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Cover Photo: A female resident from Kporyorquelleh, sharing with the team the progress made by her community regarding the CLRF. Photo Courtesy LMA, 2022.

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ACRONYMS

ADR	Alternative Dispute Resolution
ARD	Alliance for Rural Democrats
AQL	Acceptable Quality Level
AWP	Annual Work Plan
BH	Boundary Harmonization
CAP	Community Action Plan
CBO	Community Based Organization
CDCS	Country Development Cooperation Strategy
CLDMC	Community Land Development and Management Committee
CLRF	Community Land Rights Formalization
CNDRA	Center for National Documents and Records Agency
COP	Chief of Party
COR	Contracting Officer's Representative
CRSF	Community Rights Support Facility
CSI	Community Self-Identification
CSO	Civil Society Organization
CSO WG	Civil Society Working Group
DRG	Democracy, Rights, and Governance
EU	European Union
FAO	Food and Agriculture Organization
FO	Field Office
FTI	Forestry Training Institute
GEP	Geomatics Education Program
GESI	Gender and Social Inclusion
GOL	Government of Liberia
GPS	Global Positioning System
GRB	Gender-responsive budgeting
GUC	Grants under Contract
HO	Home Office
IDH	Sustainable Trade Initiative
ILRG	Integrated Land and Resource Governance
IP	Implementing Partner
IR	Intermediate Result
KM	Knowledge management
LAP	Land Administration Project
LISGIS	Liberia Institute for Statistics and Geo Information Services
LC	Land Commission
LGSA	Land Governance Support Activity
LLA	Liberia Land Authority
LMA	Land Management Activity
LOP	Life of Project
LRA	Land Rights Act
LRDM	Liberia reform movement

LRR	Land rights reforms
LUP	Land-use planning
MAP	Multi-Actor Platform
M&E	Monitoring and Evaluation
MEL	Monitoring, Evaluation, and Learning
MP	Marking Plan
NARDA	New African Research and Development Agency
NLC	National Land Conference
PDG	Peace and Democratic Governance
PIRS	Performance Indicator Reference Sheets
PRA	Participatory rural appraisal
PSE	Private Sector Engagement
QASP	Quality Assurance and Surveillance Plan
RAI	Responsible Agriculture Investment
RRF	Rights and Rice Foundation
SIDA	Swedish International Development Cooperation Agency
SDI	Sustainable Development Institute
STARR II	the Strengthening Tenure and Resource Rights II IDIQ
TDS	Talking Drum Studio
TF	Tenure Facility
TOCO	Task Order Contracting Officer
TOCOR	Task Order Contracting Officer's Representative
USAID	United States Agency for International Development
USG	United States Government
WB	World Bank

EXECUTIVE SUMMARY

During the reporting period (FY22Q3), the Liberia Land Management Activity (LMA) continues to reinforce collaboration with the Liberia Land Authority (LLA) and other stakeholders across Liberia's land sector. Highlights of implementation of LMA's project activities in FY22Q3 reporting period are as follows:

- Completed the development of a community assessment and selection tool utilizing agreed upon criteria in order to select the communities.
- Completed a CLRF tracker to account for which stages of the CLRF process have been concluded in each community where LMA is currently supporting or may support in the future.
- Conducted an assessment of the CLRF steps completed in 15 additional communities in Lofa, Bong and Nimba, this completing the selection process of the 27-year one target communities. There were 398 participants, of which 188 were women, including traditional leaders and representatives of CLDMCs, women, and youth groups.
- Supported community consultations in nine target communities in Lofa county. The Project mobilized 484 community members, of whom 197 were women.
- Provided training on boundary harmonization to three target communities: Fissebu, Vavala, and Palama, Lofa county.
- Conducted awareness raising and information sharing around boundary harmonization in target communities in Lofa and supported them in adopting alternative disputes resolution mechanisms to address related disputes.
- Provided members of CLDMCs training on organizational development, good governance, and leadership. A total of 78 participants, 35 of whom were women.
- Organized and facilitated general assemblies in the communities in Kolahum and Vahum district. A total of 484 members attended the general assemblies. Among them 197 were women representing 40.7 percent of participants.
- Conducted training to 10 CBOs and CSOs on grant management and proposal writing for a total of 20 participants, including 4 women.
- Trained 20 community CBOs and CSOs on Participatory Rural Appraisal (PRA).
- Continuous collaboration with the LLA and other implementing partners in the land sector.

LMA continues to develop a strong working relationship with the LLA, which will to ensure that LLA's involvement in the implementation of project activities is effective.

I. INTRODUCTION

I.1 PROJECT OVERVIEW

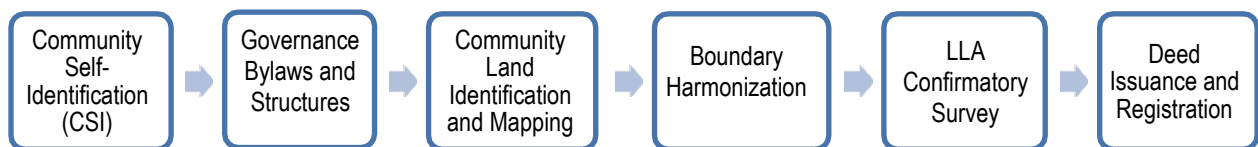
The purpose of the Land Management Activity (LMA) is the effective and inclusive management of communal land through land tenure processes. Its aim is to support Liberian communities in obtaining deeds to their customary land per the 2018 Land Rights Act (LRA) and to support the improved use of customary land for sustainable, equitable economic benefit.

Issues of land ownership are central to two Development Objectives (DOs) of USAID/Liberia’s 2019-2024 Country Development Cooperation Strategy (CDCS), which LMA objectives and results will support: DO 1-Market Driven, Inclusive Economic Growth Supporting Increased Job Creation; and DO 2-Effective and Inclusive Governance Catalyzed through Reform and Greater Accountability. The LRA presents a natural opportunity to advance these DOs, especially as the Act demonstrates a commitment to invest authority in local communities to govern the use of their own land through CLDMCs. By focusing on CLDMC development, USAID will be investing in the GOL’s vision of local governance while giving communities tools to serve their own interests. LMA presents an opportunity to build on past USAID investments to assist Liberian communities to achieve effective and inclusive governance of their land and resources, with a focus on the following four objectives:

1. Communities obtain deeds to their communal land;
2. Communities plan and manage communal land for productive use;
3. Women, youth, and other marginalized groups participate in and benefit from communal land management; and
4. Communities utilize Alternative Dispute Resolution (ADR) to resolve land disputes and grievances.

The LRA includes a six-step process for formalizing community land rights (see Exhibit 1) with the end result being a deed issued by the communities to understand their land rights and how they are shared among all community members and to more effectively and equitably govern and manage their land. The LRA also includes provisions for establishing Community Land Development and Management Committees (CLDMC), inclusive governance bodies that are charged with communal land decisions and the development of land use plans.

Figure 1: The Six Steps of the CLRF Process in Liberia



The Community Land Rights Formalization (CLRF) process is lengthy and complex, and few communities are capable of navigating the process alone. With the support of international donors, Liberian civil society organizations (CSOs) have worked to help communities through the process and meet requirements associated with each step to ultimately secure land deeds.

I.2 TARGET AUDIENCES AND STAKEHOLDERS

To achieve the above goal and objectives, LMA is working closely with the Government of Liberia (GOL) through the LLA to engage with a wide range of audiences and stakeholders at the national and local levels, focusing on local communities, to achieve effective and inclusive governance and ensure gender integration in all project activities. USAID interventions are focused on six priority counties.

LMA will select communities from these counties to implement Project activities, specifically targeting communities in Lofa, Nimba, Bong, and Grand Bassa to maximize the Project's comparative advantage, and to ensure substantive utilization of local solutions, considerable private sector engagement (PSE), judicious use of Grants Under Contract (GUCs), and sound incorporation of environmental and climate considerations. The LMA work plan begins with activities in Lofa, Nimba and Bong in year one with activities following in Grand Bassa in year two.

To work with communities throughout the CLRF process, LMA has concentrated support to select communities within the counties of Nimba, Bong, and Lofa in Year 1 of the Project. By focusing early efforts in these three counties, LMA will leverage CLRF facilitation previously supported by USAID's Land Governance Support Activity (LGSA), including the existing CLRF work facilitated in Lofa. LMA will also capitalize on the community radio stations in Nimba and Bong and has already started working through partner stations in target communities in Lofa.

2. ACTIVITIES, ACHIEVEMENTS, AND PROGRESS

The CLRF process paves the way for communities to understand their land rights, how they are shared among all community members, and to more effectively and equitably govern and manage their land. The LLA continues to work on issuing regulations that will further clarify the CLRF process and other portions of the Land Rights Act. The LLA has also begun to incorporate innovative technology that includes digitizing data and documents and other practices to advance land tenure for Liberian communities. Nevertheless, delays remain, as communities often lack a full understanding and need assistance in moving through the complex process. In addition, issues have arisen within and among communities that often stall the process. The LLA is also required to certify and be involved throughout the CLRF process, but continues to face funding constraints, creating additional delays. LMA's primary goal is to identify these challenges and find solutions to facilitate and expedite the process.

This section provides a narrative overview of LMA's key achievements for FY22Q3.

2.1 CROSS-CUTTING ISSUES

Tools Development: LMA shared with USAID a community needs assessment approach and a community selection tool utilizing agreed upon criteria, and a tracker to account for which stages of the CLRF process have been concluded in each community where LMA is currently supporting or may support in the future.

Grants Under Contract: In order to strengthen public awareness of the need for regulatory reforms and to achieve formalization of community land rights, LMA launched the Grants Under Contract (GUC) process to support Community Based Organizations (CBOs). LMA received eligibility applications from more than 60 CBOs. The team completed the screening process of all applications and identified a total of twenty (20) eligible CBOs Lofa ten (10); Bong three (3); Nimba four (4) and Grand Bassa three (3).

Training of Trainers in Grant Management: From April 6-8, 2022, LMA successfully conducted the TOT as planned. Tetra Tech, ARD, LMA's international subcontractor, facilitated the three-day virtual training to project technical staff and representatives of all three national implementing partners. The TOT focused on 1) Overview of LMA's Project description, objectives, and Results Framework (Indicators, M&E and Reporting); and 2) Overview of grant management [Full Application Requirements; Technical proposal writing; Budget preparation (cost principles); Application Review and Evaluation Process].

Following the TOT, the LMA conducted training on Grant Management and Proposal Writing for the eligible CBOs in Lofa county in May. The main purpose was to train illegible CBOs on grant management and the steps and key elements of writing a good proposal. The training content focused on information related to:



Figure 2: Grant Management training: Participants during a plenary session. Photo Courtesy: LMA 2022.

- 1) USAID regulations and guidelines on grant management;
- 2) comprehending project cycle management, the meaning of strategic objectives, outcomes, inputs, and outputs;
- 3) importance of monitoring and evaluation, and of considering a risk management and sustainability plan in a proposal;
- 4) the importance of considering gender and marginalized groups in proposal writing;
- 5) understanding the technical activities to budget (reasonableness) relevance and major elements to consider in proposal writing.

The training targeted 10 eligible CBOs in Lofa:

- Basket of Hope Charity Organization for Children and Women in Liberia (Basket of Hope Liberia)
- Peace and Development Outreach Volunteers (PDOV, Inc)
- Volunteers United for Development (VUD)
- Association of Community Rights Defenders
- Union of Mutual Health and Community Recovery (UMHCR-Inc)
- Girls Initiative for Restoration & Livelihood (GIRLS-Liberia)
- Youth in Technology and Arts Network (YOTAN)
- Center for Peace Building Democracy Liberia (CEPEBUD-Liberia)
- Social Empowerment through learning Liberia (SELL Inc)
- Lofa Women Network-Liberia Inc. (LOWON-Liberia Inc.)

Twenty representatives of 10 selected CBOs attended the training. Among them, five were women.

Gender Responsive Budgeting: During the Grants Management training in Voinjama city, Lofa County (May 9 – May 13), LMA’s Gender Management Specialist facilitated a session on Gender Responsive Budgeting (GRB). The purpose was to educate participants on the general concept on Gender and mainly develop their understanding on basics of GRB. Eligible grantees will then be prepared to develop and/or analyze budget that will take into consideration both men, women, boys and girls in a given sector or situation for more equity and equality regarding access to resources. The expectation is to prepare them to submit good technical proposals with supporting budgets that are gender responsive.

During this training, there was also a focus on Gender participation in the CLRf process. The objective is to encourage and increase women, youth, and other disadvantaged groups’ participation in target communities’ decision-making processes regarding their community land. A total of 20 participants completed the training; among them five were women.

The participating CBOs will submit a technical proposal in response to the RFA, planned for release in Quarter 4. LMA will review the applications, in collaboration with its local partners, to select the grantees that will be submitted to USAID for approval.



Figure 3: Participants during the Grant Management Training. Group exercise on budgeting. Photo courtesy of LMA, 2022

3. YEAR ONE WORK PLAN ACTIVITIES

ECODIT's implementation approach, including GUC under each objective, aims to address the challenges and leverage the opportunities prevalent within Liberia's land sector. These activities are in accordance with the new Land Rights Act and evidenced CLRF best practices generated by USAID's previous LGSA project.

3.1 OBJECTIVE 1: COMMUNITIES OBTAIN DEEDS TO THEIR COMMUNAL LAND

ECODIT works to provide Liberia's dynamic civil society with training and resources to hone their advocacy efforts vis-à-vis the GOL, enabling the latter to better respond to citizen demands for secure land rights; to empower target communities to secure deeds through a pathway established in law; and to operate effective land and resource governance systems that equitably serve all community members. Therefore, throughout the intervention, the Project will focus on providing assistance to communities to complete the CLRF process, giving guidance to help them to build partnerships with the private sector for potential investments; promoting participatory land planning and productive use of the lands; and providing training on conflict resolution and mitigation.

Throughout implementation of LMA, ECODIT and its local partners work towards effectively incorporating Gender, Equity and Social Inclusion (GESI) considerations into all project activities and undertaking specific interventions that singularly address goals of inclusion to increase women, youth, person with disability and other marginalized groups in community decision making processes.

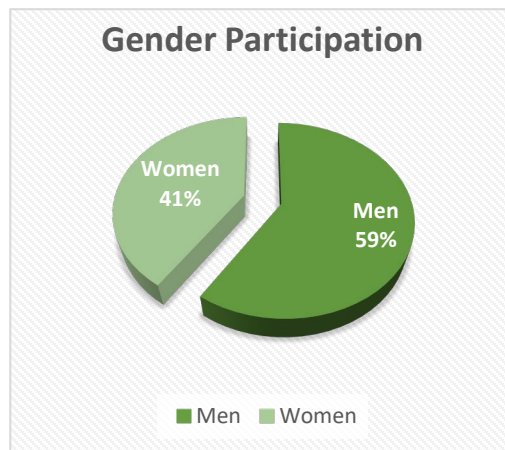


Figure 4: Gender Participation Distribution

TASK 1.1: WORK WITH CSOS TO GUIDE COMMUNITIES IN FOLLOWING THE CLRF PROCESS TO OBTAIN DEEDS FOR THEIR COMMUNAL LAND

During this Quarter, the LMA team completed a series of training sessions in the initial communities on: 1) boundary harmonization; 2) good governance and organizational development, and development of action plans for CLDMCs; and 3) gender integration with a focus on women's participation in land governance and decision-making. The team also organized and facilitated public consultations and general assemblies in all nine additional communities in Lofa and completed the development of a baseline assessment tool on male beliefs and attitudes that will be used in the future to increase women and youth participation in communities' land management decision-making. In all the communities, the Project held live radio talk shows to inform members on LMA purpose and objectives, the new Land Right Act, and their involvement to advance the CLRF process. The radio talk shows were animated jointly by project staff and IPs.

Community Entry into Nine additional Communities in Lofa: In quarter three, the project began working with the 12 initial communities in Lofa county. While the project team was supporting the CLRF process in the Vavala, Palama, and Fessibu communities, it conducted entry activities in the nine additional communities in Kolahun and Vahun Districts of Lofa County. The Project organized a series of town general assemblies and meetings with local communities to introduce LMA's goal and objectives. 484 people attended these meetings, including town chiefs, clan chiefs, district commissioners, paramount chiefs, CLDMC members, other local and traditional leaders, and other community members. Of the 484 people, 197 were women, representing 40.7% of the participants.

Some of the communities are very large. For example, the Tahamba Clan is comprised of 59 towns and villages and is divided into the following six sections:



Figure 5: Popalahun, Wanwoma Clan, Lofa County. Clan Chief Dunor points at areas with ongoing boundary harmonization disputes. Photo Courtesy: LMA.

1. Central Tahamba – 8 towns
2. Upper Tahamba – 12 towns
3. Lower Ndorhambu – 19 towns
4. Upper Ndorhambu – 8 towns
5. Lower Kaihewa – 7 towns
6. Upper Kaihewa – 5 towns

A total of 28 of the Tahamba Clan towns border three other clans and two districts including the Wulukoha Clan, Hembah Clan, Wanwoma Clan, Voinjama District and Foya District respectively. This important information will be considered as LMA completes the selection process of project communities.

