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EXTRAORDINARY

THE GOVERNMENT OF THE REPUBLIC OF LIBERIA ANNOUNCES THAT THE LIBERIA LAND AUTHORITY (LLA), PURSUANT TO ITS MANDATE UNDER THE LAND RIGHTS LAW OF 2018 AS PROVIDED BY ARTICLE 71 OF SAID ACT, HAS ISSUED ON NOVEMBER 15, 2022, REGULATION TO THE LAND RIGHTS LAW OF 2018 HEREIN UNDER:

LIBERIA LAND RIGHTS ACT REGULATIONS 2022.

BY ORDER OF THE PRESIDENT

**AMB. DEE-MAXWELL SAAH KEMAYAH, SR.
MINISTER OF FOREIGN AFFAIRS, R.L.**

**MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA
NOVEMBER 15, 2022**

Republic of Liberia



LIBERIA LAND RIGHTS ACT REGULATIONS

2022

LIBERIA LAND AUTHORITY



REGULATIONS TO THE LAND RIGHTS ACT OF 2018

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PREAMBLE

WHEREAS, the Liberia Land Authority is mandated by Article 7.1 of the Liberia Land Authority Act of 2016 to develop policies on a continuous basis, undertake actions and implement programs in support of land governance, including land administration and management;

WHEREAS, the Liberia Land Authority is empowered by Article 53.1 of the Liberia Land Authority Act of 2016 to promulgate Regulations on matters relating to land governance, land administration, and land management that can effectively be performed by the Authority or are necessary for the effective operation of the Authority;

AND WHEREAS by Article 71 of the Land Rights Act of 2018, the Liberia Land Authority is granted the authority to promulgate Regulations necessary for the effective implementation of the Act;

NOW THEREFORE, the Liberia Land Authority does hereby rule and regulate as follows:

PART I- GENERAL PROVISIONS

1. Citation

These Regulations shall be cited as the Liberia Land Rights Act Regulations, 2022.

2. Purpose

The purpose of these Regulations is to provide for the implementation of the Liberia Land Rights Act of 2018.

3. Commencement

These Regulations shall come into force on the day of 2022.

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 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.

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.

6. Definitions

When used herein, unless the context indicates otherwise, and largely drawing verbatim from the Liberia Land Authority Act of 2016 and the Land Rights Act of 2018,

“Act” means the Liberia Land Rights Act of 2018.

“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.

“Alternative Dispute Resolution Body” means any entity, whether a private, community or government entity, the purpose of which is to resolve, or facilitate the resolution of disputes outside of court.

“Alternative Dispute Resolution Mechanism” means any process adopted or used to resolve, or facilitate the resolution of disputes outside of court.

“Ancestral Farms” means Community Lands that are encumbered and have been identified as such through traditional norms and cultural practices of a community.

“Authority” means the Liberia Land Authority established under the Liberia Land Authority Act of 2016.

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

“Board” means the County Land Board established under the Liberia Land Authority Act of 2016.

“Caveat” means a formal notice to the Authority made by an interested party requesting the Authority to suspend a specific action until the party has been given an opportunity to be heard on the matter.

“Caveator” means a person who lodges a caveat with the Authority.

“Commission” means the Board of Commissioners that is the governing body of the Liberia Land Authority.

“Commissioner” means a member of the Commission of the Liberia Land Authority.

“Community” means a self-identifying coherent social group or groups comprising of Community Members.

“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.

“Community Member” means a Liberian citizen irrespective of age, gender, belief or religious backgrounds 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.

“Community Membership” means the collectivity of all Community Members.

“Community Public Lands” means lands set aside under Article 37.3 of the Land Rights Act of 2018.

“Concession” means the grant of an interest in Government Land, Public Land or Customary Land by the Government to a person for a specified period under such terms and conditions as are provided in a written agreement.

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

“Confirmatory Survey” means a land survey to be conducted, using the Global Positioning System (GPS) or comparable technology to determine the size, location, boundaries and other particulars of Community Lands, and to produce the coordinates and maps of each Community Land.

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

“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.

“Deed” means a document evidencing Fee Simple ownership of land which describes the size and location of a particular piece of land and by which ownership of the land described therein is transferred from the current owner to another person.

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

“Fee Simple” means an absolute ownership of Private Land and Residential Area which is alienable and inheritable.

“Gazette” means a publication of the Government of Liberia through which it communicates messages of national importance to the general public which contains information of a legal, administrative and general nature.

“Government” means the State as the sovereign Republic of Liberia, or government entities acting as the representative or agent of the State.

“Government Entity” means a legal entity owned, managed, or controlled by the Government, including all branches of Government whether at the national, county, or district levels, such as any ministries, bureaus, commissions, institutions, authorities, organizations, enterprises, cities, townships, or parastatal bodies.

“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.

“GPS” means Global Positioning System, which is a space-based satellite navigation system that provides locations along with maps of any place on earth.

“Land” means the unmovable portions of the earth's surface in Liberia which generally consists of the soil and any space above or below the soil.

“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.

“Mineral Resources” means all non-living, natural non-renewable resources, including, but not limited to: fossil fuels including coal, petroleum, and natural gas; diamonds; gold; iron ore; cobalt; lead; manganese; nickel; tin; dolerite; granite; limonite; phosphate rock; rutile; and sulfur.

“Mortgage” means an encumbrance created on a defined or definite piece of land or an interest therein to secure the performance of an obligation.

“Natural Resources” means all living or non-living natural renewable resources including water, soil, trees, plants, animals and microorganisms.

“Notice Book” means a book, including a digital copy, retained by the County Land Board for the purpose of recording any notice of any transaction in respect of land.

“Officer” means the County Land Dispute Resolution Officer of the Liberia Land Authority.

“Owner” means one who has legal title to Private Land, Customary Land, Government Land or Public Land.

“Ownership” means the sum total of rights allowing one to possess, use and enjoy land including the right to lease, mortgage or sell land.

“Parastatal Bodies” means a legal entity owned, managed, or controlled by the Government created primarily to undertake commercial activities on behalf of the

Government.

“Park” means to an area of Public Land set aside for the preservation and public enjoyment of features that have outstanding natural beauty, or cultural or biological significance.

“Person” means an individual, partnership, joint venture, association, corporation, cooperative, trust, estate or unincorporated entity.

“Private Land” means the land that is owned or otherwise held by private person(s) under the provisions of the Libera Land Rights Act of 2018 and other applicable laws of Liberia.

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

“Protected Area” means any area set aside under Chapter 9 of the National Forestry Reform Law as a national forest, nature reserve, national park, strict nature reserve, or other special category for conservation purposes.

“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.

“Public Land Sale Deed” means the instrument issued pursuant to the provisions of the 1857 Act regulating the sale of Public Land.

“Reasonable Expenses” means an expense incurred reflecting the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made.

“Reserve” means an area of Public Land possessing outstanding or representative features, ecosystems, or species, set aside primarily for scientific research or environmental monitoring, and requiring strict protections and minimum public access.

“Resettlement Plan” means a plan to guide development-induced resettlement of a person, group of persons or a community.

“Resident” means a person who resides within the Community.

“Residential Area” means the portion of a Customary Land set aside by the Community and used exclusively for residential purposes.

“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.

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

“Surface Rights” means the right of a lawful occupier of land within an area subject to a mineral right to graze livestock on or cultivate the surface of the land if the grazing or cultivation does not interfere with the mineral operations of a holder of a mineral right in the area

“Tribal Certificate” means the legal document issued by a tribal authority under the provisions of the 1965 Public Lands Laws.

PART II- COMMUNITY LANDS

Survey, Mapping and Registration

7. Community Self-Identification

7.1 A community may self-identify in one or more of the following ways through:

- a) unique customary practices and norms;
- b) their identity;
- c) their geography;
- d) their language;
- e) their history;
- f) any other means by which a community can show that they have been living together and engaging in common traditional or customary activities; or
- g) any other criteria contained in the Authority's Community Self-Identification Guide.

7.2 The self-identification process shall involve leaders, including women and youth leaders, and members of neighboring communities for the purposes of harmonizing community boundaries.

7.3 The self-identification process shall cover:

- a) the name of the community;
- b) origins;
- c) geographical and administrative location;
- d) languages and dialects;
- e) cultural activities;
- f) traditional governance structures;
- g) influential leaders and prominent individuals, including women, youth and other marginalized youth;
- h) community association;
- i) number of clans or other divisions;
- j) number of homes;
- k) population size;

- l) physical infrastructure such as road networks and commercial buildings;
- m) social infrastructure such as schools, health, religious, traditional, town halls;
- n) communication infrastructure such as radio stations, masts, internet cafes;
- o) existing concessions;
- p) existing claims to land;
- q) existing land disputes and conflicts;
- r) existing forest reserves and other conservation areas;
- s) names of other communities with whom they share resources; and
- t) any other relevant criteria.

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

- a) who was born in the community;
- b) whose parent(s) was born in the community;
- c) who has lived continuously in the community for at least seven years; or
- d) is a spouse of a Community Member, both of whom reside in the community.

7.5 The membership composition of a community may change from time to time.

7.6 The community by-laws to be drafted under Regulation 15, shall indicate the manner in which, the conditions for, and the procedure by which Community Membership may be acquired or lost, including:

- a) membership of the community through marriage by operation of law;
- b) membership of the community by migration or residence;
- c) membership of the community by application to join the community;
- d) conferring membership of the community on a person;
- e) the rights of members of the community;
- f) the circumstances under which membership of a community, acquired other than through birth or parentage, may be lost; and
- g) an indication of the person or body to receive, process and determine an application for membership of the community.

7.7 No person who meets the membership requirements as set out in the Act or the community by-laws may be denied membership of the community.

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.

8. Identification of Community Lands

8.1 Each community shall have the right to define the area of its Community Lands in keeping with customs, oral or written history, and locally recognized norms.

