



**Draft Land Rights Policy Consultation/Grand Gedeh County**

*February 25-27, 2013*

**Transcript of Group Discussions on the Draft Land Rights Policy**

**TRANSCRIBED BY:**

Dickson T. Fully

**SUBMITTED TO:**

THE LAND COMMISSION

**DATE SUBMITTED:**

March 21, 2013

## **Day 1; February 25; Morning Session**

### **Group 1 (Women)**

#### **Group members:**

Julie Lele, representing the Ministry of Gender  
Nomie Davis, Paynes Town Sinoe County  
Mamie Chessman, Grand Gedeh County  
Teta Manneh, Grand Gedeh County  
Oretha Fah, Grand Gedeh County

**Facilitator:** We will now ask someone to be taking down note for us; can anyone do that for us?  
Our slogan for today is this land business is everybody business.

**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:** So you hear the question? What the land commission did was that, they when all around and came up with this definition on these four land categories of land and place it in a document called draft policy and is this policy that will become a law but before this policy can began a law they want you to make your input to find a solution for the future. So like we said the policy divided the land into four categories or type, Government Land, Private Land, Public Land and Customary Land and so our reason what we here is to understand the meaning of these four type of land so that tomorrow you yourself can tell anyone the difference between these lands. It is also our hope that after this session you will understand these land categories, so look on page 3 of the policy document section 3.2, can someone read 3.2 for us?

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

**Facilitator:** Can someone give us any other definition?

**Speaker 1:** Government lands are defined as land use for building project and activities for the government.

**Facilitator:** So let know what government land is; any land that government is using for project be a farm or what so ever project that land is for government, can we get anyone view on government land?

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

**Facilitator:** So today our definition for government land is any land that is use 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:** I want to know what happen to people who bought land from past official of government.

**Facilitator:** She asking a question, what happen to people who bought government land from past government official? Her question is will the government take this land from you?

**Facilitator:** These things happen in the past but today is the reason for which we are here to understand and/or know why thing happen, yes the government can take the land from you if the government need it for development purposes.

**Dr. Othello Brandy, Chairman, Land Commission:** Good morning my people and welcome for coming; I really wanted to talk with the women group because the women will play a major role especially in the customary land business because women had not been given equal protection under customary land, for example, over the years, a women will marriage to this man and something happen the man die but the women will not be given the opportunity claim some the property because refuse to marriage the man brother so they will move her from the area even if she born children she will not be given equal protection over the land, sometime the women work more than the man and when something happen they come and move her or take over the land so everywhere we went in the country women have complain so we are hoping on your input to help us so that we get your help in making decision.

**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:** No government will just come and 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 7:** Just to add up, if a person buy a land that belong to government and that person has all the document to that land and new government come, I think that person should be given some compensation for the land.

**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 question 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 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 zack family own a land and that land is a customary land and someone want to buy the land, should we contact the zack family or the community?

**Speaker:** I think we should contact the zack family first and after that the whole community can



get involved in the process of selling the land.

**Facilitator:** But what happen if the zack 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, 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 zack family it should be for the zack 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:** No, the definition needs to be changed

**Speaker:** No, the definition needs to be changed

**Speaker:** No, the definition needs to be changed

**Speaker:** No, the definition needs to be changed

**Facilitator:** Can anyone tell why not?

**Speaker:** The reason why I said no is that, the policy says the land is owned by the entire community but before this was done there were people on the land so we need to go through these people to acquire land.

**Facilitator:** How the definition should look like?

**Speaker:** The definition should look like; if I was the first on the land those came after me should pass through me for a land.

**Speaker:** I want us to look at section 4.7 which say ownership of customary land means private ownership, so in my understanding the zack family own that land and anybody coming on the land should meet zack family approval.

**Vice Chairman, Land Commission:** I learning plenty thing from your, let me ask one question, is zayah town own by one family?

**Speaker:** The town is owned by the zayah families because they were the first to settle on the land, every other family was given a land to farm by the zayah family.

**Vice Chairman, Land Commission:** Let me ask one more question, does zayah town fall within a clan or chiefdom?

**Speaker:** Clan or chiefdom are made of group of people and so what we are saying is that whether clan or chiefdom, the people who establish the town first are the original owner of such place and so I should be the one to make a decision over that land.

**Speaker:** Another question honorable commissioner, what if I build a guest house and decide to lease or sell my guest house, who should I contact? Or will I be given the opportunity to make a decision on the guest house?

**Vice Chairman, Land Commission:** Now we have chiefdom and clan and because of their relationship that is why they are called chiefdom, from her argument that she raising, those who first settle on the land own the land? So I want to understand something from her, are you saying that lands that were given to individual from the first person are not customary land?

**Speaker:** I am saying that those lands that were given to individual are customary land but individual should make decision over the land.

**Speaker:** I still have a doubt on customary land, considering the fact that we are three marriage to this man and each of us have three children's and this man build a single house with three bed room, what happen when this man die? Are we going to sell the house or share the property?

**Facilitator:** Can anyone help in answering her question?

**Speaker:** My own idea of what happen in the case of my family, our father had two wives but before he died, he have a single farm land but what he did, he divided into half for each of our mothers and their children so as we speak we are in the process of surveying our land.

**Speaker:** In other setting they look at the women who had the boy child or children and leave the girls out and this very bad and so to me the policy is not clear so I want for the commission to do something about this.

**Facilitator:** Do we understand the four categories of land now? Or can someone wake up and tell me the four categories of land?

**Speaker:** Government land, Public Land, customary Land and private land.

**Facilitator:** Thank you very much, can someone tell us what is customary land?

**Speaker:** Customary land is a land that is owned by the community and its members.

**Facilitator:** For me I want us add this to customary land, deeded or not are land own by the community and its members and that land must be managed by the people in keeping the traditional and norms. So let go down and see what 4.8 says.

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

**Facilitator:** Now, when we are discussing community, we are talking about community inside this book, people who know themselves not outside definition.

**Speaker:** Government should liaise with the community before taking any decision on natural resources.

**Speaker:** Government should give the community share of the mineral resources.

**Speaker:** Government should share the resources equally with the community.

**Facilitator:** One thing I want you to understand in customary land is that, everything that is on the land is for the community, example are the tree, the water, the log and everything that is on that land is for the community government has no hand in it, the only thing government can do is to regulate it if there is a problem according to this policy but this policy is quoting the constitution and the policy all the thing that is under the ground are for government and these things are called mineral resources why the once that is on the land are called natural resources.

**Speaker:** For me, if the policy say customary lands are for the people than everything below or on the land is for the people.

**Facilitator:** Are you saying everything that is on or below the land be for the community?

**Speaker:** Yes because those resource will help to develop our community.

**Speaker:** Yes because those resource will help to develop our community.

**Speaker:** Yes because those resource will help to develop our community.

**Speaker:** Yes because those resource will help to develop our community.

**Speaker:** Yes because those resource will help to develop our community.

**Speaker:** Yes because those resource will help to develop our community.

**Facilitator:** So how will the government raise money if the community people say everything for them?

**Speaker:** The government should understand that we all make up this government and when it come to the mineral area, government should work with the people in making sure that everyone benefit or have a share in it.

**Facilitator:** So you are saying even though, the communities own the resource but the government should meet the community before making any decision because natural resources are for the community why mineral resource are for the government?

**Speaker:** Our resolution on this issue is that government should include the communities in every decision making on customary land so that the community can benefit from all natural and mineral resources from the land.

**Speaker:** We agree with the policy that the community should have the right to protected area or reserve setting portion of the land as a reserve land under customary land.

**Facilitator:** Ok so let talk about the boundary on page 6 4.15.

**Speaker:** The boundaries of customary land shall be determined through active participation by the communities, neighboring communities, and their members, including: elders, youth, and local authorities.

**Facilitators:** So what this policy is trying to say is that, when you're ready to put boundaries down everyone should get involved in the process and in doing that the youth should be there including the elders of the community, women and the local authority.

**Speaker:** Why the policy did not include the religious community?

**Facilitator:** She asking why the policy did not include the religious community? Can anyone say something about this?

**Speaker:** For me I think the community includes the religious community and no need.

**Facilitator:** Do we agree that religious communities are part of the community?

**Speaker:** Yes

**Speaker:** Yes

**Speaker:** Yes

**Speaker:** Yes

## **Day 1; February 25; Morning session**

### **Group 2 (Youth)**

**Facilitator:** Raymond Zaizay

**Facilitator:** Please introduce yourself, the counties or organization you are representing:

#### **Introduction of group's members:**

James Boyar, from Grand Gedeh County

Arine Toe, representing the youth of Sinoe county Duazon District

J Joshua K. Porweh, representing the Children Rehabilitation Program Zwedru, Grand Gedeh County

K Layray Kuoto, representing the Kpanyon Youth Association

Anthony Gleeplay, representing Fly Sinoe County

Alvin Sonotee, representing Sinoe youth association

Decontee Farley, representing the Carwady Youth Paynes Town Sinoe

Decontee Karyoy, representing korlahome Zeleh town Grand Gedeh County

Leope S. Jarteh, representing the Sinoe Youth Association Grand Gedeh County

**Facilitator:** We want to use this time to welcome all of you to this forum and it important for us to discuss these issues that has to do with land, and we want you to speak out your mind and open up on questions so everyone of us will share our tough and move forward, so at this time we will ask one person to be our secretary and that person will be the one to take down notes for us on every suggestions or recommendations and so can we have a volunteer?

**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:** He read the question for us, now to the point, is it clear or not? So can we turn to page one of draft policy; if you read this portion it talk about how the republic came into being and the land issue came in to being also, how slave from America met people on the land we now called Liberia and how they got land from the native people and the native transfer the deed to them and those land that were bought were the first land that the republic own and those land was consider public land why the other were consider government at the time. Right now, what we want you to know is that, the land that was left over at the time people are considering it a private or public land. The point here is that, people believe there are lot of things that when on

in the past was wrong and so this drift policy that the commission has putting together will help us understand and will make us move forward. So let us read secure Land Rights.

**Speaker:** The most important principle guiding the Land commission's policy recommendations is ensuring that all communities, families, individuals, and legal entities enjoy secure land rights free of fear that their land will be taken from them, except in accordance with legal due process. By creating secure land rights people expect those rights to be stable and secure in the future which promotes long-term decision making.

**Facilitator:** From my introductory remark, I told you how people in the past miss use the law and took people lands and give it to somebody they did not know but with the secure land rights everyone will be secure under the new law that the commission is trying to put into place. Is there any question, or something the group have not understood under secure land rights? If no comments can somebody read 1.2?

**Speaker:** Economic Growth. Tenure Security is a means for Liberian to enjoy sustained economic growth by contributing to a stable investment environment and food security. It encourages investment because the investor knows there will be enough time to recover the benefit of their investment. The principles of the economic and tenure security are not in conflict with one another but are complementary. Exploiting weak land rights to acquire commercial use of land is damaging to both tenure security and economic growth.

**Facilitator:** Those communities that have tribal certificate the court did not recognize them as a title deed and so those week laws were serving as a deterrent to investor, example customary land, if someone want a farm land and the community know that they can gain from such, the investor will not be afraid because he or she know they are dealing with the right people.

**Speaker:** Are you saying tribal certificate from the past are not deeds?

**Facilitator:** Yes tribal certificate. Any other questions on economic growth?

**Speaker:** No.

**Speaker:** The Land Commission's policy recommendations aim to ensure that the benefits of economic growth are equitable distributed by creating wealth for all Liberians. This too is complementary to economic growth, for growth will be stable and long-lasting only by ensuring that its benefits are spread to all parts of Liberian society.

**Facilitator:** What this portion is saying, the commission should be able to equally distribute or creating wealth for all Liberians so that growth be stable and long-lasting and spread to all parts of Liberia and so equitable Benefit is a major pillow, any question?

**Speaker:** The Constitution gives all Liberians 'the right to own property alone as well as in association with others' which means land ownership is permitted for all Liberian regardless of

their identity, whether based on custom, ethnicity, tribe, language, gender, or otherwise. This is a fundamental constitutional principle that has informed every part of the land commission's policy recommendation.

**Facilitator:** What this portion is trying to say is that, in the past people bought land based on ethnicity, tribe, gender or other things, but today the constitution will give everyone the will to buy land anywhere they want to buy their land because it will be a fundamental policy recommendation.

**Speaker:** Since the founding of Liberia the lands of customary communities have been less secure than private lands. This policy must end such that lands under customary practice and norms are given protection equal to that of private lands. Moreover, women's land rights are often less protected than those of men. This policy aims to give equal protection to the land rights of men and women.

**Facilitator:** I said it from the beginning, everyone will have equal protection this time regarding private land under this new draft policy which we are about to create especially customary practice and norms for both men and women.

**Speaker:** For me I disagree with the portion that women should have equal protection like men because women are transporters they are not station one place.

**Speaker:** So he is saying women should not have equal protection like men.

[Audio Unclear]

[Audio of Groups 3 & 4 Missing]

### **Day 1; February 25; Afternoon Session**

#### **Group 1 (Women)**

**Facilitator:** Can someone read private land for us?

**Speaker:** Private land is defined as land owned by an individual or private entity, other than land used and managed in accordance with customary practices and norms, such that the owner has the unrestricted and perpetual right to exclude all others from use and possession, to pass ownership through inheritance, 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. Ownership of Private Land of Private Land includes ownership of the natural resources on the land.

**Facilitator:** so what they are saying is that individual can own a land or organization, also even though you buy the land but anything on the land is for that individual or the entity but things that are under the land is for government. Any question or comments?

**Speaker:** For me if we will agree with the policy that private land is owned by individual or entity, everything on or under the land be for that individual or entity.

**Facilitator:** So let me ask a question, if we are saying all the resources on the land are for the individual or entity, how will the government build Schools, Clinic, Hospital and pay salary for civil servant?

**Speaker:** When government raise money.

**Facilitator:** How will government raise money if all the resources are for individual or an entity? And how will the county run?

**Speaker:** We suggest 40 percent for the government 60percent for the individual or the entity.

**Facilitator:** Can we come up with a resolution?

**Speaker:** It will be very difficult for me to agree with her because government can changes and maybe other government may not honor what was agree on by the pass government.

**Facilitator:** What we are doing here today, if agree upon anything here no government will change it and every new government that will come must honor it.

**Speaker:** I bought an acres of land as my private place in Sinoe county for my four boy children's and my children found out that gold are on the land secretly they start digging the mineral from the ground, will government punish my children for digging the mineral?

**Facilitator:** Government will arrest your children for illegal mining because the law says everything under the ground is for government. Let me ask this question, if you buy a land and someone start digging on your land who will report the case to?

**Speaker:** The government.

**Facilitator:** Why?

**Speaker:** The government is the authority.

**Speaker:** Then the policy should say government owns all land that has mineral resource on it.

**Facilitator:** Are you suggesting that all lands that have mineral government should reserve for government use?

**Speaker:** Yes

**Facilitator:** Right now as we speak, the law says everything that is under the ground for government and the policy is also saying the same thing. So we will stick to our resolution 50percent for government and 50percent for the individual or the entity.