The communities visited include Wulukoha, Tahamba, Hembah, Hassala, Wamwoma, Lukasu, Upper Guma, Central Guma and Lower Guma. They comprised between 13¹ to 59 units. Tahamba community had the

most units at 59; followed by Hassala community with 37 units; Lukasu community with 25 units; Wamwoma community with 16 units; Upper Guma and Lower Guma with 14 units each; and finally, Wulukoha, Hembah and Central Guma communities with 13 units each.

During the community entry, the legitimacy status of the CLDMCs and their status with regard to their boundary identification process varied greatly. Many clans had records of being incorporated and they had their registration documents such as business registration certificates, and/or articles of incorporation. Other CLDMCs seemed to be incorporated as well, but they were uncertain of their registration status, as they had not heard back from the organizations that supported their process. However, as noted in the first pilot communities, some of the CLDMCs had not been introduced to the communities through the community assembly, even though training programs had previously occurred. In some communities, the CLDMCs and boundary team had initiated but not yet completed the boundary walk, while in some other communities, the boundary walk had not yet started. The work of the CLDMCs in conducting boundary walks, boundary harmonization, and collecting of boundary points had stopped in many communities due to the lack of logistical support which includes protective wear, transportation and food. In fact, in some of the communities, neighbors are protesting the traditional boundaries. This is making the process of boundary harmonization difficult.

The key remaining challenge is to support communities to address their boundary disputes through the completion of boundary harmonization and demarcation. Communities have documented the various boundary issues; some are being resolved using traditional mechanisms and others are proving challenging. Some of the boundaries are also national that would require the involvement of Liberia Institute of Statistics and Geo Information Services (LISGIS) and other government functionaries. LMA's support will require



Figure 6: Group photo of participants at the closing of the CLMDC capacity building in Fissebu. Photo Courtesy: LMA

¹ Units are self-identified communities and are legally recognized by the LLA as individual land-owning communities. Also, see Land Right Act of 2018, article 2 regarding the definition of a community:

Community: Means a self-identifying coherent social group or groups comprising of Community Members.

more extensive work with these communities to help them complete the boundary mapping and harmonization of their community lands. In addition, there is also a need to strengthen their governance structures and apply all the other steps to effectively advance the completion of the CLRF process and guide them toward obtaining their land title deeds.

Community Consultations: LMA held community consultations in 12 (the three initial and nine additional) of year one’s target communities in Lofa. During these consultations, discussions focused on the community’s land rights issues and the roles and responsibilities of the CLDMC in helping their community throughout the CLRF process.

During the public consultations in Wulukoha, Hassala, Hembel, Tahamba, Wanwoma, Lukusu, Lower Guma, Upper Guma and Central Guma communities in Kolahun and Vahun Ndistricts, 245 participants (with 67 females) representing local authorities, (chiefdom, clan and town chiefs), CLDMCs, traditional leaders, women and youth groups were present. Adults accounted for 55% (135) and the youth for 45% (110) of participants.

Although many of the target communities are still at the early stages of the CLRF process and are still facing issues around boundary harmonization, some communities have made some progress. For example:

1. Lower Guma in Vahun has harmonized their boundary with neighboring towns in the Republic of Sierra Leone according to the CLDMC Chairperson- Mr. Poto Sawei and Chairlady - Madam Yatta Aruna.
2. Tahamba Clan, according to Mr. John N. Cooper, has harmonized their boundaries with Kembaloe, Barsor, Sangbawalee communities in Foya District and Ndambu in Tahamba Clan and Koikelahun in Lukasu Clan in Kolahun District. Nevertheless, there are a lot of unresolved boundary issues pending with Foya and Tahamba Clan.
3. Wanwoma, according to Mr. Ballah Sengbeh, a member of the CLDMC, has identified and harmonized boundary points with Popalahun, Yourmatahun, Kporkulahun, Nyewilyhun in Hassala Clan, Kolahun District. This information was confirmed by one of the District Boundary Team members, Mr. Momo Kamara, in Kolahun District.
4. Wulukoha, according to the CLDMC Chairperson, Mr. James W. Palay and Mr. Mamadee Fofana – CA, has resolved boundary lines with neighboring communities in Voinjama District and points are established.

Governance and CLDMC Capacity Building:

LMA successfully completed the capacity building training of CLDMC members from the first three target communities of Fissebu, Palama, and Vavala Clans of Lofa County. The CLDMC trainings focused on leadership, good governance, and roles and responsibilities to assist CLDMCs to understand how they should govern themselves and effectively work with and meet the needs of their communities. The Liberia Land Authority representatives made presentations during each of these trainings encouraging community members to fully participate in the activities and support the work of the LMA team in their communities.

A total of 78 CLDMC members participated in the trainings, among them 35 women. Out of the 35 women who are members of the CLDMCs, only a few occupy leadership positions of Chairperson, Co-chair, and Treasurer, indicating a great need to strengthen gender equity within the CLDMCs as well as women’s leadership capacities. During the training, the non-recognition of CLDMCs by the communities

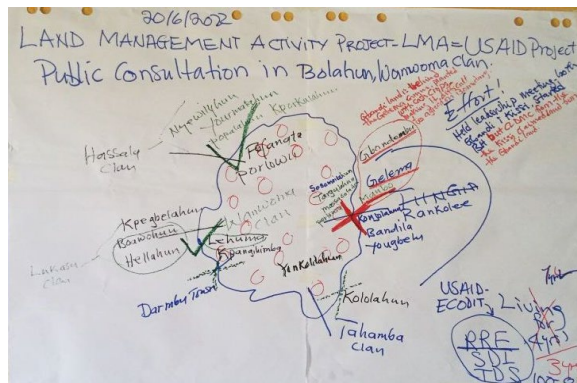


Figure 7: A boundary map of Wanwoma Clan completed by participants in the Kolahun District. Photo Courtesy: LMA

as their representative bodies emerged as a challenge, affecting the functioning of the organizations, since their establishment have had little or no support from their communities' leaders.

However, despite that legitimacy issue for some CLDMCs, there are some such as those in Palama and Tahamba that remain very active and reported they were able to resolve some of the major disputes with other communities. A key highlight from the CLDMC training in Palama was the drafting of a six-month community action plan (CAP). This will serve as a workplan or roadmap document to guide the activities and operations of the community through the CLDMC. LMA will continue supporting them to complete and implement their CAP.

Boundary Harmonization Training: In April, LMA conducted community consultations and provided training on boundary harmonization in the three first selected communities in Lofa - Fissebu, Vavala, and Palama. In all three communities, there are still some issues around boundary harmonization, a prerequisite step before moving onto the confirmatory survey of their community land. According to the members, the existing boundary issues could impede the confirmatory survey. The project is working with them to address the issues in a conflict-sensitive manner, and to make progress in advancing the CLRF process in each community.

One very important recommendation that resulted from the training in Palama was that LMA should consider working with neighboring communities on their CLRF project. Specifically, the Gbalin Clan was mentioned, as it is one of the three clans that makes up the Salayea District that includes Palama and Vavala Clans. The Palama community believes that most of their boundary disputes are with Gbalin due to their lack of cooperation, as they do not see themselves as part of the project. Palama residents believe that they would get the cooperation and support of Gbalin to harmonize the boundaries if Gbalin clan is also incorporated into the project. LMA is committed to working closely with them to resolve the boundary issue with Gbalin and is considering targeting Gbalin in year two.

Community Information and Awareness: As part of its communication strategy to inform and increase communities' awareness of the Project's activities, LMA conducted live radio talk shows in Zorzor, Vahun, Kolba, and Kolahun through IP, TDS Liberia. Partner radio stations included Radio Zorlayea, Harleyngee Community Radio (102.5FM) and Vahun Community Radio Station (100.5FM). The radio talk shows gave an overview of project goals and objectives, the CLRF process with a focus on public consultation and communities' participation on boundary harmonization, and ADR, specifically highlighting the importance of gender inclusion in the processes.

During the talk shows, many listeners asked questions and expressed their expectations and concerns. According to some callers, CLDMC members are not disseminating information to their communities to gain their consent and participation. In some instances, community members face difficulties in identifying original boundary lines/points and others must deal with inaccurate collected data because communities lack adequate needed equipment and tools. LMA will encourage the participation of local leaders and CLDMC members in project outreach and awareness campaigns to enforce the relevance of the information around the CLRF process.

In fact, the Project organized live radio talk shows in target communities that were effective. Communities were well informed about the CLRF process and members of CLDMCs and other social groups asserted to LMA their



A snap shot of LMA team during one of the live radio talk-shows. Photo courtesy, LMA, 2022

eagerness to also use community radios to not only inform their communities on issues of general interest but also to share with them their actions to get their support and collaboration in addressing land issues. In Valala, for example, the chair-lady of the CLDMCs, Mrs. Sue Kollie, asserted that they will also use the community radio to inform their communities on progress they have made in the CLRF process, the challenges they are facing so to get everybody's support and involvement in the process.

Regarding boundary harmonization issues, LMA will work with communities to set up an ADR committee in each target community before embarking on boundary harmonization and demarcation exercises to avoid delays that may arise.

The team distributed 750 flyers and 450 posters in each target community on boundary harmonization (BH), ADR, and confirmatory surveys, reinforcing its awareness activities.

Community Assessment in Lofa, Nimba and Bong: The project identified another five communities in Lofa and ten that will be targeted in Nimba and Bong (five in each). The project carried out a community assessment in these three counties in order to evaluate progress made by the 15 communities in implementing the CLRF process. The main objective was to determine the type of assistance that the communities needed to complete the CLRF process and enable them to acquire title deeds to their communal lands.

Communities visited in Lofa and Bong were Kpatawee, Kporyorquleleh, Gwilapolu, Kporyorquelleh, Kpaquallie, Zota, Saygbama, Womama, Sylakore, Wangolodu, Barkedu, Zortapa, Zolowee, and Yolowee, where the team met with local authorities (clan and town chiefs), the General Town Chief, CLDMC members, elders, and other town leaders. Information was collected on the CLRF process in each of the communities through focus group discussions.

In general, most of these communities have completed their self-identification and have established a governance structure, with some conducting boundary walks. However, they do not have in hand any legal document to prove their status. There continues to be ongoing boundary disputes in many of the communities, which is not uncommon when in the beginning of the CLRF process. LMA intervention in these communities could be lengthy, as out of the 10 communities assessed, only two made noticeable progress. Kpatawee community is at step four (Participatory Mapping) and Zota made progress up to step five (Boundary Harmonization).

Access to some of the communities remains a challenge. During this assessment, we noted that some of the communities are large, with many towns and villages. For example, in Bong, Kporyorquelleh community is composed of six towns and 26 villages, while Kpatawee is composed of 19 subunits. In Lofa, the largest community is Barkedu with 20 towns, while the smallest communities are Saygbama and Sylakore, composed of five towns each. It is important to note that very few of these towns/units are accessible by vehicles, or by motorbike. Many of them are only accessible by footpaths – requiring walking long distances to reach the target communities.

The team also completed the assessment of the five additional communities in Nimba county, where Green Advocate is operating. Prior to Green Advocate's presence, Parley had initiated the CLRF process. Through the Tenure Facility (TF) in collaboration with the LLA, Parley supported the five communities to self-identify as a clan – Zor Clan. With Green Advocate's additional support, they informed the communities about the need to self-identify as individual units rather than as a clan. Therefore, they are now currently undertaking the CLRF process as individual units as a land-owning community rather than as a clan. Each of these communities is considered as a single town with a couple of farming villages and subunits.

In all 15 communities, a total of 397 community members including leaders, CLDMCs, women, youth and marginalized groups' representatives participated in the team's assessment, comprised of 15 focus group discussions. Among participants 209 were men and 188 were women. In summary, it is important to note that:

- All 15 communities have completed step one - *Community Self Identification (CSI)* of the CLRF and have signed the CSI memorandum of understanding. However, the communities didn't seem to have any supporting documentation for any steps of the process they participated in or completed. According to them, the CSOs that facilitated the process promised to bring back copies for them. The Project will work with them to acquire the Community Self Identification certification. Only three of the 15 communities reached the level of setting up their CLDMC. The remaining communities are still far behind in the formalization.
- The five communities in Nimba are still carrying on their CLRF activities with Green Advocates. The project plans to build on previous USAID investments and will continue to support these communities to advance their CLRF process. More discussion will be conducted with Green Advocate for follow on support.

The following table highlights the CLRF implementation progress in each community assessed by the team.

Table 1: Status of CLRF implementation process per target community assessed.

County	Target Community	# Units Towns (T) Villages (V)	Community Land Right Formalization (CLRF) Process						
			CSI						
BONG	Kpatawee	19 T	Done	Done	Exists	Done	Not started	Not started	No
	Kporyorquelleh	6 T, 26 V	Done	Done	Exists	Ongoing	In process	No	No
	Gwilapolu	8 T, 2 V	Ongoing	No	No	No	No	No	No
	Kpaquallie	7 T, 15 V	Ongoing	No	No	No	No	No	No
	Zota	13 T	Done	Done	Exists	Done	Done	No	No
LOFA	Saygbama	5 T	Done	Ongoing	In process	No	Not started	Not started	No
	Womama	8 T	Done	Ongoing	In process	No	Not started	Not started	No
	Sylakore	5 T	Done	Ongoing	In process	No	Not started	Not started	No
	Wangolodu	6 T	Done	Ongoing	In process	No	Not started	Not started	No
	Barkedu	20 T	Done	Ongoing	In process	No	Not started	Not started	No
NIMBA	Zortapa	4 V	Done	Done	In process	No	Not started	Not started	No
	Zolowee	7 V	Done	Done	In process	No	Not started	Not started	No
	Yolowee	7 V	Done	Done	In process	No	Not started	Not started	No

TASK 1.2: SUPPORT EFFORTS TO ADVANCE REGULATORY AND INSTITUTIONAL REFORMS THAT ACCELERATE AND EXPAND CLRF

Support to CSOs Advocacy Strategy on Land Rights Reforms (LRR): In October 2020, the CSO working group (WG), with the support of the Multi Actor Platform on Land Governance (MAP), developed an Integrated Advocacy Strategy to advance the implementation of the 2018 Land Rights Act. The long-term goal of this strategy is to “secure land tenure rights for all Liberians to foster inclusive and sustainable economic development and lasting peace, and guaranteed protection for the land rights of women, youth and other traditionally marginalized groups at all levels”. This strategy was adapted from a previous Strategy designed for when the Land Rights Bill was being debated within the Liberian Parliament and served as a major tool for the WG.

In support of their ongoing efforts, LMA, through its subcontractor RRF, supported the CSO WG on Land Rights Reform to develop their advocacy strategy from May 18-19, 2022. The main purpose of the two-day meeting was to review and update the current CSO and MAP Advocacy Strategy in regards to regulations and procedures for the effective implementation of the LRA. A total of seven organizations - Save my Future Foundation (SAMFU); National Civil Society Coordinating Council of Liberia (NACCSL);

New African Research and Development Agency (NARDA); Liberia Reform Movement (LRDM); Alliance for Rural Democrats (ARD); Community Rights Support Facility (CRSF) and Sustainable Development Institute (SDI), represented by 28 people - participated in the review session on LRA regulations. Among the representatives, 10 were women. During the session, participants worked to reprioritize the strategic actions of the WG given the current status of the implementation process of the LRA since its enactment in 2018. The CSOs' aim is to constructively engage with the LLA, donors, and other relevant institutions to ensure a full implementation of the LRA for the benefit of all Liberians, especially customary land rights holders in rural communities.



Figure 8: Group photo and overview of the participants in session.
Photo Courtesy: LMA, 2022

At the end of the two-day session, the CSO WG decided to continue working toward implementing their advocacy strategy to achieve the following critical outcomes:

1. Adequate and accessible institutional and regulatory structures are in place across the country to enable full, timely and effective implementation of the LRA;
2. Secured land tenure rights for communities through implementation of Customary Land rights formalization;
3. The principles of transparency, accountability, inclusion (*participation*) and equity in land governance are enshrined in national regulations and guidelines; and
4. Community By-laws include safeguards to promote good land governance at the community level; and
5. Monitoring and reporting on implementation of the law by all actors to highlight weaknesses within the institutional and regulatory structures or poor implementation by CSOs.

LMA will continue to support the CSO WG in their advocacy efforts to advance the effective application of the new LRA.

See appendices:

- [Appendix 3](#): *Civil Society Organization Inputs to the Draft Regulations on the Land Rights Act.*
- [Appendix 4](#): *Civil Society Inputs to the Seventh (7th) and Final Draft of LRA Regulations.*

TASK 1.3: BUILD THE CAPACITY OF THE LLA, CIVIL SOCIETY, AND THE PRIVATE SECTOR TO SUPPORT COMMUNITIES TO SECURE LAND RIGHTS

Finalizing the plan for support to the Geomatics Education Program (GEP). Overall, USAID support of the GEP training has been a success. A total of 29 students were enrolled and 20 successfully completed the GEP training in February 2020. Among the graduates, five were women. As of today, they are all active professionals in the field working as volunteers (six); independent surveyors (three); employed by LLA at both national and county levels (eight); working for private firms (two); and taking advance graduate courses abroad (one).

Discussions are in progress with USAID to analyze project approach to restarting the GEP, through support to the Forestry Training Institute (FTI).