8.2 Community Lands may be identified as belonging to a community through one or more of the following means:

- a) where the land is acquired and owned by a community in accordance with its customary practices and norms based on a minimum period of occupation or use of not less than fifty years;
- b) the members of the community have exercised exclusive possession or continuous use over the land for a period of not less than fifty years, including through farming, hunting, fishing, and other cultural, religious, social and economic activities;
- c) by Deed issued to the community, whether in the name of the community or of a Chief or Elder in their official or representative capacity;
- d) where a member of the community holds Community Lands in trust for the community;
- e) where land previously held under a different title reverts to the community as Community Lands; or
- f) any other means of recognition of Community Lands as prescribed by the Land Rights Act.

9. Determination of Community Boundaries

9.1 The size and boundaries of Community Lands in each community may be established by one of more of the following:

- a) oral testimony of Community Members;

- b) maps or other cartographical representations;
 - c) agreements between communities; or
 - d) any other confirming document or evidence, including boundary markers and natural monuments.
- 9.2 The boundaries of Community Lands belonging to communities shall be maintained by members of the communities sharing the boundaries through the use of geographic features, fences, plants, survey marks and other methods, including customary methods for identifying boundaries.
- 9.3 Where the boundary, extent or size of a Community Land is contested by another community, the controversy shall be resolved by the County Land Dispute Resolution Officer as if the dispute was a contest of title between two Private Land owners, and the standard of proof shall be that of preponderance of evidence, which may be established by the oral testimonies of Community Members or landscape-based evidence of customary claims, or any other customary evidence.
- 9.4 Where the boundary, extent or size of a Community Land is contested by a Private Land owner, the burden of proof shall be on the Private Land owner challenging the boundary, extent or size of the Community Land, and the standard of proof in such case shall be by clear and convincing evidence, as established by proof of the acquisition of the land by a Public Land Sale Deed.
- 9.5 Regulations 29 and 30 herein shall apply to the resolution of disputes under this Regulation, except that the resolution of disputes by the County Land Dispute Resolution Officer shall be with such modifications as may be necessary.

10. Community Social Mapping

- 10.1 A Community Land Development and Management Committee shall conduct a social mapping exercise of all lands in a community, in a manner that is gender-responsive and age sensitive, in order to identify the coordinates and the specific

economic and socio-cultural uses of the land, and associated rights and responsibilities of Community Members.

10.2 The Committee shall utilize simple gender-sensitive approaches and methods for the recording of men, women and youth Community Members' land rights, land use, and related land matters based on cost-effective methodologies consistent with international survey and mapping standards adapted to the national and community situation and consistent with constitutional and other legal guarantees of equality and non-discrimination, regardless of age, gender, ethnicity, religion and disability.

10.3 The Committee shall maintain a record of all Community Lands as mapped to indicate different user types: residential, agricultural, commercial, industrial and protected, and shall also take into consideration the existence of social amenities, conservation zones, environmentally significant areas, and prominent reference features of a permanent nature, if any, on or near the land, including paths, tracks, roads, wetlands, rivers, forests, woodlots, permanent buildings, rocks, trees, and other necessary distinguishing features.

10.4 The Committee shall also maintain a record of all Community Members' equal rights to use and management of Community Land, regardless of age, gender, ethnicity, religion and disability.

10.5 Within two months of the coming into force of these Regulations, 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.

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

11. Confirmatory Survey and Mapping

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 and geographic exercises conducted by communities under Regulation 10.
- 11.2 No Confirmatory Survey and Mapping exercise shall be conducted of Community Lands by the Authority until after the processes of Community Self-Identification and Community Social Mapping are complete.
- 11.3 The Authority shall conduct the Confirmatory Survey and Mapping exercise consistent with international survey and mapping standards adapted to the national and community situation.
- 11.4 The Authority shall use the appropriate international standards as contained in the Royal Institute of Chartered Surveyors, Federation of Geodesy and International Federation of Surveys, and the national standards as contained in the Liberia Survey Regulations for the time being in force.
- 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.
- 11.6 The Authority shall maintain both a paper-based and digital inventory of all lands, the subject of Confirmatory Survey and Mapping, including maps and indicating different land user types and prominent features of a permanent nature.
- 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.
- 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.

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

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 exercise.

11.11 Absence or delay of the conduct of a Confirmatory Survey shall not affect the existence or enjoyment of Community Lands.

12. Investigation

12.1 The Authority shall publish a notice of intention to register any interest or transaction in respect of Community Lands by entering the particulars of the transaction in the Notice Book; causing a copy of it to be affixed on a notice board outside the office of the relevant County Land Board; disseminating information relating to it to the relevant community and using the means ordinarily used by that community for the dissemination of comparable information; and publishing the notice in the Gazette.

12.2 No registration of an interest in Community Lands may be proceeded with until after twenty-one days of the publication of the notice in Regulation 12.1.

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.

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.

12.5 Where a person is unable to complete the necessary forms for the purposes of entering a caveat, or to do any other thing for the effective prosecution of the

caveat, due to illiteracy or any other disability, the County Land Dispute Resolution Officer shall provide the necessary facilities to that person.

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.

12.7 An appeal from a decision of the County Land Dispute Resolution Officer shall lie to the Dispute Resolution Committee of the Authority.

12.8 Regulations 35 and 38 herein shall apply to the determination of the appeal, except that the determination of an appeal by the Dispute Resolution Committee shall be with such modifications as may be necessary.

12.9 A caveat may be determined by voluntary removal by a caveator, by filling a form specified by the Authority, or by an order of the Authority after investigation.

13. Probating, Registration and Deeding

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.

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

13.3 The Statutory Deed 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.

- 13.4 Original copies of the Statutory Deed shall be retained at the principal office of the Authority, the office of the relevant County Land Board, and by the relevant Community Land Development and Management Committee.
- 13.5 The Committee shall upon receipt of the Statutory Deed from the Authority, ensure that it is probated and subsequently submitted for registration at the Authority within six months of receipt of the Statutory Deed.
- 13.6 The Authority shall publish details of the Statutory Deed widely, including in the Gazette, at least two newspapers of national circulation, and on the website of the Authority at least fourteen days before the issuance of the Deed of Community Lands.
- 13.7 The delay or failure of the Authority to issue a Statutory Deed to a community shall not extinguish, limit, impair or otherwise hinder the enjoyment and existence of the land rights of the community nor the enforceability of the ownership of the land by the community.
- 13.8 The Authority shall issue a Community, through its Community Land Development and Management Committee, a Deed of Community Lands in the name of the community.
- 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.
- 13.10 Original copies of the Deed of Community Lands shall be retained at the principal office of the Authority, the offices of the relevant County Land Board, and by the relevant Community Land Development and Management Committee.
- 13.11 Where a copy of the original Deed of Community Lands is lost, torn or destroyed, the Authority shall make a copy of it from any other original Deed or from a secure electronic database of Deeds and endorse it as a certified true copy.

13.12 Where the lost original Deed of Community Lands is found, the Authority shall update it and cancel the certified true copy of the Deed.

13.13 The Authority and the County Land Offices shall maintain a register of all forms of Deeds which shall be both paper-based and electronic.

13.14 Any person may, upon payment of a fee prescribed by the Authority and during working hours,

- a) inspect documentation on Community Lands held by the Authority; and
- b) search and obtain a copy of any document on Community Lands held by the Authority.

13.15 A copy of any of the documents certified by the Authority shall be admissible in evidence.

14. Tribal Certificates

14.1 Within six months of the coming into force of these Regulations, the Authority shall issue detailed Guidelines, supported by an Action Plan and Budget, for the submission and validation of Tribal Certificates.

14.2 Following the issuance of the detailed Guidelines, Action Plan and Budget in Regulation 14.1, the Authority shall publish a notice in at least three newspapers, three radio stations, and one television station, all 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.

Governance, Management and Administration

15. Community By-Laws

- 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 men, 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.
- 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 women, youth, persons with disability and other marginalized groups, and where possible, with no gender being less than forty percent, provided that all reasonable measures including raising sufficient awareness, capacity building and other relevant strategies such as gender-sensitive approaches should be employed and supported by all members of the community to promote equal and equitable participation of all.
- 15.3 Notice of the meeting at which the Committee is selected and at which the process for drafting the community by-laws is agreed, shall be given at least one month before the date of the meeting.
- 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.
- 15.5 The by-laws shall be consistent with the Constitution of the Republic of Liberia, the Land Rights Act, these Regulations and any Guidelines that may be issued by the Authority, and shall include provisions on:
- a) membership of the community;
 - b) land ownership in the community;

- c) rules on governance of community lands and natural resources;
- d) community land use and planning;
- e) the rules for community meetings, including;
 - i. authority to call meetings,
 - ii. frequency of meetings,
 - iii. notice of meetings,
 - iv. quorum at meetings,
 - v. decision-making at meetings,
 - vi. communication of decisions taken at meetings, and
 - vii. record keeping;
- f) a Community Land Development and Management Committee, including, subject to Article 36.9 of the Act, eligibility, election and tenure of office of members of the Committee;
- g) rules of procedure for the Committee;
- h) officers of the Committee; and
- i) the procedure for amendment of the by-laws.

16. Community Land Development and Management Committees

- 16.1 The Community Members of each community shall establish a Community Land Development and Management Committee in its by-laws.
- 16.2 The Committee shall have legal personality, including the ability to enter into enforceable contracts, and to sue and be sued.
- 16.3 The community acting collectively 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.
- 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.

16.5 The community by-laws may provide for additional eligibility requirements for members of the Committee, provided they are consistent with the Constitution of the Republic of Liberia, the Act, these Regulations and any Guidelines that may be issued by the Authority.

16.6 Members of the Committee shall be voted into office by the community in accordance with procedures contained in the by-laws.

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 the 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.

