Draft Land Rights Policy Consultation/Harper, Maryland County

February 20-22, 2013

Transcript of Group Discussions on the Draft Land Rights Policy

TRANSCRIBED BY:

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SUBMITTEDTO*:*

THE LAND COMMISSION

DATE SUBMITTED*:*

April 4, 2013

Day 1; February 20; Morning Session

Group 1 (Women)

Facilitator: Mackins Paijibo

Facilitator: We will ask somebody to take down note for us**.**

Question: Are the four land categories clear to you? If not, why? Is the difference between Government Land and Public Land clear to you? If not, why?

Facilitator: The commission went all around and came up with this definition on these four land categories of land called draft policy so that we can discuss it and agree to make this a law So the policy is divided into four categories, Government Land, Private Land, Public Land and Customary Land so the reason we are here is to understand the meaning of these four type of land. It is also our hope that after this session you will understand these land categories so let look at government land somebody read for us.

Speaker: Government Land is defined as land used for the buildings, projects, or activities of the Government.

Facilitator: Do we know of any other definition?

Speaker 1: Land is defined as land use for building project and activities for the government.

Facilitator: Let know what government land is; any land that is use for project that land is for government, anyone view on government land?

Speaker 2: Government land is a land that is use for project.

Facilitator: so we say government land is defined as land that is used for government projects.

Speaker 3: A land that is reserved by government, can it be called a government land?

Facilitator: Yes for government.

Speaker 4: If this portion of land for government and government is say waiting for funding to develop the land and the land has been there for more than three years plus, can that land still be called government land?

Facilitator: Yes that land is still for government.

Speaker 5: What happens to people who bought land from past official of government?

Facilitator: Will pass government take this land from people who buy them in the pass? She is asking what happen to people who bought government land from past government official?

Speaker 6: Why if governments request a land from private person and the person refuse and government force it and take the land, what happen to that person?

Facilitator: Government will not take your land from you without doing the right thing, government will pay you for the land and even help to relocate you or sometime government choose to relocate you if she don't want to buy the land, government will not come and take your land without doing the right thing, but if government talk with you and you refuse and government really want to use that land, then the government will use something the draft policy called Eminent Domain, and in order for government to use their Eminent Domain power, the government has to put it on the air or the radio for three months.

Speaker 8: Government land may be sold or lease to the government, an individual, or a private entity, including a community, only if the transfer process follows the strict protections designed to prevent fraud and abuse set forth in the Land Rights policy statement. Government Land may not be granted as a concession.

Facilitator: So the government can also sell land too but before the government can take such decision they have to follow the strict protections designed to prevent fraud and abuse set forth in the Land Rights policy statement and also air it for like three month before taken such action, one thing government cannot do with their land that and that is government land cannot be used or granted to concession. Can any help us with meaning of concession? In our understanding concession meaning company and so under this policy government land should not be given to company.

Speaker: Are we saying no government or government official should give government land to concession because government may use it in the future?

Facilitator: Yes no one should sell or lease government land to concession. But you can give government to the community.

Speaker: If an official of government sell a land to another person at the time and some of the land left over and another company came and said they want the balance, is possible for that person to sell the land.

Facilitator: Well, that person should contact the authority in that area because that land is a government land or contact the government directly so that the right thing can be put in place before selling the land.

Speaker: What if you went through a lease agreement with someone who was in authority and the agreement state ten years and you have used three years out of the ten years and new government come what happen to me?

Facilitator: Like I said to you, once you go through the right procedures, no one will take the land from you until your time is over.

Speaker: I want to know, what is the proper produces of acquiring a government land?

Facilitator: The first thing you need to go to the proper authority and they will explain to you how the process is like, but before the government lease a land to you, they will make an announcement for about three months before selling the land. Any other questions from the group? If no question than let us go to section 3.4.

Speaker: Government land includes government protected area which is owned by the Republic of Liberia and be conserved and managed for the benefit of all Liberians. A government protected areas shall not be sold, leased, or granted as a concession. A Government protected Area shall only be converted to private land, customary land, or public land in accordance with a law passed by the legislature.

Facilitator: Can anyone tell us two things that government can do with their land.

Speaker: Government can sold or lease.

Facilitator: Very good, who government land can be sold to?

Speaker: Individual, private person, community and the government itself.

Facilitator: How do you sell government land to government itself?

Speaker: Lands that are marked for development.

Speaker: Government land can be sold to another government entity, example if the ministry of health owns a number of lands they decide to sell portion to another government ministry for development purposes.

Facilitator: Let’s go to public land, can anyone read for us section 3.6?

Speaker: Public land is defined as that which is not private Land, Customary Land, or Government Land.

Speaker: Public land is a land that is not own by anybody.

Speaker: Land that is not own by anyone with a building on it is called public land.

Facilitator: Land that is not own by the traditional people or the government that land is called a public land right?

Speaker: How can you determine a public land?

Facilitator: I just stated to you, land that is not own by the traditional people, private person or

government is called a public land.

Speaker: To me it not difficult to find a public land because there are some places in Sinoe county that no one has deed or document for so such land is consider public land.

Facilitator: What she is saying, sometime it can be consider as public land but some time it cannot because there are other law, like the customary land, customary land say whether you have a deed or not once you know your boundary the land is for you but we will get there.

Speaker: Someone who live in the interior and made a farm over the years, are we saying that that land is for them?

Facilitator: Well that is some of the issue we will be discussing because that question fall under customary land.

Speaker: What if I settle on the land and make farm or garden and don't have a deed for the land and someone who has the original document come what happen to me on the land? If no one come up to claim the land and I want to sell the land; how do I go about selling the land?

Facilitator: We have something in the policy called Adverse Possession and the meaning is if somebody settle on a land for twenty or more years no one come up to say the land for them that person own the land by Adverse Possession according to the Liberian law and the policy; but it can only happen if there is no war but when people are fighting or when away because of the war that land is not for you.

Speaker: I live on this land for more than twenty years and no one ask me to leave from the land and want to survey this land, how do I go about that?

Facilitator: Go to the land commission or the government to survey your land.

Speaker: What if I have gone through the process and get all my documents planted my corner stone and someone came and root out my corner stone, who should I go to for redress?

Facilitator: If you acquire your land through adverse possession or whatever means and someone come and root out your corner stone you can take the matter to the court.

Speaker: If I spent seven years on a land and someone come and say the land for them what happen to me?

Facilitator: Well we said adverse possession can only come in if you stay twenty or more years on the land but if you spent less than twenty years on the land, you guys will need to find a way to settle the matter. Is that clear?

Speaker: If I build on a land and don't have document for the land and someone come and say the building is for them but that person don't have a document also to said land, what will

happen in such matter?

Facilitator: Can anyone help in answering your question?

Speaker: For me the first person who settles on the land should take over the land.

Commissioner: Let me asked this question; when you say you get a land what do you own the land for?

Speaker: To build.

Commissioner: Some people over the years bought land that they have not been able to develop; why others want to buy land to develop and so this why we from the land commission are asking your input in this very important document so that, what has happen in the past will not be repeated. Some people bought land for more than twenty five years and have not pay taxes to government since the land was bought so please see reason to suggest to the commission.

Facilitator: So you understand what the commissioner just said? Ok if that is clear then my question is, what will be your recommendation for a person who bought land for more than twenty five years and has done nothing on it yet?

Speaker: For me if I own or bought a land and not ready to develop the land they should relocate me.

Speaker: People should be willing to sell portion of their land to those who want to develop the land and other should be developed.

Speaker: My recommendation will be, if you own a land for over twenty years and not ready to develop the land, and someone come up to buy the land and you refuse to sell the land, government should sell the land and money go to government until that person is ready for government to relocate them or give them the money.

Speaker: Those who own land for more than twenty five years or above should be able to pay taxes for the land or government should take the land from them.

Speaker: I will also suggest that government carry on more awareness on paying taxes before they can take over people property.

