

# Minutes

## **5<sup>th</sup> Bi-Annual National Meeting of the Heads of Member Organizations of the Alliance for Rural Democracy (ARD)**

**Gbapa, Nimba  
(13-15 December 2013)**

### **Theme:**

“Protecting customary land rights as an empowerment for poor and vulnerable communities in Liberia”



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The 5<sup>th</sup> Bi-Annual Meeting of the Alliance for Rural Democracy (ARD) was held, for three (3) days, in Gbapa Town, Nimba County. The meeting was hosted by the Nimba Advocates for

the Environment, Economic Empowerment and Natural Resources Rights (NAEERR) with the support of the elders and chiefs of Gbapa Town.

The Policy Dialogue was held on Day One, 13 December 2013; the training and capacity building event was held on 14 December 2013 and the Plenary Session was held on 15 December 2013 to assess activities since the last Bi-Annual Meeting in Kon Town. These consecutive events would form the next steps ahead of the next Bi-Annual Meeting.

A total of one-hundred-three (103) participants were in attendance, including guests from SOMO, The Netherlands, and MADAM, Sierra Leone. The participants were from Liberia's fifteen (15) political sub-divisions.

The Policy Dialogue created opportunities for community interactions with policy makers with the responsibility or oversight to protect community rights. As usual, this interactive session was an opportunity for policy makers to listen and respond to community concerns. It was a meeting of "Right holders" and "Duty Bearers".

The Panelists at the 5<sup>th</sup> Bi-Annual meeting included the following: Madam Josiwe Yah Gono, Special Assistant to the Superintendent, Saniquellie Mah Administrative District, Nimba County, Ministry of Internal Affairs; Hon. Chea Garley, Assistant Minister for Technical Services, Ministry of Agriculture, Republic of Liberia; Hon. Atoki Koeh, Labor Commissioner (MOL) – Nimba County, Ministry of Labor, Republic of Liberia; Hon. G. Dumber Gbarlo, District Commissioner (Saniquellie Mah Administrative District – Nimba County, Ministry of Internal Affairs; Mr. Anthony Konneh, Social Mobilization & Community Engagement Department, Sime Darby Oil Palm Plantation and Mr. Varney Kiazulu, Community Relations Department, ArcelorMittal Steel.

The community training exercises included topics in the Criminal Justice System (which was delivered by Cllr. Philip Z. Malik, Legal Counsel, Green Advocates International); Economic, Social and Cultural Rights (which was presenter by Mr. Bah-Wah Brownell, Green Advocates International); The Right to Free, Prior and Informed Consent (which was presented by Mr. Oscar Dolo, Chairman, Whistleblower Union, Grand Cape Mount County) and Community Benefit Sharing in the forestry sector (which was presenter by Mr. Steven Joe, founder, Concerned Citizens Caucus of River Cess County and Regional Representative, Steering Committee, ARD).

SOMO, through Mr. Tim Steinweg, provided training on company mapping and assured the ARD of SOMO's support in helping push for greater corporate accountability in Liberia.

During the community experience-sharing session (Day 1), Mankind's Activities for Development Accreditation Movement (MADAM), through Mr. Mohamed Magazuba, shared community experiences with economic, social and cultural rights in Sierra Leone. MADAM was thankful for the work of the ARD and expressed interest in helping communities in Sierra Leone organize to similarly press for economic, social and cultural rights.

The Natural Resource Women Platform delivered a position statement and experience sharing on women-specific challenges on Economic, Social and Cultural Rights in Liberia. They highlighted the need for renewed attention for the plights of rural women while exercising economic, social and cultural rights.

On Day 3, the Chair of the ARD, Mr. Paul Larry George, on behalf of the Steering Committee, delivered the Steering Committee's report to Plenary in 2012, including progress, challenges and special tasks assigned (by the meeting) at Kon Town.

The Chairman's report was followed by the presentation of the drafted decisions arising from the experience-sharing session and the Steering Committee's report. The Plenary then discussed and adopted the drafted decisions as proposed by the Steering Committee, ARD. Some decisions were rejected and/or suspended.

