

REFORMING LIBERIA'S FORESTRY SECTOR

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- *Reflections of a civil society activist* •

ABSTRACT

This article highlights the links between natural resource exploitation, corruption, and human rights abuses in conflict and immediate post-conflict situations in the context of Liberia. After contextualising the conflict in Liberia, the author, Silas Siakor, describes how human rights abuses in the Liberian forestry sector occurred in various forms. Militia commanders committed human rights abuses, supported by international logging companies whose senior executives facilitated the procurement and transfer of weapons and military materials. In addition, the logging companies made payments to individuals involved in training militia groups.

The author then examines how Liberian civil society, working closely with their international counterparts, have championed reforms in the forestry sector as a strategic approach to curtailing human rights abuses and securing rights for those living in poverty.

He describes how, in the decade since the civil war ended, reforms in the sector have led to increased civil society access to logging areas to monitor the conduct of companies, and how once deprived communities now share revenue from logging with central government. The government has also formally recognised certain community rights with respect to the forestry sector. He concludes by noting that despite the progressive legislation in place, some key reform measures have not been fully implemented and argues that the eventual success of these will rely on pressure from the international community.

KEYWORDS

Liberia | Forestry | Charles Taylor | Sanctions | Civil society

1 • Introduction

Founded by freed slaves from the Americas, Liberia declared independence in 1847; it would take more than 100 years before native Liberians were granted the right to vote in 1955.¹ The Americo-Liberians, as the settlers were called, dominated the economy and politics until 1980 when a bloody military coup ended their one-party rule. The failure of successive governments to address poor governance, poverty and inequality, however, contributed to paving the way for an uprising in 1989 that degenerated into civil war in the 1990s.²

In the 1990s and early 2000s, Liberia became synonymous with egregious human rights abuses. Much of the notoriety was linked to natural resource exploitation, especially human rights abuses that characterised the extraction and trade of timber and diamonds. In addition to the human rights abuses committed by key personnel of various logging companies and the militias they supported, the timber trade played a pivotal role in fueling and prolonging Liberia's civil war, responsible for the death of an estimated 270,000 people.³

National and international civil society organisations coordinated efforts to extensively document and report on the situation; complementing the work of a United Nations (UN) Panel of Experts established on Liberia. The UN Security Council subsequently imposed sanctions on Liberian diamonds in 2001 citing the links between the war in neighboring Sierra Leone and the diamond trade.⁴ As stronger evidence of the links between the timber industry, and the conflicts and violation of UN measures emerged, the Security Council expanded the sanctions to include timber in 2003.⁵

Once the timber sanction was imposed on Liberia, Charles Taylor's ability to raise revenue to finance his war against two armed groups fighting his government was significantly constrained. With rival factions holding strategic positions outside the Liberian capital and the international community demanding that he leaves Liberia, Taylor fled Liberia and went into exile in Nigeria.⁶

2 • Logging in the national economy

Liberia contains the largest remnants of the Upper Guinea Forest of West Africa, which spans nine countries from Guinea, through Sierra Leone, Liberia, Cote d'Ivoire, Ghana and into Togo. The Government of Liberia estimates that 42 per cent of the remaining Upper Guinea Forest is found in the country.⁷ The UN Food and Agriculture Organisation estimates that forested areas make up at least 32.7 per cent of Liberia's 9.6 million hectares of land.⁸

Industrial logging for export is the government's preferred model for economic activities in the forestry sector. Before the flare up of the civil war in 1990, logging contributed about 8 per cent of the country's gross domestic product (GDP) in 1989.⁹ The formal logging sector came to a standstill as the war escalated, and in its place a criminal enterprise

emerged, made up of then rebel-leader Charles Taylor's henchmen and loyalists. They conducted logging operations in rebel held territories and exported the timber to Europe and elsewhere. After Charles Taylor was elected President in 1997, in elections that were intended to bring the civil war to an end, logging companies that had ceased operations because of the conflict restarted operations in 1998.

Logging and exports gradually resumed such that by 2001 production had quadrupled and by 2003 production reached the pre-war level of one million cubic meters with a value of approximately \$100 million.¹⁰ By this time, timber export accounted for about half of Liberia's foreign exchange earning and 20 per cent of the country's GDP.¹¹ The industry collapsed in 2003 as timber sanctions were introduced. The UN Security Council lifted the timber sanction in 2006 after the government unveiled a program of reforms in the forestry sector. More than 1 million hectares of forest are under logging contracts, and 785,841 cubic meters of logs valued at just under US\$150 million was exported between 2009 and 2016.

3 • Human rights abuses linked to the forestry sector

Immediately after his election victory in 1997, President Charles Taylor awarded timber-rich forest blocks to formal allies and business associates. Taylor provided logging companies relatively cheap access to Liberia's timber resources and in return logging companies provided him access to international criminal networks trading in guns and gems, as well as logistical and financial support to sustain his militias. Additionally, Liberia's logging industry provided convenient cover for arms dealers trafficking arms into the region.

