



Land Tenure, Natural Resource Management & Conflict

Case Studies from Nimba County

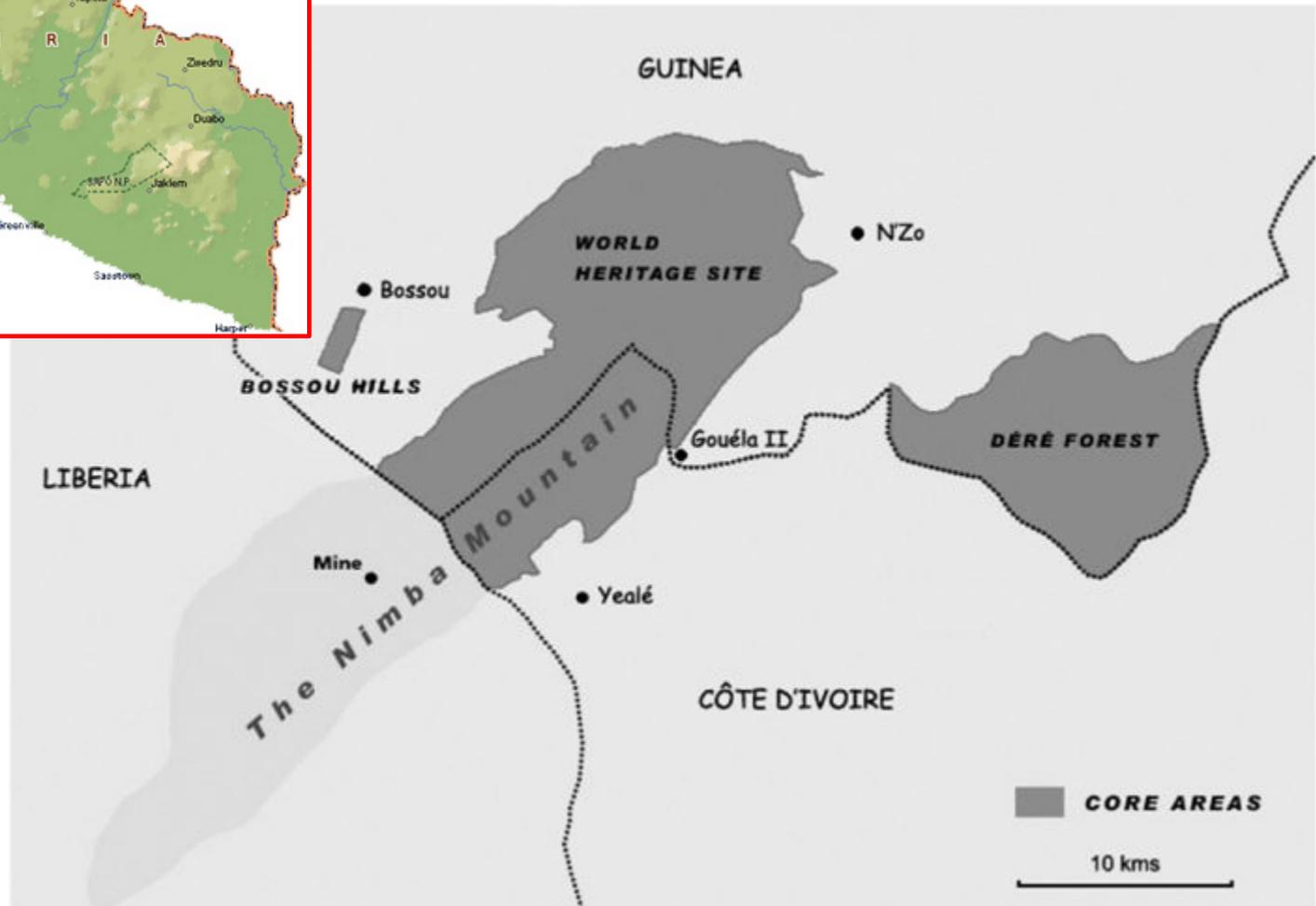
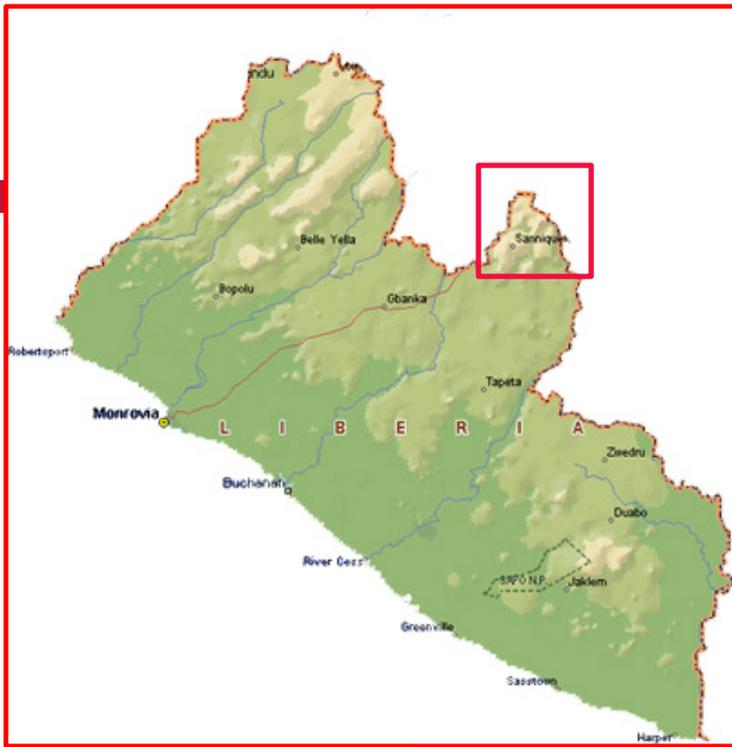
**Vaneska Litz
Deputy Chief of Party, PROSPER
Tetra Tech ARD**

