



Representatives of Apouh-A-Ngog, standing in the middle of Oungé river, Cameroon  
Micha Patault, Greenpeace International

# Eradicating Corporate Capture: Setting a positive course for community forest management in West and Central Africa

# 1. Introduction

In the 1970s, community-based forest management (CFM) models were introduced in the global South with a view to decentralizing natural resource management. Cameroon pioneered forestry decentralization reforms in 1994, followed by other African nations, including Gabon (2001), Liberia (2006)<sup>1</sup> and the Democratic Republic of the Congo (2016). In theory, allowing communities to formally establish and manage their territories would advance a social purpose: protecting their homes, their identities and cultural heritage, and their livelihoods<sup>2</sup>; encouraging lower-impact economic activities would help tackle poverty and the rural exodus that poverty provokes. Time and again, communities have been shown to be the most effective guardians of the forest, so establishing community control over their forests<sup>3</sup> brings the broader benefits of addressing habitat loss and the collapse of biodiversity, while safeguarding and restoring forests' capacity to store carbon.

Decades of experience with community forests, however, expose the chasm between that hopeful theory and the reality experienced by communities on the ground.

It does not have to be so. Although they are still far too few, examples exist of community forests that fulfil their multi-usage, just and sustainable promise. Civil society Organisations (CSOs) are helping villages both to navigate the difficult community forest application process to prevent abuse, and to pursue strategic litigation to remedy past sins.

Governments and donors could set a more positive course by enabling CSO involvement and independent observers, closing legislative loopholes, re-examining community forest conventions obtained through predatory

practices, and putting an end to corporate impunity.

In this briefing, we examine the situation of community forests in Cameroon, Gabon and Liberia.

## 2. Factors undermining Community Forest Management

Although the legislative frameworks and circumstances differ, certain elements are common to the experience of CFM in Cameroon, Gabon and Liberia. Various factors combine to throw up obstacles and preclude more sustainable multi-use options, funnelling communities towards the remaining viable option – timber extraction – and driving them to conclude disadvantageous agreements typically engineered by logging companies, often with the complicity of administrative officials.

Industrial logging companies, government officials and community elites have exploited loopholes to seize the opportunity that community forests represent. Once the forest is stripped of centuries-old specimens and high-value species, companies disappear in search of new forests to exploit and higher profits<sup>4</sup>, leaving behind a degraded forest, and a logging road that opens the area to further exploitation.

The communities find themselves worse off than before. Often divided and weakened<sup>5</sup> by the experience, they generally have not received their due under the agreement, no income-generating activities have been set up, and they are left with the gutted remains of what was once their natural wealth.

<sup>1</sup> Jude Ndzifon Kimengsi & Prabin Bhusal (2022) Community Forestry Governance: Lessons for Cameroon and Nepal, Society & Natural Resources, 35:4, 447-464, DOI: 10.1080/08941920.2021.2006844.

<sup>2</sup> <https://www.foei.org/what-we-do/forests-and-biodiversity/community-forest-management/>  
<sup>3</sup> <https://www.youtube.com/watch?v=u32Q63baAnc&t=195s>; [https://www.fern.org/fileadmin/uploads/fern/Documents/2021/The\\_Rights\\_Path\\_to\\_Restoration\\_-\\_Fred\\_Pearce.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/2021/The_Rights_Path_to_Restoration_-_Fred_Pearce.pdf).

<sup>4</sup> [https://www.fern.org/fileadmin/uploads/fern/Documents/fern\\_forestry\\_cam-quat\\_internet.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/fern_forestry_cam-quat_internet.pdf)

<sup>5</sup> [https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/media\\_ashx\\_rethinkingcommunitybasedforestmanagementinthecongoasinovember2014.pdf](https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/media_ashx_rethinkingcommunitybasedforestmanagementinthecongoasinovember2014.pdf)

## 2.1 Hurdles that set the stage for capture of community forests

The **design of community forestry** is the first obstacle. In African countries, community forestry has largely been based on the model of miniature forest concessions, destined primarily for timber exploitation. This has focused the attention of the actors on logging, and has not encouraged the development of other models of forest governance build upon indigenous and local communities practices, cultures, livelihoods and knowledge.

