

**CONSOLIDATED REPORTS OF THE CONSULTATIVE MEETINGS
ON THE DRAFT LAND RIGHTS POLICY**

RECORD OF PLENARY DISCUSSIONS



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CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Tubmanburg, Bomi County, comprising participants from Grand Cape
Mount, Bomi, and Gbarpolu Counties

On December 5-7 2012

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together about 120 participants/stakeholders from Bomi, Gbarpolu, and Grand Cape Mount Counties, including various Government Ministries and agencies, partners from the land sector, donor community, local authorities, and traditional leaders.

The objective of the meeting was twofold: (1) to gather the views of a cross-section of the citizens of these counties on the key issues and recommendations in the draft document, and (2) to review the key issues and recommendations advanced by participants with the aim of incorporating them where appropriate in the final policy statement.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Five focus groups (Youth, Women, Bomi, Gbarpolu, and Grand Cape Mount) were established and provided a set of questions, focusing on definitions of four main land rights categories, community legal entities/representation, land administration and land management. Unlike the other consultations, each group was given the same questions to discuss. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

All Groups: What do you think of our definition of Customary Land? Will it work to recognize ownership of the land even without a deed? What do you think of our definition of Community? If you were to define your own community, how would you do it? What do you think of our definition of Customary Protected Areas? Will it work to not allow these areas to be sold, leased, or given for concession? Would you want to jointly manage these areas with the Government of Liberia?

Group 1 (Youth): Recommendations

- Ownership of customary land without deed will work.
- Community should be defined by common practices and identity based on the traditional formation of each group.
- Everyone using land including concessionaires, communities, and the government should be involved with conserving the land and equally

respect and observe the cultural values and identity of community residents.

- Concession, lease, and sale processes will not work if there are no dialogue and regular consultations amongst stakeholders.
- Customary Protected areas should be jointly managed with the government.

Group 2 (Women): Recommendations

- Governance of customary land should be guided by local authority, elders, women, town chief, commissioners, youths, pastors, and Imams.
- Local authorities should be the signatories for deeds for customary land. Recognition of ownership even without a deed will work.
- Community should be defined as “a group of people living together with different backgrounds” and should have a minimum residency requirement of about 30 years with proven contribution to the development of the community and respect for the culture of the people.
- Agree with definition of customary protected areas, as well as the restrictions on sales, leases, and concessions. Customary Protected Areas should be managed jointly by the community and the government.
- Enforce all customary land laws with vigor.
- Penalize any and all local authorities that go against the intent of the law through progressive disciplinary actions to include dismissal.

Group 3 (Grand Cape Mount): Recommendations

- Common boundary should be based on the general understanding amongst the people in keeping with their traditional norms
- To be a community resident, a person should live in the community for two years
- Agree with the Commission’s definition of protected areas on customary land, likewise the provision restricting sale, leases and concessions on protected land.
- Agree that protected areas should be managed jointly by the community and the government.

Group 4 (Gbarpolu): Recommendations

- Unanimously agreed with the Commission's definition of customary land.
- Customary land should be protected as private deeded land and that a deed should be the basis of ownership with the youth and women leadership of the county as signatories to any deed issued for customary land.
- Defined community as "a village, town, clan, and chiefdom that are working for the common good of the community".
- Overwhelming approval for the definition of Customary Protected Area as recommended by the Commission and the joint management of protected areas with government.

Group 5 (Bomi): Recommendations

- Need to survey customary land to ensure boundary lines are demarcated and rightful individuals are identified.
- Define community as 'a self-identifying group with shared values, common identity that uses and manages its land in accordance with customary practices and norms in a given community".
- Agree with definition of protected area, restrictions on transfer, and joint management.

Day 1; Afternoon Session

All Groups: Does creating a community legal entity to represent the community sound like good idea to you? *Please give the reasons, yes or no. Does it make sense to have the name of the community/community legal entity appear on the deed for your land? Who would represent the community/community legal entity?*

Group 1 (Youth): Recommendations

- Agree need to create a community legal entity to represent the community, as this will serve as a joint legal voice of the community.
- Members to serve on this entity should be selected through election in keeping with community criteria, by-laws and constitution so that a

cross-section of the community serves as representatives. This is important for the legitimacy of persons serving as part of the community legal entity leadership.

- Important for the name of the community to appear on the deed, this will avert community disputes involving individual use of names. Community may use physical features like rivers, mountains, etc. which will avoid disputes over using individual names.

Group 2 (Women): Recommendations

- Creating a community legal entity to represent the community will reduce marginalization/personal interest. Boundaries will be well secure, while Community Zoning and Development initiatives will be enhanced and result in collective decision-making.
- Agree the name of the community should be on the deed, but cautioned that the community should not be named by one person and that the community should decide on a neutral name, not an individual or family name.
- Elected officials like women, youth, elders, chief, commissioners, etc should be made community representatives.

Group 3 (Grand Cape Mount): Recommendations

- Community legal entity is not necessary because want to maintain our customary land administration practices and land use.
- Agree that the deed should bear the name of the community
- A town land counsel representing their quarters, including elders, youth and women be created.

Group 4 (Gbarpolu): Recommendations

- Agreed to the setting up of a legal entity to represent the community because it will avert illegal use of community land or deed.
- Fully supported the idea of the name of the community/legal entity appearing on the community land deed.
- Community should be represented by the Youth Leader, Women Leader, Dean of Elders, Town Chief, Sectional Clerk, Clan Chief, Chiefdom Clerk and Paramount Chief.

Group 5 (Bomi): Recommendations

- Decided to “not encourage” the creation of a legal entity because they said, they wanted to discourage the possibility the manipulation by said legal entity.
- Agreed that only the name of the community should appear on the community land deed.
- Agreed that the community should be represented by the most senior elder, Youth Chairman, Women Chairman and the Chiefs.

Day 2; Morning Session

Day 2 of the consultation was graced by Internal Affairs Minister Blamo Nelson and Bomi County Superintendent Samuel Browne. In his brief remarks, Minister Nelson stressed the importance of the Chiefdom in the local governance structure. He said the Chiefdom and people are the first to be recognized, noting that the Clan is as sub-set of the Chiefdom which is headed by the Paramount Chief. The Chiefdom has the ‘Master key’ to all customary land, he emphasized, adding that it is the Chiefdom that delegates responsibility for administration of customary land to the clan, towns and the village. “The Master Deed of the customary land should be issued first by the Chiefdom.

Minister Nelson’s response sparked off a heated debate. Some delegates argued that in the south-east of Liberia, the Clan is stressed as the key structure in local governance, while in the North-west, the Chiefdom is stressed. But responding further, Minister Nelson emphasized that the ‘owner of the land should be the Chiefdom. He said it was not good for Liberia’s governance structure for the southerners to stress the Clan, while the north-westerners stress the Chiefdom. “We need to harmonize the two so that we can speak one language when it comes to local governance structure,” Minister Nelson pointed out. The Internal Affairs Minister also clarified that the Paramount Chief heads a chiefdom; not a district.

All Groups: How would you want to decide on your boundaries? How would you want those boundaries recorded? *Would you want the community/ representatives to keep records of the community's land? Who would keep these records? Would you want to make sure the community members can get these records? If yes, how would you do that? What role do you see for Government in keeping records?*

Group 1 (Women): Recommendations

- Decide boundaries by the entire towns and villages coming together and agreeing on boundaries.
- Boundaries can be demarcated by planting cotton trees, identifying rivers, creeks, hills and mountains and have same recorded on the deed.
- Various representatives from the community, namely, youth, women, elders, chief and the rest of the community should keep the records, and that copies of the deed should be given to the various towns involved.
- Want the Government to attest to the deed and keep the records in the national archives.

Group 2 (Youth): Recommendations

- Boundaries decided through inter-dialogue, consultations and discussions involving both communities and its members.
- Want the Government to serve as an eye witness or third party to the document, and that the Government can probate the document to ensure safe record-keeping for generations yet unborn.
- Copies of the document to be equally shared and kept by the community leadership and the government through the ministries of Internal Affairs, Justice, and the Center for National Documentation and Records Agency.
- To ensure cordial and peaceful co-existence, let the Ministry of Internal Affairs work in close and direct collaboration with those established community based leaderships in order to avoid land boundary dispute and meaningless structures.

Group 3 (Grand Cape Mount): Recommendations

- Grand Cape Mount County elders suggested that boundaries should be decided by convening meetings of towns, villages, clan, chiefdom, district and counties sharing common boundaries.

- Agreed that community representatives keep community records, with copies going to the town land council, Archives and bank, with the Government providing support and protection in the process.