The Steering Committee of the Alliance chaired the three-day meeting which discussed a number of issues including, but are not limited to the following:

- The Draft of Petroleum Law of Liberia and considerations for “citizen participation,” “beneficial ownership” and the local ownership requirement. This discussion underscores the fear that in the absence of adequate public consultations and safeguards, these provisions could be breeding grounds for future controversies which can overflow petroleum revenues and corruption when benefits are concentrated in the hands of few elites and at the expense of the general population
- The lack of conducive working and living environment across several of the mining, logging and agricultural concessions, which include the lack of safety gears, discrimination in available treatment for workers performing the same task, unexplained reports of death among workers, the use of tractors to transport workers and living quarters that violate standards for health and sanitation in housing in Liberia
- The under-represented communities, where women were found doing the so-called managing small-medium enterprises (SMEs) such as charcoal production, back-yard gardens, rock-crushing and mining

- The difficulties facing slum and squatter communities in owning property or proving their legal status in urban centers across Liberia as they lack the requisite papers and that without efforts by the Liberian state to help them secure property rights, they risk being completely driven from the cities or forced to leave their shelters at any time and without any serious compensation
- The need to consult widely in Liberia and abroad to convene a Referendum to amend the Constitution of Liberia to recognize and protect Customary land rights
- The admission of new members into the Alliance and the granting of Observer status
- The issue regarding benefit sharing in the forestry sector based on the fact that past logging operations in Liberia never really benefited local communities or allowed them to be part of the decision-making process although it relates to the management of their community-based natural resources

### **Experience Sharing and Special Conclusions and Recommendations**

The experience sharing session at the Bi-annual Meeting created the opportunity to assess the performance levels of community members, local leaders and the Government of Liberia on established human rights standards and/or in relations to economic, social and cultural rights in the new Liberia.

As usual, very heart-touching experiences were shared at the 5<sup>th</sup> Bi-Annual Meeting. Each shared experience highlighted the difficulties and extent of work still lying ahead in the campaign for economic, social and cultural rights.

The meeting agreed that the experiences shared, and the special conclusions and recommendations reached by each organization at the 5<sup>th</sup> Bi-Annual Meeting require urgent attention. The meeting thus decided to:

- Reach out to the relevant stakeholders to revisit and repeal provisions of the Labor Law of Liberia including section 1508 (on the Dismissal of Workers) which continue to undermine workers across Liberia in terms of the discretionary powers of employers to hire and dismiss. The provision on wages equally requires re-visitation as workers employed by some multi-national corporations such as Firestone Liberia Company continue to earn US\$60.00 (sixty United States dollars) monthly. The meeting learned that policy makers including those at the Ministry of Labor are aware of the undermining role of this provision but believe that until repealed, it remains binding despite reported consequences

- Call on the Government of Liberia to independently investigate the circumstances around the recent restrictions on motorcycle riders in Monrovia including the reported theft of motorcycles by police officers arresting them on the streets and to ensure justice and due compensations based on the findings. The meeting was saddened by the apparent conspiracy against motorcycle riders in Central Monrovia including the banning of their movement despite their strategic role in the local economy and transport industry including the demand (by the Government of Liberia) for payment of license plates when license plates were never delivered to many of the customers or “Pem-Pem riders”<sup>1</sup> who paid in the 2012 fiscal year. It was noted that the harassment of pro-poor businesses such as motorcycle riders in Liberia has social, economic and security implications if you consider that a lot of the war-affected youth have traded violence for peace and that, in a way, their abstinence from violence, is further guaranteed if they remain economically engaged
- As a precondition for awarding natural resource rights, ensure robust scrutiny of all multinational corporations with business interest in Liberia including rigid follow-ups actions and deep inquiries about their reason(s) for selecting Liberia for such investment(s) and their records on human rights, environmental practices and corruption. This includes readiness-levels and expertise in Liberia to effectively monitor the exploitation of the country’s vast natural resources and access to and interpretation of technical reports on mineral discovery, valuation and processing. The meeting observed the lack of oversight mechanisms or monitoring efforts across all concessions granted by the Government including information that such unchecked behavior continues to serve as loopholes for dual mining and excessive control over and conversion of natural resources rights not given in contracts. In places where monitoring activities are reported, the meeting noted that they appear cosmetic, inadequate and unreliable
- As a matter of policy, there should be the need to ensure proactive engagement with new communities whose rights may be potentially affected when a concession is awarded over community-based natural resources. As a necessary first step, the meeting agreed to ensure proactive engagement in Lofa County over the ongoing negotiations (by the Government of Liberia), despite public outcry, to award the Wologizi Range as a preventive measure to the violation of community rights. The meeting noted the urgent need for early engagement to help adequately prepare local communities to participate in the negotiations—no matter their remoteness—and ensure the protection of community rights which are being consistently violated in the award of concessions across Liberia. The meeting recalled that, despite attracting 16