Speaker: I will also suggest that those who claiming to own land should have a deed or government take over the land.

Speaker: My question is, who has the right to own land in Liberia?

Facilitator: According to our laws everybody who is a Liberian citizen can own a land; the only people who can own land in Liberia are people who we called foreigner especially white man.

Speaker: So what is the difference between the white people and the foreigner from other countries?

Commissioner: According to our law people who are not a Liberian citizen cannot own a land because back when our people came from America and other countries they said black people suffer too much and so they decided that no negro descendent will own land in Liberia but if a Liberian marriage to a white person and they born children that children can own property but not father or mother if they are not a Liberian but any other back people like Ghanaian or Nigerian you come and nationalize you can buy or own a property in Liberia.

Speaker: What a foreigner need to do before they become citizen of this county? And how long will it?

Facilitator: Well right now we are discussing land matter not citizenship so the best place to get answer is the Immigration office so I don't want us go that direction. So we all got some clear understanding of public and government lands right? So let us discuss the customary land.

Facilitator: So let us read section 4.0 Customary Land.

Speaker: Rights to customary Land, including ownership rights, must be secured by ensuring that these rights are as protected as private land rights. Rights to Customary Land include rights of the community as a collective land owner and rights of groups, families, and individuals within the community. Secure rights to customary Land will promote long-term decision making and thereby strengthen Liberia's economic growth. However, the nature of communities varies greatly throughout Liberia. The below policy recommendations recognize this diversity such that communities may define themselves and determine how their land is manage, used, and allocated but within a framework of transparency, accountability, inclusiveness, and shared responsibility with the Government of Liberia.

Facilitator: Thank you very much but to understand what is customary land lets read 4.6 under policy recommendations.

Speaker: Customary Land, whether deeded or not, is defined as land owned by a community and its members and used and managed in accordance with customary practices and norms. Ownership of customary Land, including the right of use and management, shall be recognized as equal to private land rights, whether or not the community or its members have received a deed in accordance with the below recommendations.

Facilitator: Thank you for reading that section but all what was read here meaning that customary land say deeded or not the community or the people own the land right? Then they also talk about ownership and that mean the land will use and manage by the people according to their traditional norms so I want us to look at the definition of ownership first.

Speaker: The first to settle on the land are the original owner of the land.

Facilitator: Now she is saying the people who settle on the land first, but the policy is also say the land is owned by the community and it members; let us look at these two issues what the policy is saying and she is saying.

Speaker: I want to understand something, are we saying if for example the Krah family own a land and that land is a customary land and someone want to buy the land, should we contact the Krah family or the community?

Speaker: I think we should contact the Krah family first and after that the whole community can get involved in the process of selling the land.

Facilitator: But what happen if the Krah family doesn't agree? According to the policy, it should be for whole community.

Speaker: Then the community can find another area to give or fine a way out because the policies speak on it.

Speaker: Section 4.7 talks about ownership of customary land; the Zack family should decide on such matter, the people who want to buy the land should sit with the family and find a common ground.

Facilitator: According to this policy, everybody get equal share whether the man who made twenty years and the man who made five years everyone has equal right under customary land and let me repeat myself, this consultation is for you to add your input on what we have putting together for the future of generations.

Speaker: For me I don't want to agree with policy that all customary land are for the entire community, every community should have a reserve land; why if the Zack family have developed a land for many years and someone want the land, are we saying the entire community should made decision to sell the land? For me, I am saying no because if these happen, the Zack family will go on the rampage in defense of their land.

Facilitator: The policy say the land should be manage with the traditional practices and norms, so traditionally if the land was for the Dolo family it should be for the Dolo family but the commission is saying the land is for the community so to sell the land they will have to go through the traditional of the land right? So do we agree that this definition is ok?

Speaker: Change the definition.

Speaker: Change the definition.

Speaker: Change the definition.

Speaker: Change the definition.

Speaker: That part of the policy should go on to say, customary land should be managed according to the constitution of Liberia, international best practice and obligation including women's right and land laws of Liberia.

Facilitator: Do we all agree with what she just said?

Speaker: Yes, this is how we want it.

Speaker: Yes, we want it like that.

Facilitator: Ok, let us read the policy to the definition of all the four types of land. Let talk about them one by one. Let someone read section 3.1 of the policy document which talks about Government land.

Speaker: 3.2 Government land is defined as land used for the buildings, projects, or activities of the Government.

Speaker: Section 3.3 Government land may be sold or leased to the Government, and individual or a private entity, including a community, only if the transfer process follows the strict protections designed to prevent fraud and abuse set forth in the Land Rights Policy statement. Government land may not be granted as a concession.

Speaker: If I may ask, you are talking about government being sold. What is the difference between government land being sold to government and private land being sold to government? Why Government should sell land to Government when Government finished buying the land?

Facilitator: Agencies within the Government can sell land to one another. For instance, if Ministry of Health has a large portion of land that they are not using. If Ministry of Public works wants the land to use, they can pay for the land to Ministry of Health. So that what the policy mean by government can sell land to government.

Speaker: as there is government officials like the city mayor or superintendent in each county or city. Is it right for any individual to get up from the sky to sell government land without consulting those government representatives?

Facilitator: It is not right. People who sell government lands have been doing it illegally. This is what had been bringing plenty confusion. Right now as we speak the president had placed a moratorium on the sales of public lands. So right now the president is not signing any deed for public land. And only the presidents suppose to sing for the sale of public land.

Section 3.4: Government land includes government protected areas which are owned by the Republic of Liberia and must be conserved and managed for the benefit of all Liberians. Government protected areas shall not be sold, leased, or granted as a concession. A government protected area shall only be converted to private land, or public land in accordance with a law passed by the Legislature.

Facilitator: So as you heard the reading, government protected area cannot be sold, leased or granted to concession. Concession that the companies that can come to do mining or do other things in the forest. So government protected area means no one should own it, government is protected those area for good reason that will benefit all Liberians.

Facilitator: Now that we have heard. Can anyone tell me the meaning of government land:

Speaker: Government land is public and private land belonging to government.

Speaker: Government lands include those lands that belong only to government that have deed.

Facilitator: Ok, Government lands are land that government gets deed for and have government buildings, projects and activities on. Government land should not be owned by private citizen except the government sells it to you. So let us go to the next land which is public land. Let some read 3.6

Speaker: Section: 3.6: Public land is defined as land which is not private land, customary land, or government land.

Facilitator: All the other talking was about Government. Now we talking about public land which is for all Liberian, it is not for the government, not for any individual or customary people. It is managed by the government. So when we take all the traditional people land which is the customary land, we take all the government land out and we take all the private lands, the land that will remain will be the public land.

Speaker: As a Government official can I have the right to own up to two hundred acres of land in the town; using my power and to sell it to anyone I wish to or do anything I wish to do with it?

Facilitator: Many things are not right that people been doing in the past. I cannot answer that question directly, but this policy is here to make all the wrongs right.

Speaker: In the first place it is wrong for government to survey two hundred acres of land, the land had not been laying down there vacant. It was occupied by people so the government can't just get up and claim it. This is what the policy is here to address how government can evacuate people from land that they want to use. Then the next thing about selling land to an individual because the policy says individual can buy land from government or another private citizen or individual. When we went to Sinoe group, their modification was that government land should not be sold. It should rather be reserved and protected for government purpose. The reason is that some people in authority like the Superintendent or Mayor could decide to a vast portion to themselves, family or close friends. So we all can look at it to see if can change some of the policy written about the lands.

Speaker: I have serious issue with this public land business. Who owns the public land? That is my confusion. There had always been conflict of interest among the city mayors, the land

commissioner, the county authorities with this city issue when there is clear act that established the city ordinance. So we want this policy to clearly spell out who will have the responsibility of selling government land within the limit of the city.

Facilitator: Exactly that is why you are here. To guide the process, when it is time for recommendation we will put these on the floor. So you can just write those good ideas on a piece of paper and later you can bring them. Public land is that land owned by the Republic of Liberia. It is owned by all Liberians but is being taken care of by the government. It is for the public and not for special person.

