

A Report on High Level Findings from Research on Women’s Participation in
Forest Governance Bodies in Nimba, Grand Bassa and Margibi Counties



Photo: The road to Seyhi Koodoo Community Forest. Credit: Elizabeth Louis.

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Acronyms and Abbreviations

CA	Community Assembly
CFDC	Community Forest Development Committee (a precursor to CFMBs)
CFMA	Community Forest Management Agreement
CFMB	Community Forest Management Body
CLDMC	Community Land Development Management Committee
CRL	Community Rights Law
CSO	Community Support Organization
EC	Executive Committee
FCI	Foundation for Community Initiatives (Landesa's CSO Partner)
FDA	Forestry Development Authority
FGD	Focus group discussion
FIFES	Forest Incomes for Environmental Sustainability (USAID funded program)
KII	Key informant interview
LGSA	Land Governance Support Activity (USAID funded project)
LLA	Liberia Land Authority
LRA	Land Rights Act
NGO	Non-governmental Organization
NU-CDFC	National Union of Community Development Forest Committees

Executive Summary

This report provides a set of clear, in-depth recommendations to the Liberia Land Authority on improving women's participation in community-level land governance in the implementation of the Land Rights Act (LRA) passed in 2018. These recommendations are based on learnings from primary qualitative research conducted on forest governance structures at 4 case study sites in 3 counties of Liberia on the implementation of community forestry governance bodies. The recommendations are focused on 3 goals: 1) target women's inclusion in customary land governance structures; 2) provide input to the LLA for drafting regulations relevant to customary land governance structures under the LRA; and 3) make recommendations that could be useful for the LLA to consider for improving functioning and participation of customary land governance under the LRA and for coordinating with the FDA where land issues implicate forestry governance under the CRL.

The research was conducted by Landesa, in collaboration with the Liberian Land Authority (LLA) and Foundation for Community Initiatives (FCI). Research findings suggest that there are general issues within community forestry governance structures related to accountability, compliance by companies doing business with community forest communities, and concerns about the implementation of the LRA in communities. Women-specific findings suggest that women's participation is impacted by poor representation, low awareness, poor education, limiting traditional norms, issues with mobility and access to meetings, low accountability and trust in the governance structures, and exclusion of women's priorities.

Based on our findings as detailed in the following report we provide the following high-level recommendations. More detail on recommendations can be found in the last section of the report.

1. *Develop LRA implementation/regulatory frameworks that are carefully coordinated with community forestry laws and structures.* These frameworks would cover: a) roles and responsibilities of the community forestry and the customary land governance bodies; b) guidance on how self-identifying customary communities under the LRA will be regulated in cases of overlap with self-identifying forest communities under the CRL; 3) guidance and mechanisms to distribute to the communities the money earned from customary land and/or community forest resources; 4) implementation guidelines on raising awareness on the roles and responsibility of the LRA's customary land governance bodies.
2. *Develop strong accountability mechanisms within LRA regulations* to: a) enhance legitimacy and reduce corruption; b) enhance the business procedures of the customary land governance bodies; c) oversee the workings of the customary land governance structures and linkages to forest governance structures through the creation of an advisory body; and d) address matters pertaining to the CLDMC and Community Members acting collectively through the creation of a desk at the LLA dedicated solely to customary land bodies.
3. *Develop adequate and accessible dispute resolution systems and mechanisms* in order to: a) support the development of adequate legislative, regulatory, and institutional frameworks and government programs for land dispute resolution; b) empower women and community members to report impropriety within the CLDMC directly to the LLA; c) create awareness using the LLA's public information/awareness raising campaign focusing on available dispute resolution mechanisms; d) resolve customary land and forest-related issues and to provide for checks and balances by developing a multi-stakeholder forum.

4. *Ensure representation of women as required by the LRA* by: a) providing detailed implementation guidelines and regulation on *how* the customary land governance bodies can ensure the equal representation of women as required by the LRA; b) creating county women’s land right task forces focused on monitoring, overseeing and promoting the implementation of gender equality within the operation of local community governance bodies; c) raising awareness about the importance of seeking and securing legal advice and representation for women and communities in the effort to realize their legal rights to customary land in practice, especially in the face of contestation; d) paying attention to the challenges with transportation that arise from community self-identification in large units necessitating recurrent travel over large distances to meet to discuss land matters.
5. *Ensure that women’s voices are heard and develop capacity* by: a) providing gender-responsive awareness raising and trainings on the LRA for all members in pilot communities; b) using mechanisms described above (advisory body, multi-stakeholder platforms, women’s land rights task force) to monitor, oversee and promote the implementation of the legal principles of gender equality and non-discrimination based on sex within the operation of local community governance bodies; c) seeking donor funding to support gender-responsive customary land governance implementation and capacity development (of women, men, and customary authorities), particularly during the formative period of establishing key community governance structures. Encourage a focus on capacity development for women in terms of their literacy (including legal and financial literacy) and leadership.

Introduction

The main objective of this research is to learn from Liberia’s experience of implementing the Community Rights Law with Respect to Forest Lands (CRL) in order to provide recommendations on improving women’s participation in community-level land governance in the implementation of the Land Rights Act (LRA) passed in 2018. Both laws have similar legal frameworks for decentralizing governance, the important difference being that the LRA governs all land, including the land owned by communities, encompassing communities’ forest land, and the CRL governs the forestry resources atop community forest land¹. The CRL was created almost a decade before the LRA and has several years of community-level implementation from which to draw lessons on how community forestry governance is working in practice.