3.2 OBJECTIVE 2: COMMUNITIES PLAN AND MANAGE COMMUNAL LAND FOR PRODUCTIVE USE AND SUSTAINABLE NATURAL RESOURCE MANAGEMENT

Task 2.1 PROVIDE COMMUNITIES WITH LAND MANAGEMENT PLANNING RESOURCES AND GUIDANCE

Participatory Rural Appraisal: In prelude of LMA support to communities to help them develop land use plans and resources management, ECODIT launched a training in participatory rural appraisal (PRA) for CSOs and CBOs following the grants training. An introductory PRA was held in Lawalazu community in the Vanzoma District. The main purpose is to prepare future grantees to understand the PRA methods to gather and interpret information on target communities for a better understanding of their status (constraints, challenges and opportunities), and the adoption of appropriate approaches to addressing their land rights, land use planning and management issues.

LMA plans to adopt a participatory approach to collect and analyze both qualitative and quantitative data during the PRA. In all target communities, local people will play a more active role in information gathering as well as in the data analysis and activities implementation processes. The quantitative method will help generate information that can be captured numerically, and the qualitative method will help in exploring meanings, processes, reasons, and explanations.

For this first training, representatives of the 10 CBOs from the grant training also participated in the PRA (20 participants including five women). The training used three main tools: the historical profile, the transect walk, and the community mapping. This suite of tools helps participants understand how they can collect information on a community to access the potentials and the challenges that may need close attention in assisting them to address their development objectives.



Figure 9: An elderly resident of Lawalazu identifying women's interests during the mapping exercise

For Lawalazu people, conducting a PRA was seen as a great opportunity, the first experience they had to work with outsiders to conduct such participatory research within their community. Through the transect walk, the community mapping, and historical profile exercises, they were able to discuss and determine the geographical extent of their village and their boundaries with adjacent communities and other clans. The exercises helped to raise their awareness on the importance and different use of their land for different social groups, such as the use of the sacred bush by men and youth for some specific traditional activities, and special land and spaces identified by women as settings where they meet to discuss issues of concern.

The community mapping was a valuable exercise. This was the first time the Lawalazu community had conducted a sketched map or any detailed map of the town where they could see the various resources and their locations within the village limit and its surroundings. The main resources that they identified were the forests for hunting and farming that are allocated to different sections of the village, along with the forests reserved for performing rituals, and traditional bush schools call **poro** (for men) & **sende** (for women).

Finally, the project informed communities on the importance of women and youth participation in the decision-making processes in Lawalazu, with specific reference to land use and management. LMA will conduct more PRA exercises in target communities and use findings to guide future programming regarding land use and planning and establishing linkages between target communities and the private sector for possible investment opportunities.



Figure 10: A Sketch Map of Lawalazu drawn by participants

TASK 2.2 COLLABORATE WITH THE LLA AND CLDMCS TO ESTABLISH, IMPLEMENT, AND UPDATE LAND USE PLANS

Planned for next quarter.

TASK 2.3: ASSIST CLDMCS TO ESTABLISH FAIR PARTNERSHIPS WITH THE PRIVATE SECTOR THAT GENERATE REVENUE

Planned for next quarter.

3.3 OBJECTIVE 3: WOMEN, YOUTH, AND OTHER MARGINALIZED GROUPS PARTICIPATE IN AND BENEFIT FROM COMMUNAL LAND MANAGEMENT.

TASK 3.1: ENGAGE TRADITIONAL LEADERS AND MEN FOR IMPROVED AND PEACEFUL POWER-SHARING

Engage Traditional Leaders in Public Consultations: LMA’s strategy is to increase community participation in decision-making processes within target communities. During each of the organized public consultations, LMA ensures that traditional leaders and other social groups are invited and engaged for improved power sharing in a peaceful manner.

During that reporting period, the Project held a series of community consultations in 12-year one target communities in Wulukoha, Hassala, Hembel, Tahamba, Wanwoma, Lukusu, Lower Guma, Upper Guma, and Central Guma communities in Kolahun and Vahun Ndistricts. During these consultations, local authorities, traditional leaders, senior land lords, and representatives of women and youth groups were invited. These gatherings serve as a platform for communities to dialogue on issues of common interests and agree on strategies for sustainable development actions.

See detailed description of activity under objective – task 1.1.

TASK 3.2: DEVELOP THE LEADERSHIP CAPACITIES OF WOMEN, YOUTH, PWDS AND OTHER MARGINALIZED GROUPS

Women’s Leadership Development: During this reporting period, LMA provided a series of trainings on gender and land governance and women’s participation in land governance. Training participants included the representatives of CLDMCs, women, and youth groups. As required by law, each CLDMC should have women in leadership position. However, although the number of women occupying leadership positions within the CLDMCs in target communities is still minimal, the few women who are members of the CLDMCs demonstrated notable leadership capacities. For example, Mrs. Bendu Moore, the co-chair of the CLDMC of Wulukoha Clan, is a committed member and role model for other women. “*Though no money is being paid for the work we do, the experience I get from the process by being part and taking on a leadership role is very important for me and my fellow women,*” she said. Mrs. Bendu Moore, in her comments, recommended to the LMA to encourage CLDMCs to always involve the senior landlords, chiefs, and traditional leaders when settling land matters to allow equal participation of both men, women, and youth in land disputes and boundary harmonization processes.



Figure 11: Wanwoma Clan women in a joyous spirit about their involvement in land management. Photo Courtesy, LMA

In fact, the CLDMCs experience limited financial resources. This has sometimes impeded their effectiveness in meeting their roles and responsibilities. Despite this lack of finances, they often meet and try to inform communities on land issues and encourage consultations among communities to address

them. The Project plans to continue supporting their efforts and will work with them to initiate ideas for internal resource mobilization to strengthen their good governance practices.

RESOLUTION (ADR) TO RESOLVE DISPUTES AND GRIEVANCES

LMA will support mitigating land disputes and grievances through alternative dispute resolution methods. The project will assess and strengthen the capacity of CLDMCs and other established ADR institutions to mediate and conciliate land-related disputes that arise during the CLRF process and beyond; identify and support effective channels for resolving disputes; and mobilize civil society to advance ADR policy and legal reforms.

The work under these objective and corresponding tasks is planned for year two.

TASK 4.1: IMPROVE THE AVAILABILITY AND CAPACITY OF ADR PRACTICES

Planned for Year 2.

TASK 4.2: INCREASE AWARENESS OF APPROPRIATE ADR CHANNELS FOR RESOLVING LAND RELATED DISPUTES

Planned for Year 2.

Although this activity is planned for year two, the LMA, through information sharing, awareness raising activities, and public consultations, already encourages target communities to adopt local ADR mechanisms to address some of their boundary issues, as resolving a local issue through a local channel could help them advance their community land formalization process. According to the law, if communities cannot reach common ground over their boundary disputes, the LLA will come in and cut the case. However, if the community is not satisfied with the LLA decision, they can take the matter to the courthouse per the new LRA. More ADR support to target communities will be initiated in year two.

TASK 4.3: ENHANCE CIVIL SOCIETY'S ROLE IN ADVANCING LAND ADR POLICY AND LEGISLATION

Planned for Year 2.

4. COORDINATION ACTIVITIES

Since its inception on July 19, 2021, LMA has laid a foundation of collaboration and engagement with the LLA. Overall coordination with the LLA remains challenging due in part to the LLA's anticipation of support that LMA is not designed to provide. LMA will continue to coordinate with the LLA to ensure their participation in completing and documenting the CLRF process. USAID's support will be critical in coordinating with the LLA leadership and explaining the US Government's (USG) development approach.

A. STAKEHOLDER ENGAGEMENT

Coordination and Synergy with World Bank: As follow-up and coordination, and reinforcement of LMA's synergy with other stakeholders, the Land Administration and Management Specialist met with Dr. Yohannes Gebremedhin, the team Leader for the Piloting of Customary Land Rights Formalization under the World Bank's Land Administration Project (LAP) – component two - "Systematic Registration of Customary Land", to share thoughts and experiences of individual projects. Both projects are working in communities in Lofa that are facing boundary harmonization and negotiation challenges and both clans share boundaries.

Key issues to note:

1. The gap between boundary harmonization and negotiation and that of the confirmatory survey is creating delays and there is a need for the LLA to consider an implementing strategy to address this.
2. Fissebu's certificate of completion was to be probated and customary statutory deed delivered to the community long before LMA inception; however, Fissebu still has not received these documents.
3. The two projects must continue sharing information, experience, and challenges to a broader group of stakeholders and the donor coordination committee.

Meeting with JPalm Liberia: In prelude of engaging with the private sector to support target communities' income generations efforts, the LMA team met with JPalm Liberia CEO Mr. Mahmoud Johnson and another colleague. The purpose was to introduce LMA project (objectives and target counties) to JPalm and get to know about the JPalm business orientation and geographic coverage. LMA's main objective was to see if JPalm Liberia would be interested in working with women and youth groups in some of the project target counties and help communities benefit more from the use of their lands and the exploitation of the natural/forestry resources. The CEO expressed their interest in collaborating with LMA and indicated that they will cover two of the project intervention counties (Bong and Nimba). In Bong County, they work with 51 communities with the plan to extend to Nimba county, but with an extension in 30 additional communities in Bong.

He also informed us that the main focus of JPalm is to work with communities that already have demarcated their land, meaning that the communities should have a deed, as some sort of protection for the community. For LMA, there are some synergy opportunities with JPalm and we will hold follow on meetings with them to materialize some concrete actions.

B. SPOT-CHECK PROJECT SITES:

From June 16 to 20, 2022, the LMA COP and Land Management Administration Specialist conducted a joint field trip with USAID DRG Director and LMA COR in Lofa County. The purpose of the trip was to facilitate USAID's spot-check visit in Fissebu and Palama - two of the project target communities in the county of Lofa.

The team had a series of meetings with: 1) with the LLA Land Administrator; 2) the Palama communities in Salayea City, and 3) the Fissebu community in Fissebu Town. The team met with participants including traditional leaders (town/clan chiefs), CLDMCs, women and youth groups and landlords. Seven landlords attended the Palama meeting while five attended the meeting in Fissebu. The purpose of ensuring landlords attended the meeting was to also assess the relationship between the landlords and the CLDMCs, the legitimacy and acceptance of the CLDMCs by the local/traditional leaders, and whether or not they all understood the roles/responsibilities of the CLDMCs.

All meetings were followed by debriefs between the USAID team and the LMA team. The team organized meetings with residents and had open discussions followed by questions and answers on progress made on the CLRF process (i.e., steps completed, challenges they are facing, alternative solutions and next steps), the roles and responsibilities of the CLDMC members, the work relationship between them and the LLA representative at the county level, and USAID/LMA support and challenges.

Generally, all communities are stuck around the Boundary Harmonization and Negotiation step and have not started preparing for the Confirmatory Survey. Regarding CLDMCs, there is a serious gap in funding and resource mobilization for CLDMCs to carry out their functions, which include holding regular meetings and making trips to defend their communities' interests.

According to residents, the disagreements around boundary harmonization resulted from many circumstances such as how the towns originated and differences regarding which town was established first; where the traditional boundaries were; how and to what extent the boundaries had been recognized with the use of where bushing ended for each town; where soap trees were planted; and

which creek, stream or river was perceived as the traditional boundary. Some of the spokespersons were not quite detailed on where the traditional boundaries were, and kinsmen indicated that there was a need to have others help in explaining or providing the boundary descriptions.

Palama: There are serious boundary disagreements between Gbarlin clan and Palama clan and between the Palama clan and Vavala clan. These issues have not been resolved even after the involvement of the joint LLA, WB & LMA teams where they all agreed to settle issues in Kpeteyea (a traditional peace building town).

There are other boundary issues around Gbarlin and the towns of Telemue and Tinsu (Palama clan). However, these issues around Ganglota have all been resolved and they are ready to conduct the boundary walk and collect data points.

Fissebu: All boundary issues between Fissebu and adjacent communities have been resolved and are now awaiting walk and collection of points, except for in Kabata and Zelemai communities:

- Boundary situation between Yellah and Bokessa still remains unclear.
- Kabata, a community within Fissebu, maintains that there is a 1967 deed of Fissebu and this needs to be verified. LMA will provide some assistance with this.
- Kabata refuses to agree on the boundary identified by Zelemai (their uncles) for fear of losing farm villages, crops, etc.

The issues in these communities reinforce the fact that there are still disagreements and/or ongoing boundary conflicts. This is a result of the fact that the community's historical profile and sketch map has not been conducted in the first step of the CLRF process. If a reliable community historical profile and sketch map are conducted during the CSI step, issues could be identified earlier and the project and communities could have a clearer understanding of the issues before activities around boundary harmonization and negotiation begin.

It is noted that boundary issues/disagreements exist due to delays and the time gap between boundary harmonization and negotiations and confirmatory surveys. Projects that had previously provided assistance had closed out and communities that relied on this funding could not continue the boundary harmonization and negotiation process without external financial support.

In addition, influences of Monrovia or foreign-based kinsmen of these communities have also impacted some of the disagreements and positions taken by some of the towns/communities. Communities consult with some of their kinsmen outside of the communities to make major decisions and some suggestions come from kinsmen who do not live within the communities but remain relevant stakeholders.

The following are some recommendations for follow-on actions to help communities advance their CLRF process.

- CSOs or institutions conducting formalization process must relinquish all maps to the communities for spatial visualization as engagements and boundary discussions proceed.
- Make available maps produced from CSI and previous boundary harmonization attempts during subsequent meetings.
- Increase communities' awareness and sensitization on addressing boundary disagreements and control external influence from kinsmen to agree on their boundary issues and move forward their CLRF process thereby obtaining deeds to their community lands.
- Hold public consultations around specific thematic areas such as boundary harmonization & negotiations and alternative dispute resolution (both traditional methods and conventional),

ensuring the involvement of key stakeholders including superintendents, district commissioners, representatives of line agencies, kinsmen from Monrovia, and other local and traditional authorities. Public consultations could lead to a collective approach to identify difficulties and discuss and agree on alternative solutions to progress in the CLRF process.

- Continue to establish synergies with other organizations implementing CLRF, but more specifically with those whose target communities that share boundary/boundaries with LMA project communities.

Next Steps: In Palama, it was agreed that the project support a dedicated team to include boundary harmonization teams from adjacent communities, clan chiefs, CLDMCs, Project staff, LLA Lofa team etc. The team will get information on the various positions of the larger community and those of the towns and villages at the proximity of the contentious boundaries. The community was requested to get the names of towns and villages along these boundaries as well as the names of their chiefs.

The team will walk the contentious boundaries to collect site information, review boundary descriptions from communities, and clarify key general marker issues (i.e., streams, rivers, hills, soap trees, forest etc.).

There will be a high-level district public consultation to include relevant stakeholders, line government agencies responsible for land administration and management services and functions, local authorities, traditional leaders, and landlords.

In Fissebu, the meeting was more intense and the team identified a key boundary issue in Kabata village. LMA promised to follow up on the assertion that Fissebu is a deeded land by making contacts with kinsmen in Monrovia and research at the Center for National Documents and Records Agency (CNDRA) and LLA Land Registry.

At the end of the meeting, stakeholders developed steps to ensure that Fissebu boundary issues are resolved in the coming months and Fissebu could obtain deed by end of September 2022. The community, LMA, LLA, and USAID each committed to work in collaboration with the following commitments:

- The community: ensure that the boundary issue with Kabata and Zelemai is handled and that Zelemai, their uncles as required by tradition, identifies the boundary which they must agree with, but that traditional relationship is not disrupted so that Kabata can continue to work on the land they have already developed so they won't lose their crops or farms.
- LMA: support the community and facilitate boundary meetings, boundary walk, ADR process, collect boundary points, and coordinate with LLA to ensure their full participation and completion of Fissebu's boundary harmonization and advancement towards the next steps.
- LLA: prepare for validation and follow up after boundary harmonization and negotiation to issue the certificate of completion and then follow with the confirmatory survey. The local office in Lofa will coordinate with headquarters in Monrovia to get the deed completed, signed, and registered.
- USAID: participate in the official presentation of the deed to the community, publicize and post the presentation on the USAID website, and ensure that the activity is shared with Washington.

5. MONITORING AND EVALUATION

A. PROGRESS ON PERFORMANCE INDICATORS

Progress on Performance Indicators:

LMA developed the year one Monitoring and Evaluation (M&E) Plan, which was approved by USAID. It is comprehensive and covers all aspects of activity monitoring, evaluation, and learning for LMA. It also includes indicators and the Performance Indicator Reference Sheets (PIRS). Benchmark data will be

collected to establish baselines as the project is entering target communities and the assessment of communities' status regarding their advancement in the CLRF process is ongoing.

Development of Monitoring, Evaluation and Learning (MEL) tools: LMA has developed data collection tools, as required by USAID, for project activity monitoring and evaluation. The tools developed include the following: a) LMA indicator standard operating procedures for all 14 indicators; b) LMA indicator cover sheets for all 14 indicators; c) Data management steps for LMA activities; d) Data/document request form; e) Activity attendance form for all LMA activities; f) Beneficiary Feedback Form; and g) data collection tools for all 14 indicators.

