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CITIZENS' PARTICIPATION AND OPEN GOVERNMENT: A  
CASE OF MINING CONCESSION IN LIBERIA

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## List of Acronyms

CENTAL	: Center for Transparency and Accountability in Liberia
CSOs	: Civil Society Organizations
CSR	: Corporate Social Responsibility
FAO	: Food and Agriculture Organization
FOI	: Freedom of Information
FOMAL	: Federation of Miners Association of Liberia
ISS	: Institute of Social Studies
LEITI	: Liberia Extractive Industry Transparency Initiative
MLME	: Ministry of Lands, Mines, and Energy
NGOs	: Non-Governmental Organizations
OG	: Open Governance
OGP	: Open Government Partnership
PPCA	: Public Procurement Concession Act
UNDP	: United Nations Development Programme

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## **Abstract**

Citizen participation and open government are usually considered cardinal aspects for achieving sustainable development as it is argued by many theorists that citizens' participation and open government has positive effects on the quality of development outcome. This research examines the possibility of this claim for local participation in mining concession decision-making processes in Liberia. The research focuses on understanding how the local community's involvement in development initiatives can enhance the negotiation and design of mining concessions. The findings show that the role of local communities in mining concession decision-making in Liberia is limited. Nonetheless, I argued that citizen participation and open government in several ways have positive effects on development processes as it leads to making people not only consider themselves responsible but it also allows them to engage more and support the bringing of a plurality of voices on the table, it enhances collaboration, and it additionally brings about legitimacy in decision-making. On the other hand, all relevant groups are not always represented which is considered a negative effect. The researcher, therefore, argues that in order for development processes to be healthy, it is prudent to have the local community involved and have a direct say in all spheres of development decision-making.

## **Relevance to Development Studies**

The definition of development is a complex phenomenon as its meaning differs for most people based on their situations, location, and needs ([Concept of Development Administration, n.d.; 19](#)). However, it is argued that the realization of sustainable development is contingent upon governance which encompasses accountability, transparency, participation, and legitimacy. Yet, it is observed that development programs have been constrained at both international and national levels due to a lack of structures that enhance governance. Nonetheless, development change makers including policymakers and academics have strived to bring us to where we currently are. Although much progress has been made, it is, however, worth investigating how these challenges confronting the current development efforts can be mitigated-an approach which this research endeavored to uncover in Liberia relative to citizen participation mining concessions decisions-making processes. This study is therefore relevant to development studies as it lays bare those challenges that are propelling development challenges including lack of local community participation in the inception of development initiatives, and governance in general, especially in the case of a mining concession in Liberia. This research finding may help us to understand how power differential is the main conduit to stagnating development.

***KEYWORDS: Liberia, citizens, accountability, development, participation, open governance, Concession***



# Chapter 1 I

## 1.1 Background

Although much progress has been made, it is, however, worth investigating how these challenges confronting the current development efforts can be mitigated-an approach which this research endeavored to uncover in Liberia relative to citizen participation mining concessions decisions-making processes. The history of open government and citizens' participation is observed to be marked by a lot of controversy in Liberia as the founding and development of the Liberian State have a divide between the indigenous and the settlers-descendants of the free black colonists [Americo-Liberians](#) which on the other hand has created a nexus of power dynamics ([Holsoe, 1971; 337](#)). This factor is argued to have engineered the state collapse which led to the 14 years.

Nonetheless, the end of the 14 years of the Liberia civil war, ushered in a new dynamic, especially with the taken of the stage by Ellen Johnson Sirleaf, a historically considered as the first woman to be democratically elected head of state for Liberia, on African continent at large. This is argued to have introduced a new beginning for most Liberians as the citizens are now demanding to increase their participation and make their voices heard ([Krawczyk, 2021](#)). Additionally, this transformation has experienced policy reforms toward tackling governance issues on many fronts. For instance, the establishment of the Land Commission (2009) with a mandate to institute land reforms to address several issues surrounding land ownership including concession conflicts across the country is among the many advancements made. It is argued that in the past, the lack of clarity in these laws regarding Public Land definition has caused friction among customary land owners, users, investors, and the national government ([Wily 2007](#)). To further deal with this ambiguity, the government of Liberia has enacted several other laws and policies

among which are the Liberia Extractives Industries and Transparency Initiative Act (LEITI) 2010; The Community Rights Law (CRL) 2009; The Public Procurement and Concessions Act (PPCA) 2010; and the Land Rights Act 2018 are all among policies geared towards system reform including institutional strengthening.

The meaning of stakeholders differs depending on the perspective of the speaker. However, and for the purpose of this research, it is referred to stakeholder as an individual or group of individuals with the ability to impact or be impacted through their action or by the action of the business (Fernando, 2022). On the other hand, local community stands in this research as a community composed of people with the same community values and have common interest that bond them together (brilliantio.com, 2021). In the same vein, concession is considered as an award given to a private institution with the right to carry out specific service with the intent to generate revenue (Competition Policy and Concessions, 2007). For the context of this research, concession Contracts is defined as sharing of mutual obligation through a process that acknowledges responsibilities between two parties but with one party higher than the other (Brousseau, 2017). Due to the nature of this study, the terms stakeholders and local community will be interchangeably used while contract and concession will on the other be interchangeably used.

These laws in general outline the role of all stakeholders in land ownership and concession processes. As a way of making sure ensure the negotiation of concessions is for common good of all the citizens and that such interests are protected and benefit is sure, these laws stipulated and outlined the processes and procedures for the negotiation of concessions through the '[Public Procurement and Concessions Act \(2010\)](#)<sup>1</sup>'. This act required public consultation with all stakeholders on all concession-related issues and to

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<sup>1</sup> [https://www.wto.org/english/thewto\\_e/acc\\_e/lbr\\_e/WTACCLBR15\\_LEG\\_29.pdf](https://www.wto.org/english/thewto_e/acc_e/lbr_e/WTACCLBR15_LEG_29.pdf)

ensure that all such information is publicized. However, the fulfillment of these laws is argued to be constrained by factors such as the legal and political-administrative structure of the Liberia state. Liberia is a unitary state with a presidential centralized government-placing much power in the president as the head of government with the authority to appoint Ministers, judges, and ambassadors among others ([Constitution of Liberia-Article 50 & 5](#))<sup>2</sup>.

This research explores open governance and citizens' participation in Liberia with an attempt to look at how the open government framework has enhanced citizens' participation in development processes especially concessions in Liberia. "The Open Government Partnership" (OGP) stands as a movement around the that aims to build a practical and concrete commitment towards "promoting transparency, empowering citizens, fighting corruption, and harnessing new technologies to strengthen governance" (Opengovpartnership.org, 2017). Thus, significant advancements have been made with over 65 countries committed to enhancing collaboration for bringing state and non-state actor together for development decision-making organizations.

Nevertheless, despite lots of efforts to improve open governance, decentralization, and citizen participation is still a challenge as local governments which are supposed to be sovereign bodies are still appointed by the president (AMLOGAL, 2020; 6). This is argued to be one of the factors that is continuously serving as a constraint for the participate

## **1.2 Methodology**

Liberia is historically known as one of the oldest independent Republic on the African continent and it is argued that the country is endowed with natural resources, yet it is

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<sup>2</sup> [https://www.constituteproject.org/constitution/Liberia\\_1986.pdf](https://www.constituteproject.org/constitution/Liberia_1986.pdf)

among the poorest countries in Southern-Sahara Africa (World Bank 2021). This is argued to be informed by compounded issues including dealing with post-war reconstruction, bad governance, regional and global pandemics (for example, EBOLA and COVID-19), and low human development index, among others (Hegre, Østby, and Raleigh, 2009). These compounded issues are among the factors that are argued to be contributing to limiting local community involvement in development initiatives especially concessions across Liberia. In order to have an empirical understanding of these problems necessitated the conducted of this research with the core question of (How and why has the OGP framework contributed to citizens' participation in mineral resources concession in Liberia in the period 2010-2014?

The methodology applied to this study focuses on the processes, activities, and methods used for data collection. Additionally, attention was paid to ethical considerations for data collection and the geo-position of the research community. The researcher employed a qualitative approach, as a way of being able to dig deeper into the topic and engage more with the respondents in order to understand their perspectives on the subject.

Concession especially mineral concession in Liberia is argued to have huge political and security implications due to its economic dividend, one of the factors that are observed to be the driver behind the over-exercise of power for control by state actors during concession decision-making processes, an act which is assumed to have been influencing the failure of the full disclosure of concession information by state actors' to the local community including CSO actors. Due to this tricky nature, many people are afraid to openly discuss concession issues, a condition that served as a constraint to this study. Being a Liberian who has lived and worked in some parts of these concessions areas has its biases related to how I looked at the conditionality surrounding concessions in Liberia. Nonetheless, to mitigate all of the positionality challenges, I became reflexive about the study

which allow me to remain focused on the objective of the research. My current domicile was also seen as one of the reasons that could influence the respondents' attitudes. In order to mitigate these challenges, I started by telling the interviewees what the study is about; through which it was made known to them the importance of their participation. Additionally, the respondents were made to know that the research was for academic purposes and the finding will be for such reasons. Moreover, I made the respondents to understand that I am also Liberian and I share the same feeling as them, and additionally and in a politer and ethical manner, I sought voluntary participation and consent from the identified respondents and the individuals/respondents were assured that confidentiality would be maintained and therefore they could answer the questions posed to them freely. They were also made aware that they can leave the research at any time and that if they do not feel confident to answer any of the questions is their choice. Several of the respondents requested anonymity due to fear of violence.

The research engaged a cross-section of stakeholders including local community leaders, youth, women, men, NGO and CSOs workers, present and past government officials, and concession corporation management. I applied a purposive method, which allows me to select participants who are perceived to have knowledge related to the study. Moreover, respondents were also selected depending on their willingness and availability. In this way, I considered respondents as a whole including local chiefs, CSOs/NGO actors, concession company senior staff, and state actors.

Due to traveling challenges, respondents were reached via phone call and other online means (Zoom, Teams) through arranged meetings, a medium that helped me to have interviewed 11 interviewees (7 males and 4 females). This method enhanced me to bring in a plurality of voices and develop a qualitative descriptive narrative. I employed a qualitative method and applied semi-structured open-ended questions were administered to the

respondents for them to be able to share their understanding of open government and the application of the concept in development initiatives, especially in relation to concession issues in Liberia. This approach allows me to focus on the specific topic and to engage people who are relevant to the study. As the interviews were done online, I had one person in Liberia who helped me to arrange and schedule meetings with respondents whom I could not easily reach due to challenges such as cellular or internet connection and time differences. This local contact did not conduct any interviews as his role was to only identify respondents based on the criteria set in the research, arrange the meeting time and share the contacts with me. At the same time, the study incorporated secondary sources including reports, legislation/policy documents, and newspapers. The study considered the history of citizens' participation in large-scale mineral mining concessions initiatives in Liberia. Thus, the study limited its scope to Nimba County, Bong County, and Grand Cape Mount County respectively. The findings from the 3 focus areas were filtered into one in order to have a more concerted report.