The Community Rights Law was passed in 2009 and created a legal framework for defining and supporting community rights in the management and use of community forest resources (CRL section 2.1). The law vests ownership of community forest resources in Liberia to local communities. To achieve community management of forest resources, the CRL identifies the Community Assembly (CA)² as the highest decision-making body with respect to community forestry matters. The CA is supposed to oversee the process of appointing members to the Community Forest Management Body (CFMB) and Executive Committee (EC) and oversees their activities according to CRL regulations. These CFMBs are responsible for managing the day to day activities of community forest resources. Oversight of the CFMBs is provided by an Executive Committee of the CA between sittings of the full Assembly. The Community Rights Law regulations provide guidelines for implementing the governance structures including the composition and the roles and responsibilities of each of the bodies. Since 2011, several Community Forest Management Agreements (CFMAs)³ have been created by communities with the assistance of the Forestry Development Authority (FDA), CSOs, and NGOs using the ‘nine step process’

¹ A central objective of the CRL is to create a legal framework that defines community rights to manage and use of forest resources (section 2.1). “Community Forest Resources” are defined as a wide range of uses existing in the community forests, such as flora, fauna, and microorganisms (section 1.3). The LRA regulates Forest Land within Customary Land, providing that a Community can use its forest land and also harvest all timber and non-timber forest products in keeping with the CRL and the National Forestry Reform Law (article 43).

² Chapter 1, Section 1.3 of the Community Rights Act defines the Community Assembly as “The collectivity of resident adult members of a community aged 18 years and above, representative of gender and all social groupings within the community, organized into a body that meets at least twice a year to consult and take decisions on community forestry matters.” The CA under CRL is made up of representative members of a community. According to CRL regulations, the CA “in a multi-settlement community, all sub-divisions of the community shall be represented in the Assembly.”

³ Community Forest Management Agreement is the permit that signifies Authorized Forest Community status, defined in the CRL Regulation (2017) as a community that has the right to access, manage, use and benefit from a specified area of forest resources.

which operationalizes the process of establishing the community forest and includes surveying the forest boundaries and forming the governance bodies.

Before the LRA was passed, much of customary land was deemed public land and land-related decision-making had been the purview of government authorities, traditional leaders, educated elites, landlords, and those with financial power, with little participation of women and ordinary citizens. The LRA seeks to address this by instituting a decentralized decision-making process that includes women and other vulnerable groups. The legal framework for defining and supporting community rights in the management of customary lands under the LRA is equivalent to that of the CRL. Under the LRA, the parallel structure to the CA is ‘the Community Acting Collectively’ and is composed of all female and male members of the self-identified community (LRA article 36). This is different from the CA under the CRL which is composed of representative members of the community (including representatives of “gender and all social groupings”) and not the entire community membership (CRL section 1.3). While not drawing the full community membership into the CA, the community does have the responsibility of ensuring full (individual, segmental, collective) membership participation in the management of community forest resources. The Community Land Development and Management Committee (CLDMC) under the LRA is the parallel body to the CFMB under the CRL and is tasked with the overall management of the communities’ customary land.

While the CRL and the LRA are similar in how they envision decentralized community governance of forests and customary land respectively, the details around how the parallel bodies under the CRL and LRA will interact is unclear. In areas where communities have both forest and customary land, the CFMB will operate in the community along with the CLDMC; how that will be implemented is yet to be clarified by the LLA and FDA. The LLA has not yet released regulations to guide the establishment and functioning of community level institutions⁴. To date, implementation of the community bodies under the LRA is being piloted in several communities. For example, the government, through USAID Land Governance Support Activity (LGSA) project (and implementing partners like the Sustainable Development Institute and Parley), piloted in several communities in Bong, Lofa, and Nimba Counties. Landesa’s CSO partner, Foundation for Community Initiatives (FCI) is also piloting in communities in Grand Bassa and Sinoe Counties under the Tenure Facility project.

Men and women are typically afforded equal protection under constitutional law and statutory law. Liberian land rights and forest rights laws and policies explicitly seek to give equal protection to the rights of men and women. However, in practice, men benefit from protection of rights more often than women in communities that are governed by primarily customary law. The CRL calls for membership in the decision-making body of the CA to be representative of “gender and all social groupings” within the community.⁵ While the CA is supposed to be representative of women, findings from this research indicate that this is not the case. The only tangible quota for women’s participation in any of the bodies is in section 4.2(a) of the Community Rights Law which mandates establishment of “a five-member Community Forest Management Body to manage the day-to-day affairs of the Community forestry

⁴ LRA regulations will further define what is meant by community members acting collectively. In the discussions on the draft regulation there were suggestions by CSOs about having a more representative structure, more akin to the CA.

⁵ LRA, Article 1.3 (Definition of “Community Assembly”).

program. The Body shall comprise at least one woman.” This has not ensured equal representation of women⁶. In 2018, the National Union of Community Development Forest Committees (NU-CDFC), reported that women comprised 22% of community forestry bodies that predated the CRL^{7,8}. Despite being represented, participation of women in these bodies was largely in a minimal capacity, acting in roles such as treasurers or chaplains.⁹

Similar challenges with women’s equal representation and participation in decision-making are to be expected under the LRA within the wider community decision-making body as well as the smaller executive bodies. This research is therefore timely in that it is geared to offer recommendations with the hope that they will help to inform the develop of regulations that ensures women’s effective participation in community governance under the LRA.

