15 Inadequate informed consent for FMC D and Foya protected area

BRIEFING | NOVEMBER 2026

Key Messages

- Communities in Kongba District, Gbarpolu County, lack adequate information about the proposed establishment of a logging concession (FMC D) and a proposed protected area – Foya National Park – in their area.
- Different communities appear to have been given different information, yet none could provide records of community meetings or resolutions showing that communities understand the processes involved or any decisions made.
- There is no formal agreement on the demarcation between the proposed Foya National Park and the FMC D concession area, yet the two areas overlap by 65,000 hectares (ha).
- Above all, the formalization of customary land ownership has not been undertaken across all the communities potentially affected by either proposal, yet this is a legal requirement.
- Given the poor process and confusion so far, a multi-stakeholder committee is required to oversee the process moving forward, and to ensure a transparent and credible process that builds consensus rather than divides communities.

Background

Fifteen years ago, seven Forest Management Contracts (FMCs) across Liberia were allocated to concessionaires through an open competitive process.[1] Since that time, no new FMCs have been allocated. In the same period, first the Community Rights Law for Forest Lands (CRL)[2] and then the Land Rights Law (LRL)[3] have indisputably codified some 70% of Liberia as owned by communities.[4] This changes the dynamics and due process around allocation of any new FMC and puts communities in the forefront as the owners of the land and forest. With this in mind, this briefing reviews the process to date for the proposed establishment of a new concession, FMC Area D, focused on Kongba District in Gbarpolu County.[5] It examines the application of the Free, Prior, and Informed Consent (FPIC) process in communities that are or could be affected by the gazettement of Foya National Park Proposed Protected Area (PPA),[6] and contrasts this with community consultations for logging activities.



Legal and policy framework

Liberia's forestry laws, supported by international standards, recognize FPIC.[7] This allows communities to give or withhold consent about activities imposed on them by the state and affecting their land or forests by mandating community consultation and documented consent for forest activities. For example, NRFL Regulation 102 Section 61(c)(3) states a condition of allocating a concession is "*If the area to be committed to commercial use includes a customarily held Forest Land, a Community Forestry Development Committee has granted prior, informed consent to the Commercial Use, in writing, on behalf of Affected Communities*".[8] Also, Section 2.2c of the CRL states that "*Any decision, agreement, or activity affecting the status or use of community forest resources shall not proceed without the prior, free, informed consent of the said community*".[9]

Furthermore, under the LRL, any concession located on customary land after the effective date (of the Land Rights Law, November 2018), the inputs and concerns of the community shall be presented through the Community Land Development and Management Committee (CLDMC) to ensure that the rights and interests of the community are safeguarded and protected.[10] Tanzania, Uganda, and

This research and policy brief has been made possible with the financial support of the European Union, through the French Development Agency (AFD) and the UK Foreign, Commonwealth and Development Office (FCDO). Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union, AFD or FCDO.

Kenya provide strong examples of legal frameworks recognizing and protecting community and customary land ownership similar to Liberia. However, Liberia stands out globally because its LRL embeds strict, binding FPIC protections directly into national law for any concession, investment, or development affecting customary land. This means that the customary land formalization process must be completed, including CLDMC establishment and boundary harmonization *between* communities as well as between them and the proposed FMC, and before any such allocation can take place.[11]

Methodology

A joint field mission to Kongba District, Gbarpolu County took place on 19-21 February, followed by a second mission from 29 May to 2 June 2026, conducted by representatives from four Civil Society Organizations (CSOs) of the IFM Coordination Mechanism. A total of 45 interviews were conducted with 34 men and 11 women, including elders, Town Chiefs, Clan Chiefs, youth and women leaders, and members of the Community Forest Management Body (CFMB) and the Community Assembly of the Tonglay Community Forest. Interviews in the first field mission were conducted in Kortee Town, Amtel, Timba Village, and Kungbor Town. All of these towns, except Amtel, are in the Tonglay or Norman Approved Forest Community areas (see Figure 1). In the second field mission, interviews were conducted in Kungbor Town again, and Mbarma and Zuie (see Figure 1). This assessed the FDA's proposed FMC D logging concession, whether in line with Liberia's forestry laws and FPIC guidelines: whether communities were properly informed about the proposal; to evaluate the extent of consultation conducted by authorities; and whether communities had freely provided their consent. Additionally, the mission sought to gather community perspectives on conservation versus commercial logging and to document the socio-economic and infrastructure challenges faced by the targeted communities.

The team also reviewed an FDA map of the proposed FMC D that indicates it would be bounded by rivers along its long sides to the north west and south east. The proposed southern short side is adjacent to Gola Konneh Community Forest, and other boundaries would coincide with Korninga A, Tonglay and Bluyeama Community Forests. The proposed logging concession respects a 3km buffer zone from Gola National Park but appears to overlap a significant portion of Foya PPA, shown by the darker shading in the north of the proposed FMC in Figure 1. The source information states the area of the proposed FMC is 183,534ha. This is consistent with this GIS analysis.

The key assertions made in this briefing were put to the FDA on 31 August 2026, and replies were received on 3 November 2026.

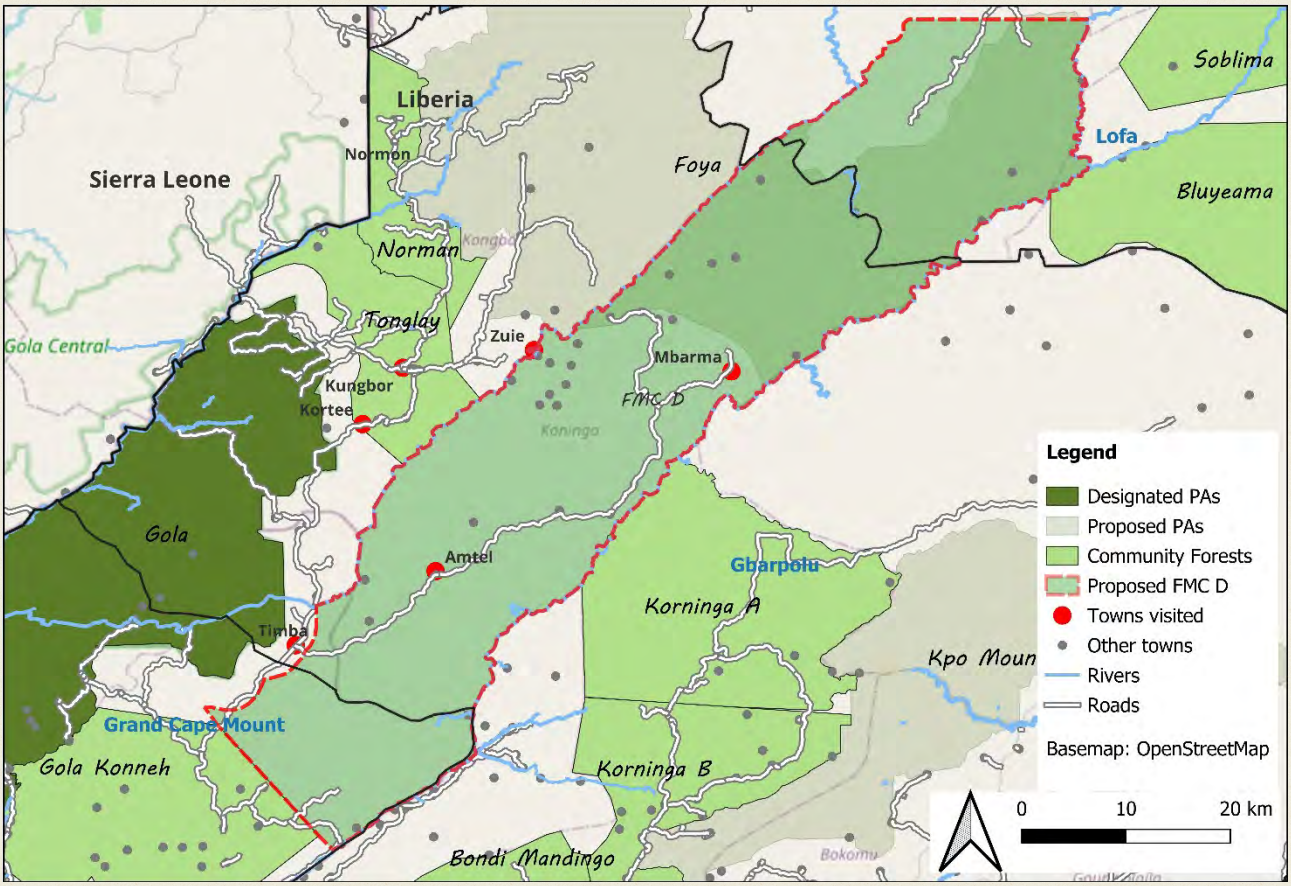


Figure 1: Map of proposed FMC D based on information from FDA dated 4 August 2025 and seen by CS-IFM.

Martha Tubman United Methodist Church Area, Weaver Street, Paynesville, Liberia. liberia.forestmonitor@csifm.org; +231777421007 / +231770001454

Findings

Lack of awareness and confusion regarding the proposed FMC D

In the communities the team interviewed, there appears to be a significant gap in understanding regarding the establishment of the FMC D area. Many respondents, including a Clan Chief and a youth representative from Normon Town, Jawajeh Chiefdom, and women, youth, traditional leaders, and vulnerable groups in Mbarma, Zuie, and Kungbah Towns, showed inadequate awareness, indicating that the concept of FMC D is largely unfamiliar to them. As described above, the legal framework requires that customarily held forest land should not be proposed for commercial use unless the affected communities' informed consent is obtained. In response to the question of whether the community is aware of the establishment of the FMC D concession, the District Commissioner of Kongba District mentioned during a focus group discussion, "*I engaged the Managing Director of the FDA, Mr. Rudolph Merab, during a meeting in Tingba Town, and I expressed my disappointment to him about their plan to bring a logging company here*".

The situation surrounding the FMC D has become mired with conflicting information and considerable confusion among community members. In a conversation with an elder in Kongba Town, he reported that the FDA visited in February 2026 to discuss the gazettement of Foya National Park and introduced the designation of an FMC D. This has created confusion over initiatives for conservation and/or commercial logging. Moreover, contrasting narratives were supported by other community leaders; one governor from Amtel relayed that a "Director" had mentioned impending logging activities by an outside company. Meanwhile, another participant from Mbarma Town recalled a meeting in February 2026, in which representatives from both the FDA and the Society for the Conservation of Nature of Liberia (SCNL) engaged in dialogue about the potential gazettement of Foya as a National Park. The leadership of Gbarma Town, which serves as the headquarters, stated that they halted the FDA mapping exercise because they did not understand its intended outcomes. This swirl of differing accounts reflects a community grappling with uncertainty about its natural resources and the future of the land it owns.

In its response, the FDA indicated it regards the work to establish FMC D and Foya PPA as separate. It asserted it had formally informed all affected communities in Kongba District about the proposed FMC D concession, and kept attendance sheets for meetings, but it did not make these available.

Consent has not been requested

Representatives from the Tonglay CFMA have reportedly not been formally consulted by the FDA concerning FMC D, which raises significant procedural questions. The Chief Officer expressed frustration, stating, "*the leadership has not been informed*", highlighting a lack of communication and transparency in the process.

Moreover, there seems to be an absence of documented evidence regarding the steps being taken to establish FMC D. Despite requests during field interviews, no one could provide any records, attendance sheets, or written resolutions from the meetings related to FMC D. This situation represents a critical shortfall in ensuring a transparent and inclusive consultation process, undermining trust and collaboration among stakeholders.

One local respondent in Kortee Town, reflecting the sentiments of many, voiced a deep-seated frustration, asserting that communities felt no obligation to support the establishment of the Foya protected area. "*We cannot give another forest land out since we have not benefited from the first land,*" they lamented, highlighting a palpable disillusionment with the promises made concerning Gola National Park.

Another voice from Mbarma town echoed this skepticism, recounting a past agreement, from before the enacting of the National Forest Reform law (NFRL) in 2006,[12] to allow commercial logging. This decision, made in good faith, was based on assurances of infrastructure improvements, specifically the rehabilitation of roads. However, the respondent was clear about their community's stance regarding conservation initiatives, stating emphatically that they had "*rejected conservation activities*," suggesting a profound mistrust in the effectiveness or sincerity of such proposals.

Many individuals aware of the PPA indicated that the FDA had not sought formal consent from them. This lack of engagement highlights the strained relationship between the local communities and the organizations responsible for designating the Foya National Park. Highlighting these concerns, two community members noted that while there were expectations for an approval decision by the end of February 2026, the entire process remained uncertain and unfinished at the time of the investigation. This ongoing uncertainty heightens the community's anxiety as they consider the potential effects of decisions that could significantly impact their land and livelihoods.

The FDA concurred that it had not consulted the Tonglay community forest leadership, but said it sought FPIC for

Martha Tubman United Methodist Church Area, Weaver Street, Paynesville, Liberia. liberia.forestmonitor@csifm.org; +231777421007 / +231770001454

both FMC D and Foya PPA from affected communities. It affirmed that it was operating in line with the CRL and NFRL regarding consent processes.

Boundary demarcation and community land rights issues

The LRL and relevant forestry laws require that before any customarily owned land can be submitted to the Legislature for gazettement as a Protected Area, it must be identified, surveyed and registered. There must be negotiation and consent between the community and the Government.[13] An Elder in Kortee Town expressed concerns about the demarcation of the proposed Foya National Park, describing it as a "*conflict of our rights*". This sentiment underscores the complex relationship between indigenous communities and external entities seeking to delineate land boundaries. The ongoing efforts for the establishment of the FMC D, orchestrated by the FDA have raised significant issues. While some preliminary consultations have taken place, communities remain without access to official maps that clearly outline their territories.

One respondent from Kortee Town elaborated on the PPA mapping process, revealing that it stretched over two weeks but was far from complete. This incomplete status suggests that the final boundaries are still under negotiation and have not yet been ratified by all parties involved. Further complicating this situation, another community member from Timba Town confirmed that no consensus has been reached on the demarcation of the PPA and the intended FMC D site. This lack of agreement raises concerns about the potential impact of these developments on the rights and identities of the local communities.

In its response in November, the FDA indicated that boundary harmonization and demarcation was ongoing, as was customary land formalization and the establishment of CLDMCs. It did not, however, elucidate the sequencing of these steps and FPIC, nor make any documents available to better understand its perspective.

Participation of Women and Youth

Nine out of the twenty-one respondents agreed that women and youth were present at FDA and SCNL community meetings. However, due to the lack of official records, this was not independently verified. No specific concerns or inputs from these groups were documented.

The FDA indicated that women and youth were included in consultations for FMC D, and that this process for Foya PPA was ongoing.

Current Status of the Proposed FMC D Concession

During the investigation, a traditional leader from Kungbor Town stated that there has been no formal consent regarding the establishment of the proposed FMC D. However, he mentioned that the community would welcome a logging company in their area, as it would lead to the construction of roads.

Six communities—Kortee, Timba, Mbarma, Kungbor, Amtel and Normon—expressed their confusion over receiving mixed messages regarding the proposed FMC D and the gazettement of Foya National Park, further adding to the uncertainty surrounding the issue.

Analysis

Taken together, the Foya PPA and the proposed FMC D illustrate how conservation and logging narratives are being played against each other. The consultations conducted by FDA and SCNL, held in January and February, were focused on the Foya National Park, neglecting nearby communities like Tonglay. With unresolved land boundaries and no clear request for consent, the process may violate Liberia's forestry and land laws and undermine the principle of FPIC. The confusion surrounding the proposed FMC D highlights significant governance issues in Liberia's forest management, including a lack of transparency and community engagement. This situation jeopardizes the concession's legality and tests Liberia's commitment to uphold its laws and build trust with local communities.

Proposed Foya National Park

The Foya National Park proposal has been presented to communities primarily as a conservation initiative, yet the process – said by the FDA to be ongoing – has so far been marred by inadequate consultation and a lack of clarity about its implications. Communities recall meetings led by the FDA and SCNL, but many remain uncertain about what the park would mean for their land rights and livelihoods. Past experiences with Gola National Park have left them skeptical, as promised benefits such as infrastructure and livelihood support did not materialize. This history has created resistance, with several leaders openly rejecting conservation activities, arguing that they cannot surrender more forest land without tangible returns. The absence of clear maps, transparent demarcation, and documented consent undermines the legitimacy of the PPA. The Foya conservation initiative may deepen community mistrust of conservation if it lacks genuine engagement, benefit-sharing mechanisms, and strict adherence to FPIC standards. Development partners must recognize that

Martha Tubman United Methodist Church Area, Weaver Street, Paynesville, Liberia. liberia.forestmonitor@csifm.org; +231777421007 / +231770001454

conservation will only succeed if communities see visible improvements in their daily lives.

FMC D

The proposed FMC D concession highlights even deeper governance failures. Communities in Kongba District were not adequately informed about the proposed concession, and leaders of the Tonglay Community Forest expressed ignorance of its existence. Consultations that did occur were framed around Foya National Park, leaving residents confused about whether the government's intent is conservation or logging. Crucially, no documented evidence of consent exists, contravening Liberia's CRL, LRL, and Environmental Protection Agency (EPA) FPIC guidelines.[14] This absence of consent renders the FMC D process procedurally invalid and exposes it to legal challenge. Boundary demarcation remains unresolved, creating risks of land dispossession and tenure insecurity. The FDA did not disclose whether FMC D had been legally allocated to a concession holder. It also asserted that publication of documents demonstrating compliance with FPIC and land rights laws for FMC D and Foya PPA were a "work in progress". Failure to disclose the legal status, scope, or potential concession holder(s) gave the impression to some respondents that this is a done deal, raising questions about transparency and compliance with Liberia's commitment to ensure only legal timber is harvested and exported. For policymakers, FMC D represents a critical test of Liberia's ability to uphold its own laws and ensure lawful forest allocations. For development partners, it underscores the need to condition support on demonstrable compliance with FPIC, transparency, and community rights protections.

Conclusion

Communities are caught between two competing visions—one emphasizing conservation, the other promising short-term development through logging—yet neither has clarity, transparency, or documented consent. This duality has created confusion, eroded trust, and heightened the risk of conflict. The failure to distinguish between the two processes undermines both initiatives, as communities perceive them as overlapping and potentially dispossessing. For policymakers, the lesson is clear: neither conservation nor commercial forestry can be advanced, least of all simultaneously, without transparent communication, lawful procedures, and tangible community benefits. For development partners, the situation underscores the importance of supporting governance reforms that prevent the manipulation of conservation and logging narratives, ensuring that both are pursued in ways that respect community rights and strengthen Liberia's international credibility. Similar situations with protected areas and logging concessions elsewhere in Liberia suggest that if progressed without full respect for the legal framework around customary land formalization, FPIC, and the establishment of representative community committees, it is likely that both Foya National Park and FMC D will suffer from persistent encroachment by disillusioned and disenfranchised community members.

In essence, Liberia must move away from presenting conservation and logging as competing narratives. Instead, both should be pursued through lawful, transparent, and participatory processes that safeguard community rights and deliver tangible benefits. This harmonized approach will not only reduce confusion and conflict but also strengthen Liberia's standing with international partners and reinforce its commitment to sustainable forest governance.

Recommendations

To fully adhere to FPIC principles – that consent for the imposition of a protected area or a logging concession on community-owned land is given freely by all affected communities inclusively and transparently, that is fully informed in an unbiased way – this IFM brief leads to the following recommendations. Only by implementing these will the current confusion related to the Proposed Foya National Park and the proposed establishment of FMC D be ameliorated, and due process will have been followed. The FDA needs to:

1. **Empower the Forest Management Advisory Committee (FMAC)**

Ensure the FMAC reviews the process and decisions for both FMC D and Foya National Park, ensuring compliance with national laws.[15] The EPA's role on the committee is important, with particular responsibility for adherence to FPIC. The Liberia Land Authority (LLA) should also participate, given its oversight role in land rights protections and customary land formalization.

2. **Facilitate meaningful community consultation and inclusive decision-making**

Identify all the communities potentially affected by the establishment of FMC D and Foya National Park. Then, as a first step, systematically ensure every one of them is given the opportunity and support to formalize their customary land ownership and potentially be represented in a future Community Forest Development Committee (CFDC), should the FMC move ahead. The processes laid out in the relevant legislation for customary land formalization and CFDC formation should be adhered to. These consultations should provide a platform for community members to

Martha Tubman United Methodist Church Area, Weaver Street, Paynesville, Liberia. liberia.forestmonitor@csifm.org; +231777421007 / +231770001454

express their concerns, validate information, and seek clarification regarding the proposals and their potential impact on local resources.

In particular, the FDA (conservation and commercial departments), EPA and LLA should play the role of neutral arbiter in the process that leads to a collective decision about how much land is allocated to the logging concession versus the protected area, given that currently, 65,000 ha lie in both. CSOs representing community rights and conservation should jointly participate to chronicle the credibility of the process.

3. Demonstrate the highest standards of transparency

Publish all documents that demonstrate due process has been followed, including legal status, scope, and implementing partners. This documentation should include detailed records of community meetings, consultations, and resolutions, ensuring that all stakeholders have a clear understanding of any agreements made. Communities should be provided with clear, accessible information about the objectives, implications, and potential benefits of each initiative. Consent must be documented through resolutions and agreements that reflect genuine community decision-making. Regular reporting and feedback loops should be established to maintain accountability and community engagement throughout the process.

4. Complete the customary land formalization process

Diligently and strictly follow the established customary land formalization process with each self-identified community, using LLA guidance and the Gbehzohn Declaration agreed by five government authorities and over 70 national, international, and community-based organizations in 2023.[16] This process will also clarify the land boundaries between the community forests, the proposed Foya National Park, and the FMC D concession area. In line with the relevant legislation and guidance, it must involve community members in verifying and confirming boundaries to prevent potential conflicts and ensure mutual understanding of land use and management agreements. Participatory mapping exercises should involve community representatives, civil society, and independent monitors.



Community members discuss the FDA consultation process on FMC D with CS-IFM *(Photo credit RS Waylaun, SDI)*

References

1 CS-IFM, 2013, Liberia Social Audit 2012/13: Assessing the forestry sector; https://loggingoff.info/library/liberia-social-audit-2012-13-assessing-the-forestry-sector/.

2 GoL, 2009, Community Rights Law with respect to Forest Land; https://faolex.fao.org/docs/pdf/lbr143892.pdf.

3 GoL, 2018, Land Rights Law; https://lla.gov.lr/index.php/downloadable-resources/policies-laws-regulations-repository?download=79:land-rights-act.

4 IDL, 2024, Keeping the Forests Standing; http://idlliberia.org/wp-content/uploads/2025/05/LIBERIA_Keeping-The-Forest-Standing.pdf.

5 The proposed FMC D includes sections in Grand Cape Mount and Lofa Counties as well, but the fieldwork for this brief was focused on the larger section in Gbarpolu County.

6 Public information on Foya PPA indicates an area of 164,000 hectares (ha) (EU PAP for project, 2020-24; www.papfor.org/-landscape-Gola-Foya-), but with the imposition of FMC D this would be reduced to about 99,000ha. Most of the PPA lies in Gbarpolu County with smaller sections in Lofa County.

7 See for example UN Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007; www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples. The UNDRIP requires states to consult with indigenous communities before undertaking activities on their ancestral lands. Liberia voted in favour of adopting UNDRIP in 2007, and its legal frameworks, including the NFRL of 2006 and the LRL of 2018, reference FPIC standards in natural resource management. Additionally, Liberia's EPA produced national guidelines (see below) to facilitate the implementation of these principles.

8 FDA Regulation No. 102-07 on Forest Land Use Planning; Section 61(c)(3); http://faolex.fao.org/docs/pdf/lbr160081.pdf.

9 GoL, 2009, Community Rights Laws with respect to Forest Land, op. cit., Section 2.2c

10 GoL, 2018, Land Rights Law, Op. Cit., Article 48. Section 2.

11 See also Liberia's Gbehzohn Declaration, Resolution of the Conservation Area and Land Dialogue, 2023, which commits to this in the case of protected areas; www.forestpeoples.org/fileadmin/uploads/fpp/migration/documents/Gbehzohn%20Declaration.pdf.

12 GoL, 2006, National Forest Reform Law; https://faolex.fao.org/docs/pdf/lbr67626.pdf.

13 GoL, 2018, Land Rights Law, Op. Cit., Article 42(2).

14 EPA, 2019, National guidelines on achieving FPIC with respect to communities and forest resources; https://landportal.org/sites/default/files/library/resources/EPA%282019%29%20NationalGuidelines%28FPIC%29CommunitiesForestResources.pdf

15 GoL, 2006, National Forest Reform Law, Op. Cit., Section 4.2.

16 Gbehzohn Declaration, 2023, Op. Cit.

Martha Tubman United Methodist Church Area, Weaver Street, Paynesville, Liberia. liberia.forestmonitor@csifm.org; +231777421007 / +231770001454