

**Community Forestry in Liberia**  
*Community Forest Management Plan processes and draft template for Commercial Use  
Contract negotiations in community forest operations*



Workshop Report

**Sustainable Development Institute**  
June 6 & 7, 2018

## 1. Background

SDI facilitates ongoing engagements of the National Union of CFMBs (NUCFMB) in order to enhance capacities of its members. SDI facilitated the formation of the NUCFMB in 2016 when there were just 10 Authorized CFMAs. Currently, there are thirty two (32) CFMAs with a size of 576,937 hectares that have been approved by the Forestry Development Authority (FDA) including seven (7) in January right before the inauguration of President George M. Weah. An additional 100 plus applications are being processed targeting more than one million hectares of forest which demands “a call to action” to genuinely assist these community forests representatives to become effective and efficient managers, contributing to sound management of Liberia’s forest resources to benefit present and future generations.

An area in which the need to assist community forests managers has become more critical is the development and implementation of community forest management plans (CFMP). The USAID PROSPER project worked with the FDA to establish the Nine Step process to signing a CFMA, and developed a template for the CFMP. However, the FDA has not fully adopted the CFMP template developed by PROSPER. The CFMP Guidelines developed by PROSPER does not adequately capture the diversity of activities that communities want to pursue, especially with regard to commercial and agriculture activities. A consultant under the Norway-Liberia partnership (Liberia Forest Sector Project-LFSP) has been hired to develop a CFMP guideline that is user friendly and maintains the legal and technical requirements for a forest management plan.

The process of consulting with stakeholders and collating inputs to the CFMP guidelines is ongoing and the planned SDI workshop for community representatives from CFMA areas afforded them an opportunity to share their perspective on the potential CFMP guideline for community forestry in Liberia. However, it is expected that the FDA will ensure the CFMP Guidelines are developed in accordance with the procedures under Part 3 of NFRL Regulation 101-07 on Public Participation; Section 31.

Another contribution to community forestry is the ongoing effort by ClientEarth (INGO) and Heritage Partners and Associates (HPA – a Liberian law firm). These two legal institutions are working together with representatives of communities (CFDCs and CFMBs) related to forests utilization in Liberia. In partnership with Liberian forest stakeholders ClientEarth and HPA have developed a template for Commercial Use Contracts (CUC) to be used by CFMA communities and logging companies. SDI supported the logistics for ClientEarth and HPA facilitated further review and inputs to the CUC template on the second day.

## 2. Introduction

On June 6 & 7 SDI organized a workshop that brought together members of the NUCFMBs to update them about community forest management processes and gather their perspective more broadly. It included discussions on the development and implementation of community forest management plan and inputs to draft template for negotiating Commercial Use Contracts with third parties interested in logging in CFMA forests. A total of 34 persons including 28 males and 6 females participated in the workshop. Of the 34 participants, 30 were selected from CFMBs, 3 from the NGO coalition and 1 from the National Union of Community Forestry Development Committee (NUCFDC). The speakers included 1 from FDA, 1 from PADEV, two from Heritage Partners & Associates (HPA), and 1 from SDI. Dayougar Johnson, Country Consultant for American-Jewish World Service, facilitated the 2 day workshop

The main expected outputs of the workshop were:

- 1) Workshop narrative report including content and attendance
- 2) Community perspective collated on the ongoing CFMP development
- 3) Community review and inputs incorporated into draft CUC template

### 3. Workshop Day 1:

#### 3.1 Session 1: Introduction, overview opening remarks

Self-introduction of participants commenced the opening formalities followed by overview of the workshop presented by Jonathan W. Yiah, Coordinator of SDI Forest Governance Program. During the self-introduction participants were requested to express their likes and dislike of anything related to their personal or professional life and to express one hope related to the workshop. The list below summarizes participants' hopes expressed during the session.