Research methods

This research was conducted between October 2019 and January 2020 in four community forestry sites in Nimba, Grand Bassa and Margibi Counties in Liberia in partnership with the LLA, Foundation for Community Initiatives (FCI), Landesa’s CSO partner, and Ecomsult, a Liberian research contractor. The communities selected for this research had all undergone the 9-step process to self-identify and form their governance bodies under the Community Rights Law. Three of the four communities are doing business with private corporations and one community is still in the process of creating its forest management plan, without which they cannot enter into a business arrangement with a corporate entity.

Before we started data collection, we spent considerable time and resources scoping communities in Rivercess, Grand Bassa, Nimba, Margibi and Grand Gedeh Counties in September and October 2019. We first consulted with CSOs working with communities on CRL implementation to identify communities where women’s representation was high and community forest governance structures were functioning. After that, several communities were visited to verify the information and identify mobilizers to recruit research participants. Many of these communities were remote and hard to reach, made harder by the poor weather conditions. Several communities on our initial list could not be used because their governance bodies were not functioning. Once we finalized our communities, we spent a considerable amount of time on community entry to ensure that all the local leaders and community members understood the objective of our research and had opportunities to ask questions.

For the data collection, we used qualitative methods including focus group discussions (FGDs), key informant interviews (KIIs), and participatory mapping. We conducted separate FGDs with men and

⁶ Julie T.B. Weah, “Women and Forests in Liberia: Gender Policy and Women’s Participation in the Forest Sector of Liberia, September 2012, Right and Resources, available at: <http://rightsandresources.org/wp-content/exported-pdf/triafricabriefsencombined.pdf>.

⁷ Community Forestry Development Committee (CFDC) are bodies formed under 2007 forestry regulations and are expected to be subsumed into CFMBs under the CRL.

⁸ Front Page Africa, Liberia Looks to Women for Equal Distribution of Forest Resources, Feb. 11, 2018, <https://frontpageafricaonline.com/county-news/liberia-looks-to-women-for-equal-distribution-of-forest-resources/>

⁹ Weah supra note 14, noting that as of 2017, 12 women occupy the positions of financial secretary and treasurer across 12 CFDCs.

women to enable women to speak freely. FGD participants comprised of members of forest governance bodies (CA, EC and CFMB), youth leaders, and ordinary citizens. Each FGD included 8 to 15 participants, and a total of 12 FGDs were conducted across the 4 communities in Nimba, Margibi and Grand Bassa Counties.

In addition, we conducted KIIs with key committee members from the CFMB and EC, CSO and NGO staff members, local government officials and local leaders including clan chiefs, paramount chiefs, commissioner, youth leaders, and chairladies. A total of 5 to 6 KIIs involving 12 participants was conducted in each community. Each KII had 2 to 3 participants interviewed at the same time. In one community we used participatory methods to create a sketch map of the community forest. This map is included in an Annex.

The first round of research resulted in findings that were more general in nature, therefore we re-visited two of our study sites in Grand Bassa and Margibi Counties to collect further information from women about their participation in community forestry decision-making.

Findings

General findings

While the research focused on women's participation in governance structures, we learned about general problems in the decentralized community forest governance bodies which also helps to illuminate several of the women-specific findings discussed in the next section. These have to do with accountability, compliance by the companies, and concerns about the implementation of the LRA in communities.

Accountability

Traditional leaders in both Beyan Poye and Geehgarn 1 community forests complained that the community did not follow the recommended guidelines on creation of the CFMBs and ECs. For example, an elder in Geehgarn 1 reported that local leaders were excluded when the bodies were being formed. He and several other research participants believed that the process of creating the bodies was initiated in Monrovia: *"This community forestry thing was done in Monrovia and presented to us, we don't know anything about CFMB, CA, EC, their rules, what they supposed to do, what they not supposed to do"*. In Beyan Poye, a similar complaint was reported by an elder: *"The governance structure was created in Monrovia, they brought themselves and presented themselves as the governance structure to us"*. There were also complaints that some committee members do not reside within the communities and live in Monrovia

In Gba, Geehgarn 1, and Beyan Poye, there were a range of financial issues leading to a lack of trust and a feeling of helplessness by many committee members. For example, in one community, the forest governance structures are not functioning because large sums of money given by a company for use of the community forest land to build a dam have disappeared. The issue has been festering in the communities for 3 years and both men and women complained that they do not know how to resolve it. In another community, the female CA members accuse the CFMB of distributing benefits in a non-transparent manner and complained that everyone did not receive benefits. There is little awareness about how conflicts are settled or if any grievance mechanisms are in place. The majority of respondents say that if

issues do arise, they are first reported to local leaders and then to the FDA, but the issues of corruption have not yet been resolved. In the other communities, there were questions about how benefits were being shared. One committee member explains: *“I heard that some money was given but what happen to it, how much it is, nothing I don’t know. I don’t know anything about the money haven’t seen any, I don’t know who else is involved.”*

Domination by Educated and Elite Community Members

In all 4 sites, CFMB and EC members are better educated, have more capacity to understand the workings of decentralized governance, and tend to belong to the elite strata of their communities when compared to other members of the community. The EC and CFMB are also mostly composed of men. Therefore, while the CFMB and EC are structured to take direction from the CA, in practice, in three of the study communities they are making decisions on their own in dealings with the companies. For example, in all three communities that have business dealings with companies, research participants reported that the CFMB and EC have acted independently of the CA by not consulting the CA on decisions and not reporting back to the CA. In Geegbarn 1, one female CA member reported that the EC had never reported to the CA since it was formed. Only in Seyhi Kodoo, the community forest that is not yet dealing with a company, were no complaints of this nature reported. Furthermore, no participant could clearly state what the oversight mechanism was to monitor the CFMB, EC and CA.