Group 4 (Gbarpolu): Recommendations

- Traditional leaders should decide boundary disputes along with the Land Commission, and should be involved in identifying original boundaries that existed along with a neutral body like the Land Commission, by putting cornerstones or using natural features like creeks, rivers, mountains and valleys.
- County Land Commissioner, County Surveyor and Traditional Leaders should all be involved in recording boundaries.
- Community should keep records of the land, but that copies of the deed should be sent to the archives and that records of the land should be kept by the Paramount Chief and the County Land Commissioner.
- Government should provide protection for the documents by establishing archives in all county capitals.

Group 5 (Bomi): Recommendations

- Community should decide land boundaries and that this should be done by including natural features and cornerstones following a survey to be conducted with the involvement of stakeholders who should meet at a given boundary point for proper harmonization.
- Boundaries should be recorded by drawing a map that will indicate points of metes and bounds through diagramming.
- Want records of their land to be kept by the community and a copy kept at the National Archives and the Superintendent's Office.
- Most senior elder should keep the original records of the community, with the Government playing a protective role in the process.
- Community members wishing to obtain copies of such documents should only be given them upon formal request.

Day 2; Afternoon Session

All Groups: How would you like decisions about how land is used and who uses it to be made within your community? *Would you like the entire community to be involved? How would you like to make decisions about sales to community members and outsiders? How would you like to make decisions about concessions? What would you like the Government to do when you make decisions about selling or giving land as concession?*

Group 1 (Youth): Recommendations

- Agreed with the proposal that the entire community, including chiefs, elders, youth and women be involved in the process.
- Decision criteria should be in line with constitutional norms and cultural values so that decisions on land use can be reached by the community as a whole.

Group 2 (Women): Recommendations

- Land issue should be a participatory process that will involve women, youth, elders, chiefs, commissioners and the entire citizenry.
- Want land to be sold to community members in small bits; not more than one acre, while outsiders must lease land for not more than ten years.
- Want the community to be a shareholder in concessions and copies of land documents should be given to every leadership in the community.
- Women also want Government to approve all decisions on concessions, monitor and enforce the implementation aspect and protect her citizens.

Group 3 (Grand Cape Mount): Recommendations

- Set up town council by community members and decision should involve all levels; that is elders, chiefs, youth, women, imam and pastors. The entire community should be involved.
- Sale of land to community members should be allowed but, with limitation, where large quantities requested is involved. This should be a decision of the entire community members on how much will be given.
- Sale of land to outsiders should require the town land council to meet and consult with the citizens and make laws regarding the sale of land with the approval of the community members.

- Town land council and the entire citizen should be involves in decision make about concession. The concessionaire is to meet and consult with community member expressing their interest in the community land. There should be joint discussion and agreement between concession and community members. The Town land council and community members to conclude arrangement on concession.
- Government should support and protect community members about their decision on concession. Government should recognize and protect every effort of the town and land council on concession arrangement.
- Town land council is a body elected by community members it comprises of elders, youth, women, chiefs, imam and pastors and quarters representative.

Group 4 (Gbarpolu): Recommendations

- Community members should meet and decide how their land should be used, because they argued, the land belongs to the people or community.
- Want the cost of land to be reduced for bona fade members of the community, as opposed to 'strangers', to afford them the opportunity to acquire and build their homes.
- Want the community to be a shareholder in concessions in their area, and that citizens of the community should be given priority in employment opportunities in concessions operating in their communities.
- Recommend that Article 22b of the Constitution which says everything below the ground belongs to the Government be repealed, so that the community will take ownership of their resources.

Group 5 (Bomi): Recommendations

- How land is used should be the prerogative of community members, and that the entire community should be involved in this process.
- Community should decide on the sale of land to members and outsiders, through sectoral representation, and those decisions about concession should be made by community members with the collaboration of the Government.
- Want the community to be a shareholder in concession agreements.

CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Monrovia, Montserrado County, comprising participants from urban
Montserrado County areas

On 24-25 January 2013

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together over 120 participants/stakeholders from urban Montserrado County, including various Government Ministries and agencies, partners from the land sector, donor community, local authorities, and traditional leaders.

QUESTIONS AND ISSUES RAISED BY PARTICIPANTS IN PLENARY SESSIONS

Re: Private Land

- What is the compensation for those whose land was bought/sold by government officials?
- Is there any regulatory fee mechanism for the sale of private land?
- What can be done to those who own large acreage of land?
- Policy should be put in place to prosecute dubious land sellers.

Re: Public Land

- What is the difference between public and customary land?
- What is the difference between public and government land?
- The government should help agriculturalist get public land and be able to make farm.

Re: Government Land

- There is no data on the number of acreage in a township; even the government land (e.g. the University of Liberia and Tubman University in Harper do not have a deed).

Re: Customary Land

- How do you differentiate between wetlands and customary land in the urban area?
- What are the customary land rights of children who were born outside of the traditional or village setting?

Re: Wetlands

- People should be allowed to sell swamp land.
- The government should restrict those buying wetlands because when it rains the water overflows to residential areas.

- Is there a policy for those who want to improve (agriculture) on the wetland?
- Government should give title to those who have developed wetland.

Re: Other Issues

- People building in townships, but no deed. What can we do?
- The Government should work with the community leadership with respect to wet land issues.
- Surveyors come from the Ministry of Lands, Mines & Energy (MLME), and conduct survey in the communities, but their names are not recorded on the registered surveyors list.
- Nothing in the policy document on building or selling of alley/ streets.
- Nothing in the policy to protect slum dwellers living in the community?
- The policy is silent on squatters' rights.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Five focus groups were established and provided a set of questions, focusing on private land and urban issues, as well as issues of customary land. Participants were also given case studies, a scenario typical of the Liberian land situation. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

Group 1 (Mixed): How will the Draft Land Rights Policy be applicable regarding returnees? *When the land owner returns, what are the land owner's rights? What are the rights of the people on the land? Is it fair on both sides? Can the policy be used to settle disputes between them?*

Recommendations

- The land owner should remove the person on his/her land without compensation.
- Failure on the part of the person to move away from the land, the land owner should take legal actions against the person.

Group 2 (Mixed): How will the Draft Land Rights Policy apply to squatters? *What are the rights of people squatting on land that they do not own? Does it matter how*

long they have lived there? Does it matter how the landowner is using the land? Can the policy be used to resolve disputes between squatters and owners?

Recommendations

- After long years of stay (at least 20 years) government should give the squatter right to own the land because squatters are paying squatter fees to local authorities and taxes to government. They have right to the land. Squatters have temporary right, which should not be binding.
- Natives were at the disadvantaged due to the lack of information for land ownership.
- The Policy will clearly define the procedures of land ownership, the benefit, the interest and the protection of squatters and owners.
- Squatters that have squatter's permits after a long stay, at least 20 years should be given the right to own land without claim from individual or government prior to the 20 years of stay.
- Government or local authority should not give squatter permit for protected and reserved land that is earmarked.
- Government should relocate squatters appropriately in case of unprotected and unreserved land.
- Taxes on land should be high for undeveloped land and less for developed land to encourage land development.

Group 3 (Mixed): Does the Draft Land Rights Policy adequately address both the rights and responsibilities of land owners? *Identify the rights of landowners in the policy. Is it complete? Do landowners' rights depend on how they use their land? What if land is left unutilized?*

Recommendations

- The Policy addresses accountability, transparency and inclusiveness. Responsibilities and rights of land owners are clear. The Draft Policy clearly puts into perspective what the rights are for those who own land.
- Women's rights in the family must be specified in the Policy document with respect to how customary land is managed and administered in 6.0 of the Draft Policy
- Secured Land Rights

- Everybody, persons, organizations are entitled to land rights without fear and molestation
- Equal Access must be granted for the rights to own property
- Land Rights Principles
 - Just and equitable benefits be accorded to land owners for creating wealth and other sustainable opportunities
- Economic Growth
 - The land owner can/may invest in his/her land for economic benefit
 - The land owner can, may, donate, sell, lease or give as gift;
- Customary land can be owned by a community whether deeded or not
- Responsibilities of land owners identified in the Draft Policy
 - Equal Protection is a responsibility under customary land ownership where jointly every individual's interest will be protected by the entire community
 - Institutionalization of community land
- Owners of unused land should be notified before said land is sold/leased for economic benefit. Owners of unused land should be relocated
 - Land Owner(s) must be notified for land to be reused
- Land may be taken over through Adverse Possession, i.e. over 20 years absence by the owner of the land

Day 1; Afternoon Session

Group 1 (Mixed): How does the Draft Land Rights Policy's definition of customary land apply to youth? *Can youth equally benefit from the definition of customary land? Does the Policy help or hinder youth from accessing customary land? Are there particular issues regarding youth and customary land that have not been addressed?*

Recommendations

- The Policy speaks of equal access to land which includes youth but not addressed in its totality.
- Government must consider the fundamental rights as well as the divine rights of citizens.
- Government should spell out the amount of money to be given to the landowner(s) according to location of that land.

