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COMPREHENSIVE REPORT: CONCESSION CONFLICTS
Cape Mount, Maryland, Sinoe, Nimba, Grand Bassa and River Gee

Submitted

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Abbreviations & Definitions

AML	Arcela Mittal Liberia
CAPAD	Community Action for Peace Advocacy and Development
CDF	Community Development Fund
CLDMA	Community Land Development and Management Association
CPCC	Cavalla Progressive Communities Committee
CSDF	County Social Development Fund
CSO	Civil Society Organization
EPA	Environmental Protection Agency
EPO	Equatorial Oil Palm
ERU	Emergency Response Unit
FDA	Forestry Development Authority
GVL	Golden Veroleum Liberia
IMCC	Inter-Ministerial Concession Committee
IMCCCR	Inter-Ministerial Committee on Concession Conflict Resolution
LLA	Liberia Land Authority
LNP	Liberia National Police
LRA	Liberia Revenue Authority
MFDP	Ministry of Finance and Development Planning
MIA	Ministry of Internal Affairs
MME	Ministry of Mines and Energy
MOA	Ministry of Agriculture
MOL	Ministry of Labor
MOPP	Maryland Oil Palm Plantation
MSP	Multi Stakeholder Platform
NBC	National Bureau of Concessions
PAC	Project Affected Communities
PASADC	Progress Action for Sustainable Advocacy Development Committee
PDU	Project Development Unit
PPCC	Public Procurement and Concession Commission
REPOPAC	Reliable Partnership for Oil Palm Affected Communities
SAPAD	Senjeh Action for Peace Advocacy and Development
SDPL	Sime Darby Plantation Liberia
SPMAC	Sustainable Partnership for Mine Affected Communities
UCI	United Communities Initiative
UNMIL	United Nations Mission in Liberia
ZLMC	Zodua Land Management Committee

I. EXECUTIVE SUMMARY

This is a report on the challenges and disputes experienced between concessionaires and affected communities of select concessions in targeted counties. The targeted counties are Grand Cape Mount, Maryland, Sinoe, Grand Bassa and Nimba selected because they host large land-based agriculture concessions. It briefly describes the conflicts, challenges in dealing with the conflict, resolution, recommendations, and the roles and responsibilities of the key actors in the resolution. We begin with national conflicts that require one-off inter-agency coordination to reach resolution. National conflicts require the collaboration of several GOL agencies lead by the Ministry of Internal Affairs or the relevant concession entity. Next, we consider community-based localized conflicts that employ the Multi-stakeholder Platforms (MSPs) as a framework for conflict resolution. Finally, we present the results of the survey of all the MSPs to determine their effectiveness in conflict resolution and the role of women, elders, youth, etc. in conflict resolution.

A disproportionate number of national conflicts occurs in the southeast region where almost all of the concessions are agricultural and land-based. National conflicts are generally large and often result from apparent violations of the concession agreements or national laws. To address and preempt the escalation of these conflicts, the Inter-Ministerial Coordinating Committee on Conflict Resolution (IMCCCR) was established. The committee is chaired by the Ministry of Internal Affairs (MIA) and co-chaired by the Ministry of Mines and Energy (MME). Other members are Ministry of Labor (MOL), Ministry of Agriculture (MOA), National Bureau of Concessions (NBC), Forestry Development Authority (FDA), Liberia Land Authority (LLA) and Ministry of State (MOS)/Project Development Unit (PDU). National conflicts often involve land, labor, corporate social responsibility, wages, etc. National conflict resolution requires ad hoc teams the composition of which is determined by the nature and magnitude of the conflict. Depending on the magnitude of the conflict and the imminent risk for escalation, the Liberian National Police may be involved. A number of conflicts in Sinoe, Maryland, Rivercess and Grand Bassa were resolved under the framework and coordination of the IMCCCR.

Community conflicts are generally smaller and ad hoc in nature. The Multi-Stakeholder Platform is the preferred framework for resolving these conflicts. The MSP framework is non-judicial resolution of conflicts that involves the collaboration of the community, concessionaire, local government, and law enforcement. We reviewed conflicts from Grand Cape Mount,

Maryland, Nimba and Sinoe counties. These conflicts ranged from the accidental death of a worker to the breach of traditional cultural norms. The duration of the conflicts ranged from 2 months to 9 months – a significant challenge for the concessionaire. The key challenges of the MSPs are resources and logistic support. Recommendations from the MSPs include recognition by the concessionaires, greater awareness to the relevant government entities and training in conflict resolution and negotiations for leadership.

There are 15 (fifteen) MSPs. To assess the effectiveness and role of women in the MSPs, we conducted a survey of all MSPs. The survey shows that all MSPs considered the framework adequate for conflict resolution. The survey also shows low to moderate level of concessionaire compliance with the MSPs. The majority of MSPs reported that the level of interaction and collaboration with government institutions in the conflict resolution was strong. With respect to the Land Rights Act (LRA), only 20% of MSPs had heard about the Community Land Development and Management Committees (CLDMC) of the LRA – a key committee in the management of land with which the MSPs must coordinate and collaborate.

Gender inclusion is a key part of the MSP framework. 80% of MSPs have at least 40% female membership. All MSPs reported that women played a significant role in dispute resolution and engaging the concessionaire. 70% of MSPs reported the women had no barriers to full participation in the MSPs. A few reported lack of training and low experience in land rights, negotiations and conflict resolutions as barriers to the full participation of women.