### **1.3 The Research Problem**

Citizens' participation in Liberia is assumed to be marked with a lot of controversies. Historically, it is argued that citizens' participation especially in large-scale concession can be traced back to 1926 when Liberia awarded its first large-scale agriculture concession to Firestone (McCoskey, 2011; 199). This is argued to have given rise to the awarding of similar concessions in the country's history. Liberia is known as a natural resource-rich country and it is largely dependent on foreign capital investment, especially in the natural resource sector, but the country is still considered as one of the poorest nations in Sub-Saharan Africa (World Bank, 2021). Several factors such as dealing with the post-war rehabilitation process, especially human capital development are argued to be among

the triggering factors contributing to Liberia's underdevelopment (Hegre, Østby, and Raleigh, 2009). Unarguably, during the war, almost every sector of the Liberian society including socio-economic and human development was at a standstill; there was a block in trade which is argued that it made the country's GDP<sup>3</sup> to have dropped to almost 90% ([Radelet and Siddiqi, 2007;1: online, n.d.](#)). Human rights were violated, schools got closed and kids were not going to school at a normal school level-a factor which is assumed to have contributed to a high level of illiteracy in Liberia ([Ndebe 2010;3](#)<sup>4</sup>). This is also argued to have led to the reduction of people with requisite skills ready for the current job market. Moreover, standard and normal economic activities were halted and foreign investment companies closed down operations and people became vulnerable to economic deprivation. Additionally, civil engagement was not observed, people became exposed to violence and there was no observation of conventional law and order, and the country's relations with international development partners took a different direction, and development support from international partners dwindled. All of these conditions are observed to still be among the development challenges the country is struggling with. Additionally, dealing with the 2014 Ebola scourge is believed to be affecting Liberia in multiple ways and it is among the key elements that are presumably fueling Liberia's economic downward sloping with an impact of the high level of poverty across the country (Stanturf et al., 2015). Moreover, development thinkers have argued that although the war ended about 16 years ago, however, the scars of the war are still somehow visible as Liberia is still struggling with issues of governance and integrity as corruption is assumed to have taken the central stage in Liberia's post-war development drive.

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<sup>3</sup> [https://www.cgdev.org/sites/default/files/14912\\_file\\_Liberia\\_Growth.pdf](https://www.cgdev.org/sites/default/files/14912_file_Liberia_Growth.pdf)

<sup>4</sup> <https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1615&context=dissertations>

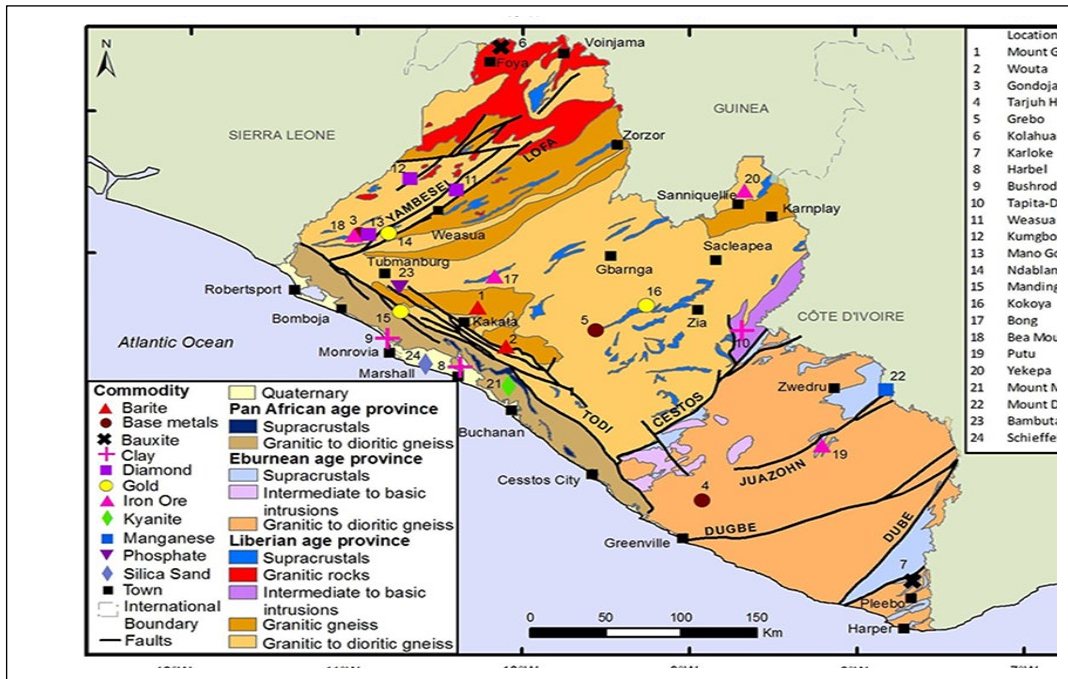
The ambiguity about citizen participation in development initiatives is argued to be one of the factors that fuel the flame of the 14 years of war in Liberia (Sawyer, 1995). Additionally, citizen participation in development processes, especially in concession negotiation is argued to be constrained by several factors including power in-balance, and policies framework such as the local government decentralization act (LEGIT, 2018). In addition, based on my own experience as a civil society actor working with several Liberian NGOs in the area of transparency and accountability for about 8 years, I have also observed that there seems to be low citizens' participation in development initiatives and weak coordination among development actors, a condition that is assumed to be contributing to inadequate information flows among development actors including state actors, CSO actors, and local community members.

As a result, this research argues that lack of evidence in information have often posed a challenge to citizen's expectation. Consequently, it observed that the absence of accountability and transparency by decision-makers and power-holders through ensuring citizens' participation has in various ways and forms been at the center of Liberia's development challenge. All of these factors are argued to be informed by patronage politics, and weak institutions, just to name a few, are the fundamental characteristics that undermine the realization of open governance and its subsidiary elements in Liberia (Krawczyk, et al, 2013). Although a lot of reforms either through policy change or institutional strengthening have taken place for the purpose of enhancing citizens' participation in development initiatives, the efforts seem patchy as local communities are still struggling to make their presence on the decision-making table and their voices still seem to be missing. For example, the [LEITI Act \(2010\)](#) is intended not only to ensure and guarantee transparency in the extractive industry through securing revenue but also to ensure that the local community's participation is enhanced and their voices are heard at all levels of concession



decision-making processes. Nonetheless, there are concession operations ongoing in the country but such concession communities have in most instances been engulfed with conflict due to the local community claims of their non-involvement in the concession decision-making processes and that they are not benefiting from the proceed of the concession agreement ([www.foncier-developpement.fr](http://www.foncier-developpement.fr), n.d.). This is argued to have placed Open Government and citizens' participation as a key to Liberia's development challenges as concession processes are assumed to be crowded with local community exclusion in negotiation and awarding processes.

**Map 1: Mineral Concession Map of Liberia**



Source: Ministry of Lands, Mine, and Energy ([Liberia geological survey](#))

### 1.4 Relevance/ Justification of the Research

Growing up and working in Liberia, I learned that in most communities, Citizens' are not engaged in development processes, especially in relation to concession issues. When I was working as the Co-chairman of the OGP steering committee, I got exposed to how most development institutions involved local communities in development programs. What is amazing is that it seems to have normalized representation as participation of

local communities. Although Liberia is catching up with the development agenda, I found that local communities are still struggling to make their voices heard especially in concession design, negotiations, and awarding processes. In this case, I felt the urge to understand if the local community's participation in the development program is not important. This brought a series of questions to mind; for example, would increasing citizens' participation enhance the achievement of Liberia's development agenda? What underlies the perception of local communities' ability or inability to engage in concession negotiation? How can local community participation influence concession design and negotiation processes? To understand these and more, I felt the urge to base my research on this topic.

Additionally, as a community development enthusiast, I consider it prudent to find the aspect that enhances the efforts to achieve sustainable development through local community participation. In this way, the subject of citizens' participation and open government is crucial to bring to the front of the conversation about citizens' participation in concession decision-making. It is observed that most of the thinkers in the development field are becoming concerned about who is making the decision and for whom as development challenges are anticipated to increase due to several factors such as population growth, and economic inequality, among others ([Rodgers, 1983; 443](#)). Moreover, in today's development discourse, it is being argued that the sustenance of gains made in the development agenda is dependent upon an accountability mechanism (Hilhorst et al. 2021: 365). Consequently, development scholars are now becoming more concerned with the impact and outcome of development programs, especially for developing countries like Liberia.

## **1.5 Research Objective and questions**

Despite the tremendous body of work through a transformation in the government and leadership transitions in Liberia by ensuring institutional and policy reforms, there seem to still be significant gaps that show a skeleton of practical challenges confronting local community participation in the initiation of development programs, especially those in the concession sectors. In this research, I draw on a body of literature to understand the practical consideration of local community participation in the implementation of the OGP framework. Through a critical review, the objective of this study is to investigate how the Open Government framework has contributed to the nature of local community participation in mineral resource concession negotiations in Liberia at the grassroots level.

The main research question is: How and why has the OGP framework contributed to citizens' participation in mineral resources concession in Liberia between the period 2010-2014?

The Research sub-questions are;

- I. To what extent has the OGP framework enhanced local communities' involvement in the concessions negotiations?
- II. Why has it or not the OGP framework worked?
- III. What was the role of local community actors (CSOs, women, and youth groups) in the negotiation process?
- IV. What underlies the perception of local communities' ability or inability to engage in concession negotiation?

V. How can local community participation influence concession design and negotiation processes?

## **Chapter 2 : Uncovering the guide and selecting the driveway**

This section discusses the literature relevant to open government and citizens' participation in Liberia. Moreover, it focuses on the selection of theoretical and conceptual frameworks that were applied during the conduct of this study. In consonant with the topic, the research also looked into how open government and citizens' participation are becoming globally identified as a tool for a sustainable development approach ([europa.eu](http://europa.eu), n.d.). Although local communities' experiences are clearly articulated, some scholars have only explored the challenges and experiences of local communities without considering the specific focus on cultural values and customary entitlement. It is nonetheless essential to consider what influences citizens' participation in community development programs (Burke, 1968). I concluded this chapter with an analysis of open governance and the citizens' participation gap in development programs in Liberia.

