



DELTA TIMBER COMPANY IN FLAGRANT DISREGARD TO LIBERIAN FORESTRY LAWS



NUMOPOH INDEPENDENT FOREST MONITORING (IFM) REPORT

PRODUCED BY:

**VOLUNTEERS TO SUPPORT INTERNATIONAL EFFORTS IN DEVELOPING AFRICA
(VOSIEDA)**

UNDER THE

EUROPEAN UNION NON-STATE ACTORS (EU NSA) PROJECT

December, 2018

Acknowledgement

Let it be noted that this research would not have been possible without funding support from the European Union (EU) and Tropenbos International (TBI).

I would like to thank the TBI Project Coordinator, Henk Hoefsloot and a Consultant, David Young for their oversight roles in designing and conducting this study.

I would also like to extend thanks and appreciation to the leadership of the Numopoh Community Forest Management Body (N-CFMB) and the entire Numopoh Community for their full participation in this study.

I am grateful to the management of the Forestry Development Authority (FDA) for granting us the opportunity to discuss issues raised in this study. The FDA provided useful information regarding the situation in Numopoh Community.

I am extremely grateful to my team, the European Union Non-State Actors (EU-NSA) Project staff at VOSIEDA, including the Team Leader, H. Timothy Kortu, the Advocacy, Networking and Communication Expert, Paul M. Kanneh, our field Coordinators, James D. Kwia and Shek M. Selma, the drivers, as well as the finance team for their tireless support during this study.

Thank you.

Abraham Billy

Project Coordinator, EU-NSA Project

abebilly24@gmail.com/0777930000

Disclaimer

Even though this study was done with funding support from the European Union (EU) and Tropenbos International (TBI), all opinions expressed in here do not reflect the views of the EU and TBI. All views expressed in this study are solely the views of the Volunteer To Support International Efforts In Africa (VOSIEDA).

Table of Contents

Acknowledgement	i
Disclaimer	ii
List of Abbreviations	iv
Executive summary	v
1.0 Background.....	1
1.1 Liberia Forestry Sector.....	1
1.1.1 Awarding community rights to manage their forests	1
1.1.2 Liberian Forest Situation	1
1.2 Community Profile.....	2
1.2.1 Numopoh Community Forest Management Agreement	3
2.0 Study Design.....	4
2.1 Data collection methods	4
2.2 Data Analysis	5
3.0 Findings	5
3.1 Violation of forest laws by Delta Timber Company	5
3.2 Illegal logging	6
3.2 Implementation of commitments in the company-community agreement	9
4.0 Conclusion	10
5.0 Recommendations.....	11
Annex1: Key study questions	12

List of Figures

Figure 1: Map of Polyborbor and Pleubo forests where illegal logging is ongoing	6
Figure 3: Pictures of fresh log stands harvested in the two forests.....	8
Figure 4: Pictorial of DTC staff installing sticks	8
Figure 5: Pictorial of abandoned logs	9

List of Abbreviations

Acronym	Meaning
EU NSA	European Union Non-State Actors
CS-IFM	Civil Society Independent Forest Monitor
NUCFDC	National Union of Community Forestry Development Committees
NUCFMB	National Union of Community Forestry Management Bodies
CFMB	Community Forest Management Body
FLEGT	Forest Law Enforcement, Governance & Trade
VPA	Voluntary Partnership Agreement
REDD	Reduced Emissions from Deforestation & Forest Degradation
EU	European Union
TBI	Tropenbos International
VOSIEDA	Volunteers To Support International Efforts In developing Africa
IFM	Independent Forest Monitors
NGO	Non-Governmental Organization
NFRL	National Forestry Reform Law
CRL	Community Rights Law
PUP	Private Use Permit
FDA	Forestry Development Authority
CoC	Chain of Custody
CFMA	Community Forest Management Agreement
DTC	Delta Timber Company
KII	Key Informant Interview

Executive summary

Background

The 2009 Community Rights Law (CRL) gives communities the right to control, protect, manage and develop their forest resources. This has resulted to communities giving their forests into commercial operators for harvesting timber and non-timber forest products on their forest lands. Legally, these engagements are negotiated with companies licensed by the Forestry Development Authority (FDA) using Commercial Use Contracts. It is expected to ensure all Liberians benefit and contribute to poverty alleviation in the country while maintaining environmental stability and meeting international agreements and conventions, like the Volunteer Partnership Agreement (VPA) entered into between the European Union and the Liberian government in 2013.

By law, the communities have rights to at least 55% of all revenues/income generated for harvesting timbers on their community forest land. It also ensures the legality of log exports, and that all appropriate taxes and fees are paid. Payment of Stumpage and Forest Products fees lead to raising revenue to promote growth of the timber industry in Liberia.

