

**SPECIAL PRESIDENTIAL REVIEW COMMITTEE (SPRC)**  
**OFFICE OF THE LEGAL ADVISOR TO THE PRESIDENT**  
**MINISTRY OF STATE FOR PRESIDENTIAL AFFAIRS**  
**REPUBLIC OF LIBERIA**

**MONITORING FRAMEWORK: CONCESSION CONFLICTS**

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*Submitted*

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## Abbreviations & Definitions

CFMB	Community Forest Management Board
CPCC	Cavalla Progressive Communities Committee
CRC	Cavalla Rubber Corporation
CSO	Civil Society Organization
EPA	Environmental Protection Agency
FPIC	Free Prior and Informed Consent
GVL	Golden Veroleum Liberia
IMCCCR	Inter-Ministerial Coordinating Committee on Conflict Resolution (IMCCCR)
LAC	Liberia Agriculture Cooperation
LACA	Liberia Revenue Authority
M&As	Ministries and Agencies
MIA	Ministry of Internal Affairs
MME	Ministry of Mines and Energy
MOL	Ministry of Labor
MOPP	Maryland Oil Palm Plantations
MSP	Multi Stakeholder Platform
NBC	National Bureau of Concessions
NGO	Non-Governmental Organization
PPCC	Public Procurement and Concession Commission
SDPL	Sime Darby Plantation Liberia
SPAMAC	Sustainable Partnership for Mine Affected Communities
UNDP	United Nation Development Programme
ZLMC	Zodua Land Management Committee
ZUPA	Zewien United for Peace and Advocacy

## I. EXECUTIVE SUMMARY

This is a report on the status of disputes between concessionaire and affected communities. It also reviews the monitoring framework for conflicts between the concessionaires and the affected communities. It is not a report on monitoring concessionaire compliance with all the requirements of the concession agreements. The report looks at the monitoring framework from both the national and local levels using conflict mapping and assessing the roles of key stakeholders in monitoring. It briefly describes the results of conflict mapping at the national level to identify the root causes of the conflicts from the perspectives of the key actors around the conflicts: *the affected communities, the county authority, civil society and the concessionaire*. It also describes the monitoring framework from the experiences of the Inter-Ministerial Coordinating Committee on Conflict Resolution (IMCCCR) at the national level and the affected communities through the Multi-Stakeholder Platforms (MSPs). It considers the roles of national agencies, local authorities, civil society and the concessionaire in the monitoring framework. The IMCCCR and MSPs provided a list of unresolved conflicts, causes for lack of resolution and how monitoring and compliance can be improved. Both the IMCCCR and the MSPs looked at the role of women in monitoring and how their roles could be improved. We conclude with a concession mapping table which categorizes the distribution of conflicts.

The conflict mapping exercise looked at conflicts from the perspectives of key stakeholders. County authorities focused on the terms, condition and awareness of the agreements. They are heavily focused on land disputes and employment. The affected communities emphasized employment and the general welfare of the workers – *social services, health, education, etc.* They are also concerned with pollution – *waste management, contaminated water supply, etc.* Civil society is primarily concerned with Free Prior and Informed Consent (FPIC) compliance and coordination with the concessionaries at the county level. They are also concerned that local civil society organizations (CSOs) are not being recognized by

concessionaires and local county authorities. The concessionaires complained about interference of the county authorities and political leaders. They also complained about obstruction of work by traditional and cultural practices and the community withholding land otherwise earmarked for expansion.

The monitoring framework is described by looking at the structure and the roles of key stakeholders: *local government, civil society, and the concessionaires*. IMCCCR monitoring involves an internal committee to monitor all conflicts on a quarterly basis. The composition of the committee consists of all national Ministries and Agencies (M&As) involved in concessions activities and varies with respect to the nature of the conflict. The committee reports to the IMCCR. For example, land disputes will involve the Land Authority. The local authority also has a similar committee with representatives from M&As chaired by the superintendent. The concessionaires are represented by a focal person on the committee. Civil Society is represented at both the county and national levels.

The monitoring framework of the MSPs is more informal and ad hoc. It consists of community and town hall meetings, visitations to the communities and one-on-one meetings, etc. Meetings are randomly arranged but occur at least monthly. The MSPs work with the National Bureau of Concessions (NBC) and submit reports to the Bureau. Local authorities help to ensure that the concessions are secured and aid the national government in the monitoring process. They report to the Ministry of Internal Affairs (MIA). The concessionaire is to preempt conflicts and implement the resolution. Civil society serves as a check on the MSPs, government, and concessionaires.

Women play an important role in the monitoring process under the MSP structure. They do fact-finding and gather information early in order to quickly address issues and avoid conflict and violence. From detecting issues that are likely to cause conflicts to encouraging transparency and accountability, and organizing and conducting peace conferences, women foster cordial working relationship between the concessionaire and the members of the affected communities. Their

roles in monitoring could be improved by providing training in monitoring and logistics and financial support to facilitate their efforts.

Finally, we present the results of concession conflict mapping table that categorizes the type and distribution of conflicts. The conflict mapping help to identify the root cause of conflicts. A disproportionate number of national conflicts occurs around land and employment. Nearly 40% of conflicts are related to land disputes and employment matter for both the IMCCCR and the MSPs. The use of tradition/culture to disrupt operations, weak FPIC compliance and lack of cooperation from the concessionaires are select sources of concerns common to both the IMCCCR and the MSPs.