**Speaker:** If you are buying a land that has coconut trees on it, who own the coconut trees?

**Facilitator:** We said you own the trees on the land, any question on that? If no question let us move on to 5.2.

**Speaker:** Private Land includes private protected Areas which are owned by an individual or legal entity and must be conserved and managed for the benefit of all Liberians. Private Areas may be sold, leased, or otherwise transferred to individual, private entities or the Government only if the transfer is consistent with the land's conservation and management for the benefit of all Liberians. Concessions shall not be granted over private protected Areas.

**Facilitator:** What is portion is trying to say is that, private land can also have a private protected area, example commentary or grave yard, so do have a problem with what the policy is saying that private land should have private protected area?

**Speaker:** Yes

**Speaker:** Yes

**Speaker:** Yes

**Speaker:** Yes

**Speaker:** Yes

**Facilitator:** So that is what we have for private land, any question on private land or the four categories of lands? If no question than I will asked a question. Also I want for this group to know that they are representing two counties and so everything that have been discuss will in for the betterment of these counties because you were selected to represent your people.

**Speaker:** We want for the honorable commissioner to speak on the resolution of 40 and 60 percent on natural and mineral resources.

**Commissioner:** We need to understand something, most of these laws were in place before the establishment of commission, some of these laws came from the constitution of the Republic, we could change some of these laws if we agree to have a national referendum that will give the general Liberian public a right to vote on some of these issue so is good that she raise this issue so people can know what and how to go about them.

**[Audio Unclear]**

**Facilitator:** I think we get some idea on the four categories of lands; one of our major works will have to do with customary land and want for us to read the portion on our paper that say group one woman and let someone read for us.

**Facilitator:** How does draft 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 issue regarding women and customary land that have not been addressed?

**Facilitator:** Now this session that we in are the question you need to answer and first thing is the definition that the policy give you about customary land and the definition says, Customary land is a land weather deeded or not is a land own by the community and its members and also the land should use and manage in accordance with its traditional practices and norms, so with this definition, will women benefit from that?

**Speaker:** No

**Speaker:** No

**Speaker:** No

**Speaker:** No

**Facilitator:** Why or how?

**Speaker:** Because in our traditional setting women have no property.

**Speaker:** According to our traditional and practice women are properties for man.

**Speaker:** In our traditional, women done make decision over property.

**Facilitator:** So we are saying the definition that written in this policy is not good for women right?

**Speaker:** No not good for women.

**Speaker:** No not good for women.

**Speaker:** No not good for women.

**Speaker:** No not good for women.

**Facilitator:** Can women equally benefit from the definition of customary land?

**Speaker:** No

**Speaker:** No

**Speaker:** No

**Speaker:** No

**Speaker:** No

**Facilitator:** We need to understand all traditional practice and norms that bridge the constitution will not be accepted.

**Facilitator:** Next question.

**Speaker:** Does the policy help or hinder women from accessing customary land?

**Facilitator:** Will this policy help women get land or will go against women?

**Speaker:** Will go against women.

**Speaker:** Will go against women.

**Speaker:** Will go against women.

**Speaker:** Will go against women.

**Speaker:** Will go against women.

**Facilitator:** Why? And what will be our recommendations?

**Speaker:** Remove from the policy the traditional particles and norms to give the equal access to customary land.

**Facilitator:** Next question.

**Speaker:** Are there particular issue regarding women and customary land that have not been address?

**Facilitator:** We finish talking everything now, but the question is asking: Are there particular issue that we have not addressed? Or is there any other thing that you think about that is not in the policy that we can talk about?

**Speaker:** Continue awareness on the draft land rights policy in all every community.

**Speaker:** what I want to suggest is that, we that have been selected from different counties should be able to go back to our community and sensitize our people about the women position that traditional particles and norms be remove from the policy.

**Facilitator:** I agree with here that after this workshop, we or the commission should continue this forum in all the community for other people who never had the opportunity to know what was discusses.

**Speaker:** Chief and women should form part of this workshop to educate them on the portion that constitution talk about women rights because in most cases, the chief are the one who make such laws or decision.

**[Audio Unclear]**

**Speaker:** Another recommendation, since this was done on a regional level, I want this to be on a district level.

**Facilitator:** So are you suggesting that the commission train people to carry on more awareness on the draft land right policy on a community or district level and include women, children, Youth and the chief.

**Facilitator:** For the record, can we come up with final recommendations on the four lands categories.

**Question:** Are the four land categories clear to you? If not, why?

**Women:** Yes except for Customary Land, the traditional particles and norms should be in accordance with the constitution of Liberia to give women the rights own land.

**Question:** Is the difference between Government Land and Public Land clear to you? If not, why?

**Women:** Yes.

**[Audio of Groups 2, 3, & 4 Missing]**

## **Day 2; February 26; Morning Session**

### **Group 1 (Women)**

**Facilitator:** We are beginning this session this morning and we will be talking on something they call wetland. So if you look at your paper you see group one and you see women there and that area where they get women that the area we are going to discuss. So I want somebody to read that portion for us.

**Facilitator:** How does the draft policy address the issue of wetlands? What are the rights and responsibilities of land owners who have a deed for lands in a wetland area? Should the government treat wetlands that have been developed differently from wetlands that have not been developed?

**Facilitator:** Ok. That a very interesting question we have. But let us know what wetland is. I think yesterday we talked little bit about wetland. So who can tell us what wetland is? If we say wetland what do we mean? Joetta you want help?

**Joetta:** Swamp

**Facilitator:** Ok, Joetta say swamp. So wetland is a swamp? But wetland is treated under this policy as a protected area. Wetlands are protected area. Wetland is treated as what?

**Speaker:** Protected area.

**Facilitator:** Protected area means what?

**Speaker 2:** In protected areas, we have some species that are living there and may not be found other parts of the country, so wetlands are there to be preserved.

**Facilitator:** Very good. Wetland like national park and other places are treated as protected area. Is in the policy and so my question now to you the women how does this policy address the issue about wetland? To give you some information the environmental protection agency they call EPA, that group t are responsible for our environment, how you use place. So according to EPA wetland is very important. Wetland is a protected area. EPA is drafting a policy book on that whole wetland that is why the land right policy does not give it that full context or plenty meaning but treated it as wetland, our task this morning as women is how does this policy treat wetland? How does the policy address wetlands? Anybody can make a contribution.

**Speaker 3:** Yes I want the policy preserved wetland for our future children.

**Facilitator:** Very good. Someone just said something to answer that question. The issue of wetland is a long thing, we have almost 2,3 hours to sit down here, but we can answer all the questions in just 30 minutes, So let pay attention to answer the question than everybody can be free to discuss until the call session. Our sister just said something about wetland.

**Speaker:** I said: Wetlands should be preserved for future children.

**Facilitator:** Very good, so the policy according to her addresses wetland as a protected area, area to be preserved for future use. Anybody get another comment to that?

**Speaker 4:** Where can we find wetland? In the interior, town or city?

**Speaker:** She asking us where we can find swamp land

**Speaker:** In the city and the interior.

**Facilitator:** Is that clear?

**Speaker:** Are they selling it to build houses.

**Facilitator:** Now your question is whether they selling it to people to build houses? Now to give you information on that, before this paper was written, people were selling the land but after this

paper is written and it became law book so no one will sell swamp land to you. So after this policy no one will be selling swam land to you Ok.

**Speaker:** What about those who have already bought it and are making it dry to build their homes?

**Facilitator:** Very good, in this same paper here, the part 2 of that same paper asking us what should happen to people who already buy get deeds for it and develop it, what you think should happen to those people.

**Speaker:** For me I will suggest that people who already bought it have it, they should leave it. But if you bought it and have not touch it you have not developed it, the government should take it back and reserve it and relocate you.

**Facilitator:** Very good. So what should people do according to her, if you already develop it, houses on it let the government just forget about that portion; but if it is bought and non-thing have been done on the land, the government should go now and take it and then relocate you. What you think?

**Speaker:** Yes.

**Facilitator:** If the people don't want relocation what should happen to them? If you don't want to be relocated than what should happen?

**Speaker:** They should take it from you.

**Facilitator:** So we are saying for those people who already get deeds for wetland government should inspect it and see if they have built on the land and if they have built on the land they have the land but those that have not build on the land government should relocate them and develop the land.

**Facilitator:** Suppose government don have a place to put you right now, or government have somewhere and the place far for you?

**Speaker:** Then government should give you money. Government should buy the land from the people.

**Facilitator:** So we are saying the government should either relocate you or pay for your land right?

**Speaker:** Yes pay for the place.

**Speaker:** We are saying either government buys it from you or give you money to go find place for yourself.

**Speaker:** Government should buy the place so the person can buy good place.

**Speaker:** Government should breaking the houses from the street, if you don't have deed, the government break it down for free, the government should not give you anything. If the swam I fix it fine and I don't have deed, you think what government will do.

**Facilitator:** The question again let come back to her, I saw swam land somewhere and started developing for some time, I get deed, but government want the swamp, so you think what government should do?

**[Audio Unclear]**

**Facilitator:** Whether the land was bought before or after this policy, the government can take the land, relocate you. Her question now is, in case she doesn't have deed for the land and have developed it? She did not buy the land. She builds her house on that land and now government wants the land, so what you think government should do?

**Speaker:** We stated it here that once you develop the land government should leave the land with you, but once you have not done anything on it or build on it, government should relocate you or buy it from you.

**Speaker:** No you don't understand the question, my question in case she did not buy the land; she doesn't have any deed for the land?

**Speaker:** Is also negotiable again with the government. Because she doesn't have deed and she built her house, and now government say they want the land, she has already developed the land so there is a way that she and the government can talk and come to an understanding because she has already developed the land,

**Land Commission Official:** According to our policy, if someone squat on a land for more than twenty years, you have access to the land, so let's know the length of time she has been there for.

**Facilitator:** Ok. Let's see. She is saying she has been on this land making farm, but not more than twenty years and did not build any house. She has been filling it to start building her house. Is what you saying old ma?

**Speaker:** Yes.

**Facilitator:** So you asking even though, you did not build house, but you been making farm and been making effort to develop the place, what should government do for you. That's what you are asking? Well in the policy, once you don't have deed for the place, the land is not for you. And you develop it yet at least develop the place the get something they call welfare. Even squatter are welfare people, so if you get about two hundred people squatting on this land here, government will not just bring bull dozer to just move your just like government will tell you say this land not for your but get to leave, government will say since you are citizen and you been here for sometimes, you can have this small thing, but is not your legal rights.

**Facilitator:** Ok, Joetta wanted to ask question right?

**Joetta:** The question I wanted to ask, I say what the government wan do with these swam lands they don't want us to build our house there.

**Facilitator:** Very good that the question you wanted to ask that's very interesting question. Why government want do with this swam land they say people should not buy it or built house on it.

**Speaker:** They said, the reason why swamp lands should not be sold, swamp lands should be kept 1. If we all decide to buy the swamp and we never built our houses all around, no way to run drainage, when the rain fall, that whole city there that so so river, to go to your house you might end up rolling your lapper up to your waist, which will not be good for your own health, because in that farm so many things can come from there. Because we allow the swamp so that we will be able to build drainage, so that the water that will be falling will have place to go. But when we continue to use to build, it will be bad for us. And then again the flowers that can be in that swamp, if we continue to build we might not find no flower. Those birds of those of those animals what so ever there, when we continue to build, we may not find them so that some of the reasons.

**Facilitator:** Very fine, anybody can add up? So just to add up, the swamp is very important, is important not only to you as a person Joetta, is important to your community, is important to your country and is important to the world.

**Speaker:** Is important because it is happening all over.

**Facilitator:** Very good, that one that's one situation there, that what they call flooding in some where people countries we see some flood come they say some one hundred thousand people die. So that some of the situation we now observe. So since your own it never happen yet, it better you reserve it. Another reason why the swamp land is very important to us there are some trees for example the trees that are near the ocean something call mango, you know mango trees, even if it wet you put it in the fire it will burn. The reason is it has certain thing in it that can make fire to come and it have something in it they called carbon. For our levels we will not understand what they call carbon credit. That carbon credit is needed. People around the world looking for carbon credit they can't get it. God bless you have carbon credit here. So that carbon credit can help you to do so many things. So if you destroy that swamp, non-thing. Second in the swamp, some fish them living in the water, but the only place they can lay their eggs that in the swamp. And some of them are important, sometimes the fish we are talking about in the whole world, only Liberia you can get that fish, and the only place it can lay it egg that's in the swamp, if you destroy that swamp where that swamp will lay egg again? So the government is saying since this swamp is important to us let keep the swamp. If for any reason we will want use this swamp in the future, well we can determine it, but for now let's keep the swamp. So the EPA is say the swamp land should be a protected area. And so under this land right policy is saying the swamp land should be protected area.



**Facilitator:** So do we all agree that we should protect our swamp?

**Speaker:** Yes.

**Facilitator:** Very good so we agree.

**Speaker:** Than if so we have to stop the agriculture ministry from encouraging swamp farms.

**Facilitator:** Very good, the agriculture ministry can get money from the swamp we know that, the EPA will work along with the agriculture ministry to find the best means to go on as soon this policy becomes ready. Maybe the EPA can say we should not build here but we can farm here, so they alone with will work along with the agriculture ministry to regulate the swamp.

**Speaker:** So what I want to say, since the government don't want us to use the swamp, they should clear the swamp, they shouldn't leave the trash in the swamp, especially those swamp that found within the city to beautify the city.

**Facilitator:** So she says she agrees but the government should clear those swamps that are in the city. So what do we do? We should tell the government to clear the city right? So the government will be able to clean the swamp, maybe there are some trees that can find somewhere else they cut that one from the swamp, or some trees they may not find somewhere else, they can keep that one in the swamp.

**Speaker:** More mosquitoes come from the swamps. Anyone who has their house near the swamp can have more mosquitoes. Others keep dirt in the swamp.

**Facilitator:** That's one of the major things; some people take the swamp to be their dumpsites.

**Speaker:** Others do have toilet facilities so they toilet in the swamps.

**Facilitator:** So let's look at our questions back to see whether we can be able to answer them. Let someone read those same questions to see if all these things we been talking, you can be able to answer them.

**Facilitator:** How does the draft policy address the issues of wetlands?

**Facilitator:** So what did us say about that?

**Speaker:** We said wetland should be kept and should be clean, those trees that we can find around, we can cut them.

**Facilitator:** Let's hear from our secretariat.

**Secretariat:** Yes we said wetland which is called swamp should be to protected area; this is why EPA is here to protect those wetlands. We also said wetland is to be preserved not to be sold for future generation. Wetland that has been bought and dried and has been used by individual

should be left alone. But only those ones that has been bought and has not been developed government should take possession of those wetlands and relocate those who bought those wetlands or give them refund. Then we asked the question, why wetland should not be sold. Then we said there are some animal's bird's flies and trees that are only found in wetlands, there are also some fishes which are found in wetlands and lay eggs there, and if those wetlands are destroyed, those fishes will be destroyed and their eggs will be destroyed. Then we talked about agriculture, people should stop using wetlands for making their farms, because wetland will be reserved.

**Facilitator:** Ok. Thank you for that. Are our questions answered? I think our questions are answered. But only one thing I still don't get to understand. How does the policy address the issue of wetland? Somebody said it before, but I don't if you wrote it down, how does the issue address wetland. Please listen so you can write it down.