The **complexity of the application process** is another hurdle. Impoverished communities are under economic pressure to secure quick revenue solutions, but the process of applying for community forest status is drawn out, costly and fraught with an intimidating array of administrative and technical requirements that communities have little experience managing, often times in a language that is not their own.

**Governments have consistently failed to keep their promises of assistance.** Even where stipulated that application must be free of charge (Gabon), or that expert help would be provided (Liberia, Cameroon, Gabon), official assistance has not materialised. These factors leave communities vulnerable to predators: logging companies seeking areas into which they can expand activities, but also 'elites' who purport to represent the community – sometimes without the community's knowledge.

The **requirement to create a legal entity** makes the process even more complex. In Gabon, as a precondition of the community forest application process, the village/canton/group of villages must have constituted itself as a legal person, an association.

But villages have little notion of how to create an association, and few administrative contacts with whom to seek counsel; already this first obstacle may drive them to seek help wherever they can find it. In Cameroon, new forms of institutions are created instead of familiar, traditional institutions, creating a dichotomy in communities between traditional governance and community forest governance structures, adding to local tensions; to remedy this, CED is pushing for villages to be recognised as legal entities with no further formal procedure<sup>6</sup>. In Liberia, a 9-step<sup>7</sup> application process confronts villages at the outset, culminating with creating an association and the required proposal of a forest management plan; communities cannot carry out management activities until this plan is approved.

**Technical requirements** further complicate the administrative process of applying for community forest status. These usually include accurate cartography of the area in question; species inventories, boundary demarcations; at times, evidence of dispute resolution; and ultimately, a community forest management plan.

**Both administrative and technical expertise is costly,** even where stipulated that it should be free of charge. Commonly, government bodies charged with oversight and assistance have few resources to devote to such endeavours, or to missions on the ground. And so, the fox enters the henhouse.

## 2.2 Predatory practices, company capture

Logging companies have been strategic in seizing advantage, insinuating themselves into the undeniable complexity of the application process to offer funding and 'help' with

<sup>6</sup> [https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/media.ashx\\_rethinkingcommunitybasedforestmanagementinthecongo basin november 2014.pdf](https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/media.ashx_rethinkingcommunitybasedforestmanagementinthecongo basin november 2014.pdf)

<sup>7</sup> Appendix, Community Rights Law Regulation 2009, Liberia.



Leader of the Bagyeli community in Cameroon  
Micha Patault, Greenpeace International

technical studies, inventories and cartography. Thus, they ensure that the terms of the resulting management plans are favourable to company interests. Research by Global Witness shows that it is often unclear if and how much the community needs to repay the company, over what time-period and on which terms; lack of information on the exact costs of a community forest application process allows companies to inflate the fee to receive a greater share of future revenues.

As a result, the community enters the application process already indebted, before the community forest is formally established, before any income-generating activity can commence.

In other cases, *elites* claiming to represent communities help the logging company gain community access. Individuals with the right network, capacities and knowledge of the administrative state machinery substitute themselves for the community, and hijack the application process<sup>8</sup>.

<sup>8</sup> <https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/allocation-of-community-forests-in-the-central-african-republic.pdf>

Often, they do not reside in the community (although residence is expressly required in Cameroonian, Gabonese and Liberian law) and their welfare therefore does not depend on the natural resources that they are bartering. By enlisting elites, logging companies are again able to influence communities into signing agreements that grant the companies logging rights. These agreements are peppered with vague terms, and discrepancies between what the community thought was at stake and what is reflected in writing. In Liberia, any agreement between a logging company and individuals 'representing' a community prior to the establishment of a legally incorporated representative body is illegal, and yet this occurs systematically; such involvement is highly secretive, and therefore difficult to prove. Civil society independent forest monitors sounded the alarm in 2014<sup>9</sup>; this has been confirmed more recently by Global Witness<sup>10</sup> and SDI<sup>11</sup>.