Despite the enactment of these laws, regulations, policies, and agreements, the country's natural resource remains the worst abused. The much anticipated reforms to ensure sustainable management of the remaining forests are bleak if communities can't access benefits from forest resources. The manner and form in which the forest sector of Liberia is being managed can be described as hampering the future of Liberia. Among many others, massive illegal logging is a threat to the Liberian forest.

In this paper, a particular emphasis is placed on the forest sector, and how forests in Numopoh Community in Sinoe is being exploited thus denying citizens the rights to benefit from their forests as provided for by laws. Since May 2016, the Numopoh Community through its Community Forest Management Body (CFMB) entered into a "community forest management agreement" with Delta Timber Company (DTC) Incorporated through the Forestry Development Authority (FDA) for the sustainable management and use of its forest resources in line with the forestry laws of Liberia, the community has reported to FDA on several occasions that DTC is in noncompliance with this agreement, payment of forest revenues and illegal logging activities.

Assessment approach

In investigating complaints filed by Numopoh Community, the European Union Non-State Actors (EU NSA) Project employed a participatory research approach. This approach combined both quantitative and qualitative methods to elicit data for analysis. A total of 74 respondents were reached, mostly during the public consultations with the community members. A total of 22 people were interviewed using a Key Informant Interview (KII) guide, including, CFMB heads, local leaders, FDA staff, National Union of Community Forestry Management Bodies (NUCFMB), etc. The study respondents were reached through checklist, standardized questionnaires, and interviews guides. Three different approaches were used to analyze data gathered from the field. To reduce errors, scripts from consultations and KIIs were reviewed, compared and edited while data collection teams were still in the field. Data was transcribed and thematically analysed immediately after it was collected. The team used content and context analyses to analyze qualitative data and graphs and maps to analyze GPS coordinates and SPSS software to analyze the quantitative data.

Findings

The assessment finds that DTC is in gross violation of forest laws and regulations, but yet to pay penalties as outlined by laws and community agreement. This was blamed on the weak political will and lack of effective monitoring of the forest operations. Evidences gathered by this study show that FDA as a regulatory body has done less to monitor the agreement between the company and the community, as required by laws. Interviews with staff of FDA indicate that the authority lacks the capacity (mainly manpower and logistics) to effectively monitor forest contracts.

Consequently, DTC has seized the moment to exploit the forest and deny communities their rights and benefits as enshrined by laws and in the community agreement. DTC was found in unwarranted infractions-operating in contravention of the forest laws and regulations and commitments made to the community. The assessment confirmed allegation that DTC has deliberately invaded two forests that are outside of the permitted area. Analysis of GPS coordinates also confirms that the company is operating outside of the forest allotted to the community.

According to respondents, since the company signed an agreement with the community in May 2016, it has delivered no commitment made to community, including land rental and cubic meter fees, etc. Even though the company agreed to address damaged water points by repairing hand pumps, nothing has been done in regards to this.

Conclusion

The assessment finds that DTC continues to play lackadaisical attitudes toward implementation of its agreement with the people of Numopoh and forest revenue payment (land rental and cubic meter fees). The company is reported to still be in the community forests prospecting (identifying) tree species to be harvested. In a unanimous voice, the community declared to halt all logging activities of DTC in their forest until due diligence is exhibited. According to them, they have decided to stop the company from entering their forest because FDA has not acted promptly to resolve the matter. In addition to stopping the company from operating in their forests, a court action will be taken. In strong statement, they established not letting DTC walk away with these unwholesome acts.

Recommendations

It is recommended that FDA calls for immediate review of the Numopoh Forest agreement with DTC; FDA and other relevant government institutions should take proactive action in addressing the conflict situation; FDA should punish DTC for the fragrant violations of the forest laws; FDA should revoke the license of DTC until it complies with the Numopoh community by negotiating a proper Commercial Use Contract, and arrears owes (land rental and cubic meter fees); FDA should enforce the forest laws and regulations to ensure all parties benefit from the forest resources; FDA must develop a robust and consolidated monitoring system that tracks performance in community forests; CSOs should continue to advocate for the government of Liberia to enforce the forest laws and regulations and punish violators of laws and policies to reduce illegal logging; Numopoh community should continue to engage key stakeholders peacefully until the matter is resolved.

1.0 Background

1.1 Liberia Forestry Sector

1.1.1 Awarding community rights to manage their forests

Immediately after the civil war ended in Liberia, in 2004, the country initiated a forest sector reform for sustainable management and fair distribution of forest resources (2006 National Forestry Reform Law, NFRL)¹. This led to enactment of new forestry legislations, the redrafting and adoption of regulations for implementation, the development of a new forest policy and the formulation of new forest management strategies.