**Speaker:** We said according to the policy, wetland should be preserved for future generation to see.

**Facilitator:** So wetland should be preserved for the future, that's how the policy addresses it. Then the other one we say what should happen to people who get wetlands that are developed, that once we finished answering it right.

**Facilitator:** What is the other question, Ok, so what are the rights and responsibilities of people who own wetlands. Read it there.

**Speaker:** What are the rights and responsibilities of lands owners who have deed in the wetland areas?

**Facilitator:** So let find one paper and put their rights. Write on it R-I-G-H-T-S.

**Speaker:** Let say I have a wetland, and I know the important of wetland, and I have decided to preserve it, I do not have any intention of developing or doing something on it, will the government still come and relocate me?

**Co-Facilitator:** Yesterday we stated, that even private people or individual can have a protected area, so if you decide to keep it or preserve for future use that will benefit the nation, government can see reason to leave it. And I think we can recommend to the government that they leave it and you use it for that intended purpose.

**Facilitator:** the question we wanted to ask, some of you have already answered it. Suppose this wetland is found on a customary land, or is found on government land on a private land or on a public how should it be handled. As long it is on government land or public land you know is for the government and they will handle it. But suppose it is on customary land for the traditional who should manage it or on private land who should manage it. She was suggesting that if it is on private land the individual should manage it and if it is on customary land, the traditional

council should manage it. But the government should continue to monitor and regulate all those lands.

**Facilitator:** So wetlands owned by private or customary people, the government should continue to monitor and regulate them. Do we have that? Are we working together?

**Facilitator:** This land matter is a serious matter.

**Speaker:** Most of us have our lands near the swamp and we plant our potatoes greens, cassava etc. so should we stop?

**Facilitator:** As I said from the beginning the swamp land is considered protected land. But I also told you that the environment protection agency, called EPA, is working on a policy on this wetland, may be they will tell you this swamp behind your house, you can make use of it but don't just block it, so EPA will tell you which land to use and how to use it.

**Speaker:** When they say swam land I don't think that the one behind my house they talking about, where when it rains the place get full, but when the sun shines the place get dry.

**Facilitator:** When EPA come up with their policy, the will explain to us better, which one is wetland on dry land.

**Speaker:** So I will like to suggest to EPA that before coming up with this draft policy, they should access the areas to tell us which type of swamp to develop and not to develop.

**Facilitator:** So she making recommendation that when EPA is drafting their laws they should also consider accessing the swamps first. Right, your get it down?

**Speaker:** I will come up to say the swamp they talking about for me wetland is non-thing but wetland. The wetland those two ways some of them get protected things inside and we want for future generation to see. And another one can be narrow but it control the direction of creep or erosion so when you build on it, it will also damage the whole community, so I think all swamp should be protected.

**Facilitator:** So she say all swamp should be protected, so of them look small, but God put it there maybe when heavy come to go in that swamp to build it up to protect the people. When you destroy it now when rains come then it start spreading in the people houses. But what we are saying again, when the EPA come they will tell us how to manage our swamps. But right now let us understand that swam is very much important and we need to protect it.

**Speaker:** You make the laws you must not change it. Because that what can bring argument inside, but you must not say this other swamp is behind my house so I can build something there. The main swamp that the one can be to the river, because God put that one swam there to save the river.

**Speaker:** That other swamp down on that side the people are building there, we told them to stop because it have some of the trees you were talking about.

**Speaker:** That particular swamp is risky, around 12 o'clock you have the water coming up. Some will leave their children around there is very risky.

**Facilitator:** Very good. I think we all understanding what we are talking about.

**Speaker:** The other swamp where near the hospital, Sinoe, the place where they were making the garden that what cause of it the water can be coming from there every day.

**Facilitator:** When you taking Johnson Street in front the hospital, going down waterside before the street that connecting Sinoe street. There is a swamp there, she is saying the way they can use the swamp that why water not floating and water can be on the road.

**Speaker:** That's why we are saying the agriculture people should stop making garden in the swamp because the garden they making it is helping to make the swamp dry too.

**Speaker:** The agriculture people should liaise with EPA to come up with the draft policy.

**Speaker:** You see the swamp that she just mention, there is a water line coming from the main Sinoe passing through that swamp, when some agriculture people and the Mandingo people make their garden there, they dug the drainage and there was no water there. The water was coming from the hospital way running down to red hail, going down to Sinoe River. So I think drainages are very important.

**Facilitator:** So the drainages running down the swamps are very important.

**Speaker:** Another thing I want to suggest, the mango trees are very important to us, but then we see the Finite people cutting the trees and dry fish with it. So I suggesting that we need to create awareness on it.

**Facilitator:** So you are saying since these and the swamps are very important to us, we should create awareness to let other people know about the important swamp and those trees there.

**Speaker:** Besides creating awareness and stopping them from using the trees, what alternative will you give them or how are they going to dry their fishes because it is not good to come up with policy that will make things difficult for people.

**Speaker:** There are so many trees in the bush besides the mango tree, the down umbrella three, the one with the thong, or the one that have the latex.

**Speaker:** Those trees we are talking about are on government land, so when they move from there to go to customary or private land they will not have those trees. If the mango trees are for the generation unborn, and those people have nowhere to go to cut trees how do they survive?

**Speaker:** They should go in the bushes and cut other trees.

**Speaker:** If those mango trees were not there how they would have managed, how were they going to dry their fishes, I think we should look at it that way.

**Facilitator:** Ok. This is why I say that EPA is going to come up with this draft policy. They will tell us which swamp to use and what to use in it. But what we are concern about today is swamp lands are protected areas.

**Facilitator:** Any other question?

**[Audio Unclear]**

**Facilitator:** The wetland in this your policy paper you will not find it. It is under protected area. The policy paper is very big.

Government land also include government protected areas these shall not be sold leased or granted as a concession and are conserved and managed for the benefit of all Liberians. Lands on which are located monuments and memories and beaches from the low water mark to the high water marks.

Government protected areas will likely be added depending on the nature of the land for example wetlands are an environmentally sensitive areas and effective by this policy statement the environmental protection agency is drafting a national wetland policy likely to include more details private use restriction.

**Facilitator:** Hello. So that particular there where you can find the word wetland. They said wetland is also considered as protected area. But the EPA is working currently on the policy on the issue of wetland. Not my question to you do you have all the information considering this wetland issue? Are you satisfied with the information provided or you need more information on this?

**Speaker:** Government should give us clear cut information on this wetland issue, because there are some wetlands that don't have those things to be preserved.

**Facilitator:** You need more clarity, so what is your recommendation to the commission concerning this? When it comes to wetland issue what will be your recommendation?

**Speaker:** Commission should give us clear and more information on this wetland issue.

**Speaker:** The draft policy should further explain and there should be more awareness.

**Speaker:** The government need to tell us more about this wetland issue, we need to know more about this wetland issue, because dry season when we plant our garden on dry land it can't grow except in the swam, so the government need to tell us more about this wetland issue.

**Facilitator:** We need more information on the issue of wetland in the draft policy right that's one recommendation, and we need more awareness on wetland that's two recommendation right.

**Facilitator:** I don't want us say we will stop here, but I want to say we have more information on the issue of wetland. So let's give our secretariat chance so he will put the information on the play chart.

**Speaker:** Yes thank you very much, really this education is very important, and we really don't have the idea, and so we need more education concerning this wetland, so we need EPA to give us more the plain clarity regarding this. Sometime if you decide to advise our neighbors on where to build, they take it out of context.

**Co-Facilitator:** What we will do, we will leave a liaison who will work with you, some time you people will have something on your minds, or you may forget something today, you can address it. We will leave our email address we will leave our telephone number for you to send us information or ask questions. So this process is going to last until what we call the national validation conference. Because some people will say they don't want public land, that's the same public land they use until they enriched their few families and friends. But look into it deeply; the real importance of public land, some people will say that's government bone, no that's not government bone. Before maybe it was government bone, that is why we want to have policy into place that will that will guide the usages, management the administration etc., of this program. You people are like ambassadors for the land commission, so when you go in to the markets and other places, tell the people that the government is going to give this land call community land. What your think. Alright, I think this is how to go about it and we will be better off. We been lacking behind for more than 160 years, may be the way we been using our land is some of the reason why we poor today, so of the reason why we can't get better education. Ok. And this is the opportunity this government wants to open to you all. And let us have a land program that will be the best if not in Africa in West Africa. So this is our intention.

**Speaker:** Sometimes one land is being sold to more than one person, sometimes sold to two, three persons, so what is the government doing to address these situations?

**Co-Facilitator:** It's good you have asked this question. We been all around and plenty people asking this question, that falls within the preview of the surveyors. We have another task force, which falls within land administration. The way the handle it, the way it being administered, the institution that is responsible, the qualification of the surveyor of the commitment, another group is dealing with that. But while another group is dealing with this issue, we have put together a law called the conveyance law. That law is now before every one of you representatives that are in the house of representative. So it is left with you people, when they come say this selling of land we are tired with it. Or is it possible when it comes to land issue for us to have our inputs, because this land issue is causing trouble for us to leave behind among our African brothers, I think that question is very important.

**Speaker:** Some lands, the surveyor surveys it for more than four five persons at the same time, no conscious, no since of judgment. At the same time this identical surveyor will issue deed to Mary, will issue deed to John, that's very bad.

**Speaker:** Sometimes those that bordering you, they will never inform you that the surveyor is going to survey this land, they will just go right ahead and do this survey. Which is very bad?

**Speaker:** So this is a potential problem that is involving this whole country. It is rampant in the city.

**Speaker:** This thing where the woman talking that true thing. Na Na my anty where die, the women na get child. The woman built her place, the same surveyor say that na the woman land, so he sell it to church people, so they route out the woman place, now the church people built their church there. When you go talk, they say we will carry you to court, and you don't have the money.

**Speaker:** Lives are involved.

**Speaker:** Madam commissioner we need your input, I own this land, I sold it to different person, you the surveyor you come and survey it for Mary Browne, next year you survey it for Peter Johnson, two years later the same surveyor survey it another person, so what is your will inside.

**Facilitator:** Yes before the old ma talk, this land business we are talking about, they get three different portions. We get something like you building your house, we get the foundation, we get the wall and we get the roof. We get the one the call the land rights, that the foundation, we get something we call the land use and management, that's the wall, than we have the land administration that's the roof. All those one is in the policy. But right now we are not discussing that entire one, how the survey comes in the survey not coming in that's land administration. Right now we are not discussing that entire one, we are discussing land rights, but since she's here she will touch it.

**Speaker:** We know but through another thing you can get idea from another one.

**Commissioner:** The land commission is putting another policy together called land administration, your say this land matter is very important your recommending something must be done urgently not so, something must be done urgently so that these surveyors will not continue to croak your. Right? Even though the ministry of Lands and Mines have special surveyors that they recognize, but the private surveyors continue to croak your, so something must be done.

**[Audio Unclear]**

**Speaker:** Write it down so you can work on it.

**Commissioner:** The city lands not the bush land?

**Speaker:** The city land the bush land we talking about all the land.

**Speaker:** Audio unclear.

**Commissioner:** Your read that portion that has to do with wetland? And your understood it?

**Speaker:** Yes, but we need more clarity on wetland.

**Commissioner:** Wetland in the city, wetland in the bush, wetland all over Liberia, so you understand the whole meaning of wetland? Right.

**Facilitator:** Audio unclear.

**Speaker:** We understand especially concerning this wetland issue from.

**Facilitator:** From yesterday to today everything.

**Speaker:** Yes.

**Speaker:** It depends on what kind of land you talking about; they have five categories of land, government, private, family, customary and protected land.

**Co-Facilitator:** Ok. Let me ask you this question; is there a different between family land and protected land?

**Speaker:** It depends on the ownership; if the family gets their land get their deed that private land. If your family that's customary area and you have family and other people living in there and your get common ownership, that's not you one land it for all of your living there, but you as a family if you have special portion of that customary land, the policy is saying non thing should stop the tribal people the community people from serving you portion of that land and you get your deed from them. The tribal people must not say because you woman so they will not serve you portion of that land no. they must serve you and give your deed. You understand it, the agreement is that when it go into law, woman must go to the group and say me and my family and my children we want that area. Because you as a woman if you say so, they must not say you now break the law, they must not say you break the traditional law.

**Speaker:** Ok. Then I come to my question, I have a private land, it's a farm land, and government come in and say they want parcel of the land will government force me to see the land to them?

Your listen now she say this land she bought from the tradition people, and she have her deed and it registered everything, she say can government come and force her to give that land?

**Commissioner:** Listen now, Government if they see that piece of place, and they want to do something on that portion that will benefit all of us, government will come to you and say we want to do something on you land that will benefit your children, but before taking you from



there, government will pay you price for the land. And then not only that, they will give you some other things that your heart will be satisfied, but if they give you all that and you say no, this is my land I can't give and that the only place government want, government will exercise eminent domain. And even if they exercise that eminent domain, they will still give you the market price, and other indirect benefits that you suppose to enjoy. But until they do that you cannot be satisfied.

**Speaker:** There's an issue that went on concerning my father's land. Government came and said they wanted portion of that land. My father took them somewhere, they accepted it, but to our greatest surprise where we carry them the left the area and went to another place where they saw cornerstone and never even inform us. The land surveyor went and surveyor fifty acres of that land went into another town asked people to sign the deed.

**Commissioner:** But let me ask you. Your father had deed for that land?

**Speaker:** He had what we call travel certificate. Land commissioner, I am saying something that I am not satisfied with. When they were doing the survey they never called us, they never even inform my father. They went on to the other town and ask an old lady who is there not lettered to sign for this land. They took \$ 10,000.00 LD and give it to that old lady for the fifty acre of land. What happen, this few time another group went to do survey side our land, they brought travel certificate, my uncle asked me to go there, so I was present there. We all stay long there and decide to do resurvey so that we can have deeds. So I asked for their deed. They said they said they never had deed but they had travel certificate. So I said good, the last time you told me you were not honoring travel certificate. Now this is a certificate that is not clear. The name on it is not recognized. He said you know, your father never brought travel certificate, so I said it's a lie, my father brought a better certificate and you said you were not honoring travel certificate and gave you money to do resurvey and you ate the money. He never had anything to tell me. The next day my uncle called me to tell me that they were cutting the bush to share the land.

**Commissioner:** The land commission is looking at those types of issues, but how far they gone I can't say anything now.

**Speaker:** How long your father been there?

**Speaker:** Since 1943 my grandparent was there. My father just died last year.

**Speaker:** They give the old man ten thousand dollars?

**Speaker:** yes, ten thousand dollar liberty for the fifty acre.

**Commissioner:** First of all there is moratorium on the sale of public land. Regarding the travel certificate,

**[Audio Unclear]**

**Day 2; February 26; Morning Session**

**Group 2 (Youth)**

**Facilitator:** Mr. Raymond Zayzay

**Facilitator:** Good morning, we are going to be in the same group as were yesterday. Except for the Sinoe group, there will be a new arrangement for the Sinoe group where we will have new facilitators assigned to the Sinoe group and in the group you get to know your group arrangement. But besides that the youth group will be in the back to discuss things in the back, the women group will be on the side there, there's a platform and then the three other groups will meet right in this hall. Your facilitator will tell you where to be in position. You already know the ground rules, you know how we work unclear... thank you, you can have a fruitful and a healthy discussion. Ok there is another opportunity ok, maybe yesterday when discussion went on at the plenary, some people made their presentations, some people had questions, some people had concerns, but before we break up, all of your concerns will be address. So if you did not you get the opportunity right now. So who's the first person?

