBA COUNTY

Administrative Data	• **Date of field visit:** Saturday, May 21, 2016 • **Name of target community clan**: Gayea Clan • **Clan headquarter:** Kparblee town • **Clan Chief:** Hon. Anthony Bah • **Names of adjacent clans:** Dubuzon and Gblor Clan • **District name:** Kparblee Administrative District
Appearance of Community	Bah town is a small village not apportioned into quarters as compared to other towns. It has approximately ten household structures. Majority of the structures are built with sticks and mud and roofed with thatch. On arrival, eight citizens came to greet the team and welcomed the team in a friendly manner. The village is surrounded by forest and uncultivated bushes for farming activities. There are no government projects in this village. Also, there is no extraction of natural resources taking place within or near the village, such as diamond, timber, and gold. However, people are cultivating rubber trees ongoing within the community limits.
Location of Community	Bah town is situated in Gayea Clan, Kparblee Administrative District. The rainy season has just begun and so the trip to this village was not too difficult. It would be very difficult if not impossible during the full rainy season, because the road would be very slippery and bumpy. Also there are many bad bridges along the road. Access wouldn't be that difficult in the dry season, provided those bad bridges are reconstructed. There are no guesthouses, restaurants, police stations, high schools, local courts, or important offices/landmarks in this village. Bah, Kemar, and Gboutuo towns are important towns within Gayea Clan. Not one of these towns is the clan headquarters; rather Kparblee town is the clan headquarters.
Community Leadership	The leadership structure of this village includes the town chief, elders, youth leader, landlords, and a women's leader. These leaders were open to the research proposed by the team. This village is predominantly inhabited and owned by the Krahn ethnic group, with few Gio being the minority tribe. Christianity is the principal religion currently practices in the village.
Community Observation Analysis	Gboutuo and Bah village were visited. Comparatively, these two communities are smaller in size and population. They both lack public services such as guesthouse, police station, courts, high school, and health care delivery services. There are no extractions of natural resources taking place within or near their communities. Christianity is the principal religion practiced in Bah village and Gboutuo town. The Krahn ethnic group predominantly inhabits Bah village, whereas the Gio ethnic group predominantly inhabits Gboutuo. The main characteristics observed that is likely a factor in the dispute is tribal, and the perception that one group is classified as minority could perceived as being marginalized. The community uses its land mainly for rice farming, cash crops like cocoa, rubber, cemetery, and the construction of homes.

Community Boundaries	The communities that are neighbors to Bah village are Kemar town and Gboutuo town. Bah's village common boundary with Kemar town is a creek called Blonie, and with Gboutuo is also a creek called Yeanayee. Soap trees were also planted along the Yeanayee Creek.
	The people within Bah village know exactly where their community boundaries are located based on historical accounts from their parents. Those boundaries were generally decided upon and established. They were shown to them, and are observed during farming activities and roadside brushing.
	The community members ultimately decided where the common boundaries between their community and the neighboring ones are located based upon mutual understanding and general consensus. They established and identified boundary markers, such as soap tree and creeks to be their common boundaries. These boundaries points are respected and observed during farming season and roadside brushing. There has been no internal disagreement within the community over their common boundaries with adjacent communities. They all know where their common boundaries are with other communities.
	Presently, Bah village has cordial relationship with Kemar town.
	Bah is in the process of strengthening its relationship with Gboutuo town, which was ruined by a long-running boundary dispute.
Active/Recent Boundary Disputes	There was a major boundary disagreement between Bah village of Kparblee District and Gboutuo town of Gblor Clan. The theme of that dispute was claims and counter claims over a parcel of land situated at the proposed boundary. It started as a dispute between towns, but later escalated into a major boundary dispute between Kparblee District and Gblor Clan.
	The dispute expressed itself on two occasions. The first dispute happened in 1978, and the second happened in 2010. The first disagreement that started in 1978, involved the late Johnny Krayan and the Bah family of Kparblee district, and the people of Gboutuo town, Gblor Clan.
	The disagreement started when the late Johnny Krayan of Kparblee District, bought a parcel of land from the people of Gblor Clan for settlement. The people of Kparblee district subsequently claimed that this parcel of land, which was sold to the late Johnny Krayan falls in Kparblee district.
	When the confusion began to happen, the people of Kparblee District were very annoyed and resentful of Gblor's encroachment. There were bitter arguments between the both parties over legitimate ownership of the disputed lands. As a result of the disagreements, the relationship between the both parties was no longer cordial as before but embittered. Cross boundary farming activities was no longer done between the both parties.
	Additionally, the people of Gblor Clan continued to encroach and sell lands apparently belonging to Kparblee District. For the second time, the people of Gblor Clan sold a parcel of land to a man named Beh Kollie. When this had happened, the people of Kparblee District took the issue to the late Superintendent, Hon. Dunbar.
	The Superintendent presided over the case and ruled in favor of Kparblee District. However, he advised that the both parties considered the Yeanayee Creek as their common boundary. Based upon general consensus, they decided that the Yeanayee Creek is their common boundary. The both parties signed a Memorandum of Understanding. This MOU stabilized the situation from 1978, until the second dispute in 2010.
	The second occasion of the dispute happened in 2010. This dispute resurfaced, when the people of Gblor Clan took advantage of the death of the late Oldman Dennis, who died in the civil crisis with his family and sold his land to a lady called Layklayou.
	Some citizens from Kparblee went to brush on the land that was sold to this lady. When Layklayou saw them brushing the land sold to her, she took the case to Sanniquellie Magisterial Court, but was not resolved peacefully. Later, the people of Kparblee District reported the case to PROSPER for intervention. PROSPER resolved the dispute in 2014. The dispute lasted for four years starting from 2010 to 2014.

Settled Boundaries	Reference to Kemar town, both towns came to a good agreement about common boundaries based on mutual understanding and general consensus. Bah and Kemar decided that the Blonie Creek is their common boundary. This is widely accepted and respected. Each party carries on farming activities only within its limit. Bah village has not held any significant talks about their common boundary with Kemar town. There hasn't been any problem with their common boundary. However, the community representatives interviewed stated that, if people in Bah village or Kemar town break the rules about the common boundary, town authorities from both sides would hold talks to find amicable solution to the problem. In this scenario the community would approach the paramount chief or the district commissioner for assistance. The inhabitants noted that if there is no clear demarcation between Bah and Kemar communities, and this might be a major challenge in the future if demand for land in the area increases.
Boundary Disputes Resolution Efforts	This community handles disputes with neighboring communities by setting up a team to hold meeting with the other community to find the best way forward to resolve the dispute. The town leaders lead the decision making process about efforts to settle boundary disagreements. Factors that motivated the community to have 'round table' discussions with Gblor included a court action in which they spent lots of money, disruption of farming activities at the disputed site, roadblocks setup to prevent movement, fears of future violent confrontations, and broken interrelationships. In the case of disagreements about intercommunity boundaries within Bah community, the community leaders consult the people making farms or living near the boundary to involve them in the identification of the boundary. Intercommunity differences between Bah and Gblor were ultimately resolved through a dialogue process. When the parties took the case to court and could not get a satisfactory solution, they decided to seek the intervention of civil society organizations, particularly PROSPER which is implementing community forestry projects in the area. The intervention of PROSPER was instrumental to resolving the disagreement successfully in 2010.
Negotiation Team Selection and Preparation	In this community/district, the paramount chief, clan chief, town chief, elders, youth leader, women leader, and people living near or making farms at the disputed boundary, were the ones allowed to talk in the discussion about intercommunity boundary. People who were not knowledgeable or informed about the issue were not allowed to talk in the discussion, but could observe. These leaders formed a team to represent the Bah community interests in the negotiation meeting with the Gblor community. Prior to talking with its neighboring community/clan, the team held an 'advice-giving meeting' with its citizens to get their views on the issue. Their goal was to push the point of the initial boundary, which was generally agreed upon in the past. The team was well prepared knowledge-wise and was supported by its citizens.
Initiating and Convening Intercommunity Talks	When PROSPER intervened in 2010, they were responsible for organizing meetings and information dissimilation. The important people to talk to in Gblor Clan were the chiefs and elders. There were a few meetings held between the both parties. These talks were held in Bah village, Tappita, and Sanniquellie. People who participated in the meetings included Superintendent, District Commissioners, Nimba County's Inspector, paramount chiefs, clan chiefs, town chiefs, elders, youth leaders and women leaders from both sides.

	The traditional leaders, elders and government people provided oral testimonies, counseling and encouraged orderly and discussion and process. The Monrovia based citizens also attended and constructively supported the dispute resolution process.
	Women were involved in the discussions and also provided open support to the team in the resolution process. Larger CSOs, such as NRC and PROSPER also participated in the mediation process at various levels and points in time. The churches played a supporting role by providing spiritual guidance. The Local government officials helped to encourage the parties to see reason to resolve the disagreement.
Conducting Intercommunity Talks	Bah village/Kparblee District met with the people of Gblor Clan in big conferences on several occasions. Only the designated team members from both sides spoke at the joint meetings. At first, the town chief of Bah village/Kparblee district spoke first and later team members from both sides spoke as appropriate during the conferences.
	The mediators – PROSPER, NRC, statutory authorities – set a moderate tone for the meeting, and also set ground rules to guide the process. The negotiating team was advised to be respectful, constructive and not to allow their emotions to disrupt the meeting.
	The key issues discussed were various encroachment situations encroachments, and the main boundary points/markers.
	A positive tone was set throughout by discussing the cordial relationship the communities had before the boundary disagreement.
	It was difficult to talk about accepting the boundary points. There were bitter arguments when this topic was discussed. Members of the negotiation team, other community leaders, and community people worked to calm emotions of both parties when things got tense and steered the discussion in a friendly manner.
	When it came a time to make a big decision – particularly about boundary points – the negotiating team consulted with their communities. The final agreement about the boundary was made through a full consensus by the both parties. There was no disagreement about final decision reached. The people living along the proposed boundary were satisfied with the final decision.
Outcome of Disputes Resolution Efforts and Current Status	The disagreement was resolved successfully, and the people of Bah village, Kparblee District were generally satisfied with the resolution process. With the exception of this dispute, no other major dispute was reported.
	The only issue they raised related to hunting rights. They claimed that hunters from the Gblor area are not adhering to provisions on hunting rights as contained in the MOU that ends the boundary disagreements.
	In order to finalize the agreement about the boundary, Bah community and Gblor Clan held several joint meetings to work out the details of their agreement. The interviewees observed that both sides expressed their interest in resolving the issues by 'compromising'. They jointly mapped the boundary through a survey, and planted new soap trees along the agreed boundary lines.
	The interviewees observed that the communities were able to resolve the disagreement about the boundary, because they put aside their 'personal interests' and positions in the case. They showed flexibility to amicably resolve the issue. A related outcome is that the general relationship between the communities is improving. The traditional leaders think that this dispute resolution effort will overtime 'reunite' the people of Kparblee District and Gblor Clan.
	According to the inhabitants, the main lesson they learned about how to handle disagreements about boundaries is to put aside personal interests and positions and compromise. They believed this is the best way to resolve such a dispute.
	The current situation with the boundary between Kparblee District and Gblor Clan is pleasant. There is no problem and they are jointly planting soap trees along the survey lines. They have to compromise or give or up some rights in order to resolve the dispute. The inhabitants believed

	that compromising or giving up some rights was the best way to resolve the disagreement that had ruined their relationships over the years.
	The women in the community were affected by the agreement positively, in that they are now going about their normal farming and fishing activities. They did not lose any right to access or farmland. The women are now satisfied that the dispute had been resolved peacefully. The people from this community and the other community are currently respecting the boundary and adhering to the rules of the agreement.
	There have not been any serious problems about the current boundary. The community members expressed their determination that the boundary agreement will hold for their children if it remains constant.
	Notwithstanding, what could cause the disagreement about the boundary to reemerge is when either party breaks the rules of the agreement. Presently, this Bah is in the process of strengthening its cordial relationship with the Gblor community.
Dispute Resolution Actors/ Intermediaries	PROSPER was the main intermediary that did all of the arrangements, such as convening meetings and serving as mediators. The dispute was amicably resolved with significant mediation efforts by PROSPER. The NRC and District Commissioners also played supporting roles at different points. The Bah family also played a leading and constructive role throughout the process.
Community Boundary and Dispute Analysis	This community lies within a tribal boundary containing minority Krahn settlements on one hand, and the majority Dan/Gio on the other. Tribal differences and mistrusts from the past civil crisis in Liberia might impact how boundary disputes could be handled.
	There is a significant decrease in tensions. Everyone spoke calmly realizing that they had the best resolution to the disagreement that they are all satisfied with. The entire community seems to understand fully well how the demarcation was conducted and the agreements in the MOU.
	There was no sign of anger observed from the way the inhabitants spoke about the boundary dispute. But they were accusing the other side of being responsible for the conflict, thereby disobeying the initial MOU that was signed. Everyone who participated in the research shared a common understanding about the boundary dispute. The entire community fully understands how the demarcation was conducted and the agreements in the MOU. They expressed satisfaction for the resolution process.
	Bah community lands were encroached upon and sold on three occasions, but the Bah community decided to accommodate these sales to resolve the larger question of its boundary with the Gblor.

DARSAW COMMUNITY, RIVERCESS COUNTY

Administrative Data	• **Date of field visit**: May 29, 2016 • **Name of target community clan**: Boewein Clan • **Clan headquarter**: Zahn • **Clan Chief:** Hon. Maxim Duah-Yu • **Names of adjacent clans**: Wolozon, Kebbeh, and Garyeazon clans • **District name**: Zarflahn
Appearance of Community	Darsaw is a small traditional town. Majority of the structures are constructed with mud and sticks, and roofed with both thatch and zinc. Upon arrival in the town, about fourteen persons including the town chief, elders, women leader, and youth leader came to meet the team. The team was welcomed, and the purpose of the team's visit was explained and they consented to be interviewed. There are no uncultivated areas near the town – all the land appears to be farmed. There is a rice mill, cassava mill, and a Junior High School located in the town. Darsaw does not have restaurant, guesthouse, police station, high school, local court, and district court. The community reported that there is no extraction of natural resources going on in or near the town. The community uses its land for subsistence farming, such as the planting of rice, palms cropping, coconut plantation and building of homes.
Location of Community	Darsaw town is situated in Boewein clan, Zarflahn District. The trip to the town was done in the rainy season. The town is accessible, and the road to the town is good despite of the rainy season. The trip will be of no difficulty in the dry season.
Community Leadership	The leadership structure of the town, as reported by the interviewees, includes the town chief, pastor, assisting town chief, elders, youth leader, and women leader. Some senior community members that the team met with included the town chief, women's leader, youth leader, and elders. These senior members of the town were interested in the research topic. They noted the importance of finding amicable resolutions to land disputes between their clans and amongst other towns. Darsaw is predominantly inhabited and owned by the Bassa ethnic group, with the Kpelle being the strangers in the town. Christianity is the only religion presently practiced in the town.
Community Observation Analysis	Darsaw is a small-sized community compared to nearby Yarkpah Town, where some of the social facilities and sectional headquarters are located. Darsaw is less populated as compared to Yarkpah. Both Darsaw and Yarkpah towns are predominantly inhabited and owned by the Bassa ethnic group.
Community Boundaries	The communities adjacent to Darsaw are Taykon, Goffah, Voh, Juludoe, and Open Bible Mission. Darsaw's common boundary with Taykon is a soap tree, with Goffah it's a Donie Creek, with Voh it's a giant-sized rock, with Juludoe it's a Mannie Creek, and with Open Bible it is a cement corner stone.

	The people within the town know where the community boundaries are located, based on the information received from their fore fathers, knowledgeable traditional leaders, and prominent citizens of the town.
	Also, their forefathers showed those boundaries to them, during the brushing of roads and farmlands. Specific boundary markers such as soap tree, rock, creeks, and cornerstones were established to identify the boundaries with other towns.
	There have been no disagreements inside the community about where its boundaries are with other communities like Taykon, Goffah, Voh, and Open Bible Mission. This is because the citizens of these communities have a shared understanding of the boundaries and respect them.
	Some of the boundaries were identified and established through legal means. Some were established from conflicts and some through mutual understanding.
	While Darsaw has cordial relationships with Taykon, Goffah, Voh, Glasco, Gboah, and Open Bible Mission, it does not have a good relationship with Juludoe town. It was reported that Juludoe town is encroaching on Darsaw's farmlands and planting rubber trees.
Active/Recent Boundary Disputes	There are numerous ongoing land disputes in this area, which the needs assessment team identified.
	First, a boundary dispute between Boewein and Wolozon clans, which is about claims and counter claims over clan/community identity and land in the area of the boundary between the communities. Second, a boundary dispute between Juludoe and Darsaw towns. Third, a boundary dispute between Juludoe town and Taykon town in Boewein clan. All of these reported disputes are unresolved cases.
	The most difficult dispute is a major ongoing boundary dispute between Boewein Clan and Wolozon clan. The dispute has been ongoing for a long time, but reemerged in 2010. The dispute started, when SDI came to conduct a survey in favor of Boewein clan.
	Wolozon Clan claims that Glasco and Gboah towns are in its clan, while Boewein Clan claims that these two towns are within its clan. The contested boundaries are the Big and Small Droh Rivers. Boewein claims that the Big Droh River is the main boundary, whereas Wolozon claims that the Tributary, which is called Small Droh is the main boundary. The dispute also involves Blangbeh and Youway towns, in addition to Glasco and Gboah towns. Blangbeh is in Wolozon clan, while Youway town is in Boewein clan.
	According to the historical background of this dispute, many years ago, a daughter of Boewein clan married in Wolozon clan. She later came back to Boewein clan along with her husband. She asked her fathers for farming spots, and the lands were granted to them for settlement. It is this land that Wolozon clan is now claiming between the Big and Small Droh Rivers. When the confusion started to happen, both clans started holding positions and not wanting to agree on points with each other. As a result of this, there are mixed feelings amongst the people of the both clans.
	The disagreement affected Darsaw and Boewein Clan in general in that the survey was halted, and there is no mutual understanding or common ground up to date. Also, the relationship between the two clans is somehow uncomplimentary. The dispute always brings mixed feelings amongst the people of the two clans. However, there have not been any violent confrontations, since the onset of the dispute. This ongoing land dispute has lasted for six years beginning from 2010 to 2016.
	In order for the two clans to resolve the disagreements, several rounds of negotiation meetings were held between them, but all failed to be resolved.
	The first meeting in 2012 was held in Chia town. The Superintendent was involved in the discussion. He asked all parties including surrounding towns to present deeds if they have

	them. Boewein clan has a title deed that is now in the hands of the Superintendent. The meeting ended without common ground or agreement.
	A second meeting in 2014 was held in Glasco town. The meeting ended without common ground or agreement.
	A third meeting was held later in 2014 in Mandeh's town. Other smaller meetings were held in Glasco and Darsaw towns. These meetings also ended without a resolution or agreement on the contested boundary.
Settled Boundaries	Darsaw has had no disagreements with neighboring communities, such as the Open Bible Mission and Taykon town over their common boundaries. Open Bible Mission came to this area in 1947. The Open Bible Mission surveyed its land, planted cornerstones and has a title deed. There is mutual understanding amongst these communities over their common boundaries and this understanding is re-enforced by the boundary makers.
	Based upon the mutual understanding and the respect shown for their common boundaries, they don't discuss their common boundaries. There are absolutely no problems amongst them.
	However, if people in either community break the rule over their common boundaries, the two towns involved will hold meeting to find an amicable solution. This would help to prevent serious conflict.
	The interviewees outline some of the challenges that might be in the future about common boundaries with neighboring communities as follows:
	• Breaking or disrespecting the rules and norms related to settled boundaries.
	• If communities do not receive formal trainings on how to properly acquire land internally and harmonize boundaries with neighbors, there is a likelihood of future conflict.
	• Most importantly, if all communities do not harmonize their boundaries with neighboring communities, it would be very difficult to secure their land rights.
	The interviewees worry that if the boundary harmonization process – such as that done by SDI - is not done with all communities, clans and districts, there might be future potential conflict.
Boundary Disputes Resolution Efforts	The community handles disputes with neighboring communities by engaging them through dialogue to address the problem confronting them.
	The people who decided that the community should make an effort to settle disagreement about the boundary with other communities include the town chief, elders, youth leader, women leader and peace-abiding citizens of the town. These knowledgeable leaders of the town decide to hold a round table discussion with its neighbors to at least try to resolve the dispute.
	These leaders with the consent of the town citizens decide that something should be done to resolve the disagreement about the boundary for the following reasons:
	One, so as to secure land rights and ownership of community lands.
	Two, if the community doesn't harmonize their boundary disputes, it might result into future potential conflict that might negatively affect the relationship between the clans or towns. They are interrelated. Above all, is to live together in peace and harmony.
	There have been lots of round table discussions to resolve the disagreements, but the case is yet to be resolved.
	The effect of SDI land rights sensitization is represented in how communities view their boundaries.