The frequency, duration of conflicts and the attending loss to both the government and the concessionaires pose a significant risk for investments. The government must develop a comprehensive strategy with resources to replace the current ad hoc and piecemeal approach. It must also have a pre-emptive strategy that supports conflict prevention. The MSP is a good start that needs to be strengthened and built upon. Recommendations from the MSPs to improve the conflict resolution process are training in negotiations and conflict resolution, engagement with the NBC for technical support, and greater awareness and recognition from the local government. Many MSPs desire greater integration with the NBC on both conflict avoidance and conflict resolution.

II. METHODOLOGY

A. Methodology

The main method employed was consultation with key GOL agencies responsible for conflict resolution (*NBC and MIA*). These agencies served as a resource as well as facilitated our access to the MSPs and communities. The MIA provided information on national conflicts. Each conflict has a brief description, composition of the ad hoc team, resolution and the role of each agency. The NBC provided information and access to the MSPs. Each has nature of conflict, brief description, and challenges in dealing with conflict, resolution, findings and recommendations, timeline for resolution, and roles and responsibilities of conflict dialogue committee.

We conducted a survey of the MSPs to assess the effectiveness of the framework and the role of women in conflict resolution. We also had in-person interviews with the leadership of the MSPs during a workshop held in Monrovia. In addition, we conducted several telephone interviews with others who did not attend the workshop. Each MSP reported on conflicts in their respective communities. To a large extent, we preserved the tone, tenor of these reports.

III. CONFLICT RESOLUTION FRAMEWORK

A. National Framework: IMCC - IMCCCR (MIA,NBC,MME,FDA,MOA, etc.)

The Public Procurement and Concession Commission (PPCC) is the principal entity in the award and administration of concessions. It has several key structures with respect to concessions – the Inter-Ministerial Concessions Committee (IMCC)¹, the Bid Evaluation Panel², and the Negotiating Team³. The IMCC is chaired by the Chairperson of the National Investment Commission (NIC) and composed of several statutory members. The IMCC is the formal framework for discussing and resolving conflicts or issues arising from the concession agreement. Either the government or the concessionaire may request a meeting. Issues may be social, technical, financial, or legal. A disproportionate share of issues arising from the concession agreements are financial, technical and legal in nature.

There are however many conflicts with the concessionaire that require national attention but do not lend themselves to such formal process either because they are lower in scale or exacting urgencies as in the case of riots. These conflicts generally grow out of social issues. These are dealt with through the Inter-Ministerial Committee on Concessions Conflicts Resolution (IMCCCR)⁴. The IMCCCR was established in 2015 at a cabinet retreat by the President as a timely way to address the frequency and disruption of conflicts at concession companies. The committee is chaired by the Ministry of Internal affairs (MIA) and co-chaired by the Ministry of Mines and Energy (MME). Other members are the Ministry of Labor (MOL), Ministry of Agriculture (MOA), Ministry of Justice (MOJ), The Liberia National Police (LNP) and Representatives from the President Office. The following conflicts in Sinoe, Maryland, Grand Bassa, River Cess, and Nimba counties are national conflicts resolved under the IMCCCR framework.

¹ PPCC Act, Sect. 80

² PPCC Act, Sect. 111

³ PPCC Act Sect. 118(5)

⁴ Reginald Mehn - National Coordinator for Concession Conflicts Resolution, MIA/IMCCCR

SINOE COUNTY: Golden Veroleum (GVL)

Nature of Conflict:

Land Dispute: The local residents within the GVL concession area were protesting and disrupting the company's operations on the grounds that the national government had not surveyed the land given to GVL to establish the metes and bounds of the concession area. This lack of clarity and uncertainty was adversely affecting their livelihood by limiting their ability to farm.

Resolution: *Under the IMCCCR, the MIA and MLME led the effort to resolve the problem of the land dispute. The issue was discussed at the cabinet meeting and the decision was reached for national government to ensure that the land is surveyed. The Minister of internal affairs assured the locals and asked them to remain calm. The locals continued to appeal to national government to carry on the survey as their survivability is on farming and nothing else.*

Employment: The locals continued to riot on grounds that the company is not considering the locals for employment. Instead, they were hiring people from outside the county and foreigners for unskilled labor positions. These positions had been earmarked for persons from the county according to the provisions in the MDA.

Resolution: *The MOL led the effort to resolve the conflict. MOL told the company to align her employment practices consistent with the provisions of the letter and spirit of the concession agreement.*

Redundancy: The Company continued to carry on redundancy without the consent of the national government thereby refusing to give the just benefits to the people considered redundant.

Resolution: *The MOL led the effort to resolve the conflict. MOL told the company to not carry out any redundancy without the consent of the Ministry of Labor. They were also instructed to pay wages and benefits consistent with the DECENT WORK BILL.*

Gender: The Company refused to give leave of absence to pregnant women consistent with labor laws. Pregnant woman might be dismissed if absences were as a result of pregnancy.

Resolution: *The Ministry of Labor told the company that all female employees of the company are entitled to ninety days paid leave of absence. The Minister urged the company to comply with the law or else there will be penalty for any violator.*

Wages: The Company was not taking into consideration the payment for wages consistent with the decent work bill.

Resolution: *The MOL instructed the Company to pay wages in line with the DECENT WORK BILL.*

MARYLAND COUNTY: Maryland Oil Palm Plantation (MOPP)

Nature of Conflict and Resolution:

Corporate Social Responsibility: The Company built structures without the consent of the locals and claimed that it was part of the corporate social responsibility of the company.

Resolution: *The ministry told the management of MOPP that under local government operations there is a committee set up at the district level call DDC. (District Development Council.) This committee is responsible to determine projects for the district based on their development priorities. The DDC comprises all the policy makers within the district as such the Company should consult DDC on any CSR projects for the district.*

Employment: Company bringing in expatriates to do jobs earmarked for locals.