**Speaker:** Good morning. Yesterday what I wanted to have said was some of our colleagues said that this land discussion is about Grand Gedeh land discussion or the Sinoean land discussion; what I am saying is that this, discussion should not only affect Sinoe, it should not only affect Grand Gedeh, it should affect the national youth.

**Speaker:** Yesterday, the statement made by the Sinoe group can result into chaos. Liberia now needs peace, recommendations made today can affect other generations to come. So we must be careful for recommendations made not to affect Liberia tomorrow.

**Speaker:** Hello; we are here as one body, Sinoe people are not to discuss Sinoe thing, neither Grand Gedeh to discuss Grand Gedeh thing. I think where fell different, was for Sinoe to say four years the land should be given away from you. For example I am the land commission for this county, I have been taken care of this land for more than 25 years which is not for me. What will happen now we just keep it? Some of us are not able to follow yesterday presentation, are going to read everything for us to start discussing all over again, me it's not fine for me. Thank you.

**Facilitator:** Let me just make this announcement, you know today and yesterday we are here to discuss the four categories of land and their rights. There will be other clusters, we will come back to you as land commission to discuss other issues like land administration and land uses. So what I want to say to you while it is true that the yesterday issues were considered, today let's

stick to the issue with the policy, the rights surrounding the four categories of land and futures issues, what we here for let spend most of our time on it thank you.

**Co-Facilitator:** I want for us to have an interpreter, because I don't want for the discussion to go far away from the papers we brought. Now the question about taking private land from people because they are not developing and so on, that is going to be addressed in other papers. Because the thing we were doing here yesterday it was live, I don't want you to go out and say land commission say after certain years if you don't develop your land they will take it from you. I want for somebody to interpret that for me.

**[Audio Unclear]**

## **Day 2; February 27; Morning Session**

### **Group 3 (Sinoe)**

**Facilitator:** We did one question yesterday and we did not complete it, so before going in to this morning question, let's complete yesterday question. Can someone read yesterday question for us?

**Facilitator:** How does the draft policy address customary land rights? Does it adequately protect traditional land rights?

**Facilitator:** Good. How does the draft policy address customary land rights? Does it adequately protect traditional and indigenous rights? To answer that lets quickly go to section 4.

**Facilitator:** Let somebody read for us loudly Customary Land.

**Speaker:** 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 managed, used, and allocated but within a framework of transparency, accountability, inclusiveness, and shared responsibilities with the government of Liberia; Principles: 4.1 Equal protections: customary land rights shall be as protected as private land rights.

**Facilitator:** From the first section he read before going to principle says, this policy is given ground to customary people over their land. It is say the people in village and towns have rights over their land. The family, individual, or group people like football team etc. have rights to the land as long they are in that village or town. So if this paper becomes law, from that day you

have rights over your land, it did not stop there, it also extend the rights to plenty places. So please read the principle.

**Speaker:** The principle reads, Equal protection: customary land rights shall be as protected as private land rights.

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

**Facilitator:** So you hear the other two laws they gave you? Equal protections, when the law is passed you have that right to your land like the one someone who bought their private land got. So you have your deed, and government will protect you and respect you.

The second one now is control, meaning you have control now. Before you were just mining the land, it was not for you. But now it for you, you can control it now, you can do anything you want to do with it. Before people just use to go to the president, the president sign the deed for the land you had been born on, your great great-grand parents been on that land. The survey will just come one soon morning and do their thing because it come from the president. But now you will have the power, president will not sign deeds, you will control the land.

**Co-Facilitator:** Firstly I want to outline few points in the policy they people give us. Because firstly, we have known whether the thing they put in the policy if it satisfying us or not. And the only way we can know if it satisfying us is for us to look at it by bullet points, line by line to see if it correct, if not where can we make changes.

**Co-Facilitator:** So let's look at policy recommendations from the booklet you have. Let's go through it and answer yes or no questions so we make progress.

**Speaker:** 4.6 is saying customary land, whether it get deed or it don't have deed, it is defined as land owned by the customary community and its members, meaning deed or no deed it is for you. But one thing you have to know your boundary. Don't go to the next community side and say it for us. And it says you should manage the land in accordance with the customary practices and norms.

**Facilitator:** So is this article it clear? Does it suit you? You agree about it?

**Speaker:** Yes we are satisfied with it.

**Speaker:** I think we went through it yesterday, and the land commission had been very accommodative, we were even allowed to make changes where necessary. These consensus are not Sinoe or Grand Gedeh position, they are regional position. So let that be clear that whatever we come up with here is Region and not a particular area. So before this workshop comes to a

close, it should be made clear that all the decisions here are not attributed to a particular county, but the entire South-Eastern region.

**Speaker:** This customary land is a land owned by customary community and its members used for customary purposes within the interests of the citizens of the area. What happen to vast portion of the customary land that no matter how Jesus Christ multiplies the population of the area, the people will not use some portion of that land for the next hundred years, and a company wants to utilize the land. Should we give some leverage to the company for operation so it can help improve the lives of our people? Or should we just say that's customary land that's our land. What will be government leverage in utilizing customary land to benefit customary people?

**Facilitator:** Thank you. He just asked the question we have to face this morning, which is, what the policy says or what do you want the policy say about concession in customary land.

**Facilitator:** For question of day one afternoon people had been answer, but let me throw the answer up for consensus. The question is whether the policy adequately covers the rights of customary people. Now the answer is, yes.

**Facilitator:** So you are saying yes, the policy adequately covers the rights of customary people. Ok Mr. secretary please note that.

**Facilitator:** So let's go to the question for today. Can someone please read today's question.

**Facilitator:** How should the policy address concession? Should communities be allowed to grant lands to concessioners? If yes, how should the community make their decision?

**Facilitator:** Ok, the question is open ended, meaning you can put some things inside. Now you have the land, whether you have deed or not, this land is for you according to the policy. Now as the superintendent was saying, this community gets big forest that the people can't finish, and a company come and says they want plant palm or rubber or do something there, should the community sell this land or lease the land. That's the question we need to answer now.

**Speaker:** The community people should get together and decide to lease the land with a social contract. Maybe 60% go to the company and 40% go to the town people for development, maybe to build clinic or school or anything.

**Facilitator:** So she is saying the community people should lease the land.

**Speaker:** Yes, they should lease the land to the company and the company should carry development that will benefit the community, maybe to send the children to school or other benefits.

**Speaker:** Before leasing the land, the community should form a committee with the superintendent being board member of that committee that will be facing the company and push the interest of the community.

**Facilitator:** Ok, before going further, let us draw a line whether should be sold or it can only be leased. So let lay the basis.

**Speaker:** Yes, I think the idea of selling community land to concession group is not a good idea, because if the company sells the land they can't recover that land again. I think we should encourage communities use their lands as much as possible, if not they should lease it with the agreement that the company will do something to improve the standard of living of the people. Not just jobs creation which is in exchange of labor. We are talking about building administrative buildings, schools, hospitals farm to market roads, etc. I think we should discourage the idea of selling lands to company that when they are finished with the land will sell it to another group and so on. Thank you.

**Facilitator:** So by general consensus, are we saying that customary land should not be sold? It should only be lease?

**Speaker:** Yes. I should not be sold;

**Speaker:** Let look at it from the other point. I belong to that community and I want portion of that land, it can be sold to me. So I suggest it should not be sold to concession but it can be sold to community members.

**Facilitator:** Ok. Thanks, but the question is only talking about concession not individual, so let discuss concession.

**Co-Facilitator:** Before going further, I want to draw our attention to section 6.3.2 of the policy. Someone please read it.

**Speaker:** 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 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.

**Facilitator:** That is a very good point my colleague made. Suppose this company says they want mine diamond, or oil or gold. What do you do? The policy is saying the natural resources are for the community and the mineral resources are for the government. Natural resources are those things like forest, water and other things found on land that can grow when they finish or die. So you can control natural resources, but the government can regulate them when you want to use them. Mineral resources are those things like iron ore, diamond and gold found under the ground and when they finish they can't grow back easily, except maybe after hundred or two hundred years.

**Speaker:** Whether natural resources, whether mineral resources, it belong to the owner of the land. So the owner of the land should have control over it.

**Speaker:** I agree that the both belong to the owner of the land.

**Speaker:** Let us look at section 4.2 to buttress the chief.

**Speaker:** Local control: Decisions about customary land shall be made at the most local level consistent with sound policy and share responsibilities between the government, communities and members. Now they say most local, this superlative you can't undermine it, so then the resources are for us and we can control them.

**Speaker:** Why answering this question, we should look at what the constitution says. If you look at article seven of the constitution. It says the government has sovereignty, but when it comes to the uses, it says the citizens should have a maximum fixable participation in how the resources will be used. So while we are discussing, let us not forget about the constitution, because any law made when it is in conflict with the constitution, the constitution is final. So looking at this clearly, it means the government cannot use those natural resources without fixable maximum participation of the citizens.

**Facilitator:** The Constitution is saying the mineral resources, the government should control it. But the group is saying the right to control mineral resources found in customary land shall extend to the community people as well. So what are you saying does that contravene the Constitution?

**Speaker:** Let me draw his attention to something. You know law is not static. Law matches with changing realities. This is what we have law reform to change law. What we are doing here is intended to become law. We are saying mineral resources founded beneath the ground should be control largely be the communities. The communities should determine how much taxes should go the government.

**Facilitator:** So it is more or like unanimous to what you are just saying. The mineral resources should be control by customary people, so share responsibility comes. Let hear you.

**Speaker:** I want us to understand that those that make up the board of this draft policy are also board members of other policies, like NOCAL, Agriculture and other, the NOCAL draft policy that was just made, Lands and Mines was a part of it. They are saying any mineral found beneath the ground to where you are located, you can only compensated because you occupy that land, but you can't take complete ownership over that resources. So are we saying since we have oil today, then should Rivercess be the owner of that block since it is found there? What we are saying you can only be compensated, but you can't take full ownership.

**Speaker:** The Constitution of 1986 has not thing like customary group. It is now we try to put it in the Constitution. So the Constitution can be changed. This group can change the Constitution here.

**Speaker:** Let me just draw something to your attention. Why it is true we want customary communities to have ownerships over mineral resources, but we should be thinking also if all the mineral resources found in these communities be owned by the communities and private owners, how does government function? What happens to the government?

**Speaker:** We know government is the highest decision making body in any area, or country. We are not saying that the government will not have any entitlement to that. What we are saying is the level of proportionality between the owner and government should be determined greatly by the owners. We are going to be paying taxes to government so government will still be able to run. We are saying the rights to the resources beneath the earth be extended to us. You can't say what is on the surface is for us and what is beneath is not for us, then what are we saying. Government have taxes there we agree. But that should be determined by us.

**Facilitator:** To be frank this is a debate and an argument, every time we facilitate this session, we always draw ourselves near to the Constitution, especially where the Constitution tells us that mineral resources should be control by the government so anything like that is like amendment, so any time we discussing, it is not the policy framer, So where ever you are, it can be Rivercess, it should be used for the common good of the entire nation. But however, it you should relate it to concession because you are now addressing the issue of concession in this policy. So I want to advise that the issue of mineral should be considered under the organic law. If we look at section 4.3, it says any part of the policy that is in conflict with the constitution or international policy shall not be accepted.

**Speaker:** Let us not be of the impression that what we are doing is wrong or we don't have the right and authority to do what we are doing. The land tenure is a law, and we stood here and said there should be a limitation on ascertaining land ownership, so all of what we are doing that's policy. Policies are law, at the end of the day there will be a national referendum, to ensure that these things are done that were not done before. So we should not have that impression, we are cognizance of the law.

**Facilitator:** So back to the question again. The Constitution is saying government should control mineral resources. But let relate it to concession, so you are saying when concession comes they should go to land owners.

**Speaker:** So we are saying, in as much as we are taking the ownership now as customary people, when the concession group come, they should start from us the grass root. They shouldn't just fly and go Monrovia for discussion.

**Speaker:** To let you know I was part of the forestry reform law committee and the forestry review committee that recommended the cancellation of all foster concessions in this country. Before the local people were not benefiting, we recommended that 30% benefit go to the people and today it has become law. So anything we agree on here, it will go through if not all but considerably.



**Facilitator:** So let go back to the question in another jacket. You have been asked what you do with concession. You said you will lease your land instead of selling it.

**Speaker:** Yes, exactly so.

**Speaker:** Yes, lease and not for sale.

**Facilitator:** And the second, you are saying when the concessionaires come; they should come directly to you for discussion on what you want them do for your land before the government can grant the concession agreement?

**Speaker:** Yes, the concession should be discussed by us.

**Facilitator:** So let me ask you this third question.

**Question:** Besides lease, do you see requesting to have share as the company as owner of the land a better way to help improve the lives of the people as well as development?

**Secretary:** The Constitution says government has exclusive right over mineral resources. And the superintendent is saying resources on or beneath the surface of the earth found in a particular community should belong to the community. He is also saying the community should sign concessions and pay taxes to government. So my question to him is: should it be only taxes paid to the government? Is a tax alone sufficient to run the government?

**Speaker (Superintendent):** I am not saying taxes alone will be sufficient to run government. We have indicated it that if mineral resources are found beneath the ground belonging to customary owner, the apportionment can be 50-50. Fifty goes to customary owner, fifty goes to government along with requisite taxes that may be designed by government. Government will still run, but you can't say the land is for me, and then something beneath it is exclusively for the government.

**Facilitator:** So the Superintendent is say that the Mineral resources be shared fifty-fifty between the government and the land owners.

**Facilitator:** Let me just read this before we close on that what this policy says about natural and mineral resources. Let someone read 4.11

**Speaker:** 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 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.

**Facilitator:** So we just heard the reading, but we are saying that the mineral resources found beneath the land should be shared between the community and the government. So we are changing that word exclusive right to shared right. Is that what we are saying?

**Speaker:** This is what we are saying.

**Facilitator:** Ok, we will have our secretary reading yesterday afternoon question and answer.

**Secretary:** How does the draft policy address customary land rights? Does it adequately protect the traditional land rights?

Answer is yes, with minor correction made in yesterday's morning hour presentation. The correction is community ownership of customary land must be formally complimented with the issuance of deed.

**Facilitator:** The correction is instead of community ownership must be formalized with the issuance of deed; you say community ownership of customary land must be formally complimented with the issuance of deed.

**Secretary:** And we take from 4.10 of the draft policy.

**Facilitator:** Now we go to the answer of this morning question. What does the policy say about concession?

**Secretary:** We said, customary land must be leased to concession but not sold. Discussion of customary land must be done at community levels. Mineral resources found in customary land must be shared with the community and not exclusively owned by the government. Customary land owners should become shareholders in concessions.

Communities shall elect a community welfare committee which shall negotiate on behalf of the community with companies, and other external investors as well as internal matters. This is in line with sections 4.12 and 4.5 of the draft policy.