- Government should be able to pay the fair market value of the land, example, consider every expenses paid by the land owner.
- Mass information campaign should be conducted by government based on the oldest deed of the land.
- Before people are removed from the land, there must be a contingency plan first.
- Government should take land from owner legally (peacefully) before developing said land.
- The Government should clearly define the issue of JUST BENEFITS.
- Before anybody sells; and, he/she should go to the Commissioner's office for proper sales with the consent of parties involved. Additionally, the request of the Mother Deed as well as other financial documents should be shown.
- Those who will sell public land owned by Government should be arrested and fined.
 - The Government should constitute a special land court to legally investigate land cases as per dispute (conflicts).
- The government should not sell wetlands.
- Government should investigate probated deed before foundation is constructed on the land.
- Government should revisit the title of those occupying wetlands with respect to deeds.
- Government should take the swamp land because poor people do not have money power to develop, and at the same time be used for agricultural purposes.
- Those wetlands that have been developed by land owners, Government should give deeds title, and land that have not been developed and without deed should further be taken by Government.
- People who build illegally on protected land should be removed and without compensation.

Group 2 (Mixed): How does the draft land policy's definition of customary land apply to women? *Can women equally benefit from the definition of customary land? Does the policy help or hinder women from accessing customary land? Are there particular issues regarding women and customary land that have not been addressed?*

Recommendations

- Women should have equal rights when it comes to owning lands: The Draft Policy states that everybody has the right to owning land.
- Women were being looked down upon. But when you look at the reality, women should have rights in keeping with laws.
- While it is true that women should be given rights, but such rights should not be equally equal to men. Therefore, it should be based on percentages.
- Some women and men called for 50 – 50 in order to own land. Women should have 40% benefits while the men have 60% benefits.
- The Policy helps women to own land because it calls for equality. The Land Commission should seriously look at this issue on equality of both sexes.
- The Policy is not taking away men’s rights but instead wants to see the equal rights of women within society. Under customary lands, there are questions, Where is your husband? Are you married?
- Do not totally leave the women out in the administration of customary land “even if you give 50 acres of land, let the women be considered at least at 10 to 15

Group 4 (Mixed): How does the Draft Land Rights Policy’s definition of customary land apply at the urban/rural boundary? *As city grows, they will expand into traditionally-held land areas. What are the likely results of this expansion, and does the policy address this issue?*

Recommendations

- The word *inheritance* must be included in the definition of customary land to provide clarity. There are communities that are established under customary settlement and inheritance.
- Situations where the definition of customary land will be problematic include Soniwen, Buzzi Quarter, St. Paul Bridge, Sinkor, etc.
- There must be customary control system and community leadership.
- Land legally obtained must be respected, surveyed and deeded by government.
- The city should buy the land from the customary owners.

- Decision to sell customary land should be reached by consensus involve all stakeholders including elders, youth, man and women.
- Customary land bought by a city for expansion should be surveyed and demarcation should be clearly indicated.
- Customary land owners who sell land to the city should understand that their traditional institutions, such as Poro and Sande societies should be removed and should not interfere with the activities of the city.

Group 3 (Mixed): How does the Draft Policy’s definition of customary land apply at the rural Areas? *Does it adequately protect traditional land rights? How will this policy affect urban residents who want to buy land in rural areas? Is it useful for rural landowners? Can this policy be useful in solving disputes?*

Recommendations

- All sales of customary land be put to a stop by Government.
- Any individual that violate the process but selling the land without the concerned of the people be sent to court.
- The rights of the communities be given against customary land.
- That minerals coming from those lands be used on the community as benefits.
- Exclusive rights be replaced by collaborative rights.
- Customary land be deeded bearing the name of the district or communities and signed by elders, youth and women.
- There is a conflict in the customary land and the private land rights transferring all natural resources – to private land owners while customary land transferred. All natural resources to government as owner based on private land, 5.1 and customary 4.0.
- Social agreement should be done with the participation of the common people or community dwellers.
- Purchasing of land should have limitation in buying customary land.
- That the intent of the buyer be known to the community dwellers in buying the land.
- In case of change in mind, the land should be returned to the customary land dwellers.

- Land bought by individuals from traditional people for a purpose of agriculture cannot be resold to any company/individual.
- If the intent of the land for customary land is bought for dwelling place, it should be sold but for agriculture purpose, then it should be leased.
- Government should give limit to community dwellers on how to sell customary land
- Customary land for farming should not be sold but should be leased.
- One acre of land must be sold from the customary land by the community to individuals for dwelling purpose.
- Land Commission should come up with Peace Councils. The Peace Councils shall formulate policy to punish illegal land sellers.

Day 2; Morning Session

Participants deliberated on five specific case studies, a scenario typical of the Liberian situation. The responses and recommendations are as follows.

Group 1 (Mixed) Case Study: *Gbarnga is a city that is growing very fast. A business man wants to build a factory outside the city, in an area that is forested but close to the city. However, this land is outside the city limits and is part of land that is owned by the local traditional community. Does the policy allow for the developer and the community to come to an agreement for the use of the land?*

Recommendations

- The land should not be sold but only leased for future use when the businesses cease to exist.
- The decision to lease should include everyone (youth, elders, men, women and local government authorities).
- There should always be an agreement so the customary land owners cannot interfere with the activities of the business owner.
- The Agreement should take into consideration social corporate responsibilities toward the community.
- Taxes collected from the businesses by government should be divided by 40% to 60%. Forty percent goes to the community and government takes sixty percent.
- Before the land is leased the environmental impact of the businesses should be taken into consideration.

- The Agreement to lease the land should be legal with the involvement of a lawyer or a Court.

Group 2 (Mixed) Case Study: *One community used to live in Mamba Point. They were forced to move when Monrovia developed it for hotels and businesses. They were not given new land. Now many of them are squatting at the Ministry of Defense. Now the Government wants to move them out and build something new at the Ministry of Defense. The squatters have no land title. How can the policy be used to find a fair, legal and just solution for these people?*

Recommendations

- The clause “other public purposes” should be clearly defined in appendix that states the other public purposes.
- The procedure taken by government to forceful removal of a customary land from a community at the time to build hotels and other businesses was illegal. Therefore, policy recommendations section 5.3.1.3; 5.3.1.5; 5.3.1.6 and 5.3.1.10 should be used to find fair and just legal solution for these people.
- The new land policy should include sections that will address illegal land occupants in the case of squatters.

Group 3 (Mixed) Case Study: *One family owned a lot of land in the 1970’s. They have legal land deeds. But they went away during the war and have just returned. Other people are sitting on their land. They have land title deeds that they believe are legal. How can we use the policy to determine a fair, legal and peaceful solution to this problem?*

Recommendations

- It’s fair enough for the first party who acquire this land in the 70’s to take possession of the property.
- Legally it is right that adverse possession has no legal basis during armed conflict and during genuine fear of loss of life and fear of injury.
- That second party who possess the land during the war be given an opportunity to purchase said property to the present market value.
- There should be some level of compensation for the second party that developed the land for the considerable period of time. And notice for relocation should be provided for a given period of time.

Group 4 (Mixed) Case Study: *One family owned a lot of land on the outskirts of Monrovia. They went away in 1980 and have not come back. The land is fertile agricultural land. Some people have built small houses on it and are planting gardens and using it for vegetables to sell. How does the policy address such a case-what are the rights of the land lords? and the residents?*

Recommendations

- Landlord has right to the property because they have legal title document even if they have been away for many years. They paid their taxes or not they still have right to the property. The squatters have no right. Residents don't have rights over private land only landlord.
- 90 days should be given to residents as a grace period to vacate the land. Residents who occupy the land illegally should pay for any natural resources that were destroyed.
- People who sell land illegally should be prosecuted equally as those who buy land illegally and this crime should be a non-billable offence.
- Private land owners should have a map to know the portion of land that has been sold to avoid future problems.
- People with title deeds should re-register with the Township Commissioners.
- Commissioners and agents should be prosecuted if they use someone's deed to re-sell another person's land.
- You should not sell land to someone and reclaim that same portion of land.
- Private land owners should identify one or two persons as administrators for their lands.
- Every deed should have the location written on it so that people will not be confused.

