

# Liberia: Assessment of key governance issues for REDD+ implementation through application of the PROFOR forest governance tool



SUPPLEMENT TO THE LIBERIA FOREST SECTOR DIAGNOSTIC: RESULTS OF A DIAGNOSTIC ON ADVANCES AND LEARNING FROM LIBERIA'S SIX YEARS OF EXPERIENCES IN FOREST SECTOR REFORM. DECEMBER 2012



# Liberia: Assessment of key governance issues for REDD+ implementation through application of PROFOR forest governance tool

*Supplement to the Liberia Forest Sector Diagnostic: Results of a Diagnostic on Advances and Learning from Liberia's six years of experience in Forest sector Reform. December 2012*

## Preface

In Liberia, forests are estimated to cover up to 4.3 million ha, over 40% of the country's landmass. The forests are home to many rare and endemic species, and Liberia is listed as one of 34 global biodiversity hotspots. In addition to commercial exports, the timber resources are an important source of employment and trade through the production of timber and charcoal to supply domestic demand. Nonetheless, Liberia's forests are threatened from expansion of agriculture and mining activities (both industrial scale and at subsistence levels). Adding to this are the pressures generated by illegal and uncontrolled logging and overall poor management and weak oversight of the Forest Development Authority (FDA) over the forest sector. Clearly, reforms on many fronts continue to be necessary to ensure the sustainable management of Liberia's forests.

### ***Motivation and Context***

A recent report - "Liberia Forest Sector Diagnostic" carried out an in-depth review of the forest sector reform process in Liberia. The review process took as its starting point the drafting of Liberia's National Forest Reform Law of 2006 and one of the main conclusions of the diagnostic report was that:

*Liberia's forest sector reforms are at a critical stage. Governance of the forest sector requires attention, yet the effective forest sector stakeholder participation needed to improve governance is impeded by lack of functional spaces and formal mechanisms for their engagement, and the lack of transparency, resulting from weak transparency and information sharing systems.....*

Strengthening of forest sector governance and recognizing and safeguarding forest resources and land rights were among the main medium-term actions which this report recommended, and this provided a key motivation for undertaking the present work on improving an understanding of the forest governance challenges in Liberia.

That Liberia volunteered to participate in the REDD+ preparations provides the context and rationale for undertaking this work now. Liberia's roadmap for readiness for reducing emissions from deforestation and forest degradation, enhancement of carbon stocks and sustainable management of forest resources (REDD+) include several building blocks: developing a strategy detailing the interventions proposed for addressing drivers of deforestation and degradation and sustainable management of resources, establishing monitoring reporting and verification systems, implementation and co-ordination mechanism for REDD+ including financial flows. All activities are to be conducted through a strong participatory process. As such the building blocks for REDD+ and overall sustainable management of the sector are co-incident. Therefore successful implementation of REDD+ will be determined by quality of governance and implementation capacity in the sector. Against this vision, Liberia has received a grant support of USD 3.8 million through the Forest Carbon Partnership Facility (FCPF) for initiating the building blocks of readiness for REDD+, including for improving governance.

### ***Approach to governance assessment and monitoring***

Monitoring and assessment of forest governance in the context of REDD+, in Liberia, was done through the use of the Program on Forests (PROFOR) tool developed for this purpose. The implementation of this tool includes two major steps: First, the preparation of a background document to help provide a snapshot of forest sector focussing on forest governance to inform discussions (this built upon the broader forest sector diagnostic report); and second, scoring of a set of governance indicators during a multi-stakeholder workshop.

The background document is included in Part I of this report. It was produced with the objective of ensuring that all stakeholders have access to the latest available information on the status of forest governance in Liberia. It was circulated to all the participants to the workshop, several weeks prior to the event.

The workshop consisted of three multi-stakeholder groups, tasked with scoring a forest governance questionnaire/ indicator set. The questionnaire comprised 97 questions/ indicators, customized to the context of preparing for REDD+ readiness in Liberia. The indicators themselves are organized in concordance with the three pillars of the FAO-PROFOR governance framework. The three pillars correspond to: how the building blocks of governance—laws, policies, and institutions—appear “on paper”; how policy and implementing decisions are made; and, how well the various components of governance work in practice. The indicators are all “actionable”. That is to say, the set of choices for scoring each indicator presents a range of conditions, from quite undesirable to desirable. Selecting something less than the most desirable choice indicates an opportunity for action to improve governance, i.e., reduce or eliminate the “governance gap”. These governance gaps are reported in Part II of this report, in the detailed summary of the multistakeholder workshop.

### *Findings, recommendations and next steps*

A broad finding from the scoring exercise is that while much of the legal, policy and regulatory frameworks for the country are mostly sound, implementation and enforcement of laws and regulations is generally weak (this is a validation of a similar finding in the Liberia Forest Diagnostic study). Thus, there is an urgent need to enhance the skills and capacity of personnel (in FDA in particular) to deliver on the ground and close the “governance gap” in implementation.

Additional issues identified to be of the highest priority, by the workshop participants were:

- Reconsider land-use issues and finalize land-use policy of the country, and assessment of the policy for REDD+.
- Raise awareness on policies and incentives to ensure sustainability of the sector; and on the importance of community participation in setting up good governance, especially for REDD+, in line with the Liberia Community Rights law.
- Review existing national safeguards and relevance for REDD+ and complete SESA (social, environmental, security of investment, gender, equity).
- Advance the work programme on community access, benefits and livelihoods.
- Establish simple and practical grievance redress mechanisms.
- Assess and enhance quality of forest management plans for public forests.
- Enhance participation of women.
- Ensure dissemination of quality information to stakeholders; enhance the implementation of the Public Information Act for effective dissemination of information on governance and REDD+.

(Details on the above can be found in the matrix of priorities in Part II of this report).

The issues identified in the workshop supported and validated many of the actions proposed to be implemented under the country’s R-PP. At the same time they provide additional details and concrete guidance on: (i) specific actions to influence change and “who-will-do what” and,



(ii) how success in implementation may be monitored through a handful of governance indicators.

Going forward, there is an urgent need to improve awareness about REDD+, both in Monrovia, as well as at the decentralized levels via other similar workshops, training-of-trainers and through harnessing other media. Participants requested an enhancement of efforts on awareness for REDD+. In the same context, the inter-sectoral linkages of REDD to sectors such as Agriculture and Mining are not clearly understood. More attention to these is necessary in the near future and engagement of the sectors in the REDD Technical Working group and through the National Climate Change Steering Committee is essential.

Finally, the scoring of the 97 indicators from the PROFOR tool have helped establish the governance baseline in the context of REDD in Liberia. The priorities highlighted by the participants will be included in the national M&E framework for REDD+, which is being revised at present. The REDD Technical Working Group will initiate a discussion on how some of the other relevant indicators can be tracked/monitored through other ongoing initiatives in the country.

## Acknowledgements

This work was led by Forest Development Authority (FDA), Liberia under the guidance of Honorable Harrison S. Karnwea, Sr., Interim Managing Director, and coordinated by Saah A. David, Jr (REDD+ Coordinator, Liberia) and Peter G. Mulbah (RTWG Coordinator, Liberia).

Facilitation and technical inputs from the World Bank were provided by Neeta Hooda (CPFCE), Nalin Kishor (AES), Haddy Jatou Sey (CPFCE), Sachiko Kondo (AFTN3), Soikan Meitiaki (AFTN1), Amar Inamdar (OPSOR) and Marie Brown (OPSOR), under the overall guidance of Paola Agostini (AFTN3).

Part I of this report was written by Anna Halton (consultant, the IDL Group). Part II was written jointly by Anna Halton, James Tellewoyan, Nalin Kishor, Neeta Hooda, Peter G. Mulbah and Saah A. David, Jr with inputs from Haddy Jatou Sey. The workshop was facilitated by James Tellewoyan (consultant). Editorial assistance was provided by Donna Lee (consultant) and Nina Doetinchem (CPFCE).

Funding for this work was provided by the FCPF.





## **PART 1**

# **Background: A snapshot of Forest Governance Assessment for REDD+ in Liberia**

**March 2013**



**AUTHORSHIP**

The background report was prepared by Anna Halton of the IDL Group, under a contract from the FCPF-World Bank.

**DISCLAIMER**

All omissions and inaccuracies in this document are the responsibility of the author. The views expressed do not necessarily represent those of the institutions involved.

ISBN 978-0-9895982-0-0

# Contents

EXECUTIVE SUMMARY .....	(i)
<b>1 INTRODUCTION .....</b>	<b>1</b>
1.1 PURPOSE OF THIS BACKGROUND PAPER .....	1
1.2 FOREST GOVERNANCE FOR REDD+ .....	2
1.3 FOREST GOVERNANCE DIAGNOSTICS: WHAT AND WHY .....	3
1.4 HOW THE FOREST GOVERNANCE TOOL WILL BE USED IN LIBERIA .....	3
<b>2 FORESTS AND FOREST USE IN LIBERIA .....</b>	<b>4</b>
2.1 OVERVIEW, HISTORY AND TRENDS .....	4
2.1.1 <i>Value and size of the forest in Liberia</i> .....	4
2.1.2 <i>Brief history of forest management and the FDA</i> .....	5
2.2 STAKEHOLDERS AND THEIR INTERESTS .....	7
<b>3 FOREST INSTITUTIONS, POLICIES AND LAWS.....</b>	<b>8</b>
3.1 POLICIES AND LAWS .....	8
3.1.1 <i>The Three Cs Approach (Commercial, Community, Conservation)</i> .....	8
3.1.2 <i>Legislation relevant to the Commercial sector</i> .....	9
3.1.3 <i>Legislation relevant to the Community sector</i> .....	11
3.1.4 <i>Legislation relevant to the Conservation sector</i> .....	12
3.1.5 <i>International agreements affecting forests</i> .....	13
3.2 FOREST LAND TENURE AND OWNERSHIP .....	13
3.3 COORDINATION WITH OTHER LAWS AND POLICIES.....	15
3.3.1 <i>Mechanisms for coordinating cross-sectoral concerns</i> .....	15
3.3.2 <i>Important cross-sectoral laws, policies and plans</i> .....	16
3.4 GOVERNMENT INSTITUTIONS .....	17
3.4.1 <i>Dedicated to forest management or protection</i> .....	17
3.4.2 <i>Influencing forest management or protection</i> .....	18
3.5 THE FOREST ECONOMY .....	19
3.5.1 <i>Sources of economic activity</i> .....	19
3.5.2 <i>Access to Timber Resources and Benefits</i> .....	20
3.5.3 <i>Access to Non-Timber Resources and Benefits</i> .....	22
<b>4 IMPLEMENTATION, ENFORCEMENT AND COMPLIANCE .....</b>	<b>23</b>
4.1 GOVERNMENT CAPACITY .....	23
4.1.1 <i>General capacity of relevant agencies</i> .....	23
4.1.2 <i>Information management</i> .....	23
4.1.3 <i>Ability to monitor forests</i> .....	24
4.1.4 <i>Revenue collection systems</i> .....	24
4.1.5 <i>Working according to plan</i> .....	25
4.2 LAW ENFORCEMENT IN FORESTRY SECTOR .....	25
4.2.1 <i>Prevention, detection and suppression of forest crime</i> .....	25
4.2.2 <i>Cooperation with judges and prosecutors</i> .....	26
4.3 ADMINISTRATION OF LAND TENURE.....	26
4.3.1 <i>Documentation of property ownership and rights</i> .....	26
4.3.2 <i>Resolution of disputes over land</i> .....	27
4.3.3 <i>Security of rights and compensation</i> .....	28
4.4 COOPERATION AND COORDINATION.....	28
4.4.1 <i>Within and among forest-related agencies</i> .....	28

4.4.2	<i>Between forest and non-forest agencies.....</i>	29
4.4.3	<i>Between national and local government .....</i>	29
4.4.4	<i>Across national borders.....</i>	30
4.5	CONTROLLING CORRUPTION .....	30
4.5.1	<i>Transparency initiatives .....</i>	30
4.5.2	<i>Use of Codes of Conduct.....</i>	32
4.5.3	<i>Complaints mechanisms and protection for whistleblowers.....</i>	32
4.5.4	<i>Use of safeguards, internal controls, auditing and accounting .....</i>	32
<b>5</b>	<b>PLANNING AND DECISION MAKING.....</b>	<b>34</b>
5.1	STAKEHOLDER PARTICIPATION .....	34
5.1.1	<i>Mechanisms for stakeholder participation.....</i>	34
5.1.2	<i>Mechanisms for resolving grievances and conflicts .....</i>	35
5.2	TRANSPARENCY AND ACCOUNTABILITY .....	36
5.2.1	<i>Quality &amp; Accessibility of Information about forests.....</i>	36
5.2.2	<i>Transparency of legal frameworks and processes .....</i>	36
5.2.3	<i>Mechanisms for oversight of government agencies .....</i>	37
5.3	ACTIVITY AND CAPACITY OF NON-STATE ACTORS.....	38
5.3.1	<i>Civil society organisations (NGOs).....</i>	38
5.3.2	<i>Communities.....</i>	38
5.3.3	<i>Capacity of companies operating in the private sector.....</i>	39
5.3.4	<i>Unions.....</i>	39
<b>6</b>	<b>CONCLUSIONS .....</b>	<b>40</b>

## Text Boxes, Figures, Tables, and Annexes

---

### List of Text Boxes

Box 1-1	Steps for the forest governance diagnostic exercise .....	2
Box 1-2	A definition of forest governance .....	2
Box 3-1	Conservation commitments in the National Forest Management Strategy.....	13
Box 3-2	Forest land tenure in the National Forest Management Strategy.....	14

---

### List of Figures and Tables

Figure 2-1:	Map of forest resources in West Africa .....	4
Figure 2-2:	Production and exports from Liberia, 1961-2011.....	5
Figure 2-3:	Stakeholder groups in the forestry sector .....	7
Figure 3-1:	Organisation of the FDA to reflect the 3 Cs approach .....	8
Figure 3-2:	Allocation of land in the National Forest Management Strategy .....	9
Figure 3-2:	Summary of Forest Resource Licences.....	10