Facilitator: So we say Public land is not for special person, it is for all Liberians. It is different from Government land in that government land has government buildings and projects on it. for public land, it is normally empty space of land. Sometimes people build on public land, those people are being protected by what we call squatter's right. This mean the place is not for them, they are just squatting and they can be asked to leave anytime.

Speaker: I think we have all understood the definitions of the two categories of land we have dealt with so far; we need to move on.

Facilitator: Do you agree with him? Have you understood Government and Public land?

Speaker: Yes, we have all understood.

Speaker: We understand the two types of land.

Speaker: The two definitions are clear to us.

Facilitator: Thank you; so let us move to the next category of land. We are going to private and customary land. Just to lay the basis, the two types of land are similar in some features. The similarity is that the both land is not for the government or the public. The owners can do what so ever they want to do with it. the difference is that private land is owned by an individual or a family, while customary land is owned by traditional people.

Speaker: If I may ask; who owns the customary or public land found near the city? I want to suggest that the city have certain apportioned space of land. That is certain kilometer be given them from the city and if a private citizen land within that range, that person be relocated. With this, the city government can have the opportunity to manage a specific portion of land from the city.

Co-Facilitator: The customary land is for the traditional people. That land was left for them by their ancestors. So if a city is extended there, the land is still for the people. If the city decides to build factory there, the selling of the land should be done by the customary people. So if this policy becomes law city authority will only have management power; like where roads should pass, which buildings should be built here etc, but not to manage land. So if the city wants the

customary land to become government's land, it should pass through the procedure. This is the first time a law is proposing customary land; because this land has been occupied by these people for so many years so they must own it. The law is going to protect the customary land as private land.

Facilitator: So he had said it all. Customary land in the city should be for customary people. Private land in the city should be for private individuals. So this is our idea; but if you feel our idea is not correct and you want to change it, you can. We are saying anyone can own land in the city. But there are control mechanisms in the city that are not in the customary areas. For instance, zoning where you can't build are certain distance close to the road.

Speaker: For me what I understand that this is drafted document. If we look at this definition we can decide if we should go by it or change what so ever we want to do. For me, I agree with that particular part of the policy that customary or private land should be owned by those people and city authority.

Facilitator: Let's continue reading for more understanding on the customary land.

Speaker: Section 3.7: public land may be sold, leased, granted as a concession, or otherwise transferred to the government, an individual, or a private entity, including a community. Public land may be converted to private land, customary land or government land.

Customary Land: Rights to customary land, including ownership rights, must be secured by ensuring that these rights are as protected as private land rights. Rights to customary land include rights of the community as a collective land owner and rights of groups, families, and individuals within the community. Secure rights to customary land will promote long-term decision making and thereby strengthen Liberia's economic growth. However, the nature of communities varies greatly throughout Liberia. The below policy recommendations recognize this diversity such that communities may define themselves and determine how their land is manage, used, and allocated but within a framework of transparency, accountability, inclusiveness, and share responsibility with the government of Liberia.

Facilitator: We have heard the definition of customary land. These people have the rights to use their land. They can decide how to control their land. If they want sell it, that's their land, if they want lease or grant concession, it left with them. So under customary land let us hear the principles.

Speaker: Principles:

Equal Protection 4.1: Customary land rights must be as protected as private land rights.

Local Control 4.2: Decisions about customary land shall be made at the most local level consistent with sound policy and shared responsibilities between the government, communities and their members.

Minimal Impact 4.3: National policy and laws shall have as minimal an impact on the customary practices and norms of communities as is consistent with sound policy, shared between the government and the communities, and international best practices.

Incorporation 4.4: Customary practices and norms not in conflict with national land laws, the constitution, and international legal obligations shall be considered incorporated into the national formal legal framework.

Institutionalization 4.5: Communities shall establish legal entities consisting of transparent procedures and institutions accountable to their communities as a whole to interact with external actors to govern internal interactions regarding land.

Facilitator: In the principle Equal protection means the law shall protect customary land like private land. With local control, they are saying decisions about customary land shall be take at the most local level meaning the affect community should make their own decision about their land.

With minimal impact, it says that the constitution should have a minimal impact on customary practices and norms of the community. Incorporation is saying that the customary practices and norms should be in agreement with the constitution because it is the law that is supreme. Customary practices and norms should also be in line with international obligations and best practices. With institutionalization, it means communities should establish a group to represent them calls the legal entity. This group will be legal and they should be transparent and accountable to the community. It means anything they do everybody must have idea on how they are doing it. Continue the reading.

Policy Recommendations:

4.6: customary land, whether deeded or not, is defined as land owned by a community and its members and used and managed in accordance with customary practices and norms. Ownership of customary land, including the right of use and management, shall be recognized as equal to private land rights, whether or not the community or its members have received a deed in accordance with the below recommendations.

Speaker: From this document, we can see that there will be no public land in the city and this had been the practice, city government had been controlling public land. So I want us to carry this document and really look at it.

Land Commission Chairman: Let me just provide information. City does not own any land. The land in the city can be owned by any of the four land categories. Many of the commissioners in the city been selling public land and this is wrong and illegal. If anyone is caught in such an act, that person will lose their job. So let get this straight.

4.7: Ownership of customary land means private ownership, such that the community and its members have the unrestricted and perpetual rights to use and manage the land in accordance with customary practices and norms, to exclude all others from use and possession, and to sell, lease, or otherwise transfer all or some of the rights associated with the land to any individual, private entity, or the government.

4.8: A community is a self-identifying group that uses and manages its land in accordance with customary practices and norms.

4.9: Each community shall be responsible for identifying is own membership in accordance with a transparent, accountable, and inclusive process.

Speaker: Now that this law will be given customary land, and there had be boundary dispute in the towns or communities. So when we get the land how will be able to cut our boundaries without conflict?

Chairman: This is why the policy a community is a body that defines itself. That means the community should know its people and land space. So the neighboring communities should come together to settle their boundaries demarcation.

Speaker: Is it right for the land commissioner to just give permit to sell land to anybody?

Facilitator: The land commissioner can prepare the document but the president has to sign; for the president to sign, the city mayor has to be aware. So everyone will play a part.

Facilitator: Let us listen to one important thing the policy says about the customary land.

4.11: Ownership of customary land includes ownership of natural resources on the land, such as forest, including carbon credits, and water. In accordance with the constitution, the government has the exclusive ownership rights of any mineral resources on or beneath any land. Or any lands under the seas and waterways. The government shall have authority to regulate natural resources use and access.

So the policy is saying that customary people can own natural resources which include forest that contain carbon credit. Mineral resources are found under the ground and owned and control by the government according to the constitution. So resources like diamond, gold, oil etc, are for the government. So the customary people have carbon credit rights. You can decide who to accredit you forest to for carbon and you get the money.

4.14: The boundaries of customary land shall be determined through active participation by the community, neighboring communities, and their members, including: elder, chiefs, youth, women, and local authorities.

Facilitator: Now that we have heard the definition, principles and recommendations of customary and private land. Can we say we have understood it?

Speaker: Yes, we understand the two categories of land. We said, customary land is a land owned and managed by customary or traditional people. On the other hand, private land is owned by individuals.

Speaker: Yes, we understand the definition and we are even thankful to the land commission for including customary lands in this their policy. We think it was a wise decision and it will settle many disputes.

Speaker: We clearly understand all the four categories of land and we hope our inputs we be respected.

Facilitator: So if we have understood the four categories of land, then we have come to the end of this morning discussion. You can go for launch and returned after launch hour.

[Audio Unclear for Group 2]

Day 1; February 20; Morning Session

Group 3 (Grand Kru)

Facilitator: Raymond Zaizay

Facilitator: Morning, this is group 4 Grand Kru county; you are welcome to this discussion. I want you to understand that this thing you are doing is going to benefit this whole county including your unborn generation. So everything on your mind is important to us. You can freely put your hands up to be recognized to say anything on your mind. For today here is the question. Someone can come and read it.