Under the laws, communities have the right to control, protect, manage and develop their forest resources². This has resulted to communities giving their forests to commercial operators for harvesting timber and non-timber forest products.

To engage and empower communities more in the sustainable management of the Liberian forests, the 2009 Community Rights Law (CRL) was enacted³. The CRL is expected to ensure all Liberians benefit and contribute to poverty alleviation in the country while maintaining environmental stability and meeting international agreements and conventions.

By law, the communities have rights to at least 55% of all revenues/income generated for harvesting timbers on their community forest land.⁴ Notably, the Land Rights Policy (LRP 2012) seeks to address historic inequalities by giving customary lands equal protections to those of private lands.⁵ However, following mismanagement of NFRL, a temporary moratorium was placed on the issuance of Private Use Permits (PUPs) and activities involving or relating to the felling or export of logs under PUPs in 2013 (Executive Order No. 44).

Under the law of Liberia, the FDA has the power to establish Government Forest Reserves, Native Authority Forest Reserves, Communal Forests and National Parks⁶. FDA Regulation (No. 108-07) demands that timber be tracked along the chain of custody to the domestic market or the point of export regardless of the type of land on which it was harvested.⁷ This is intended to maximize the economic potential of Liberia's forest sector and associated beneficiaries through a comprehensive monitoring system designed to ensure that both wood products and revenues are documented, tracked down, and accounted for. It also ensures the legality of log exports, and that all appropriate taxes and fees are paid.

1.1.2 Liberian Forest Situation

According to the World Bank Liberia had, in 2016, approximately 4.5 million hectares of lowland tropical forest that comprises 43% of the remaining Upper Guinea forests of West Africa.⁸ Of the above hectares, about 60% has been allotted to timber and agriculture concessions; while the

¹National Forestry Reform Law of 2006 (NFRL), An Act Adopting the National Forestry Reform Law of 2006. (Amending the National Forestry Law of 2000, as amended; and amending an Act Creating the Forestry Development Authority, as amended)

²Community Right Law Section 3.1 (CRL 3.1).

³Government of Liberia, 2009, An Act to establish the Community Rights Law of 2009 with respect to forest lands(CRL)

⁴CRL Section 3.1(d)

⁵Land Commission, 2013, Land Rights Policy.

⁶ Forest Development Authority Act of 1976 and its subsequent amendments

⁷FDA, 2007, Regulation 108-07 on Chain of Custody.

⁸World Bank Press Release, 2016, World Bank Boosts Support for Sustainable Forest Landscapes in Liberia.

remaining constitute national forest reserves under the FDA and/or owned and managed by local communities.

In spite of the fact that the forest sector serves as a main source of livelihood for many average Liberians, large portion of the forest is given in concessions, most of which the host communities do not benefit. Forest resources remain abused amidst series of reform initiatives. In this paper, a particular emphasis is placed on the forest sector, and how a community in Sinoe is being denied the rights to benefit from their forests as provided for by laws.

Several rights groups have documented instances of infractions in the forest sector. Global Witness (2018) report shows that even FDA has weak state regulatory capacity, which has led to many bypassing the most basic of performance tests as key drivers.⁹

The much anticipated reforms to ensure sustainable management of the remaining forests are bleak if communities cannot access benefits from forest resources. In 2013, it was estimated that 44% of Liberia's forests has been degraded.¹⁰

The manner and form in which the forest sector of Liberia is being managed is close to being described as hampering the future of Liberia. To address this, Liberia charges *inter alia*: an Area Fee of US\$ 1.25 or US\$ 2.50 per hectare per year depending on the contract area; Stumpage Fees calculated as a percentage of the estimated market value (2.5 to 10 per cent depending on species) and a Cubic Meter Fee of at least US\$ 1 per m³harvested.¹¹

Apart from these charges on timber products, fines are also levied for violation of forest laws and regulations. Person convicted of any offense under the NFRL (2006) shall have their timber confiscated and forfeited to the Government to be sold or otherwise disposed of in such manner as the Managing Director may prescribe.

However, the determination of forest charges is carried out by the Ministry of Finance and the FDA in collaboration with an inter-sectoral committee of ministries and agencies, comprising experts in finance, law, economics, forestry and management (FAO, 2004).¹²

Even though the procedure for the implementation of the forest revenue system is simple and that the rules for assessment, payment and collection are clear, the level of actual collection is not satisfactory. The forestry field services and forest revenue collection efforts are weak. Also, to prevent encroachment, every productive forest in Liberia is protected by law although enforcement has been elusive. Consequently, logging companies and local and national elites are the ones making the money.¹³

1.2 Community Profile

The Numopoh community is located in Kpanyan District in Sinoe County. Most of the settlements in Numopoh community are small-medium sized villages (ranging from 13–1000 persons) which

⁹Global Witness, 2018, Power to the people? How companies are exploiting community forestry in Liberia.