Group 5 (Mixed) Case Study: *One person owns land that goes right up to the edge of the river. She has legal land title. But the policy declares that her land is a wetland and therefore protected land. She is not using the land but squatters have built houses there. What are the landlady's rights? What are the squatters' rights? How should the Government use the policy to make sure that the wetlands are protected and that the peoples' rights are protected?*

Recommendations

- First preference goes to the landlady because she has title deed. The landlady has the rights to her land. Let the squatter negotiate with the landlady because she has title deed. It appears that before getting this wetland, there was no wetland laws therefore she is entitled to her land since in fact she has legal document. Landlady should be given fair market price to leave the protected land.
- Squatters should be compensated by government since they developed the land. Squatter should have rights because they live there for long. Squatter that goes through the proper channel should have right to compensation.
- Squatters' rights should be totally stopped by the Government.
- Government should have taskforce to monitor wetland as protected land by planting billboards as information. Government has program to sensitize her citizens on protected land.
- Government should start protecting people on wetland by compensating them Government should give deed/title to people that developed wetland.
- All occupants of wetland be removed by government and be compensated.
- All vacant lands should have taxes placed on them.

Day 2; Afternoon Session

Group 1 (Mixed): How does the draft policy's definition clarify community land in Monrovia as compared to customary land? *Is customary land and community the same accordingly to the policy? What does the policy say concerning benefits/compensation to owners of private and customary land when such lands are designated as protected land areas?*

Recommendations

- The policy mentioned benefits but did not specify benefits as to (a) when government takes from the owner and (b) when government restarts the owners from selling it to concessions.
- Rural customary community should be distinguished from urban customary so that rules governing rural customary can be different from

rules governing urban customary because some traditional norms are not applicable in the urban areas or city such as society bush.

- There should be special laws to define women's rights specifically regarding customary land ownership.
- That there should be specific rights for children of people who are former members of customary land whenever they go to their parent or grandparent's community.
- From the definition, customary is broad so when it comes to customary land area it shall be called: rural customary community and urban customary community.
- Sufficient time should be given for the public to digest the policy.

Group 2 (Mixed): Should benefits be paid to owners of customary land whose lands are expropriated by the government? *Should such land be returned to the former owners when compensation is not paid? Does the policy adequately address the involvement of communities in signing concession agreements?*

Recommendations

- Benefits should be paid to the owners in accordance with the process of eminent domain as defined by the land rights policy.
- If the process of eminent domain as defined by the policy is not followed, the land should be returned to the former owners because what is not legally done is not done at all.
- The Policy does not adequately address the involvement of communities in signing concession agreements. The policy is addressing the involvement of communities through the principles/section 6.1.5 under institutionalization, which talks about establishing legal entities by communities in terms of their own involvement is helpful.
- The group is recommending shared or collaborative rights of these resources in the communities. The policy recommendation 6.3.2 overrides 6.1.5 that gives government an exclusive ownership right of mineral resources on or beneath any land, sea or waterway.

Group 3 (Mixed): How should the policy address the issue of customary lands on which are located townships? *Should such land be returned to the customary*

owners? How can untitled customary land be transferred to an individual(s), family as private land?

Recommendations

- How can untitled customary land be transferred to an individual(s) family as private land?
- Township is governed by a Commissioner who represents the President or the central government; it is a corporate body, made of communities, makes laws for the good of the communities.
- That the policy shall define the process by which customary land is not mistakenly given as public land. All land(s) in the township that has not been sold as private land shall be given back to the members of the community as customary land.
- The definition of community is not clear on page 8 of the draft policy 1.2.
- How untitled customary land can be transferred to an individual(s), family as private land:
 - There shall be a body set up in the local government authority to recognize the ownership of the members of the community to their land by giving certificate or document indicating that the land is for said community and can be sold.
 - The policy should state that once the legal entity set up by the community with the authority to sign deeds or titles, in the due process or framework of transparency, accountability and inclusiveness sign a title or deed and given to an individual or family(s) shall be considered legal although the community don't have a title to the land they are selling.

Group 4 (Mixed): How does the policy affect women's access to and control over customary land? *How do you understand the way in which the draft policy addresses the customary practices and norms in the management and use of customary land?*

Recommendations

- Women's active contribution and participation will give them the chance to have access and control over customary land. It gives women the full right and equal chance to administer the affairs of customary land in

terms of decision-making. Page 6.6.5.1; 4.15; 2.5. It allows women who were married to community A for some years and moved to community B due to reason of husband's death, etc. must be given the rights to participate in customary land discussion.

- Do not give limitation to women's access to land in terms of customary law.
- Women's participation in land decision-making should not be based on number of age.
- Restrictions should be given for Poro and Sande societies to allow women and non-members to fully participate in customary land discussions.
- There should be open discussions on land and all other matters concerning the improvement of the community.
- There should be land management decision-making authority that must exercise fairness in accordance with customary laws, practices and norms.
- Women leadership role in decision-making in customary law must be highly considered.

Group 5: How should the community be involved in decision-making regarding urban public and government land? *Does the policy adequately address this? What is the role of the urban community if the Government decides to build something on the land it owns already? What is the role of the urban community if the Government wants to declare eminent domain?*

Recommendations:

- Community should formulate decision-making group that will involve youth leaders, women group and elders regarding urban, public and government land.
- Government should not use top-to-bottom approach but rather use down-to-top approach.
- Community should show work through their representatives.
- Community should form major part of the decision-making.
- Government should have deeds and demarcation lines of their lands.

- Having read through the draft policy document, there is nothing about community's involvement in decision-making on government, public land.
- Government should negotiate with the community through leadership if government decides to build on land that an urban community owns. Community should be involved through collaborative actions.
- Community dwellers will be asking government to construct buildings that will benefit the urban communities through dialogue or special appeal.
- The project should be useful for the urban community and not affecting the community dwellers of causing health problems.
- Although government has the power of eminent domain, it should also recognize the interest of its citizens.
- Community should have the first priority of any benefit.
- Anything that government intends to construct should not cause health hazards to the community.
- Let government use eminent domain on buildings that they are renting/pay rental fees.
- Community should know the real reason for government projects before negotiating with government on eminent domain.

CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Buchanan, Grand Bassa County, comprising participants from Margibi,
Rivercess, Grand Bassa, and Rural Montserrado

On February 12-14, 2013

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together over 180 participants/stakeholders from rural Montserrado, Margibi, Grand Bassa, and Rivercess Counties, including various Government Ministries and agencies, partners from the land sector, donor community, local authorities, and traditional leaders.

QUESTIONS AND ISSUES RAISED BY PARTICIPANTS IN PLENARY SESSIONS

Re: Private Land

- Why should the minerals on a private land not for the individual landowner? The Constitution of Liberia says so.
- Mountain contains a lot of minerals. What happens when the mountain is on private land? Is that too for the Government?
- Adverse possession of property should continue.

Re: Customary Land

- Strengthening the land rights of women through a variety of mechanism, including the enactment of legislation that allows women to ensure documented claims to land.
- Properly demarcate and document customary land.
- Customary land should not sell or leased to avoid confusion in the future.
- No one individual should carry a customary land deed.

Re: Wetlands

- There should be a standard regulatory mechanism that treats all wetlands whether developed or not.
- Can wet land be sold?
- When a swamp land is included in private land with a deed. What are the options?

Re: Other Issues

- Participants called for the full participation of the affected community on concession agreement with the government and private entities.
- When customary land is given to a concession, when the concession leaves, will the land go back to the customary people?
- The issue of acquiring large acreage is very serious.
- Government should enforce real estate tax on undeveloped land.
- Squatters should be compensated for any development on the land.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Five focus groups (Women, Youth, Grand Bassa, Rivercess, and Margibi/Rural Montserrado) were established and provided a set of questions, focusing on the land rights categories, concessions, large landowners, wetlands, eminent domain, and customary land rights, management, and administration. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

All Groups: 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?*

Group 1 (Women): Recommendations

- Government should go through the same process as private land. Ownership to Government land should be continuity
- Government land should be deeded carrying the title of a specific government entity concerned.
- Definition of public land should be enriched for instance, what institution is envisaged to transfer land. Who represents the Republic of Liberia? Hence, institutions should be established.
- There should be only three categories of land to include, Government Land, Private Land and Customary Land since public land is interchangeably used for government land.
- Definition of customary land should be amended to include all potential interest to ensure that women do not lose out. For example, a woman

may be affiliated to a community by marriage but not customarily considered a member of that community.

- The Land policy should protect women's constitutional and statutory rights to equal inheritance on customary land and should not be left to customs and practice since the policy is intended to guide existing practices.
- Where customary land is formalized, title should include all potential interests including women
- Policy should address the issue of inheritance to multiple wives. Should say how property is established and should also establish ownership to land.

Group 2 (Youth): Recommendations

- Is accepted by the young people that all government and public land be owned by the Republic of Liberia
- Is accepted by the young people and passed that Government land is defined as land used for the building, projects or activities of the Government.
- Is accepted by the youth and passed that Government land may be sold or leased to the government, individual, private entity as to prevent fraud and abuse set forth in the land right policy statement
- Is accepted by the youth that Government Protected Areas which are owned by the Republic of Liberia.
- Is accepted by the youth that limited used rights may be granted over Government Protected area if the used is consistent with the land's conservation and management for the benefit of all Liberians.
- Is accepted by the youth that Private land, customary land or government land are not public land.
- Is accepted to be put into law that Public Land may be sold, leased, granted as a concession or other transferred to the Government.
- Is accepted that all Private and Customary Land have the same equal rights and protection.
- It reflect the view and reality of the young people that decision about Customary Land shall be made at the most local level consistent with sound policy and shared responsibilities between the government, communities and their members.