Often the government is complicit in driving communities towards logging companies:  
Liberia's Forestry Development Authority

<sup>9</sup> <https://loggingoff.info/wp-content/uploads/2015/09/777-1.pdf>  
<sup>10</sup> Power to the People? How companies are exploiting community forestry in Liberia, Global Witness, 2018; <https://www.globalwitness.org/en/campaigns/forests/power-people/>  
<sup>11</sup> <https://loggingoff.info/library/the-sewacajua-community-forest-the-need-to-strengthen-rule-of-law-in-the-community-forestry-sector-in-liberia/>

has actively played 'matchmaker' in the past<sup>12</sup>, scouting out logging companies and introducing them to the communities, so that the companies can offer help navigating the community forest process. By law, any form of management should include a reserved portion for conservation, but when it comes to practical enforcement of this obligation to set aside conservation portions, the FDA does nothing.

In Gabon, for instance, former holders of family use permits (permis de coupes familiales) under the 1982 system feel entitled simply to usurp control over the entire community asset, striking secret deals with logging companies<sup>13</sup>.

## 2.3 The Community Forest Management Plan

Community Forest Management Plans (CFMPs), an obligatory part of the application process, are meant to reflect the full value and diverse uses of the forest by the local communities, both commercial and non-commercial. However, logging companies have dominated the CFMP process, using standardised commercial management plan templates that ensure mainly logging activities are promoted. These management plans do not include local, non-commercial uses that are nonetheless essential to local communities. In Liberia, where adoption of a Forest Management Plan is the last step in the application process, 53 community forests cover 1,081,000 hectares of land. Of these, 46 are commercial operations, although the communities see very little benefit, as commercial operators are very quick to remove valuable timber. Only seven out of 53 Community Forests are managed as conservation forests: of these seven, only two have had their management plans – required for practising community forestry and generating revenue – approved by the government.

<sup>12</sup> <https://www.tropenbos.org/resources/publications/community+forest+management+in+liberia+-+recommendations+for+cso>

<sup>13</sup> Government officials may also find a personal opportunity in the application process, offered by the lack of government resources – or of political will to devote scarce resources to community forestry. Failure to assist in an official capacity gives agents with relevant expertise the chance to set up cabinets to carry out these services in a private capacity, charging significant fees (Gabon).

Possibly, these administrative delays are because communities have no money to 'fast-track' processes.

In Cameroon, of 693 community forests covering 2.5 million hectares in total, the focus of the management plan is overwhelmingly on logging; about half of these community forests have only provisional conventions. Additionally, legislative provisions are more favourable for industrial logging permits<sup>14</sup>.

In Gabon, 51 community forests have received approval of their definitive management plan, covering 259,883 hectares; 52 have had provisional conventions approved; 150 applications are 'on hold'. Community forests can be managed under two types of contracts, which both favour the logging company<sup>15</sup>.

## 2.4 Overwhelmingly, communities do not receive what is owed to them.

Communities should receive a rental fee for the use of their land, and a price per cubic metre of the various species of timber extracted. In addition, other communal benefits are usually included among the logging company's contractual obligations (cahier des charges): contributions to a local development fund, the construction of a clinic, or a schoolhouse, lodging for a teacher.

Often fixed by the authorities (Gabon, Liberia), typically the land rental fee paid by companies is derisory (Liberia) or even non-existent (Cameroon). In Cameroon and Liberia communities are not informed accurately of the exact quantities and species of timber extracted from their forests, nor do they know the market value of each species. Adding to that, it is very challenging for communities to participate negotiation processes with the timber company and insist

<sup>14</sup> By law, logging companies have three years in which to draw up and submit a forest management plan – three years during which they are unfettered in extracting everything of value from the forest. By contrast, communities are precluded from exercising any activity until their management plan is approved, although their subsistence depends, urgently, on deriving a livelihood. This prohibition has been modified somewhat in Cameroon, and local people have the right to cut down a tree to cover the cost of the procedures. The amount generated, however, remains insufficient to free communities from dependence on outside players.