Question: How should the policy address concessions? What should be the relationship between concessionaires and customary communities? Should concessionaires be allowed access to forests on customary land? If yes, how?

Facilitator: You have heard the question. But let me throw light on what concession is.

Speaker: Concession is an agreement signed the government or the county and any group or company for economic gain. So concession includes the paper that will be signed between the two parties and everything that will be done by that company or group. So now we want you to tell us what you want the policy to carry about concession. How should we deal with concession when this policy becomes law?

Speaker: When companies come to use our land, I will suggest that the concession carry construction of roads network, there should be training for community members to be able to work with the company. Thank you.

Speaker: Previously, any concession regarding our community was always discussed at the top level. These companies will not discuss with us, we only see them coming and operating on our land. In this case they don't respect us because they got their authorization from higher level. So I want to recommend that discussion of concession regarding our land starts from our community. We should discuss with the company and take the outcome to higher level or to the government and say this is how it will be.

Speaker: If the company wants to operate on a land where our people are dwelling, they should be resettled. They should have a package to that will be able to resettle them to another location without complain.

Speaker: I want to suggest that what so ever community the concession is going to go on, that community should duly be informed. There should be an awareness carried out to let the people know the type of concession that will soon be operating on their land before the company can start operating on the land.

Speaker: I will first of all like to thank the government and Land Commission for coming to solicit views and making them part of the policy document. I want to recommend if any company comes, they should build office and headquarters in around our community. They should not put temporary camp down near the town and rent in the capital city, so when they leave that could be benefit and development for the community. It is sure that most of people have travel certificates for their lands. So I want to suggest that the companies that will like to use these people lands first help them to survey the land so that these can have up to date deed for the land and do business with them. And these people should also be given resettlement benefit before they can give their land to any concession.

Speaker: The concession group should first meet the community, the community and the concession group should come to an agreement as to what they will do for the community, how they are going to run as a company and all the detail of the contract be spelled out in that agreement. When the community certifies the agreement before the concession can be give permit to operate by the Government.

Speaker: Concession agreement should be drafted in the community and when finished the community can take it to central government for approval. For those concessions that will go straight to the legislature, our representative should come and get our views before going for the sitting on that concession.

Speaker: Even though w be are talking about concession here, but there are some local groups or individuals doing gold or diamond mining on our customary land. I want to suggest that these people give the due benefit to the customary land owners or the community.

Speaker: Many times companies come and promise us to build roads, hospitals, schools, clinics etc. they only make these promises but they do not live up to their promise until they leave. So I

want to suggest before any company starts to operate on our land, they should implement what so ever commitment they will make. Everything they will promise should be done before they can operate.

Speaker: While it is true the concession may be signed by the government, the community and company should come up with a separate MOU that will outline all the benefits the community as well as the details of the concession.

Facilitator: Let me bring this to your attention, how about those lands that lay close to the land that the company wants to operate on; companies will use adjacent lands as roads and passage to carry their goods and materials to their sites. Should there be any benefit to the owner of those adjacent lands?

Speaker: What we are saying, the concession agreement should be between the community, the company and the company. The separate social agreement can carry what the adjacent community can carry. A percentage could be allotted to land owner from our social benefit. The two communities can sit and discuss that**.**

Speaker: At many times, these concessions promise scholarships to the youth and children, promise employment to community dwellers and so on. Time to meet up with their obligations these companies will be requesting for high averages or GPAs that will make most of our children not to be qualified for the scholarships. For employment even if you are qualified, they will ask for ten or five years experience. So if you don't have that experience, you will be denied employment. So I want to recommend to the policy that these things as scholarships and employment be given without preconditions.

Speaker: The final decision should be left with the community to decide what to do with the customary land, as to whether they want concession group operating in their land or not, which type of operation should be carried out on the community land. When this decision is made, then we can carry it to the government for approval and supervision.

Facilitator: To enlighten you, what government over the past time been at the full front in terms of concession agreement is that, government had not recognized that this land was belonging to you. It is this policy which is trying to make it law for the land to be for you. So this policy we are making when it goes into law, there is no way government can play active role in your concession issue. When the land is yours, you are the one going to decide what to do with your land, you will make the final decision as to whether you want a concession or not and which concession you want. You will be the first decision maker. So all the things you're talking about people not giving the proper benefit was happening in the past. Now we are leading to the future where when the government gives you the land, you and the companies can sit under the palava hot to discuss on what you want and how you want it. Let me just let you know that we can't rule government out because they are eminent domain, so if you give the forest to concession that will destroy the forest, government can step in to regulate the forest because it suppose to be

Liberia at large, but to a greater extend, you will have do the negotiating with the concession companies.

Speaker: The issue of this eminent domain, are you saying that because the government have that eminent domain right, so can the size of any of our customary anytime? Even if we have a concession operation there they can exercise that right?

Facilitator: Let me tell you that the framer of this policy is knowledge about eminent domain. The law around eminent domain is not in detail. So the policy framer tries to go in detail on eminent domain. so some detail of eminent domain is that, eminent domain is not just a raw force to take your land. It should begin with negotiation with you and the government. Many persons had not really understood that and so it leaves room for phobia. So this policy is say that for instance, if there is a threat that endangers the national security, for example a particular forest is suspected of harboring rebels, the government can say for security reason this forest should be strictly under governments watchful eyes and monitoring, therefore no one go near that forest to do anything. In that case the government should go the land owner and negotiate with them before taking the land. Let read 5.3.1 of the policy which talks about eminent domain.

Mutual Agreements and Eminent Domain: The current law on eminent domain in the constitution is inadequate, the constitution allow for the use of the eminent domain power for public purposes and imposes certain requirements, but land owners require additional protection. Further under principle it says, owners of private land and customary land should be provided just compensation such that land owners should be put in the same position as much as possible before expropriation

So what they are saying is that government should first negotiate with you, government should also pay you just compensation before taking the land.

Just compensation according to the policy shall be calculated based on the land's fair market value assuming a willing buyer and a willing seller.

So this fair market value done by willing buyer and seller means the current realistic market value of the land agreed on by the two parties.

Going further it says, any change in fair market value as a result of the decision to expropriate shall not be considered.

What it means that the same price you will charge anybody will be the charge you will charge the government. It should not be we will charge the government heavy because the government has money.

Speaker: Let me ask this question. What if the landowner becomes so adamant, the government says because of security reasons we need this forest, government say I pay this you say no, government increases the fee you say no. What will the government do?

Facilitator: Then eminent domain is a special right government has to take any land in the interest of the country. If you refuse to give government the land after all possible negotiations, government will stay take the land. But they will deposit the fair market value in to an account. The morning will be there for certain time, if you can't stay with draw the morning, government can take the money and use it for different purpose. But it is also necessary to cooperate with government at all times.

Facilitator: Let us understand when government can exercise eminent domain. Under policy recommendation 5.3.1.3 of the policy it says, the state may expropriate private or customary land only for the security of the state, where the state was in danger, for public health or for another public use.

This means only three reasons the government has to take land from you. For security purpose, for public health purpose, may be a particular place is causing environmental pollution or health hazard, and the last reason for public use that will benefit the general public.

Let's read on what the policy says about relocation under this same eminent domain. If relocation of those living on customary or private lands to be expropriated is deemed necessary after all other options have been thoroughly explored and rejected, then, in addition to just compensation, the government must paid for the cost relocation. The relocation cost must include transportation to your new location. Compensation and project to restore the natural resources and economic base of those relocated, and the cost of land and building of where they are relocated.

So we can say the government will have plenty expensive to make if they decide to take you from your land. So the policy will help for government to not just take land from people except the need is really there.

Speaker: Can we relate this eminent domain to the breaking of the houses near the streets or near the roads?