¹⁰ Land Use, Land Cover, and Trends in Liberia | West Africa - USGS Eros. <https://eros.usgs.gov/westafrika/land-cover/land-use-land-cover-and-trends-liberia>

¹¹Fern, 2017, How much do communities get from logging? Social obligations in the logging sector in Cameroon, Ghana, Liberia and Republic of Congo.

¹² FAO. 2004, The forest revenue system and government expenditure on forestry in Liberia.

¹³ Global Witness, 2018, Power to the people? How companies are exploiting community forestry in Liberia.

they refer to as towns. The settlements are located between large forest, with low levels of infrastructural development (roads, schools and clinics and so on).

As a small community, Numopoh has two paramount chiefs (Upper and Lower Numopoh) and 6 clans (three each in Lower and Upper Numopoh). It has 20 towns and 19 villages, and it is predominantly Sapo, and few Bassa, Grebo and Kru peoples.¹⁴

The main economic activity in Numopoh community is agriculture. Palm oil and soap making are the economic activities based on non-timber forest products¹⁵. In addition to agricultural production, the people are engaged in hunting, fishing, charcoal production, tailoring, baking, masonry, arts and crafts, etc. They are also engaged in the extraction of wood and the processing other non-timber forest products for marketing, and livelihood sustainability.

1.2.1 Numopoh Community Forest Management Agreement

In May 2016, the Numopoh Community through its Community Forest Management Body (CFMB) entered into a “community forest management agreement” with Delta Timber Company (DTC), as attested by the Forestry Development Authority (FDA).¹⁶

In the community agreement, both parties committed themselves to several actions. As the owner of the Community Forest, Numopoh Community committed to protecting the rights of the company throughout the agreement period. It was agreed that community residents stay away from the area to avoid agricultural practices and activities that undermine logging operations.

In line with laws on forest lands, such as the CRL and its attending regulations, the community agreed to have their forests commercially managed by DTC in five year periods starting 2016. The agreement is subject to periodic review by both parties (every two years). The contract covers a total area of 7,220 hectares.

Like the community, DTC committed to pay directly to FDA the amount of US\$1.25 per hectare annually for land rental fees; of which 55% is to be remitted to the CFMB in accordance with the community rights law with respect to forests land.¹⁷ With no delay, DTC shall inform Numopoh CFMB of its payment of the land rental fees at the time of each payment.

Similarly, an amount of US\$3.00 for every cubic meter of log felled should be paid on a quarterly basis, regardless of whether or not logs felled are shipped. Log data forms should be made available to community to serve as the official source to determine actual volume felled in calculating the cubic meter fees to be paid to community.¹⁸

DTC also committed to participate in community development programs (such as human resource development, construction of schools and clinics). In addition, the company agreed to build a junior high school in the affected community within 18 months of its operations; construct a clinic in 12

¹⁴ Draft Profile Report: Nimopoh Community, Sinoe County. **ARD Land Rights and Community Forestry Programme (LRCPF)**. 16/02/09 – 19/02/09

¹⁵ ARD Land Rights and Community Forestry Programme (LRCPF). Draft Profile Report: Numopoh Community, Sinoe County

¹⁶ Note, a Community Forest Management Agreement (CFMA) can only be issued by the FDA to a community. However a commercial use contract between DTC and the community was given this same name. It is available on FDA website.

¹⁷ CRL Section 3.1(d)

¹⁸ DTC and Numopoh community, 2006, “community forest management agreement”, Section 3.2.

months of its operations; and to provide 8 scholarships annually to citizens of the affected communities (3 university students and 5 high schools students).¹⁹

In addition to these commitments to social infrastructure and royalties from logging operations, DTC is agreed to support the community with transportation during emergency situation and major development activities.²⁰ Citizens of the affected communities were given first preference for employment for skilled and unskilled labor jobs. Specific references were made to the positions of human resource officer, scaler, public relations officer; machines/chain saw operators, drivers and bush manager.²¹

DTC agreed to minimize effects on traditional practices (such as: taboo day, sacred sites, and the range of taboo animals/plants, medicinal plants, sites, hunting grounds, etc.); to ensure that water collection points are protected and maintained; to minimize disruption to subsistence agricultural activities and protect existing cash crops within the community forest management area. DTC also agreed not to harvest palm trees for processing, bridge construction and/or export.²²

2.0 Study Design

The team employed a participatory approach in investigating complaints from the Numopoh Community on illegal logging activities and noncompliance to commitments by DTC. A mixed-methods approach combining both quantitative and qualitative methods to elicit data for analysis helped in an attempt to analyse the situation of the Numopoh community agreement. Different data collection methods and instruments were developed and deployed for field work and stakeholder consultations.

