

ELI Research in Action

ELI's Role in Liberia's Postwar Recovery



Until recently, the forests of Liberia were a lawless place, lying beyond the reach of any legitimate government and serving as an economic engine for conflict. Many timber companies worked hand in hand with the Charles Taylor regime, plundering forest resources and appropriating one of the country's most important revenue streams. The forests fed the civil conflict and helped sustain the so-called "war-lord" economy of the region, fueling arms trafficking and cross-border conflict throughout volatile West Africa. Local communities in Liberia lived in fear, exhausted from more than a decade of killing, war, and displacement.

Today, things have changed – dramatically. The conflict is over and Taylor faces a war crimes tribunal at the Hague. Liberia has a motivated, progressive President in Ellen Johnson-Sirleaf, the first democratically-elected female president in Africa's history. Liberians are healing and rebuilding. By all accounts, the country is in the midst of a stunning turnaround – and the Environmental Law Institute has played a central role. Since 2004, led by ELI Senior Attorney Bruce Myers, ELI staff have helped to design – virtually from scratch – a new legal framework for Liberia's battered forest sector. The heart of the legal reform process, the National Forestry Reform Law of 2006, is becoming a model for natural resources management throughout Africa. The law requires transparency and accountability, empowers traditional communities, and safeguards the biodiversity of the country. Largely as a result of this law, the United Nations Security Council lifted international sanctions on the export of Liberian "blood timber," a commodity for which Liberia had become infamous.

As we enter 2008, the current rainy season in Liberia has just ended, and commercial logging will soon resume for the first time in the post-Taylor era. Thanks to the new forestry

law, local communities will, for the first time, be actively involved in the government's decision to put any forest area up for bid for logging. For the first time, the winning bidder of a commercial concession contract will have to negotiate a "social benefit agreement" with the communities affected by the logging, ensuring that financial and other benefits flow directly to affected communities. For the first time, logging companies will be required to manage the forest sustainably, confining their annual yield and cutting even within the boundaries of a concession to specific areas and quantities of trees. And – again, for the first time – every log will be tracked from stump to mill to truck to dock, to ensure that all timber that moves in Liberia is of "legal origin" and that the entire process remains sound and transparent.

All of this is part of a democratic, open approach to forest management – and even to government, for as go the forests, so goes Liberia. Bruce explains: "Every aspect of Liberia's forest sector, from planning to awarding concessions, to concession management, to fee collection and community benefit-sharing, to contract administration and law enforcement, will be subject to public oversight and scrutiny. And under Liberia's new forestry law, every document that relates in any way to the forest



Staff from Liberia's national forestry agency, together with representatives of ELI, the United Nations, the U.S. Forest Service, and other organizations, tour a former commercial logging site near Buchanan, Liberia. ELI is a core member of the diverse international partnership charged with assisting Liberia to rebuild its forest sector.

The Environmental Law Institute makes the law work for the environment. Through innovative research, practical analysis and forward-looking publications, the Institute informs and empowers policy-makers, business leaders, and environmental advocates worldwide. ELI is well-known for solving problems and designing fair, creative, and sustainable approaches to implementation.



Bruce Myers

The passage of a robust new forestry law led the UN Security Council to lift international sanctions on Liberia's notorious "blood timber."

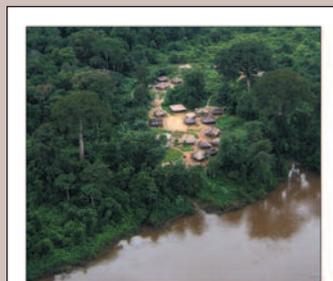
sector must be made easily accessible to any Liberian interested in reviewing it. Key to the recovery of a nation that has been plagued by cronyism and corruption, the new law lets in the sunshine."

Supported primarily by funding from the U.S. Government, the ELI team has been responsible for the legal reform component of Liberia's forest-sector recovery. This work goes well beyond the drafting of a new law. After the UN lifted timber sanctions, the ELI team went on to assist the Liberia forestry agency in establishing 10 "core" implementing regulations, a process that featured the first-ever notice-and-comment rulemaking process in Liberia. With the help of our local Liberian partners, ELI designed a public comment plan that led to public meetings in communities spanning 11 of Liberia's 15 counties. "The critical long-term goal," according to Bruce, "is to ensure both that Liberia's communities have a strong voice in – and directly benefit from – the sustainable management of the Republic's forests, as well as that conservation remains a top priority in the forest sector."

But good laws on the books are never enough. After the law was passed and new regulations written, Bruce and ELI Staff Attorney Lisa Goldman initiated an unprecedented training effort within Liberia's forestry agency. With the aim of institutionalizing legal training, Bruce and Lisa

presented two intensive, interactive workshops in July 2007 in Monrovia, where they explored with staff from agency headquarters a range of legal and practical issues critical to Liberia's forests, including the history and purpose of forest sector legal reform, as well as key provisions of the law itself. Bruce and Lisa also worked closely with a group of forestry officials to help establish – for the first time – a team to develop and carry out training activities. And just three months later, the Liberian team successfully, and independently, trained over 30 agency staff on Liberia's new forestry framework – without the participation of international faculty. This is "capacity building" in action.

ELI's rewarding efforts in Liberia reflect the Institute's longstanding core focus on Africa as a place where our work has the potential to go beyond traditional ideas of environmental protection. Increasingly, ELI has focused its efforts on the opportunities presented by post-conflict nations to enhance the lives and livelihoods of people hungry for a new beginning. The cutting-edge, participatory process followed by ELI and our many partners in Liberia has become a new model for how international organizations can successfully partner with governments and NGOs in post-conflict settings to make environmental law work for recovering nations.



Assessment of the Legal, Scientific, and Institutional Frameworks for Biodiversity Protection in the Republic of Liberia



ELI staff are also helping Liberians to assess how the Republic protects and makes use of its rich biodiversity resources. To identify gaps in the protection of biodiversity and help set priorities for reform, ELI analyzed the legal and institutional frameworks governing the Republic's biodiversity – not just Liberia's forest species, but also its non-forest wildlife and the incredible array of species that inhabit the nation's wetlands and coastal areas. An October 2007 report, authored by ELI Staff Attorney Lisa Goldman and published by the United Nations Environment Programme's Post-Conflict and Disaster Management Branch, proposes the adoption of a comprehensive wildlife law as well as a law that promotes local ownership and use of natural resources. Highlighting the importance of implementing regulations and further, much-needed capacity building for government officials, the report proposes a number of far-reaching reforms in various areas. These include the establishment and better management of protected areas, more rigorous controls on international and domestic trade in species, enhanced wildlife protection, new efforts to prevent the spread of invasive species, and a renewed focus on the protection of water resources.