- It reflects the view of the young people that national policy and laws shall have as minima an impact on the Customary Practices and norms of communities as is consistent with sound policy.
- Community representation should include youth, elders and chiefs, gender sensitive. Explanation should be made clear on the legal committees. All members form part of the legal committee should be elected.
- Oppose restricting transfer of Private Protected Areas because the landowner pays their taxes to the Government.

Group 3 (Rivercess): Recommendations

- The category of Public Land shall not form part of the Land Policy
- The administration of Public Land is not clearly defined and could give unfair advantage to more powerful people in government.

Group 4 (Grand Bassa): Recommendations

- Accepted definition of the four categories of land (Government, Private, Public and Customary)
- The definition of concession in your or this draft document did not go down well with us as citizens. We viewed it as a colonial definition which may take us back to the open-door Policy of the past centuries. Concession is an agreement or land user's rights granted by Government, affected communities to an individual or private entity for commercial or exploitation purposes.
- The policy should involve the full participation of the affected communities in the concession agreement with Government and private entities.
- In granting land to concessionaire, communities should work in collaboration with Government through the legal entity established by the community representing their interest.

Group 5 (Margibi/Rural Montserrado): Recommendations

- For accountability and clarity, government should buy Government land through the Ministry of Lands, Mines and energy and the holding entity.
- Government land should be clearly demarcated and deeded so as to avoid conflict

- Before Government sells public land, the locals should form part of the discussion and arrangement leading to such sale.
- Public land should be clearly demarcated
- Government should allocate certain portion of land from the public land to be sold to private persons and certain portion be kept for posterity-not to be sold.
- In the process of identifying public land, the tribal people should for a part.
- All customary lands should be properly demarcated and documented
- If deeded, customary land should not carry the names(s) of any individual.
- No private individual should be allowed to plant cash crops on customary lands.
- Whenever a private owner sells a portion of his/her land, the original deed should be written to reflect the remaining portion
- Hereafter wetlands and other protected areas should not be sold.

Day 1; Afternoon Session

Group 1 (Women): How does the draft policy address the issue of wetlands?

What are the rights and responsibilities of landowners who have a deed for land in a wetland area? Should the Government treat wetlands that have been developed differently from wetlands that have not been developed?

Recommendations

- Wetlands definition is not clear. It should state whether river, sea, etc. are under the category of wetlands. The policy should state further whether customary protected can be government protected area if it meets the standard of conserved land.
- All wetlands that meet the conservation standard should be treated as “protected area” and Government should regulate all wetlands whether it is owned by customary owners.
- There should be a standard regulatory mechanism that treats all wetlands whether developed or not. Note: what is considered developed wetlands? Clarity is required.

Group 2 (Youth): How does the draft policy address the issue of wetlands?

How should the policy address wetlands which are part of Customary Land?

Recommendations

- Wetlands are government protected area not to be sold, lease or developed for personal use.
- That the community should benefit more than central government.
- That the community and the central Government should agreed on how to protect these wetlands.
- That the government should have a define policy on maintaining wetland.
- That government need to carry on awareness to it community dwellers to preserve the important of these facilities.
- That community should grant limited used rights in consultation with the relevant Government authority.

Group 3 (Rivercess): How should the policy address large landowners?

What is a large landowner to you? What if the landowner has been away and now there are people living on the land?

Recommendations

- Large land is a piece of undeveloped land that the owner is unwilling to develop or maintain
- The government should enforce the tax laws to ensure that landowners pay their taxes. If the large landowners fail to pay taxes, the government should negotiate with the property owner so that he/she may sell some or all the land to others who would develop it. If the landowner refuses to sell the land in spite of the fact that he/she cannot pay his taxes, the government should use the laws to force the landowner to sell some or all the land to a developer.

Group 4 (Grand Bassa): How should the policy address concessions?

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

Recommendations

- A land concession is a Public-Private Partnership (PPP) by which the government and affected communities, while retaining ownership rights over the land and its natural resources, grant to private investors the right to use during a limited period of time, a given land area for exploration, production or commercial activities in exchange of land rental fees, taxes and in the overall objective of the affected communities development.
- The policy should involve the full participation of affected communities in the concession agreement with Government and Private entities
- Communities should work in collaboration with Government through the legal entity established by the community representing their interest.
- Communities should not only be beneficiaries of the Social development Agreement, but also share holders in the concessionaires.

Group 5 (Margibi/Rural Montserrado): How should the policy address concessions? *What should be communities' rights and responsibilities regarding concessions?*

Recommendations

- The rights of the local people to ownership of the customary lands should be firstly recognized and respected by government and the concession company.
- The communities should be involved in the crafting of concession agreement at all levels. This should include, youths, women, elders, local leaders and legal representatives.
- When granting a concession a portion of land should be set aside for use by the local people.
- Upon cessation of operation, a concession company should be compelled to repair and reclaimed damage land. A special case should be taken to protect local communities from environmental damage.
- Every direct relocation or disruption done to the communities by the operation of the concession should be properly compensated by the concession company

- Social benefits to communities should include the construction of schools, health centers, better roads and the provision of scholarships to deserving youths.
- Where available, priority should be given to the community when selecting skilled and unskilled labor.
- Local leaders representing the community to negotiate with concessionaire should be elected by the community
- Community members should ensure that nothing is done to hamper the smooth implementation of the concession agreement by taking the laws into their own hands when trying to solve problems.
- Every township, city and districts used as conduit for the conveyance of materials/resources extracted from the concession should receive direct benefits.
- All community should be held for default upon failure to adhere to the concession agreement.
- All senior citizens residing in concession areas should enjoy certain direct benefits or privileges.
- Provision should be made by Concession Company for locals to buy shares.

Day 2; Morning Session

Group 1 (Women): How does the draft land policy's definition of customary land apply to women? *Can women equally benefit from the definition of customary land? Does the policy help or hinder women from accessing customary land? Are there particular issues regarding women and customary land that have not been addressed?*

Recommendations

- The definition of customary land should not be based on "customary norms and practices," rather; it should be in accordance with the national land laws, the constitution and international legal obligations including the rights of women.
- Under the current definition of customary land, women will not equally benefit.

- Cultural norms and practices marginalize women because When women are divorced or lost their husbands, they are usually driven from their homes (husband's homes). Women who are married to men do not have children for that man, even though they acquired huge portion of that property, they will still be denied of that property or land.
- If a woman is married to a man, whether children or not, this woman must have equal rights to that property.
- If a man marries a woman while she is young and later decides to leave her she gets old, the community should provide security and land for that woman to build her house.
- All licensed/recognized surveyors should be known to the public.

Group 2 (Youth): How does the Draft Land Rights Policy's definition of customary land apply to youth? *Can youth equally benefit from the definition of customary land? Does the Policy help or hinder youth from accessing customary land? Are there particular issues regarding youth and customary land that have not been addressed?*

Recommendations

- Youth can't equally benefit because some of the traditional practices and norms restrict the movement of youth who are not part.
- It hinders youth which are female from accessing customary land because traditional forbids that.
- Traditional norms and practices don't recognized female participation in leadership.
- That there should be clear policy for youth that are female should have equal access to customary land as compare to the male counterpart.
- That the clause which says norms and practices that don't contravene national and international laws be inserted under the definition of customary land.
- Communities should set aside a portion of land for youth related activities that are inconformity with international best practices.

Group 3 (Rivercess): How does the draft land policy's definition of customary land apply in rural areas? *Does it adequately protect traditional land rights?*

Recommendations

- The policy does not adequately protect traditional land rights because it does not involve rural communities in making decisions that have to do with mineral resources and their usage.
- Customary communities must have the right to take part in making decisions that have to do with management and use of mineral resources under their land.
- Communities must hold a share in any concession that occupies or uses portion of their land.
- The customary communities must have the right to own benefit from any piece of their land that falls in areas now under concession.

Group 4 (Grand Bassa): How will the Draft Land Rights Policy apply to squatters? *What are the rights of people squatting on land that they do not own? Does it matter how long they have lived there? Does it matter how the landowner is using the land?*

Recommendations

- The draft policy should deal with the two types of squatters (legal and illegal) separately. The draft policy should deal with squatters on the four types of land differently.
- Squatters should have rights and landowner should give reasonable time to relocate and landowner should compensate them before relocation. Squatters who sit on large land for a period of time should be compensated with portion of part of the land to own.
- Adverse possession speaks of 20 years period, which we endorse.