Background

USAID Community Forestry Programming in Liberia

- ❖ USAID-funded project to assist Government of Liberia to develop and apply a “community forestry framework”; 3+year pilot initiative that ended in October 2011
- ❖ Field activities in four pilot communities (Nimba & Sinoe Counties) & worked closely with FDA and Land Commission
- ❖ Activities continued with USFS/USAID support through May 2012 (LFSP) in Nimba County
- ❖ PROSPER project awarded in May 2012: a five-year (ca. 2012-2017) project that will continue to support the expansion of sustainable forest management and CF in Liberia through education and improvements to human, legal, regulatory and institutional capacities

Case Study Locations

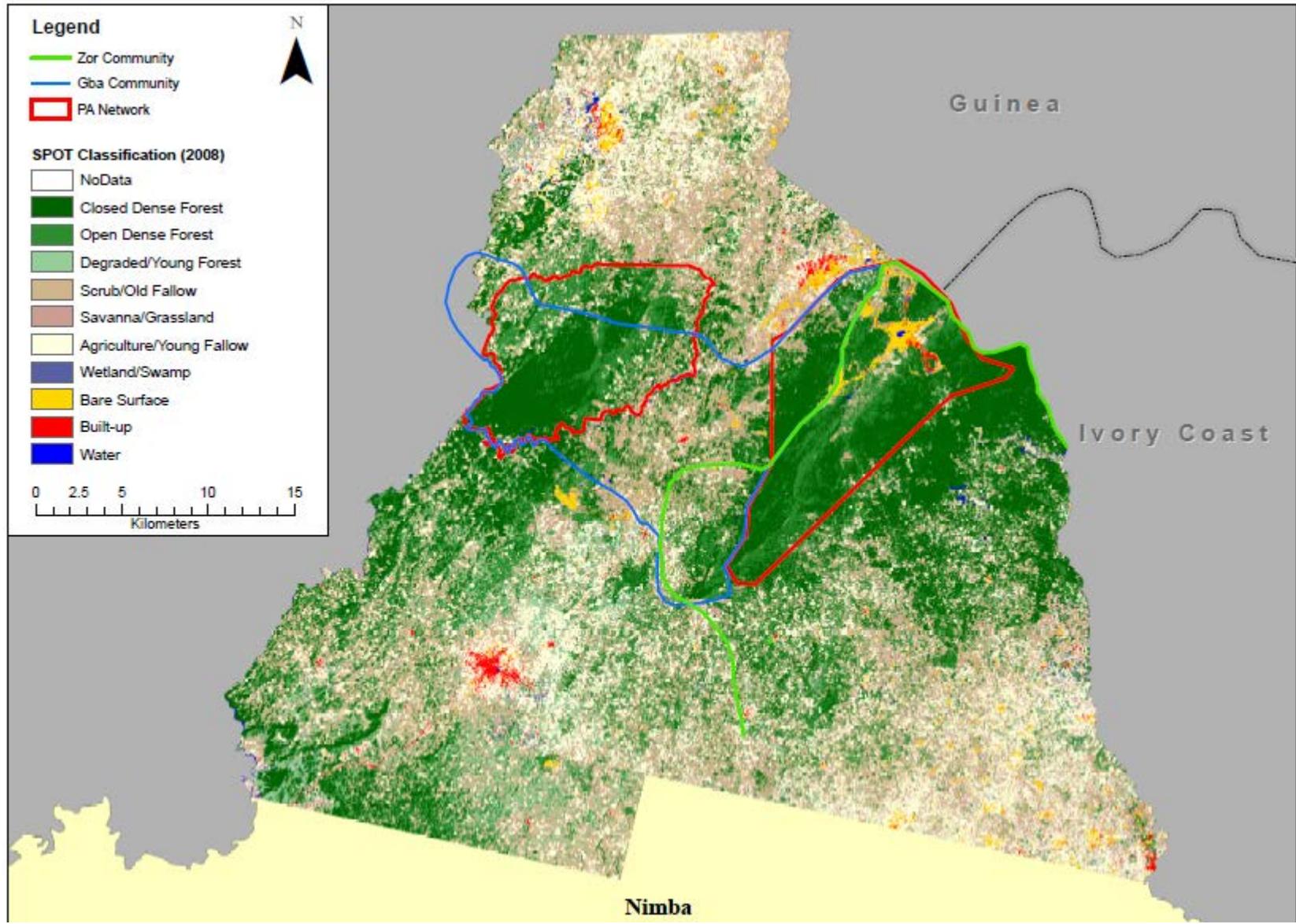


Environmental Context of Northern Nimba County

- Nimba Mountain Complex straddles the border between Ivory Coast, Guinea, and Liberia
- Biodiversity Hotspot & World Heritage site (except Liberia)
- Significant biodiversity including:
 - >2000 plant species
 - 500+ animals including endangered species
 - Grasslands
 - Primary forests
- Primary Threats
 - Farming
 - Hunting
 - Mining



Case Study Locations