Resolution: *The Ministry of Labor told the company that local jobs are for qualified local employees. These jobs for locals will help to develop the community and strengthen their social license to operate.*

Agreement: The representatives from the project affected communities should be present at the signing of the concession agreement.

Resolution: *The Ministry of Internal Affairs assured the community of such representation. The MIA reminded them about GOL's commitment to inclusion through the stakeholder public consultation as required by the PPCC.*

Awareness: The local authorities of the project affected areas do not have copies of the concession agreement. National government should conduct greater awareness on how the project affected communities will benefit from the agreement.

Resolution: *The ministry assured the locals that the relevant authorities responsible to give copies of the MDA to the affected communities will do so. Copies were sent to communities. The ministry also told them that they are represented by their law makers. It is the responsibility of their law makers to inform them on the agreement with the government and the companies*

GRAND BASSA/RIVER CESS: Equatorial Palm Oil (EPO)

Boundary Harmonization: The people of Rivercess County claimed that all the royalty from the company is given to Grand Bassa County while the larger portion of the concession area lies in Rivercess County.

Resolution: *With the issue of the boundary harmonization, the representatives of District two in Rivercess and District one in Grand Bassa brought together all the locals to resolve the problem. No further complaints on this issue has surfaced.*

Environmental Pollution: The locals complained that the area where the company constructed their processing plant was on the water table that they used for drinking water. It therefore had

the potential of polluting the drinking water supply and causing significant health issues. This resulted in a serious riot and lead to the death of three persons from the company security force and one person from the project affected community.

Resolution: *The Minister of Internal Affairs supported by LNP, MOL, and EPA led this effort. The problem of the environmental pollution was resolved by the representatives from the EPA who told the company that it was very wrong to carry out such construction without getting environmental permit from the EPA. The EPA also told the company that they needed to conduct environmental impact assessment before beginning such construction. The company was fined \$100,000 (one hundred thousand dollars usd) to be paid in government revenue.*

NIMBA/GRAND BASSA: Arcela Mittal Liberia Ltd (AML)

Aggrieved Redundant Workers: The company redundant two hundred forty-three workers. The aggrieved redundant workers blocked the movement of AML trains on 3 separate occasions.

Resolution: *The Minister of Internal Affairs supported by MOJ, LNP, MOL, and EPA led this effort. Team resolved the problem with the following counts:*

- *That the company carried on redundancy of staffs as consistent with the numbers of staffs approved by the Ministry of Labor.*
- *That after the company reactivates the position, the company needed to call back the workers that were redundant, instead of putting up vacancy notices for said positions and requiring the redundant workers to take test for the same position.*
- *The company made payment of \$603,000 usd to 202 employees that were redundant illegally.*

Social Development Fund: There is no direct benefit of development project to impacted communities within the operational area of the company. This led to serious rioting against the company disrupting the company operations.

***Resolution:** The Government of Liberia and Arcelormittal Liberia have agreed that Arcelormittal will disburse 20% of the MDA-mandated annual County Social Development Fund (CSDF) contributions directly to support development projects in communities that lie within its operational area. The official designation of this portion of the annual contributions that ArcelorMittal will disburse is referred to as the Community Development Fund (CDF).*

Hazard Payment: The company employees did not get hazard payment for the period they worked during the lock down period. The employees went on strike for more than a week.

***Resolution:** The Company will pay all those that were working during the lock down their hazard benefit because the President by Executive Order asked all company employees to stay home. Therefore, if employees worked, they were entitled to extra benefit. Additionally, the company will be paying one thousand three hundred and fifty United States dollars to all employees of AML as hazard payment to those who worked during the lock down declared by the President of Liberia.*

B. Community: Multi-stakeholder Platforms (MSPs)

BACKGROUND AND STRUCTURE – MULTI-STAKEHOLDER PLATFORMS (MSPs)

Multi stakeholder platforms (MSPs) for concession affected communities in Liberia was initiated by United Nations Mission in Liberia (UNMIL) under ‘*Strengthening National Reconciliation through Improved Understanding of Conflict Drivers in Concession Areas and Establishment of Stakeholder Platforms*’ with aims to support the design, establishment, implementation and institutionalization of multi stakeholder platforms (MSP) for the formalized, non-judicial resolution of concession disputes for Liberia⁵

There are 20 members in each of the 15 (fifteen) Multi Stakeholder Platforms established around the country. They were selected on a gender-balance basis. As a result, each gender has almost equal representation and equal chances to the leadership. The top major executive positions are as follows: President or Chairman, Vice President/Co-Chairman, General Secretary, Financial Secretary, Treasurer, Chaplain

Term of Reference for MSPs are as follows:

1. Ensure that all parties (*Concessions, local government officials and affected communities*) understand the extra impact of conflicts as a result of concession companies presence in the communities;
2. Represent the interest of all concession affected communities to the Government, concessions and other institutions;
3. Undertake the holding of regular monthly meetings with communities to listen to their concerns and provide workable solutions if possible;
4. Identify sustainable programs from donors and other partners that satisfy the objectives of platforms;
5. Prepare and submit activities reports to funding partners, NBC and other supporting organizations;

⁵ Profile – 15 Multi-Stakeholders Platforms (MSPs), NBC

6. Conduct mediation meetings between concessions and affected communities to prevent and mitigate conflicts arising from land disputes;
7. Build women inclusiveness as well as community cohesiveness, values and a spirit of cooperation between concessions, Government and Stakeholders; et

The following is a summary description of select conflicts in affected communities as reported by the respective MSPs. The format includes a brief description of the conflict, challenges in dealing with the conflict, resolution, findings and recommendations, timeline, and the roles and responsibilities of key actors. These were submitted the leadership of the MSPs and we have tried to keep the “voice” as reflected in the original submissions.