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 community acting collectively:

- 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.

16.9 A member who has been removed from office pursuant to Regulation 16.8 shall provide handing-over notes detailing an account of their stewardship to the Committee, and shall hand over any official properties in their possession to the Committee.

16.10 The functions of the Committee shall include:

- a) land use planning;
- b) managing and administering Community Lands;
- c) granting interests in lands on behalf of the community;

- d) allocating land for various uses;
- e) negotiating with concessionaires;
- f) retaining inventory and records of land and land transactions;
- g) determining reasonable fees to be charged for land services;
- h) liaising with the relevant County Land Board, government ministries, departments and agencies to ensure that all processes and procedures relating to Community Lands are complied with;
- i) representing the community in all community land matters and transactions;
- j) taking decisions in respect of the Community Land in accordance with the customs, traditions and practices of the community, which are consistent with the Constitution of the Republic of Liberia, the Act, these Regulations and any Guidelines that may be issued by the Authority;
- k) undertaking community education and capacity building on land matters;
- l) establishing subcommittees to better implement any of the above functions, ensuring that each subcommittee reflects the diversity of the community, particularly concerning women, youth, persons with disability and other marginalized groups, and has appropriate Terms of Reference;
- m) accounting to the community for their stewardship of Community Lands; and
- n) land dispute resolution.

16.11 All decisions of the Committee shall be by consensus.

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.

16.13 Members of the Committee shall be liable for acts of corruption, negligence, or incompetence in the discharge of their duties, whether or not the community is injured by these acts.

17. Community Education and Capacity Building

17.1 A Community Land Development and Management Committee shall establish a standing subcommittee for continuing community education and capacity building on land matters.

17.2 The subcommittee shall collaborate with the relevant County Land Board to design, mobilize resources for, and execute educational and capacity building programs for members of the Committee, members of the subcommittees, and members of the community that equally benefit men, women, youth, persons with disability and other marginalized groups.

17.3 The training program for the community shall cover matters including:

- a) land policies, laws and regulations;
- b) land use and planning;
- c) land management and administration;
- d) survey and mapping of Community Lands;
- e) interests in land;
- f) procedures for the registration of interests in land;
- g) procedures for the conversion of Tribal Certificates into Deeds;
- h) community management of natural resources;
- i) gender equality and social inclusion, and issues of exclusion and discrimination in land matters especially as they relate to the land rights of women and other disadvantaged groups; and
- j) dispute resolution mechanisms for land matters.

Land Use and Management

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 in the Act;

- b) ensuring that all Community Members have equal rights and access to the use and management of Community Land, regardless of age, gender, ethnicity, disability, social status, among others;
- c) providing the procedure by which land use may be changed in the community; and
- d) reserving a maximum of ten percent of Community Lands to be retained as Community Public Land.

18.2 The Committee shall, in the management of Community Lands, have regard for:

- a) the principle of sustainable development, equal protection and equal benefit;
- b) the relationship between land use, other mineral and natural resources, and the environment;
- c) the need to consult with and take account of the views of the community, particularly those of women, youth, persons with disability and other marginalized groups;
- d) the need to obtain the consent of the community on decisions they take; and
- e) the requirement to comply with any decisions or orders of any public officer, public authority, or local authority having jurisdiction over any matter in the area, and given in accordance with due process.

18.3 Before the Confirmatory Survey and Mapping exercise by the Authority, a Community Land Development and Management Committee shall organize a series of meetings, not less than three, to agree on the reservation of a maximum of ten percent of Community Land to be held as Community Public Land.

18.4 Notice of each meeting shall be given several times for two weeks before the date of the meeting, using the local language of the community and employing the means ordinarily used by the community for the dissemination of comparable information, ensuring that women, youth, persons with disability and other marginalized groups are fully informed.

18.5 The attendance at each meeting shall be generally representative of the community, including women, youth, persons with disability and other marginalized groups.

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 a maximum of ten percent of Community Land to be held as Community Public Land depending on the amount of available land.

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, persons with disability and other marginalized groups, to discuss and arrive at a general consensus on the various parameters for reserving a maximum of ten percent of Community Land to be held as Community Public Land, including:

- a) depending on the amount of Community Land, the size of the proposed land;
- b) the location of the proposed land;
- c) the area of the proposed land;
- d) the uses of the proposed land;
- e) the environmental, social and economic effect on the community;
- f) the likely effects on cultural and natural heritage;
- g) the likely effects on sustainable land use;
- h) the suitability of the site, including consideration for natural hazards such as flooding, earthquake, cyclone, subsidence, slip, drainage and erosion;
- i) the adequacy of arrangements relating to waste water, sanitation and access to the proposed land;
- j) the views and concerns of community members most impacted by the proposed allocation;
- k) compensation or other arrangements for persons adversely impacted by the allocation;
- l) the general community interest; and
- m) any other relevant matter.

- 18.8 A community may seek the expert opinion of the relevant County Land Board or any land use and management expert in making the determinations in Regulations 18.6 and 18.7.
- 18.9 The community shall convene a final meeting in the same manner as in Regulation 18.4, at which the ward-based and identity groups shall put forward their proposals to the community, and the Community Land Development and Management Committee shall facilitate a discussion based on the proposals made.
- 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 a maximum of ten percent of Community Land to be held as Community Public Land.
- 18.11 A community shall ensure that any land reserved to be used as Community Public Land shall be identified as such during the Confirmatory Survey and Mapping mandated by the Regulations of the Land Rights Act.
- 18.12 A community may enter into partnerships for purposes of investment and development of Community Lands.
- 18.13 Before allocating land for major investment partnerships, the Community Land Development and Management Committee shall ensure that:
- a) the land is geo-referenced and planned in line with national and county spatial plans;
 - b) details of the prospective investment are communicated to the community;
 - c) a public hearing is held in respect of the investment; and
 - d) the investor demonstrates and provides evidence of the benefits of the investment to the community.

19. Categories of Community Land Use

Community Agricultural Lands

- 19.1 A Community Land Development and Management Committee may designate particular lands as agricultural lands for use by Community Members.
- 19.2 Except on application by the beneficial owners of land for re-designation of the use of land, the Committee may only designate unencumbered land as agricultural lands.
- 19.3 Existing ancestral farms of members of the community, as established by traditional norms and cultural practices, shall be retained by the Committee as such, without more, except for adjustments in order to protect the land rights of women and other disadvantaged groups.
- 19.4 A member of the community who has an interest in agricultural land may, with the approval of the Committee, divest the whole or a part of that interest to be used for medium to large scale agricultural activity for a specified period.
- 19.5 The community by-laws of a community may provide further requirements and processes for the transfer of any interest in community agricultural lands.

Community Residential Areas

- 19.6 A community shall set aside portions of Community Land as Community Residential Areas.
- 19.7 All members of the community, including women and other disadvantaged groups, shall be entitled to a portion of Community Land to be used for residential purposes.
- 19.8 Any apportionment of community residential land to Community Members shall be conducted in a non-discriminatory, fair and transparent way, and shall be consistent with the Constitution of the Republic of Liberia, the Act, these

Regulations and any Guidelines that may be issued by the Authority, and especially as they relate to the equal land rights of women, youth and other marginalized groups.

19.9 A Community Member to whom Community Land has been apportioned for residential purposes may apply to the Committee for approval to process a Deed by the Authority, in order to hold the said land as Private Land.

19.10 Spouses shall apply jointly to the Committee for approval to process a Deed by the Authority, to hold land for residential purposes in their joint names as Private Land, and the joint names of the spouses shall be written on the Deed.

19.11 A member of the community to whom the Committee has given approval to process a Deed, shall comply with all processes for obtaining a valid Deed, including probation, registration and the payment of applicable taxes.

19.12 Where a Deed has been issued to Community Members, including spouses, the land, the subject matter of the Deed, shall become Private Community Land held in Fee Simple by the Community Members, including spouses.

Community Forest Lands

19.13 A Community Land Development and Management Committee may, with the approval of the Forestry Development Authority, designate particular lands as Community Forest Land.

19.14 A community may use Community Forest Land for purposes that are consistent with applicable laws that pertain to forestry.

Community Mining Lands

19.15 Any portion of Community Land that has been certified by the requisite government ministry, department or agency to contain mineral deposits shall be designated by a Community Land Development and Management Committee as Community Mining Land.

19.16 No person may conduct any mining activity on Community Mining Land without authorization from the requisite government ministry, department or agency responsible for mining permits.

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

19.18 A person who has been authorized to conduct mining activity on Community Mining Land shall enter into a land use agreement with the Committee, acting on behalf of the community, before the commencement of operations, and where the concessionaire is unable to enter in such land use agreement, the concessionaire shall be unable to proceed with mining activity.

Community Commercial Areas

19.19 A Community Land Development and Management Committee may designate particular lands as Community Commercial Land for use by members and non-members of the community.

19.20 Any land designated as Community Commercial Land may be leased out by the Committee on behalf of the community for a period not exceeding fifty years, to be used to build and operate shops, stores, market centers and other similar purposes.

19.21 Any lease under Regulation 19.20 shall not exceed fifty acres, unless a larger portion is agreed upon by general consensus of the Community Members.

19.22 All revenue generated from Community Commercial Land shall be managed by the Committee for the benefit of the entire community.

Community Protected Lands

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 Proposed Protected Areas.

19.25 The relevant government ministry, department or agency shall negotiate with a community the conditions under which the lands in Regulation 19.24 may be gazetted as Protected Areas, subject to the free, prior and informed consent of the community.

19.26 A Community Land Development and Management Committee may set aside portions of Community Land as Community Protected Lands as a community initiative, or at the request of the Government, following good faith negotiations.

19.27 Community Protected Lands may include forests, wetlands, major water sources and land set aside by a community for ecotourism.