---

### List of Annexes

Annex A:	Sources.....	42
----------	--------------	----

## Acronyms and Abbreviations

ADR	Alternative Dispute Resolution
AfDB	African Development Bank
CA	Community Assembly
CBO	Community Based Organisation
CFDC	Community Forestry Development Committee
CFF	County Forest Forum
CFMA	Community Forestry Management Agreement
CFMB	Community Forestry Management Body
CI	Conservation International
CPA	Comprehensive Peace Agreement
CRL	Community Rights Law with Respect of Forest Lands
CSO	Civil Society Organisation
DFID	UK Department for International Development
ECOWAS	Economic Community of West African States
EPA	Environment Protection Agency
EPML	Environmental Protection & Management Law
ESIA	Environmental & Social Impact Assessment
EU	European Union
FAO	United Nations Food & Agriculture Organisation
FCPF	Forest Carbon Partnership Facility
FDA	Forestry Development Authority
FFI	Fauna & Flora International
FMAC	Forest Management Advisory Committee
FMC	Forest Management Contract
FOI	Freedom of Information
FUP	Forest Use Permit
GAC	General Auditing Commission
GoL	Government of the Republic of Liberia
ha	Hectare
IMCC	Inter-Ministerial Concessions Committee
JIC	Joint Implementation Committee
LACC	Liberia Anti-Corruption Commission
LEITI	Liberia Extractive Industries Transparency Initiative
LFI	Liberia Forest Initiative
LICSATDUN	Liberia Chainsaw & Timber Dealers Union
LISGIS	Liberia Institute of Statistics and Geo-Information Services
MIA	Ministry of Internal Affairs
MoA	Ministry of Agriculture
MoF	Ministry of Finance
MoGD	Ministry of Gender and Development
MoJ	Ministry of Justice
MoLME	Ministry of Lands, Mines and Energy
MoPEA	Ministry of Planning & Economic Affairs
MOU	Memorandum of Understanding
MRU	Mano River Union
MSMC	Multi-Stakeholder Monitoring Committee
NACUL	National Charcoal Union of Liberia
NBC	National Bureau of Concessions
NBST	National Benefit Sharing Trust
NCCSC	National Climate Change Steering Committee
NFF	National Forest Forum
NFRL	National Forestry Reform Law (2006)

NGO	Non-Governmental Organisation
NIC	National Investment Commission
NTFP	Non-Timber Forest Product
PRSP	Poverty Reduction Strategy Paper
PUP	Private Use Permit
REDD+	Reduced Emissions from Deforestation & Forest Degradation
R-PP	REDD+ Readiness Preparation Proposal
SESA	Strategic Environmental & Social Assessment
TSC	Timber Sale Contract
ToR	Terms of Reference
UN	United Nations
UNMIL	United Nations Mission in Liberia
USAID	United States Agency for International Development
USFS	United States Forest Service
VPA	Voluntary Partnership Agreement
WB	World Bank

## Executive Summary

This draft report is a background document, to help inform participants during the participatory governance diagnostic workshop for REDD+ implementation using the PROFOR governance tool. The workshop was held in Monrovia, April 22-23, 2013. The report sets out information covering a wide range of aspects of forest governance which are relevant to this discussion. It is not intended to provide answers or recommendations, but simply to provide information to help participants in discussing various aspects of governance relevant to REDD+ implementation. The report acts as a complement to participants' own ideas and experience, for them to come up with their own a measure of a forest governance baseline in Liberia.

The report is structured in six sections. The first section of the report sets out more information about the diagnostic exercise, including how forest governance is defined and measured for the purpose of this exercise, and to describe how the tool is being applied in Liberia. The second section then provides an introduction and overview of the forestry sector, setting out the importance of the forests as an economic and environmental resource. In understanding the dynamics of the forestry sector, it is helpful to reflect on its significance as a source of livelihood for many people across the country, and its value both as a source of income as well as providing social, cultural and environmental benefits to the population. Equally, the report notes the relevance of the forestry sector to the civil conflict in Liberia which led to UN sanctions being placed on Liberian timber and prompted wide reforms of the legislation and institutions governing forestry. The report provides a brief history of forest sector management and the Forestry Development Authority (FDA), from the earlier stages of commercial forestry in Liberia, through the establishment of the FDA in 1976, and outlines the reform process that has been taking place since 2004. The reform process includes important and progressive commitments to ensuring stakeholder participation, improving access to information, and re-balancing the forestry sector from purely commercial interests to a more integrated and balanced approach.

Sections three, four and five of the report cover a range of different aspects of governance. Section three focuses on the legal and policy frameworks governing the forestry sector, and elements of the land laws and policy frameworks in Liberia. It also sets out the government institutions which are directly or indirectly responsible for managing forest land. These aspects are important as they show the commitments and intentions for how the sector will be managed, and who is responsible for putting them into practice. As well as the FDA, the report notes the important role of the EPA in ensuring sustainable forest management. Many of the forestry laws and policies have been established or revised in the past 10 years, so it is helpful to reflect on what they contain and what they are trying to achieve. It is also important to discuss how the policies and laws were developed – e.g. was there opportunity for stakeholders to influence what was agreed – and whether they represent a realistic and desirable course for action. Finally, workshop participants might also wish to reflect on the coordination of different policies in the forestry sector with the plans envisaged in national development strategies. To be able to implement the forestry sector laws and policies, these need to be coherent with each other, and with the wider development policies for agriculture, energy and decentralisation. A number of platforms exist to encourage this inter-sectoral coordination.

Section four covers aspects of implementation and enforcement, including the capacity of state institutions to implement the laws and policies. It also outlines some key aspects of coordination and cooperation between different government institutions and sectors, and a number of the measures in place to discourage/prevent corruption. Following on from the

previous section relating to the commitments in place (as framed into laws and policies), this section focuses more on the factors that enable or prevent effective implementation of the laws. In Liberia, it is particularly important to reflect on the capacity in different government agencies to implement policies, but also on the effectiveness of cooperation and coordination between different government institutions. Weak coordination between different institutions in the forestry sector or related sectors will make it difficult to meet targets, as they may be directly conflicting with targets from other policies. For example, a target of 30% forest land under conservation protection needs to be considered alongside commercial forestry targets, the ability of government to enforce land use decisions if much of the land is owned by communities, and targets for agricultural production or mining revenues. The section also reflects on mechanisms in place to discourage corruption, i.e. the incentives for following the law, and highlights the strong commitments that Liberia has made to ensuring transparency of natural resource governance.

Section five focuses on the capacity of non-state actors, and the mechanisms in place to ensure that stakeholders are able to access information and participate in decision-making in the forestry sector. Forest governance should be understood as something which involves the participation of a range of stakeholders, who have an interest in how forest resources are managed and used. These stakeholders include international and national organisations, from civil society, communities, the private sector and development partners. The legal framework in Liberia contains a number of commitments to promoting participation of stakeholders, and ensuring that there is adequate transparency and access to information to enable them to help make decisions about how the sector is governed and monitor implementation. Putting these commitments into practice is challenging, due to limitations in capacity of government and non-government stakeholders. Nonetheless, some successful examples exist, and Liberia has received international recognition for the transparent and participatory nature of its LEITI and FLEGT VPA processes.

The final section draws some conclusions on cross-cutting issues that are relevant to developing a strategy for progress in the forestry sector, and more specifically for REDD+ implementation. These include the need to reflect on capacity challenges and resource constraints to ensure that any strategy is realistic to implement. The need for participation of communities in forest governance is emphasised, as this will become even more important as new policies for decentralisation and recognition of customary land tenure move forwards, and in order to engage with domestic market, charcoal and slash & burn agriculture issues. This section also notes the importance of looking beyond the forestry sector, to coordinate with other sectors that may be expanding into forest areas, both for policy coherence and to ensure effective use of the resources available.

In general the report sets out a number of areas where work to strengthen governance could usefully be carried out. One of the challenges of the diagnostic workshop will be to ensure that the most important challenges are identified and prioritised, to inform the strategy for REDD+ implementation and feed into the wider sector strategies.



# 1 INTRODUCTION

---

This section sets out the intended purpose of the background paper, and how it relates to the planned multi-stakeholder workshop which will be used to conduct an assessment of forest governance in Liberia with specific relevance to REDD+ readiness.

## *1.1 PURPOSE OF THIS BACKGROUND PAPER*

---

This background paper has been prepared in order to support the participatory forest governance diagnostic exercise being carried out in Liberia. The governance diagnostic is one of a range of activities being carried out during 2013 to support REDD+ readiness in Liberia. Through the diagnostic exercise, stakeholders will have the opportunity to reflect on challenges facing the forestry sector and identify strengths, weaknesses and priority areas for further work. This report is intended to provide a reference for stakeholders before and during the workshop, to ensure that all parties have access to relevant information and are able to score governance indicators based on documented evidence as well as their own experience.

Liberia is participating in the Forest Carbon Partnership Facility (FCPF; managed by the World Bank) and is still in readiness phase. REDD-Readiness will help prepare countries for a possible future REDD+ payment mechanism funded by multi-lateral donors (e.g. the UN) or private carbon markets. The focus of REDD-Readiness is therefore on capacity for national-level implementation of REDD, rather than project level implementation (e.g. pilot projects). The Readiness Fund supports participating countries to develop the necessary policies and systems for REDD+, including adopting national REDD+ strategies; developing reference emission levels (i.e. a baseline); designing systems for measurement, reporting, and verification (MRV) of emission reductions; and setting up REDD+ national management arrangements, including environmental and social safeguards and mechanisms for benefit sharing and resolving grievances. The REDD-Readiness process will allow countries to analyze and make informed decision on engagement in REDD+ implementation keeping in view the country context. A significant component of readiness is on national consultations and participation of stakeholders to determine if REDD+ implementation at national level would be in Liberia's interests.

The inclusion of the diagnostic exercise as an early activity for REDD+ readiness reflects the importance of governance to REDD+ implementation. REDD+ implementation would require the involvement of a wide range of actors and as such, it is important that all these stakeholders are involved in identifying potential obstacles to progress and priorities to support implementation.

### **Box 1-1 Steps for the forest governance diagnostic exercise**

The process for conducting the governance diagnostic is broken into a number of stages. It is intended as a participatory exercise, where governance indicators set out in a questionnaire are analysed and scored by stakeholders in country.

- **Step 1: Circulation of the background report** (this report). The report has been prepared by a consultant with previous experience of working in Liberia. It is based on available data and documentation, as well as interviews with a number of stakeholders. The report is circulated to all stakeholders to ensure that all parties have access to relevant information before and during the diagnostic workshop.
- **Step 2: Diagnostic workshop.** A range of participants representing stakeholders will be invited to participate in a two day workshop to discuss and score a number of governance indicators. These indicators cover a variety of governance aspects that are relevant to the implementation of REDD+ and therefore attention to these during the REDD+ readiness phase is highly desirable. Workshop participants will be asked to work in groups to score indicators, and then use these to identify priorities and suggested next steps to strengthen forest sector governance in Liberia.
- **Step 3: Workshop report.** A report showing the scores given to indicators, and summarising the agreed priorities and recommendations will be prepared by the consultant. This will be circulated to stakeholders as a record of the meeting. The priorities which are relevant to implementation of REDD+ will be taken forward by FDA and other relevant government agencies in partnership with local actors.

## **1.2 FOREST GOVERNANCE FOR REDD+**

The term “forest governance” covers a wide range of factors, and stakeholders may have different interpretations of what the term means. The box below sets out the definition of forest governance that is being used for the purposes of this diagnostic exercise. It is left intentionally broad to allow stakeholders to consider processes by which rules are developed, implemented and enforced, including who is involved at each stage of managing the forests.

### **Box 1-2 A definition of forest governance**

For the sake of this tool, “forest governance” includes the norms, processes, instruments, people, and organizations that control how people interact with forests. That definition covers many things: traditional culture as well as modern bureaucracy, and private markets as well as public laws. It may be impractical to “engineer” changes in some aspects of governance, like traditional culture, but understanding governance well requires detailed consideration of all its aspects.

Key features of good forest governance include adherence to the rule of law, transparency and low levels of corruption, stakeholder inputs in decision making, accountability of all officials, low regulatory burden, and political stability.

*Source: Kishor, Nalin and Kenneth Rosenbaum. 2012. Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool. Washington DC: Program on Forests (PROFOR)*

This report aims to provide background information that is relevant to a range of different aspects of governance that may be discussed at the diagnostic workshop. The scope of

material covered has been left intentionally broad in order for stakeholders to discuss and determine which aspects are most relevant for REDD+ in the Liberian context. The report does not attempt to provide answers to the questions that will be discussed at the diagnostic workshop. Instead, it is intended to ensure that all those participating in the workshop will have access to a range of information, which can complement their own views and experience.

### ***1.3 FOREST GOVERNANCE DIAGNOSTICS: WHAT AND WHY***

---

This diagnostic exercise offers a tool to evaluate forest governance in a participatory manner. It aims to provide information and a workshop for discussion between stakeholders about the status of forest governance: i.e., to discuss what is working well at the moment, and where challenges remain. The analysis offers a baseline for tracking trends in forest governance in Liberia, and can be used to identify priorities for action for those working in the sector.

A diagnostic exercise is simply a process by which stakeholders are encouraged to think about, discuss and agree how well the forests are managed at present. This tool is intended to provide a framework for the discussions: to ensure that the full range of relevant issues are discussed.

### ***1.4 HOW THE TOOL WILL BE USED IN LIBERIA***

---

The intention of the forest governance diagnostic exercise is to help inform the implementation of REDD+ readiness activities in Liberia. It helps to identify priorities for support to governance initiatives, it will help provide background information relevant to planning and implementing specific activities, and it can provide a baseline for forest governance trends to be tracked over time.

For the diagnostic tool to be effective, it requires the participation of a range of groups and organisations that are involved in managing Liberia's forests, and/or are users of forest land and resources, and who are likely to be affected by forest management policies and possible future implementation of REDD+ in the country. A workshop is being organised in Monrovia to provide the forum for discussion and debate about governance challenges. This workshop will involve a wide range of representatives from different stakeholder groups and those based both in Monrovia and across the country. The diagnostic exercise will provide an opportunity to reflect and share experiences of forest governance challenges in Liberia.

## 2 FORESTS AND FOREST USE IN LIBERIA

This section provides an overview of the forest sector in Liberia: the size and importance of the forest resource, and a brief outline of how forests have been governed over the past fifty years. It sets out the economic significance of the forest resource in Liberia, and outlines the range of groups that have a stake in how the forests are managed and used.

### 2.1 OVERVIEW, HISTORY AND TRENDS

#### 2.1.1 Value and size of the forest in Liberia

Liberia is blessed with globally significant levels of biodiversity and significant forest cover. It is home to many rare and endemic species, and listed as one of 34 global biodiversity hotspots. Forests are estimated to cover up to 4.3million ha, over 40% of Liberia's landmass, with two main forested areas lying in relatively flat territory in the south east of the country, and in the mountainous northern areas bordering Guinea and Sierra Leone. Liberia is now home to over 40% of the remaining Upper Guinean rainforest, having experienced lower levels of deforestation than neighbouring countries in the region (see map below). Nonetheless, Liberia's forests are under severe pressure. During the periods of instability and civil conflict from 1980 to 2003, timber became an important source of revenue and commercial logging was carried out at unsustainable levels. In addition to commercial exports, the timber resources are an important source of employment and trade through the production of timber and charcoal to supply domestic demand. The forest is also under threat from expansion of agriculture and mining activities (both industrial scale and at subsistence level), although the extent to which subsistence farming acts as a driver of deforestation is not well understood.