We only brought the issue of this eminent domain to broaden your knowledge on that issue. So we have come to the end of this discussion. Thanks for all your views and inputs we hope see them passing as laws to affect Liberia.

Facilitator: So let us say something about the baby question

Question: What should be the relationship between concessionaires and customary communities? Should concessionaires be allowed access to forests on customary land? If yes, how?

Speaker: For me, I say communities should have a cordial relationship with the concession groups.

Speaker: I will say our relationship should be peaceful and understanding should be between us.

Speaker: We should always cooperate with concessionaires and they should likewise do the same. I also agree that our forest be given for their operation because is it what will give us money.

Speaker: Concession group should maintain a peaceful and mutual co-existence with us and I also agree that the forest and any other resources they need be given them so that we can experience economic growth and infract structural development in our community as well as capacity building.

Facilitator: So in short, we all want cooperative relations with the concession group. We also agree that our land be given them through MOU for their operations.

Day 1; February 20; Morning Session

Group 4 (River Gee)

Question: How should the policy address concessions? Should communities be allowed to grant land to concessionaires? If yes, how should the community make that decision?

Facilitator: Before we can go any further, can anybody tell us the meaning of concession?

Speaker: Concession is the agreement between companies and the owner of the land that the company want to work on.

Speaker: Concession is an agreement between the Government of Liberia and investor extract the mineral or natural resources.

Facilitator: Concession is that agreement that is between the stake holders, the affected community and the company that will come to do business.

So back to the question; at first, customary land was not for you, now this document is trying to make customary land be for you. So what should be your right the customary land?

Speaker: From the onset the concession agreement, all the stake holders should be involved. The stake holders include the Government, the community and the concessionaires so that what so ever law passed will be obligatory to all.

Speaker: companies that will be coming as concession groups should be able to train our youth so that they can be future beneficiaries after their departure. Renewable resources like these trees should be replaced for future use after the companies leave.

Facilitator: Ok. Thank you but let me just re echo that that law exists. The forestry law states that when you cut one log, you should be able to replace that law. So we can only enforce that law.

Speaker: In every concession agreement, the Government's benefit should be spelled out and the affected community should be spelled out also. The benefit of the affected community should be use only for that community's development and benefit and not any other community.

Speaker: Concession agreement should be inclusive by everybody from the beginning. No few people should be allowed to make decision for the majority of the people. And the agreement should clearly state the benefit of the community and that the benefit be left in the community for development.

Speaker: Land rental fees should only be for the benefit of the affected community.

Facilitator: Let us go to the next question.

Question: Should communities be allowed to grant land to concessionaires? If yes, how should the community make that decision?

Speaker: Yes, communities should be allowed to grant lands to concessionaire s, but this agreement should be done legally and in written and not orally as we are living in a modern world. The contract should be sent to Government to let the government know what has transpired between the community and the concession company.

Speaker: Yes. We agree, but when any contract is signed, it should be the right of every community member to know what type of contract is signed and the detail of the contract. That is awareness or education should be carried out to the community.

The concession agreement should be signed between the Government and the company, reason being, sometimes these companies do their own thing and sometimes pull out without the knowledge of the community. When the government is involved, they will have the power to handle the company and not the community.

Speaker: Government should respect whatsoever concession document that will be signed. Pass Government had not been respecting previous agreements for instance, LAMCO, the government did not respect the community and dealt directly with the company.

Speaker: It is true that the government respects our document. Sometimes the companies do not come through the community but through some prominent citizens of the community from the city. It happened that one of our citizens from Kutubu district brought an organization to make farm, they went straight to the youth to negotiate promising to give them five US dollars a day to brush. They did not come to me as a chief. I argued that no land will be given except agreement be signed. Some of our elders challenged me stating they will start the job until the agreement

comes. I still insisted and the matter was taken to the superintendent who and the land commissioner later prepared and signed the document. The superintendent later took my complaint to the Minister of Internal Affairs.

I am simply trying to say that this the issue of respecting agreement does not only go to the government alone, our citizens residing in Monrovia should also be advised.

Facilitator: Just what he is saying, this policy talks about local control. The decision should be made for the community through the legal entity. So let give recommendation.

Speaker: I recommend that all agreements be subject to amendment due to change in economic situation.

Speaker: I recommend that no concession agreement go more than a decade, it should be given a limited time.

Speaker: For future development and generation, all resources should not be granted to concession agreements at the same time or within a short space of time.

Speaker: I recommend that the kids in the community should have scholarship to academic, technical or vocational learning opportunities**.**

Facilitator: We want to thank you for all your views and recommendations.

Day 1; February 20; Morning Session

Group 5 (Maryland)

Question: How should the policy address concessions? What should be communities' rights and responsibilities regarding concessions?

Facilitator: Let us read the part of the policy that talk about concession.

Speaker: 1.3 Concessions. A commercial use right granted by the Government to an individual or private entity and managed in collaboration between the individual or private entity or the government in accordance with a written agreement.

Facilitator: The question is asking us for our rights and responsibilities in concession issues. Concession is a commercial use right according to the definition. Meaning you give someone the right to use your land for business or commercial purpose. So concession could be mining, agriculture or anything you give your land for to carry out commercial activity. So what's your input in this question?

Speaker: I should have the right to benefit from whatsoever concession that will go on the land that I had been taken care of, whether government land or not. So if the community had been taken care of any land belonging to the community or the government, the community should benefit from any concession agreement that surrounds that land.

Speaker: I think the community should be responsible to take care and safe guard any land given for concession.

Speaker: It should be our rights to be fully aware of any concession agreement that will take place in our community. The concession should be to our consensus. The community members should also have the rights to benefit from employment from any company coming in with the concession.

Speaker: Before any concession goes on in our community, there should be an agreement or MOU between the community and the company, and this MOU should outline our benefits.

Speaker: I agree with my colleagues that there should be agreement signed between the community and the company, and there must be benefits for the community. I also want to add that concession agreements meet the consensus of all the members of the community, which includes the youth, women group, elders and community leaders.

Speaker: Our rights in the concession agreement shall include educational benefit for our children. Scholarships should be awarded to deserving children of the community.

Speaker: Concession should include that social fund allotted to the community as benefit be managed by the community's stake holders.

Speaker: The concession agreement should ensure that companies carry on cleaning up, in case of environmental pollution or water pollution. The community should be kept clean at all time for the proper health of the citizens.

Speaker: Concessions should provide social services within the affected communities such as school, safe drinking water, toilet facilities clinics, etc. environmental control should also be carried out.

Speaker: Our responsibility as community dweller should be to make sure that thing that is penned in the MOU be respected and be implemented. We should not just sign MOU and we turn our backs. We should save guide the agreement to its full implementation**.**

Speaker: In case of any vacancy for skilled and unskilled employees, the company should first contact the community, if no one there meets the qualification of the job, the county should be contacted before it can be open to the general public to all Liberians.

Speaker: Copies of all concession agreements surrounding customary land should be given to the community, even if it is signed in Monrovia.

Speaker: All agreements signed should be abide by both parties, that is the community and the company.

Speaker: We have noticed over the years that concessions are signed in Monrovia and representatives and Senators do not inform us. We are not respected in these deals. We only come and see the companies coming to work, in that case, they don't listen to us in anything we say. So I want to suggest that any company coming should first go to the superintendent, and they can call the land commissioner in that community who should invite the chiefs and elder and community stake holders to discuss the with the company.

Speaker: We also need to talk about death benefits. For instance the Chinese people don't employ the only call people contractors. It happened that some died whilst working for them, they only buried the person and was finished with that family. And the person had children and family left behind. So we should stress on the issue of death benefit in the concession.

Speaker: Any MOU signed between the community and the company, the government should play a supervisory role in that concession agreement.

Speaker: If any company comes, in the concession agreement it should be stated that companies build vocational or trade schools for capacity building of our youth, so that they can take over when the companies leave. The companies should also build their office or headquarters in or near the community.