When carrying out focus groups, the team selects the focus group participants by typical case sampling, which involved identification of individuals that are "typical" representatives of those with the characteristics /criteria identified. These characteristics were (a) homogeneity and anonymity in sex, education level and economic status; and (b) age greater than 18 years.

The data analysis method is an Inductive Coding Style. This is an iterative analysis often referred to as a Grounded Analysis. The analysis uses coding to section of text / data to easily categorize related to themes and assessment questions and finish coding when saturation is reached.

Filing System and Data Security: To ensure data quality assurance, LMA continues to train local subcontractors' M&E staff on how to collect and store data using the system. The project has a standardized system of box filing of all project indicators in reference to proper data management as required by USAID and following the international standards for data management. All the project data are in a lockable filing cabinet in the M&E office.

Development of LMA Database:

The development of the Airtable project database is ongoing with the support of the Tetra Tech MEL Director and is expected to be completed by August 30, 2022, by which time it will be used by all local implementing partners (IPs) to keep track of the project data electronically for data management and quality control.

B. FY22 Q3 PROGRESS NARRATIVE

I. INTERMEDIATE RESULT (IR 1): COMMUNITIES OBTAIN DEEDS TO THEIR CUSTOMARY LAND

EG.10.4-5 Number of parcels with relevant parcel information corrected or incorporated into an official land administration system (whether a system for the property registry, cadaster, or an integrated system) as a result of USG assistance

Project will report on this indicator starting in year 2 of activity implementation, once a final target has been agreed upon with USAID as this is directly linked to the LLA issuing deeds to the communities.

1.1.1: Number of land surveyors successfully completing certification from the Geomatic Education Program (GEP) the Forestry Training Institute (FTI)

Project support to GEP training is under review by USAID.

1.1.2: Number of steps in the six-step CLRF process completed by communities (total number of steps across all communities supported)

During Q3, there has been no steps in the CLRF process completed by communities. Progress will be made in the next quarter as we will be working in a total of 27 communities.

1.1.3: Number of regulations or guidelines drafted or advanced with the LLA to guide communities and CSOs through the steps of the CLRF process

There have been no regulations or guidelines drafted or advanced with the LLA during FYI Q3.

1.1.4: Number of CSOs and CBOs trained to support communities in the CLRF process

During Q3, representatives of 10 CSOs were trained to support communities in the implementation of their CLRF process and identify their needs, opportunities and challenges through the application of a Participatory Rural Appraisal. During this reporting period, LMA organized an introductory participatory rural appraisal (PRA) session in Lawalazu community in Vanzoma District. Of 20 participants, five were female.

II. INTERMEDIATE RESULT (IR 2): COMMUNITIES PLAN AND MANAGE CUSTOMARY LAND FOR PRODUCTIVE USE

2.1.1: Number of CLDMCs with land use plans that are actively implemented and regularly updated.

Although LMA is required to report on this indicator starting in year 2, the Project has planned to conduct training for CLDMC members in Quarter 4.

2.1.2: Number of CLMDCs that have increased revenue

LMA will report on this indicator in Year 2.

2.1.3 Number of individuals provided training, information, and/or legal advice with respect to negotiating contracts and agreements with the private sector.

Though LMA plans to report on this indicator in Year 2, the Project is engaging in initial discussions with some private sector actors for synergy opportunities in some target communities.

III. INTERMEDIATE RESULT (IR 3): WOMEN, YOUTH, AND OTHER MARGINALIZED POPULATIONS PARTICIPATE IN AND BENEFIT FROM CUSTOMARY LAND MANAGEMENT

3.1.1: Number of CLDMCs in which women, youth, and other marginalized groups hold leadership positions

During this period, all supported CLMDCs have women, youth, and other marginalized groups as members. However, very few CLMDCs have women in leadership positions.

3.1.2: Number of CLDMCs that prioritize agreements with private sector entities specifically with women- and/or youth-led community enterprises or associations

IV. LMA WILL REPORT ON THIS INDICATOR IN YEAR 2. INTERMEDIATE RESULT (IR 4): LAND DISPUTES AND GRIEVANCES RESOLVED APPROPRIATELY THROUGH ALTERNATIVE DISPUTE RESOLUTION

4.1.1: Number of CLDMCs that have a grievance resolution mechanism

LMA will report on this indicator in Year 2.

EG 10.4-3 Number of disputed land and property rights cases resolved by local authorities, contractors, mediators, or courts as a result of USG assistance

Cross-Cutting: Number of meetings or other forums held between CSOs/CBOs and the GOL with the purpose of advancing policy, legislation and/or regulations on ADR

There have been no meetings or other forums held between CSOs/CBOs and the GOL with the purpose of advancing policy, legislation and/or regulations on ARD during FY22Q3.

Cross-Cutting: Number of public awareness raising activities on land management issues and community land rights.

LMA supported the organization of three live radio talk shows and the distribution of about 300 flyers, and posters distribution in Kolahun, Vahun and Zorzor.

Community Assessment Methodology:

In addition to collecting data against the project indicators, as stated under Objective I, community assessments were carried in order to determine the status of communities along the CLRF process. From May 18 – 30, 2022, the project team comprising of ECODIT M&E Specialist, Community Engagement Specialist, SDI Training Coordinator and three Community Mobilizers conducted 15 FGDs with 397 respondents (188 female) in 15 communities in Bong, Lofa and Nimba counties.

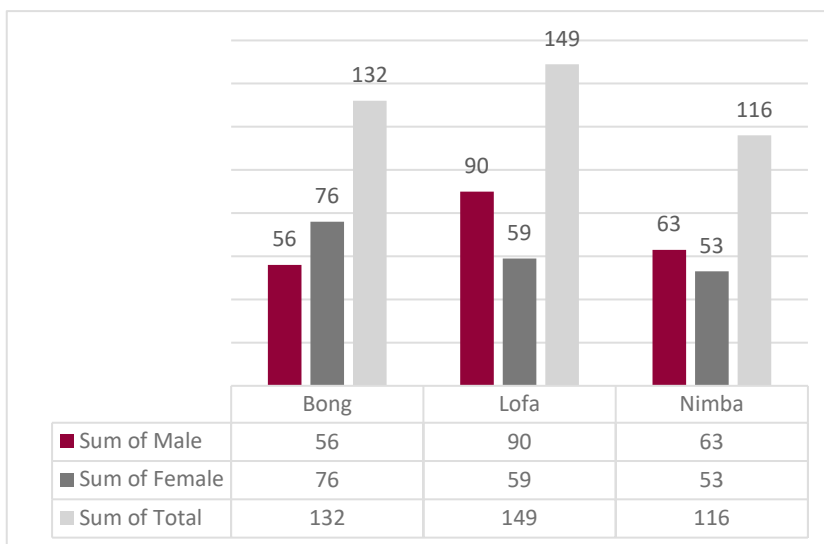


Figure 12: Gender Disaggregation by County

The purpose of the community assessment field visit was to have meetings with community members in the 15 communities where Parley, SDI, and Green Advocates have worked to take stock of the progress of their communities' land formalization efforts, collect relevant information and documents from the communities, and administer the assessment questionnaire to key community stakeholders.

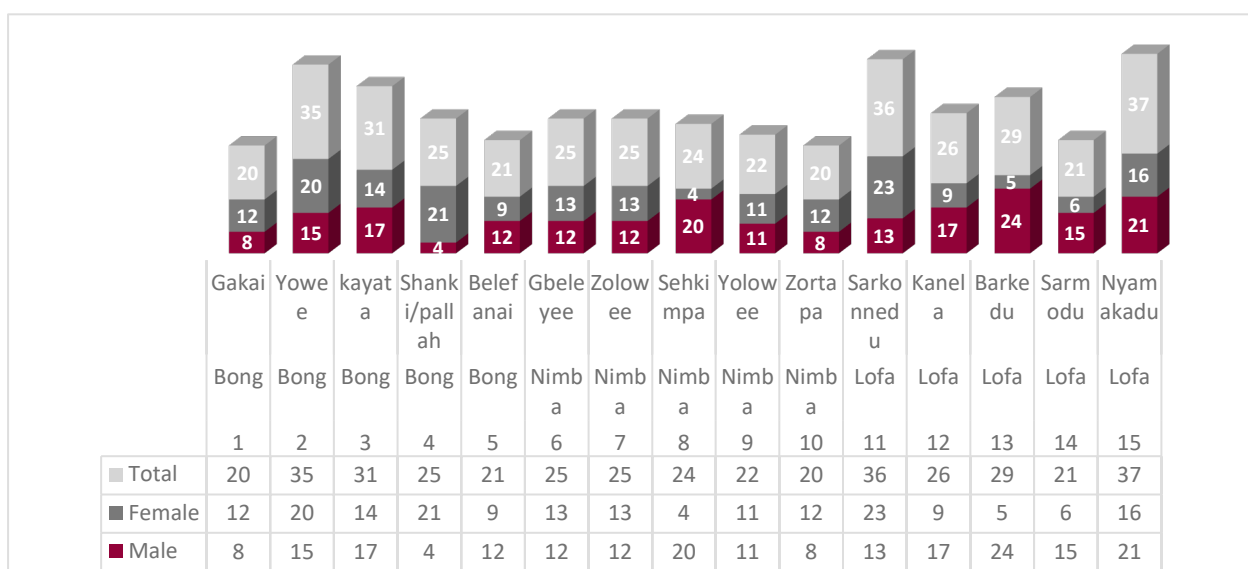


Figure 13: Gender Disaggregation by Community

The community assessment applied a qualitative study methodology to administer the questionnaires to target beneficiaries. The team collected data obtained through interviews with community leaders, women, youth, marginalized groups, and CLDMCs.

C. PERFORMANCE INDICATORS

#	Type of Indicator	Indicator	Result Measured by Indicator	Reporting Frequency	Data Source & Collection Method	Baseline (Source) Date / Value	Year 1 Target	Q3 Achievement	Year 1 Achievement	Percent of Achievement	Life of Project / End-line	Comment
1	Standard	EG.10.4-5: Number of parcels with relevant parcel information corrected or incorporated into an official land administration system (whether a system for the property registry, cadaster, or an integrated system) as a result of USG assistance	IR 1: Communities Obtain Deeds to their Customary Land	Annually	Collected from land agencies' databases annually, CLDMCs, or organizations who report to the LLA with clear evidence of formalized land rights in hard copies or electronic forms	0	0	0	0	0%	TBD	The LOP target will be determined in FY23 in consultation with USAID
2	Custom	1.1.1: Number of county-based land surveyors successfully completing certification from the Geomatic Education Program (GEP) the Forestry Training Institute (FTI).	IR 1: Communities Obtain Deeds to their Customary Land	Annually	Individuals receiving certificate in surveying technology with confirmation from the FTI.	0	10	0	0	0%	50	Reported Annually Project support to GEP training is under review by USAID.
3	Custom	1.1.2: Number of steps in the six-step CLRF process completed by communities (total number of steps across all communities supported).	IR 1: Communities Obtain Deeds to their Customary Land	Annually	Field reports from IPs and LLA, partners/grantees working with communities	0	0	0	4	0%	TBD	Reported Annually
4	Custom	1.1.3: Number of regulations or guidelines drafted or advanced with the LLA to guide communities and CSOs through the steps of the CLRF process	IR 1: Communities Obtain Deeds to their Customary Land	Annually	LMA activity reports and LLA records; copies of proposed, drafted or adopted guidelines	0	1	0	1	25%	4	Reported Annually
5	Custom	1.1.4: Number of CSOs and CBOs trained to support communities in the CLRF process	IR 1: Communities Obtain Deeds to their Customary Land	Quarterly	Completed participants attendance forms, attendance records. Records from IPs. Annual reports from CSOs. Direct observations by LMA staff.	0	10	10	13	19%	70	Ten CBOs were trained in Quarter 3
6	Custom	2.1.1: Number of CLDMCs with land use plans that are actively implemented and regularly updated.	IR 2: Communities Plan and Manage Customary Land for Productive Use	Quarterly	CLDMC and IP records collected by LMA staff	0	0	0	Not planned for Year 1	0%	15	Will be reported in FY23

#	Type of Indicator	Indicator	Result Measured by Indicator	Reporting Frequency	Data Source & Collection Method	Baseline (Source) Date / Value	Year 1 Target	Q3 Achievement	Year 1 Achievement	Percent of Achievement	Life of Project / End-line	Comment
7	Custom	2.1.2: Number of CLMDCs that have increased revenue	IR 2: Communities Plan and Manage Customary Land for Productive Use	Annual	CLDMC financial record review conducted by LMA staff	0	0	0	Not planned for Year 1	0%	10	Will be reported in FY23
8	Custom	2.1.3 Number of individuals provided training, information, and/or legal advice with respect to negotiating contracts and agreements with the private sector.	IR 2: Communities Plan and Manage Customary Land for Productive Use	Quarterly	LMA training and other activity records. Completed participant attendance forms.	0	0	0	Not planned for Year 1	0%	150	Will be reported in FY23
9	Custom	3.1.1: Number of CLMDCs in which women, youth, and other marginalized groups hold leadership positions	IR 3: Women, Youth, and Other Marginalized Populations Participate in and Benefit from Customary Land Management	Annually	CLDMC elections, LMA staff collected records	0	0	0	Not planned for Year 1	0%	TBD	Reported Annually
10	Custom	3.1.2: Number of CLMDCs that prioritize agreements with private sector entities specifically with women- and/or youth-led community enterprises or associations.	IR 3: Women, Youth, and Other Marginalized Populations Participate in and Benefit from Customary Land Management	Annually	CLDMC bylaws and LMA internal records reviewed	0	0	0	Not planned for Year 1	0%	12	Will be reported in FY23
11	Custom	4.1.1: Number of CLMDCs that have a grievance resolution mechanism.	IR 4: Land Disputes and Grievances Resolved Appropriately through Alternative Dispute Resolution	Annually	CLDMC bylaws and LMA internal records reviewed	0	3	0	0	0%	12	Reported Annually
12	Standard	EG 10.4-3 Number of disputed land and property rights cases resolved by local authorities, contractors, mediators, or courts as a result of USG assistance	IR 4: Land Disputes and Grievances Resolved Appropriately through Alternative Dispute Resolution	Quarterly	LMA/IP records that report on ADR efforts. CLDMC-level meetings that mention ADR activities.	0	5	0	0	0%	TBD after communities are selected	

#	Type of Indicator	Indicator	Result Measured by Indicator	Reporting Frequency	Data Source & Collection Method	Baseline (Source) Date / Value	Year 1 Target	Q3 Achievement	Year 1 Achievement	Percent of Achievement	Life of Project / End-line	Comment
13	Custom	Cross-Cutting: Number of meetings or other forums held between CSOs/CBOs and the GOL with the purpose of advancing policy, legislation and/or regulations on ADR	Cross- Cutting	Quarterly		0	3	0	0	0%	12	No Meeting held in Q3
14	Custom	Cross-Cutting: Number of public awareness raising activities on land management issues and community land rights	Cross- Cutting	Quarterly	LMA Activities	0	5	3	Activity began in Q2	5%	55	Radio Talk Show & Flyers distribution

6. KEY ACTIVITIES FOR NEXT QUARTER

The following is a list of key activities LMA plans to conduct during the next quarter.

1. Implement CLRF activities in target communities (three initials and additional nine) in Lofa county, focusing on information and awareness campaigns, community consultations, and boundary harmonization and confirmatory survey workshops.
2. Assessment of additional five communities in Nimba.
3. Launch project intervention in additional communities in Lofa, Nimba, and Bong.
4. Continuous training of CLMDCs in organizational development and the CLRF process in year one target communities.
5. Organization of Grant Management and proposal writing training for eligible CBOs in Bong.
6. Finalize and release the call (RFA) for initial grants to CSOs.
7. Award grants to selected CBOs.
8. Roll out of Gender training in land administration (Registration and titling) and ADR.
9. Development of LMA Advocacy Manual for CSOs and CBOs in target communities.
10. Year two work planning.

7. MANAGEMENT AND ADMINISTRATIVE ISSUES

Accreditation of ECODIT: The accreditation process of ECODIT, Inc Liberia as an INGO in Liberia is still ongoing. All documents have been reviewed and accepted by the Ministry of Finance and Development Planning. The challenge with obtaining the Accreditation is a Sectorial Clearance from the Liberia Land Authority. ECODIT has engaged Bropleh and Associates to obtain the sectorial clearance on behalf of ECODIT to finalize the process.

Tax Clearance: Processing of tax clearance for the first three months (Oct-Dec 2021) was successfully completed. LMA received a certificate that is valid for three months.

Staffing: LMA leadership analyzed the current staffing situation and made some adjustments for more effective project implementation. The Private Sector Engagement Specialist role is approved to be hired for the start of year two project implementation, as per the technical approach developed. Below is the updated list of current LMA staff members.

Table 2: LMA Staffing Plan

NAMES	POSITIONS
[REDACTED]	Chief of Party
[REDACTED]	Land Management and Administration Specialist
[REDACTED]	Gender, Equity, and Inclusion Specialist
[REDACTED]	Monitoring and Evaluation Specialist
[REDACTED]	Community Engagement Specialist
[REDACTED]	Private Sector Engagement Specialist
[REDACTED]	Senior Operations and Grants Manager
[REDACTED]	Grants and Subcontracts Manager
[REDACTED]	Accountant
[REDACTED]	Driver
[REDACTED]	Driver

8. FINANCIAL PROGRESS

The following financial summary provides a snapshot of actual expenditures for the quarter ending June 30, 2022.