CAPE MOUNT COUNTY – MULTI-STAKEHOLDER PLATFORMS (MSPs)

ZODUA LAND MANAGEMENT COMMITTEE (ZLMC)

Environmental: Water Pollution

Nature of Conflict: Environmental or Creeks pollutions

Brief Description of Conflict: *There was a serious conflict between SDPL and the Zodua Land Management Committee (ZLMC) about water pollution. When SDPL earth moving equipment were clearing for the plantation, all of our creeks were polluted and could not be used for any purpose because of the water condition. The communities rioted against the company for safe drinking water. This led to hindering their operations for the palm projects development and free movement of the company staffs. With this, the Land Committee and the youth including the women held together and embarrassed the company to have a free ride or to imposed divide and rule methods.*



Challenges in dealing with the conflict:

- *We used to ride the company car to go for dialogue which was dangerous.*
- *Lack of funding to fight our cause/ transportation to get to EPA*
- *After we struggled to do so, EPA fined SDPL some 500,000USD but we never benefited from dime.*
- *Connecting our members and keeping accurate records was a problem as documentary evidence.*
- *We were like beggars to the company because for every dialogue we attended they sponsor the trips back and forth.*

Resolution: *We resolved that the company construct 4 new hand pumps and rehabilitate 11 hand pumps. These would be maintained on a monthly basic. As of this agreement, the company has been committed to that and whenever such work is ready, they send prior information to ZLMC and date for their representation to be present and signed on their document from the WATSAM team.*

Findings and recommendations: *Finding was done by EPA and recommended speedy water recovery as population were growing because of the increasing number of new people in the concession area. The company and the citizens are benefiting from water facilities today.*

Timeline: *It took ZLMC 5 months to have this issue resolved between us and SDPL. Company*

Roles and responsibilities of Conflict Dialogue Committee:

1. **MSP:** *The ZLMC served as a mediator and played a key role in the resolution of conflict between the communities and the company.*
2. **Community:** *Communities as party were angry but became calm when the construction of the pumps started and the rehabilitation began.*
3. **Concessionaire:** *committed themselves and worked as promised and gave/did some kind gestures for the stakeholders in the communities.*
4. **Local Government** *(supt., commissioner, chief, etc.): they were also seeking the justices for the communities with in the concession areas, some benefited from the gesture from the company.*
5. **Law Enforcement** *(police army, etc.): the police went in to provide security. They also protected properties from damage.*

PROJECT AFFECTED COMMITTEE (PAC)

The Death of the worker activist Okastine Kollie

Nature of Conflict: Death of Activist Worker

Brief Description of Conflict: *Okastine Kollie used to advocate on behalf of the workers and constantly engaging the company for not giving her employees a fair treatment. Okastine Kollie was leaving from the main yard of SDP-L when the Risk Manager hit him with a land Cruiser jeep with plate # SD 33 to death. Heavy riot breakout between the company and employees. Members of the community had the following slogans.*

Slogans: “PAY OUR TEACHERS”, “WE NEED QUALITY EDUCATION”. “STOP THE KILLING OF OUR BROTHERS AND SISTERS AND MOTHERS”. “IMPROVE THE LIVELIHOOD OF THE EMPLOYEES”



Challenges in dealing with the Conflict:

- *Getting the parties on one table for discussion*
- *Transportation*
- *Organizing our self and stakeholder*
- *Delay from government for speedy and fair intervention*
- *Security threats*

Resolution: *The government came in to support the company when the pregnant woman of the late Okastine Kollie and family/relative took the case to court in Tubmanburg, Bomi County.*

However, there was pressure from Monrovia and the case resolved by a court ruling as an accident case. No one could be held liable for intentionally killing Okastine Kollie.

Findings and recommendations: *The finding was conducted by the PAC leadership and the government. The PAC realized serious waste of time and resources and did not achieve anything. Our recommendation could be whenever there is an event, we should positively engage them rather than coming out with mob justice.*

Timeline: *This case took up to 8 months moving from place to places*

Roles and responsibilities of Conflict Dialogue Committee:

MSP: *The PAC leadership played a major role in pursuing the case for the perpetrator to be brought to justice. However, the government handled it as it is, as you can see the picture below shows the PAC Chairman handling the protesters*



Community: *Communities were advocating for justice for Okastine Kollie and protested for him why only Okastine must be killed by his boss?*

Concessionaire: *Extended its deepest condolences to the family and took responsibility of the funeral. It depended on government for security and protections for their investments*

Local Government (supt., commissioner, chief, etc.): *played and supported the role of the central government through the Ministry of Internal Affairs*

Law Enforcement: (police army, etc.): *the police protects the concessionaires' property. More specifically, they protected the investments from fire outbreak, damaging of the plantations and attack on the concessionaire at their residents by angry civilians. Fight to restore stability for workers to get back to jobs.*

CITIZENS UNITED FOR PEACE (CUP)

Nature of Conflict: Not Respecting the Communities Right and the MOU

Brief Description of Conflict: *The citizens of Kinjore along with the company have a memorandum of understanding to work with for the period of their stay in Liberia and even in*

Grand Cape Mount County. It was not working after the community people engaged the company and call their attention to the following activities:

- *Within the period of eight years, the company will have a black manager position for Capemountainians*
- *The Public Relations Officer (PRO) position will be given to Cape Mount County.*
- *The Human Resources Officer position (HR) was for Cape Mount County based on qualifications for all the above-mentioned positions.*
- *There must be capacity building and empowerment for youth and women*
- *Reductions in salaries from \$ 20 USD to \$ 7 USD which is a wide gap in salaries.*

There were eight positions intended for Cape Mountainians while the other positions were all intended for Liberian nationals. On the contrary and after the eight years, the company did not want to respect the documents which they had signed.

