

# Community Forest Management in Liberia

## Recommendations for CSOs



### Summary

- In Liberia, communities can sign Community Forest Management Agreements (CFMAs) with the government, giving them the right to manage a community forest for 15 years, with the possibility of extension.
- Communities tend to use the CFMAs to enter into contracts with logging companies. This is promoted and facilitated by the government, as it generates income through land fees and taxes. As a legal requirement, companies and communities negotiate how the revenues from logging are shared.
- We consulted representatives of communities, the government and civil society organisations (CSOs), and asked them about the outcomes of CFMAs, how the conditions for success can be improved, and the potential role of CSOs.
- We conclude that the legal recognition of community forest rights, which enables the government to confer community forest titles to communities, does not necessarily mean that forests will be managed in a sustainable manner.
- According to most respondents, the outcomes in terms of community livelihood benefits are inadequate, because the bulk of the profits go to the logging companies. Also, the benefits are not equitably distributed among community members, as men dominate the governance structures and use their position to influence decision-making processes. Moreover, respondents stress that enforcement of sustainability standards is lacking.
- Respondents agree that, despite over 10 years of CSO contributions, communities are yet to be empowered to benefit from their forest resources in a fair and equitable manner. As of yet, communities have limited capacity to control and effectively manage the resources for the common good of all of their members.
- CSOs should support communities with developing and implementing forest management plans, and build their capacity to do so without external support in the future. CSOs also need to step up efforts to monitor logging activities, to ensure that companies adhere to regulations. Finally, to decrease communities' dependence on companies, CSOs need to strengthen the capacity of communities to negotiate with third parties and develop independent community-based logging practices.



## Introduction

Liberia is the most forested country in West Africa, and over one-third of its population lives in forested areas. Liberia's Community Rights Law aims to empower communities to engage in the sustainable management of these forests. Under the law, communities can obtain a Community Forest Management Agreement (CFMA) for areas between 5,000 and 50,000 hectares. The agreement gives the community—known as the Authorised Forest Community—the right to use and manage the forest resources under regulations developed by the Forestry Development Authority (FDA), which is the government agency responsible for the implementation of the Community Rights Law. Under this agreement, the community is allowed to enter into contracts with commercial parties for harvesting timber. The agreement lasts for a period of 15 years, and can be renewed for an indefinite number of times, as long as all technical and legal requirements are met. As of the end of 2019, 40 of the 147 communities from across the country that filed for community forest status had been certified by the FDA as Authorised Forest Communities.

Becoming an Authorised Forest Community requires setting up three governance bodies at the community level. The Community Forest Management Body—consisting of five members, including at least one woman—is in charge of developing and implementing a Community Forest Management Plan. The management body is supervised by the Executive Committee, and controlled by a Community Assembly. The assembly consists of democratically elected representatives from different groups in the community (men, women, youth and members of the various ethnicities), as well as two members of the County legislative caucus.

In addition to setting up this governance structure, the community needs to submit a formal application for the status of an Authorised Forest Community and pay an application fee of US\$250. Other legal requirements include a socio-economic survey, a resource inventory, and the mapping of boundaries—these activities are usually undertaken by the FDA.

## Approach

Between December 2019 and June 2020, we conducted a review of community forest rights in Liberia. The review documented stakeholders' experiences with, and views on, the CFMAs, with a focus on the conditions and constraints for success. The process started with a desk review, followed by a round of 12 interviews with key informants from communities, government agencies and CSOs. The last step was a workshop with 21 representatives of community governance bodies and CSOs, to discuss how CFMAs can better benefit communities, and the role that CSOs can play in this.

## Results

### Governance

The FDA designed a three-tiered governance structure, to offer all community members the opportunity to participate in decision-making processes related to the community forest. Although this structure is well-thought-out on paper, the review pointed at several practical challenges. First, the application fee of US\$250 is not attainable for many communities without external support.

Second, through the legal requirements for the community forest governance structure, the FDA purposefully introduced democratic principles to



replace customary decision-making by elders and chiefs. However, some of these traditional leaders have managed to exert their authority in the official community forest governance structure, resulting in decisions that benefit themselves and their associates. This has resulted in tension and conflicts between those associated with traditional authorities and other community members. An underlying cause for these tensions is the lack of communication between the new governance bodies, traditional leaders and the community as a whole.