<sup>15</sup> Under a leasing contract (contrat de fermage) signed between the community and a logging company, which exploits the forest directly and the conditions of which favour the extraction of wood; or under a management contract (contrat de régie), where the community exploits its own resources, but rents the machines to the operator at exorbitant prices, and often sells the wood back to the operator. The community is trapped in a closed circuit with an operator who is free to set the prices that suit him. Gabon's Ministère des Eaux et Forêts has drawn up a reference price list, but it is not respected. [https://www.clientearth.fr/media/yvghaycp/18\\_arr%C3%AAt%C3%A9-n-000366-mod%C3%ABle-contrat-fermage-fc\\_mai-2018.pdf](https://www.clientearth.fr/media/yvghaycp/18_arr%C3%AAt%C3%A9-n-000366-mod%C3%ABle-contrat-fermage-fc_mai-2018.pdf)

on fair compensation, such as fair pricing and payment schedules. This leaves the way open for timber companies to pay whatever prices they themselves determine. By contrast, in Gabon the process for creating the waybill is more detailed and stricter, which allows communities to draw up more precise calculations.

As for other promises noted in a company's contractual obligations, these seldom come to fruition: Companies notoriously fail to pay into community development funds<sup>16</sup>. In Liberia, Civil Society Organisations (CSO) have asked the FDA to "address the widespread abuse of communities across Liberia by compelling logging companies to clear their arrears before transferring their operations to

another community forest and to pay all the outstanding costs owed to communities before doing so"<sup>17</sup>.

Far too commonly, what communities are led to understand of what they are due under the agreement is dramatically different from what is reflected in the text<sup>18</sup>. The presence of a government official at the ground-breaking ceremony is no guarantee that the school will be built<sup>19</sup> or that rental fees will be paid. Still more discouraging, even when the affected community and association went to great lengths to hold companies accountable in judicial proceedings, the enterprises at fault simply changed their names and vanished (Gabon)<sup>20</sup>.



Community member struggling to defend local communities forest against big companies, Cameroon  
Micha Patault, Greenpeace International

<sup>16</sup> At times the government shares responsibility for failing to allocate to communities what they are owed. In Liberia, prior to the 2018 Land Rights Act, most company payments went to the government, into a common, national beneficiary trust to be disbursed to communities; in fact, very little was redistributed: <https://loggingoff.info/library/sdi-briefing-4-financial-flows-from-logging-to-communities-the-central-government/>

<sup>17</sup> <https://loggingoff.info/wp-content/uploads/2022/06/SDI2022-ForestCommunityCaseStudy-Gibi.pdf>

<sup>18</sup> For example, SDI's examination of the Sewacajua Community Forest Management Agreement revealed that the community believed that a clinic was promised within three years of signing, that they were getting 80% of the jobs, and that they expected the company to pay \$1500 to each of the 14 towns each month, or \$21,000 to the community every six months until the clinic is built: the text reflects only that, if no one 'qualified' was found, the company had no obligation to hire from the community, and the company would pay only \$1500 to each of four existing clinics (\$375 USD each); <https://loggingoff.info/wp-content/uploads/2018/04/FINAL-SDI-briefing-05-1.pdf>

<sup>19</sup> <https://loggingoff.info/wp-content/uploads/2022/06/SDI2022-ForestCommunityCaseStudy-Gibi.pdf> owing arrears of USD81,676; <https://loggingoff.info/library/gibi-district-benefits-from-forest-revenues-expands-school-to-high-school/> payments to the community went into mediation after the company refused to pay what it owed.

<sup>20</sup> <https://cidt.org.uk/wp-content/uploads/2021/02/CV4C-Gabon-FR-Final.pdf>; <https://cidt.org.uk/wp-content/uploads/2021/02/CV4C-Gabon-EN-Final.pdf>

## 2.5 Land use and regulatory incoherence

As land and forest availability decreases over time, access to remaining lands is more aggressively sought out for food crops, cash crops and mining. In Cameroon community forests are only allowed in the non permanent forest estate, a great disadvantage to communities living in the permanent forest estate. Community forests are perceived as a last remaining frontier into which industrial logging can expand, aggravating pressures on communities from both government and companies.