### **2.1 Governance**

Historically, it is argued that open government has placed citizens' participation as the bridge that interconnects public administration, social-cultural, and institutional structure in order to measure collective activities ([Gavelin, Burall and Wilson, 2009](#)). For example, it is argued that in the 1980s, the concept of governance became fashionable in Africa and it was used as a means to discipline African countries' economic performance and improve the governance system ([Cubitt, 2014](#)). Since then, the concept has been popularly used as a tool to strengthen institutional reform and build a stronger public sector that supports sustainable growth and development that fits the 21st-century reality. Moreover, many scholars and development institutions have adopted the concept and used it broadly across inter-disciplinary sectors and fields including the natural resource sector. For instance, UNDP (1997; 169) argued governance as a system through

which leaders are able to exercise their authority in the administration and management of the affairs of their constituency. It is further considered as a tool that can be used by the citizens to stand for their rights and demand accountability to allow their inclusion and participation in initiatives of development decision-making agendas. On the other hand, FAO (2007) considered the concept of governance is as a medium by which an organization is able to manage and harmonize competing societal interests. Governance in this context is argued to be viewed from a multidimensional perspective ([FAO 2007; 39](#)).

From the perspective of the [World Bank](#) (2007; 5), governance is an intermediary by which the state can exercise its authority by dominating public policies in order to be able to avail of basic social services. This argument placed more concentration on public leaders (governors-state actors). Nonetheless, the argument further projected governance to encompass the involvement of all people. Although there might be still multiple definitions and explanations of the term governance, in the context of this study, I define governance as the manner through which the exercise of authority and how cross-session of actors consisting of local community leaders, women, youth, men and people of all consent of legal ages are involved in decision making in regards to the management of natural resources ([Campese et al. 2021](#); [Gisselquist 2012; 4](#)). This research, therefore, presents the concept of governance from a dualistic perspective: a legal or policy tool, and a traditional customary approach to handling affairs relating to land management (Howard et al. 2001). In this regard, much attention is paid to how effectively the policy concerning access to land is made, and how the processes and structure are observed and implemented. The research explores how different scholars and their different debates have over time used governance as a discourse most importantly in the

natural resource sector. The effective application of the concept especially with the connection of multiple stakeholders in the mineral natural resource sector has remained challenging (Armitage 2008; Blomquist 2009). It is argued that much of the criticism and argument around the natural resource governance sector is informed the inadequate participation, transparency, accountability, and legitimacy (Pierre and Peters 2009; Wyborn & Bixler 2013; Pteete 2012). Moreover, it observed that the state bureaucrats and multinational corporations have often used different approaches such as financial inducement, and partisanship to manipulate local community participation in land and other natural resources policy decision-making processes (Morgan 1993).

Furthermore, it is debated that in most instances in Liberia, selected local leaders including tribal chiefs, have been sponsored by state authorities through financial inducement by payment of allowances as a means of pulling them together to show proof of local community participation. However, such participation is argued to have not been welcomed with open arms by many actors including scholars and local community actors such as CSOs. Such participation is observed to have been labeled as an approach only meant to fulfill the dream of the sponsored (Morgan 1993:28). This action is argued to be predicated on the assumption that local communities' leaders (tribal chiefs, women, youth) are not knowledgeable about concession development and they, therefore, lacked the skills and ability to be fully involved (Sawandi & Thomson 2014; Cleaver 1999). Although CSOs are considered to have the set skills necessary to adequately contribute to concession decision-making processes and to additionally represent the interest of the local communities in general, however, it observed that they also have not been given the full space to participate. Consequently, this approach is argued to have failed to yield benefits in the interest of the local populations who are often af-

affected by concession activities. In further argument, it is contested that a single approach alone does not support natural resource governance but rather entails multiple policy concepts which need critical observation at all times (Bäckstrand 2008; Hood, and Heald 2006; Bushman Smith, & Piotroski, (2004). Hence, this supports the argument that natural resource management requires institutional interlinking, policy reform, and political will which is yet a challenge since the emergency of the concept especially, in Liberia.

This study did not only regard open governance, and citizens' participation but was also concerned with institutional performance and effectiveness which were informed by policies and laws that govern the various stages. It is, therefore, argued that the different claims to development programs by stakeholders and their roles in the decision-making processes are considered key for development initiatives particularly, in regard to mineral resource concession. This served as a context with which the study adopts participatory governance as a key theory upon which this research was conducted. Participatory governance is argued to be a theory that places emphasis on democratic inclusion in deliberative ways as it strives to improve the local community (Fischer, 2012). Accordingly, the participatory governance theory in simple terms called for the collective and active involvement at every level of development decision-making processes of all parties concerned, especially those who will be affected as a result of the development initiative like concession activities in the case of Liberia.

## **2.2 Participation**

In recent times, it is observed that model of participation are increasing due to factors such as the focus of governance and advancement in technology and much attention is also given to institutional interconnectedness between actors including the policymak-



ers, service providers and the general public ([Ornwall, n.d.; 1](#)). This model is being described as an approach intended to strengthen democratic institutions with the goal of making elected officials to play more listen role, become more responsive, and proactive in the discharge of their functions. Further, it is argued that this action is intended to make the citizens engage more with the governance processes especially in development decision-making processes.

In the development context of today, it is argued that political participation alone does not guarantee an active role of citizens in development initiatives ([Nyama and Mukwada, 2022; 5](#)). In governance, it is observed that participation has been considered a core value and its adaptation is being globally advocated for as a best practice tool for achieving a sustainable development agenda. The contextual importance and practice of participation are argued to be based on values and systems either as enshrined in the cultural perspective of a given society or in legally specified existing institutions (Wengert, 1971). As in the argument of Biekart and Fowler (2018: 1692), through the lenses of institutions, agency, and power, the concept of ownership brings to the forefront the question of stakeholder engagement. The participatory method can, therefore, be employed in an effective governance system to serve as an enhancement for designing and negotiating concessions of all kinds.

Cornwall has classified participation into 'space' and put it into "invited and popular space" (Cornwall.n.d;2). Cornwall further explained that invited space is done through the regularized institution and he argued that this kind of participation is considered durable while he referred to popular space as instantaneous as people involved most often come together based on their own intonation (ibid; 2). Consequently, it is argued that the meaning of participation has always differed for most people including from the perspective of scholars, institutions, and policy frameworks. For example, [Devas & Grant](#)

(2003; 309), argued that participation is considered the involvement of those who will be affected by the development outcome to have a certain amount of influence in the development decision-making process. Locally in Liberia, for example, the [Public Procurement Concession Act](#) (2005<sup>5</sup>) section 9 referred to participation as allowing local communities to make an informed and independent contribution to development decision-making processes, especially in relation to concession processes. This suggests that participation in policy framing and decision-making requires the sufficient involvement of every stakeholder at all stages (design and implementation) of every initiative of a development program. In this way, participation is argued to be the legitimization of decision-making that engendered initiatives that drive sustainable development programs (Botes and Van Rensburg 2000; Cleaver 1999). Nonetheless, factors such as socio-cultural, and institutional policy structure including technical and logistical are argued to be elements that are still constraining participation ([Botes, 2000](#); 42). This has been observed as one of the stumbling blocks hold back citizen participation in Liberia and it is argued to be a hidden hand behind triggering of conflict in land ownership.

Before now in Liberia, the state considered all lands that were not acquired through statutory legal means that result in granting official deeds as public land ([Public Land Law 1956](#)<sup>6</sup>). This is argued to have disenfranchised many people in especially the rural communities as they could not customarily be granted ownership of land, a factor that empowered the state to award large concessions to foreign companies on land that was previously customarily owned through the issuance of tribal certificates (Siakor, 2012; Willy, 2007). However, due to consistent advocacy by CSOs in the interest of commu-

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<sup>5</sup> <https://www.ppcc.gov.lr/doc/PPCC%20Approved%20ACT.pdf>

<sup>6</sup> <https://www.clientearth.org/media/24bjxpni/law-1956-public-lands-law-ext-en.pdf>

nities that are assumed to be affected by concession activities, the government have reformed land governance policy through the [Land Rights Law 2009](https://www.landportal.org/land-rights-law-2009)<sup>7</sup> (landportal.org, 2018). This law granted the full participation of local communities at every level of concession decision-making processes, although participation in Liberia is still much more focused on representatives' participation ([LEGIT, 2018](#)<sup>8</sup>). It is, therefore, argued that in Liberia, there is still ambiguity over citizens' participation in development policy formulation and the ownership of the development program and outcome (Nyei, 2014). The local government policy on decentralization of the Liberia government focused more on political participation in terms of local chiefs' functions as opposed to how holistically grass-root local community participation in determining why a specific policy and or program is needed. It is, therefore, argued that the ambiguity in these policies regarding citizens' participation has been a source of controversy over development program co-creation and the infrequent coordination among actors in Liberia.

### **2.3 Accountability**

The concept of accountability cannot easily be defined as its mechanisms rather seem to be interwoven. Accountability from a broader perspective is assumed to include a correlation between specified and agreed-upon activities and objectives containing expectations and responsibilities. It is argued to be anchored as a normative and socially created term that at all times required the interpretation of specific conditions (Jordan and Van Tuijl, 2007; 18). Moreover, it is further argued that accountability is embedded in the balancing of power structure as it brings about answerability. This allows actor A to hold actor B accountable to a set criterion as a point of judgment on the discharge of du-

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<sup>7</sup> <https://www.clientearth.org/media/0jtapmbe/act-to-establish-the-community-rights-law-of-2009-with-respect-to-forest-lands-ext-en.pdf>

<sup>8</sup> [https://pdf.usaid.gov/pdf\\_docs/PA00TC3S.pdf](https://pdf.usaid.gov/pdf_docs/PA00TC3S.pdf)

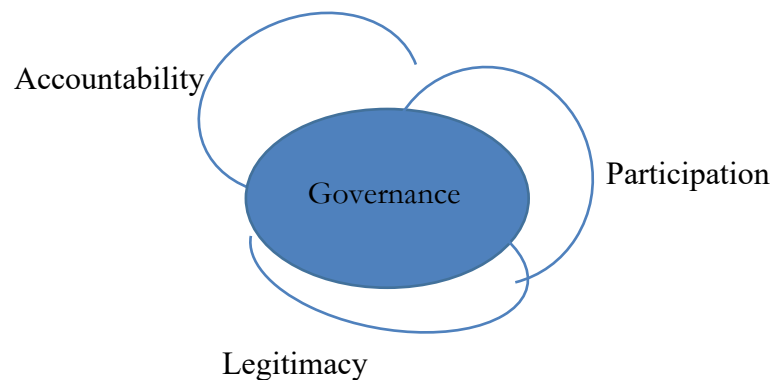
ties and responsibilities that might allow sanctions to be levied if it is defined that an actor's responsibilities have not been met (Grant and Keohane 2005:29). Accountability is additionally considered as the form and manner through which management and duty bearers acknowledge their responsibilities, inquire, take actions and justify their action (FAO 2007).

