



Regional Forest Dialogue

Report Bringing together communities, companies, local and national leaders face to face for productive and sustainable forest management

Held in Gbarnga, Bong County



August 29, 2019

Strengthening the capacity of non-state actors to improve FLEGT-VPA and REDD+ processes in Western Africa, implemented by VOSIEDA and Tropenbos International

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Disclaimer

While it is true that this activity was carried out with funding support from the European Union (EU), all opinions expressed in here do not reflect the views of the EU. All views expressed in this report are solely the views of the Volunteer to Support International Efforts in Developing Africa (VOSIEDA).

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1. Introduction

On August 29, 2019, phase one of the Regional Forest Dialogue took place in Gbarnga City, Bong County. The Gbarnga event brought together over 60 participants from Lofa, Nimba, Grand Cape Mount and Gbarpolu counties. Among several participants were representatives from logging companies, County Superintends, District Commissioners, Forestry Development Authority (FDA), Liberia Revenue Authority (LRA), Liberia Timber Association (LibTA), and from Host and Affected Forest Communities (National Union of Community Forestry Development Committee -NUCFDC, the National Union of Community Forest Management Body -NUCFMB). The Dialogue was held under the theme: *“Bringing together communities, companies, local and national leaders face to face for sustainable and productive forest management.”* Topics discussed include: 1) Roles and responsibilities of key forest stakeholders; 2) Benefit sharing mechanisms of forest resources; 3) Dispute prevention and resolution mechanisms in forest governance; and 4) Experience sharing in noncompliance, interference and illegal logging.

To draw individual institution’s perspectives on the selected topics, panelists were selected from participating institutions (FDA, LRA, Local Authority, Company/LibTA and Community), based on longstanding experience in the sector. This provided opportunity for actors in the sector to meet and engage each other on issues that are of significant to them.

The dialogue advanced several recommendations which are expected to strengthen community-company relations, minimize tension between major forest actors, improve service delivery to communities while ensuring commitments are fulfilled, and enhance inclusiveness for marginalized and vulnerable groups of women and youth in forest operations.

The dialogue was organized by NUCFDC, NUCFMB and LibTA, funded by the European Union (EU) through the European Union Non-State Actors (EU-NSA) Project, which is being implemented by Volunteers To Support International Efforts In Developing Africa (VOSIEDA) and the Tropenbos international (TBI). Phase two of the dialogue is expected to take place in Greenville, Sinoe County in September 2019.

2. Presentation at the Dialogue

There were four panel discussions organized with at least four panelists on a panel. People with vast experience in the sector were selected from the participating institutions to present perspectives of their institutions. Every panel discussion lasted for one and half hour; 30 minutes for presentations (5 minutes each), 15 minutes for participants to comment/buttruss and 45 minutes for questions and answers. During the time of questions and answers, FDA received the highest number of questions (at least 60% of the questions), followed by communities and LibTA. Panelists were high-minded in responding to questions raised.

2.1 Roles and responsibilities of key forest stakeholders

Forestry Development Authority (FDA): During the presentation, FDA declared being in charge of the forest, through monitoring and regulating the forest sector. *“We monitor all other activities of the forest. Those days, we just used to send companies in communities to work with less involvement of the FDA. But since 2006, this came to a halt following the enactment of several reforms laws that gave community rights to manage and control their own forest.”* The FDA

stressed their role to regulate/monitor all forest laws, regulations, policies and agreements to ensure forest resources benefit everybody.

Liberia Timber Association: Like the FDA, LibTA established their roles in the sector as monitoring and advocating for all of its members companies in making sure they are in compliance with the laws. *“We provide capacity building for our members and ensure that they operate in acceptable manner.”* According to LibTA, these have happened since their establishment in 1976. They declared working with all key forest stakeholders including host and affected forest communities and EU to keep their members in confirm of the laws of Liberia.