Negotiation Team Selection and Preparation	People who are allowed to talk about boundaries with other communities are prominent citizens of the community. They include the town chief, elders, youth leader, women leader, prominent citizens, and knowledgeable people living along the proposed boundary.
	Other citizens of the Darsaw were allowed to listen and observe, but only knowledgeable town leaders and prominent citizens were selected to talk on behalf of the town. The community met and selected these knowledgeable leaders to form a team to talk on behalf of the town/clan.
	The team held a consultative meeting with Darsaw town people prior to talking with the representatives of neighboring communities/clan. These knowledgeable people were given guidance, such as how to address the issue of the boundary between the Big Droh and Small Droh Rivers with the representatives of neighboring communities/clan. These authorized people were well prepared and understood the historical background of the dispute.
Initiating and Convening Intercommunity Talks	The Darsaw Community and Boewein Clan sent written communications, and used the community radio station to publicize that they wanted to talk about the boundary disagreement with Wolozon Clan. They also informed the District Commissioner about the meeting. The District Commissioner was involved in contacting Wolozon Clan through the media. He controls the both clans, and usually presides over the dispute resolution efforts.
	The important people that Darsaw Community and Boewein Clan had to talk to in Wolozon Clan included elders, town chief, clan chief, youth leader, and women leader. Wolozon Clan established their own negotiating team to engage with representatives of Darsaw Community and Boewein Clan.
	Several rounds of negotiation meetings were held between the two clans to resolve the disagreements.
	The first meeting in 2012 was held in Chia town. The second meeting was held in Glasco town in 2014. The third and fourth meetings were held in Mandeh and Darsaw towns in 2014. Unfortunately, all of these meetings ended without a finalized conclusion to resolve the dispute.
	People who participated in those meetings included the District commissioner, Superintendent, clan chiefs, Paramount chiefs, Bassa Governor, town chiefs, elders, youth leaders, and women leaders. The traditional leaders, elders and government people helped parties to think about possible options to resolve the dispute.
	The people in Monrovia from the both clans were siding with their respective clans. They communicated to their respective clans that their people should maintain their various positions in the case. The citizens in Monrovia are influential due to their education and economic power. Involving them in discussions in necessary, but also complicates discussions because they can very inflexible and the long distance and poor communication system makes coordination and participation difficult.
	The women from both clans were holding on to their respective claims in the case. The only NGO that was involved in the case was SDI. SDI encouraged parties to see reason to resolve the long historical dispute.
	The local government officials made concerted efforts to resolve the disagreement. The Paramount chief from Monweh District attended the meetings and played constructive roles.
Conducting Intercommunity Talks	The people of Boewien Clan met with the people of Wolozon Clan in small and big meetings. The designated team members from the both clans spoke at the joint meetings, supported by others who came to mediate.

	The right to speak first at the meetings was shared between the communities. There were ground rules and a positive tone set for the discussion. They were asked to speak moderately without using profane languages. At times, the tone became unfriendly, when the both clans were holding onto their respective claims and positions. However, the leaders and mediators managed to put that under control.
	In the joint meetings, they talked about how to harmonize the boundary lines, and deal with the claims and counter claims of each clan. The topic relating to the inter-relationships, and intermarriages between the both clans was easy to talk about. This topic was an important bridge in negotiations.
	The issue of establishing the Big and Small Droh Rivers as the boundary between the both clans was very difficult to talk about. People from the both clans got vexed about this particular topic. When it was observed that the people were becoming emotional and sentimental about this topic, members of the negotiation team, leaders, and other community people emphasized on the interrelationships between them. This helped to calm the both parties.
	The Church people quoted bible verses to calm the growing tensions.
Outcomes	Regrettably, the people in the both clans had not expressed the need to finalize the conclusion of the issue facing them. All of the joint meetings attended were all a failure.
	The disagreement about the boundary between Boewein Clan and Wolozon Clan is yet to be resolved.
If Disputes Resolved Successfully	In all of the joint meetings held, the both clans didn't express the need to finalize conclusion to the land issues facing them. The case is still ongoing and remains unresolved.
Outcome of Disputes Resolution Efforts and Current Status	The current situation with the boundary between the Boewein and Wolozon clans is unresolved.
	A separate dispute concerning the boundary between Juludoe and Darsaw towns is also unresolved. The issue is about encroachment and planting live crops. It was reported that the people of Juludoe town are encroaching on Darsaw's land thereby planting rubber trees.
	Aside from these two situations, the boundaries between Darsaw and other towns like Taykon, Goffah, Voh, and Open Bible Mission is resolute, and there are no problems.
	In regards to the disputes between the both clans, and the between Darsaw and Juludoe towns, people have not decided to engage in a dialogue to resolve the dispute and are very against giving up what they see as their rights.
	People in these communities are holding firmly onto their respective positions and on to land feel that they feel is rightly theirs.
	The women are concerned that any future decision will affect their access to farmlands, particularly in the area of the rivers. Currently, people are not respecting the boundary, because a final agreement to this has not been reached. The situation is confusing and a source of tension in all communities in the Boewein and Wolozon areas.
	The current relationships between the both clans, including Darsaw and Juludoe towns also seems to be very challenging.
Dispute Resolution Actors/ Intermediaries	The town chief, elders, youth leader, women leader, and other experienced citizens of the town assist in resolving all types of disputes in the community, including land and boundary disputes. All of these mentioned people are helpful either formally or informally, when disputes come up about land, boundaries, family problems, and money business.

People within the town have close relationships with one another. Customary leaders, including both men and women can use these relationships to help resolve disputes about land, boundaries, family problems, and money business. These community dispute resolvers help to resolve all kinds of disputes to make the town peaceful.

Citizens from this community that are in Monrovia don't attend but give every necessary support needed for the case. The idea of communicating with their people to continuously hold onto their claims or positions could sometimes cause confusion for the town.

If a dispute is between two communities, or between a community and a government entity, the trusted and respected persons to bridge the differences between people and help to resolve their differences include the Clergymen and the town authorities (traditional and statutory).

The District Commissioner is very helpful when disputes come up about land, boundaries, and clans, especially those over intercommunity boundaries. The DC has knowledge that can help resolve certain disputes with long histories. The DC has been playing major role in the dispute by organizing joint meetings and presiding over the case.

The Superintendent has also been helpful in trying to resolve the dispute between Boewein and Wolozon Clans. He collected title deeds from surrounding towns to help clarify the documentary history of the dispute and understand the history land ownership in the area.

Customary leaders form outside of the community, such the late Bassa Governor, town chiefs, and Elders have also assisted in trying to resolve the above issues. Some representatives from the Internal Affairs, like the paramount chief, clan chiefs, and town chiefs were present at meetings.

SDI was the only NGO that was involved in helping to resolve the disagreement between the both clans.

The County Resident Surveyor did not participate in the meeting. The surveyors are sometimes involved in land dispute resolution, but only if the dispute involves a parcel of land that was surveyed in the past and needs to be resurveyed.

In regards to small internal land disputes, the police can be involved in land dispute resolution. When an act of violence takes place, the police will address that aspect. The land part of the dispute is sometimes referred back to the customary system, civil society group or the Land Commission. The police were not involved in the Clan level dispute, because there was no violence or criminal act.

The FDA people, Land Commission, and Land Coordination Center Staff didn't come around to observe or participate in all of those meetings.

Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	The District Commissioner and SDI were most active in helping to prepare both clans for boundary negotiations and served as mediators.
	They organized meetings and worked closely with the both clans, in trying to narrow their differences and resolve the dispute.
Community Boundary and Dispute Analysis	The manner in which the interviewees spoke about the boundary disputes indicated that they were emotional and could be challenging to negotiate with. However, they expressed hope that the both clans will stop holding tightly to their positions in this case, and expressed the need to finalize conclusion to resolve the boundary dispute facing them in order to have their community land rights recognized.
	One of the key respondents was a Town Chief, and is now the newly appointed District Commissioner. He is a formal NRC staff and has good knowledge on resolving land conflicts. According to him, he would start working with the people in the clans to find a

way to resolve their differences. The majority of the community members would need land and property and dispute resolution training, to prepare them for boundary harmonization process.

According to the interviewees, when the dispute first emerged, they took the lead in trying to resolve the dispute between them with their knowledge. When the disputants had a challenging time to find a resolution through the customary system, they sought help from the District Commissioner, Superintendent, and civil society group, such as the Sustainable Development Institute (SDI).

These people have been working closely with the parties to bring a final resolution to the conflict, but recent information suggests that the conflict is ongoing and has not yet been resolved.

The key actors helping to resolve the boundary dispute included the Superintendent, District Commissioner, SDI, and the customary authorities.

DOUMPA COMMUNITY, NIMBA COUNTY

Administrative Data	• **Date of field Visit**: Wednesday, May 18, 2016 • **Name of target community clan**: Doe clan • **Clan headquarter**: Zuolay • **Clan Chief:** Hon. James Dugbou • **Names of adjacent clans**: Gbehyi and Wee Clans • **District name**: Doe Administrative District • **Name of interviewees**: Wehyee Gbor • **Position:** Acting Zone Chief • **Contact Number**: Unknown • **Name of interviewee:** Samuel S.W. Bowplam • **Position**: Chairman, Doe Land Committee Doumpa Branch • **Contact Number:** Unknown
Appearance of Community	Doumpa is a medium--size community apportioned into six quarters. Majority of the structures are erected with bricks and mud and roofed with zinc. Upon arrival, about forty-five persons including the youth leader, women leader, town Chief, and elder came to greet the action research team. The team was welcomed, and the purpose of the team's visit was explained to all present. The group consented to the interview/discussion. At the outskirts of the town there is lots of uncultivated bush. The only government project in the town is the community Junior High School. Three years ago, the community was involved in gold mining, and is presently involved in pit sawing. There is no extraction of natural resources going on within or near the town – these activities happen away from the town.
Location of Community	Doumpa is situated in Doe clan, Doe Administrative District. The community has a paved farm to market road connected to the Saclepea-Gbehyi feeder road, which was rehabilitated by the USAID/FED Road Project sometimes in 2013. The trip to the town was done in the rainy season. The town is accessible, and the trip as the road is paved people will have no difficulty during the wet or dry seasons. Doumpa does not have restaurant, guesthouse, police station, high school, local court, but has a district court.
Community Leadership	The leadership structure of the town includes the Acting Zone chief, town chief, assistant town chief, elders, quarter chiefs, youth leader, and women leader. Senior town members that the team met with included the Acting Zone chief, town chief, women leader, youth leader, and elders. These senior members of the town were opened to the research. As observed, the inhabitants of Doumpa are friendly and hospitable. Doumpa is predominantly inhabited and owned by the Gio and Mano ethnic groups. The Kpelle and Bassa are the few strangers within the town. Christianity is the only religion presently practices in the town.

Community Observation Analysis	In comparison, Doumpa is smaller in size as compared, for example, to Saclepea. Doumpa lacks basic social facilities, while Saclepea has a lot of modern facilities like health centers, private and public schools, guess houses, police station, magisterial court, administration sectors with sectional heads. Doumpa is less in population as compared to Saclepea.
	Doumpa is predominantly inhabited and owned by the Gio and Mano ethnic groups. Christianity is the main religion presently practices in Doumpa.
	The land in Doumpa is been use for farming and planting cash crops like cocoa, coffee, palm, and rubber. They also use the land for their homes, burial sites, and sacred activities.
Community Boundaries	The communities that are next to Doumpa include Zuaplay, Kpaytuo, Nyao, Gbehyi, Garwonpa, Fleeding, and Blamein.
	Doumpa common boundary with Zuaplay is the Gayalah Creek, with Kpaytuo is the Vayee Creek, with Nyao is the Gbeiyee Creek, with Garwonpa is the Gbeiyee-tee Creek, with Fleeding is the Yeetee Creek, and with Blamein is the Borhthonkpain hill.
	The people within the town know where the community boundaries are based on the information given to them by their ancestors. These boundaries were established and shown to them by their ancestors during road brushing and farm making. People who are well informed about these boundaries happen to be the respected traditional leaders of the town. Based upon this, they are respecting the various boundaries with each other.
	There have been no disagreements inside the community about where its boundaries are with Blamein, Gbehyi, and Fleeding. The reason is that they have mutual understanding, and know the locations and positions of those boundaries with each other. Based upon this, they are respecting the various boundaries with each other.
	The community members ultimately decided where its common boundaries are located with its neighboring communities through discussions and mutual understanding. The various works done by each side during road brushing and marking farms reinforce this. Boundaries between these communities are always observed and respected.
	Doumpa has cordial relationship with most other towns in the area. They are interrelated, through marriages and maintain lots of social interactions.
	Doumpa, Zuaplay, Kpaytuo, Nyao, Gbehyi, Garwonpa, Fleeding, and Blamein are not clan headquarters, but major towns within the area. Rather, Zuolay is the clan headquarters.
Active/Recent Boundary Disputes	The research team identified that Doumpa has a major ongoing boundary dispute with Zuaplay. Doumpa also has minor disagreements with Garwonpa, Kpaytuo, and Nyao towns.
	The major ongoing boundary dispute between Doumpa and Zuaplay first happened in 1978. The case was reported to the late Superintendent, Hon. J. Fulton Dumbar. The Superintendent presided over the case and ruled in favor of Doumpa. A cola tree and an iron rod were planted together along the Gayalah creek as a common boundary point between them. The both parties signed an MOU witnessed by the Superintendent.
	The dispute reoccurred in 2008, and those involved in the dispute included the Acting Zone Chief, Hon. Wehyee Gbor and Saye Kahnkeh from Doumpa town. The immediate disagreement at that time was about crossing the boundary line that was established through the ruling by the late Superintendent.
	It happened during the farming seasons when these two citizens of Doumpa went to brush their farmlands. Upon arrival, they saw group of men from Zuaplay brushing their

farmlands. This resulted in a violent confrontation, in which properties were destroyed and nine persons sustained major injuries from various shootouts.

Some of the things that happened when the dispute started to happen were as follow:

- Citizens from both communities were angry and had bitter feelings for each other

- Both communities could not carry on social activities

- Citizens felt very unsafe traveling between communities

- People living or farming along the contesting boundary were living in fear

As a result of the disagreement, the both communities' relationships disintegrated. Social activities and interactions between the both communities were cut off as a result of the conflict. Farming and fishing activities were greatly affected too. This major boundary dispute has been going on for 38 years from 1978 to 2016.

When the disagreements reoccurred in 2008, this community makes effort to hold talks with the other town to address the issue facing them. When all efforts failed, they sought assistance from civil society organizations, particularly the Norwegian Refugee Council (NRC).

Settled Boundaries	This community has had no disagreements with Blamein, Gbehyi, and Fleeding. They came to a good agreement about common boundaries with these neighboring ones based on mutual understanding. Based upon this, they identified and established a specific boundary marker, such as a creek to be the common boundary. It was generally accepted and respected. The various works done by each side during road brushing and marking farms reinforce this.
	These people don't often talk about boundaries with neighboring communities, because there has been no problem. In their mutual understanding and agreement, they advised that if a citizen from either side wanted to make farm to the either side, he/she should seek permission from that town's authority.
	However, if someone from this community breaks the rules about the common boundary, the perpetrator would be invited and investigated. He would be told that he has broken the rules, which might cause a conflict; and he would be asked to stop the ongoing activities, until the proper procedure is followed. The community would then apologize to the other community for the sake of peace, and the good relationships between them. This was the procedure for maintaining peaceful boundaries with neighbors, described by the Doumpa representatives.
Boundary Disputes Resolution Efforts	The community has handled disputes with Zuaplay through small and big conferences to discuss issues of disagreement or dissatisfaction facing them. Doumpa organized itself and selected a team to represent the community. They sent message to Zuaplay that they would like to talk about the dispute with them in order to find amicable solution.
	When talks became difficult they sought the intervention of customary leaders in Nimba County, government officials, and larger civil society organizations, such as NGOs to help resolve the dispute.
	The Doumpa community leadership decided to make an effort to settle the disagreement about the boundary with Zuaplay. This was done in consultations with all Doumpa community members. They were motivated to resolve the dispute, in order to ease tensions between the communities and carry on their normal activities.
	Uncertainty and violent confrontations were strong motivators to resolve the dispute. The dispute escalated and resulted in violent confrontations, in which properties were destroyed and nine persons sustained major injuries. The dispute was also affecting their family relationships and farming activities.

	People involved in the boundary discussions include leaders, knowledgeable people, and people living near the contested boundary. All these stakeholders are involved in discussions and planning the meetings with Zuaplay.
	There were two important negotiation meetings held between Doumpa and Zualplay to resolve their differences. The first was reported to the late Superintendent, Hon. J. Fulton Dumbar. He presided over the case and ruled the case in favor of the Doumba community, thereby establishing a boundary point. A Memorandum of Understanding (MOU) was sighed. It is this initial boundary point that the people of Zuaplay are ignoring and breaking its rule despite of MOU signed.
	When the dispute reoccurred in 2008, a big conference was held in Kpatuo between the two communities. The conference was mediated by former NRC, and assisted by customary and government officials. The outcome of this meeting was inconclusive. The disagreement about the boundary between Doumpa and Zuaplay is still ongoing, and hasn't yet been resolved.
Negotiation Team Selection and Preparation	The community held a meeting and selected a five-man committee. The committee was headed by the late Old man Johnny Laway, spokesman. This team was involved in talking with various neighboring communities about their common boundary, at sites where the boundary was unclear.
	Prior to talking with representatives of the neighboring community, the team held a consultative meeting with the town people. They brainstorm the issues, and received guidance and support from the citizens. People living or farming in the boundary area were especially consulted.
	The team was advised to focus on the original boundary that was established by Hon. Dumbar. If the other town finds it very difficult to accept, the team should 'hold word' during the negotiation and report to the Dumpa community body for further discussions and decisions. The team was fully prepared in that they well informed about the land in dispute. They also had the support of the entire community.
Initiating and Convening Intercommunity Talks	The community sent messages to the other community that they wanted to talk about the boundary disagreement with them through some authorities at the County level. NRC was also involved in contacting the other community for dialogue and helping to carry messages back and forth.
	The important people that the community has to talk to in the other community included elders, town chief, youth leader, and women leader. The joint meeting was held in Kpaytuo town in 2008.
	People who participated in the joint meeting in Kpaytuo included the Former Superintendent, Hon. Matthew Karmehn, Council of Elders headed by the late Hon. Sekou Cooper, Wee-Gbehyi District Commissioner, Hon. Jefferson Gorkor, Township Commissioner, the late Hon. Thomas P. Fahn, and Doe District Commissioner, Hon. Anthony Teah. Others included Clan chiefs, town chiefs, youth leaders, elders, and women leaders.
	The traditional leaders, elders and government people helped to guide both the Doumpa and Zuaplay negotiating teams to think about possible options to resolve the dispute. They also provided information and reminders about the history of the boundary and earlier discussions.
	Some Monrovia based citizens from the town attended the meeting. They collaborated with the town leaders in finding solution to the disagreements. These Monrovia citizens provided good support to their communities, but were not very flexible in proposing options for resolving the dispute acceptable to the other side. The women from this community were in support of whatever decisions their leaders were to take. It is not clear that they were given space to participate actively like the men.

	NRC was involved in the negotiation process. NRC played the mediatory role by organizing joint conference, and helped parties to find options to resolve differences. The church people offered peace prayers and provided spiritual guidance for parties to see reason to resolve their differences.
	The 2008 negotiation was not concluded as of the time of NRC's departure from Liberia in 2014.
	The local government officials played an advisory role for the both parties. Other people who participated in the joint meeting in Kpaytuo included Hon. Queeglay from Saclepea, Counselor Mewaseh Paybaye from Yarwin Mensonoh and others.
Conducting Intercommunity Talks	Doumpa met with Zuaplay in a big conference held in Kpaytuo town in 2008. Designated team members from the two communities, invited authorities, and mediator spoke at the joint meeting. The spokesman of Doumpa town, Mr. Johnny Laway spoke first followed by the others. There were ground rules and tone set for the discussion. The mediators set a moderate and peaceful tone for the meeting. They asked parties to be calm and moderate in discussing the issues.
	This community talked about how the boundary demarcation will be decided. They also talked about the violent confrontations. These discussions helped clarify what people wanted to talk about.
	The issue of interrelationships between the two communities was easy to talk about. The issues of where the boundary line will finally pass, and the violent confrontations were difficult to talk about. The both communities got vexed when talking about the violent confrontations, and where the final boundary line will pass. Proposals regarding where the boundary line was suggested to pass was strongly disagreed upon and unacceptable to both sides.
	When a topic was difficult to discuss, members of the negotiation team and other leaders held private sessions. Negotiation team leaders and the mediators advised that the topic relating to the violent incidents should not be talked about, because it would prolong the meeting without achieving anything. They were reminded of their inter-relationships. Based upon these advises, the parties became calm and the discussion continued peacefully.
	When it came to a time to make a big decision about the issue of the boundary, the people representing the community consulted their respective people before putting it on the floor.
	The community members and leaders did not make any final decision about the boundary. The meeting ended without the parties expressing the need to finalize conclusion about the disagreements.
	No final decision was made, and so the people living or making farms along the proposed boundary didn't say anything.
Outcomes	The disagreement about the boundary between Doumpa and Zuaplay is still ongoing. The both towns did not reach common ground in past conferences to finally resolve the disagreement.
	Doumpa has minor boundary disputes with Kpaytuo, Garwonpa, and Nyao towns. The parties involved have not organized meetings to address the issues. These cases are pending for discussions and resolutions.
If Disputes Resolved Successfully	Doumpa and Zuaplay did not finalize agreement about the boundary issue facing them. This recent assessment reports that the disagreements between the both towns are not successfully resolved.