The Forestry Legal Framework in Liberia

- Communal land tenure rights are enshrined in past and current law and some instruments have conveyed fee simple ownership rights to land to communities
 - Aborigines Deeds (1905-1956)
 - Public Land Sale Deeds (1973-2010 moratorium)
- Communal rights representation remains an issue except with regard to forestry because of the Community Rights Law (CRL)
 - Who represents the community
 - To whom do rights descend?
- The Community Rights Law
 - classifies deeded forestland as community forestland
 - provides limited forest management and use rights for undeeded communal lands (15 years)
- Communal forestry rights may be in conflict with other laws/interests (e.g. concessions)

Statutory Context

Forestry Development Authority (FDA) regulates forest use & mgmt

National Forestry Reform Law (2006)

- State forests
- Protected Areas
- Community Forests
- Private Forests

Community Rights Law

- Community Forests considered both statutory and customary
- Regulates commercial use of forests by communities



Case Study #1

THE EAST NIMBA NATURE RESERVE

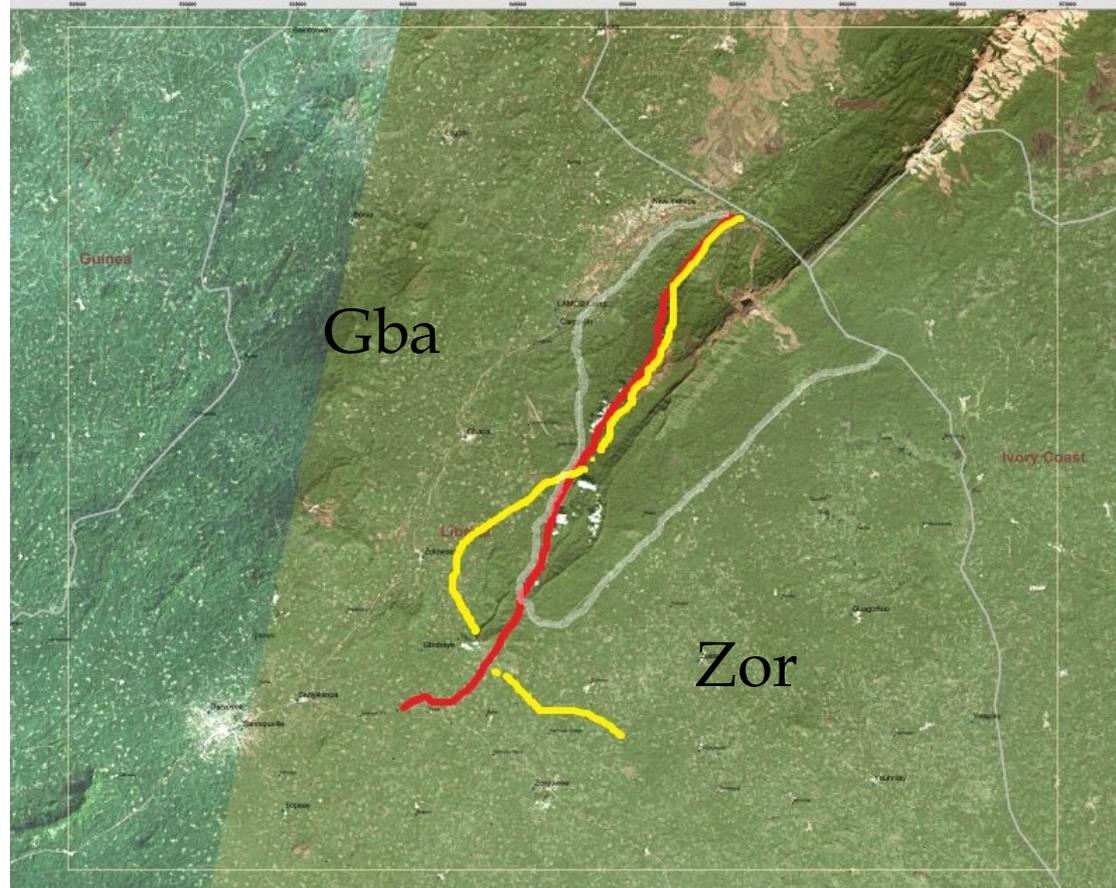
Customary – Statutory Land Tenure Interface