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<sup>1</sup> The local name for transport motorcycle riders across Liberia

billion USD as foreign direct investment to Liberia from multinational corporations, the Government of Liberia has no real tract record of best practice in terms of community consultations, protection and benefit-retention in the granting of concessions, contracts, licenses and permits over community-based resources

- Promote real equity in community-company relations across Liberia, rather than the usual social contracts that only commit companies or multinational corporations to building a school or a clinic in the community. The meeting agreed to translate community rights into equity and a seat at the table with potential investors. This means communities will no longer weep on the shoulders of Government as they equally value and consider themselves as investors possessing capital (such as land, forests, etc) which can be economically transformed with cash or money introduced by another investor or a multinational corporation
- Urge the Government of Liberia to fully investigate the ArcelorMittal's five-year plan for the export of iron ore by ArcelorMittal and to ensure that community consultations are held based on FPIC on this plan which could potentially affect community members now and in the future. ArcelorMittal is currently expanding its facilities, in a **five-year plan** (insert link), to increase the tons of iron ore produced or shipped annually but the expansion has not truly met the internationally required consultations of the affected communities based on their right to Free, Prior and Informed Consent (FPIC)
- Condemn and call for an independent investigation into the shameless monopoly of power and control in Maryland County with Salala Rubber Corporation (SRC) or former Cavalla Rubber Corporation (CRC) through its parent company SIFCA (which is a French Agro-Industrial Conglomerate with branches located in Ivory Coast, Ghana and Nigeria) exercising administrative and managerial control over three (3) of the main companies in Maryland County with employment potential. SIFCA/CRC reportedly controls the administrative decisions at the Maryland Oil Palm Plantation (MOPP) formerly Decoris Oil Palm and the Liberia Sugar Company (LIBSCO) and how this form of excessive power is already restricting the rights of some workers who are unable to freely move to any of these companies in search of a better job or life. The meeting noted that given the common practice of most multinational corporations in terms of how they often easily become a Government unto themselves with absolute rights, outside Monrovia, the Government of Liberia should move in to break this monopoly of power and to ensure independence of these concessions. The meeting could not understand the message in terms of accountability and financial capability that these concessions are under one management but different names. The meeting was warned against the repeat of October 2011 when residents of Pleebo-Sidiken District in Maryland County boycotted the Octoberr 11 polling on ground that the Government of Liberia had imposed a concession agreement (SIFCA) which was

mowing down their forests, secret and ancestral bushes and farmlands. Farmlands were taken away and residents were being left with nothing for themselves and their children

- Ensure accountability of the Social Development Fund in Grand Bassa County. Despite the disbursement of social development funds, there is little transparency and accountability of the allocation process
- Ensure that mining, agriculture and forestry concessions are prevented from taking on additional roles not mentioned in their contracts. Due to the lack of rigid oversight and monitoring of concessions awarded, affected communities have witnessed the unilateral interpretations of contract terms including concessions boundaries which overlap areas of customary land rights
- Ensure that several concession agreements such as the Liberia Agricultural Company (LAC), the Salala Rubber Corporation (SRC), etc are re-negotiated consistent with international best practice. The physical deteriorating state or tattered nature of the original contracts prevent any serious reading and comprehension
- Call for an investigation into the lack of action by the relevant authorities including the Forestry Development Authority (FDA) over the quite but disturbing level of harvest and sale of camwood trees by some dubious Chinese businessmen. The meeting was informed that this enterprise is occurring mainly around towns and villages in Lofa County with Chinese businessmen in cohort with powerful local insiders. Community member term the practice as an abuse of community-based resources counting on the lack of revenues to the Liberian state and affected communities
- Call for an independent investigation of the attacks against women making backyard gardens such as vegetables and, occasionally, sugar cane, for survival, in District 1, Margibi County. The women openly plant crops in the presence of security officers from Firestone Liberia Company. Nonetheless, during maturity or harvest of these crops, security assigned at Firestone moved in, without notice, to completely destroy these crops either by uprooting them or using chemicals. The meeting was informed that the affected women are afraid to challenge the violations and destruction of their vegetables and crops in fear of reprisal from Firestone. The meeting lamented the ceding of vast tracks of customary lands to multinational corporations, across Liberia, while depriving fringe communities or true owners of farmlands the right to live through honest means
- Accept the payments for mining claims but to also urge the Government of Liberia and ArcelorMittal to address concerns about crop compensation and the permanent loss of mining claims. Nimba County noted that the payment for mining claims drowned or