Outcome of Disputes Resolution Efforts and Current Status	The current situation with the boundary between Doumpa and Zuaplay remains unresolved, whereas the current situation with its boundaries with Blamein, Gbehyi, and Fleeding is peaceful.
	According to the interviewee, perhaps the people in Doumpa may have to compromise or give up some rights to resolve the issue, but that hasn't yet been decided. It is interesting that this idea is being considered within the Doumpa community.
	An agreement has not been reached, and so it's yet to be known how the women in the town will be affected. However, the disagreements affected the women in that they were prevented from making farms in those disputed areas. They are also afraid to fish in the creek for fears of shootouts.
	The people in Doumpa are still respecting the initial boundary, but the people in Zuaplay are disrespecting or ignoring the initial boundary between them. An agreement has not been reached to determine whether it will hold for the children or not.
	The disagreements about the boundaries can come up, if people from either side break or disrespect the rules by crossing over to make farms. This happens from time-to-time Doumpa's current relationship with Zuaplay is not cordial.
Dispute Resolution Actors/ Intermediaries	The people in the community that can help to resolve disputes that are not land related includes the town chief, elders, quarter chiefs, women leader, and the land Committee set up in the town.
	All of these mentioned people are helpful either informally or formally, when disputes come up about land, boundaries, family problems, and money business. These actors have some intimate relationships with disputants in the town. Some of these actors are either family members or close friends of disputants.
	The Monrovia-based citizens from Doumpa can contribute to solving some internal disputes in the community. They give advice and contribute financially if there's a need. For an example, there was a land dispute between two quarters within the town. Some citizens from Monrovia came and helped resolved the dispute between the two quarters. They distinctly represented the two quarters.
	If a dispute is between two communities, or between a community and a government entity, the trusted and respected persons to bridge between them and help to resolve their differences include the town authority, and a thirteen-man committee. The committee was set up in the town to address any issue involving the community and others.
	In this District, the District Commissioner, clan chief, and the Land Committee are helpful when disputes come up about land, boundaries, clan or intercommunity, livelihoods or business. These people advised the both towns to amicably resolve their differences.
	The County Authorities including Counselor Cooper Kruah are big government personnel that can be helpful in resolving the above issues. They collaborated with the both parties in finding ways to settle the disagreements.
	Some customary leaders from the National Chiefs and Elders that were helpful in trying to resolve the above issue included Elder Sekou Cooper, and Hon. Paybayee. Elder Sekou Cooper came from Saclepea, while Hon. Paybayee came from Glehyee Zorpea, Yarwin Mehnsonnoh Clan. These leaders suggested some options for considerations, but the parties didn't accept those options.
	NRC was the only NGO that was involved in helping the parties to resolve their disagreements. NRC played the mediatory role.

	The violent confrontation in 1978 that took place, in which properties were destroyed, and nine people sustained major injuries from the shootouts, claimed the attention of the Nation Police. The police came and arrested people that were involved in that violent act. The police resolved the violent part of the land dispute. Since then, there has been no reoccurrence of violence, but people feel insecure.

According to the interviewees, most people do not have the money to follow cases all the way to court. The court and judges are mainly concern about getting money. The community thinks the courts and lawyers are not concerned about finding amicable solutions that will build the disputants' relationships. Notwithstanding, the case was not taken to court for prosecution. |
| **Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute** | NRC served as the main mediator to help prepared the two communities to resolve the boundary issues. The District Commissioner also helped prepared the two communities by convening joint meetings. |
| **Community Boundary and Dispute Analysis** | As observed, the people of Doumpa are not willing to compromise its interests to resolve the disagreements between them. This is evidence for the fact that they are strongly holding onto the ruling of the late Superintendent.

The late Superintendent presided over the case and ruled in their favor thereby establishing a boundary point. It is this initial agreement that they want the other town to accept at all cost. They don't want to compromise. As a result of this, the disagreements resulted into violent confrontations, in which properties were destroyed, and nine persons sustained major injuries from shootouts. Their women and others are not making farms to the disputed areas for fear of violent art.

The interviewees spoke about the boundary dispute in a polite manner. They were not angry. But they were accusing the people of Zuaplay for the prolonged dispute, as well as the shootouts in the violent confrontations. The interviewees shared common understanding about the boundary dispute. Their common understanding is that the initial boundary point that was established by the late Superintendent should be the common boundary without compromise.

As observed, this community unable to understand and address the interests of Zuaplay. This is a barrier to a negotiated solution.

The community initially did not have any prior knowledge on dispute resolution process admitted by the interviewees. They did not know where and how to begin the whole process. Therefore, they depended on NRC, and people from the government for their interventions.

The key actors that were helping to resolve the boundary dispute included NRC, Superintendent, District Commissioner, clan chiefs, elders, and paramount chief. |

GBOUTUO COMMUNITY, NIMBA COUNTY

Administrative Data	• **Date of field Visit**: Friday, May 20, 2016 • **Name of target community clan**: Gblor Clan • **Clan headquarter**: Gblor Diallah • **Clan Chief:** Hon. Napa Wehyee • **Names of adjacent clans**: Gaylay and Quellah Clan • **District name**: Doe Administrative District • **Name of interviewee**: Jackson Zakpa • **Position:** Community Representative • **Contact number**: Unknown • **Name of Interviewee**: Emmanuel Boah • **Position:** Community Representative • **Contact Number:** Unknown
Appearance of Community	Gboutuo is a small traditional village. It is not apportioned into quarters as other towns. It has no modern facilities. It has a three-room elementary school, which is erected with mud and sticks and roofed with thatch. It has an estimated population of 910 people. There are no livestock in Gboutuo Village. There are fourteen household structures erected with Mud and roofed with thatches. Upon arrival, about eight community dwellers came to greet the team. They included the town chief, youth leader, women leader, and few members of the community. They were briefed on purpose of the team's visit and consented to be interviewed for the research. There are lots of uncultivated bushes surrounding the village. The only government project is an elementary school. There are no natural resources extractions going on near or in the village.
Location of Community	Gboutuo is situated in Gblor Clan, Doe Administrative District. It is located at the intersection of the roads leading to Marlay and Bah Town. The trip to Gboutuo was done in the dry season. The town is accessible for now, but will be very challenging if not impossible in the rainy season. This is because of the bridges that are in deplorable conditions. Those bridges need reconstructions. Gboutuo village does not have restaurant, guest house, police station, high school, local and District courts.
Community Leadership	The leadership structure of Gboutuo Village includes the town chief, the assistant town chief, women leader, youth leader, and elders, whom the team met with to conduct the research. These leaders were open to the boundary dispute research. They were friendly and hospitable as was observed. They did not raise any major concern, but expressed happiness over the completion of a boundary demarcation through the interventions of USAID PROSPER. Gboutuo Village is predominantly inhabited and owned by the Gio ethnic group. The Mano, Bassa, Kpelleh, Krahn and Kissi are the few other tribes considered as strangers in the village. Christianity is the only religion presently practices in the village.
Community Observation	Gboutuo is a small Village, compared to Tappita City, where most social facilities, public and private hospitals, public and private junior and senior high schools, sectional heads are

Analysis	located. Gboutuo's population is by far less than that of Tappita City.
	The characteristics of Gboutuo Village that impacted the boundary dispute resolution were the issues of long-standing co-existence and the inter-marriages.
	The community uses the land for subsistence farming, such as the planting of rice, cash crops like rubber, cocoa, palms and farming. They also use the land for building their homes, burial sites and sacred bushes.
Community Boundaries	The communities that are next to Gboutuo include Bah Town, Kwipea and Marlay.
	Gboutuo boundary with Bah Town is a monument, which was erected on the road with connected lines that run right and left to Cestos River and the Gblor National Forest. This was done after the demarcation was established by Prosper, an NGO in 2015.
	Its boundary with Kwipea, is a creek called Sweay and its boundary with Marlay is a hill located deep in the forest.
	The people within the village know exactly where the community boundaries are located, based on historical accounts from their parents. Also, people who are well informed about these boundaries happened to be the respected traditional leaders of the village. Those respected traditional leaders showed these boundaries to them during major road brushing and farming activities.
	There has been no major disagreement inside the community about where its boundaries are with Marley and Kwipea. This is because the inhabitants have common understanding, and know the locations and positions of those boundaries. Based upon this, they are respecting the various boundaries with each other. Farming is done through mutual understanding between community members of Gboutuo, Kwipea, and Marlay.
	The community members ultimately decided where its common boundaries are located with its neighboring communities through common understanding, which is reinforced by the various works done by each side during road brushing and marking farms. Those places are always observed and respected by both communities. Gboutuo's relationship with Marley and Kwipea is very cordial.
	Gboutuo, Bah town, Kwipea, and Marlay are not clan headquarters, but are major towns within this area. Gblor Diallah is the clan headquarters.
Active/Recent Boundary Disputes	There was a major boundary disagreement between Gboutuo and Bah Town, which resulted into a clan versus clan dispute.
	The long-standing disagreement started many years ago according to the history narrated by the interviewees. The dispute was about claims and counter claims by both sides, over land situated near the border believed to be for either side. Hunting and farm encroachment activities by both community members was one of the reasons for the conflict.
	This disagreement has a long history, but had resurfaced on two different occasions prior to reaching a durable solution with the help of the government and PROSPER.
	The first reportedly happened in 1978, when Kparblee clan claimed land situated along the borderline. This land was reportedly given to a Kparblee citizen, Mr. Johnson Kreye, who came to settle in Gblor Clan, after he lost the Clan Chief elections in Kparblee Clan.
	The second reportedly happened between 2009 and 2010, when the people of Bah Town, Kparblee Clan, reportedly drove old lady Glasco of Gboutuo Village, Gblor Clan from her farmland.
	The claims and counter claims of land ownership between the two clans went on for many years, before both sides were able to reach an agreement to the problem.

	Those directly involved in the disagreement prior to reaching an amicable resolution were the Mensahn Family and old lady Glasco of Gbouto Village, Gblor Clan, and the Bah Family of Bah Town, Kparblee Clan.
	The disagreement lasted for thirty-eight years, and it soured the relationships between the both communities. The both communities were skeptical of one another's activities and were living in fear. This dispute resulted into a violent act, in which 'hunting tanks' were burnt from both sides. The free movement of people across the land also became problems.
	The both communities organized a committee called "Community Health Development Committee". This committee comprised of two persons, one from each clan. Those two persons were to each mobilize a six-member Community Health Committee (CHC) from their respective clans. Those CHC were to go and talk with their individual community members about coming to start the discussion over the boundary dispute.
	The twelve-man of CHC began effective work into their various communities. They won the consent of many of the citizens in the clans, which resulted into an initiation of a first joint meeting involving both communities.
	The community members began to gradually work on the relationships that were affected as a result of the long-standing conflict.
Settled Boundaries	Gboutuo has had no disagreements with Kwipea and Marlay towns. These communities know their common boundaries based on mutual understanding. According to the people of Gboutuo, its land presently occupied was bought from the people of Kwipea. Before moving on the land, the boundary was clearly established. People from either side do cross over farming with the consent and knowledge of the owners of the land. This is normally done in the community between and amongst farmers.
	They had not have any talk on their boundaries, because there has been no problem.
	If a person or people go against the rules from either community, which may require talking, the both communities will sit on it for discussion in the spirit of oneness and good neighborliness.
	Some challenges outlined by the person interviewed that he considered worrisome;
	• The issue of both communities jointly developing rules on how to maintain the boundaries established and agreed upon by both communities
	• The need to have monitors from both clans to make sure people from both clans don't violate the agreement doing farming, hunting and fishing activities
	• In the future, the both communities will need to formulate plans that will be proactive for the generations to come, and follow so as to not resolve to violent as the only remedy for resolution.
	The interviewee thinks that if those measures are not put into place there is potential conflict in the future.
Boundary Disputes Resolution Efforts	Disputes are handled through engagement with neighboring community to discuss issues of dissatisfaction that are brought forth by either community.
	The entire community leadership decides on initiating efforts to settle disagreements about boundaries with other community members. These leaders are the town chief, the assistant town chief, the youth and women leaders, elders and other prominent citizens.
	They decided that something be done to address the situation with Bah, because life was becoming unbearable. People could no longer do their normal activities, such as hunting, fishing and so forth.

	The dispute resulted to the burning of hunting tanks from both sides. Women were stopped from both sides to fish in river that they usually do in the dry season. People from both sides were carrying on arbitrary arrest of hunters believed to be from either clan. If there was disagreement about intercommunity boundaries, people who are involved in the discussion about where the boundaries should be include those farming and living near the borderline and leaders. There were series of negotiation meetings held to resolve their differences. Some were facilitated in 2012 by NRC, but was not concluded. Another civil society organization, PROSPER, took over and started with the negotiation meeting involving both clan members. There was dissatisfaction registered by the contesting sides that were addressed in the discussion. At the end of these meetings, the both clans were able to reach an amicable resolution in 2015 with the mediatory role of PROSPER. The both clans signed an MOU. A monument was planted as the boundary between the two clans, and demarcation lines running to the Cestos River and Gbee National Forest. FDA used GPS coordinates as well. These negotiations took place in the context of PROSPER's Community Forestry activities.
Negotiation Team Selection and Preparation	People allowed to talk on behalf of the village about the boundaries with other community members were the elders, town chief, the assistant town chief the women and youth leaders other prominent citizens who were knowledgeable about the boundaries. Also, people who have been living and working along the boundary line over time. There was meeting held in the village where people from towns and villages in Gblor Clan were in attendance. In that meeting, selection of those mentioned above was done to speak on the community's behalf. They were a team that was prepared to talk with the other community over the boundary issue, because they were well knowledgeable about the boundary between the two clans Gblor and Kparblee. The team, prior to talking with representatives of the neighboring community, was advised to mainly focus on the Yainlah creek as its boundary point. At the same time, they should report to the community about any sticky point advanced by the other community team or negotiation team members that needed critical thinking and consent from the Gboutuo community. The team was well prepared in that they had knowledgeable people to talk about the boundary issues.
Initiating and Convening Intercommunity Talks	The twelve-man Community Health Committee (CHC), six from each clan, was responsible to disseminate information into various communities on when to convene meeting. And the District Commissioners were also cloth with the authorities in inviting parties to discussion. Sometimes they used the media and sometimes they instruct their town chiefs. The important people to talk with in the other clan include elders, town chief, clan chief, youth leader, and women leader and other prominent community members. The various meetings from the beginning to the resolution were always held in Gateway. This was the agreed neutral venue for discussions. Gateway is situated in Gblor Clan. The participants in those meetings included the county inspector, Hon. Reginald Mehn, Gblor land chairman Hon. Ranfell Quotee, the late Gblor Chief Elder, Old man John Dadi, District Commissioners, Hon. Napal Wehyee and Anthony Kahn, Clan and town chiefs of both clans, Women and Youth Representatives of both communities, elders, and traditional leaders. Others included NRC and PROSPER Representatives from civil society organizations, and other prominent citizens of the both clans.

	The traditional leaders were playing advisory role for community to make peace with one another, reminding them about the long-standing co-existence and inter-marriages.
	The Monrovia group from this community/clan sent representatives to observe the resolution process. They provided information that was proactive to the resolution process.
	The women from this community/ clan were in support of whatever decisions their leaders were to take. They played a secondary role.
	Larger social society organizations, such as NRC and PROSPER did exceptionally well in seeing the communities come to peace with one another.
	NRC was involved in the initial negotiation process, which brought parties together. That negotiation was not concluded until NRC departed the country after its project closed.
	PROSPER stepped in with lots of resources and efforts to make sure the demarcation was successful. The church people did their best too, because they were always there during meetings to calm people from both sides. The county government helped in guiding discussion and invited parties through the community leadership for meeting.
Conducting Intercommunity Talks	There were small and large meetings held between the two clans Gblor and Kparblee. In those meetings, people selected as team were the ones speaking on their respective communities behalf, while other community members observed the process.
	In the meeting, everyone was allowed to talk, but that was done in an orderly manner by raising hand and being recognized. Community team leader of Gboutuo spoke first in the first meeting, and the subsequent meeting Bah Town community leader spoke first. These leaders reminded each other about the need to see the long-standing conflict resolved. The tone set for the discussion was accompany by ground rules in that parties should speak politely to one another and stick to the point.
	The community members talked about how the boundary demarcation will be decided, given the fact that live crops were planted along the contested area by either side.
	The issue of inter-marriages between the community members was easy to talk about and that even created a medium through which the discussion softened. The issues that were difficult to talk about was where the boundary line will pass, especially so when life crops were planted at the contested areas.
	When topic was difficult to discuss, the leaders got back to the community members to solicit everyone views and inputs before agreeing on points to be taken to the other community. The leaders in attendance reminded parties to make peace, emphasizing on the peaceful co-existence and inter-marriages and the future of their children.
	When it came time to make a big decision, the team came back to its community members to discuss and come up with consensus. Finally, the decision was made by a full consensus. Those living and making farms along the proposed boundary did not disagree with the decision based on the compromised agreement made by parties.
Outcomes	The long-standing disagreement over boundaries involving Gboutuo Village of Gblor Clan and Bah Town of Kparblee Clan was successfully resolved. The both parties were satisfied with the resolution process.
	A monument was planted at the boundary between the two clans, and demarcation line running to the Cestos River and Gbee National Forest was done using GPS.
	Also, an MOU was signed to concretize the agreement established at the Gateway meeting point.

If Disputes Resolved Successfully	In order to resolve the disagreement, the both parties expressed the need to finalize conclusion to resolve the issue facing them in a big conference. They agreed that the demarcation line be established at an agreed point. They jointly agreed to map the boundary using GPS. They jointly placed the monument as the boundary marker between them. The dispute was successfully resolved. An MOU was signed and the parties were satisfied.
	The community/clan was able to resolve the disagreement about the boundary, because the both parties were willingly to resolve the issue for the sake of peace. Some good things that happened in the discussion were general consensus to resolve the disagreement; parties embraced and shook hands, and ate together.
	The traditional leaders and government people think positively about the resolution process. They were all happy seeing the long-standing dispute finally resolved and concretizing it with a proper demarcation and MOU.
	Some important lessons the interviewee learned about how to handle disagreements about boundaries is that parties should jointly collaborate to work out their differences, constantly engaging other party though negotiation meetings, and considering each party interest rather than holding positions.
Outcome of Disputes Resolution Efforts and Current Status	The current status of the boundary between Gblor and Kparblee Clans remains very stable after the resolution. The people in the community/clan had to understand the interests and concerns of the other to settle the disagreements. The people feel that compromising was the best solution as a way of settlement.
	The women of both communities/clans were affected positively by the agreement in that they now have access to farmlands. They are currently carrying on farming and fishing activities together without problems. The people within this community respect the established boundary that was mutually agreed upon.
	There has been no problem regarding the current boundary since it was passed. The citizens believe that the agreement about the boundary will hold for their children, because an MOU was signed to concretize the agreement for the future.
	Disagreement about the boundary could come up if people from either side ignore the agreement thereby breaking the rules. This community now has a cordial and harmonious relationship with the other community/clan. They are doing things in common, such as hunting, fishing and farming.
Dispute Resolution Actors/ Intermediaries	The people in the community that can help to resolve disputes that are not land related includes town chief, assistant town chief, elders, women leader, youth leader, and knowledgeable citizens.
	These leaders are very helpful formally and informally, when disputes come up about land, boundaries, family problems, and money business. These actors have some intimate relationships with disputants in the town. Some of these actors are either family members or close friends to disputants.
	The citizens residing in Monrovia, upon hearing of disputes here, sometimes called to find out and provide some settlement advises. Sometimes, they come on the ground to be part of the settlement process.
	If a dispute is between two communities, or between a community and a government entity, elder John Dadi is the most trusted, well-respected and very knowledgeable chief, who can bridge between the parties involved to help them with the resolution process. He is very instrumental in the resolution process involving the two clans.
	The District Commissioner, his clans and town chiefs, the elder councils, women and youth leaders are helpful when disputes come up about land, boundaries, clan or

intercommunity, livelihoods or business issues. They were part of the settlement process playing advisory role between Kparblee and Gblor boundary disputes.

The county Superintendent, District Commissioner, Paramount and Clan Chiefs are the big government people who can be helpful in resolving the above issues. They played advisory role in the dispute resolution process between Kparblee and Gblor boundary disputes.

Some customary leaders from the National Chiefs and Elders that were helpful in trying to resolve the above issue include the elders, town chief, and women and youth leader.

The NGO that usually visit the community and provided essential support is PROSPER. PROSPER was involved deeply in the resolution process between Kparblee and Gblor boundary disputes. PROSPER was very instrumental in the entire boundary resolution process. They funded and play mediatory role in the dispute.

The surveyors can also be involved in land dispute resolution, if invited by either the county authority or the resident land commissioner to do an investigative survey of a disputed or contested parcel of land or boundary. However, they didn't form part of the demarcation process in this case.

FDA helped in the resolution process providing GPS to be used for demarcation. The acting local land commissioner Hon. Sadah Noah was there for a day or two during the survey process.

Some representatives from the internal Affairs were involved in the process. They helped to invite parties to settlement conferences and played advisory role. They were the County Inspector, District Commissioners, Paramount and Clan Chiefs.

Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	The CHC organized by the county health team was talking to hard-hearted community members to see reason for peace to prevail. While PROSPER, an NGO had representative there providing guidance and technical support. When things became tough they came in with pieces of advice that eventually led to progress regarding the boundary.
Community Boundary and Dispute Analysis	As observed, the interviewee and some other citizens of the town spoke frankly and happily about how the boundary dispute was resolved. They were not angry, nor accusing the other community for influencing the resolution.
	The interviewee and other citizens of the town shared common understanding about the boundary dispute and resolution. Their common understanding was that a common boundary be established to resolve the dispute once and for all.
	People who told their stories of the boundary dispute have good experiences overtime discussing the long–standing dispute. They have good knowledge on approaching conflict from the training they've received. Based on these experiences and informal training received, they could be good at resolving problems.
	The community took the lead in trying to resolve the dispute through the formation of the CHC to help organize joint meetings to discuss the issue facing the town clans/communities. When they have failed to resolve the problem with their knowledge, they sought the direct intervention of larger civil society organizations, such as former NRC, and PROSPER for assistance in finding lasting solution to the dispute.
	The key actors promoting the boundary dispute included the county government, PROSPER, NRC, the District Commissioners, Clans and town chiefs, elders, women, and youth leaders.