## **II. OBJECTIVE AND METHODOLOGY**

### **A. Objective**

The objective of this report is to report on and status of conflicts between the concessionaire and the affected communities. It also describes the conflict monitoring framework for conflicts between the concessionaire and the affected communities. The objective is two-fold: Understanding reasons for the conflicts and how conflict monitoring is conducted. The conflict mapping exercise helps to understand the root causes for conflicts. The structures and processes in the monitoring framework shows how conflicts between the concessionaire and the affected communities are conducted. It will also identify gaps and proposals for improvements.

### **B. Methodology**

The conflict mapping exercise consisted of scheduled meetings under the auspices of the IMCCCR/MIA with the local authorities, affected communities, the concessionaire and civil society to solicit their views on the key causes of conflicts

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with the affected communities. More specifically, it involves meeting with the local authorities in the county, chief and elder's council, youth leaders, women leaders, people from the affected communities of the concessions, civil society leaders, and the management of the concessions. The monitoring framework assessment from the perspective of the MSPs resulted from responses to a questionnaire on the roles of the following key stakeholders in monitoring: *local government, civil society and the concessionaire*.

### III. CONFLICT MAPPING AND MONITORING FRAMEWORK

#### A. **National** – INTER-MINISTERIAL COMMITTEE ON CONCESSION, CONFLICT RESOLUTION (IMCCCR)

#### CONFLICT MAPPING - IMCCCR<sup>1</sup>

##### Maryland County - Conflict Mapping

##### Meeting - COUNTY AUTHORITY

Attendees – Meeting with County Authority		
Name	Title	Entity
Hon. George Pratt	Superintendent	Maryland County
J. Troggi Wilson	Labor Inspector	Maryland County
Maxwell N. Wesseh	Resident Engineer	Maryland County

#### NATURE OF CONFLICTS

##### Awareness of the concession agreement

- *The local residents within the concession are not informed on the terms and conditions of the agreement with the national government and the concessions(Maryland Oil Palm Project(MOPP)/Cavalla Rubber Corp (CRC)*
- *Poor public relations as it relates to the concessions activities within the operational area of the concessions by the concessionaire.*

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<sup>1</sup> Reginald Mehn, National Coordinator, Concession and Conflicts Resolution, MIA

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- *The county authority is not privileged to receiving copy of the agreement of concessions between national government and the concessionaire.*

## **Land Disputes**

- *National government did not carry on survey to set the metes and bounds of the concessions land and local residents, knowing that the survivability of the community people is based on farming*
- *The refusal of Local residents to vacate the land for which they have been resettled by the concessionaire.*
- *A deliberate attempt of the Concession to operate within the reserved land of the local residents or affected communities.*
- *The alleged unilateral agreement between former Senator Darn Morias and MOPP/CRC for the utilization of the LICICO'S land the former sugar cane company in Maryland County.*
- *Refusal of the concessions to pay land rental fees to affected communities based upon the Memorandum of Understanding (MOU).*

## **Employment**

- *The CRC redundant workers in Maryland County claimed that their benefits given to them were not properly calculated as per the labor standard of the republic of Liberia.*
- *Salaries delay without management giving reason(s) to the employees.*
- *No hazard benefits for employees.*

## **Meeting - AFFECTED COMMUNITIES**

<b>Attendees – Meeting the Affected Communities</b>		
<b>Name</b>	<b>Title</b>	<b>Entity</b>
Oliver Tomohne	Youth Leader	Community
Edward Y. Nyemah	Former Paramount Chief	Community
Beatrice Williams	Woman Leader	Community

## **NATURE OF CONFLICTS**

- *All the concessions have not built any medical facility within the concessions areas thereby increasing the intake of patients at the only government medical facility in the affected community.*
- *The refusal of the company to provide transportation for her workers thereby using tractors as a means of transporting workers at their various job sites endangering the lives of women most often seeing sitting on a tractor that is already filled with palm.*
- *Many people will fall sick on the job, while taking treatment to get well concession will redundant them.*



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- *Most of the unskilled labor jobs (private security, cleaner etc.) are given to foreigners denying locals Liberian as per the agreement.*
- *Affected community's residents are not being employed even if they were qualified.*
- *People are being redundant every time by the company without prior notice and approval of national government {Ministry of Labor}.*
- *Pursuant to the agreement that senior managerial position be given to qualified Liberians this is not taking place. Foreigners are still occupying 70% managerial position up to present*
- *During clearing, MOPP and CRC polluted most of the creeks and has not build any pump or to build a sedimentary dam in these affected communities for save drinking waters.*
- *No academy or vocational school built to train affected community's children or residents.*
- *Scholarship that is offered by the concession is not reaching the affected communities.*
- *No program or scholarship for people living with disabilities within concession affected communities.*
- *The company is not upholding to the terms and conditions of the MOU signed between the affected community and the company. For instance, they shall pay 5USD per ton of rubber to the community for developmental purpose but they have deliberately refused to do same.*

### ***Meeting - CIVIL SOCIETY***

<b>Attendees – Meeting with Civil Society</b>		
<b>Name</b>	<b>Title</b>	<b>Organization</b>
Bokate Norris	Co-Chair	PFL
Richard T. Howe	Labor Inspector	YESC

### **NATURE OF CONFLICTS**

- *Concession is carrying on redundancy without approval from national government.*
- *The refusal of the companies to attend coordination and concessions meeting at the county level.*

### ***Meeting - CONCESSIONAIRE***

*No meeting was held as the company was bereaved and could not grant audience.*

## Grand Kru County - Conflict Mapping

### Meeting - COUNTY AUTHORITY

Attendees – Meeting with County Authority		
Name	Title	Entity
Hon. Doris N. Ylatun	Superintendent	Grand Kru County
J. Karmbor Weah	County Inspector	Grand Kru County
Roosevelt Nyemah	Resident Engineer	Grand Kru County

