

08 Comparative Analysis of Two CFMAs in Grand Gedeh and Nimba Counties

BRIEFING | DECEMBER 2017



Introduction

By the end of 2016 the Forestry Development Authority (FDA) had approved ten Community Forestry Management Agreements (CFMAs). Five of these have been supported by the USAID Land Rights and Community Forestry Program (LRCFP) whilst five have been supported by the FDA. The LRCFP CFMAs all focused on both conservation and commercial forestry activities with a great emphasis on developing and building the capacity of the community members involved to democratically use, manage and conserve the forest resource.

In contrast, the five FDA CFMAs are all focused on medium-scale commercial timber harvesting and conservation forestry activities as enshrined in the new Community Forestry Management Plan (CFMP) template; and the FDA has not had the resources to be able to invest large amounts of time and money into developing the capacity of members of the communities to manage their forests collectively and democratically, so that the whole community is able to independently have a say in how their resources are managed.

The Community Rights Law (CRL) and its Regulation were only passed in 2009 and 2011 (revised in 2017) respectively¹ and represents an entirely new approach to forestry in Liberia. This law gives communities for the first time a legal mandate to manage their forests collectively.

This approach is very different to the way FDA are used to managing forests so of course it will take time for the FDA staff to develop the skills of community members to manage their forests effectively.

This brief compares two CFMAs – one supported by the FDA and one supported by LRCFP. It contrasts the allocation process, the governance structures, the level of knowledge and skills that those serving on community governance structures have developed in managing their forests, and the impacts and benefits of the CFMA. With over 120 CFMA applications in the pipeline, the relevant authorities must pay urgent attention to these important factors; it is critical for local communities and government revenues that Liberia gets this right. By highlighting some of the key lessons learned during the past eight years of community forestry in Liberia, this brief aims to contribute to these processes being improved.


“Community Forestry is in its nascent stages in Liberia, and its potential benefits to communities and to Liberia’s development generally are not understood. Forest management is gradual. It is not abrupt, and does not imply dramatic changes to normal execution activities. It adapts itself to the specific resources and conditions of the forest, and the willingness to implement. It implies a participatory decision taken jointly by the community, even if implementing later on may not entail the participation of each community member.”²

Background

The CRL and its Regulations established a framework for ensuring transparency and accountability for the use, management and protection of forest resources by communities. Liberia's forest policy also integrates commercial, community and conservation (3Cs) priorities for Liberia’s forests.³ The legal framework allows local communities to access, manage, “and use a share of benefits” accrued from forest resources as a source of income and livelihoods, as well as for community development.⁴

footnotes

- 1 Community Rights Law, 2009; www.fda.gov.lr/download/107/laws/2365/community-rights-law-of-2009-with-respect-to-forest-lands.pdf. The regulations were revised in early 2017 but currently only the previous 2011 version is available; www.fda.gov.lr/download/107/laws/2367/community-rights-law-regulations_printed-version.pdf.
- 2 USAID PROSPER, November 2016, Best practices for community-based low impact timber harvesting in Liberia, Pages 1, 6.
- 3 CRL Revised Regulation, 2017, page 1 Preamble paragraph 1.
- 4 CRL chapter 2 Section 2.1 and CRL Revised Regulation 2017 chapter 2 Section 2.1.



The importance of effective community governance structures

Democratic community governance structures are the key to successful community forestry. These community forestry governance structures are formed during step eight of the nine-step process, prior to the approval of any Authorized Forest Community application.⁵ There are three main bodies, each with a specific role and responsibility:⁶

- The **Community Assembly (CA)** is comprised of representatives from all groups within the Authorized Forest Community, including men, women, youth and members of the various ethnicities. The CA is the highest decision making body and meets twice a year to decide on community forestry matters, review and adopt reports of the Executive Committee, appoint Community Forestry Management Body (CFMB) members and approve the annual budget of the CFMB, and approve the Community Forest Management Plan (CFMP).⁷
- The **Executive Committee (EC)** has oversight responsibilities over the CFMB, decides on policies and provides strategic direction to the CFMB. The EC also ensures transparency and accountability in the management of the community forest funds, receives and reviews quarterly reports submitted by the CFMB, and reports to the CA on the performance of the CFMB.⁸
- The **Community Forest Management Body (CFMB)** implements the policies of the CA and its EC, develops and implements the CFMP, prepares and implements community forestry rules, operates in accordance with the terms and conditions established in the CFMA, represents the community in all matters related to forest programs, negotiates the community forestry programs and forest resources, report quarterly to the EC on the management of the community forest, submits quarterly financial reports to the EC, establishes a community forest fund to hold and expend monies generated, develops an annual budget for EC approval, ensures community forest resources are managed, in a sustainable manner, ensures good governance and accountability, and perform other functions.⁹

These roles and responsibilities are very important because the communities have the right to control the use, protection, and development of community forest resources. Communities also have the right to enter into contracts with concessionaires licensed by the Authority to engage in forestry operations on community forest lands.¹⁰ The CA and CFMB must also ensure the sustainable and accountable management of the community forest, which could include negotiating legally recognized commercial use contracts between the community and any investor in line with the CRL.