The largest logging concession ever in Liberia's history was granted to the Liberia Forest Development Corporation (LFDC), a company owned by Dutch national Gus van Kouwenhoven. The contract to the LFDC, awarded in July 1999, was immediately flipped over to the Asian-linked logging company Oriental Timber Corporation (OTC). Mr Kouwenhoven, who engineered these deals, would later be involved in setting up deals for the transfer of assorted arms, ammunitions and military hardware to Liberia along with notorious arms dealer Victor Bout.¹² The UN Panel of Experts on Liberia also reported in 2003 that Kouwenhoven provided a military-style helicopter to the government in lieu of forestry related taxes.¹³ Following a protracted legal battle, in April 2017 a Dutch court found Mr. Kouwenhoven guilty of being "an accessory to war crimes and arms trafficking"¹⁴ for supplying weapons to Taylor during Liberia's brutal civil wars.

The OTC's workforce was made up mostly of unskilled former rebel fighters. OTC security forces comprised mainly of militiamen under the command of former rebel commanders. For example, the company recruited as its Chief of Security General Roland Duo, a former rebel commander that fought for Taylor and maintained a strong role in Taylor's security apparatus after his election.¹⁵ The company's security forces were accused of abuses ranging from beatings to arbitrary arrest, detention and sexual exploitation.¹⁶ These rebel

commanders and militiamen, supported by the OTC, continued fighting on behalf of Taylor when other rebel groups launched renewed attacks in an effort to oust Taylor.

Other logging companies also supported militia commanders that were accused of massacres and other human rights abuses. In one documented instance, UN investigators uncovered a mass grave in Southeastern Liberia holding the remains of about 200 victims of a massacre allegedly committed by forces under the command of a General William Sumo, who served as the Maryland Wood Processing Industries Chief of Security.¹⁷ A Lebanese businessman, Abbas Fawaz, owned the Maryland Wood Processing Industries.¹⁸

The logging companies did not only provide support to rebel commanders and militias that committed human rights abuses, they also paid for arms imports to Liberia in violation of UN arms embargo and mercenaries supporting Charles Taylor's military adventurism in the region. For example, documents presented by an OTC representative to a panel investigating logging companies in 2004 revealed that the company had transferred large sums of monies on behalf of the government of Liberia to individuals listed as mercenaries and arms dealers in various UN reports on Liberia. The UN Panel of Experts on Liberia previously reported on these payments in 2003.¹⁹

According to the documents mentioned above, the OTC made payments to Fred Rindel,²⁰ a retired officer of the South African Defence Force and former South African Defence Attaché to the United States of America, and a Kenyan national of Indian descent Sanjivan Ruprah.²¹ A UN Panel of Experts on Liberia reported that Mr. Rindel (also alleged to have supported the UNITA rebels in Angola²²), was contracted by Taylor to provide training to a militia group called the Anti Terrorist Unit,²³ commonly known in Liberia as "demon forces" due to its role in human rights abuses, including murder. A UN Panel of Experts on Liberia describes Sanjivan Ruprah as "a well-known weapons dealer."²⁴ Ruprah was later arrested by Belgian security and charged with "criminal association"²⁵ related to his role in weapons smuggling in violation of UN Resolutions.

Another individual involved in the logging industry was the Ukrainian Leonid Minin.²⁶ He held an interest in a logging company named Exotic Tropical Timber Enterprise and played an active role in the purchase and delivery of weapons to Liberia in 2000.²⁷ Arrested in Italy in 2000,²⁸ his role in sanction-busting gun-running and arms smuggling operations was laid bare. He had used his connections to then President Taylor and his cover as a businessman in the logging industry to facilitate this role.

4 • Forestry reform and the lifting of sanctions

At the end of 2003, with Taylor gone and an interim government in place, the UN, as a precondition for lifting the sanctions, urged the Liberian government to "take all necessary steps to ensure that government revenues from the Liberian timber industry are not used to

fuel conflict or otherwise in violation of the Council's resolutions but are used for legitimate purposes for the benefit of the Liberian people, including development."²⁹

In 2004, a first attempt by the interim government to initiate reform in the forestry sector faltered as the government tried to exclude civil society from the process. Following pressure from civil society and donors the government established the Forestry Concessions Review Committee to review all existing logging concessions – naming Attorney Alfred Brownell and the author of this article to the committee.

The review, concluded in 2005, documented widespread illegal logging, human rights abuses, extra-budgetary financial transactions involving logging companies, and the active involvement of logging companies in the Liberian civil war. Consequently, the committee recommended that all the concessions it reviewed be cancelled.³⁰ In early 2006 the government of President Ellen Johnson-Sirleaf through Executive Order No. 1 adopted the report, cancelled all logging concessions, and established the Forestry Reform Monitoring Committee to oversee and coordinate the reform process.³¹ The two civil society representatives that participated in the concession review were again named to the committee.