GLANYON COMMUNITY, RIVERCESS COUNTY	
Administrative Data	• **Date of field visit:** Saturday, May 28, 2016 • **Name of target community clan**: Siahn Clan • **Clan headquarter**: Sayweanwor • **Clan Chief:** Hon. Josisah Masseh • **Names of adjacent clans:** Banama, Dowein, Kebbeh, and Wheasay Clans • **District name:** Central Rivercess
Appearance of Community	Glanyon is a small town that is not divided into quarters like other towns or villages. Majority of the structures are constructed with mud and sticks, and roofed with both thatch and zinc. Upon arrival in the town, six citizens comprising of three men and three women came to greet the team. We met with the Assistant Town Chief, and explained the purpose of the action research project on boundary disputes. He welcomed the team and consented to be interviewed. There are no large empty spaces of uncultivated bush near the town. There is an elementary school at the entrance of the town, which is the only government project in the town. There is pit sawing going on near the town, but no extraction of mineral resources.
Location of Community	Glanyon town is situated in the Siahn Clan, Central Rivercess District. Dee town, Jay Town, Kitalay village, and Sayweawor Town border it. The trip to the town was done during the rainy season. The town is easily accessible. The community has a feeder road connected to the main Rivercess-Sinoe Road. The feeder road is quite good for reaching the community and will have no difficulty in the dry season. Glanyon town does not have a restaurant, guesthouse, police station, high school, and district court.
Community Leadership	The leadership structure of the town includes Town Chief, Assistant Town Chief, elders, youth leader, women leader, secretary, and pastor. The senior member of the town that we met with was the Assistant Town Chief. The inhabitants of Glanyon town are friendly and receptive to strangers. The Assistant Town Chief and a few other citizens sitting with us were interested and receptive to discussing boundary issues in their community. The Bassa ethnic group is the predominant tribe and the landlords of the town. The Grebo, Kpelle and Mano are the strangers. Christianity is the main religion presently practiced in the town. The land in Glanyon town is been used for subsistence farming and planting of cash crops like coco, palm cropping, coffee, and rubber. They also use the land for building homes and cemetery.
Community Observation Analysis	Glanyon, like Darsaw is smaller in size. Majority of their structures are constructed with mud and sticks, and roofed with both thatch and zinc. Both towns are predominantly inhabited and owned by the Bassa ethnic group. Christianity is the main religion currently practiced in the both towns. Both towns lack basic social facilities such as high school, clinic, magisterial court, guess house, restaurant, and police station etc. The characteristics of Glanyon town that might impact how boundary disputes might be

	handled include the inter-marriages between Siahn clan and Banama Clan. Also, the both clans jointly organized a Land Governing Committee (LGC), in order to collaborate and resolve their differences.
	The land in Glanyon town is been used for subsistence farming such as the planting of rice, cash crops like coco, palm cropping, coffee, and rubber. They also use the land for building homes and cemetery.
Community Boundaries	The communities that are next to Glanyon town are Deetown, Gbesee town, Jay town, Kitaylay Village, and Sayweawor town.
	Glanyon shares a common boundary with Dee town is the Zobah Creek, with Jay town it's a Yahnee Creek, with Gbessie town it's a soap tree, with Kitaylay Village it's a palm tree, and with Sayweawor town it's a soap tree.
	According to traditional history, most of the boundaries between communities, clans, and districts were established through farming and road brushing.
	Therefore, the people within Glanyon town know where its boundaries are by some physical landmarks such as soap tree, palm tree, and creek. Their ancestors identified or established some of these boundaries as a result of previous dispute resolution settlements, while others were identified or established during farming and the brushing of roads. Each community, clan, or district usually brushed and stopped at a particular point. At that point a boundary marker was identified and established.
	These boundary markers are generally respected, observed and were shown to them by their ancestors. They are also obligated to respect and observe these boundaries in order to avoid conflict.
	There had been no disagreements inside their community about where its boundaries are with other communities. The community dwellers are informed about where their boundaries are with other communities.
	Glanyon community members ultimately decided where its common boundaries are with neighboring communities through the brushing of farms and roads by holding meetings. Over the years they maintained a common understanding about boundaries and respect for the boundaries shown to them by their ancestors. For examples: Glanyon town and Sayweawor town held a meeting and decided that a certain soap tree is their common boundary. Glayon town and Kitalay Village decided that their common boundary is a certain palm tree. Glanyon town and Jay town held a meeting and decided that their common boundary is Yahnee Creek. These meetings were held in Glanyon and Sayweawor towns.
	Glanyon town has cordial relationships with its neighboring communities. There are lots of social interactions going on amongst them, such as games. They carryout inter-marriages, traditional and cultural practices. There had been no problems between them.
	Glanyon town is not the clan headquarters; rather it is a major town within Siahn clan, Central Rivercess District. Sayweawor town is the clan headquarters within Central Rivecess District.
Active/recent Boundary Disputes	There had been major boundary disputes involving Glanyon town of Siahn clan, and Dee and Gbessie towns of Banama clan. The boundary marker delineating Siahn and Banama clans is a soap tree.
	The Sustainable Development Institute (SDI) initially conducted boundary harmonization between Siahn and Banama clans. Both clans agreed that a soap tree be established on the Zobah creek, which is situated on the main road between both clans. The soap tree is the boundary marker to identify the boundary.

There was another point established between Charlie Village and Glanyon town on a little creek called Kanee. SDI used GPS at the boundary site, after the both clans had agreed and established their common boundary point. An MOU was drafted and signed by the both clans.

After the boundary harmonization process, the both clans organized a Land Governing Committee for the purpose of resolving any existing or emerging land disputes.

Later, a disagreement emerged about the common boundary between Siahn and Banama clans. This started in 2013, when a prominent citizen from Gbesee town saw the soap tree, and objected to its position. He claimed that the soap tree should have stretched down the Zobah Creek. The main issue was where the soap tree should be planted to indicate the boundary.

He reported the issue to his community leaders for consideration and response. The town chief of Gbesee town met with the leadership of Glanyon town and informed them about the issue. They considered the issue as serious and therefore needed immediate attention. They first scheduled a meeting to discuss the issue. They met at the boundary site for investigation after the meeting.

When they all met at the site, the people of Gbesee town claimed that the soap tree should have been stretched down the Zobah Creek, whereas; the people of Glanyon town disagreed and claimed that the current position is where it should have been, and should therefore be maintained.

There were total disagreements about where the boundary point should be established. In the end, they were not able to reach an agreement about the position of the soap tree. When they had failed to resolve the issue between them with their knowledge, they called in SDI and the local Community Forest Development Committee (CFDC) to intervene. By this time, the dispute escalated into a clan versus clan issue. Glanyon town is in Siahn clan, while Gbesee town is in Banama clan.

These Actors worked closely with both clans to help resolve the issue. The SDI and the CFDC organized a large meeting with the both clans. All the parties involved attended the meeting. The meeting was held in Tate town on August 24, 2013. Tate town is in the Banama clan, and was the neutral venue for the meeting.

At the end of the meeting, both clans expressed a need for a more finalized conclusion to the land issue facing them. They met at the boundary site and reestablished the boundary point. The boundary point was established on the Zobah Creek, along the main road between the both clans. A soap tree was jointly planted, as a boundary marker to identify the boundary between the both clans. At the end, they were all satisfied with the position and the resolution process. Since then, there have been no problems with the boundary.

When the confusion started to happen, citizens from the both clans grumbled that they would not give out their lands, because their forefathers made farms at those places. They insulted one another, but there was no physical violence.

The disagreement affected the farming activities of both clans. Both clans were not allowed to make farms in the contested areas until the boundary was resolved.

The disagreement really did not affect the relationships between the two clans. Social interactions such as games, including intermarriages, traditional, and cultural practices were still going on. The disagreement did not turn into any violent confrontation. The dispute lasted for about two months.

Settled Boundaries	Glanyon town has had no boundary problems with other communities like Sayweawor town, Jay town, and Kitalay village. They had common understanding and respects for their boundaries shown to them by their ancestors. For examples: Glanyon town and

	Sayweawor town held a meeting and decided with common understanding that the soap tree is their common boundary. Glayon town and Kitalay Village decided with common understanding that their common boundary is the palm tree. Glanyon town and Jay town held meeting and decided with common understanding that their common boundary is the Yahnee creek.
	Glanyon sometimes raises the issue about their common boundaries with neighboring communities whenever they are gathered in a meeting. The important issue talked about is how best to respect the common boundaries agreed upon, in order to avoid future disputes or violent confrontations. These discussions keep the communication about boundaries open and easy to talk about.
	There are two things that are considered by the community when a case emerges related to breaking boundary rules: Breaking the rule willingly, and breaking the rule out of ignorance or 'accidently'. In the case of breaking the rule willingly, a meeting is called for investigation. If it is established, those individuals knowingly broke the rules, they will be asked to leave the area and warned seriously. They are reminded that if they want to make farms on either side, they should seek permission from the proper community authorities to avoid conflict. In the case of breaking the rule out of ignorance or accidently, the town authorities will advise and warn them not to repeat such act.
	Some of the challenges that might emerge about common boundaries with neighboring communities could be breaking the rules by not respecting boundaries. Breaking the rules might negatively affect the relationships between the communities or clans. It might affect the farming activities, because making farms in disputed areas is usually forbidden until the situation is resolved.
	The interviewees didn't expressed worries, because the both sides are currently respecting and observing the common boundaries. The Assistant Town Chief recommended that each community have a copy of the MOU and its contents be widely publicized.
Boundary Disputes Resolution Efforts	The community handles disputes with neighboring communities by holding meetings with them to address the issues of concern raised by either community.
	The people who decide that the community should make an effort to settle a disagreement about the boundary with other communities include the town chief, elders, youth leader, women leader, the SDI Animator, and LGC.
	These prominent citizens of the town decided that something should be done to resolve the disagreement about the boundary, so as to secure their land rights. Also, for fear that the dispute might turn into violent confrontation, thereby affecting the relationships between the both communities.
	There was nothing bad like violence or the destruction of life and properties that brought them to the round table. Rather, It was disagreement about the initial position and location of the boundary marker between the both clans.
	If there was disagreement about inter-community boundaries within their community, people who are involved in the discussions about where the boundaries should be include the Community leaders, and people living near the potential boundary.
	When the dispute first emerged between the both clans, the leaders of both clans first tried to resolve it amongst them but failed. They held several meetings and finally came to an agreement with the assistance of SDI, LGC, and CFDC. The contested boundary was reestablished between the both clans thereby resolving the dispute amicably.

Negotiation Team Selection and Preparation	People who are allowed to talk about boundaries with other communities are prominent citizens of the community. They include the town chief, youth leader, women leader, elders, LGC, SDI Animator and citizens. People involved in discussions should be knowledgeable about land issues. Actually, no one was denied to go or talk, but these knowledgeable leaders were allowed to discuss the land issues on behalf of the community. The others could sit and observe.

The community met and selected these knowledgeable people to talk about the boundaries with neighboring ones. These selected people were a team to spear head the discussion for the community. The team convened a town meeting, and discussed what was to be said prior to meeting with the other clan.

The selected team received guidance from members of the town. The goal was for the team to discuss in the meeting, on places to be considered for the boundary establishment. Knowing for the fact that those selected were knowledgeable people, they were fully prepared to talk about the common boundary. They know the historical background of the land issues. |
| **Initiating and Convening Intercommunity Talks** | The community has an SDI Animator. The SDI Animator carries written communications to the other community/clan that they want to talk about the boundary disagreement with them. Some of the most important people to talk to in Banama clan included the Paramount Chief, Clan Chief, Town Chief, elders, youth leader, and the women's leader. The meeting between Siahn clan and Banama clan was held in Tate town, a neutral ground on August 24, 2013.

The big meeting included clan chiefs, town chiefs, elders, youth leaders, Animator, women leaders, SDI, LGC, CFDC, and representatives from Kebbeh and Wheasay clans.

The Traditional leaders and elders provided advices and historical backgrounds about the disputed areas. They explained where each town used to end their brushing, and how the boundary points were identified and established.

The influential and important community members in Monrovia were informed, but were unable to attend the meeting. However, they advised that their community see reason to find amicable solution to the disagreement for the sake of peace. They played a constructive role in the negotiations.

The Women, who participated in the meeting, gave their views about finding amicable solution to the dispute. They emphasized on the interconnected relationships between the both clans. Women played an active role in these discussions.

SDI and the religious leaders were very instrumental in seeing the matter resolved between the both clans. SDI provided basic information about the importance of land ownership and boundary harmonization. Following the negotiation meeting, SDI used GPS and helped to draft an MOU.

The local government officials (District Commissioner, etc.) also helped the both clans to resolve the issues. They encouraged them to see reason to find an amicable solution to the problem. There were no other strangers recognized in the meeting, apart from those who came to mediate. |
| **Conducting Intercommunity Talks** | At the joint meeting, it was the leaders and designated team members from both clans who talked in the meeting. The Banama clan's speaker fist opened the floor for discussion, because they raised the disagreement about the boundary point, followed by the team leaders of Siahn clan.

There were ground rules and tone set for the discussion. They were asked to speak moderately and avoid insults. The tone at some point became unpleasant at certain times, especially when discussing where to establish the boundary point. However, those mediating the discussion managed to ease tensions. |

	In the meeting, the topic under discussion was mainly about the boundary point. The issue about the dispute was that the people of Banama clan claimed that the soap tree should have been stretched down the Zobah Creek, whereas; the people of Siahn clan disagreed and claimed that the current position is where it should have been.
	During the meeting, it was really easy to talk about the good relationships between the both clans. But, the reestablishment of the boundary point was the most difficult topic to talk about. People from Siahn clan got really vexed about the reestablishment of the boundary. They were vexed because they didn't want the initial boundary to be removed. Likewise, the people from Banama clan were vexed, because they didn't want the initial boundary to be the final boundary point. When a topic was difficult to talk about, SDI provided information about land ownership, and the importance of boundary harmonization and encouraged the two sides to find a creative solution. The relationships between both clans were emphasized. This information helped to address and resolves the boundary question. Based upon this information, the both clans became calm and decided to find common ground. At the end of the meeting, they generally agreed to reestablish the boundary midway between the two contested creeks, Zobah and Kanee
	People in Siahn clan; especially those living along the proposed boundaries did not disagree with the decision made by the leaders.
Outcomes	The boundary disagreement between the both clans was resolved successfully. The boundary was reestablished with mutually understanding between the both clans. SDI used GPS and MOU drafted and signed. They were satisfied with the resolution process. Apart from this clan versus clan dispute, this community has had no other dispute with neighboring communities or clans.
If Disputes Resolved Successfully	In the joint meeting, the both clans worked together, and expressed the need to finalize conclusion to the land issues facing them. The dispute was resolved successfully, when they generally agreed to reestablish the common boundary. The mediation teams supported them in the process to arrive at this decision.
	The both clans jointly planted the soap tree as the boundary marker to identify the boundary. They were all satisfied with the outcome, and the decision reached.
	The good things that happened in the discussion were that the both clans finally found common ground to resolve the issue. Also, they were happy at the end and became friendlier. The traditional leaders and government people were happy that the dispute was resolved amicably. They thought that the resolution would reunite the people, and live peacefully as usual.
	The respondent outline the points below as lessons learned about how to handle disagreements about boundaries:
	• Immediate action should be taken to address the problem.
	• Resolving the dispute would build good rapport and relationships between disputants.
	• People must put self-interest away, and work together to solve the problem that may come their way.
Outcome of Disputes Resolution Efforts and Current Status	The current situation with the boundary between the both clans is tranquil and quiet. There is absolutely no problem for now. The both clans are respecting the boundary, when brushing roads and making farms. The people of Siahn clan had to let go its claims to make peace, which was one best way for settlement.

	The women of Siahn clan were affected by the agreement positively. They didn't lose any right to access farmland. They are making farms to their usual spots. They also fish in the previous contested Zobah and Kanee Creeks.
	The people of Siahn clan are respecting the agreement on the current boundary. There have been no small-small problems with the current boundary. They believe that the agreement about the boundary will hold for their children. This is evidence for the fact that GPS Coordinates were acquired and MOU signed.
	The disagreement about the boundary could reoccur, if one party opposes to the current boundary, as it was done with the boundary point that was initially agreed upon. The disagreement about that boundary emerged, when a citizen of the other clan opposed to the initial boundary point.
	Siahn clan's relationship with Bandama Clan is cordial. They are doing things in common as usual. People from Siahn clan are allowed to cut palm in Banama clan and vice versa.
Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	Organizations, groups, or individuals who served as an intermediary to resolve the boundary issues between the both clans included LGC, SDI, CFDC, and Animator. LGC, SDI and CFDC worked closely with both clans to help resolve the disputes.
	They convened meetings and resolved the dispute finally. SDI used GPS and drafted the MOU that the both parties signed. The Animator, who is the respondent, went— between to carry messages.
Community Boundary and Dispute Analysis	There was nothing special or peculiar that was observed or noticed about this community that makes them more likely to have a boundary dispute. It was perceived that this community has good relationship with its neighbors. They were friendly, and used to have lots of social interaction as well as carryout intermarriages. Moreover, this community compromised its interest as a best way to resolve the boundary dispute.
	The assessment of how they spoke about the boundary dispute was unfriendly. The topic about the reestablishment of boundary point was difficult and sensitive. Despite of the ground rules and tone set for the discussion, the disputants were not moderate in discussing the issues. Rather, they were more emotional and got angry at each other.
	The respondent, who was the Animator in the process that the team spoke with, narrated the stories in a moderate and friendly manner. He was knowledgeable about the dispute. He shared a common understanding about the boundary dispute.
	He was very opened to the research. The observation of how he narrated the stories using a friendly and peaceful tone, suggested that he might be good at resolving problems. He received mediation training. Moreover, he is a pastor.
	This community depended on SDI, CFDC, and LGC to help resolve the dispute. This community somehow took the lead in resolving the dispute, by compromising their interest as a better way to solve the problem.
	The key actors promoting the boundary dispute included SDI, CFDC, LGC, and the traditional authorities.

GWEAYEA COMMUNITY, BONG COUNTY	
Administrative Data	- **Date of field visit**: Saturday, May 21, 2016 - **Name of target community clan:** Central Clan - **Name of target community clan headquarters and clan chief**: Belefana; Hon. Kerkulah Good boy - **Names of adjacent clans**: Wolapolo and Kpaiquoi Clans - **District name:** Zota District
Appearance of Community	Gweayea is a small traditional town apportioned into two main quarters: Kpoewah and Yanbala. Majority of the structures or houses are roofed with zinc and constructed with mud and sticks. This town has a mixture of livestock including goats, sheep, chickens and ducks. At the entrance of the town, there is a gateway to the Zoe bush. Gweayea is in Zota District with three clans namely: Central Clan, Wolapolu Clan, and Kpaiquoi Clan. Belefania is the Headquarters for the 3 clans. Upon arrival in the town, ten citizens comprising of four men and six women came to greet and welcome us. A few of them accompanied us to the Town Chief's house. We met with the Chief, and explained the purpose of the boundary dispute research. He welcomed the team and consented to be interviewed. The interview was held with the Chief at the town hall in the Kpowah Quarter. About fifteen citizens including men, women and children came around to observe. There are large empty spaces of uncultivated bush and forest near the town. Some portion of the uncultivated bush is used for traditional practices such as the Poro Society. There is a concrete bridge currently under construction near the town. It was not mentioned as to whether it's a government or NGO's project. Presently, there is no extraction of natural resources such as gold, diamond, log and rubber going on in the town. There is however pit sawing going on in the town's forest.
Location of Community	Gweayea is situated in Central Clan, Zota District. Voloblai, Gbansuesuluma, and Belefana communities border it. The town is about 15 Km/h from the District Headquarter, Zota. The trip to Gweyea was difficult. The town is inaccessible by vehicles or bikes for now. There is a concrete bridge project currently under construction. Vehicles or bikes have to park at the unfinished bridge. You'll have to walk about thirty minutes to the town. The trip to the town was done in the rainy season and the wet weather made the access road and footpath challenging. The town does not have restaurant, guesthouse, police station, clinic/ drug store, elementary or high school, and local court. There's a magisterial court in Zota District.
Community Leadership	The leadership structure of the town includes town chief, quarter chiefs, elders, youth leader, and women leader. The inhabitants of the town seem to be friendly. This is evidence by their greetings and welcoming of strangers who came to visit their town. The responses of some citizens that we interacted with showed how receptive and friendly they are. The senior members of the town that we met with included the town chief, youth leader, and few elders. These senior members of the town, including some concerned citizens were receptive and opened to the research. They asked about any future benefits of this research would bring them. The Kpelle ethnic group predominantly inhabits the town. They own the town. There is just one Lorma person residing in the town as stranger. Christianity is the only religion for now in the town.