19.28 Community Protected Lands may not be sold, leased or granted as a concession, although limited user rights may be granted to members of the community for livelihood activities, provided that such use is consistent with the conservation and management provisions of the Forest and Protected Areas laws of the Republic of Liberia.

19.29 Community Protected Lands shall be owned by the community, conserved as such, and managed by the Committee for the benefit of the entire community.

19.30 The Government shall provide reasonable resources and technical assistance to build the capacity of members of the community to manage Community Protected Lands.

Community Cultural Shrines and Heritage Sites

19.31 A Community Land Development and Management Committee shall retain as cultural shrines and heritage sites all lands previously held or designated as such.

19.32 Community Cultural Shrines and Heritage Sites shall include:

- a) lands used for many years by a distinct group of Community Members, including men, women, youth, persons with disability and other marginalized groups for the practice of cultural or traditional rites;
- b) lands on which is located a sacred plant, water body, mountain, tree, or other object with special ancestral significance; or
- c) lands designated as such by a community or the relevant government authority.

19.33 A Community Cultural Shrine or Heritage Site shall enjoy the same protection accorded to Protected Areas in the Land Rights Act of 2018 and other applicable laws.

20. Community Management of Natural Resources

Information on Impending Concessions

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

20.2 The Committee shall endeavor to obtain from the relevant governmental ministry, department or agency correct, adequate, and timely information on any impending concession, including information on planning and design; financial forecasts and projections; environmental and social impact assessments; community hearings; potential economic and social benefits to the community; resettlement and economic displacements; compensations; implementation and management arrangements; performance monitoring; and, mine closure and post-closure measures.

20.3 The Committee shall task the subcommittee responsible for community negotiations over natural resources to study the information obtained in Regulation 20.2 and develop a set of issues for deliberation at a community forum

in order to arrive at community negotiation positions on each of the issues arising from the information.

- 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 concessionaire, and the concessionaire shall provide financial or other resources for the procurement of the necessary expertise in a timely or effective manner but shall not determine directly or indirectly the experts for the community, in order to avoid conflict of interest.
- 20.5 The Committee shall convene a community forum, which forum shall be generally representative of the community with representation particularly from women, youth, persons with disability and other marginalized groups, and in the manner in which community fora are ordinarily convened and conducted, and the subcommittee shall facilitate a discussion leading to community negotiation positions on all the issues.
- 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.
- 20.7 Where any governmental ministry, department or agency is mandated to organize a public hearing in respect of the concession, the Committee shall demand a public hearing on the concession, to be held in the community.
- 20.8 The public hearing shall be generally representative of the community and shall have representation from women, youth, persons with disability and other marginalized groups, and members of the community shall be allowed to freely voice their opinions and concerns about the concession agreement.
- 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.

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 positions

20.11 . The Committee shall, after the public hearing has been held, transmit forthwith the proceedings of the hearing to the Authority for its records.

Community Negotiations on Concessions

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:

- a) the free, prior and informed consent of the community;
- b) the objectives of the concession;
- c) project milestones;
- d) implementation schedule;
- e) schedule of expenditures;
- f) content and schedule of reporting;
- g) consultations framework;
- h) parameters for resettlement;
- i) payment of compensation;
- j) environmental precautions and remediation;
- k) land valuation;
- l) land rent;
- m) royalties;
- n) a minimum of five percent carried interest collectively owned by the community;
- o) the monetary benefits to the community;

- p) the in-kind benefits to the community such as educational scholarship, apprenticeship, employment, technology transfer, corporate social responsibility, and local content compliance;
- q) the roles and obligations of the community to the concessionaire;
- r) project success indicators;
- s) monitoring, mid-term review and evaluation framework;
- t) alternative dispute resolution;
- u) renegotiation of the agreement;
- v) procedures for assigning interests, rights and liabilities under the agreement;
- w) reversion of lands to the community on the expiration of the concession; and
- x) such other content as may be mutually agreed by the community and the concessionaire.

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, undue influence, manipulation, fraud or bribery;
- b) be given by the community before the commencement of activities;
- c) be given only after the community has been fully informed of all the relevant information in respect of the concession and proposed concession activities listed in Regulation 20.12; and
- d) represent the consent of a majority of the community.

20.14 The agreement in Regulation 20.12 shall take into account the unique circumstances of the concessionaire and the community, and the issues to be addressed in the agreement may include:

- a) the industry in which the concessionaire is engaged;
- b) educational scholarship, apprenticeship, technical training and employment opportunities for the members of the community;

- c) financial or other forms of contributory support for infrastructural development and maintenance such as education, health or other community services, roads, water and power;
- d) assistance with the creation, development and support of small-scale and micro enterprises, with particular emphasis on persons with disability and other marginalized groups;
- e) special programs which benefit persons with disability;
- f) special programs which benefit women;
- g) special programs which benefit youth;
- h) agricultural product marketing;
- i) protection of natural resources;
- j) treatment of and support for cultural heritage sites, such as archeological sites, monuments, artifacts, burial grounds, shrines, places of worship, and sites of religious and historical significance;
- k) treatment of and support for cultural and sacred sites;
- l) treatment of ecological systems, including restoration, and enhancement for traditional activities such as hunting and gathering;
- m) language training to further employment prospects;
- n) how cultural values will be respected;
- o) cross-cultural training requirements;
- p) land access;
- q) methods and procedures for environment management; and
- r). any requirements with regard to third parties such as the concessionaire's contractors and suppliers.

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.

Determination and Payment of Compensation

20.16 A community affected by the undertakings of a concessionaire shall be entitled to prompt, fair and adequate compensation from the concessionaire.

20.17 The absence of formal title to land shall not act as a bar to a community's eligibility for compensation.

20.18 The relevant governmental ministry, department or agency shall in determining the appropriate compensation to be paid, take into consideration factors such as the value of the land, the current market value of crops to be affected, the environmental impact resulting from the concession activities, effects on culturally significant sites, and land use planning and zoning, and shall in particular, take into consideration the following:

- a) in respect of agricultural land or crops;
 - i. the loss of expected income, depending on the nature and life expectancy of the crops,
 - ii. loss of earnings suffered by the farmer and
 - iii. any other disturbance to be suffered as a result of the concession
- b) in respect of commercial land;
 - i. the cost of re-establishing commercial activities elsewhere,
 - ii. the loss of income during the period of transition,
 - iii. the cost of transfer and re-installation of plant machinery and equipment, and
 - iv. the cost of resources such as time, in carrying out the above
- c) in respect of surface land;
 - i. the resulting disruption of socio-economic activities,
 - ii. change or conversion of use of the land at the end of the concession,
 - iii. duration of the concession,
 - iv. diminution of the value of land as a result of the use of land,
 - v. severance of any part of the land from other parts,
 - vi. any disruptions in access rights,
 - vii. any other surface rights, and
- d) in respect of immovable property, where there is a loss or damage, the payment of compensation based on full replacement value.

20.19 The subcommittee responsible for community negotiations over natural resources shall submit to the concessionaire in writing, a claim for compensation which shall include:

- a) the free, prior and informed consent of the community;
- b) particulars of the claim or interest in the land;
- c) the manner in which the claim, right or interest has been affected or is likely to be affected by the operations of the holder of the concession right;
- d) the extent of damage done; and
- e) the type of compensation claimed, whether payment of money or payment in kind and the basis of computation of the amount of compensation.

20.20 The subcommittee may co-opt any number of experts as may be needed to assist the subcommittee in the negotiation of compensations to be paid by the concessionaire.

20.21 The concessionaire shall pre-finance all the costs involved in the assessment and negotiation of compensation.

20.22 A concessionaire shall not have a right of entry to go upon any Community Land for the purposes of the concession unless all compensation that is due and owing has been paid to the community or to individuals and groups in the community.

20.23 Where a concessionaire has already entered on the land and fails to comply with the agreed terms of payment of compensation, the right of the concessionaire to enter on the land shall be suspended until compliance with the agreed terms of payment.

20.24 A concessionaire who fails to pay the determined amount of compensation, within the time specified for payment to be made, is liable to pay an interest of ten percent on the amount of compensation for each month that the compensation remains unpaid.

20.25 Where there is inordinate delay in the payment of the compensation, there shall be, at the request of the Committee or the concessionaire, a renegotiation of the compensations payable.

20.26 Any person or group of persons dissatisfied with compensation payable, or with the mode and manner of payment of compensation, or with any other matter relating to compensation, may seek redress under the dispute resolution part of this Regulation.

Resettlement

20.27 Where the operations of a concession involve the displacement of persons in a community, such persons shall be resettled by the concessionaire on suitable alternative land.

20.28 Resettlement shall have regard for the economic well-being and socio-cultural values of the persons to be resettled, with the objective of improving the livelihoods and standards of living of the persons, and shall in particular have regard for:

- a) transitional support to be provided, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels and standards of living;
- b) a Livelihood Action Plan or equivalent to be developed to mitigate adverse economic impacts on displaced persons or communities, which plan shall establish the entitlements of affected persons or communities and ensure these are provided in a transparent, consistent, and equitable manner; and
- c) affected communities or households who may not be physically affected but who are economically displaced due to loss of assets or means of livelihood.

