

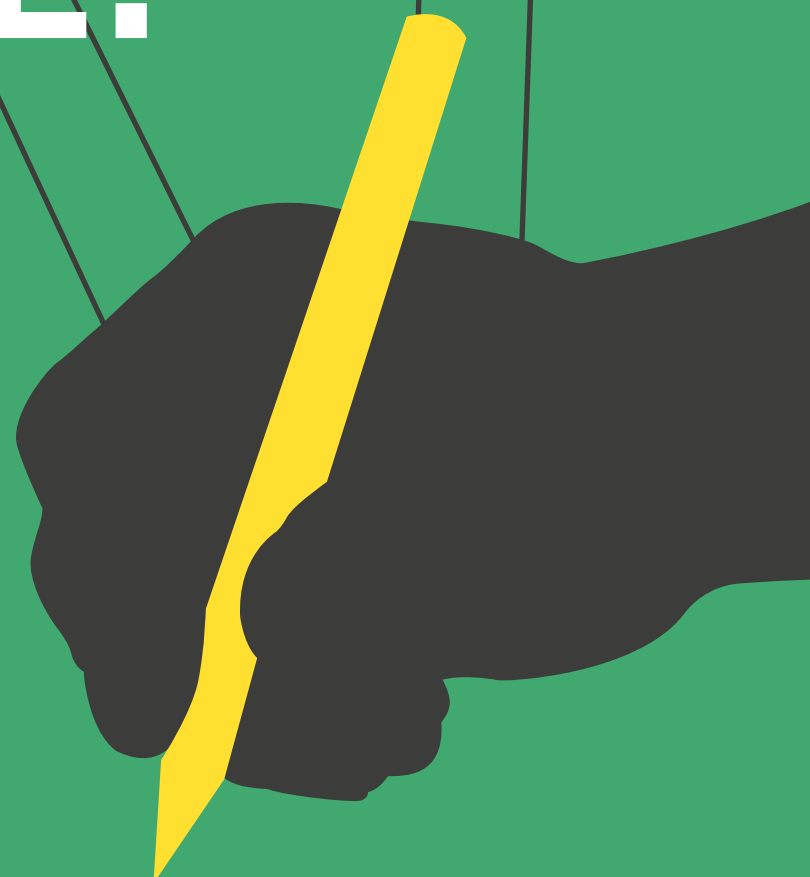


global witness

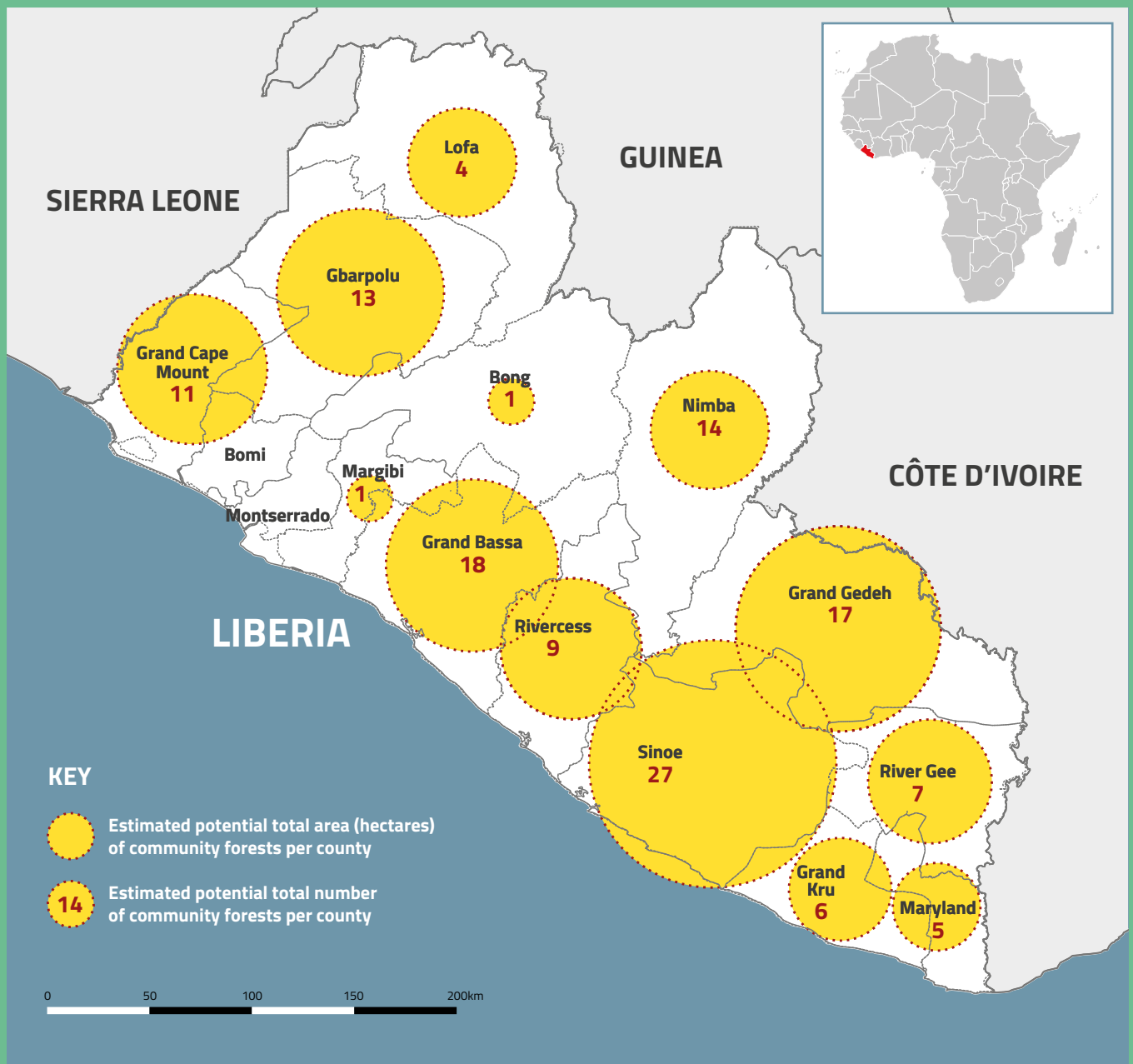
POWER TO THE PEOPLE?

HOW COMPANIES ARE
EXPLOITING COMMUNITY
FORESTRY IN LIBERIA

OCTOBER 2018



ESTIMATED NUMBER AND AREA OF COMMUNITY FORESTS IN EACH COUNTY OF LIBERIA



POWER TO THE PEOPLE?

HOW COMPANIES ARE EXPLOITING COMMUNITY FORESTRY IN LIBERIA

CONTENTS

SUMMARY	03
LIBERIA'S PROGRESSIVE COMMUNITY FORESTRY SYSTEM	06
The Nine Steps to a community forest	07
Who manages a community forest?	09
Liberia's forests and its climate commitments	10
ACQUIRING A COMMUNITY FOREST IN PRACTICE: WHY LOGGING COMPANIES END UP RULING THE ROOST	13
Case study: Garwin community forest	15
The alarming rate of new community forest approvals	17
The usurpers: company-driven community forestry applications	17
The loopholes	27
Real companies?	28
Private Use Permits: same problem under a new name	30
How communities are being disempowered?	34
Forest boundary demarcation	35
Technical support to communities	37
Community elites	37
Community Forest Management Plans	38
Divided loyalties – dividing royalties?	39
Is the FDA complicit?	40
CONCLUSION: SETTING THE SCENE FOR CONFLICT	41
RECOMMENDATIONS	42
REFERENCES	44

Annotated list of key terms and abbreviations

Akewa	Akewa Group of Companies Liberia Incorporated
ALEL	Association of Logging Engineers of Liberia
ATEE	African Traders Entrepreneurs Enterprise Incorporated
Atlantic	Atlantic Resources Limited
CA	The Community Assembly, with overall control of a community forest
CFMA	Community Forest Management Agreement, the permit that signifies Authorised Forest Community status, defined in the CRL Regulation (2017) as a community that has the right to access, manage, use and benefit from a specified area of forest resources
CFMB	Community Forest Management Body, appointed by the Community Assembly to run the day to day affairs of the community forest
CFMP	Community Forest Management Plan, prepared by the CFMB after Authorised Forest Community status is awarded
CRL	Community Rights Law of 2009 with respect to forest lands
EC	The Executive Committee, representing the Community Assembly
EJ&J	EJ & J Investment Corporation
FDA	Forestry Development Authority
FMC	Forest Management Contract, the permit for large-scale logging concessions in Liberia
Gbehzohn	Gbehzohn International Traders
Gedeh Woods	Gedeh Woods Incorporated
GoL	Government of Liberia
ha	Hectares
LTTC	Liberia Tree and Timber Corporation
Mandra	Mandra Forestry Liberia Limited
MOU	Memorandum of Understanding, the name given to some forms of agreement between a community and a logging company
NGO	Non-governmental organisation
PUP	Private Use Permit
REDD+	Reduced Emissions from Deforestation and Degradation
SIIB	Special Independent Investigating Body, appointed by President Sirleaf Johnson in 2012 to investigate the PUPs
Social Agreement	Agreement between a community and a logging company in FMCs or Timber Sales Contracts. The term is also, inappropriately, used to describe a Commercial Use Contract
Tetra	Tetra Enterprise Incorporated
Unitimber	Unitimber Corporation
Universal	Universal Forestry Corporation
USAID	United States Agency for International Development.
VPA	Voluntary Partnership Agreement between Liberia and the European Union ratified in 2013, under the Forest Law Enforcement, Governance and Trade initiative
WRI	World Resources Institute
Xylopia	Xylopia Incorporated
Yeeyea	Yeeyea Investment Corporation

SUMMARY

Liberia is seeing in a new age of progressive, community forestry that – if done right – has the potential to be an exemplary model for others to follow. But the community forestry permitting system is being hijacked by rapacious logging companies and a complicit Forestry Development Authority.

Logging companies are enlisting local elites and coercing communities into signing secret agreements that grant them logging rights, in return for them financing the process communities are required to follow in order to obtain Authorised Forest Community status.

The picture uncovered by Global Witness in this report looks very much like a re-run of the scandal that surrounded Private Use Permits – a system of forestry licences designed for small operators that was hijacked by large rapacious logging companies. Over 2.5 million hectares, or 23 percent of the land area of Liberia, was handed over illegally to loggers through these permits up until their cancellation by presidential decree in 2013. Our research also points to companies affiliated to the notorious Malaysian company, Samling Global, playing a leading role in prising control over Liberia's rich and diverse forest ecosystems, away from communities, and for themselves. It is perhaps no surprise that Samling-linked companies, which came in for some of the most severe criticism in the official investigation into Private Use Permits yet were never sanctioned, are coming back with a vengeance.

It is imperative that the Liberian government and its international donors, notably Norway, now act to ensure large-scale loggers are not getting their hands on community forests for short-term profits.

Following a civil war that ransacked the country's rainforests, in 2006 a new National Forestry Reform Law was created. For the first time ever, communities would have control over their forests, as well as a share of any revenues that the forests generated.

This was a ground-breaking recognition that communities – not the state or logging companies – would control these forests, a precious environmental resource and biodiversity hotspot as well as the source of livelihood, food, water and shelter for many.

Compared in particular to neighbouring Côte d'Ivoire and Ghana, Liberia has been the most progressive in its recognition of the right of those whose lives depend most directly on forests to play a leading role in managing them, through Community Forest Management Agreements.

Against this backdrop, a number of logging companies have entered the frame, bent on twisting this new model

of community forestry in Liberia to their own ends. Instead of collaborating with communities and giving them the space to negotiate agreements about what happens to their forests, they are taking advantage of weak rules and insufficient guidelines and disempowering many through their deception.

This report shows how certain logging companies have been undermining community forestry in Liberia in the following ways in particular.

Undermining the Nine Steps process by which local people acquire community forests and which lies at the heart of this exemplary and progressive model: Companies are entering early on in the process and taking control over community forests before they have even been awarded; *see box on page 5*. Some companies readily admit that they actively seeking out community forests as a route to making good profits from logging.

Pressuring local people into signing secret contracts:

Logging companies are drawing communities into what would be a contract by any other name. Whilst some companies and individuals are clearly benefitting from agreeing to these deals, their secrecy means that companies, brokers and elites are free to make decisions that serve their own interests rather than those of the community as a whole. There is no opportunity for the terms of the agreement to be openly negotiated so the community is denied the right to scrutinise agreements that give away their forest resources and will impact their livelihoods.

Enlisting and co-opting local elites: There is evidence that logging companies are working with influential elites to sign secret agreements that grant them logging rights and thus prising Liberia's forest ecosystems away from communities, undermining the very purpose of community rights for forest lands in the first place.

Exploiting legal loopholes: Companies are focussing on obtaining what are categorised as medium-scale community forests as these allow them to maximise their profitability whilst keeping them in the least-regulated category.

Underpinning all of these and other sharp practices described in this report is coercion and deliberate misleading of those who should benefit most from community forests.

Logging companies have been conducting a below the radar campaign to persuade community members that they need them, and pushing a perception that only they have the technical knowledge to manage a community forest. Many are systematically driving community forestry permit applications and becoming actively involved well before the permits are approved, despite this being illegal. They are financing the application process and, in order to secure these investments, they have tied communities into contracts but have been unclear about costs and if, how or when communities will need to pay money back.

Some of these companies are opaque with unclear ownership. In other cases, there are apparent links to the Malaysian logging giant Samling Global, raising alarm bells that this notorious company is seeking domination over Liberia's forests once again.

The area these permits cover is vast, and loggers are poised to cause irreparable damage to Liberia's rainforests. The total 133 community forests would, if all approved, amount to an estimated area of 4.3 million hectares, or 45 percent of Liberia.

Nowhere is this illustrated more starkly than in the case of the Garwin community forest. The community forestry agreement for this large, rich forest has been subject to significant interference from a powerful and politically

connected Liberian family, whom the community say have coerced them into signing a series of company-community agreements. Boundaries of this community forest appear to have been incorrectly drawn while local citizens have been silenced and ignored.

This is a critical crossroads for Liberia. As the Garwin community forest shows, abuse of community forestry agreements is already taking hold. Rather than empowering communities as intended, the way community forestry is rolling out in Liberia is having the opposite effect, disempowering them and pushing them into debt.

If community governance structures aren't set up carefully then benefits, and costs, that do accrue to communities will not be shared fairly between different groups. Communities are becoming indebted to logging companies, and short-cuts in community self-identification will lead to resentment about one group of local citizens benefitting more than the other, precipitating a serious risk of future conflict.

The failures documented in this report surrounding community forestry applications and implementation sets the scene for the kind of land disputes that precipitated Liberia's collapse into civil conflict in the 1980s. Liberian authorities like the Forestry Development Authority together with Norway, the European Union and UK must act now to avoid this. Detailed recommendations are provided on page 42, but key amongst these are:

- The **Forestry Development Authority** should suspend the approval of any more community forests until a full and effective regulatory framework is in place, along with associated guidance, templates, technical assistance, transparency and accountability mechanisms.
- **Norway, the European Union and the UK** should insist on an independent investigation into the legality of all current permits. This review must inspect each permit and application individually and investigate any suspicion of company involvement and elite capture.
- **Norway** should review its Liberia Forest Sector Project to ensure that this flagship project to mitigate climate change will deliver the expectations of the 2014 agreement between Norway and Liberia, and not lead to deforestation in Liberia.
- The **Government of Liberia** should cancel all agreements between communities and logging companies that pre-date the approval of a community forestry permit, to send a clear signal that these agreements are illegal, and undermine the essence of community forestry: to empower communities.

HERE'S HOW THE PROCESS IS DISRUPTED

Community Forestry Management Agreements are introduced:

As Liberia recognises the need for local communities to be able to manage their land themselves, the forest authority switches from large-scale logging concessions to community forestry as the predominant means to manage the country's precious forests. These agreements are designed to give decision making power to those who have customarily seen the forest as theirs, for generations.



Communities begin to utilise them:

The new permits are popular, and year by year the number climbs steeply. Communities are encouraged to commercialise their forests, both to improve local economies and develop infrastructure. However they are also led to believe they are too uneducated to manage the forest themselves and from the outset need technical experts.



Communities are told getting a permit is costly:

Despite the significant donor support and the responsibility of the forest authority to assist communities to access technical support, testimonies collected by Global Witness show how communities are in effect told that obtaining a permit can cost tens of thousands of dollars.



Enter the 'rich' logging company:

Many of these are relatively small scale operations, sometimes just one middleman, but importantly they say they have money, a technical knowledge of logging, and friends in high places. There are worrying indications that in fact they act like brokers who are bankrolled by larger companies, to whom they will 'flip' a logging contract once it's obtained.



The logging company then co-opts the application:

They provide the cash for the process, from the initial US\$250 registration fee up to the thousands for surveys, community meetings, and boundary marking. To protect this 'investment' they persuade community leaders to sign illegal agreements that effectively hand control of the forest back to the logging companies once the community forestry permit is obtained. From that point on, the logging company is in charge once again, and can claim its money back through whichever means it pleases from the logging revenues.



Communities are effectively disempowered:

These practices are not suited to the community-empowerment objectives envisaged in the Community Rights Law. Ordinary community members – if they know about the community forestry agreements at all – are being sold a lie. They are told that logging operations will be good for them, bringing jobs and income, when most of the benefits will accrue to the logging companies. There is a real risk that communities end up without any sense of ownership and so don't invest their time. This passive attitude, a sense of helplessness and dependency amongst poor, post-conflict and forest-dependent communities will undermine the basic premise of community forestry.



Who really profits?

Our investigation points to the logging companies and local and national elites as the ones really making the money. Some of those that stand to profit the most are Liberia's biggest logging companies, implicated in previous attempts to log Liberia's rainforests wholesale. They are again seeking to extend their domination over the country's forests.



LIBERIA'S PROGRESSIVE COMMUNITY FORESTRY SYSTEM



Liberia's community forest laws should ensure it is the people who manage their forests. Credit: Global Witness, 2017

Amongst the countries of West Africa with significant tropical forest, Liberia has been the most progressive in its recognition of the right of those whose lives depend most directly on forests to play a leading role in managing them. In contrast, forest management in neighbouring Côte d'Ivoire and Ghana is dominated by large-scale industrial concessions and neither country has any meaningful legal framework for community forestry. Both countries have suffered massive deforestation in the last two decades.¹ This section outlines the components that make up Liberia's progressive community forestry sector, and the next section (*page 13*) shows how it is under threat from businesses looking to expand and profit off Liberian rainforests.

A change occurred in 2005, when the end of the civil war in Liberia – a conflict in part driven by land rights and funded by the logging industry – led directly to the cancellation of all logging contracts. A year later, a new National Forestry

Reform Law gave communities, for the first time, a voice and a significant share of revenues. The law stated, moreover, that Liberia's Forestry Development Authority (FDA) "shall, within one year of the effective date of this law, present to the legislature for consideration and passage a comprehensive law governing community rights with respect to forest lands".²

This was a ground-breaking recognition that community forestry is not the same as logging concessions: communities and not the state or concessionaires would control these forests. The Community Rights Law With Respect to Forest Lands (CRL) that followed, in 2009, was designed to "empower communities to fully engage in the sustainable management of forests of Liberia".³ It granted them management rights over forest resources and, if they chose to sub-contract some of their forest to a logging company, it would give them a greater share of the revenues earned from this.

With high hopes for the potential of the CRL to bring real change to forest communities, civil society and rural communities advocated for its adoption and for strong safeguards protecting community rights to be included. The development of the law involved sustained negotiation between non-governmental organisations (NGOs), the Government of Liberia, donors and industry. In 2009 – the same year that the CRL was passed – work started on a land rights bill (see box below) and a draft was tabled in the legislature in 2014, but its passage then stalled for four years. Thus the CRL is currently the only practical option that communities have to get their land rights officially recognised by the state. In a country where successive governments have handed 23 percent of Liberia’s area to commercial logging and agribusiness concessionaires, secure land rights are fundamentally important to the rural communities who have relied on and protected these lands and forests for generations.⁴

LIBERIA’S LAND RIGHTS ACT

In 2009 Liberia established a Land Commission to address the fact that Liberia has never had clearly defined land rights policy or legal framework. Through diligent analysis of the issues, and a wide, participatory process, the Commission drafted a Land Rights Policy, which was approved by President Ellen Johnson Sirleaf’s ministerial cabinet in 2013.⁵

The policy addressed historic inequalities, making a firm recommendation for ground-breaking legislation that would enable Liberia’s rural communities to secure legally-recognised land rights through existing customary land ownership. It advocated minimising the ambiguous ‘public lands’ land tenure designation and giving customary, collectively owned lands protection equal to that of private lands.⁶

Immediately following publication of the policy, the Land Commission led on drafting a land rights bill that would give it the necessary legal backing. However, whilst the first draft bill was presented in 2014 to the government for passage through the legislature, the bill lingered there for four years, raising the risk that amendments were being introduced that would in effect undermine the whole purpose of the law.⁷ Only in recent weeks did the Senate pass the Land Rights Law of the Republic of Liberia, and it is expected to receive ratification by President Weah imminently.⁸

THE NINE STEPS TO A COMMUNITY FOREST

To gain the permission to manage and perhaps log in a piece of land it owns, a community will seek Authorised Forest Community status. To start this process a “self-identifying”⁹ community writes an application letter to the FDA, along with payment of US\$250. This marks the beginning of an approval process that includes participatory resource mapping, harmonising and demarcating the boundaries of the proposed community forest area, dispute resolution and setting up community governance structures.¹⁰

The process has been broken down into ‘Nine Steps’ (see diagram on page 8), and once these have been completed a Community Forest Management Agreement (CFMA) is issued. Thereafter the community is free to decide, within the FDA’s regulatory framework, how their resources should be used and how any income from the community forest should be spent.



Nine Steps poster.
Credit: Global Witness, 2017

It is clear from the Nine Steps that the FDA maintains important responsibilities with regards to the application process.

In partnership with the community, the Authority is responsible for carrying out Socio-Economic Survey and Resource Reconnaissance, demarcating and harmonising community forest boundaries, and administering all community forests through a central and publicly available registry.

Once Authorised Forest Community status is granted, the FDA has a duty to approve Community Forest Management Plans, monitor and evaluate community forestry programmes, and resolve conflicts.¹¹

Ultimately the Authority maintains control over community forestry management, having the power to recognise and terminate agreements, and to implement community forestry programmes.¹²

THE NINE STEPS¹³

In addition to the Nine Steps to obtain Authorised Forest Community status, the CRL Regulation (2017) lists two subsequent steps, 10 and 11.

11

Implementation of the Community Forest Management Plan (CFMP) by the Community Forest Management Body (CFMB) or a sub-contracted third party, and periodic progress reporting to the Executive Committee, Community Assembly and the FDA.

10

Preparation of the CFMP, by the CFMB and for approval by the Executive Committee, Community Assembly, and then the FDA.