Consequently, accountability is essential for citizens' participation as it create the space more engagement and makes condition necessary for a plurality of voices to be heard in development processes which are argued to be an integral element to guarantee legitimacy. Moreover, it enhances and supports the initiation of decision-making processes from the bottom. It is, therefore, considered essential for development as its emphasis is on the grass-root level involvement; providing the space for local concern and community participation (Sawandi & Thomson 2014). Thus, downward accountability is, therefore, considered as balancing the representation of stakeholders, supporting and making monitoring and reporting mechanisms more refined (Bäckstrand, 2008).

In recent history, it is observed that scholars have argued that the term governance is an all-encompassing method of leading with the consent of people through participation in order to enhance accountability (Chowdhury and Panday, 2018). This supports the argument that under the principle of democratic governance; decision-making entails public participation and that the government is under the obligation to create and support a system that enhances the participatory mechanism ([gsdrc.org](http://gsdrc.org), 2006). More to this argument is that governance is not an isolated event as it is considered a process for selected governments and holding officials accountable and that collectively, policies are made that allow citizens to participate in the management of their affairs including their resources ([Marshall and Jones, 2005](#)). Moreover, it is argued that effective governance allows participation as a way of improving monitoring and enhancing accountability. This brings

to the front the argument of legitimacy as the center point in land concession in development programs, especially in developing countries like Liberia. Legitimacy as argued in this research stands for adherence to existing values, protocols, and policies that guide and regulate a given sector or an institution ((Neef, Touch and Chiengthong, 2013; Cashore, 2002). This in a summary validates the argument that participation stands as a center point that guarantees the legitimacy of mineral concessions. Thus, governance, participation, and accountability are, therefore, argued to be interlinked in the sense that they all speak to the common knowledge of participation and are, therefore, considered to be as basic requirement elements that the application can lead to effectiveness in concession negotiation.

**Figure 1: Conceptual Framework Metric**



Source: Pattern after Jaja (2014; 25154) Characteristic of Good Governance

Jaja (2014) pointed out that the government is the only monopolistic body charged with the legal legitimate authority to manage and control the affairs of the state. But doing so, Jaja further argued that it entails governance—a system through which responsibility can be dispensed (Jaja 2014; 25153). This argument implies that governance is the mitochondrial of society around which different elements such as legitimacy, accountability, and participation revolve.

This framework, therefore, applied to this study from the participatory governance theoretical perspective, which considered collective engagement, a framework upon which this study was conducted. Participatory governance theory called for the holistic involvement and public engagement of citizens in issues of governance and development initiatives (Fischer, 2012). The framework further aligns with the open government concept as both called collaborative and cooperative and taking the government closer to the people by creating a space that enhances their participation and keeps them aware of what is happening within the government through proactive information sharing (OGP2011).

## **Chapter 3 : Mineral Mining concession in Liberia**

This chapter gives an overview of the happening within the sector of a mining concession in Liberia and its contributions to the development agenda of the country. Further, it provides synopsis of issues uncovered by this study. Moreover, this chapter concluded by analyzing the dualistic relationship of land ownership and natural resource management in Liberia.

### **3.1 Regulatory framework: Traditional land ownership versus Mineral Legislation**

Large-scale mineral concessions in Liberia is argued to have traced back to 1950 during which President William V.S. Tubman's 'open door policy' ushered in the Liberian-American Swedish Mining Company, the Bong Mining Company, among others ([worldhistory.columbia.edu](http://worldhistory.columbia.edu), n.d.). This is argued to have ignited land policy reform as a way of enhancing conditions for land ownership aimed at creating a conducive space for granting land for large-scale mineral concession. Consequently, in 1956, Liberia enacted the land rights law which provides for citizens' participation in land and other natural resource concession negotiation, but the state has used its power through institutions to disadvantage the citizens and claim lands, especially in the rural parts of the country (Sawyer 2005). Since, further legislations have been made with the aim of given more define role to citizens in land ownership and their role in concession decision-making processes. For instance, the [LEITI Act](#) (2010<sup>9</sup>) suggests that consultation must be held with all stakeholders including local community members (tribal chiefs, youth, and women) on the possibility of the concession and provide public notice of the investment opportunities.

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<sup>9</sup> [https://revenue.lra.gov.lr/wp-content/uploads/2021/11/liberia\\_2009\\_act\\_leiti.pdf](https://revenue.lra.gov.lr/wp-content/uploads/2021/11/liberia_2009_act_leiti.pdf)

Historically in Liberia, it is argued that land and all natural resources contained within are customarily communally owned by the community and therefore, were not titled to a single individual. Nonetheless, considering that Liberia is about 85% agrarian society with about 75% of its population living in rural areas, individuals could do the shifting cultivation of traditional farming and somehow artisanal mining-using light tools such as shovels and diggers through minor labor. However, any large-scale concession decision-making required the involvement of all stakeholders within the concession community including local community residents. [The Public Land Act \(1973\)](#)<sup>10</sup>, granted the administrative affairs of these traditionally owned lands to be administered by local traditional chiefs. Their role additionally includes the resolution of the conflict over land at community levels (Wily 2000; Dalton 1965). This suggests that local community roles are essential for large-scale investment and that any such concession discussion must be jointly agreed upon by community members (youth, women, elders, men, chiefs). Nonetheless, this has, been on the contrary as one of the local traditional chiefs interviewed said; “although the law has granted this power and authority over land administration to us the traditional leaders, however, we the traditional leaders and chiefs have not been fully involved in negotiating mineral concession deals and awarding of the contract especially of recent” (interview with local chief).

The study uncovered factors such as the lack of former education for most of the traditional chiefs as a precondition used by some senior government officials against the traditional leaders as one of the reasons constituting their non-involvement and inability to adequately negotiate large-scale concession deals. Additionally, the study unpacked that the local government of Liberia’s administrative structure placed the local and traditional

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<sup>10</sup> [https://landwise-production.s3.amazonaws.com/2022/03/Liberia\\_Public-Lands-Law\\_1972.pdf](https://landwise-production.s3.amazonaws.com/2022/03/Liberia_Public-Lands-Law_1972.pdf)



chiefs under the [Ministry of Internal Affairs](#)<sup>11</sup>, and therefore, are presided over by the Minister of Internal Affairs<sup>12</sup>, and they are, therefore, required to take all administration instruction, from the Minister (Nyei, 2014). This condition is argued to have in some ways limited the legitimacy and power of the local chiefs to independently function most especially in regard to concession decision-making.

The Mining and Mineral Law (2000)<sup>13</sup> provides regulations and guidelines for mineral exploration including institutions (CENTAL 2017). The law provides for the issuance of three (3) categories of mining license as A, B, and C. Section 6.5 of the [Mineral Mining Law](#) (2000) provides for the issuance of a class ‘A’ mining license which shall be for a period of not more than 25 years. The first phase requirement for the issuance of this license includes material compliance with Mineral Development Agreements and completion of the proposed exploration program and the report is submitted to the Minister of Lands, Mines, and Energy detailing a Map describing the geographic region and the type of mineral discovered. It may, however, be renewed if there is evidence such as the existence of mineral reserves and provided there are other pieces of evidence enough to support such renewal. Additionally, section 6.4 of New Mineral Mining Law (2000) set 100 acres’ land limit with the initial issuance of a Class ‘B’ mineral mining license, and such license shall not be for more than 5 years and can renew if previous conditions set during the first issuance are met.

Meanwhile, the issuance of Class ‘C’ Mineral Mining license in the New Mineral Mining Law (2000) is granted under section 6.3. It provides that the geographic coverage under this section shall not be more than 25 acres of land and shall be awarded for not more 1-

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<sup>11</sup> <https://www.mia.gov.lr/2content.php?sub=178&related=1&third=178&pg=sp>

<sup>12</sup> <https://www.mia.gov.lr/doc/LGA%2010-year%20Implementation%20Plan.pdf>

<sup>13</sup> <https://ekmsliberia.info/wp-content/uploads/2019/11/Liberia-Mining-Law-2000.pdf-1.pdf>

year period. The exclusive activities performed under this section are for the exploration of secondary mineral deposits in which the operation falls is categorized as a small-scale operation.

Table 1: Concession Inter-Ministerial Committee

#	Name	Position
1	Ministry of Mines and Energy	Chair
2	Ministry of Justice	Member
3	Ministry of Finance & Development Planning	Member
4	National Investment Commission	Member
5	Central Bank of Liberia	Member
6	Council of Economic Advisors to the President	Member
7	Ministry of Labor	Member

Source: (CENTAL 2017;11)

In general, this law called for collaboration among statutory bodies in designing, negotiating, and awarding mineral concessions contracts. Although this law called collaboration, it however, laid out the role individual institutions. For example, this law referred to the legislature as the body responsible for review and ratification of concession. The study, however, finds that there is less coordination among collaborating and responsible agencies, and as such, local communities are most often disenfranchised as they are most

instances not included in concessions negotiation processes. It is, therefore, argued that the fragrance abuse of this law by the state actors has affected not only mineral resource concession communities but also large-scale agricultural concession communities (Rights + Resources, n.d.). In 2011, for example, a complaint was filed against an oil palm company operating in Western Liberia on a claim of violations of community rights including land rights, socio-cultural rights, and economic rights (Sillah 2019). Despite the series of policy reforms and the constant advocacy from CSOs and other rights groups, and the government signing of Community Rights Law (2009), which called for the local community's full participation in the concession negotiation process, the government is yet to follow this law and protect the interest of the citizens, against concession companies' ill actions (Sillah 2019).

### **3.2 Company operation and local community expectations**

It is historically argued that large-scale mining concessions in Liberia are dated back to the period between 1944-1971, a period that is known in the history of Liberia as the "Growth without development" by President William V.S. Tubman (CENTAL 2017). This period has its trace from the 1926 Firestone 99years agricultural concession agreement with the government of Liberia. Economic historians have argued that the 99 years Firestone concession agreement saw Liberia's domestic revenue growth and consequently, the preceding administrations have used it as an example to rely on foreign direct investment for economic growth (Raouf, 2011; 6; Outram 2016). Hence, it is assumed this served as an encouragement for president William V.S. Tubman to have introduced the open door policy through which he extended the Olive branch to foreign investors that saw the ushering in of Bong Mine Company and Liberia American Swedish Mining Company (LAMCO) among others to do mineral exploration and mining in Liberia. These companies operated up to 1989, when Liberia's 14 years of civil war

started. Prior to the war, the mining sector of Liberia is argued to have contributed about 10% of GDP to the country's economy (Outram 2016; 9). Although these mining concessions have generated high revenues for themselves, the lives of the local residents in these companies' operation areas are not seen to have improved. Thus, it is considered in the history of Liberia as 'growth without development' (Walker, 1969). Nonetheless, the past government of Liberia has followed this path with the aim of using the proceeds from this sector to develop the country.