The ability of community forestry to bring real benefits to communities greatly depends on the capacity and skills of the members of the community forest governance structures to be able to manage the resource effectively and sustainably, with the participation and buy-in of the whole community. Therefore it is key that those serving on community forestry governance structures such as the CA, EC and CFMB understand their role and are trained to perform it well, in order to ensure that the forest is legally and sustainably managed for the benefit of the whole community.

However, there are serious concerns that the CRL and its Regulations have not been implemented correctly in the past. The CS-IFM team has documented these issues in a number of briefings, outlining major illegalities that happened during the allocation of the Blouquira, Neezonie and Bluyeama CFMAs, and the problems the communities continue to face as a direct result of the law not being followed.¹¹ Due to the large number of CFMA applications currently awaiting approval and moving through the nine-step process, we believe it is vital that the FDA and its partners take all the necessary steps to ensure that the CRL and its Regulations are implemented correctly and that best practice is followed, in order to ensure that communities are able to truly enjoy long-term benefits from their forest resources.

footnotes

- ⁵ CRL Revised Regulation, 2017, page 18 appendix and nine steps Handbook page 22.
- ⁶ CRL Revised Regulation, 2017, chapter 3 Section 11.
- ⁷ CRL Revised Regulation, 2017, chapter 3 section 2.
- ⁸ CRL Revised Regulation, 2017, chapter 3 section 12.
- ⁹ CRL Revised Regulation, 2017, chapter 4 section 7.
- ¹⁰ CRL chapter 3 section 3.1
- ¹¹ Liberia independent forest monitors briefing 2: Blouquira and Neezonie, 2015; <http://loggingoff.info/wp-content/uploads/2015/09/777.pdf>. Liberia independent forest monitors briefing 1: Bluyeama Community Forest, 2015; <http://loggingoff.info/wp-content/uploads/2015/09/753.pdf>.

Historical review of the two CFMAs

Over the years, USAID PROSPER supported and worked with the FDA to develop and refine appropriate models that can be used for the successful implementation of community forestry that is absolutely new to Liberia. USAID PROSPER also supported pilot projects in eight communities in Nimba, and Grand Bassa, while the FDA supported three communities in Rivercess, Sinoe and Margibi Counties. Significantly, the USAID PROSPER support included building the technical and administrative skills of the community to collectively manage their resource and develop rural forest products enterprises. The USAID LRCFP/PROSPER program has been able to strengthen the capacity of local community forestry governance structures. One example is the Gba and Zor community forest in Nimba County, which bears a conservation status, has been a key recipient of the program, boosting the community's level of participation and skills in managing their community forest resource.

On the other hand, the Blouquia CFMA, with a commercial status, and located in Grand Gedeh County, was supported by the FDA and is currently being logged by a commercial logging company. Both CFMAs were approved in 2011, giving legal rights to the communities to implement community forestry management activities in their respective community forests for a period of fifteen years each.

Methodology

During the month of November 2016, the Civil Society Independent Forest Monitor (CS-IFM) team of the NGO Coalition of Liberia conducted a ten-day field assessment in Gba/Zor and Blouquia CFMAs.

These two CFMAs were each assessed against the following five criteria, each based on the legal framework:

Criteria	Legal basis
1. CFMA allocation process.	CRL Revised Regulations, 2017, Appendix: steps in establishing an authorized forest community.
2. Capacity/knowledge of community members serving on community forest management bodies.	CRL, Chapter 5.
3. Status of community governance structures.	CRL, Chapter 6, Section 6.4.
4. Benefits to the community.	CRL Revised Regulations, 2017, Chapter 11, Sections 1, 2, 3 and 4; National Forestry Reform Law Reg. 107-07 Section 33 (a) and (b). ¹²
5. Development of the CFMP.	CRL, Chapter 6, Section 6.4; CRL Revised Regulations, 2017, Chapter 4, Sections 4.7, 8, 9 and 10.

The team carried out semi-structured interviews with community forestry governance committee members and non-members. The interviews covered representatives of all ten affected towns in the Blouquia Community and nine of the 22 affected towns of the Gba and Zor communities.

A total of 66 respondents were interviewed from both communities. In Blouquia, 50 respondents were interviewed, including 25 CA members, four CFMB members, four women leaders, eight youth leaders and nine local leaders.