9

Authorised Forest Community status is granted to the community by the FDA in the form of a CFMA.

8

The FDA oversees the election and appointment of community governance structures: the elected Community Assembly and Executive Committee, who then appoint the members of the CFMB.

7

Adjacent communities and other third parties may object to the designation of a community forest. Any objections are to be investigated and addressed by the FDA within 30 days if limited to forest issues, or 90 days they involve other government agencies.

6

A draft of the Socio-Economic Survey and Resource Reconnaissance, demarcation report and map are posted for 30 days in the relevant and adjacent communities.

5

The Community forest boundaries are demarcated and mapped by the FDA in collaboration with the community, including physical boundary markers.

4

The FDA gives 30 days' notice that demarcation and mapping of community forest boundaries will be done.

3

The Socio-Economic Survey and Resource Reconnaissance is carried out by the FDA, in collaboration with representatives from all communities. Adjacent communities are invited.

2

The FDA gives 30 days' notice to all communities within the area that Socio-Economic Survey and Resource Reconnaissance will be carried out.

1

The community applies to the FDA for Authorised Forest Community status.

Who manages a community forest?

Step Eight of the Nine Steps, immediately prior to award of Authorised Forest Community status, requires three tiers of governance structure to be put in place: the Community Assembly, the Executive Committee and the Community Forest Management Body (CFMB). Other than two legislators who may be on the Community Assembly and Executive Committee, all of these people must be residents of the community (see box below).

WHO MANAGES A COMMUNITY FOREST?

The Community Assembly is elected by, and has representatives from, all towns within the community forest area, and has the final say over all important decisions.

The Executive Committee, elected from and by the Community Assembly, and including two legislators, oversees the CFMB, having the power to approve budgets and make policies or to investigate the CFMB in cases of mismanagement.

The management of the community forest is carried out by the CFMB, a body appointed by the Community Assembly that reports to both the Executive Committee and the Community Assembly.

Prior to the granting of Authorised Forest Community status, a Community Forest Organising Committee, often referred to as an 'interim committee', typically acts on the community's behalf through the Nine Steps application process. The Community Forest Organising Committee, however, has no status and cannot legally enter into any contracts on the community's behalf.

Only after Authorised Forest Community status has been awarded by the FDA, and the CFMA has been issued, can a CFMP be developed, and this is the responsibility of the CFMB. This plan lays out exactly how the forest will be used. The CFMB can request financial and technical assistance from the FDA and other public institutions to prepare the CFMP, or to assist with other responsibilities. Community members and any sub-contractors can then harvest timber or non-timber forest products and practice agriculture sustainably only in accordance with the CFMP.

The top section of the diagram indicates the hierarchy of community governance structures, from the community downwards. The lower section summarises the community's collective activities and responsibilities, in order to deliver 'sustainable forest management'.





Norway has offered Liberia up to US\$150 million to help save its forests. Credit: Global Witness, 2017

LIBERIA'S FORESTS AND ITS CLIMATE COMMITMENTS

The Government of Liberia is obligated to govern the country's forests in a way that reduces deforestation and forest degradation. Liberia is proud that it retains around 40 percent of the remaining West African moist forest, currently a net carbon sink.¹⁴ Since 2006 the country has had a clear forest policy that centres on maintaining its forests in order that they contribute a full range of goods and services for the benefit of all Liberians, now and into the future:

“The aim of the forestry policy of Liberia is to conserve and sustainably manage all forest areas, so that they will continue to produce a complete range of goods and services for the benefit of all Liberians and contribute to poverty alleviation in the nation, while maintaining environmental stability and fulfilling Liberia’s commitments under international agreements and conventions”.

National Forestry Policy¹⁵

Ostensibly, this commitment enjoys support from Norway, which has established itself as the global leader of efforts to mitigate climate change by protecting forests. In 2008 it

established the Norway International Climate and Forest Initiative “to help save tropical forests while improving the livelihoods of those who live off, in, and near the forests”.¹⁶

In 2014, the two countries entered into a climate deal whereby, in time, Norway would pay Liberians for carbon emissions they save by adopting climate-friendly alternatives to felling forests. To prepare for this, Norway would first assist Liberia in putting in place the legal, institutional, capacity and systems requirements to make such a scheme function. Core parts of this deal promoted community forestry, conservation and legality in the logging sector. Whilst recognising Liberia's need for poverty reduction and economic development, the primary goal of the deal is to “ensure significant net reductions in [Liberia's] greenhouse gas emissions from deforestation and forest degradation”.¹⁷ At the time the agreement was struck, it was anticipated that by 2018 payments for verified emission reductions would have commenced.¹⁸

Critically, the agreement also commits Liberia to finally put an end to controversy over the legality of existing logging permits by commissioning an independent investigation, conducted by international experts, into the legality of existing logging and other land-use contracts (*see table opposite*). Until the investigation concludes, Liberia agreed to stop issuing permits, including those for community forestry that are backed by companies. The agreement also stipulates that contracts shown by the investigation

LIBERIA'S PROMISE TO NORWAY - LEGAL REFORM AND LAW ENFORCEMENT

The Letter of Intent signed between Liberia and Norway in 2014 provides a very detailed series of actions the parties to the agreement have committed to, covering nine thematic areas related to forests, land use and climate mitigation.¹⁹ This excerpt reproduces those covering the legality of forest permits, and lays out concerns that the political will to meet these commitments is waning.

Commitment in the Letter of Intent	Progress and concerns
Immediate actions [as of 2015]:	
<p>a) Moratorium on the award of new industrial logging concessions, including CFMA that are backed by companies, until all concessions have been independently reviewed by a body approved by the Participants to ensure that legal compliance and satisfactory procedures are in place.</p>	<p>Not upheld. The moratorium was in effect lifted in 2017 when 15 CFMAs were awarded, yet the independent review has not yet happened.</p>
<p>b) Moratorium on all commercial activity of existing, suspected illegal concessions until satisfactory investigation has taken place.</p>	<p>Not upheld. Concessions and logging operations in community forests have continued. There have been no significant suspensions.</p>
<p>c) Enforcement of moratorium on companies that held illegal Private Use Permits (PUPs), in accordance with Executive Order No. 44 (January 2013).</p>	<p>Not upheld. No companies implicated in the PUP scandal have been sanctioned.</p>
<p>d) Suspension of government officials and private sector representatives suspected of breaking the law.</p>	<p>Partly upheld. Six government officials were convicted of the illegal issuance of PUPs. No private sector actors were indicted.</p>
Priorities in the 2015-2020 period:	
<p>a) Complete an independent government investigation that will examine the legality of existing logging and other land-use contracts. Cancel illegal or non-performing contracts. Initiate discussions on altering the terms of contracts the implementation of which will lead to damage of natural forests.</p>	<p>Initiated, in part. A tendering process for international experts to conduct this investigation was launched, but the reference to “other land-use contracts” was omitted from the terms of reference.²⁰ A template and guidelines for a Commercial Use Contract for logging operations in community forests has been drafted.</p>
<p>b) Harmonise existing legal frameworks to ensure the effective integration of Reduced Emissions from Deforestation and Degradation (REDD+) within national development strategies. Incorporate the Community Rights Law into the Voluntary Partnership Agreement (VPA) legality definition.</p>	<p>Initiated. Some regulations relating to community forestry have been harmonised with legislation, and work is underway to incorporate the Community Rights Law into the legality definition.</p>
<p>c) Finalise the legal framework to enact Liberia’s land-use policy. Take appropriate measures to address land-tenure conflicts and compensation claims.</p>	<p>Initiated. The Land Rights Law was passed in September 2018, after a four-year delay. It now requires implementing regulations. A Land Authority has been established to oversee dispute resolution.</p>
<p>d) Further develop Liberia’s forest policy to ensure that conservation and community forestry are given equal priority compared to commercial forestry, in areas such as regulation, resourcing and enforcement, in line with other commitments in this Letter of Intent.</p>	<p>Initiated. A strategic review of the functions and purpose of the FDA is underway. It is not yet clear if this will result in the rebalancing of emphasis on community forestry.²¹</p>
<p>e) Establish an independent panel to review all applications for forest licenses at an early stage in the process, including CFMAs, when issuance of these is resumed. Ensure that this panel has the authority to suspend the process for individual licenses if irregularities are discovered.</p>	<p>Inadequate. The Community Forestry Working Group has been established but it lacks independence or authority, and is discouraged from probing into any suspicious content or company involvement in community forest applications.</p>
<p>For sources not referenced in the table please see elsewhere in the text.</p>	

to be illegal or non-performing will be cancelled, and that any individual community forests application process will be suspended if irregularities are found.²²

As documented in the rest of this report, these commitments have not been upheld, creating a scenario where Liberia is at risk of sliding into the same situation that prevailed in 2011-12, when 63 illegal Private Use Permits (PUPs) – occupying 2.5 million hectares or 23 percent of Liberia’s entire landmass – were issued.²³ Norway and other international donors supporting Liberia’s forest sector share responsibility, with the Liberian government, for ensuring this investigation is conducted with integrity and its recommendations followed in full. PUPs are discussed in more detail on page 30, but in short, the failure to sanction logging companies for their abuse of the PUP system has, in part, necessitated this new Global Witness investigation.

Given the country’s progressive community forestry law, Liberia has also acknowledged the importance of its community forestry initiative to climate objectives in its forests and climate strategy:

“In the long-term the expansion of commercial logging is most likely to occur in community forests. The application to CFMAs of the same standards that apply to Forest Management Contracts is therefore important. Current regulations for commercial logging in community forests are different and less stringent, so the framework for community forestry need to be developed so that a similarly high standard of sustainable logging applies across the sector”.

National REDD+ Strategy²⁴

Under the Norway deal, Liberia stands to benefit from up to US\$150 million, of which US\$37.5 million has been assigned so far, through the World Bank-led Liberia Forest Sector Project. Over a quarter of this initial tranche, US\$10.5 million, is earmarked specifically to support 70 community forests.²⁵ Other donors, notably the United States Agency for International Development (USAID) and some NGOs are providing funds and technical assistance to a limited number of communities.²⁶

However, as the preamble to Liberia’s national strategy on forests and climate acknowledges: “we know that we are losing our forest at an increasing rate. Those who depend most on the forest will suffer most from its loss”.²⁷ Failure to control logging will not only deprive Liberia of millions of dollars but will also result in immeasurable biodiversity and habitat loss, undermine the livelihood of almost every Liberian, and exacerbate global warming.

HOW WE DID OUR RESEARCH

In order to better understand the drivers behind the surge in community forestry applications Global Witness carried out in-depth interviews with 120 forest dependent people from twelve forest communities in two counties. Interviewees included CFMB and ordinary community members and local leaders. We also interviewed government administration officials, logging company representatives, and intermediary businessmen, either locally or in Monrovia. Our fieldwork was conducted through several research visits in 2017.

In addition to the documents obtained from field investigations we used a list of community forests obtained from the FDA in June 2018,²⁸ and made a detailed analysis of over 500 publicly available documents posted on the FDA website in September 2017, pertaining to 107 community forests²⁹ (up to 25 community forests did not have any such information available at that time, making a total of 133 applicant or approved or community forestry permits). We also carried out a mapping analysis to look at potential overlaps between previous PUPs and new community forestry application areas.

Global Witness also wrote to each of the private individuals and companies named in the report to provide them with an opportunity to comment on the allegations we make about them.



One of the most common complaints expressed about logging companies’ activities is that they destroy vital fresh water and fish resources. Credit: Global Witness, 2017

ACQUIRING A COMMUNITY FOREST IN PRACTICE: WHY LOGGING COMPANIES END UP RULING THE ROOST



Logging operations in Liberia have a well-documented history of driving conflict. Credit: Global Witness, 2017

As demonstrated in the preceding section, the legal framework for community forestry in Liberia is in many ways exemplary and progressive. But a combination of factors are undermining it in practice, and Liberia's rainforests are at risk of becoming a free-for-all by those with the money, resources and will to exploit local people and their homes for profit. There is evidence that throughout the application process, from boundary demarcation to the election and appointment of community governance structures, and on to forest management planning, logging companies and intermediaries – brokers, elites, and front companies – are elbowing their way in.

“A confluence of factors in Liberia – namely, weak state regulatory capacity, the existence of sought-after resources, and the country’s tenuous history with property rights for its communities – [contribute] to co-optation by actors with weaker *de jure* rights but ultimately greater *de facto* rights for accessing resources”.

Forest sector researcher³⁰

This section first looks at a real life example of where this has taken hold – in the Garwin community forest – and the specific routes companies and the local elite took to put this exploitation into action. It documents the roll-out of community forests in Liberia and shows that companies co-opting community forests in their own interests is not the result of one or two missteps, but is widespread and systematic. It then looks in more detail at illegal company-community financial agreements and the loophole of medium-scale community forests that allows this exploitation to happen. We also look into some of the mechanisms by which communities are disempowered and pushed into debt.

“There were some discussions going on to get back some of those PUP forests... Those new concessionaires that came in now had to go through the FDA, that’s the normal procedure, go through the FDA and express their interest, what part of Liberia [the company] may have interest in. Then you select and then there will be a joint assessment team – you are going to finance that whole operation, the concessionaire will finance that entire process. Then during the assessment you meet the communities, the elders in the community, you meet the youth and there will be a conference, then you come and meet the people and say ‘look we are interested in this forest’. To convince them you have to spend a lot of money. You end up spending an unnecessary amount of money before they say yes, so the FDA they can come in and do the survey...

[The legislature has to ratify the agreement so] we have to spend, we spend big time now, big time, big time! You know, lobby with cash to get it through”.

Former logging company representative³¹

This is not the first time that forests have been stolen in the name of Liberia’s communities. In 2012 Private Use Permits were exposed by Global Witness, Save My Future Foundation and the SDI as illegal.

PUPs dodged the taxes and public competitive bidding process of other types of permit. They also contained no sustainability requirements, essentially giving companies a free pass to clear 40 percent of Liberia’s forests, including almost half of the country’s primary intact forests. Many of them were based on underlying land deeds that were of either suspicious provenance or had been forged. Above all, despite being on community land, typically these deals were done behind the backs of ordinary community members.³²

A Special Independent Investigating Body (SIIB), appointed by President Sirleaf Johnson to investigate the PUPs (see page 30) determined that “the level of abuse of power and public trust that characterised the transactional relationship that evolved amongst various actors in the forestry sector, was led and sanctioned by FDA. The legal framework, including the National Forestry Reform Law, Community Rights Law, Public Procurement and Concessions Act, FDA regulations, and other laws have been wilfully violated to such an extent that the effective governance and management of the forestry sector has been undermined and its viability threatened”.³³ Global Witness investigations show how a problem seen in Liberia before is now masquerading under a different name, and there are signs this could set the scene for conflict.



Many Private Use Permits were based on dubious community land title documents. Credit: Global Witness, 2014

CASE STUDY: GARWIN COMMUNITY FOREST

When a powerful and politically connected Liberian family had decided that they wanted to get hold of the large, rich Garwin community forest their actions left communities feeling side-lined, twice.

Garwin forest is a particularly large, untouched area, reportedly containing many valuable species.³⁴ The perceived value of this forest not only attracted a powerful and politically connected family, but also drew in the involvement of the local elite, including the county superintendent at the time, and the county's senator.

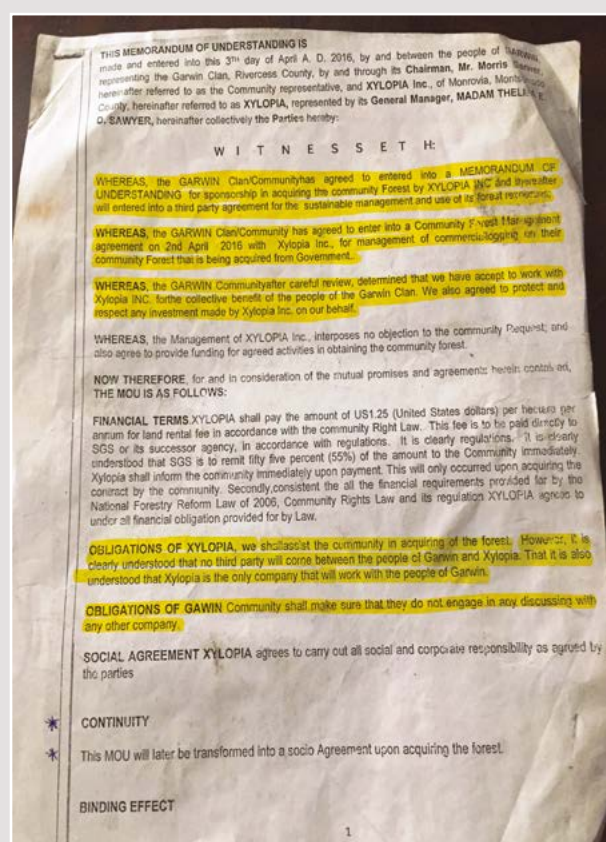
“There was some interference in our process. Before registration we set up a committee to register the forest. We had workshops with the FDA. Then the commissioner got involved and the committee members were left out. Whenever the FDA sent any delegate they would go straight to the commissioner... The cars would pass through for meetings in town and we were not invited”.

Member of Garwin community³⁵

Community members reported to Global Witness that the interference began when the county superintendent and the district commissioner in place at the time took over the application process from the interim committee after they had completed Step Four of the Nine Steps, the posting of notices announcing the demarcation of the forest.³⁶ This is possibly why the boundaries of the community forest were incorrectly drawn in the map generated by the FDA, according to community members interviewed in 2017.³⁷

Community members also highlighted FDA involvement in the logging company coming to the community, and some said the FDA actually introduced the company and advised the community to work with it.³⁸

The company was initially called Xylopia Incorporated (Xylopia) and managed by Thelma Sawyer, the wife of former Interim President (and current chair of Liberia's Governance Commission) Amos Sawyer.³⁹ With the help of the district commissioner and the superintendent at the time, company representatives sought to sign an agreement with some community chiefs and elders. Community members told Global Witness that Xylopia paid community members to sign this agreement.



EXCERPTS FROM THE AGREEMENT BETWEEN GARWIN CLAN AND XYLOPIA⁴⁰

Whereas Garwin Clan has agreed to enter into a Memorandum of Understanding for the sponsorship in acquiring the Community Forest by Xylopia Inc.

Whereas Garwin community has agreed to enter into a CFMA with Xylopia Inc. for management of commercial logging in their community forest that is being acquired from Government.

We also agree to protect and respect any investment made by Xylopia on our behalf.

Obligations of Xylopia: We shall assist the community in acquiring the forest. It is clearly understood that no third party will come between the people of Garwin and Xylopia. It is also understood that Xylopia is the only company that will work with the people of Garwin.

Obligations of Community: Garwin community shall make sure that they do not engage in any other discussions with any other company.

“We in the [interim] committee, even the Chairman refused to sign the Memorandum of Understanding (MOU), we asked for a copy so we can view it and give it to our lawyers. We said after two weeks we will contact you. They refused and went back to the county superintendent. That’s how the county superintendent came and enforced it so they signed the MOU overnight on 27 June 2016. They accepted some bribe to sign the MOU. [some people] received 2700 Liberian Dollars (US\$30) to sign the MOU”.

Member of Garwin community⁴¹

“They tried to hijack process by starting to pay people. They wanted us to sign documents for the forest. We asked them to give us time to look at the documents... they didn’t like it that way. They went and invited the superintendent and [came to] our HQ. They said “sign the document”. So they started paying people 2000 Liberian Dollars (US\$20) and signed the documents overnight. So we challenged it”.

Member of Garwin community⁴²

This agreement did not work. According to community members interviewed, one of the two clans involved considered the deal unfair. With the help of leading NGO, the Sustainable Development Institute (SDI), the clan protested to the FDA.⁴³ “So in March [2017], FDA came and said that whatever document was signed before, we need to start anew. So they formed a new Community Assembly”.⁴⁴ Although this was a step in the right direction, the extent to which the elections represented the will of the people is questionable as one committee member said they were elected because they had hosted FDA staff on their visits.⁴⁵ However, the election ticked a box that the FDA needed to tick before the forest could be given to a company.

By 2017 the community was dealing with a company called Tetra Enterprise Incorporated (Tetra), which, according to certain community members, is the same outfit as Xylopa.⁴⁶ In April that year the community was granted its forest permit by the government, and immediately after this, with the help of both the Senator and the FDA, the company is alleged to have muscled its way back in.⁴⁷ “The FDA people brought the certificate that the forest was turned over to the citizens and on the spot they introduced the company and said they came to look for a forest. That was through FDA”.⁴⁸

Following this, a Third Party Forest Management Agreement (commonly referred to as a social agreement) was drafted, under dubious circumstances. According to one community member, “[They] forced our people to sign social agreement”.⁴⁹ Another reported “The Senator said that citizens were not allowed to speak in the meeting when the social agreement was read out. Only committee members were allowed to speak because they were elected”.⁵⁰

“They were paying them signature bonuses, for the higher people it was more. Some people received US\$50 and some received as little as US\$10”.

Member of Garwin community.⁵¹

Reportedly, the county superintendent at the time was not only involved in the application process but the community suspects that he is still heavily involved with Tetra Enterprises through his supervision of the renovation of company buildings. “Then the superintendent came from Rivercess way, he went there to renovate the building. What happened to the community people? Who is supposed to supervise this thing? The community had their leadership already. If you have any cent from the company, you send it to the leadership on the ground to do cleaning and the renovation. But you are the superintendent, who is supposed to be heading the county, you come to sit down in Camos Town to supervise one old burnt building to brush around it? So that makes us think what really are you doing?”⁵²

The way Garwin obtained Approved Community Forest status illustrates many of the issues highlighted in this report.



Community members say that companies and government officials meet without them, cutting them out. Credit: Global Witness, 2017

THE ALARMING RATE OF NEW COMMUNITY FOREST APPROVALS

Several individual cases of the failure in the community forestry permit approval process have been documented by Global Witness and others in the past.⁵³ In 2017 Global Witness highlighted serious breaches of the law in six community forest permits and in each of the seven Forest Management Contracts (FMCs, large logging concessions that were previously the main permit for logging operations).⁵⁴ This report adds to the previous evidence to show that the problems are systemic and need to be addressed as such, not least through a moratorium on any future CFMAs and an independent investigation into past illegalities.

Since the first community forests were authorised in 2011 the number of applications has grown to at least 133.⁵⁵ Significantly, there is a predominance of community forests in the 5,000 to 49,999 hectare category eligible for medium-scale commercial operations. This should raise alarm bells within the FDA and donor community that companies are seeking to grab the forests with minimum regulatory obstacles (see *The loopholes*, page 27).