- **Customary Land Claims***

- Zor Clan
- Gba Clan

East Nimba Nature Reserve (ENNR)

- Created in 2003
- “Strict” Nature Reserve
- FDA “managed”

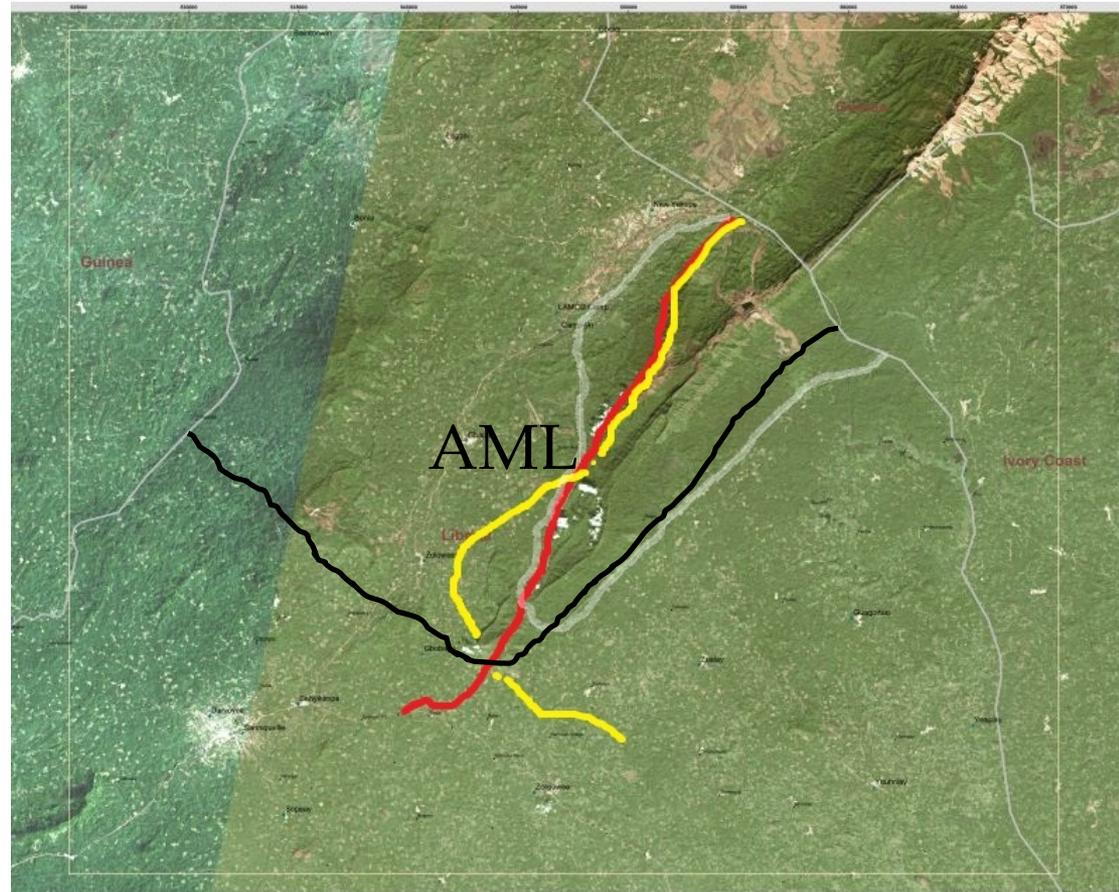


* No deeded claims in case study area

Contractual land rights*

Arcelor Mittal Liberia

- Mineral Development Agreement
- 25 years
- Environmental offset
- Negotiated rights not subject to some Liberian law
- Have the right to mine in the ENNR; have not exercised to date



* Boundaries are approximate

Interests and Positions – FDA and AML

FDA

- “Strict” Nature Reserve
- Communities do not respect the law

Arcelor Mittal Liberia

- Environmental offset
- Have the right to mine in the ENNR; not exercised



Interests and Positions – Zor Community

Zor Community

- This is “our” land; Gba only have user rights
- FDA did not consult
- FDA needs to cooperate with the Zor to enforce regs
- Want access, use & mgmt rights to the ENNR