20.29 For the purposes of Regulation 20.27, a concessionaire shall, in consultation with the Committee, the County Land Administration, the County Land Board, and any other relevant government entity, prepare a Resettlement Plan which shall be guided by the following principles:

- a) resettlement shall be avoided whenever possible;

- b) where resettlement is unavoidable, it shall be undertaken in a manner that causes minimal disruption to the lives and livelihoods of Affected Persons;
- c) resettlement shall be conceived, planned and executed as a sustainable development intervention;
- d) resettlement shall aim to improve the standard of living and livelihood of Affected Persons;
- e) adherence to laws and regulations, including those on land use and human rights;
- f) full disclosure of information and informed participation of Affected Persons and communities;
- g) resettlement shall be effected only after full compensation for tangible and intangible losses;
- h) account for and pay particular attention to specific impacts on vulnerable groups;
- i) institution of stakeholder engagement processes in collaboration with affected communities and households to discuss decision-making processes, options and alternatives related to resettlement and livelihood restoration;
- j) institution of an independent framework for monitoring, review, and evaluation of resettlement activities;
- k) consideration for environmental, natural, and cultural heritages of the communities;
- l) mitigation of resettlement impact on host communities;
- m) ensuring that the absence of formal title to land is not a bar to eligibility for resettlement and resettlement compensation;
- n) promotion of inter-sectoral collaboration amongst governmental entities;
- o) inclusion of the cost of resettlement in the cost of concession activities;
- p) non-discrimination;
- q) institution of a risk management plan; and
- r) institution of grievance redress and alternative dispute resolution mechanisms.

20.30 The concessionaire shall first prepare a Draft Resettlement Plan, including a baseline study, which shall include:

- a) an analytical study of the existing land use and population distribution patterns;
- b) a demographic and socio-economic survey of the displaced population to determine the population mix and other planning parameters;
- c) a housing inventory and a survey of conditions of buildings in the existing settlement to establish basic planning parameters which include plot size, house types, occupancy rates, materials and housing construction preferences and facilities;
- d) identification of physical and environmental conditions and analyzing the environmental opportunities and constraints through a study of settlement pattern, drainage, physical geography and barriers of the resettlement area;
- e) identification of existing land tenure and management systems;
- f) maps covering the resettlement area;
- g) the collection, analyses and documentation of information on the socio-economic and environmental conditions of the inhabitants to be resettled;
- h) a plan for the overall development of the resettlement area which shall include the measures, policies and strategies to guide the future development of the area;
- i) a strategic action plan which outlines specific projects and programs with measures, guidelines and institutional arrangements for execution;
- j) where feasible, benchmarking exercises to ensure compensation strategies and rates for non-inhabitable structures, productive uses and land valuation are at market value;
- k) socio-economic baseline data gathered in sufficient detail and quality to document Community Members and other stakeholders who will be displaced by the site, determine who will be eligible for compensation or assistance, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits;
- l) to the extent possible, baseline data planning should consider data which can be used to establish resettlement and livelihood restoration criteria used to determine completion success;
- m) establishing a moratorium or cut-off date, documented and well disseminated throughout the community at the appropriate times;

- n) a gender responsive resettlement or livelihood restoration entitlement framework established and agreed upon with the affected persons or group of persons or their representatives;
- o) a quality control mechanism for Resettlement and Livelihood Action Plans;
- p) a plan to mitigate the negative impacts of physical displacement;
- q) identification of development opportunities, financed by a resettlement budget and with an implementation schedule;
- r) establishing the entitlements of categories of Affected Persons and households;
- s) particular attention for the needs of women, youth, persons with disability and other marginalized or vulnerable groups;
- t) offers for physically displaced persons and households to choose among feasible resettlement options, including replacement housing or monetary compensation, where suitable alternative physical residence can be verified prior to relocation;
- u) design and construction of replacement housing in line with the needs, wants, and preferences of the persons displaced;
- v) relocation assistance suited to the needs of each household and aimed at facilitating the restoration or improvement of living standards at the alternative site;
- w) ensuring that replacement property is equal or higher in value;
- x) ensuring security of tenure at the new location is provided to the extent feasible, through legally defensible title in accordance with relevant laws and custom; and
- y) ensuring that structures that are owned and occupied at the time of eligibility cut-off shall be compensated for at full replacement value.

20.31 The Draft Resettlement Plan shall be presented by the concessionaire at a community public forum, with key stakeholders, including representatives of the inhabitants to be resettled, the County Land Administration, the County Land Board, the Environmental Protection Agency, Traditional Leaders, Civil Society Organizations operating in the community, and other relevant government entities.

20.32 The concessionaire shall present a Final Resettlement Plan, taking into consideration the comments, suggestions and recommendations from the community public forum, and which shall include an action plan with implementation strategies, guidelines, costing, timing, and monitoring of the various components for execution of the Final Resettlement Plan.

20.33 A Resettlement Plan shall not be implemented unless it is approved by the relevant County Land Administration and the Committee.

20.34 The County Land Administration and the Committee shall within thirty days after receipt of a Resettlement Plan, review the Plan and may make recommendations to the concessionaire for a revision of the Plan where necessary.

20.35 A Community Land Development and Management Committee shall establish a Resettlement Monitoring subcommittee, to include representatives of the inhabitants to be resettled, which shall be tasked with monitoring the implementation of every Resettlement Plan, and the costs of the subcommittee shall be borne by the concessionaire.

Community Rights that may Co-Exist with a Concession

20.36 A lawful occupier of land within an area subject to a concession may graze livestock on or cultivate the surface of the land, if the grazing or cultivation does not interfere with concession activities.

20.37 Subject to Regulation 20.36, a person shall not exercise any surface rights in an area that has been designated as a concession and in respect of which compensation has been paid.

20.38 A concessionaire shall not restrain or restrict any lawful occupier of land outside the concession area from exercising surface rights over that area.

Benefit Sharing

20.39 A Community Land Development and Management Committee shall facilitate the development of a community Benefit Sharing Plan in a transparent and inclusive manner to guide the community in the allocation of all benefits to the community arising from concessions.

20.40 The Plan shall aim to ensure sustainable use and equitable distribution of the benefits, taking into consideration the following:

- a) the need for a fair and equitable distribution of the benefits, including gender equality and intergenerational equity;
- b) sustainable use of the benefits, especially intergenerational sustainability;
- c) consideration for the needs of persons most negatively affected by the concession;
- d) benefits derived from the concession by individuals or groups in the community; and
- e) consideration for the needs of women, youth, persons with disability and other marginalized and vulnerable individuals and groups in the community.

Performance Monitoring

20.41 The subcommittee responsible for community negotiations over natural resources shall develop detailed checklists from the community negotiated agreement with the concessionaire.

20.42 The subcommittee shall utilize the checklist to generate monthly quantitative and qualitative progress reports on the implementation of the agreement.

20.43 The monthly progress reports for every quarter shall be discussed at a community forum in the month following the end of the quarter under review, in order to leverage best practices and implementational deficiencies, and to make recommendations to the concessionaire or other relevant persons or institutions for replication and remediation.

20.44 The subcommittee may increase the frequency of progress reporting or community fora depending on the complexity of the issues arising from the concession.

20.45 A concessionaire shall submit an annual report on concession activities to the Community Land Development and Management Committee and the Authority.

20.46 The annual report shall be submitted within three months after the close of an activity year.

20.47 The report shall contain the following:

- a) the extent to which the objectives of the concession have been met;
- b) the schedule of activities for the year under review;
- c) the milestones and results achieved and those outstanding;
- d) the challenges faced in the year of review and the resolution status of each challenge;
- e) a statement of account of expenditure for the year under review;
- f) any compensation paid in the course of the year under review;
- g) a record of all in-kind benefits to the community;
- h) the extent to which local content targets have been met;
- i) the extent to which any Resettlement Plan has been implemented;
- j) an account of corporate social responsibility projects undertaken;
- k) an account of environmental precautions and remediation undertaken;
- l) a record of any disputes and an indication of their resolution status; and
- m) any other content as may be mutually agreed by the community and the concessionaire.

20.48 The annual report shall be open to free inspection by members of the community and any other member of the public during regular office hours, and a member of the community shall be entitled to one free copy of the report.

20.49 The Committee shall funnel to the relevant government entities, copies of the quarterly and annual reports of the concessionaire as community input to the periodic reviews on concessions on Community Land.

20.50 Upon receipt of the annual report, the Committee shall convene a community forum in the manner in which community fora are ordinarily convened in the community to deliberate on the contents of the report and provide feedback to the concessionaire.

20.51 The Committee shall engage the services of external experts to facilitate the community forum at which the annual report is examined and to collate the feedback of the community.

20.52 Within three months of the conclusion of particular concession activities, whether or not the concession agreement between the concessionaire and the Government of Liberia has terminated, the Committee shall engage external experts to evaluate the impact of the concession on the community, adopting community participatory learning and action methodologies.

20.53 The evaluation shall be conducted to intentionally reach beyond mere consultation and promote the active participation of members of the community in the following:

- a) collective analyses and learning;
- b) leveraging the issues and formulating interventions that affect and shape their lives;
- c) tapping into the unique perspectives of the community, enabling local people to share their perceptions and identify;
- d) prioritizing and appraising issues from their knowledge of local conditions;
- e) unlocking their ideas not only on the nature and causes of the issues that affect them, but also on realistic solutions; and
- f) utilizing visual methods and analytical tools that enable all community members to participate, regardless of their age, ethnicity or literacy capabilities.

20.54 Within three months of the conclusion of the evaluation, the experts and the Committee shall undertake a community learning forum, to include lessons learnt

and best practices, and using tested community learning facilitation techniques, including reflective learning.

20.55 Where a concessionaire and a community are unable to agree on any operational or other changes recommended by a community and contained in the feedback to the concessionaire following quarterly community forums, the annual report, or the end of concession activity evaluation, the disagreement shall be addressed in the manner in which disputes are resolved under this Regulation.

20.56 The concessionaire shall bear the costs of performance monitoring of the agreement by the community.

Documentation

20.57 A Community Land Development and Management Committee shall retain copies of all communications and documentation produced in the course of conducting business for and on behalf of the community.

20.58 The Committee shall keep proper records and books of account regarding all transactions relating to concessions, including carried interests, payment of royalties, rent, compensation, and any other benefits to the community arising from the concessions, including records and accounts of how such benefits are distributed.

Alternative Dispute Resolution Mechanisms between a Concessionaire and a Community

20.59 Where a dispute arises in connection with the concession, the concessionaire or the community shall request a meeting with the other party and the parties shall meet promptly and make good faith attempts to reach an amicable settlement.