Sometimes encroachment on community forests is outright illegal, as with logging beyond the limits of existing concessions into adjacent community forests (Cameroon), or logging beyond the authorized management area (Liberia).<sup>21</sup> Sometimes the encroachment occurs with a government nudge: Liberia's 2018 Land Rights Act made it harder to issue forest management concessions – increasing pressures on community forests for commercial exploitation, and encouraging government actors to play 'matchmaker'.

Legislative inconsistency contributes to legal uncertainty. In Gabon, a 1982 law on the domaine forestier rural reserved 5 kilometres on either side of community villages for community use; in the 2001 revision of the Forest Code, however, this protection had vanished, and nothing was stipulated in its place. As a result, and as no official land-use plan has been adopted, today community villages often find themselves located in the midst of overlapping permits granted by the government for mining, logging and agro-industrial use.

A similar situation exists in Cameroon, where

villages can find themselves completely surrounded by mining permits, sometimes with their community forests legally allocated.

At times, the state contributes more directly to the injustice confronting communities. As seen above, Cameroon's legal framework manifestly favours industrial logging permits, and places an unfair burden on communities. In addition, recently Cameroon's MINFOF responded to the lack of available forests by threatening to re-capture land and to cancel 'non-active' community forest conventions and granting companies commercial logging rights over community forests. In another instance, by adopting a decree (Décret 2023/01630, 27 avril 2023) the government constricted community land rights to 'enclaves', simply by reclassifying part of Ebo forest, of high conservation value, as 'timber production forest'<sup>22</sup>.

## 2.6 Lapsed government oversight

Ultimately, the failure of government checks and balances facilitates the abuse of communities and their forests. Whether stemming from a lack of financial and human resources to devote to supervision, or a more active role in pushing communities towards logging companies – sometimes both – absence of government oversight is a considerable fundamental problem in all three countries examined.

Once a scandal blows over, the problem returns in another guise. In 2012, for instance, a vast scandal came to light surrounding Liberia's Private Use Permits. Licences intended for smallholders were hijacked by large commercial operations, grabbing up 23% of Liberia's land before they were cancelled by Executive Order. Although certain government

<sup>21</sup><https://loggingoff.info/library/sdi-briefing-3-logging-outside-the-blouquai-community-forest-management-area-2>

<sup>22</sup> <https://cedcameroun.org/?p=245258>

officials were condemned, the companies involved were not held accountable<sup>23</sup>. Today the same phenomenon continues with community forests.

### 3. Setting a more positive course

Tackling the capture of community forests is difficult, but not impossible. Positive examples of community forests offer important lessons. With the determination and the contribution of many actors, further hijackings of community forests can be prevented. Finally, steps must be taken to remedy captures that have occurred and ensure that communities access the benefits of their natural resources.

**Information, training and follow up are essential:** CSOs are involved in providing training sessions directly to communities that target the entire application process; they accompany communities from initial consultations and the creation of the community's legal person, through to attribution of the community forest and the adoption of a forest management plan. Muyissi Environnement engages in regular follow up with the community, to help with issues that may arise in practical implementation; as does Liberia's SDI<sup>24</sup>. Simplifying the application process, encouraging multi-use community forestry: The Democratic Republic of the Congo has the youngest framework on CFM in the region with innovative features that can become examples for other countries in the region. It has seen some success facilitating access to community forests by making the procedure nominally free of charge, not requiring a simple management plan as part of the application and simplifying technical requirements: even a hand-drawn map can be accepted in certain circumstances.

Community forests are granted in perpetuity for areas of up to 50,000 hectares. These forests are seen as multi-use, multi-level management areas where areas are designated for subsistence agriculture, cash crops, conservation, hunting – sometimes no logging is foreseen. This allows communities to manage the land in a more holistic manner, and think collectively about the management of their resources<sup>25</sup>.