In 2011-12 ten community forestry permits were granted, totalling nearly 225,000 hectares. During this period PUPs were the preferred route for logging companies to access forests, but were exposed as illegal, cancelled, and a moratorium on all new logging permits was imposed in early 2013.⁵⁶ Commitment to this moratorium was reconfirmed in the Norway-Liberia deal (see *table on page 11*) so there was a hiatus in community forestry approvals until 2017. The conditions agreed with Norway have not yet been fully met, so it is not clear why the moratorium has been lifted and the rate of approvals seems to be increasing at an alarming rate (see *timeline on page 18*). Since February 2017 the FDA has awarded permits to 14 communities eligible for medium-scale commercial operations, covering over 300,000 hectares. In contrast, eight conservation community forests were approved during this period, totalling less than 53,000 hectares. Overall, the total 133 community forests would, if all approved, amount to an estimated area of 4.3 million hectares, or 45 percent of Liberia.⁵⁷

Considerable resources were put into devising and testing the Nine Steps to a community forest, with support principally from a succession of US-funded projects. Any inclusive system designed to empower and protect rural communities is bound to require time and money to be completed properly. Although it is decentralising the process, the hierarchical nature of the FDA has often meant staff from its national headquarters must travel to each applicant community at least nine times, and to adjoining communities at least five times throughout the

process.⁵⁸ All communities in the applicant area must come together to participate in mapping and boundary harmonisation, dispute resolution and to elect the community governance structures.

As described in the next sections, this complexity has inevitably provided opportunities for elite capture. The common perception, promoted by logging companies, the FDA and assorted middlemen is that you need three things for a CFMA application to be approved: money, a technical knowledge of logging, and friends in high places. Having these three things makes you attractive to the community elite, and to the logging companies. It puts you in a powerful gatekeeper position.

THE USURPERS: COMPANY-DRIVEN COMMUNITY FORESTRY APPLICATIONS

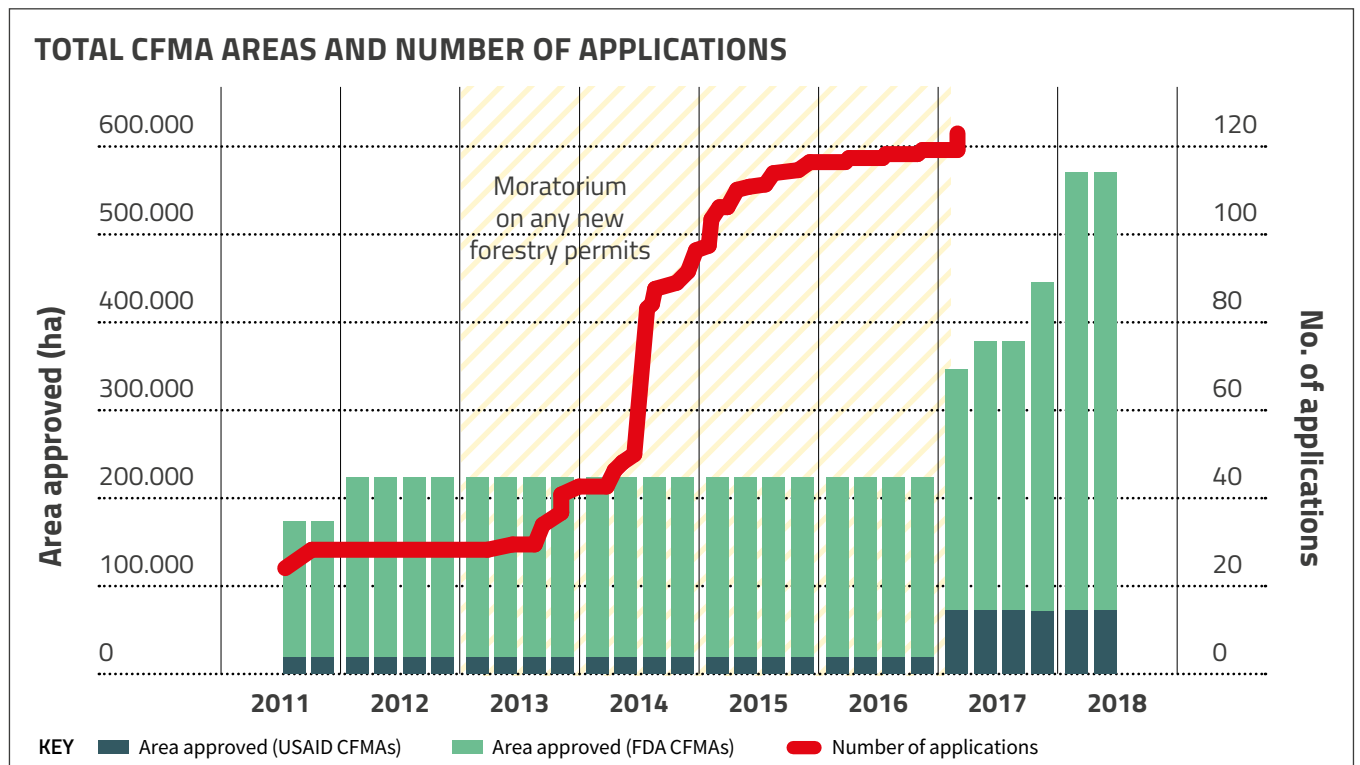
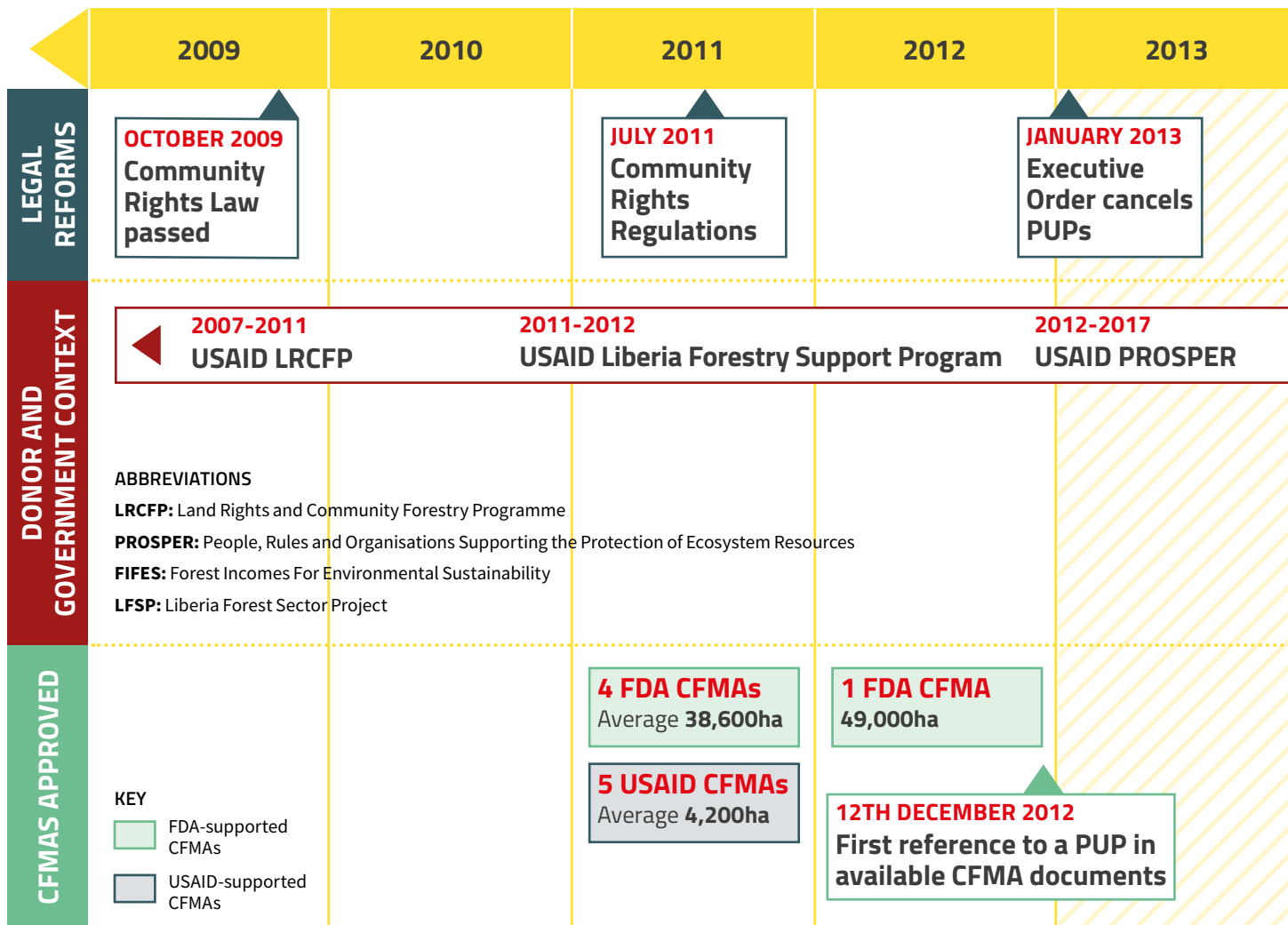
Evidence uncovered by Global Witness shows that the Garwin example is by no means unique, and community forestry applications are systematically being driven by logging companies, rather than being genuine attempts by communities to formalise their forest rights. Furthermore, companies are involved well before community forests are approved, despite this contravening the Community Rights Law.

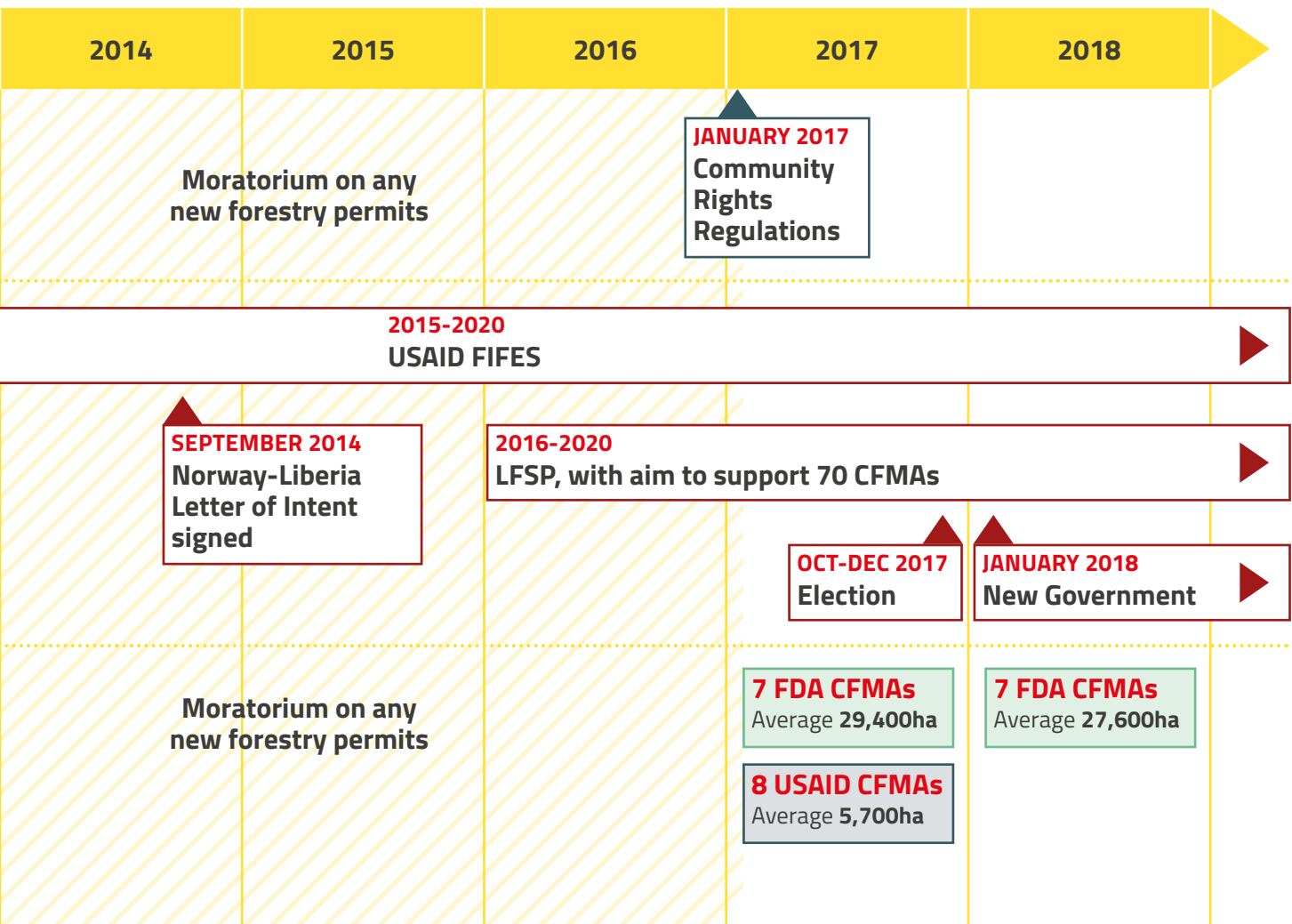
“I don’t know for what reason the government told communities ‘you do everything on your own don’t ask anybody to help you’. But in reality the people don’t have anything, they don’t have the means of doing anything and so more often than not they call on us, even though it’s legally wrong. In reality, if you don’t help them we can’t do anything. That’s why we can help them, materially, financially, otherwise”.

Broker⁵⁹

The legal framework governing commercial logging operations in community forests is clear. In summary, there are three prerequisites. First, under Chapter 6 of the CRL, that commercial logging requires a contract between the community and the logging operator. Second, under Section 4.2 of the CRL, that the only group that may sign a contract in the name of the community is the CFMB.⁶⁰ Third, under Section 6.4 of the CRL, and repeated in Section 10.1 of the CRL Regulations (2017), commercial logging (and therefore the contract to do so) is not permitted unless five conditions relating to the establishment of community governance structures and a forest management plan have been met.⁶¹ It follows that these five conditions can only met after Approved Community Forest status is awarded (Step 9) and the

TIMELINE OF CFMA APPROVALS





CFMP, (Step 10) has been written and approved. Thus, any agreement between a company and community, or any engagement of a company with ‘community representatives’ prior to Step 10 would be in breach of the law.

Contrary to the Nine Steps and legal framework, logging companies are entering into agreements with communities before Authorised Forest Community status has been awarded (see *Gbarsaw Clan document, page 20*). The forest authority has recognised this, expressing “concern that logging companies may be able to unduly influence communities, so that they choose commercial logging over other options... especially based upon the past practices of some of the Liberia-based logging companies”.⁶²

An analysis of the Nine Steps documents from 107 applicant communities made available on the FDA’s website reveals that 13 give evidence of logging company involvement prior to the Step Nine granting of a community forestry permit. Field interviews

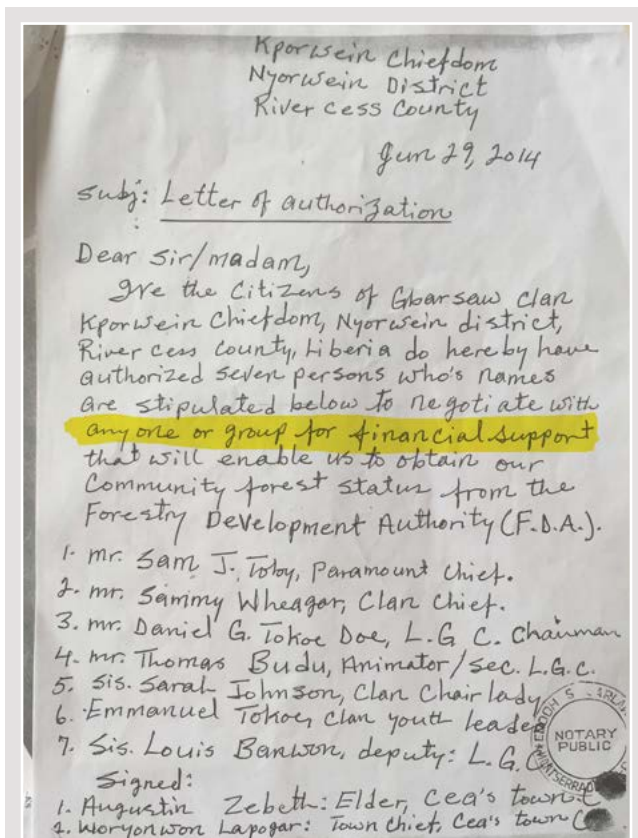
have confirmed this, with four logging company representatives admitting that they are actively seeking out community forests as a route to logging.⁶³

“We are asking him, how really did you get this money [to run the forest business]? Later he told us one company, that they were the ones that had been helping him [financially]. So there we have a little problem”.

Community member⁶⁴

“There is a [company] fronting the whole process, [they] want to come in to the community because the community does not have money to do it on their own”.

Community member⁶⁵



GBARSAW CLAN SEEK FINANCIAL SUPPORT

This letter, signed long before Gbarsaw Clan elected its CFMB, 'authorises' some community members to seek financial support.⁶⁶

Any company seeking to 'assist' a community with its application will want to protect this investment with some sort of guarantee that it will be rewarded (see for example *agreement between Gbarsaw & Dorbor Clans, and Yeeyea, opposite*). As a result, communities find their hard-won rights handed over to a logging company, excluding the possibility of doing something with the forest that will actually benefit them. Typically, the company will seek to sign an agreement with the community, and those agreements seen by Global Witness indicate communities will find themselves caught by onerous terms imposed by vague agreements that only the logging company understands, and deprived of any meaningful benefits. These agreements are likely to be illegal as, if signed by individuals 'representing' the community prior to the establishment of a legally incorporated CFMB, they are not legally robust and disputes will lead to expensive litigation.⁶⁷ Seven community informants reported concerns to Global Witness that if their agreement with a company was discovered, the application for a community forest would be disqualified.⁶⁸

A CONTRACT, BY ANY OTHER NAME

Any agreement between a logging company and individuals 'representing' a community prior to the establishment of a legally incorporated representative body is illegal. As such there is no official guidance on the form such contracts should take, so they are variously described as MOUs, Third Party Agreements, Financial Support Agreements, or Social Agreements, the first two terms being the more common.

Use of the term Social Agreements can cause particular confusion as it should refer only to a legally-required agreement between a community and a logging company in state-issued logging concessions (FMCs and Timber Sales Contracts), and not in community forests.

The CRL uses the term Commercial Use Contract for community-company deals agreed after Authorised Forest Community status has been awarded⁶⁹ (and is therefore ostensibly legal), but in the absence of clear guidance on what this should look like, such agreements are also at times referred to as MOUs or Third Party Agreements. However, in 2018 Client Earth and Heritage Partners & Associates are developing a template Commercial Use Contract to assist communities in protecting their rights and strengthening their negotiating position vis-à-vis agreements with logging companies.

Examination of the documents published by the FDA and those obtained during fieldwork reveal evidence of company involvement in 23 application areas (see *table on page 22*). In ten of these there is evidence of an agreement signed with a logging or broker company that pre-dates the community forestry permit being awarded, and in some cases dates back to the time of PUPs (see *page 30 for a discussion on PUPs*).

Four of these – Blinlon, Garwin, Gbarsaw & Dorbor, and Whea-Sayn & Gbarsaw – clearly suggest that the logging company would provide financial assistance to the community in order to get the forest approved, in exchange for rights to log the forest once Authorised Forest Community status is obtained. In two of these – Blinlon (see *agreement between Blinlon Clan and LTTTC on page 26*) and Garwin – these deals grant the company exclusive rights to log, preventing the community from negotiating the best deal. Community interviewees told the same story, that agreements are being signed with logging companies before the community forest had been approved.⁷⁰

In a further 12 communities there is evidence of negotiations with a company underway but possibly not signed prior to the community forestry permit being awarded.

“At no point in time companies are allowed to interact with these people... [Communities must later provide] a community forest management plan that will give the FDA an opportunity to vet logging companies they want to enter an agreement with”.

Gertrude Nyaley, FDA⁷¹

Despite firm rhetoric from the FDA, the analysis in the table on page 22 shows that logging companies are actively seeking forests to log, and communities could be co-opted into handing over their resources, well before the community forestry permit is granted. This hunger for deals was corroborated by community members Global Witness spoke to.⁷² Some communities reported that logging companies had entered their forests to assess the resources, and in at least one location without community permission.⁷³

The money a company spends on helping a community through the Nine Steps will need to be paid back somehow. But the company-community agreements are often vague

on this point with evidence suggesting that it could be deducted from future logging revenues from the community forest. Some MOUs speak of the community obligation to “protect and respect any investment” (see *agreement between Garwin Clan and Xylopia on page 15*) or more explicitly that costs “shall be deducted from Communities’ future revenue” (see *agreement between Gbarsaw & Dorbor Clans, and Yeeyea, below*). In Blinlon community forest “LTTC shall assist in the demarcation of the forest areas at a cost to the [community]” (see *agreement between Blinlon Clan and LTTC on page 26*). More opaquely, in Whea-Sayn & Gbarsaw, an unsigned MOU on company paper says “through the instrumentality of” Gedeh Woods “the FDA shall conduct for community forestry”.⁷⁴

Even if agreements signed prior to the community forestry permit being awarded were allowed by law, without any clarity on the costs of completing the Nine Steps there is no way for the community to know the exact amount the company has paid.

A representative of a community based organisation raised his concerns to Global Witness that “the company could pretend that they spent US\$1 million on the application process and so can’t pay the community any money for a long time, undermining the entire rationale for the community to obtain Authorised Forest Community status in the first place”.⁷⁵

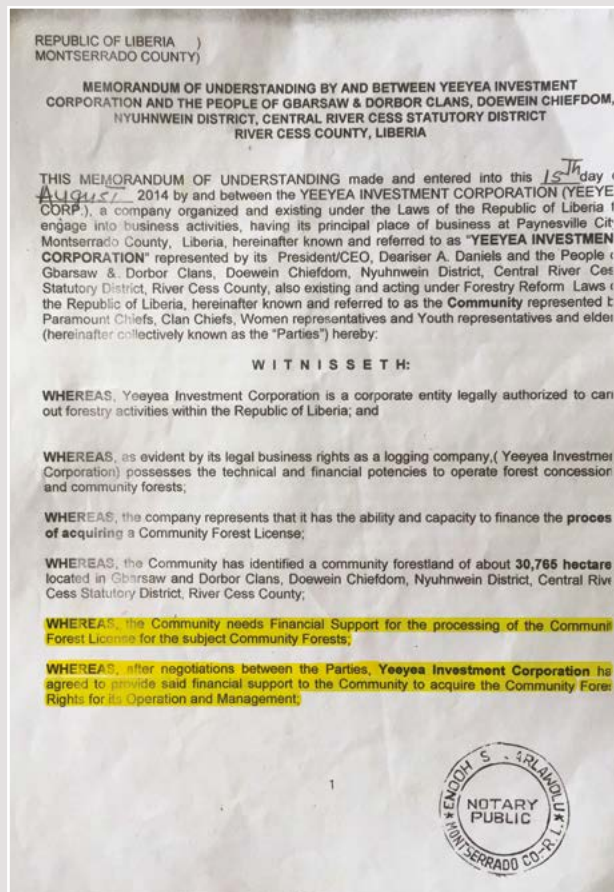
EXCERPTS FROM THE AGREEMENT BETWEEN GBARSAW & DORBOR CLANS, AND YEEYEA⁷⁶

Whereas the community needs Financial Support for the processing of Community Forest License for subject Community Forests... Yeeyea Investment Corporation [Yeeyea] has agreed to provide said financial support to the Community to acquire the Community Forest Rights for its Operation and Management. (p.1)

The parties herein agree that Yeeyea will give financial support by which the Community will drive the process of acquiring the Community Forest License for Management and Operation by Yeeyea. (p.2)

The Community Forest rights acquisition project shall require the amount of \$75,000 for the acquisition of the said identified community forest... The Community may ask for more funds as the need arises for the successful completion of the acquisition process with the FDA. (p.3)

Remittances made by Yeeyea up to the acquisition of the license shall be deducted from Communities’ future revenue from Royalty earned from the Community Management and Operation Agreement. (p.3).