20.60 Where a concessionaire and a community are unable to agree on the terms of the agreement, payment of compensation, any issue concerning resettlement, or any other matter arising from the concession, they shall resort to mediation, and shall mutually agree on a mediator from a short-list of three persons proposed by the Authority.

20.61 At the conclusion of a successful mediation, the mediator shall draw up a mediation agreement which shall be reviewed, finalized and signed by the parties, and each party is entitled to an original copy of the mediation agreement.

20.62 Copies of the mediation agreement shall be lodged with the relevant Community Land Development and Management Committee and the County Land Board.

20.63 Where a concessionaire and a community fail to arrive at an amicable settlement and also at mediation to conclude the agreement, on payment of compensation, a Resettlement Plan or any other matter arising from the concession by the time the concessionaire is ready to commence work on the concession, the concessionaire or the community may refer the matter by notification to the Authority for resolution by arbitration, and the decision of the Authority shall be final.

20.64 The arbitration shall take place at the place and times, in the manner, and according to rules agreed to by the parties.

20.65 A resort to mediation or a notification for arbitration shall be accompanied by relevant documentation, including the draft community agreement proposed by the party, the proposed compensation package, the draft resettlement plan, a description of the efforts to negotiate an agreement or revised agreement, issues that have been agreed, issues which have not been agreed, and proposals to resolve the issues that are still outstanding.

20.66 A concessionaire and a community shall present to the mediator or the arbitrator as the case may be, the following written documents:

- a) a description of the dispute;
- b) a statement of their position; and
- c) copies of any relevant documentary evidence.

20.67 The mediator or an arbitrator may call for such further oral or documentary evidence as they may deem necessary in order to reach their decision.

- 20.68 Attempts at amicable settlement shall be concluded within twenty-one days.
- 20.69 Mediation shall be concluded within thirty days.
- 20.70 The parties and the Authority shall use their best endeavours to conclude arbitration within six months.
- 20.71 An amicable settlement shall be binding on the parties unless one party issues a notice of intention to refer the matter to mediation.
- 20.72 The mediation agreement shall be binding on the parties unless one party issues a notice of intention to refer the matter to arbitration.
- 20.73 The concessionaire shall bear all the costs of all alternative dispute resolution mechanisms adopted under this Regulation.
- 20.74 A mediator or arbitrator shall keep proper records of all communication, documentation, proceedings and awards concerning the entire mediation or arbitration, and shall lodge all documentation with the relevant Community Land Development and Management Committee.
- 20.75 These provisions shall not apply to concessions that are previously granted before the coming into force of the Act.
- 20.76 Nothing in these Regulations shall be construed to oust the jurisdiction of the courts of law.

Dispute Resolution and Judicial Review in Respect of Community Lands

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.

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

22. Composition of the subcommittee

22.1 The subcommittee shall be made up of no less than seven persons at any given time.

22.2 The subcommittee shall comprise the following persons:

- a) a Chairperson;
- b) a Vice-Chairperson;
- c) a Secretary; and
- d) not less than four other persons, no more than half of whom shall belong to the same gender, who shall serve as members of the subcommittee.

22.3 A person shall be appointed to the subcommittee in the manner in which the community ordinarily appoints persons to positions of responsibility in the community.

22.4 The members, from among their number, shall elect the Chairperson, Vice-Chairperson and Secretary of the subcommittee.

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;
- b) is a member of the community who is considered to be of high moral character and proven integrity;
- c) has not been convicted of a felony by a court of competent jurisdiction in the last three years;
- d) has not been adjudged as bankrupt in Liberia or any other jurisdiction and is not discharged; and

e) has not been adjudged to be of unsound mind.

23. Quorum of Meetings

- 23.1 The quorum of meetings of the subcommittee necessary for the conduct of business shall be not less than five members, including the Chairperson or the Vice-Chairperson, and shall require representation of both genders.
- 23.2 The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at meetings of the subcommittee.
- 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.
- 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.

24. Tenure of Members

- 24.1 A person shall be a member of the subcommittee for a period of three years, and is eligible for reappointment, but shall not serve as a member of the subcommittee for more than six consecutive years at a time.

25. Submission of Dispute

- 25.1 A person who has a complaint relating to Community Land may independently submit the complaint to the Secretary, and in the absence of the Secretary, the Chairperson or any other member of the Dispute Resolution subcommittee.
- 25.2 The submission shall ordinarily be made in writing, but where a person is unable to write out their complaint for submission, they may present their complaint orally to the Secretary who shall write down in detail the entire complaint, and read back, translate and explain the contents of the complaint as recorded so that the complainant may confirm, deny or correct the record.

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.

25.4 Where a person makes a complaint in a representative capacity, this fact shall be stated at the time of submitting the complaint to the subcommittee.

25.5 The complaint shall set forth clearly:

- a) the full name and address of the complainant;
- b) the name and address of the person against whom the complaint is made;
- c) the facts and particulars on which the complainant seeks to rely;
- d) the names and particulars of witnesses the complainant intends to call to testify in support of their case; and
- e) the nature of the reliefs sought by the complainant.

25.6 The Secretary to the subcommittee shall upon receipt of the complaint, inform the members of the subcommittee accordingly, and convene a meeting for the consideration of the complaint.

25.7 The subcommittee shall, within ten days of receipt of a complaint, invite the person against whom the complaint is made to address the claims made against them.

25.8 A person against whom a complaint has been made to the subcommittee shall have the opportunity to defend themselves, with or without the assistance of a relative, friend, or relevant expert.

26. Hearing of Disputes

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

- a) apply the applicable customary law;
- b) provide an opportunity for all parties to be heard;
- c) ensure impartiality of adjudication;
- d) recuse themselves or exclude a member of the subcommittee who has an interest in the proceedings;

- e) make all evidence and documentation available to all parties;
- f) ensure fairness in the course of the hearing;
- g) at the beginning of the hearing, decide what languages may be used at the hearing;
- h) provide for interpretation of the proceedings where necessary;
- i) conduct the hearing in public, but with due regard to order, decorum and fairness to all parties;
- j) concentrate on the administration of substantive justice by focusing on the substance of the dispute and without much regard for technicalities;
- k) permit a party or their representative to make representations to the subcommittee;
- l) allow a party to first state their case, and then be questioned by the other party or the subcommittee, or any other person claiming an interest in or possessing information about the dispute;
- m) permit a party, their representative, or any other person interested in the dispute, to be present, either by himself or herself or a representative of their choice, where the subcommittee inspects land, the subject matter of the dispute;
- n) keep records of the proceedings, all evidence submitted, and notes of any visits made to land, the subject matter of the dispute, in the course of the hearing;
- o) adjourn a hearing to facilitate reconciliation or amicable settlement of the dispute;
- p) make the decision and report available to the parties; and
- q) generally, comply with the principles and protections enshrined in national and international human rights instruments such as;
 - i. fairness,
 - ii. accountability,
 - iii. transparency,
 - iv. freedom from discrimination based on social status, ethnicity, gender, disability among others,
 - v. the right to equal treatment before tribunals,
 - vi. the right to freedom of movement and residence,
 - vii. the right to nationality,

- viii.the right to own property alone and in association with others, and
- ix.the right to freedom of expression.

26.2 Proceedings before the subcommittee shall, as far as practicable, avoid legal and other technicalities that are not necessary for the resolution of issues before the subcommittee.

26.3 The Authority shall issue Guidelines or Standard Operating Manuals for the record of proceedings, taking of evidence and recording of notes of any site visits.

26.4 A party who has reasonable cause to doubt the independence or impartiality of the subcommittee or a member of the subcommittee may raise a challenge against the subcommittee or that member.

26.5 Where the challenge relates to the entire subcommittee, it shall be raised with the County Land Dispute Resolution Officer for determination and directives.

26.6 Where the challenge relates to a member of the subcommittee, it shall be raised with the other members of the subcommittee for determination.

26.7 In considering a challenge relating to member of the subcommittee, the subcommittee shall take into consideration:

- a) the likelihood of bias of the member against whom a challenge is raised;
and
- b) the probability of a fair hearing given by the member against whom a challenge is raised.

27. Determination of Dispute

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

27.2 The subcommittee shall, in using the applicable customary law in the determination of a dispute, do so consistent with the principles of equality, equity,

fairness and transparency as enshrined in the Constitution of Liberia, and as enshrined in national and international human rights instruments.

- 27.3 The subcommittee shall conduct the hearing within three months of the submission of the dispute.
- 27.4 The subcommittee shall render a decision within one month of the conclusion of the hearing of the dispute.
- 27.5 The subcommittee shall produce a signed report with the decision, covering:
- a) the names and addresses of the parties;
 - b) the names and addresses of all interveners and witnesses;
 - c) a record of all the issues to be decided;
 - d) a summary of all the evidence submitted;
 - e) the findings;
 - f) the decision;
 - g) the reasons for the decision; and
 - h) any orders and recommendations.
- 27.6 The decision of the subcommittee shall be presented to the Community Land Development and Management Committee before it is communicated to the parties and the County Land Dispute Resolution Officer.
- 27.7 The subcommittee shall communicate its 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.
- 27.8 The parties shall sign or otherwise acknowledge receipt of a decision of the subcommittee at the time of its communication, and where a party refuses to sign, the Secretary shall make a notation to that effect witnessed by two other members of the subcommittee.

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.

27.10 A person who is aggrieved by a decision of the subcommittee may:

- a) upon the discovery of a new and important matter or evidence, which after the exercise of due diligence, was not within that person's knowledge or could not have been produced by that person at the time in the course of the hearing, or
- b) on account of some mistake or error apparent on the face of the record, or
- c) for any other sufficient reason,

apply for a review of the decision of the subcommittee, within seven days of the communication of the decision.