Interests and Positions – Gba Community

Gba Community

- This is “our” land; given by the Zor
- FDA did not consult
- FDA needs to cooperate with the Gba to enforce regs
- Want access, use & mgmt rights to the ENNR



Case Study #2

THE WEST NIMBA FOREST

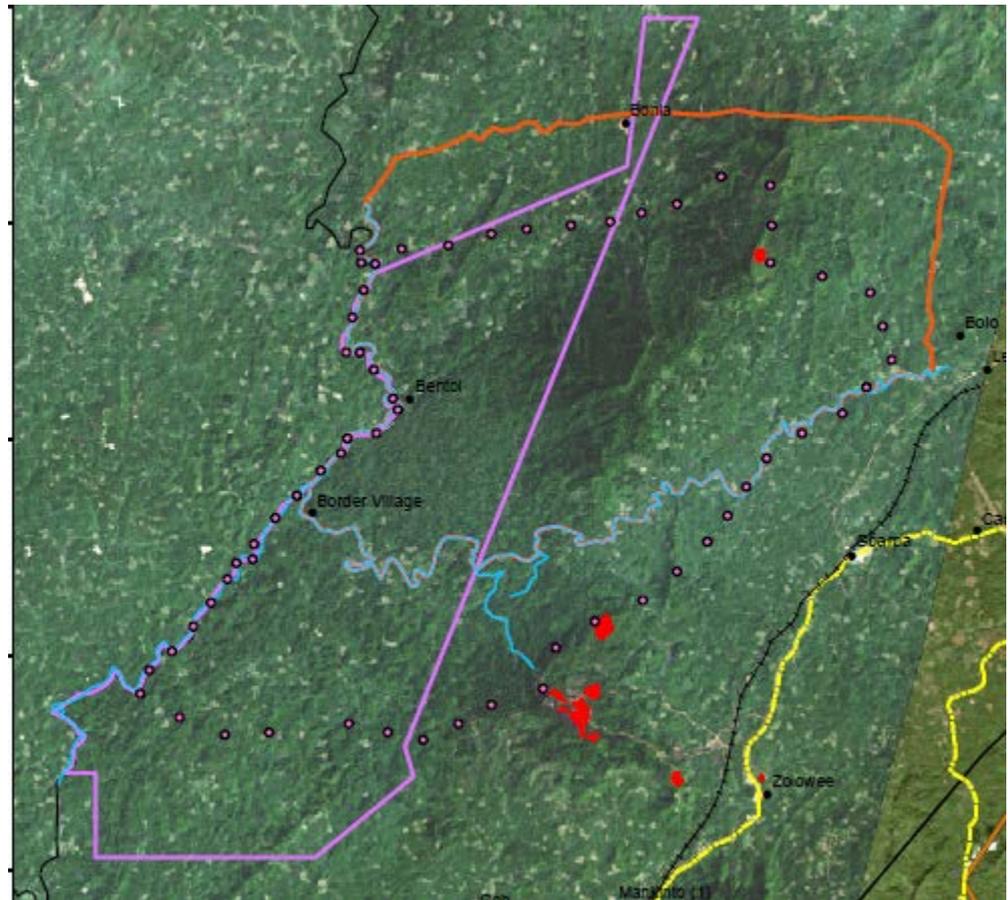
Customary – Contractual Land Tenure Interface

- **Gba Community**

- Customary land
- Requested community forest status

AML

- Minerals Development Agreement
- Right to mine
- Right to exclude in operating areas
- Right to relocate