After constructive engagement with the Top Management, they downplayed the requests of the communities. This led to riot with community members going on a rampage for enforcing the company to respect their rights and the terms of the agreement to ensure peaceful coexistence. The nature of the conflict is that, the men decided to use the Poro Society as a means to force the company to comply with the agreement.

Challenges in dealing with the Conflict:

- *The challenges in dealing with this problem where members of the same society were benefiting directly somehow decided to make the Turkish brave and ask the Government to provide security for them immediately.*
- *Transportations*
- *Materials for communication*
- *Mobility for connecting other MSP members for quick meeting and coming up with tangible resolution ideas.*

Resolution:

- *The company immediately recovered those positions and turned them over to those protesters and dismissed the white Manager. This decision was taken by the CEO of the company.*
- *The cash/ salaries were reinstated immediately*
- *Capacity building begin with contract for cooking for employees and the company purchase the food from them.*
- *Site was been given for Advance high school building construction.*

Findings and recommendations: *The findings was done in accordance with the MOU and the Company was engaged constructively and they saw the reason why they have to concur with the community request. It will be highly appreciated if the government through the National Bureau*

of Concessions can make the company recognize the MSP and work with them as peace ambassadors. The company must build the capacity of the MSP through training and give them contracts for generating some cash to get office materials and even computer for reporting.

Timeline: *The entire conflict took three months before getting to where we are today.*

Roles and responsibilities of Conflict Dialogue Committee:

MSP: *The MSP talked to the people not to take the law into their own hands, and be peaceful in your engagement. Especially this advice was going to the woman whose husband were set down for no reason. The women were fed up with the constant disrespect from Barrie the dismissed manager and they went into a closed door meeting and came out naked with only black skintight white bra on all of them and marched in a queue to the company yards expressing their grievances. There was immediate decision taking by the CEO that the guys occupying these positions must send in their resignations with immediate effect.*

Community: *The community people were happy with the CEO decisions and are now presenting their people to do their medical to occupy the various mentioned positions.*

Concessionaire: *The concessionaire took immediate mandate by dismissing the second man in command because he refused to abide by the company's policy by disrespecting the community people and reducing their salaries unilaterally. He gave all the positions mentioned in the MOU to the community people as stipulated in the MOU.*

Local Government: *(Supt., Commissioner, Chief, etc.): The Superintendent, Hon. Aaron Vincent, was there talking to the citizens to work with what the company says and the citizens boo at him, accusing him of being conning with the company or accepting bribery. The presentation to the public or the community was not what they wanted to hear from him.*

Law Enforcement: *(police army, etc.): The police were there in full swing providing protection for all lives and properties.*

MARYLAND COUNTY – MULTI-STAKEHOLDER PLATFORMS (MSPs)

RELIABLE PARTNERSHIP FOR OIL PALM AFFECTED COMMUNITY (REPOPAC)

Nature of Conflict: Breach of Traditional/Culture Norms and Practices

Brief Description of Conflict: *The People of New Sodoken, Plebo Statutory District, Maryland County had their traditional/cultural rites of celebration where all of their Zoes and Bodeos were present. Surprisingly, they saw MOPP securities in collaboration with the Emergency Response Unit (ERU) assigned with MOPP intruding on their activities. Their action was considered a breach by the citizens and elders of the community. The Company was fined the following items:*

- 1. One Cow*
- 2. Seven goats*
- 3. Seven bags of rice*
- 4. Forty-two gallons of cane juice*

Delays in the fine payments resulted to a serious uprising between the community and the Company which also led to the ERU firing live bullets around the Plantation. It was at this point that the MSP leadership got involved. They engaged the two Parties (Community and Company), putting them under control until calm was restored. As the negotiation continue, the District Statutory Superintendent, Hon. Aloysius Williams, also engaged the process that led the Company making concessions and provided US\$400 as part payment against the fines of the traditional elders. After the payment and an appeal from the Company, the Community thereafter reconsidered their position to forgo the rest of the payment.

Challenge in dealing with the conflict: *As these negotiations are cost intensive, there are many other challenges that impeded our effort in dealing with the crisis. Here are few challenges named by the MSP leadership:*

- 1. Transportation - The MSP had to find their own way to the trouble areas and the community that was party to the crisis;*
- 2. No cooperation initially from the Company neither the Community over cessation of fire to allow negotiating Team move in; and*
- 3. No support from National Government or Partners to the MSP to buttress its effort of peace making.*

Resolution/Finding: *It was resolved that the Company pay an appreciable amount to the Community for their fines which they dd. The amount of US\$400 was paid by the Company and the citizens resolved to withdraw all the demands and allow the Company to resume normal*

operations around the troubled zone.