Community Forest Management Body (CFMB): The CFMB established their roles in the sector as ‘liaison and Managers’; they liaise between the community, company and FDA whilst managing the day to day activities of the authorized community forest. *“We relate to all community forest structures including, the Executive Committee (EC) and Community Assembly (CA). We advocate for communities at national and international levels. We check on companies to know if there are in compliance with agreements or performing on the agreement they signed with community or not and we are also the eyeball for the FDA. FDA trained us in the nine + two steps. We are also the technical arms of the communities. We arrange for third party or commercial agreements, report on a quarterly basis on our activities to EC and CA. We work with companies to ensure transparency and accountability. However, to ensure community use a common template when going into agreement with company, we have drafted a Commercial Use Contract (CUC), which is nearing completion, but some stakeholders are finding it difficult to affix their signatures because, they say it gives communities more power. But community reported knowing the community rights law and other regulation have empowered us as owners of the forests”.*

Community Forestry Development Committee (CFDC): Presentation from CFDC showed little difference in the roles and responsibilities of the CFMB. *“We serve as middle man between the companies and communities, FDA and CSOs. We are charged with the responsibility to negotiate social agreements on behalf of communities. We ensure community members don’t destroy the forest with farming activities, especially in concession areas. We monitor the performance of social agreement with companies and manage funding received from companies. We are also under obligation to report to community advisory board in order to make good decision for the community. We received and manage funds on behalf of communities.”*

Questions and answers: One question that chucked the FDA was *“What measures are being put in place by the FDA to ensure communities in conservation areas benefit from forest resources?”* In response, the FDA declared having no measures put in place for conservation communities to benefit from forest resources, but depends on the host community to agree before setting aside conservation areas. In the meantime, the FDA noted that the NGOs, INGOs & CSOs are the ones helping in providing alternative livelihood initiatives for conservation communities. The FDA also reported being responsible in developing forest management plan for forest communities, but is challenged in terms of manpower and logistics to do so. Responding to question on illegal miners, FDA said it is difficult to stop these miners because the government has issued permit/license to miners. This speaks to the fact that the FDA’s lack of monitoring of the sector has limited their knowledge of the contract areas of companies and individuals receiving licenses from the

government to operate in the forests. Lack of capacity was used as an excuse for FDA always delaying in responding to companies' request to verify production.

2.2 Benefit sharing mechanisms of forest resources

Forestry Development Authority (FDA): During the second panel discussion, the FDA established that the new trend taken in ensuring benefits trigger down to everyone is worth. *“Government has given right to community to manage their forests for the benefit of all. We realized that communities are managing the forest, so they must benefit under the CRL. Companies in timber sale contract and forest management contract areas are supposed to pay 100 percent land rental fees through LRA (and should be distributed as: 30% to communities, 30% to counties and 40% to national government). At the community forest agreement areas, any company the community chooses, is to pay 55% of land rental fees to community account established by the CFMB and 45% to LRA for the national government. The total amount of cubic meter fees goes directly to communities. Companies deposit said money into community accounts and give copy of deposit slip to community and FDA. Companies are to build roads, clinics, etc. once agreed under the social agreements or third party agreement.”*

Community Forest Management Body (CFMB): According to the CFMB, the 2006 and 2009 forest laws give communities the right to manage their own forest to increase chances for community to benefit from forest resources. Every fund community has received, the CA approved before a cent was used. *“The CA/EC has to be part of the expenditure process, and the FDA to monitor the usage of fund by community. Any evidence of mismanagement leads to 5 years imprisonment. Companies are expected to pay cubic meter fees to community by depositing it in the community's account. But it has been very difficult for community to access their benefits from companies.”*

Community Forestry Development Committee (CFDC): Presentation made by NBSTB on behalf of the CFDC indicated that every fund received by the board on behalf of the community has come as a result of public protest. *“FDA Regulation No. 111-10 states our role. Our problem is the government refusal to obey the law it crafted. We do not know how 30% share for the counties are been dealt with. You need to strive to know what is happening with the county's 30% of forest revenue. But the 30% for community, it has nothing to do with county's authority, and we have managed to get some through public protest. We have implemented several projects at the community level through a system we have put in place. The NBSTB has project review and monitoring committees. A project is approved and disbursement of funds clearly spelt out in the project document from 10, 30 or 40% as various stages of the project. In total, the NBSTB has 16 members, including CSOS, two paramount chiefs, academia and international NGOs. But we are still challenged with communications. Information is not been timely disseminated.”*

Liberia Timber Association: For the first time communities clearly got the side of the company on payment of land rental fees. According to the company, they are in no arrear with the government of Liberia regarding payment of land rental fees, except the waver. *“One key thing is the legal aspect. If we make a law, it is binding on all parties to obey the conditions therein. We pay our taxes to government, and government is responsible to distribute the percentage as*

stipulated. Communities need to investigate if certain companies have pay their taxes or not. Communities need to verify payment information”.