Following peaceful elections in 2005 and the handover of power in 2006, the war in Liberia was declared over. With all logging concessions cancelled by Executive Order No. 1, a new forestry law drafted and validated with stakeholders under the auspices of the Forestry Reform Monitoring Committee in place, and a raft of new regulations under development the UN Security Council lifted the sanctions at the end of 2006.³² It would be another three years before formal logging would resume.

5 • Civil society and reforms in the forestry and land sectors

Following Taylor's election in 1997 he cracked down on opposition figures, pro-democracy and human rights activists forcing many into exile. Independent media became less outspoken as editors were forced to practice self-censorship. This resulted in the creation of an environment of fear and terror. As Liberian activists and human rights defenders took steps to stay safe by engaging in more covert monitoring and reporting, international non-governmental organisations (NGOs) stepped up their reporting on the human rights situation in the country; however travelling to Liberia became more dangerous over time. As the situation deteriorated new partnerships between local activists and international NGOs began to form, as the locals could gather information and pass on to the international NGOs who would then go on to publish – after cross checking multiple sources. These partnerships enabled key civil society actors inside and outside of Liberia to establish strategic relationships and credibility with influential government players and individuals within the international community. These relationships, especially with congressional staffers in Washington and staffers of diplomatic missions at the UN Security Council in New York would become critical political capital for civil society in the immediate post-war context.

With the cessation of hostility in 2003 and disarmament underway in 2004, Liberian civil society, with strong support from international partners, proactively established itself as local champions of forest sector reform. For example, civil society actors got together in April 2004 to develop a reform agenda, which had at its centre a demand for independent, transparent and participatory forestry concession review process.³³ The multi donor Liberia Forest Initiative, following its first mission to Liberia a month later, incorporated the proposal into its reform proposal to the Government of Liberia.³⁴ With this high level endorsement of the calls for an independent review of logging concessions, the National Transitional Government of Liberia established the Forestry Concession Review Committee to conduct the review naming both the Liberian NGOs Sustainable Development Institute and also Green Advocates to the review committee.³⁵ This marked the beginning of a three-way informal collaboration and coordination between Liberian civil society, international civil society and donors; one that would continue right through the review process and up to the drafting of the new forestry legal framework.

Also, desperate to restart the economy and put thousands of restless ex-combatants to work, the government of President Ellen Johnson Sirleaf made the lifting of sanctions a top priority. The resulting high level political-will within the government to see the reform project through created a positive environment to which civil society could make demands and pursue a progressive reform agenda. The sanctions on diamonds and timber remained a critical leverage for civil society and donors, and ensured that the government was cooperative with civil society and the Liberia Forestry Initiative throughout the process and for several years afterwards.

As a result of this collaboration and cooperation, Liberia's new forestry legal framework contains several progressive provisions, including formal recognition of the rights of communities to their customary forestlands, the rights of local populations to participate in forest governance processes and the right to share in forestry revenue. Additionally, access to forestry information is now a right for any member of the public and civil society has the right to independently monitor forestry operations. A complementary reform of the land sector has further reinforced community rights over forestland, through the adoption of a Land Rights Policy in 2013 establishing Customary Land as a formal category of land holding in Liberia.³⁶ A proposed land law,³⁷ currently before the legislature, seeks to grant equal legal protection to customary land. If approved, it could drastically reshape the power-dynamics and relationships between the state, foreign corporations and local communities.

6 • Conclusion

While these changes to law have been progressive, implementation has not been straightforward. Full implementation of the legal framework has been challenging and the newly introduced measures have not fully delivered the expected results. For example, of the approximately US\$6 million that should have been paid to communities by the end of 2016,

just under US\$2 million has been paid leaving an unpaid balance of about US\$4 million.³⁸ Additionally, communities will be unable to reclaim more than two million hectares of customary forest and land under existing concession agreements until those agreements have expired; although some of these agreements will remain valid for another 50 years and more.

With a robust and progressive legal framework in place, Liberia entered into a Voluntary Partnership Agreement with the European Union (EU) to tackle illegal logging and combat the trade in illegal timber, which came into force on 1 December 2013.³⁹ Additional support from the Norwegian government is also providing critical resources to strengthen governance and law enforcement in the forestry sector. However, there are worries that the industry is on the verge of collapse as the existing companies have demonstrated an astonishing lack of capacity and interest in complying with the forestry legal framework. With sanctions gone, the only leverage the international community has over Liberia seems to be the threat of excluding Liberian timber from the EU market under new EU regulations on illegal timber. However, the effectiveness of this leverage will depend largely on whether China will adopt a similar policy to exclude illegal timber from its market – given that China has become the preferred destination of Liberian hardwood.

NOTES

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