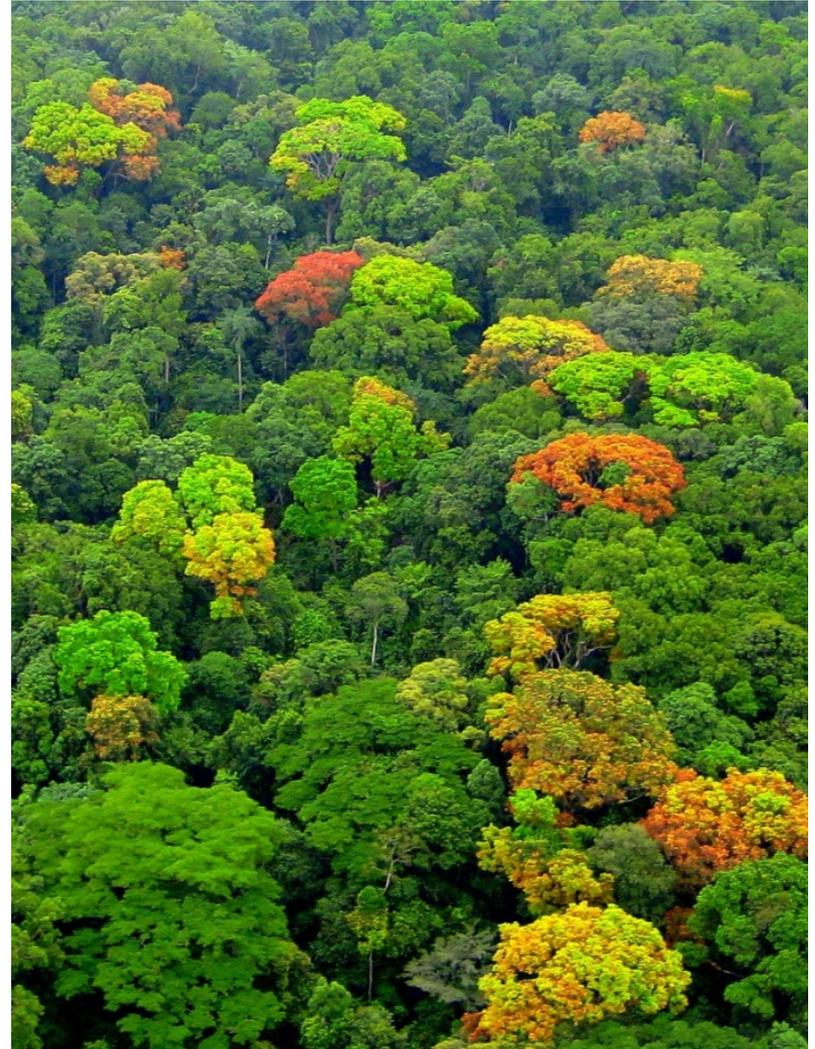
Interests and Positions – FDA and ENGO

FDA Community Department

- Some management better than no management

FDA Conservation Department & ENGO

- Expand protected area system
- Communities lack management capacity
- Access AML offset \$\$



Interests and Positions - Community

Gba Community

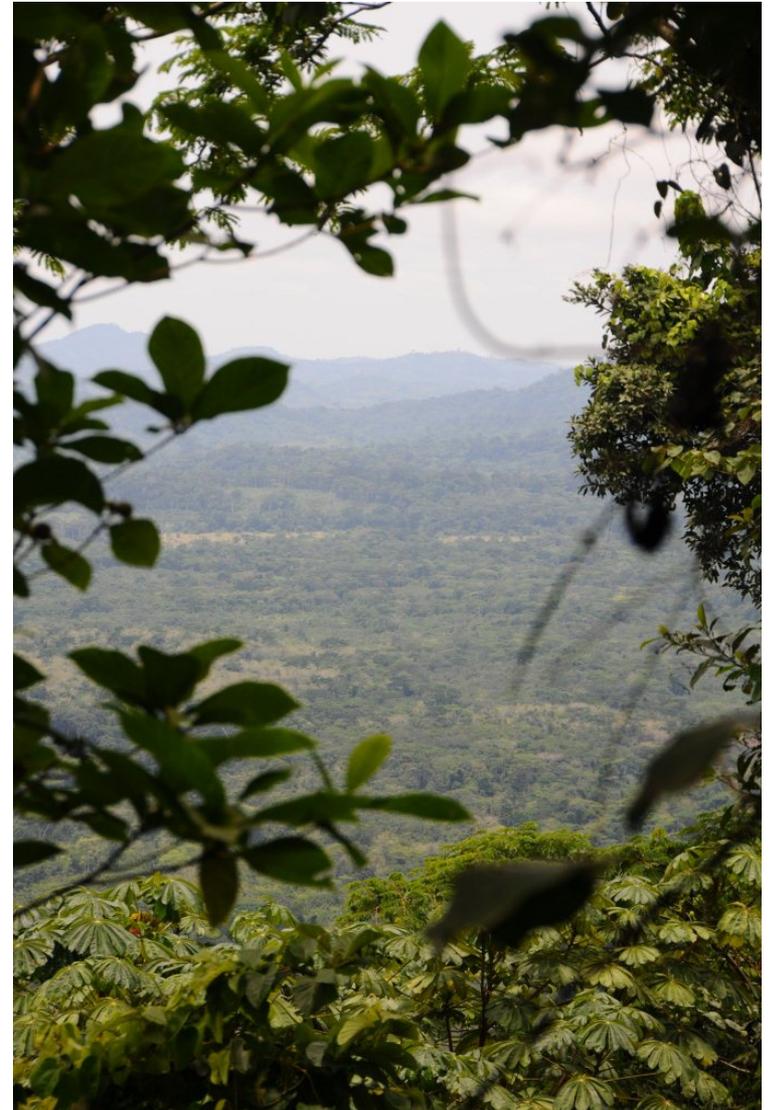
- Want customary rights acknowledged; access, use & mgmt rights
- Want to co-manage the forest as a community forest
- Need support for conservation and alternative livelihoods



Interests and Positions - AML

Arcelor Mittal Liberia

- Want good relations with the community
- Must mitigate damage to environment
- Need to put in place a conservation offset
- Need to exclude people from operational areas
- May need to expand operations



Assignment

What Stances should be Taken by Different Actors?