2.1 Data collection methods

A number of data collection methods which included desk review, application of GPS coordinates using GPS and mobile devices, and administration of standardized questionnaires for one-on-one and stakeholders' consultation were applied. Key informant interview (KII) and public consultation guides were used to garner information from key informants including local authorities, government officials, and other relevant stakeholders in the forestry sector.

GPS Application: The team used GPS Coordinate to map the community forest allotted to DTC for logging operations and forests in which the company is accused of illegally logging. In addition to mapping the forests, My GPS Coordinate mobile device was used to take pictures of the forests and logs harvested outside of the contract areas.

Key Informant Interviews (KIIs): A one-on-one semi-structured interviews guide was designed and applied to targeted stakeholders, including local leaders, heads and members of the Numopoh CFMB, FDA, NUCFMB, etc.

Public consultations: To get the perspectives of many people at once, and to promote idea sharing and collaborative group assessments, two public discussions and community meetings were held with

¹⁹ DTC and Numopoh community, 2006, "community forest management agreement", Section 5.9.

²⁰ DTC and Numopoh community, 2006, "community forest management agreement", Section 5.10.

²¹ DTC and Numopoh community, 2006, "community forest management agreement", Section 5.16.

²² DTC and Numopoh community, 2006, "community forest management agreement", Section 5.16.

both CFMB and non CFMB members in Taryon Town, Wiahdoe Town, Kilo Town, Bah Town, and Johnny Town among others. This was done using a standardized guide, with strong facilitation skills.

Sampling and sample size: Purposive Sampling Techniques were used to select the study participants. While participants for key informant interviews were purposively selected, Convenience Sampling Techniques was used to select participants for the public consultations. A total of 74 respondents were reached, mostly during the public consultations with the community members. A total of 22 people were interviewed using KII guide, including, CFMB heads, local leaders, FDA staff, NUCFMB, etc. The study respondents were reached through checklist, standardized questionnaires, and interviews guides.

2.2 Data Analysis

Three different approaches were used to analyze data gathered from the field. To reduce errors, scripts from consultations and KIIs were reviewed, compared and edited while data collection teams were still in the field. Data was transcribed and thematically analysed immediately after it was collected. The team used content and context analyses to analyze qualitative data. Secondly, to make the GPS maps meaningful, geographic information are used to interpret and evaluate them in reference to the global maps. These different analyses combined presented the situations of the Numopoh Forest (Pleubo Forest in Taryon Town and its surrounding communities and the Polligbloboe Forest covering Farley Town) contract and showed how community has struggled in accessing benefits from the contract.

3.0 Findings

3.1 Violation of forest laws by Delta Timber Company

Despite many charges and fines outlined by laws, the assessment finds that DTC is yet to pay any penalty though it is in gross violation of forest laws and regulations. This could be due to weak political will or lack of effective monitoring of the forest operations. Evidences gathered by this study show that FDA as a regulatory body has done less to monitor the agreement between the company and the community, as required by laws. Interviews with some staff of FDA indicate that the authority lacks the capacity (mainly manpower and logistics) to monitor forest contracts.

Consequently, lackadaisical logging companies have seized the moment to exploit the forest and deny communities their rights and benefits as enshrined by laws and in the agreement signed between DTC and the Numopoh Community. DTC was found in such unwarranted infractions-operating in contravention of the forest laws and regulations and commitments made to the Numopoh Community.

The study also uncovered that in recent years, the head of DTC (Gabriel Doe) was under intense criticisms by forest watch dogs including, Global Witness (2017) who alleged that during Liberia's civil war, one Gabriel Doe was the "owner and operator" of the logging company Cavalla Timber and was also placed on the UN Travel Ban list because he was an "Adviser" to former-President Charles Taylor.²³

²³Global 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?, page 19.

Despite being branded as one of the major violators of forest laws, Doe's Company (DTC) presently enjoys the confidence of the Liberian Government to extract logs. It holds an agreement contract with the Numopoh Community that was attested by the Government of Liberia, represented by a former Managing Director of the FDA.

3.2 Illegal logging

The assessment confirmed complaints filled by the leadership of Numopoh CFMB on DTC's deliberate invasion of two community forests that are outside of the original permit area. During field visit, pictures of the community forest under DTC and other forests were taken using a mobile device application called "My GPS Coordinate." This application captured important sites with location and coordinates (latitude and longitude) indicated. From the locations and coordinates available in the pictures, it can be seen that the company is operating outside of the community forest allotted for logging operations.