- Reform the forest sector for communities to have fair share in the natural resource
- CFMP should ensure benefits for future generations
- Review of all third party contracts for fair deal
- FDA and partners provide technical support to community during contract negotiation
- Community to play major role in the CFMP process rather than FDA
- CFMB to be made to understand the legal term within the 3<sup>rd</sup> party contract
- CFMB to have technical knowledge during CFMP process
- Community technical person to monitor company activities like GPS / GIS for mapping and tracking product leaving from the forest
- Communities should not to be cheated – knowledge should translate into benefits
- INGOs and NGOs ongoing assistance to communities (don't educate and leave)

Mr. Yiah explained the core work of the SDI and the forest governance program aimed at strengthening community governance to increase their informed participation in natural resource decision making and to directly benefit from the resources including from forests and concluded that the two day workshop will enable communities to share their perspectives on the ongoing CFMP development on day one and to review and input into the draft CUC template on day two.

David Young of Global Witness participated in the day one workshop and made opening remarks and informed participants that Global Witness provided funding for the workshop and briefly reflected on the "Re-Think Liberia Forest Conference" held in Liberia October 2015. He mentioned it as collaboration with Liberian partners, including the FDA and Liberian CSOs to re-evaluate Liberia's forest management objectives to ensure communities are genuinely owning and benefitting from their forests. In concluding his remarks on the two day workshop David stated that he "look forward to seeing good inputs to the draft contracts between communities and companies for which [they] have gathered". Atty. Lucia Gbala of HPA, Martin Veselee of Partners in Development and Saye Thompson of the NUCFMB also expressed optimism on the outcome leading to strengthening community forest governance and thanked SDI and Global Witness for providing the funds enabling the facilitation of the two day workshop for CFMA communities.

#### 3.2 Session 2: Experience sharing on usefulness of CFMP in the CFMA governance processes

This session set the scene for the follow up discussions on community forest management plan. It sought to highlight experiences of CFMA community members about CFMP development and implementation prior to the presentations by Atty. Gertrude Nyaley of FDA Community Forestry Department and Martin Veselee of Partners in Development (PADEV). Participants were divided into four groups; they discussed and shared their experiences, reflecting on the positive and challenges as compiled below.

<b>Communities with CFMP</b>	
Positives	Challenges
<ul style="list-style-type: none"> <li>• It enables communities to efficiently manage their forests;</li> <li>• Cutting blocks in the forest help to sustainably manage their forests;</li> <li>• Plants and wildlife species are protected</li> <li>• Enables communities to work with FDA and partners in the development of the CFMP, including providing technical and financial support to the communities.</li> <li>• CFMP allows communities to get investor(s)/operator(s);</li> <li>• It enables communities to sign Third Party agreements;</li> <li>• It enables communities to receive land rental fees;</li> <li>• CFMP ensures that communities get cubic meter fees;</li> <li>• It enables communities to get scholarship fees;</li> <li>• Communities get other social benefits such as schools, feeder roads, clinics, latrines and Hand pumps, etc,</li> <li>• CRL was helpful in provide information about the CFMP;</li> <li>• The CFMP template from FDA assisted in the development process;</li> <li>• Few community members with technical knowledge assisted in working with FDA</li> </ul>	<ul style="list-style-type: none"> <li>• Education and awareness on the development of CFMP is not available in the communities;</li> <li>• Community residents are impatient with the time it takes to complete the 9 steps process, especially when the communities lack financial support</li> <li>• Communities lack technical knowledge, including use of GPS, conducting inventory, limited knowledge on commercial logging, limited knowledge on conservation, limited knowledge on agriculture, etc.</li> <li>• Farming within the forests;</li> <li>• Hunting within the forests;</li> <li>• Illegal harvesting of NTFPs;</li> <li>• Pit-sawing;</li> <li>• Illegal mining</li> <li>• Communities lack the technical capacity to prepare the CFMP;</li> <li>• Communities lack funding to undertake CFMP</li> </ul>
<b>Communities without CFMP (only challenges were listed)</b>	
<ul style="list-style-type: none"> <li>• Education and awareness on the development of the CFMP is non-existent;</li> <li>• Communities are therefore left to the mercy of the FDA for assistance</li> <li>• Communities lack skills to develop CFMP;</li> <li>• There is no program in place at the community level to provide education on the CFMP</li> <li>• Most communities members do not understand the CRL, including the deve4lopment of the CFMP</li> </ul>	