EVIDENCE OF COMPANY-COMMUNITY AGREEMENTS

Community	Key details in agreement
Documentary evidence there is an agreement between community and named company	
Beyan Poye ⁷⁸	Community Forestry Management Agreement with Akewa Group of Companies Liberia Incorporated (Akewa).
Blinlon ⁷⁹	<p>Community Forest Management Contract with Liberia Tree and Timber Corporation (LTTC) states: “LTTC will assist in the demarcation of the forest area at a cost to the [community]. LTTC... shall have exclusive management rights to operate and manage the community forests of which the [community] warrant to protect and defend. Furthermore, LTTC shall have right to transfer title to its partner”.</p> <p>Undated letter from the FDA clarifying “communities applying for Community Forest Status are expected to apply without any company’s backing” so “the Agreement signed between Blinlon Clan and the Association of Logging Engineers of Liberia (ALEL) cannot suffice as an instrument to allow ALEL to log the forest”.</p>
Deabo ⁸⁰	MOU in which the community “invite... Unitimber Corporation [Unitimber] to carry out logging operations”.
Garwin ⁸¹	<p>MOU with Xylophia, who agrees to “assist in acquiring the forest... It is clearly understood that no third party will come between the people of Garwin and Xylophia... It is also understood that Xylophia is the only company that will work with the people of Garwin”.</p> <p>Community Forest Management Agreement with Tetra.</p> <p>Third Party Forest Management Agreement with Tetra.</p>
Gbarsaw & Dorbor ⁸²	MOU with Yeeyea states: “Yeeyea has agreed to provide said financial support to the community to acquire the community forest rights for its operation and management”. The company “shall require US\$75,000 for the acquisition of the community forest,” which “shall be deducted from the communities’ future revenue from royalties earned from the communities’ management and operation agreement”.
Geetroh ⁸³	MOU with Universal Forestry Corporation (Universal) who will “do business with [the community] owner of forest land by means of establishing logging industry”.
Karluway 1 ⁸⁴	MOU in which the community “invite... Unitimber to carry out logging operations”.
Karluway 2 ⁸⁵	MOU in which the community “invite... Unitimber to carry out logging operations”.
Marloi & Vambo ⁸⁶	MOU in which the community “assures... ALEL that said forest has no encumbrance; hence [ALEL] is authorised and free to commence its logging operation”.
Whea-Sayn & Gbarsaw ⁸⁷	<p>Unsigned MOU in which the community “allows, permits and authorised” Gedeh Woods Incorporated (Gedeh Woods) “to commence exploitation of marketable logs” and “through the instrumentality of” Gedeh Woods “the FDA shall conduct for community forestry”.</p> <p>Undated but signed petition from the community to Gbehzohn International Traders (Gbehzohn) “for and in consideration of the operation and extraction of round logs”.</p>
Zehnla ⁸⁸	FDA affirms an MOU with LTTC: “Citizens of both Blinlon and Zehnla clans have already signed a Memorandum of Understanding with LTTC”. The community subsequently refutes this saying the dispute has “confused the minds of our people toward the status of the Social Agreements between the citizens and LTTC, and coupled with the frequent visitations by ALEL’s agent”.

Key agreement dates	Key community forest dates ⁷⁷	Comments
25 March 2017	Application: 20 Jun 2014 Approved on 22 February 2017	The agreement with Akewa makes no reference to a CFMP, which should have been developed and approved after the community forest was approved and before any agreement with a logging company can be signed.
18 April 2011 (LTTC) 15 September 2012: reference to a Community Forest Management Contract concluded and signed with ALEL.	Application: 3 July 2014 Not yet approved	Two companies have engaged the community for two years prior to it submitting a valid community forest application. There is also an ongoing dispute as to which agreement is in effect, and a warning from the FDA that such agreements are beyond the law.
31 July 2011	Application: 10 June 14 Not yet approved	The company has engaged the community for three years prior to it submitting a valid community forest application.
3 April 2016 (Xylophia) 18 March 2017 (Tetra)	Application: 19 July 2014 Approved on 22 February 2017	Global Witness has seen three versions of the agreement, each with a different title, suggesting considerable confusion over what is required or legal.
15 August 2014	Application: 5 August 2015 Approved on 18 January 2018	The company has engaged the community for a year prior to it submitting a valid community forest application, and loaned it US\$75,000 to assist with the application process.
10 May 2007	Application: 9 December 2014 Not yet approved	The company has engaged the community for over seven years prior to it submitting a valid community forest application.
22 May 2011	Application: 30 June 2014 Not yet approved	The company has engaged the community for over three years prior to it submitting a valid community forest application.
3 September 2011	Application: 30 June 2014 Not yet approved	The company has engaged the community for over two years prior to it submitting a valid community forest application.
9 June 2012	Application: 2 July 2014 Not yet approved	The company has engaged the community for two years prior to it submitting a valid community forest application.
(no date) March 2015	Application: 29 October 2014 Not yet approved	Two companies appear to be engaging the community, and the phrase 'instrumentality' suggests company support in the application process.
18 April 2011 (LTTC) 18 September 2012: reference to a communication introducing ALEL to manage and log the community forest.	Application: 3 July 2014 Not yet approved	Two companies have engaged the community; one for three years prior to it submitting a valid community forest application. There is also an ongoing dispute as to which company the community wants to engage, and references to forged signatures and bribery.

EVIDENCE OF COMPANY-COMMUNITY AGREEMENTS

Community	Key details in agreement
Evidence of company involvement but no written agreement available	
District 3B&C ⁸⁹	The by-laws and constitution of the forest community state “#3B & #3C Forest community is in partnership with the African Traders Entrepreneurs Enterprise Incorporated (ATEE).” The community also petitioned the company to this effect.
Guehzueh ⁹⁰	The community reportedly signed an MOU with Global Logging Company in December 2016.
Niplaihkpō & Lower Jloh ⁹¹	An application letter states that Niplaihkpō community are “under the supervision of Atlantic Resources Limited” (Atlantic).
Rockcess ⁹²	The community has reportedly been working with Universal since 2008.
Tarsue ⁹³	Community “reiterates our call for the issuance of a community forest management contract or permit to Mandra Forestry Liberia Limited [Mandra] to operate within our community forest”. Mandra has stated that at this stage it has no interest to partner with any logging company, individual or group of individuals in the management and exploitation of logs from the Tarsue community forest.
Totoe & Duo ⁹⁴	Community “reiterates our call for the issuance of a community forest management contract or permit to Mandra to operate within our community forest”. Mandra has stated that at this stage it has no interest to partner with any logging company, individual or group of individuals in the management and exploitation of logs from the Totoe & Duo community forest.
Yeablo ⁹⁵	Community has “come to one agreement with management of Limetac Liberia Incorporated in our community forest for the purpose of logging”.
Ziadue & Teekpeh ⁹⁶	Community members report the application process is being financed by EJ & J Investment Corporation (EJ&J). They mention at least five other companies have approached them at various times.
Request for previous PUP to change status to community forest	
Cavalla ⁹⁷	Community calls upon the FDA to “to change the previous nomenclature to Community Forest Status instead of PUP” with Cavalla. The PUP was awarded to Cavalla Forestry Company on 15 June 2011, but apparently operated by Atlantic.
Koninga A ⁹⁸	The community has been working with Gbarpolu Development Association (a logging company) since the time it was a PUP, and this has enabled faster progress through the Nine Steps.
Nyorwein & Jo-River ⁹⁹	Community describes itself as “of the former PUP 23” in acceptance of the termination of the PUP and CFMA application. The accompanying CFMA map corresponds to PUP 23, which was awarded to Forest Venture on 6 October 2011.
Seekon ¹⁰⁰	Application letter begins with “having been informed of the cancellation of PUPs”
Relationship with company but not named	
Duo, Sinoe County ¹⁰¹	Community expresses concern that “some strange people from Toto Chiefdom are negotiating concessional agreement with some investors to operate our forest”.
Gayepuhole ¹⁰²	Community is “in the process of preparing a management agreement with a potential timber company”.

Key agreement dates	Key community forest dates	Comments
18 May 2015: By-laws and constitution Petition signed but not dated	Application: 16 June 2014 Not yet approved	There is evidence of company engagement with the community prior to approval of the forest permit.
No corroborated information on dates available	Application: 2 November 2013 Not yet approved	There is evidence of company engagement with the community for at least a year prior to it submitting a valid community forest application.
15 June 2012: Reference to Atlantic	Application: 10 November 2013 Not yet approved	There is evidence of company engagement with the community for at least a year prior to it submitting a valid community forest application.
No information on dates available	Application: 8 November 2012 Not yet approved	There is evidence of company engagement with the community prior to approval of the forest permit.
14 March 2013: Reference to preferred logging company	Application: 30 October 2014 Approved on 18 January 2018	There is evidence of company engagement with the community for at least a year prior to it submitting a valid community forest application.
14 March 2013: Reference to preferred logging company	Application: 11 June 2014 Not yet approved	There is evidence of company engagement with the community for at least a year prior to it submitting a valid community forest application.
23 October 2012: Reference to agreement with logging company	Application: 27 June 2014 Not yet approved	There is evidence of company engagement with the community for at least a year prior to it submitting a valid community forest application.
May 2017 references to logging company	Application: 28 June 2014 Approved on 23 November 2017	There is evidence of at least one company involved prior to approval of the community forest.
10 December 2012: reference to PUP and Cavalla	Application: 29 November 2014 Not yet approved	The community regards conversion from a PUP as a simple administrative matter.
No information on dates available	Application: 30 June 2014 Approved on 18 January 2018	The community and company regard conversion from a PUP as a simple administrative matter.
29 October 2013: reference to PUP 23	Application: 11 June 2014 Not yet approved	The community regards conversion from a PUP as a simple administrative matter.
22 November 2013: reference to PUP	Application: 22 November 2013 Not yet approved	The community regards conversion from a PUP as a simple administrative matter.
15 February 2015: reference to unnamed company	Application: 15 February 2015 Not yet approved	There is an apparent dispute between clans, possibly also involving an unnamed logging company.
19 July 2013: reference to unnamed company	Application: 19 July 2013 Not yet approved	A company is engaging the community at the same time as submitting a community forest application.

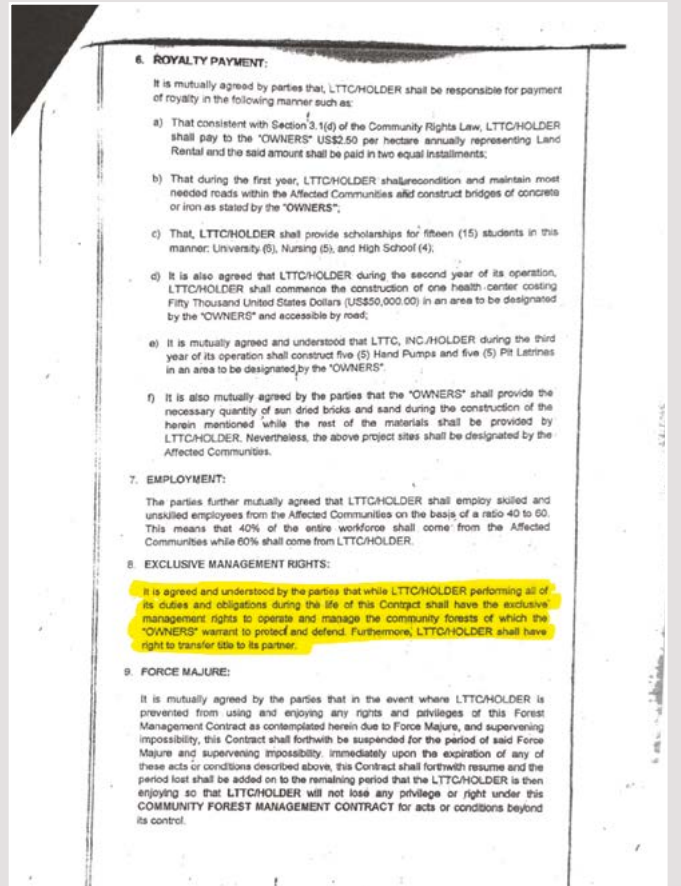
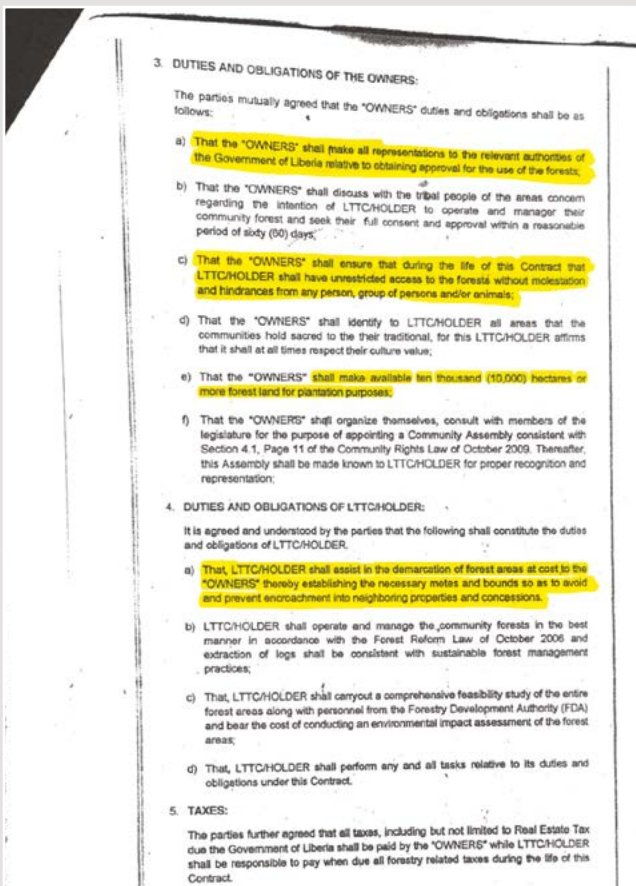
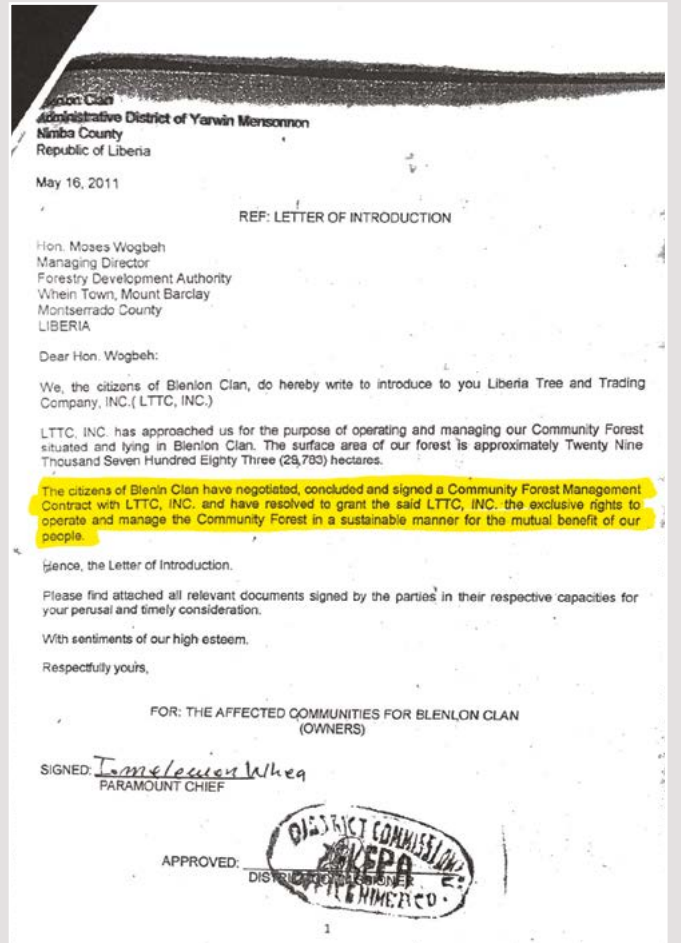
EXCLUSIVE RIGHTS - THE AGREEMENT BETWEEN BLINLON CLAN AND LTTC

The citizens of Blinlon Clan have negotiated, concluded and signed a Community Forest Management Contract with LTTC Incorporated and have resolved to grant the said LTTC exclusive rights to operate and manage the community forest

Letter from Blinlon Clan to FDA, 16 May 2011.¹⁰³

[The community] shall make all representations to the relevant authorities of the Government of Liberia relative to obtaining approval for the use of the forests... [The community] shall ensure that during the life of this contract that LTTC shall have unrestricted access to the forests without molestation and hindrances... LTTC shall assist in the demarcation of the forest areas at a cost to the [community]... LTTC has exclusive management rights to operate and manage the community forests of which the [community] warrants to protect and defend. Furthermore, LTTC shall have right to transfer title to its partner

Community Forest Management Contract between Blinlon Clan and LTTC, 11 April 2011.¹⁰⁴



“We asked the people [spearheading the CFMA application] whether they have any debt. They said “not per se”. They spent money but the citizens asked them “the money which you people spent for this forest it will be refunded?” They said “we can’t say no and we can’t say yes, but let the whole process end then we will tell you the money we are spending – will it be refunded or it is free. Then we will tell you people. Those who are heading the process told us. So whether someone is sponsoring this thing we, the citizens don’t really know”.

Community member¹⁰⁵

In all these examples it is completely unclear if the community will need to repay the company, how much, on what terms, over what time period, or what the consequences might be of non-payment. The people signing these agreements have an interest in keeping them secret because they are illegal, and Global Witness suspects many more of these arrangements exist than have come to light so far. Their secrecy also means that companies, brokers and elites are free to make decisions that serve their own interests rather than those of the community as a whole. There is no opportunity for the terms of the agreement to be negotiated so the community is denied the right to scrutinise agreements that give away their forest resources and will impact their livelihoods. Whilst they grant the company unhindered access to community forest resources, the ten agreements Global Witness examined provide little for the community in return – nothing more than the legal obligations that a third-party logging company already has if it operates in a community forest.

The loopholes

In addition to premature and therefore illegal company-community agreements, there are a number of weaknesses persisting in the legal framework that are allowing logging companies to disempower communities and take control of community forests. Despite the CRL Regulation being revised in 2017, changes were limited to harmonising the regulation with other legislation and the opportunity was missed to correct significant loopholes.

The biggest of these concerns medium-scale community forests.¹⁰⁶ The CRL Regulation outlines three different size categories for commercial use in community forests: small-scale, under 5,000 hectares; medium-scale, between 5,001 and 49,999 hectares; and large-scale, over 50,000

hectares and up to the maximum community forest of 250,000 hectares.¹⁰⁷ The National Forestry Reform Law states Forest Management Contracts may be 50,000 to 400,000 hectares, and limits Timber Sales Contracts to a maximum of 5,000 hectares, but does not specify a permit-type for ‘medium-scale’ forest areas in between.¹⁰⁸ Earlier drafts of the CRL law lacked this differentiation into three size-categories, suggesting it was incorporated into the CRL at the last minute.¹⁰⁹ The final CRL defers to the National Forestry Reform Law but only states the area limits for medium-scale community forests.¹¹⁰ Thus by emphasising medium-scale operations, which are not covered by the National Forestry Reform Law, this has provided logging companies with a convenient loophole to access community forests between 5,001 and 49,999 hectares unencumbered by strict regulations.

Of the 107 applicant communities whose documents have been made available on the FDA’s website, information on the area of the community forest is available for 64.¹¹¹ Sixteen of these are conveniently just under the size limit for medium-scale commercial operations in a community forest (i.e. they are between 45,000 and 50,000ha). This maximises their profitability whilst keeping them in the least-regulated category. This is in contrast to the 13 community forests supported by the USAID (see *timeline on page 18*), all of which have been under 9,000 hectares. This would seem to suggest that the FDA and/or logging companies are influencing the size of applicant community forests, in violation of the CRL that requires communities to self-identify.¹¹²



Medium-scale logging permits in community forests have the weakest regulations, allowing companies to cut even more timber. Credit: Global Witness, 2017

There are other shortcomings in the legal framework for community forestry. For example:

- The screening process undertaken by the multi-stakeholder Community Forestry Working Group is felt by some of its members to be constrained by the law such that screening becomes a tick-box exercise.¹¹³ Arguably there is no opportunity to probe into any suspicious content in the community forest application, to make field checks, or to cross-check the application with other information, although there is also no legal restriction preventing these kinds of additional checks.
- Under the CRL Regulation (2017) communities wishing to generate revenue from any part of their forests are required to follow Liberia's forestry regulations, which focus overwhelmingly on the establishment of logging contracts and are not suited to the management of forests by communities.¹¹⁴
- There are currently no binding regulations ensuring Commercial Use Contracts are negotiated through an inclusive and transparent process. For community medium-scale logging operations there are also no regulations that prevent companies from clear-cutting the forest.¹¹⁵
- In absence of clear guidelines companies have substituted logging plans for CFMPs.¹¹⁶
- The CRL states that two members of the National Legislature should be members of each Authorised Forest Community's Executive Committee, opening the door for political domination over community forest decisions.¹¹⁷

As documented previously by Global Witness,¹¹⁸ some of these provisions – or lack of implementing regulations – undermine the very same Community Rights Law, which establishes that it is a community's right to make informed choices about the best use of the forests and prohibits the FDA from drafting regulations that bias communities towards industrial logging.¹¹⁹

REAL COMPANIES?

The change in name of the logging company operating in Garwin community forest, from Xylophia to Tetra (see page 15) is just one example of the confusion, ambiguity and shifting sands that characterise the logging industry in Liberia.

“One thing I observed is that people who have money they present themselves as a company, when you sign document with them they will go and find a company to work”.