In the Gba and Zor Communities, the team interviewed fewer people because both ordinary community members and those serving on the governance structures interviewed had a fair understanding about CFMAs as demonstrated by giving the same responses consistently. A total of 16 respondents were interviewed, including two CA members, one EC member, 12 CFMB members and one Community Forest Guard.

footnotes

¹² National Forestry Reform Law, Ten Core Regulations, 2007; www.fda.gov.lr/download/109/approved/2376/fda-ten-core-regulations.pdf.

Cross section of the Blouquia Community attending a meeting with the CS-IFM team in Zian Town.
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Comparative Analysis of the Blouquia and the Gba and Zor CFMAs

The Blouquia Community Forest

The Blouquia CFMA covers a total of 43,794 hectares¹³ and has a medium-scale commercial forestry status approved by the FDA. By June 2013 it had also signed an amended third party commercial use contract. Originally, an MoU was signed before the CFMA was even approved¹⁴ with a company called A&M Enterprise Inc. who held no business registration in Liberia and who later sub-contracted the Liberia Hardwood Corporation (LHC) to log the CFMA. The Blouquia Community Forest is owned by ten towns: Zanzar, Zammie, Cheyee, Dalue, Gbawoh, Panniwen, Zian, BoGeewon, Gbaryeh and Ziagbe towns.

Unfortunately, the Blouquia “community feel it benefited very little” from this agreement and has decided to discontinue after the first five years of the contract, and which is now subject to an ongoing dispute.¹⁵ Prior to this, CS-IFM Brief 2 raised some concerns about the way this CFMA was originally allocated:¹⁶

- the Blouquia CFMA was approved by the FDA before the CRL Regulations had been authorized;
- the Third Party Agreement between the community and the original company was signed over two and a half years before the CFMP was approved by the FDA; and
- CRL Regulations designed to ensure accountability were not fulfilled before the FDA approved the CFMA.

Each of the ten towns has three representatives on the CA totaling 30 members. However, those elected to serve on the various community governance structures from the start did not know anything about community forestry management and also did not get any form of technical and capacity building support from the FDA or any local or international partners to educate and train them on how to ably perform their roles and responsibilities in managing their community forest.

Two years after the signing of the CFMA in 2011, the Sustainable Development Institute (SDI), a national community rights based organization provided some support to Blouquia. This included strengthening the governance system of the CFMB and CA members by developing the constitution and by-laws for the CA and aligning the rules of the CFMB to that of the CA. This culminated into elections for corps of EC officers of the CA as well as appointing officers of the CFMB in line with the CRL and its Regulation. This support has been helpful in contributing to clarifying their roles and responsibilities in order to improve their function and performance.

The Blouquia CFMA has been operated by LHC, of which the CS-IFM report in February 2014 concluded that “The MOU which is now changed to Third- Party Agreement was signed before the FDA approved the CFMA, and before the CFMB had been legally established” and recommended that “The FDA should immediately suspend all commercial activities in Blouquia and Neezonie until it clearly establishes whether or not any company holds a legal contract that allows them to carry out commercial activities in the Blouquia and Neezonie Community Forests”.¹⁷

The impact of the illegal allocation process of the Blouquia CFMA had not changed when the CS-IFM team revisited the community to conduct this assessment. The purpose of the visits to the communities was to assess how communities are managing and benefiting economically from their community forests.

footnotes

- ¹³ Page 7 of the Community Forest Management Agreement signed between FDA and the People of Blouquia Clan in Grand Gedeh County.
¹⁴ June 22, 2013 amended MoU between the Blouquia Community and A & M Enterprise Inc.
¹⁵ Liberia Observer, 25 April 2017, Grand Gedeans Face US\$4.7M Lawsuit; www.liberianobserver.com/news/grand-gedeans-face-us4-7m-lawsuit/.
¹⁶ CS-IFM Briefing 2: Major Flaws uncovered in the Blouquia & Neezonie CFMA allocation processes February 2014
¹⁷ <http://loggingoff.info/document/sdi-briefing-3-logging-outside-the-blouquia-community-forest-management-area-2/>

Assessment chart

The criteria outlined in the methodology section above were used to assess Blouquia CFMA, as follows.