### NATURE OF CONFLICTS

- *MOU signed between affected communities and concessions were provisional.*
- *Concession is planting in our area but are building processing factory in Maryland County which is depopulating our county in search of job.*
- *Most of the items within the MOU signed between the concessions and affected communities has not been considered.*
- *Affected communities most of the time take matter into their own hands by using traditional means (country devil) to stop concession's operation for days or weeks.*
- *Most of the affected communities do not understand the MOU, therefore, they demand more than what were spelled out in the MOU.*
- *MOPP is extending in Grand Kru County (coffee bee) Nimeh community without entering into MOU with the community in that vein, engagement has been ongoing for the past years but no one has said anything.*
- *Bad labor practices*
  - *People worked half day and nature(rain) falls and employees retired, that day is not counted in favor of the employee(s)*
  - *24 days at work you have 2 half bags of rice but if you miss one day you are denied the entire package of food for the month*
  - *Redundancy without prior notice*
- *First face of employment per hectare has not been completed. Concessions has not fully employed affected communities as per the hectares they have planted, pursuant to the MOU*
- *Affected community's employment slots are not given back to them when there is death, sickness, sack, redundant etc.*
- *No insurance for employees*

### **Meeting - AFFECTED COMMUNITIES**

<b>Attendees – Meeting with Affected Communities</b>		
<b>Name</b>	<b>Title</b>	<b>Entity</b>
Matthew T. Simbo	Chairman	Community
Jackson Doe	Zoloken	Community
Elijah Weh	Town Chief Geneken	Community

### **NATURE OF CONFLICTS**

- *It was agreed that for every six (6) hectares cultivated, one (1) person from the affected community should be employed, but the concession has not fully delivered on this agreement.*
- *The concession asked for our listing based on the hectares planted, but when there is (death, sack, abandonment etc.), concessions do not come back to the community to ask the community for replacement*
- *Our qualified children do not have any supervisory or managerial position at the concession*
- *The company (GVL) has a policy of which an employee should clean around 45 trees per day unfortunately the company instantly increased the palm trees from 45 to 75 without increment in salary.*
- *No insurance for employees at the concessions*
- *People are losing their jobs from accident incurred during the job*
  - *Ruth Doe from Geneken got skin rash while on job and is now out of job and not being paid by the concession*
  - *Mercy Kayne from Gbleboken fell from the tractor and is lame and the concession dismissed her and she is not presently working*
- *Employees are being transported in tractors to their job places*
- *With the exception of a clinic in Butaw, concession has no health facility in other affected communities*
- *Since 2014, the MOU between affected communities and the concession was temporary and needed to be permanent within five years' time pursuant to the MOU, unfortunately the concession has deliberately refused to do same.*
- *No scholarship program for affected communities*
- *No or limited pumps for affected communities for safe drinking water*
- *No vocational or academy school built by the concession but has renovated existing structure (not up to standard)*
- *Our community Palm Project fund cannot reach the affected communities*
- *Concession agreed to condition the roads in affected communities but the roads are still bad*
- *There is no maternity leave for pregnant women*
- *The company has a very poor waste management thereby burying their infested palm underneath the ground which is against the cultural norms and traditions of the people within the affected communities.*

### ***Meeting - CIVIL SOCIETY***

<b>Attendees – Meeting with Civil Society</b>		
<b>Name</b>	<b>Title</b>	<b>Entity</b>
Sansum S. Wiah	Act. President	Consortium CSO
Jacqueline Nah	Marketer Representative	Grand Kru County

### **NATURE OF CONFLICTS**

- FPIC (Free prior informed consent) was not properly done because there were no knowledgeable or representatives from CSOs and the affected community during the process.
- Local CSO are not recognized by the concession
- There is no concession representative during coordination and concession meeting with line Ministries and Agency
- There is no compliance officer from national government to monitor as to whether the concession is living up to the terms and conditions of the agreement signed by national government
- There is a need for national government to carry on awareness on the benefits within the agreement with national government and the concession

### ***Meeting - CONCESSIONAIRE***

<b>Attendees – Meeting with Management</b>		
<b>Name</b>	<b>Title</b>	<b>Entity</b>
Peter Doe-Somah	HR Manager	Golden Veroleum
Roosevelt V. Wleh	Sustainability. Manager	Golden Veroleum

### **MANAGEMENT RESPONSE**

- *Grand Kru County affected communities has nine MOUs for Social benefit that was signed by the concession for which 99% has been implemented accordingly.*
- *There is a concession meeting that is organized by the county authority which GVL attends on the monthly basis to provide information on the company operations.*
- *According to management the MOU signed, was a provisional one pending the permanent one but the affected communities continued to refuse the signing of the permanent one on ground that the provisional MOU has not been fully implemented.*
- *There is an allocation of 100,000 USD by management for scholarships for affected community's student at the various universities in Liberia but there is a serious interference by county authorities and political leaders from the county working at the national level.*

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#### CHALLENGES

- *Obstruction of work by using traditional and cultural practices (county devil)*
- *Rampant thefts by local residents*
- *Communities unwillingness to allow the concession to cultivate the total hectare given to them within the agreement signed by national government*

### **Sinoe County - Conflict Mapping**

#### **Meeting - COUNTY AUTHORITY**

*No meeting was held as the county authorities did not show up after receiving formal invitation from the Minister of Internal Affairs.*

#### **Meeting - AFFECTED COMMUNITIES**

Attendees – Meeting with Communities		
Name	Title	Entity
Hon. Annie Pobleh	Stat. District Superintendent	Sinoe County
Melvin Pantoe	Youth Leader	Sinoe County
Richard Clark	Elder	Sinoe County