Community member¹²⁰

Take for example the Ziadue & Teekpeh community forest in Rivercess County. Spearheaded by the local elite with financing from the EJ&J logging company, community informants told Global Witness that the logging company had failed to consult adequately with the wider community, causing divisions and leadership disputes.¹²¹ The chief executive officer of EJ&J admits that they do not have the equipment or finances to operate a concession independently, and instead rely on Liberia's largest foreign logging companies to do the harvesting.¹²²

EJ&J adopted a similar approach in the past. In at least one of its PUPs, Jo River, the company acted as the intermediary between the community and Forest Venture, transferring the logging permit to Forest Venture without the local people's knowledge and depriving them of their rightful benefits.¹²³

“It is evident that EJ&J do not have the financial means to operate independently. From all indications, EJ&J is one of several companies set up as an Atlantic Resources affiliate to acquire FMCs and PUPs and then invite one of the affiliate companies to operate”.

Official PUP investigation¹²⁴

It is likely that EJ&J will seek a similar arrangement in Ziadue & Teekpeh community forest, financing the permit's passage through the Nine Steps and then handing it to a different company to harvest the timber. Authorised Forest Community status was granted on 23 November 2017,¹²⁵ and EJ&J is reportedly in talks with Mandra.¹²⁶

There are only a handful of logging companies in Liberia that actually have the finances and equipment to operate a concession. On initial inspection, these companies don't feature prominently in community forests. Instead, companies linked to community forest applications (see table on page 22) tend to be unknown:

- Some, such as ALEL (see table on page 22) and ATEE,¹²⁷ appear to be service-provider or broker companies, using their connections to help push applications through. They are typically staffed by former employees of the FDA or logging companies, and are able to capitalise on these networks.
- Others have been around long enough to have a history of obtaining logging permits only to then sub-contract them to a large foreign company to operate: EJ&J obtained FMC B, now operated by Mandra, and two PUPs that were subsequently operated by Forest Venture; LTTC obtained the FMC C, now operated by Mandra.¹²⁸
- Some are companies not known to have ever operated a logging concession in Liberia: Gbehzohn, Gedah Woods, Tetra, Unitimber, Xylophia, and Yeeyea.

“[Company] people that came are not working in forest but they help us with registering the forest. They were the ones that paid money to the FDA for the registration”.

Community member¹²⁹

Logging companies in Liberia must be prequalified in a process that includes a number of important checks designed to exclude companies lacking sufficient resources, those which have not paid all previous taxes and those that are owned by politicians or others barred from such positions (see below).

The regulation covering prequalification was, like many other forest sector regulations, written primarily with a view to controlling FMCs, not logging contracts in community forests, thus they are open to some interpretation. However the FDA has sought to require prequalification from companies wishing to operate in community forests.

PREQUALIFICATION REQUIREMENTS (ANNOTATED EXCERPTS)¹³⁰

- The type of logging permit the company plans to obtain (clause 2). *Thus, prequalification for operating a FMC or in a community forest would be different, but no specific clauses for the latter are provided.*
- A business plan “demonstrating technical and financial capacity” commensurate with the this type of permit (clause 5). *Thus, companies lacking the finance to operate, or those without the skills, should not be able to qualify.*
- The applicant is “in good standing” regarding payment of corporate taxes and forest feed (clauses 5 and 6 of Schedule I). *Thus, companies in arrears on forest-related or other taxes and fees should not be able to qualify.*
- The applicant has supplied a list of Significant Individuals, as defined (clause 15 of Schedule I). *Thus, a company would not qualify if it was owned or controlled by politicians or individuals debarred from the sector.*
- An affirmation, “under penalty of perjury” that the information is correct (clause 8). *Thus the onus is on the applicant company to demonstrate compliance with the prequalification criteria.*

Despite the Prequalification Review Panel requiring seven members, from four government ministries and a civil society representative,¹³¹ the process lacks transparency and accountability. There is no evidence in the public domain to show that these companies have met the criteria to competently and legally manage the type of forest they are operating in. As, for example, *Mandra’s Prequalification certificate* shows (below), a certificate for operating in an FMC has been renewed and published in the context of Sewacajua community forest without any supporting evidence that the company meets the prequalification requirements for a community forest.

As reported previously by Global Witness, logging and other natural resource companies in Liberia are required, under legislation to implement the Extractive Industries Transparency Initiative, to publish the names of the people who ultimately own and/or control them. The first audit of these company statements showed logging companies have failed to report who their real owners are.¹³²

Furthermore, Global Witness has concerns that many of the intermediary companies in Liberia’s logging sector may have connections with one of the world’s largest logging companies – Samling – who are using political connections and influence in Liberia to take control of a significant proportion of West Africa’s largest remaining tract of rainforest (see box on page 34).



MANDRA'S PREQUALIFICATION CERTIFICATE¹³³

Although the certificate is published, none of the evidence to support prequalification has been.

PRIVATE USE PERMITS: SAME PROBLEM UNDER A NEW NAME

In 2012, following concerns raised by Global Witness and others, President Ellen Johnson Sirleaf ordered a detailed investigation into all 63 PUPs, establishing the Special Independent Investigating Body (SIIB) for the purpose. The SIIB uncovered widespread fraud (*see box below*) and in January 2013 the President was forced to issue an Executive Order to suspend all PUPs in a moratorium that applied “also to all logging activities of any person, whether natural or juridical, who holds a PUP and operates in Liberia under any other logging license” and “shall remain in effect until otherwise lifted”.¹³⁴ This section of this report shows that the same companies are deeply involved in community forests.

The PUPs amounted to over 2.5 million hectares, or 23 percent of the land area of Liberia,¹³⁶ and the Executive Order noted “massive fraud, misrepresentations, abuses and violations of the National Forestry Reform Law in the issuance of Private Use Permits to the extent that this inter-generational asset has been severely threatened”.¹³⁷

The Executive Order demanded a review of the weak regulatory framework governing PUPs, and criminal prosecutions. As a result, five government officials, including Moses Wogbe, the former Managing Director of the FDA, were convicted of the illegal issuance of 61 of the 63 PUPs and associated economic sabotage to the amount of US\$6 million.¹³⁸ However, no companies were brought to account, despite the official investigation recommending “That the illegal actions of Atlantic

SELECTED RECOMMENDATIONS FROM THE REPORT OF THE SPECIAL INDEPENDENT INVESTIGATING BODY INTO PUPS

The SIIB, in its report on PUPs, made 31 recommendations.¹³⁵ These excerpts reproduce those with repercussions for future forest law enforcement, and comments on the extent to which they were implemented.

SIIB recommendation	Progress and concerns
FDA must develop a recording system for all documents related to forestry licenses and social agreements.	Incomplete , with the result that many documents relating to community forestry permits are not available.
The Board of Directors of FDA should be required to establish and institute appropriate guidelines for reviewing, approving, and attesting to the actions of FDA.	Not fully implemented. The FDA Board is still expected to approve community forestry permits without being given the time and information to make independent and considered decisions.
Atlantic should be required to pay all tax arrears on FMC P and be permanently barred from engaging in commercial forestry activities for violation of [forest laws] and for orchestrating fraudulent activities in Liberia’s forest sector.	Never implemented. Atlantic still owes taxes, still operates in FMC P and in community forests.
Affiliated companies including Forest Venture, Nature Orient Timber Corporation, Southeast Resources should be permanently barred from engaging in commercial forestry activities for violation of [forest laws] and for orchestrating fraudulent activities in Liberia’s forest sector.	Never implemented. Forest Venture still operates logging operations. The fate of the other two companies is unknown.
That EJ&J and its Chief Executive Officer Eliza Kronyan be prevented from engaging in commercial forest activities unless an independent panel makes a determination that the company has the financial and technical capacity to operate a commercial forestry license independently.	Never implemented. EJ&J still holds logging permits and Eliza Kronyan admits that they do not have the equipment or finances to operate a concession independently.
FDA must develop and publicize a fee structure for administrative and other costs associated with forestry licenses.	Not fully implemented for community forestry , where there is no official guidance on the cost of working through the Nine Steps.

For sources please see elsewhere in the text.



Hastily compiled, inadequate forest management plans allow destructive industrial-scale logging to go unsanctioned. Credit: Global Witness, 2017

Resources and its associated companies be further investigated by the Ministry of Justice”.¹³⁹

Since their effective cancellation in 2013 there is no longer any appetite for PUPs. At the same time, the FDA has not issued any new commercial logging concessions since 2012 and has stated that they have no plans to issue any more in the future.¹⁴⁰ Thus, whilst CFMAs are the only avenue communities in Liberia currently have to formalise their forest-land rights (until the Land Rights Law is implemented), they are also the only option logging companies have to access new forest areas.

“We had concessions before, but there was the moratorium on Private Use Permits. So the concessions came to a halt so now we are trying to commence another community forest because the entire [PUP] process has been transformed into community forests”.

Logging Company representative¹⁴¹

Furthermore, as the PUPs debacle showed, logging companies are keen to get hold of logging permits with few regulations, making medium-scale community forests an attractive option. All community forests must be governed by a CFMP (see page 38), and comply with relevant clauses of the National Forestry Reform Law and the Ten Core Regulations. But these texts contain no provisions for commercial operations in medium-scale community forests.

Global Witness has used location data to examine overlaps between a selection of current community forests and previous PUPs (see table on page 32 and map on page 35). To date, 20 community forestry applications show overlaps with previous PUPs.

There are digitised maps of 29 approved community forests, all of which have been published through a collaboration between the World Resources Institute (WRI) and the FDA.¹⁴² For another five approved community forests there is no readily accessible digital map. Geospatial information does exist for some community forest applications including WRI digitised maps for 12 such applications.¹⁴³ However, in some cases the location and area of community forests can only be approximated from the list of towns and the estimated area included a community forestry application.

The extent of the connections to PUPs, especially when corroborated with other references to PUPs in the community forestry application documents (see examples in table on page 24), is alarming. It demonstrates the damage being done by the failure to implement the enforcement action against logging companies recommended in the official investigation into PUPs. Instead, companies are once again poised to dramatically expand their operations.

CFMAS WITH EVIDENCE OF OVERLAP WITH PUPS¹⁴⁴

CFMA	CFMA company links**	CFMA Area (ha)	Links to a PUP	PUP company	PUP Area (ha)
Some geospatial data for community forest is available, so links are indicated by map overlays					
Beyan-Poye	Akewa	33,338 [§]	Entire Community Forest encompasses Gibi PUP.	Akewa	22,163
Chedepo	No evidence available	42,840*	About 50% overlaps with Gbeapo-Thiepo PUP.	Tropical Timber Inc	63,287
			About 50% overlaps with Chedepo & Potupo PUP.	DC Wilson Inc. and Mandra ^{††}	51,262
District 3C	ATEE	40,691*	About 80% overlaps District 3 PUP.	Nature Orient Timber Corporation	66,977
Garwin (approved on 22 February 2017)	Xylophia Tetra	36,637 [§]	About 60% overlaps Doedian PUP.	Tropical Timber Inc	49,394
Gbarsaw & Dorbor (approved 18 January 2018)	Yeeyea	21,320 [§]	About 60% overlaps Jo River PUP (and therefore Nyorwein & Jo-River CFMA).	Forest Venture	30,765
Nyorwein & Jo-River	Forest Venture	31,037 [‡]	About 50% overlaps Jo River PUP, and map in CFMA application was identical to PUP.		
Karluway #1	Unitimber	27,729*	About 40% overlaps with Karluway # 1 & 2 PUP.	Atlantic	28,847
Koninga A (approved 18 January 2018)	Gbarpolu Development Association	48,296 [§]	Combined map of both CFMAs is almost identical to that of Koninga PUP.	Gbarpolu Development Association	90,527
Koninga B		26,061*			
Kulu, Shaw & Boe	No evidence available	37,402*	About 45% overlaps with Kulu, Shaw-Boe PUP.	Forest Venture	44,133
			About 15% overlaps with Seekon PUP.	Atlantic	49,434
Tarsue (approved 18 January 2018)	Mandra	9,714 [§]	At least 60% overlaps Tarsue PUP.	Forest Venture	63,002
Tartweh-Drapoh (approved 23 November 2017)	No evidence available	10,369 [§]	About 80% overlaps Dugbeh River PUP.	Atlantic	52,858
			About 20% overlaps Tartweh-Drapoh PUP.	Atlantic	33,162

CFMAS WITH EVIDENCE OF OVERLAP WITH PUPS

CFMA	CFMA company links**	CFMA Area (ha)	Links to a PUP	PUP company	PUP Area (ha)
Geospatial data is not available, but community forestry application texts indicate some identifiable towns or boundaries					
Bokon Jaedae	No evidence available	55,000 [‡]	All identifiable towns are inside Jaedae or Bodae PUPs.	Atlantic	24,031
Dweoh Jaedae	No evidence available	50,000 [‡]	Most identifiable towns are in or around Jaedae PUP.		34,600
Bolloh	No evidence available	n/a	All identifiable towns, Districts and rivers are in or around Bolloh, Dorbor & Fenetoe PUP.	Atlantic	15,604
Central River Dugbe	No evidence available	42,102 [‡]	All identifiable boundaries match those of Dugbeh River PUP.	Atlantic	52,858
Gbeapo Potupo & Sarbo	No evidence available	n/a	All geo-referenced towns are in or around Gbeapo Potupo & Sarbo PUP or Chedepo & Potupo PUP.	DC Wilson Inc. and Mandra ^{††}	45,873
				DC Wilson Inc. and Mandra ^{††}	51,262
Kongba	No evidence available	48,561 [†]	In Kongba District, where all land outside a Proposed/Protected Area was a PUP.	Southeast	122,972
Zuie-Mbarma (18 January 2018)	No evidence available	n/a	Zuie Clan is all in Kongba District, where all land outside a Proposed/Protected Area was a PUP.		
Niplaihkpo & Lower Jloh	Atlantic	59,000 [†]	All identifiable towns and boundaries are in or around Lower & Upper Jloh PUP.	Atlantic	65,073
Geospatial data is not available, but community forestry application texts indicate some identifiable towns or boundaries					
Cavalla	Cavalla Forestry Company and Atlantic	n/a	Community working with Cavalla Forestry Company requests conversion from PUP.	Cavalla Forestry Company and Atlantic	38,956
Seekon ¹⁴⁵	Atlantic	n/a	Application letter begins with “having been informed of the cancellation of PUP”, which was operated by Atlantic.	Atlantic	49,434

** Company links to a CFMA, unless otherwise referenced, are based on the analysis in the table on page 22.

* Estimated area obtained from WRI online mapping; www.fda.gov.lr/information/liberia-forest-atlas/, last accessed on 16 August 2018.

† Estimated area obtained from community forestry applications documents; www.fda.gov.lr/community-forestry-management-agreements, last accessed on 20 August 2018.

‡ Area reported in a Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018.

§ Area reported in Annex 4 to Aide Memoire from the Sixth Meeting of the Joint Implementation Committee between the Government of Liberia and the European Union, Monrovia June 13-14, 2018; www.euflegt.efi.int/documents/10180/438736/Aide-m%C3%A9moire+from+the+6th+Joint+Implementation+Committee+meeting+%28June+2018%29/5c340a33-5ffa-243e-5473-5266771d658c.

†† Mandra has stated that it did not operate any PUP in Liberia.

At least 16 community forests overlap with previous Samling-linked PUPs (see table on page 32). These PUPs totalled nearly 635,000 hectares and the matching community forests are estimated to cover at least 430,000 hectares. This raises alarm bells that this notorious company is seeking once again to extend its domination over Liberia's forests (see box on right). Although the company may have endeavoured to hide any association with community forestry, evidence suggests otherwise, as shown in these four examples:

- In Niplaihkpo and Lower Jloh community forestry application, all identifiable towns and boundaries are in or around a PUP previously held by Atlantic, the application letter states that the community is “under the supervision of Atlantic Resource Limited,” and that “with technical, moral and financial support from FDA, Ministry of Internal Affairs and [Atlantic] the FDA have partly demarcated and assessed our community forest”.¹⁴⁶
- The Cavalla CFMA application includes a document titled “Resolution, Change of Private Use Permit to Community Forestry Status”, which refers to a PUP that was previously operated by Atlantic Resources.¹⁴⁷
- In the Seekon community forest application, previously an Atlantic Resources PUP, the letter begins with “having been informed of the cancellation of PUPs...”¹⁴⁸
- The Nyorwien and Jo River community forest application included an identical map to that for Jo River PUP, which was operated by Forest Venture, and contains a letter from the community which combines ending the PUP with applying for a CFMA.¹⁴⁹ The online map of Nyorwien and Jo River community forest indicates an 50 percent overlap with Jo River PUP.¹⁵⁰

HOW ARE COMMUNITIES BEING DISEMPOWERED?

The predominant view, promoted by logging companies and the FDA, is that to obtain a community forestry permit a community needs money and a technical knowledge of logging. For its part, the FDA is required to “provide and assist communities to seek and access technical assistance and support for management of forest resources”,¹⁵¹ and US\$10 million has been provided by Norway through the Liberia Forest Sector Project to support this.¹⁵²

As demonstrated in the preceding sections, rather than empowering communities as intended, the way community forestry is rolling out in Liberia is having the opposite effect, disempowering them and pushing them into debt. This section looks in detail at how logging companies are co-opting some of the community forestry permit processes for their own interests, including boundary demarcation, technical assistance, the role of local elites, and CFMPs.

SAMLING LINKED COMPANIES IN LIBERIA

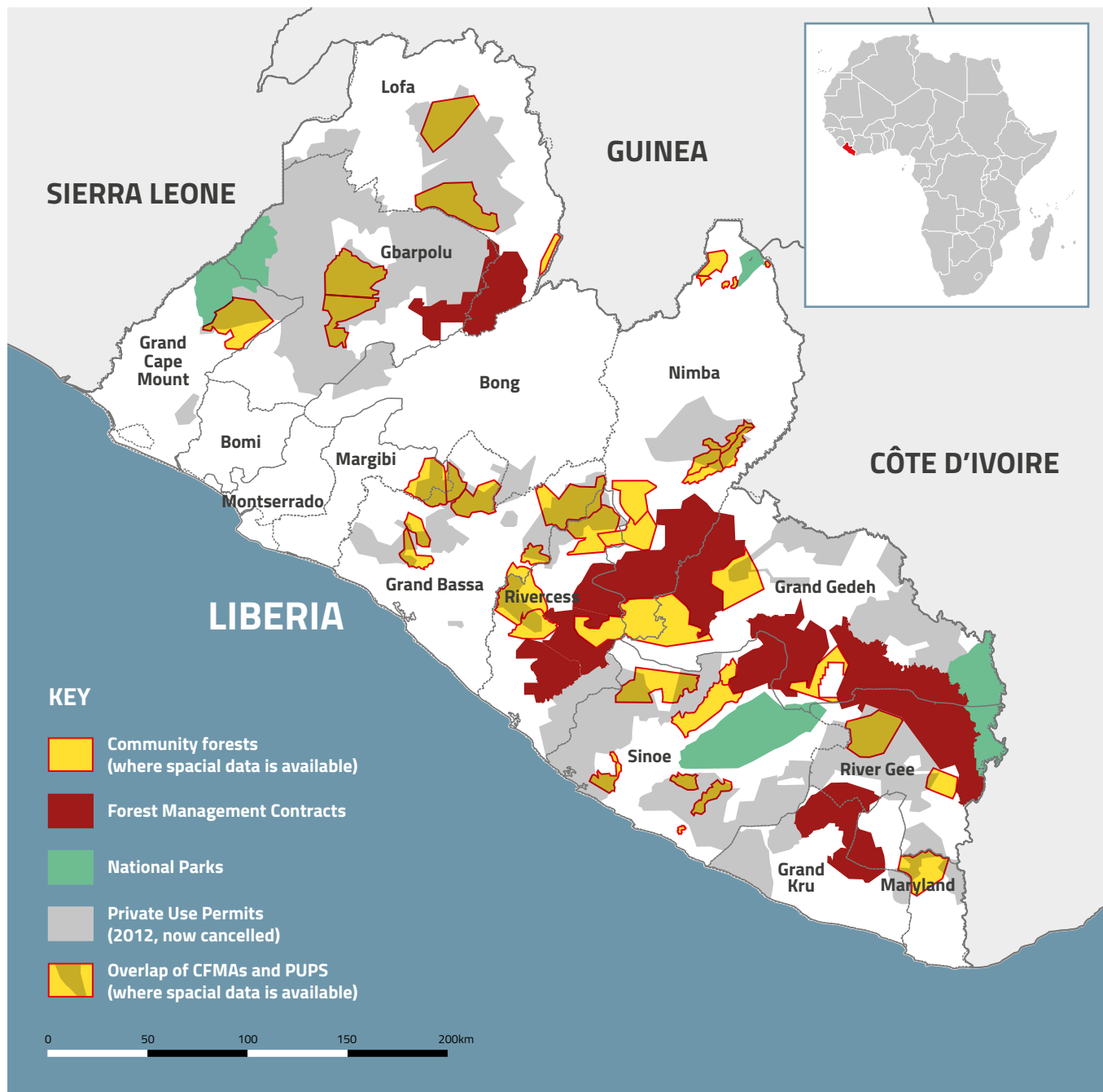
The official investigation into the PUPs listed Atlantic, Forest Venture, Nature Orient Timber Corporation and Southeast Resources as associated companies, all of which had committed “illegal actions”,¹⁵³ and Global Witness has shown how these companies are all linked to the Malaysian logging giant Samling Global.¹⁵⁴ Through its web of subsidiaries, Samling was the mastermind behind the PUP scandal, obtaining 36 of the 63 illegal logging permits issued, covering 17.5 percent of Liberia's land mass.¹⁵⁵ In 2009 Samling also used a network of companies to guarantee their success in obtaining FMCs, when Atlantic and Southeast Resources colluded during the bidding process.¹⁵⁶ Despite this background, these companies have so far escaped the punishments recommended by an official report into the PUP scandal.¹⁵⁷

Samling continues to dominate Liberia's forest sector. Its companies hold or operate three of the seven major logging concessions in the country, FMC A, FMC K and FMC P, which together cover over half of Liberia's current commercial logging area.¹⁵⁸ Samling Global is one of the ‘Big Six’ logging companies; a group of companies that between them control a vast area of Malaysia's last remaining rainforests, and has been blamed for deforestation there.¹⁵⁹ Samling and its subsidiaries have also been found guilty of illegal logging in Cambodia and Papua New Guinea, and of defrauding the Government of Guyana.¹⁶⁰

Samling-linked companies have a reputation for flouting the law, and in 2015 were caught manipulating Liberia's chain of custody system.¹⁶¹ They continued to export from their PUPs during the moratorium,¹⁶² and currently owe US\$5.8 million in taxes to the Liberian government.¹⁶³

One reason for Samling's prominence in Liberia may be its political connections to the Ellen Johnson Sirleaf government. Ambassador John Gbedze facilitated Atlantic and Forest Venture to log in Liberia after meeting their Chief Executive Officers in Malaysia.¹⁶⁴ Atlantic and Forest Venture were both incorporated by Gbedze, who has served as the Chief Executive Officer of Atlantic and had shares in Forest Venture.¹⁶⁵ Medina Wesseh – another close confidant of Ellen Johnson Sirleaf – is also a former shareholder of Forest Venture.¹⁶⁶ She reportedly co-chaired Johnson Sirleaf's re-election campaign in 2011, the year that the large majority of PUPs were issued.¹⁶⁷

OVERLAY OF COMMUNITY FORESTS AND PRIVATE USE PERMIT AREAS



Forest boundary demarcation

Demarcating the boundaries of a community forest is one of the most important of the Nine Steps, as Authorised Forest Community status cannot be awarded unless accurate boundaries are documented. It's also the most expensive step, making it the Achilles heel in process.

