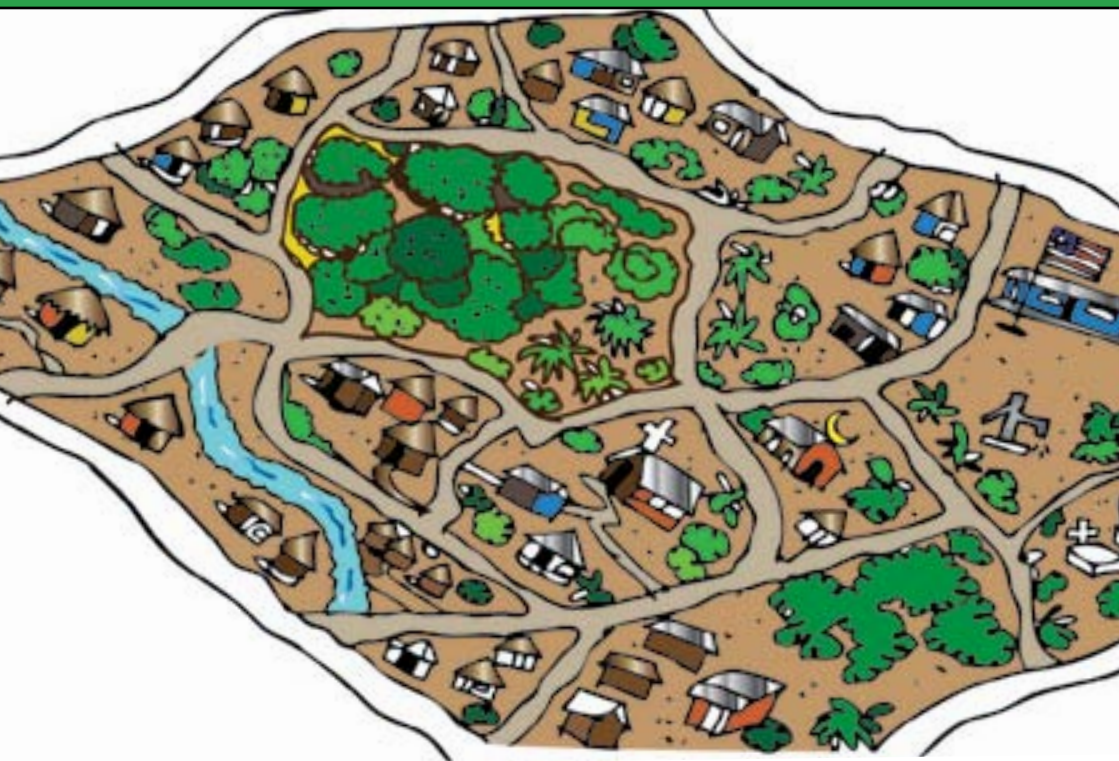


COMMUNITY SELF-IDENTIFICA- TION GUIDE

*Guide for Implementing Community Self-identification, the First Process
for the Legal Recognition of the Land Rights of Customary Land Owning
Communities Nation-Wide*



LIBERIA LAND AUTHORITY (LLA)
REPUBLIC OF LIBERIA

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Acronyms

CA	County Authorities
CBO	Community Based Organization
CSI	Community Self-identification
CSO	Civil Society Organization
DEN-L	Development Educational Network - Liberia
FCI	Foundation for Community Initiatives
FI	Facilitating Institution/Agency
ICC	Interim Coordinating Committee
LLA	Liberia Land Authority
MIA	Ministry of Internal Affairs
SDI	Sustainable Development Initiatives

Background/Introduction

In 2014, the erstwhile Land Commission developed a draft Field Guide for implementing the processes for the legal recognition of the land rights of customary land owning communities in Liberia.

The draft Guide contains the procedures and processes of identifying customary communities and their collective land holdings. The “Guide”, is intended to provide guidance to facilitators who will be implementing the customary land rights provision of the proposed draft Land Rights Act, once enacted into law.

It was developed based on lessons learned and experiences gained from four months of theoretical and field training by the staff of the Community Land Rights Unit of the former Land Commission, using a model closely similar to that of the Sustainable Development Institute (SDI), a Liberian civil society organization engaged in community work, including securing the land rights of rural communities.

In furtherance of developing the draft Guide, as related to community self-identification, the Liberia Land Authority (LLA), representing the Government of Liberia, in collaboration with a consortium of CSOs, including the Sustainable Development Initiative (SDI); Foundation of Community Initiative (FCI); PARLEY; and the Development Education Network of Liberia (DEN-L), implemented a 12 month pilot project titled “Protection of Collective Customary Community Land Rights” (PCCCLR) in 12 rural communities in nine of the fifteen counties of Liberia. The above “Guide” was tested in this project.