Speaker: In the concession agreement, we stress that any company coming to mine in our community, the road that the use to get to our community should be the first project these companies should carry on. They should first build the roads leading to the community before thinking about building their on roads leading to their company's sites. Bridges should be built as well.

S**peaker:** Part of our responsibility should be to probate the document of the land that will be given to concession.

Speaker: In the concession agreement, it should be agreed that community or county members hold share in the concession of company. I also want to recommend that qualified members of the community be placed in managerial position in the company.

Speaker: In many cases, some companies can carry on exploring or prospecting in a particular community for five years, we don't even know what they do with in those five years, whether they discover some of our resources and mining it we don't know. At the end they pull out and go telling us no mineral was found. So I want to recommend that concession should not grant rights to companies to prospect for more than two years.

Speaker: One thing when these companies are carrying on prospection, they don't allow community members to go around there, they take long time and they could do anything. So I want to recommend during prospecting time community members should be around to be witness for the community.

Speaker: In the MOU of the concession, the concession should have specific duration, and it should not be long it should be renewable. The community should also set up a committee to serve as a liaison between the community and the company.

Speaker: If a company comes to a particular community, the land that they may have interest in could be for community member or could have been taken care of by a member of the community. In this light, I want to suggest if such happens, special benefit be given to the owner or custodian of the land besides the one benefit that will go to the community.

Speaker: The community should provide an enabling environment for the companies to operate friendly and safely. Community should cooperate with concessionaires fully.

Speaker: EPA should be contacted to ensure there is environmental control, that waste products be properly managed in order to avoid air borne or water borne pollution.

Speaker: companies always have other head quarters in Monrovia, with this they have less interest in the county or community. Based on this I will like to recommend that companies built their headquarters in the administrative city or capital city of the counties instead Monrovia and build sub office in the affected communities. The county Anthony should guide the community in preparing the MOU and obtaining the deed for the land**.**

Speaker: I suggest that the community owns share in the company. The percentage should be determined by the total percentage that the concession will benefit**.**

Speaker: We all are thinking about the concession, non of us is thinking about finish product r I want to recommend if any company is extracting our resources, they should build factory so that we can also export finish product.

Facilitator: This is Jeremiah Karmo, we have come to the end of group 4 morning discussion. We shall return for this afternoon discussion. Thank you.

Day 1; February 20; Afternoon Session

Group 1 (Women)

Facilitator: Mackins Paijibou

Facilitating process: You are welcome to this afternoon session of our discussion. We are expecting your fullest participation and cooperation. We are going directly into the question for this afternoon. Let someone read the group question.

Question: How does the draft policy address the issue of wetlands? What are the rights and responsibilities of landowners who have a deed for land in a wetland area?

Facilitator: From the reading who can tell me the meaning of wetland?

Speaker1: A wetland is the land that is found in the swap.

Facilitator: Are we together? Any other idea?

Speaker: Wetlands are protected lands.

Speaker: Wetland can be found with water in it.

Speaker: Wetlands are lands that have some species that are good for government to preserve economic reasons.

Facilitator: You all have idea. It is like you people have been studying our question. So wet lands are Swamp land as you put it directly.

Speaker: So what do we do with wetlands? Is it good for construction purpose, or farming purpose?

Speaker 3: Again it is important for us to understand what we want do with this wetland, for me I agree with the two definitions that was said because swampland can also be called wetland at the same time land that is in the sea can also be called wet land.

Facilitator: Ok, we all have putting it this way, wetland is a place where you find water most of the time.

Speaker 9: Are you taking wet land to be a swamp or wetland is different from swamp?

Facilitator: Any contribution to that?

Speaker 3: Well we said in the swamp, you have first of all the soil that is there is compose of mud or soft soil and in the swamp we have setting species of trees vegetation etc and etc, in the swamp you also have setting kinds of animals so within the swamp you have the wet soil and water, now the other wetland we are talking about, when the ocean comes and leaves the sand remain so the question he asked for me I will say yes because the land under that river is wet.

Speaker 8: If you consider that as a wetland, then in my mind, we will be using river and sea interchange with wetland, and so in my option swamp land is consider wetland because the

quantity of water is not much and is even possible that over the time the water can dry but in the case of just a river for example the St. John river is it a wetland? Do we consider it a wetland, or under the category a wetland?

Speaker 5: For me I do not agree that the sea is a land; it is a body of water because under this soil is water and so where this draft policy is consecrating on is where there is a land not soil.

Facilitator: So let us build a consensus on the meaning of wetland because what I am getting from the flood is in our little man understanding is kind of swampland like river and sea that has tree on it not sand because the policy did not specifically define wetland, are we clear on that? And then make a suggestion on what we just said. Now we said the draft policy treated the issue of wetland on protected area, why is it considered protected area? We will want to know because protected area are area set aside that people should not tamper with maybe there are major reasons maybe they got something in it that the world need and you will need in the future.

Facilitator: Why do we set wetland aside as protected area?

Facilitator: Can we find some answers?

Speaker 3: The draft policy said that wetland should form part of protected area if yes that how should it be treated? The one the Private Land with deed and the one that is not develop and not on no Private Land, can both of them be treated the same or separately?

Facilitator: So do we agree with the policy that wetland should be treated as protected area or we have different idea. We want your input.

Speaker 3: The first is that; not all wetland meets the standard of conservation so if a wetland meet the standard of conservation, let it be consider protected area.

Facilitator: The issue of wetland according to her not all the wetland you see can be conserve, can be set aside maybe some of them done have the things that require conservation but those that really need to be kept aside as wetland or for conservation be treated differently but if I have my land already meet the standard of conversation that land should treated differently as to the land that has nobody on it. So that is what she is saying, are you getting me?

Speaker: It brings to my mind the need to say what we consider protected area then we will know which land is consider to be a wetland to be conserve or what land to be consider a wetland that private person can still claim ownership and use it at his will than the other question I want to asked, in case a customary land happens to be use as a wetland but at the same time been use for customary purposes, does the government claim ownership of that land.

Speaker 1: My question is why if that land according to the government standard of protected area you know where that area can be used for scientific research and etc., does the customary people loose ownership of that and turn it over to government or will it still be considered a

customary land and their protected area.

Facilitator: How do we look at his question?

Speaker 3: When it is declared to be protected area it must be protected area at all time or except for research or something but not to be use. Support women group for awareness not only gathering like this but we need to educate our people on these issues because our people don't know these things.

Facilitator: Are there any other comments?

Speaker 3: In all what she actually saying, strategic group need to go out in these villages so that people can know some of these law that is coming and make them get feedback on what we are discussing.

Facilitator: Ok secretary please take down these points, more awareness should be created especially on the issue of wetland in rural area.

Speaker: You people are talking about putting awareness on the radio station in the rural area, but not ever area get radio station so expect you people to called various women group than paramount chief because this thing is fall under women group, women will be able to take this to all of the counties and village to village so that the people can be party of this because not everyone listen to radio or got radio so for me I will not rest until you people include us in this process.

Facilitator: I think all of these thing are for both women groups and paramount chief thing, so that they can also get idea too like your women group and I also said we could not bring all of the women group from Maryland here because so many reasons and so if you are representing any group whether from Maryland or Grand Kru or whatsoever you will take it to them from here. So why we are here anything we think about let discuss it so that we can take it back to the Commission.

Speaker 7: My question is, wetlands that are developed are they different from wetland that not develops? What do we say?

[Audio Unclear]

Speaker 8: Also wetlands that are developed should be treated differently from wetland that not develops.

Speaker 3: One thing I think we need to understand, do we understand what we mean by develop wetland?

Speaker 4: Should the government treat wetland that are develop different from one that are not develop?

Speaker 2: I think we should define what develop wetland is. You said what standard should a land meet to protected area and if a land should be develop, should we say that the development of that land should promote the conservation of the land and should undermined the conservation because a lot of people could get a land and they develop it to the detriment of the species on that land so I think we need to define what we consider a develop land what are the standard that need protected area before we reach a decision as to weather a develop land be treated as a private or a land that is not develop.