#### NATURE OF CONFLICTS

- *Many of our people from the affected communities were placed down from work during the COVID-19 and have not been called back to work*
- *Few days absent from work due to natural disaster, concessions will not give us our food for the month*
- *Concessions managers have sub-contractors that affected community's slots are given to, if any of the affected community members leaves the job which is a conflict of interest.*
- *Working hours for employees were increased by management and there has been no Increment in salaries (6am to 6pm).*
- *No health facilities in the affected communities except Butaw community clinic.*
- *Robert Wreh got injured on job and was redundant*
- *Many people are getting injured because there are no proper safety measures put in place and these victims have been sacked without considering their conditions*
- *Marcy Daily had a tractor accident which led to his disability and was unfortunately redundant*
- *The concession is not upholding the agreement or MOU signed with the local communities, for instance, a) management refusal to change all the log bridges constructed on our feeder roads within the concession to reinforced concrete bridges. B) Management is not employing a person to six hectares of a cultivated farm land pursuant to the MOU from the affected communities.*

### ***Meeting - CONCESSIONAIRE***

<b>Attendees – Meeting with Concessionaire</b>		
<b>Name</b>	<b>Title</b>	<b>Entity</b>
Dr. Michael Abedi-Lartey	GM Sustainability	Golden Veroleum
Abu S. Kamara	Sustainability. Officer	Golden Veroleum

#### **MANAGEMENT RESPONSE**

- *A total of 874 housing unit have been built in both Sinoe and Grand Kru with electricity, and pipe-borne water as per the concession agreement.*
- *GVL currently has a work force of 3960 employees, over US 1.7 Million cost incurred per month on salaries while 100% totally provided free rice for employees.*
- *Over 50 contractors, with hundreds of local's community members and other Liberians are working on a regular basis, in addition to employees*
- *Approx. 2500 workers transported daily in both Sinoe and Grand Kru costing Approx. 1.6 Million a year*
- *A total 19,227 hectare of lands has been developed while 17,563 is still undeveloped*
- *A total of 20 public schools been rehabilitated for worker's dependents and local community children*
- *Three satellite clinics including four modern health facilities have been constructed for workers and their dependents as well as catchment communities.*

#### **CHALLENGES**

- *Only about 12,000 ha (approx. 23%) out of 51,688 ha land bank has been developed in Sinoe.*
- *Very limited availability of degraded land for development, Sinoe is over 80% forested.*
- *Land rights issues, especially after the Land Right Act (2018)*
- *Communities withholding land for which MOU has already been signed.*
- *Unrealistic demands/expectation from communities and other stakeholders.*
- *Frequent unjustified strike actions/ road blocks, costing about 100,000 per day.*
- *Abuse of traditional society practices to interfere and intimidate the company in its investment activities.*
- *Representation by multiple groups, making it difficult for company to engage in fruitful dialogue.*
- 

#### **SUPPORT NEEDED FROM GOVERNMENT**

- *Guided assistance in the acquisition of land for expansion.*
- *Intervention in port operational handling processes.*
- *Intervention in the use of traditional society practices to interfere in the company activities.*
- *Resolution of community boundary disputes in the concession areas.*
- *Support in infrastructure development (especially roads and port facilities).*

### ***Meeting - CIVIL SOCIETY***

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*The CSO was not informed by county authority therefore the team was unable to meet the Civil Society Actors.*

## MONITORING FRAMEWORK - IMCCCR<sup>2</sup>

### **How does the inter-ministerial committee on concession conflicts monitor the conflicts resolution?**

**Response:** *There is an internal committee set up to monitor all conflicts on a quarterly basis at the concession within the concession related counties. It is responsible to report to the IMCCCR all conflicts that have been resolved or whether the resolution is still maintained.*

### **Is IMCCCR working with the national agencies on monitoring and how?**

**Response:** *Yes, all those state institutions or agencies that have say in concession activities are part of the IMCCCR and also form part of the monitoring team on the quarterly basis.*

### **List conflicts that were resolved and how are the resolution been maintained?**

**Response 1:** *The ArcelorMittal redundant workers benefits and salaries conflicts. It was resolved that AML pay the benefits and salaries to 202 redundant workers on grounds that the company forfeited the labour laws of the republic of Liberia in that the company deactivated 202 positions from 2014 to 2016 under the canopy of redundancy approved by the government of Liberia through the ministry of labour. Unfortunately, in 2017 when the company activated the same positions, it was banding on the company based on our labour laws to prefer those that were in the position before deactivation instead, the company advertised those positions under vacancies, asking those involved to applied, they did and went through interview but were deliberately refused to be preferred for said positions. In view of the above, the IMCCCR with the ministry of labour taking the lead, investigated and found out that the information was true and correct on the part of the redundant workers something which the government through the IMCCCR demanded AML to pay 202 redundant workers their just benefits and salaries in the tune of \$603,000 united states dollars. The conflicts have since been laid to rest*

**Response 2:** *SOLWAY exploration limited Vs AML. SOLWAY exploration limited is a company register and licensed under the laws of the republic of Liberia through the ministry of mines and energy. This exploration company was given two lots in Nimba county to operate two mountains namely mount BLEUI and mount DENTON within the Gba and Seyi Kodoe authorized forest. Regrettably, AML as a concession complained that the two mountains involved are all within their concession area as such the SOLWAY company should not operate therein.*

*After careful investigation by the IMCCCR with the ministry of mines and energy taking the lead, it was resolved that pursuant to the MDA with AML and the government of Liberia, the government has the right to make business with any third party within the concession area of AML NOT within the operational area. Therefore, the IMCCCR was left with no alternative but allow SOLWAY to operate under the license given them. Etc.*