**Figure 2-1: Map of forest resources in West Africa**

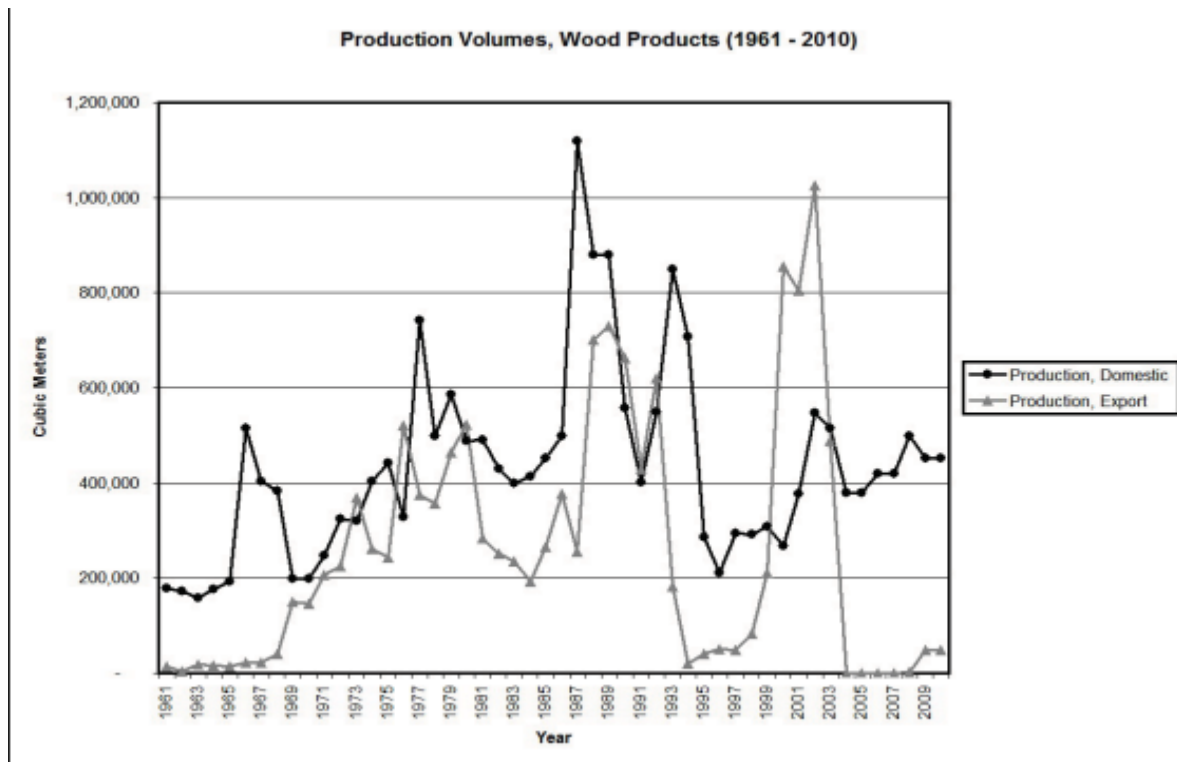


Source: Fauna & Flora International/ Conservation International

The forestry sector is an important source of government revenue and basic employment across the country. The levels of revenue and their significance have varied widely over the past fifty years, reflecting both the level of production in the sector and the state of the overall economy. According to IMF data, in the late 1990s/ early 2000s timber exports accounted for over 20% of GDP, reflecting both very high (unsustainable) harvesting levels and the collapse of the wider economy. The placing of sanctions on Liberian timber by the UN Security Council

from 2003-2006 prevented any log exports and massively reduced government revenues from the sector. Over the past 5 years, levels of timber exports have been limited, although chainsaw milling and domestic timber supply, as well as production and trade in charcoal, are believed to offer employment and income to several thousand people. During the past fifty years, with the exception of 2000-2003, the volume of timber produced for domestic consumption has exceeded that for export.

**Figure 2-2: Production and exports from Liberia, 1961-2011**



Source: Reproduced from World Bank (2012), *Liberia Forest Sector Diagnostic* (Figure 1; page 10)

A detailed understanding of the value and size of the forest resource in Liberia is not available. The last forest inventory was conducted in the late 1960s, which is prior to significant levels of commercial timber harvesting being carried out in the country. During the 1980s and 1990s, exports of timber from Liberia were significant, and population movements across the country due to the conflict resulted in slash-and-burn agriculture moving into new areas. In the past decade, a number of studies have been attempted (e.g. Bayol & Chevalier 2004; Christie et al. 2007; Shearman 2009) to better understand the current forest resource, to support suitability assessments and identification of areas for commercial logging activities or conservation, and to inform GoL revenue projections from the commercial forestry sector. The estimates provided vary significantly. A recent World Bank-funded study notes weaknesses in the methodology of each of these assessments, particularly a lack of field data or information about forest condition. In general the existing assessments are useful for a national overview, but their value for detailed planning or revenue projections is limited (Geoville Group & Metria AB 2011).

### 2.1.2 Brief history of forest management and the FDA

The first major efforts to manage and regulate the forestry sector in Liberia began in the 1950s. During this time, operators began commercial logging activities, and legislation was

established to set out a mechanism by which national parks and reserves could be identified and protected. This was followed in 1976 by the creation of the Forestry Development Authority (FDA). The FDA was established as a state-owned enterprise, with a broad remit to conduct research, provide training, and *“devote all publicly owned forest lands to their most productive use for the permanent good of the whole people, considering their direct and indirect values”* (FDA Act, Section 3 (b)). Despite this wide remit, the activities of the FDA over the next 25 years focused largely on timber concessions and promoting export of timber from Liberia. From the 1950s, successive Liberian governments had pursued an “Open Door Policy” to foreign commercial interests, overseeing a dramatic growth in foreign investment and rise of natural resource exploitation and creation of plantations. Timber was recognised as a resource that could contribute to the rapid economic growth of the country.

During the prolonged civil conflict in Liberia, the forestry sector became an important source of income for the government. Logging activities were greatly increased during the 1980s and 1990s to unsustainable levels of harvesting. Evidence also began to emerge of a direct connection between revenues generated by the sector, and the financing of the conflict, leading the UN Security Council to impose sanctions on Liberian timber from 2003. Following the signing of the Comprehensive Peace Agreement (CPA) in 2003, attention turned to supporting reform of the forestry sector. The aim of the reforms was to strengthen governance, accountability and transparency, and to improve sharing of benefits from the forestry sector, that would allow UN sanctions to be lifted.

One of the first steps was to conduct a review of all forest concessions. This was carried out during 2004, and the review identified a number of significant governance failings in the sector. Multiple overlapping concessions had been issued through opaque or questionable processes, covering a total area 2.5 times the area of the country, with millions of dollars of unpaid taxes and direct links between several companies and the conflict in the country. The Forest Concession Review Committee recommended that all concessions be cancelled, and that a process of legal and institutional reform be carried out to allow logging activities to eventually resume under a more transparent and equitable framework. Following this recommendation, it was agreed that reform of the sector should be overseen by a multi-stakeholder committee, led by the FDA, and including civil society and international partners. Several development partners also offered technical and financial assistance to support the reform efforts, most notably the US government and the World Bank. Their assistance was coordinated through the Liberia Forest Initiative (LFI).

Following the election of President Ellen Johnson Sirleaf in 2006, her first action was to implement the recommendations of the Forest Concession Review Committee through the passing of Executive Order No. 1 on Forest Sector Reform. Later in 2006, the National Forestry Reform Law (NFRL) was made into law, providing the foundation for a revised process for concession allocation and management, and the re-structuring of the FDA. The NFRL was supported by the National Forest Policy and Strategy, and the FDA Ten Core Regulations. These documents were intended to support a “3 Cs” approach, giving equal balance to community, commercial and conservation aspects of forestry. As such, the NFRL and regulations set out a new framework for identifying, allocating and managing logging concessions, and the first concessions were allocated under this revised framework in 2008. Commitments were made to expand the network of protected areas and a number of suitable areas were identified, requiring community consultations and development of legislation to secure these areas. An additional law, the Community Rights Law with respect to Forest Lands (CRL), was passed in 2009. This law and its implementing regulations (finalised in June 2011) provide the basis for



recognition and regulation of community forests. The legal framework is described in more detail in Section 3.1 of this report.

## 2.2 STAKEHOLDERS AND THEIR INTERESTS

A wide range of groups are interested in, and affected by, the management of Liberia's forests. The spread of forest across large areas of the country means that communities in many different districts are dependent on the forest as a source of livelihood and income, for food, water, shelter, medicines, energy and cultural purposes. The stakeholder groups are split into a number of different categories: national and local government; legislature; civil society; communities and the private sector. There is some overlap between these categories, for example chainsaw operators may belong to communities close to where they carry out logging activities; individuals working for government may originate from communities that are dependent on forests. In addition to the national stakeholders, there are international actors who may influence how forests are managed and used in Liberia.

**Figure 2-3: Stakeholder groups in the forestry sector**

Stakeholder Group	Examples
Central Government	<ul style="list-style-type: none"> <li>• Authorities and Agencies: FDA, EPA</li> <li>• Ministries: MoF, MoA, MoPEA, MoJ, MoLME, MIA, MoGD</li> <li>• Commissions: Land Commission, Governance Commission, National Investment Commission</li> </ul>
Local Government	<ul style="list-style-type: none"> <li>• County superintendents; county officers</li> <li>• District officers</li> <li>• Paramount Chiefs, Town Chiefs, Clan Chiefs</li> </ul>
Legislature	<ul style="list-style-type: none"> <li>• Senate and House Standing Committees on Agriculture &amp; Forestry</li> <li>• Senate and House Standing Committees on economic issues, land-related issues</li> </ul>
Civil society	<ul style="list-style-type: none"> <li>• NGOs working on community rights issues, environmental issues or transparency</li> <li>• Women's groups</li> <li>• Academic institutions: University of Liberia, Cuttington University</li> </ul>
Communities	<ul style="list-style-type: none"> <li>• Community Forestry Development Committees (CFDCs) established in/around FMC and TSC concessions</li> <li>• Community Assemblies and Community Forest Management Bodies established in/around areas of community forest</li> <li>• Community elders</li> </ul>
Private Sector	<ul style="list-style-type: none"> <li>• Commercial logging operators (foreign-owned and Liberian-owned companies)</li> <li>• Holders of mining or agricultural concessions</li> <li>• Chainsaw operators</li> <li>• Timber dealers (domestic market and exporters)</li> <li>• Operators of timber processing facilities</li> <li>• Charcoal producers and traders</li> </ul>
International actors	<ul style="list-style-type: none"> <li>• Development partners: USAID, World Bank, EU</li> <li>• International NGOs: Conservation International, Fauna &amp; Flora International, Global Witness</li> </ul>



### 3 FOREST INSTITUTIONS, POLICIES AND LAWS

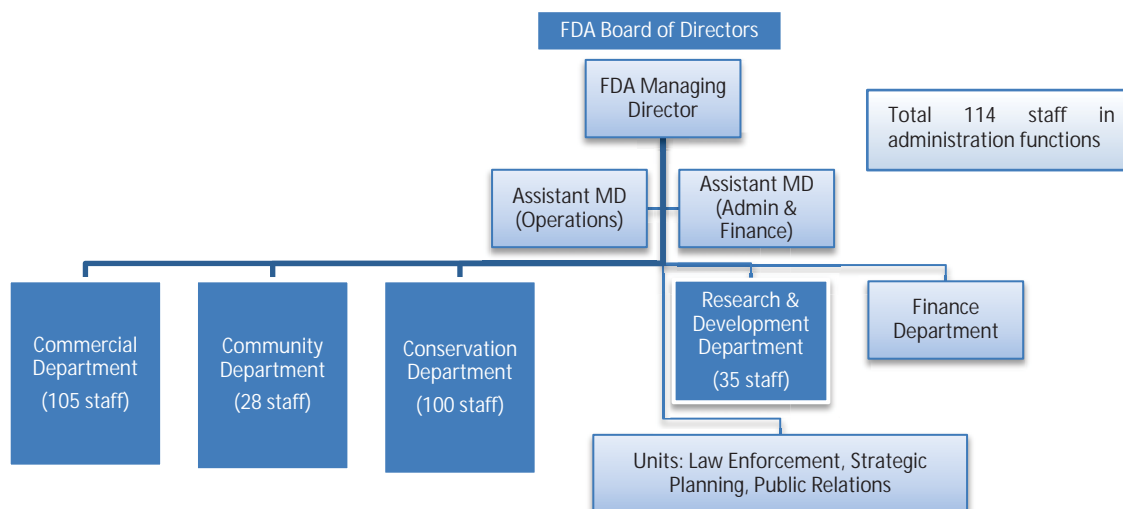
This section sets out the key elements of the institutional and legal framework for forest management in Liberia.

#### 3.1 POLICIES AND LAWS

##### 3.1.1 The Three Cs Approach (Commercial, Community, Conservation)

The “3 Cs” approach emerged during the forestry sector reform process that began in 2004. It aims to ensure a balance of different approaches and use of forest resources, by recognising the equal importance of these different uses of forests, and the linkages and trade-offs between them. Although the FDA was initially established with a wide remit including conservation and research, its activities were dominated by facilitating commercial logging activities. The National Forestry Reform Law, National Forest Policy and National Forest Strategy (2006/2007) reflect the “3 Cs” approach and emphasise the importance of different aspects of forestry. The FDA was also restructured, creating three distinct departments each responsible for one of the “Cs”, in addition to cross-cutting units of law enforcement, planning, research and development. The principle that forest use should be shared between three complementary approaches was also reflected in a land use mapping and forest use suitability assessment conducted in 2004. The assessment identified areas which, based on a number of criteria, were recommended to be used for the purposes of commercial forestry, proposed protected areas, and areas suitable for community forest management.