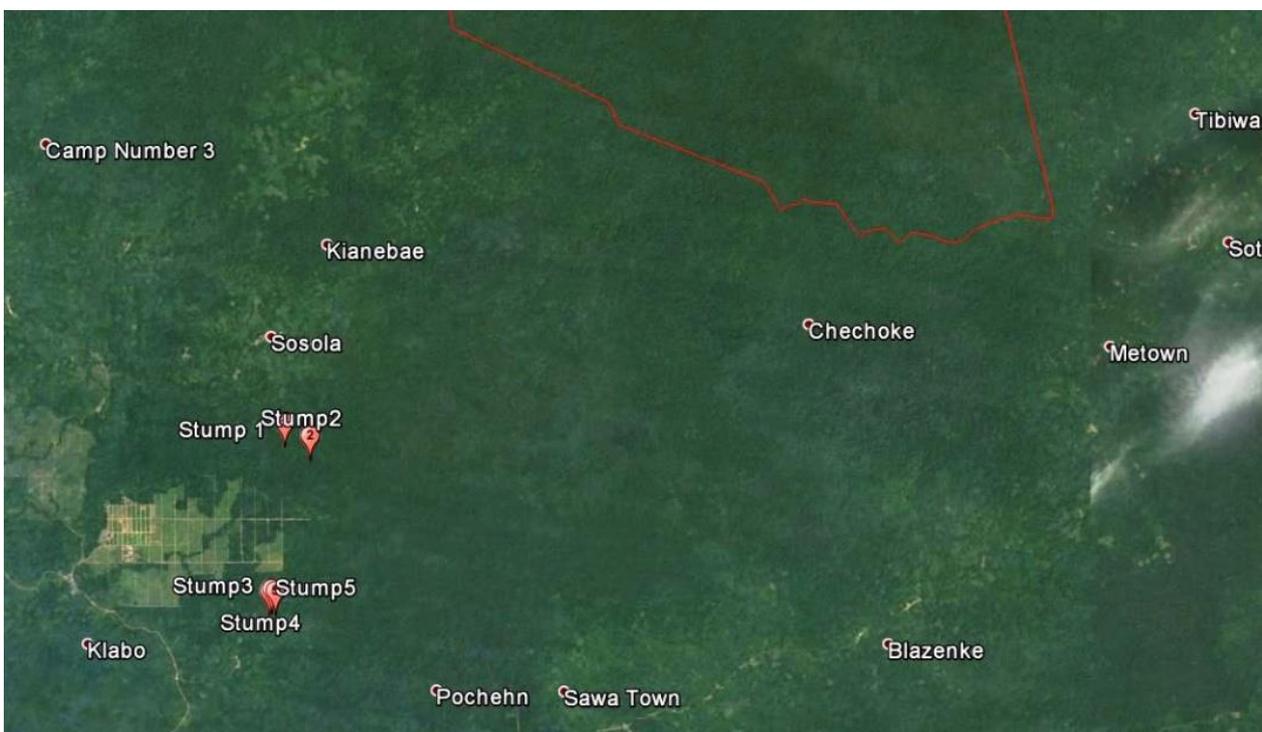


Figure 1: Map of Polyborbor and Pleubo forests where illegal logging is ongoing

According to community members, DTC has since 2016 operated in two of the community forests not originally part of the permitted area. In several interviews with community leaders, it was established that the company took advantage of the limited knowledge of the community on the forest laws and the permit the FDA issued to the community, to exploit them.

Even though community agreement limits DTC's logging activities within 7,220 hectares of land, according to community members, it has never harvested logs in this area. The company is reported of deliberately felling logs in areas outside of the permit area. To stop this illegal act, the community has on numerous occasions reported the management of DTC to FDA for flagrant disregard to their agreement.

Information gathered from some directors at FDA show that FDA has looked into reports of illegal logging and noncompliance to the community agreement, filed by citizens of Numopoh Community against DTC. They promised to work with VOSIEDA in bringing together both the community and DTC to understand the matter for possible settlement. Unfortunately, the FDA is yet to organize said meeting for amicable resolution of the matter despite several calls from the community.

Members of the community declared that they have since engaged the FDA on these issues since Year One of DTC operation in their forests. According to them, their first engagement with FDA on this matter was through a written communication dated May 16, 2017. Copy of this letter was shared with the team of investigators. In the letter, the community complained DTC to FDA authorities of Region 4 in Zwedru, Grand Gedeh County, accusing the Company of carrying out illegal logging activities in their forests.

“We wish to extend our compliments to the Forestry Development Authority (FDA), Region-4, Zwedru Grand Gedeh County, Republic of Liberia and hereby present a complaint against Delta Timber Company concerning Logs, Timber and Woods Product illegal extraction from the Numopoh Community Forest, Sinoe County.”

It was realized that FDA intervened into the matter by organizing a meeting between the two parties. But this meeting didn't change the situation, as the company continues to carryout illegal logging activities in their forest.