Assessment criteria	Situation on the ground																
1. CFMA allocation process.	<ul style="list-style-type: none">The FDA approved Blouquia CFMA two years before the CFMB was legally formed.The CFMA was signed two weeks before the FDA Board approved the implementing Regulations.The Third Party Agreement was signed before the FDA approved the CFMA.The Third Party Agreement was signed with A&M Enterprise Inc. who holds no business registration in Liberia.The current CFMP was developed by FDA with limited input from the CFMB.The CFMP was developed in 2013, two years after signing the CFMA.																
2. Capacity / knowledge of community members.	<ul style="list-style-type: none">The FDA did not educate or train the CFMB members to understand their roles and responsibilities after being elected to manage their community forest.Information dissemination about community forestry management by the CFMB to the larger members of the community is very minimal. 72% of the total number of community members interviewed had no understanding about community forestry management.Most of the community members are not aware about the benefit payments.Community members think the community forest is good but their main concern is that LHC failed to connect all their feeder roads and the building of the hand pumps as promised.																
3. Status of community governance structures.	<ul style="list-style-type: none">Those elected on the various community governance structures have a very limited understanding of their functions.The CFMB, CA and EC cannot manage their forest if they are not trained to understand their roles and responsibilities.																
4. Benefits to the community.	<p>During the five years of operations, LHC made the following payments:¹⁸</p> <table><tr><th>Status (US\$)</th><th>Community share of Land rental fees</th><th>Cubic meter fees (all due to the community)</th><th>Total</th></tr><tr><td>Due</td><td>150,502</td><td>13,050</td><td>163,552</td></tr><tr><td>Paid to date</td><td>60,201</td><td>6,260</td><td>66,461</td></tr><tr><td>Owed</td><td>90,301</td><td>6,790</td><td>97,091</td></tr></table> <ul style="list-style-type: none">LHC harvested 8,700 m³, and were due to pay US\$ 1.5 per m³ in cubic meter fees.Out of the first five years of operations of the company, the community only received the total sum of US\$ 66,461 as both land rental and cubic meter fees.This amount is being divided among the ten towns according to their project needs.Their future expectation of the community is that LHC will pay the arrears for more community developmental initiatives.	Status (US\$)	Community share of Land rental fees	Cubic meter fees (all due to the community)	Total	Due	150,502	13,050	163,552	Paid to date	60,201	6,260	66,461	Owed	90,301	6,790	97,091
Status (US\$)	Community share of Land rental fees	Cubic meter fees (all due to the community)	Total														
Due	150,502	13,050	163,552														
Paid to date	60,201	6,260	66,461														
Owed	90,301	6,790	97,091														
5. Development of the CFMP.	<ul style="list-style-type: none">LHC conducted operations for two years before the CFMP was developed.Pre-logging operations took place before the CFMP was developed.CFMB claimed they did not fully participate in the preparation and development of the CFMP.The current CFMP was developed by the FDA with limited input from the CFMB.																

footnotes

¹⁸ As reported by the CFMB Chairman during interviews in November 2016.



Findings on the Blouquia CFMA

Officials and members of the CA and CFMB interviewed by the CS-IFM team indicated there were no logging activities occurring in the Blouquia community forest at the time due to existing disagreements between the community and LHC. The CFMB Chairman and eighteen other respondents asserted that the disagreements stem from failure of LHC to fully implement the Third-Party Agreement between the people of Blouquia and A&M Enterprise, which calls for the connection of feeder roads between the ten towns that constitute the forest community.¹⁹

43 respondents, including residents and members of the community forest governance interviewed, said that each town has received at least US\$3,500. Six of the interviewees said they don't know while four persons, including the CFMB Chairman, said their community had received a little over US\$66,460 from LHC for the period of two years (2014–2016). He further mentioned that out of the amount received by the community, US\$60,200 was for land rental fees while US\$6,260 was for cubic meter fees from the total of 8,700 cubic meters harvested, a figure given to him by LHC. The Chairman also said he doesn't have any information about the amount of timber LHC has exported during the five year period. He said "I tried many times over checking with the SGS and the FDA for documentary evidence to confirm the total cube harvested and the total amount of timber exported but to no avail." Currently LHC is neither carrying out any logging activities nor fulfilling any financial or social obligations in the Blouquia community.

Additionally, 22 of the 50 respondents interviewed, including a youth leader, do not know about community forestry management and 15 responses indicated a low level of understanding about the meaning of community forestry management.

Even though the FDA has granted a commercial forestry status, following the Blouquia Clan letter of request for recognition,²⁰ 28 of the 50 respondents including a CA member and two women leaders indicated that they do not know the status of their community forestry agreement while 25 respondents clearly said their CFMA has a commercial status.

Four out of 50 who responded to this question, including the CFMB Chairman mentioned that their CFMP was developed in 2013 by the FDA which means the company operated two years without a CFMP. 49 respondents stated they do not know what a CFMP is, let alone to talk about its development. However, the CFMB Chairman was able to confirm that Blouquia Community has a CFMP,²¹ of which he gave us a copy.

According to the CFMB Chairman, there has been "no CFMP until SDI attended a meeting with us in Gbarzon Jawodee, Grand Gedeh County in 2013 and asked the CFMB before we started working on it". He further stated that "SDI referred us to USAID PROSPER to help us prepare the CFMP but we did not. However, FDA gave us a template and we shared it with our citizens, both here and in Monrovia for their inputs and later took it to two other specialists who helped to finalize the CFMP which is subject to revision after every five year". He concluded that "It took us a month to develop the CFMP with technical guidance from the FDA".