Findings and recommendations: *The Investigation recommended the followings:*

- 1. That the Company pay the fines in three weeks and withdraw all securities from the trouble areas without precondition;*
- 2. That the Community leadership prevail on the Elders and Zoes to withdraw their men from the concession areas without precondition;*

Timeline: *The Investigation gave a time frame of two months to ensure that all recommendations are adhered to by all parties.*

Roles and responsibilities of Conflict Dialogue Committee:

MSP: *As concession affected community organization, the MSP initiated the process of negotiation between the community and the Company. They worked along with the District Statutory Superintendent Office to ensure that peace and calm return to the trouble areas through the method of conflict resolution mechanism.*

Community: *The community was a party to the conflict resolution process but saw reason to drop the many demands as put forth by the Zoes. They listened to the Local Government Authority and MSP whom they considered as their children.*

Concessionaire: *As party to the conflict, the Company facilitated the process by providing support to the securities and agreed to pay the fines as imposed by the Community.*

Local Government: *(supt., commissioner, chief, etc.): The Local Government headed by the District Statutory Superintendent chaired the final settlement of the conflict.*

Law Enforcement: *(police army, etc.): Police helped to restore peace under*

NIMBA COUNTY – MULTI-STAKEHOLDER PLATFORMS (MSPs)

SUSTAINABLE PARTNERSHIP FOR MINE AFFECTED COMMUNITIES (SPAMAC)

Train Accident –Killing a Resident of the Community

Nature of Conflict: Train Accident – Killing a Resident of the Community

Brief Description of Conflict: *The Company train accidentally killed a youth on the train track. The project affected communities went on rampage to demand justice and taking the law in their own hands. The County Local Leadership dispatched police details to the community in order to put the situation under control. This effort failed and the MSP known as Sustainable Partnership for Mines Affected Communities (SPMAC) moved in and helped to resolve the crisis that persisted for over six weeks.*

Challenges in dealing with the conflict: *There were many challenges accompanying the intervention by the MSPs which included the followings:*

- 1. SPMAC could not move into the trouble area as quickly they could because of the lack of transportation;*
- 2. AML management refused to recognize the MSP for fear that they will always demand logistical support from the Company;*
- 3. The citizens on the other hand refused to obey order from the Police for thoughts that they were there to suppress their many demands with influence from the Company;*
- 4. Local Government Administration needed straight instruction from Central Government before intervening.*

Resolution: *When the MSP finally entered, they established links with the Company and the Police requesting them to relax the excessive exercise of force on the residents. The Local Government through the District Commissioner joined the MSP after the intervention of the Superintendent. After a week-long intensive negotiation, the communities agreed to withdraw their barricades and road blocks that prevented the free movement of locomotive through the train track. In six weeks, the Team resolved the conflict after a long dialogue between parties.*

The Company resumed smooth operations.

Findings and recommendations:

- 1. That AML take full responsibility for the funeral and other traditional rites of the deceased;*
- 2. That all expenses of the dialogue be covered by AML and other losses sustained by Police intervention be financially settled by the Company;*
- 3. Residents of the Communities agreed to withdraw all unnecessary demands and allow for civility to be restored*

Timeline: *AML was given a two months period to settle the entire financial obligation as spelled out in the findings and recommendations. The Communities were also given two weeks to ensure that all road blocks and obstacles placed on the train track be removed.*

Roles and responsibilities of Conflict Dialogue Committee:

MSP: *They spearheaded the negotiation and provided conflict resolution guidance for the dialogue. They also prepared schedules and identified rotational meeting sites.*

Community: *As a party to the conflict, the communities presented written and formal complaint before the Dialogue Committee. They also provided witnesses and evidence in the case.*

Concessionaire: *As a Party to the conflict, they funded the investigation and provided technical information to the Committee*

Local Government: *Headed the Local Government interest*

Law Enforcement: *provided security (police army, etc.): the police went in to provide security for and protect properties from damage.*

SINOE COUNTY – MULTI-STAKEHOLDER PLATFORMS (MSPs)

UNITED COMMUNITY INITIATIVE (UCI)

Butaw v. Citizens of Butaw

Nature of Conflict: Rioting

Brief Description of Conflict: *The youth of Sinoe County especially within the concession area wanted to meet with senior management team of the Company. They were denied access by the land management team – Abloateh. It resulted in a riot between them. The result was serious damage to a lot of company's property and everything went helter-skelter. The company wanted a representative between them and the communities. A new organization called (BWDA) "Butaw Warfare Development Association" was formed to act on behalf of the citizen because Abloateh ran away from the government because of the damage caused.*

Challenges in dealing with the Conflict:

- *Funding for operations*
- *Transportation for movement*
- *Not appreciating the tireless effort of the MSP members*
- *Leaving your busy schedule and your family to do volunteer work for your community and their welfare for future benefits*

Resolution: *A resolution was signed after all the ups and downs through the effort of Christiana Solomon at U.N.D.P supporting arm. Abloateh was called back to act on behalf of the people as legitimate group through the intervention of U.N.D.P. It was restructured into the MSP and now called U.C.I (United Communities Initiative).*

Findings and recommendations: *Abloateh was called back to act on behalf the people as legitimate group through the intervention of U.N.D.P and re- structure the MSP and now called U.C.I. Findings and recommendations: all the fight we did, didn't benefit us while the companies were carrying on the investment. We should have benefited but lost during the time of fight among ourselves. We recommend more awareness and training for the leadership and financials support.*

Timeline: *It took us 9 months to have resolution prepared and signed*

Roles and responsibilities of Conflict Dialogue Committee:

MSP: *The MSP is to take the lead for resolving all hostilities but UCI was not funded by them when this riot was ongoing.*

Community: *They re-consolidated themselves and worked as a team to reinstate Abloateh as they were the legitimate group.*

Concessionaire: *They were neutral as communities started fighting amongst themselves only waiting on stakeholders to show them a working team.*

Local Government; *(Supt., Commissioner, Chief, etc.): They all played significant role as local government and stakeholders.*

Law Enforcement: *(police army, etc.): There was serious police intervention because government had to protect the investment and the citizen by law.*

IV. MSP SURVEY AND ANALYSIS

We conducted a survey of 7 (seven) MSPs in 4 (four) counties. The MSPs are REPOPAC and CSPP of Maryland County; PAC, ZLMC, and COP of Grand Cape Mount County; SPAMAC of Nimba County and UCI of Sinoe County.