Compliance by Companies

Several concerns were raised by committee members in Gba, Geegbarn 1 and Beyan Poye about companies’ non-compliance with agreements. Seyhi Kodoo is the only community forest that is not doing business with a company, and therefore did not report issues with compliance yet. In Geegbarn 1 and Beyan Poye, for example, CA members claimed that some land rental fees have not been paid. In Beyan Poye, the CA members explained that the community intended to use the land rental fees to plaster and zinc the extension of the high school that was built with the first portion of the land rental fees. One committee member explains: *“Before the people [company] enter the forest they were supposed to build schools, hand pump, community toilet, connect the road to the St. John River, they haven’t done any.”* In Gba, respondents complained that the company, Acelor Mittal Limited (AML) had polluted their water and contaminated the creeks, impacting women’s ability in both Seyhi Kodoo and Gba to fish and farm. Furthermore, respondents said that AML had displaced households when they built a mine but did not resettle all of the displaced households.

The committee members were not clear on how to enforce compliance and thought that they could approach the FDA and other NGOs to help them get their money from the company. Committee members do not trust companies to comply with their contracts, expect that the companies will try and get out of agreed upon terms, and feel powerless to enforce compliance in the future. For example, one committee member in Beyan Poye explains: *“A health center is supposed to be built in the 4th year which will be next year, we will see if it will be built, but we doubt it because the other things they supposed to do they have not done it yet.”*

Concerns about LRA Implementation

Most community members had very little knowledge about the LRA and the process of creating customary land governance structures. Before data collection in each community, Constance Teage,

Landesa's Gender Specialist conducted an overview of the LRA giving community members an opportunity to ask questions and raise concerns.

Several community members expressed concerns about whether the land and forest governance bodies could work together, since the LRA governs all customary land, but the CRL only governs community forests within customary lands. They were not sure how to deal with the overlaps between the bodies, what distinct functions the land and forest bodies would perform, and how to deal with conflict that may arise. Most insisted that the bodies would need to be trained together and conflict resolution mechanism instituted to deal with any issues that arise. Some suggested that the entire community would need to be trained on the LRA and CRL so that roles, responsibilities, and provenance are clarified.

Some examples of questions and concerns raised by the community members were:

- Would the CFMB be answerable to the CLDMC since the CLDMC governs all land?
- Would the community self-identify in the same way for the LRA as they did for the CRL? This question is complex because some communities were included in 2 separate community forests, e.g., 6 of the self-identified Seyhi Kodoo community forest towns were also included in the Gba community forest (see Annex 1). In other cases, 3 clans came together to identify as a community because the forests adjoined their settlements. However, this might be different under the LRA, where the clans may want to self-identify separately.
- Would the same people be on the land and forest governance bodies?

Women's Participation

Women's effective participation in decentralized community forest governance is impacted by several different factors including their representation on the bodies, their awareness about their rights and responsibilities as members of governance bodies, their education, social norms on gender roles in land matters, the physical demands to attend meetings, and the time and labor demands made of committee members.

Representation

The Community Rights Law calls for membership in decision-making body of the CA to be representative of "gender and all social groupings" within the community; however, the only tangible quota for the participation of women is in section 4.2(a) of the CRL, which states that "a five-member Community Forest Management Body to manage the day-to-day affairs of the Community forestry program. The Body shall comprise at least one woman."

Women are represented in higher numbers on the CA but are less represented on the EC and CFMB. The table below shows the level of inclusion of women in the bodies and is based on information from the research participants. Beyan Poye has the lowest representation of women on the CA, while the other 3 communities were close to 50% representation. Only 2 of the 4 communities have women on the EC, although it is encouraging that in both these communities, the women hold leadership positions on the EC. With the exception of Seyhi Kodoo, which has 2 women on the 5-member CFMB, the other 3 communities have one woman on the CFMB, meeting the minimum requirement of at least one woman being included in the CFMB. Women at all sites noted that they are not allowed to hold leadership

positions within the CFMB, which is seen as the most powerful of the governance bodies. CSOs have been advocating for women to hold leadership positions within the EC and CFMB.

	Women's Representation on the CA	Women's Representation on the EC (total 4 members)	Women's Representation on the CFMB (total 5 members)
Seyhi Kodoo Community Forest	50%	None	CFMB Secretary CFMB Member
Gba Community Forest	50%	EC Co-Chair EC Financial Officer	CFMB Treasurer
Geeghbarn 1 Community Forest	45%	EC Co-Chair	CFMB Member
Beyan Poye Community Forest	35%	None	CFMB Secretary

Women's Awareness

At all four sites, women (including CA, EC and CFMB committee members, youth leaders, and ordinary citizens) were less aware than men of the community forest governance institutions. However, in Seyhi Kodoo and Gba community forests in Nimba County, women were better informed than women at the other two sites. This difference between the communities could be attributed to the work of INGOs and CSOs in Seyhi Kodoo and Gba to educate women committee members about the CRL. In Geeghbarn 1, for example, most female participants in an FGD could not list the different bodies with the exception of a female CFMB member. They also could not explain how the CFMB was formed. Some thought that the CFMB was created before the CA was formed, while others thought that they helped to elect the CFMB members but could not explain the process. In Geeghbarn 1, the EC co-chair who is a woman, did not know exactly what the EC's functions were. She believed her role was to monitor incursions into the forest.