[REDACTED]

APPENDICES

APPENDIX I: LMA COMMUNITY CLRf TRACKER

Table A: Land Management Activity Status on Customary Land Formalization Process in Communities										
Community	Current Implementers	Previous Program/ Donor if any	LMA Comm. (Y/N)	Community Self-Identification	Activity Progress for Customary Land Formalization					
					Draft By-laws*	CLDMC Formation*	Participatory Mapping	Boundary Harmonization	Confirmatory Survey	Community Title Registered
Bong County										
Kpatawee		LGSA/USAID/ Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Kporyorquelleh		LGSA/USAID/ Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Gwilapolu Clan	Potentially LLA	LGSA/USAID		Completed	Not started	Not started	Not started	Not started	Not started	Not started
Kpaiquellie Clan	Potentially LLA	LGSA/USAID		Completed	Not started	Not started	Not started	Not started	Not started	Not started
Zota Clan		EU/CAFOD	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Lofa County										
Palama Clan	SDI/RRF/TDS	LGSA/USAID/SDI	Y	Completed	Completed	Completed	Completed	Ongoing or initiated	Not started	Not started
Vavala Clan	SDI/RRF/TDS	LGSA/USAID/SDI	Y	Completed	Completed	Completed	Completed	Ongoing or initiated	Not started	Not started
Fissebu	SDI/RRF/TDS	LGSA/USAID/SDI	Y	Completed	Completed	Completed	Completed	Ongoing or initiated	Not started	Not started
Lukasu		IDH/TF/Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Hassala		IDH/Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Tahamba		IDH/Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Wanwoma		IDH/Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Wulukoha		IDH/Parley	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Upper Guma		IDH/SESDev	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Lower Guma		IDH/SESDev	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Central Guma		IDH/SESDev	Y	Completed	Completed	Completed	Completed	Not started	Not started	Not started
Saygbama Clan		EU/SDI	Y	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Womama Clan		EU/SDI	Y	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Sylakore Clan		EU/SDI	Y	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Wangolodu Clan		EU/SDI	Y	Completed	Completed	Not started	Not started	Not started	Not started	Not started

Table A: Land Management Activity Status on Customary Land Formalization Process in Communities										
Barkedu Township?		EU/SDI	Y?	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Nimba County										
Zolowee	GAI	ILRG/USAID/GAI	N	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Yolowee	GAI	ILRG/USAID/GAI	N	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Gbassa	GAI	ILRG/USAID/GAI	N	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Zortapa	GAI	ILRG/USAID/GAI	N	Completed	Completed	Not started	Not started	Not started	Not started	Not started
Gbosua–Gbeleyee Blein	GAI	ILRG/USAID/GAI	N	Completed	Completed	Not started	Not started	Not started	Not started	Not started

Legend:

* Draft by-laws and CLDMC election combined in LLA steps

Status:	Not started	CSO completed	Completed	Validated by LMA
	Ongoing or Initiated	Validated by LLA	Check status	may mean outstanding boundary conflicts

APPENDIX 2: QUALITY ASSURANCE AND SURVEILLANCE PLAN TRACKING

DELIVERABLE/SERVICE REQUIRED	PERFORMANCE STANDARD	AQL	PRIMARY METHOD OF SURVEILLANCE	FREQUENCY	STATUS	COMMENTS
Project Management Deliverables						
Annual Work Plans	Deliverable submitted on time	100%	Document review and approval	Annually, or when revised	Submitted	
Environment Monitoring and Mitigation Plan	Deliverable submitted on time	100%	Document review and approval	Annually, or when revised	Submitted	
Monitoring and Evaluation Plan	Deliverable submitted on time	100%	Document review and approval	Annually, or when revised	Submitted	
Quality Assurance and Surveillance Plan (QASP)	Deliverable submitted on time	100%	Document review and approval	Annually, or when revised	Submitted	
Quarterly Progress Reports	Deliverable submitted on time	100%	Document review and approval	Quarterly	Submitted	
Annual Progress Reports	Deliverable submitted on time	100%	Document review and approval	Annually		
Accrual's report	Submitted on time	100%	Submission email	Quarterly	Submitted	
Annual Inventory Report	Submitted on time	100%	Submission email	Annually		
Reporting on Foreign Taxes	Submitted on time	100%	Submission email	April 16 of each year		
Short-Term Consultant Reports, Technical Reports and Other Developed Materials	Deliverables, as needed, submitted on time	95%	Document review	Quarterly	Submitted	Community Selection Criteria and Methodology
Demobilization/ Disposition Plan	Deliverable submitted on time	100%	Document review and approval	Six months prior to contract end		
Final Report	Deliverable submitted on time	100%	Document review and approval	Contract completion		

DELIVERABLE/SERVICE REQUIRED	PERFORMANCE STANDARD	AQL	PRIMARY METHOD OF SURVEILLANCE	FREQUENCY	STATUS	COMMENTS
Technical Deliverables (TO Section F.4.2)						
Grants Manual	Deliverable submitted on time	100%	Document review and approval	90 days after award, or when revised	Submitted	
Objective 1: Communities obtain deeds to their customary land						
Criteria for the selection of target communities completed	Deliverable submitted on time	95%	Document review and approval	Year 1	Completed	
Guide for the registration of customary land (prepared under LGSA) updated	Guides updated, adhering to current land legislation and GOL guidance documentation, including forms and/or templates	95%	Deliverable reviewed and approved	By Year 3		
One costed plan for communities prepared to outline cost for completing the CLRFP per community.	Deliverable approved	95%	Deliverable reviewed and approved	By Year 3		
Training Manual finalized to outline procedures along each step of the CLRFP. The manual will be a living document and will be updated as new trainings are identified.	Scheduled as described in approved work plans(s)	95%	Project records / reports	Quarterly or annually	Planning in process	
Comprehensive evidence-based tools and processes to guide communities to complete all steps for CLRFP finalized	Scheduled as described in approved work plans(s)	85%	Deliverables reviewed/ project records / reports	By Year 3		
Organized system to track and/or store information for registered communities established (e.g., written profiles on the history and makeup of the community, governance bylaws, land use plans, maps, etc.)	Scheduled as described in approved work plans(s)	85%	Deliverables reviewed/ project records / reports	By Year 2, and updated as needed		
Advocacy plan concluded with CSWG and the MAP	Scheduled as described in approved work plan(s)	85%	Deliverables reviewed/ project records / reports / direct observation	Year 1	In process	

DELIVERABLE/SERVICE REQUIRED	PERFORMANCE STANDARD	AQL	PRIMARY METHOD OF SURVEILLANCE	FREQUENCY	STATUS	COMMENTS
Work with CSOs, grantees, and LLA to finalize a coordinated messaging unique to all communities including advocacy messages and leverage innovative channels and medium	Scheduled as described in approved work plan(s)	85%	Project records / reports	Year 1 – 4 <i>*Replicated as new communities are on ramped to the activity</i>	Ongoing	
Methods and procedures for the recruitment of new cohorts or surveyors at the GEP established.	Scheduled as described in approved work plan(s)	85%	Deliverable reviewed/ project reports / direct observation	Year 1	Ongoing discussions with USAID	
An up-to-date needs assessment for services that communities will need from the LLA at county and national level conducted	Deliverable submitted one time. Scheduled as described in approved work plan(s)	95%	Assessment report/ Deliverable review	Year 1	Draft Completed and submitted to USAID for approval	
100 New surveyors trained in modern land surveying technology from the GEP at FTI.	Scheduled as described in approved work plan(s)	85%	# of surveyors trained/ project records/ reports	By Year 4		
100 customary communities registered, and deeds obtained, or deeds at final step ready for LLA to issue	Scheduled as described in approved work plan(s)	85%	Deeds issued by LLA/ Status report of communities CLRF process/ project records/ reports	By Year 4		
Objective 2: Communities Plan and Manage Customary Land for Productive Use						
Template/model for Communities Land Use Plan finalized	Scheduled as described in approved work plan(s)	100%	Deliverables reviewed/ project records/ reports	Year 1	Planning is in process	
In collaboration with the LLA, review and update the Land Use Plan Template, relying on key lessons learned from implementations at the early stages of the program	Scheduled as described in approved work plan(s)	85%	Deliverables reviewed/ project records/ reports	Year 3		
Produce/revise/finalize community by-laws with a clear outline on mechanism to update and enforce communities land use plans.	Scheduled as described in approved work plan(s)	85%	Project records/ reports	Year 1- 4 <i>*Replicated as new communities are on ramped to the activity</i>	Currently being drafted	

DELIVERABLE/SERVICE REQUIRED	PERFORMANCE STANDARD	AQL	PRIMARY METHOD OF SURVEILLANCE	FREQUENCY	STATUS	COMMENTS
Produce a guide to layout strategies on how CLDMCs can negotiate and engage with the private sector.	Deliverable submitted on time	95%	Deliverable reviewed/ project record/ reports	Year 1	Planning is in process	
Develop a model business plan on how communities will transact with their land to the benefit of members.	Deliverable submitted on time	95%	Deliverable reviewed/ project record/ reports	Year 2		
Produce a report on the legal and political feasibility of tax incentives for companies partnering with communities on an equitable basis	Deliverable submitted on time	95%	Deliverable reviewed/ project record/ reports	Year 2		
Objective 3: Women, Youth, and Other Marginalized Populations Participate in and Benefit from Customary Land Management						
A gender / inclusion analysis developed to assess the impact of implementation on marginalized populations, including women and youth	Deliverable submitted on time	95%	Deliverable reviewed/ project record/ reports	Year 3		
An institutionalized knowledge sharing platform established for women and youth serving on CLDMCs to share experiences	Quality and accessibility of KM platform; number of people accessing the platform	95%	Monitoring platform use/ project record/ reports	Year 2		
Objective 4: Land Disputes and Grievances Resolved Appropriately through Alternative Dispute Resolution						
In collaboration with the LLA, conduct an assessment of local ADR capacity in the counties of operation and recommend a model for dispute resolution	One Deliverable per County selected	85%	Review of deliverables/ project records/ reports	Year 1 – 4 <i>*Replicated if/when new counties are on ramped to the activity</i>	Planned for next quarter	
Standard operating procedures on dispute resolutions produced in collaboration with the LLA.	Deliverable submitted on time	85%	Review of deliverables/ project records/ reports	Year 2		
In collaboration with the LLA and CSOs, support the adoption of a revised Land Dispute	Number of consultative meetings held to discuss	85%	Project records/ reports	Year 2		

DELIVERABLE/SERVICE REQUIRED	PERFORMANCE STANDARD	AQL	PRIMARY METHOD OF SURVEILLANCE	FREQUENCY	STATUS	COMMENTS
Resolution Policy that is consistent with the LLA.	draft policy; participation of CSOs/stakeholders					
Drafting and supporting the adoption of a national ADR legislation.	Number of consultative meetings held to discuss draft policy; participation of CSOs/stakeholders	85%	Review of deliverables/ project records/ reports	Year 3		
Finalize report documenting disputes presented to CLDMCs and the number of those resolved, including dispute resolution success story.	Deliverable submitted on time	95%	Review of deliverable/ project records/ reports	Year 4		

APPENDIX 3: CIVIL SOCIETY ORGANIZATION INPUTS TO THE DRAFT REGULATIONS ON THE LAND RIGHTS ACT

Inputs of Civil Society to the draft Regulations on the Land Rights Act (LRA) of 2018

Introduction

The Liberia Land Authority (LLA) shared with the CSO-Working Group on Land Reform (CSO-WGLR) draft regulations for the implementation of the Land Rights Act (LRA) of 2018.

The CSO-WGLR in turn consulted some relevant stakeholders including its international stakeholders and organized a series of technical working sessions for members of the CSO-WGLR, through which it reviewed the draft regulations.

The document contains the comments on the draft regulations that resulted from the consultation and the working sessions.

Appreciation

The CSO-WGLR acknowledges with deep appreciation the spirit of consultation and participation in decision-making on land sector governance, which the LLA has exhibited by sharing with stakeholders (particularly the CSO-WGLR) for review and input the draft regulations, which will define how the LLA will implement the LRA. Not only that, the CSO-WGLR also noted with appreciation that the LLA did a good job in covering almost all of the relevant issues that needed to be considered in regulations to ensure proper implementation of the LRA.

General Comments

The reviewed the draft regulations and make these comments on them on the basis basic principles and fundamental ground which are outlined below.

Definitions

Except for (new) words or terms not already defined in the LRA, any definition of a word or term already defined in the LRA should be verbatim – exactly as it is defined in the LRA. The definition of said word should not in way be changed or modified.

Free, Prior and Informed Consent (FPIC)

The overarching and overriding principle with which the CSO-WGLR reviewed and commented on the regulations in the principle of FPIC. The principle is that, and because it is guaranteed in and by the LRA, since the coming into (legal) force of the LRA, there is not supposed to be any interference by any person(s), group(s), institution(s) nor even the Government with the surface or use of customary land without the FPIC of the community(ies) that own the land. (LRA Article 33.3) except on two grounds:

- One, if it is a right – concession, permit, award or the like – **already granted** in the land by the Government prior to the LRA coming into force; and
- Two, if it relates to the Government's right to extract Mineral Resources from beneath the land.

With the exception of these two conditions, any act or attempt by anyone to interfere with, use, transfer, change the status of, and/or take customary land for whatever reasons without the FPIC of the community constitutes land grab, a violation of the rights of the community(ies) to their customary land(s), and a clear breach of the law.

REGULATION 5. REVOCATION

Except as to a statute or other provision of law, upon coming into force, these Regulations shall supersede any previous Regulations, Manuals, Guidelines, Policies, Instructions, or Directives of any governmental entity in respect of land in Liberia, which are inconsistent with these Regulations, to the extent of that inconsistency.

Where any provisions of these regulations share be found inconsistent with provision(s) of the LRA, the said provision(s) of the LRA shall supersede that/those of the regulations.

REGULATION 6. DEFINITIONS

The CSO-WGLR strongly suggests that the regulations do not repeat definitions contained in the LRA, and instead only need to define terms that are NOT already defined in the LRA. Article 6 can simply state that the LRA is relied on for definitions. This would – for example – prevent the regulations from repeating the mistaken definition of Government Land as including Proposed Protected Areas (PPAs)

However, where it is seen as necessary to define certain terms in the regulations, which are already defined in the LRA, then the definition should be stated verbatim, exactly as defined in the LRA. Where a definition for a term included in the regulation differs from the definition in of the same term in the LRA, the LRA definition SHALL take precedence and the different definition in the regulation shall be considered null and void.

“Community Land” means the land owned by a community and used or managed in accordance with customary practices and norms, which may include, but is not limited to residential land, wetlands, communal forestlands, and fallow lands.

This definition should be changed to what the LRA Article 2 definition: “Means Customary Land owned by a particular Community.”

“Community Member” means a Liberian citizen irrespective of age, gender, belief, or religious background who was (i) born in the community; or (ii) whose parent(s) was born within a community; or (iii) who has lived continuously within the community for at least seven years; or (iv) a spouse of a community member, both of whom reside in the community.

The community should be left with the responsibility to define in their by-laws who their community member is provided said definition shall be consistent with both their customs and tradition and does not violate the law.

“Concession” means a person who has been granted a concession by the Government.

Can a community grant to a person concession on their customary land? If not? And how does a land that community grants to a person for commercial or business operations for a specified period of years called?

“Customary Land” means Community Land owned by a particular Community.

The LRA defines the term (see LRA Article 2) as: “Means the land owned by a community and used or managed in accordance with customary practices and norms, and which include, but is not limited to residential land, farmland, communal forestlands, and fallow lands. Unless expressly stated otherwise, the term ‘Customary Land’ in this Act is inclusive of all categories set forth in Article 38(1) of this Act (i.e. LRA)”

For consistency, if the term is already defined in the LRA, the LRA definition should be used verbatim

“Days” means calendar days; however, where the day for doing an act falls on a Saturday, Sunday or public holiday, the days shall extend to the first following day that is not a Saturday, Sunday or public holiday.

In light of this definition, what is the implication if the community or an NGO/CSO exclusively or jointly carry out an act or conduct an activity (or act) on a Saturday or Sunday, for example?

“Deed of Community Lands” means the final deed that is presented to a community by the Authority to evidence community ownership of Customary Land.

In light of this definition, are there various types of deeds of which the ‘final deed’ is one type? If so, what are the different types of deeds and differentiate one from the other?

“Government Land” means land owned by the Government, including but not limited to lands on

which are located: the offices of Ministries, Agencies, and Parastatal bodies; military bases; roads; ~~ports~~; airports; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; ports; as well as Protected Areas and Proposed Protected Areas as of the Effective Date of the Land Rights Act of 2018, and must be conserved and managed for the benefit of all Liberians.

PPA on customary land remain customary / community land.

Refer to the LRA definition of Government Land. But more than that, it should be noted, that while Protected Areas – that is, land(s) gazetted prior to the effective date of the LRA – are considered as Government Land, if lands were only proposed as Protected Areas but were not gazetted prior to the coming into force of the LRA, there is no basis on which they should be excluded from the community land estate. Left alone, this article would be an arbitrary deprivation of customary property, and therefore unlawful and unconstitutional. PPA on customary land remain customary/community land.

