

11 Gibi District benefits from forest revenues, expands school to high school

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KEY MESSAGES

- This case study shows that when communities receive all the benefits owed to them from logging and are able to make informed decisions about how best to use these funds they can effectively execute development projects.
- In this example, a Palava Hut has been built and a Junior High School is being extended and turned into a High School. This will allow children (especially girls) to be educated within the community and reduce travel costs for parents, thereby contributing to a key aspect of the national development agenda.
- With lack of government support and companies not sticking to the contract they signed with the communities, the challenge now is to finalize the building of the extension and to find qualified teachers.

INTRODUCTION

This is the second of two case studies showing what communities are able to achieve with sufficient funding.¹ It focuses on Beyan Poye Community Forest in Gibi District, Margibi County, and the benefits derived from its Commercial Use Contract (CUC) with Akewa Group.² This case study shows that when communities receive the benefits owed to them from logging and are able to make informed consensus decisions about how best to use the funds they can effectively execute development projects.

The 21 towns of Beyan Poye Community Forest held their first mass meeting in Kaiway town in October 2020. The meeting identified all the possible development projects and estimated budgets. They then identified priorities to execute when funds were received from logging. The extension of the Gibi Public School and the completion of a Palava Hut in Worhn town appeared as the priority projects.

The construction of additional classrooms to create High School was expected to alleviate the economic constraints parents faced in ensuring their children acquire a High School education, sending them outside their community. There was also a lack of qualified teachers for the extension of the school as only the Principal of the Gibi Public School holds a university degree. The community now needs to plan and implement a strategy to attract qualified High School instructors to the community.

METHODOLOGY

Initial research for this case study was conducted in November 2021. The Sustainable Development Institute (SDI) gathered information for this case study from respondents within the

Beyan Poye community. The Principal of the public school, local authorities and members of the Community Assembly (CA) and the Community Forest Management Body (CFMB) participated in the information gathering for the case study. The respondents were selected based on their knowledge and participation in meetings for the selection of the community development projects. Focus group discussions were used to gather information from members of local authorities and the CFMB. Nine respondents including eight men and one woman participated in the focus group discussion. Key informant interviews were conducted with the commissioner of Gibi District and the Principal of the Gibi Public School. The focus group and key informant used a topic guide to ensure key topics were covered whilst giving respondents the freedom to say what they wanted. The responses were then collated, analyzed and compiled. Additional follow up was made to the Principal, as well as the CFMB Chief Officer and Community Support Officer, who were not in the community during the visit of the SDI team. They filled information gaps identified during the compilation and analysis of the data.



Gibi public school @ SDI



LEGAL CONTEXT

The 2009 Community Rights Law provides clear provisions for communities to participate in the governance of the management of their forest and to directly benefit from the revenues generated. Communities that the Forestry Development Authority (FDA) grants Authorized Forest Community (AFC) status are allowed to negotiate third party agreements with logging companies.³ These agreements include a 55% share of Land Rental Fees for the area covered by the community forest and a Cubic Meter Fee for the volume of timber logged.⁴

THE SCHOOL PROJECT

Each community that has been granted an AFC status and has entered into a CUC with a logging company is expected to undertake 'projects' that provide economic and social services to the community. 21 towns and villages are represented in the Beyan Poye CA which is comprised of 42 members including four women and 38 men. The CFMB (comprised of five members including four men and one woman) conducts daily activities in consultation with the Executive Committee of the CA. The community should be receiving US\$ 22,919 every year as its share of the Land Rental Fees but the community has received only US\$ 34,919 and Akewa owes it over US\$ 85,000.

Beyan Poye has initiated two projects, both in Worhn town. The construction of a Palava Hut has been completed and the school construction has started. The school construction is, however, currently stalled because Akewa has refused to pay the funds it owes to the community and has moved its equipment to another community.



New school rooms under construction @SDI

RELEVANCE OF THE PROJECT

Communities comprising beneficiaries of the Beyan Poye Community Forest believe raising the level of the Gibi Public School to a Senior High is their foremost priority, as the school, originally constructed in 1948, has not been improved further since being elevated to a Junior High in 1979. The current desire of the communities is a modern High School that is equipped with a computer lab and teachers' quarters to attract qualified instructors. There are adjoining communities with no school and a High School will ensure a literate community, so they "cannot become vagabonds" or "for nothing human beings". The communities are unanimous in their choice to build a modern

High School, which will expose girls to the value of education, which may also contribute to reducing teenage pregnancy. The communities' vision is a vocational school that prepares their children for career opportunities to lift themselves out of poverty. The community is hopeful that their plans will be achieved and that their vision becomes a reality that started with the forest funds and that will be further supported by the National Government and donors.