Figure 3-1: Organisation of the FDA to reflect the 3 Cs approach



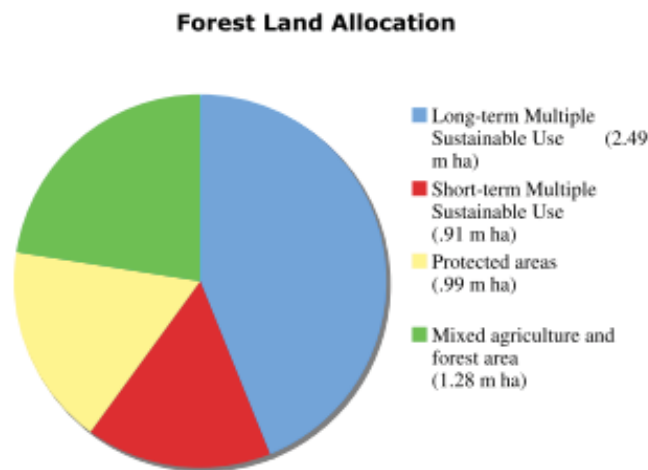
Source: adapted from the FDA organisational chart (revised April 2012)  
Staffing numbers taken from FDA Human Capacity Development Strategy (2010)

The “Sanctions Lifting +6” process conducted in Liberia during 2012 provided a useful opportunity to reflect on the strengths and weaknesses of the “3 Cs” approach to management of the sector. In general, while the concept had been useful, it was identified that progress on each “C” had been unequal, with significant focus on commercial forestry but less progress on community or conservation forestry. The REDD+ readiness preparation proposal (R-PP) also highlights this point, describing commercial as the “big C”. Given that re-starting of commercial activity, to create employment and generate revenue, had been a

priority during the early stages of the reform process, this may not be surprising. However it is important to note that, even within the commercial “C”, the majority of attention has been focused on commercial production of timber for the export market. The domestic market, chainsaw production, NTFPs or charcoal have received far less attention and are weakly reflected in the forest sector strategy or regulatory framework.

A concern has been raised that the “3 Cs” are operating in parallel, but not being integrated in the management of the sector. The land areas deemed suitable for each “C” were set out in the National Forest Management Strategy of 2007, but are difficult to interpret as large areas of land were identified as suitable for “mixed use”, without a clear indication of how this would be effectively managed by the “3Cs” structuring of the FDA. The areas identified as “long term multiple sustainable use” include areas that include forest suitable for any/all of the three “C”s, but a significant amount of this land area has since been allocated as Forest Management Contracts, which are allocated to logging operators to be managed as permanent forest cover, but don’t clearly meet conservation principles and have limited involvement of communities. The land use suitability assessment also refers only to potential uses of forest and does not reflect on ownership of the land areas. The different legal provisions for state-owned land (regulated according to the NFRL & Ten Core Regulations), as opposed to land for which communities hold deeds (which is covered by the provisions of the CRL), add an additional layer of complexity in determining how land will be used, and may complicate planning of how the “3Cs” will be balanced in a particular area. This reinforces the importance of participatory processes in determining land use strategy, taking into account all owners and users of the land in question.

**Figure 3-2: Allocation of land in the National Forest Management Strategy**



Source: National Forest Management Strategy 2007

### 3.1.2 Legislation relevant to the Commercial sector

The National Forestry Reform Law (NFRL; 2006) and FDA Ten Core Regulations (2007) form the basis for commercial exploitation of the forest resources. The Community Rights Law and regulations also make provision for commercial activities on communally owned land. Under this framework, a variety of different permits and concessions are envisaged, dependent on the ownership and nature of the land, and the resources to be extracted. The broad features of each permit type are set out in the table below. The permits cover the provision of timber

and non-timber products produced from forests, and apply to both the domestic and export markets. There is currently no legal framework to cover accounting or trade of carbon credits.

**Figure 3-3: Summary of Forest Resource Licences**

Name	Key Features
Forest Management Contract (FMC)	<ul style="list-style-type: none"> <li>• Section 5.3 of NFRL</li> <li>• Offered on state-owned land</li> <li>• 25 year term</li> <li>• Size variable from 50,000 ha – 400,000 ha</li> <li>• Offered on areas intended to be retained as permanent forest cover (i.e. intended for sustainable forest management)</li> </ul>
Timber Sales Contract (TSC)	<ul style="list-style-type: none"> <li>• Section 5.4 of NFRL</li> <li>• Offered on state-owned land</li> <li>• Maximum 3 year term</li> <li>• Maximum 5000 ha</li> <li>• Offered on areas of degraded forest / land for conversion</li> </ul>
Forest Use Permit (FUP)	<ul style="list-style-type: none"> <li>• Section 5.5 of NFRL</li> <li>• May apply to public or private land. Private land is subject to landowners permission</li> <li>• Not for commercial timber extraction. Activities permitted under a FUP are limited to: charcoal, tourism, research and education, harvesting of NTFPs, timber extraction for local community use.</li> <li>• Variable size of permits if the area remains open to multiple users. For areas where an FUP will grant exclusive use of a particular resource to the permit holder, the size cannot exceed 1000 ha.</li> <li>• Single permits may be issued to individuals for up to 2 years duration. General permits may be issued through regulation, with longer duration or broader scope</li> <li>• Only certain groups are eligible for FUPs</li> </ul>
Private Use Permit (PUP)	<ul style="list-style-type: none"> <li>• Section 5.6 of NFRL</li> <li>• Permit for use on private land, requested by or with written permission from the landowner</li> <li>• Variable duration and size. These are intended to be stipulated under forthcoming PUP regulations</li> <li>• Unlikely that PUPs will demand sustainable forest management, although this will be clarified in the regulation</li> </ul>
Chainsaw Permit	<ul style="list-style-type: none"> <li>• Being established under a Chainsaw Regulation</li> <li>• System envisages renewable permits for chainsaw operators, and for communities. A community (but not an individual) may hold more than one permit. A chainsaw logging permit will have a term up to 1 year. A chainsaw milling permit will have a term up to 2 years.</li> <li>• The regulation states that chainsaw milling is only permitted on community forest or private land, and in forest that has been deemed not suitable for sustainable forest management. Each permit would cover an area up to 1000ha.</li> </ul>
Community Forest Management Agreement (CFMA)	<ul style="list-style-type: none"> <li>• Provided for under the CRL and established under the CRL Regulations.</li> <li>• To be established on areas subject to community ownership, requiring the community to establish management structures (CFMB) and develop a management plan</li> <li>• For areas over 5000ha, commercial activities are subject to the same requirements as FMC or TSCs.</li> </ul>

---

The extent to which the regulatory framework is in place for each permit type varies considerably. The regulatory framework for FMC and TSC contracts is the most comprehensive, having been established immediately following the passing of the NFRL, in the Ten Core Regulations (2007). Since this time, the development and promulgation of new regulations has been much slower and various gaps remain. The recent report by the Special Independent Investigative Body into issuance of Private Use Permits (PUPs) highlighted the need for regulation of the issuance and operations these permits, and the status of the Chainsaw Regulation is unclear. Key elements of the existing regulatory framework, particularly relating to the concession allocation process and the fiscal regime for FMC and TSCs, have also been questioned as to whether they are well suited to the Liberian context and will help enable economically viable and productive commercial forestry.

Of equal concern for commercial forestry is that many questions about land tenure have been unresolved in Liberia. Over 1million ha has been allocated as FMC and TSC concessions, which are managed by the FDA as areas of state-owned land. However there is increasing awareness that large amounts of these areas may be subject to claim by communities based on customary ownership. This would have profound implications for how these concessions are managed, particularly in terms of how benefits and revenues from commercial activities should be shared. The issuance of large numbers of Private Use Permits (PUPs), the vast majority of which were issued for communally-owned land, represented a de facto recognition of community land claims for the purpose of establishing commercial concessions. It is unclear what the implications are for recognition of community claims to land currently allocated under an FMC or TSC agreement.

### 3.1.3 Legislation relevant to the Community sector

The major piece of legislation governing community forestry is the Community Rights Law with respect to Forested Lands (CRL; 2009). Various activities are envisaged under the CRL, including the possibility for commercial activity and conservation of forested areas. The implementing regulations for the CRL were finalised and approved by the FDA Board in June 2011. Two key aspects, which are currently unclear in the legal framework, are expected to be clarified by the Land Commission as part of its broader work on recommendations for land policy:

1. Firstly, there is currently no clear definition of what is deemed a “community”, whether there are particular characteristics or how the extent of a community should be defined. The CRL defines a community as: *“a self-identified and publicly or widely-recognised coherent social group or groups [...] A community may thus be a village or town, or a group of villages or towns, or a chieftdom”*. This leaves considerable room for interpretation.
2. The process for identification and recognition of customary ownership, in order to establish an identified area of community forest, is ascribed to the FDA under the CRL and the procedure for this is unclear. The FDA is presumably expected to work with the Land Commission and Ministry of Lands Mines & Energy (MoLME) in order to develop a policy and operating procedures for how customary ownership could be established.

The CRL sets out in some detail the governance structures to be established to oversee community forestry. These include an elected Community Assembly (CA) which may then appoint a Community Forest Management Body (CFMB) to develop and implement the management plan for how the forest area is to be used. These require approval by the FDA to

establish a Community Forestry Management Agreement (CFMA). There is criticism of the complexity and expense associated with establishing areas for community forestry under the CRL. There is need for considerable capacity building at community level to understand the various provisions, and ensure that communities are aware of their rights and responsibilities. Without capacity at local level, communities will be vulnerable to exploitation of their resources for minimal return.

Since 2011, several Community Forest Management Agreements (CFMAs) have been established. Many of these were supported by international partners, through USAID programmes (Land Rights & Community Forestry Programme) or the work of Fauna & Flora International (FFI). However, a moratorium on creation of further CFMAs has been in place since February 2012, when a moratorium on creation of additional PUPs was put in place. This was put in place in recognition of the weak regulatory framework for any commercial activities in community forests, and to prevent abuse of the system as was being reported for PUPs.

The various aspects of the framework governing community forestry can create confusion. The CRL specifically states that, in cases of conflict between the provisions of the CRL and the NFRL, the CRL shall take precedence. However there are provisions in legislation relating both to the forestry sector, and land ownership, which may conflict with the provisions of the CRL. For example, the CRL does not require competitive bidding for small or medium scale commercial activities on community land, which contradicts provisions in the NFRL and Public Procurement & Concessions Commission (PPCC) Act. In addition, the implementing regulations of the CRL appear to conflict with the law or introduce confusion in a number of areas. For example, the CRL (Section 3.1 (d)) states that communities are entitled to 55% of all revenue/income from large-scale commercial activities on community forest land; while the CRL regulations (Chapter 11) state that communities are entitled to 55% of land rental, but that stumpage and severance are payable in accordance with the Ten Core Regulations (whereby all such revenues are payable to government). These contradictions can create scope for confusion and misinterpretation of the requirements.

### **3.1.4 Legislation relevant to the Conservation sector**

The conservation aspects of the forestry sector are framed into a number of elements of legislation, including the NFRL. The Protected Forest Areas Network Law (2003), built on the commitments in the Environmental Protection & Management Law (EPML; 2002), and enshrined a commitment to conserve 30% of Liberia's forest areas into the national legislation. The Protected Forest Areas Network Law expanded the existing area of Sapo national park, established the East Nimba Nature Reserve, and identified nine other areas of forest to be considered for some form of protected area status (including a range of options offering varying degrees of restriction on permitted activities).

The National Forest Management Strategy repeats the commitment for some 30% of Liberia's forest to be placed under some form of protection, and currently several different mechanisms are in place including one National Park, one strict nature reserve, multi-use reserves and identified areas of national forest. The establishment of the Lake Piso multiple-use reserve in 2011 is seen as a major success in developing the network of protected areas across Liberia. Consultations are underway regarding the creation of additional reserves and protected areas in a number of forested areas, including Gola forest, Wonegisi, Grebo hills, and west Nimba. Progress in gazetting any of these proposed protected areas has been very slow. As is reflected in the Strategy, a mixture of different tools would likely be necessary to find mechanisms to protect the forest that also respect the rights and demands of communities living in these areas.

#### **Box 3-1 Conservation commitments in the National Forest Management Strategy**

Liberia is a signatory to the United Nations Convention on Biological Diversity treaty (ratified November 8, 2000), in which it pledged to “set aside at least 10% of the land area for Strict Protection and 30% of the land area for protection and multiple-use for partial protection”. Thus, since Liberia’s total land area is approximately 9.59 million hectares, the study used an area of 950,000 hectare (or 10%) as the minimum size for the protected area network.

The study identified a total protected area network of 1.14 million hectares including 193,500 hectares of existing protected areas. 93.6% of this area is suitable conservation management while 65.4% and 17.6% of this area is suitable for commercial and community management respectively. The form of management of these conservation areas has not been established; it could take the form of traditional state-run park’s management in combination with community-led conservation initiatives or controlled commercial activities.

*Source: FDA, 2007. National Forest Management Strategy.*

### **3.1.5 International agreements affecting forests**

Liberia is a signatory to a number of international agreements which affect the management of forests and also contribute to wider land use planning and sustainable use of resources:

- The **United Nations Convention on Biological Diversity** (see box above). The Convention sets out a commitment by governments to undertake to conserve and sustainably use biodiversity. Under the Convention, the government is required to develop a national biodiversity strategy and action plan, and to integrate these into broader national plans for environment and development. The focal point for this convention is housed within the EPA.
- Liberia acceded to the **Convention on International Trade in Endangered Species (CITES)** in 1981, which regulates trade in a number of species that would form part of the commercial timber or bushmeat trade. The focal point for CITES is based within the Conservation Department of the FDA.
- Most recently, Liberia has negotiated a **Voluntary Partnership Agreement (VPA)** on Forest Law Enforcement, Governance and Trade (FLEGT) with the European Union. This agreement aims to establish a system for traceability and verification of legality of timber, to a nationally-agreed definition. Once fully operational, the system will be used to issue FLEGT licences, and only timber with a FLEGT licence will be allowed to be exported from the country. The intention is that the system will also be adapted to strengthen governance and law enforcement in the domestic timber sector. The VPA is currently awaiting ratification by Liberia to enter into force.

## **3.2 FOREST LAND TENURE AND OWNERSHIP**

Forest land tenure represents a major challenge in Liberia. Whereas in the earlier years of the Republic of Liberia, there was recognition of customary ownership and mechanisms to recognise communal ownership of forests, since the 1950s a number of legal developments weakened or confused these issues. Commercial forestry activities from the 1970s were based on the understanding that the state owned the land and all forest resources on it, and so



management decisions were taken by central government, which also collected all revenues from the sector.

The efforts to reform the forestry sector, from 2004 onwards, decided to separate the forestry sector (particularly the legal framework for commercial forestry) from questions of wider land tenure reform. This was partly due to the desire to complete reform of the forestry sector swiftly, to allow commercial logging activities to resume and help restart the economy after the civil conflict. Significant legal reform in the forestry sector was required before the UN Security Council would consider lifting sanctions on Liberian timber, and the lifting of sanctions was a priority for stakeholders in Liberia. At the same time, it was recognised that the scale of tenure reform required would take many years to complete. It was agreed tenure questions be left out of the NFRL, but that an additional law, focusing on community rights in relation to forestry, would be developed and presented to the Legislature within one year of the passage of the NFRL. In the interim, all land claims and disputes were referred to the Governance Commission<sup>1</sup>, as they were considered beyond the remit of the FDA and in need of a unified GoL approach to tenure reform. This was reflected in the National Forest Management Strategy (2007), which outlined FDA's efforts to establish what claims existed over forest lands.