Community Observation Analysis	Gweayea compared with Kpatawee is smaller in size, less populated and apportioned into two main quarters, whereas Kpatawee is large in size, more populated and also apportioned into two main quarters.
	Gweayea has a traditional Zoe bush near the town for the men, whereas Kpatawee has a shrine for sacrifices and other traditional rites that is highly respected.
	Gweayea and Kpatawee are involved in subsistence rice farming. They use their lands for the planting of cash crops for commercial purposes, constructions of homes and other developments.
	There are no extractions of natural resources such as gold, diamond, and logging activities going on in the both towns. But, there is pit sawing going on within the both towns.
	The land usages in Gweyea include subsistence rice farming, planting of planting of cash crops for commercial purposes, traditional practices, constructions of homes and other developments.
Community Boundaries	Gweayea shares boundaries with Voloblai, Gbanjuesuluma, and Belefania, which is the District Headquarter. These boundaries were identified by traditional means, including brushing the roads and paths and farming.
	Gweayea community has done a formal boundary demarcation between with Voloblai. A survey was conducted and a deed and MoU produced and signed between Gweayea and Voloblai. NRC was the leading NGO who helped to resolve this dispute.
	The elders and older people of the community showed the boundary. They knew these boundaries via their old farm brushing. People are familiar with the community boundary markers like kola trees, rivers and other natural features.
	The town of Gweayea was burnt during the war by military forces. The relationship between Gweayea and other communities is generally friendly. They have inter-married and play football together.
Active/Recent Boundary Disputes	The boundary dispute between Voloblai and Gweayea was about disagreement over agreed boundary points. The people of Gweayea claimed the boundary to be the Yarkpolor Creek, while the people of Voloblai were claiming that the boundary is on the main road and they showed a big tree as the common boundary.
	During the Liberian civil war, most of the people of Gweayea town left the town to live in IDP camps. According to the Town Chief, rebels burned the town. Later, when the security situation improved, the citizens decided to rebuild the town. However, they decided to build a new town closer to the Yarkpolor creek.
	Citizens from Voloblai took advantage the new town site to encroach on Gweayea community land and make farms. According to the Town Chief, at first the Gweayea people did not want to return to the old town because during the war a massacre that took place there. However, a few people decided to clean the town and reestablish their lives. Around this time, some citizens from Voloblai crossed the Yarkpolor Creek, which previously marked the boundary between Gweayea and Voloblai, to make farms in the Gweayea community forest. This was the immediate cause of the boundary conflict.
	Some citizens of Gweayea reported the presence of the Voloblai citizens to the elders and Town Chief. The elders and town authorities immediately went to the site and told the citizens of Voloblai to stop their farming activities. According to the Town Chief the people of Voloblai refused and continued to farm.
	Soon after this citizens from Gweayea started to encroach on the land recognized as belonging to Voloblai. The Town Chief said that they decided to deliberately do so in order to provoke the conflict. He observed that there was no violence, but tensions increased.

	The matter was taken to courts. According to the Town Chief, citizens from Gweayea were taxed to pay the for the court costs to sue Voloblai. It was a big burden on community members to spend that money. The court case did not resolve the boundary dispute.
	The conflict lasted from 2008 to 2009. During the conflict, did not speak to each other, inter-marry or freely visit each other.
	NRC along with the local town authorities and the government helped to resolve the dispute. A MoU was prepared, a boundary demarcation survey was done, and GPS coordinates of boundary markers recorded in order to help successfully resolved the dispute.
Settled Boundaries	There are no disputes with other surrounding villages and old traditional boundaries are respected by the communities.
	Gweayea sometimes talks about boundaries with neighboring communities especially during roadside brushing. These discussions are friendly and help to remind the community members where the boundaries are.
	Occasionally, people in Gweayea community may accidently cross a common boundary. In such situations, the community leaders will be invited to investigate and provide advice. The person who crossed the boundary will be warned or advised to move.
	If people from another community cross on to Gweayea land, the leadership of Gweayea town will meet with the leadership of the other town to discuss the issue, and find ways to harmonize it.
	The interviewees reported that if there was no clear demarcation and an MOU signed, this might be the challenge in the future about common boundaries with neighboring communities.
Boundary Disputes Resolution Efforts	The community handles disputes with neighboring communities by forming a team to meet with the other community leaders for dialogue. Whenever there is a dispute, the Gweayea town leadership decides if the community should make an effort to settle the disagreement, so that it won't escalate and disrupt community life.
	There was nothing specifically bad that prompted the round table discussion with Voloblai, except general tension and uncertainty in both communities about where to farm and use the land. Those involved in the discussion about where the boundaries should were older and experienced people, who knew the history of the land and inter-community boundaries.
	These knowledgeable people include the town chief, elders, paramount chief, clan chief, commissioner and people living near or farming at the potential boundary.
Negotiation Team Selection and Preparation	In this community, people who were allowed to talk about the boundary issues with Voloblai were a team of three persons: the town chief, an elder, and a spokesperson.
	Members of the team were selected based upon their knowledge about land, and leadership abilities. These people were empowered to represent Gweayea in discussions with Voloblai. As noted, Gweayea decided that the negotiating team should be small to ensure efficient discussions. Voloblai's team also consisted of three people.
	People who were not involved in talking about boundary issues with Voloblai were mainly the young people. They were allowed to sit and observe to gain knowledge, but not allowed to participate in the discussion.
	Prior to talking with the representatives of Voloblai, the Gweayea team met with the Gweayea town citizens and shared ideas about what needed to be done about the disagreement.

	The team received many advices; don't carry weapons to the meeting ground, control your emotions, be calm and stay focus. The team was prepared to talk about the common boundary in that they were well knowledgeable, and supported by its citizens.
Initiating and Convening Intercommunity Talks	Gweayea community sent a messenger, who carried written communications to Voloblai that they wanted to talk about the boundary disagreement.
	The important people that this community talked to in Voloblai were the town chief and elders. The town chief and elders are the ones who handled land matters within their town. The meeting between Gweyea and Voloblai was held in Gweyea town as was generally agreed upon between the two communities.
	Other people who participated in the joint meeting between Gweyea and Volobla included the Paramount Chief, Clan Chief, District Commissioner, chiefs, and elders.
	The traditional leaders, elders and government people contributed information about the traditional history about the land, and how boundaries were established and that it should be respected. Based on this, they advised the parties to see reason to resolve the dispute. The Monrovia based citizens supported the resolution process by providing advice and financial assistance. Their contributions were constructive and oriented towards resolving the dispute.
	The women did not participate in the discussion, because a team of three persons was selected to speak on behalf the town in the joint meeting was all men.
	The Norwegian Refugee Council (NRC) was called in to support the mediation effort. NRC was effective in helping to reach a final resolution to the dispute with Gweyea and Volobla. NRC conducted a demarcation survey of the main contested boundary and helped to draft an MOU which was signed by the both parties.
Conducting Intercommunity Talks	Gweyea community met with Voloblai at a conference in Gweyea. At the joint meeting, only the designated team members were allowed to discuss the issues. At the first joint meeting, the spokesperson of Gweyea spoke first, because they were the complainants, and the spokesperson of Voloblai spoke later in the meeting.
	NRC set a moderate and friendly tone for the discussion. There were ground rules set to guide the discussion. In order to build a positive relationship between the two communities, the mediators and other leaders encouraged the parties to think about their interconnected relationships, and end the dispute for the sake of peace.
	The both parties talked about the traditional history of the boundary, and how the boundaries were established and accepted by their forefathers based on mutual understanding.
	The key issue in the discussion was the procedure and rules to find a common boundary that both parties would be satisfied with. Topics relating to interconnected relationships

	were easy to talk about, but the common boundary identification was very difficult to talk about.
	Another issue was what would happen to live crops that the communities planted on each other's land. Would they lose the crops or be allowed to keep them.
	It happened that the both parties got vexed and couldn't agree with each other on the topic. There were growing tensions, and the parties couldn't control their emotions. The mediators and other leaders were able to calm the parties and guide the discussion along constructive paths.
	When it came time to make decisions, the team representing Gweyea community met in consultation with its citizens. Eventually, the two communities formulated an agreement about the boundary locations and life crops with a full consensus.
Outcomes	The dispute was resolved successfully with all parties satisfied. With the exception of this major boundary dispute with Voloblai, and Gweyea community reported no other disputes.
If Disputes Resolved Successfully	This community was able to resolve the dispute about the boundary, because it collaborated and found a creative solution to difficult questions, such as what to do about the life crops each community planted. Some of the good things that happened in the discussion were; parties sat together and discussed, parties collaborated and came to common ground, and became friendly as before.
	Aside from agreeing the boundary, the Gweyea and Voloblai decided to recognize the rights of each other's community members to the life crops they had planted. However, after the rubber or cocoa trees finished their production after many years, those farmers could not replant the area and had to return to their traditional community farming areas. This agreement was recorded in the MOU.
	Some of the lessons that the Town Chief learnt about how to handle disagreements about boundaries were: organizing inclusive round table discussions, putting aside positions and focusing on interests, and compromising to resolve the dispute.
Outcome of Disputes Resolution Efforts and Current Status	The current situation with the boundary between this community and Voloblai is stable and peaceful.
	With this agreement, the women in this community did not lose any right to access or farmland. The citizens of Gweyea and Voloblai are both respecting the current boundary. There are no problems about the current boundary. They citizens believed that the current agreement about the boundary and crops will hold for their children if all remains constant.
Dispute Resolution Actors/ Intermediaries	People in this community who can help to resolve disputes other than land and boundary disputes are the Town Chief, Quarter Chiefs, elders, youth leader, and women's leader. These are the customary leaders of the town.
	When disputes come up about land, boundaries, family problems, and money business, these people come in to resolve them. Family members to disputants, and members of their social network are helpful in bridging disagreements.
	The Monrovia based citizens are sometimes very helpful in resolving some of these different disputes in the community. They give advice and sometimes-financial assistance if the need be. This was evident in the boundary dispute.
	If a dispute is between two communities, the Town Chief, elders, and Quarter Chiefs are the trusted and respected people that can be a bridge between them to resolve their differences. If a dispute is between a community and a government entity, the Superintendent is the trusted and respected person that can be a bridge between them to resolve their differences.

	In the district, when disputes come up about land, boundaries, livelihoods or business issues, the District Commissioner, Paramount Chief, and Clan Chief are helpful. These official worked closely with Gweyea and Voloblai in the resolution process. But there is no evidence of them resolving land disputes by themselves.
	NRC convened and conducted mediation meetings, and led a final resolution to the dispute with both parties in agreement. The inhabitants said that NRC had specific protocols for assisting and resolving cases. NRC surveyors surveyed the land and Title Deed was prepared.
Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	The NRC intervened in this major boundary dispute. It served as mediator thereby conducting meetings, and brought a final resolution to the dispute with both parties in agreement. It conducted survey, drafted MOU that was signed by the both parties and issued land deed.
Community Boundary and Dispute Analysis	The inhabitants spoke about the boundary dispute in a positive and friendly manner. They were not angry or accusing. They all shared a common understanding about the boundary dispute, stating that the citizens of Voloblai were responsible for triggering the dispute.
	From the stories given by the town chief, it can be inferred that he and his citizens were key actors that promoted the boundary dispute. According to the Town Chief, when the people of Voloblai crossed the boundary and encroached on their land, he advised them to stop.
	They refused and continued to farm on their land. Since the people of Voloblai did not stop, the citizens from Gweyea started to encroach on the land beyond the place that Voloblai citizens considered as the boundary.
	The Town Chief said that they decided to deliberately do so in order to provoke the conflict. This is a clear manifestation that the people of Gweyea have problems resolving disputes. When all efforts on its part had failed, they called in and depended on NRC to resolve the boundary dispute.

KOLBA CITY COMMUNITY, LOFA COUNTY

Administrative Data	• **Date of field visit:** Thursday, May 19, 2016
	• **Name of target community clan:** Tahamba Clan
	• **Clan headquarter**: Mbakanda;
	• **Clan Chief:** Hon. Kolliewala Ndebeh
	• **Names of adjacent clans**: Wulukoha Clan
	• **District name**: Kolahun District
Appearance of Community	Kolba is a city within Kolahun District that was enacted into law in 1975. Kolba city is divided into nine quarters: Teacher's Quarter, Tulay's Quarter, Central Kolahun Quarter, Foyah Highway Quarter, Kissi Quarter, Old Town Quarter, Logan town, Bonbia One Quarter, and Bonbia Two Quarter.
	Majority of the structures or houses are roofed with zinc and constructed with mud bricks. This town has a mixture of livestock including goats, sheep, chickens, and cows. It is a big town.
	We met with some youths upon arrival who led us to the Assistant City Mayor's house, where we met with him. The Assistant City Mayor consented to be interviewed on boundary disputes in the area.
	There are no large empty spaces of uncultivated bush near the city. The large government projects in the community include government hospital, guesthouse, and market building. Presently, there is no extraction of diamonds, gold or rubber taking place in or around Kolba City.
Location of Community	Kolba City is situated in the Tahamba Clan, Kolahun District. Kolba City is closest to the District Administrative Headquarter, Kolahun. The trip to Kolba City wasn't difficult.
Community Leadership	The leadership structure of Kolba City include City Mayor, Assistant City Mayor, District Commissioner, Paramount Chief, Clan Chief, Elders, Quarter chiefs, Youth leader, Chairlady, Peace Committee Chairman, and Religious leaders.
	The inhabitants of Kolba City seem to be friendly. The responses of citizens that we interacted with demonstrated their friendliness.
	Kolba is inhabited by Gbarndi, Kissi, Mandingo, Mende, Lorma, Bassa, Kru, Grebo and Fula with Gbarndi been the predominant tribe. The Christians and Muslims are the two major religions highly practice in Kolba. There are fourteen Churches and one Central Mosque in Kolba City.
Community Observation Analysis	Kolba City compared to Voinjama city is a small, but serves as the political capital of Kolahun District enacted by law since 1975.
	The land use seen in Kolba city include prominent cash crops grown in the area for commercial purposes like palm, cocoa and coffee, kola, cassava, government projects, e.g. schools, government hospital, and natural resource development e.g. rubber, diamond and gold.
Active/Recent Boundary Disputes	A Clan boundary dispute between Kolahun and Vahun started in 2012. The citizens of Yandohun Clan in Kolahun District and Vahun District are involved in a boundary dispute. It started when citizens from Yandohun town in Vahun went to do pit sawing in the bush that is bordering the two districts. At this time the people of Vahun and Kolahun started to accuse each other of boundary encroachment and the matter was taken to the Clan Chief.

	After listening to the grievance, the Clan Chief then referred the case to the County Superintendent. The Superintendent told the Paramount Chief to help resolve the matter. The Clan Chief then called on Peace Works Liberia to assist with the mediation. Peace Works in collaboration with the Paramount Chief first approached the matter.
	They observed that this matter is not as easy as they thought. Peace Works, the Land Commissioner, and Paramount Chief arranged meetings with the communities. This boundary disagreement did not affect the traditional relationship, but politically the two districts have to respect each other's boundary. There were still intermarriages, traditional ceremonies etc. ongoing. The disagreement has not been resolved.
	Authorities that were involved were the Clan Chief, Paramount Chief, Superintendent, Commissioner, Peace Works, the Town Chiefs and elders. The Superintendent in collaboration with the Land Commissioner proposed a tentative solution to the matter: the disputed area is considered as a no 'man's land' and that no activities should take place there.
	The superintendent advised that wood from the pit-sawing activities within the disputed area should be given to the Peace Works, which equally share the proceeds between the two communities.
	The Superintendent constituted a special committee to do a fact finding trip to examine how the boundary dispute could be solved. The Superintendent recommended that the committee locate the map that existed before the creation of Vahun as a district.
	NRC intervened and provided Mediation/Land and Property acquisition training for members of the disputing communities, stakeholders and some citizens. According to the Program Officer of Peace Works, the outcome of the training NRC conducted was helpful, easing tensions.
	There was violence at the beginning of this dispute, but as the authorities and CSOs intervened tensions eased.
Settled Boundaries	A temporary settlement to the boundary dispute between Kolahun and Vahun has been achieved, but the main points of disagreement have not been resolved. To stabilize the situation pending the resolution, the Superintendent in collaboration with the Land Commissioner declared that:
	1. The place in question is considered as a 'no man's land'.
	2. Peace Works equally the pit-sawing proceeds between the two committee
	3. A special task force committee should be established to explore how the dispute can be resolved. And to conduct research to obtain the old map of Vahun.
	4. It was concluded that if the map is obtained, then the superintendent mentioned that he will call on the government surveyor to help do the boundary demarcation.
	If either community breaks the rules, the local authorities and the superintendent will issue some unspecified penalty against the party.
Boundary Disputes Resolution Efforts	Kolba City Community handles disputes with neighboring communities by traditional means. They will call on the two disputed communities' leaders, the local authorities, the dean elders, the women leaders, the youth leaders, the Zoe, the religious leaders to discuss the disputes.
	In the case of Kolahun and Vahun boundary dispute, the citizen of Yandohun town, Kolahun District, initiated the idea to find amicable solution to the problem.
	It was the Superintendent who intervened by bringing the local authorities, the Paramount Chief, the Clan Chief, the Land Commissioner, the Dean Elders, women leaders, youth leaders, and NGOs to come help resolve the matter.

	Because of the gravity of the matter observed by Peace Works and also the economic benefits involved like the pit-sawing cause the matter to be urgent.
Negotiation Team Selection and Preparation	Those that were allowed to talk about the boundary dispute were the elders, older people, youth, women leaders, stakeholders, religious leaders and those who have knowledge about the history of the traditional boundary. Usually women are not allowed to talk about boundary disputes because of the shrine that exists in the area under dispute. Sometimes decisions/discussions about boundary disputes are done in the Zoe bush where women are not allowed.

Teams are organized for the talks between communities about the boundary dispute. They involve representatives of the various local communities, the land commissioners, the superintendent, the citizens, the blacksmith who locally makes cutlasses, the Zoes and religious leaders from both districts.

Both districts had small communities meeting before the general meetings. The superintendent was influential in helping Peace Works to help gather the members to help resolve the resolution. There were five members from each that were invited to help resolve the case.

The youth are not allowed to participate in boundary disputes because they are not properly informed about the historical background. But in the case of Vahun and Kolahun boundary disputes, it all started between the youth and so they were called to the dispute settlement conference. They were allowed to explain themselves during the settlement conference.

During the meeting, all parties were consulting their people every time there was some critical decision to be made. The elders from districts provided guidance to their citizens as to what to say and when to talk as well as who among the selected will talk.

The meeting was held in Yandohun because the people of Yandohun are traditionally considered as the uncle. The people of Vahun are traditionally considered as the nephew to the people of Kolahun. It is tradition and accepted that a nephew cannot convene meeting to his house/place. Meetings and serious discussions are usually held at the uncle place.

At the meeting, elderly women with in depth history of the boundary disputes are allowed to give testimony but when it comes to some critical decision which can be taken to the Zoe bush, women are not be allowed to participate.

Vahun brought a magistrate during the settlement conference that was held in Yandohun. However, everyone accepted Peace Works' method of conflict resolution, which is Collaboration Dispute Resolution. |
| **Initiating and Convening Intercommunity Talks** | It was the Clan Chief who verbally reported the matter to the Paramount Chief and the Paramount Chief then reported the matter to the Superintendent and finally to Peace Works.

All of these communications were verbal. A communication was also sent to the local radio station to air the meeting location and people invited to the meeting.

The two bordering communities who are involved in the dispute are usually the host community for discussion. The general meeting between the two districts was held in Yandohun town, which is in Kolahun District, because they are considered as the uncle town.

All of the local authorities and the superintendent and NGO as well as citizen were all part of the settlement conference. The traditional people and the elders were providing historical information as well as providing advice and guidance to avoid violence. |

	The citizens of Monrovia did not have any influence over the citizens in these two districts according to Peace Works. Some elderly women who knew the history of the boundary were allowed to participate. The women are not allowed to go to the Zoe bush when it comes to critical decision-making. So in many instances women are only there to prepare food for the meetings.
	The NGOs community was providing financial supports, logistics support and observing the process.
Conducting Intercommunity Talks	There were a lot of small meetings held before the general meeting. At the general meeting, there was also small meetings held each time a break was called. People also had small meeting during the general meetings in order to consults their elders and citizens for advice. Both sides had a huge consultative meeting for 2 days before attending the general meetings.
	The Quarter Chief, Town Chief, Clan Chief, Paramount Chief, Superintendent, the Dean elder, the two chairladies, the religious leaders, youth leader, Peace Committee, Zoes, Land commissioners, Magistrate from Vahun and other citizens were present. Those who knew the history of the boundary were the ones allowed to talk - the chief elders, town chief, community members, spoke persons were the designated team members. The blacksmith is very important in accordance with tradition, to help solve boundary dispute because he makes all of the cutlasses.
	The first people to talk were the youth of Yandohun. The traditional leaders asked Peace Works to propose some ground rules for the meeting. The people concentrated their talk on the dispute, not on other nonessential issues.
	There was a controversy about how the conflict started. The people of Vahun mentioned that the boundary was not really identified, but the people of Kolahun said that they were going to find out where the actual boundary is before allowing other people in the forest.
	People were free to talk about the relationship like a Vahun person calling a Kolahun person uncle or nephew. Some citizens were speaking sarcastically that Vahun was a child to Kolahun, and that did not go well with the citizen of Vahun. These statements were put under control by Peace Works.
	The dispute is still on going and so there is no disagreement yet till the case is reawakened.
Outcomes	The boundary dispute between Kolahun and Vahun at the boundary town of Yandohun has not been resolved. There was a decree/recommendation instituted by the Superintendent in collaboration with the Land Commissioner to help tentatively solve the matter. Both sides are observing decrees/recommendations made by the Superintendent. There are rumors of other disputes with in the Kolahun District but they have not yet been brought to the attention of the authorities.
If Disputes Resolved Successfully	The dispute is not yet resolved.
Outcome of Disputes Resolution Efforts and Current Status	Today the situation between Vahun and Kolahun is just observation of the decree made by the Superintendent. There has been no violence yet, but there is a great need for the conflict to be resolved amicably as the situation is tense and of great concern to the communities.
	This disputed affected the pit sawing activities, which have been disrupted. Women were not directly affected but the fact is that men are the breadwinners for the family and so if they are not getting income or farming to feed their family, the women will be indirectly affected by these actions.