Liberia Revenue Authority (LRA): The above assertion by the company/LibTA was confirmed by the LRA. The LRA declared that the companies are current with their payment of land rental fees and all associated taxes since 2016. *“We collect lawful revenue, but we don’t distribute. We do this by billing clients and clients pay to central bank. In distributing revenues, I want us to consider the decentralization program. Under decentralization programs, FDA and Ministry of Internal Affairs can decide who takes lead on benefit sharing as it relates to communities and county leaderships.”*

Questions and answers: All panelists were asked to respond to “Why communities are not adequately receiving their shares of the forest resources even though the government of Liberia is collecting revenue from companies before export or after harvesting trees?” Neither the FDA nor the LRA could properly address this question. However, the FDA was recorded stating they collect and report log data, but are not used for decision making, except the information reported by the SGS.

2.3 Dispute, prevention and resolution mechanisms in forest governance

Forestry Development Authority (FDA): The FDA outlined reasons for dispute as lack of information, awareness and education. According to the FDA, instead of conflict relating to noncompliance to social agreements and other agreements being handled at community level first, it is first reported at national level. They stressed that the FDA can only come in if the community cannot handle the noncompliance issues. But if the FDA failed to handle the matter, the last option is the court.

Community Forest Management Body (CFMB): Buttressing the FDA, CFMB representatives noted lack of communication as the major cause of conflict among forest actors. According to them, many communities have reported not being aware of the workings of the CFMBs that serve as liaisons between the community, company and FDA. Another reason recorded as factor for conflict was the FDA continual backing of company, which has triggered many conflicts. Community gets angry whenever they see FDA supporting or taking side with company. To address these, and many conflict issues, the CFMB registered engaging community, company and FDA on every matter concerning the CFMAs.

Community Forestry Development Committee (CFDC): The CFDC identified lack of free flow of information as the cause of conflict. They spent more time describing conflict prevention and resolution mechanisms. According to them, information dissemination have been taken seriously among CFDCs. *“We have meeting with the communities to clear doubts in their minds about a particular thing that draws their attention. In solving disputes, community sometime raise issues with the CFDC, as CFDC, we called for dialogue between company and community. If we cannot solve it, we take it to the NUCFDC. There are about 23 CFDC under our control. We first create the atmosphere for dialogue at the community level. Education also help to mitigate dispute.”*

Liberia Timber Association: In relation to the above topic, the company/LibTA asserted that there will always be problem, but the ability to resolve these problem is what matters. *“We have*

our social responsibility to meet up with. Reason for dispute is lack of communications, lack of transparency and accountability. When the heads are not relating to their people on issues relating to companies, it causes dispute. And that is when the people bring country devil out. Let host and affected communities channel their complaints through their leaderships whenever there is problem. If you go on the rampage, it will stall progress in logging operations which will affect revenue generation on all sides.”

Questions and answers: In response to question on settlement of boundary disputes, the FDA reported consulting chiefs and traditional leaders to resolve disputes. While answering question on whether company and community can revisit social agreement or other agreements when they find out bogus conditions in the contract, the FDA didn't rule out the condition nor accept it, but referenced the provision in the social agreements or other agreements that allows for company and community to review social agreement (sometimes after 2/3/5 years). Responding to the application of various laws to stop disputes coming out of illegal logging, the FDA declared no compromise for illegal logging. The FDA failed to mention any company that has been fined for logging outside of the contract areas. The FDA couldn't establish why they have not approved or given a go ahead to the use of the CUC. In response to disputes management, a staff of Alpha Logging Company expressed regret with the number of disputes coming out of the forest contracts/concessions. *“We wish there could be less conflict because constant disputes is affecting our operations. We regret a lot when there are conflicts.”*

2.4 Experience sharing on challenges (noncompliance, interference and illegal logging)

Forestry Development Authority (FDA): Participants indicated that most companies rely on FDA's administered report instead of conducting theirs, which, according to them, does not take into consideration several key issues like proper boundary harmonization. They cited specific instances like the conflicts in Lofa and Gbarpolu counties on revising the Bluyema CFMA with Sing-Africa Plantation.