### **List all conflicts that has not been resolved and what are the reason for lack of resolutions?**

**Response:** *The following are conflicts that have not been resolved:*

1. *Delay in payment of resettlement benefits and livelihood packages for beneficiaries within the AML concession. > Too many bureaucratic bottom necked on the part of AML.*

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<sup>2</sup> Reginald Mehn, National Coordinator, Concession and Conflict Resolution/MIA

2. *Land Dispute in Maryland {MOPP/CRC}, Grand Kru {GVL}, Sinoe {GVL} > concessions refusal to live up to the terms and conditions with MOU signed with community's people within affected areas. Delay on the part of national government to survey the concession land and set the metes and bounds for community people and the concessionaire. The refusal of the community people to vacate the land for which they have been resettled.*
3. *Unemployment for residents of affected communities within concession related counties. Concessions living up the agreement clauses that call for employment opportunities for all Liberians. Interference of political leaders from the county at the national level on employment.*
4. *Bad labour practice - concessions refusing to live up to the decent work bill in terms of salaries payment. Poor monitoring at the concessions from labour ministry employees residing within the concession areas.*

### **What is the role of the local government in monitoring these conflicts?**

**Response:** *There is a committee set up at the county level with representatives from line ministries and agencies headed by the superintendent to monitor and investigate all concessions conflicts at the level of concessions related counties. Concessions have focal persons on said committee as well. The committee can also do referral to the IMCCCR on conflicts that are above their scope.*

### **What are the roles of national government agencies in monitoring these conflicts?**

**Response:** *The national government agencies work through the IMCCCR. For example, the land Authority handle all land dispute conflicts at the concessions through the IMCCCR. The labour ministry handled all labour related conflicts through IMCCCR, while the Environmental Protection Agency d all environmental conflicts through the IMCCR and etc. this is because we want to have a one government approach on resolving conflicts at the level of all concessions in Liberia.*

### **What is the role of civil society in monitoring these conflicts?**

**Response:** *They have representation on the IMCCCR at both the county and national level. They are development partners to government, although some of their institutions sometimes behave as oppositions. They sometime provide positive information that can help to right the wrong on compliance of several agreements signed with concessions in terms of monitoring.*

### **What is the role or position of concessionaire in monitoring, level of cooperation?**

**Response:** *Concessions are represented either by their government affairs officer or sustainability manager at the IMCCCR at national and county level who provides information or report on their progress, challenges, constraints, and make recommendations for monitoring.*

### **How could the monitoring and tracking of these conflicts be improved?**

**Response:** *The following are ways in which monitoring and tracking can be improved:*

1. *This monitoring and tracking of conflicts will be improved when there is a budgetary allotment through the ministry of internal affairs for the department of the national concessions and conflicts resolution to coordinate the IMCCCR in terms of logistic, stationery, salaries, and other allowances for operations.*
2. *State institutions principal should ensure that their representation is at IMCCCR coordination meetings at all time at the level of the county and national.*



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3. *State institutions should promptly inform the IMCCCR about conflicts that have been resolved by them base on their statutory mandate for monitoring purposes.*

## **B. Community Base: Multi-stakeholder Platforms (MSPs)**

### **MONITORING FRAMEWORK – MSPs<sup>3</sup>**

**REGION I** (i.e. Grand Bassa County) - ZEWEIN UNITED FOR PEACE AND ADVOCACY (ZUPA)

#### *Response to Monitoring Framework Questionnaire (ZUPA)*

#### **How is ZUPA monitoring resolution of conflict in its workplace?**

**Response:** *Conflict resolution is one of the core objectives for the establishment of ZUPA. Prior to the establishment of ZUPA by NBC, there were waves of violence melted against the company by citizens living around the concession. Research conducted by ZUPA found out that the citizen's actions against the company at the time was because they felt that the company was not providing its social responsibility to the community, not knowing the detail of the in use 1959 concession agreement.*

*Therefore, ZUPA conducted an awareness gathering in two different places and educated the citizens about the function of the company and their role to the company in terms of how to channel their grievances to the company. Since those gatherings, there has been a cordial relationship to some extent between the company and the affected community.*

#### **Is ZUPA working with any National Agency?**

**Response:** *Yes indeed, ZUPA is in close working relationship with the National Bureau of Concessions. Of recent, the new Director General in Mr. Edwin Dennis visited us as a way to acquaint himself with ZUPA. Besides NBC, ZUPA has not established any other link with another national agency.*

#### **List all of the conflicts that were resolved by ZUPA**

**Response:** *ZUPA succeeded in resolving conflicts that used to take place between affected communities and LAC, thereby bringing about co-existence currently. ZUPA is also involved in settling a conflict prone situation between citizens of Whroazohn (LAC Junction Community) and LAC for a portion of land currently occupied by the company without any proper arrangement. Hearing into the matter was held since four months ago where LAC asked to*

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<sup>3</sup> Reports from MSPs – ZUPA(Grand Bassa County), ZLMC (Cape Mount County), SPAMAC (Nimba County)

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*go and hang heads but has not called back for continuation of the mater. This I can safely say is unresolved.*

### **List the conflicts ZUPA hasn't been able to resolve**

**Response:** *ZUPA has not been able to resolve the emerging conflict which can be referred as dispute for now, between Whroazohn citizens and LAC.*

*ZUPA is also challenged in compelling LAC to construct the 30 pieces of pumps promised the people living along the Newcess River through ZUPA's advocacy. The Newcess River is polluted by LAC and ZUPA asked the company to find the people living along the river an alternative for their drinking water. Since four years ago into this arrangement, the company has only constructed 7 hand pumps out of the 30 hand pumps promised the citizens. Delay in the construction of the pumps does not come from ZUPA, but the company, because of the glaring fact that no document compels the company to do so.*