Facilitator: Well I think what she saying basically, is that we first define what a develop wetland is and in fact if there is a necessary that the land can be develop, what kind of development should go there right? Whether that development is able to promote the conservation of that land?

Speaker 3: According to the tender land system, we have four main one, we get Government, the Private, the Public and the Customary, suppose the Customary is in wetland category or in the Private Land category? All wetland whether should be treated the same.

Speaker 9: Government is a body that regulate all land whether Customary Land, Private Land or Public Land so it possible that a person buy a land and the government say this land you buy you do have the right to build entertainment center here because this place is residential area, in the same light, it is also possible that a person land that means the standard of a conserve land, government should have the right equally if the conservation to that land will do the public good and so I think government also regulate Private Land that meet the standards of preservation.

Facilitator: So we are all saying wetland that meet conservation standard should treated as protected area right? Oh she is also suggesting that all wetland that meets conservation standard government should regulate it also.

Facilitator: So the question about treating the wetland differently how do we answer it?

Speaker 3: Develop or not the policy should be standard.

Facilitator: Then the question is the people own private property before the how can that person own such property?

Speaker 7: Such property cannot be withdrawn from such property owner.

Facilitator: Are we there? Because there is question to, it is what are the right and reasonability of land owner who have a deed for a land in a wet area?

Facilitator: Again how should those who have deed to wetland be treated as of this policy? Any women can answer?

Speaker 8: Those with wetland deeds before the policy is put into place remain as their property we will support the standard that will be put in place on wetland and so standard is a standard for us women.

Facilitator: So do we have anything we want to add to this policy surrounding wetland?

Speaker: So people have private lands that contain swamp lands. Now those people don't know which swamp land they suppose to use or not; as we all know is not all swamps should be conserved or protected for scientific purpose. So I want to suggest that the policy clearly distinguish which swamp we can use from those we should protect.

Speaker: The policy should show us which land to use and how to use the wetland that we should use.

Facilitator: So if we have given all our suggestions for today, then we are finished for today. Thank you for today.

[Audio of Group 2 Missing]

Day 1; February 20; Afternoon Session

Group 3 (Grand Kru)

Facilitator: Raymond Zaizay

Facilitator: Welcome back to this session. We will be going by the same rules and policy from this morning. So let go straight to the question.

Question: How should the policy address concessions? What should be the relationship between concessionaires and customary communities? Should concessionaires be allowed access to forests on customary land? If yes, how?

Facilitator: Let us read the part of the policy that talk about concession.

Speaker: 1.3 Concessions. A commercial use right granted by the Government to an individual or private entity and managed in collaboration between the individual or private entity or the government in accordance with a written agreement.

Facilitator: The question is asking us for our rights and responsibilities in concession issues. Concession is a commercial use right according to the definition. Meaning you give someone the right to use your land for business or commercial purpose. So concession could be mining, agriculture or anything you give your land for to carry out commercial activity. So what's your input in this question?

Speaker: I should have the right to benefit from what so ever concession that will go on on the land that I had been taken care of, whether government land or not. So if the community had been taken care of any land belonging to the community or the government, the community should benefit from any concession agreement that surrounds that land.

Speaker: I think the community should be responsible to take care and safe guard any land given for concession.

Speaker: It should be our rights to be fully aware of any concession agreement that will take place in our community. The concession should be to our consensus. The community members should also have the rights to benefit from employment from any company coming in with the concession.

Speaker: Before any concession goes on in our community, there should be an agreement or MOU between the community and the company, and this MOU should outline our benefits.

Speaker: I agree with my colleagues that there should be agreement signed between the community and the company, and there must be benefits for the community. I also want to add that concession agreements meet the consensus of all the members of the community, which includes the youth, women group, elders and community leaders.

Speaker: Our rights in the concession agreement shall include educational benefit for our children. Scholarships should be awarded to deserving children of the community.

Speaker: Concession should include that social fund allotted to the community as benefit be managed by the community's stake holders.

Speaker: The concession agreement should ensure that companies carry on cleaning up, in case of environmental pollution or water pollution. The community should be kept clean at all time for the proper health of the citizens.

Speaker: concessions should provide social services within the affected communities such as school, safe drinking water, toilet facilities clinics, etc. environmental control should also be carried out.

Speaker: Our responsibility a s community dweller should be to make sure that thing that is penned in the MOU be respected and be implemented. We should not just sign MOU and we turn our backs. We should save guide the agreement to its full implementation**.**

Speaker: In case of any vacancy for skilled and unskilled employees, the company should first contact the community, if no one there meets the qualification of the job, the county should be contacted before it can be open to the general public to all Liberians.

Speaker: Copies of all concession agreements surrounding customary land should be given to the community, even if it is signed in Monrovia.

Speaker: All agreements signed should be abide by both parties, that is the community and the company.

Speaker: Any MOU signed between the community and the company, the government should play a supervisory role in that concession agreement.

Speaker: If any company comes, in the concession agreement it should be stated that companies build vocational or trade schools for capacity building of our youth, so that they can take over when the companies leave. The companies should also build their office or headquarters in or near the community.

Speaker: In the concession agreement, we stress that any company coming to mine in our community, the road that the use to get to our community should be the first project these companies should carry on. They should first build the roads leading to the community before thinking about building their on roads leading to their company's sites. Bridges should be built as well.

S**peaker:** Part of our responsibility should be to probate the document of the land that will be given to concession.

Speaker: In the concession agreement, it should be agreed that community or county members hold share in the concession of company. I also want to recommend that qualified members of the community be placed in managerial position in the company.

Speaker: In many cases, some companies can carry on exploring or prospecting in a particular community for five years, we don't even know what they do with in those five years, whether they discover some of our resources and mining it we don't know. At the end they pull out and go telling us no mineral was found. So I want to recommend that concession should not grant rights to companies to prospect for more than two years.

Speaker: One thing when these companies are carrying on prospection, they don't allow community members to go around there, they take long time and they could do anything. So I want to recommend during prospecting time community members should be around to be witness for the community.

Speaker: In the MOU of the concession, the concession should have specific duration, and it should not be long it should be renewable. The community should also set up a committee to serve as a liaison between the community and the company.

Speaker: If a company comes to a particular community, the land that they may have interest in could be for community member or could have been taken care of by a member of the

community. In this light, I want to suggest if such happens, special benefit be given to the owner or custodian of the land besides the one benefit that will go to the community.

Speaker: The community should provide an enabling environment for the companies to operate friendly and safely. Community should cooperate with concessionaires fully.

Speaker: EPA should be contacted to ensure there is environmental control, that waste products be properly managed in order to avoid air borne or water borne pollution.

Speaker: Companies always have other head quarters in Monrovia, with this they have less interest in the county or community. Based on this I will like to recommend that companies built their headquarters in the administrative city or capital city of the counties instead Monrovia and build sub office in the affected communities. The county Anthony should guide the community in preparing the MOU and obtaining the deed for the land**.**

Speaker: I suggest that the community owns share in the company. The percentage should be determined by the total percentage that the concession will benefit**.**

Speaker: We all are thinking about the concession, none of us is thinking about finish product r I want to recommend if any company is extracting our resources, they should build factory so that we can also export finish product.

Speaker: Addressing the issue of responsibility with the concession group, we expect the both parties to respect what so ever document that will be signed and cooperate with one another.

Speaker: Our relationship should be strictly business and professional. We expect both parties to respect the other. Through a Memorandum of Understanding, the community should grant access to concessionaires and concessionaires should for what is stated in the MOU directly.

Speaker: We expect a peaceful and cooperative relationship with concession group. I also agree with my brother that we agree to grant them access for our own benefits.

Concessionaires and customary communities? Should concessionaires be allowed access to forests on customary land? If yes, how?

Facilitator: Let us read the part of the policy that talk about concession.