The survey covered the level of compliance with concessionaires, composition of the committee, role of select groups (*women, elders and youth*), level of interaction with other government entities in conflict resolution and land matters, knowledge of relevant elements of the Land Rights Act and recommendations for improving conflict resolution.

The survey shows that all MSPs understood their mandate and role in the conflict resolution process mediating and maintaining peace in the project affected communities. They considered transportation, better information, training in conflict resolution and negotiations, and greater engagement with the local government and the NBC as key recommendations to improving the conflict resolution process.

The survey covered female representation, their roles in decision-making and barrier to their full participation. 80% of MSPs have at least 40% female membership. All MSPs reported that women played a significant role in dispute resolution and engaging the concessionaire. 70% of MSPs reported the women had no barriers to full participation in the MSPs. A few reported lack of training and low experience as barriers to the full participation of women. Women require training in basic skills – speaking up, leadership, organizational skills, etc.

The survey shows that all MSPs considered the framework adequate for conflict resolution. The survey also shows low to moderate level of concessionaires' compliance with the MOU/Agreements. The majority of MSPs reported that the level of interaction and collaboration with government institutions in the conflict resolution was strong. With respect to the Land Rights Act (LRA), only 20% of MSPs had heard about the Community Land Development and

Management Association (CLDMC) of the LRA – a key committee in the management of land with which the MSPs must coordinate and collaborate.

V. CONCLUSION AND POLICY RECOMMENDATIONS

Concession conflicts pose a significant risk threat to the investment regime. From the investor perspective, it affects the security of tenure and the return on investment. From the Government perspective, it renders the concession investment regime less attractive and a risk to GOL revenue inflows from concession companies. It also deprives project affected communities much needed social and economic benefits.

The number, type, frequency and duration of conflicts remain a daunting challenge for both the concessionaire and the Government of Liberia. This report selected indicative conflicts from each MSP but there were several others at each MSP. The types of conflict vary but they were largely land-related or relating to issues of employment. The frequency of conflicts reflect the disruption of the concessionaire's operations and a significant loss to the concessionaire. The duration is equally problematic lasting on average between 2 to 9 months. That is an unacceptably long period, a serious distraction from the concessionaire's core business and a drain on the concessionaire resources. There does not appear to be much in terms of monitoring and follow-up. The focus is disproportionately on conflict resolution at a point in time.

The following are recommendations for the legal and institutional framework on concession conflicts:

A Comprehensive Strategy: The current approach to conflicts in the project affected communities is ad hoc and piecemeal. Delegation to deal with conflict is randomly arranged, level of representation varied, no dedicated budget to support intervention, no consistent follow-up to avoid recurrence of same issue, etc. Given the number and frequency of conflicts and the significant disruption of concessionaires operations, there should be a comprehensive framework

to deal with concession conflicts. The framework should be formalized with adequate budget support.

. The framework will require an effective coordination of the activities of all of the entities involved in conflict resolution. These include GOL agencies, concessionaires, civil society, affected communities, MSPs, etc. As of now, there is lack to coordination amongst agencies and lack of recognition of some entities (*i.e. MSPs*). There needs to be rationalization and harmonization of the mandates and roles of each with respect to conflict resolution. The governing instruments both the entity's mandates and MOU/agreements with the concessionaire need to be clear with respect to roles, responsibilities, rights, obligation, enforcement, penalties, etc.

A Preemptive Strategy: The current approach to conflict issue is reactive. A crisis occurs and the government and the concessionaire scrambles to find resolution. This approach is time consuming, disruptive to the operations, and a significant drain on the resources of both the concessionaire and the government. It also has adverse socio-economic impact on the affected communities. A better approach is the use of structures to prevent conflict or minimize the frequency of occurrence – A preemptive approach. The MSPs is a good foundation for a preventive strategy. The MSPs offers an excellent foundation for the preemptive strategy on conflict avoidance. It involves the project affected communities, local government, the concessionaire, civil society, etc. The MSPs need to be strengthened and legitimized as a part of the legal framework around concession. There should a strong conflict prevention role for the MSPs. The cost for supporting and training an MSP in conflict prevention is significantly lower than the cost of mitigating the impacts of a conflict. This cost should be borne by both the government and the concessionaire. They should also work closely with other government agencies dealing with land conflict.

Other Recommendations: There are a number are number of other factors that have a bearing on the source, nature and resolution of concessions.

Monitoring Resolution: The monitoring framework of both the IMCCCR and the MSPs has a heavy emphasis on the conflict resolution. However, there is little or no follow up or monitoring of the compliance with the terms and conditions of resolution of conflicts. There is

a strong need to strengthen the monitoring of conflict resolutions. Both the IMCCCR and the MSPs are well positioned to conduct post resolution monitoring and report to the NBC.

Clarity of Agreements: National concession agreements are long and complex. Local communities lack the capacity to fully understand the terms and context of these agreements. As a result, there is considerable misinformation and unrealistic expectations – source of conflicts. It is highly recommended that the terms of the agreements be simplified and explained to the county authorities, town chiefs, community leaders, etc.,

Roles of Relevant Entities: The resolution of concession conflicts in affected communities involves entities – community, concessionaire, national government, local government, civil society, etc. The effective coordination of each is critical to sustained conflict resolution. The MSP is the appropriate framework to ensure the all parties play their roles. It is recommended the MSP be strengthened by providing training for each entity.