**Box 3-2 Forest land tenure in the National Forest Management Strategy**

Recently the FDA had requested all parties (communities and individuals) holding forest land deeds, claims, or other statutory tenure over forest resources to submit their documentation to the FDA for legal consideration. Nearly 8.5 million acres of forest land claims arrived at the FDA, some overlapping others [or] covering up to 800,000 acres of land for a community. This situation far outreaches the FDA mandate to manage tenure issues in these forest areas and the issue was forwarded to the Governance Reform Committee, where the national issue of land tenure and access rights is being addressed.

Currently the legal status of the forest is recognized as the government holding in trust the forest resources for the republic for the greater good of the population. There are 11 National Forests, one national Park, and one Strict Nature reserve.

The FDA has taken a strict policy to not issue land use activities (neither commercial, community nor conservation) without first establishing that there are no prior land tenure claims in the area, or that the local population does not agree with the land use activity. To these ends the FDA has a substantial field vetting process defined in the forestry law and regulations. This process is described in the section on Additional Issues in the sub-section called Decision Making Process.

However, the issue of customary and statutory ownership remains unclear. The FDA will work with communities, civil society organizations and within the government to clarify the issue of customary tenure and access rights over the coming 6 months and propose a law to the legislature for the establishment and management of these rights.

*Source: FDA (2007). National Forest Management Strategy*

Despite the agreement that a law to respond to community rights over forestry would be passed within one year of the NFRL, in the event the CRL was not finalised and passed until 2009, and the regulations were not finalised until June 2011. In the intervening period (i.e.

---

<sup>1</sup> The scale of the land tenure challenges meant that they were also beyond the scope of the Governance Commission, and a dedicated agency, the Land Commission, was established in 2009.



following the passage of the NFRL and lifting of sanctions), over 1million ha of forest was allocated as FMC and TSC concessions with these considered to be state-owned land, i.e. there was no recognition of private or community land title. However the issuance of large numbers of Private Use Permits (in 2010-2011) indicated a different approach to recognition of title in establishing forest concessions. The FDA and MoLME were recognising community land deeds as private land. This runs counter to the legal framework, which clearly states that any community land would be subject to the provisions of the CRL. It does however represent the recognition that the areas in question are not owned by the state. In some areas, PUPs were allocated overlapping with existing FMC concessions, creating uncertainty over the status of existing concessions.

In 2009, a dedicated government agency, the Land Commission, was established to look at the issues of land policy and recommend ways forward. The Land Commission has recently (January 2013) published a draft land policy, which is currently undergoing public consultations across Liberia. This draft policy aims to set out the various land classes in Liberia, as a first step in overhauling the complex and outdated legislative frameworks for land tenure. It is hoped that the policy will be finalised by June 2013, at which point drafting of legislation to enact the policy would begin. In addition to its policy-making role, the Land Commission has been requested to engage on a number of specific cases where there are major concerns over resolving tenure claims. For example, the Land Commission conducted a review of PUPs, and has been involved in trying to resolve community land claims relating to the Sime Darby oil palm concession in north-west Liberia. The Land Commission and Ministry of Gender & Development are also collaborating on initiatives to improve women's access to land.

### ***3.3 COORDINATION WITH OTHER LAWS AND POLICIES***

---

#### **3.3.1 Mechanisms for coordinating cross-sectoral concerns**

The responsibilities for coordination between different sectors have been located within the **Ministry of Planning & Economic Affairs (MoPEA)**, which has a focal point for each sector working within the Ministry to support planning functions and monitor activities within each sector. The structure of the Ministry has been under review for some time, pending an expected merger with the Ministry of Finance, to create a Ministry of Finance & Economic Planning.

Inter-sectoral coordination relating to environmental protection is tasked to the **National Environmental Policy Council of Liberia**, which is established under the EPA Act (2002). Its functions state that it shall: *"promote cooperation among line Ministries, local authorities, the private sector, non-governmental organisations engaged in environmental protection programs and the public"* (Section 8, 1, c of the EPA Act 2002). The Policy Council is intended to meet at least annually, and is chaired by a Minister (to be identified by the President) and includes approximately 33 members representing various government agencies and non-governmental stakeholder groups. Currently the Policy Council is chaired by the Minister of Lands, Mines and Energy.

Land use planning more broadly is the joint responsibility of the **EPA** and line ministries, under the terms of the EPML. On this basis, the EPA should be well positioned to facilitate land use planning between sectors as well as within the specific area of interest of each line ministry. Currently the EPA Board is chaired by the Minister of Planning & Economic Affairs, in

recognition of the important link between economic planning and sustainability of natural resources.<sup>2</sup>

The responsibility for ensuring sustainable use of forest resources is attributed both to the FDA, through the NFRL, and the EPA, through the EPML. These agencies are also, under the legal framework, expected to collaborate to ensure effective land use planning and implementation of management strategies to integrate competing demands and ensure sustainable use of resources. In recognition of the shared responsibility for sustainable management of the nation's forests, in 2007 the FDA and EPA concluded an MOU, which included the following commitment:

*“The FDA and the EPA agree to work in collaboration to fulfil overlapping or complementary duties and obligations assigned by law or regulation to both agencies, or where it may be environmentally advantageous for the two agencies to collaborate to fulfil such duties.”*

Data collection and management is the responsibility of LISGIS, the government agency for statistical information and GIS. These functions were formerly carried out by a department within Ministry of Planning & Economic Affairs, but as the role and capabilities were greatly expanded, LISGIS was formed as a semi-autonomous agency. It retains a strong link with the Ministry.

### 3.3.2 Important cross-sectoral laws, policies and plans

The overarching vision for development in Liberia was framed into the Poverty Reduction Strategy, which covered the period from 2008-2011. New medium and long term development frameworks are currently under development and expected to be finalised this year. The frameworks are structured into four pillars, each comprising a number of sectors that will contribute to the realisation of the pillar goals. For each sector, a government agency is designated as lead, and is responsible for finalising the sector targets within the framework and ensuring effective implementation. FDA is lead agency for the “Forestry – Development and Protection” chapter which falls under the pillar of “Economic Transformation”. There is also “Environment” chapter under the “Cross-cutting” section that cuts across all pillars, which is the responsibility of EPA.

- The long term framework, titled “**Vision 2030: Liberia Rising**” sets out strategies aimed at generating sustained economic growth, with the aim of reductions in poverty, improvements in social development indicators (e.g. health, education, life expectancy) and Liberia reaching middle-income country status within the next twenty years. The effective use of natural resources to drive sustained and broad economic growth (“Economic Transformation”) is an important part of the strategy.
- Within the medium term, the first five year strategy under the Vision 2030 has been titled the “**Agenda for Transformation**”. This sets out a strategy for government agencies over the period 2013-2018. The Agenda is being developed through multiple rounds of public consultations, and draws on inputs from a range of stakeholders.

The overall process for developing the medium- and long-term development frameworks is being overseen and coordinated by the MoF and MoPEA. Once finalised, the Agenda will be

---

<sup>2</sup> Land use planning is also recognised as a focus area for REDD+ readiness under the FCPF support. The EPA acts as co-chair of the REDD+ Technical Working Group which will oversee the REDD+ Readiness activities.

used in determining government budgets, and implementation will be closely monitored to ensure progress. The responsibility for monitoring implementation will rest with a dedicated unit, the Liberia Development Alliance (LDA) which reports to the Minister of Finance. This means that, for example, the FDA budget for each of the next five years will be determined with reference to the Agenda for Transformation, and FDA's performance in meeting the targets set out in the "Forestry" chapter.

An important element of the national development policy is a commitment to pursue decentralisation, through the **National Strategy for Decentralisation and Local Governance (2009)**. This process is being coordinated by the Governance Commission, which provides support and training for Sector Decentralisation Analysts / Consultants embedded within different line Ministries and Agencies. Implementation is ultimately the responsibility of these line Ministries and Agencies, and progress has been uneven. The Ministry of Agriculture has taken significant steps to build capacity across the country and decentralise decision-making to county level offices. With the FDA, it is not clear that there has yet been much discussion of how to decentralise the Authority. There is recognition that effectively delivering decentralised governance will require capacity building and transfer of knowledge and resources outside central government. As stated in the R-PP, the process of decentralisation means that the implementation of REDD+ in Liberia would require capacity at national and sub-national levels, working in a coordinated manner to identify and maintain programmes for REDD+.

### **3.4 GOVERNMENT INSTITUTIONS**

---

#### **3.4.1 Dedicated to forest management or protection**

The government authority for the management and protection of forest resources is the FDA. The FDA was established in 1976 with this remit, which is repeated in the NFRL. The FDA currently has approximately 500 staff, with the central management team based in Monrovia, and a network of district offices across the country. Policies are determined at the central offices and the field offices are mainly focused on implementation, monitoring and enforcement. FDA maintains a presence at road checkpoints to monitor movements of timber and forest products around the country, issue waybills and collect certain revenues. There is also some FDA presence maintained in/around commercial logging concessions, to oversee the activities of the LiberFor chain of custody system implemented by SGS. The FDA various field teams are managed from Monrovia, reporting to managers within the various Departments (Commercial, Community, Conservation, Research & Development) as well as Law Enforcement Officers reporting to the Law Enforcement Unit. In many instances, staff will travel from Monrovia to work with field teams in performing their duties. This institutional arrangement was established in 2007 as part of the reform of the forestry sector and the FDA.

There is some element of overlap between the FDA, as the government agency responsible for managing the forests, and the EPA, which has a wide remit focused on environmental protection and sustainable use of resources. In 2007, the FDA and EPA established a Memorandum of Understanding (MOU) for coordination on managing forest resources. However it is not clear how the MOU is expected to be operationalized. The FDA has greater presence outside of Monrovia, including a larger fleet of vehicles for travelling to forested areas. However it is important that the input from the EPA is not lost. The FDA has a potential conflict of interest in forest protection, given its role in facilitating commercial forestry and revenue generation from forest resources. It is therefore particularly important that the EPA, which does not have a role in encouraging revenue generation from the sector, is involved in overseeing sustainable forest management.

There is need for checks and balances in managing the forestry sector, to ensure that implementation of regulations is being carried out effectively and that monitoring systems are in place to verify this. At present, the relationship/ reporting lines between different departments in FDA is not always clear. These issues will be considered as part of implementation of the VPA, which will establish systems to verify that commercial activities are regulated in accordance with Liberian law.

### **3.4.2 Influencing forest management or protection**

The FDA is overseen by the FDA Board, whose membership is defined in the FDA Act (1976). The Board includes a number of Ministers, and is chaired by the Minister of Agriculture. The intention of this structure was to provide a mechanism for coordination and oversight from different sectors, without management of the forests falling directly under the remit of a ministry whose primary focus may be revenue generation or agricultural development (for example). However the recent special investigation into the issuance of PUPs identified significant weaknesses of the FDA Board in its ability to oversee the activities of the FDA day to day. Having a Board which is comprised of multiple over-stretched ministers, whose main focus is on their own sector, meant that many Board meetings were poorly attended and Board members were not able to follow what was happening at FDA in any detail. This governance structure therefore provides considerable flexibility to the FDA management team in directing the activities of the organisation and oversight has been limited. There is currently some discussion as to whether the FDA Board in its current configuration is the most effective mechanism for ensuring good governance in the forestry sector, and the President is reportedly considering alternative options.

Directly relevant to the implementation of REDD+ in Liberia is the establishment of the National Climate Change Steering Committee (NCCSC) which was launched by the President in 2010. The NCCSC is chaired by the Minister of Planning & Economic Affairs, with the President ex-officio, and comprises a number of representatives of government ministries and agencies, civil society organisations, academic institutions and international partners. However the NCCSC has not met for a number of months and its current status is unclear.

The range of additional institutions which may influence sustainable management of the forests in Liberia includes a wide range of ministries and agencies. The wide coverage of forests across the country means that many of the areas targeted for agricultural expansion or mining activities are currently forest (either intact or degraded) and would therefore have been taken into account by the FDA in its identification of areas for commercial, community or conservation forestry. The mechanisms for coordination between different sectors are unclear and do not appear to be functioning effectively, as evidenced by widespread overlap of concessions issued by different ministries. There do not appear to be clear processes in place at any sector ministry or agency for land use planning over the medium or long term, making it extremely challenging to manage forest areas over time. The EPA has some formalised role in identifying and mitigating the environmental impacts of initiatives, and can therefore help to promote forest protection across different sectors. However there does not appear to be a formal role for consultation with the EPA in the sector ministries and agencies initiating projects in their sector. In the case of concessions (e.g. for mining or agriculture), the EPA is often not involved until after a concession has been identified, tendered and allocated to a private sector operator, when they are brought in to support the ESIA process. This means that the EPA's role becomes one of mitigating impacts on forests, rather than being able to re-orient or reject proposals which will result in considerable damage or loss of forest.

The process of decentralisation that is currently ongoing in Liberia (coordinated by the Governance Commission) widens the scope of actors that will be involved in influencing the management of forests. The intention is that County Development Councils and District Development Councils will play a major role in determining the path for development in their area, which is likely to impact directly on the use of land for buildings, infrastructure and activities such as mining or agriculture and may lead to loss of forest. These Development Councils will include local level representatives from a number of different Ministries/Agencies as well as elected representatives and non-government stakeholders. They offer new challenges and opportunities to sustainable management of forest resources.

### **3.5 THE FOREST ECONOMY**

---

#### **3.5.1 Sources of economic activity**

The forest economy is extremely important across Liberia, particularly in the rural areas. Forests cover almost over 40% of Liberian territory and many communities are dependent on timber and non-timber forest products, both for use within the community and for domestic and international trade.

The production of **timber for export** is carried out at industrial scale in two main regions of the country: the south east (e.g. Grand Bassa, Sinoe, River Cess, Grand Gedeh) and north (e.g. Lofa, Gbarpolu, Grand Cape Mount). Industrial-scale production is focused on the export market, and the majority of timber is exported as round logs. Major markets include China, India, and to a lesser extent Europe. Commercial timber production was carried out in very high levels in the 1980s, and again from the late 1990s until UN sanctions were imposed in 2003. During this period, logging activities were carried out at unsustainable levels of harvesting and considerable revenues were generated. However, various studies have identified that logging prior to 2003 was characterised by poor governance, corruption and financial mismanagement. There was no transparency regarding revenues generated from the sector, but analysis of volumes of timber from Liberia reported by importing countries, and the Concession Review process in 2004, indicated millions of dollars in unpaid taxes. Any revenues collected were held by individuals or central government and benefits were not shared with communities. Following the reform process and lifting of sanctions, timber exports have been slow to resume. The revenues received by the government are recorded in the LiberFor chain of custody system and verified by the Liberia Extractive Industries Transparency Initiative (LEITI) reporting mechanism. However the low levels of commercial logging activity mean that revenues are very low compared to original FDA projections. Many concessions have not paid the area-based fees stated in their concession agreements (land rental and/or annual bid premiums). There have also been problems identified in the operation of the benefit sharing mechanisms which are described in the NFRL and regulations.