In 2003 when the 14-year war has just ended, Liberia was developmentally challenged in every sector as the country was damaged as a result of the war. It is argued that factors such as low human development index, policy reforms, and economic recalibrations are among high lights confronting Liberia's post-war development efforts (Sesay et al 2009). In a quest to mitigate these challenges, the country again started considering having foreign direct investment in the natural resource sector and this witnessed the coming of BHP Billiton, ArcelorMittal, MNG Gold, and Bea Mountain among others (Outram 2016; 9). These companies were granted concession rights to do exploration, and prospect mineral resources including iron ore, gold, and diamond. ArcelorMittal was legally on August 17, 2005, granted concession rights to operate in Nimba county for the period of 25 years with the estimated concession value of (US\$1.3 billion). This concession deal was signed during the tenure of Charles Gyude Bryant, who was at the time chairman of the National Transitional Government of Liberia (Karweaye, 2021). During this period, most of the citizens of the concession communities were still either in the internally displaced camps or in the refugee camps. Additionally, most of the citizens did not have confidence in the security situation at the time and therefore, could not go back to some of the communities in Nimba for concession discussion. Although Madam Ellen Johnson Sirleaf's ascendency to power saw a re-negotiation of this concession

agreement in 2007, the study, however, uncovered that the process was stage-managed and that local communities mostly especially the affected communities did not adequately participate in the process. Hence, this research uncovered that the re-negotiation of the Mittal Steel concession agreement was greeted by most communities as a fraud as the negotiation saw unusual donations including 100 pieces of cars from Mittal Steel. On the other hand, [Bea Mountain Mining Corporation's](#) initial operation started on November 28, 2001, but the agreement was amended and the amended version came into effect on July 29, 2009, for an operational period of 25 years ([Anon, n.d.](#); CENTAL 2017). For the China Union, it was granted a license to do iron ore exploration and mining in Bong County and its concession is valued at (US\$2.6 billion). This agreement was signed between the government of Liberia and the China Union on January 19, 2009, to do iron ore exploration for a period of 25 years ([www.resourcecontracts.org, n.d.](#)). Until the outbreak of Liberia 1989 civil war, China Union's current operational area was operated by Bong Mining Company, a Germany-owned mining company ([VOA, n.d.](#)). Additionally, the Western Cluster with a concession value of (US\$ 2 billion) was licensed to operate in three counties (Grand Cape Mount, Bomi, and Gbarpolu) of Western Liberia for a period of 25 years, while Putu Iron Ore also has a concession value of (US\$ 2 billion) and it was licensed to operate in Grand Gedeh.

Large-scale concession entails the acquisition of a large parcel of land often more than 150 hectares or more either through purchase or lease (Sudan, 2015). Since 2003 to present, Liberia have signed over 10 concession agreements including mineral concession (CENTAL 2017). With all such progress, however, it is argued that most development enthusiasts are skeptical that mistakes made in the past by the government of Liberia regarding concessions are seeming to be repeating today ([Rights + Resources, n.d.](#)). One

such mistake as was observed by this research is the limited involvement of local communities in large-scale concession decision-making. This factor is argued to have posed a constraint on development processes especially concession related as most of the processes are argued to have been marred with corruption and conflict between concession companies and local community residents (CENTAL 2017;7). Local community residents continued to complain of being left out in concession negotiation and in accessing the proceeds from the company's operations, though there are policies and laws that grant local communities the right to be included at every level of concession processes and to access proceeds from the concession. In this regard, I argued that the power differential has put the local communities in a subservient position especially when state actors are not proactively and diligently providing the space for holistic local communities' members to fully and independently participate in concession decision-making processes as provided for by the laws. Although there are interconnected institutions including the inter-ministerial committee charged with the responsibility of coordinating mining concession processes, it was observed that the committee members compete among themselves in relation to who takes the lead in negotiating concessions. This action is assumed to have contributed poor concession negotiation and poor adherence to the laws and policies guiding the mining concession sector. One of such laws is the Land Right Policy (2013).

Among the many factors addressed by the Land Right Policy (2013) is the call for collective participation through equal access, and equal protection including environmental protection. Local community dwellers depend on the land and the natural resources contained within for generating income. In Liberia, it is argued that natural resources for which large-scale concession contracts are mostly awarded are divided into two broad categories: agriculture and mining. Agriculture in most instances focuses on oil palm

and rubber farming while Mineral mining concession is mostly focused on Diamond, Gold, and Iron Ore. Historically, most of the local community dwellers especially in rural Liberia are agrarian and or small-scale miners who depend on either of these resources for income generation either through shifting cultivation for the agricultural sector or artisanal mining for the mineral sector. These sectors are considered important as it provides employment to many local inhabitants (Hentschel, T., Hruschka, F. and Priester, M., 2002). Artisanal mining is considered small-scale and is mostly carried out by local communities without the use of heavy machinery equipment (Hentschel et al 2002; 4). From the perspective of large-scale concession companies in the mineral sector, artisanal mining in most instances is classed as illegal. Additionally, it is often referred to as an informal activity within the mining sector and most of those involved in this sector do so without legally registering as a business. This condition is argued as a challenge in the regulation of artisanal mining activities as many local community residents use this medium as their only major source of income generation and it is assumed that it serves as a supporting arm for rural economic growth in many parts of Liberia. However, large-scale concession companies have most often been in conflict with these local dwellers over what they considered the ‘degradation of concession areas’ (World bank 2012). Though it creates some form of employment and contributes to rural poverty alleviation, it is, however, it is argued that in most instances it results in low productivity ([World Bank, 2013](#)).

## **Chapter IV: From Negotiation to awarding concessions in Liberia**

This chapter presents the results from issues that were uncovered by this research during data collection either from the primary source through interviews with the (via online-direct phone call, skype meeting, zoom, team, google hangout) or from secondary data sources through desk review (newspapers, policies, reports, laws) and other relevant activities which led to the collection of the findings as presented in this report. Existing literatures, for example, LEITI ACT (2010), PPCA (2010), NML (2000), FOI (2010), and the government of Liberia commitment under the OGP framework called for more collaborative approach in development initiatives. However, as argued by institution such as IMF that Liberia development challenge is oriented in knowledge gap ([Dept, 2021](#)), a condition that is making Liberia stakeholders to take advantage of the available natural resources (agricultural or mineral ) to advance development. On the other hand, ([Tamba, n.d.](#)), in his argument claimed that the “[lack of independent for integrity institution](#)” is the source Liberia development challenge as lack of independence for integrity institutions undermine its ability to fight corruption. Additionally, others have attributed bad governance as the progenitor of limited citizen participation, violence and underdevelopment of the country ([ACCORD, n.d.](#)). In order to corroborate these claims, the research looked into getting the in-persons perspective.

Respondents were categorized into local community leaders, youth, women, men, past and present government officials, CSOs, and concession company leaders. During my interaction with them in the data collection processes, each group recognized the importance of open government and citizens’ participation although their explanation of how the concept is being practiced varies. The findings of this study are divided into



two sections: section one looks at the power structure between actors in relation to concession design and negotiation (regulatory framework); section two presents analyses and the concession company operation and the expectation of local communities.

#### **4.1 Policy Reform and Institutional Strengthen**

With the inception of Madam Ellen Johnson Sirleaf as the president of Liberia, a series of legislations were enacted gearing towards enhancing governance and accountability through citizen participation. For example, the Land Right Act (2010), Freedom of Information Act (2010), Public Procurement Concession Act (2010), and Liberia Extractive Transparency Initiative Act (2010) all called for the opening of governance by allowing the citizens to be fully informed and involved in the initiation and implementation of development programs. Additionally, in 2011, Liberia join the OGP with the aim of advancing more collaboration between development actors and opening the government more for citizen participation ([Herrero 2015](#)).

Open government is argued to be not a new phenomenon, nonetheless, the emergency of information technology is assumed to have changed the dynamism of how information is been produced and share (Hansson, Belkacem and Ekenberg, 2014; 2). It is however argued that the concept is continuing to get reform either in practice or in policy. Consequent, recent concept of open government is argued to be embedded into the values of accountability, citizen participation, access to information, technology, and innovation (Ruvalcaba-Gomez, 2019). To determine how these principles are used in enhancing development through citizens' participation in Liberia, respondents were asked about how the open government framework has contributed to the involvement of local communities in development decision-making processes with a more concise focus on

concessions. Hansson (2014) have pointed out that this concept has being used to increased collaboration, participation, and government transparency as it has created the space that allows citizen participate in decision-making processes. He however argued that that this concept has somehow changed the tradition focus of government of from efficient to new a dynamism which is compelling government to change decision-making through innovative and deliberative approaches with a pluralistic voice. It is further claimed that the emergency of ICT has further enhanced information sharing through a bottom-up approach by using online platforms such as Twitter, LinkedIn, and Facebook, among others (Hansson 2014;4). This is argued to have given most national government to development collaborative development national action plan.

For example, since Liberia signed on to the Open Government Partnership in 2011, it has produced about 4 national action plans with each containing activities intended to take the government close to the people; making citizens more aware of what is happening in the government; and seeking the opinion of citizens in regards to the change they envision ([Open Government Partnership, n.d.](#)). In an attempt to understand why the OGP concept has worked in Liberia, an analytical review was done on the OGP concept which made me to know that the OGP framework is a collaborative endeavors between the government and civil society organizations ([Opengovpartnership.org, 2017](#)). This collaboration has somehow in the past created the space for the government and the civil society organizations to come together to co-create development agenda through national action plan and draw synergy for further collaboration in the implementation of activities within the national action plan. Thus, the focus of OGP has been more inter-operationalization, openness, and participation thereby shifting the meaning and the focus of government from efficient and innovative to focus more on the way of enhancing participation (Hansson 2014;4).

## **4.2 Role of actors and power relation**

The new [Land Rights Policy](#) (2013) divided land ownership into private land, public land, government, and customary land. . Moreover, the new mineral law of 2000, the LEITI Act (2010), the community rights law (2009), and PPCA (2010) all called for the direct involvement of local communities especially those who will be affected by the action of the concession.