SCHOOL CONSTRUCTION AND FINANCES

A committee was set up to manage the project implementation. Since this was their first construction, a few issues arose regarding budgeting less than the actual cost. The committee held meetings with the contractor and resolved the cost implications for completing the initial phase. The first funds have now been exhausted and the contractor has presented a budget for the next phase. Once the CFMB provides the financing, the annex construction will be completed.

The availability of these funds is, however, dependent on an ongoing mediation between Akewa and the community, which started in April 2022, facilitated by Heritage Partners and Associates (HPA), a legal firm assisting communities with access to justice using the forestry legal framework. There have been several interactions between the community and Akewa logging company to settle the arrears the company owes the community and the community has threatened to terminate its contract with the company.⁵

The mediation is expected to enable the communities to receive the more than US\$ 85,000 that the company still owes them. The communities are learning their lessons dealing with logging companies, as the Paramount Chief asserts: "what you don't know is older than you".

Before commencing the construction, a ground breaking ceremony was held in January 2020 and the current Minister of Education and the District Education Officer were both invited. They attended and endorsed the construction of the High School. The administration of the school sought to enroll students into the tenth grade for the academic year 2021/2022 and contacted the Ministry of Education to ensure teachers were identified, recruited and included in the National Budget, instructors were not made available.

As the table below shows, as of 30 November 2021, the Beyan Poye CFMB had spent only US\$ 16,000 on the capital cost of the school and Palava Hut construction. The CFMB should be receiving US\$ 22,919 from Akewa every year as its share of Land Rental Fees. However, the company has not paid this amount regularly. Akewa has also not completed the payment of the Cubic Meter Fees for the logs it has felled and extracted. Hence, the company still owes the community more than US\$ 85,000. The completion of the school and additional costs for equipping the proposed High School are therefore dependent on the outcome of the arbitration and the company's willingness to pay its arrears.

Logging funds received, expenditure and arrears owed by Akewa

Description	Unit cost	Units	Total	Comments
Total amount paid to Beyan Poye by Akewa				
Land Rental Fees (55% community share)	US\$ 22,919	1	US\$ 32,919	Payment for one year, paid August 2019
		US\$ 10,000		Additional US\$ 10,000 paid in June 2020
Cubic Meter Fees	US\$ 2,000	1	US\$ 2,000	Payment for first shipment
Sub total			US\$ 34,919	Total funds received since March 2017
Expenditure on Capital infrastructure by Beyan Poye				
Amount approved by CA for first phase of school construction	US\$ 14,500	Bulk	US\$ 14,500	Payment made to contractor to procure and construct structure
Amount paid for Palava Hut	US\$ 1,500	Bulk	US\$ 1,500	Payment for completion construction of Palava Hut
Amount paid to school committee	US\$ 400	Bulk	US\$ 400	Payment for monitoring, including transportation to construction site
Bridge construction	US\$ 2,000	1	US\$ 2,000	Part payment for project in one of the two clans
CFMB 10%	US\$ 3,292	1	US\$ 3,292	Remuneration according to Constitution and Bylaws
CFMB office	US\$ 1,000	Assorted	US\$ 1,000	Payment for stationaries, office equipment, rent, etc
Bi-annual meetings of CA and CFMB	US\$ 500	7	US\$ 3,500	Decision making meetings of the CA
CA member's compensation	US\$ 1,470	Bulk	US\$ 1,470	US\$35 distributed to each CA member
Forest inspection	US\$ 500	Bulk	US\$ 500	To verify allegation of encroachment
Transportation costs related to arbitration	US\$ 3,000	Bulk	US\$ 3,000	\$500 first payment approved and additional \$250 provided
Road committee's expenses	US\$ 300	Bulk	US\$ 300	Payment for expenses related to transportation and feeding
Business registration	US\$ 300	Bulk	US\$ 300	Annual payments
Bank charges	US\$ 1,080	2018-2021	US\$ 1,080	Payment for monthly checking account charges
Subtotal			US\$ 32,842	Estimated capital and recurrent expenditures
Arrears owe by Akewa to Beyan Poye				
Land Rental Fees (55%) per year	US\$ 22,919	3 1/2	US\$ 81,676	More than three years Land Rental Fees arrears company owes
Cubic Meter Fees	US\$ 4,000		US\$ 4,000	Cubic Meter Fees not paid before Akewa left the community
Subtotal			US\$ 85,676	Approximate amount due the community

EFFECTIVENESS

Extending the Gibi Public school to High School level will go a long way in preparing residents of the community to pursue higher education within the community. There are other surrounding and adjoining communities with no school, making it a key priority for the community to ensure a literate community.

EFFICIENCY

While the decision was participatory in prioritizing the school as one of the first two projects, its completion is now becoming difficult given the lack of cooperation by the logging company Akewa to pay its arrears. The main concern of the community is that approximately two years ago the company transferred all

of its equipment to another community forest (Gola Konneh Community forest in Grand Cape Mount County), so has not kept its promise to the people of Beyan Poye. The company has also not removed the logs it felled prior to leaving the community and some are beginning to rot. It is hoped that the mediation process with Akewa, which is being facilitated by HPA, will be successful and that the funds owed by the community will eventually be paid.