It will be a clear act of violation of the communities' right to the principle of Free, Prior and Informed Consent (FPIC) guaranteed in the LRA (see LRA Article 33.3) that

"Any interference with or use of the surface of Customary Land requires the Free, Prior and Informed Consent (FPIC) of the Community" with two exceptions: 1) Concessions, contracts, permits and other rights previously granted in Customary Land by the Government prior to the Effective Date of this Act; and 2) subject to the Government's Constitutional right to extract all Minerals Resources, found below the surface of the land. PPAs are not rights granted by the Government prior to Effective Date of the Act nor are they Mineral Rights. PPAs are neither concessions granted prior to the LRA no Mineral Resources and therefore qualify under these exceptions. Therefore, to declare PPAs as Government Land is tantamount to land grab and a clear contravention of the LRA and violation of the protection of customary land provided for in the LRA.

“Lease” means to grant to a person or group of persons, for a term of years, the right to possession and use of the land of another in exchange for rent or other consideration.

Change the term of years to a specified period of time.

“Proposed Protected Area” has the meaning ascribed to it in the National Forestry Reform Law of 2006.

See the comment above under Government Land concerning Proposed Protect Area.

Besides, an explanation is needed regarding how the communities' rights to their customary land including right to exclude others, to possess and use, to manage and improve, and to transfer portion provided under LRA Art. 32.2. I, ii, iii, and iv and the right to FPIC (LRA Art. 33.3) will be protected and respected in automatically turning their Customary Land to Government Land.

Protected Areas (Pas) and Proposed Protected Areas (PPA)

Regulations 19.23, 19.24 and 19.25.

19.23 All lands gazetted by the requisite government ministry, department or agency as Protected Areas before the Effective Date of the Act shall not form part of Community Land.

19.24 All lands designated by the requisite government ministry, department or agency as Protected Areas, but which were not gazetted as such before the Effective Date of the Land Rights Act of 2018, shall be considered as Protected Areas.

19.25 The relevant government ministry, department or agency may negotiate with a community the conditions under which the lands in Regulation 19.24 may be gazetted as Protected Areas.

- If a land was gazetted before the LRA, then it “shall not form part of Community Land” (Regulation 19.23)

- But if the land was only designated (proposed) as Protected Areas, but which was not gazetted as such before the Effective Date of the Land Rights Act of 2018, the it shall be considered as Protected Areas. (Regulation 19.24)
- The government may negotiate with a community the conditions under which the lands in Regulation 19.24, the land which were not and have not been gazetted may be gazetted as Protected Areas.

Because a community even has the right to establish a protected area on their land (LRA Art. 38.1.f), the conditions under which community customary lands may be taken from them and turned into government land by turning them into protected area must be clearly laid out in these regulations and shall be required to comply with the rights of the community as reference above:

- LRA Art. 32.2. I, ii, iii, and iv
- LRA Art. 33.3
- LRA Art. 38.1.f, among others

“Public Land” means the land which is not presently used by the Government for its facilities and operations and is also neither private land nor customary land.

The definition of public land is a confusing and a recipe for contestation, if not conflict. Even here, the regulations do not define public land as it is defined in the LRA Art 6:

“Public Land: Means land which is not Government Land, Private Land or Customary Land.” The term therefore needs open, free and frank discussion for clarity. For now, the LRA definition should suffice.

“Spouse” means a person who is married to a Community Member under a civil, religious or customary union, or a person in any other union recognized under the marriage laws of Liberia.

It is the understanding that since a Community Member is (must be) a Liberian citizen, a spouse can only become or be considered a Community Member if s/he is a Liberian citizen. Otherwise, clarity is needed on the matter.

“Statutory Deed of Community Lands” means the instrument issued by the Liberia Land Authority to communities after the completion of a Confirmatory Survey.

Clarity is needed on whether there is a difference between a Statutory Deed of Community Lands and a Final Deed or not. (See **Deed of Community Lands above**)

7. COMMUNITY SELF-IDENTIFICATION

Regulation 7.3 The self-identification process shall cover:

- i. number of clans or other divisions;

This should be rephrased to read “number of villages, towns, clans or other divisions” as a community can be any one or groups of these units.

7.4 A person is a Community Member where that person is a Liberian citizen irrespective of age, gender, belief or religious background:

- d) is a spouse of a Community Member, both of whom reside in the community.

See comments above relating to spouse and community member.

7.8 A person who acquires membership of a community shall have the same rights, privileges and responsibilities of an ordinary member of the community according to the category in which they are.

By the use of ‘ordinary members’ of the community, is regulation suggesting there are other types of community members who are not ordinary? If so, it needs to be clarified and stated what the other types

are and what rights and limitations do they have in relation to ordinary members. If there are no other types of community members, then the use of the description ordinary member is not necessary and should be deleted.

8. IDENTIFICATION OF COMMUNITY LANDS

8.2.b The members of the community have exercised exclusive possession over the land for a period of not less than 50 years, including through farming, hunting, fishing, and other cultural, religious, social and economic activities;

The LRA Art. 32.3.ii talks about exclusive or continuous use or possession and not just only exclusive possession. So, the omitted descriptive words should be included in this regulation 8.2.b.

10. COMMUNITY SOCIAL MAPPING

10.5 The Committee shall execute the mapping exercise at minimal cost using community resources and Community Members for the exercise.

Under this regulation 10, it would be good to specify that it's not the CLDMCs job alone to conduct mapping, but that instead the CLDMC should be playing a facilitating role to ensure that mapping is done in an inclusive and participator way, one that involves as many members and sections of the community as possible.

The idea of 'minimum cost' could be subject to different interpretations and even result to abuse or exploitation

11.9 The Authority shall execute the Confirmatory Survey and Mapping exercise and shall bear the cost of the exercise.

This is good, if necessary, effort is made to enable and ensure that it is done accordingly.

12.3 A person who has a claim or interest in a Community Land, which is the subject of an intended registration or transaction, may lodge a caveat in a form specified by the Authority.

The word caveat as used in the regulations should be defined for the ordinary person to understand.

13.2 The Authority shall issue a unique identification number in respect of every Community Land, the subject of a Statutory Deed.

The numbering system should be designed such that is will be easy to identify each land by the community, clan, and county, at the minimum.

14.1 Within 14 days of the enactment of these Regulations, the Authority shall publish a notice in at least three newspapers, radio or television stations of national coverage, the website of the Authority, and the Gazette, requiring all holders of Tribal Certificates to submit their certificates to the Authority for validation within a specified period.

It should be made clear for the specified period for submission of tribal certificate to not exceed six months, at the most.

14.2 The Authority shall ensure that the notice in Regulation 14.1 is additionally circulated by the County Land Boards in all communities within their jurisdiction and employing the means ordinarily used by each community for the dissemination of comparable information.

This is good, but it must be considered whether the County Land Boards will have been established and functional in all the counties by the time the Regulations come into force, and if not, how the circulation be conducted.

14.5 The Authority and the relevant Community Land Development and Management Committee shall conduct a thorough validation process for each Tribal Certificate, including:

What will happen if the community whose land is affected has not self-identified and/or does not have a CLDMC in place? How will the vetting of the Tribal Certificate be done? How will the community participate?

14.5.b Ensuring that the Tribal Certificate was not obtained by fraud, duress or other unconscionable means;

If it is established that the tribal certificate was acquired through fraud and/or that forgery occurred, the land should revert to the community and the Criminal Conveyance Law and/or any other relevant law(s) should be invoked to prosecute the perpetrator of the fraud/forgery.

14.7 The input in Regulation 14.5 shall be generally representative of the community and shall have representation from women and other disadvantaged groups, and members of the community shall be allowed to freely voice their opinions about the Tribal Certificate.

Include youth as well as to read “representation from women, youth and other disadvantaged groups.”

14.13 For the purposes of the validation of a Tribal Certificate, development means any improvement on the land after the grant of a Tribal Certificate such as buildings, structures, commercial, and industrial or other activities that predate the coming into force of the Land Rights Act, provided that this cutoff date shall not apply to Tribal Certificates granted after the coming into force of the Land Rights Act.

First, the other activities should be specified to include life crop, life tree, cash crop. Second, it should be noted that provided the tribal certificate was not issued while the moratorium on the issuance of tribal certificates was still in force. The lawyer(s) should research the facts surrounding this issue.

15.1 A community shall hold an advertised meeting, in the way in which community meetings are ordinarily held, at which a Committee shall be selected to draft by-laws for the community, utilizing a process agreed by the community at the meeting and in accordance with the Land Rights Act and any Regulations and Guidelines issued by the Authority.

If the community meets according to their ordinary means, they could meet on Saturday or Sunday. So, what will happen in light of the definition of “Days”? What if the meeting is held with and/or organized by a CSO/NGO?

15.4 The Committee shall be representative of the community and shall have representation from minority and disadvantaged groups, including women, for whom certain incentives may be established to ensure their full and equal participation in the decision-making process.

Incentives here needs to be defined or explained now or at some point in a guideline or so in order to avoid misinterpretation, exploitation or raising of unreasonable expectations

16.3 The Committee shall be the highest-decision making body of a community in respect of land and any other matter as provided for under the community by-laws in accordance with Article 36.2 of the Act.

This provision contradicts LRA 36.2, which provides that it is the community members acting collectively that are the highest decision-making body, and not the committee. Therefore, this 16.3 should be better clarified to agree with the LRA and remove inconsistencies and ambiguity about who is the highest decision-making body.

16.7 Every allegation of misconduct made against a member of the Committee shall be inquired into by a subcommittee of the Committee established for this purpose, which shall give the member an opportunity to be heard and an opportunity to confront any accusers, and shall issue a report to the Committee.

Investigation of member(s) of the committee should be established by the community members acting collectively in line with LRA 36.2.e to avoid conflict of interest

16.8 The subcommittee referred to in Regulation 16.7 may recommend the suspension or removal of the member, or other course of action to the Committee:

- a) where the member is in violation of these Regulations or the community by-laws; or
- b) where the member has engaged in corruption, has been negligent or incompetent in the discharge of their duties; or
- c) any other reasons provided in the by-laws.

See comments under 16.7 above in relation to LRA Art. 36.2.a

16.10 The functions of the Committee shall include:

- k. taking decisions in respect of the Community Land in accordance with the customs, traditions and practices of the community;

Provided said customs, traditions, and practices conform to the LRA, and are captured or referenced in the community's by-laws to ensure predictability and fairness

16.11 All decisions of the Committee shall be by consensus.

The by-laws should define what is meant by consensus by or for the community.

16.12 Members of the Committee may not be compensated for their services to the community, save for reimbursement of reasonable expenses incurred in the ordinary conduct of the business of the Committee.

The by-laws should define what reimbursement of reasonable expenses mean

17. COMMUNITY EDUCATION AND CAPACITY BUILDING

17.3 The training program for the community shall cover matters including but not limited to the following:

18. COMMUNITY LAND USE AND MANAGEMENT

18.1 A Community Land Development and Management Committee shall perform various land use and management functions including:

- a) allocating land for agricultural, residential, commercial, industrial and mining use, cultural shrines and heritage sites, protected areas, forest land, and any other uses the community may deem appropriate, as provided for in the LRA;

18.4 Notice of each meeting shall be given at least four times each week before the date of the meeting, using the local language of the community between the hours of 8am and 6pm and employing the means ordinarily used by the community for the dissemination of comparable information.

The time (i.e. for giving notice for meeting) should left to each community to decide according to their customs and traditions and referenced in their by-laws

18.6 The Committee shall at the first meeting, discuss generally the purpose of the meeting and begin to identify the parameters for arriving at the decision to reserve up to a maximum of 10 percent of Community Land to be held as Community Public Land depending on the size of available land.

Add the word, phrases and/or conditions added and colored blue.

18.7 No later than one month after the first community meeting, the community shall convene in various ward-based and identity groups, including women, youth, and persons with disability, to discuss and arrive at a general consensus on the various parameters for reserving 10 percent of Community Land to be held as Community Public Land, including:

It should state, "No later than one month after the first community meeting, the community shall convene in various ward-based and identity groups, including women, youth, and persons with disability, to discuss and arrive at a general consensus on the various parameters for reserving up to ten percent

of Community Land to be held as Community Public Land”. Because the LRA specifies 10% as a maximum, and the community can therefore specify less than 10%, including none (0%), if they so decide.

- h) the suitability of the site, including consideration for natural hazards such as flooding, earthquake, cyclone, subsidence, slip, drainage, and erosion, etc.;

18.10 At the close of the final meeting referred to in Regulation 18.9, the consensus arrived at by the community shall serve as the basis for the reservation of 10 percent of Community Land to be held as Community Public Land.

Should say “At the close of the final meeting referred to in Regulation 18.9, the consensus arrived at by the community shall serve as the basis for the reservation of up to a maximum of ten percent of Community Land to be held as Community Public Land”

19. CATEGORIES OF COMMUNITY LAND USE

Community Mining Lands

19.17 No government ministry, department or agency shall authorize any person to conduct mining activity on Community Mining Land without prior consultation with the community.

No government ministry, department, or agency shall authorize any person to conduct mining activity on Community Mining Land without the free, prior and informed consent (FPIC) of the community.

Community Protected Lands

All lands gazetted by the requisite government ministry, department or agency as Protected Areas before the Effective Date of the Act shall not form part of Community Land.

Comments on Regulations 19.23 – 19.30 on Community Protected Lands need serious amendment, not least because most of it adds little or nothing to the LRA itself. Of particular concern:

Regulation 19.23 is **not** needed in the LRA regulations. Headline statements on tenure types and what they include and what they do not include is the job of the LRA, **not** its regulations.

If some version of Article 19.23 is insisted on by the LLA, then the need to ensure constitutionality dictates that there should be scope for communities to contest the lawfulness of the assumption that the gazettement of those protected areas extinguished all pre-existing customary property rights, because that assumption is not necessarily safe in all cases. It would be unconstitutional to prevent a community from defending a legitimate property right in or interest over any land, gazetted or otherwise.

This approach is supported by the general public policy that the LRA represents, which is that protected areas should be considered a land-use type that can be supported on community, private or government land, and therefore should not be specific to any single tenure type. i.e. there’s no longer public policy basis for the legal contention that protected areas should be government land, as it is accepted that community land can contain community protected areas – see article 19.29 of the regulations for example.

As such, if this is included at all, it would have to say something like: “All lands gazetted by the requisite government ministry, department, or agency as Protected Areas before the Effective Date of the Act shall not form part of Community Land, except for areas where pre-existing customary rights of communities were not lawfully extinguished by the act of gazettement.

19.24 All lands designated by the requisite government ministry, department, or agency as Protected Areas, but which were not gazetted as such before the Effective Date of the Land Rights Act of 2018, shall be considered as Proposed Protected Areas.

Regulation 19.24 is arguably unconstitutional: “All lands designated by the requisite government ministry, department, or agency as Protected Areas, but which were not gazetted as such before the

Effective Date of the Land Rights Act of 2018, shall be considered as Protected Areas.” **This must be deleted.** If they were not gazetted, there’s no basis on which they should be excluded.

This provision of the regulation (for example 19.24) is trying to elevate PPAs to the status of PAs without due process, particularly the principles FPIC of affected community/ies, thereby violating the LRA by ignoring community’s customary rights to their lands. LRA 33.3 requires the FPIC of communities for any interference with the surface or use of community customary land, save for rights already granted prior to the LRA’s coming to force in Government’s right to Mineral Resources.

19.23 The relevant government ministry, department, or agency may negotiate with a community, the conditions under which the lands in Regulation 19.24 may be gazetted as Protected Areas.

Should read: The relevant government ministry, department, or agency shall negotiate with the relevant community(ies) the conditions under which the lands in Regulation 19.24 or Proposed Protected Areas shall be gazetted as Protected Areas subjected to the Free, Prior and Informed Consent (FPIC).

The reason is that since the passage of the LRA, communities have rights to their customary lands and that right must be protected under the law as such.

20. COMMUNITY MANAGEMENT OF NATURAL RESOURCES

Regulations 20.1 – 20.76 is mainly about concessions, and seems strangely rooted in the pre-LRA concession model, whereby rights in land were granted by the government. Is the intention of the regulation to ‘regulate’ only new concessions on community land, or also concessions that were granted before the LRA? It’s not precisely clear.

Post-LRA, the situation should be that it is for communities to decide whether to lease their land to private companies or not, and if so, instead of the regulation speaking of compensation and benefit sharing, it should be referring to land rental and other terms and conditions negotiated and agreed by the community with the company in the form of a lease.

Information on Impending Concessions

20.1 A Community Land Development and Management Committee shall at all times liaise with all relevant governmental entities involved in the grant of concessions for any information related to their Community Land.

Should continue from the end – Land – to add: provided the relevant government entities shall first publicize the information about the pending concession in relevant newspapers, radio stations, and public notices with coverage in and accessible to and in the relevant communities and through relevant websites.

20.4 The subcommittee may co-opt any number of experts, as may be needed to assist the subcommittee in all of the processes leading up to the community negotiation positions, and for the purposes of negotiations with the concessionaires.