Group 5 (Margibi/Rural Mont.): How does the draft Land Rights Policy address the issue of eminent domain? *What should be the rights of people living on land the Government takes by eminent domain, even if they do not own the land?*

Recommendations

- Squatters residing on government for a period of ten (10) or more years without molestation should be compensated for development made.
- Squatters below ten years should be compensated.

CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Harper, Maryland, comprising participants from Grand Kru, River Gee,
and Maryland Counties

On February 20-22, 2013

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together over 170 participants/stakeholders from three counties (Maryland, River Gee and Grand Kru), including local authorities and traditional leaders.

QUESTIONS AND ISSUES RAISED BY PARTICIPANTS IN PLENARY SESSIONS

Re: Public Land

- There is no such thing as public land. People were living on the “public” land before the founding of Liberia.
- Public land should be called Government Reserved Land.
- There is no free land called public land.

Re: Customary Land

- Involvement of women and youth in decision-making process in customary land issues.
- Should we give land to unmarried women or to unserious youths?
- Women should have traditional land rights.
- Traditional norms and practices do not recognize women rights to land ownership.
- Community should benefit from mineral resources from customary land.

Re: Wetlands

- Special category should be placed in the policy to address wetlands.
- Government should regulate wetlands.
- Wetland should be included in Customary Protected Areas.

Re: Other Issues

- A committee should be set up to harmonize boundary disputes.
- There is an absence of boundary harmonization in the policy.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Five focus groups (Women, Youth, Maryland, Grand Kru, and River Gee) were established and provided a set of questions, focusing on the land rights categories, concessions, wetlands, and customary land rights, management and administration. On the second day the women and youth groups were combined into one. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

Participants were given introductory questions to enable them to increase their overall understanding of the four categories of land. Below are the groups' recommendations for the Day 1 Morning Session.

Re: Private Land

- The Draft Land Policy should address the issue of undeveloped Private Land over a long period of time.
- That natural resources restriction should be applied to Private Land ownership as it is for Customary Land ownership.

Re: Public Land

- There will be no land left after the Customary, Government and Private Land are identified.
- If there is any land that Government does not have structures, projects or activities on, it should be reserved to be called *Government Preserved Land*.
- Public Land should be a sub-set of Government Land and should not be separate category of land.

Re: Government Land

- The difference between Government Land and Private land is not clear.
- There should be a specific or clear policy on delimitation of Government Protected Areas.
- Government Land should be sold or leased to Government entity.
- Section 4.11 is not clear; it gives Government authority to regulate/restrict Natural resources to Customary Land. And it gives right to Private land owners to own natural resources on the land.

Re: Customary Land

- The definition is not clear and also does not consider women's interests. As it says, it is a land owned by a community instead of traditional people which threatens the traditional land ownership.
- The definition says Customary Land is owned by the community, and its members. Members should be replaced by owned by traditional people.
- The definition says Customary Land shall be used and managed in accordance with customary practices and norms. This portion of customary practices and norms is not women friendly.

- Most Customary practices and norms do not give women right to own land.
- The phrase “customary norms and practices” should be replaced by “constitution, land laws, international best practices, including women’s rights.”
- There is no free land in the customary community.
- If the Government does not have any use for the land, it should turn over to the community people on the land as Customary Land.
- The policy should spell out the rules and regulations regarding use, management and administration of Customary Land. It should not be left with the discretion of customary practices and norms.
- Sale of Customary Land should be restricted. Only limited portion should be given out for sale.
- The policy should review the ownership of mineral resources on Customary Land to the benefit of the owners of the land.
- Within the Customary Land there should be provision of Public Land for the general benefit of all.
- Proceeds from the sale and transfer of land should be shared between Government and the community. (4.12)
- Customary Land should not be sold but leased to concessions.
- (4.6) is not clear because Customary Land should be deeded.

Re: Wetlands

- The policy addresses the issue of wetland as a protected area. There is limited information on wetland in the policy.
- Government should revisit the decision of all wetland sold when it comes to the issue of protected areas.
- Government Protected Areas are not to be sold or leased under concession, but should be conserved, managed and used for the benefit of all Liberians.
- Wetland should be inclusive under Customary Protected area.

Day 1; Afternoon Session

Group 1 (Women): How does the draft policy address the issue of wetlands?

What are the rights and responsibilities of landowners who have a deed for land in a wetland area?

Recommendations

- The policy addresses the issue of wet land as a protected area. There is limited information on wetland in the policy.
- The policy should address the issue of wetland in a special category.
- The policy should define which wetland can be conserved or protected, and which one cannot.
- The Government should regulate the conservation of wetland whether it is located on Government, Public, Customary and Private land.
- More public awareness should be conducted on the importance of wetlands.
- Government should refund or justly compensate landowners who have deed for wetland.

Group 2 (Youth): How does the draft policy address the issue of wetlands?

How should the policy address wetlands which are part of Customary Land?

Recommendations

- Wetland should be inclusive under Customary Protected area. Customary Protected areas are not to be sold, leased for concessions.

Group 3 (Grand Kru): How should the policy address concessions?

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

Recommendations

- There should be a tripartite agreement signed by Government, Customary communities and the concessions that will include share benefits of operational profits to the communities, and social benefits to the communities.
- Communities should know how long concessions will take to prospect on the land.
- Communities should also know the sample of materials taken by the concessions for testing or other reasons. Every aspect of the prospecting should be very clear to the communities.

- The community relationship between communities and concessions should be based on a well defined partnership agreement, mutual understanding with respect, and social agreement that will be practical.

Group 4 (River Gee): How should the policy address concessions? *Should communities be allowed to grant land to concessionaires? If yes, how should the community make that decision?*

Recommendations

- The granting of land to concessions should begin with the traditional people in collaboration with the local leaders through MOU for onward transmission to county Legislative Caucus and central Government.
- The community should be shareholder with the concession.
- That central office of concession should be constructed in the affected community for the community to be benefitted.

Group 5 (Maryland): How should the policy address concessions? *What should be communities' rights and responsibilities regarding concessions?*

Recommendations

- An MOU should be reached between the Customary Community and Concessions before concession and agreement can be crafted with Government for the use of Customary Land.
- Customary Land should not be sold but leased to concessions
- Communities/customary communities should be shareholders in any concession that operates on their Customary Land.

Day 2; Morning Session

Groups 1 & 2 (Women & Youth): How does the draft land policy's definition of Customary Land apply to youth and women? *Can women and youth equally benefit from the definition of Customary Land? Does the policy help or hinder women and youth from accessing Customary Land? Are there particular issues regarding women and youth, and Customary Land that have not been addressed?*

Recommendations

- The definition applies to women negatively.
- The definition is against women because customs demand that women do not have right to own land. Women are part of the community but customarily they are marginalized
- The Policy helps hinders women and youth from accessing customary land. The traditional practices and norms do not favor both women and youth when it comes to customary land matters
- Customarily, women are strangers in the family, so they have no right to land ownership.
- In traditional practices the older male folks are believed to be the owners of land and the custodian of the Customary Land and decision are made by them.
- Decision making discussion on Customary Land should be done in the public places (palava hut, town hall, etc.) to include youths and women.

Group 3 (Grand Kru): How does the draft land policy address Customary Land rights? *Does it adequately protect traditional land rights? Does it adequately protect a community's forest resources? Why or why not?*

Recommendations

- The policy is very clear, but it should ensure that the rights to own land should cover the girl child, the boy child, women and men in the community.
- The policy adequately protects a community's forest resources, but traditional boundary harmonization (resolution) should be spearheaded by government with the assistance of the international community.

Question 4 (River Gee): How does the draft land policy address Customary Land Rights? *Does it adequately protect traditional land rights?*

Recommendations

- The policy does not adequately protect or address traditional land rights. The policy document does not take into consideration how one can own property/land customarily.
- That individual (both men and women) should have equal rights under Customary Land Rights Policy.

- That women should have traditional rights to father's property/land.
- That women should have the rights to acquire personal land under the Customary Land Rights through the planting of tree crops/cash crops, and cultivation of forest farming purposes
- That granting ownership by deed or not, and the rights to use and manage Customary Land.

Question 5 (Maryland): How does the draft land policy address Customary Land rights? *Does allowing a community to define itself, sound like a good idea to you? Why or why not? Should the policy be more specific about how a community is defined? If yes, how?*

Recommendations

- The policy should be more specific about how a community is defined; the community should be specifically defined as traditional community.
- Women of customary community should have equal rights to own customary land despite traditional norms and practices.