Liberia Timber Association: LibTA declared that FDA has failed to do due diligence beyond financial support from companies while bidding for forest contracts, nothing, FDA mainly concerned about which company has the financial strength. At the same time, it was observed that community structures and government entities working in the forestry sector are too much dependent on companies for support outside of the scope of the contract.

Community Forestry Development Committee (CFDC): The Secretariat of the National Benefits Sharing Trust Board (NBSTB) reported having less or no activity due to lack of operational funds to run the secretariat. For community to access their share of forest revenues, the NBSTB established carrying out protest or issuing strong warning. On the other hand, they also said, some communities are not properly accounting for funds entrusted to them, and are in constant habit of changing project scopes and designs without coming back to the drawing board.

Liberia Revenue Authority (LRA): Following NBSTB's revelation, the LRA revealed that payment of taxes and other forest revenues from the forests have been current since 2016, a revelation that shocked participants particularly the communities.

Community Forest Management Body (CFMB): Communities however explained that lack of community management plan remains a major challenge for them in meeting community development goals. It was observed that community management plans are not always available when community apply for contract after the 9 steps. Sometimes, communities apply without understanding the process. Community declared that FDA is not monitoring the forests as it should do, and that government is in serious violation of its own laws. Participants also reported that interference by legislators in CFMB matters is causing serious problem for communities. According to them, Lawmakers are imposing their choice of companies on communities. Some national stakeholders are delaying in signing on to the CUC because they say it speaks more to community interest. FDA is not proactive in developing community management plan, which is affecting communities in their development initiatives.

Local Authority: The local authorities were concerned about pit sawing in their communities. They said pit sawyers do not build bridges, but are cutting logs, which are carry on trucks that damage the roads. They expect FDA to ask pit sawyers to contribute to community development initiatives. *“FDA is playing game with our community. FDA, companies and communities are not respecting the laws. Lack of communication is affecting communities and companies. CFMBs are not doing due diligence on companies wanting contract from their areas.”*

3. Conclusion

The Regional Forest Dialogue was declared as one of the best ways to educate, create awareness and resolve conflicts among major forest partners, particularly between community and company. The dialogue which brought together representatives from key forest stakeholders’ institutions debated issues affecting the sector to increase knowledge of participants aimed at reducing conflict and improving forest governance. From the presentations and discussions among participants, many participants were recorded noting they now better understand their rights and limitations in forest contract management.

Even though LRA reported that companies are current with payments of land rental fees to government on behalf of FMCs, but the government is not remitting the funds to forest communities and counties, it was reported that companies are not in compliance with payment of land rental fees to CFMAs’ communities and cubic meter fees to both FMCs and CFMAs’ communities. The payment of cubic meter fees should be direct to communities and determine based on available tree data, in contrast, it was reported that these payments were made mainly on log export data produced by SGS, even though FDA field coordinators are collecting and producing tree data.

The dialogue identified several drivers of disputes which included, the FDA continual backing of company even when it is clear that the company is in violation of the forestry laws; lack or low knowledge of forestry laws, regulations, and procedures by key forest stakeholders; poor communication and or information sharing; interference by local authorities into the functions of community forest structures (CFDCs and CFMBs); mismanagement, misappropriation and misrepresentation of forest structures, etc. The dialogue also created sense of ownership among community and united community and company by sitting face-to-face to share ideas on how to

handle their forest contracts, MOU, social agreements, and illegal logging matters. It ended with participants making recommendations for sustainable forest management.

4. Recommendations/Action Points

At the end of the dialogue, participants advanced several key recommendations for consideration in improving forest governance.