Knowing FDA as the only responsible body to resolve the matter, the community again, on May 4, 2018, wrote the authority expressing their frustration in DTC for failing to operate in the permitted area. In addition to writing to the FDA, the Numopoh CFMB communicated to DTC on several occasions to stop operation activities in forests that were not allotted to it and return to the permitted area, but it refused.

“We asked Delta Timber Company to remember that it has an agreement with us to do logging only in the community forest. Because of this, we reported the matter to FDA and visited their main office in Monrovia. But since we wrote FDA and Delta Company, we are yet to receive concrete redress on the matter although FDA conducted a community meeting between the residents and Delta Timber Company to understand if the complaints were true.”

This study confirmed the accusations that DTC has abandoned its permitted area of 7,220 hectares and is now logging in forests outside of this area. Fresh trees were observed harvested in the Polyborbor and the Pleubo forests in just a week before field assessment. Some of the logs

**DELTA TIMBER
COMPANY
OPERATES IN
TWO FORESTS
OUTSIDE OF THE
AREA AGREED
WITH NUMOPOH
COMMUNITY**

discovered appeared to have been harvested months ago. To capture some of the logs linings (where logs harvested were packed), the team took more than eight hours walking in the forests.



Figure 2: Pictures of fresh log stands harvested in the two forests

It was noticed that logging activities were mainly taking place in these two forests instead of the community forest allotted to DTC. Staffs of DTC were seen actively carrying out logging activities (identifying new trees for felling in the forest and creating new linings) during the time of assessment. They were seen installing pieces of sticks which indicates the direction of trees to be harvested.



Figure 3: Pictorial of DTC staff installing sticks

The assessment finds harvested logs kept beyond the stipulated time. Abandoned logs were estimated to be over 500 pieces in two of the three illegal forests. This study establishes that some logs harvested in the forests have not been removed for over 5 months' period. In angry mood, citizens referencing the FDA policy asserted that DTC should pay storage fees and be punished in accordance with the Liberian forestry laws before it takes delivery of the illegally harvested logs.

According to community members, DTC confirmed to them logging outside the permitted area in demand for specific tree species, such as class A & B logs. But when contacted by the assessment team on July 3, 2018, the management of DTC refused to make any statement to address concerns raised. However, the management acknowledged receipt of our letter through his security officer at his Greenville office. During phone conversation, Mr. Gabriel Doe, the General Manager of DTC decline to comment further on ground that the FDA has already contacted him on the matter.

“Carry on your job for the NGO you are working for and do what you want to do. You already sent a letter to me and cc copy FDA. I am not prepared to talk to you”, statement from Gabriel Doe.



Figure 4: Pictorial of abandoned logs

Another strange thing observed by the community was, the company’s owner was seen in the forest with a man believe to be an investor touring the forests. When asked about specific things observed of the investor, the citizens disclosed that the investor was seen demanding certain qualities of logs from the company.

Numopoh community seems not to be agreeing on a number of things with the company including logging outside of the permitted area. The team visit to Taryon Town confirmed allegations that DTC is not only operating outside of the community forest, it is destroying the community rubber farms, water points and destroying the community roads, but careless to know the impact of his action. According to citizens of the town, when they confronted Mr. Doe, he promised to pay an amount of \$300.00 as replacement for the rubber trees but yet to make good his commitment.

3.2 Implementation of commitments in the company-community agreement

In addition to the above counts, the community reported DTC of not meeting commitments made in their agreement. This study realized that DTC has not committed itself to the provision of the agreement.

Main elements of the company-community agreement:

- 8 scholarship for students at grade school and university levels,
- \$3.00 cubic meter fees on cut log,
- 55% of land rented fees,
- Human resource person, scalers, forest manager
- Construction of a clinic, a junior high school.

The study observed that DTC has been engaged in unprecedented violation of the forest laws at the detriment of the host community. According to respondents, since the company signed contract with Numopoh Community in May 2016, it has delivered no commitment made with the community, including commitments made in the social infrastructure, land rental and cubic meter fees, etc.

Even though the community has officially reported this to FDA as well as informed local and international organizations working in the forestry sector, DTC continues to play lackadaisical attitudes toward its agreement with the community. In one of their reports to FDA, they pleaded for DTC to respond to some of the issues. Below are specific violations reported by Numopoh CFMB in a letter to the FDA on 16 May 2017:

- a. Logging outside of Chain of Custody System which states, 40 chain left and 40 chain right is prohibited or illegal;
- b. That Delta Timber Company is not in full compliance with the terms of forest Resources License under which the forest authorities are to occur;
- c. To stop illegal felling and transportation of logs from the community forests that were not allotted to the company;
- d. To stop violation of the community agreement on employment conditions

It was reported that the company agreed to address damaged water points by constructing or repairing hand pumps, but nothing has been done in this light. The company has failed to fulfill any promise made to the community. The management of DTC again promised to offer \$1,000.00 to the community through their community's account upon hearing of their decision to stop its operations in the forest. It also declared; an amount of \$40,000.00 was already deposited in the Numopoh CFMB's account as part payment of its obligations. However, after verification of the account, the CFMB reported no money was deposited in the account.