The CFMB is currently running the day to day activities of the CFMA and following the support given by SDI in 2013, the CA members are also functioning coherently with the CFMB.

The CS-IFM team observed that it seems towns' representatives on the CA, are not feeding back information relating to community forestry governance to the rest of the community members they represent and this has caused community members to not fully and actively participate in forest management, which is key to improving forest governance.

The Gba and Zor Community Forest

The Gba and Zor CFMA has conservation community forestry status and was approved by the FDA in September 2011. Covering just 631 hectares in the (Blei Forest), this CFMA is very small in comparison to the Blouquia CFMA and other commercial CFMAs. This CFMA is owned by a combination of the Gba and Zor communities, who together share a joint Community Assembly, Executive Committee and a joint CFMB. Through these governance structures, the Gba and Zor communities are focusing on ensuring long-term benefits are accrued.

The Gba and Zor CFMA was one of USAID LRCFP and later in 2013 PROSPER's first pilot CFMAs, and has received tremendous technical, administrative and logistical support and training for community forest management. They have managed to secure a significant amount of financial support from Arcelor Mittal Liberia (AML) for conservation purposes. AML also paid the Gba communities (only) US\$150,000 so it could occupy 510 acres of land in the settlement zone to build an approved "Tailings Management Facility"²² to pump and control sediments and waste from mining operations. AML is providing additional support including: buildings for CFMB offices, capacity building for the CFMB, and monthly stipend for the AML Forest Guards, as detailed below.

footnotes

¹⁹ Page 1 number 5 of the Memorandum Of Understanding (MoU) signed between the people of Blouquia and A&M Enterprise

²⁰ Page 1 paragraph 3 line 2 of the letter of request for recognition of community status June 6, 2011

²¹ Blouquia Community Forest Management Plan developed in 2013

²² Memorandum of Understanding signed between Gba Community and Arcelor Mittal-Liberia September 11, 2014.

Image right: Wing Clawley, Project Manager Bio Conservation Programme-Arcelor Mittal, in conversation with a CS-IFM team member and the Gba CFMB Chief Officer.
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Image far right: Gba CFMB Office acquired through Arcelor Mittal's support to the CFMB.
© CS-IFM

Assessment chart

The criteria outlined in the methodology section above were used to assess Gba and Zor CFMA, as follows.

Assessment criteria	Situation on the ground
1. CFMA allocation process.	<ul style="list-style-type: none"> The community went through the nine steps process, supported by USAID PROSPER. There were no breaches of the legal framework in the allocation process.
2. Capacity/knowledge of community members serving on community forest management bodies.	<ul style="list-style-type: none"> The technical capacity of those serving on governance structures has been strengthened by USAID PROSPER. This support and training means that each member has a clear understanding of their roles and responsibilities and is able to diligently perform them, regarding the management of their community forest. There is a well-documented process leading to AM-L paying the US \$150,000 for 510 acres of land and the CFMP was used to negotiate a logging contract to harvest all merchantable species from in the 510 acres of land. Formation of the Forest Guards to prevent any illegal entrance to/or use of the forest. They are regarded as experts amongst their peers when it comes to the community managing their forest. Information regarding the community forest and its management also flows to ordinary community members from the CFMB and the rest of the governing structure.
3. Status of community governance structures.	<ul style="list-style-type: none"> The CA, EC and the CFMB were formed in full compliance with the CRL and its Regulations. Those who were elected understand their roles and responsibilities. The CFMB is prudently implementing the CFMP.
4. Benefits to the community.	<ul style="list-style-type: none"> AML has an MoU with the community to provide technical and financial support that allows community to manage its community forest in an environmentally sustainable manner in line with the signed CFMA, CRL and its Regulations. AML also trained their Community Forest Guards who regularly patrol their forest and giving each of them a monthly stipend.
5. Development of the CFMP.	<ul style="list-style-type: none"> The CFMP was developed through consultations with members of the CA with technical and logistical supports from FDA, PROSPER, Flora and Fauna International (FFI), AML and the Nimba County Forest Forum in September, 2011.

Findings on the Gba and Zor CFMAs

The CS-IFM research finds that USAID PROSPER committed enough time, financial and human resources in supporting the GBA and Zor CFMA to go through the CRL Regulations nine steps process. PROSPER trained and supported a team

of FDA staff and community members who successfully participated in the allocation process observed by Civil Society Organization (CSO) representatives and certified the entire requirements according to the CRL and its Regulations.



The 16 community members interviewed, indicated that the community recruited an interim team called the Community Forestry Organizing Committee (CFOC) prior to the elections of the CA, EC and the appointment of the CFMB. This very team received technical capacity building support from USAID PROSPER right from the start of the administration of the nine steps process. The interim team learned by doing. Through the process they learned about how they can secure short and long term benefits and how these benefits can be accessed. The community is happy that after decades it now has the right time to manage its own forest but also aware that this can only be achieved when those elected by the community are inclined to the knowledge of how to manage a community forest.