### **3.3 Session 3: CFMA Governance: A review of achievements and challenges focusing on CFMP development**

This session started with an extemporaneous presentation by Attorney Gertrude K. Nyanley, Technical Manager/ Department of Community Forestry/FDA. During her presentation she highlighting three key achievements since the evolution of community forestry in Liberia encompassing 2009 to present as follows

- The USAID funded Land Rights and Community Forestry Program (LRCFP) assisted the FDA to develop the first version of Community Forest Management Plan (CFMP) but the document was voluminous; 300 page long and was highly technical for even the FDA technicians to comprehend
- Under the USAID funded project People, Rules and Organizations Supporting the Protection of Ecosystem Resources (PROSPER) the project developed CFMP along conservation objectives. The FDA hired a

consultant who developed a compromised version which the FDA has adopted that addresses both conservation and commercial interests

- A third achievement is the intervention under the LFSP to develop a version that will maintain the technical content but in simplify form that will have an accompanying toolkit to enhance implementation of the plan

Atty. Nyaley recounted the challenges listed below as key associated with CFMP development so far

- Time and resources are required to provide education on the technical support areas
- Communities are not benefiting from local CSO partners in the area of technical support. Local partners are more concerned with providing support related to social issues
- FDA cannot infringe on the rights of communities if CFMB Officers do not have education to ably represent CFMA communities
- Communities are given responsibilities they do not have the technical ability to handle

During questions and answer participants were more concerned about status of proposed protected areas associated with their community forest application. Atty. Nyalay informed the participants that the matter would be put to the new FDA Board to make a determination. Additionally, the Technical Manager informed the meeting that Conservation International has secured 1 million dollars to fund conservation activities in community forests across Liberia and those interested should contact the FDA for detailed information.

### **3.4 Session 4: CFMA Governance: A review of achievements and challenges- focusing on CFMP implementation**

This session was facilitated by Martin Vesselee, Deputy Team Leader, Partners in Development (PADEV) - a Liberian technical service provider NGO recently established by former staff members of USAID funded PROSPER program.. PROSPER supported community forestry work following Land Rights and Community Forestry Project (LRCFP) another USAID funded project. PROSPER program ended last year and following its closure PADEV was established by Liberian professionals to provide similar expertise previously provided by LRCFP and PROSPER. Martin presented on the topic: CFMA Governance: A review of achievements and challenges- focusing on CFMP implementation. His presentation covered three key areas including (1) Legal aspect, (2) Practical aspect and (3) Challenges. On the legal aspect, he noted that only a legal CFMA can prepare a CFMP because the process commences after the signing of a CFMA. For the practical aspect he noted the main activities encompasses the management of the community forest and include awareness, education and outreach on the CFMP, boundary clearing and monitoring, etc. Regarding challenges Martin underscored that the implementation of the CFMP is often characterized by many challenges including lack of financial resources, limited technical capacities for forest users, undefined livelihood options to stimulate income generation and limited support from national government, NGOs or lawyers (Please see attached presentation for details).

### **3.5 Session 5: SDI presentation on SEWAKAJUA CFMA**

Jonathan Yiah, SDI Forest Governance Program Coordinator, presented SDI recent findings on Sewacajua, a case study on how the community forest application has adhere to the legal provisions following the amended Community Rights regulation in 2017. Mr. Yiah revealed that overall some aspects of the application were not followed as required by the CRL and the provisions of the CRL amended regulation. These included the constitution and bylaws were not completed during the SDI assessment and the CFMP development appeared not to have been undertaken by the communities since there existed no attestation by the Executive Committee of the CFMA governance. Additionally, the involvement of Mandra by providing financial assistance prior to awarding of the CFMA and subsequently being awarded the CFMA as alleged by some community respondents also raised doubt if the legal processes were followed. .