The **domestic timber market** is supplied by chainsaw operators whose operations have been largely unregulated. A Chainsaw Regulation has been developed although it is unclear when it will be implemented. Domestic production and consumption is estimated to exceed timber exports, a situation which is particularly acute at present, due to both the low levels of timber exports and industrial scale operations, and to a building boom as the country continues its reconstruction, which have increased domestic demand. The domestic sector is a major source of employment, particularly in rural areas. The networks of chainsaw operators, traders and domestic timber dealers are estimated by the Liberia Chainsaw & Timber Dealers Union (LICSATDUN) to number over 15,000 across Liberia. In addition, each team of chainsaw operators will be supported by crews of cooks and transport workers, so the wider employment of the sector is very significant.



The production and sale of **charcoal** is another major source of employment, and of loss of forest cover. The vast majority of the Liberian population is dependent on charcoal as a source of energy for cooking. At the time of the 2008 census, an estimated 85% of households were dependent on charcoal, and a study in 2010 estimated that 4million bags of charcoal per annum are consumed in Monrovia alone. The National Charcoal Union of Liberia (NACUL) estimates that over 10,000 people are involved in production and trade of charcoal, representing a significant source of livelihoods across the country. Despite the significance of the charcoal sector, it is currently not formalised or regulated, although there is dialogue on this issue between FDA and NACUL. The FDA has negotiated with charcoal producers to introduce a levy on sacks of charcoal being moved around the country (particularly the large volumes transported into Monrovia) but enforcement is weak, and there are reports of corruption in the collection mechanisms.

There is some interest in the harvesting and trade of **non-timber forest products (NTFPs)**, which could offer sources of economic activity from forests without loss of forest cover. A number of community forestry and conservation projects have focused on identifying NTFPs and exploiting these as a source of income and employment. There are several large programmes starting in the agricultural sector focusing on tree crops and improving market linkages to boost trade in these commodities. These tree crop programmes are focused on smallholders and will initially target rehabilitation or replanting of existing stands, but as the situation in relation to land tenure in rural areas is clarified, it is likely that this will expand into new areas.

There is a significant trade in **bushmeat** to supply to domestic market and potentially other countries in the sub-region, but concern has been expressed by a number of conservation organisations that the levels of bushmeat being captured and consumed pose risk to the survival of a number of rare and endangered species.

### 3.5.2 Access to Timber Resources and Benefits

The rights to access resources and the sharing of benefits generated are framed into various different sets of legislation, including laws, regulations and concession agreements. Access to resources and distribution of benefits were drivers of the civil conflict in Liberia, and the various reforms to improve transparency and ensure equitable access to resources and benefits are still ongoing.

For **commercial concessions on state-owned land**, the concession holder negotiates the terms of access and benefits directly with GoL. The negotiations are led by an Inter-Ministerial Concession Committee (IMCC), which includes the line Ministry/agency, MoPEA, MoF, MoJ, and is led by the National Investment Commission (NIC). Once agreed, the concession agreements are scrutinised and ratified by the Legislature. Throughout the period of operations, concessions are subject to monitoring by the line Ministry, EPA, and by a new agency that is being established specifically for this purpose: the National Bureau of Concessions (NBC). All payments from concessions are payable into the Central Bank of Liberia and are monitored and reported through LEITI. The terms vary between different sectors and sometimes on contracts within the same sector (e.g. Minerals Development Agreements may contain different fiscal provisions). Certain benefits are retained by the central government, where they are allocated through the national budget to support provision of services and national development projects. Other forms of benefit may be paid directly to county or community level, with governance structures established to oversee the use of these funds.

For commercial **forestry concessions on state land** (FMC and TSC contracts) the terms are framed into the NFRL, Ten Core Regulations and the concession agreements. Rights and responsibilities relating to communities are also framed into a separate Social Agreement that is negotiated between the operator, FDA and the community, which is represented by a Community Forestry Development Committee (CFDC) that is established for this purpose<sup>3</sup>. In exchange for access for commercial harvesting, the operator is required to meet the following requirements:

- Payment of annual land rental, fixed at US\$2.50/ha for FMC concessions and US\$1.25/ha for TSC concessions. The full amount is paid to the Central Bank of Liberia, and is then allocated 40% to central GoL; 30% to county funds; 30% to affected communities through the National Benefit Sharing Trust (NBST). The NBST has been established by regulation and met during 2011 and 2012. However, recently the concern has been raised that funds that should have been allocated to the NBST are not in the correct account and it is not clear where these funds have gone.
- Payment of a bid premium, which is stipulated in concession agreements as an annual payment per ha of the concession area, at a level proposed by the operator. It was determined by MoF and FDA that the bid premium should be considered as a contract-related fee, and not a land rental fee (the latter being subject to the 40/30/30 split outlined above). As such, 100% of bid premiums are retained by central government. There has been significant non-payment of bid premiums and a debate in the Legislature to cancel this as an annual payment and render it a one-off payment. This change would have significant implications both for GoL revenue and for the integrity of the bidding process.
- Production-based (stumpage) fee and export fee, which are calculated as a percentage of the value of exported timber (various categories exist based on tree species, whether from natural forest or plantation, and the level of processing of the timber prior to export). These revenues are currently calculated through the LiberFor chain of custody system, paid to the Central Bank and retained by central government.
- An additional US\$1.50/m<sup>3</sup> production levy, which is paid by operators directly to the CFDCs in the concession area. These funds are stipulated in the Social Agreement.

For **forestry concessions on non-state land**, the terms of access and benefits should be determined between landowner(s) and operators. Commercial logging activities are permitted on private land (under a PUP according to the NFRL and forthcoming PUP regulations) or on community land (under the CRL and CRL regulations).

- For private land, there is currently no stipulation of the benefits in terms of land rental or production-based fees which are due to the landowner. However this should be addressed in the PUP regulations which are currently under development, in order to establish minimum levels of benefits due to the owner of the resource and protect them from possible exploitation by logging operators.
- For community land, the CRL mandates the FDA to set out minimum standards on a range of issues and provide support to CFMBs in developing forest management agreements. The land rental fees for areas of community forest are charged at the same rate as for FMC & TSC contracts (dependent on the size of the land area), and are allocated 55% to communities and 45% to central government. Bid premiums are negotiated directly with, and paid in full, to communities. The levels of stumpage and

---

<sup>3</sup> Community Forestry Development Committees (CFDCs) are established to represent “affected communities” in relation to FMC and TSC concessions, i.e. communities inside or within 3km of the concession boundary. In areas where there are no FMC or TSC concessions, there are no CFDCs.



export taxes are the same as for FMC & TSCs, and payable directly to government. A production levy payable to communities is not covered in the regulations and should be negotiated directly with operators. The minimum standards established by the FDA should set out the minimum levels of benefits due to avoid potential exploitation of communities.

For mining concessions, the agreements do not include the right to benefit commercially from the timber on the concession area, although where felling activities are needed, the timber may be used for construction (e.g. bridges) within the concession area or donated to local communities. For agricultural concessions, where timber is produced from clearing natural forest, the expectation is that it will be used as for mining concessions, although there is some provision for "excess timber" to be sold "in accordance with applicable Law" with the profits divided equally between GoL and the concession holder (e.g. Golden Veroleum concession Article 4.4 (f)). Where timber coming from agricultural concessions is from trees planted by a concession holder (e.g. rubber plantations), these are considered to be an agricultural by-product and outside the scope of regulatory authority of the FDA. Having sources of timber which are not subject to regulation by FDA will present difficulties for implementation of the VPA and so will be further discussed by MoA and FDA.

### **3.5.3 Access to Non-Timber Resources and Benefits**

The rights and responsibilities for communities to access forestry concession areas are framed into the concession agreements and social agreements. In addition, the FDA is considering developing an additional regulation on third party access to concession areas, to further clarify community rights of access for various purposes, including for access to water collection points and for harvesting of NTFPs, as well as access to forested areas for cultural purposes.

There is currently no legal framework for identification or trade of carbon credits in Liberia. It is expected that such legislation will be developed, possibly led by the EPA. However the GoL has already awarded carbon rights over significant areas of land, through including these rights into agricultural concession agreements. Two large oil palm concession agreements, concluded in 2009, grant exclusive rights over any carbon credits across the entire area of the concessions. This has recently been recognised as a potential area of concern, with MoF apparently concerned about significant potential loss of revenue to government due to the lack of fiscal provisions for a trade in carbon credits. In addition, the lack of a legal framework means that there is currently no mechanism for sharing of benefits from carbon trade with communities in the affected area. It has previously been proposed that the NBST could be used for sharing of benefits under REDD+ or carbon trading scheme. However the current challenges in ensuring that funds are received by the communities mean that this system would need substantial support before it can be used with confidence for distribution of benefits.

## 4 IMPLEMENTATION, ENFORCEMENT AND COMPLIANCE

---

**This section provides information about the capacity of government to enforce laws, through monitoring activities in the forestry sector and the mechanisms for follow up or enforcing sanctions. It also sets out some of the measures in place to prevent corruption or non-enforcement of laws.**

### 4.1 GOVERNMENT CAPACITY

---

#### 4.1.1 General capacity of relevant agencies

In general, the capacity of GoL agencies is weak, and suffers from limited resources and capacity. The country is still rebuilding after approximately 14 years of civil conflict, which devastated infrastructure and severely disrupted education systems. Many trained staff were killed or fled overseas and have been slow to return to Liberia. The country is classed as low income and despite steady economic growth over the past 10 years, government budgets are constrained and very limited compared to the scale of investment required. The majority of agencies identify that they lack the necessary equipment to carry out their role effectively, and lack trained staff to carry out a range of functions.

Government institutions have traditionally been run in a very “top down” manner, with decision-making concentrated at the level of ministers and deputy ministers. There are efforts ongoing to try to decentralise authority, for example in the Ministry of Agriculture which has established county offices in each county as well as sub-offices and regional centres. However; most ministries/agencies remain very reliant on a small number of senior staff to make all decisions. This results in significant challenges to the effective running of organisations, as they are reliant on a few extremely busy and often overstretched individuals. It also creates opportunities for poor governance where oversight is limited. This was demonstrated in the investigation into issuance of PUPs, where the FDA Board was failing to provide adequate oversight of the activities of FDA management team. The Board includes five ministers, many of whom did not attend meetings as they were fully occupied with their responsibilities in their own ministry as well as being a member of multiple inter-ministerial boards and committees.

#### 4.1.2 Information management

There is limited infrastructure for information management in most government institutions, and limited capacity of staff to support effective management of information.

In the FDA, information management is poor. It is often very difficult to identify hard copies of documents, and digital storage may be compromised by computer viruses and poor filing. The situation became markedly more difficult when FDA moved offices back to the present location in Whein Town in January 2011. Currently these offices lack sufficient space for all FDA staff based there and many people are sharing desks or seated outside in dry weather. There has been no space to unpack and organise the many documents (including laws, concession agreements, etc.), so the majority of these are still packed in boxes within the FDA buildings. A new project, funded by the FAO, is starting in 2013 which will support improvements to information management at the FDA. This project will help create the infrastructure (IT systems and library) at the FDA to support information management, as well as offering training for staff on these issues.

### 4.1.3 Ability to monitor forests

The FDA and EPA are particularly constrained in the resources available to them, given that they are expected to fulfil a range of activities across the country. Both lack sufficient vehicles and equipment to carry out monitoring in the forest (although FDA has markedly increased its vehicle fleet in the past 1-2 years) and have limited numbers of staff with the necessary skills and expertise. The reach of FDA across the country is improving, with officers in many districts, although these often have minimal transport or communications resources which limit their ability to monitor activities in the forest or communicate their findings back to headquarters. EPA has very little presence outside Monrovia. The FDA and EPA signed an MOU in 2007 to coordinate their activities in ensuring proper management and monitoring of the forests. For example, there is an EIA Division within FDA Commercial Department which is able to cooperate closely with the EPA teams responsible for ESIA processes.

The FDA and EPA teams are both in need of training, to increase the number of qualified staff able to conduct monitoring in the field, and to ensure that their skills are updated and relevant to the required tasks. The current operator of the LiberFor chain of custody system, SGS, has provided some training for FDA staff to enable them to monitor the operations of concession holders as they relate to the chain of custody system. It is not clear how the process of decentralisation will affect FDA or EPA, and what plans they are developing to move towards a more decentralised structure for operations and decision-making. At present, although they have varying levels of reach across the country, this is often reliant on teams directed by (and often accompanied by) personnel from headquarters in Monrovia. As other GoL institutions decentralise and more planning decisions are taken at county level, it's important that FDA and EPA have the capacity to engage in these discussions.

### 4.1.4 Revenue collection systems

The revenues generated from timber and other forest products are collected by a number of mechanisms. Revenues are levied on products being produced or traded at commercial volumes, and are not charged for forest resources being used by local communities that are dependent on the forest. Mining and agricultural concessions do not include provision for collection of timber or forest product revenues, as under the terms of the concession agreement, the concession holder is not generally permitted to use the timber for commercial purposes.

- The collection of area-based fees related to commercial logging concessions, and stumpage taxes and export fees are all tracked by the LiberFor chain of custody system. The data held in the chain of custody system is used to generate invoices for the amount of stumpage and export charges due, which are calculated based on the volume, species, source and level of processing of the timber in question. All revenues have to be paid directly to the **Central Bank of Liberia**, and are verified by **MoF, FDA and the LiberFor system** before the timber can be exported. The determination that all such revenues should be collected by MoF and paid directly to the Central Bank, and not collected by the FDA or its agents, was framed into Executive Order No.2, which was passed by the National Transitional Government of Liberia (NTGL) in 2003.
- The FDA has staff posted to **checkpoints** across the country who are able to monitor and collect revenue from commercial activities targeting the domestic market. The two major sources of revenue are fees levied on chainsaw timber, which is used to supply the domestic timber market, and charcoal. A fixed rate of US \$2/bag is levied on all charcoal for those transporting more than four bags.

- There is currently no framework for collection of revenues for potential emission reductions from REDD+. The existing concession agreements for two large oil palm concessions grant exclusive carbon rights to the concession holders, and concern has recently been raised about the potential loss of GoL revenue if there is no fiscal regime in place for trade in carbon.