In step eight of the CFMA approval processes the community was able to form the governance structures. Those on the CFOC being knowledgeable about the roles and responsibilities of the CA, EC and CFMB, were the very people who the community elected to serve on the governance structures. As a result of the community electing the right people on the governance structures, their community forest is being properly managed using the CFMP.

In coordination with the FDA, the community has an established relationship with AML, which finances Community Forest Guards to patrol the community forest on a regular basis. These Guards are compensated on a monthly basis and they report directly to their respective CFMB. This is to guard against illegal hunting, farming, encroachment, unsustainable resource use and damaging land practices to avoid and minimize loss of forest and biodiversity. The guards also track animal species and estimate populations.²³ The training and networking the joint CFMB has had access to have enabled it to continue to receive technical, financial and capacity building support from AML, USAID PROSPER, FDA and CSOs. Nonetheless, the Gba and Zor communities remain keen to access other forms of support in order to ensure the performance or functions of the members of their community forestry committees. For example they are planning to use some money from AML to construct a mini sawmill in their community so as to accrue more benefits to the community from their forest resources. They are already engaged in small scale oil palm production activities, which are being financed by AML.

“Our support is specifically targeted to the Gba Community as compared to the Zor Community which is only receiving support for their Community Forest Guards. AML support is directed in this manner because of some administrative differences which we feel is an internal problem of the Zor CFMB even though it slows our involvement with the Zor Community Forest CFMB.”

Wing Clawley – Project Manager, Bio Conservation Department, Arcelor Mittal – Liberia.

The Zor Community Forest has its EC, CFMB and CA. The Chief Officer and 13 of the 16 respondents mentioned that only their Forest Guards are receiving cash support of US\$30 per month from the AML Bio-conservation Program (AML/BCP). Additionally, during the individual interview, the Chief Officer of the Zor mentioned that the CFMB also received US\$4,000 annually for equipping and provision for identification cards for the Forest Guards.

“I have just resumed working as the Zor CFMB Chief Officer due to the dismissal of the past Chief Officer as the result of his involvement in a financial scandal of the community’s forest resource. The case has been reported to the FDA, the County Inspector and relevant partners but nothing has been done for the gentleman to refund the money.”

The Zor CFMB Chief Officer informed the CS-IFM team.

In the Gba Community Forest, AML/BCP also conducts capacity building training on a monthly basis to the Forest Guards for example on the use of GPS. The GPS is used for data gathering and to ensure maintenance of the demarcation lines of the Gba Community Forest.

Unlike the CFMP for the Blouquia Community Forest, according to all the respondents interviewed in the Gba and Zor communities their joint CFMP was developed through consultations with their CA and community members. Technical and logistical support was provided by USAID LRCFP, PROSPER, FDA, FFI, AML and the Nimba County Forest Forum. It was then approved by the FDA.

footnotes

²³ Page 1 of MoU between the Gba and Zor communities and Arcelor Mittal signed August 11, 2012.

Conclusion: two contrasting CFMAs

Community Forestry is designed to allow communities to directly manage and benefit from their forests. The CRL recognizes that local communities own the forest resources in an approved community forest, and provides for both commercial logging and conservation activities to take place in accordance with the CRL regulations.

However our comparison of these two CFMAs has shown that the impacts felt by the local communities are vastly different between the two communities. Whilst the Blouquia community have received some money for land rental payments and cubic metre fees, the amount they have received is much less than what the company is legally required to have paid the community. Furthermore there is so much resentment towards the company for the failure to build the roads that the community were expecting that they have now forced the company to stop their operations in the community forest. Our research has shown that there were many irregularities during the allocation process for this CFMA that have now led to this impasse between the community and the logging company LHC. These problems have been in part created by the lack of resources, time, and experience in community forestry on the part of the FDA, leading to weak community governance structures and a lack of accountability to the wider community, but also the unnecessary speed with which the CFMA was approved. The Blouquia CFMB received no support or training from the FDA in understanding their roles and responsibilities, and as such the governance structures did not function as they should. The combination of these factors has resulted in poor decision making and the mismanagement of forest resources.

In contrast the Gba and Zor CFMB received all the needed technical and financial support from USAID PROSPER to understand their roles and responsibilities that helped them to go through the allocation process as required by the CRL and its Regulations. The allocation process focused on the total involvement of community dwellers, local authorities, youths, women and elders who participated in the election and the institutional structuring to have the CA, EC and CFMB as an administrative chain of command. They only obtained approved community forestry status and a CFMA document when they were ready to.