Education

While being uneducated is not a constraint to membership on the CA, not being able to read and write discourages women from participating in the functions of the CA. The CA functions include reviewing and approving reports, budgets, and the forest management plans submitted by the CFMB and EC. For example, in Beyan Poye, female CA members explained that they rely on CFMB members to explain what is in the forest management plan. Because women cannot read the plan, they are not sure what is being done to ensure the sustainable management of the forests. Similarly, women do not know what is in the contract between the company and the bodies and therefore do not have the knowledge needed to enforce compliance with contract terms. Not being able to read and write prevents women from serving on the CFMB and EC because the secretary, chair, co-chair, and treasurers of the CFMB and EC are expected to write financial and narrative reports and keep records. Women members of the EC and CFMB were indeed better educated and reported being able to speak at meetings.

Being uneducated or poorly educated inhibits participation in other ways. Because women typically do not complete as much schooling as men, they lack the confidence to voice their opinions in meetings and they are not perceived as eligible to participate on equal footing with those that are educated. One female CA member from Beyan Poye, Margibi County explains: *“We cannot talk how we feel about the governance bodies and the forest and make decisions, maybe because we do not know book”*. A local official in Gba explains why women find it difficult to participate in meetings: *“Sometimes women have fear to participate in the governance structure or meetings...The women have difficulty speaking, some don’t know English, others feel shy to talk”*. A FIFES¹⁰ project lead who we interviewed agreed that women’s lack of education was one of the biggest barriers to women’s effective participation in community forestry governance. FIFES is working in a handful of communities to educate women and build their capacity to participate in governance including Seyhi Kodoo and Gba communities in Nimba County.

Traditional Norms

Traditional norms can constrain women’s ability to participate effectively, though there are positive indications some are shifting. In Geeghbarn 1 and Beyan Poye, the communities that we visited a second time, women committee members of the CA, EC and CFMB reported that they are either silenced or not taken seriously when they participate in committee meetings. In some cases, women say that they are invited to meetings but expected to cook for the meeting attendees. Some women say that they are only called to meetings to demonstrate that women are represented, but they are not allowed to participate. One CA member in Geeghbarn 1 shared that the CFMBs do not give the CA members the chance to talk. One woman stated: *“I have never stood and talked in a meeting”*. One female local leader from Beyan Poye says that the more powerful people (who are usually men) dominate the meeting: *“There are some members of the bodies who are more prominent vocal or powerful...They make decisions in the interest of the whole group”*. Even men agreed that decisions made within committees often exclude women committee members due to customary norms. One male FGD respondent explains *“Not all [decisions] are level [transparent]. Because of tradition reasons”*.

While traditional norms discourage women’s participation, many acknowledge that norms are shifting, and women’s participation is increasingly seen as acceptable and necessary. However, some counties are faring better on women’s participation. One Town Chief in Seyhi-Kodoo thinks that women are participating more and that women’s voices need to be heard: *“It used to happen before that women did not participate much, before there was gender violence, but now things have changed because of “civilization” because of education”*. Another elder from Seyhi-Kodoo said that women and youth *“bring good, good change to our community and forest management”*. One male FGD participant in Seyhi-Kodoo also notes the changes: *“From the beginning the women used to be very shameful (to participate). But they are talking now.”* The women in Gba and Seyhi-Kodoo reported that they were free to express their opinions. It is unclear why Seyhi-Kodoo and Gba seemed to be less dictated by traditional norms and women are able to participate more. There are indications that women enjoy greater equality in

¹⁰ Forest Incomes for Environmental Sustainability (FIFES) is a USAID funded program implemented by ACIDI/VOCA to develop sustainable economic opportunities for forest dependent communities.

Nimba County. The Clan Chief in Sehyi-Kodoo is a woman, and FIFES and Parley and other NGOs have worked in both the communities with women to increase their awareness of the law, these may be contributing to creating an enabling environment for women. The first two CFMAs were created in Nimba County and one of these has a woman as a CFMB chair, all pointing to greater empowerment of women in Nimba when compared to other counties. In Geehbarn 1 and Beyan Poye, communities where we re-visited to collect more data, women were in a different situation. While they had initially reported that they could participate in meetings, but they later admitted that they were not able to participate but were warned by the men to not say anything negative about the groups.

Mobility and Access

While attending meetings does not automatically ensure that women will be able to effectively participate, the difficulty that women and men face in traveling to attend meetings adds to the other obstacles they deal with. Women may be more affected by the distances than men because of their responsibilities at home and safety issues. The communities self-identified under the CRL are large and each is made up of several towns that are spread out. This makes coming together quite difficult. There are no funds for members of the bodies to facilitate transportation. In all 4 research sites, women committee members talked about needing to travel for several hours and long distances to meetings, raising concerns about the costs of transportation, the time taken away from their work and home responsibilities, and their safety. These obstacles result in some CA members not attending meetings. Many reported that their towns are not accessible by road, and they have to walk to reach the meetings. In Beyan Poye, some women walked 6 to 12 hours to get to the meeting place which we used for our research. One woman who had a child with her, had to stay overnight in a village en route, because of the distance. In Geehbarn 1, one of the local leaders acknowledged the difficulty women face: *“Some members can’t come on time when we call for meeting because of their distance they travel”*. The governance bodies could end up facing similar challenges with the implementation of the LRA if many clans are self-identifying as one unit.