Dispute Resolution Actors/ Intermediaries	Customary leaders, women, men and other community members helped to resolve land conflict and other disputes. But women are not allowed in the Zoe area to make final decision about the land issues. Youth are only allowed to listen not to talk. The strangers are not allowed to discuss land disputes matter. People from Monrovia do not influence the decision made by the community's members here in Kolahun District.
	If there is a disputes between two communities, between community and government entity, the most trusted and respected persons to help resolve the matter could be the Senator, Representative, Superintendent, Dean Elders, Paramount Chief, and Land Commissioners.
	The chief elders and Paramount Chief are the most helpful individuals that can resolve some of these disputes.
	The Carter Center, JPC and the Peace Works are all NGOs trusted for intervening in land disputes in Kolahun and Vahun. There is no GPS experts or organization in Kolahun or Vahun. For these kinds of services, it has to be from outside of the community.
	The FDA has come to their community according the Peace Works. The FDA teams were active in Kolahun and Vahun Districts when they heard about the kingwood exploitation in Lofa. However, they had never been involved in solving land disputes.
Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	Peace Works has been helping to mediate the boundary dispute. To prepare the Peace Works staff, it was NRC, Carter Center and the JPC provided training in Mediation (Collaboration Dispute Resolution). NRC Provided special training to the Peace Works in Land and Property Acquisition and Mediation. NRC also provided motorbikes, computers, stationery and office materials to help establish the Peace Works.
Community Boundary and Dispute Analysis	The forest is used as the major source of livelihood for the two districts. Again it is perceived that there is gold or diamond in the forest. Some people use the forest for farming and hunting.
	Peace Works has some mediation skills to help local communities resolve land disputes but it needs to be enhanced. Peace Works will not easily resolve the matter if outside help is not provided, such as GPS services, community boundary harmonization expertise, community self-identification expertise and other mediation techniques.
	Local and county officials and well as citizens were instrumental in trying to resolve the dispute. The fact that the people of Yandohun were able to report the matter to the Clan Chief without any violence also suggests that they made effort to avoid conflict. They were also able to take the issue up to the superintendent and the Land commissioner as well as the Paramount Chief.
	The key actors helping to promote boundary dispute resolution in this case were the Citizen of Yandohun town, Clan Chief, Paramount Chief, Superintendent, and the Peace Committee of Lofa County. The Peace Committee was at the full front helping to resolve land disputes.

KOLOGBANDI COMMUNITY, GBARPOLU COUNTY

Administrative Data	• **Date of field visit:** Friday: May 27, 2016 • **Name of target community clan**: Upper Deimar Clan • **Clan headquarter:** Kologbandi • **Clan Chief:** Hon. John Karbett • **Names of adjacent clans:** Lower Deimar and Nwala Clans • **District name:** Gounwala administrative District • **Name of interviewee:** Flomo Kofa Tokpa • **Position:** Paramount Chief
Appearance of Community	Kologbandi is a small traditional town apportioned into three quarters. The majority of the structures are constructed with sticks and mud. Some of the structures are roofed with zinc, while few are roofed with thatch. Upon the team's arrival, about nine citizens of the town came to greet the team. Uncultivated forest and young bushes surround the town. The primary school in the town is the only government project. The town has a vast forest with potential for logging/timber. It is speculated that people are doing small-scaled gold mining across the community. There are no extraction of diamond, timber, logs, and other minerals taking place within or near the town, except for the tapping of rubber trees. There is a mountain called Glugbah that is perceived to contain important minerals.
Location of Community	Kologbandi is situated in Upper Deimar Clan, Gounwala Administrative District. The trip to this community is extremely difficult. The town has no access road for motor vehicles. It takes about six hours to walk on foot from the district headquarters, Payaquellie to this town. In the dry season, sometimes motorcyclists find their way through the paths to transport people to some of the communities but in the wet season, it can be very difficult if not impossible. There are no guesthouse, restaurants, police station, high school, local court, and important offices/landmarks in this town.
Community Leadership	The leadership structure of the town includes the paramount chief, town chief, quarter chefs, elders, youth leader, and women leader. These leaders were excited and opened to the research. As observed, the inhabitants of this town are friendly and hospitable. They raised the concern of NGOs raising expectations and not returning to the community again after their initial visit. The town is predominantly inhabited and owned by the Kpelle ethnic group, with few Bassa, Gio, and Lorma being the strangers/minority within the community. There are Christians and Muslims residing in this town, but there are many strong traditionalists.

Community Observation Analysis	Kologbandi is small in size and population. It lacks basic social facilities, road networks, and services, such as guesthouse, police station, high school, and clinics etc.
	There is a huge forest between Gounwala and Belleh Districts, which has been designated as Belleh National Forest. The claim over the ownership of the forest is a factor that impacts how boundary disputes might be handled. This is a sensitive issue within the community.
	The community uses the land mainly for rice farming, cash crops plantation-rubber, palm and cocoa.
Community Boundaries	The communities that are neighbors to Kologbandi are Tenyeeta, Niakeh, Gomou, and Kpelekpeleta. Kologbandi common boundary with Tenyeeta town is a soap tree, with Niakeh town is a tree called Sala, with Gomou is a creek called Yarkpalo, and with Kpelekpeleta is a stream called Kwala kpouya.
	People in this community know their boundaries based on the information received from their forefathers, who identified, established and showed them the boundaries. These boundaries are highly respected and observed and re-confirmed regularly during roadside brushing and making of farms.
	There has been no internal disagreement about where the town boundaries are with other communities. All of the communities sharing common boundaries know the locations and positions of the boundaries, except for the dispute described below.
	The town members ultimately decided where the common community boundaries between their community and the other towns are located based on mutual understanding and general consensus. They established and identified natural boundary markers, such as soap tree and creek to be their common boundary. These boundaries points are generally respected and observed during farming season and the brushing of roads.
	References to the immediate neighbors/towns, relationships are mutually good and vibrant. However, they are not good at the inter-district level between Gounwala District and Belleh District.
	This community/town is the clan headquarters.
Active/Recent Boundary Disputes	There is an ongoing boundary dispute between Gounwala District and the Belleh District. The disagreement is mainly over the boundary line between the both districts, which is the Gbar Creek. This inter-district disagreement started in 2013, When some Belleh hunters and miners crossed the Gbar Creek, which is the boundary and started mining and hunting deep into Kologbandi's forest. Later, the disagreement resulted into violent confrontation, in which the Belle people apprehended hunters from Gounwala. They seized the hunters' meat and burnt down their hunting tanks/kitchen, on ground that the Belle's chiefs did not give them permission.
	When the disagreement started to happen, people from the both sides were dissatisfied and irritated with each other. The disagreement affected the community in that the hunting activities in the disputed forest were halted, and residents of Fanpolue town living near the area were living in fear. The disagreement has been going on for three years.
	The disagreement affected the cordial relationship between the both districts. The people from both sides could no longer move freely about the forest. Communication is being restricted at family level or official levels.
	In order to try resolving the disagreement, they informed the Gbarpolu District #2 representative to intervene, but she declined perhaps on traditional grounds.
Settled Boundaries	Reference to other neighboring districts, three larger rivers isolated this district from the other neighboring districts; Sanoyea in Bong County, Salayea in Lofa, and Bokomue in Garpolu. Obviously there is no disagreement over boundaries with these districts. The

	common boundaries with these districts are clearly established and identified through general agreements and mutual understanding.
	They have had boundary discussions with neighbors on few occasions, especially with their Bong County neighbors. They cited those who are crossing the river to farm in this district, to discuss their status. In one meeting, some of them that have villages on this side decided that they would register and become Gbarpolu residents even during elections.
	When it comes to the issue of boundary disagreements or violation of rules and understandings, it is the District Commissioner that takes it up with the violating party. Sometimes the Paramount Chief is empowered to act.
	At the inter-district level, the challenges are mainly with current situation between Gounwala and the Belleh Districts. The challenge would be to clearly identify and establish the main boundary line between the both clans.
Boundary Disputes Resolution Efforts	The community handles disputes with neighboring communities by reporting the matter to the Paramount Chief and elders, who serve as the focal points in land matters. They decide on issues relating to boundary and seek resolution for the community. According to this Paramount Chief (interviewee), this practice is based on custom, but it is also in line with interior regulations.
	The Paramount Chief and the chief elder decide that the community should make an effort to settle the disagreement about the boundary with the other community, so as to live together in peace.
	There hasn't been any round table discussion in this dispute. People from both sides have apprehended hunters, seized guns and meat, and sometimes chase miners. These are sufficient reasons to bring them on the round table, but that has not yet happened.
	If there is disagreement about intercommunity boundaries, people who are involved in discussions about where the boundaries should be include community leaders, affected families, and people living near, or across a potential boundary.
Negotiation Team Selection and Preparation	Based on their tradition, the District Commissioner, Paramount Chief, town chief, quarter chiefs, and senior elders themselves talk for the district or decide on who all should be involved.
	For instance, in the case with our Bong County neighbors mentioned earlier, it was the Paramount Chief, assisted by the elders who presided over the discussions.
	In this case, the people representing the community/district are top leadership and top decision makers: District Commissioner, Paramount Chief, elder, and town chiefs.
	These leaders are highly trusted and respected by the people within the community/district. They are knowledgeable leaders depended upon to make sound decisions for its people. Notwithstanding, there hasn't been any round table discussion in this dispute.
Initiating and Convening Intercommunity Talks	Communication and messages relative to boundary discussions goes through the district commissioner's office and can be addressed to the chiefs, elders, and customary leaders of the other community/district.
	In their case, any meeting pertaining to the dispute should be held in Fanpolu or Manvortor, which are the immediate boundary towns. The prospective participants are the citizens from both communities headed by their leaders.
	In this disagreement, there haven't been any formal intercommunity talks. Also, there have not been any interventions of NGOs, government officials, and other actors within or from outside to try resolving the dispute.

Conducting Intercommunity Talks	There has been no small or big meeting held between Belle District and Gounwala District to address the disagreements.
Outcomes	There has not been any intervention. It was reported that former NRC staff registered the dispute at the close of NRC land dispute project in Liberia, but could not get talks started.
If Disputes Resolved Successfully	This boundary disagreement has got no intervention as yet. The District Representative has earlier declined to initiate intervention, when she was approached on it. The disagreement is active and still ongoing.
Outcome of Disputes Resolution Efforts and Current Status	The situation with the boundary between Gounwala and Belleh Districts as it stands, seems calm. It is no better than when it first started.

It was reported that a gentleman in Kologbandi called David Watergreen was arrested for unpermitted hunting by the Belle people and brought there. There has been no discussion yet on him, no communication, no initiative, and no effort to initiate talks. The districts are simply disinclined to start negotiations directly.

If people begin discussions, they can be generating options to deal with disagreement. But with the present situation, they cannot conceive any ideas as yet to resolve the issue. There are no talks yet, let alone agreement.

The people of Gounwala District respect what it knows to be the rightful boundary. But the violent actions of the people of Belle District do not show that they respect the boundary.

Relationship between the two communities at this time is not as cordial as it used to be. Presently, there is no agitation from either side. Assessing local relationship is difficult due to the nature of the communities. A huge forest separates the two districts. The closest villages on both sides could be two-day-walking distance apart. |
| **Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute** | No intermediary services as yet in this disagreement. There hasn't been any official intervention in this dispute yet. |
| **Community Boundary and Dispute Analysis** | The Belleh Forest is between the two districts. The Belleh people because of the name are claiming full ownership of the forest, with little or no thought for the other communities that are attached to the forest.

What is observed about this community that makes them more likely to have a boundary dispute is total exclusion from the use and management of the forest.

As observed, the Paramount Chief (interviewee) represents principle and leadership. He is well knowledgeable and there was a lot of positivity in his manner. The assessment is that he could be good at problem solving.

This community does not demonstrate a will to take initiative to start negotiation with the other party; even though they show a strong will for participating in any talks to reach resolution.

They are hoping that government or NGOs will take the lead in helping to resolve the disagreement.

From the stories given by Gounwala, we can infer that hunters and miners from both sides were promoting the dispute.

The District Commissioner of Gounwala, Paramount Chief of Nwala Chiefdom, and elders are making frantic effort to see the boundary disagreement resolved. |

KPATAWEE COMMUNITY, BONG COUNTY

Administrative Data	• **Date of field visit:** Monday, May 23, 2016 • **Name of target community clan:** Kpatawee Clan • **Name of target community clan headquarters and clan chief**: Goukai; Hon. Flomo Cooper (Sick); Acting Clan chief: Hon. Alfred B.K. Vioh • **Names of adjacent clans**: Meinquelleh, Kpoyorquelleh, and Suakoko Clans • **District name**: Suakoko
Appearance of Community	Kpatawee is a large town apportioned into two main quarters: Quelabolor and Banaquelleh. Majority of the structures or houses are roofed with zinc and constructed with mud and sticks. This town has a mixture of livestock including goats, chickens and ducks. Upon arrival in the town, eight citizens comprising of three men and five women came to greet and welcome the team. Two youths accompanied the team to the town chief's house. We met with the chief, and the purpose of the visit was explained. He welcomed the team and accepted the research purpose. The interview was held with the chief at their meeting hall in Banaquelleh quarter. About twelve concern citizens including men, women, and children came around to observe. There are large empty spaces of uncultivated bush and forest near the town. There is no sign of government project near or within the town. However, there is a waterfall in the Kpatawee clan named "Kpatawee Waterfall". In the Kpatawee clan, USAID is undertaking a project called, "Mein River Hydroelectric Project". Presently, there is no extraction of natural resources such as gold, diamond, and logging activities going on in the town. But there is pit sawing and tapping of rubber trees going on in the town.
Location of Community	Kpatawee is situated in the Kpatawee Clan, Suakoko District. It is bordered with Garyea town, Raymond town, Waterfall town, and Gogai town. The trip to Kpatawee wasn't difficult. The town is accessible by vehicles and bikes. The trip to the town was done in the rainy season. Traveling to rural communities in the wet season is challenging, because the rainwater makes the roads slippery. It causes erosion and potholes on the road. It is different in the dry season, because the roads are dry and easy to ply. This makes communities accessible. Kpatawee does not have restaurant, guesthouse, police station, and high school. The town chief's office is used as local court to investigate domestic cases. There is magisterial court in the Suakoko District.
Community Leadership	The leadership structure of the town includes town chief, quarter chiefs, elders, youth leader, pastor, and women leader. The inhabitants of the town seem to be friendly. This is evidence by their greetings and welcoming of strangers who came to visit their town. The responses of some citizens that we interacted with showed how receptive and friendly they are. The senior members of the town that we met with included the town chief, pastor, youth leader, and few elders. These senior members of the town, including some concern citizens were receptive and opened to the research. The Kpelle ethnic group predominantly inhabits the town. They own the town. The Mandingo, Kissi, Lorma, and Fula are considered to be strangers. It was reported that Christianity is the only religion practiced for now in the town. Kpatawee has a shrine for sacrifices and other traditional rights that is highly respected.

Community Observation Analysis	Kpatawee is less populated and apportioned into two main quarters: Kpoewah and Yanabalah.
	Kpatawee as a small town does not have restaurant, guesthouse, police station, high school, and hospital. There is one church in Kpatawee but no mosque.
	The characteristics of Kpatawee that might impact how boundary disputes might be handled depend on the KPAKPORMEHN Group. The three clans jointly organized KPAKPORMEHN, in order to collaborate and resolve their differences. The three clans include Kpatawee, Kpoyorquelleh, and Mehnquelleh are the groups that made up the KPAKPORMEHN organization.
	The informants observed that disputed Mein River boundary needs to be handled properly, so that the disputing parties would be satisfied in terms of any economic benefits the river may bring.
	The land usages in Kpatawee include subsistence rice farming, planting of cash crops for commercial purposes, traditional practices, constructions of homes and other developments.
Community Boundaries	Goukai is the clan headquarters for Kpatawee clan. Clans surrounding Kpatawee clan includes: Menquelleh clan, Kpoyorquelleh clan and Suakoko clan.
	Surrounding Towns of Kpatawee are Garyea Town, Raymond Town, Waterfall Town, and Goukai Town (Headquarter town). Kpatawee has 2 quarters in the town namely: Kollikporlor quarter and Gbanakollee. Kollikporlor is the largest quarter.
	The boundary with Menquelleh clan is a mountain called Mlamwonbai, with the boundary between Kporyorquelleh is a mountain called Voloblaimaiyea and the boundary with Suakoko clan is Banalon water/Creek. Creeks/water and mountains divide these clans.
	The community people know their boundaries by road brushing. Also, these towns and clans identified their boundaries by traditional ceremonies done at the boundaries. They do some ritual practices at these boundaries indicating their ties and believes/trust with these boundaries.
	Citizens from these towns know that mountains and creeks, according to the Town Chief, divide the clans and it was also observed during interview when many of the community's members who were present were talking and acknowledging what the Town Chief was saying.
	Almost all of the boundaries are still observing their various boundaries except the boundary Menquelleh and Kpatawee clans. The problem was that the citizens of Menquelleh identified the boundary between they and Kpatawee was the Meinhn river.
	Kpatawee on the other hand claimed that the boundary between them and the Menquelleh clan is at Mlamwonbai mountain. So the actual problem was claiming and counter claiming between Kpatawee clan and Menquelleh clan that the Meinhn river is the boundary while Kpatawee citizens were saying that Mlamwonbai mountain is the boundary.
	The people of Menquelleh also claim the Kpatawee waterfall. The people of Kpatawee refused Menquelleh claim to the Kpatawee river and the case was taken to court.
	Later, the case was withdrew from the court and taken back to the clans for discussions by the Paramount Chief and local authorities.
	Menquelleh suggested that the only way that this matter can be settled is when the people of Kpatawee bring the original map for the clan. To help settle this dispute, the three clans got together and formed an organization comprising the abbreviation for the three clans (KPAKPORMEHN). The organization is a registered and known organization.

	They were registered with $10,000 LD per clan and the money was put in the bank. This amount decided to collect this money base on agreement among the three clans for the future development according to the town crier. The interviewee reported that since the establishment of the KPAKPORMEHN organization, there have been no disputes concerning boundary, but the issue may be unresolved.
Active/Recent Boundary Disputes	The problem between Kpatawee and Menquelleh started 2014. The people/town involved in the disputes were the citizen of Gweantayea by some group of people who were making a swamp farm at the borderline between Kpatawee and Gweantayea town.
	A company called Jona Capital came to Kpatawee to do gold mining and pit sawing. A foreigner came and made this arrangement with the town. Then a man from Menquelleh called Andrew Freeman organized the youth to go to the bush to seize the materials from the foreigner. Mr. Freeman was arrested and put in jail, but later released. This incident was what triggered the boundary disputes between Menquelleh and Kpatawee clan.
	So the matter was taken to CARI at the BCADP compound. They stated that the people of Menquelleh and Kpatawee are "drinking water from the same Kpatawee river so there should be no boundary business." The community was then faced with difficulties. There was no movement allowed between the towns and no proper communications.
	The interviewee reported another dispute between Garyea and Kpatawee. According to the Town Chief, the Paramount Chief sold a parcel of land situated at the boundary between Garyea and Kpatawee towns. The Paramount chief sold the land to someone, but according to the Town Chief, the land belongs to the midwife in the town.
	The problem was brought to the town authorities. The town authorities along with mid-wife's family organized a meeting and settled the matter.
	The local authorities found the paramount chief had acted improperly. The man who bought the parcel of land was told to go to the mid-wife's family and resolve the case. According the mid-wife, who was present, the matter has not been settled.
Settled Boundaries	There is no confusion with other neighboring communities. The reason is that all of the other adjacent communities still respect the traditional boundaries and continue to perform their traditional ceremonies at these boundaries as well as do their traditional brushing and stop at the boundaries they all know.
	With regards to the disputed areas with Menquelleh clan, attempts have been made to resolve it through forming an organization for the development of all three clans.
	This dispute is, for now, considered resolved and all of the three communities currently respect the boundaries and no one has protested these boundaries. However, the dispute with Kpatawee town and the Garyea community is still ongoing and has not been resolved.
	The community members mentioned that if there is no agreement document prepared or survey done to clearly show their various boundaries, there could be possible future boundaries disputes in the clans.
Boundary Disputes Resolution Efforts	The community manages their disputes with neighboring communities by performing traditional ceremony at the boundaries site on key occasions.
	According to the town chief of Kpatawee, the people trust the KPAKPORMEHN organization and their membership. In so, they usually call upon them when there is a serious dispute in or to help resolve the problem. They also have enormous respect for the town authorities like the chief elders, the town chief, the Zoes, and local leaders like the Paramount chief, district commissioner, superintendent, etc., to help resolve disputes. The town leadership usually decides to allow the disputants to settle their matter. If they fail, then authorities get involved.