#### **4.1.5 Working according to plan**

In the forestry sector, some aspects of the legal framework are clearly defined. Regulations tend to be drafted to include quite prescriptive procedures to set out who is responsible and how certain activities should be carried out. However; many of these should be backed by clear operational guidelines that provide detailed information about the frequency/timeframe and process for conducting certain regulatory activities. These procedures are often lacking or unclear. A recent project to support aspects of VPA implementation, which was focusing on legality verification for the purposes of FLEGT licensing, identified the need to support FDA and other government institutions to elaborate their operating procedures. The VPA will verify that procedures are being followed, and so these need to be clearly stated so that there is something in place to audit against. Other elements of the regulatory framework are confused or lacking in details, and so the absence of detailed operational procedures is even more problematic.

There have been many incidences reported where the activities of government institutions do not seem to have followed the expected plan. For example, a report published by SDI (titled “Liberia: the promise betrayed”) set out a number of concerns with how the concession allocation process had been carried out for FMC and TSC concessions. The recent special investigation into issuance of PUPs identified a number of areas where expected regulatory checks and balances had been bypassed.

When developing procedures, it is important to consider what the process is trying to achieve, and which elements need to follow an arranged process to achieve that. For example in the negotiation of Social Agreements relating to forest concessions, clearer guidelines on how the process should be managed, and minimum limits for discussion with communities, could be put in place to help ensure a successful negotiation. A procedure may also set out the different aspects that should be reflected in a Social Agreement: e.g. employment, access for harvesting of NTFPs, financial benefits to the community, etc. This is different to creating a detailed template for the Social Agreement itself, which should be the product of the negotiation process, and not something which has already been defined.

## ***4.2 LAW ENFORCEMENT IN FORESTRY SECTOR***

---

### **4.2.1 Prevention, detection and suppression of forest crime**

The FDA uses its field staff to help monitor activities in forested areas across the country and to detect forest crime. There is a dedicated Law Enforcement Unit within the FDA, which is envisaged to have law enforcement officers in each of the fifteen counties. However; at present, there are only law enforcement officers in four counties, supported by a small team based in FDA headquarters. The Unit as a whole has very limited transport (cars, motorbikes) and communications (mobile phone credit or internet access) resources. The intention is that in the case of any suspected illegal activities, the FDA will be alerted, and the Law Enforcement Unit will investigate and report back to FDA management team, so that further action (by FDA, or referral to Ministry of Justice for prosecution) can be taken. In practice, it may be that other teams within the FDA will investigate (e.g. Commercial Department has sometimes investigated possible illegal activities relating to concessions), as they are already in the area,

although there is possibility for conflicts of interest to arise, and a lack of check & balances within the FDA in these cases. In terms of how cases are dealt with, the existing forestry laws and regulations set out instances when a possible crime should be reported to MoJ for possible prosecution. In practice, FDA has generally dealt with crimes through issuing administrative fines, and only referred cases to MoJ where other government institutions may be implicated (as in the recent case of timber exported without an export permit, where customs and port officials may have been aware of the shipment being made).

The collaboration between FDA and law enforcement agencies (e.g. the Liberia National Police) is limited. Although there is willingness on both sides to work towards closer collaboration, at present there is very limited understanding amongst police officers of what is in the forestry laws, which means that their ability to detect or report possible illegal activities is also limited.

#### **4.2.2 Cooperation with judges and prosecutors**

The court system in Liberia has limited capacity and is often over-stretched. Some cases can take time to reach the courts, and it is not always clear that the judges have a full understanding of the relevant sector legislation. Partly for these reasons, there are various efforts being made to resolve land cases through Alternative Dispute Resolution (ADR) processes, as an alternative to going through the formal court mechanisms (see also section 4.3.2).

For all cases where the GoL may need to prosecute for violation of the forest laws, the matters are referred to the Ministry of Justice (MoJ). By law, the MoJ represents all GoL institutions in court cases. There are very few instances where this referral has taken place. In the recent controversy over the issuance of PUPs, there seemed to be some confusion about the role of the MoJ, and some of its findings and legal advice were confused. In one case in front of the Supreme Court, the FDA legal adviser represented the GoL and it did not seem that MoJ had been fully informed about the upcoming case.

Another surprising feature of the recent controversy over PUPs has been the rapid and repeated involvement of the Supreme Court. As the highest court, it would usually be expected that this would be the last stage of a legal process, but a number of challenges have progressed directly to this level without passing through district or county courts.

### **4.3 ADMINISTRATION OF LAND TENURE**

---

#### **4.3.1 Documentation of property ownership and rights**

The basis of land ownership in Liberia has traditionally been the need for a written deed. Although at local level, communities will often have a clear agreement on the boundaries and ownership of land around their community, the recognition of these systems has been weak and required legal documentation to be put in place in order for the claim to be recognised. The underlying principle behind land tenure has been that all land is owned by the state and held in trust for the benefit of the people, except where alternate title can be demonstrated. This is the stance that is reflected in the Constitution and many other items of legislation. There are still many people in Liberia, including many government officials, that regard recognition of customary tenure as being against the interests of the country as a whole.

In the case of **private land**, ownership is demonstrated by means of a private land deed, which shows the purchase of land from the state. The document requires the President's signature to demonstrate the initial purchase. Once the transaction is completed, a copy is sent to the Centre for National Documents, Records & Archives (CNDRA) to be recorded in the official

records and has traditionally been recorded in a county level registry. There is currently a moratorium in place for any further sales of state land. There is concern that the records in the CNDRA have been the subject of fraud and corruption during the civil conflict, and that the records are incomplete. The systems for recording deeds and land sales are also weak, and do not include robust checks and balances that could prevent (for example) multiple sales of the same land parcel, or overlapping land sales. For most of Liberia's history, there has been no national land registry and all records were expected to be held at county level. A project is now working with the Land Commission to look at options for establishing a national registry.

At various points during Liberia's history, there has been effort to recognise customary title and land that is owned communally by a community group. In some instances, areas of community land were registered into the name of one individual (a community elder) which, particularly given the population movements caused by the civil conflict, has led to confusion over the intended ownership of the land area. At other times, the systems to recognise customary tenure were weakened, and corrupt elements were able to exploit weaknesses to take ownership of areas of community land. The systems for purchase and registration of private land were not established to take account of existing possible customary claims over an area, and there is therefore considerable potential for overlap of boundaries.

The complexity of the challenges around registration of land, and the agreed need for clear mechanisms to recognise customary title, led to the establishment of the Land Commission (LC) in 2009. The LC has a mandate to develop policy recommendations for how to move forwards on land issues. Currently, a draft land policy is undergoing consultations across Liberia. The policy aims to clarify different categories of land, as the first step to develop legislation about how the different categories would be recognised and recorded. The LC is also discussing how it can establish a GIS unit, that would have capacity to produce cadastral plans and map land ownership.

As a parallel, but distinct, initiative, discussions are underway with the National Bureau of Concessions to develop GIS capacity in that institution and enable mapping of concession areas. Recently a large number of concession overlaps have been identified through research by consultants and NGOs, which may contain conflicting rights and responsibilities for concession holders and could create legal challenges for the government. Currently there is no GoL institution that has a comprehensive map of all concessions issued across the country, meaning that the existing research may be incomplete, and that there is the possibility for further concessions to be allocated on top of existing arrangements. Without the ability to identify existing concessions and help plan for future ones, it will be impossible to identify areas for REDD+ implementation.

#### **4.3.2 Resolution of disputes over land**

There are large numbers of land disputes across Liberia, in both rural and urban areas. In some areas, these disputes have become violent and there is therefore significant attention focused on trying to resolve these disputes swiftly and peacefully.

Traditionally, the court system has been used to settle land disputes. This is partly due to the nature of how land tenure is recognised, which is generally focused on the establishment of legal documentation, and therefore most stakeholders have recognised the need to establish documentation in their favour to resolve the dispute. However; the courts system can be slow and expensive, and can be difficult for rural communities to access. The capacity of court officials can also vary widely, which combined with the complexity of existing legislation in the land sector can make it difficult for individuals to find a satisfactory resolution.



In response to these challenges, combined with the wish to find more satisfactory solutions to land disputes, a number of projects are working on systems for Alternative Dispute Resolution (ADR). These offer an alternative to try to resolve disputes without need for recourse to the court system, and aim to find a mutually agreeable resolution (rather than the court verdict which generally rules in favour of one party over another). The ADR processes may involve participatory mapping exercises to help establish areas of overlapping claims and understand the basis of the claims, to facilitate a resolution that is acceptable to all parties. This method has been used effectively in Nimba county, where the USAID-funded PROSPER project is supporting community forest management.

### **4.3.3 Security of rights and compensation**

The recognition and security of land rights can be highly variable. This is partly a result of the weaknesses in land records and cadastral plans, which make it difficult to verify claims and establish a basis for compensation. Many areas have multiple overlapping claims, and in other areas the lack of community land deeds (as opposed other means to demonstrate claims of ownership) have meant poor recognition of the rights of a group over a particular land area.

The questions over recognition of rights and compensation have been brought most sharply into focus in the areas where large concessions are being established, particularly where these involve significant land use change (e.g. creation of agricultural plantations, or loss of agricultural and forest land for mining activities). The loss of land for farming by communities has emphasised the need for effective compensation mechanisms. In the case of the large oil palm concessions (Sime Darby in north-west Liberia, and Golden Veroleum in the south-east), complaints have been lodged regarding the lack of consultation and compensation for communities living in these areas. The concessions had been established on the basis of being state-owned land, and had not recognised the customary claims in these areas. Following the complaints made by communities, the GoL (through the LC and MIA), working with civil society organisations and community leaders, has made renewed efforts to ensure adequate consultations with communities. It is unclear whether there will be recognition of full ownership, which would require compensation to be paid, although there are reports of instances where communities have been asked to sign paperwork to indicate their agreement to a proposed development, despite not being formally recognised as having a claim to the land.

## **4.4 COOPERATION AND COORDINATION**

---

### **4.4.1 Within and among forest-related agencies**

Within FDA, coordination of the activities of different departments can be limited. In the forest, the different focus of the various departments and divisions means that these will often be working in different areas. For example, staff from the Conservation Department should be working in and around protected areas, rather than being based within logging concessions. However; even at the headquarters level there seems to be limited coordination between the different departments. Whilst there are management team meetings to draw together the various departments and promote more joined up working, this doesn't seem to translate into well-coordinated implementation. Most people describe the different FDA departments as working "in silos", very distinctly from each other, which creates the potential for overlap or clashes. For example, Liberia has made a commitment to place 30% of forested land under some level of conservation protection. It's not clear how this relates to targets for establishing commercial forestry concessions and areas of community forest. It may be that it would be

most effective to help create conservation areas within existing concessions or community forests, but these opportunities don't seem to be being explored at present.

There are mechanisms in place to facilitate coordination between FDA and EPA. In 2007 these organisations signed an MOU to commit to coordinating their activities. While there seems to be good communication between FDA and EPA on certain issues (e.g. the sharing of information for ESIA processes), there is also potential for overlapping or conflicting mandates. The MOU does not contain details on how to operationalize coordination and simply reflects the commitment to work together.

#### **4.4.2 Between forest and non-forest agencies**

The lack of coordination between different institutions, particularly over issues of land use planning, will present a major challenge to REDD+. Currently inter-sectoral coordination is weak, although there are several GoL institutions which could support this. The Ministry of Planning & Economic Affairs (MoPEA) has sector specialists within the Regional Planning Department, who support planning and monitor implementation within the various sectors. However there doesn't seem to be a clear process by which this is used to encourage sectors to coordinate with one another. The targets set out in different sector plans (e.g. forestry, agriculture, mining, energy) don't clearly reflect the possible conflicts and need for trade-off between the different sectors. Several stakeholders reported particular difficulty in engaging with MoA or MoLME in discussions about planning. It seems that these ministries tend to develop plans and then inform other agencies, rather than engaging with any during planning phase, or sharing information about options under consideration. Given their potential impact on the forest, efforts would need to be focused on trying to develop joint planning mechanisms for REDD+ to be successful.

A main focal point for coordination is identified as the Minister of Planning & Economic Affairs, who holds positions on board from a number of government agencies including the EPA and FDA. However, in the case of the FDA Board it seems that the Minister has been unable to fulfil this role effectively, and the Board overall suffered from limited attendance and offered very limited oversight or direction of FDA's activities. The weak capacity in many government institutions, and the tendency for decision-making to be concentrated at the level of ministers/deputy ministers, means that many senior officials are likely to have large numbers of competing demands. For effective coordination between sectors, information-sharing and joint working needs to be established at multiple levels of the organisation, and not rely solely on senior officials.

#### **4.4.3 Between national and local government**

The process of decentralisation provides new challenges and opportunities for inter-sectoral coordination. At county level, the County Superintendent (a member of the Ministry of Internal Affairs) hosts regular coordination meetings to which other government officials working in the county (e.g. from MoA, FDA, MoPEA etc.) are expected to attend. Currently County Superintendents are appointed by the President, but new legislation is being developed to amend these structures, and it is hoped that by 2015 under a new Act, the County Superintendents would be directly elected. They will head a County Development Council, to establish a development agenda through consultations with the local population. The MoPEA will monitor and follow up agreed development plans through a network of County Development Officers and supported by LISGIS teams.

The GoL institutions are aiming to decentralise decision-making, and the Ministry of Agriculture has been one of the first to implement this strategy. District offices have been

established in all counties (with additional sub offices and regional offices in some areas) which will have substantial autonomy to plan and implement activities under an over-arching policy framework. It is possible that coordination at county level may be more effective, as the trade-offs and balances between sectors may be more evident at this level, and the County Development Council may have a clearer understanding of all the different initiatives being considered or implemented in the county.

#### 4.4.4 Across national borders

Liberia is a member of a number of international organisations that aim to facilitate cross-border cooperation and facilitate trade. These include the Economic Community of West African States (ECOWAS) and the Mano River Union (MRU). These also provide a regular forum for discussion of wider issues affecting the sub-region.

In 2009, Liberia and Sierra Leone announced a commitment to the creation of the Greater Gola Trans-boundary Peace Park, covering a large area linking Gola forest reserve in Sierra Leone to Foya and Lofa forests in north-east Liberia. On the Sierra Leone side, the land has been designated as a national park, with certain activities prohibited and funding sources identified to patrol and enforce the restrictions. Work is still ongoing on the Liberian side, partly supported through the World Bank EXPAN and COPAN projects, which have helped to fund community consultations relating to the establishment of protected area status over the area. In 2011, the governments of Liberia and Sierra Leone signed an MOU to reaffirm their commitment to establishing the cross-boundary park, with the FDA identified as the GoL agency responsible for monitoring the park.