Group # 1: Government Agencies?

Group # 2: Non-Governmental Organizations and Private Sector?

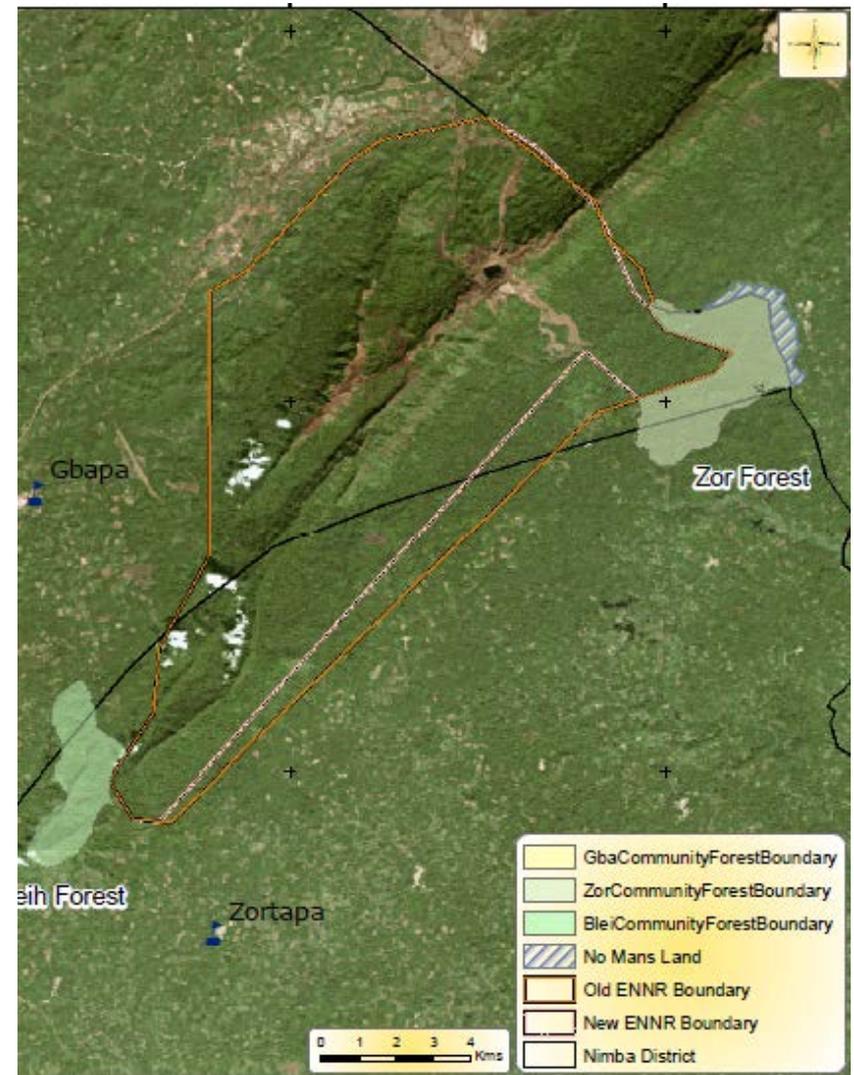
Group # 3: Rural Communities?

Break up into three groups to discuss what stances each stakeholder group might propose in response to the complex and conflictual tenure situation in North Nimba County. Report back to plenary.