	In Kpatawee clan, those who are involved with boundary dispute resolution efforts are usually the Local authorities, the traditional leaders, elders and chief elders, older people, at sometimes the women and youth. But at the meeting, the youth are usually allowed to observe the matter because they are not aware of the history of the various boundaries. Strangers are not allowed to talk land matter in this clan. Women speak very little.
	Most of these town authorities, traditional leader, local leader and elders or older people as well as those who are knowledgeable on the disputes are the people usually allow intervening in land disputes settlement conferences.
Negotiation Team Selection and Preparation	People who are allowed to talk about boundary disputes are the Town Chief, religious leaders, elders, local authorities, disputants themselves. Women and youth do not participate, except as observers.
Initiating and Convening Intercommunity Talks	The communities usually have separate meetings prior to the general meeting. The first people allowed to talk are those who know the case very well. Others can speak in turn. There are rules to talk at the meeting; you have to be recognized by the traditional elders or the people chairing the meeting.
	The town people will sit in a small meeting first in order to identify those who are knowledgeable about the dispute and designate a spoke person to talk.
	Most often, information about the dispute resolution meeting is transmitted via the radio, letter or cell phone.
	People who participated in the settlement meeting between Menquelleh clan and Kpatawee clan were paramount chief, clan chief, District Commissioner, chiefs, and elders, women leaders, town chief, etc.
	Traditional leaders, elders, the paramount chief and the district commissioner provided the traditional history and oral information about the dispute. The government representatives provided some traditional history about the land, and how boundaries were established and should be respected. Based on this, they advised the parties to see reason to resolve the dispute.
	There was no active involvement or influence from any Monrovia based citizens from this community.
	There was no MoU prepared as part of this dispute settlement. It was culminated by a traditional ceremony involving both communities' members. Food and palm wine provided by both communities members.
	The superintendent was invited, as well as the clan chief from both clans, the general town chiefs, most of the clan officials. Senator Henry Yallah was also present to observe the settlement and provided some advice.
Conducting Intercommunity Talks	The dispute was initially taken to court in Gbarnga. Later, citizens of both clans decided to discuss the matter at the clan-level instead of in court and they withdrew the case.
	It was the town chief, the paramount, elders, local authorities and other leaders who proposed to withdraw the case from court.
	The matter was taken to CARI and it was proposed that an organization called KPAKPORMEHN be created to coordinate among the clans and develop the area. An amount of $10,000 LD was raised by each clan for development purposes.
	The people of Menquelleh clan said that the original map should be produced in order to help clarify the boundary issue. The conclusion was that the boundary remains at the Mlamwonbai, which is the widely recognized boundary, marked by a boundary rock. A sacrifice was made at that site in the presence of the Zoes, to affirm the boundary.

	No survey demarcation was done.
Outcomes	The difference over the boundary between Kpatawee and Menquelleh was resolved to the satisfaction of the parties.
	The dispute between Garyea and Kpatawee remains open. It is sensitive, because it involves an improper land sale by the Paramount chief. However, it is being addressed as an internal community land dispute. The mid-wife has not received a satisfactory result from the illegal sale of her land. Dispute resolution efforts in this case or not particularly active.
If Disputes Resolved Successfully	There was a huge meeting in Gweantayea where the Superintendent was present, the Senator Henry Yallah was also present, chief elders, and the Paramount Chief from both communities were all present. There was no survey or demarcation done. There was no MoU signed. The good thing about this dispute settlement is that the various authorities and citizens formed an organization with the help of some leaders in CARI called KPAKPORMEHN to help do development in the three clans. The matter was not resolved as clan and clan instead was the formation of a new organization that helps to resolve this matter.
Outcome of Disputes Resolution Efforts and Current Status	The present situation is peaceful and there has been no confusion at the boundary. Nobody has contested the resolution process. All the leaders present during the meeting recognized the fact that the Mlamwonbai Mountain was the main and the original boundary. This observation and recognition by all these authorities helped to settle the boundary dispute. They all agreed that this mountain should still be considered as the boundary not the Mein River that was indicated by Menquelleh clan. The Town Chief continues to mention that he and the clan people trust the settlement process because it was not the involvement of one clan instead the involvement of all of the three clans. This is trusted and no problem will come up he said. However, he continues to mention that he cannot root out the fact there could not be a future dispute because the youth nowadays are coming up in a different way he said.
Dispute Resolution Actors/ Intermediaries	In the district, when disputes come up about land, boundaries, intercommunity, livelihoods or business issues, the District Commissioner, Paramount Chief, and Clan Chief are helpful. But there is no evidence of them resolving land disputes by themselves.
	There were some customary leaders from outside of this community, such as a member of the National Council of Chiefs and Elders that participated in the meetings. They helped to guide the resolution process, but didn't resolve the matter exclusively by themselves.
	The only NGO that was involved in this major boundary dispute was NRC, but this was several years ago. Progress on the dispute resolution process was made after NRC intervention.
	The case was once taken to court for solution, but the parties didn't find a satisfactory and amicable resolution to the dispute. The inhabitants believe that the court can resolve disputes, but both parties will not be satisfied with the resolution process at the end.
Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	There was no NGO involvement in the final settlement conference for the dispute between Menquelleh and Kpatawee clans. The citizens themselves agreed to settle the matter amicably. Traditional and statutory leaders facilitated and encouraged the process undertaken by the communities.
Community Boundary and Dispute Analysis	It was observed that the Kpatawee waterfall and a huge oil palm plantation could become a huge source of income. Because of these economic benefits, it was observed that these two things could be the center for future conflict.

Informants talked about the boundary dispute in a positive and friendly manner, suggesting they wanted a constructive resolution to boundary issues now and in the future. They were not angry but accusing. They all shared a common understanding about boundary dispute and the need to resolve them in cooperation with neighbors.

From the stories given by the town chief, it can be inferred that he and his citizens were key actors that promoted the boundary dispute resolution process. According to the Town Chief, when the people of Menquelleh clan claimed that the Mein River was the boundary while citizens of Kpatawee clan were claiming that Mlamwonbai mountain was the boundary. During the settlement conference among the three clans, it was recognized that the actual boundary is Mlamwonbai mountain.

SELEGA COMMUNITY, LOFA COUNTY	
Administrative Data	• **Date of field visit:** Thursday, May 19, 2016 • **Name of target community clan:** Upper Walker Clan • **Clan headquarter:** Lawalazu • **Clan Chief:** Hon. Woloba Dorbor • **Names of adjacent clans:** Lower Walker Clan • **District name:** Voinjama District
Appearance of Community	Selega is a typical Lorma town, and is divided into four main quarters: Beavogui, Kelemai, Seekemai, and Siamai. The majority of the household structures are roofed with zinc and constructed with mud and sticks. This town has a mixture of livestock including goats, sheep, ducks, pigs and chickens. The road from Voinjama to Selega is fixed/repaired and much better as compare to 2012. We met a few youth in the town and greeted them. They introduced us to the Sectional Clerk and we conducted the interview with him. The Sectional Clerk is also the Assistant Town Chief. There are large empty spaces of uncultivated bushes or forest near the town. Some portion of the forest is reserved for farming activities, and sites for traditional practices. The only government project ongoing in the town is the construction of feeder roads that extend from Selega to Samodu and on to the Guinea border. Presently, there is no extraction of diamond, gold, rubber and other minerals taking place in Selega. There is, however, harvesting of timber for local construction purposes only, but this is done with the consent of the town authorities.
Location of Community	Selega is situated in the Upper Walker Clan, Voinjama District and is bordered by Kulukai, Matthew Konnedu, Gbegbedu, and Samodu communities. The town is also situated 5 km from the district headquarter, Voinjama. Selega is an hour's drive to the border with Guinea. The trip to the town wasn't difficult, especially with the ongoing construction of the feeder roads. The town has guesthouse, town hall, video club, local court, church and an elementary school called Selega Bozzie Public School. The town lacks police station, restaurant, and high school.
Community Leadership	The inhabitants of Selega appeared friendly and receptive to the interview. The Town Chief, Assistant Town Chief, and elders comprise the leadership of the town. The town is inhabited by Lorma, Kissi, Mandingo, and Fula with the Lorma being the majority group. The Lorma own the town according to tradition. There is a church, but no mosque in the town. The Muslims who live in the community worship at their homes.
Community Observation Analysis	Some of the major characteristics observed in the community during our visit were that people who are well informed about the boundary situation/dispute between Selega and Samodu are still alive and willing to provide oral history. Presently, there are no extractions of diamond, gold, rubber and other minerals taking place in Selegar and Kolba. People harvest timbers for local construction purposes only, but this is done with the consent of the town authorities. In that the Lorma tribe strongly believed that the Mandingo tribes do not allow Lorma people to marry their daughters. This is a source of tension throughout Lofa.

Community Boundaries	Kulukai, Matthew, Konnedu, and Gbegbedu communities are all adjacent communities that are not part of the Samodu boundary dispute. The common boundary between the Selega people and the three other communities is just a little river. These communities all considered and recognized that this river is their boundary. They are satisfied with this boundary.
	The boundary between Selga and Samodu remains contested.
Active/Recent Boundary Disputes	There is an ongoing dispute between Samodu and Selega. These two towns are in two different districts (Voinjama and Quadu Gboni), which complicates efforts at resolving it.
	The people of Selega claim that the Gbegbe mountain has the soap tree that is the traditional boundary marker between Selega and Samodu while the people of Samodu are claiming that the boundary is the Red Hill.
	This claims originates in an old dispute between the communities dating back to the 1930s, however it was brought up again in 2012.
	The Superintendent set up a task force committee to try to settle the dispute. The taskforce was comprised of authorities from both towns: the Paramount Chief, Town Chiefs, Elders, and youth leaders and women's leaders. Despite their efforts, the task force failed to resolve the matter.
	According to the Sectional Clerk, the women leaders and the youth leaders were only expected to serve as observers and learn, but not to speak or provide some accounts.
	The matter between Samodu and Selega remains unresolved. After the taskforce failed to settle the conflict, the Superintendent decreed no one should make farms in the contested area (Gbegbe Mountain and the Red Hill areas). This decree was verbal not written and has largely been observed.
	There has been no violence or destruction of property in the case, but tensions between the towns are high.
	The NRC, JPC, and the Carter Center have made efforts at various points to resolve the conflict.
	The disagreement has badly affected the relationship between the two towns. It also affects farming in the areas and the movement of people between the towns.
	Over the years, tensions have grown in the area between Lorma and Mandingo. This tension is reflected in the difficulty of resolving this dispute and adds a layer of complexity to any efforts to achieve a negotiated settlement.
Settled Boundaries	The dispute between Selga and Samodu remains unresolved.
	Other inter-community boundaries in the area are settled and boundaries, marked by natural features like rivers are respected.
Boundary Disputes Resolution Efforts	In 2012, community leaders in Selga attempted to resolve the dispute. The elders, town chief and local authorities in Selega, complained to the Paramount Chief and the Superintendent along with the Representative and as far as to the Vice President.
	The Chief Elder and the Paramount Chief offered to help resolve this boundary matter, because of concern that the matter could escalate in to more land disputes or even violence.
	Citizens from Selega based in Monrovia and the USA also offered to help and to send some financial support to enable meetings and provided advice to leaders in Selega.

	The NRC attempted to convene meetings in 2012 to resolve the dispute, but these did not succeed. Both communities are very inflexible in the understanding of what the boundary should be.
Negotiation Team Selection and Preparation	People allowed to talk at internal community meetings about boundaries are prominent citizens from the town: the Quarter Chiefs, Town Chief, Sectional Chiefs, Paramount Chief, Clan Chief, Chief Elders, women leader, and youth leader. In 2012, this group selected the negotiating team to engage with Samodu.
	Women and youths are not usually allowed to talk about the boundary dispute in public meetings; they are only allowed to observe. It was observed that he settlement process serves as learning experience for the youth. Strangers are not allowed to participate in boundary negotiations talks - they are not allowed to talk or even come to the meeting.
	Selega and Samodu community leaders held consultations with their communities before the big meeting with Samodu. The goal of the consultative meeting was to select people who would talk at the two communities meeting, what they could say and how they were to respondent to questions.
Initiating and Convening Intercommunity Talks	Sending messages to communities informing them about boundaries dispute meeting was done via the Superintendent, the Paramount Chief, the Commissioner, and the Clan chief. Letters were written and delivered to both towns.
	The Superintendent, Commissioner, Paramount Chief and Clan Chief usually decide where meetings are held. However, in the case of Selega and Samodu, the two communities proposed that the venue to be that it the disputed site between Gbegbah Mountain and Red Hill.
	During the meeting traditional leaders and elders provided advice and historical background about the place in the dispute. They were able to identify historical traditional boundaries. Explaining where each town used to end their brushing and how soap trees were planted.
	According to the Sectional Clerk, people from Monrovia provided some financial support for feeding and provided advice but they did not have significant influence over the discussions or decisions made at the meeting.
	Women were invited but were not allowed to do any talking. The Sectional Clerk said that it would be embarrassing if any of the women had said something that could be of the contrary. Interestingly, he mentioned a particular woman, who is now dead, that she knew a specific history about the boundary and so she was allowed to explain what she knew because her father was a former town chief.
Conducting Intercommunity Talks	The Chief Elder prepared the selected participants in a small meeting before they could depart for the meeting.
	Both communities refused to allow the meeting to be held in either town, so the meeting between the two communities was held at the boundary site.
	Before getting into the discussion, the community representatives discussed 'ground rules' for the discussion. These were aimed at ensuring a relaxed and productive meeting.
	As Selega community was the 'complaining party', they were asked to open the meeting. According to the Sectional Clerk, he opened the discussion and stated the concerns of Selega.
	Both negotiating teams were well prepared and spoke specifically about the boundary areas they were concerned about: the Gbegbah Mountain and the Red Hill. However, they made very strong an inflexible claims about where they think the boundary is.

	The Selega team proposed to divide the Gbegbah Mountain in half, with each community taking a share. This was not accepted by Samodu.
	Samodu proposed that timber harvesting should not be done in the disputed area. The people of Selega got vexed with that proposal, but until now, there is no pit sawing going at the boundary site in question.
	Ultimately, this discussion in 2012 was not productive in reaching a reconciliation of the different points of view and the dispute remains open.
Outcome If Disputes Resolved Successfully	Up to present, the boundary dispute in question has not been resolved.
Outcome of Disputes Resolution Efforts and Current Status	The boundary dispute between Selega and Samodu towns is still ongoing. The Superintendent has decreed that there should be no farming activities happening in the disputed area until further notice.
	According to the Sectional Clerk, the decree also mentioned that anybody who wishes to do some activities at the dispute site must consult the Town Chiefs for both communities.
	There are no activities going on in the disputed area since the decree. The women are affected in that they are not able to make their gardens and farms in the area. Communities' members who have live crops or cash crops in the area have lost access to it.
	People believe that procrastinating the resolution of this boundary dispute is dangerous and could probably become violent or lead to the destruction of properties and even lives.
	All of the town people for both communities continue to respect the decree imposed by the Superintendent. Up to present, the situation has not escalated.
	The Sectional Clerk has appealed to NGOs to please intervene in the matter and help resolve it. He said that the people of Selega are tired with this issue and want to find amicable solution to the matter. He believed that there would be lot of compromises at this time from the people of Selega.
Dispute Resolution Actors/ Intermediaries	People of Selega trust the Chief Elder and the Commissioner for making decisions on their behalf. Other trusted persons for making decisions about boundary disputes are the Paramount Chief, Clan Chief, and the Superintendent. These people play constructive roles in dispute resolution efforts.
	The Lorma value tradition, so the Zoe of the community is sometimes involved with settling dispute if the matter is between two towns within the same clan and of the same traditional practices. Samodu and Selega have a different culture, so the Zoes will only provide advice and not easily participate because Samodu is not Lorma.
	According to the Sectional Clerk, people from FDA visited the community once since 2012. The FDA people provide advice to the community people not to cut the trees and to reserve the forest. In most instances, the FDA people come to talk about the important of the forest and how it should be preserved. However, they are not involved with boundary disputes settlement.
	The Sectional Clerk clearly stated that he has not seen the Land Commission or the Land Coordinator Center people within Selega. He went on to say that people from the Ministry of Internal Affairs also not assisted.

Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	Authorities like the Paramount Chief, Clan Chief, Superintendent, Commissioner, and Zoes usually help to solve some specific boundary dispute. Women and youth in boundary disputes cases are not allowed to talk at the meeting. Some land cases, the decisions are made in the Zoe bush, so only member are allowed to go there not women.
Community Boundary and Dispute Analysis	According to the Sectional Clerk, tradition states that both towns were once friendly and used to interact and inter-marry. During the Liberian crisis, the Lorma and Mandingo people had some bitter quarrels and fought each other. The Lorma have accused the Mandingo of killing their people during the Liberian civil crisis, while the Mandingo also accused the Lorma of killing their people during the war in Liberia. This has caused the difficulty in the relationship between Selega and Samodu. Lorma also question the citizenship of the Mandingos. These are important factors in the dispute that are not openly discussed. People of Selega attach a great traditional value to the Gbegbah Mountain, while people of Samodu attach great economic value to the Gbegbah Mountain, believing it may contain minerals. The Sectional Clerk said that the attitude of the youth is also making it difficult to resolve this situation. Their behavior can be rude and they do not respect elders or tradition as they did in earlier years. Overall, this is a complicated and tense boundary dispute.

TELEMUE COMMUNITY, LOFA COUNTY	
Administrative Data	• **Date of field visit:** Saturday: May 28, 2016 • **Name of target community clan**: Pauloma Clan • **Clan headquarter:** Ganglota • **Clan Chief:** Hon. Flomo G. Kollie • **Names of adjacent clans:** Gbarlain and Vavala • **District name:** Salayea Administrative District • **Name of interviewee:** Flomo G. Kollie • **Position: Clan Chief**
Appearance of Community	Telemue is relatively a large traditional town with an estimated 2750 population. Majority of the household structures are built with sticks and mud. Most of the structures are roofed with zinc, while few are thatched roof. On arrival in the town, about eighteen persons including elders, youth and women came to receive the team. The team was welcomed in the community entry meeting. The purpose of the team's visit was explained and the attendee agreed to be interviewed. By physical outlook, the town is mostly surrounded by uncultivated bushes with an abandoned rubber farm on one side of the town. The town has a primary school, which is the only government project for now. There is no extraction of natural resources taking place within or near the town, except for the tapping of rubber trees.
Location of Community	Telemue is situated in Pauloma Clan, Salayea Administrative District. It is located along the main Zorzor and Voinjama highways. This highway like all other unpaved highways in Liberia can be easy to travel in the dry season, but very difficult at the peak of the rainy seasons. There are no guesthouse, restaurants, police station, high school, local court, and important offices/landmarks in this town.
Community Leadership	The leadership structure of the town includes the clan chief, town chief, elders, quarter chiefs, youth leader, and women leader. These leaders were opened to the research. As observed, the inhabitants of this community are friendly and welcoming. They expressed a strong wish for land conflict resolution in communities, clans, and districts in the County, with assistance mainly from larger civil society organizations. The town is predominantly inhabited and owned by the Kpelle ethnic group, with few Lorma being the strangers/minority. Christians and Muslims reside in the town, but majority of the inhabitants are very strong traditionalists.
Community Observation Analysis	This town is small in size and population and has no services. The town could be described as traditional in terms of social norms and livelihood. It is predominantly inhabited by the Kpelle ethnic group; with Christianity and Islam being the two main religions presently practiced. This clan and its neighboring clan, Gbarlain are interlock/overlapped in terms of town location on the main highway; where people of one clan seem to have strong cultural loyalties to their clan rather than their neighboring towns of another clan. This could

	impact how boundary dispute might be handled.
	The community uses its land mainly for rice farming, cash crops, rubber plantation, palm and cocoa, sacred bushes, cemetery, school and other future projects.
Community Boundaries	The communities that are neighbors to Telemue are Salayea, Gboungay, and Gorlu. Telemue's common boundary with Salayea is a stream called Kpaytoyeah, which is known and respected by all. Its common boundary with Gboungay is a tree called Barkpon, which has died out but the spot is still there. They claimed that they all should know it as the boundary. Its common boundary with Gorlu is a creek called Wadalan.
	The people within the town know exactly where their community boundaries are located based on historical accounts from their parents. According to the people of Telemue, these boundaries have been established generations ago. The present generation comes to see their fathers brushed the road and stopped at the boundary points repeatedly.
	There has been no internal disagreement about where the boundaries are with other communities. They all know their various boundaries and are aware of those points, because they were informed about them. They observe those boundary points during farming activities and roadside brushing.
	Accordingly, their forefathers made the decisions with other communities where the boundaries should be through mutual understanding and general consensus. They do civil labor, such as brushing of roads and farmlands and stop at the agreed boundary points marked by tree, creek or stream.
	Presently, Telemue has cordial relationship with Salayea town, and is reasonably fine with Gboungay and Gorlu even though they are involved in a dispute. Normal farming activities and social interactions are still going on among them. Things are calm but no one knows for sure when tensions might flare up again. Once a conflict is not settled, calm can only be temporary.
	Gboungay, Gorlu, and Telemue are important towns in this area. Ganglota is the clan headquarters.
Active/Recent Boundary Disputes	There is an ongoing boundary dispute between Pauloma Clan and Gbarlain Clan.
	The background of this dispute is based on a story narrated by the people of Telemue/Pauloma clan that the late Hon. Jinneyan was once a resident of Telemue town. Later, he settled with some citizens from Telemue on a parcel of land, which is situated on the right hand side of the Kulupayar Creek to a village called Menmenta. It is this land that the children of the late Hon. Jinneyan of Gboungay/Garblain clan and the people of Telemue/Pauloma clan are both claiming ownership.
	The people of Telemue/Pauloma clan claims that they own the land. They are not denying the other party access to the land, because their father was a resident of this town before settling there. They may still have full access to the land. Now that they are in Gboungay/Gbarblain Clan, the land remains a property of Telemue/Pauloma Clan.
	The disagreement was about which of the communities owns the land. The people of Garblain Clan are also in dispute with other towns of Pauloma Clan, which includes Tinsue and Ganglota but of different nature.
	When the confusion started to happen, people from the both clans were very angry at one another. They saw each other as enemies. Both towns/clans threatened one another, when the dispute escalated. There were bitter feelings amongst the people of the both clans. As a result of the disagreements, the relationship between the both

	clans was not cordial as before. The dispute caused communication barrier between the both communities/clans as well.
	The people of Garblain Clan took the case to the magisterial court for prosecution. The disagreements have been going on for nineteen years.
	Since then, they have not attempted to resolve the issue between them. A barrier to open communication between the both towns/clans has been created. As a result of this, they think some neutral person or organization should take the lead.
Settled Boundaries	In reference to Salayea, both towns came to a good agreement about common boundaries based on mutual understanding and general consensus. Based upon this, they identified and established a specific boundary marker, such as the Kpaytoyeah stream to be the common boundary. It is generally accepted and respected. The various works done by each side during road brushing and marking farms reinforce this.
	Notwithstanding, there are often small informal discussions with Salayea about the boundary. This happens especially when they suspect that something is about to go wrong between them. There have been three to four small meetings such as this.
	They discuss issues as they unfold, and recommit themselves to the legacy of their fore fathers. However, if there is a breach of boundary agreement, the community complains to the paramount chief or the district commissioner. These are government positions, but are also seen as important traditional leaders also. In that line they often handle such issues as elders and leaders of their people.
	The challenges that might be in the future about common boundaries with other communities are based on population growth and the need for land and resources. They worry that if a complete boundary demarcation is not done to the satisfaction of all communities, clans, and districts in the County, there will be potential conflict in the future.
Boundary Disputes Resolution Efforts	The community handles disputes with neighboring communities by reporting the case to the chiefs, elders, youth leaders and women leader that constitute the traditional authorities. It is the responsibility of the traditional leadership to initiate resolution efforts, and sometimes the religious community.
	These traditional leaders then decide if something should be done to resolve the disagreement about the boundary for peaceful coexistence.
	One key factor that brought them to the round table was that Telemue/Pauloma Clan was taken to court by Garblain Clan. They spent some money back and forth without proper and fair redress before NRC and other parties came in to organize talks.
	In cases of intercommunity disagreement, the community leadership and those families situated at the disputed boundary are always involved in the discussions.
	In cases of internal differences, the elders, who are the culturally respected folks in the community, usually resolved them in collaboration with women and youth leadership.
Negotiation Team Selection and Preparation	In this community, people who are allowed to talk in discussion about boundary with other communities include knowledgeable chiefs and elders, whereas people who cannot demonstrate sufficient knowledge about the area in dispute are not allowed, particularly the youth. They are allowed to listen and observe the process, which serves as a learning process to prepare them for their future.
	The selection of the negotiation team was done in a general meeting, stating the purpose or nature of the dispute, and the category of people to form negotiation team on behalf of the community/clan.