Supported by the International Land and Forest Tenure Facility (ILFTF), the key objective of the pilot project was to further generate recommendations from lessons learned and experiences acquired from field testing the steps and procedures to further inform its development as a national methodology for community self-identification (CSI).

The development of the Guide is a collaborative effort involving the

Land Authority and the consortium of CSOs mentioned above.

The Guide outlines key steps and procedures to be followed in conducting the community self-identification process, one of the required processes for the legal recognition of the customary land rights of communities.

The development of the steps and procedures contained in this Guide was participatory and inclusive of members of the 12 pilot communities in the nine selected counties of Liberia: Lofa, Bong, Nimba, Gbarpolu, River Gee, Maryland, Sinoe, Bassa, and Rivercess.

The Guide is primarily designed for the use of customary land owning communities, local civil society organizations (CSO), community based organizations (CBO), and non-governmental organizations (NGO), working with customary communities to build on the work being carried out by the LLA and the consortium of CSOs in developing steps and procedures for the implementation of customary land rights recognition and documentation nation-wide.

Structurally, the Guide includes the following key sections: guiding principles; definitions; objectives; roles and responsibilities. Also included are the steps for a community to self-identify; review and verification of the process; and annexes.

Section 1. Guiding Principles for Customary Land Rights as Provided in the Land Rights Policy (2013)

Equal Protection: Customary Land rights are equally protected as Private Land rights.

Local Control: Decisions about Customary Land will be made at the most local level consistent with defined policies and shared responsibilities between the Government, communities and their members.

Minimal Impact: National policy and laws will have as minimal an impact on the customary practices and norms of communities as is consistent with the requirements of the Constitution, relevant policies, shared responsibilities between the Government and communities, and Liberia's international legal obligations, including women's land rights.

Integration: Customary practices and norms not in conflict with national land laws, the Constitution, and international legal obligations, including women's land rights, will be integrated into the national formal legal framework.

Institutionalization: Communities must establish themselves as legal entities with management institutions that are fully representative and accountable to all community members, including women, youth, and minorities.

Section 2. Definitions

Agreement is an understanding reached between two or more communities/individuals.

Customary Land 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 wetlands, communal forestlands, and fallow lands.

Customary Land Owning Community means a community that has self-identified, determined its boundaries, established legal entity, recorded and registered its deed.

Deed means a document which contains the size and location of a piece of land and by which ownership of the land described therein is transferred from the current owner to another person or, in case of Customary Land and Government Land, is confirmed by survey or

stipulation.

Neighboring Communities refer to villages, towns, clans, etc bordering the requested/subject Community.

Requesting Community a community who is requesting to be legally recognized by going through the processes of self-identification, establishing a legal entity, determining their land area claim, harmonizing their boundaries with their neighbors, conducting a confirmatory survey and registering and recording their community deed/documents.

Sketched Map a map drawn by community dwellers themselves which gives a picture of their community landscape as they know it to be.

Section 3. Objectives

To provide guidance to national stakeholders, including customary communities, civil society organizations, community based organizations and non-governmental organizations, and partners in carrying out the community self-identification process and to ensure that all required steps have been fully completed through an efficient review and verification process.

Section 4. Roles and Responsibilities of the Community, Facilitating Agency, and the LLA

The Community shall have the following roles and responsibilities:

- Carry out all of the activities contained in the Guide.
- Ensure that the process is inclusive, participatory, and transparent.
- Ensure that all requirements are met and submitted to the LLA.

The Facilitating Agency shall have the following roles and responsibilities:

- Facilitate the community through the process of CSI.
- Ensure that the process is inclusive, participatory, and transparent.
- Ensure that community meets all requirements and submit to the LLA.

The LLA shall have the following roles and responsibilities:

- Monitor and verify all community self-identification processes carried out by a community or facilitating agency/institution.
- Establish standards for monitoring and verifying community self-identification processes.
- Facilitate the resolution of dispute/conflict during the process upon request of community and facilitating agency.
- Provide appropriate and adequate resources, including technical assistance to communities through facilitating agency/institutions, to enable customary communities go through the processes of CSI.
- Present CSI certificate to community upon the completion and verification of the process

Section 5. Community Self-Identification: Steps and Procedures to be carried

5.1 Step One: Community Profile

Purpose: The purpose of this step is to gather information about the community in line with the 'community profile guidelines' developed

by the Liberia Land Authority. This step also hopes to create cohesion within the community as members agree upon key features that identify their community. The development of the community profile is an ongoing process.