Based on the community rigorous involvement in the process, the Gba and Zor CFMA is independently being managed by the community void of FDA, logging company or any form of political and financial influence. The community developed their own by-laws and constitution in line with the CRL and its Regulations that allows them to efficiently manage their forest. With their level of understanding in managing community forest, they formed other standing committees including the Forest Guards and also employed the expertise of others to assist them properly negotiate and document every supportive and business deal.

Unlike the Blouquia CFMA, the Gba and Zor CFMA allocation process followed the due process of the CRL and its Regulations, those serving on the community governance structures fully understand their roles and responsibilities and are managing their forest with competence and efficiency. They refused to sign up to any shady deal, they participated fully in the administration of the nine steps, their CFMP was developed with the involvement of the CA and the larger community and they are determined to ensure short- and long-term benefits.

There are broader lessons to be learned from this comparison. For example, If the logging and benefit-sharing contract in Blouquia community forest is insufficiently binding, the FDA should undertake an urgent legal review of the strength of all logging contracts between communities and logging companies, including Social Agreements under Forest Management Contracts, so as to avoid the failure of the logging contract with Blouquia community to set a dangerous precedent. Otherwise, the fundamental premise of commercial logging combined with community benefit-sharing arrangements will be undermined.

The FDA should also ensure that all operations within community forestry – such as logging contract and/or the establishment of community sawmills – are truly sustainable. The authority has a responsibility to uphold Liberia's forest policy and climate change commitments with regard to maintaining forest cover and avoiding deforestation or forest degradation. Similarly, the Ministry of Agriculture, in overseeing the development of small-scale oil palm plantations, should ensure that these do not undermine Liberia's forest policy and climate change commitments by causing deforestation.

Conclusions	Recommendations
<p>Presently, it seems there is a disconnect in the Blouquia community forest between the CA and the CFMB as decisions are centered around the CFMB Chairman, the EC seems not to be asserting itself and does not appear to understand its specific roles as the reporting authority for the CFMB.</p>	<p>The FDA, CSOs and other stakeholders should ensure that no further CFMAs are approved until sufficient education and significant awareness raising activities are done with communities on understanding their roles to ensure the active function of the EC, as they have crucial roles and responsibilities in supervising the CFMB's daily work and reporting to the CA.</p>
<p>The Blouquia CFMB Chairman and other members of the CA cannot explain in a convincing way the process used to develop the CFMP. As a result there is an inadequate capacity and limited knowledge and understanding of the CFMB and CA members in developing a CFMP.</p>	<p>Prior to any further logging operations, CSOs, FDA and the CFMB Union must ensure that the Blouquia CFMP is reviewed and revised in conformity with the provisions of the CRL and its revised Regulation of 2017, in terms of both its contents and the process to develop it.</p>
<p>Blouquia CFMB has disbursed money received from LHC yet the larger community is concerned about LHC not fulfilling its obligations, especially the one that has to do with road connections amongst and between various towns.</p>	<p>The FDA should confirm if there exists a binding and enforceable contract between Blouquia community and A & M/LHC, one which requires the company to construct feeder roads connecting the ten towns and villages that owns Community Forest.</p> <p>If it is confirmed, FDA should ensure enforcement of this contract so that the community benefits as it has the right to do.</p> <p>The FDA and stakeholders should also critically examine the current templates and procedure for logging contracts under CFMAs and Social Agreements under Forest Management Contracts and revise them, developing guidelines for governing their negotiation, implementation, monitoring and enforcement.</p>
<p>There are many questions that come to mind regarding the Gba and Zor plan for sawmill, including whether it will impact their conservation objective, and how they will sustain the sawmill activities.</p>	<p>The Gba and Zor communities, supported by the FDA, CSOs and other forestry stakeholders should ensure that any timber production from community forests is done in line with the forestry laws, in a truly sustainable manner and be of a scale to suit the resources available. If necessary they should revise the CFMP to ensure a truly sustainable supply of wood for the sawnmill.</p>
<p>The small-scale palm oil established by Gba and Zor Communities provides a good example of the multi-purpose value of a forest, provided it is not undermining its ecological integrity and therefore sustainability.</p>	<p>The joint CFMB of Gba and Zor should work with the CFMB Union, the Ministry of Agriculture, the AML/BCP, FAO and other agricultural CSOs to harness more capacity building opportunities which will enhance the sustainability of the palm farm for the future benefit of the larger community without harming the forest.</p>
<p>Communities have little experience of managing corporative-like business such as a sawmill, and this requires a different training to ensure there is appropriate business plan with a committed and accountable community member to manage the business.</p>	<p>Communities should seek more knowledge regarding the prospects and implication for venturing into sawmill or similar businesses and finally decide what to do from an informed perspective. Any such enterprise must have a business plan.</p> <p>Training, advice and support from government agencies, CSOs, and private sponsors must be flexible to adjust to the evolving needs of the communities they support.</p>
<p>Different communities have invested their forest incomes in more or less sustainable ways including some which actually help maintain the forest and the governance structures.</p>	<p>In order to increase visibility, ensure good record-keeping and responsible governance, and demonstrate a long-term commitment to genuinely sustainable forest management, communities should be encouraged to identify or erect an appropriate building and fund forest guards or monitors. They should be discouraged from distributing excessive proportions of their income to any individuals.</p>

Annex

In line with the IFM monitoring and reporting protocol of the NGO Coalition, we have provided a summary of the written comments on the draft of this Brief received from the FDA and the Liberia Timber Association (LibTA). Furthermore we are grateful for the additional documents and factual information each party provided, and for the constructive engagement that this has entailed.