Accountability, Trust, and Transparency

As mentioned in the General Findings section on accountability, in 3 of the 4 communities, the EC and CFMB have acted independently of the CA by not consulting the CA on decisions and not reporting back to the CA. This means that although women are represented in the highest decision-making body (the CA), they are effectively excluded from participating in decisions if the CA is not functioning as envisioned by the law. Women CA members feel that as part of the CA they are powerless and voiceless in the face of domination by the CFMB and EC—despite the legal provisions making the CA the highest decision-making body. One CA member explains: *“We are not really active at all, the CFMB and the EC doing our work. We do not know what really going on”*.

Women’s Priorities Excluded

In 3 of the 4 communities there were complaints that women’s use of the forest was impacted by the creation of the community forest or by dealings with companies indicating that community level governance may not be representing women’s interests. In Geehbarn 1, a traditional elder reported that women are facing obstacles to using the forest: *“The way the women use the forest and the things they use to get to eat they cannot find easily anymore.”* In Gba and Seyhi Kodoo, community members reported that the company had polluted their streams and water sources impacting farming and fishing activities

carried out by women. One woman from Seyhi Kodoo explains: “*Acrelor Mittal activities means where women use to make farm they cannot make farm anymore, our creeks are contaminated*”.

Recommendations

These recommendations are based on learnings from the implementation of community forestry and are focused on 3 goals: 1) target women’s inclusion in customary land governance structures; 2) provide input to the LLA for drafting regulations for the governance structures for the LRA; and 3) make recommendations that could be useful for the LLA to consider for improving functioning and participation of customary land governance under the LRA and for coordinating with the FDA where land issues implicate forestry governance under the CRL.

1. Develop LRA implementation/regulatory frameworks that build on and are carefully coordinated with community forestry laws and structures/bodies
 - a. In regulations, the customary land bodies’ roles and responsibilities need to be clearly defined, especially with regard to their relationship to the community forest governance bodies.
 - b. Provide guidance on how self-identifying communities under the LRA will be regulated in cases of overlap with self-identifying communities under the CRL that accounts for social variation in the organization of communities¹¹ within the legally permissible range of options (see, again, Annex 1).
 - c. Where customary land and community forestry resources and their related management bodies overlap, develop guidance and mechanisms to distribute to the communities the money earned from customary land and/or community forest resources in a transparent and coordinated fashion. (Cross-listed with recommendation 2 below.)
 - d. Create implementation guidelines on raising awareness for the entire community on the roles and responsibility of the LRA’s customary land governance bodies (CLDMC, Community Acting Collectively) and the CRL’s community forestry bodies and include the subject within LLA awareness raising campaigns. Awareness messages should be designed for maximum impact using simple Liberian English and local dialect and include Gender focused communication.
2. Develop strong accountability mechanisms within LRA regulations
 - a. Create regulations that contribute to enhancing legitimacy and reducing corruption such as:
 - i. Requirements that only residents living continuously in the community can be on committees and guidelines on how long committee members can live away from the community.
 - ii. Clear and adequate election procedures, enabling community members to regularly vote for CLDMC members to keep high-functioning CLDMC members and to replace potentially underperforming/corrupt CLDMC members.

¹¹ E.g., Self-identification as a chiefdom, clan(s), village, town, or group of villages and towns allowed under both the LRA and CRL.

- iii. Adequate impeachment provisions that can be enforced.
 - iv. Adequate penalties in case of corruption and negligence (per LRA article 36(11) & (12).
- b. Develop regulations to enhance the business procedures of the Community Membership and CLDMC, covering the conducting of meetings, decision-making, reporting, handling of finances and the like. For example, regulations could stipulate that:
- i. Physical attendance¹² from each of the three stakeholder groups (men, women, youth) is required for a meeting to be validly convened, verified by signature. (I.e., lack of documented physical attendance of women CLDMC members could invalidate a meeting and make decisions void.)
 - ii. Monetary payments to bodies are made public and that control of the bank accounts is overseen and audited by an advisory committee to prevent corruption.
 - iii. Company representatives seeking to do business with a self-identified community, meet with the CLDMC in the presence of the community (customary authorities, men, women, and youth) and that any decisions taken be recorded, made public through identified communication channels, and validated to ensure no usurpation of the authority vested in the Community Members acting collectively (as stipulated by the LRA). The validation of decisions regarding business deals should include a review of the community's customary land use/management plan to ensure that the nature and location of the business deal was previously envisioned and agreed upon by the full community.
 - iv. Outline penalties for companies failing to comply with agreements made with the community, including with respect to promises of benefits or payments made to the community or pursuit of activities not approved by the community.
- c. Create an advisory body, potentially within the County Land Boards, that includes civil society actors, to oversee the workings of the customary land governance structures and its linkages to forest governance structures. It should be empowered to report on transgressions made by committee members or companies to the LLA and other relevant dispute resolution bodies.¹³ A complaint mechanism and referral pathway should be established for communities to file complaints and refer issues of concern to this body. Clarify the respective roles of the advisory body and the LLA to monitor and receive complaints.
- d. Ensure a desk at the LLA dedicated solely to matters pertaining to the CLDMC and Community Members acting collectively. Coordinate with the LLA Gender Unit and/or gender focal point, where the issues pertain to women community members' representation.