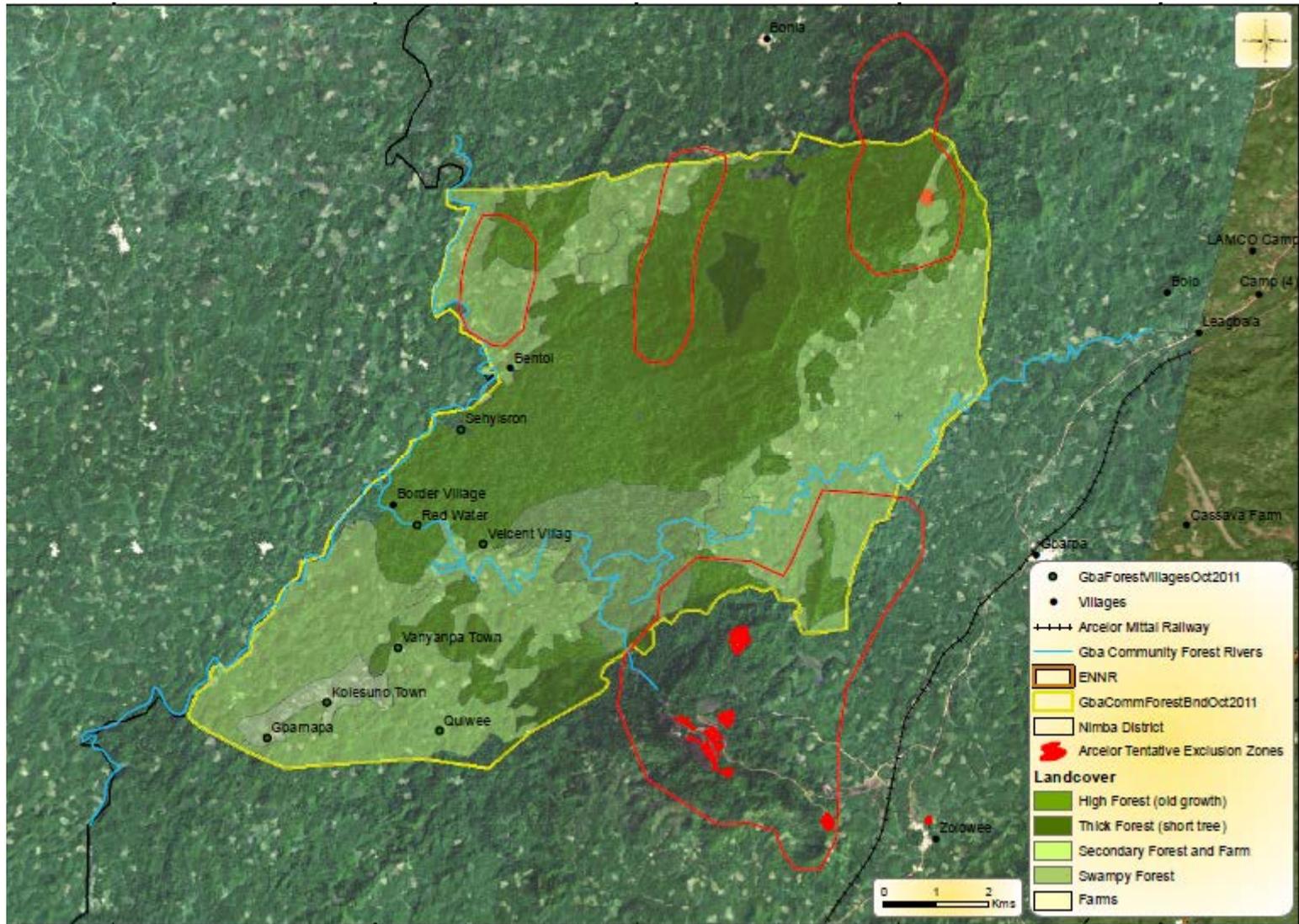
East Nimba Nature Reserve (ENNR)

Joint Forest Management Committee

- Zor/Gba and FDA
- Community forest estb'd
- ENNR Boundary redrawn
- Community forest estb'd
- Conservation Agreement in development
- Supported by
 - CI
 - FFI
 - AML



West Nimba Community Forest



Northern Nimba Today

Despite Overlapping Tenure Claims

- AML
- Communities
- FDA
- Conservation International
- Fauna and Flora International
- Local government are engaged in:
 - Landscape level planning & cooperation
 - Developing a Conservation Agreement

But...

Individual interests may prevail because of overlapping claims

- FDA
- AML
- Communities
- Other concessions
- CI/FFI



Challenges remain....



"the forests that we agreed to set aside as community forests for conservation purposes have all been awarded to mining companies for exploration purposes," he said. "We want the government to define or draw a clear line between conservation and concession because we continue to see companies coming with licenses to carry out exploration in those forests set aside by us and the Forestry Development Authority (FDA)"

- Saye Thompson, JCFMB Chairperson

Beyond Nimba, challenges remain....

Lack of government coordination results in overlapping claims

Private Use Permits

- Issued without regard to the CRL
- Issued on forests that should be classified as community forests

Agriculture concessions

- Overlap between deeded, customary & contractual claims
- Powerful interests, e.g. Golden Veroleum

Mining Concessions

- Overlap deeded, customary and contractual claims
- Originate in the MLME

Lessons Learned from Northern Nimba County

- **Learn the Tenure Situation:** Successful NRM in Liberia requires understanding tenure rights and claims
- **Coordination between Government Agencies is Key :** Need for coordination between government ministries dealing with land issues
- **Tenure Confusions Contribute to Conflict:** Rural land tenure issues have the potential to create serious conflict and instability
- **Conflicts of Interest between Ministries Requires New Institutions:** Conflicts of interest between ministerial interests may require a “Land Institute” to address competing uses and claims to land