### **What are the reasons ZUPA has not been able to resolve those conflicts?**

**Response:**

- *Lack of adequate support by national government*
- *Logistical impairment to constantly pursue the matters*
- *Unwillingness by the company due to the 1959 LAC Concession Agreement*

### **What is the role of national government agency in monitoring these conflicts?**

**Response:** *Not strong as expected. They come to solve problems created already instead of putting into place mechanism that will help curb conflict. It was understood that those MSPs that were established by NBC would have been fully supported by UNDP to make it efficient and effective, but nearly almost all of the MSPs that were established are at the verge of being collapsed due to lack of support.*

### **What is the role of local government authorities in monitoring these conflicts?**

**Response:** *They too are sometimes reactionary instead of being proactive in solving problems that have the propensity of causing conflict. In most times, they don't get involved in avoiding situation that could cause conflict, but become active when conflicts are caused.*

### **What are the role or position of concession in monitoring these conflicts, and what are their level of cooperation when it comes to these conflicts?**

**Response:** *Since the establishment of ZUPA and BLOJAY around the LAC Plantation and with the dividend the company is getting as it relates the co-existence between the company and the affected communities through the effort of ZUPA, the company sees it as a good initiative in curbing conflict which used to hamper them in the past.*

*In light of this, the company is closely working with ZUPA in some instances because the company itself has realized how important it is to work along with the MSPs. But meeting up with some suggestions aim at curbing conflict have been little more at a slow pace.*

*Much is needed to be done by the company. Their cooperation is seen but not as expected.*

### **What is the role of Civil Society in monitoring these conflicts?**

**Response:** *Civil societies have been vigorous in monitoring conflict prone situation, but sometimes too they too can become political in their advocacy. When politics is seen in advocacy, even though it's difficult to avoid politics in advocacy, but if it is meant for personal gain, then such advocacy strength can watered down.*

*However, when situation of major conflict erupts within the LAC Plantation, community based civil society organizations get involved in solving the conflict. They are required to join effort by ZUPA as a recognized organization to mediate ways in solving the conflict(s).*

### **REGION II (i.e. Cape Mount County) - ZODUA LAND MANAGEMENT COMMITTEE (ZLMC)**

#### ***Response to Monitoring Framework Questionnaire (ZLMC)***

### **How does your MSP monitor the conflict resolution?**

**Response:** *My MSP monitor the resolution of conflicts with in our environment or Clan as whole by visitation to the communities in and around and making sure that these communities are working in line with the community laws and the M. O. U. between the concession and the communities.*

*Besides, there are lots of difficulties in the monitoring process especially for our female counterparts. Although we are all in the same shoes of doing volunteer work for our community's, there is no stipend from anywhere and you have your family that needs to be fed every day, those ladies have to cater to their family, husband and their security from duty to home. The challenges are too many in the monitoring process.*

### **Is your MSP working with the National agencies?**

**Response:** *Yes, our MSP is working with the National Bureau of Concession (NBC), we submit reports to them, give them complain if necessary meaning the company refusal to cooperate with the MOU will lead to their complaints to National agencies.*

### **List all conflicts that were resolved, how are the resolutions being maintained?**

**Response:** *These are some of the conflicts that were resolved between the (SDPL) Sime Darby Plantation Liberia and the (ZLMC) Zodua Land Management Committee during the Period.*

- a. Employments*
- b. Contracts*
- c. Constant maintenance of the communities hand pumps*
- d. Road rehabilitations*
- e. Communities monthly engagement session*
- g. Power struggle/ leadership conflict among MSP of ZODUA*
- f. Schools and medical benefits of work force/employees*

*All the above mentioned resulted into conflicts between the communities and the concessions before they were handled as it supposed to be, that was maintained for long Period of time except for now MPOI wants to divert from the system which might result to the same as SDPL.*

**List all conflicts that have not been resolved, and what is the reason for lack of resolution?**

**Response:**

1. **Communities development funds for the developed land:** *This has not yet been resolved and we as MSP have sent series of communications, met with the NBC but there has been no account yet on that issue.*
2. **Boundaries harmonization between clans:** *This is a serious concern within Garwula District, we have eight clans within Garwula District and two township that are bordering each other, we have settled some of those conflicts and still we have up to 12 of them to be handled, and the reason for which some of those conflicts are not yet resolved is the lack of proper awareness and education to the less fortunate in education. Another has to do with lack of communication materials, funding, and logistics for effective movement.*
3. **The number of hectare of land developed in Zodua is not yet specific and we have asked for recalculation of the entire developed land by palm:** *The reason for not getting the actual figure is a noncooperation factor from the concessionaire, the funding for the community development depends on the number of areas occupied by the concessionaire and they don't want to give the exact figure. Their target is to maximize profits while the MSP target is benefits from there land to the communities. Another reason is that women were not involved within the resolution process and they really have the way means of resolving some technical problems with ease, they have the power and strategies of handling problems that men do not have the patience for or sometimes may lead to violent at the higher level.*

**What is the role of national government agencies in monitoring these conflicts?**

**Response:** *The role of national government agencies in monitoring these conflicts is that they are responsible for providing security and protection for both her citizens and the investment made by investors. These are the areas national government agencies monitor the tax payment to national cupboard for payment of civil servants salaries and development purposes even for her citizens. The national government is also responsible for the protection of her citizens against the company or concessionaire for their CSR Corporate Social Responsibilities.*