Vetting Concessionaire: The evaluation of concessionaire is required under the PPCC Act. The process is exhaustive with many GOL agencies involved. Final approval is granted by the Inter-Ministerial Concessions Committee (IMCC). However, this evaluation is heavily focused on the technical and financial capacity of the concessionaire and less on her capacity to meet social obligations. There has to be greater emphasis on evaluating the concessionaire capacity of meet social obligations including the review past performance.

ANNEXES

Multi-Stakeholder Platform Survey Results

	Maryland			Grand Cape Mount				Nimba		Sinoe
<i>Questions</i>	REPOPAC I	REPOPA C II	CSPP	PAC	ZLMC	CUP	CUP	SPAMAC I	SPAMAC II	UCI
<i>Interviewee Position</i>	Chairman	Member	Chairlady	Chairlady	Gen. Sec.	Chairlady	Co-Chair	Sec. Gen	Treasurer	Chairman
1. Describe your mandate and your role in the conflict resolution process.	Resolve conflict	Resolve conflict	Resolve conflict	Settling disputes	Conflict resolution	Make peace	Mediate conflict	Maintain Peace	Make peace	<i>Make peace</i>
2. How do you assess the level of concessionaires' compliance with MSP: (0% /25 % / 50%/ 75%/ 100%)? Reasons for noncompliance	50%	50%	25%	25%	75%	25%	25% not recognized by BMMC	25%	25%	50%
3. What is the current number of your MSP committee? Can you mention how many women and men make up your committee?	9/11	9/11	10/11	8/12	5/15	8/12	8/12	8/12	8/20	5/15
4. What is the role of women in the MSPs? Are women in the decision-making role? Based on your experience, what should be the role of women in the MSP? Please explain.	Decision-making role	Influential Advise children	Encourage Youth, husbands to support MSP	Women play major role in handling disputes and engaging the company	Important role Meaningful contribution	Women play major role	Women play major role	Key players and should take over leadership	Decision maker and Implement	Equal to men and in decision making
5. What is the role of elders in the MSPs? Are elders in the decision-making role? Based on your experience, what should be the role of elders in the MSP? Please explain.	Advisory	Encourage youth	Encourage youth	Advice and settle disputes within MSPs	Advice and screening decisions by MSP	Advise and guide the process	Advise team and mediation	Advise and guide	Advise	Advice and knowledge of land
6. What is the role of youths (male/female) represented in the MSPs. Are youths in the decision-making role? Based on your experience, what should be the role of youth in the MSP? Please explain.	Work with other youth	Work with other youth	Advise other youth	Part of decision making and provide labor for	Driving force Provide labor	Advise with other youth	Spread message on problem making	Make decision implement	Implement Provide labor force	Youth have confusion so we make them part of decision making

7. Describe how you see women's participation in the MSPs as compared to the men's participation	Participation of both men and women good	Equal	Equal participation of both men and women	Cardinal and problem-solvers	Key in conflict Management And Development	Motherly role in resolving conflict	Very important	Exceptionally important	Good	Women are speechless and not active
8. Do women have barriers to full participation in the MSP? If yes. Describe them	NO	NO	NO	No barrier to participation	No	Yes, lack of training	Yes, most women not in discussion	No barrier	No barrier	Low experience
9. Based on your experience, are there any issues/problems etc. with the MSP structure in the conflict resolution process. If so, please explain.	No mobility delays reaching conflict areas	890p[\	Mobility	No issue	Yes, structure has low female representation	No issue	Office space transportation	No problem	Structure is ok	Support for transportation
10. Level of interaction/collaboration with government institutions in the conflict resolution process.	Good		Interaction is cordial	Good working relationship	Cordial	No recognition by GOL	Not recognized by any group	Working Well	Good	Good
11. Have you heard about the Community Land Development and Management Committee? If yes, what do you know about them?	Yes, the committee is to manage land		Yes the committee of manage community land	No	Not certain	No	No	Yes. Working to plan community land use	No	Yes but don't know them well
12. Can you explain what you think about the co-existence of the MSP and CLMDC?	Coexistence of MSP and CLMDC will bring full protection of community		Better protection of community land	NO. Don't know them	No. Group does not exist in community	No	No	Serious need to work closely with MSPs	Good for them to coexist	Needed to build peace and good working relationship
13. Any recommendations to improve conflict resolution process?	Transportation Better information Articles of Inc.		Mobility and communication	Training, equipment Engagement with NBC	Mobility Training Awareness	More training	Training		More training and negotiation	That local government recognize the MSP

CONCESSION CONFLICTS - LIST OF INTERVIEWEES		
INTERVIEWEE	ENTITY	POSITION
GOL ENTITIES:		
Mr. Yarsiah	National Bureau of Concessions (NBC)	Director
Reginald Mehn	Ministry of Internal Affairs (MIA)	National Coordinator, Concessions Conflicts Resolution
MSPs		
Amos D. Vincent	Community United for Peace (CUP)	Chairman
Aminata Sonii	Community United for Peace (CUP)	Vice Chairman
Phillip A. Zodua	Zodua Land Management Committee (ZLMC)	Chairman
Daniel Chetteh	United Communities Initiative (UCI)	Chairman
Abraham Kromah	Project Affected Community (PAC)	Chairman
Orlando Karbeh	Reliable Partnership for Oil Palm Affected Communities (REPOPAC)	Chairman
Betty Dweh	Reliable Partnership for Oil Palm Affected Communities (REPOPAC)	Vice Chairlady
Samuel L. Blemie	Sustainable Partnership for Mines Affected Communities (SPAMAC)	Chairman
Betty Gono	Sustainable Partnership for Mines Affected Communities (SPAMAC)	Vice Chairlady