¹² Rules could also include if or when a proxy will be allowed. In other words, might or under what conditions might a woman or a youth CLDMC member authorize another person to physically attend a CLDMC meeting in their place? A requirement could allow for no proxies or might allow for proxies that hails from the respective stakeholder groups (e.g., another woman might be a proxy for a woman CLDMC, but not a man.)

¹³ Support for such an intra-community body can be found in the CRL and the LRA. Under the CRL, "the Community Assembly may appoint other Committees, permanent or temporary, or recognize the existence of existing Committees as it may deem fit." (CRL, Section 4.1(i)). Under the LRA, "[t]he CLDMC shall establish, support and maintain several sub-bodies and committees. (LRA, Article 36 (3)).

3. Develop adequate and accessible dispute resolution systems and mechanisms
 - a. Continue to support the development of adequate legislative, regulatory, and institutional frameworks and government programs for customary land dispute resolution, including alternative dispute resolution (ADR).¹⁴
 - b. Create a mechanism for women and community members to report impropriety within the CLDMC directly to the LLA.
 - c. Have the LLA's public information/awareness raising campaign on the LRA include a focus on available dispute resolution mechanisms.
 - d. Like in the forestry sector,¹⁵ consider developing a multi-stakeholder forum that includes community representation—including women, civil society actors, the LLA, relevant ministries, and companies to present and resolve customary land and forest-related issues and to provide for checks and balances. (Cross-list above with accountability mechanisms.)

4. Ensure representation of women as required by the LRA
 - a. Provide detailed implementation guidelines and regulation on *how* the customary land governance bodies can ensure the equal representation of women as required by the LRA. For example:
 - i. Regarding Community Membership decision-making, stipulate that to be valid a vote of two-thirds of community membership will require a certain quorum of female community members and require documentation and publication of the voting record.
 - ii. Regarding CLDMC, prohibit discrimination based on sex, age, etc. in electing CLDMC members and in assuming the range of CLDMC functions, including leadership positions, and some recourse in that event. (E.g., prohibiting and making void any community literacy requirement that discriminates against women on its face or in its outcome.) Also, require that CLDMC decisions by consensus include the signature of all CLDMC members. (See also above recommendation on physical attendance of women as CLDMC stakeholder group.)
 - b. The LLA, and particularly its Gender Unit, should work with and support a women's land right task force¹⁶ at the county level focused on monitoring, overseeing and promoting the

¹⁴ In developing legislation and LRA regulations, it will be important to cover the range of disputes: disputes internal to the community (including between customary land bodies and community forestry bodies), community-company disputes (especially related to company non-compliance), and cross-cutting disputes such as gender discrimination (e.g., in formation or functioning of community governance bodies) or corruption. It is also important to include guidance on the applicable law (e.g., constitutional law, statutory law, and custom); the options for dispute resolution mechanisms; relevant dispute resolution procedures; and the system and relationships between various government and non-government dispute resolution bodies comprising Liberia's dispute resolution system. Particularly critical will be the role of ADR in the LLA (and its decentralized bodies) within the broader dispute resolution system.

¹⁵ See the experience of the multi-stakeholder platform operating in the forestry sector under the Government of Liberia and the European Union's Voluntary Partnership Agreement.

¹⁶ In addition to the LLA and Gender Unit, it could include relevant ministries like the Ministry of Gender, Children, and Social Protection and civil society organizations, including women's organizations. Such could work through or with Liberia's Women's Land Rights Task Force.

- implementation of gender equality within the operation of local community governance bodies.
- c. Relatedly, the LLA (and its Gender Unit) should raise awareness about the importance of seeking and securing legal advice and representation for women and communities in the effort to realize their legal rights to customary land governance in practice, especially in the face of contestation.
 - d. The LLA must pay attention to the challenges with transportation that arise from community self-identification in large units necessitating recurrent travel over large distances to meet to discuss land matters. It will be important to mitigate obstacles to attendance, particularly for women community members. For example, the LLA might:
 - i. Provide guidance to self-identifying communities explaining that self-identification in larger units (e.g., at the clan or chiefdom level) may make it impracticable for women and other community members to regularly attend land governance meetings.
 - ii. Devise regulations enabling community sub-units to meet and vote on land matters in their respective areas and then to aggregate their input and votes.
 - iii. Seek donor funding to offset meal and transportation costs to attend meetings, particularly in pilot communities to enable women to attend.
5. Ensure that women’s voices are heard and develop capacity (recognizing that members of the community—and particularly women—are poorly educated and lack awareness of the law)
- a. Provide gender-responsive awareness raising and trainings on the LRA for all members in pilot communities, given that all community members are landowners and decision-makers.¹⁷
 - b. Use mechanisms described above (advisory body, multi-stakeholder platforms, women’s land rights task force) to monitor, oversee and promote the implementation of the legal principles of gender equality and non-discrimination based on sex within the operation of local community governance bodies. For example, a multi-stakeholder platform in the land sector could provide a forum for local women and women CSOs, among others, to raise and resolve gender issues. The LLA Gender Unit and women’s land rights task force could conduct women and land governance consultations in various communities to provide a check and balance in governance structures.
 - c. Seek out donor funding to support gender-responsive community land governance implementation and capacity development (of women, men, and customary authorities), particularly during the formative period of establishing key community governance structures. Encourage a focus on capacity development for women in terms of their literacy (including legal and financial literacy) and leadership.