Speaker: 1.3 Concessions. A commercial use right granted by the Government to an individual or private entity and managed in collaboration between the individual or private entity or the government in accordance with a written agreement.

Facilitator: The question is asking us for our rights and responsibilities in concession issues. Concession is a commercial use right according to the definition. Meaning you give someone the right to use your land for business or commercial purpose. So concession could be mining,

agriculture or anything you give your land for to carry out commercial activity. So what's your input in this question?

Speaker: I should have the right to benefit from what so ever concession that will go on on the land that I had been taken care of, whether government land or not. So if the community had been taken care of any land belonging to the community or the government, the community should benefit from any concession agreement that surrounds that land.

Speaker: I think the community should be responsible to take care and safe guard any land given for concession.

Speaker: It should be our rights to be fully aware of any concession agreement that will take place in our community. The concession should be to our consensus. The community members should also have the rights to benefit from employment from any company coming in with the concession.

Speaker: Before any concession goes on in our community, there should be an agreement or MOU between the community and the company, and this MOU should outline our benefits.

Speaker: I agree with my colleagues that there should be agreement signed between the community and the company, and there must be benefits for the community. I also want to add that concession agreements meet the consensus of all the members of the community, which includes the youth, women group, elders and community leaders.

Speaker: Our rights in the concession agreement shall include educational benefit for our children. Scholarships should be awarded to deserving children of the community.

Speaker: Concession should include that social fund allotted to the community as benefit be managed by the community's stake holders.

Speaker: The concession agreement should ensure that companies carry on cleaning up, in case of environmental pollution or water pollution. The community should be kept clean at all time for the proper health of the citizens.

Speaker: Concessions should provide social services within the affected communities such as school, safe drinking water, toilet facilities clinics, etc. environmental control should also be carried out.

Speaker: Our responsibility as a community dweller should be to make sure that thing that is penned in the MOU be respected and be implemented. We should not just sign MOU and we turn our backs. We should save guide the agreement to its full implementation**.**

Speaker: In case of any vacancy for skilled and unskilled employees, the company should first contact the community, if no one there meets the qualification of the job, the county should be contacted before it can be open to the general public to all Liberians.

Speaker: Copies of all concession agreements surrounding customary land should be given to the community, even if it is signed in Monrovia.

Speaker: All agreements signed should be abide by both parties, that is the community and the company.

Speaker: We have noticed over the years that concessions are signed in Monrovia and representatives and Senators do not inform us. We are not respected in these deals. We only come and see the companies coming to work, in that case, they don't listen to us in anything we say. So I want to suggest that any company coming should first go to the superintendent, and they can call the land commissioner in that community who should invite the chiefs and elder and community stake holders to discuss the with the company.

Speaker: We also need to talk about death benefits. For instance the Chinese people don't employ the only call people contractors. It happened that some died whilst working for them, they only buried the person and was finished with that family. And the person had children and family left behind. So we should stress on the issue of death benefit in the concession.

Speaker: Any MOU signed between the community and the company, the government should play a supervisory role in that concession agreement.

Speaker: If any company comes, in the concession agreement it should be stated that companies build vocational or trade schools for capacity building of our youth, so that they can take over when the companies leave. The companies should also build their office or headquarters in or near the community.

Speaker: In the concession agreement, we stress that any company coming to mine in our community, the road that the use to get to our community should be the first project these companies should carry on. They should first build the roads leading to the community before thinking about building their on roads leading to their company's sites. Bridges should be built as well.

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go telling us no mineral was found. So I want to recommend that concession should not grant rights to companies to prospect for more than two years.

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Speaker: We all are thinking about the concession, non of us is thinking about finish product r I want to recommend if any company is extracting our resources, they should build factory so that we can also export finish product.

Facilitator: This is Jeremiah Karmo, we have come to the end of group 4 morning discussion. We shall return for this afternoon discussion. Thank you.

[Audio from Groups 4 & 5 Missing]

Day 2; March 21; Morning Session

Group 1 (Women)

[Audio Unclear]

Facilitator: Mackins Paijibo

Facilitator: This morning we are going to be talking about customary land apply to women? So the question for the day is;

Question: How does the draft land policy's definition of customary land apply to women? Can women equally benefit from the definition of customary land? Does the policy help or hinder women from accessing customary land? Are there particular issues regarding women and customary land that have not been addressed?

Facilitator: Before we go into this question, I will like you to know how we are going to about these things.

Facilitator: So today our focus is on the definition of customary land, the how the women can equally benefit from the definition of customary land so let us this potion.

Speaker 5: Customary land whether deeded or not is define as land own by the community and it members and use and manage accordance with the customary practices and norms. That is the definition we have in the draft policy**.**

Speaker 6: Right to Customary Land, including ownership rights, must be secured by ensuring that these rights are as protected as private land right. Rights to Customary Land include rights of the community as a collective land owner and rights of groups, families, and individuals within the community. Secure rights to customary will promote long-term decision making and thereby strengthen Liberia's. The below policy recommendations recognize this diversity such that communities may define themselves and determine how their land is managed, and shared responsibility with the Government of Liberia.

Facilitator: well the speakers have read for us, can someone help us with the definition of customary land that you may know?

Speaker: Customary land whether deeded or not is define as land own by the community and it members and use and manage accordance with the customary practices and norms. That is the definition we have in the draft policy**.**

Speaker 1: I want to know the definition and difference between Customary Land and traditional land.

Facilitator: she asking the difference between customary land traditional lands, is there a major difference?

Speaker 2 : No major difference

Speaker 3: No major difference

Speaker 4: Customary land should be different from traditional land so we should look at this portion of on tradition land and customary.

Facilitator: This is very important for us, why we are making these comments or suggestion, I want for us to make all our suggestion to the Commission so that they can look into it for these issues Customary Land to be understood because it include the definition, so any comments?

Speaker 7: Customary Land should be for the community like the policy and women should be part of benefit.

Facilitator: You hear what she is saying? Do we agree with her?

Speaker: Yes we agree with her.

Speaker: Yes we agree with her.

Speaker: Yes we agree with her.

Speaker: Yes we agree with her.

Speaker: Yes we agree with her.

Speaker: Yes we agree with her.

Facilitator: Ok we all agreed with her.

Day 2; February 21; Afternoon Session

Group 1 (Women)

Question: Does the policy help or hinder women from accessing customary land? Are there particular issues regarding women and customary land that have not been addressed?

Facilitator: You hear the question? Any comments for us to discuss or does it help or hinder women from accessing customary land? Are there particular issues regarding women and customary land that have not been address?

Speaker: For me I don't want to think that women will be affected if the commission follows our recommendations.

Speaker: For me, women will not be affected in any way and so let our recommendations stand.

Facilitator: Ok, so we agree with this question that the policy will help women accessing customary land and the issue have been address?

Speaker: Yes

Speaker: Yes

Speaker: Yes

Speaker: Yes

Speaker: Yes

Speaker: Yes

Facilitator: ok.

[Audio Unclear]

Day 2; February 21; Morning Session

Group 2 (Youth)

Facilitator: Alfred Quayjandii

Question: How does the Draft Land Rights Policy's definition of customary land apply to youth? Can youth equally benefit from the definition of customary land? Does the Policy help or

hinder youth from accessing customary land? Are there particular issues regarding youth and customary land that have not been addressed?

Facilitator: Now we will be looking at the definition customary land how it applies to youth, can the youth equally benefit from from the definition? Are there particular issues regarding youth and customary land that have not been addressed? Any comment?

Speaker*:* I think the policy will help we the young people get involved in the process and we will benefit from customary land.

Speaker: Regarding the particular issues customary land, we need to go in depth and understand how youth will benefit.

Facilitator: Ok any other comment? Can anyone give us an explain how will the youth benefit?

[Audio Unclear]

[Audio of Groups 3, 4, & 5 Missing]

[Audio from Day 2, Afternoon Session, Missing or in a Tribal Language]