Third, although one out of five members of the Community Forest Management Body is required to be female, it is widely felt that women and men do not participate equally in decision-making processes concerning the management of forest resources. Customarily, forest management has been the domain of men, and this has not changed under the new governance structure.

#### **Livelihood outcomes**

Of the 40 communities that have been certified by the FDA as Authorised Forest Communities, 20 have entered into contracts with commercial logging companies, and several others are in the process of doing so. This is promoted by the FDA, which is eager to involve commercial companies, as this increases government revenues. A company that enters into a commercial use contract with a community needs to pay US\$1.25 per hectare annually, as land rental fee. The law further states that 55% of this should go to the community, while the remainder goes to the government. In addition, the community will receive a certain amount for each cubic meter that is extracted. This amount is not fixed, so each community will have to negotiate its own fee. The revenues go to the Community Forest Management Body, which uses the money for collective expenditures, such as schools and water pumps.

Communities are often linked up to certain companies by the FDA, and have a weak bargaining position in the negotiations. Moreover, they do not have the capacity to vet companies' past performance before signing a contract, which makes them extra vulnerable. Overall, it is widely felt that the livelihood outcomes are limited, because most profits go to the companies. Opportunities for independent forestry operations by communities need to be explored. Moreover, according to respondents, Community Forest Management Bodies may need assistance with investing the revenues into activities that benefit their community in the long term.

#### **Environmental outcomes**

According to the respondents, Liberia's CFMAs help to prevent deforestation by outsiders in several ways. First, through legal education spearheaded by CSOs and engagement by the FDA, communities are aware of their legal rights over the forest resources, which includes the right to resist any form of deforestation by outsiders. Second, outsiders (particularly private investors) are in the know that forest communities hold a title over their forest resources, which has made them more careful about how they operate.

This, however, does not mean that companies are always playing by the rules. There are reports of companies logging timber trees under the minimum permitted diameter, resulting in forest degradation. Communities neither have the financial resources nor skills and confidence to effect legal actions against companies who engage in unsustainable practices. They rely on the FDA to take actions on their behalf. However, the FDA often plays a role in setting up commercial use contracts (e.g., by introducing the company to a community), and it does not always seem eager to enforce the law too strictly. Also, although the FDA is responsible to monitor how much logs companies extract, and their adherence with sustainability standards, in recent years it has not been able to keep up a transparent monitoring system. This has created possibilities for companies to take advantage. Respondents in the review stress there is an urgent need for CSOs to step up monitoring efforts.

### **Recommendations for CSOs**

#### **Monitoring and documentation**

- Document current affairs in Liberia's community forests, especially regarding conflicts between traditional and formal governance structures, and instances where individuals in the governing structures divert community resources for their personal use. This information is required to inform CSO interventions as well as government regulations.
- Monitor companies to assess whether they meet their obligations to forest communities through third-party contracts and social agreements.
- Step up efforts to monitor logging practices, to help the FDA with enforcing regulations.

#### **Lobby and advocacy**

- Lobby to amend the law which states that communities must pay a non-refundable fee of US\$250 to apply for the status of Authorised Forest Community, as this is effectively functioning as a barrier for communities to apply.



- Develop joint lobby and advocacy efforts, pressuring companies to comply with the environmental and social terms contained in commercial use contracts that are signed with communities and endorsed by the FDA.

### Community support

- Support Community Forest Management Bodies with developing and implementing management plans, while strengthening their capacity and organisation to do so themselves, without external support. This includes strengthening community structures for the long term, as well as building capacity on legal literacy, conflict resolution, and negotiations, to enable them to effectively engage with traditional authorities, the FDA, and commercial parties.

- Support the legislative caucuses of forest communities to use their oversight function and authority to ensure that third-party contracts that are signed and endorsed by the FDA are enforced.
- Pilot community-based forest management projects, where communities themselves practice small-scale sustainable logging operations on their own terms.
- Provide legal aid to community governance structures when their rights are being violated.
- Support communities that apply for full ownership titles, which has become possible under the new Land Rights Act of 2018, ensuring that lessons from the Community Forest Management Agreements are fully taken into account.



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