For deliberately refusing to honor all commitments made to community by law, in their agreement with DTC and through gentlemen agreements, the community has unanimously agreed to halt all logging activities of DTC in the forest until due diligence is exhibited. DTC failure to fulfill its promises has aggravated the community and reinforced their early position to stop the company from all activities in their community. According to community, their decision is unchanged until the company settles all that it owes them.

4.0 Conclusion

The assessment finds that DTC has deliberately refused to honor all commitments made to community by law, in the community agreement and through gentlemen agreements. Even though the community has officially reported this to FDA as well as informed local and international organizations working in the forestry sector, not much has been done to address the situation. DTC continues to play lackadaisical attitudes toward all commitments it made to the community. During field visit, the community reported that the company is still in the forests prospecting (identifying) tree species to be harvested. In a unanimous voice to the team of researchers, the community declared to halt all logging activities of DTC in their forest until due diligence is exhibited. Angry community residents have expressed frustration about the company's refusal to comply with the community agreement and described the head of the company as "criminal" who has come to destroy their future and leave them vulnerable. In a stakeholders' consultative meeting, the community decided to take legal action against DTC since FDA has failed to resolve the matter.

5.0 Recommendations

Government of Liberia: FDA

1. Take proactive action in addressing the conflict situation involving the Numopoh community forest;
2. Institute measures to compel DTC to pay for the damages it may have caused on the people of Numopoh Community through fragrant violations of the agreement it has signed and other commitments;
3. Suspend the business license of DTC until it complies with the Numopoh community through settlement of arrears owed in land rental and cubic meter fees;
4. Undertake an immediate review of the process that led to Numopoh community obtaining Authorised Forest Community status, and ensure all nine steps have been conducted in line with current regulations and guidelines;
5. Support Numopoh community to develop a Community Forestry Management Plan, and only then to consider if and how it would like to engage a logging company through a Commercial Use Contract, following the latest regulations and guidelines;
6. Develop and implement a robust and consolidated monitoring system that tracks performance data with respect to company obligations to communities under all types of contract.

CSOs and or NGOs

1. Work with FDA to ensure DTC pay fully for the damages (illegal logging, noncompliance to social infrastructure and other royalties) it has caused the community;
2. Support Numopoh community to undertake the Nine Steps, Community Forestry Management Plan, and Commercial Use Contract processes in an informed and equitable manner.;
3. Advocate for the government of Liberia to enforce the forest laws, regulations and agreement;
4. Advocate for FDA to implement effective monitoring of company obligations to communities under all types of forest contracts;
5. Promote accountability and transparency in forest resource distribution management;
6. Continue to engage FDA to enforce forest laws, regulations, policies and agreements for community to fairly benefit from their forests;

Numopoh community

1. Continue to engage key stakeholders peacefully to avoid violence and abuse until the matter is resolved;
2. Advocate for the Government of Liberia to ensure DTC pays all arrears it owes to the state and to the community;
3. Seek technical and other support from FDA and NGOs to undertake any missing or incomplete parts of the Nine Steps, and then a Community Forestry Management Plan, and Commercial Use Contract;
4. Advocate and lobby with FDA to enforce the law regarding logging outside of permitted areas;
5. Maintain diligent records of all interactions with the company and FDA, all monies and social infrastructure received, and all payments made;
6. Continue to monitor the forests to track any illegal logging activities, and encourage community members to report incidences of illegalities in forest operations and in the conduct of community forestry governance structures.

Annex1: Key study questions

The below basic questions were used during the assessment:

1. When did Delta Timber Company start operation?
2. Has the company cut any log?
3. Can you estimate the number of logs Delta Timber Company cut every day/week/month?
4. Is the company operation limited to its contract areas?
5. Was the agreement between the company and the community people?
6. Can you estimate the size of the land (hectare or acre)?
7. What has the community done since it the company started operation outside of the contract area?
8. Have you raised the issue with FDA?
9. What can we do to put immediate stop to these illegal logging activities by Delta Timber Company in Numopoh?
10. Does the community have the contract they signed with Delta Timber Company?
11. Is the company living up to the agreements in the contract?
12. What has Delta Timber Company done for the community since it started operation in the Numopoh District?
13. Which aspect of the social agreement is not working?
14. Please explain the situation around the contract implementation.
15. Is the community happy about the company's operation?
Why is the community not happy? Please explain.