Although the FDA has mentioned “that it might cost the FDA an average US\$4,500 to complete one community’s application”,¹⁶⁸ it does not provide official information on how much it costs to complete the Nine Steps, providing an opportunity for logging companies and brokers to

artificially inflate costs in order to make themselves indispensable and ultimately to increase profits.

Communities need an official per-kilometre estimate of the cost of boundary demarcation so they know how much obtaining a community forestry permit costs, but this information is not readily available. The Nine Steps Handbook provides an estimated time of “one day to demarcate every 1.5km of a boundary within pristine forest, and not more than one day to demarcate 2.5km of a boundary during verification”,¹⁶⁹ but stops short of providing any estimate of the cost of this.

“The economic survey requires money, the FDA didn’t tell us how much. They said if ready come to the office. We must register and they [the FDA] would do the rest. Then after some months [the FDA] told us they don’t have any funds, we got stuck. If we can get funding then they can do that”.

Community member¹⁷⁰

Some community members interviewed by Global Witness had no idea how much it will cost or who is responsible for completing the demarcation.¹⁷¹ Estimates given to Global Witness in field interviews ranged from US\$1,400 to as much as US\$124,355.¹⁷² From a total of 14 estimates provided by informants, the median cost of demarcating a community forest is US\$28,750. When compared to the size of the respective community forests, this equates to about US\$1 per hectare (but the range is again huge, between US\$0.03 and US\$2.50 per hectare).

One reason for the diverse estimates may be because the way in which boundary demarcation is carried out at this stage has changed. The previous approach involved cutting lines through the forest, as explained by a broker:

“To cut the boundary line is very cash intensive because maybe more than a 100,000 USD. FDA gives a cost estimate for boundary line cleaning – for example one kilometre squared 200-300 USD. If you have 200 or 300 kilometre squared you have to multiply it... Before boundary line is cleaned and an investor puts in the 200/300,000 USD there needs to be some agreement and guarantee. The managing team will guarantee the payment that you (the company) will take from the royalties. Because cutting the boundary is our responsibility”.

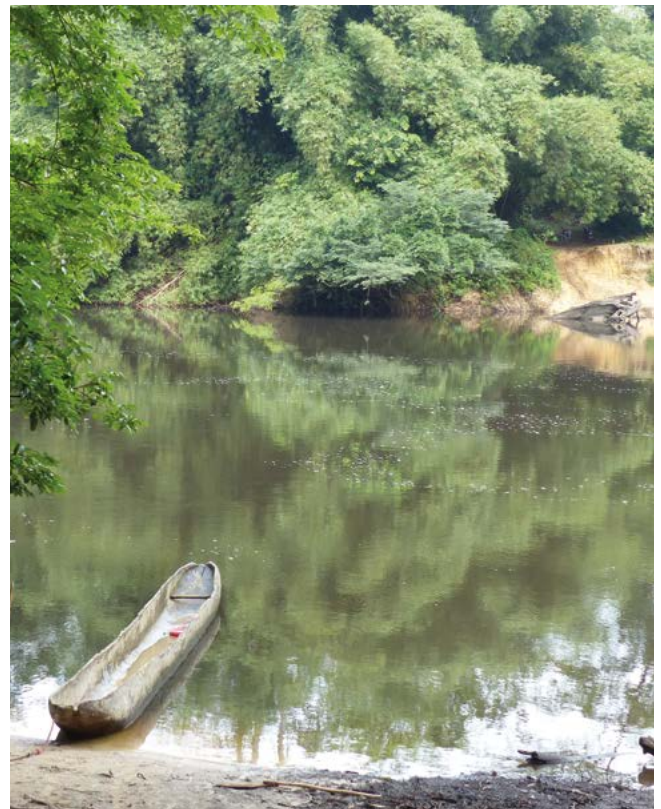
Broker¹⁷³

Not only was this approach costly, it also increased access to the forest for bush-meat hunters and other encroachment. More recently, a faster, light-touch approach has been adopted that does not cut such a clear line but does trace the boundary using GPS technology and planting marker trees at key points.¹⁷⁴ Nonetheless, the demarcation process still requires that all adjacent communities feel involved, and the resolution of any competing claims, and so remains costly. Communities do not have this amount of money available, as one

community member told Global Witness “Quite frankly there is no community around me that can raise [that kind of money]”.¹⁷⁵ In the absence of FDA support, communities feel they must cover these costs themselves.¹⁷⁶

“No joke about it, there are certain [steps] that when you don’t have [money] you can’t go. Thank god when we call for them, when we pay, they come then we do that step from Step One up to present, so whenever you do your payment they have to come. Even dispatching the two [FDA officials] from Monrovia to come, they are not going to leave the town with nothing. FDA will charge you and the whole process costs this amount so you have to pay”.

Community member¹⁷⁷



The deal with Norway should protect forests while improving the livelihoods of those near them. Credit: Global Witness, 2014

If a community wishes to move ahead with demarcation, but the FDA either deprioritises that location, or states that it lacks the funds, communities must find an alternative, creating an opportunity for companies and brokers to step into the void. Furthermore, for as long as they are allowed to get away with it, brokers may continue to cite the previous demarcation method in order to inflate prices and profits.

“We have already demonstrated our commitment to work and co-operate with FDA and Atlantic Resources through: Demarcation of community forest [and] assessment of our community forest... with technical, moral and financial support from FDA, Ministry of Internal Affairs and Atlantic Resources the FDA have demarcated and assessed our community forest”.

Niplaihkpo community application letter¹⁷⁸

Technical support to communities

Provision of technical assistance falls into a similar trap. The FDA has a legal obligation to “assist in securing financial and technical assistance for forest communities in support of their community forestry management programmes”.¹⁷⁹ Where the FDA is not able to fulfil these obligations, communities are required to navigate the Nine Step process and understand their roles on community governance committees unsupported. Due to their unfamiliarity with the process, communities turn to people that present themselves as having a more in-depth understanding of logging, and those able to travel to Monrovia to liaise with the FDA.¹⁸⁰ Again, this provides business opportunities for logging companies and brokers to become involved, perhaps using pre-existing networks from the PUP era. There does not appear to be any screening of brokers to ensure that they are in fact qualified to perform this role, and have a clean record of law-abiding integrity (see box above right for example).

Community elites

Community elites such as local government officials and businesspeople are also using the Nine Steps process to further their power and influence in the elections and appointment of community forest governance structures. There is a lack of meaningful checks and balances to ensure that the application for a community forestry permit really is backed by the whole community in a participatory and inclusive way.

MCCARTHY SEHWHY

The official investigation into the PUP scandal in 2012 found that McCarthy Sehwhy, an FDA surveyor at that time, received over US\$28,100 in unofficial payments to demarcate the boundary of a PUP operated by Atlantic.¹⁸¹

In 2017, community members report that McCarthy Sehwhy continues to feature prominently in at least eight community forest applications:

- > “Then the Association of Logging Engineers Limited did the assessment. They assisted with the registration. We signed an MOU in 2012. . . After the registration they gave us an affidavit in 2015 but that’s it. I think they registered the forest in 2015. FDA has not gone to do an assessment, only the company has. The head of the Logging Engineers is McCarthy Sehwhy”.¹⁸²
- > “Those interviewed alleged that Mandra had paid the US\$250 application fees on their behalf. They reported that a Mr. McCarthy Sehwhy paid the money to the community on behalf of Mandra in 2014 in Juarzon. Mr. Sehwhy’s name has also been associated with CFMA processes in Garwin, Ziadue & Tekpeh, and Blouquia in Rivercess and Grand Gedeh Counties, respectively”.¹⁸³ Mandra has stated that it did not give McCarthy Sehwhy US\$250 to register the CFMA.
- > Documents published by the FDA suggest that ALEL have also signed agreements with Blinlon and Zehla forest communities. In Zehla, three community leaders referred to “forged signatures”, and reported payments – “cash violence” – by ALEL’s agent to get signatures on documents.¹⁸⁴
- > Global Witness key informants in Guehzieh and Garwin communities.¹⁸⁵

“We don’t have money but they have contacts and can move up and down and know where to go”.

Member of Ziadue & Teekpeh community¹⁸⁶

Local elites dominate community forestry applications during the early stages in most of the applications Global Witness investigated,¹⁸⁷ typically by positioning themselves in powerful positions on the self-appointed Community Forest Organising Committees. Interviewees

described how elites are often not even resident in the communities they claim to represent,¹⁸⁸ they use their power and influence to ensure the community forest serves their own interests,¹⁸⁹ and they are equipped with a better education to understand the application process, and better connections and contacts that they can use to facilitate it.¹⁹⁰

“In getting to the community forest, we were not aware, only [a broker and logging company owner]. He is supposed to have the community informed but he just brought the people in their pick up and they just started to do their [forest] assessment. So we had a meeting and blamed him. It’s not supposed to be that way. Everyone needs to be aware. Not even the chairman knew”.

Community member¹⁹¹



Roads connecting Liberian communities to cities are often impassable, cutting the people off and allowing elites to dictate community forest applications. Credit: Global Witness, 2017

As illustrated in the Garwin case study (*page 15*), elites from many different backgrounds are driving the applications. Community interviewees listed county superintendents, district commissioners, senators and representatives, clergy, former town chiefs, business people, teachers, and nurses are involved.¹⁹²

Elites act as gatekeepers, wielding the power to prevent the wider community from participating in decisions that affect them. Individuals and groups who voice their concerns or disagreement with the way elites are managing the application are often entirely side-lined.¹⁹³

Once Step Eight is reached and elections for the community governance structures take place, elites that have run the Community Forest Organising Committee are easily transposed into the official committees. They have acted on behalf of the community through the process,

and in doing so have acquired a knowledge that makes them strong candidates in elections to the Community Assembly and Executive Committee. They have also heavily invested their own time into the community forestry application, making them unwilling to relinquish their power, despite the appearance of a democratic process, and the role of the FDA and civil society representatives to “validate that [elections] have been conducted in a free, fair and transparent manner”.¹⁹⁴

For example:

“We decided not to place [a local leader heavily involved in driving the CFMA application] on the election. Any investor that will come with a company, [he] must work with that company. As citizens we have citizen slots [on the unelected, appointed CFMB] so some positions that belongs to the community, we will put [him] there. So we want him to remain on the community position. Maybe they have five or six positions, we will take one important one and give it to [him]”.

Community leader¹⁹⁵

Community Forest Management Plans

The Community Rights Law with Respect to Forest Lands makes it clear that community forestry should contribute to sustaining forests. The preamble states both that the country’s “forests [are...] an endowment from nature... belonging not just to this generation but future generations”, and that the “purpose of the forest policy of Liberia is to conserve and sustainably manage all forest areas so that forests will continue to produce a complete range of goods and services”.¹⁹⁶

This law stipulates that responsibility for the sustainable management of a community forest ultimately lies with the community. To achieve this “communities have the responsibility of preparing Community Forest Management Plans”¹⁹⁷ and thus its development should not be left to others. However, there are alarming examples of logging companies pre-empting this by inserting into their community agreements that the forest will be converted to agricultural plantations:

- In the case of Yeablo forest, the community has “agreed to do massive agriculture plantation in which a large forest will be harvested, during the process, we will harvest all commercial logs”.¹⁹⁸
- In the case of Blinlon community forest, the agreement with LTTTC states “[the community] shall make available ten thousand (10,000) hectares or more forest land for plantation purposes”.¹⁹⁹

Such intentions clearly reveal the true intention of some companies, to liquidate forests and use the land for industrial agriculture plantations. This would of course be devastating for Liberia's forests and those who depend on them, but it would also fly in the face of Norway's hopes for saving tropical forests in order to mitigate climate change.

More immediately, these agreements contravene the law as forest management decisions are properly made only after finalisation of the Nine Steps and when the Community Forestry Management Plan is written and approved. Regulations specify that this can only happen "after the approval of the Community Forest Management Agreement"²⁰⁰ and "with the involvement of community members and approval of the Executive Committee".²⁰¹ Thus, preparation of this management plan has come to be described as 'Step Ten' of the Nine Steps process (see *diagram of The Nine Steps, page 8*). It is critically important that adequate time and technical support is given to the preparation of these management plans, as they dictate all the operations in the community forest for the 15 year duration of the forest permit (with opportunities to revise it every five years).²⁰² Notably, as the CFMB and other community governance structures are only in place from Step Eight, the preparation of the management plan provides the first real opportunity for community members to fully understand their roles and responsibilities regarding management of their forest.

Thus the actual time it takes to prepare a CFMP will depend on the size of the forest and the logistics involved in gathering community members together for key discussions and decisions. Prior to this, basic information about the nature of the forest, its accessibility, terrain, ecology, and its potential to provide a range of non-timber products and services needs to be collected and community members given a chance to review this. In large, complex forests, with many communities involved and multiple potential competing interests this process could reasonably be expected to take a few months, especially if the FDA, with its limited resources, needs to be involved at key moments.

However, the CFMP process so far has been abused to promote logging rather than capturing the full value and diverse uses of the forest, many of which may not have a commercial value but are nonetheless critically important for local livelihoods, which would be devastated if the forest were destroyed by logging. The speed with which commercial CFMPs have been presented suggests a gross simplification and a strong bias towards short-term liquidation of the forest.²⁰³

In three communities – Sewacajua, Garwin, and Beyan Poye – there is evidence that CFMPs were approved a scant few weeks after the communities received their

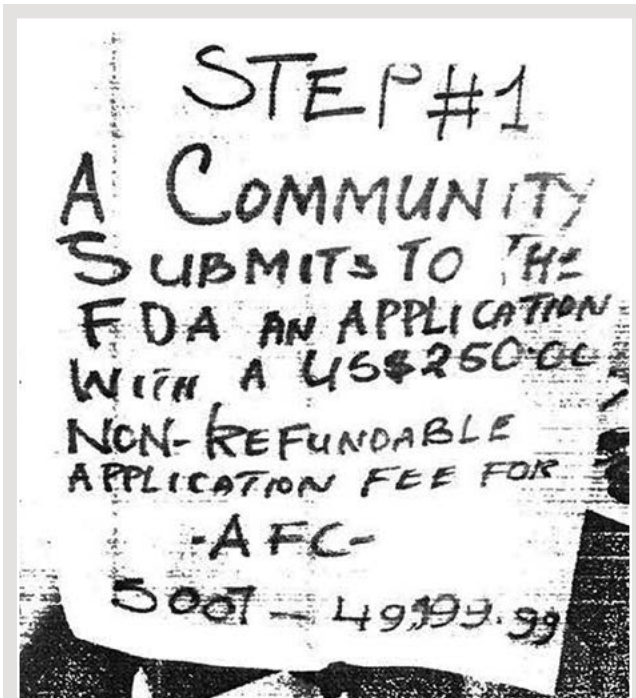
forestry permits. In the case of Sewacajua community forest, the CFMP was approved by the FDA just three weeks after the community was granted Authorised Forest Community status, suggesting that it was being prepared in advance of the Nine Steps being completed. The Chairperson of the Executive Committee reported that the Community Assembly is unaware of how the CFMP was developed and that the Executive Committee did not approve the plan. Furthermore, a little over three weeks after that, a logging contract was signed with Mandra.²⁰⁴ Despite the 15-year duration of the CFMP and the logging contract, the company has reportedly planned to log a full one third of the forest in just one year, 2017-18.²⁰⁵ Mandra has stated that it did not interfere with the application of the Sewacajua Community Forest. Furthermore, the company denied any illegal activity in connection to CFMPs.

Once again, where the FDA is unable or willing to pay sufficient attention to protect communities, the process of making these management plans is dominated by logging companies. As a result, currently communities are not presented with viable alternatives to logging, and "without a standard CFMP template that has been designed specifically for community forestry, most of the communities will not be fully aware of the values they have in their community forest".²⁰⁶ In mid-2018 the FDA, under the Liberia Forest Sector Project, commissioned development of a CFMP template and accompanying guidelines, but for these to be useful – and used – it will be important that they are accompanied with supporting toolkits, and trained facilitators, and that following them is made obligatory for all existing and new community forests.²⁰⁷

Divided loyalties – dividing royalties?

According to one informant, community members have been told that their forests can be no smaller than 40,000 hectares to be successful in a community forest application,²⁰⁸ and the law is clear that 49,999 hectares is maximum for medium-scale logging operations (see *poster on page 40*). So communities report that, in order to attract investors and the attention of the FDA, they are combining their forests in order in order to get as close as possible to the 49,999 hectare limit.²⁰⁹ Community elites also speak of the need to join forests together in order to attract investors.²¹⁰ In other cases there are multiple applications submitted to the FDA for the same areas of forest.²¹¹

This raises concerns of future disagreements over boundaries, rights, and revenues, for example by lumping together communities that have a history of disputes. As reported in Garwin (see *page 15*) one clan wanted a particular logging company and another clan didn't.



EMPHASIS IS ON MEDIUM-SCALE COMMUNITY FORESTS²¹²

Flipchart from Gheegbarn #2 community forest application showing presentation during a community meeting.

“We have a little problem once the process is over, in sharing money; we will not share equal. There won’t be much problem, they know and we know. We joined the forest because this was one chieftom and since their forest and our forest was not much we decided to merge”.

Community member²¹³

Combining forests to attract investors forces communities to unite along unnatural boundaries, and raises questions over how much forest belongs to each community. As divisions between and within communities begin to appear, including disputes over boundaries²¹⁴ and revenue-sharing, these seem unlikely to be resolved as people told Global Witness they didn’t want to involve the FDA due to the possibility it could delay their community forest application.²¹⁵ The CRL does not provide guidance for dealing with these eventualities, but the potential for disputes is high.

As in Ziadue & Teekpeh community forest, disputes can also arise from the use of logging company finance to progress the application through the Nine Steps.²¹⁶ How repayments are divided between different communities and clans could be extremely problematic in the future. At the same time, it’s in the interest of the logging companies

to find ways to avoid paying the communities the agreed area fees and share of production revenues (see *The usurpers*, page 17), and an inter-community dispute could provide just such an excuse. Whilst some local elites might receive their kick-backs the wider community will only lose forest, and risks not receive anything in return.

IS THE FDA COMPLICIT?

“There are people in the FDA that are involved in taking away people’s forests. I am not saying that this is an institutional policy... but people in the FDA are interested in gaining from community forests”.

Community member²¹⁷

Evidence from interviews with community members – for example the combining of forests described in the previous section – suggest that the FDA is complicit in the corruption of the community forestry system, continuing to view community forests as a route to logging rather than to community empowerment. There is concern that the FDA continues to work closely with logging companies interested in community forests, in much the same way as happened with PUPs.

In the Garwin community people spoke of FDA involvement when the logging company first came (see page 15), and the community forestry application from Niplaihkpo and Lower Jloh boasts that Atlantic, “in collaboration with” the FDA and Ministry of Internal Affairs, are working with them already.²¹⁸ Elsewhere there is evidence that the FDA is using its technical knowledge of the timber resource to advise investors how long they will be able to operate, advising communities which company they should go with in order that logging can begin as soon as possible, or pressing them to combine so that the loggers stay longer.²¹⁹ Indeed, in one community the FDA reportedly helped a company to assess the quality of timber within the forest.²²⁰ Whilst its senior staff tell communities that any company involvement will result in that application being disqualified,²²¹ it is aware of the logging companies that are interested in the forest, and that they are driving the process from behind the scenes.²²²

“The FDA is no problem. If you have a problem ensure you inform the FDA, the authorities will help you. You don’t keep it away from them. Even the tax issue, we raised that so many times with the FDA. The FDA, you know are in line with the top executives in the interest of the concessionaires, sometimes those things go, you know, unattended”.

Former logging company representative²²³

CONCLUSION

SETTING THE SCENE FOR CONFLICT

Logging companies are enlisting local elites and coercing communities into signing secret agreements that grant them logging rights, in return for them financing the process communities are required to follow in order to obtain Authorised Forest Community status. In this way logging companies are able to prise control over Liberia's rich and diverse forest ecosystems away from communities, undermining the very purpose of community rights for forest lands in the first place.

If community governance structures aren't set up carefully then benefits, and costs, that do accrue to communities will not be shared fairly between different groups. Communities are becoming indebted to logging companies, and short-cuts in community self-identification will lead to resentment about one group of local citizens benefitting more than the other, precipitating a serious risk of future conflict. The failures documented in this report surrounding community forestry applications and implementation sets the scene for the kind of land disputes that were a cause of Liberia's collapse into civil conflict in the 1980s.

More broadly, decisions on how the forest should be used – through the CFMP process – are instead being imposed by a logging company, not developed in a participatory way with the whole community making informed, collective decisions.

At the same time, the agreements between logging companies and communities are likely to be illegal and unenforceable, adding to the potential for intractable disputes.

“For local informal forest entrepreneurs the forest is their department stores, supermarkets, pharmacies, banks, their wall streets and world trade centres, universities, research centres”.

Presenter at Rethinking Liberia's Forests conference, 2015²²⁴

As a result, rather than being a genuine attempt by communities to formalise recognition of their forests, the resources that rural Liberians depend upon – from water quality and rainfall, to agriculture, medicines, building materials, bush-meat, incomes and sacred sites – are being taken away from them. If the true vision of the progressive community forestry law is to be realised, safeguards that promote inclusivity, democratic decision making and prevent logging companies and local elites from hijacking community forests for their own benefit must be in place.

In conclusion, expectations have been artificially raised that securing a community forest is not ordinary peoples' concern. Methods are being used that are not suited to the community-empowerment objectives envisaged in the CRL, and communities don't feel ownership and so don't invest their time. There is a real danger of a passive attitude, a sense of helplessness and dependency that has built up amongst post-conflict and forest-dependent communities that undermines the basic premise of community forestry.

Furthermore, given Liberia's commitment to mitigate climate change through REDD+, and its desire to achieve this through its deal with Norway, allocating new, huge areas of Liberia's forests to export-orientated commercial logging is clearly not in the country's long term interests. The failure by Norway and other donors to hold Liberia to account regarding its commitments to clean up the sector following the PUP disaster – as spelled out in both the 2012 official investigation into PUPs and the 2014 agreement between Liberia and Norway – will have two major consequences. First, logging companies that should have been closed down and punished five years ago will continue to operate with impunity. Second, as a consequence, Liberia's forests will disappear, and with them the chance that the country could be a role model for both giving forest management powers to the people and mitigating climate change.