What will happen if and when the need for expert(s) arise(s) but the community cannot afford the cost of bringing such expert on board and no CSO/NGO is working with the community to provide or play such an expert role, what will the LLA do to assist the community with necessary expert advice (e.g. similar to how the Public Defender system works in court process) so that they can be properly guided to assist them make informed decisions on the issue at hand.

20.9 At the start of the public hearing, the subcommittee, with the assistance of such experts as the subcommittee deems necessary, shall present to the meeting in simple, effective, non-technical language, the essence of the key provisions in the concession agreement, and in particular the economic, social, environmental, cultural, and other impacts on the community of the undertakings implicated by the concession.

Replace concession agreement with **impending concession** to show that the concession in question is a proposed and NOT a concession already signed.

20.10 The community shall freely deliberate on the presentation of the subcommittee, assess the terms of the concession, and possibly revise the community negotiation position

Should be stated as “The community shall freely deliberate on the presentation of the subcommittee, assess the terms of the impending concession, and possibly revise the community negotiation positions. Basically, qualify the concession by the description impending for the same reason stated above under regulation 20.9.

GOVERNANCE, MANAGEMENT AND ADMINISTRATION

20.12 The subcommittee shall, based on the revised community negotiation positions, and having regard for the best interests of the community, negotiate on behalf of the community, an agreement with the concessionaire which shall include:

- n) a minimum of five percent carried interest collectively owned by the community;

The regulation needs to say clearly what the 5% undiluted free carried interest means, how it will be determined overall and per community and at what frequency or point and/or manner it will be provided to the community (LRA Article 48.3)

Also, add (y)) 20.12.y) after the x) to the following: Concessionaire policy, investor policy, and other national and international standards applicable to the concessionaire

The free, prior and informed consent of the community shall be sought by the concessionaire before the commencement of concession activities and shall in particular:

20.13 The free, prior and informed consent of the community shall be sought by the concessionaire before the commencement of concession activities and shall in particular:

- a) be obtained without coercion, intimidation, manipulation, fraud or bribery;

Undue influence should be added to read: be obtained without coercion, undue influence, intimidation, manipulation, fraud or bribery;

20.15 Where a community lacks the expertise to effectively negotiate the agreement, the concessionaire shall provide financial or other resources for the procurement of the necessary expertise in a timely and effective manner and the concessionaire shall not determine directly or indirectly the experts for the community, in order to avoid conflict of interest.

The free, prior and informed consent (FPIC) of the communities as provided for in the LRA should take precedence in the case of disagreement between a pending concessionaire and the community.

Based on the above, Regulation 20.15 should read “Where a concessionaire and a community fail to arrive at an amicable agreement the concessionaire shall respect the decision of the community and will not proceed with any activities on the customary land in question” in keeping with their right to FPIC.

21. ESTABLISHMENT OF DISPUTE RESOLUTION SUBCOMMITTEE.

21.1 A Community Land Development and Management Committee shall establish an alternative dispute resolution body called a Dispute Resolution subcommittee, which shall be reflective of the community, and shall have the requisite balance of representation along the lines of gender, disability, and traditionally underrepresented groups.

Add age after gender

21.2 The subcommittee shall have jurisdiction to receive, hear and determine any dispute in respect of the Community Land.

Add the before the community

22. COMPOSITION OF THE SUBCOMMITTEE

22.2 The subcommittee shall comprise the following persons:

a) Chairperson;

Safeguards needs to be put in place to ensure that women are able to serve in such other capacities or positions as chairperson and/or secretary and not just be mere members or treasurer as the case was predominantly in the forestry sector/CFDC?

Additionally, enabling conditions need to be created or promoted that women are able to head some of the subcommittees that the community will set up so that if only the heads of subcommittees are called to a process/event (e.g. training or meeting)s, at some women can be to be at the table, and not an all-men headed subcommittees

22.5 A person shall only be eligible for appointment as a member of the subcommittee if that person:

a) is above the age of eighteen years;

If above 18 years is the minimum age a community member must attain in order to qualify for appointment as a member of the subcommittee, is there another situation where a community member 18 years or less is eligible to participate in the activities of the CLDMC or the collectivity of the community for decision making? Or is not being more than 18 years an automatic disqualification for participation in the community's land matter? In other words, what is rational for stating more than 18 years as a precondition for a community to be appointed to the subcommittee?

23. QUORUM OF MEETINGS

23.3 The subcommittee shall, as far as practicable, arrive at decisions by consensus, and where the subcommittee is unable to arrive at a decision by consensus, they shall decide it by a simple majority vote

Why not by significant majority and why not apply said principle to other areas of decision making (e.g. other committees, the CLDMC, and the collectivity of the community members, that is, across the board)?

23.4 Where there is a tie in a vote, the Chairperson for the time being shall have a casting vote, in addition to the original vote of the Chairperson.

See comments above under 23.3

25. SUBMISSION OF DISPUTE

25.3 Where the complainant confirms the record, they shall place their mark thereon, such as a signature or thumbprint, evidencing verification of the contents.

Where the complainant is non-literate, to ensure that what s/he is placing his/her mark on is correctly what the secretary has read, provision should be made to allow the complainant to request a literate member of the community or trusted other to also read and confirm it and append his/her mark on it as well as a witness

25.5 The complaint shall set forth clearly:

d) the names and particulars of witnesses the complainant intends to call to testify in support of their case; and

There is a possible risk that if the person complained is a powerful person and s/he gets to know the identity of the witnesses well in advance of hearing the complaint, s/he (they) could temper with the complainant(s) to back off. Why not withhold the identity of the witness(es) until when they are needed to testify?

26. HEARING OF DISPUTES

26.1 In resolving disputes, the subcommittee and its members shall:

q) generally, comply with the principles and protections enshrined in national and international human rights instruments such as;

The capacity building training for the community and/or CLDMC should cover these principles and protections to equip the committee and the communities in the proper understanding and application of said instruments

27. DETERMINATION OF DISPUTE

27.1 The subcommittee shall use the applicable customary law of the community in the determination of a dispute

As referenced in the community's by-laws should be added to read as follows: The subcommittee shall use the applicable customary law of the community, as referenced in the community's by-laws, in the determination of a dispute

Appeals from Dispute Resolution subcommittee of the Community Land Development and Management Committee to County Land Dispute Resolution Officer

27.9 The subcommittee shall keep a true and faithful record of all proceedings of the subcommittee and transmit copies to the County Land Dispute Resolution Officer after a decision is reached on each case.

The subcommittee should transmit/submit copies to the CLDMC and for the CLDMC to in turn transmit copies to the County Land Dispute Resolution Officer

28. RIGHT TO APPEAL

85.5 The appeal shall ordinarily be made in writing, but where a person is unable to write out their appeal for submission, they may present their appeal orally to the County Land Dispute Resolution Officer, who shall write down in detail the entire appeal, and read back, translate and explain the contents of the appeal as recorded so that the person lodging the appeal may confirm, deny or correct the record.

There should be safeguard to ensure that what the CLDR Officer reads, translates and explains to the person making the appeal is exactly what is written by the officer. (See comments under 25.3 above: Where the complainant is non-literate, to ensure that what s/he is placing his/her mark on is correctly what the secretary has read, the complainant shall have the right to request a literate member of the community or trusted other to also read and confirm it and appendix his/her mark on it as well as a witness)

29. COUNTY LAND DISPUTE RESOLUTION OFFICER TO HEAR APPEAL

29.4 At any stage of hearing the appeal, the County Land Dispute Resolution Officer may on his or her own, or at the request of a party to the appeal, summon any person to attend to give evidence, or to produce any document in his or her possession.

Add s to the person.

29.8 In hearing the appeal, the County Land Dispute Resolution Officer shall:

a) apply the relevant customary law;

Add at the end: as indicated or referenced in the by-laws of the community

d) recuse himself or herself where he or she has an interest in the proceedings;

If s/he recuses himself/herself, then who sits in his/her stead?

q) generally, comply with the principles and protections enshrined in national and international human rights instruments such as: I - ix.

The qualification for the CLDR Officer should include education, knowledge and/or relevant experience in the relevant national and international human rights instruments

30. DETERMINATION OF APPEAL

30.4 The County Land Dispute Resolution Officer shall communicate his or her decision to the parties in a language and manner understandable to the parties, and shall make available to the parties the record of proceedings, if they so wish

For the County Land Dispute Resolution Officer to make available to the parties the records of the proceedings should not be if the parties wish, but an obligation for the officer to provide same to them.

32. COMPOSITION OF THE COMMITTEE

32.2 The Committee shall comprise:

and

- e) at least two other persons, and where applicable, no more than half of whom shall belong to the same gender, and who will serve as members of the Committee

There should be provisions for the committee to include civil society representative(s) or slot(s)

37. COMMITTEE TO HEAR APPEAL

Where will the committee hear the appeal? Ideally, it should be in the county from where the appeal originates to avoid logistical and/or other hindrances to appearing of persons cited and/or visits to the land or community in question. Ideally, the hearing should be held as close as possible to community the appeal concerns.

JUDICIAL REVIEW OF DECISION OF THE DISPUTE RESOLUTION COMMITTEE OF THE LIBERIA LAND AUTHORITY BY THE CIRCUIT COURT

39. JUDICIAL REVIEW OF DECISION OF THE DISPUTE RESOLUTION COMMITTEE OF THE LIBERIA LAND AUTHORITY BY THE CIRCUIT COURT

39.2 A person shall ensure that they have exhausted all administrative processes for the resolution of their case within the Liberia Land Authority, before making an application for Judicial Review.

It should be added to the above, after the Review: provided that the administrative processes are those described herein including the appeal to the Authority's Dispute Resolution Committee.

39.3 A person may bring an application for Judicial Review of a decision of the Committee on the following grounds:

- f) unjustified denial of an opportunity to give evidence;

The idea of unjustified denial vs justified denial needs to be defined and/or explain to be clear and subjected to individual interpretation and abuse.

39.4 A person seeking Judicial Review of a decision of the Committee shall a Petition **for** Judicial Review within one month from the date of the decision against which the Review is sought

Change the 'for' to file.

41. APPEAL TO THE SUPREME COURT FROM A DECISION OF THE CIRCUIT COURT ON JUDICIAL REVIEW

41.2 The Authority shall monitor disputes and dispute resolution processes, generate learning from these and feed the results in the policy reform for the purpose of preventing and minimizing disputes, and to improve dispute resolution processes

Delete the 'the' before policy reform to read: The Authority shall monitor disputes and dispute resolution processes, generate learning from these and feed the results in policy reform for the purpose of preventing and minimizing disputes, and to improve dispute resolution processes.

PART III- INVENTORY OF GOVERNMENT LANDS

42. IDENTIFICATION OF GOVERNMENT LANDS

42.1.1 For the purposes of this Regulation, Government Land includes:

e. lands identified as Protected Areas or those used or set aside for parks, reserves for flora and fauna, forests and watersheds, and other areas necessary to maintain ecological balance or environmental protection, as determined and certified by the relevant government agency

Regulation 42.1(e) is problematic for similar reasons, which states that Government Land includes: "lands identified as Protected Areas or those used or set aside for parks, reserves for flora and fauna, forests and watersheds, and other areas necessary to maintain ecological balance or environmental protection, as determined and certified by the relevant government agency".

While there is a legal argument that Protected Areas may be Government Land (though as above, there should be a route for contesting this where gazettment did not lawfully extinguish pre-existing customary land rights and interests). The working group doesn't think there is any legal basis for the rest of this sub-article which could lead to ambiguity – what areas of land were used or set aside in those ways and which were not gazetted as protected areas?

The definition of Government Land should be in sync with the LRA definition of Government; for example, 42.1. f, (e.g. lands used for religious, charitable, or educational purposes, cultural in and/or by communities or local or national NGOs) cannot automatically qualify and be considered as Government Land

It might be useful to insert something like the following although not really material for a Regulation -

The Forest Development Authority and the Environmental Protection Agency (EPA) shall work closely with communities to formulate and institute basic conditions under which Liberian communities are encouraged and assisted to identify important natural resource areas within their community lands or customarily associated public land areas to be designated as Community Protected Areas, and subject to monitoring by the appropriate state authority.

42.3 Within one month of the coming into force of these Regulations, the Authority shall request all government ministries, departments and agencies to provide a detailed report on all Government Lands within their mandate and as defined in Regulation 42.1.

What if by this time some of the communities whose lands might be affected by this exercise had not been self-identified? How will they participate in this exercise, for example, in challenging any of the claims, where necessary?

42.5 The report shall be submitted to the Authority within three months of the request, unless an extension is granted by the Authority.

The Authority should be required and able to publish and disseminate the report so that the respective countries and communities can access them as a safeguard to ensure transparency.

43. SURVEY OF GOVERNMENT LANDS

43.1 The Authority shall conduct a survey to confirm the data on the lands identified by the government ministries, departments and agencies under Regulation 42.4.

See comments above under 42.5

43.7 The Authority shall make announcements in English and in at least two local languages on radio

stations with national coverage and on local radio stations, to the effect that the details of Government Lands surveyed are available at the local County Land Board for assessment by the public

Add to the provision after the 'radio stations', and before the 'to' "provided no major local language spoken in the county of concerned is left out"

44. PROBATING, REGISTRATION AND DEEDING

45.4 The Government of Liberia shall, on behalf of the government ministry, department or agency to which ownership and control has been assigned by the Authority, have the same rights and responsibilities for the land as a private land owner.

Add at the end, after 'owner' the following: "provided government land remains as it is defined in the LRA."

APPENDIX 4: CIVIL SOCIETY INPUTS TO THE SEVENTH (7TH) AND FINAL DRAFT OF LRA REGULATIONS

CIVIL SOCIETY INPUTS TO THE SEVENTH (7TH) AND FINAL DRAFT OF LRA REGULATIONS

Liberian civil society organizations (CSOs), under the auspices of the CSO-WGLR, reviewed the 7th and Final draft of the Regulations for the implementation of the Land Rights Act (LRA) of 2018 of Liberia.

These inputs are the result of the review. They include comments, concerns, and suggestions or recommendations to ensure alignment of the regulations with the letter and spirit of the LRA with particular attention to full recognition, respect and protection of the customary land rights of indigenous and/or local communities as per the LRA.

General overview

Apart from the preamble, the draft regulations consist of the following:

- Three (3) parts;
- Forty-five (45) regulations, each with sub-regulations or sections
- Part I: General Provisions – comprises of 6 regulations, from 1 to 6
- Part II: Community Lands – comprises of 35 regulations, from 7 to 41
- Part III: Inventory of Government Lands – comprises of 4 regulations, from 42 to 45

The six (6) regulations that part one, General Provisions, focuses on are: (1) Citation; (2) Purpose; (3) Commencement; (4) Coverage; (5). Revocation; and (6) Definitions

The 35 regulations that part, Community Lands, focuses on are clustered under x thematic areas:

- **Survey, Mapping and Registration.** Eight (8) regulations are covered under this thematic area, from regulations 7 to 14: (7) Community Self-Identification; (8) Identification of Community Lands; (9) Determination of Community Boundaries; (10) Community Social Mapping; (11) Confirmatory Survey and Mapping; (12) Investigation; (13) Probating, Registration and Deeding; (14) Tribal Certificates.
- **Governance, Management and Administration.** Three (3) regulations are covered under this thematic area, from regulations 15 to 17: (15) Community By-Laws; (16) Community Land Development and Management Committees; and (17) Community Education and Capacity Building.
- **Land Use and Management.** Three (3) regulations are covered under this thematic area, from regulations 18 to 20: (18) Community Land Use and Management; (19) Categories of Community Land Use; and (20) Community Management of Natural Resources
- **Dispute Resolution and Judicial Review in Respect of Community Lands.** Seven (7) regulations are covered under this thematic area, from regulations 21 to 27: (21) Establishment of Dispute Resolution subcommittee; (22) Composition of the subcommittee; (23) Quorum of Meetings; (24) Tenure of Members; (25) Submission of Dispute; (26) Hearing of Disputes; and (27) Determination of Dispute.

- **Appeals from Dispute Resolution subcommittee of the Community Land Development and Management Committee to County Land Dispute Resolution Officer.** This thematic area covers three (3) regulations, from 28 to 30: (28) Right to Appeal; (29) County Land Dispute Resolution Officer to Hear Appeal; and (30) Determination of Appeal.
- **Appeals from County Land Dispute Resolution Officer to Dispute Resolution Committee of the Authority.** This thematic area covers 8 regulations, from regulation 31 to 38: (31) Establishment of Dispute Resolution Committee; (32) Composition of the Committee; (33) Quorum of Meetings; (34) Tenure of Members; (35) Right to Appeal; (36) Lodging of Appeal to Committee; (37) Committee to Hear Appeal; and (38) Determination of Appeal.
- **Judicial Review of Decision of the Dispute Resolution Committee of the Liberia Land Authority by the Circuit Court.** This thematic area covers 3 regulations, from regulation 39 to 41: (39) Judicial Review of Decision of the Dispute Resolution Committee of the Liberia Land Authority by the Circuit Court; (40) Appeal to the Supreme Court from a Decision of the Circuit Court on Judicial Review; and (41) Training on Dispute Resolution and Judicial Review in respect of Community Lands.