Activity

5.1.1 Source and document baseline social, economic, physical information about the community, including information on land and natural resources issues prior to and after entering the community.

5.1.2 Conduct key informant interviews with key community members



Conduct key informant interviews with key community members.

5.1.3 Conduct community participation and consultation meetings in a way that it reasonably maximizes the participation of the community

5.1.4 Organize general community meeting with members of the community during which each unit (chiefdom, clan, town or village) is required to send a number of representatives to discuss findings of participatory and consultative meeting.

Means of Verification

Report of community profile (social and economic baseline information) which includes: population density, local governance structure, land governance and management structure, livelihood, accessibility, community size (i.e. population, number of towns and villages, and land area) language, map, neighboring communities, concession (mining, agriculture, logging, etc.), status of land claims (including private, customary, government, and public land claims), conflicts and disputes, etc.

5.2 Step Two: Community Awareness

Purpose: The purpose of this steps is to notify key stakeholders and raise awareness of the community self-identification process and its purpose within the framework for legal recognition of community's land rights.

Note that community entry will only be done by outside facilitators, but communities who are conducting the process themselves must notify county authorities and the LLA.

Activity

5.2.1 Community entry: Formally notify county, district and clan authorities about community self-identification, including the purpose, target community, general schedule, and roles of LLA, CSO facilitator, community leaders and community members.

5.2.2 Organize and conduct public information activities providing adequate and appropriate information to the community about the self-identification process.

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5.2.3 Organize general meetings with members of the community, during which each unit and sub-groups (chiefdom, clan, town or village, hunters, minority ethnic group) is required to send a number of representatives. Women leaders and youth leaders must be represented. Kuu leaders, land lords traditional leaders/zoes, sub-group-

ings (hunters group, minority groups, etc) and elders should be represented where possible.



Nominate and elect/select members of the Interim Coordinating Committee.

GUIDANCE: Meetings should include information about the following: the Land Rights Policy, the proposed Land Rights Act (LRA), the proposed LRA procedures for securing legal recognition of community land, the community self-identification process: including purpose, activities, implementation schedule, and duration, the roles and responsibilities of community members and leaders, the election or selection of the members of an interim coordinating committee: including animators that will help to continuously mobilize the members and leaders of the community to support the community self-identification process and to attend all meetings related to the community self-identification process and an agreement on the schedule of the next activity: date, venue and time

5.2.4 Nominate and elect/select members of the Interim Coordinating Committee

Means of verification

Awareness materials: CDs of Jingles: Messages produced in English and vernacular of community and aired on community and Monrovia-based radio stations, Flyers and Posters: simple and clear messages produced, pretested and distributed in targeted communities Announcement logs: date, time, newspaper, radio station

List of Interim Coordinating Committee Members including animators.

5.3 Step Three: Community Determines level of Community Self-identification

The purpose of this step is to allow community units (town, village, section etc.) to declare their affinity to one another and provide supporting information of said affinity.

Activity

5.3.1 Conduct community participation and consultation meetings to determine the level of community identification in a way that it reasonably maximizes the participation of the community.

GUIDANCE: Participatory consultative meetings should include information on the community self-identification process and its place within the framework for legal recognition of community land rights.

Participatory consultative meetings should include information about the implications of identifying at different levels

Separate consultations with sub-groups including women, youth and elders are highly recommended in line with the draft Land Rights Act

5.3.2 Hold general meetings in the community where smaller units are adequately represented to: discuss findings from participatory consultative meetings, confirm the relationship between different community units as it relates to the land (this can be done through a visioning process, sketch mapping or other methodology), and reach a consensus about the level at which the community would like to self-identify

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5.3.3 Develop and validate agreement/ signed consensus demonstrating affinity to the community as it relates to self-identification for the purpose of legal recognition of community land rights

5.3.4 Submit a letter of Application of Expression of Interest in identifying as whole to LLA

5.3.5 Conduct verification visit in a specific period of time (maximum



Hold general meeting in the community where smaller units are adequately represented.

Means of verification

Evidence of Meeting including: agenda, attendance list, minutes which include and location, time, topic, issues discussed, suggestions, comments, things agreed upon/action points, and pictures

Documented agreement about the level of community self-identification (e.g. Informed Consent Form, Community Declaration to self-identify as a whole, Internal MOUs, Letter of Application of Expression of Interest in identifying as whole

Letter of response and report on visit made to community

5.4 Step Four: Identification of Community Land Area

The purpose of this step is for the community to have an understanding of the land area which is being claimed by them. This activity also enables them to visualize their land area through a participatory mapping exercise as well as knowing other claims within their community.