RECOMMENDATIONS

The FDA should suspend the approval of any more community forests until a full and effective regulatory framework is in place, along with associated guidance, templates, technical assistance, transparency and accountability mechanisms. This must include that:

- The FDA must keep its website with all community forestry documents – and the supplementary map website – fully up to date. Evidence that each of the previous eight steps has been completed, and a digitised map, should be published prior to Approved Forest Community Status being awarded (Step Nine), and time given for community members and third parties to review this before final approval. All regulations, guidance, templates and data (such as revenues generated) should also be online and available to all.
- The FDA must initiate reforms to ensure that communities are able to define themselves – irrespective of forest size – in order to reduce the risk of future conflicts over land and resources. Safeguards are needed to make sure that the application process is inclusive and democratic and that elites cannot dominate and exclude the people who should be at the heart of decisions relating to the community forest. Guidelines to this effect should specify the roles of different stakeholders in the application process. They should also include clear, substantiated estimates of the cost of each of the Nine Steps, relative to the size of a community forest. The FDA should also provide guidance and be transparent in its decisions about how communities can access support from the FDA or others.
- The FDA must ensure the full independence of the Community Forestry Working Group – or an independent ombudsman – and mandate it to investigate and review suspicious community forestry applications (including all those it has already

superficially ‘screened’). This should include the power to verify that each of the Nine Steps have been followed correctly, and safeguards that any financial or technical assistance provided to a community does not obligate that community to choose a particular use of their forest.

- The FDA has a responsibility, enshrined in Liberia’s forest policy, to preserve forests. It must therefore revise regulations (notably Chapter 10 of the CRL Regulation, 2017) so they guide communities towards multiple economic uses of their forests. The anticipated guidelines and template for CFMPs are expected to emphasise viable non-timber forest products, and timber for local markets, for example, but this needs to be reinforced by regulation and be considered much earlier in the process than the management plan (Step Ten).
- Where a community does make the decision to sub-contract a logging operation in some of its forest, the FDA must insist that the Commercial Use Contract template currently being developed on behalf of the Legality Working Group is used in all current and future agreements between a community and a logging company. The existing MOUs, Third Party Agreements or Social Agreements are unacceptable substitutes for legally binding contracts with full terms and conditions. The template and supporting guidelines must aid fair and informed negotiations with logging companies or other sub-contractors, the opportunity for independent legal support, and safeguards to ensure any decision to enter into a contract is inclusive and participatory. The FDA must also ensure Commercial Use Contracts include harvesting and area limits and prevent companies from obtaining logging rights in two or more contiguous forests.

The **Government of Liberia** must ensure the FDA meets its obligations as above, to be transparent, enforce the law, conserve forests, and protect communities. It should cancel all agreements between communities and logging companies that pre-date the approval of a community forestry permit, and see that all valid agreements (made after Approved Forest Community status is awarded, and a CFMP has been written and approved) are moved to a new Commercial Use Contract template.

The government should enforce, and penalise breaches of the CRL and the Nine Steps, including holding its own officials to account where necessary.

Norway, the European Union and the UK should insist on an independent investigation into the legality of all current permits (logging and other land-use contracts) and applications, as agreed with Norway four years ago and as a critical part of building confidence in the Forest Law Enforcement, Governance and Trade initiative and the VPA. This review must inspect each permit and application individually and investigate any suspicion of company involvement and elite capture. Consistent with the European Union Timber Regulation, this investigation should not simply rely on documents provided by government agencies or private companies, and it must include examining the process of obtaining the permit.²²⁵

Norway should also review the Liberia Forest Sector Project to ensure that this flagship initiative to mitigate climate change will deliver the REDD+ expectations of the Letter of Intent between Norway and Liberia, and not lead to deforestation in Liberia.

As explicitly promised to Norway, and by implication through the Forest Law Enforcement, Governance and Trade process, to the European Union and UK, Liberia's anti-corruption and law enforcement agencies must suspend government officials and private sector representatives suspected of breaking the law, and then prosecute them.

Liberia's National Union of CFMBs, supported by NGO partners should work to set and enforce standards in the Nine Steps process, CFMPs, Commercial Use Contracts and the subsequent management of forests by communities. In particular, support by these non-state actors should help to ensure the communities' Executive Committees understand and perform their oversight role, discourage inclusion of legislators in the committees, and encourage the full Community Assembly to approve any decision to enter into a Commercial Use Contract.

REFERENCES

Note that codes, for example 123 or 0E6, are references to individual interviewees that have been anonymised to protect their identities.

- 1 Between 2000 and 2017 tree cover in Côte d'Ivoire has decreased by 17 percent, and in Ghana by 13%; www.globalforestwatch.org/dashboards/ last accessed on 20 August 2018.
- 2 GoL, 2006, National Forest Reform Law, Sections 10.1.c; www.fda.gov.lr/download/107/laws/2366/national-forestry-reform-law-2006.pdf.
- 3 GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 2.1; www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 4 Estimate based on and updated from Rights and Resources Group, 2013, Investments into the agribusiness, extractive, and infrastructure sectors of Liberia; <https://rightsandresources.org/wp-content/exported-pdf/countryreportliberiafinal.pdf>.
- 5 Land Commission, 2013, Land Rights Policy; www.documents.clientearth.org/download/8550/.
- 6 Land Commission, 2013, Land Rights Policy, Section 3; www.documents.clientearth.org/download/8550/.
- 7 Land Rights Now, 2018, Peace and prosperity for Liberia: A people-centred Land Rights Act; <https://www.landrightsnow.org/wp-content/uploads/2018/09/document-liberia-v5.pdf>.
- 8 Front Page Africa, 6 September 2018, Liberia's Legislature Finally Passes Land Rights Act; <https://frontpageafricaonline.com/news/liberias-legislature-finally-passes-land-rights-act/>, last accessed 7 September 2018.
- 9 GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 1.3, definition of community; www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 10 FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 11 FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 6.2; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 12 FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 6.1; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 13 FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Appendix: steps in establishing an Authorised Forest Community; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf. See also USAID, 2016, The 'nine steps' handbook checklist for establishing a forest community; https://land-links.org/wp-content/uploads/2018/04/USAID_Land_Tenure_PROSPER_The_Nine_Steps_Handbook.pdf.
- 14 See for example GoL, 2015, Intended Nationally Determined Contributions, p.1; www4.unfccc.int/submissions/INDC/Published Documents/Liberia/1/INDC Final Submission Sept 30 2015.002.pdf.
- 15 Forestry Development Authority, 2006, National Forestry Policy and Implementation Strategy, p.10; www.fao.org/forestry/16167-0dd77b0af6b1e94481d519ab979fd40db.pdf.
- 16 About NCFI; www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-innsikt/hvorfor-norsk-regnskogsatsing/id2076569/, last accessed on 20 August 2018.
- 17 GoL and Government of Norway, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector, signed on 23 September 2014, Clause II(a); www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf.
- 18 GoL and Government of Norway, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector, signed on 23 September 2014, Clause VII; www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf.
- 19 GoL and Government of Norway, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector, signed on 23 September 2014, Section VI(iii); www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf.
- 20 FDA, 2017, Request for expressions of interest for provision of consultancy services, Liberia Forest Sector Project, re-advertised; www.emansion.gov.lr/doc/Concessions.pdf.
- 21 World Bank, 2018, Liberia Forest Sector Project: Fourth implementation support and REDD+ readiness preparation support mission 2-9 February 2018 – Aide-Memoire, paragraph 24; <http://pubdocs.worldbank.org/en/907851521137351889/Aide-Memoire-Liberia-LFSP-and-FCPF-Mission-Feb-2-9-2018>, last accessed on 20 August 2018.
- 22 GoL and Government of Norway, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector, signed on 23 September 2014; www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf.
- 23 SIIB, 2012, Report on the issuance of Private Use Permits, p.vii; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPS.pdf.
- 24 FDA, 2016, National strategy for reducing emissions from deforestation and forest degradation (REDD+) in Liberia, p.19; www.forestcarbonpartnership.org/sites/fcp/files/2017/Sep/Strategy%20and%20annexes.zip (Annex A).
- 25 World Bank, 2016, Project appraisal document on a proposed grant in the amount of US\$37.5 million from the Liberia Forest Landscape Single Donor Trust Fund to the Republic of Liberia for a Liberia Forest Sector Project, p.54-55; <http://documents.worldbank.org/curated/en/385131468184765418/pdf/PAD1492-PAD-P154111-Box394888B-PUBLIC-LFSP-PAD-FINAL.pdf>.
- 26 USAID-funded projects have supported 13 community forests, the Society for the Conservation of Nature in Liberia two, and Flora and Fauna International one.
- 27 FDA, 2016, National strategy for reducing emissions from deforestation and forest degradation (REDD+) in Liberia, Foreword by Honorable Harrison Karnwea, Managing Director, FDA; www.forestcarbonpartnership.org/sites/fcp/files/2017/Sep/Strategy%20and%20annexes.zip (Annex A).
- 28 Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018. Note this spreadsheet omitted 12 community forests that have been listed elsewhere, thus bringing the total number of applicant and approved community forests to 133.
- 29 See the catalogue of community forestry documents on the FDA website: www.fda.gov.lr/community-forestry-management-agreements/, last accessed 20 August 2018. The FDA subsequently recommenced uploading more documents to this site but it was not possible to review these before publication.
- 30 Desai, 2017, Power to the people? Analysing the use, ownership, and sale of Liberia's forests, p.30; MSc thesis available from London School of Economics.
- 31 Global Witness interview with former logging company representative 072, 2017.
- 32 Global Witness, SAMFU and SDI, 2012, Signing their lives away: Liberia's Private Use Permits and the destruction of community-owned rainforest; www.globalwitness.org/sites/default/files/signing%20their%20lives%20away%20-%20liberian%20private%20use%20permits%20-%202012.pdf.
- 33 SIIB, 2012, Report on the issuance of Private Use Permits, p. vii; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPS.pdf.
- 34 Ashoka Mukpo, 2016, Corrupt practices in Liberia could mar community forestry benefits, Mongabay, 29 November 2016; <https://news.mongabay.com/2016/11/corrupt-logging-practices-in-liberia-could-mar-new-era-in-community-forestry/>.
- 35 Global Witness interview with community member from Garwin 154, 2017.
- 36 Global Witness interviews with community members from Garwin 153, 154 and 155, 2017.
- 37 Global Witness interviews with community members from Garwin 151, 154 and 155, 2017.
- 38 Global Witness interviews with community members from Garwin 151, 152, 154 and 155, 2017.
- 39 Ashoka Mukpo, 2016, Corrupt practices in Liberia could mar community forestry benefits. MOU between Garwin Clan and Xylopia, 3 April 2016. Both published by Mongabay, 29 November 2016; <https://news.mongabay.com/2016/11/corrupt-logging-practices-in-liberia-could-mar-new-era-in-community-forestry/>.
- 40 MOU between Garwin Clan and Xylopia, 3 April 2016, published by Mongabay, 29 November 2016, Corrupt logging practices in Liberia could mar new era in community forestry, photo by Ashoka Mukpo; <https://news.mongabay.com/2016/11/corrupt-logging-practices-in-liberia-could-mar-new-era-in-community-forestry/>.
- 41 Global Witness interview with community member from Garwin 153, 2017.
- 42 Global Witness interview with community member from Garwin 155, 2017.
- 43 Global Witness interviews with community members from Garwin 154 and 155, 2017.
- 44 Global Witness interview with community member from Garwin 155, 2017.
- 45 Global Witness interview with community member from Garwin 156, 2017.
- 46 Global Witness interviews with community members from Garwin 151, 153 and 155, 2017.
- 47 Global Witness interviews with community members from Garwin 153 and 155, 2017.

- 48 Global Witness interview with community member from Garwin 152, 2017.
- 49 Global Witness interview with community member from Garwin 151, 2017.
- 50 Global Witness interview with community member from Garwin 153, 2017.
- 51 Global Witness interview with community member from Garwin 155, 2017.
- 52 Global Witness interview with community member from Garwin 151, 2017.
- 53 Global Witness, 2013, Avoiding the Riptide; www.globalwitness.org/sites/default/files/global%20witness%20-%20avoiding%20the%20riptide%20-%207%20June%202013.pdf. Global Witness, 2014, Five legally non-compliant Community Forest Management Agreements, on file with Global Witness. Civil Society – Independent Forest Monitors, 2013, ECOWOOD operations in the Blouyema Community Forest; <https://loggingoff.info/wp-content/uploads/2015/09/753.pdf>. Civil Society – Independent Forest Monitors, 2014, Major Flaws uncovered in the Blouyema & Neezonnie CFMA allocation processes; <https://loggingoff.info/wp-content/uploads/2015/09/777.pdf>. Civil Society – Independent Forest Monitors, 2016, Sing Africa Plantations Liberia Incorporated – is community forestry working for the people of Blueyema?; <https://loggingoff.info/wp-content/uploads/2016/12/CS-IFM2016-SingAfrica-ISCommunityForestryWorkingPeopleBlueyema07.pdf>. SDI, 2016, Logging outside the Blouyema Community Forest Management Area 2; <https://loggingoff.info/wp-content/uploads/2016/09/03-SDI-briefing-paper-03-Ir.pdf>. Civil Society – Independent Forest Monitors, 2017, Comparative analysis of two CFMAs in Grand Gedeh and Nimba Counties; <https://loggingoff.info/wp-content/uploads/2017/12/CS-IFM2017-ComparativeAnalysisCFMAsGrandGedehNimba08.pdf>. SDI, 2018, The Sewacajua Community Forest: The need to strengthen rule of law in the community forestry sector in Liberia; <https://loggingoff.info/wp-content/uploads/2018/04/FINAL-SDI-briefing-05.pdf>.
- 54 Global Witness, 2017, Holding the Line: All Liberia's large logging contracts are illegal, threatening the country's EU, Norwegian, and EITI reform programmes – what can Liberia do and what can other VPA and EITI countries learn?; www.globalwitness.org/documents/18740/Liberia_logging_accountability_report_AW_lowres.pdf.
- 55 Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018, adjusted for 12 community forests that have been listed elsewhere but omitted from this list.
- 56 President of the Republic of Liberia, 2013, Executive Order No.44 Protecting Liberian forests by a temporary moratorium on Private Use Permits, 4 January 2013; www.emansion.gov.lr/doc/Executive%20Order%2044%20-%20Moratorium%20on%20Private%20Use%20Permits.pdf.
- 57 Area data is only available for 80 community forests. From the average area of these, the total area for 133 forests would be 4.3m hectares.
- 58 See USAID Liberia, 2016, The Nine Steps Handbook; https://land-links.org/wp-content/uploads/2018/04/USAID_Land_Tenure_PROSPER_The_Nine_Steps_Handbook.pdf.
- 59 Global Witness interview with broker 012, 2017.
- 60 GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Sections 4.2 and 6.4; www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 61 FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 10.1; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 62 FDA, 2018, Official response to Global Witness' report of August 2017 on the Liberian forest sector, 'Changes needed to the legal framework governing community forest management agreements'; on file with Global Witness.
- 63 Global Witness interview with broker 012, former logging company representative 072, and logging company representatives 071 and 073, 2017.
- 64 Global Witness interview with community member 0D4, 2017.
- 65 Global Witness interview with community member 0D5, 2017.
- 66 Letter of Authorisation from the citizens of Gbarsaw Clan, obtained from Global Witness fieldwork, 2017.
- 67 See for example Liberian Observer, 25 April 2017, Grand Gedeans face US\$4.7m lawsuit, referring to Blouyema forest community; www.liberianobserver.com/news/grand-gedeans-face-us4-7m-lawsuit/, last accessed on 20 August 2018.
- 68 Global Witness interviews with community members 027, 032, 043, 051, 065, 091 and 0D4, 2017.
- 69 GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Chapter 6; www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 70 Global Witness interviews with community members 041, 043, 052, 053, 055, 081, 001, 0C2 and 0D7, 2017.
- 71 Gertrude Nyaley, Technical Manager for Community Forest Department, FDA, quoted in Front Page Africa, 19 April 2017, Failed by Logging Companies, Communities Turn to Forest Ownership; <https://frontpageafricaonline.com/county-news/failed-by-logging-companies-communities-turn-to-forest-ownership/>, last accessed on 20 August 2018.
- 72 Global Witness interviews with community members 034, 091, 0B1, 0D1 and 0D6, 2017.
- 73 Global Witness interviews with community members 062, 081, 041, 024, 027, 0C1, 0D4 and 0D2, 2017.
- 74 MOU between the citizens of Whea-Sayn & Gbarsaw Clans and Gedeh Woods, (no date) March 2015, obtained by Global Witness fieldwork, 2017.
- 75 Global Witness interview with a representative of a community based organisation, 2016.
- 76 MOU between Gbarsaw and Dorbor Clans and Yeeeya, 15 August 2014, obtained by Global Witness fieldwork, 2017. Note this MOU contains a copy of the map for Nyorwein & Jo-River CFMA, not Gbarsaw & Dorbor, adding to the confusion about in what, and where exactly, is Yeeeya investing.
- 77 From Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018.
- 78 Community Forestry Management Agreement between Beyan Poye CFMB and Akewa, 25 March 2017, obtained by Global Witness in 2018.
- 79 Correspondence 16 May 2011 to 29 December 2012, and Community Forest Management Contract with LTTC contained in Blinlon Clan Step 1 background documents; www.fda.gov.lr/download/315/step-1/3484/blinlon_step-1-background.pdf. Letter from Blinlon Clan to the FDA, 4 October 2012, contained in Zehnla Clan Step 1 documents; www.fda.gov.lr/download/405/step-1/3613/zehnla-clan_step-1.pdf.
- 80 MOU between Deabo Chiefdom and Unitimber, 31 July 2011, contained in Deabo Step 1 documents; www.fda.gov.lr/download/300/step-1/3483/deabo_step-1.pdf.
- 81 MOU between Garwin Clan and Xylophia, 3 April 2016, published by Mongabay, 29 November 2016, Corrupt logging practices in Liberia could mar new era in community forestry, photo by Ashoka Mukpo; <https://news.mongabay.com/2016/11/corrupt-logging-practices-in-liberia-could-mar-new-era-in-community-forestry/>, last accessed on 20 August 2018. Community Forest Management Agreement between Garwin CFMB and Tetra, no date, March 2017, page 1 obtained by Global Witness fieldwork, 2017. Third Party Forest Management Agreement between Garwin CFMB and Tetra, 18 March 2017, obtained by Global Witness fieldwork, 2017.
- 82 MOU between Gbarsaw & Dorbor Clans and YeeYea, 15 August 2014, obtained by Global Witness fieldwork, 2017.
- 83 MOU between the people of Geetroh and Universal, 10 May 2007, contained in Geetroh Step 1 documents; www.fda.gov.lr/download/419/step-1/3469/geetroh_step-1.pdf.
- 84 MOU between the people of Karluway District #1 and Unitimber, 22 May 2011, contained in Karluway 1 Step 1 documents; www.fda.gov.lr/download/276/step-1/3480/karluway-1_step-1.pdf.
- 85 MOU between the people of Karluway District #2 and Unitimber, 3 September 2011, contained in Karluway 2 Step 1 documents; www.fda.gov.lr/download/280/step-1/3481/karluway-2_step-1.pdf.
- 86 MOU between the people of Marloi & Vambo and ALEL, 9 June 2012, contained in Marloi & Vambo Step 1 documents; www.fda.gov.lr/download/501/step-1/3620/marloi_vambo_step-1.pdf.
- 87 MOU between the citizens of Whea-Sayn & Gbarsaw Clans and Gedeh Woods, (no date) March 2015, obtained by Global Witness fieldwork, 2017. Petition from the citizens of Whea-Sayn & Gbarsaw Clans to Gbehzohn, (undated), obtained by Global Witness fieldwork, 2017.
- 88 Correspondence between Zehnla and Blinlon Clans and the FDA, 4 October 2012 to 27 April 2016, contained in Zehnla Clan Step 1 documents; www.fda.gov.lr/download/405/step-1/3613/zehnla-clan_step-1.pdf.
- 89 By-laws and constitution governing District #3B and #3C forest community, obtained by Global Witness fieldwork, 2017. Undated petition from citizens of Districts 3b and 3c, Grand Bassa County, to ATEE, contained in District 3B & C Step 1 documents; www.fda.gov.lr/download/471/step-1/3521/district-3bc_step-1.pdf.
- 90 Global Witness interview with community member from Guehzieh, 143, 2017.
- 91 Letter from Niplaihkpo community to the FDA, 15 June 2012, contained in Niplaihkpo Step 1 documents; www.fda.gov.lr/download/259/step-1/3477/niplaihkpo_step-1.pdf.
- 92 Global Witness interview with community member from Rockcess 101, 2017.
- 93 Letter from the Citizens of Tarsue to the FDA, 14 March 2013, contained in Tarsue Step 1 documents; www.fda.gov.lr/download/453/step-1/3475/tarsue_step-1.pdf.
- 94 Letter from the Citizens of Totoe & Duo Chiefdom to the FDA, 14 March 2013, contained in Totoe & Duo Step 1 documents; www.fda.gov.lr/download/457/step-1/3617/totoe_duo_step-1.pdf.
- 95 Letter from the Citizens of Yeablo Administrative District to the FDA, 23 October 2012, obtained by Global Witness fieldwork, April 2013. Application letter from the Citizens of Yeablo Administrative District to the FDA, 29 October 2012, contained in Yeablo Step 1 documents; www.fda.gov.lr/download/507/step-1/3560/yeablo_step-1.pdf.
- 96 Global Witness interviews with community members from Ziadue & Teekpeh 1D8, 1D2, 1D4, 1D5, 1D6 and 1D7, 2017.
- 97 Letter from the Citizens of Cavalla District to the FDA, 10 December 2012, contained in Cavalla Step 1 documents; www.fda.gov.lr/download/224/step-1/3051/cavalla_step-1.pdf. SIIB, 2012, Report on the issuance of Private Use Permits, p.114, www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 98 Global Witness interview with forest expert, 2018.