Day 2; Afternoon Session

Group 1 & 2 (Women & Youth): 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?*

Recommendations

- Though it is clear when it comes to community representation which includes all its members, but the customary community decision-making members are entirely elderly male folks.
- Community members should be specified to include women, youth and elders.
- The entire community would not be able to represent or manage customary land issues at once.
- The scope of work of the legal entity representing customary community shall be in agreement with customary norms and practices.

Group 3 (Grand Kru): How should community boundaries be decided? *What should be the process? Who should be involved?*

Recommendations

- Community boundary should be decided by the involvement of government responsible for land harmonization.
- Agreed with the process on page 6 of the draft Land Right Policy document section.
- Boundary harmonization should involve central government because local authority lacks the capacity to resolve the boundary issues.

Group 4 (River Gee): What records should the community have regarding its Customary Land? *Who should keep those records? Who should have access to these records? What role is there for Government?*

Recommendations

- The records the community should have are: Tribal certificates, deeds, MOU, social agreement, survey documents, archives documents, minutes of meetings, concession agreements.
- The secretary should be the chief custodian of all records with copies distributed to heads of each group (elders, chiefs, commissioners, youth, and women).
- All mature citizens should have access to these records based on international best practices and in consonance with the freedom of information law of Liberia.
- Government should guide and monitor the process and be provided copies of all records and disseminate said information for public consumption.

Group 5 (Maryland): How should the community legal entity make decisions regarding the land? *Should different rules apply for sales, concessions, leases and for community members and non-members?*

Recommendations

- Structure of community legal body should include: Elders, youth, women, religious leaders, quarter representatives, and persons versed with historical profile.

- Community legal entity negotiates, enters into, implements agreement in consultation with the community supreme council and with the approval of this council.
- Uncompromisingly community land shall never be sold.
- Lease should be done in consultation and approval of the supreme council of elders.
- Concession—same rule is applicable as in the case of lease with the Government and the authority in the area.
- Community members: Traditional rules of old for giving land to non community members shall be applied in case of land acquisition.

CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Zwedru, Grand Gedeh County, comprising participants from Grand
Gedeh and Sinoe Counties

On February 25-27, 2013

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together over 130 participants/stakeholders from two (2) counties – Grand Gedeh and Sinoe, including local authorities, and traditional leaders.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Four focus groups (Women, Youth, and representatives from Grand Gedeh and Sinoe Counties) were established and provided a set of questions, focusing on the land rights categories, customary land rights, concessions and wetlands. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

Participants were given introductory questions to enable them to increase their overall understanding of the four categories of land. Below are the groups' recommendations for the Day 1 Morning Session.

Re: Private Land

- Any land privately owned in the township or city and when the owner fails to develop it (infrastructure) within four years, said land must be returned to the government.
- A person or entity should not be given more than 25 acres of land to buy.
- When it comes to the private land mineral resources, government should take 40% and the private owner 60%.

Re: Public Land

- There should be provision for public land to be decided by indigenous community/inhabitants.

Re: Government Land

- Government Land is that land legally acquired by government from a specific community for exclusive purpose of government projects.
- It shall not be used for any private purpose by either the government or its officials but for public purpose.

- Government can only have possession of land when it is bought, deeded and probated.
- All Government Land should be deeded; where government properties are established, based on the tribal certificate issued.
- All Government land, plus public lands shall be considered as Government Land.
- Government should determine large undeveloped/unutilized land and turn it into better use.
- Government should ask owners to pay land taxes for undeveloped land.
- Government should claim undeveloped land.

Re: Customary Land

- Customary practices and norms are against women owning land.
- The phrase “in accordance with customary practices and norms for use and management of customary land” should be changed to “in accordance with the Constitution of Liberia including women’s rights.”
- Customary Land should not be sold, but may be leased out with agreement of the community and its members.
- Community ownership of Customary Land shall be formally complemented by the issuance of deed to the customary community people.
- Minerals resources on the Customary Land should be owned by the community and the government in that community should benefit 40% of the proceeds of the mineral resources, while government takes 60%.
- There should be demarcation of tribal land based on established customary boundary.
- There should be a review of political boundary utilizing the customary boundary as a yardstick for demarcation.

Day 1; Afternoon Session

Group 1 (Women) Questions: How does the Draft Land Rights Policy’s definition of Customary Land apply to women? *Can women equally benefit from the definition of Customary Land? Does the policy help or hinder women from accessing*

Customary Land? Are there particular issues regarding women and Customary Land that have not been addressed?

Recommendations

- The definition does not apply positively to women (most traditional practices and norms do not permit women to take part in land discussion nor allow them to own land).
- The Land Commission should carry out continuous awareness raising program on Land Rights Policy including women's land rights at the community level to include chiefs, women, youth and elders.

Group 2 (Youth) Questions: How does the Draft Land Rights Policy address Customary Land apply to youth? *Can youth equally benefit from the definition of customary land? Can youth equally benefit from the definition of Customary Land? Does the policy help or hinder youth from accessing Customary Land? Are there particular issues regarding youth and Customary Land that have not been addressed?*

Recommendations

- The process of protecting of transparency, accountability and inclusiveness protects youth's interest.
- Government should determine large undeveloped/unutilized land and turn into public land.
- A person or entity should not be given more than 25 acres of land to buy.
- If land is bought and for a long period of time kept underdeveloped, government should ask owners for land taxes; this will force them to give some of their lands out for sale.

Group 3 (Sinoe) Questions: How does the draft land policy address Customary Land rights? *Does it adequately protect traditional land rights?*

Recommendations

- Yes, "Customary ownership of customary land must be formally complemented by the issuance of deed (4.10 page 5)

Day 2; Morning Session

Group 1 (Women) Questions: How does the draft policy address the issue of wetlands? *What are the rights and responsibilities of landowners who have a deed for land in a wetland area? Should the Government treat wetlands that have not been developed differently from wetlands that have not been developed?*

Recommendations

- The draft policy should provide more information on the issue of wetland to include:
 - Wet land along the river/ocean
 - Wet land in the community
- EPA should assess the wetland before making the protection laws or policy on wetland.
- Wetland found in private areas should be protected by private individual and monitored as well as regulated by government.
- Wetland that have been bought but have not been developed should be taken over by the government and the owners be relocated or given just refund.
- More awareness on the importance of wetland should be created at the community level involving EPA.

Group 2 (Youth) Questions: How does the draft policy address the issue of wetlands? *How should the policy address wetlands which are part of Customary Land?*

Recommendations

- Wetlands need to be managed for environmental protection.
- All wetland that are in customary area should be treated as public land.

Group 3 (Sinoe) Questions: How should the policy address concessions? *Should communities be allowed to grant land to concessionaires? If yes, how should the community make that decision?*

Recommendations

- Customary Land must be leased to concession but not sold.
- Decision of customary land to concession must be done at the community's level.

- Mineral resources found on/under customary land must be equitably shared between the community and the government but not exclusively owned by the government.
- Customary land owners should become shareholders in the concession that operates on their land.
- Community should establish a land management decision-making authority known as welfare committee to be elected by the community e it external or internal.

Group 4 (Grand Gedeh) Questions: How should the policy address concessions? *What should be communities' rights and responsibilities regarding concessions?*

Recommendations

- Concession meets the community members and expresses their intention.
- Predicated on the understanding/discussion/consultation a MOU be developed between the concession and the community.
- Concession should make their assets known t the community and local authority.
- Awareness and sensitization on the concession intervention on the local level/community.
- A comprehensive social agreement between the most affected communities and the concession that contain the responsibilities of the company and the community.
- Government transfers social benefit fund to the most affected communities' account/bank.
- Community to set up a management team representing the interest of the affected community.
- Community rights to be part of the formulation process of the concessions.
- Community to re-visit all concession agreements after every five years.
- Community has the right to work and occupy managerial position in the concession and award scholarship.
- Company should observe the protected areas of the community.

- Company should reveal the work plan to the community.
- Community should cooperate with the MOU signed and provide security to the concession.

Day 2; Afternoon Session

Group 1 (Women) Questions: 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?*

Recommendations

- The policy addresses the issue of community representation through the establishment of legal entity to represent the community interest.
- Yes. It sounds like a good idea. However, through the community representatives, that entity should include elders, women, youth and disabled.
- Land/community named after a partial person or family, a MOU of ownership clarity should be prepared by all the community members before the community is given a title deed bearing the name of that community. Also the information of the MOU should be reflected on the deed.
- In the issuance of deed for customary land, the community and its neighboring communities including the government should sign the deed.
- The part of the document (4.12) which states that the transfer of customary land rights shall be done in accordance with cultural practices and norms exclude women from land ownership. That phrase should be replaced by “in accordance with the constitution of Liberia including women rights.”

Group 2 (Youth) Questions: 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?*

Recommendations

- The draft policy addresses community representation through a legal entity because it encourages a broad participation, inclusiveness, transparency and accountability.
- The establishment of the legal entity will be used as a medium to channel the views and aspirations of the people.
- The legal entity will serve to manage their own land which will help to resolve their problems.