**What is the role of local government in monitoring these conflicts?**

**Response:** *The role of local government is the monitoring of conflicts within our communities and to ensure that concessionaire are secured as well her citizens are also secured. They partake in local government meetings with the company's and partake in communities meeting as stakeholders and play major role in decision making. The local government is in the local community to aid national government agencies in the monitoring process and reports to national government through the internal affairs.*

**What is the role of civil society in monitoring these conflicts?**

**Response:** *The role of civil society in monitoring these conflicts in that they do check and balance, they monitor Government, communities and concessionaire during their operations. They will alarm if there is any fault play from either party. Civil society is also there to carry the voice of the voiceless to be heard at the National level or sometimes at international level. They provide awareness and education for local communities as to how to govern themselves in decisions making. In case of any problems, they do win-win situations, to find solutions for progress.*

**What is the role or position of concessionaire in monitoring, level of cooperation?**

**Response:** *The role or position of concessionaire is that the concessionaire will see their responsibility and even act like they don't see it, because they don't want to spend a dime. Sime*

*Darby use to act in accordance with the MOU, but not with MPOI, they have deviated from everything that was Left by SDPL.*

*The company MPOI is not actually cooperating with the MOU as well the monitoring of the conflicts mechanisms, which we have a grievance procedure that she refuses to work with.*

### **How could the monitoring and tracking of these conflicts be improved?**

**Response:** *The monitoring and tracking of the conflicts can be improved with collective efforts and voluntary commitment, people or the MSP are putting tireless efforts to see the communities and company coexist and work in collaboration.*

*These are the various steps to improve the monitoring of conflicts within our concession communities.*

- *Supports for the MSP security wiles*
- *Building the capacity of the MSP*
- *Equipping the MSP logistical supports*
- *Mobility for effective movement and communication sets*
- *Stipend for the upkeep of the MSP*
- *Monthly engagement with the MSP and report to National Government agencies.*

## **REGION III** (i.e. Nimba County) - SUSTAIN. PARTNERSHIP FOR MINE AFF'TED COMMUNITIES (SPAMAC)

### *Response to Monitoring Framework Questionnaire (SPAMAC)*

### **How is SPAMAC monitoring the resolution of conflicts?**

**Response:** *SPAMAC monitors the resolution through the following means:*

- *Community Town Hall meetings*
- *Community to community visitations*
- *One to one interview and discussions with citizens and employees as well*
- *Membership monthly meetings, Etc.*

### **Is the MSP working with the national agencies?**

**Response:** *Yes, SPAMAC works with the National Bureau of Concessions (NBC) who monitors and provides support to all the MSPs and the MSPs submit reports to the Bureau. The NBC in collaboration with UNDP and other institutions organize and conduct meetings and conferences where all the MSPs share their experiences.*

### **List all conflicts that were resolved.**

**Response:** *All of the conflicts that were resolved partially include but not limited to:*

- *Delay by ArcelorMittal (AML) in compensating farmers for their farmlands, crops & settlements damaged through their mining activities*
- *Disqualification of some farms and crops by AML for compensation, saying the farms size do not meet their standard.*
- *Limited employment and scholarship opportunities for affected community people*
- *The pollution of farmers' drinking water and its sources, etc.*

### **How have the resolutions been monitored?**

**Response:** SPAMAC monitors the resolution by checking/making follow up with the company on its commitments to the citizens through meetings, site visitations, phone communications, etc.

### **List all conflicts that have not been resolved**

**Response:** Among many conflicts that have not been resolved, few include:

- Land ownership struggle amongst Gbapa, Zolowee and Zortapa communities relative to SOLWAY operations
- Farm lands owners and the Community Forest Management Body (CFMB) demarcation problem
- Limited employment opportunity for community people at AML
- Jobless contractors of AML requesting for their pay if not risk demonstration
- Some farmers' crops and farms not been compensated by AML
- Subcontracting companies' constant hobby of recruiting unskilled laborers outside of the affected communities to do unskilled work, etc.

### **What is the reason for lack of resolution?**

**Response:** There is no resolution due to the lack of financial support to the MSP to facility meetings and other engagement activities.

### **What is the role of national government agencies in monitoring these conflicts?**

**Response:** The role of the national agencies is to ensure compliance and support the MSP in mitigating and resolving conflicts.

### **What is the role of local government in monitoring these conflicts?**

**Response:** The local government role is similar to that of the national government agencies. They play a motherly role. They advocate on behalf of the citizens when the needs arises likewise for the concessionaire. They urge the citizens to remain peaceful whenever there is a problem and encourage the concessionaire to live up to its commitments.

### **What is the role of civil society in monitoring?**

**Response:** The civil societies ensure the co-existence of both the concessionaire and the citizens. They intervene when there is an issue and find a way forward.

### **What is the role or position for concessionaire in monitoring? Level of cooperation?**

**Response:** The concessionaire role is to implement what the resolution says and provide support to the MSP for effective monitoring and supervision. Its level of cooperation is not motivational.

### **How could the monitoring and tracking of these conflicts be improved?**

***Response:*** *The monitoring and the tracking of these conflicts could be improved by providing supports to the MSPs:*

- *Finance & mobility*
- *capacity building in leadership, financial management, conflict management & resolution, advocacy & dialogue*
- *regular quarterly stakeholders briefing and feedback meetings/conferences*
- *regular meetings between concessionaires and the MSPs after every two month*
- *To develop and implement MOU that is supported and backed by external organizations such as UNDP & other international institutions, etc.*

## IV. GENDER AND MONITORING

### **MSPs: GENDER AND MONITORING**

Women play key roles in the monitoring process. They are involved in the full spectrum from conflict preemption, monitoring, negotiation and resolution. More specifically, they are engage in the following activities with respect to conflicts in the affected communities.