- 99** Letter from the People of Jo-River & Nyorwein Districts to the FDA, 29 October 2013, together with map of CFMA, contained in People of Nyorwein & Jo-River Step 1 documents; www.fda.gov/download/289/step-1/3619/nyorwein_jo-river_step-1.pdf. SIIB, 2012, Report on the issuance of Private Use Permits, www.illegal-logging.info/uploads/SIIBReportonPUPs.pdf.
- 100** Letter from Seekon community to the FDA, 22 November 2013, contained in Seekon Step 1 documents; www.fda.gov/download/443/step-1/3452/seekon_step-1.pdf.
- 101** Letter from Duo Community Forest to the FDA, 15 February 2015, contained in Duo Step 1 documents; www.fda.gov/download/413/step-1/3467/duo_step-1-2.pdf.
- 102** Application letter from the Citizens of Gayepuehole to the FDA, 19 July 2013, contained in Gayepuehole Step 1 documents; www.fda.gov/download/475/step-1/3523/gayepuehole_step-1.pdf.
- 103** Letter of Introduction from Blinlon Clan to the FDA, 16 May 2011, contained in Blinlon Step 1 background documents; www.fda.gov/download/315/step-1/3484/blinlon_step-1-background.pdf.
- 104** Community Forest Management Contract between Blinlon Clan and LTTC, 11 April 2011, contained in Blinlon Step 1 background documents; www.fda.gov/download/315/step-1/3484/blinlon_step-1-background.pdf.
- 105** Global Witness interview with community member 0D8, 2017.
- 106** See Global Witness, 2017, Changes needed to Liberia's legal framework governing community forestry, for a fuller analysis; www.globalwitness.org/documents/19154/Global_Witness_-_Changes_Needed_to_Liberias_Community_Forestry_Laws_-_4_Aug_17.pdf.
- 107** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Chapter 10; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 108** GoL, 2006, National Forest Reform Law, Sections 5.3 and 5.4; www.fda.gov/download/107/laws/2366/national-forestry-reform-law-2006.pdf.
- 109** Six draft versions of the CRL, from 2008, are on file with Global Witness, the newest of which is an FDA version from August that year.
- 110** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 6.2; www.fda.gov/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 111** Area information varies between sources, and this analysis has used at least four, giving highest priority to the first: Annex 4 to the Aide Memoire from the Sixth Meeting of the Joint Implementation Committee between the Government of Liberia and the European Union, Monrovia June 13-14, 2018, www.euflegt.efi.int/documents/10180/438736/Aide-m%C3%A9moire+from+the+6th+Joint+Implementation+Committee+meeting+%28June+2018%29/5c340a33-5ffa-243e-5473-5266771d658c;WRI+shapefiles, www.fda.gov/information/liberia-forest-atlas/, last accessed on 16 August 2018; Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018; and Community forestry applications documents, www.fda.gov/community-forestry-management-agreements, last accessed on 20 August 2018.
- 112** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 1.3, definition of community; www.fda.gov/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 113** Global Witness interview with a member of the Community Forestry Working Group, 0E3, 2018.
- 114** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Chapter 10; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 115** In 2018 Client Earth and Heritage Partners & Associates are developing a template Commercial Use Contract to assist communities in protecting their rights and strengthening their negotiating position vis-à-vis agreements with logging companies.
- 116** Global Witness, 2014, Five legally non-compliant Community Forest Management Agreements; on file with Global Witness. In mid-2018 the FDA, under the Liberia Forest Sector Project, commissioned development of a CFMP template and accompanying guidelines.
- 117** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 4.1(e); www.fda.gov/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 118** Global Witness, 2017, Changes needed to Liberia's legal framework governing community forestry, for a fuller analysis; www.globalwitness.org/documents/19154/Global_Witness_-_Changes_Needed_to_Liberias_Community_Forestry_Laws_-_4_Aug_17.pdf. The FDA responded to this publication in early 2018 stating inter alia that any assertion that the CRL regulation pushes communities towards contracting with logging companies is "inaccurate and unsupported"; and that the "CRL Regulation does not, in any way, inhibit communities from making informed decisions about how to use their forest resources, nor does it constrain communities towards commercial logging".
- 119** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Sections 2.2(c) and (g); www.fda.gov/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 120** Global Witness interview with community member 054, 2017.
- 121** Global Witness interviews with community members from Ziadue & Teekpeh, 1D3, 1D4, 1D5, 1D6 and 1D7, 2017.
- 122** Global Witness interview with Eliza Krohnyan, Chief Executive Officer of E&J, 2017.
- 123** SIIB, 2012, Report on the issuance of Private Use Permits, pp. 26, 27 and 35; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf. According to this report, the presence of an intermediary was a bad deal for the community; E&J paid the community just US\$3 per cubic metre, despite receiving US\$11 per cubic metre from Forest Venture that should have rightfully been the community's.
- 124** SIIB, 2012, Report on the issuance of Private Use Permits, p.35; www.illegal-logging.info/uploads/SIIBReportonPUPs.pdf.
- 125** Community Forest Spreadsheet distributed by the FDA and obtained by Global Witness in June 2018.
- 126** Global Witness interview with forest sector NGO, 0E1, 2018.
- 127** Global Witness interview with representative of ATEE 111, 2017.
- 128** SGS and FDA, 2017, Chain of custody operation report and legality verification operation report October 2017, Annex 2, Table 10 indicates that Mandra is operating FMC B for E&J, and FMC C for LTTC; www.fda.gov/download/153/sgs-liberia-reports/3665/lvd-reports-october_2017.zip. SIIB, 2012, Report on the issuance of Private Use Permits, p.35 indicates that E&J signed an agreement with Forest Ventures to operate and market all E&J permit areas; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 129** Global Witness interview with community member 024, 2017.
- 130** FDA, 2007, Regulation 103-07 on bidder qualifications, Section 41(b) and Schedule I; www.fda.gov/download/109/approved/2376/fda-ten-core-regulations.pdf.
- 131** FDA, 2007, Regulation 103-07 on bidder qualifications, Section 42(b); www.fda.gov/download/109/approved/2376/fda-ten-core-regulations.pdf.
- 132** Liberia Extractive Industries Transparency Initiative, 2015, Beneficial Ownership Report; www.leiti.org/uploads/2/1/5/6/21569928/leiti_beneficial_ownership_appendices_final_december__2015.pdf. Global Witness, 2017, Holding the Line: All Liberia's large logging contracts are illegal, threatening the country's EU, Norwegian, and EITI reform programmes – what can Liberia do and what can other VPA and EITI countries learn, p.4; www.globalwitness.org/documents/18740/Liberia_logging_accountability_report_AW_lowres.pdf.
- 133** Mandra Certificate of Pre-qualification, 1 February 2017, contained in Sewacajua Step 10 documents; www.fda.gov/download/448/step-10/3456/2-3-2-20200206-certificate-of-pre-qualification.pdf.
- 134** President of the Republic of Liberia, 2013, Executive Order No.44 protecting Liberian forests by a temporary moratorium on Private Use Permits, 4 January 2013; www.emansion.gov.lr/doc/Executive%20Order%20_44%20-%20Moratorium%20on%20Private%20Use%20Permits.pdf.
- 135** SIIB, 2012, Report on the issuance of Private Use Permits, p.ix-xi; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 136** SIIB, 2012, Report on the issuance of Private Use Permits, p. vii; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 137** President of the Republic of Liberia, 2013, Executive Order No.44 protecting Liberian forests by a temporary moratorium on Private Use Permits, 4 January 2013; www.emansion.gov.lr/doc/Executive%20Order%20_44%20-%20Moratorium%20on%20Private%20Use%20Permits.pdf.
- 138** Daily Observer, 26 August 2015: 'US\$6m PUPs controversial ruling, guilty, but no jail for Wogbeh, others'; www.liberianobserver.com/news/us6m-pups-controversial-ruling-guilty-but-no-jail-for-wogbeh-others; all last accessed on 26 July 2018. The others convicted were Jangar Kamara, FDA Manager for Commercial Forestry, John Kortor, FDA Technical Manager, Maxwell Gwee, FDA Director of Cartography, David Blayee, a senior surveyor at the the Ministry of Lands, Mines and Energy.
- 139** SIIB, 2012, Report on the issuance of Private Use Permits, p. xi; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 140** Meeting between Global Witness and Forestry Development Authority Managing Director, April 2014.
- 141** Global Witness interview with manager of logging company 073, 2017.
- 142** See www.fda.gov/information/liberia-forest-atlas/ and http://lbr-data.forest-atlas.org/datasets/b403afe5eb8e46799fe36b6ed459770c_0, last accessed 16 August 2018.
- 143** WRI have, in addition, digitised seven other community forests but to date no other information is available to Global Witness regarding the nature of these applications. See www.fda.gov/information/liberia-forest-atlas/ and http://lbr-data.forest-atlas.org/datasets/b403afe5eb8e46799fe36b6ed459770c_0, last accessed 16 August 2018.
- 144** From an analysis of the community forestry documents obtained by Global Witness fieldwork; SIIB, 2012, Report on the Issuance of Private Use Permits, p.8; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf; and those on the FDA website; www.fda.gov/community-forestry-management-agreements, last accessed 20 August 2018. The FDA subsequently recommenced uploading more documents to this site but it was not possible to review these before publication.

- 145** Letter from Seekon community to the FDA, 22 November 2013, contained in Seekon Step 1 documents; www.fda.gov/ir/download/443/step-1/3452/seekon_step-1.pdf.
- 146** Letter from Niplaikpo community to the FDA, 15 June 2012, contained in Niplaikpo Step 1 documents; www.fda.gov/ir/download/259/step-1/3477/niplaikpo_step-1.pdf.
- 147** Letter from the Citizens of Cavalla District to the FDA, 10 December 2012, contained in Cavalla Step 1 documents; www.fda.gov/ir/download/224/step-1/3051/cavalla_step-1.pdf. SIIB, 2012, Report on the Issuance of Private Use Permits, p.114; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 148** SIIB, 2012, Report on the Issuance of Private Use Permits, p.8; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf. Application letter from the Seekon Community to the FDA, 22 November 2013, contained in Seekon Step 1 documents; www.fda.gov/ir/download/443/step-1/3452/seekon_step-1.pdf.
- 149** SIIB, 2012, Report on the Issuance of Private Use Permits, p.8; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf. Letter from the People of Jo-River and Nyorwein Districts to the FDA, 29 October 2013, together with map of CFMA, contained in People of Nyorwein & Jo-River Step 1 documents; www.fda.gov/ir/download/289/step-1/3619/nyorwein_jo-river_step-1.pdf.
- 150** From analysis of WRI shapefiles, www.fda.gov/ir/information/liberia-forest-atlas/, last accessed on 16 August 2018.
- 151** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Chapter 5; www.fda.gov/ir/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 152** Gertrude Nyaley, Technical Manager for Community Forest Department, FDA, quoted in Front Page Africa, 19 April 2017, Failed by Logging Companies, Communities Turn to Forest Ownership; <https://frontpageafricaonline.com/county-news/failed-by-logging-companies-communities-turn-to-forest-ownership/>, last accessed on 20 August 2018.
- 153** SIIB, 2012, Report on the issuance of Private Use Permits, p.xi; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 154** Global Witness, 2017, Holding the Line: All Liberia's large logging contracts are illegal, threatening the country's EU, Norwegian, and EITI reform programmes – what can Liberia do and what can other VPA and EITI countries learn?, p.21; www.globalwitness.org/documents/18740/Liberia_logging_accountability_report_AW_lowres.pdf.
- 155** SIIB, 2012, Report on the issuance of Private Use Permits, pp.57-60; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf. Global Witness' analysis indicates the Samling-linked companies controlled 1,684,047 hectares of PUPs.
- 156** United Nations Security Council, letter from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council, 5 June 2009, para 51; www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Liberia%20%202009%20290.pdf. Global Witness, Brief on problems with Liberian Forest Management Contracts (FMC) process, October 2009; www.illegal-logging.info/sites/files/chlogging/uploads/09Oct02BriefonLiberiaFMCprocess.pdf.
- 157** SIIB, 2012, Report on the issuance of Private Use Permits, p.xi; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 158** Together FMC A, FMC K and FMC P cover a total of 505,494 hectares, 50.1 percent of the total 1,007,266 hectares that FMCs cover. When added to the area of PUPs held by Samling-linked companies one single company controlled 2,189,541 hectares and 22.7 percent of Liberia.
- 159** Malay Mail Online, 28 May 2015, Blame 'Big 6' timber firms for deforestation, not illegal loggers, Sarawak DAP says; www.themalaymailonline.com/malaysia/article/blame-big-6-timber-firms-for-deforestation-not-illegal-loggers-sarawak-dap#k3gxSgRwWGuw0cox.
- 160** Norwegian Government Pension Fund Global Council on Ethics, Recommendation, 22 February 2010; www.regjeringen.no/globalassets/upload/fin/etikkk/recommendation_samling.pdf. Global Witness, The Untouchables, 1999; www.globalwitness.org/sites/default/files/pdfs/untouchables.pdf. Forest Trends, Logging, Legality, and Livelihoods in Papua New Guinea, 2006; On file with Global Witness. Guyana Government Information Agency, System to discourage log export to be implemented shortly, 2007. On file with Global Witness.
- 161** SGS, Chain of Custody Operation report, April 2014, p.25; on file with Global Witness. The FDA in its reply to a January 2017 letter from Global Witness, stated that logging companies had not manipulated their data but that large-scale errors were the result of "human errors": Darling Tuagben, letter to Global Witness, 8 January 2017; www.globalwitness.org/holdtheline.
- 162** SIIB, 2012, Report on the Issuance of Private Use Permits, p.8; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 163** Annex 2 to the Aide Memoire from the Sixth Meeting of the Joint Implementation Committee between the Government of Liberia and the European Union, Monrovia June 13-14, 2018, www.eufflegt.euf.int/documents/10180/438736/Aide-memoire-from-the+6th+Joint+Implementation+Committee+meeting+%28June+2018%29/5c340a33-5ffa-243e-5473-5266771d658c. Atlantic, Alpha and ICC owe US\$5.8 million between them. Atlantic and Alpha are linked to Samling. ICC has subcontracted its operations to Forest Venture, another Samling-linked company. Figures include US\$4.2 million in Bid Premium arrears, for which the GoL has agreed collection is suspended for three years.
- 164** SIIB, 2012, Report on the Issuance of Private Use Permits, p.45; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 165** SIIB, 2012, Report on the Issuance of Private Use Permits, p.45; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 166** United Nations Security Council, 2012, letter from the Chair of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council, 3 December 2012, Para 146; www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2012_901.pdf.
- 167** United Nations Security Council, 2012, letter from the Chair of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council, 3 December 2012, Para 146; www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2012_901.pdf.
- 168** Gertrude Nyaley, Technical Manager for Community Forest Department, FDA, quoted in Front Page Africa, 19 April 2017, Failed by Logging Companies, Communities Turn to Forest Ownership; <https://frontpageafricaonline.com/county-news/failed-by-logging-companies-communities-turn-to-forest-ownership/>, last accessed on 20 August 2018.
- 169** USAID Liberia, 2016, The Nine Steps Handbook, p.16; https://land-links.org/wp-content/uploads/2018/04/USAID_Land_Tenure_PROSPER_The_Nine_Steps_Handbook.pdf
- 170** Global Witness interview with community member 043, 2017.
- 171** Global Witness interviews with community members 043, 0D4 and 0D6, 2017.
- 172** Global Witness interviews with community members 026, 021, 0D1, 0D7, 0D6, 031, 067, 064, 065, 066, 091 and 0C3, 2017.
- 173** Global Witness interviews with broker 011, 2017.
- 174** Separate Global Witness interviews with three members of the Community Forestry Working Group, 0E3, 0E4 and 0E5, 2018.
- 175** Global Witness interview with community member 026, 2017. Others – 043, 0C3, 0D5, 0D6 – made similar comments.
- 176** Global Witness interviews with community members 043, 027, 021, 051, 054, 064 and 0D7, 2017.
- 177** Global Witness interview with community member 0D1, 2017.
- 178** Application letter from the Citizens of Niplaikpo Clan to the FDA, 15 June 2012, contained in Niplaikpo Step 1 documents; www.fda.gov/ir/download/259/step-1/3477/niplaikpo_step-1.pdf.
- 179** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 6.2(i); www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 180** Global Witness interviews with community members 0D9, 043 and 031, 2017.
- 181** SIIB, 2012, Report on the issuance of Private Use Permits, p.116; www.illegal-logging.info/sites/files/chlogging/uploads/SIIBReportonPUPs.pdf.
- 182** Global Witness interview with community member 081, 2017.
- 183** SDI, 2018, The Sewacajua Community Forest: The need to strengthen rule of law in the community forestry sector in Liberia; <https://loggingoff.info/wp-content/uploads/2018/04/FINAL-SDI-briefing-05.pdf>.
- 184** Zehnl community, letter from Yarwin Mehsonneh Selezui Development Organisation to the FDA, 27 April 2016, contained in Zehnl Clan Step 1 documents; www.fda.gov/ir/download/405/1-3613/zehnl-clan_step-1.pdf.
- 185** Global Witness interviews with community members from Guehzieh (143) and Garwin (155), 2017.
- 186** Global Witness interview with community member from Ziadue & Teekpeh 1D2, 2017.
- 187** Global Witness interviews with community members 023, 024, 031, 033, 043, 051, 053, 054, 055, 061, 062, 081, 001, 0A1, 0B1 and 0D2, 2017.
- 188** Global Witness interviews with community members 021, 053, 054, 0D1, 2017.
- 189** Global Witness interviews with community members 0D7 and 055, 2017.
- 190** Global Witness interviews with community members 031, 043 and 0D2, 2017.
- 191** Global Witness interview with community member 0D4, 2017.
- 192** Global Witness interviews with community members 023, 025, 043, 053, 061, 062, 081, 0A1, 0C2 and 0D1, 2017.
- 193** Global Witness interviews with community members 024, 053, 054, 0D2, 0D3 and 0D4, 2017.
- 194** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 3.8; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 195** Global Witness interview with community leader, 0D1, 2017.
- 196** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Preamble; www.fda.gov/ir/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.

- 197** GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 3.2(b); www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 198** Application letter from the Citizens of Yeablo Administrative District to the FDA, 29 October 2012, contained in Yeablo Step 1 documents; www.fda.gov.lr/download/507/step-1/3560/yeablo_step-1.pdf.
- 199** Community Forest Management Contract between Blinlon Clan and LTTC, 11 April 2011, contained in Blinlon Step 1 background documents; www.fda.gov.lr/download/315/step-1/3484/blinlon_step-1-background.pdf.
- 200** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 8.1; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 201** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 4.7(b); www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 202** FDA, 2017, Amended regulation to the Community Rights Law of 2009 with Respect to Forest Lands, Section 8.2; www.documents.clientearth.org/wp-content/uploads/library/2017-05-17-regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia-ext-en.pdf.
- 203** See, for example, Global Witness, 2014, Five legally non-compliant Community Forest Management Agreements; on file with Global Witness. In mid-2018 the FDA, under the Liberia Forest Sector Project, commissioned development of a CFMP template and accompanying guidelines.
- 204** Sewacajua Community Forestry Management Agreement, 10 May 2017; www.fda.gov.lr/download/447/step-9/3473/2-9-2-20170510-community-forest-managment-agreement-signed-by-sewaca-cfmb-and-the-fda.pdf. Letter from FDA to Sewaca-Jua CFMB approving the CFMP, 31 May 2017, seen by Global Witness. Third Party Forest Management Agreement between Sewacajua CFMB and Mandra, 25 June 2017, seen by Global Witness.
- 205** SDI, 2018, The Sewacajua Community Forest: The need to strengthen rule of law in the community forestry sector in Liberia; <https://loggingoff.info/wp-content/uploads/2018/04/FINAL-SDI-briefing-05.pdf>.
- 206** Global Witness interview with forest sector NGO, 0E2, 2017.
- 207** See GoL, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands, Section 6.2. The FDA have a duty to inter alia, establish standards to review and approve CFMAs, develop guidelines to govern community forestry, monitor and evaluate all community forestry, and assist in building the capacity of Authorised Forest Communities in sustainable community forest management; www.fda.gov.lr/wp-content/uploads/2015/07/Community-Rights-Law-of-2009-with-Respect-to-Forest-Lands.pdf.
- 208** Global Witness interview with community member 0D5, 2017.
- 209** Global Witness interviews with community members 021, 027, 054, 062, 064, 091, 0D1 and 0D5, 2017.
- 210** Global Witness interviews with community members 023, 041, 043, 065, 2017.
- 211** Global Witness interviews with community members 0D3, 0D4, 0D5 and 0D6, 2017. Application letter from Blatoe Community Forest to the FDA, 18 June 2014, contained in Blatoe Step 1 documents; www.fda.gov.lr/download/223/step-1/3050/blatoe_step-1.pdf. Application letter from Ziadue & Teekpeh Clans to the FDA, 28 June 2014, contained in Ziadue & Teekpeh Step 1 documents; www.fda.gov.lr/download/294/step-1/3083/ziadue-teekpeh_step-1.pdf.
- 212** Application letter from Gheegbarn Two Community Forest to the FDA, 20 June 2014, contained in Gheegbarn #2, Step 1 documents; www.fda.gov.lr/download/479/step-1/3563/gheegbarn-2_step-1.pdf.
- 213** Global Witness interview with community member 0D1, 2017.
- 214** Global Witness interviews with community members 022, 053, 0D4, 2017.
- 215** Global Witness interview with community member 027, 2017.
- 216** Global Witness interviews with community members from Ziadue & Teekpeh, 1D3, 1D4, 1D5, 1D6 and 1D7, 2017.
- 217** Global Witness interview with community member 055, 2017.
- 218** Letter from Niplaihko community to the FDA, 15 June 2012, contained in Niplaihko Step 1 documents; www.fda.gov.lr/download/259/step-1/3477/niplaihko_step-1.pdf.
- 219** Global Witness interviews with community members 043, 063 and 001, 2017.
- 220** Global Witness interview with community member 042, 2017.
- 221** See for example, the undated letter from the FDA to Blinlon community "a review of our files shows that the people Blinlon Clan have not exhausted this process and do not have an Authorised Community Forest Status. In view of the above we would like to inform you that the Agreement signed between Blinlon Clan and the ALEL cannot suffice as an instrument to allow ALEL to log the forest"; www.fda.gov.lr/download/315/step-1/3484/blinlon_step-1-background.pdf. Blinlon was subsequently required to re-apply for community forestry status, and follow due process, although this does not of itself indicate the complete removal of ALEL from the process.
- 222** Global Witness interviews with community members 034, 051 and 056, 2017.
- 223** Global Witness interview with former logging company representative 072, 2017.
- 224** Global Witness, 2016, Rethinking Liberia's forests: Implementing the new vision, Paynesville Town Hall, 6-7 October 2015; Conference Report; www.globalwitness.org/documents/18261/RethinkingLiberiasForestsConference_6-7-Oct-15_Report.pdf.
- 225** European Commission, 2016, Guidance document for the EU Timber Regulation; http://ec.europa.eu/environment/forests/pdf/eutr_guidance.zip. This guidance includes checking the "reliability and validity of each document, meaning the likelihood of it being falsified or issued unlawfully" (p.7).



Without changes to how
community forests are awarded
Liberia could repeat past mistakes
that threatened the country's
forests and its people's livelihoods.
Credit: Global Witness, 2017



global witness

Global Witness investigates and campaigns to change the system by exposing the economic networks behind conflict, corruption and environmental destruction.

Global Witness is a company limited by guarantee and incorporated in England (No.2871809)

Global Witness
1 Mark Square
London
EC2A 4EG
United Kingdom

www.globalwitness.org

ISBN 978-1-911606-30-7

© Global Witness 2018