Group 3 (Sinoe) Questions: What records should the community have regarding its customary land? Who should keep those records? Who should have access to these records? What role is there for Government?

Recommendations

- The records should include customary land boundary resolution records.
- The community welfare committee should keep the records.
- The community members and the public should have access to the records.
- Copy of the customary land records shall be kept by all government or relevant government agency.
- Customary land boundary resolution records shall be witnessed by the Government local authority.

Group 4 (Grand Gedeh) Questions: How should the community legal entity make decisions regarding the land? Should different rules apply for sales, concessions, leases and for community members and non-members?

Recommendations

- The community should make decisions through the community meetings by virtue of the established rules agreed upon in the regulations.
- Yes. Farm land should legally passed by a community members following a payment of a token and document signed and approved by community members.
- There should be rules set up for members and non-members as a guide or regulation of the entity.
- All foreigners should lease a land but not to purchase a land.

- Both male and female child are entitled to community customary land through the approval of the community members present. That is the same right given by boy child must be given to the girl child.

CONSULTATIVE MEETING ON THE DRAFT LAND RIGHTS POLICY

RECORD OF PLENARY DISCUSSIONS

Held in Gbarnga, Bong County, comprising participants from Lofa, Bong, and
Nimba Counties

On March 5-7, 2013

*(to be read in conjunction with the record of focus group discussions
from the same meeting)*

BACKGROUND

The consultation brought together over 198 participants/stakeholders from three (3) counties – Bong, Nimba, and Lofa, including local authorities, and traditional leaders.

FOCUS GROUP RECOMMENDATIONS TO PLENARY

Five focus groups (Women, Youth, and representatives from Lofa, Gbarnga, and Nimba counties) were established and provided a set of questions, focusing on the land rights categories, customary land, and specific issues such as concessions and wetlands. The groups reported their recommendations back to plenary as follows.

Day 1; Morning Session

Participants were given introductory questions to enable them to increase their overall understanding of the four categories of land. Below are the groups' recommendations for the Day 1 Morning Session.

Re: Private Land

- Government should regulate all natural resources on Private Land.

Re: Public Land

- Definition for Public and Government Land is not clear. It needs more information.
- Public and Government Land should get a single name.
- Public Land should be a sub-set to Government Land.

Re: Government Land

- Government Land and Public Land should get a single name.
- Government Land should be defined as land being used or available for use for buildings, projects or activities of the Government.
- Government Land should be deeded.
- Government Land can be sold is open. It should be specific to say it should be sold, or leased to another government entity.
- Government Land to be sold or leased to government is not clear.

Re: Customary Land

- Women right is not clear.

- Women should be included in land ownership.
- Customary practices and norms should be replaced.
- Establishment of legal entity in customary community is acceptable.
- The issuance of deed for Customary Land should not be a pre-condition to formalizing community ownership of Customary Land but a complement
- The proceeds generated from mineral resources found on the customary land should be shared equally between the government and customary people.

Re: Other issues

- Women have the right to own land
- Land Commission should produce District and Clan maps.
- Youth not represented in Taskforce.
- There should be a resurvey of all Private Land.
- Who controls Public Land since it is not Private Land?
- Government should prosecute violators or withdraw surveyors permit.

Day 1; Afternoon Session

Group 1 (Women) Questions: How does the draft land policy's definition of Customary Land apply to women? *Can women equally benefit from the definition of Customary Land? Does the policy help or hinder women from accessing Customary Land? Are there particular issues regarding women, and Customary Land that have not been addressed?*

Recommendations

- Definition is general and broad.
- Women have no access to customary land.
- The definition is not women friendly using customary practices and norms.
- Women are excluded in decision-making process in Customary Land.
- Mineral resources, natural resources for customary land ownership is not clear.
- Government exclusive rights over mineral resources should be limited. Government and customary Land owners should have shares (75% for government and 25% for customary landowner).
- Each guiding principle must be gender sensitive.

Group 2 (Youth) Questions: How does the Draft Land Rights Policy's definition of Customary Land apply to youth? *Can youth equally benefit from the definition of Customary Land? Does the policy help or hinder youth from accessing Customary Land? Are there particular issues regarding youth, and Customary Land that have not been addressed?*

Recommendations

- Definition is clear excluding customary norms that excludes youth from acquiring land.
- The policy will help youth access Customary Land.
- Minor children who lose their parents are not addressed.
- There should be clear position of the deceased children regarding Customary Land.
- There should be a legal benefit of natural resources for private and Customary Land owners.

Group 3 (Lofa) Questions: How does the draft land policy address Customary Land Rights? *Does it adequately protect customary land rights?*

Recommendations

- For the first time Customary Land rights includes community rights as a group, family and individual.
- Community will enjoy equal distribution of land, sale and access and deed.
- Communities should be part of decision-making body in the area.
- Community should benefit from the sale of minerals resources, including schools, hospital and roads.

Group 4 (Bong) Questions: How does the draft land policy address Customary Land rights? *Does allowing a community to define itself, sound like a good idea to you? Why or why not? Should the policy be more specific about how a community is defined? If yes, how?*

Recommendations

- Community shall be responsible for identifying its own membership to include all stakeholders in accordance with a transparent, accountable and inclusive process.

Group 5 (Nimba) Questions: How does the draft land policy address customary land rights? *How should the community legal entity make decision regarding the land?*

Recommendations

- Customary Land rights must be as protected as Private Land Rights.
- Policy gives customary people their rights to establish institutions to manage their land.
- Legal entity should make decisions regarding customary Land based on broad based consultation with community leaders and members.
- The rights for women to own land without hindrance should be recognized.

Day 2; Morning Session

Group 1 (Women) Questions: How does the draft policy address the issue of wetlands? *What are the rights and responsibilities of landowners who have a deed for land in a wetland area? Should the Government treat wetlands that have not been developed differently from wetlands that have not been developed?*

Recommendations

- Wetland should not be sold or leased or granted to concessions but be used for agriculture and farming.
- Wetland should be used to benefit all Liberians.
- Rights of landowners, right to protect wetland, the right to preserve the wetland for the benefit of all.
- Rights to use if for garden, and growing food.
- Wetland should be treated differently.
- Government should impose tax on developed wetland.
- Government should construct drainages in wetlands that have been developed.

- Government should sensitize the public about wetlands that are not to be sold or leased.
- Government to restrict surveyors on the sale of leased of wetland.

Group 2 (Youth) Questions: How does the draft policy address the issue of wetlands? How should the policy address wetlands which are part of Customary Land?

Recommendations

- The policy only addressed as a protected area and shall not be sold, leased or granted as a concession, but does not provide detail information on wetland.
- LC provide more information on wetland as related to protected lands
- More awareness should be conducted.
- Policy should address wetlands which are part of the customary land in the following: the communities shall manage, make decision and have authority over their customary wetlands in accordance with their customary land rights practices and norms without exclusion.

Group 3 (Lofa) Questions: How should the policy address concessions? Should communities be allowed to grant land to concessionaires? If yes, how should the community make that decision?

Recommendations

- The concession agreement or negotiation should begin active and full participation of the affected community (legal entity), including youth, women, elders, chiefs and local authorities.
- There should be a written contract between the affected community through its legal entity and the concession copy of such agreement should be submitted to government.
- It should be the right of everyone/member of the affected community to be informed of the full content at the agreement.
- Concession agreement should cope with changes of time.
- The concession should be limited time.
- One concessionary should not be allowed to finish the natural resources. There should be reserves for future generations.

Group 4 (Bong) Questions: How should the policy address concessions? *What should be communities' rights and responsibilities regarding concessions?*

Recommendations

- Concessions provide social services for communities affected by their operations, such as vocational schools, roads, clinics, economic empowerment.
- Concessions and communities enter MOU before exploration and extraction of natural and mineral resources commence, and that said MOU be registered and probated.
- That concessions respect the environmental laws to avoid pollution and degradation.
- Concessions should establish their own security firm to protect their properties.
- The period of prospecting should be reduced to two years and that communities monitor the process.
- Concessions establish factories in order to transform natural resources into finished product for export.
- That the communities provide an enabling environment for the protection of concessions including corporation with all security and safety regulations.

Group 5 (Nimba) Questions: How should the policy address concessions? *What should be the rights and responsibilities of communities, government, and companies?*

Recommendations

- The concession should enter into an MOU for the use of the land.
- The concession agreement should be reviewed and endorsed by the community before signed into law.
- The community should create an enabling environment where concessionaires' rights to the land will be protected against any third party claim to the land.
- The government provides equal protection of the rights of concessions and community to ensure all parties adhere to the agreement (MOU).