Community (FMCs, CFMAs)

1. Create stronger collaboration with company and government in making sure communities access their forest benefits, including cubic meter and land rental fees; - this will be initiated by the NUCFDC and NUCFMB through organizing meetings including the regular quarterly meetings with company managements, the communities and the FDA;
1. Improve information sharing among community members and some key forest stakeholders. It was noticed that information sharing among forest partners, mainly between the CFMBs and CA/ECs was poor, and this has led to serious conflict among community members; - the NUCFDC, NUCFMB and VOSIEDA/CSO will use existing plans to develop a communication strategy or plan for effective communication among CFDC and CFMB members and key forest stakeholders;
2. Involve legal practitioner/firm and CSO during the 11 steps process of awarding community forest to ensure forest management plan is developed and or steps are fully exhausted before signing agreement or MOU. It was reported that the process of awarding community forests stops at the 9 step, not covering the 10 and 11 steps. The NUCFMB will do a full assessment of all existing CFMAs to establish whether they all have management plan; - the NUCFMB, VOSIEDA and other partners will work with CFMBs without management plan to develop theirs (CFMA Management Plans);
3. Involve legal groups in drafting and signing of Social Agreements or other agreements. Experience has shown that communities are misled during the designing and signing of social agreement or other agreements. The CFDC and CFMB will ensure that all agreements are drafted and shared with legal practitioners/minds for inputs before it is finalized and signed by any of their members; - the NUCFDC and NUCFNMB must always visit the signing ceremonies of these agreements to ensure that the right visions are what being signed;
4. Work with the FDA to finalize and approve the Commercial Use Contract (CUC) for adoption by all existing CFMAs. The NUCFMB has worked with other partners, including legal firms to draft a CUC for use by CFMAs in signing of agreements; - VOSIEDA and other stakeholders will work with the NUCFMB along with the FDA to ensure that the CUC is finalized and approved by the FDA;
5. Increase reporting of infraction in forests, noncompliance to conditions in contract, MOU and Social Agreement. Community should increase recurrent monitoring and reporting on forests and logging operations; - the NUCFDC and the NUCFMB will work with their members to monitor the forest and quarterly report on all noncompliance and or illegalities issues in the forests;
6. Report on the use of resources received from the forests to increase communities' understanding. The dialogue recorded tension among community members on the

application of revenues received from the forests; - the NUCFDC and NUCFMB will ensure that all their members will quarterly report to their communities and sent copies of the reports to national organizations and local authorities on all revenues received and how it have being managed by them;

7. CFMBs should work with the CAs/ECs to design and implement projects funded by forest resources. Communities have implemented several projects from the revenues received so far, but are reporting less. This could encourage regular payment of forest revenues and compliance to social agreement and MOU, and reduce tension within communities; - the CFMB will inform the ECs and the CAs of all revenues received and seek approval from them on the usage of the funds.

Company

1. Report regularly to community on the volumes of logs as required by law. Participants reported that companies are to produce data on harvested trees regularly to community, but this is not happening; - the companies will provide monthly harvest record/information to the CFDC or CFMB after every three months, and the CFDC or CFMB will submit to NUCFDC or NUCFMB all harvest records received.
2. Pay community their cubic meter fees at the end of every production period. It was reported that companies are in arrear of cubic meter fees as far back as two years (2016-17); - all companies will provide a full harvest record from 2015 up to 2018 to the CFDCs and the CFMBs, and the CFDC or CFMB will provide record on all cubic meter fees payment they have received from the companies for the period stated above before the next harvesting season commences.
3. Share with community information on any payment of land rental and cubic meter fees. The dialogue observed that companies are not sharing information on payment made to either government or community's accounts; - all logging companies should record on all land rental fees they have paid to national government or communities as well as cubic meter fees paid to communities before the next harvesting season starts.
4. Report on any intrusion in contract areas to community and FDA. The dialogue noticed that pit sawing and illegal mining are taking place in forests that have been given into contract. The companies should provide comprehensive report on all issues affecting their concessions; especially those intrusion that having negative impacts on their operations.

Government (FDA, LRA, EPA, etc.)