Commenting on the presentation of the findings, the Chief Officer of SEWACAJUA, Alfred N. Toteh confirmed SDI findings on the Constitution and bylaws by stating that the reason why the Constitution and Bylaws were not available

in the community during the time of the SDI investigation is that it was still being reviewed, even though the CFMA was signed since May 2017 and that the community has signed contract with Mandra Forestry Liberia Limited June 2017 to log their CFMA. The company has also made at least one shipment of logs at the time of the SDI investigation. Mr. Toteh also clarified that the community themselves raised the application fees and not an agent of Mandra Forestry Liberia Limited. (Please see SDI attached presentation for details).

### **3.6 Session 6: Plenary collation of community perspective on CFMP template under development by consultant**

At the close of the first day participants provided the following suggestion as their initial inputs into the development of CFMP template:

- Save half of the forest, and don't give all the forest for one purpose;
- Sustainable forest should include commercial, conservation and community uses;
- There should be clarity about the 15 years CFMA and the third party agreement duration: community should be free to negotiate the duration during the Third Party Agreement process
- It is good to know what is in the forest before giving it out;
- That the full participation of women in the CFMP process should be guaranteed based on their experiences on forest use.

## **4. Workshop day 2:**

### **4.1 Session 1: Commercial Use Contract (CUC)**

The second day workshop focused on CFMA representatives review and inputs to the CUC template. Two representatives of Heritage Partners and Associates (HPA); Attorneys Sagie F. Kamara, Sr. and Lucia D.S. Gbala were the main facilitators of the day 2 sessions on the Commercial Use Contract template.

#### *4.1. Session 1.1: Commercial Use Contract (CUC) - Legal framework & Development of the CUC template*

The first part of the presentation covered the Legal framework & Development of the CUC template so far and was facilitated by Attorney Sagie F. Kamara Sr. Attorney Kamara stated that the CUC template legal framework was built on the provisions of the CRL of 2009 and emphasized on the three types of Commercial Use Contracts as (1) Large, (2) Medium, and (3) Small Scale, respectively. Attorney Kamara also revealed that the CUC template has 23 sections and indicated that the development of the CUC template has been done with inputs from NUCFDC, NUCFMB, VPASU, NGO Coalition members and other stakeholders. Additionally, he highlighted communities monitoring of production and following lengthy discussion the participants agreed that communities should ensure one or more persons are trained by the company on scaling/tree finding. This they said would greatly enhanced forest monitoring when it comes to logging. (Please see attached presentation on CUC template for full details).

#### *4.1. Session 1.2: Commercial Use Contract (CUC) - Proposed limits in support of sustainability requirement*

The second part covered the proposed limits in support of sustainability requirement and was facilitated by Attorney Lucia D.S. Gbala. She began by asking participants "what is sustainable management of the forest?" Participant's responses are summarized below as:

- To use the forest properly;
- To use some of the forest and conserve some;
- To do selective logging, mixed with conservation of some portion of the forest.

Following the above responses by participants Atty. Gbala referred participants to the CRL Chapter 3:2: (a) and explained the legal definition of sustainable forest management and urged participants to always reference this portion of the CRL whenever the issue of sustainable forest management is being discussed. Her presentation was

brief and was used to prepare participants for the group exercise they followed (Please see attached presentation on CUC template for full details).

#### **4.2 Session: 2 Group exercise: CUC template review and inputs**

Following the two presentations the participants were divided into eight groups to discuss the components of the CUC template and report their inputs to plenary. The eight groups and CUC components to discuss were: Group #1: Clause for contract certain term; Group #2: Payment and Payment Term Annex A 2; Group #3: Annex A, clause 4: Detailed Terms for clause 7: Roads & community infrastructure; Group #4: Clause 8: Sustainability; Group #5: Clause -9: Requirements before commercial logging; Group #6: In line with clause 10: Annex 7 of the CUC the group strongly; Group #7: Clause 11: Planning, Monitoring & Implementation; and Group #8: Disputes Resolution

#### **4.3: Session 3: Plenary feedback from group sessions + discussion**

Below is a compilation of participants' inputs during report to plenary following lengthy group discussions:

- Draft CUC template Annex A 1.1 Agreement Clause 4.1 when the size of the forest is 15,000 hectares or below the contract should be at least 5 years. Above 15,000 hectares, the contract should be for 15 years;
- Draft CUC template Annex A 1.1 Agreement Clause 4.4: The renewal of the CUC agreement should be based on the contract period and the additional areas available
- Draft CUC template Annex A 2.1: Land rental fees and how to pay to the community is clear
- Draft CUC template Annex A 2.2: Cubic meter fees payment is clear
- Draft CUC template Annex A 2.3 Monitoring protection by the company to the community is clear
- Draft CUC template Annex A 2.4 Human resource training and development is clear
- Draft CUC template Annex A 4.1 and 4.2 Bridges as part of primary roads should include location, starting date, completion date and estimated total cost. Additionally, the company should be assisted by Public Works to determine the cost, size and type of construction on primary roads.
- Draft CUC template Annex A 4.5 infrastructures the company agrees to build should include location, starting date, completion date and estimated total cost
- Draft CUC template Annex A 5 There is agreement with all the sustainability provision however but disagreement with the 25 year in Annex A 5.1 (C) because CFMA contracts are limited by 15 years
- Draft CUC Template Annex 6 and Agreement clause 9 while they are the company responsibility, the activities should be done along with the involvement of the FDA and the communities
- Draft CUC template Annex 7 (d) needs additional clarity
- Draft CUC template Annex 8.1, 15 years for CUC and not 25 years; The associated Agreement clause 11.2 CFMB representatives should be increased to five persons for monitoring, cubic meter measurement for both at lining and the port

Following the group presentations participants that have CFMP and have entered CUC with logging companies shared their experiences as learning for those who have not yet entered one. Four CFMA representatives shared their experiences and the below is a summary as presented by each representative CFMA:

- *Bluyeama Community Forest:*

The community forest is in Bluyeama Clan, Zorzor District, Lofa County and started initial work in 2011 and by 2012 the community forest of a total size of 44,444 hectares of forest was authorized by the Forestry Development Authority and in that same year entered into a MOU with a Logging Company, ECOWOOD and witnessed by FDA. Sing Africa Plantations Liberia Incorporated is the current contract holder and signed CUC with Bluyeama on January 30, 2016, and has paid the two year areas fees to the CFMB on behalf of the Bluyeama Community Forest. Some challenges include difficulty in monitoring the forest due to its large size of the forest with the company operating in 4 to 6 blocks at the same time and no community monitor is monitoring the forest operations currently,

- *SEWACAJUA Community Forest*

Sewacajua Authorized Community Forest is located in Juarzon, Sinoe County and covers a total area of 31,936 hectares. The CFMA was approved by the Management of FDA in 2017 and Mandra Forestry Liberia Limited signed CUC with the communities in June 2017. In regards to challenges the CFMA does not have any scaler. Whatever SGS reports are what the CFMB relies on. The CFMB is currently encouraging those interested in the scaler work to be hired by the community to monitor the forest but their current efforts have not yielded any fruitful results.

- *Beahn-Poye Authorized Community Forest*

Beahn-Poye Authorized Community Forest is located in Margibi County and contains 33,888 hectares of forest, since the CFMB signed CUC with Akewa Company about one year ago; the company is yet to pay their land rental fees.

- *Blouquia Authorized Community Forest*

.The Blouquia Authorized Community Forest was signed by FDA in 2012, is located in Gbloe-ploe Administrative District, Grand Gedeh County, and contains 43,794 hectare of forest. Following lessons from previous CUC with Liberia Hardwoods the CFMB has requested the new CUC holder to train a community member to monitor the forest operations to ensure information on harvesting of their trees is made available to the community.

#### **4.4 Discussion: next steps and strategy for CUC template**

Following the feedback session in plenary on the CUC template participants agreed on the following as the next steps and strategy leading to its completion and adoption

- Members of the CFMB will meet in the next legal working group meeting
- Final version of the CUC should be shared with all CFMBs of Authorized CFMAs
- After the finalization of the document, it should be brought back to the NUCFMB for validation.
- When the CUC is finalized HPA should deliver it to the NUCFMA to officially present it to the National Multi-stakeholders Committee (NMSMC) for final action
- The CUC document should reach all key stakeholders for inputs before taken to the FDA/NMSMC for used.