FDA comments

The FDA on October 4, 2017 provided documents indicating that A & M Enterprise Inc. has a business registration certificate that was issued on March 16, 2011 and because the business registration certificate is valid for a year, the document provided by the FDA also shows that the company currently holds a business certificate that is valid until March 27, 2018 in line with the business registration payment.

The FDA has noted that “in 2014 all CFMA processes were placed on a moratorium to have all missteps corrected and that this halted the approval and signing of all documents, including CFMAs and CFMPs, by the FDA Board”. It recognizes that “the first ten CFMAs were a pilot of CRL 2009 and CRL Regulation 2011 resulting in miss steps”, hence the commitment in 2014 to correct them. It specifically acknowledges it “approved Blouquia CFMA while the CFMB was not legally formed until almost after two years later” as one such misstep.

The FDA has on October 4, 2017, also provided documents indicating that A & M Enterprise Inc. signed an amended Third Party Agreement on 22 June 2013. However LibTA provided documents showing an MoU, which is now referred to as a Third Party Agreement, was originally signed between A & M and the Blouquia Community on May 31, 2011.

The FDA has noted it staff “travel through the entire country creating awareness and training communities and different governance structures with the assistances of USAID PROSPER on Community Forestry. Four annual outreach campaigns, entitled ‘Make community Forest Rights Real’ has been held. More to that there are several projects providing awareness to communities. All these efforts are intended to assist Government”. However the focus of these efforts appear to be the CFMBs who have participated in the training and awareness but are not sharing information with the larger community members, hence our observation that 72% of the total number of community members interviewed had no understanding.

Despite this, in response to our finding that those elected on the various community governance structures have a very limited understanding of their functions, the FDA stated it “has no role in choosing who CA, EC CFMB becomes. One must understand the dynamics that exist in our communities. Some of our community members have no education or very little education, therefore the level of understanding may be a little slow”.

Data provided by the FDA on October 4, 2017 shows LHC have exported a total volume of 4,172m3 of logs during the period 2013-2015. Date on the total volume harvested was not supplied.

Data from SGS provided by FDA shows it invoiced a total US\$207,493.93 in land rental and LHC has paid US\$188,805.72 as at July 22, 2016. This leaves a balance owing of US\$18,688.21.

Liberia Timber Association comments

The LibTA has expressed concern that sections of the briefing “seek to kind of place all of the trouble associated with the management and operation of CFMAs to the Private Sector and the Government of Liberia which is far from the true as facts clearly show the communities have also proven to be part of the problems, in some cases the major problem”.

The LibTA on October 27, 2017 provided a letter from Mr. Sampson Zammie, the Chief Officer of the Blouquia CFMB, dated May 28, 2015 and addressed to the then Managing Director of FDA regarding meeting the obligations in the Social Agreement. The letter attests to:

1. the completion of the road between ITI and Zean town passing through Bo-Geewon town (the LibTA state 81km of this road was built by LHC in 2013 and it built the remaining 15km in 2014);
2. the ongoing construction of the road towards Panniwen (the LibTA state this is 11.6km);
3. payments received \$30,108.38 from LHC for land rental and \$4,279.00 cubic metre fees; and
4. now their area has become accessible to motor vehicles and has achieved some level of development.



The LibTA has further stated that “LHC provided two pumps and started building the first one in Bo-Geewon but was stopped by the community in order to identify new sites for the building of the pumps, which was never done till the cement spoiled”, and “It is worth mentioning that none of the towns mentioned above had had the privilege of having a motor car reaching directly to their towns before. LHC would have continued with its promise for the construction of roads linking the various towns if its operations haven’t been halted on November 28, 2015.”

The LibTA asserts that the Private Use Permit scandal and the Ebola period “both qualified as force majeure and therefore the time involved cannot legally be considered

a part of the contract duration”. The CS-IFM team is not aware that any official statement to this effect has been made as doing so would suspend or negate all sorts of contractual obligations across Liberia’s economy.

The LibTA states that it accompanied LHC to a meeting with the community (but does not provide a date) and “requested that the community present whatever document that they have supporting their claim that LHC owe them and it will work with both of them to get to the bottom of it as well as ensure payment if it is proven that it was due. The community never did...”



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