1. Do not limit the determination of cubic meter fees payment to SGS reports (that focus mainly on log export data), but include reports from FDA's field staffs. It was recorded that FDA has over the past years limited its decision making to reports from SGS, even though FDA field staff are generating tree data and reporting; - the FDA through its regional or field offices provide copies of monthly harvest records recorded by their field staff to CFDC or CFMB in each concession/contract area for the CFDC and CFMB information and to compare that with the company's records in determining the cubic meter fees;

2. Put in place measures for conservation communities to benefit from forest resources. It was noticed that communities in conservation areas are not captured in benefit sharing and not receiving adequate support for alternative livelihood opportunities; - the FDA should ensure that benefits and benefit sharing mechanism are design for conservation communities;
3. Work with NGOs, INGOs & CSOs to provide alternative livelihood opportunities for conservation communities; - the FDA should work with relevant stakeholders to provide alternative livelihood opportunities for conservation communities;
4. Identify possible sources for logistics to monitor and regulate the forestry sector; - FDA can involve CSO and community in monitoring activities in the forests.
5. Stop other permit/license holders from mining or pit sawing/cutting logs in FMCs and CFMAs. Companies and community reported pit sawing and illegal mining in the areas where contracts and concessions are already signed; - the FDA should ensure that the Pit Sawing Regulation is finalized to regulate pit sawing activities in the country;
6. Improve on responding to companies' requests to verify production, and communities' complaints on noncompliance to contract terms and conditions and illegal logging. It was reported that FDA has been very slow in responding to requests from community and company on specific issues; - the FDA should set up temporary committees to work with responsible departments in responding to issues of noncompliance and or illegalities in the forests;
7. Ensure community is captured in national budget by including them in sector budget. Affected communities reported not receiving their 30% of the land rental fees since 2016. As for the counties, there was no information of receiving any fund starting 2006; - the FDA should consider the 30% for communities and 30% for counties are annexes to their budget every year while submitting their annual budget to the Ministry of Finance and Development Planning (MFDP) for inclusion in national budget and for approval by the national legislature;
8. Assess the capacities of companies before granting them concession rights. The assessment should cover their neutrality in the establishment of the community forests; - the FDA should involve other stakeholders in assessing the capacities of logging companies wish to log in Liberia so that companies adequate capacities are the selected for operating in Liberian forests;
9. Conduct proper boundary harmonization to include communities in the range of the law (3 kilo meters limit) before forest demarcation and signing of contract to avoid conflict. – All existing concession boundaries should be revisited, especially those falling between the counties in order to resolve those with conflicts. All new CFMAs boundaries must be identified on the ground not just the air survey.

CSO, NGO, INGO

1. Build capacity of communities in forest laws, regulations, policies and agreements to increase demand for benefits from the forests. Include CA/EC during capacity building programs to increase their participation in forest contract management. Recently, a lot of complaints have come from forest communities over misrepresentation and

mismanagement of forest revenues. This could be handled or mitigated when CA/EC are aware of their roles and responsibilities;

2. Work with NUCFMB to develop a clear procedures for utilizing benefits from the forests, particularly on project designs and implementation;
3. Demand for participation in the process/steps that lead to the establishment of community forests as enshrined into the forestry law;
4. Work more with community in demanding their rights to the forest resources.
5. Constructively engage government and company on any delay or failure in the performance of forest contracts, social agreements and MOU.

Annex: Panelists at the Regional Forest Dialogue in Gbarnga

No	Name	Institution	CONTACT
Roles and responsibilities of key forest stakeholders			
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4	K. Robert Mayango	CFDC	0776873139
Benefit sharing mechanisms of forest resources			
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3	Aron F. Mulbah	NUCFMB	0776540695
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Dispute, prevention and resolution mechanisms in forest governance			
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3	Aaron B. Vincent	MIA/Supt	0886819606
4	Aron F. Mulbah	NUCFMB	0776540695
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Experience sharing on challenges (noncompliance, interference and illegal logging)			
1	Bonathan G. Walaka	NUCFMB	0775979668
2	Andrew YY. Zelemen	NUCFDC	0777388943
3	Elijah Nyanakpe	ALPHA Comp.	0777333979
4	Paul M. Kanneh	VOSIEDA	0770437124
Master of ceremony			
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