This policy provides that customary land ownership contains the right to possess, the right to use, the right to be responsible, and identify and define boundaries (Sillah 2019). Despite the many policies and law reforms coupled with consistent advocacy for open government and citizens' participation, this study uncovered that local community involvement and participation in concession design still remained a challenge to the development agenda of Liberia as their voices are still missing and their presence on the table for the initiation and setting up of development processes is still considered not practically important and recognized by most state actors. Although the research also uncovered that there are local individuals including CSO actors who are argued to have the knowledge to adequately contribute to concession decision-making process, this group still largely suffered exclusion in concession decision-making processes.

Despite their exclusion, the research found that if these local actors are given the opportunity to become part of the initiators of development programs, they have the ability to influence the process, take ownership of the development outcome, and sustainably sustain and maintain the gain made. For example, CSOs' are often considered to be grass-roots organizations that represent the direct voice of the local communities, and their involvement at the early stage of concession design and awarding processes is argued to

be relevant at all times (Kaul et al 2009). This group is argued to have the ability to influence and improve concession design negotiation processes with the potential of leaving no one behind and leading to outcomes that incorporate the common interest of all. For example, the research finding shows that [Sustainable Development Initiative](#) (SDI), [Platform for Dialogue and Peace](#) (P4DP), and [Green Advocate](#) are among the CSOs that have a strong long history of advocating for local community involvement in mining concession decision-making processes. This is evidence by their many stand against the government requesting to make good her promise as provided for by laws governing concession processes to local communities ([LAVI 2017](#)). This group consistence advocacy for local community inclusion in concession decision making is argued to have yielded some fruit as there have been some policy and institutional reforms that are assumed to have significantly paved the road to dealing with Liberia's long-standing history of the land crisis. For example, the new land rights law act (2013) gave birth to the Liberia [Land Authority Act](#) (2016), a statutory body responsible to administer and manage the administrative affairs of land across Liberia. Additionally, the mineral law (2000) is a framework for administrative structuring of government agencies to regulate the mineral sector and it outlines roles for actors who are deem involved in the mineral concession processes. The concession regulatory bodies put the Ministry of Mines and Energy as the head of all executive branch of government institutions responsible for granting mining<sup>14</sup> concessions (CENTAL 2017; 12). The mining law (2000) additionally called for collaboration through the holistic involvement of local communities in concession processes. Nonetheless, the research finding indicates that state actors are yet to recognize the role of local community actors such as Civil Society Organizations

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<sup>14</sup> <http://extwprlegs1.fao.org/docs/pdf/lbr178625.pdf>

(CSOs) and to let them fully participate with free and prior consent in concession negotiation across Liberia. Thus, it is argued that the non-inclusion of the local community's has rendered past concession negotiations as not following the laws and poor ([Picard and Maina, 2021; 4](#)).

Despite the numerous reforms, some actors especially state actors still feel more entitled to the concession processes than the others. For instance, most of the state actors interviewed responses considered CSOs as a rivalries group and therefore, think that their involvement in concession negotiation would only lead to a delay in concluding the deal. For example, a former government official of the National Investment Commission (NIC) who was interviewed and requested anonymity argued that CSOs' direct and full involvement especially during the initiation of concession negotiation can spark a debate that may drive the investors away. The respondent further said, "These CSOs guys always see things differently and we need the resources these investors are bringing in order to build this country and we, therefore, do not want any action that may delay concession negotiation". However, the research finds out that the direct involvement of local community actors could possibly ignite the consideration of many other issues including community needs and other values during the initiation of concession negotiation. Therefore, the exclusion of these local community actors is being considered a deliberate action by the state actors for the purpose of avoiding opposition to their personal interests (Brown 212; Liberti 2013). Responses from a CSO actor who was interviewed revealed that they are dissatisfied with their no consideration by state actors during concession negotiation processions. The respondent who spoke on anonymity when further quizzed about how the CSO involvement in concession negotiation stand to benefit the local community residents said, "our role is to speak for our people, especially in concession-related issues and this will make our people voices to be heard and

their interest will be consider. But without us, our people voices have not been heard 25 years is not a day and so to just look at companies taking away the inheritance of the people without them being aware of what and how they will benefit is very painful” (Interview with Sylvester Brown).

The exclusion of CSOs in concession negotiations has however not deterred their engagement with the affected local communities. The study found that CSOs are engaging with the concession local communities to understand issues confronting them while at the same time engaging the government on issues not in the interest of the local communities. For example, Abram Gappie, a Program Officer of (FOMAL) argues that most of the people in rural Liberia including local traditional chiefs may not have gone to school and so may not be able to get more involved in concession negotiation and he further stressed that some of the local residents do not even know that they supposed to be involved in concession decision-making processes. Moreover, he claimed that he being a CSO actor had made him to understand that in many instances, state actors just want to rush with concession negotiation, especially the members of parliament on the argument that they are the representatives of the people. When I asked him why he thinks state actors mostly rush with concession negotiation processes he responded by saying:

*“All of these are purposely done by the government to silence the local communities. Additionally, I am aware that the government not including the local communities especially the CSOs in the concession negotiation is intended to weaken us and to avoid the local community voices from being heard, but we as CSOs will not run away from our responsibilities and we have been working with the local affected communities in ensuring that they are aware of their rights and that they are able to demand for those rights” (Interview with Abram Gappie).*

He further claimed that CSOs actors have been consistently advocating for the rights of affected communities in collaborative way through meetings with local community stakeholders and engaging state actors as a way of lifting local voices. This claim is evidence by the Association of Environmental Lawyers of Liberia (Green Advocate), a CSOs group that have been engaging the government and advocating for the local community's rights through media and community in-person engagement as reported on July 21, 2006, by a daily newspaper<sup>15</sup> in Liberia in a news article titled "[Green Advocates Press for Concession Agreements](#)". The article expressed that Green Advocates was demanding relevant government authorities to make public all information about mineral concession agreements dated as far back as 15 years. The paper also quoted Attorney Alfred Brownell, the leader of Green Advocate as wanting information concerning the rights and privileges of local communities in which mineral concession exploration was taking place. Moreover, on the 25<sup>th</sup> February 2009, the Executive Mansion<sup>16</sup> of Liberia published "Green Advocates-Global Witness Analyze GoL-China Union Concession Agreement" in which Green Advocates and Global Witness were quoted referring to concession agreement between the government of Liberia and China Union as "Vague". ([www.emansion.gov.lr](http://www.emansion.gov.lr), n.d.).

Furthermore, in January 2021, [Daily Observer](#)<sup>17</sup>, a daily newspaper in Liberia reported that a women activist group under the banner "[Community Development Management Committee](#)" held a press conference and issued a statement through which the group demanded the government to ensure that women in the affected mining concession communities benefit from the proceeds gained from the mining activities (Business, 2021).

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<sup>15</sup> <https://allafrica.com/stories/200607210693.html>

<sup>16</sup> [https://www.emansion.gov.lr/2press.php?news\\_id=1086&related=7&pg=sp](https://www.emansion.gov.lr/2press.php?news_id=1086&related=7&pg=sp)

<sup>17</sup> <https://www.business-humanrights.org/en/hans/%E6%9C%80%E6%96%B0%E6%B6%88%E6%81%AF/uganda-women-call-on-gov-to-ensure-they-also-benefit-from-mining-activities-in-their-communities/>

These women based their emphasis on Nimba County, a region in which Arcelor Mittal is carrying out iron ore exploration. The paper further claimed that the group argued that Nimba receives about United States Dollars (US\$ 1 million) from the mining company as a social development fund but women within the affected communities are not benefiting. In order to add weight to their voice, these women formed a solidarity movement with the “*Committee for Peace and Development Advocacy*”, a national NGO to demand the government to ensure that women of these affected communities get their just share from the mining activities.

The research found that the company’s operation has barred the local residents from conducting most of the traditional activities that in history had made them generate income. When I asked how the concession activities have impacted the local community livelihood, this is what one of affected concession community elders told me:

*“my son, some of us are local traditional farmers-I used to do my small rice farm to feed my family; do my cassava farm to at least sell and make small money to send my children to school and send them to hospital whenever the need arises but I cannot do them anymore. We inherited this land but the company through our government has taken it from us and they are not doing anything for us; we thought the company was going to be giving us some benefit (hospital, school, build our roads) for our land as we were told by our lawmakers; this is our inheritance, and it is the only source of income for us” (Interview with community elder).*

Although the Mining Agreement Law of 2000 provides that mining concessions shall be for a period of not more than 25 years, and such negotiation shall include the affected community, it was observed that the government is signing concessions without following certain legal guidelines. A former member of parliament who spoke anonymously



claimed that sometimes these concession companies come with a big hand behind them which can in most instances make the negotiation very complicated. He said, “look, who does not want to see good things happening for his or her people? Of course I cannot deny that there are not bad people among us but sometimes things are not as you can see them from afar” (interview with former legislator). This reminds us about the argument of power as a relationship through which one party influences the other to do things that they would have not done (Gaventa and Cornwell 2006; 465).

### **4.3 Implications and Development Challenges**

In the case of Liberia, land and other natural resources do not exist in a vacuum as they are either owned by an individual in part or by the community in whole (Unruh 2009; 427). This suggests that as land and any natural resource contained within are traditionally considered communally owned, any concession in this regard decision-making must be with the consent of the people. However, in the past, it has been observed that these resources have been awarded to concession companies with limited or no prior inform consent and full involvement of the local communities. Consequently, it has been argued that this has not produced any result that is in the interest of the local community but rather has only impoverished the local community and shed light on the corrupt attitudes of state actors. For example, on July 31, 2019, [Global Witness](#) reports that Sable Mining Company, whose concession focus is to do an iron ore exportation concession deal was marred by corruption and the former ruling party of Liberia of former president Ellen Johnson Sirleaf, chairman and now Senator of Grand Cape Mounty County, Varney G. Sherman was implicated in massive corruption during the Sable Mining<sup>18</sup> concession negotiation ([Global Witness, n.d.](#)). Sherman was accused of dishing out

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<sup>18</sup> <https://www.globalwitness.org/en/campaigns/corruption-and-money-laundering/anonymous-company-owners/sable-mining-bribes-and-questionable-payments-liberia/>

money as an inducement to members of the government including legislators in order to pass the Sable Mining mineral concession agreement. The action of Varney Sherman and others are argued to have denied the participation of the local communities which has been considered as undermining the legitimacy of the operation of the concession company and of the local community participation in natural resources management decision-making processes.