destroyed by ArcelorMittal in the construction of the sedimentation dam is commendable. However, residents are dissatisfied over the permanent loss of their claims including fears that Gbapa will ultimately lost its status as a diamond mining community and that without expertise to robustly monitor these claims, community members are fearful that ArcelorMittal (with its sophistication in technology) has the potential to mine diamond thus leaving the fields bare during the turning over exercise. Additionally, there are concerns about the crop compensation at ArcelorMittal and the lack of explanation on the resettlement procedure and new planting arrangements. Community members have been planting 500 trees in a given plot of land that the Ministry of Agriculture has unilaterally ordered the planting of 150 trees in the same plot, thus leading to the unacceptable loss of 350 trees

- Closely work with the National Charcoal Union of Liberia (NACUL) to renew attention and support for women charcoalers who are struggling to access sufficient wood for charcoal production in the forests of Liberia. The meeting agreed to closely follow complaints and then lead investigations, redress and lobby to address violations in the charcoal sector. Apart from transportation challenges and poor recovery methods, the harassment of women for sex and favor have been added to the disadvantages in accessing wood for charcoal production
- Lament and ask the Government of Liberia and the Legislative Caucus of Nimba County to independently investigate the deteriorating situations facing the people of Gbapa, Nimba County, despite being the direct host of the much-celebrated formal LAMCO and now ArcelorMittal. This special investigation should mainly focus on the lack of benefits from the annual 1.5million USD Social Development Fund to Nimba County from ArcelorMittal; the lack of clinic or hospital for its growing population; the increasing loss of farmlands to grow enough food to feed its population and the loss of profession and prestige as a rich diamond mining community in Liberia.

**Content 1: To be featured on the Website Above the Above Content (The above content is to be embedded in a *read more*)**

The 5<sup>th</sup> Bi-Annual Meeting of the ARD was held in Gbapa Town, Nimba County. This meeting involved three significant sessions: The Policy Dialogue, The Training and Capacity Building and The Plenary. The Policy Dialogue created opportunities for community interactions with policy makers with the responsibility or oversight to protect community rights. This interactive session was an opportunity for policy makers to listen and respond to community concerns. As for The Training and Capacity Building session, the community training exercises included topics in the Criminal Justice System, Economic, Social and Cultural Rights, the Right to Free, Prior and Informed Consent (FPIC) and Community Benefit Sharing in the forestry sector. In particular, SOMO, through Mr. Tim Steinweg, provided training on company mapping and assured the ARD of SOMO's support in helping push for greater corporate accountability in Liberia. In addition, the experience sharing session at this Bi-Annual Meeting also created the opportunity to assess the performance levels of community members, local leaders and the Government of Liberia on established human rights standards and/or in relations to economic, social and cultural rights in the new Liberia.

The above sessions prompted the Steering Committee to discuss a number of issues, namely the possibility of future controversies of the Liberia Petroleum Law, the lack of conducive working and living environment across several of the mining, logging and agricultural concession, and the under-represented communities—women. Accordingly, the meeting recognized that these are pressing issues and thus decided to make numerous important decisions, namely to:

- **Reach out** to the relevant stakeholders to revisit and repeal provisions of the Labor Law of Liberia which continues to undermine workers across Liberia in terms of the discretionary powers of employers to hire and dismiss
- **Call for an independent investigation** of the attacks against women making backyard gardens in District 1, Margibi County
- **Ensure robust scrutiny** of all multinational corporations with business interest in Liberia including rigid follow-ups actions and deep inquiries about their reason(s) for selecting Liberia for such investment(s) and their records on human rights, environmental practices and corruption
- **Renew attention and support for women** charcoal-workers who are struggling to access sufficient wood for charcoal production in the forests of Liberia
- **Promote real equity** in community-company relations across Liberia
- **Urge the Government of Liberia to fully investigate** ArcelorMittal's five-year plan regarding an expansion that has not truly met the internationally required consultations of the affected communities based on their right to Free, Prior and Informed Consent (FPIC)
- **Condemn and call for an independent investigation** into the shameless monopoly of power and control in Maryland County with Salala Rubber Corporation (SRC) or former Cavalla Rubber Corporation (CRC)