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

28. Right to Appeal

28.1 Any person dissatisfied with a decision of the Dispute Resolution subcommittee of the Community Land Development and Management Committee shall have the right to appeal against that decision to the County Land Dispute Resolution Officer of the Authority.

28.2 An appeal shall be by way of re-hearing and shall operate as a stay of execution of the decision being appealed.

28.3 An appeal shall be lodged within fourteen days of the communication of the decision of the subcommittee to the parties.

28.4 The County Land Dispute Resolution Officer may extend the time within which a person may lodge an appeal where such person shows reasonable justification for the extension of time.

28.5 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.

28.6 Where the person lodging the appeal confirms the record, they shall place their mark thereon, such as a signature or thumbprint, evidencing verification of the contents.

28.7 Where a person lodges an appeal in a representative capacity, this fact shall be stated at the time of submitting the appeal.

28.8 The appeal shall set forth clearly:

- a) the full name and address of the appellant;
- b) the name and address of the persons directly affected by the appeal;
- c) the parts of the decision against which the appeal is brought; and
- d) the grounds of appeal.

29. County Land Dispute Resolution Officer to Hear Appeal

29.1 The County Land Dispute Resolution Officer shall, within seven days of the receipt of an appeal, transmit a copy of the appeal to all persons affected by the appeal, and shall invite all interested persons to sign or thumbprint a document evidencing receipt of a copy of the appeal.

29.2 The County Land Dispute Resolution Officer shall invite the person who has lodged the appeal and the persons against whom the appeal is lodged for a hearing of the appeal within fourteen days of the lodging of appeal, unless the time is extended for a reasonable cause.

29.3 A person against whom an appeal has been lodged with the County Land Dispute Resolution Officer shall have the opportunity to state their case in response, with or without the assistance of a relative, friend or relevant expert.

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.

29.5 Where a person does not attend to the summons to appear before the County Land Dispute Resolution Officer or to produce any document in his or her possession, the County Land Dispute Resolution Officer shall make a report to the Magistrate Court, which shall order the person to so appear or to produce the document.

29.6 During the hearing of the appeal, all interested parties may make submissions or provide oral or written evidence to the County Land Dispute Resolution Officer.

29.7 The County Land Dispute Resolution Officer may accept new evidence in the course of hearing the appeal.

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

- a) apply the applicable customary law;
- b) provide an opportunity for all parties to be heard;
- c) ensure impartiality of adjudication;
- d) recuse himself or herself where he or she has an interest in the proceedings;
- e) make all evidence and documentation available to all parties;
- f) ensure fairness in the course of the hearing;
- g) at the beginning of the hearing, decide what languages may be used at the hearing;
- h) provide for interpretation of the proceedings where necessary;
- i) conduct the hearing in public, but with due regard to order, decorum and fairness to all parties;
- j) concentrate on the administration of substantive justice by focusing on the substance of the appeal and without much regard for technicalities;

- k) permit a party or their representative to make representations to him or her;
- l) permit a party to first state their case, and then be questioned by the other party, the County Land Dispute Resolution Officer or any other person claiming an interest in or possessing information about the dispute;
- m) allow a party, their representative, or any other person interested in the dispute, to be present where the County Land Dispute Resolution Officer inspects land, the subject matter of the dispute;
- n) keep records of the proceedings, all evidence submitted, and notes of any visits made to land, the subject matter of the dispute, in the course of the hearing;
- o) adjourn a hearing to facilitate reconciliation or amicable settlement of the dispute;
- p) make the decision and report available to the parties; and
- q) generally, comply with the principles and protections enshrined in national and international human rights instruments such as:
 - i. fairness,
 - ii. accountability,
 - iii. transparency,
 - iv. freedom from discrimination based on social status, ethnicity, gender, disability among others,
 - v. the right to equal treatment before tribunals,
 - vi. the right to freedom of movement and residence,
 - vii. the right to nationality,
 - viii. the right to own property alone and in association with others, and
 - ix. the right to freedom of expression.

29.9 A party who has reasonable cause to doubt the independence or impartiality of the County Land Dispute Resolution Officer may raise a challenge against the County Land Dispute Resolution Officer with the County Land Board of the Authority, and the Board shall make a determination on the challenge.

30. Determination of Appeal

30.1 The County Land Dispute Resolution Officer shall render a decision on the appeal within one month of the conclusion of the hearing of the appeal.

30.2 The County Land Dispute Resolution Officer shall produce a signed report with the decision on the appeal, covering:

- a) the names and addresses of the parties;
- b) the names and addresses of all interveners and witnesses;
- c) a record of all the issues to be decided;
- d) a summary of all the evidence submitted;
- e) the findings;
- f) the decision;
- g) the reasons for the decision; and
- h) any orders and recommendations.

30.3 The decision of the County Land Dispute Resolution Officer shall be confirmed by the County Land Board of the Authority before it is communicated to the parties, the Dispute Resolution subcommittee of the relevant Community Land Development and Management Committee, and the Dispute Resolution Committee of the Authority.

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.

30.5 The parties shall sign or otherwise acknowledge receipt of a decision of the County Land Dispute Resolution Officer at the time of its communication.

30.6 The County Land Dispute Resolution Officer shall keep a true and faithful record of all proceedings and transmit them to the Dispute Resolution Committee of the Authority after a decision is reached on each case.

30.7 A person who is aggrieved by a decision of the County Land Dispute Resolution Officer may:

- a) upon the discovery of a new and important matter or evidence, which after the exercise of due diligence, was not within that person's knowledge or could not have been produced by that person at the time in the course of the hearing, or
- b) on account of some mistake or error apparent on the face of the record, or
- c) for any other sufficient reason,

apply for a review of the decision of the County Land Dispute Resolution Officer, within seven days of the communication of the decision.

Appeals from County Land Dispute Resolution Officer to Dispute Resolution Committee of the Authority

31. Establishment of Dispute Resolution Committee

31.1 The Authority shall establish a Dispute Resolution Committee, which shall be charged with, among other things, hearing appeals from the decisions of the County Land Dispute Resolution Officer.

31.2 For the purposes of these Regulations, the Committee shall have jurisdiction to receive, hear and determine any appeal in respect of Community Land from a decision of the County Land Dispute Resolution Officer.

32. Composition of the Committee

32.1 The Committee shall be made up of no less than five and no more than seven persons at any given time.

32.2 The Committee shall comprise:

- a) a Chairperson;
- b) a Vice-Chairperson;

- c) the Executive Director of the Authority or their representative, who shall be the Secretary; and
- d) 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.

32.3 A person shall be eligible for appointment as a member of the Committee if that person:

- a) is a citizen of the Republic of Liberia who is considered to be of high moral character and proven integrity;
- b) has not been convicted of a felony by a court of competent jurisdiction in the last three years;
- c) has not been adjudged as bankrupt in Liberia or any other jurisdiction and is not discharged; or
- d) has not been adjudged to be of unsound mind.

33. Quorum of Meetings

33.1 The quorum of meetings of the Committee necessary for the conduct of business shall be the Chairperson or the Vice-Chairperson, and not less than three other members.

33.2 The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at meetings of the Committee.

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

33.4 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.

34. Tenure of Members

34.1 With the exception of the Executive Director or their representative, the Commission of the Authority shall appoint a person to be a member of the Committee for a period of three years at a time, and that person shall be eligible for reappointment, but may not serve for more than six consecutive years at a time.

35. Right to Appeal

35.1 Any person dissatisfied with a decision of the County Land Dispute Resolution Officer shall have the right to appeal against that decision to the Dispute Resolution Committee of the Authority.

35.2 An appeal shall be by way of re-hearing and shall operate as a stay of execution of the decision being appealed.

35.3 A person who intends to appeal against a decision of the County Land Dispute Resolution Officer shall lodge an appeal with the Committee within twenty-one days of the communication of the decision of the Officer.

35.4 The Committee may extend the time within which a person may lodge an appeal where such person shows reasonable justification for the extension of time.

36. Lodging of Appeal to Committee

36.1 A person who wishes to appeal against the decision of the County Land Dispute Resolution Officer shall lodge the appeal with the Secretary of the Committee.

36.2 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 Secretary of the Committee, 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.

36.3 Where the person lodging the appeal confirms the record, they shall place their mark thereon, such as a signature or thumbprint, evidencing verification of the contents.

36.4 Where a person lodges an appeal in a representative capacity, this fact shall be stated at the time of submitting the appeal to the Committee.

36.5 The appeal shall set forth clearly:

- a) the full name and address of the appellant;
- b) the name and address of the persons directly affected by the appeal;
- c) the parts of the decision against which the appeal is brought; and
- d) the grounds of appeal.

36.6 The Secretary to the Committee shall upon receipt of the appeal, inform the members of the Committee accordingly and convene a meeting for the consideration of the appeal.

36.7 The Committee shall, within ten days of the receipt of an appeal, transmit a copy of the appeal to all persons affected by the appeal, and invite all interested persons to sign or thumbprint a document evidencing receipt of a copy of the appeal.

36.8 A person against whom an appeal has been lodged with the Committee shall have the opportunity to state their case, with or without the assistance of a relative, friend or relevant expert.

37. Committee to Hear Appeal

37.1 The Committee shall invite the person who has lodged the appeal and the persons against whom the appeal is lodged for a hearing of the appeal within one month of the appeal, unless the time is extended for a reasonable cause.

37.2 At any stage of hearing the appeal, the Committee may on its 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.

37.3 Where a person does not attend to the summons to appear before the Committee or to produce any document in his or her possession, the Committee shall make a report to the Circuit Court, which shall order the person to so appear or to produce the document.

37.4 During the hearing of the appeal, all interested parties may make submissions or provide oral or written evidence to the Committee.