	The negotiation team includes knowledgeable chiefs, elders, and people who live or farm at the boundary. In the case with Gboungay, seven persons represented the community including chiefs and elders/usually a team.
	Prior to the joint meeting, the people representing the community/clan met to hear the views of the citizens that would help to prepare them. They are highly trusted, and were prepared knowledge wise. At the same time, they received support from their people regarding the dispute.
Initiating and Convening Intercommunity Talks	Mediators, such as NRC, the Land Commission, and other local CSO actors organized the meetings, and sent communication/messages to communities. These actors contacted the chiefs and the elders/customary leaders from both sides for negotiation meetings and ensured their participation.
	The meetings that happened took place at the boundary line in Telemue and in Salayea town.
	Those who participated in the meetings included chiefs, elders, and landlords from both sides and government people etc.
	During such discussions, the traditional leaders provided the history of the area in terms of boundary verification; the government people observed the process and made sure nobody caused unnecessary disruptions to the process.
	The Monrovia-based citizen association played the consultative and advisory role.
	The women of Telemue were too upset when the Gboungay people took the community to court. The women incited the community to burn down the house belonging to the Jinneyan children in Gboungay.
	The NRC was the lead mediator; churches provided spiritual guidance. The local government helped to ensure order and calm. Besides the mediating parties, no other people were involved in the negotiation from outside this community.
Conducting Intercommunity Talks	Telemue has been a part of series of intercommunity meetings at different times. The designated teams spoke at the joint meetings, mainly comprising of landlords, chiefs, elders, and representative of affected families.
	At first, the designated team of Gboungay/Garblain Clan spoke first and later interchangeably. On few occasions that the mediators and religious people spoke first and then the parties spoke later.
	The main topic was the location of the original clan boundary between Pauloma and Gbarlain.
	It was not too difficult to talk about earlier migration of chiefs that resulted in some chiefs owning land in several communities.
	The issue of the lawsuit and the court decision against Pauloma Clan, Telemue in particular was tense to discuss.
	In discussing a difficult topic or taking a difficult decision, the people representing the community always came back to consult the rest of the town on what the decision should be. Sometimes the local authorities will step in to soothe any mounting tensions.
	The communities/clans' leaders did not make any final decision about the boundary. The disagreement is still there. They have not had anything substantial to agree on. This is why the conflict has not ended.
Outcomes	The disagreement is not yet resolved. It is still here. They are looking forward to larger civil society organizations or actors to help resolve the disagreement.

If Disputes Resolved Successfully	This disagreement is not yet settled. The NRC, Land Commission, and others attempted to solve the issue, but it was not possible.
	The joint meetings brought them together, where they were sit together and discuss, but it was not enough to resolve the issue in short period of time.
	The lessons they learnt from this dispute is that a boundary disagreement must not be manipulated. People who are affected must be a part of the resolution in a fair and un-coerced way. They also learnt that if one desires to win 100%, the disagreement will drag on forever.
Outcome of Disputes Resolution Efforts and Current Status	The current situation between the two clans is at a stoppage. Once farming activities start, all the noise ceases until the next season for clearing land for farms. The situation seems as though everybody would wish to win 100%, which is not possible; no one wants to come up first with a compromise.
	If the claim of the other party is granted them, then the women of Telemue stand to lose fishing rights to the water/creek right next to the town.
	People in the community are holding onto their claim. There is no agreed boundary yet for the two clans to respect. Since there has not been an agreed boundary, they believe the problem is still as big as it has ever been.
	Relationship between the two communities/clans is fine at individual and family levels on the surface, but in reality they are not open with each other.
Dispute Resolution Actors/ Intermediaries	This community respects tradition and culture. The elders and chiefs are the most important problem resolvers in the community that are not just land and boundary disputes. The issue of land stands to be influenced by several factors that is the reasons for failure of the elders to resolve land cases.
	The sort of disputes that can claim the attention of the Telemue Humanitarian Organization is something like the dispute in question between town and town, but in smaller disputes they call on the chiefs and elders.
	Some key respected persons who are helpful when disputes come up about land, boundaries, clan or intercommunity, livelihood or business issues could be the Hon. Kollie, representative of the district, the District Commissioner, and sometimes the Paramount Chief.
	Other helpful personalities could be one Victor Kollie, Elder Sidiki Worluba, and Elder Henry Payne.
	The district representative too is key, but most of the time he is busy with national issues. Land dispute resolution can be time consuming. No outside customary leader has come to help in the peace making process.
	The NRC, during their time here intervened to resolve the complex boundary issues between this clan and its neighbor, Gbarlain Clan. But there were hindrances and so they did what they could to assist in resolving the issues. They offered survey services but there needed to be a concrete agreement first, that did not happen.
	Surveyor's services, like is mentioned above was offered by NRC. They went in the bush to conduct investigation surveys, but the lack of tangible agreement prevented the survey from taking place.
	The police sometimes intervene. They are mostly called to maintain order when there is threat of violence. Sometimes their operations can further worsen relationship. They are most susceptible to bribery. The party with the more money has their full cooperation.

	The interviewees reported that the case went to court at one point. Instead of the court or Judges helping to resolve the dispute amicably, especially land dispute that is civil and socially sensitive, they sometimes dealt with case partially, requesting huge sum of money.

The community believes the FDA could have been helping with some of the clan boundaries, especially so with the clan boundary between Ganglota and the other towns in Gbarlain Clan. Some parts of the forest there was set-aside by government as a reserve forest. However, the FDA people are not present in this community.

People from the Land Commission organized a meeting between the two communities. They assembled the both parties and each side was asked to explain. The facilitator asked that they should have a private inter-town session and come back with way forward to resolve the dispute. It appears that this was not followed up.

The district commissioner, the paramount chief, the clan chiefs are all local government or Internal Affairs people who are involved with finding the resolution to this issue. The clan chiefs behave like parties from their respective clans and behave partially. They represent their respective clans and its people.

The district commissioner and the paramount chief are neutral people who can sometimes add up to the strength of all intervening parties and mediating organizations. They are always playing the customary leadership roles, as well as the 'government order' role during the negotiation. |
| **Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute** | Under their circumstances, larger civil society organizations, such as NRC, Land Commission, and other actors made all of the arrangements, such as convening meetings and serving as mediators. |
| **Community Boundary and Dispute Analysis** | The clan structure in this chiefdom is a kind of confusing. Overlapping towns located in different clans can make administration difficult. Some of the overlapping towns strongly believe and respect the culture and tradition that makes them a part of their clan. This makes them unwilling to join the nearest clan to their community.

The people interviewed showed strong loyalty to their respective community/clan, so they could not necessarily be good negotiators or problem solvers in these specific disagreements.

Their stories signified that they would have to depend on some other people or organization to lead negotiations in their disputes. There was no sign of self-initiatives.

The key actors that were involved in attempting to resolve the boundary dispute were NRC, Hon. Backolleh N. Galakpayan, District Commissioner of Salayea District, and the elders of both clans. |

ZUAPLAY COMMUNITY, NIMBA COUNTY

Administrative Data	• **Date of field visit:** Thursday, May 19, 2016 • **Name of target community clan**: Gbonwehyeeplay Clan • **Clan headquarter:** Ziah #2 • **Clan Chief:** Hon. Morris Sehgbean • **Names of adjacent clans:** Sehzueplay, Mensonnoh and Wee Clans • **District name:** Doe administrative District
Appearance of Community	Zuaplay is a small town that has approximately one hundred and twenty household structures. Majority of the structures are constructed with dirt bricks and roofed with zinc. Upon the team's arrival, about twelve citizens came to greet the team. They welcomed the team in a friendly manner. The town is partly surrounded by rubber farms and uncultivated bushes. The only visible projects in this town are the government clinic and primary school. There is no extraction of diamonds, timber, or other minerals taking place within or near the town, except for the tapping of rubber trees.
Location of Community	Zuaplay is situated in Gbonwehyeeplay Clan, Doe Administrative District. The town is presently connected to the main highway leading to Tappita, which is under the USAID/FED road rehabilitation project. Traveling to this town will be of no difficulty in the dry season or in the rainy season. Zuolay is the district headquarters. There are no guesthouse, restaurants, police station, high school, local court, and important offices/landmarks in this town.
Community Leadership	The leadership structure of the town includes the Zone chief, town chief, elders, youth leader and women leader. The team met with some of these leaders and explained the purpose of the team's visit. They warmly welcomed the team and accepted the purpose of the research and consented to be interviewed. They expressed interest in a civil society organization to intervene and help resolve their dispute. The town is predominantly inhabited and owned by the Gio ethnic group, with a few Mano being the strangers or minority. Christianity is the principal religion current practices in the town.
Community Observation Analysis	Doumpa and Zuaplay were visited. Comparatively, the both towns are traditional towns. Doumpa is a little bigger in size than Zuaplay. The both towns are predominantly inhabited and owned by the Gio ethnic group. Christianity is the principal religion currently practices in the both towns. The both towns lack restaurant, guesthouse, police station, high school, local court, and important landmarks in the towns. There are no extractions of natural resources taking place within the both towns or near the towns. The characteristic of this town that might impact how boundary dispute might be handled is based on interconnected relationships. The community uses its land for subsistence farming, the planting of crops, such as rubber, palm, cocoa, and building of homes.

Community Boundaries	The communities that are next to Zuaplay are Kenpea, Gblonla, Nuopea, Kpaytuo, Kpeletuo, and Doumpa.
	Zuaplay common boundaries with Kenpea is a stream called Loryee, with Gblonia is a fallen tree called Xieukporlar, with Nuopea is a soap tree, with Kpaytuo is Borr Creek, with Kpeletuo is a hill with a stream at the bottom, and with Doumpa is an iron and kola tree planted between Dalia and Yoryee Creeks.
	People in this community know where their common boundaries are based on the historical accounts received from their forefathers. These boundaries were generally decided upon and well established. They were shown to them by their forefathers, and the boundaries are observed and reconfirmed during farming activities and roadside brushing.
	The town members decided where the common boundaries between their community and the other towns are located based on mutual understanding and general consensus. They established and identified boundary markers, such as soap tree, a hill, stream, and creeks to be their common boundaries. These boundaries points are respected and observed during farming season and roadside brushing.
	There has been no internal disagreement. They all know where their common boundaries are with other communities. Zuaplay has cordial relationship with Kenpea, Gblonla, Nuopea, Kpaytuo, and Kpeletuo. But Zuaplay's relationship with Doumpa is not entirely cordial due to the confusion.
Active/Recent Boundary Disputes	There is a major boundary dispute ongoing between Zuaplay and Doumpa. The disagreement is about claims and counter claims over the Yornee and Daila Creek's boundaries.
	The disagreement first started in 1978, and was resolved by the late Superintendent, Hon. Dumbar. The both parties at the time compromised, and jointly planted an iron and kola tree between the Yornee and Daila Creeks as their common boundary.
	The dispute resurfaced in 2008 as a full conflict. Those involved in the dispute were Kargou David, Bueh Fandan, Teah Gontay, Ready Grualo, and Genseh Toweh. They were the farmers from Zuaplay. The others from Doumpa town were Saye Kahnkeh, and Wehyee Gbor, now Acting Zone Chief.
	The dispute started when citizens from Doumpa prevented farmers from Zuaplay from brushing their farmlands at the disputed boundary. The citizens from Doumpa claimed that the Daila Creek is the main boundary, which the farmers from Zuaplay had crossed and encroached upon their farmlands. Whereas the citizens of Zuaplay claimed that the Yoryee Creek is the main boundary. Erosion and farming activities destroyed the iron and Kola tree that were planted in 1978, between the Yornee and Daila Creeks as their common boundary.
	As a result of the disagreements, there was a violent confrontation in which properties were destroyed, some people sustained injuries in a shootout, roadblocks setup, and farming activities were stopped around the disputed areas.
	The disagreement affected the community in terms of farming and social activities. People are suspicious of one another and farming activities were stopped around the disputed area. There are no strong ties between the two communities as before.
	This disagreement has been ongoing for about thirty-eight years. This community did not make effort in trying to resolve the disagreement. There was a complete absence of peace building initiative.

Settled Boundaries	This community come to a good agreement about common boundaries within their community and with neighboring ones based upon mutual understand and peaceful co-existence. This community has had no formal talks about boundaries with its neighbors, because of the mutual understanding that exist.

Notwithstanding, if people in this community break the rules about the common boundary, that person will be invited and investigated. He will be advised to desist from such an act that has the propensity to cause conflict. If people from the other community break the rules, the leadership of this community will decide to meet with the other community leadership to register the issue for redress.

The inhabitants believed that if there were no clear demarcations between the communities as it is, it would pose a serious problem in the future for coming generation. |
| **Boundary Disputes Resolution Efforts** | The community handles disputes with neighboring communities by setting up a team to hold talks or meetings with the other community regarding boundary issues.

The community leadership decides that they should make an effort to settle the disagreement about the boundary with the other community for sake of peace. They do this in consultation with their citizens, because it involves the wellbeing of the entire town.

Some of the bad things that prompted the round table discussions in 2008 include the destruction of properties, shootouts, and broken relationships. If there is disagreement about intercommunity boundaries within the community, people who should be involved in the discussion include the community leadership, and people farming or living near the potential boundary.

When the disagreement resurfaced in 2008, the community decided to seek the intervention of the former NRC and other stakeholders for immediate assistance. The disagreement is yet to be resolved. |
| **Negotiation Team Selection and Preparation** | In this community, only people who are 'mature' and knowledgeable about the community boundary are allowed to talk in the discussion. The community members met and selected a team comprising of five men, which includes the town chief, elders, and youth and women leaders. This team was involved in talking with the neighboring communities about boundaries.

Prior to talking with representatives of the other community, the team held a consultative meeting with its community members to brainstorm the issues, and decided on points to be carried to the other community for discussion. Their goal was to the push the point of maintaining the initial boundary point that was established in 1978. The team was prepared for the discussion in that they were well informed about the entire boundary point. |
| **Initiating and Convening Intercommunity Talks** | Due to the severity of the conflict, this community was not able to carry messages to the other community that they wanted to talk about the boundary disagreement with them. Rather, they reported the case to the former NRC for assistance in 2008. NRC initiated and convened intercommunity talks.

The important people to hold talks with in the other community regarding the boundary dispute include the Zone chief, town chief, elders, youth leader and women leader. A meeting was convened and was held in Kpaytuo town as a neutral ground.

Those who participated in the meeting in Kpaytuo town included the Superintendent, District Commissioner, Paramount Chief, Clan Chiefs, elders, town chiefs, youth leaders, women leaders, and the NRC. |

	During the meeting, the traditional leaders, elders and government people helped to guide the process. They advised the parties to come to a common ground to resolve the dispute. The Monrovia based citizens were informed via phone calls, but didn't play any meaningful role in the dispute.
	The women were only supporting the team representing them in whatever decisions they make. The NRC served as mediator helping the parties to generate possible options that would lead to resolution.
	The Church provided spiritual guidance for the discussion. They encouraged the parties to see reason to put a complete cessation to the dispute for the sake of peace. Some elders and district officials from Wee-Gbeyi Administrative District came to observe the process and give support. The local government officials supported the process, by encouraging the parties to end the dispute for the sake of peace.
Conducting Intercommunity Talks	The community met the other community in a big conference to find the way forward. Only the designated teams spoke at the joint meeting. The first person to speak was Old man Vonleh from Zuaplay followed by another person from the other town.
	The mediators set a moderate tone for the meeting, and also set ground rules to guide the discussion. The speakers were advised not to use scornful abusive remarks that would disrupt the entire discussion. In the discussion, the important topic in the dispute was where a new acceptable boundary should begin.
	It was easy to talk about identifying common boundary since the current boundary is in disagreement. The issue of who initiated or provoked the violent confrontation was difficult to discuss, because it could disrupt the meeting.
	When this difficult topic was mounting tension, member of the negotiation team calm down the situations. At the end of the meeting, the both parties didn't make any final decision about the boundary to resolve the dispute.
Outcomes	The dispute is ongoing and has not yet been resolved. With the exception of this ongoing dispute, there were no other disagreements reported.
If Disputes Resolved Successfully	This dispute is ongoing and has not yet been resolved successfully. Nothing absolutely has been done to finalize agreement about the boundary.
Outcome of Disputes Resolution Efforts and Current Status	The situation with the boundary between Zuaplay and Doumpa is relatively calm. Fundamentally, there was no compromise or giving up some rights to resolve the dispute. The both parties had not yet reached an agreement on a clear boundary to be respected.
Dispute Resolution Actors/ Intermediaries	People who help to resolve disputes in the community that are not land related are the town leadership. Also, when disputes come up about land, boundaries, family problems, and money business, the town leadership is the ones to resolve these kinds of disputes to maintain peace and stability in the town. Some of these town leaders are family members to disputants, while some are just friends to the disputants in the town.
	If a dispute is between two communities, or between a community and a government entity, the trusted and respected person to that can be a bridge to help resolve their differences is Counselor Cooper Kruah.
	Within the district, Elder Tarkpor Vonleh is helpful when disputes come up about land, boundaries, intercommunity livelihoods or business issues. They have been part of the negotiation meeting in helping to resolve the dispute, but it is still yet difficult. The

interviewee didn't mention the names of any big government persons that can be helpful in resolving the above issues.

Elder Gayziah Taylor from Yarwin was one of the customary leaders who came from the National Chiefs and Elders. He also helped to encourage the parties to resolve the dispute. The only NGO that was involved in helping to solve the dispute was the NRC. NRC came and started the resolution process by organizing conferences to help parties resolved the dispute. Unfortunately, that didn't work out successfully until NRC phased out.

The police came in during the violent confrontation, in which properties were destroyed, some people sustained injuries in a shootout, roadblocks setup, and farming activities were stopped around the disputed area. When the police came in, they removed the roadblocks and advised the disputants to refrain from any act of violence. The case did not go to court for prosecution. The inhabitants said that the court resolved land issues depending on legitimate deeds, and don't care about building relationship. They said that court action involves money. They would prefer civil society actors resolving their disputes free of charge and helped the parties to reconcile.

FDA didn't participate in the meeting, and they don't know the role FDA is supposed to play. Also, they did not notice or observe the presence of the Land Commission, Land Coordination Center Staff, or the Commission's local dispute resolution committee during the meeting.

Some people who came from the Internal Affairs included Commissioner Goekor of Weegbehyi District, and Superintendent David Queeglay of Sacleapea Mah District.

Intermediary Help in Resolving Your Specific Intercommunity Boundary Dispute	The NRC was the larger civil society organization that was serving as intermediary to help resolve the boundary dispute between the two communities.
Community Boundary and Dispute Analysis	There was no specific characteristic that was observed about this community that makes them more likely to have a boundary dispute. There was no sign of anger observed, but they were mainly accusing the other community for triggering the boundary dispute.
	Some of the inhabitants spoken to share a common understanding about the boundary dispute, as they are not the cause of the dispute. The people spoken to were actually in strong defense of their position in the dispute. This suggests that they might not be good at resolving problems.
	The inhabitants of this community do not have the skills or trainings to resolve the dispute. They really need the assistance of civil society organizations to help resolve the dispute.
	The key actors promoting the boundary dispute were Kargou David, Bueh Fandan, Teah Gontay, Ready Grualo and Genseh Toweh from Zuaplay. They were the affected farmers from this community. The others were Saye Kahnkeh and Wehyee Gbor, now Acting Zone Chief from Doumpa town.
	The key actor that was helping to resolve the boundary dispute was the NRC. No dispute resolution efforts have been made since NRC left and the dispute remains unresolved.

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