Consequently, this is argued to have limited local communities in demanding and getting their community benefit from concession companies as it is likely that they are not aware of what the company is supposed to do for them. The research uncovered this action as one of the contributing factors that is responsible for the breeding of conflict in concession communities across Liberia. When I asked a youth about how he feels the young people been left out in concession decision-making process, this is what he said:

*“these so-called investors or companies come and take away what is supposed to be used to make our lives and community better without giving anything directly back to us. So we sometimes say that since our government does not speak for us but to only allow foreign companies to dig our gold and diamond and make a few government officials rich, it has given us the courage to speak for ourselves through protest” (interview with youth leader).*

When I further quizzed him on the implication of the youth protest action, he made to know that the youth are aware of the negative consequence of protestation and it even sometimes end them into jail. But on the other hand, he argument it is the only medium they have to make their voices. He argued that although the change may not come as they want, but their action is only to keep the reminding the policy.

The research further finds that the implementation of certain legal policies regarding land and natural resource management in Liberia is not clearly follow as there is a lack of effectiveness in the implementation of these policies (Unruh 2009). For instance, prior inform and consent clauses in the community right law 2009 was observed to not be followed. Moreover, local community leaders such as town chiefs, youth, and women are in most instances not aware of these laws due to the failure of the proactive disclosure of information as suggested by the FOI (2010) and therefore, affected local communities are seeming as not able to adequately defend themselves and or demand for their rights. This condition is argued to have not only disenfranchised the local communities in decision-making but it is observed to be contributing to economic inequality as the natural resources including land have been taken away without much compensation especially directly to the affected communities.

## **Chapter V: Narrowing to the driveway**

This chapter focuses on analyzing the findings based on the data gathered during the study either through the primary source (interviews) or through secondary sources (newspapers, reports, policy documents, legislations, academic papers). This analysis is additionally informed by the objective of the study in consonant with the theoretical and conceptual framework that guided this study. It is also based on the research question which served as an inspiration that led to bringing in plurality of voices into the process.

### **5.1 Citizens' Participation and Development initiative**

The finding indicates that globally, it is observed that development practitioners from either academia, policymakers, and humanitarian institutions are becoming concerned with the ownership of development outcomes and therefore, are getting more anxious of how development decisions are made ([devex.shorthandstories.com](http://devex.shorthandstories.com), n.d.). For example, (Tscherning et al., 2012) argued that the 'DPSIR framework' was given birth to in order for development researchers to be able to measure the core elements that influence development changes. One of such central pillar elements as this research finding indicates in structuring development framework is governance. This is argued to have given rise to the formation of global institutions for strengthen governance system. One of such institutions is OGP<sup>19</sup> as it was inaugurated by President Barrack Obama of the United States of America ([The White House](http://The White House), n.d.). Despite the high penetration of the OGP concept with over 65 member countries, the finding shows that the concept is seeming to be drifting the focus of government from efficiency to a more collaborative

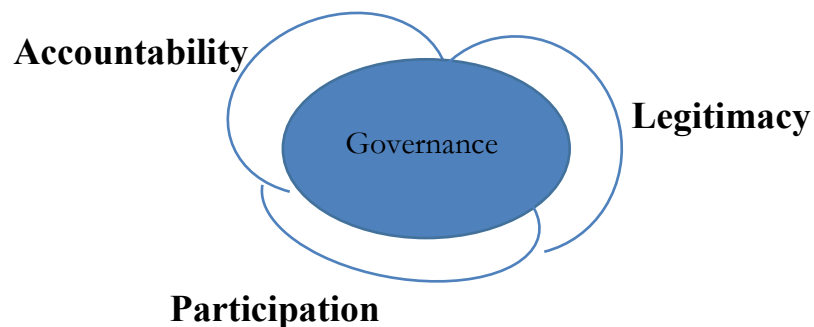
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<sup>19</sup> <https://obamawhitehouse.archives.gov/open/partnership>

way (Hansson 2014). The concept of OGP is centered around the promotion of transparent, participatory, inclusive and accountable governance ([Open Government Partnership, n.d.](#)).

This research further uncovered that the concept of governance in relations to natural resource governance is argued to be surrounded by three basic conceptual elements of transparency, accountability, and legitimacy (Jaja 2014). See below a graphic interpretation of the argument pattern after Jaja (2014) “characteristics of governance”. The graph illustrates how governance of is the foundation upon which transparency, accountability, and legitimacy are built.

**Figure 2: Conceptual Framework Metric**



Source: Pattern after Jaja (2014; 25154) Characteristic of Good Governance

As the finding indicate, in the case of Liberia, as regards citizens’ participation, many efforts had been made to enhance participation, especially in regards to concession decision-making as evidence by the government enactment of a series of legislations that called for the free, prior, and informed consent of local communities’ participation in concessions design, negotiation, and implementation. Such policies include [PPCA 2010](#); [LEITI Act 2010](#); [CRL 2009](#) among others.

Nonetheless, with all of these policy reforms, however, citizens' participation is still seen to be strangled in Liberia as the research findings uncovered that local communities have not been fully involved in development program design, especially concession decision-making ([Picard and Maina, 2021](#)). Furthermore, the FOI (2010) called for proactive disclosure of information to the public, yet this act is seen to be violated mostly by state actors there is still gap in information sharing and coordination with local community on concession related matters. This is observed to have undermined the practice of accountability, the absent of which is argued to have given rise to corruption in the public sector in Liberia ([U4 Anti-Corruption Resource Centre, n.d<sup>20</sup>](#)). The failure of the state actors adherence to the FOI law does not only set the stage for breeding of corruption but it further considered as a violation PPCA 2010; LEITI 2010; and the CRL 2009 which all called for prior free consent of local community participation in concession development initiatives. These acts further argued that prior public consultation must be held with the local communities and such consultative meeting outcomes must be publicized. But in a conversation with a youth leader, who I wanted to know from as to how informed are to young people about the development activities and especially concession processes in their community she: "we have limited information on the activities of the concession in this place; and especially been a girl or a woman, we are most left or not considered for any decision making" (Interview with youth leaders). But she made to know their involvement might serve as a mitigating point for prevention future conflict especially in relation to the expansion of the companies' operation areas.

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<sup>20</sup> [https://knowledgehub.transparency.org/assets/uploads/helpdesk/324\\_Overview\\_of\\_corruption\\_and\\_anti-corruption\\_in\\_Liberia.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/324_Overview_of_corruption_and_anti-corruption_in_Liberia.pdf)

### 5.3 Negotiation

Why the OGP concept has created some level of collaboration among state actors and CSO actors basically in the co-creation of development plan in the form of the OGP national action plan. Nonetheless, the process has not been able to get translated into the role of local community participation in the concession decision-making processes.

Thus, the research finding indicates that the government keeps making similar mistakes that were made in the past regarding mining concession as the common sense among the respondents suggest that the government did not follow due processes during the negotiation processes that led to the awarding of MNG Gold in Bong County, Accelor Mittal in Nimba, and Bea Mountain in Grand Cape Mount County respectively. A CSO actor respondents who spoke on condition of anonymity argued that the Ministry of Lands and Mines which chaired the inter-Ministerial committee on scrutinizing concession processes failed involve local community stakeholders including CSOs during the initiation of these concessions negotiations. Thus, the finding shows that the laws which called for citizens' participation are yet to be fully utilized, especially in the general interest of the citizenry. The CSO actor further claimed that the government promulgation of these laws are seem to only be intended to make the outside world (development partners) believe that the government of Liberia is following international best practices. Additionally, a former official of ML&E stands to justify this CSO actor's claim as he asserted:

*“Every community in this country has a leadership, especially at the legislature and one of their roles is to always inform their people. So on concession issues, we also expect them to go back to their people to get their input, especially communities that will be directly affected by the concession activities. But if they failed to do, whom do you blame? It is clear that we also have a role to play by involving local communities which we*

*have always done through the involvement of the local communities' representatives who are at the legislature" (Interview with former GoL official).*

Unarguably, the law required that members of legislature consult with their constituencies for their input on new legislation. It is enshrined in the [1986 constitution of Liberia Article 17](#)<sup>21</sup> that citizens' full participation should always be at the center stage in every development decision-making, most importantly the natural resource governance and management; thus the responsible agencies' including the inter-ministerial committee charged with the responsibility to steer the affairs of mining concessions negotiation processes failure to consult with the local communities has no legal justification. On this basis, the research findings suggest that legitimacy, a core supporting pillar for strengthen governance around natural resource management is being crippled through absents local communities on concession decision-making table.

A core challenge uncovered by this study is the power differential that existed among key state actors who are deemed of playing a lead role in concession processes. The analysis points out that during the consultation period with the local communities, state actors instead of dwelling on the new mineral law of 2000<sup>22</sup> which called for equal and transparent collaboration with all parties will instead cling to their pre-existing statutory power to intimidate other actors most especially local community actors including CSOs and local chiefs. For example, the response from the local chiefs as highlighted in the research finding indicate that the representative from the [Ministry of Internal Affairs](#)<sup>23</sup>, a statutory ministry with the responsibility of regulating local chiefs most often used their titles to silence the local chiefs. This is assumed to be a major concern as it has

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<sup>21</sup> <https://www.eisa.org/pdf/lib2017amendedlaw.pdf>

<sup>22</sup> <https://ekmsliberia.info/wp-content/uploads/2019/11/Liberia-Mining-Law-2000.pdf-1.pdf>

<sup>23</sup> <https://www.mia.gov.lr/doc/MIA%20ACT.pdf>



to do with who is speaking and who is listening; who is taking the lead role and how are they influencing the consultation processes, and who stand to benefit or be affected by the outcome of the decision. This has informed the findings that the power struggle between the state actors has in most instances disenfranchised the local communities whose participation has not been considered cardinal. This has brought us closer to the argument of (Gaventa and Cornwall, 2006) about the interconnectedness of power and knowledge which situated power as a tool used to influence decision-making processes including how people think and behavior. Consequently, it is argued that this leads to determining how knowledge is produced and used for the common good of all. Hence, this relates to how state actors used their power to influence concession decision-making processes for the purpose of achieving their personal agenda.