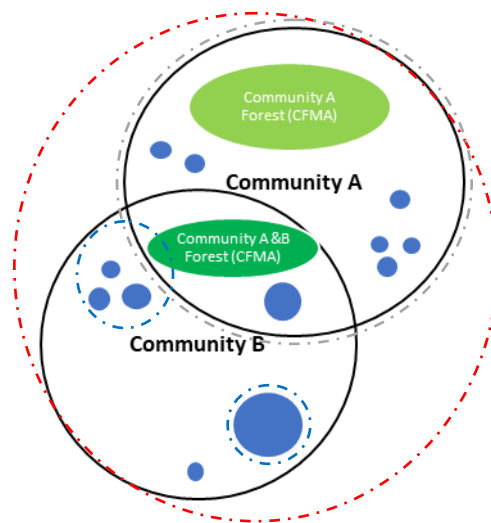
¹⁷ This aligns with the LLA’s LRA implementation strategy that contains a robust public information/awareness campaign.

ANNEX 1: Recommendation on the implementation of the intersection of CRL and the LRA

As identified by the study findings, there are communities that have already self-identified under the CRL. The decision to self-identify in a particular way is based on factors such as clan membership, proximity to the forests, and opportunities to capitalize on a commercial concession with companies. As a result of capitalizing on commercial opportunities, many of these self-identified communities are composed of several towns and villages spread out over large areas. This poses a serious challenge in the implementation of the LRA, particularly if individual communities want to self-identify separately under the LRA, but self-identified jointly with other communities under the CRL. There is an urgent need for the LLA and the FDA to develop strategies and create regulations to guide the implementation of both the CRL and the LRA in areas where they overlap. To help that process, we propose recommendations that need to be further discussed and refined. The recommendations are mainly applicable for communities that have customary forests but have not yet self-identified under the CRL or LRA but are also applicable to communities that have self-identified under the CRL.



The chart below lays out an example of how the CRL and LRA self-identification process would intersect.

An example of the intersection between the CRL and the LRA






Key for hypothetical scenario:

Post CRL:

-  Community A & B Forest intersect, and together they establish a Community Forest Management Agreement (CFMA) to be governed by a Community Forest Management Body (CFMB)
-  Community A additionally has its own Community Forest and a separate CFMA governed by a separate CFMB

Post LRA potential permutations of self-identification:

-  Community A & B may self-identify as one large unit and establish one CLDMC, or
-  Community A may separately self-identify and establish its own CLDMC, and separately Community B may do the same, or
-  A village/town or group of villages or towns may self-identify and establish its own CLDMC, or
- There may be some combination (e.g., Community A self-identifies, and smaller units with “Community B” self-identify)

The CRL and the LRA have a similar definition for “Community”, which is a *self-identified* and widely recognized coherent social group comprising of members who share common customs and traditions. “Community” is understood under the CRL and LRA as a group of people tied to the ownership, management, and use of resources including land and forests. A community may be a single village or town, or a group of villages or towns, or a clan, or a chiefdom. Self-identification as defined under the CRL and LRA is flexible enough to accommodate different kinds of management structures and decision-making processes by customary people which is important because the ownership, management and use of communal resources are complex.

Given the above, a forest shared by one, two or more towns can be construed as a “Community”. Assume that Communities A and B self-identified and each established a Community Land Development and Management Committee (CLDMC). Communities A and B share forest A&B. Forest A&B is a joint resource owned by Communities A&B. It is possible that Communities A&B could come together (as community assemblies under the CRL and or act collectively under the LRA) and sign a Community Forest Management Agreement (CFMA). Both communities could appoint a Community Forest Management Body (CFMB) to manage the affairs of their joint forest. Given this scenario, *the LLA and the FDA need to work together on to create joint regulations because forest management structures under the CRL fall under the authority of the FDA and the CLMDCs are under the auspices of the LLA.*

If communities self-identify first under the LRA before the CRL, the intersection of the CRL and the LRA may be less complex to address. Since self-identification is about identifying land resources (including forest) and the ownership associated with those resources, it is possible a joint forest (in the case of forest A&B in the diagram above) can be identified during the demarcation of customary land. The downside of this recommendation is that there may be tensions between self-identifying as a larger group to take advantage of a business opportunity with a company under CRL and a smaller group under the LRA.

For communities that have already self-identified under the CRL, the process is more complicated, and several questions need to be addressed. If communities (towns and villages) that self-identified under the CRL are willing to self-identify in the same way under the LRA there will be less confusion over the governance structures under the two laws. In this case, the CFMB could take on the functions of the CLDMC. However, if the communities (towns and villages) are not willing to self-identify under the LRA the same way they self-identified under the CRL, then there needs to be negotiation over the management of the forest. Such negotiation may take the form of the management structure over forest A&B as proposed above. If there are communities (towns and villages) are not willing to negotiate and agree on management structures, then they might just wait for the CFMA to expire. After the expiration, the communities can set up new management structures following the example above.

ANNEX 2: Community Map from Geeghbar 1 Community Forest in Grand Bassa County