37.5 In exceptional cases, the Committee may accept new evidence in the course of hearing the appeal.

37.6 In hearing the appeal, the Committee shall:

- a) apply the applicable customary law;
- b) provide an opportunity for all parties to be heard;
- c) ensure impartiality of adjudication;
- d) recuse themselves or exclude a member of the Committee who has an interest in the proceedings;
- e) make all evidence and documentation available to all parties;
- f) ensure fairness in the course of the hearing;
- g) at the beginning of the hearing, decide what languages may be used at the hearing;
- h) provide for interpretation of the proceedings where necessary;
- i) conduct the hearing in public, but with due regard to order, decorum and fairness to all parties;
- j) concentrate on the administration of substantive justice by focusing on the substance of the dispute and without much regard for technicalities;
- k) permit a party or their representative to make representations to the Committee;

- l) allow a party to first state their case, and then be questioned by the other party or the Committee, or any other person claiming an interest in or possessing information about the dispute;
- m) permit a party, their representative, or any other person interested in the dispute, to be present where the Committee inspects land, the subject matter of the dispute;
- n) keep records of the proceedings, all evidence submitted, and notes of any visits made to land, the subject matter of the dispute, in the course of the hearing;
- o) adjourn a hearing to facilitate reconciliation or amicable settlement of the dispute;
- p) make the decision and report available to the parties; and
- q) generally, comply with the principles and protections enshrined in national and international human rights instruments such as:
 - i. fairness,
 - ii. accountability,
 - iii. transparency,
 - iv. freedom from discrimination based on social status, ethnicity, gender, disability among others,
 - v. the right to equal treatment before tribunals,
 - vi. the right to freedom of movement and residence,
 - vii. the right to nationality,
 - viii. the right to own property alone and in association with others, and
 - ix. the right to freedom of expression.

37.7 The Committee shall, in using the applicable customary law in the determination of an appeal, do so consistent with the principles of equality, equity, fairness and transparency as enshrined in the Constitution of Liberia, and as enshrined in national and international human rights instruments.

37.8 A party who has reasonable cause to doubt the independence or impartiality of the Committee or a member of the Committee may raise a challenge against the Committee or that member.

37.9 Where the challenge relates to the entire Committee, it shall be raised with the Commission of the Authority for determination and directives.

37.10 Where the challenge relates to a member of the Committee, it shall be raised with the other members of the Committee for determination.

37.11 The Committee may co-opt any expert to assist in the discharge of its functions.

38. Determination of Appeal

38.1 The Committee shall render a decision on the appeal within one month of the conclusion of the hearing of the appeal.

38.2 The Committee shall produce a signed report with the decision on the appeal, covering:

- a) the names and addresses of the parties;
- b) the names and addresses of all interveners and witnesses;
- c) a record of all the issues to be decided;
- d) a summary of all the evidence submitted;
- e) the findings;
- f) the decision;
- g) the reasons for the decision; and
- h) any orders and recommendations.

38.3 The decision of the Committee shall be affirmed by the Commission of the Authority before it is communicated to the parties, the Dispute Resolution subcommittee of the relevant Community Land Development and Management Committee, and the relevant County Dispute Resolution Officer.

38.4 The Committee shall communicate its 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.

38.5 The parties shall sign or otherwise acknowledge receipt of a decision of the Committee at the time of its communication.

38.6 The Secretary of the Committee shall keep a true and faithful record of all proceedings.

38.7 A person who is aggrieved by a decision of the Committee may:

- a) upon the discovery of a new and important matter or evidence, which after the exercise of due diligence, was not within that person's knowledge or could not have been produced by that person at the time in the course of the hearing, or
- b) on account of some mistake or error apparent on the face of the record, or
- c) for any other sufficient reason,

apply for a review of the decision of the Committee, within seven days of the communication of the decision.

***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**

39.1 A person who is dissatisfied with a decision of the Dispute Resolution Committee of the Authority shall have the right to apply for Judicial Review of the decision by the Circuit Court of the County in which the land is situated, by filing a Petition for Judicial Review.

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.

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

- a) denial of an opportunity to be heard;
- b) partiality in the hearing of the case;
- c) lack of fairness by the Committee;
- d) conflict of interest of a member of the Committee or the Committee;
- e) denial of the option of legal representation;
- f) unjustified denial of an opportunity to give evidence;
- g) unjustified denial of an opportunity to present witnesses, including expert witnesses;
- h) a language barrier during the hearing that undermined the fairness of the hearing; and
- i) any other ground the Court may deem appropriate.

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

39.5 An application for Judicial Review under this Regulation shall be conducted in accordance with Part I Chapter 16 Subchapters A, B and C of the Civil Procedure Law, Title I of the Liberian Code of Laws Revised.

39.6 Upon the hearing the petition, the Court shall render its decision or shall issue appropriate orders during the term in which it heard the petition.

40. Appeal to the Supreme Court from a Decision of the Circuit Court on Judicial Review

40.1 A person who is dissatisfied with a Judgment or an Order of the Circuit Court arising out of a Petition for Judicial Review of a decision of the Dispute Resolution Committee of the Authority shall have the right to appeal against that Judgment or Order to the Supreme Court.

40.2 An appeal under this Regulation shall be conducted in accordance with the provisions relating to appeals in Part IV Chapter 51 of the Civil Procedure Law of the Liberian Code of Laws Revised.

40.3 Notwithstanding the right to an appeal from a Judgment or an Order of a Circuit Court, a person shall have the right to seek remedial action of a Justice in Chambers during the pendency of proceedings in the Circuit Court.

40.4 The enforcement of any judgment of a court shall be in accordance with the enforcement of a judgment under the Civil Procedure Law, Title I of the Liberian Code of Laws Revised.

41. Training on Dispute Resolution and Judicial Review in respect of Community Lands

41.1 The Authority shall issue Guidelines, Standard Operating Manuals and periodic instructions on specific training on Dispute Resolution and Judicial Review in respect of Community Land in their training schedule for the Community Land Development and Management Committees and subcommittees, the County Land Boards, the County Land Dispute Resolution Officers, the Commissioners and staff of the Authority, the Dispute Resolution Committee of the Authority, and the judiciary.

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.

PART III- INVENTORY OF GOVERNMENT LANDS

42. Identification of Government Lands

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

- a) Lands owned by government, whether owned by the national government or any of its subdivisions, departments, agencies or units, including, government-owned or controlled corporations, their subsidiaries, and Parastatal bodies;
- b) lands owned by government which have not been used for the purpose for which they have been reserved;
- c) lands used for national defense and security of the State;
- d) lands used, reserved or otherwise set aside for government offices, facilities and other installations;
- 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; and
- f) lands actually used for religious, charitable, or educational purposes, cultural and historical sites, hospitals and health centers, and cemeteries or memorial parks.

42.2 The Authority shall conduct an inventory of all Government Lands in Liberia and shall maintain the inventory at its office in both electronic and paper-based form.

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.

42.4 The report for each parcel of land shall include:

- a) the location of the land;
- b) the size of the land;
- c) the dimensions of the land;
- d) the boundaries of the land;

- e) the current use of the land;
- f) the future planned use of the land;
- g) details on ownership of, title to and interests in the land;
- h) the existence of any encumbrances on the land;
- i) the estimated value of the land; and
- j) any other relevant information.

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

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.

43.2 The Authority shall conduct the survey using fit for purpose methodologies consistent with international survey and mapping standards adapted to the national situation.

43.3 The Authority shall use the international standards as contained in the Royal Institute of Chartered Surveyors, Federation of Geodesy and International Federation of Surveys, and the national standards as contained in the Liberia Survey Regulations for the time being in force.

43.4 The relevant government ministry, department or agency, and anyone who has an interest in the Government Land shall participate in the survey by the Authority and shall verify the output before it is published.

43.5 The Authority shall produce a detailed map of the Government Lands surveyed.

43.6 The Authority shall publish the details of Government Lands surveyed, including in the Gazette, at least two newspapers of national circulation and on the website of the Authority.

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.

43.8 The publications of the notice in Regulations 43.6 and 43.7 shall run for a minimum of one month.

44. Investigation

44.1 A person, group of persons or community, with any claim or interest in any Government Land, which is the subject of the survey as published by the Authority, may lodge a caveat in the form specified by the Authority.

44.2 The relevant County Land Dispute Resolution Officer shall conduct a hearing to determine the caveat and submit a report to the relevant County Land Board, which may affirm or disaffirm the recommendations of the County Land Dispute Resolution Officer, with or without emendations.

44.3 An appeal from a decision of the County Land Board shall lie to the Dispute Resolution Committee of the Authority.

44.4 A caveat may be determined by voluntary removal by a caveator, by filing the form specified by the Authority, or by an order of the Authority after investigation.

44.5 Nothing in these Regulations shall be construed to oust the jurisdiction of the courts of law.

45. Probating, Registration and Deeding

45.1 Within one month of the survey of a parcel of Government Land or of the determination of a caveat, the relevant government ministry, department or agency shall probate the land and submit an application to the Authority for registration of the land.

- 45.2 The Authority shall register the land and issue a Deed in respect of the land to the relevant government ministry, department or agency.
- 45.3 The Authority shall assign ownership and control of every parcel of Government Land to the Government of Liberia on behalf of the specific government ministry, department or agency to which a Deed has been issued.
- 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.
- 45.5 The Authority shall assign a unique identification number to all Government Lands, the subject matter of the inventory.
- 45.6 The Authority shall maintain a register of all Government Lands which shall be both paper-based and electronic.
- 45.7 Any person may, upon payment of a fee prescribed by the Authority and during working hours:
- a) inspect the register of Government Lands, and any other documentation retained by the Authority in respect of government lands; and
 - b) conduct a search and obtain a copy of the search results in respect of any government lands, unless the information may not be released by the Authority on the grounds of national security, public interest or public safety.

MINISTER

DATE OF GAZETTE NOTIFICATION: