Linking FLEGT & REDD+ Project

FOREST GOVERNANCE MONITORING FRAMEWORK

2015-2016

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INTRODUCTION

The Sustainable Development Institute (SDI), in collaboration with four member institutions of the NGO coalition of Liberia, since March 2012 piloted civil society independent forest monitoring (CS-IFM). This collaboration has ensured civil society monitoring and reporting on the forest sector in Liberia, focusing on community rights, benefit sharing and participation in forest governance. The initiative has provided high quality and reliable information to all forest sector stakeholders including government agencies, the private sector, civil society and the international community in order to inform decision-making, increase accountability and improve governance of Liberia's forest resources.

This monitoring framework being developed by SDI broadens the ongoing civil society initiative to include monitoring access to information, participation in benefit sharing and community rights involving REDD+ programs currently ongoing in the Liberian forest sector. It offers an opportunity to harness synergy between FLEGT/VPA and REDD+ initiatives since both are keen on promoting community rights and participation in benefits redistribution. The monitoring framework is designed to be used by the SDI across the country and will be made available to other CSOs, including the CS-IFM team, to adopt and use during their monitoring activities.

Liberia's first Social Audit[1] of the forest sector identified many problems related to community benefit sharing and participation in forest governance. These problems included but are not limited to:

- The legal requirement for consultations were not being adhere to;
- Communities negotiating Social Agreements with logging companies were not provided any legal assistance;
- The limited or no access to contract information and forest management planning processes;
- Community benefits from land rental fees to a large extend unpaid by logging companies;
- The absence of harvesting data to enable communities verify the payments of cubic meter fees made by logging companies, and the actual benefits in the Social Agreements not specified, leaving communities with mixed expectations about what the company can provide; and
- The limited assistance provided to Community Forestry Development Committees (CFDCs) to ensure internal governance of community revenues.

1 Liberia Social Audit, 2012/2013 http://loggingoff.info/sites/loggingoff.info/files/CS-IFM%282013%29%20LiberiaSocialAudit.pdf

Under the VPA it is mainly the responsibility of Société Générale de Surveillance and timber Legality Verification Department it is establishing (SGS-LVD) to monitor and report on social obligations that are pertinent to the legality of timber. However, the SGS-LVD may not monitor all the issues that are a priority from a community perspective. These include reconciling harvesting data with actual cubic meter fees paid to communities, providing access to contract information and assistance to CFDCs to negotiate social agreements and ensure internal governance of community revenues. Civil society has an important role in advocacy-driven systematic monitoring to ensure these problems are addressed in a holistic and realistic manner. It should be noted that this form of systematic monitoring, collecting data on a regular basis, is different from IFM case-study investigations. It is more akin to the social audit conducted in 2012-3.

The design and testing of the monitoring framework is one part of the Tackling deforestation through linking REDD and FLEGT project, which comprises four expected results:

1. Civil society monitoring systems in place in four priority countries
2. Key REDD+ and FLEGT LAS governance principles respected in practice
3. National REDD plans build on FLEGT VPA achievements (Linking REDD and FLEGT)
4. Tenure rights seen as critical to effective REDD+ and FLEGT implementation

There are therefore other project activities that contribute to the overall objectives but which are not integral to the monitoring framework, and there are some 'formative activities' that form building blocks prior to the monitoring system being able to function. Advocacy to establish the debarment list is one such example. As some companies continue violations we will advocate for the establishment of a debarment and suspension system for these companies as provided for in the existing forestry legal framework. It may subsequently become necessary to monitor adherence to the debarment list.

A second important example is the tenure reforms. These are discussed below, along with advocacy objectives, but the is no equivalent monitoring framework or system at this early stage.

LIBERIA'S PROGRESS WITH THE VPA

Liberia's negotiations were markedly different in comparison to other VPAs that have been completed or are ongoing between participating countries and the European Union. Communities were directly represented on the steering committee in addition to civil society organizations. However, the Liberian Government delayed almost two years before ratifying the VPA which its European counterpart signed in April 2013. It was not until December

2013 that the Government of Liberia formally confirmed and communicated via the Joint Implementation Committee (JIC) in Monrovia that its National Legislature has ratified the VPA. Both the EU and UK's Department for International Development (DfID) have committed U$17 million which has been monumental in kick-starting the implementation phase. The VPA Support Unit has been established, fully functional and continues to effectively coordinating stakeholder processes after the Ebola Virus Disease outbreak between July 2014 and June 2015. There is ongoing progress towards the establishment of a Legality Verification Department (LVD) under an outsourcing agreement between the Government of Liberia and the SGS which now includes a legality verification function, not previously a component of its contract with the Liberian government to oversee commercial forestry chain of custody system. The audit checklist produced by SGS-LVD provides an important basis for determining which aspects of forest legality will be monitored by the system, and which will not.[2] For example, there is no explicit clause in the legal framework – or therefore in the audit checklist – that compels a logging company to provide social infrastructure (clinics, roads etc). Yet, if and where these contributions in kind are written into the Social Agreement, they should become binding obligations.

LIBERIA'S PROGRESS WITH REDD+

Liberia has since 2008 worked with the World Bank through its Forest Carbon Partnership Facility (FCPF) to tackle deforestation through the REDD+ framework. The low level of national expertise has often delayed the completion of each phase. For example, the Readiness Program Idea Note (R-PIN) grant was awarded in 2010, though the process commenced in 2008. As a result of the lack of in-country expertise two international non-governmental organizations including Conservation International and Fauna and Flora International (FFI) have driven the process for the country. The country has recently begun implementation of the Readiness Preparation Proposal (R-PP) which was approved in June 2012. Whilst this process has commenced only with initial outsourcing of some implementation components, the Country has in September 2014 signed a US$150 million agreement with the Norwegian government to reduce deforestation by 2020. The Letter of Intent between Liberia and the Norwegian government promises radical reforms that will enable communities to be supported to engage in the management of Liberia's forests and gain financially through the process.[3]

In order to achieve the result of this deal civil society needs to proactively engage with the process, building on recent policy reforms which indicate government desire to devolve

2 SGS (2013), 'Audit Checklist and Report', version 1, 12 November 2013.

3 Republic of Liberia and Norway, 2014, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on "Cooper ation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector" www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf; www.regjeringen.no/en/aktuelt/Liberia-and-Norway-launch-climate-and-forest-partnership/id2001145/.

more land rights to local communities. For this laudable progress to be maintained there must be synergies amongst government, communities and multinational companies in order to guarantee improved forest governance in Liberia.

Liberia has worked extensively with the Environmental Law Institute (ELI) in influencing several legal frameworks including those relating to the VPA and REDD+. In collaboration with FFI and Conservation International, ELI has provided guidance on Legal and Policy Considerations for Developing a REDD Program in Liberia. Some of the policy options ELI has proposed include *Transparent and equitable benefit-sharing structure, Effective enforcement system, Access to information, public participation, and access to justice*.

In 2013, the Government of Liberia approved Liberia's new Land Rights Policy (LRP). On July 4th 2014, the Land Commission delivered a final draft of the Land Rights Act (LRA) to the President and subsequently submitted the document to the Legislature in late 2014 for the LRA to be voted into law. Following delays precipitated by the Ebola crisis, it is currently being reviewed by government agencies. If the law is enacted in its current form there are progressive provisions protecting customary rights and ownership including equation of customary land to private land and automatic formalization of customary ownership. Communities would be empowered to self-identify and define the area of their customary lands in keeping with custom, history, and norms and community members would be directly responsible to manage their land and natural resources. This is obviously going to change the dynamics of land tenure significantly. For example, the number of large Forest Management Contract (FMCs) and 5,000ha Timber Sales Contract (TSCs) are less likely to increase, and Community Forestry Management Agreements (CFMAs) would become the predominant forest management permit. In essence there would be implications for communities' access to information and benefit sharing. At the moment the way the National Government has related to communities would have to change in a positive direction in order to deliver the expected change engendered by the LRA.

LAND TENURE REFORMS

The Constitution of Liberia broadly recognises customary and traditional rights. According to it, civil law and customary law are parts of the formal legal system that govern all Liberians. Article 65 of Chapter VII states that the courts are empowered to apply civil law as well as customary law in accordance with the standards enacted by the Liberian Legislature. The current government has gone further to clarify these rights. Liberia's Land Rights Policy[4] includes customary rights of communities as a land rights category. This category is the progressive component of the draft LRA which is now before the Liberian Parliament for enactment. Once enacted, there will be a paradigm shift in decision making with respect to Liberian

4 www.landlib.org/doc_download/Land%20Rights%20Policy%20Final%20Final%20Final%20%282%29.pdf?a4705305cd27e04fb1f66830e7e0ef9d=0Dc%3D

communities. At the same time the current constitutional review ongoing is expected to take these changes into account. At the moment, the forest sector appears to be a step ahead with the enactment of a Community Rights Law (CRL) in 2009. While communities do not fully exercise their customary rights as defined in the CRL, some communities have acquired Community Forest Management Agreements through this framework.

The forestry legal framework provides for communities' consent prior to concession allocation. The NFRL 2006 Regulation 102 on Forest Land Use Planning requires that in order to undertake commercial use on customarily held forest land, a Community Forestry Development Committee (CFDC) must grant free, prior and informed consent. Regulation 104 on Major Forest Use Permits also requires that a CFDC gives free, prior and informed consent to negotiate a social agreement. Part Two Section 22 of Regulation 104 on Tender, Award and Administration of FMCs, TSCs and Major Forest Permits clearly states that "Before seeking a Certificate for Concession with respect to an area, the Authority shall conduct preliminary consultations with Affected Communities". It sets out processes for giving notice and identifying communities, including representation by a CFDC.

Customary right of communities is the new phenomenon in Liberia with respect to evolving policy and legislation. The CRL has provisions to address this and both the Land Rights Policy and draft Land Rights Act have adequately addressed and going further to cover carbon rights if maintained in the LRA.

While Liberia has made tremendous progress towards recognition of customary rights in policy and draft LRA before the National Legislature, the country has no legislative framework covering environmental services. This may be detrimental to communities since there is policy vacuum in current attempts to develop carbon projects across Liberia. The Forestry Development Authority (FDA), which is the key government policy maker, has often contended that it may be difficult to put all the related policies in place before making progress so "learn by doing" has been employed while attempting to address key policy gaps such as relates to carbon rights. The Government has recently re-activated the National Climate Change Steering Committee, which will eventually be the regulating arm of government on environmental services. However, there is yet no policy discussion leading to legislation on environmental services covering water, carbon and biodiversity related to forests. These policy discussions would certainly have to incorporate customary rights of communities in light of current changes in national policy and legislation.

Liberia's REDD+ RPP which began building momentum for full implementation has had to add to it the Norway Liberia Letter of Intent. The RPP broadly acknowledges the need for a legal framework related to REDD+ and the importance of clarifying and securing carbon rights, but gives little indication of how these questions will be addressed beyond the suggestion that implementation of the Community Rights Law will empower "communities to have

exclusive forest management rights for timber concessions, conservation and environmental services (including carbon sequestration)"[5]. The draft LRA proposes surveys and mapping of customary lands after the legislation is enacted. It also proposes addressing carbon rights if provision is maintained after enactment. The LOI includes a commitment to developing and adopting "through a consultative process, a legal framework to govern *Liberia's agriculture sector, including safeguards ensuring zero deforestation, protection of environment, FPIC and respect for the land rights of people living in proposed investment.*"[6] The implementation of these governance options will be critical in clarifying and understanding implications of community customary rights in practice.

It is critical to ensure that this progress in legislation is translated into improvement in community governance. Our advocacy will strengthen and influence community governance to address participatory representation, which, past experiences have indicated serious gaps that have been exploited to the advantage of concessionaires.

THE MONITORING FRAMEWORK

The framework consists of nine indicators grouped into two themes: access to information and distribution of community benefits. Under each theme, the framework provides a legal basis, problem analysis, and therefore some advocacy objectives to address the problems. The information needed to underpin this advocacy is described as indicators, along with a justification for the choice of indicator. There follows under each theme a brief advocacy plan, summarising the outputs, target audiences, and the response sought from those audiences. Finally, the indicators, a methodology for data collection, and the subsequent advocacy plan are presented in two matrices in annexes.

1 THEME 1: ACCESS TO INFORMATION

1.1 Legal basis

Liberia has in 2010 enacted Freedom of Information (FOI) Act which is currently legally operational. Section 3.7 of the FOI Act provides that "*Every public authority and private entity shall promptly respond to all requests*". Additionally, The National Forestry Reform law of 2006 (NFRL 2006); 18.5 requires that "*The Authority shall grant and facilitate free public access to read and to copy all documents and other information in its possession, including all audits, all Forest Resources License fee invoices and fee payment information, business and forest*

5 Readiness Preparation Proposal Country Submission for Liberia to the Forest Carbon Partnership Facility and United Nations REDD Programme (2012). Approved Resolution PC/9/2011/2–final version. Available at http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Apr2012/Liberia%20R-%20PP_revised_April%202012.pdf

6 Republic of Liberia and Norway, 2014, Letter of Intent between the Government of the Republic of Liberia and the Government of the Kingdom of Norway on "Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation (REDD+) and developing Liberia's agriculture sector" www.regjeringen.no/contentassets/b8b93fa03bda4ac893d065d26d64075b/letterofintentliberia.pdf.

management plans, strategies, resolutions from the Board of Directors, public comments, reports, inventories, regulations, manuals, databases, contract maps, and contracts". These two legal instruments are progressive national frameworks, if implemented accordingly, which would satisfy public access to information and greatly contribute to the country's overall transparency and accountability pillars of good governance. Additionally, the goodwill of the current government towards providing space for civil society to operate freely throughout the length and breadth of the country seem to convey a perception to the outside world that democracy is thriving well in Liberia.

Both the Voluntary Partnership Agreement (VPA) and ongoing REDD+ frameworks have specific provisions guaranteeing public access to information and strategies to ensure that the public is provided such access. The VPA between the Government of Liberia and the European Union (EU) came into force on December 1, 2013, after the ratification process has been completed on September 18th, 2013, by the Liberian National Legislature, more than a year following the European Union Parliament ratification on May 14th, 2012[7]. Article 21 of the VPA commits the parties to transparency and public access to information, and Annex IX sets out information that will be routinely published and information to be provided on request under the Freedom of Information (FOI) Act. It also specifies various means of publication depending on the information and target audience, including websites, multi□stakeholder platforms, public meetings, media and newsletters. The REDD+ Readiness Preparation Proposal (R-PP), which was approved in June 2012, intends to draw synergies from existing legal frameworks governing the forest sector including the NFRL and Community Rights Law (CRL2009). In assessing ongoing implementation of the Liberia REDD+ R-PP implementation FFI, which is implementing REDD+ pilots across Liberia has been awarded contract to develop a REDD+ communication strategy and information sharing Action plan. The REDD+ Technical Working Group (RTWG) serves as the clearing house for this strategy and comprised members of civil society working on forestry issues in the country.

1.2 Problem

There are weak institutional frameworks for disclosure of information by public entities. While there are provisions for mandatory disclosure of information in the NFRL 2006 and the FOI Act of 2010 reinforces public access to information, the institutional framework by the FDA, being the regulatory body for enabling the implementation, has been slow to come online or simply lacking. Additionally, the low demand from the general public has not increased pressure on the Government to follow through on its legal obligation to provide public access to forestry information. The FDA has not been persuaded to disclose information in a proactive and systematic manner. Provision of expected benefits to communities would be improved if the FDA proactively discloses information related to volumes of timbers harvested by each

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logging company and the expected revenue is projected against the actual received by each community. This will improve and strengthen community relationship with the FDA. We acknowledge SGS has been producing harvesting data since October 2013 and grants access to the online files upon request, This improvement is noted as a result of its new LVD contract under Liberia's VPA with the EU.

It is important to note the difference between proactively providing information, and doing so only in response to a request. Upon request the FDA has provided specific information in some instances to organizations such as the SDI and other civil society organizations in and out of Liberia including the CS-IFM team and Global Witness. In 2014 the FDA website was re-launched but when it comes to proactive provision of information, it appears no mechanism is in place to facilitate such a process as required by the forestry legal frameworks and FOI Act. Information related to management plans and timber production volumes that would strengthen public transparency are still not uploaded. In 2013 and 2014 the CS-IFM team have requested for disaggregated timber production volume but these requests were never responded to by SGS-LVD.

SGS-LVD does make data available on a monthly basis to those who are given privileged access to it, including selected civil society organisations. This is an example of good data, badly presented, as each month up to six pdf documents are uploaded, all of which are protected to prevent copy-and-paste. The information in these reports is of great use but needs to be synthesised and interpreted before either community members or policy-makers can fully comprehend its implications. Proficient civil society organisations have a clear role to play in doing this kind of analysis and communicating it to a wider audience.

In mid-2011 the SDI requested and the FDA provided it with copies of 25 Private Use Permits (PUP) in January 2012. This disclosure provided the much needed evidence that significantly changed the government's response to civil society actions to highlight the alarming abuse of PUPs. A proactive disclosure of information on PUPs would likely have averted its widespread abuse in the first place.

Further review of the website, indicates that the documents section partly provides the public with the quality of information needed to assess the governance performance of the sector, hence the need to monitor the above indicators. For example, Social Agreements are uploaded but existing contract information related to volume harvested, contract and management plans are not yet uploaded to the website. Also, as observed during implementation of *Making the Forest Sector Transparent Project* (2009-2013) no hard copies of this information are readily available or deposited in any public places in Monrovia and the four regions of Liberia as planned under the info shop program. If not available at the national level, these key data will be difficult to access at the community level.

Liberia has made significant progress in policy and legislation to provide the public with access to information. However, in practice there are critical gaps to be filled through practical actions. There is extremely good will on the part of the current FDA administration to fully address access to information in practical manner as indicated previously and more recently, with the upgrading of its website. These attempts to strengthen proactive provision of information to the public will be the index for our advocacy in ensuring free prior informed consent (FPIC) of communities in REDD+ related processes, including the World Bank FCPF and implementation of the Norway Liberia Letter of Intent.

1.3 Advocacy objectives

1. Each forest community is provided information on volumes of timbers harvested by the logging company, the expected revenues generated, and the actual amounts received by communities.

2. The full implementation of Annex IX of the FLEGT-VPA between Liberia and the EU and improve transparency in the forest and land sectors including public availability of concession management plans;

3. The national REDD+ strategy and a new LRA incorporate three fundamental tenets of transparency: transparent and participatory land use planning; contract disclosure for large-scale land investments; and independent monitoring and oversight of project implementation through strong civil society engagement.

1.4 Choice of indicators

Four indicators have been identified under this theme:

1.1 Forest stakeholders access to information on social agreement
1.2 Forest communities access to information on community benefits from forest operations
1.3 Relevant agencies of the Liberia Government make information available in accordance with VPA Annex IX
1.4 Forest communities access to information about REDD+ risks and benefits

1.5 Justification of monitoring indicators

Progress at populating the website with the required information will be the indicator of improvements to forest communities' access to information on social agreement and on community benefits from forest operations that can be periodically assessed. By extension, the availability of hard copies at the local community level in the regions will be evidence of progress in providing communities access to forest related information. This will help us reach the advocacy objectives of 'communities being provided information on volumes of

timbers harvested by the logging companies and the expected revenue projection against actual received by communities' and … 'full implementation of Annex IX of the VPA' by the FDA and logging companies operating in the forest sector.

The framework supports monitoring of communities' access to information about REDD+ risks and benefits by using communities' engagements with the VPA as a model. The first REDD+ initiatives around the country need to be monitored to ensure information about best practice informs replication in other communities. This will help us reach the advocacy objective of 'national REDD+ strategy and a new land law incorporate fundamental tenets of transparency' by "transparent and participatory land use planning; contract disclosure as the fundamental principle of transparency for large-scale land investments; and independent monitoring and oversight of project implementation through strong civil society engagement".

The first three indicators are the priority for 2015-6 and are described in more detail below and in the annexes. The fourth indicator needs to some extent wait for the REDD+ policy process to be further developed in Liberia, so initial, formative activities are described but the full monitoring system will be developed later.

The data collection methodology will include the design and conduct of survey questionnaires and a checklist for social agreements, covering access to information, participation (mainly in the negotiations) and compliance. The methodology is summarised in Annex 1.

1.6 Advocacy plan

Once collected and collated, the information will provide evidence on the Government commitment to providing information to the public in real time. The desired result of the advocacy actions are reinforcing public availability of information and increased benefits to communities from forest operations. This is expected to propel the Government beyond promulgation of good policy and legislation to following through with evidence of implementation. The advocacy plan for each indicator comprises outputs (products), actions to influence change, and desired outcomes (reactions).

Indicator 1.1: Forest stakeholders access to information on social agreement

a. Products:

- Output 8: Case studies on (i) community access to information on social agreements and (ii) participation in the negotiations, implementation and monitoring of social agreements.Each case study would be centred on an individual logging concession, and based on data collected using a social agreements checklist – it would therefore cover Indicators 1.1 and 2.1.

b. Actions: Open Dissemination

- Publication of case studies, including on http://loggingoff.info.
- Distribute copies of report/materials at VPA National Multi-stakeholder Monitoring Committee (NMSMC) meetings and other forestry fora. By making a series of short, separate case studies about the social agreements of individual logging concessions instead of lumping them together in a single document, we can produce these more regularly and sustain their impact.
- Ensure emerging issues are included on the official agenda of the NMSMC so that stakeholders discuss them.

Actions: Community Voice

- Conduct awareness meetings on the new (2015) Social Agreement guidelines and template that incorporate community discussions on issues highlighted in reports, and to prepare CFDCs for Social Agreement negotiations.

Actions: Targeted Influence

- Input to 2015 revised Social Agreement guidelines and template.

c. Reactions

- Social Agreement guidelines and template are clear, informative and useful documents that can form the starting point for unambiguous and equitable benefit-sharing with each affected community
- FDA maintains an up-to-date set list of completed Social Agreements on its website.

Indicator 1.2: Forest communities access to information on community benefits from forest operations

a. Products:

- Output 5: Case study on the use of cubic metre fees in FMCs A B and C.
- Output 7: Database on payments by companies and use by communities of cubic metre fees.
- Output 6: Workshop organized by SDI and / or CS-IFM as a stock take on cubic meter and land rental fees between FDA and CFDC

b. Actions: Open Dissemination

- Publication of case studies, including on http://loggingoff.info.
- Distribution and discussion at NMSMC meetings as described under Indicator 1.1

Actions: Community Voice

- Transmission of key data from database to CFDCs and communities more widely, including through the piloting of an SMS-based communication system.

Actions: Targeted Influence

- Lobbying of the FDA-LVD and the SGS to include monitoring of community receipt of, and use of, all revenue-shares.
- Support the establishment clear rules, procedures and accountability in the National Benefit Sharing Trust (NBST) Board.

c. Reactions

- The SGS-LVD includes (i) a publicly accessible website with data of importance to communities on it, and (ii) monitoring of community receipt of, and use of, all revenue-shares.
- The NBST Board and secretariat operates with integrity and full transparency.

Indicator 1.3: Relevant agencies of the Liberia Government make information available in accordance with VPA Annex IX

a. Products:

- Output 9: New VPA transparency annex assessment (following that conducted in 2013).

b. Actions: Open Dissemination

- Publication of case studies, including on http://loggingoff.info.
- Distribution and discussion at NMSMC meetings as described under Indicator 1.1

Actions: Community Voice

- Transmission of key data to CFDCs and communities, through an SMS-based system

Actions: Targeted Influence

- The parties to the VPA, through their six-monthly JIC meeting, will be lobbied to take more seriously the need to fulfil the legal obligation the VPA brings to implement the transparency annex, as well as all other annexes, fully.
- Inform the Government of Liberia and the EC in advance, with an anticipated date of publication (such as at a JIC meeting) that the assessment is being conducted, as this may of itself encourage greater compliance.

c. Reactions

- A significant improvement in transparency can be detected between the 2013 assessment and this one, and this continues thereafter through a clear commitment by the Government of Liberia as to the concrete steps it will take.
- Support from the EU, including through the VPA SU, to encourage and enable greater access to information, and stronger political rhetoric about the importance of doing so.
- Greater involvement of SDI and other civil society organisations to make use of information as it becomes available, for example by maintaining the database.

Indicator 1.4: Forest communities access to information about REDD+ risks and benefits

This indicator is a low priority for 2015-6 and will be developed in subsequent years. Using existing legal and contractual obligations, advocacy will endeavour to influence synergy with logging concessions for disaggregated database for REDD+ and large-scale agriculture concessions in order to strengthen compliance with social obligations and management of revenues for communities.

2 THEME 2: COMMUNITY BENEFITS

2.1 Legal basis

A remarkable legacy of President Ellen J. Sirleaf's incumbency is enabling communities' direct benefit from exploitation of Liberia's natural resources including minerals, forest and land. In the context of natural resource exploitation in Liberia there is historic centralization at the very top of the Government the use of revenues generated. Revenue redistribution has emerged

recently following 14 years of civil crisis as a means to address this glaring marginalization and exclusion of communities. Liberia's forest sector has adopted progressive legal framework since 2006 which establishes a firm foundation for community benefit sharing mechanism under future regimes. The National Forest Reform Law (NFRL 2006) Section 14.2 allocates thirty percent of Land Rental Fees to communities that are entitled to benefit sharing. Regulation 105 on Major Pre-Felling Operations also specifies that financial benefits to affected communities under social agreements must amount to a minimum of one dollar per cubic meter of round logs harvested annually under licences, based on verifiable information from the chain of custody system.

The FDA has in recent times taken steps to address some of the problems with the first round of Social Agreements communities signed with concessionaires. This progress has been a result of persistent criticism by civil society and community stakeholders of the first process when most Social Agreements were signed in 2008 and 2009 which the FDA itself acknowledged after a joint stakeholders assessment in 2010.

The National Forest Reform Law sets out the entitlement of affected communities to land rental fees from forest resources licences, and data on the collection and distribution of forestry taxes and fees is generated by the chain of custody contractor SGS, which has been awarded a contract to develop protocols to implement the Liberia Legality Assurance System, including establishing the LVD. The NBST regulations approved in 2011 set out the responsibilities of the NBST Board in managing the distribution and ensuring that affected communities benefit.

2.2 Problem

Putting revenue redistribution into practice has been at best challenging, managed poorly, and for long periods ignored by key government actors since it challenges those with strong vested interests against direct sharing of revenues with communities. Despite the first payments by logging companies occurring in 2009, no money was paid into the NBST until July 2015, following immense pressure from communities and civil society, culminating in the threat to take direct action against the extraction of timber from logging areas. The arrears are so high that this first US$1 million is less than half of that owed, but such huge, yet irregular payments skew the management and expectations of the system. The NBST Board has fallen into neglect and its secretariat not yet appointed. To date it has not commenced this work.

A policy review of the current forest policy would be required to address carbon rights and community benefits. This is overdue given that customary rights is now a national policy and has been incorporated into the draft LRA is before the National Legislature for enactment. Aside from the existing Forest Management Contracts (FMCs) and Timber Sales Contracts (TSCs) no new concessions under these two categories may be awarded following the soon to be enacted Land Rights Act (LRA). This would have implication for community control

of forest management since the current focus does not appear to be conspicuous at the moment. There is concerned that the outreach efforts being made possible by USAID funded People, Rules and Organizations Supporting the Protection of Ecosystem Resources (PROSPER) may be discontinued following the close of their support. At the moment this initiative is only ongoing where PROSPER is operating and does not have a national scope.

The LRA in its current draft recognizes customary rights, with or without formal title. The current lack of legal clarity on carbon rights and community benefits presents serious risks for communities. If this legal void persist the greater the implication will be for communities. Even with improved legal framework for communities' rights and benefits with respect to FMCs and TSCs, there are critical implementation challenges, including non-payment of benefit obligations to communities and lack of transparency in determining the actual obligations logging companies have to communities in regards to cubic meter fees.

2.3 Advocacy objectives

1. Communities get their benefits, in cash and in kind, on time and in full compliance with the law. The concession-based model is justified on the basis that it can provide substantial returns to communities in lieu of losing control of their forests. If this premise cannot be shown to work, it brings into serious question the value of the concession model.

2. The relevant government authorities adopt a concession-by-concession database (similar to the SGS-LVD system for logging companies) for large scale agriculture and REDD+ concessions, investments or projects.

3. All the ways in which communities are supposed to benefit, as in the logging sector, are covered by this system: social agreements (benefits in kind and cash), and revenue-sharing (land rental), both for community development.

4. Counties and communities have sufficient knowledge and skills to implement their benefit sharing obligations, and their governance structures demonstrate tenets of good governance including equity, participatory decision making, transparency and accountability in the management and use of community benefits.

5. 5. Verification protocols for assessing compliance with social aspects of the FLEGT legality grid are adequate to secure community benefits and participation in forest operations.

2.4 Choice of indicators

Five indicators have been identified under this theme:

2.1 Community participation in the negotiations, implementation and monitoring of social agreements
2.2 Management by counties of forest and land revenue for communities
2.3 Monitoring compliance with all social obligations by the government agencies and NBST Board
2.4 Consistency in benefits redistribution system in agriculture, forest and REDD+ concessions

2.5 Justification of monitoring indicators

There is a new Social Agreement template which was finalized and approved in mid-2015 even though the consultative process was not followed in its entirety. It addresses some of the issues of specificity and timeliness and will provide a useful reference in measuring the level of participation of communities and obligations of concessionaires. We will therefore monitor participation in the negotiations, implementation and monitoring of social agreement through a checklist mentioned in Section 1.5.

Indicators 2.1 to 2.4 will help us reach the advocacy objectives listed above by systematically documenting both the community-level perceptions of the process and the financial and legal reality of whether payments have been made and the legislation fully complied with. They will also provide an evidence-base for assessing the performance of the state to oversee and enforce these rules. Indicators 2.1 is a greater immediate priority for 2015 and the advocacy plans for it are detailed below. That for Indicators 2.2 and 2.3 will be elaborated at a later date.

Indicator 2.4 – also a priority for 2015-6 –help to determine how the REDD+ policy process and the legal framework to govern Liberia's agriculture sector promised in the Norway LOI should include equivalent or better social obligations (including FPIC, benefit share, and respect for rights) as those currently in the policy and legal frameworks for the forest sector.

2.6 Advocacy Plan

The advocacy plan is broadly the same as in Theme 1, except that whereas Theme 1 concentrated on information, the focus of Theme 2 is community benefits. This separation is to emphasise the relative independence of each: it is possible that access to information increases significantly, but in the absence of adequate analysis, capacity building, and other

actions this doesn't alone lead to improved implementation of social obligations. Likewise, in the past social agreements have been signed and so revenues have been shared, but, in the absence of good information these have been of mixed quality, often poorly coordinated to maintain consistency across all affected communities, and never fully adhered to. The advocacy plans of Themes 1 and 2 combined, aim to be mutually reinforcing in the way that they improve the quality and quantity of information and of community benefit share. For each indicator outputs (products), actions to influence change and desired outcomes (reactions) are listed below.

Indicator 2.1 Community participation in the negotiations, implementation and monitoring of social agreements

a. Products:

- Output 1: CFDC conference to establish action plan to hold CFDC elections and therefore pave the way for Social Agreement negotiations.
- Output 3: Support to re-elections in eight CFDCs in Southeast, out of 22 CFDCs across Liberia.
- Output 8: Case studies on information and participation of individual logging concessions, using a social agreements checklist, as described under Indicator 8.
- Output 13: Short videos highlights of the key processes

b. Actions: Open Dissemination

- Publication of case studies, including on http://loggingoff.info.
- Distribution and discussion at NMSMC meetings as described under Indicator 1.1

Actions: Community Voice

- Conduct awareness meetings on the new (2015) Social Agreement guidelines and template that clearly communicate appropriate participation in the negotiation implementation and monitoring of Social Agreements.
- Facilitate community consultations on the draft regulation on forest fees and taxes in the light of the Act to Abolish the Bid Premium.
- Strengthening engagements by CFMBs with the community forest communities, FDA and logging companies.

Actions: Targeted Influence

- Input to 2015 revised Social Agreement guidelines and template to ensure they are clear, informative and useful documents that can form the starting point for unambiguous and equitable benefit-sharing with each affected community.
- Transmission of issues emerging from case studies with community leaders, the affected communities and the CFDCs
- Share copies of case studies with more CSOs to become involved in Social Agreement negotiations
- Ensure the inclusion of recommendations from case studies on NMSMC meeting agenda

c. Reactions

- Communities negotiate clear and measurable Social Agreement terms with logging companies
- Communities see increased benefits from each new Social Agreement they negotiate with loggers
- FDA facilitation of Social Agreements is seen by communities as transparent and impartial
- The SGS-LVD includes (i) a publicly accessible website with data of importance to communities on it, and (ii) monitoring of community receipt of, and use of, all revenue-shares.

Indicator 2.2: Management by counties of forest and land revenue for communities

This indicator is a low priority for 2015-6 and will be developed in subsequent years.

Indicator 2.3: Monitoring compliance with all social obligations by the government agencies and NBST Board

This indicator is a low priority for 2015-6 and will be developed in subsequent years.

Indicator 2.4: Consistency in benefits redistribution system in agriculture, forest and REDD+ concessions

a. Products:

- Output 4: Civil society workshop on different initiatives which have implications for community rights and benefits.
- Output 11: Follow up with a brief to critique of the different initiatives related to forest and agriculture
- Output 12: Report on how other sectors can learn from best practice in the forestry sector.

b. Actions: Open Dissemination

- Publication of brief and report studies, including on http://timby.org/.
- Distribution and discussion at REDD+ Technical Working Group meetings.

Actions: Community Voice

- Awareness on different initiatives which have implications for community rights and benefits.

Actions: Targeted Influence

- Input to REDD+ policy development.
- Input to the legal framework to govern Liberia's agriculture sector.

c. Reactions

- That both the REDD+ policy and the legal framework to govern Liberia's agriculture sector provide safeguards for community rights and a system of benefit sharing equivalent to that in the forest sector.

SUMMARY OF OUTPUTS

Numbered in expected order of production:

1. CFDC conference to establish action plan to hold CFDC elections and therefore pave the way for Social Agreement negotiations
2. Briefing note on the impacts for communities of the Act to Abolish the Bid Premium.
3. Support to re-elections in eight CFDCs in Southeast, out of 22 CFDCs across Liberia
4. Civil society workshop on different initiatives which have implications for community rights and benefits.
5. Case study on the use of cubic metre fees in FMCs A B and C.
6. Workshop organized by SDI and / or CS-IFM as a stock take on cubic meter and land rental fees between FDA and CFDC
7. Database on payments by companies and use by communities of cubic metre fees.
8. Case studies on (i) community access to information on social agreements and (ii) participation in the negotiations, implementation and monitoring of social agreements;
9. New VPA transparency annex assessment (following that conducted in 2013)
10. Publication of forest-related citizen-reporting stories on TIMBY platform, http://timby.org/
11. Brief to critique of the different initiatives related to forest and agriculture
12. Report on how other sectors can learn from best practice in the forestry sector
13. Short videos highlights of the key processes

ANNEX 1 FOREST GOVERNANCE MONITORING FRAMEWORK (MATRIX)

THEME 1:	ACCESS TO INFORMATION			
INDICATORS	**METHODOLOGIES** **FORMATIVE ACTIVITIES**	**DESK RESEARCH**	**SEMI-STRUCTURED INTERVIEWS**	**MULTI-STAKEHOLDER DIALOGUE**
1.1 Forest communities access to information on social agreement	1. Design a checklist of factual information requirements and community perceptions.	2. Collect retrospective information for the checklist 4. Publish one case study per FMC/TSC. 6. Monitor implementation of the social agreement	3. CS-IFM team to complete the checklist during or soon after each social agreement negotiation (expected to be end of 2015)	5. Workshop organized by SDI and / or CS-IFM as a stock take on cubic meter and Land Rental fees between FDA and CFDC.
1.2 Forest communities access to information on community benefits from forest operations	1. Publish brief on impacts for communities of the Act to Abolish the Bid Premium 2. Design and conduct survey questionnaires	3. Analyse cubic meter fees paid since 2008, reconciling production, export and revenues to communities. 5. Publish case study on the use of cubic metre fees in FMCs A B and C. 6. Create database on payments by companies and use by communities of cubic metre fees. 7. Plan to expand methodology to cover NBST funds in future years.	4. CS-IFM team to collect community views in three FMCs	
1.3 Liberia Government relevant agencies make information available in accordance with VPA Annex IX		1. Repeat 2013 assessment of VPA annex IX 2. Publish assessment		
1.4 Forest communities access to information about REDD+ risks and benefits	1. Identify communities priorities in terms of access to information and decision making. Use community engagements with the VPA as a model	2. Monitor progress		

THEME 2:	PARTICIPATION IN BENEFIT REDISTRIBUTION			
INDICATORS	METHODOLOGIES FORMATIVE ACTIVITIES	DESK RESEARCH	SEMI-STRUCTURED INTERVIEWS	MULTI-STAKEHOLDER DIALOGUE
2.1 Community participation in the negotiations, implementation and monitoring of social agreements	1. CFDC conference to establish action plan to hold CFDC elections and therefore pave the way for Social Agreement negotiations 2. Support to re-elections in eight CFDCs in Southeast, out of 22 CFDCs across Liberia 3. Design a checklist of factual data and perceptions, based on that used for the 2013 Social Audit.	4. Collect retrospective information for the checklist 6. Publish one case study per FMC/TSC. 7. Short videos highlights of the key processes 8. Monitor implementation of the social agreement	5. CS-IFM team to complete the checklist during or soon after each social agreement negotiation (expected to be end of 2015)	
2.2 Management by counties of forest and land revenue for communities	1. Conduct formative research in one or two counties to pre-determine approach.			
2.3 Monitoring compliance with all social obligations by the government agencies and NBST Board	1. Monitor establishment of the NBST Board, in line with regulation.	2. Assess NBST Board on fund governance and compliance. 3. Expand checklist used for indicators 1.1, 2.1 and 2.2 to cover the role of government to enforce Social Agreements.		
2.4 Consistency in benefits redistribution system in agriculture, forest and REDD+ concessions	1. Civil society workshop on different initiatives which have implications for community rights and benefits.	2. Follow up with publishing a brief to critique of the different initiatives related to forest and agriculture. 3. Publish report on how other sectors can learn from best practice in the forestry sector.		

ANNEX 2 FOREST GOVERNANCE ADVOCACY PLAN (SUMMARY)

The table below summarises the outputs and advocacy actions for each of the indicators prioritised for 2015-6 (for clarity the others have been omitted). The second line 'main target' summarises the target for the change, in policy or in practice.

THEMES	ACCESS TO INFORMATION...	COMMUNITY BENEFIT REDISTRIBUTION				
INDICATORS	1.1 ABOUT SOCIAL AGREEMENT	1.2 ABOUT BENEFITS	1.3 IN LINE WITH VPA ANNEX IX	2.1 NEGOTIATING, IMPLEMENTATION & MONITORING SOCIAL AGREEMENTS		2.4 CONSISTENCY IN BENEFITS SYSTEM IN AGRICULTURE, FOREST AND REDD+
MAIN TARGET	SOCIAL AGREEMENTS PRACTICE	BENEFIT SHARE PRACTICE	GOVERNMENT PRACTICE	SOCIAL AGREEMENTS PRACTICE	SOCIAL AGREEMENTS PRACTICE	REDD+ & AGRICULTURAL POLICY
OUTPUTS	■ Case studies on information, participation, and compliance, of individual logging concessions ■ Workshop by SDI and / or CS-IFM as a stock take on Cubic Meter and Land Rental fees between FDA and CFDC	■ Case study on the use of cubic metre fees in FMCs A B and C ■ Database on payments by companies and use by communities of cubic metre fees ■ Workshop organized by SDI and / or CS-IFM as a stock take on cubic meter and land rental fees between FDA and CFDC	■ New VPA transparency annex assessment (following that conducted in 2013).	■ CFDC conference on elections paving the way for Social Agreement negotiations ■ Support to re-elections in eight CFDCs in Southeast, out of 22 CFDCs across Liberia ■ Case studies on information, participation, and compliance, of individual logging concessions ■ Short videos to highlight key processes		■ Civil society workshop on different initiatives which have implications for community rights and benefits. ■ Follow up with a brief to critique of the different initiatives related to forest and agriculture ■ Report on how other sectors can learn from best practice in the forestry sector

ACTIONS					
	OPEN DISSEMINATION ■ Publication of case studies ■ Distribution and discussion at NMSMC meetings	**OPEN DISSEMINATION** ■ Publication of case studies ■ Distribution and discussion at NMSMC meetings	**OPEN DISSEMINATION** ■ Publication of case studies ■ Distribution and discussion at NMSMC meetings	**OPEN DISSEMINATION** ■ Publication of case studies ■ Distribution and discussion at NMSMC meetings	**OPEN DISSEMINATION** ■ Publication of case studies ■ Distribution and discussion at REDD+ Technical Working Group
	COMMUNITY VOICE ■ Awareness on Social Agreement template to prepare CFDCs for Social Agreement negotiations	**COMMUNITY VOICE** ■ Transmission of key data to CFDCs and communities, through an SMS-based system	**COMMUNITY VOICE** ■ Transmission of key data to CFDCs and communities, through an SMS-based system	**COMMUNITY VOICE** ■ Awareness meetings on the new Social Agreement guidelines and template ■ Facilitate community consultations on the draft regulation on forest fees and taxes. ■ Strengthening engagements by CFMBs with the community forest communities, FDA and logging companies.	**COMMUNITY VOICE** ■ Awareness on different initiatives which have implications for community rights and benefits

	TARGETED INFLUENCE ■ Input to 2015 revised Social Agreement guidelines and template	**TARGETED INFLUENCE** ■ Lobbying FDA, LVD, SGS to include monitoring of community receipt of, and use of, all revenue-shares ■ Support the establishment clear rules, procedures and accountability in the NBST Board	**TARGETED INFLUENCE** ■ JIC meeting lobbied to fulfil the legal obligation to implement the transparency annex, as well as all other annexes. ■ Inform the Government and the EC in advance that the assessment is being conducted, as this may of itself encourage greater compliance.	**TARGETED INFLUENCE** ■ Input to 2015 revised Social Agreement guidelines and template ■ Transmission of issues emerging to community leaders, the affected communities and the CFDCs. ■ Share case studies with more CSOs become involved in Social Agreement negotiations ■ Ensure the inclusion of recommendations from case studies on NMSMC meeting agenda	**TARGETED INFLUENCE** ■ Input to REDD+ policy development ■ Input to the legal framework to govern Liberia's agriculture sector

REACTIONS	■ Social Agreement guidelines and template are clear, informative and useful documents. ■ FDA maintains an up-to-date set list of completed Social Agreements on its website	■ The SGS-LVD includes (i) publicly accessible website, and (ii) monitoring of community receipt of, and use of, all revenue-shares ■ The NBST Board and secretariat operates with integrity and full transparency.	■ Significant improvement in transparency ■ Support from the EU and VPA SU for greater access to information ■ Greater involvement civil society organisations to make use of information as it becomes available,	■ Communities negotiate clear and measurable Social Agreement. ■ Communities see increased benefits from each new Social Agreement ■ FDA facilitation of Social Agreements is transparent and impartial ■ The SGS-LVD includes (i) publicly accessible website, and (ii) monitoring of community receipt of, and use of, all revenue-shares.	■ REDD+ policy and agriculture sector legal framework provide safeguards for community rights and a system of benefit sharing equivalent to that in the forest sector

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