Finally, the last and third part of the regulations, titled ‘Inventory of Government Lands’ comprises of 4 regulations, from ranging regulations 42 to 45: (42) Identification of Government Lands; (43) Survey of Government Lands; (44) Investigation; and (45) Probating, Registration and Deeding.

The committee that worked on document made a total of 30 general comments that include recommendations, requests, concerns, and/or questions for clarity. The committee placed each comment immediately under the regulation it is related to. The comments are blue font to easily distinguish them from the draft text of the regulation(s) that the comments are related to in the document.

The comments highlight with orange background requires further reflection for a bit of clarity and/or strengthening.

To keep the document brief, we can delete the regulations themselves and keep the comments since each comment names or references the particular regulation it speaks to. We could also, for the very reason, delete or remove the number of the comment but keep the number of the regulation such as:

- Change **Comment 1 on R 2** to **Comment on R 2**
- Change **Comments 2 on R 4** to **Comments on R 4**
- Change **Comment 7 on R 11.1** to **Comment on R 11.1**
- Change **Comment 8 on R 11.5** to **Comment on R 11.5**

By keeping the regulation number, it makes it easy to refer to specific regulation in the draft.

- I. **Regulation 2:** Purpose. “The purpose of these Regulations is to provide for the implementation of the Liberia Land Rights Act of 2018.”

Comment 1 on R 2²: To provide what? Standards, Guidelines and/or Procedures? It is suggested that this regulation states what is provided because it seems unclear or incomplete as stated.

2. Regulation 4: Coverage.

“These Regulations cover the conduct of Confirmatory Surveys to Identify, Inventory, Map, Probate and Register the Community Land Claims of Communities; the process for Communities to Set Aside as Public Land a Maximum of Ten Percent (10%) of Community Land in each Community; Best Practices for Community Negotiations over Concessions; Dispute Resolution and Judicial Review in respect of Community Land; and the Inventory of Government Land and Harmonization of its Boundaries.”

Comments 2 on R 4:

- 2.1 This regulation should also mention or add to list of areas covered by the regulations other key areas or steps in the formalization of customary land including, notably, community self-identification (CSI) and participatory land use planning.
- 2.2 For the sake of clarity and consistency, any provision of the regulations that mentions or talks about the customary land that a community may decide to set as a Public Land should always include ‘depending on the amount of available Customary Land’ and up to a maximum of ten percent (10%) to be sure it is consistent with LRA at article 37.3.

3. Regulation 6: Definitions

- 3.1. **“Affected Persons”** “means a person or group of persons to be resettled under a Resettlement Plan, or otherwise affected by the operations of a concessionaire.”

Comment 3 on R 3.1: The regulation should not reflect or talk about only those affected by concession operations, but also other equally relevant issues, for instance, such as those affected (and/or may be affected) by eminent domain, protected area, etc.

- 3.2. **“Benefit Sharing Plan”** “means the plan by which all benefits to the community arising from concessions are allocated to members of the community.”

Comment 4 on R 3.2: The regulation should not be limited to concessions but also other environmental and natural resources use and/or management (i.e. carbon credits)

3.3 “Government Land” “means land owned by the Government, including but not limited to lands on which are located: the offices of Ministries, Agencies, and Parastatal bodies; military bases; roads; ports; airports; public schools and public universities; public hospitals and public clinics; public libraries and public museums; public utilities; ports; as well as Protected Areas and Proposed Protected Areas as of the Effective Date of the Land Rights Act of 2018, and must be conserved and managed for the benefit of all Liberians.”

Comment 5 on R 3.3: A Proposed Protected Area (PPA) not yet gazetted cannot and should be equated to the status of Protect Areas that were already prior to the Effective Date of the LRA. All and any portion of PPA that falls on and within the limits of the Customary Land of a community should be treated as part of the Community Land until gazetted and the process of gazetting such land should process in according with the principles of Free, Prior and Informed Consent (FPIC) to seek and obtain the consent or FPIC of the affected community.

This will be consistent with the LRA, Article 33.3 which provides, verbatim:

“Save for Concessions, contracts, permits and other rights previously granted in Customary Land by the Government prior to the Effective Date of this Act, and subject to the Government’s Constitutional right to extract all Mineral Resources found below the surface of

² R 2 stands for regulation 2. Going forward, the use of R followed by a number means the regulation number (e.g. R 5 meaning regulation 5, R 7.12 meaning regulation 7.12 and so on)

the Land, **any interference with or use of the surface of Customary Land require the Free, Prior and Informed Consent (FPIC) of the Community.**”

Proposed Protected Areas do not clearly fall into the category of Concessions, contracts, permits and other rights previously granted in Customary Land by the Government prior to the Effective Date of this Act (i.e. LRA) neither do they fall within the category of Mineral Resources.

Therefore, PPA should be removed and/or deleted this regulation as part of land that qualify as Government Land.

4. Regulation 10: Community Social Mapping

Regulation 10.15: “The Authority shall issue guidelines on how a Committee is to make a record of all Community Lands in Regulations 10.3 and 10.4.”

Comment 6 on R 10.15: A reasonable timeframe within which the guidelines mentioned above should be specifically stated in months. For example, the timeframe can be stated as two (2) months or (3) months as of the coming into effect of these regulations. Otherwise, it will be subject to the Authority’s discretion with not tangible basis of holding the Authority accountable for delaying the issuance of said guidelines and it could adversely affect the performance and accountability of the Committee.

5. Regulation 11: Confirmatory Survey and Mapping

Regulation 11.1. “The Authority, in collaboration with a Community Land Development and Management Committee, shall conduct a Confirmatory Survey and Mapping exercise for all Community Lands in order to confirm the community social mapping exercises conducted by communities under Regulation 10.”

Comment 7 on R 11.1: Who pays the cost for the confirmatory survey and mapping exercise of the communities? Even though Regulation 11.10 provides that these exercise(s) will be at no cost to the communities except contribution of their participation, it is still recommended that for any activity the cost will be borne by the Authority, it should be plainly and unambiguously stated at the appropriate place within and throughout the regulations in order to avoid ambiguity, guess work, abdication of responsibility, and/or the exercise of undue discretion on the part of the Authority.

6. Regulation 11.5: “Upon the determination of Community Land boundaries and the conduct of a Confirmatory Survey and Mapping exercise, the Authority shall produce a detailed map of the Community Lands within two months of the Confirmatory Survey.”

Comment 8 on R 11.5: Is the timeframe of two months realistic? Will the authority have the required resources including financial, technical, human and/or logistical to perform this task within the timeframe stipulated? And, as a follow-up, what happens if the Authority fails to fulfill this responsibility within the timeframe? It is suggested that realistic timeframes be provided for activities that will be implemented, taking into account the required resources including political will as well as what should happen if the Authority reneges or simply does not do its duty within the time provided for.

For example, in the case of concession agreements that the Government of Liberia has signed with concessionaires, the agrees that its failure to do certain things within certain time grants the concessionaire(s) the right to move ahead with its part of the obligation. In the case of resettlement, for example, if a concessionaire or

“Investor by Notice to the Government request that certain settlements be relocated if Investor can demonstrate to Government’s reasonable satisfaction that such existing settlement and its inhabitants would impede Investor’s development of the Concession Area and would interfere with Investor Activities, Government’s satisfaction shall be conclusively deemed if within 90 days of submission of such Notice, Government has not indicated a decision to withhold approval of

such resettlement by Notice pursuant to the Agreement.” (Article 4.3, Golden Veroleum Liberia (GVL) Concession Agreement (CA), September 2, 2010).

7. Regulation 11.7: “The Committee shall participate in the Confirmatory Survey and Mapping by the Authority and shall certify the output before it is lodged in the paper-based and digital inventory.”

Comment 9 on R 11.7: What is the mechanism by which the Committee (CLDMC) shall ‘certify’ the output of confirmatory survey? The regulations should provide for said mechanism for the sake of clarity and certainty.

8. Regulation 11.8: “The Authority shall not effect any change in the results of the Confirmatory Survey including but not limited to ownership, interest in, demarcation of, or use of the land, without prior consultation with the relevant Committee.”

Comment 10 on R 11.8: Rather than leave this to a relevant Committee to handle and decide, it is recommended that said consultation be held with and meet the consent of “**the community acting collectively.**” The rationale is to make sure that critical decisions that a committee will make on behalf of the Community meets to approval of the Community as a whole and as may be prescribed in their By-laws and Constitution.

9. Regulation 11.10: “The Confirmatory Survey and Mapping exercise shall be at no cost to the communities, although they shall contribute their time and participation to the”

Comment 11 on R 11.10: Add to the end of the statement to read as ... ‘although they shall contribute their time and participation to the **exercise(s).**’

10. Regulation 12: Investigation.

11. Regulation 12.4: “The Authority shall not accept the caveat unless the caveator has made an undertaking in a form specified by the Authority, verifying the truth of the claim stated in the caveat.”

Comment 12 on R 12.4: This assumes the prevalence of legal or paralegal technical expertise available in all parts of the country; or the presence of the Authority, i. e. the county land boards? This could be problematic where such expertise may either not available at all or not sufficient in some cases.

12. Regulation 12.6: “The County Land Dispute Resolution Officer shall conduct a hearing to determine the caveat and shall submit a report to the County Land Administrator, who may affirm or disaffirm the recommendations of the County Land Dispute Resolution Officer, with or without emendations.”

Comment 13 on R 12.6: Who is the County Land Dispute Resolution Officer (CLDRO)? Who appoints him/her? What are the criteria for appointment of the CLDRO?

13. Regulation 12.7: “An appeal from a decision of the County Land Dispute Resolution Officer shall lie to the Dispute Resolution Committee of the Authority.”

Comment 14 on R 12.7: Do we have a Dispute Resolution Committee at the county land offices? Or only at the Head office of the Authority? If so, we might be creating a bureaucracy whereby some 15 Officers or cases arising from them are stuck in one central office.

14. Regulation 13. Probating, Registration and Deeding

15. Regulation 13.1 “The Authority shall prepare and issue a Statutory Deed of Community Lands in the name of the community within one month after the publication of the detailed map under Regulation 11.5, or within one month of the termination of an investigation process.”

Comment 15 on R 13.1: Again just to clarify to what extent is this process going to be decentralized? Or centralized? And also, about whether the reasonableness of timeframe has been well thought

through, considering the bureaucratic, logistical and other things that can affect the timely performance of government-related agencies.

16. Regulation 13.9: “The Deed of Community Lands shall be in a form specified by the Authority and shall be signed in triplicate by a majority of Commissioners of the Authority, including the Chairperson of the Commission, or in the absence of the Chairperson, a person acting in the stead of the Chairperson.”

Comment 16 on R 13.9: What does ‘majority of commissioners of the Authority’ here means? Simple majority or a two third majority? It might be helpful to state or define exactly that the majority or type of majority means here.

17. Regulation 14. Tribal Certificates

Comment 17 on R 14: How is this section TC in line with the previously referred to as an earlier Consultancy on validation and vetting of TCs – just for reference?

18. Regulation 14.1: “Within fourteen days of the coming into force of these Regulations, the Authority shall publish a notice in at least three newspapers, radio or television stations of national coverage, the website of the Authority, and the Gazette, requiring all holders of Tribal Certificates to submit their certificates to the Authority for validation within a specified period.”

Comment 18 on R 14.1: Will the 14 days apply nationwide simultaneously or by phases or regions as earlier suggested in the validation and vetting of TCs. If this is going to be nationwide at the same, has the capacity of the Authority with respect to meeting the resource requirement and logistical challenges to collect and document all TCs in all counties at the same time within the specified 14 days been considered? It is better to promulgate regulations that are realistically implementable than to do so only to start given excuses upon excuses on account of factors that should be well considered based on experience and realities. Better *under-promise and over-develop than over-promise and under-development*. Accountability will be demanded based on expectation raised.

19. Regulation 14.6. “For the purposes of assisting with the validation of Tribal Certificates, a Community Land Development and Management Committee shall summarize the key provisions of every Tribal Certificate submitted for validation; effectively communicate the summarized information to members of the community; collate views, reactions, comments, queries and other input from the community in respect of a Tribal Certificate; and transmit all the inputs to the Authority to assist in the validation of the Tribal Certificate.”

Comment 19 on R 14.6: The tasks here assigned to the CLDMCs sounds very comprehensive and may entail some costs: as there is no regulations or provisions – known to us – for funding of the CLDMCs and their work – how will the cost of their operations – stationery for recording of TCs for example, be mobilized and/or provided?

20. Regulation 14.8. “Authority shall, where the terms of the Tribal Certificate have been validated, issue a Deed covering the said Certificate.”

Comment 20 on R 14.8: Within what timeframe after validation of the TC will the deed be issued? It is recommended that a timeframe be stated within which the TC will be issued when it has been validated.

21. Regulation 14.13: “For the purposes of the validation of a Tribal Certificate, development means any improvement on the land after the grant of a Tribal Certificate such as buildings, structures, commercial, industrial or other activities that predates the coming into force of the Land Rights Act, provided that this cutoff date shall not apply to Tribal Certificates granted after the coming into force of the Land Rights Act”

Comment 21 on R 14.13: It is recommended that the following condition also be added to this regulation: “Provided also that the Tribal Certificate was not issued or acquired during the time the moratorium on the sale of community land was in force.” The rationale for this is to prevent the validation, but rather the nullification, of TCs acquired and/or signed during the period of when the issuance or acquisition of said land documents was illegal, for example when the moratorium(s) was/were in force.

22. Regulation 14.14: “Where the holder of a Tribal Certificate is unable to obtain a valid Deed, the land, the subject matter of the Tribal Certificate, shall revert to the relevant community and become Community Land.”

Comment 22 on R 14.14: There should be a timeframe or a cutoff point after which it the TC holder shall be deemed by the Authority to be unable to obtain a valid Deed and therefore as of which the said land shall revert to the relevant community and become Community Land.

23. Regulation 15: Community By-Laws

24. Regulation 15.1: “A community shall hold an advertised meeting, in the way in which community meetings are ordinarily held, at a time and in a place and manner which ensures the full and active participation of women, youth, persons with disability and other marginalized groups, at which a Committee shall be selected to draft by-laws for the community, utilizing a process agreed by the community at the meeting and in accordance with the Land Rights Act and any Regulations and Guidelines issued by the Authority.”

Comment 23 on R 15.1: It is recommended to include or add to the participants “all community members including men,” for the regulation to read in part as “...participation of **all community members including men**, women, youth, persons with disability and other marginalized groups...”

25. Regulation 15.2: “A community shall use mediums for advertising the meeting which have the capacity to reach as many members of the community as possible, including marginalized and disadvantaged persons and groups, with no gender being less than forty percent.”

Comment 24 on R 15.2: What if this benchmark is not reached? What next? The regulation should include the provision that “all reasonable measures including awareness raising, capacity building and other relevant strategies such as gender-sensitive approaches should be employed and/or supported by all stakeholders, the Community included, to promote equal and equitable participation of all, including particularly marginalized and disadvantaged groups such as women, youth, and the physically challenged.

26. Regulation 16. Community Land Development and Management Committees

Comment 25 on R 16: It is great to acknowledge that all the actions to be taken by this CLDMC shall be taken in close collaboration of the community acting collectively.

27. Regulation 16.4: “Subject to the provisions of the Land Rights Act, these Regulations, and any Guidelines issued by the Authority, the by-laws shall determine the composition, eligibility and tenure of office of the Committee, provided that the composition shall consist of representation of men, women, youth and other marginalized groups democratically elected, chiefs as *ex-officio* members, and of not less than forty percent of each gender.”

Comment 26 on R 16.4: Why not 50% per gender? Any rationale for lowering the bar to 40%?

28. Regulation 19. Categories of Community Land Use

29. Regulation 19.32: Community Cultural Shrines and Heritage Sites shall include:

“(a) lands used for many years by a distinct group of Community Members, including women, youth, persons with disability and other marginalized groups for the practice of cultural or traditional rites;”

Comment 27 on R 19.32: It is recommended to add or include men for the regulation read in part as “... including **men**, women, youth, persons with disability...”

30. Regulation 20. Community Management of Natural Resources

31. Regulation 20.6: “The Committee shall formally communicate the community negotiation positions on each of the issues to all governmental entities involved in the grant of concessions and request for those entities to address the issues with the prospective concessionaire before the grant of the concession.”

Comment 28 on R 20.6: Add to for the regulation to read in part as “A “The Committee shall formally communicate **to** the community...”

32. Regulation 20.13: “The free, prior and informed consent of the community shall be sought by the concessionaire before the commencement of concession activities and shall in particular:

d) represent the consent of a significant majority of the community.

Comment 29 on R 20.13: Who determines or what constitutes significant majority of the community? It is recommended that the term or phrase be defined or explained for the avoidance of doubt or dispute of interpretation when it comes to its application.

33. Regulation 20.14: “The agreement in Regulation 20.11 shall take into account the unique circumstances of the concessionaire and the community, and the issues to be addressed in the agreement may include:

d) assistance with the creation, development and support of small-scale and micro enterprises; special programs which benefit women;

p) land access

Comment 30 on R 20.14:

- Add to the regulation e) before special programs which benefit women to read as “**e) special programs which benefit women**”
- Add to the regulation as f) people with special needs to read as “**f) people with special needs**”
- Add to p), land access of the regulation ‘and control’ to read as p) “land access **and control**”

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