## **Day 2; February 26; Morning Session**

### **Group 4 (Grand Gedeh)**

**Facilitator:** This morning we are going to be talking about concession. So the question for the day is;

How should the policy address concessions? What should be communities' rights and responsibility concerning concession?

**Facilitator:** Before we go into this question, I will like to give you little caution about how we are doing this whole thing. What we been doing these few days is called rights. And the rights is like foundation of the building. We had to lay it as the foundation for our discussion. The next workshop, we will discuss another pillow called land use and management. Who owns the land, what you do with the land how the land will be like, that will be the next cluster when we come the next time. After that one the last one we will talk about land administration, how we survey the land, how we tax the land how much to charge.

**Facilitator:** So today our focus is on rights, the four categories of rights, who get right to the land, when the concession come, who can talk to them concerning the land and what they can do on the land.

**Facilitator:** Also today we will be discussing this policy here how should the policy address concession. If the concession has not been addressed well, what should be your recommendations, what should be the community rights and responsibilities regarding this concession? Let's look at the meaning of concession before we can go further. Look at 1.2 of the draft policy someone please read.

**Speaker:** Concession-A commercial use right granted by the government to an individual or private entity and managed in collaboration between the individual or private entity and the government in accordance with written agreement.

**Facilitator:** As you are aware, there are lots of concessions in Grand Gedeh including Putu Mine. So the question is yours now to tell us what rights do you think you have in these concessions when this becomes law? What is your position? Call your name and position.

**Speaker:** I am Stanley Zulu, acting Paramount chief. I recommendation when the concessionaire come, they should meet with the people of the village first before they can do anything on our land.

**Speaker:** I am Joseph G. Tarlue, District commissioner. Our first right should be when the concession group come they should meet with the town people and come up with a Memorandum of Understanding and social agreement. In that social agreement, what the community need will be spelled out there.

**Speaker:** I am Abraham Barduo, Township commissioner. There have been lots of times these people promise and did not meet up with their responsibilities when they start operation. So I recommend that the concession people do what so ever agreement we come up to before they start operation.

**Speaker:** I am Patrick Boah, District Superintendent. I want to suggest before any company start operating here let them declare their access, reasons being some companies are dubious and don't have money, so they want to start operating and start to benefit from our resources before

starting to do something for us. Sensitization should be carried out in the community and county of your investment so our people can be aware of what you are about to do be you can operate.

**Speaker:** For concession group like the logging company, they should carryout reforestation for future generation.

**Speaker:** Before any concession agreement goes on, the community should be part from the beginning, so that the community will have her saying in its activities.

**Speaker:** Munikumu David from the civil society. On the issue of concession, I suggest that community send someone to work along with these companies as the community eyes and representation so that the community cannot be cheated. This person should serve as representative to inform us anything wrong or right the company is doing.

**Speaker:** Let concessionaire be able to build durable bridges, schools, hospitals and other developments. I also want to recommend that at least three persons from the community should be part of the management. If they are not educated to that extent, they should be sent abroad for further education. So they can return and work with the company.

**Speaker:** G. Michael Gbarwa, the Community Forestry Development Committee Chairman. I recommend that the government should respect the community's rights; that they should back us up when we are engaging these companies. That they should respect the discussion between the communities and the companies, And that communities get their benefits before companies start.

**Speaker:** I want to suggest that there should be a community development account. I also want to suggest that whenever the concessionaire comes, the government representatives on the ground should stay aside and the discussion should be between the community members and the concession group only.

**Facilitator:** Let me just provide clarity. These entire concession groups can pay money to benefit the communities where they are operating. But the government say can't just give it to individual; the government is saying community should write projects to request for the money in that particular account. So if you write projects, you can have the money for development. Just for clarity.

**Speaker:** We have noticed some concession group come and engage three four areas or forest to operate, later they go and relax not ready to operate and the forest be like that waiting for them. So my recommendation here is no concession group should own more than two forest or areas of operation.

**Speaker:** I recommend concession group first go to the community member to sign a lease agreement. The copy of this document should be served the relevant authorities including the legislature. What so ever they will agree as the benefit of the community, fifty percent should be given to the community before operation can start.

**Speaker:** I want to recommend that any company wanting to operate in the company should built factory in the community. They should build bridges and roads. They should also reveal their work plan before starting work.

**Speaker:** I recommend that concession agreement should be cancelled after every five year.

**Speaker:** I want to recommend that if any concession company comes to Grand Gedeh for operation, eighty five percent of the works should come from Grand Gedeh.

**Speaker:** Again I want to recommend that all the concessions agreements be revisited.

**Speaker:** Communities should be able to check the day to day activities of the company through its representation in the management of the company. Our responsibilities, we should respect the people, we should provide land that they will need for operation.

**Speaker:** Concessionaire should not go places that are owned by the traditionalists.

**Speaker:** The community should first know its demarcation and know the amount of land space it will give the company. Companies should also take in to consideration the health of our people. Hospitals and medication should be provided.

**Speaker:** I recommend what so ever concession it may be, they should build their camp near the community so that when they go, we can use it as an extension of our town.

**Speaker:** The responsibility of the community is to provide market, food for the companies. The community right is to get employment and these concessions should also be able to build their offices near or in the towns.

**Facilitator:** Ok, let us say thank to you for all your recommendations and in puts. So let listen to the secretary for the summary of what you just said.

**Secretary:** The following are recommendations that were made today;

1. Before the concession takes place by any company, the company should meet the community people for dialogue.
2. There should be memorandum of understanding between the community and the company.
3. Before the company starts operation, the immunities must be spelled out, and such immunities must be met.
4. Before any company come to operate, their access must be spelled out to the community people.
5. Before the company operates, enough sensitization must be carried out.
6. Legal document must be signed by the community.
7. Government should put in mechanisms that will help the community to know their rights.

8. The community must be involved in the agreement for accountability before any operation can go on.
9. A management team should be set up by the community which includes the youth, elders, women etc.
10. Due diligence must be clear through PPC.
11. Vocational Technical Centers must be opened by the companies for children to learn.
12. Communities should be part of the managerial staff of any company.
13. The community money should go straight to the county account.
14. The community should come with a project before money can be withdrawn.
15. No two concessions should take place in a specific area.
16. The community and the company should join together to write the lease agreement, and fifty percent of the lease agreement should be given to the community.
17. A concession or company should establish a factory within the community for the community dwellers to have access to work within the community.
18. Any company signing agreements with the community should be revisited after every five years.
19. The farm to market roads should be built with concrete bridges, and not logs.
20. That government transfer community foreign benefit from the Eco bank to the benefit sharing trust fund.
21. The communities should cooperate with the companies and know her responsibilities.
22. The community should have a monitor with the company and the monitor should not be paid by the company for fair play.
23. Companies should observe the protected areas of the community.
24. Community should demarcate the land with the company.
25. Company should have training section with the community.
26. Companies should build their camps near the community.
27. Gold mining companies should build schools in their camps conducive to learning for their children.

That ends the recommendations. Thank you.

**Speaker:** I will also like to put forth this recommendation: That there will be a written document between the company and the community and that this document be circulated for two weeks for correction, inputs, and recommendations before the final draft.

The community should have legal personality on the committee during the drafting of the document. And any benefit sharing goes straight in the community account instead of the county account.

**Day 2; February 26, 2013; Afternoon Session**

### **Group 1 (Women)**

**Facilitator:** How Does This Policy Address Community Representation.” Does creating a community legal entity to represent the community sound like a good idea? Why and why not? These are the questions we are going to be asking and answering.

**Speaker:** Institutionalizations communities should establish legal entities consisting of transparent procedures and institutions accountability to their communities as a whole to interest with external actors and to govern internal interactions regarding land.

**Facilitator:** What this is saying we have the customary land we have the customary land in all the communities own by the communities and its members, but in any discussion concerning that customary land matter can everybody in the community can represent the community at once?

**Speaker:** Not everyone can be there together.

**Facilitator:** Ok. Good, the community will have a group or the big hands to represent it which should be legal. You could call it community land management team or any names, but it should be a legal team established and it should represent the interest of the community. That’s what this policy is saying.

**Speaker:** We want to know whether establishing legal entity to represent the community is it a good idea, can somebody tell me or not?

**Speaker 2:** It’s a good idea because if everybody get together to represent the interest of the community it will be good, that is the men, women youth elders etc., it should be people that we have confidence in to represent the interest of that community, if not it will bring confusion. So the legal entity should be trust worthy group that will head the discussion of that community.

**Facilitator:** Very good, so she just said it, anybody else have another contribution?

**Speaker 3:** The physically challenged, don’t leave them out, they should be part of the process.

**Facilitator:** But what we really want you to get first, the idea of establishing group to represent your communities do you like that idea?

**Speaker:** Yes, we like that.

**Speaker:** Yes, we like that.

**Speaker:** Yes, we like that.

**Speaker:** Yes, we like that.

**Facilitator:** Then we will like to know what you think the people that will be representing the communities should be made off? Should it be elders, youth or who?

**Speaker 4:** It should be made of elders, youth, women, men, etc.

**Speaker 5:** It should comprise everybody, mainly, people that are out spoken, and that can talk for the community.

**Facilitator:** She is saying someone who is out spoken who can really talk for everybody Ok, it's clear not so? Ok. But the policy is saying the work of that legal entity should follow something they call transparent procedures, they should follow a step that is clear to everybody, if you say you taking one man one woman, let everybody know it is one man one woman you are taking. It means that from this point to this point, everybody should see it, that's what they call transparent procedures.

**Facilitator:** And the institution should be accountable. What do we mean, if they say this institution should be accountable to their legal entity, what do they mean?

**Speaker:** Anything you do let the community be aware of it.

**Speaker:** Another thing is to relate to them, anything your do you should not keep it but tell the people.

**Speaker:** If you taking part of the land to lease it out, what proceed you get you should report to the people.

**Facilitator:** It says the group should also be able to interact with external actors. They should be able to talk to people outside the community concerning the land. With the internal, that's the people within the community that discuss the land. So how do you see that idea? Is it a fine idea?

**Speaker:** Yes, is a fine idea.

**Speaker:** Yes, is a fine idea.

**Speaker:** Yes, is a fine idea.

**Speaker:** Yes, is a fine idea.

**Facilitator:** Ok. Let somebody read 4.10

**Speaker:** Community ownership of customary land shall be formalized by the issuance of a deed to a legal entity bearing the name of the community. The legal entity shall have legal personality and may therefore enter into contracts, own land, and participate in courts actions or proceedings before alternative dispute resolutions bodies. The deed shall provide for private ownership by the community, so long as any decision regarding management, use, and transfer are made in accordance with principle 4.5.



**Facilitator:** Ok. We will look at the sentence line by line so that we get somewhere. The first thing we say ownership of customary land can be formalized.

**Speaker:** What do we mean by formalize?

**Speaker:** The way I understand is we need to find a deed for the land.

**Facilitator:** Ok. So if the community has a land, the land must be formalized. How do we do it? We find deed for the land right. Ok so the deed that you will find for that land, what name will it carries?

**Speaker:** It should carry the community name.

**Facilitator:** So the deed should carry the name of the community, it shouldn't bear the name of an individual, neither a family right, but the name of the community. How do you see that idea?

**Speaker:** Let me ask this question. Many towns are named in individual names, for example, Zahie Town, Zle Town. These towns belong to the community people and not those people, in the beginning, Zahie and his families were living there. But later his children marry different people and the population of the town increase. Will it not bring confusion in the future?

**Speaker:** It will definitely problem. Zahie's children will sure say this town is for our grandparent and you have to buy a piece of land from us. Similar thing happened in Sinoe, the Americo-Liberian came and took the place and divide it among their generations. This is why when the people want to build pumps, they ask who get this land, and do you have deed? And when we build this pump here will it not bring problem of ownership? They will say no. later on problem will come.

**Speaker:** Let me ask. Like Camp Johnson road, so because they the first person living there, they say Johnson street. So because they say Johns on street, they own the land?

**Facilitator:** It's a good question. You people are saying, like those towns that are named after three traditional people, like Toe's town, Tarpeh Town, will those people children not claim the land, that's what you're asking; Good. So what is your idea? What the land commission people can put in the policy to address this situation?

**Speaker:** I will suggest before getting that legal document, the community should sit and have common ground, a memorandum of understanding to say even though this deed is this family name but the land belong to the community.

**Speaker:** To add to that, the community should not just give the deed to the family that bears the deed, they should photo copy the deed and share it with the community members.

**Facilitator:** So we are saying the community should sit and come up with a memorandum of understanding, saying this land is deed is bearing this family name but it is for the whole town, and the deed should be photo copier and share in the town.

**Speaker:** Yes it happened in our community, a pump is built there, and the ladies who get the lands want to claim the pump. She can close the pump around ten when people supposed to be drawing water, especially on Sundays when people supposed to go to church, so these are some of the problems.

**Facilitator:** So this is why it's good to have legal entity, right?

**Question:** Ok now they say the legal entity shall have legal personality. What does it mean?

**Speaker:** It means someone who knows law or has legal idea. So that when court matter comes in the person will help in that person.

**Facilitator:** Ok should the whole group be legal minded or we should mix them up?

**Speaker:** I will suggest that we mix them up because if we only look for legal minded people, some of our youth will be left out, even the women and elders. So let mix them up, at least let have one legal minded person on the team.

**Facilitator:** Hello, we making progress right? So this legal entity we can give it our own name. Maybe community land legal body. It should be something that represents the whole community. So that legal entity should have the right to engage into contract for the community, that's what the paper is saying. The legal entity should also be able own land. The legal entity should also participate in court actions. It should be able to settle dispute concerning land.

**Speaker:** Suppose in that community we don't have anybody who is legal minded.

**Speaker:** I will suggest since they have magistrate courts all over Liberia, we go to the court and choose someone to join us as our legal person.

**Speaker:** We are talking about going to the court, in that it involve money matter, sometimes we may not have money so our problems may not be solved.

**Facilitator:** So if nobody in that group knows law, the legal entity can go to the court or anywhere to look for someone and sign contract with that person to be the legal representative. So we agree right. That is settling right?

**Facilitator:** Ok. Now if the own this deed, the state of it being customary will seize small, it will now turn to private land because it for the community right? So the same will people manage their private land that how the community will manage their land. The community will have the right to sell it or do anything. So the community will have deed just how the individual can have deed.

**Facilitator:** Ok. Now the question is. This community now owns this land and the deed is in the community name, so who will sign that deed.

**Speaker:** The elder should sign the deed.

**Speaker:** Someone who stay long in the community.

**Speaker:** Those that representing the community.

**Speaker:** The legal person should be signatory the deed and be witness by some of the community members.

**Facilitator:** Now the community prepare the deed, they should be signatory and be witness, that's what you are saying?

**Speaker:** Yes.

**Facilitator:** This community is not just alone, we have other communities around and the government, and so what will be the role of the other community and the government in the issue of the community, so that some will not say you made deed for yourself?

**Speaker:** They have elders within those surrounding communities, you can get them involve and the government to sign, but you yourself cannot sign your own deed.

**Speaker:** If any one signs, tomorrow their son can say that my father sign this deed, so the land is for us, than confusion coming.