**Community based economic activities:** To prevent communities from turning to commercial timber extraction as forced upon them by elites, companies and the government, their livelihoods must be secured. It must be easier for communities to set up income-generating activities that deliver the needed income. The development of trade in non-timber forest products (NTFPs) has been the focus, for example, of local communities in the Ogooué-Ivindo and Ngounié regions of Gabon<sup>26</sup>: on the basis of a convention signed with the Ministry the communities have launched apiculture activities, cultivation of Iboga root and essential oils, a therapeutic product that has been classified as of 'Gabonese national cultural heritage'.

**Strength in numbers:** As a constructive example, Forest communities in Guatemala established associations not only at community forest level, but also among community associations<sup>27</sup>. This allows them to better articulate their political demands, putting the power of many voices behind these. United, they can also coordinate practical matters such as machinery use and collective production. With the backing of external stakeholders (national, international) they are developing trade in non-timber forest products, as well as timber based on longer rotation periods with overall forest health preserved).

<sup>23</sup>Power to the People? How companies are exploiting community forestry in Liberia, Global Witness, 2018; <https://www.globalwitness.org/en/campaigns/forests/power-people/>

<sup>24</sup>Under the CBFM project SDI and other CSOs are working in collaboration with FDA to ensure completion of the steps for a community to acquire a community forest status without worrying about support from a logging company: <https://www.fao.org/liberia/news/detail-events/en/c/1652154/>

<sup>25</sup> <https://www.rainforestfoundationuk.org/wp-content/uploads/2021/10/drc-moise-study-english.pdf>

<sup>26</sup> <https://rtn-gabon.com/2022/09/16/blessings-of-the-forest-botf-et-conservation-justice-cj-promeuvent-le-patrimoine-naturel-et-culturel-dans-logoue-ivindo-et-la-ngounie/>

<sup>27</sup> [https://www.fern.org/fileadmin/uploads/fern/Documents/fern\\_forestry\\_com-quat\\_internet.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/fern_forestry_com-quat_internet.pdf)





Community forest in Liberia  
Danielle van Oijen, Milieudefensie

## 4. Urgent action for positive change

The Governments of producing nations have critical roles to play: they must simplify costly and complex legislative requirements that are not realistic for impoverished communities. They should remove legislative injustices, and close loopholes. They must resolve land-use incoherence, and prioritise community welfare and community forests where permits and concessions clash.

An end to impunity: Logging companies that abuse administrative processes, that engage in predatory practices, that fail to pay

communities what they are due, that log illegally beyond their concessions very seldom face consequences. The same holds true with other extractive industries. Governments must follow up and intervene where civil society, or independent forest monitors, have alerted to a problem; where necessary, they must re-examine dubious forest management plans, and take legal action to engage companies' civil liability and recover compensation. Injustices cannot be addressed where a culture of impunity persists.

In addition to keeping a spotlight on issues affecting community forests, International donors can encourage authorities to cooperate with civil society. By linking funding to civil society involvement, donors can insist



Community meeting to discuss the difficulties of managing their forest, Gabon  
Ladislav Désiré Nd, Muxissi Environnement

on an element of independent oversight in community forest processes. A Swedish donor has attached such a requirement for funding in Liberia, allocating the funding to support community-based forest management to local organisations, to work closely with the FDA carrying out activities in the field – an effective arrangement that cuts the company from the process, and allows CSOs to carry out training and follow up with the community<sup>28</sup>. As a result, SDI reports, relationships and collaboration have improved.

Finally, in addition to their direct outreach, training and ad hoc assistance to communities, **civil society** must act as a constant thorn in authorities' paw,

independently verifying the situation on the ground, questioning decisions and urging authorities to meet the challenges ahead.

A more cooperative relationship between authorities and civil society would be useful in alerting to problems upstream, before irreparable harm occurs, when course corrections are more straightforward and, importantly, less costly than attempts to remedy harm downstream.

In joining forces, the promise of community forests could be fulfilled, protecting communities themselves, as well as the common heritage of mankind, biodiversity and climate – not just worth it, but urgent.

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<sup>28</sup> The Swedish-funded initiative is managed jointly by FAO and UNDP country programmes: <https://www.fao.org/liberia/news/detail-events/en/c/1652154/>