The new mineral law (2000) and other subsidiary laws such as LEITI (2010); PPCA (2010) called for holistic and open grassroots consultation with all community stakeholders (youth, women) in the concession negotiation processes. Nonetheless, the study discovered such consultation has always favored a few hand-picks of local community chiefs who in most instances their participation is been considered as micro-managed as they have been sponsored by the state actors and concession companies only to prove claims of local community involvement. More to this, these chiefs are directly under the influence of the central government and their actions are mostly contingent upon what the central government asks them to do (Neef, Touch, and Chiengthong 2013; Lewis and Nelson 2006; Wily 2000; Dalton 1965). During the interviews, I spoke to one of the local community women leaders and this is how she responded when I asked her about the role of local chiefs especially women:

*“we the women leaders are mostly not considered in decision-making. The male chiefs who are mostly involved do not speak for us and to ensure our voices are heard are failing us. During these periods, all of our positions can be threatened and nobody wants to lose his or her job. For this reason, I think we the chiefs have always compromised the community interest in order to protect our job and in most cases, they do not involve us, especially we the women even though some of us are leaders” (interview with women leader).*

Liberia is a unitary state with a centralized form of government and administration with too much power placed in the central government which is often used to dictate to local and traditional chiefs ([Liberia constitution Chapter VI Article 50](#)<sup>24</sup>). This has in many situations posed the local chiefs to rely on the central government for decision making and had made the position of these chiefs to look somehow irrelevant. Thus, local residents, especially the young people, have most often blamed these chiefs for not representing their interest at the concession table. One of the community youth leaders whom I interviewed said “I do not know why we have these chiefs because every decision about us is made in Monrovia. The chiefs most often tell us that ‘the minister says we must do this project’; thus if we the young people ask how the decision was arrived at, we are always considered rude and we most often end up in local community jail” (interview with youth). However, during the interview, this is what one of the chiefs who was interviewed said to me

*“My son, do you we do not want good thing for our people? We do, but the minister is our boss and how do you expect me to argue with him? The minister comes and tells us that this is what we want to see done as a government-suggesting that this is what the*

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<sup>24</sup> [https://www.wto.org/english/thewto\\_e/acc\\_e/lbr\\_e/wtacclbr15\\_leg\\_14.pdf](https://www.wto.org/english/thewto_e/acc_e/lbr_e/wtacclbr15_leg_14.pdf)

*central government has agreed upon. So the only thing we can do as local chiefs is to agree with what the minister says to us. Additionally, I did not go to school and so I am not educated to say I will read the document and tell the minister that you and the document are not saying the same thing. They called us in a meeting, they read the document they bring and interpret it to us they want for us response” (interview with local chief).*

Thus, the research uncovered that the lack of decentralization of the government of Liberia is one of the key factors that is contributing to the undermining of local community participation in development initiatives including concession decision-making processes as the central government is observed to at times stand to influence development decision-making processes.

#### **5.4. Design Strategies**

From 2005 up to 2010, it is observed that huge parcels of land were granted to mining concession companies of MNG Gold in Bong County, Arcelor Mittal in Nimba, and Bea Mountain in Grand Cape Mount County respectively to do mineral exploration. Several other mining concessions are also being awarded to other companies to operate in other parts of Liberia. However, the common understanding as revealed by the data gathered especially as expressed by the interviewees indicates that the inter-ministerial body chaired by the Ministry of Lands and Mine, which is responsible for leading concession design and negotiation processes have been in contradiction or in violation of certain components of policies and laws governing large concession activities in Liberia due to a failure to ensure the full and independent involvement of local communities. For example, the Community Right Law (CRL 2009), the New Mineral Law (NML 2000), Public Procurement Act (PPCA 2010), and Liberia Extractive Transparency Ini-

tiative (LEITI 2010) Act which are existing legal framework that govern concession activities in Liberia and called for collaborative engagement with mineral and other concession decision-making processes.

However, an official of one of the concession companies whom I interviewed claimed that they as business people especially in the mining concession have always followed the laws of Liberia by meeting the responsible agencies who are responsible for the coordination of concessions activities and that they follow every recommendation in relation to their operation as provided for under the laws of Liberia. But he argued that it is only left with the government to responsibly communicate to its citizens in a timely manner. When I further quizzed him if his company adhered to the concession laws of Liberia specifically the PPCA during the negotiation, he responded by say:

*“Yes, I know my company did follow the PPCA in the sense it was through the government data we realized that such mineral exists in Liberia-although we did our own personal visibility study and at every stage, we engaged the local community through the government as required by the laws. Even though the PPCA act was really not in existence at the time nonetheless, other laws existed that we followed; I know we were to talk to the local community and this we did through the government as they brought people to all of our consultative meetings. The government knows who the local community leaders are more than we do and as a company, we have always depended on the government to bring people who are supposed to be part of the conversation” (interview with concession company staff).*

But civil society actor who was interviewed claimed that:

*“the concession companies are not doing due diligence as most of them have always failed to meet up with the social corporate responsibility. He further claimed that these companies in some instances financially induce state actors, a condition he claimed most often lead to the state actors stage-managing concession negotiation processes by hand-picking people from the affected communities to participate in concession negotiation meetings. Although the laws provide consultation must be held directly with the local community, this is, however, on the contrary, the respondent further claims”* (interview with CSO actor).

This solidified the local community’s argument that the state actors during the concession negotiation do not recognize the importance of the local people who reside on these lands and use it for farming and other income-generating activities. This challenge has been recognized by state actors themselves as it was reported by the [Analyst Newspaper](#)<sup>25</sup> on January 2, 2013, that president Ellen Johnson Sirleaf affirmed that lots of mistakes have been made in relation to concession processes but she was optimistic that her government will work to correct some of the mistakes. The paper further quoted Madam Sirleaf as blaming the lack of human and material resource capacity as key contributing factors underpinning these challenges. This factor many advocacy groups have argued if not taken care of in a better and timely manner may serve as a source for conflict in concession communities especially between the local residents and concession companies.

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<sup>25</sup> <https://allafrica.com/stories/201301021366.html>

## **Chapter VI: Conclusion**

I have endeavored, in this study, to explore open governance and citizens' participation in Liberia-looking into how the open government partnership framework has enhanced citizens' participation in development processes especially concessions decision-making in Liberia. With a focus on MNG Gold in Bong County, Arcelor Mittal in Nimba, and Bea Mountain in Grand Cape Mount County respectively, I focused my research on questions towards understanding how and why the open government framework has contributed towards citizens' participants in development programs most especially in mineral mining concessions. The application of a qualitative method and the use of a purposive respondent selection method proved worthy for the study as it helped me in understanding the policy variance and the role of the various actors-who is talking, and who is listening and why. This approach enhanced me to bring in pluralities of voices as indicated in the result.

Moreover, the conceptual framework assisted the study to bring to the front the interlink between governance, participation, legitimacy, and accountability in natural resource management, especially in the case of Liberia. In this context, the concept of governance was defined based on participation, legitimacy, and accountability. Participation in this research helped my understanding of how local communities' participation was perceived in the concession negotiation and awarding processes; legitimacy aided my knowledge of public support in view of concession while accountability broadened my understanding of the role of duty bearers to the people. The study identified power imbalance in concession negotiation with a specific focus on the role of the CSO and the affected local community and the central government.

The results indicate that the citizenry specifically local rural community residents, in general, most of them lacked the technical skills including education and administrative

knowledge to adequately contribute to the concession decision-making, a factor which stands out as an element used by state actors to alienate local communities during concession design and negotiation processes. Nevertheless, the findings show that CSOs that is grass root community based oriented, is considered to have the technical skills fit enough to sit on concession inception decision-making table and whose presence and voice directly represent the local community, yet have not been considered to be fully involved at every sphere of concession decision-making processes. The finding indicates that CSOs are however not deterred by the action of the state as research found that CSOs in Liberia have over the years formed a specific working group with the focus of finding solutions to the challenges confronting natural resource management in relations to how government, concession companies and the local communities can better coordinate on concession processes. For example, on July 23<sup>rd</sup>, 2021, the [Sustainable Development Institute \(SDI\) in partnership with the Friends of the Earth Liberia](#) hosted a day-long capacity strengthen workshop on issues of human rights surrounding natural resource governance. Dwelling on Foucault's (1998) argument of "power is everywhere", the finding shows this is being demonstrated especially by CSOs to tell why the involvement of the local community in concession decision-making is critical.

As the findings show, the hope of Liberia government to use the proceeds from these concessions companies for economic growth and infrastructural development has not produce the needed result. This evidence by the non-improvement of the lives the residents of the concession's affected communities as these communities still lacked basic necessities such as school, hospitals, and road, among others. The findings show that these failures are not due to lack of policies but the state failure to adhere to current existing laws and application of political will. Decisions made regarding concession awards implementations did not meet the PPCA of 2005, a processes that have received backlashes

from CSOs and local affected communities. Consequently, these is argued that the concession granting processes did not follow or meet the basic natural governance structure of accountability, participation, and legitimacy.

Despite these challenges couples with the frequent exclusion of CSOs and the affected communities by state actor in concession decision-making processes, some local community stakeholders including CSO actors argued that they are convinced that the mineral sector of Liberia has the potential to grow if the current challenges are harnessed.



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## *Appendixes*

### **1: Interview guide**

**Date:**

#### **Introduction**

My name is Francis Egu Lansana, I am currently doing a Master's Degree in Development Studies at the International Institute of Social Studies, Erasmus University of Rotterdam-The Netherlands. As, a requirement for my study, I am doing my thesis on the topic "Citizens' participation and Open Government: A case of Mining Concession in Liberia". The objective of this study is to understand how the Open Government framework has contributed to local community participation in mineral resource concession decision-making processes.

#### **Consent**

Your participation in this research is voluntary and anything that you say during this interview will not be used against you-your name will not be mentioned in the final report except if you agreed that I do so. Everything that you say will be kept private and any information that you will provide will be solely used for the objective of this research-which is academic.

#### **Respondents Bio**

THIS IS NOT COMPULSORY!

Your Name:

Work:

Organization:

Gender:

#### **Questionnaires**

- I. To what extent has the OGP framework enhanced local communities' involvement in the concessions negotiations?

- II. Why has it or not the OGP framework worked?
- III. What was the role of local community actors (CSOs, women, and youth groups) in the negotiation process?
- IV. What underlies the perception of local communities' ability or inability to engage in concession negotiation?
- V. How can local community participation influence concession design and negotiation processes?

## 2: List of interviewees

Name	Gender	Organization/Function	Category	Date
Brown ,Sylvester	Male	Project Officer	CSOs	25.07.2022
Gappie, Abraham	Male	Program Officer FOMAL	CSOs	27.07.2022
Chief	Female	Local government/Town chief	Community Resident	01.08.2022
Community Elder	Male	Influential community elder	Traditional chief	01.08.2022
C2-1	Male	GoL/Director	Former GoL Official	03.08.2022
C2-2	Male	Parliament	Former legislator	03.08.2022
Community leader	Female	Local resident/Youth Cahirlady	Youth	08.08.2022
Company	male	Director	Manager	15.08.2022
Kou Gaye	Female	Influential Community Resident	Women leader	06.09.2022
Community Leader	Male	Traditional Chief	Community leader	06.09.2022
Community leader	Female	Women chairlady	Community Residents	13.09.2022