**Speaker:** The community can be one of the signatories, and the government and surrounding.

**Facilitator:** So you are suggesting in making your deed, surrounding communities and the government should be part of it. We all agree? Ok. So we can stick to that point.

**Facilitator:** So let look at 4.12 on page 6.

**Speaker:** Communities shall have land management decision-making authority regarding their customary land, but not limited to authority over formal transfer for customary land rights to individuals, families, or groups within the community or outside the community; allocation of customary land rights to members of the community and non-members in accordance with customary practices and norms, and use of land natural resources. Land management decision-making authority must be exercised in accordance with principle 4.5

**Facilitator:** Ok. Thanks very much, that portion is talking about the management decision. It is telling you no body shall come from outside to tell you what to do with your land.

**Speaker:** The community has the power to control the usages of its land.

**Facilitator:** Sure they have the power to give it to family's members; but something they say in the policy, it should be done within the customary practices and norms.

**Speaker:** If the traditional practices and norms allow women to own land than I shall buy land.

**Speaker:** like in our tradition, women are not allowed to own properties.

**Facilitator:** So since this policy is saying we should follow the traditional practices and norms, and some traditions don't allow women to own lands, what do you suggest to be done to satisfy everybody?

**Speaker:** Than we go back to what we were saying yesterday, we go by the constitution of Liberia which talks about women right.

**Facilitator:** Ok. So anything they will do it should be in line with the constitution which talks about women right. OK.

**Facilitator:** Let somebody read page 4, 4.4

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

**Facilitator:** Now this is trying to put emphasis on customary practices and norms not in conflict, if the constitution says women can own land, and the traditional law says women cannot own lands, the two laws are in conflict right, so which one will we take?

**Speaker:** We take the constitution.

**Facilitator:** Ok. So that is clear, so we take the traditional laws when it is not in conflict with the constitution, if not we take the constitution. But the question is how many old people will understand this.

**Speaker:** Yes this is critical, because it started from our great grandfathers to their children and grandchildren that women are not anything in the society and should not own property. She can't be part of this property that is owned by her own biological father. It can't be erased it will take a longer time, this generation that are in their 50's down ward will never understand it.

**Facilitator:** That idea still exist, so even the in this family, if the male is the youngest, the oldest sisters and mother can never have access to the property.

**Facilitator:** So this land policy is here to help everybody. So what do we do to make it possible for every to get land so it can't effect everybody. She was suggesting that we go back the constitution. Do we all agree?

**Speaker:** Because the constitution will respect the women, youth and everybody.

**Facilitator:** So you are suggesting that the portion that says in accordance with traditional practice should be replaced with the constitution of Liberia including women's rights, right? So we all agree?

**Facilitator:** Now let's go to page 6, are we all there? Ok, so let's read our questions again to refresh our minds.

**Facilitator:** How does the policy address community representations? Does creating the community legal entity to represent the community sound like a good idea?

**Facilitator:** Fine. So let's answer the first question. So to you now, how this policy talk about community representation? Does this policy talk about community representation in any way?

**Speaker:** Yes 4.5 talks about it.

**Facilitator:** Good 4.5 talk about the issue of community representation through a legal entity. So our answer to that question will be what? How does this policy address representation? What our answer will be? Some of you people are not saying anything, we want all of you to talk, because tomorrow when the land commission comes up with their final policy, it will become law, and to change law in this country is hard. So we want every to have input. So accordance to what we just said, we said the policy address the issue of community representation through the establishment of legal entity, that will have to represent the community interest; Right?

**Speaker:** Now we understand that one, so how you want this representation to look like?

**Speaker:** We say we want the youth, the elder and the women and town chief and also a legal person should make up the representation.

**Facilitator:** In case there is no body with legal mind, it will be the responsibility of the legal entity to find layer in any conflict that requires court right. So you are saying women, youth, town chief elders all should make up the legal entity right?

**Speaker:** What about the disables.

**Facilitator:** She is saying we include physically challenged to everybody you just named. Do we all agree?

**Facilitator:** This land issue... is a serious issue

**Facilitator:** So let hear some of the points our secretary get. Let see whether we making progress.

**Secretary:** How does the policy address community representation? The first answer will be the community and its members own customary lands. The community should be represented by elders, women, youth and other people representing the interest of the community. We talk about

an area being named after, does that land belong to that particular family who name that area is carrying, we say the area should not be for that one family, memorandum of understanding should be prepared by, the community, each family should have a copy of it through which the family which name that area is bearing will not claim ownership to it. If possible, a copy of the deed should be given to each family living within that community.

**Facilitator:** So this MOU, what will be the intention of it?

**Speaker:** The intention of that MOU is there to make everyone to understand that name on this town is not the owner of this land, but rather the land is owned by the community.

**Facilitator:** So we can call the MOU clarity of ownership? So even though the town is Bearing John Brown name, but the town is not for John Browne, so the MOU is there to clarify that, is that what you are saying?

**Speaker:** Yes, clarity of ownership.

**Secretary:** Than we say legal entities should establish by the communities to take responsibility to manage the affairs of community land.

**Facilitator:** That point is in the policy, the policy is say the community shall establish legal entity to manage the community land, but it should be accountable and transparent.

**Secretary:** We also said, in preparing deeds, the community and its surrounding should form part of the signatories to it.

**Facilitator:** She is say in one of the things we agree on, in preparing the community deed, neighboring communities should get involved, and the government should get involved.

**Secretary:** We also talk about who controls community land. The community alone shall control its land and not with outside interference. Then we talk about women's rights of owning land, women should be given the rights to own land in accordance to the constitution of women's right.

**Speaker:** I want to say something, the policy is saying in accordance with customary and traditional practices. And we are saying that part should be changed to in accordance with the constitution of Liberia and women rights.

**Facilitator:** So you the women are saying the portion of the policy that talks about in accordance with customary and traditional practice, it will not benefit you, so it should be replace to say in accordance to the constitution of Liberia and women's right? Ok. So is there any other thing that we did not talk about?

**Facilitator:** So I just want to thank all of you for your participation, this land issue we can't solve all today. But we are doing our best.

**Speaker:** I want to ask question. If you have two lacks and you have two children boy and girl what you should do before the boy take all.

**Speaker:** Call all of them and say this side is for you and this side is for you.

**Speaker:** Got to your layer make your will and keep it to yourself, when you die, the way you divide your land is how they will give it to the children.

**Speaker:** Where incase the girl been doing everything for me and this boy never do anything for me, he can't take care of me, if I give all to the girl what will the government do.

**Facilitator:** This one not the commission thing, that's my personal advice. The two children are yours whether the other do something for you or not. Now if you die and give all to one person, you must know you will be leaving confusion on earth. So I advise that you divide it among them.

## **Day 2; February 26, 2013; Afternoon Session**

### **Group 2 (Youth)**

**Facilitator:** What were some of the questions we asked yesterday?

**[Audio Unclear]**

**Facilitator:** Ok. Let me give a recap of yesterday question. The first question the e to that question was how the draft land policy definition of customary land applies to youth. And if we want to take a look at the definition of customary land, it says a customary land is a land that is owned by the community and its members. The community and its members are saying that they are self-identifying, meaning that they can identify who the communities members are. The process of self-identifying should be inclusive, transparency and accountable. It also says that customary land should be managed, by the custom of the owners; owner customary land has the right to practice their known custom and traditions regarding land. I give you example, if you in a local community they do not sell land they only give you land to use. You just go to the rightful authority and they can give you the land for use, as long that's the laws of the community and it does not contravene the constitution. Or the customary law says land can only be sold or land can only be gotten through paying money to receive it, so that customary law will stand as long it does not go against the constitution. I also say if the customary laws violate the constitution. That is you can go to court if the customary law is against you and it contravenes the laws of the nation.

**Facilitator:** Does this customary law protect youth? Because it talks about inclusiveness, how does it apply to youth? Or is it any other thing in this policy that I did not talk about that affects youth? Can youth equally benefit from the definition of customary land?

**Facilitator:** Now when using that definition, you should also consider the customary norms and practices; even though we talk about inclusiveness accountability and transparency, you, looking at it under the microscope. How does it affect youth? Does youth stand in a disadvantage position or it protects youth. Does the policy help or hinder youth from getting the customary lands?

**Facilitator:** Is there anything that applies to youth that the policy did we not address that we can talk about. Now young people we know what's in our minds, we know what we go through we know how we think. Sometimes we think differently from our elders. So is there thing that the policy did not address that we think we put in it? These are the questions. She started the ball rolling yesterday, maybe we were tired so we just took what she said, but I want to open it up again, to see if we can add some juice or to just accept it. And her comment was yes, because the customary laws talks about inclusiveness, accountability, it talks about border sharing, as long it does not contravene the laws of the republic of Liberia, it implies, even though it may not be written in bold ink, but it implies; So ladies and gentlemen, the youth of the Republic of Liberia, here's the question can we discuss it.

**Speaker:** I think our sister got it right yesterday and I give some addition to it, they use some wordings here, they talk about accountability, inclusiveness transparency, and the sharing of community leaders, but one good thing that thing that is in my mind is participation of the community. Even though participation as a word is not mentioned, but it is the same as inclusiveness. Before in our traditional setting, only the boys will discuss such matter, girls were not allowed. So this definition stress on equal participation for everyone. So that's my own intake on the whole process.

**Facilitator:** Even though the traditional practice discriminatory against female, but participation or inclusiveness gives rights to everybody.

**Speaker:** I heard you talking about the traditional practice and norms of the customary laws, what we are looking at here are whether the traditional practice will not affect the female that is my point.

**Facilitator:** Can we find anywhere in the policy that talks about customary laws that contravene the constitution?

**Speaker:** Incorporation.

**Facilitator:** Can you please read it for us?



**Speaker:** Incorporation-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.

**Facilitator:** So it was speaking from the positive side, but let us go to the opposite to that. It means any traditional practice and norms in conflict with the constitution, gender laws and international obligation, will not be incorporated.

**Speaker:** I have question, we are talking about customary, and do you think it can be shared among people?

**Facilitator:** Ok. Let some read the policy which will answer that question. We can we find that in the policy?

**Speaker:** We can find it in 4.7.

**Facilitator:** Let someone read 4.7.

**Speaker:** Ownership of customary land means private ownership, such that community and its members have the unrestricted and perpetual right to use and manage the land in accordance. With customary norms and practices, 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.

**Facilitator:** Ok. To answer your question according to the reading, owner ship of customary means ownership of family and private land. It means it can be shared according to customary norms and practices. But remember it should be done with inclusiveness, accountability and transparency. So any customary law that does not include inclusiveness, accountability and transparency, we cancel it out. It almost tells you, you can do anything but don't spoil. So anything good can be done, but anything bad will not be accepted. So that why it say in short, we will not restrict the customary laws, but any customary law that is not transparent, that is not inclusive, that is not accountable, is not correct.

**Speaker:** Ok thank you very much; but if you look at the tradition, it will tell us this area no man should go only female, this other area only men should go, no female is allowed, so what is it saying?

**Facilitator:** We talked about customary protected area. So that area that protected area. And protected area get limited rights, we talk about. So if they say this place is only for women, that area is protected for women alone, if they say men should go, it is protected for men alone. So we are not going to stop the customary sacred protected are, and if no member can go there, no member should go there. So that area is a protected area when it does not contravene the law.

**Speaker:** You are talking about customary land and protected area, so I want you to distinguish if the customary land can't be sold to anyone else or the private are?

**Facilitator:** I said, in customary land they can have protected area, in private land they can have protected area, and in government land they can have protected area. You could buy your private land, but then government realize certain species of animal or plants are there and the government want to protect that area, but government will not just come and take that land.

[Audio Unclear]

**Facilitator:** Where did we stop? Ok as I was saying, you private land can have protected area, government land can have protected area, customary land too can have protected area. For example, the Poro and Sande bushes are protected area within the customary land. In my area I come from some areas, we don't hunt or make farm there. The traditional people will give you their reason for me the reason they give in my area, they say the area, and there is a gena yard. If you don't hamper anything there, the gena will not hamper you. You can pass there but don't take anything from there.

**Speaker:** 4.4, I want to ask you a question. What is the standard the international community set up? When it comes to customary laws?

**Facilitator:** It is not about customary laws; but we say international obligations, there are treaties and conventions that we go and sign. And the issue of gender equity did not start with Liberia, is an international standard that is one example. Another example, carbon credit, Liberia is not producing carbon in the air, that's the white people producing it. China, America and other industrial countries, went together and say look the carbon is destroying the ozone layer; we have the responsibility to protect the Ozone layer. So if you want to produce carbon you have to buy carbon credit. Who have the forest, that's Africa and Brazil that have the carbon forest. You have to go there to keep that forest for the carbon credit so you can produce the amount carbon you want to produce, since there will be a forest to absorb you carbons. Those laws are made by the international communities. Other laws like human rights are international obligations. We have to live together as global village. Sometimes we want aids, but we have to abide by these international obligations. Like are issue of land there are other who help Liberia with money to carry out our duties to settle land matter, but if Liberia don't respect these international obligations, we will not receive aids. We are sovereign nation, no one can force us, but we will force us but we must go by the international obligations we signed. We signed it we force to go by it that what they call obligation.

**Facilitator:** So let's go back to the million dollar question. When answer it we get rich. So what is the answer?

**Speaker:** With the participation of everybody, it will bring about transparency, and you also have to account what so ever that will be done in that will be done in that process. So the issue of transparency and accountability in the process protect youth.

**Facilitator:** So there is nothing about youth that is left out into the process? To all the answers we say yes right? So that just the information we need for the presenter to give clearly right? Though we answer it yesterday, can you just read? We should have it on the fix sharp right?

**Speaker:** Yes we had it but the people get it.

**Facilitator:** Ok, we can write it again because we don't know how the people treated it whether they still get it or not. So tell us what you wrote for us.

**Secretary:** No I am just coming to write it myself.

**Facilitator:** Ok, we give you five minutes.

**Speaker:** Let me just support my brother, for the question asked, hundred percent is in the interest of us as youth, for what I see in this booklet, accountability, transparency, inclusiveness, but it's our hope and prayer that what is written implemented, because writing these thing and implementing them are two different things, so we hope and pray that what is written be used as tools for us to go forward.

**Facilitator:** Who enforce these things when they become laws, whose responsibility to enforce them?

**Speaker:** You and myself.

**Speaker:** You and myself, I agree with my colleague. But I will be recommendation that after this consultation, there should be another consultation in Monrovia or in any of these counties that will bring all the counties together, to make sure that all their recommendation they put forth will be and if they are not part, the types of phrases to be used in the policy, that's what I see. You have the authority, we can tell you say do xyz, and you know the legal aspect of it all that stuff.

**Facilitator:** Let me make this announcement again, it will be in Monrovia. After all these consultation meetings in the various counties, it had been announced that there will be one in Monrovia, and the number that is here all of you will not be there, but you will have representation. A few of you will be in Monrovia; the chairman says it will be held at pavilion where it will be indorsed, that everything you saying will become part. I don't the faces that will be there, but one thing I want to urge us, this process has become law that's the only thing I can say, and you see among us we have civil society, we should be wiser than our fathers, that's the only way we will progress as a people, that's the only way will improve as a people. And we should encourage our children to be wiser than us. So our children can achieve more that we

have achieved. In the past, the mistakes of our fathers, let us correct them. Young people let us be proactive, let us be positive, let us change Liberia for the good. When we come to these kinds of consultations, and we see that these policies are drafted, and we go back home and we see that somebody wants to turn to the old order, because the old people don't want to change, the old people have done it like that for a long period of time, they get the power, they get all of the advantages, they want it, we don't have to be ruled.

But we should stand on our feet for our future, stand on our feet for our birth rights, and stand on our feet for our children. So if we go there and fighting for inclusiveness, and one town chief don't want it, we don't have to be rude, but what is wrong for fighting for your rights, you can say look, this thing says this. Let me tell you something, the courts have something we call injunction, they can put a stop to what you are doing and ask you to do the right thing, especially when you breaking the laws, they can even do it to the legislator. If legislators are doing something wrong, someone can go to the court to say the thing the legislators are doing is wrong, please look inside it. The court can put that injunction on them. Status code ante that is all the things you did is wrong, you erase it and go to the beginning and start again. So young people let us be advocates, let's talk for our rights. When these things become laws, they are meant to be obeyed by all. It should be obeyed by everyone in the Republic of Liberia, the law has no exception.

**Facilitator:** So to answer your question, when it becomes law, that's you and I challenge you to make it to stand. Ok we finished with that we will have to go to day two which is today. I am sure our secretaries get something to tell us what he wrote.

**Secretary:** Well yesterday the question that was given us the afternoon section, we went into it yesterday, we wrote something on it but was not asked to talk on that. But later it was brought in this morning section where the question was asked about customary laws. The paper is not before me, but I think that's what we discussed and questions were asked and the facilitator was very flexible to answer, and then recommendation came about. I captured two recommendations. The issue of inclusiveness: Our brother here said it includes a broad participation of everybody. This includes the elders, women youth and other community's members. Then the next recommendation based on this broad participation, it will lead to transparency, where everybody will be a part and know what is going on. We also talked about accountability. This is where we stopped and anybody can add up from there.

**Facilitator:** Thank you; we said right? But we said it in a way that it was not recommendation, but we agree with the policy Right? All of these things are written in the policy, but I think what we need to do now is to look in our policy and find the part that talks about it and just quote it when we doing our presentation seen where it is.

**Speaker:** So we can quote 4.4, there where we can find it.

**Facilitator:** In the policy 4.15 talks about inclusiveness, accountability and transparency, right? So it includes youth. So we see the policy protects youth adequately, is it what we said? So now it is your responsibility to find it out right? So now we move to day two question. Anybody want to read day two question for us?

**Facilitator:** How does the draft policy address the issue of wetland? How should the policy address wetlands which are part of customary land?

**Facilitator:** Ladies and gentlemen, young people of the republic of Liberia, where is the question. What do we say about it? We want think about it for one second before we start talking?

**Speaker:** In my view, I actually want the wetland to be considered as public land.

**Facilitator:** So you are saying that all wetland should be considered public land? That's how you want the policy to address wetland?

**Speaker:** Because in the definition of customary land, customary land cannot be given out to concession, neither government land is given out to concession. But a public land can be given out, so if the public land will be part of the swamp land than the government will have the right to give it out for concession for development, and then it will reduce the swamp in Liberia because we have a large portion of land that have been occupied with swamp.

**Facilitator:** Yes, if I will just add sugar to her medicine, so it will be sweet and not bitter medicine. But she is saying, we talk about wetland yesterday, and we talked about protected area, but we know not all wetlands will be protected areas. If I am thinking the way she thinking, she say since government, they have Ministry of Agriculture they know which wetland is good for agriculture and what have you, and EPA who know environmental issues, the know which wetland to be reserved or not, so she is saying all wetlands should be government lands. That government will know which wetland to give out for farm land; they will know which wetland to give as farm land. She is saying in the customary communities too she suggesting it should be public land so that if they using as farm land, government will be able to regulate that. Is that your idea?

**Speaker:** Yes, that's what I am saying, but not only farm, for example like these Chinese people maybe they will like to build factory, or develop the swamp, the government should give it to them so the farm can be reduced from Liberia.

**Facilitator:** Let me ask this question. Yesterday I thought we said government shouldn't be having the right to engage in to the sale of lands most often, because some people if they are in government they will always like to sell lands and say that government land. So given wetland to government, don't you think it will be a problem?

**Speaker:** I never said wetlands should be given to the government, I said it should be a public land. Public lands are different from government land according to the definition. But government can regulate it because they have rights over the.

**Speaker:** According to what she was saying, swamp lands should be public land because in that case, it will have some criteria to protect. For private lands people fill them and when it rains, the water floor all over. So if swamp land is considered public land, government will regulate it and it will be used in the right directions, so I concur with her.

**Speaker:** I agree with them little bit, but where I differ is that swamp lands should not be given to the public, they should be given to the government, looking at the state resources, all of the materials for development, the power last within the government. So every swampy land should be given to the government for improvement, but not to make it public land.

**Speaker:** As for me I have different opinion regarding wetlands, we understand that even under the customary land law there are swamp land that are owned under the customary land law by the people, so if we are saying all the wetlands should be given to the government, then where is the protection for the people, we are saying if you want to give a swamp land out whether in a customary are or government area anywhere, we are saying it is prudent for government to direct you. Thank you.

**Speaker:** I never said the swamp land should be given to the government, I said it should be address to the public. Thank you.

**Facilitator:** Ok. Let me come in with this whole argument of wetland. Between government land and public land, there is a distinction. Government land is that land government has an activity on or has some building or something doing. And public land is land that is owned by all the people of the republic of Liberia. If government says I want sell that public land, everybody in Liberia can bit to buy it. It can be from Grand Gedeh, Sinoe or anywhere. Everyone has equal right to buy it.

**Speaker:** I think my sister made a salient point and I am in support of that point. Because when we look at the clear definition of government land, we talking about land that we have government building, government activity or government project on. So I support her when she says wetland should be place under government, but rather the public, but government can regulate it.

**Facilitator:** We have had arguments for, but any other arguments to support or against the arguments already put forth.

**Speaker:** I want to support my sister considering development. If all of the wetland be considered customary lands, Liberia will not develop. Liberia needs to develop, so I agree with her when she says all the wetlands be given to the government as public land; because from your

lecture yesterday, these areas can be used to generate income to develop the country, to boom the economy. If we say we should give all to the indigenous, the land will lay there without development. So we should give the land to the government for development.

**[Audio Unclear]**

**Facilitator:** Let just give you some information. Right now in the Republic of Liberia, all wetlands are public land, right now is the practice, and the reason why wetlands are public lands because of the significance of the land the unique characteristics of the land. No wetland in the Republic of Liberia is habitable. The only thing that has not been regulated is which one for farm and other purposes. That has not been efficiently and effectively regulated. And Liberia is under the obligation to protect mangrove swamps and specific wetlands. We sign to a convention called the Ramsar convention. The Ramsar convention provides for all signatory countries to protect mangrove swamp wetlands. They are breeding grounds for fish, and there are some endangered species seeking shelter there as habitats. And the mangrove is so unique in absorbing carbon from the atmosphere.

**Speaker:** I think people are misunderstanding me, I am not saying that all swamp lands should be given to customary people. But if you are saying customary people should draw boundaries, you understand that in the customary area that is also protected by them you will find some wetlands there. So what I am saying, these wetlands that owned by the customary people, government can have eminent domain over them, but at least the people should be able to benefit from that particular wetland. Like one other area in the customary law, if government tells you that this particular area is a protected area under the customary law, that area will be protected, so the wetland can be treated that way.

**Facilitator:** Ok, you say all wetlands should be treated as protected areas and you talk about eminent domain. But let me just give you information, eminent domain can't be applied where someone wants to take land from Mr. A. and want to give it to Mr. B. If government use eminent domain, and take land from Mr. A, it can't go to individual again. It must be used to benefit the entire public. So I want us to understand that all land can't be protected land because protected land can't be sold to concession. Only public land can be sold or leased to concession. Protected land can only go to individual as private or customary land. So if you make all wetlands protected land, then again protected lands have limited use rights. So what specific purpose you protecting the land for. But public land can be sold; it can be sold to individual or even customary community.

**Speaker:** I think us the local people it will not even know what could be good or harmful to us. We talking about back filling wetlands, we talking about floods and what have you. Sometimes we do things out of ignorance and the effects come on us. Like some people don't know the effects of damaging mangrove swamps. I saw a man fishing in the mangrove swamp. I asked him what are you doing here, he said I can come fishing here. I can catch turtle here. So I asked if turtle

can live in the swamp there. He said yes, it even laid eggs there. So I asked him, but you know you are not supposed to fishing in that particular swamp, he said that's a lie, he said there was no law stopping anyone from fishing in a particular swamp. Not that he wanted to be rude, but he was ignorant. A lot of times people will destroy the swamp to produce small rice. So there are lots of vulnerabilities when it comes to ignorance. But again Agriculture Ministry will tell us which species can be found in this protected area that we shouldn't bother because they are helpful. EPA will tell us about the environment and what can harm it.

**Speaker:** You just spoke about the Ram sac convention. But I want to understand, if I have a large private land, and there is a wetland found within that private land. Does the government have right over that wetland in controlling it?

**Facilitator:** What I am saying, what we are practicing right now, no individual owns wetland as private land. No one can buy wetland as private land. Government has not sold wetland to any one as private land, except they did it out of corruption. And anything that is not done according to the law is not done at all. Do you know anyone who bought wetland as private land?

**Speaker:** For example, people refer to it as squatter. But I think they are doing disservice to the people. If you go Sinoe beach you will see people who have built house and living there.

**Facilitator:** Those things were done in the past, if I say there is no wetland being sold now I am speaking from knowledge, I am giving you information. If anything like that is done is done illegally. Wetlands are not sold as habitable lands. The only wetlands that have been allowed are farm lands. So if anybody builds on a wetland, it doesn't mean they own it. You talk about squatter; those are illegal people that build on the land. They don't have title to the land; they don't have the rights to the land.

**Speaker:** What's about the wetland that is found within customary land?

**Facilitator:** There had been nothing like customary land, we only had private and public lands. Customary land is a new idea we are putting in this paper to carry to the legislature to make it lawful. So don't go anywhere and tell someone we have customary land.

**Speaker:** Let me come in, what is the truth government is giving mandate concerning that, the same government is by passing their own laws and sell these lands to individuals. I think we need to share our experiences from our areas we live so at the end of the day, we can come up with a clear cut solution.

**Facilitator:** Ok. Let me come in again, when you go and bribe you who bribe and the one that accept the bribe, you all commit crime, so those that bribe government people to get land it is illegal and when the time comes, they will blame themselves.

**Facilitator:** Let me tell you how public land is sold. Is the president who approves the sales of public lands? The president is the person to give you deeds when you buy public lands. The



superintendent will sign it, the land commissioner will sign it and the surveyor will sign it than the president endorse it. The people you're talking about, the president gave them deeds? As long as the president did not give you deed in public land sale, you are considered illegal person on that land. You are talking about squatter's right that is what the superintendent can give you without the president signature. And squatter right only gives you right to stay for some times. Right now let me tell you're the president have put a moratorium on the sales of public lands.

**Speaker:** Thank you. There is wetland I know in Monrovia that was sold to my brother. At present there is confusion of that land, if I get to Monrovia, that's one of the problems I will try to solve. So it's good we are here, so what will be your input in it or advice?

**Facilitator:** The land is in conflict so don't take bad thing to be good thing my man. Anything that is not done well is not done at all. That land is not legal.

**Facilitator:** Let me give you a little story. A friend of mine who was managing a little bar got a job with UNMIL. When he started making money as a friend and engineer, I advised him to build his place. So I design his house plan. He was buying a wetland I advised him, telling him in Liberia under our law, no individual can own wetland because all wetlands belong to the government. He said when the government will be ready to use that land. He bought it from the Paynesville city hall through corrupt means. Later on someone came from America claiming that land. He had to re-buy that land. He has built a fence and a house, he still does not own that land. But what government use to do in the past, if you bought a land in the swamp, you are given limited rights to use that swamp, you could make garden or farm but you cannot own it. So like you said, if ask me for the straightway, your brother doesn't own that land.

**Speaker:** Let me make my input. Let me just make clarity, no one can buy swamp lands because they are public lands. You see people under bong mine bridge it's the same as those in the swamp land, the government is getting ready for development there. They will have to lose their places. You see Buchanan High way; they are presently breaking down house because of the rail road to pass there. After the war people were running around looking for place, so the government gave squatter rights to people for the main time at Kesselley Boulevard. They have built there but they move any time because that place is not for them. They don't have deeds. It was only given to them to squat to prepare themselves to find their places. So I just want you to understand that no one can own swamp land it is a public land and cannot be given without the president's signature. So if we go back to our communities, we should help educate our friends there that swamps lands are public lands and cannot be sold to anyone.

**Facilitator:** Now that we have understood wetlands are public lands and they cannot be sold. The question here is: how should wetland found in customary land be treated?

**Speaker:** Thank you very much Mr. Facilitator. It's good that we are here so that when return, we can correct some of these things. As we leave, we need your contacts, so that when we see

these things, we can take the necessary steps. And we hope to get your support when we call on you.

**Speaker:** For me I still stand on my ground that wetlands are given to the government because even if it is public land government still has oversight of it. It is the government that has the resources as well as the financial ability to develop wetlands.

**Facilitator:** If I got him right he said public lands cannot be divorced from government, so it be straightly regulated and placed under government.

**Speaker:** Let me get something clear, in my understand, government is not taking wetland because they want to develop it, it just a law passed long time that citizen don't own wetlands because if we do, we could damage the land which will have negative impact on the land mainly to the resources and species there. This is why the EPA is stopping us. So the wetland is preserve to prevent further disaster that might come later on when people keep going into wetlands.

**Facilitator:** So there have been many of us who did not know that wetlands are not to be sold and we went and bought it unknowingly around the country. Even though ignorance to the law is not excuse, but the question should be what becomes of us who have bought these lands and just getting to know from ere that we were wrong. Are we going to be compensated by the government? And let us stop thinking Government wants wetlands for development.

**Facilitator:** Thank you for your in-depth clarification. So now let's go to the questions directly. The first question is,

**Facilitator:** How does the draft policy address the issue of wetland?

**Speaker:** I think wetland is a referral land, it is owned by the government and it is not purchasable. So for us how have bought wetlands, we can find a way out either by relocation. But as of now don't buy wetlands. Don't build on wetlands.

**Facilitator:** From his point he is say how the policy should address wetland is that wetland should not be sold or purchased. For us who are living on wetlands, we should relocate. Right?

**Speaker:** We understand that government will use wetland to benefit all Liberians, I take side with my sister that wetland should be considered public land there spite the fact that there is no public land, but I think it should be reserved for the government to use it for the intended to benefit all of us.

**Facilitator:** He made a point. He said governments don't take wetland to develop it, it is us that will develop it, and either the concession or we will develop it, either the farmers or whosoever. And to be earnest, there are some wetlands that should be used for farming purpose.

**Speaker:** For me I am recommending that the government helps us some of us are affected by these laws because we did not know. There is a saying in the Bible that because of the lack of

knowledge my people perish. We are recommending that those did buy these lands out ignorance; government should help them with package to relocate them. We are also recommending that whenever government come up with these laws that should carry out awareness.

**Facilitator:** Thank you for your point, but all these points is explanation. You are talking about awareness; awareness really can't be part of our recommendations. But as a presenter, if you are presenting you can make emphasis on that but we can't make it as a bullet point. Thank you.

**Speaker:** How should the policy address wetlands which are part of customary land?

**Facilitator:** So we finished answering that question. So how did the policy address wetland, I think that we need to answer. Read the first question.

**Speaker:** How does the draft policy address the issue of wetland?

**Facilitator:** So now, it's a feedback of this policy on the issue of wetland. Did we'd through the policy did we see anything addressing wetland? How does the draft land policy address wetland?

**Speaker:** From this that I read, and from your previous presentation, wetland should be preserve, no one should by wetland; and then according to the draft policy on environmental protection, it should be preserved it should be protected to avoid future problems.

**Facilitator:** So according to you, in as much as the draft land policy don't have no caption called wetland, but the fact that it talks about environmental protection, and we see that wetlands are very unique to the environment, you think that wetland should be protected and regulated by government.

**Speaker:** I am looking at it from another perspective. If we say that wetlands should be public lands, than public lands can be sold, meaning that wetlands can be sold. So in my view, let be prevented from selling. Thank you.

**Facilitator:** We told you wetland can be used as farm land, you can grow vegetable, rice and so on. But the people from EPA will tell you which wetland to protect. The people from the Agriculture Ministry will tell you which wetland to make farm on. So when we looking at it let look at it from a broader picture too. People can grow rice on wetland. So people, who got interest in farming, can make farms on wetland. But people who get the requisite knowledge will know how to regulate it.

**Facilitator:** Ok, everybody if we have concluded on what we just said, than we will ask our secretary to read for us.

**Secretary:** Well we have few points here after series of consultations, we agreed and disagree. So I have three points. So one, we have wetland should not be purchased, no one should buy wetland, anyone buying wetland should be relocated. That was the point.

**Facilitator:** It shouldn't be used for residential purpose. Wetland should be left with government; government should determine what wetland should be used for.

**Facilitator:** Ladies and gentlemen, we have only one hour to go through, round up and get ready for presentation. And the question reads.

**Facilitator:** How does the policy address community representation? Does creating a community legal entity to represent the community sound like a good idea to you? Why or why not?

**Facilitator:** So the first question we have to answer legal entity in customary, that representation what we think or not. This legal entity we talking about to represent the community, is it a good idea or not, we going to analyze and critique it; and when we scrutinizing it we will be talking why or why not. So everybody that is talking will either be for or against and telling us why or why not. Am I clear? Is it understood? So let us take few minutes to go the book and hear what it says. So let's go under customary land and hear what it says. Someone mark 4.15, and let's look for other places where we can find it. Let someone come and read 4.15.

**Speaker:** 4.15 reads, the boundaries of customary land shall be determined through active participation by the community, neighboring communities, and their members, including elders, chiefs, youth, women, and local authorities.

**Facilitator:** So according to him, representation of the community starts from the boundary harmonization. It also indicates that the representation will include chief, youth, elder, women and local authorities to represent the community. Can anybody also find the place about legal entity? What it says about legal entity under customary land.

**Speaker:** 4.10 community ownership of customary land shall be formalized by the issuance of a deed to a legal entity, bearing the name of the community. The legal entity shall have legal personality and may therefore enter into contracts, own land, and participate in court actions or proceedings before alternative dispute resolution bodies. The deed shall provide for private ownership by the community, so long as any decisions regarding management, use, and transfer are made in accordance with principle 4.5.

**Facilitator:** So let's go to 4.5 and someone please read it for us. He was talking about legal entity having the personality. He said the legal entity can sign contract, it shall bear the name of the community, it can go to court proceedings, and it can find alternative dispute resolution. Alternative dispute resolution means to settle any issue affecting the land out of court. So he asking whether the role of the legal entity sounds like a good idea to you. So let somebody read 4.5.

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

**Facilitator:** Ok, I want someone to come and volunteer to come and explain this one for me.

**Facilitator:** 4.5 is saying, communities shall establish legal entities, meaning legal body or group that can represent the interest of the community. That group should be transparent. Meaning, anything they do, let everybody see and know what they do. Everybody should take part in it; it should be clear to everybody what they do. It also said they should be accountable, meaning they shall have record. They shall have minutes in meetings; they shall tell the community whatsoever they do. And for it to interact with external actors means they talk the community land matter with other people or bodies outside the community. It could be other communities, the government or other concession groups that have interest in the community land. And it shall govern internal interactions means anything thing they do in the community regarding the land, they should head it. They can determine whether to give who land for farming or not. But their decisions should respect their customary norms and practices. Those norms and practices should also be in line with the constitution of Liberia and international obligations. So these are some of the things the legal entities are to do. Anyone has information or clarity or any question?

**Speaker:** Let me give information, to where I come from is call the Gboho sector. The Gboho sector has a legal entity called the Gboho Mineral Group. They represent the Gboho sector when it comes to mineral. What so ever company that come in that area, they discuss with the company on behalf of the community. They are responsible to make decision for and on behalf of the community. Everybody from the community doesn't have to take part of the decision making. They discuss internal and external issues concerning the community. So this is the same as this legal entity we are talking about.

**Facilitator:** Thank you very much for that information. Let me just read 4.10 again. It says community ownership of customary land shall be formalized by the issuance of a deed to the legal entity. The community owns the land as a whole, so the deed to the land is not given in the name of the chief, or the most educated person or the most influential person or the richest person, the deed is given in the name of the of a legal entity. We said legal entity is like human being. It can inter into contract, it can be sued or sued. The people in that legal entity can be changed after some times. Is like this country, the leaders can change, the people can change, but the country remains. So the leaders of the legal entity can change, generation can change, but the name and entity remain the same. This is why we say the deed should not be in anyone's name. It happened before where the put the deed in the chief name, when he died, his children claimed the land. That community can decide how long the member of the legal entity will stay. Whether it will be election or selection they will decide. So it is that legal entity that owns the land because they have their name on the deed. They will manage and administer the land. So in case

of court matter, if there is no legal person in the legal entity, it is the responsibility of the legal entity to find a lawyer. In the court, they will be calling that legal entity name, for instance, Gboho community verses xyz. So all the decision regarding management, transfer and so on of the land will be made by this legal entity according to 4.5, so that is the role of the legal entity.

**Speaker:** If two groups of people are living together in the same community, can they have two different deeds?

**Facilitator:** Community that's not tribe, not family, not a specific group of people. Any group or groups of people can make up the community. That's why they say community is self-identifying. It is the piece of land that people live on. You can come from Bassa, or Cape Mount or Lofa to be in one community. It is still a single community and can have only one deed. In some communities, when they say we are bushing today everybody will brush maybe the road or somewhere except stranger. So every community can practice their own norms but it shouldn't contravene the constitution. Let just take one quarter in Grand Gedeh for example, if the people in that quarter are always having rivalries, they could decide to split and further the boundary procedure to divide the community. So the size is not mentioned, the number of persons is not mentioned. Any number of persons can decide to co-exist in a community harmoniously. Any other question view or input?

**Speaker:** I say yes to number one which says how the policy addresses community representation. It says the policy address community representation though broad base representation. Through the participation of everyone. Through accountability and transparency. So I say yes to that.

**Facilitator:** If I can add up to his words he said, the policy address community representation though a legal entity and the procedure is accountability, transparency and participation of everyone.

**Speaker:** So I will agree with my brother, because everybody cannot make decision for the community, everybody cannot represent. So there is a need that this legal entity be established.

**Facilitator:** So he is say, looking at the nature of the legal entity which is transparency, accountable, inclusive, it is a good representation. So it should be established. So anybody disagree with him? Or everybody agree with him on you want to add words to his word.

**Speaker:** This legal entity let take for example the forestry reform law. It requests the community to men, women, youth chief and elders of the community to represent on the committee. Is it the same thing we are talking about?

**Facilitator:** That's not the same thing. This legal entity is established only to look after this community land matter. It manages the land for the community and makes decision for the people. They represent the interest of the community. For example everybody can't go to court

in the community, or sig concession in the community. It's the legal entity that represents the group.

**Facilitator:** Can the secretary read what he has for us?

**Secretary:** The question is how the policy addresses community representation. And we say the draft policy address community representation through the establishment of a legal entity. The procedure of the legal entity includes:

- a. Transparency
- b. Accountability
- c. Inclusiveness

## **Day 2; February 27, 2013; Afternoon Session**

### **Group 3 (Sinoe)**

**Co-Facilitator:** We will have our second facilitator, Alfred Quijani analyzing our second question for us.

What record should the community have regarding customary land? Who should keep those records? Who should have access to those records? What role should the government play?

**Alfred Quijani:** The question is saying what record should the community have, should it be tribal certificate or deed must be issued for customary land. It also asks who should keep this record. Then what should be the role of the government in this record matter. So this is what the question is saying.

**Facilitator:** So let us answer the questions one by one. The first question is what king of record the community should have for customary land. Let us answer that question first.

**Speaker:** In my view I want the customary community to have a registered deed, signed probated and registered according to deed. But we don't want travel certificate.

**Speaker:** There must deed given by the government with the president's signature.

**Speaker:** We should be given a deed, but the deed should be signed by the county authority which is the Superintendent.

**Speaker:** The deed must be signed by the committee to manage the land.

**Facilitator:** One person say the President, one person say the Superintendent and one person say the committee.

**Facilitator:** Do we agree that a deed must be given?

**Speaker:** Yes, a deed must be given.

**Speaker:** Yes, we want deed.

**Speaker:** Deed and no other document.

**Facilitator:** Since we all agree that there must be deed, now the question is who signed that deed.

**Speaker:** We agree it must be deed, but this deed must be signed by the elders, attested by the Superintendent and approved by the president.

**Speaker:** Since it is the President who signs all public land document, and this public land is becoming ours now, I say let the president sign.

**Speaker:** I will like to ask for the original process of obtaining deed.

**Speaker (old surveyor):** The Process of use to be government issued deed to individual called aborigine, but this land is not to be sold and is for private use.

**Speaker:** I support that the deed be signed by the central government because they are the decision line in land demarcation. So the president should sign.

**Speaker:** Let me provide information. The task force is working on a recommendation for the president's consideration. We are suggesting that there be an autonomous body that will take care of land issue in term signing deed. That body will have representation in all the counties. This is to curtail the president from have many deeds on her desk and she can't sign them because of time.

**Speaker:** When it comes to forestry, the FDA has authority over it. When it comes to land the Land Commission has authority over it. So I suggest that all deeds be signed be the Land Commission.

**Facilitator:** This question has many sub questions. The first was what record. And we all agreed it should unity should keep the deed.

**Speaker:** I support that the Committee set up to keep the deed.

**Speaker:** I think that is settled, we all agree on that. It should be kept by the committee set up.

**Facilitator:** The next question is: Who should have access? Is it the community members, only the committee, the elders or who can see and read this deed?

**Speaker:** Community members can have access to the deed.

**Speaker:** Any community member can access the document for transparency.



**Speaker:** The community members and the general public. The general public should because of the access to information act that we have in this country.

**Speaker:** It shall be opened to the public but to the description of the committee that is keeping it. It shouldn't just be given to any palm wine drunk or anybody who will destroy it.

**Speaker:** While it is kept and opened to any community member, anyone from the community can also photocopy for their own record.

**Speaker:** I want to suggest that this document be kept by the committee set up and they make report periodically. In that report they can show the deed to the community and say your deed is still protected this is it, but not to have anyone going to the committee and asking to see document at any time.

**Facilitator:** The next question here is what should be the role of the government? So what role you want government to play in your whole record business?

**Speaker:** I suggest the government signs the deed through the president, because the government is the final authority of anything in this country including land matter.

**Speaker:** I agree that government plays a role in this deed matter. But I suggest that the document copy be kept in the national archive. This should be the role of the government to keep the deed in the archive.

**Speaker:** We know that government is the supreme authority, and customary community is an integral part of the government, we are talking about share responsibility between the community and the government, so keeping the copy of the document in the archive is a role for the document. And now we are talking about government, the local authority is also part of the government. And we all support decentralization, so I support that the superintendent signs on behalf of the government.

**Speaker:** We all agree that a copy be kept in the archive by the government.

**Speaker:** I suggest that a separate ministry or agency be formulated to take care of all land matters. They should be responsible to survey land, probate deeds, sign documents. And they should also sign deeds.

## **Day 2; February 26, 2013; Afternoon Session**

### **Group 4 (Grand Gedeh)**

**Facilitator:** We are going to be looking at legal entity. Let us look at page 5, 4.5 which talks about Institutionalization. Can someone read it for us?

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

**Facilitator:** According to the reading, you can establish legal entity. So let us know what legal entity is. Read 1.1.

**Speaker:** Legal Entity: A private entity or government entity. Legal entities have legal personality and may therefore enter into contracts, own land, and participate in court or proceedings before alternative dispute resolutions bodies.

**Facilitator:** Let go into today's question.

How should legal entities use their rights regarding the customary land? How should community legal entities exercise their rights? Should different rule apply for lease, sales concession to members and not members?

**Speaker:** This is Commissioner Kyne Zweh, in regard to the question, for any concession agreement let the cross section of men, women, chiefs, elders, youth etc. of the community be seated to have a saying in the decision.

**Speaker:** When it comes to lease, sales or concession, let it be to the understanding of the entire community members.

**Speaker:** I suggest that in term of concession, there should be consultative meetings. When it comes to the sale or lease of the land to members, it should be done affordable such that even the pepper seller can be able to purchase it. Concession agreements of member should be different from nonmembers.

**Speaker:** The concession agreement rule should be applied differently from Liberian and non-Liberian. The rules should also be different from community or county members and not community/ county members.

**Speaker:** Regarding the question, how should the community make decision regarding their land, I suggest that that we don't need to answer that question here. Let the community make their rules.'

**Speaker:** I am Moses Cheru, I believe that what so ever rule we are making is for the benefit of the entire Liberia. So we should not make rules based on communities. Whatsoever rule we make for this community, it should go across Liberia.

**Speaker:** I believe we should consider cultural norms and difference. In order words, we should have different rule in different localities base on cultural and customs.

**Speaker:** I suggest that town lands should be sold to non-community members, but not farm land. Community also can lease her land under the supervision of the government.

**Speaker:** I am recommending two rules: One for Liberians and two for non-Liberians. Liberian shall have preference and minimum charge as compelled to alien.

**Speaker:** I suggest that foreigners should not buy land. And non-community members should not buy but lease farm lands for some time and then it is turned over to the community afterward.

**Speaker:** I recommend that as long you come from any part of Liberia, you should be able to buy land in our community so that our community can develop.

**Speaker:** If a stranger comes marry our daughter, that stranger can buy land in our daughter's name and not the stranger's name. The stranger can also purchase the land in the name of the child borne by the stranger and the daughter of that town.

**Speaker:** For me, if a non-community member born by our daughter, I suggest if the father wants to purchase land, it should be in the mother's name, and not the child.

**Speaker:** I believe if my daughter marries anyone outside this community, whether Liberian or non-Liberian, my daughter should have the right to buy land in our community.