Activity

5.4.1 Conduct community participation and consultation meetings to identify community land area in a way that it reasonably maximiz-



Preparation of sketch map indicating all features.

GUIDANCE: Participatory consultative meetings should include information on the community self-identification process and its place within the framework for legal recognition of community land rights.

5.4.2 Preparation of sketch map indicating all features

5.4.3 Identifies claims (TCs, deeds, etc.) within community by com-

munity in collaboration with facilitating agency.

5.4.4 Hold general meeting in the community where smaller units are adequately represented to discuss findings from the participatory consultative meetings (This can be done through narrative description)

GUIDANCE: Hold a participatory consultative meeting that should include all stakeholders in the community. Discuss and validate sketched map

Means of verification

Evidence of Meeting including: agenda, attendance list, minutes which include and location, time, topic, issues discussed, suggestions, comments, things agreed upon/action points, and pictures

Documented list of land claims

Sketched map (preliminary map) indicating all features of the community. ●

5.5 Step Five: Declaration of Identity as Land-Owning Community

The purpose of this step is to bring the community self-identification process to a close.

Activity

5.5.1 Preparation of declaration of community self-identification

5.5.2 Signing of CSI declaration

GUIDANCE: Hold general participatory meeting in the community where smaller units are adequately represented to discuss and validate CSI resolution

5.5.3 Community communicates the result of the CSI process to appropriate authorities (eg. county authority, local LLA office)

Means of verification

Evidence of Meeting including: agenda, attendance list, minutes which include and location, time, topic, issues discussed, suggestions, comments, things agreed upon/action points, and pictures

Copy of final resolution

Signed Copy of the final copy of declaration

Communication/letter indicating the completion of all activities of CSI process



Signing of CSI declaration

5.6 Step Six: Review and Verification of Community Self-Identification Process

Purpose: To verify that the community has carried out all of the community self-identification activities as required by the guide.

Activity

5.6.1 Review and verification of Community Self-Identification process by LLA

GUIDANCE: the LLA will verify all of the activities under CSI process carried out by the communities or an outside facilitator. LLA will use verification/monitoring tools to carry out verification in communities.

5.6.2 LLA acknowledges results and certifies community as self-identified community (maximum 90 days)

Means of verification

Report on verification visit

Letter of acknowledgement and certificate of community self-identification issued by the LLA to communities.



Letter of acknowledgement and certificate of community self-identification issued by the LLA to communities.

Section 6: Annexes

6.1 Guidelines for Community Profile

Categories of information

- ☐ Name of the community
- ☐ Location of the community: administrative and geographic
- ☐ Number of villages; towns; clan; etc.
- ☐ Population
- ☐ No. of homes
- ☐ Sources of livelihood
- ☐ Neighboring communities: (village; town; clan; chiefdom, district; county)
- ☐ Languages/dialect
- ☐ Activities that bring the community people together (developmental; fiesta; bereavement, etc.)
- ☐ Explanation about community (when, who, how was it established, etc.)
- ☐ List of other existing infrastructures and physical features/facilities (schools; health; religious; traditional; road network; guest houses; meeting hall/town hall; etc.)
- ☐ Access to communication: radio stations; internet; cell phone (how many and which is more frequently used, name, are they functional? etc.)
- ☐ Local governance structure? (Political)
- ☐ Local/traditional land governance structure: (who gives out land for homes, farms, etc.)
- ☐ Listing of influential leaders and prominent individuals in the community.
- ☐ Existing maps
- ☐ Community cultural systems/practices
- ☐ Existing concessions operating in community.
- ☐ Existing claims to land (deeded; Tribal Certificates; etc.) if available: number. and owners of claims)
- ☐ Existing and eminent internal and external land disputes/conflicts. If any how are they being handled?
- ☐ What are the resources in the community, if available?
- ☐ If there is an existing Community Forest Management Committee and Community Forest Management Board and other resource management bodies (time of establishment; activities; leadership; figures of authorities)
- ☐ Name of other communities that are jointly sharing benefits with the community under the CFMC or other resource management bod-

ies.

6.2 Agreement Affirming Community consent to Self-identify.

6.3 Application of Expression of Interest

GUARDANCE
(Parameters/Methodology)

Data can be gathered/collected from sources outside and within the community

Outside Sources: public and private institutions; national and Int'l NGOs; review of work done by others and etc.

Inside Sources: local leaders; prominent community dwellers; CBOs, etc.

Data can be gathered through the following means: key informant interviews; focus group discussions; town/palava hall meetings; etc.

All data gathered should be shared and discussed with community before submitted



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