This case study documents the community's good process and planning to address a key community challenge, which is obviously now being marred by its inability to enforce its contract with Akewa logging company, coupled with a lack of a clear plan and formal agreement with the Ministry of Education to support the operations of the High School when completed.

SUSTAINABILITY

The Land Rental Fee is a fixed, predictable income every year (US\$ 22,919 in the case of Beyan Poye) that is normally expected to be used for new infrastructure. Alongside this, the community is due a Cubic Meter Fee, which is a variable, quarterly income more suitable for running costs. Together, a community can decide how to use these amounts for the recurrent costs of maintaining the functionality of its capital investments. Whilst the Palava Hut has been completed, the payments have not been reliable enough to enable the Beyan Poye community to complete the school extension.

Community members' determination to complete the expansion of the school is being undermined by the failure of Akewa to keep its side of the agreement and pay the arrears it owes. Even though the school construction is currently stalled, the Beyan Poye community is still focused on its plan and is expecting to enroll students in the tenth grade for the academic year 2022/2023, but it cannot yet be completely certain.

Although there is a Gibi District Development Association (GIDDA), which is responsible for coordinating all the district development projects, GIDDA was not engaged during the inception of the projects. It is currently being engaged to ensure cooperation leading to the completion of the school construction.

EMERGING BEST PRACTICE, LESSONS LEARNED AND RECOMMENDATIONS

BEST PRACTICE

1. **Project selection:** Ensure projects benefit the forest community. The decisions on what projects to invest forest income in – including the Gibi Public School extension to High School – were made by representatives of all 21 towns through inclusive deliberation.
2. **Buy-in of National Government:** Before commencing the construction, seek endorsement of the government agency responsible. The ground breaking for the school construction was graced by the current Minister of Education and the District Education Officer, indicating their support to the extension of Gibi Public school to High School.

FOOTNOTES

¹ The first case study was about Kpayarquelleh, and is available at <https://loggingoff.info/wp-content/uploads/2022/06/SDI2022-ForestCommunityCaseStudy-Kpayarquelleh.pdf>

² Beyan Poye, having obtained Authorized Forest Community status in December 2016 signed a 'Community Forestry Management Agreement' with Akewa on 25 March 2017. This is a misnomer, and all such agreements should follow the template for a Commercial Use Contract.

³ Community Rights Law 2009 Chapter 6 describes commercial use contracts between a logging company authorized forest community; <https://drive.google.com/file/d/1JsBi6GJrmfv41amF4wMwMKZ5EmXFhq2O/view?usp=sharing>.

LESSONS LEARNT

Lessons other communities can learn is that government moral support is not enough to guarantee that it will take on a community-initiated project.

Communities must secure formal government support for projects, such as a school, linked to the Government National Development Plan. The presence of government officials at the ground breaking ceremony does not translate into a formal agreement with the Liberian government to include the school into Liberia's national development agenda.

A clearly developed sustainability plan should be included in the design of any community project. In this case, first, as mentioned above, there should have been a formal agreement with the National Government on how the High School will be staffed, equipped, and sustained. Second, the GIDDA should have been engaged during the inception of the construction and should have been given a clearly defined role.

Communities should only be signing logging contracts with clear, time-bound and easily enforceable terms and conditions. Akewa relocated to another community without paying the arrears owed to Beyan Poye community of more than US\$ 85,000 in Land Rental and Cubic Meter Fees, yet the contract with Beyan Poye is still in force.

RECOMMENDATIONS

- The Ministry of Education should provide qualified High School teachers to the Gibi Public school to meet the growing demands of students leaving the Junior High in the community.
- Akewa should make full payment of all the Land Rental and Cubic Meter Fees it owes the Beyan Poye Community Forest communities.
- The FDA should address the widespread abuse of communities across Liberia by compelling logging companies to clear their areas before transferring their operations to another community forest and to pay all the outstanding costs owed to communities before doing so. It should not allow Akewa to operate in any other forest until all arrears due to Beyan Poye are settled.

⁴ Community Rights Law Regulations 2017 Section 11.3 stipulates 55% of the Land Rental Fee shall be paid directly to the community; www.clientearth.org/latest/documents/regulation-2017-forestry-development-authority-regulations-to-the-community-rights-law-with-respect-to-forest-lands-liberia/. The Commercial Use Contract Template Section 5.2 provides for the company to pay an amount (to be negotiated when agreeing the contract) per cubic meter of logs harvested to the community.

⁵ The Daylight, 25 January 2022, Akewa: The Nigerian company breaking Liberia's logging laws unpunished; <https://thedaylight.org/2022/01/25/akewa-the-nigerian-company-breaking-liberias-logging-laws-unpunished/>.