- *Observe and keep focus on detection issues that are likely to cause conflicts*
- *Do fact finding and gather accurate and detailed information to quickly address issues of concern identified in order to avoid violence*
- *Organize and conduct peace conferences intended to resolve conflicts and discuss other important issues*
- *Constantly consult stakeholders in finding workable solutions to problems and remind every party of its responsibility / commitment*
- *Advocate for and on behalf of the community people in case of Concessions compliance and fair treatment /benefits*
- *Initiate activities or projects that will empower women and positively affect the lives of the community people at large*
- *Negotiate and dialogue issues of almost everyone concern*
- *Encourage and support sustainable peace and development through cordial working relationships with both the concessionaire and the citizens of the affected communities*
- *Foster transparency and accountability through the engagement with any party involved in conflict.*
- *Serve as an advocacy group for peace in the communities*
- *Model good leadership styles, encourage and up hold consensus building and participatory decision making processes*
- *Plan and implement activities that will promote peace, unity, love, development and many others*
- *Women monitoring could be improved when they are provided trainings, logistics, financial support, etc.*

## V. CONCLUSION AND POLICY RECOMMENDATIONS

The monitoring framework for concessions conflicts with the affected communities is complex. It has formal and informal arrangements; local and national structures, government and nongovernment actors, etc. It is also distributive. No institution has exclusive control over the monitoring process. At the national level, the IMCCCR controls with the relevant M&As. At the local level, the MSPs controls with levels of government, concessionaries, NGOs, CSOs and communities. As multiple institutions are involved in the monitoring framework, it becomes complex with duplications, tensions, etc. Coordination, collaboration and some centralization becomes key in improving monitoring regime

The following are recommendations for improving the monitoring framework for concession conflicts:

**Centralization of Monitoring Framework:** There are several entities involved in the monitoring framework without a centralized reporting structure. The IMCCCR is under the MIA while the MSPs report to the NBC. This two-tier arrangement can be challenging for the concessionaire.

The monitoring framework will require a more centralized control to ensure an effective coordination of the activities of all of the entities involved in monitoring conflicts with the affected communities. There should also be clarity of the roles of each entity with respect to monitoring. It is also not clear who has responsibility for enforcement.

### **Coordination between the IMCCCR and MSPs:**

There is little evidence of collaboration and coordination between the MSPs and IMCCCR. Lack of coordination and collaboration leads to duplication, confusion and frustration for the concessionaire. There should be a coordinating



mechanism between the MSPs and IMCCCR, possibly under the direction of the NBC. This will prove helpful in avoiding duplication, confusion and tensions around monitoring.

**FPIC Issues:** A number of MSPs complained about noncompliance with the requirements of FPIC. This was a primary concern of civil societies in all three counties of the conflict mapping. Both the concessionaire and the affected communities need to be trained in the implementation of FPIC. This is important to provide clarity and preempt conflict. Thereafter, the FPIC requirements should be enforced.

**Traditional/Cultural Issues:** All concessionaires complained about the repeated use of cultural and traditional rites to stop concessionaires' operations. These disruptions are particularly challenging because they have no legal basis or framework for resolution. Basically, a cultural order is given for work stoppage or prohibit access to certain areas. No member of the community may disobey such pronouncement. The concessionaire has no recourse but to comply with the request. These disruptions are frequent and a source of significant risk to the concessionaire operations.

There should be a clear pronouncement from Ministry of Internal prohibiting the use of traditional rites to disrupt concessionaire operations. Such a pronouncement will signal government's commitment to administering the concession agreement in legal framework of the nation. Traditional rites are not part of the legal framework.

**Awareness of the Agreement/MOU:** Some county authorities and affected communities leaders have complained that they were not aware of the agreement, not informed on the terms and conditions of the agreement or did not understand the agreement. This lack of awareness or understanding of the agreement can lead frustration for the concessionaire and conflict with the

communities as they make unreasonable demands beyond the terms of the agreement.

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. The national government should mandate special training/workshop to explain the rights and obligations of both the concessionaire and the communities **prior to** the award and **during the life** of the concession.

#### **Recognition of the MSPs by the County authority and Concessionaire:**

Several MSPs have complained about the lack of recognition by the concessionaire and county authorities. This lack of recognition makes monitoring a challenge as they lack the moral and legal authority.

The MSPs is a good foundation for a monitoring at the community level. The MSPs offers an excellent foundation for the preemptive strategy on conflict avoidance and monitoring. 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. They should be formally recognized by the concessionaire and the local authorities. There should also be a strong conflict monitoring role for the MSPs.

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Concession Conflict Mapping Table – <i>IMCCR, MSPs, etc.</i>										
	National - IMCCR					Affected Communities - MSPs				
<i>Conflict Type</i>	Counties			Total	% of Total	Multi-Stakeholder Platforms			Total	% of Total
<i>Interviewee Position</i>	Maryland	Grand Kru	Sinoe			ZUPA	ZLMC	SPAMAC		
<i>Land Disputes</i>	3	4	4	11	16%		2	2	4	13%
<i>Education</i>	2	4	2	8	11%		1		1	3%
<i>Health and Medical</i>	3	2	2	7	10%		1		1	3%
<i>Employment</i>	8	6	4	18	26%		1	4	5	16%
<i>Access to Agreement / MOU Awareness</i>	4	3	1	8	11%	2			2	6%
<i>Tradition/Culture</i>	2	4	2	8	11%	1			1	3%
<i>Environmental/Safety</i>	2	1	1	4	6%		1	1	2	6%
<i>FPIC Issues</i>	1	1	1	3	4%	1	1	1	3	10%
<i>Concessionaire Cooperation</i>	1	1	1	3	4%	1	1	1	3	10%

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