Mechanisms for cross-border cooperation are currently under discussion in the Mount Nimba area, where the borders of Liberia, Guinea and Cote d'Ivoire meet. On the Liberian side, the East Nimba Nature Reserve has already been established and there is consideration of extending protected area status over the western part of Nimba. There is a proposal to develop a tri-partite agreement that would connect these with protected areas in the other two countries. At present though, the proposed agreement seems to be focused on a top-down approach to conservation and it is unclear what benefits this could offer for Liberia.

Support is being provided to improve cross-border cooperation for the management of forest resources from a number of projects, including those implemented by conservation NGOs (e.g. BirdLife, the World Chimpanzee Foundation) and the Sustainable & Thriving Environments for West African Regional Development (STEWARD) Program of the US Agency for International Development (USAID) and the US Forest Service.

## 4.5 CONTROLLING CORRUPTION

---

### 4.5.1 Transparency initiatives

There are a number of mutually-reinforcing pieces of legislation to support transparency in Liberia, covering the forestry sector, natural resource governance and wider transparency over government actions.

- The **National Forestry Reform Law** sets out commitments to transparency in the management of the forestry sector. These include commitments to make information available in relation to commercial forestry and the revenues generated from the forestry sector, as well as wider commitments to provide information about the forest estate and the running of the FDA. The majority of the commitments are for activities to be undertaken by the FDA, to *“grant and facilitate free public access to read and to*

*copy all documents and other information in its possession...*" (NFRL Section 18.15); excluding a list of information to be redacted due to commercial or other sensitivities. The FDA has a website which should be used for providing access to information, and also established an "Info Shop" in Congo Town to offer public access to hard copies, facilities for making copies and downloading/printing information stored online. Currently the information held online or in the Info Shop is incomplete and FDA appears to lack capacity to implement its commitments under the NFRL. Nonetheless, the information available represents a marked improvement over the situation prior to the forest sector reform process. The NFRL also places obligations on operators of logging concessions to publicise the revenues they pay to government, by publishing dates and amounts of all payments in the national newspapers (NFRL Section 5.8).

- The **Liberia Extractive Industries Transparency Initiative (LEITI)** Act was passed in 2009, to establish a secretariat and steering committee for Liberia to enter the EITI process. Liberia became the first country in Africa to be fully EITI compliant, and the first anywhere to include forestry and agriculture under the EITI. LEITI focuses on improving transparency and promoting sustainable use of revenues generated from natural resources. Under this process, all revenues paid by operators and received by government are routinely published and reconciled. All concession agreements are also made available at LEITI office and online. In addition, LEITI is currently carrying out an audit of the processes to allocate/award concession agreements to ensure that these processes are in full compliance with Liberian legislation.
- The **Freedom of Information Act** was ratified in 2010 and sets out requirements for all government agencies to improve accessibility of information for the public, both for information that should be pro-actively put into the public domain, and by setting out a process for handling and responding to information requests. It is an important commitment to demonstrating transparency and good governance across all branches of government. The Liberian NGO Centre for Media Studies & Peacebuilding (CEMESP) was involved in developing the FOI Act and lobbying the Legislature for passage of the law. They have since produced a report on implementation of the law, having tested a number of government agencies for their response to different enquiries, and responses coming from different stakeholder groups (e.g. journalist, university student, NGO). In general, understanding of the FOI Act by government institutions appears to be low, and most lack the expertise to fulfil their requirements to publish information or to respond to FOI requests.
- The **Voluntary Partnership Agreement (VPA)** reinforces the provisions for transparency which are set out in the NFRL, LEITI and FOI Act. Under the VPA, a system for verifying the legality of timber will be established and any timber that fails to meet the standard will not be eligible for export or trade. The legal standard includes verification that the operator has complied with their obligations under the NFRL and LEITI. In addition, as part of a wider effort to strengthen forest governance, Annex IX of the VPA sets out information that will be made available to the public, either through regular publication or on request. This Annex is constructed differently to the NFRL or FOI Act, in that it sets out a clear list of the information that will be put in the public domain or is available on request. The other legislation states that all information is public, unless it is classed otherwise (e.g. as commercially sensitive, or should be kept confidential for security reasons or because it may facilitate illegal activities). Constructing the laws in this way may make it difficult for stakeholders to understand what possible sources of information exist, and introduce uncertainty on the part of

government staff as to whether the information can be made public or not. The clear list set out in the VPA allows progress in enacting transparency measures to be monitored, and Global Witness have recently published a report on GoL performance on transparency, by auditing availability of documents against the list in Annex IX of the VPA. The overall findings presented a mixed picture for implementation of transparency measures, with progress on providing access to forest management plans and the draft land tenure policy, but lack of transparency on a number of criteria relating to commercial forestry, particularly where these related to PUPs. The transparency provisions reflected in the VPA will receive support through an upcoming programme of support for VPA implementation.

#### **4.5.2 Use of Codes of Conduct**

The development of a Code of Conduct for members of government has been an objective of the current President for several years. A draft Code of Conduct that would cover the Executive, Legislature and Judiciary was submitted to the Legislature for consideration in 2009, but despite a number of reviews no progress has been made in enacting the law. In January 2012, the President passed an Executive Order (number 38) to establish a Code of Conduct for all members of the Executive, i.e. covering all government ministries and agencies. The Administrative Code of Conduct sets out *“the standard of conduct to guide, regulate and ensure compliance with norms and behaviour required of a public servant”*. All GoL employees have been required to sign a copy of the Code of Conduct to demonstrate that they understand and accept these standards. Any employee found to have broken the Code of Conduct is envisaged to be dealt with under the Civil Service Rules and Procedures. This may include being referred to the Liberia Anti-Corruption Commission (LACC) for further investigation.

There is additional provision in the NFRL to discourage bribery of government officials, by providing that operators offering bribes to GoL staff may have their forest concession agreements terminated by the FDA (NFRL, Section 6.1, item (I)).

#### **4.5.3 Complaints mechanisms and protection for whistleblowers**

Like the development of a Code of Conduct for GoL staff, draft legislation has been submitted to the Legislature to establish a Whistleblower Protection Act, but this has not yet been ratified. An Executive Order (number 22) was passed by the President in 2009 to provide protection for whistleblowers. However; it is believed that awareness of the whistleblower protection order is limited, and given the weak implementation of many aspects of the legislative framework it is unclear whether it could be effectively utilised. There are no clear complaints mechanisms for civil servants, making it unclear where concerns could be raised, or to seek protection from possible retaliation.

#### **4.5.4 Use of safeguards, internal controls, auditing and accounting**

Prior to the forestry sector reform efforts, internal controls and safeguards within the FDA were weak or absent. The institution was characterised by financial mismanagement and corruption, as evidenced by audits and investigations conducted in the period after the CPA was signed. This pattern was common across many GoL institutions. The Governance & Economic Management Assistance Programme (GEMAP) was established in 2006 within a number of GoL institutions including the FDA. This programme provided technical assistance to establish clear procedures, checks and balances for financial management. In the early stages of the programme, all expenditures were managed and authorised by international technical advisers, but controls were returned to the FDA from 2009.

The General Auditing Commission (GAC) was established in 2005 as an autonomous agency reporting directly to the Legislature (replacing a previous General Auditing Office). Its functions are to conduct regular audits of all government institutions (an estimated 85 in total) as well as branches of local government, embassies and diplomatic missions. There are no recent published audits of the FDA, but the GAC was requested by the President (on the recommendation of the FDA Board) to conduct a special audit into the allocation of PUPs during 2010-2011. The GAC conducted a thorough review and identified a number of failings of internal controls and safeguards at FDA.



## 5 PLANNING AND DECISION MAKING

---

**This section focuses on stakeholder participation in planning and decision making in the forestry sector. In order to support effective participation, there need to be mechanisms in place where stakeholders can present and discuss their views. There is also need for transparency and access to information, to ensure that decisions can be made based on all relevant information.**

### 5.1 STAKEHOLDER PARTICIPATION

---

#### 5.1.1 Mechanisms for stakeholder participation

The NFRL sets out commitments to ensure stakeholder participation in the governance of the forestry sector. Section 3.1 of the NFRL, Objectives of Forest Management, states that the FDA shall manage forest resources *“with the participation of and for the benefit of all Liberians”*. In addition, FDA Regulation 101-07 sets out the requirements and process for participation of stakeholders in developing regulations, codes and manuals for management of the forestry sector. A number of mechanisms are established to enable this.

At national level:

- The **Forest Management Advisory Committee (FMAC)** is a multi-stakeholder body established under Section 4.2 of the NFRL. This Committee is required to include 7 – 12 stakeholders representing different interests that can advise the FDA on matters of policy. The FMAC is also required to scrutinise and approve any new regulations developed in the forestry sector before they are submitted to the FDA Board for approval and entry into force. The FMAC has been active in the past but for the past few years, has only met erratically. There seems to have been some confusion about the status of the chainsaw regulation due to the FMAC not having formally approved this. Some stakeholders believe that the regulation has been passed, and it has been published on FDA website, but there do not seem to be any plans for implementation and this seems to be linked to the lack of formal approval by the FMAC.
- The VPA initiative has provided a platform for stakeholder consultation and discussion relating to commercial forestry. During the period of negotiations (March 2009-May 2011) a **VPA Steering Committee** met at least monthly to discuss all issues relevant to the VPA. The Steering Committee included 26 individuals representing various government institutions, the private sector, civil society and communities. Following the conclusion of negotiations, this has been replaced by an Interim Stakeholder Committee. A more permanent forum, the **Multi-Stakeholder Monitoring Committee**, will be established once the VPA has been ratified. The VPA process also provides opportunities for involvement of stakeholders in overseeing implementation. A **Joint Implementation Committee (JIC)**, co-chaired by GoL and the EU, provides the mechanism for high-level oversight of the VPA. In addition to several government agencies being represented, the JIC includes representatives from civil society and the private sector. The VPA is considered a successful model for ensuring stakeholder participation and may provide useful lessons for consultations on REDD+.
- Efforts have been made to establish a **National Forest Forum (NFF)** using a process proposed and resources provided by the FAO. The suggestion is that the NFF could provide a useful forum for dialogue and debate on all issues relevant to the forestry sector, unlike the VPA and REDD+ consultation structures which focus more on

commercial and conservation aspects respectively. The NFF would also be able to include a greater number of representatives than the FMAC, and would be informed and operate in coordination with county-level forums (see below). However; the NFF membership is unclear and it has not met for some time. An upcoming FAO programme (the Forest & Farm Facility) is expected to offer resources to re-start the NFF.

At county and community level, different structures have been established:

- For communities located inside, or within 3km of a commercial logging concession, the FDA is required to facilitate a process to establish a Commercial Forestry Development Committee (CFDC). The requirements for CFDCs are set out in Section 6 of FDA Regulation 105-07. The members of the CFDC must be elected by the community. They are responsible for negotiating the terms of a Social Agreement between concession holders and the community and are able to apply (on behalf of the community) for disbursement of funds from the National Benefit Sharing Trust.
- In communities where areas of community forest are being established, a Community Assembly and Community Forest Management Body (CFMB) will be created. These are elected representatives that develop a community forest management plan and fulfil administrative requirements to establish the area of community forest.
- At county level, through the initiative mentioned above to create the National Forest Forum, a number of **County Forest Forums (CFF)** have been established. Like the NFF, these have not met for some time and their membership is not entirely clear. There is some link between the CFFs and CFDCs, in that CFFs include a representative from CFDCs in the county. The intention is that the CFF will provide a forum for discussing management and use of the forest in the county, including representatives from different stakeholder groups and drawn from all districts in the county. There has already been some work to engage County Superintendents into the CFF initiative. With the process of decentralisation, it is likely that the county level authorities will have more influence over how forested areas are managed and developed, and so it will be important to strengthen this link, to ensure adequate stakeholder participation in forest management at county level.

### 5.1.2 Mechanisms for resolving grievances and conflicts

The mechanisms for lodging, processing and resolving complaints in the forestry sector are not clear. In practice, any complaints would be directed to the Managing Director of the FDA, who would generally be expected to respond either through meetings to understand and resolve issues, or through providing a written response. Where complainants are dissatisfied with the response from the FDA, they may take the matter to the courts.

The recent issues over a moratorium on operation of PUPs demonstrated that the Supreme Court and Legislature seem willing to engage in trying to resolve disputes relating to the forestry sector. In response to the moratorium being issued, in September 2012 a Senate hearing was convened in a matter of days to debate the issue. A case by logging operators was brought to the Supreme Court shortly afterward, and despite not having gone through any other court process, was also heard in a matter of days. In any court cases involving government agencies (e.g. FDA or EPA), the GoL should be represented by the Ministry of Justice.

In relation to the operation of commercial logging concessions, many issues on the ground will be resolved without involving the FDA. Communities are likely to approach concession holders or local authorities directly, and involving the FDA is seen as the next step to escalate concerns if a satisfactory resolution cannot be reached. Where activities are identified that go against the principles established by the community, the issue will initially be raised by the Community Forestry Development Committee (CFDC) which will try to resolve it. If this isn't possible, the Paramount /Clan/ Town Chief will become involved. Only if the issue is still unresolved will local FDA teams be alerted. It is not clear whether the local FDA staff would automatically alert headquarters to an issue, or if this represents another level of escalation.

## **5.2 TRANSPARENCY AND ACCOUNTABILITY**

---

### **5.2.1 Quality & Accessibility of Information about forests**

Section 4.5.1 sets out a number of transparency commitments and initiatives to improve accessibility of information in the forestry sector. The forest sector reform has focused on improving transparency in a sector which has previously had high levels of secrecy, and the achievements have been substantial in terms of enshrining principles of transparency into all laws and policies in the sector.

In practice, access to information remains challenging. A number of the existing commitments are not fully implemented, and FDA struggles to provide comprehensive information about the sector. The existing FDA website and Info Shop (in Congo Town) are missing large elements of the information expected to be provided, e.g. they lack a complete set of laws/regulations or concession agreements. Many of the documents available are outdated, for example the maps available do not show all logging concessions that have been allocated, new protected areas, or CFMAs that have been created. The LEITI runs a website which is more comprehensive than the FDA site on providing access to concession agreements and revenues generated by the forestry sector. This information is however limited to commercial forestry. The intention was that the data within the LiberFor chain of custody system would also be accessible to the public but this has not been the case.

Access to information is weak across all GoL institutions and is partly down to low awareness of the transparency provisions and weak capacity to implement the commitments. The commitments in the NFRL and FOI Act also provide potential for confusion as to what information can be made available. Both documents are based on the premise that all information should be accessible to the public, although certain classes of information may not be released (e.g. they may be commercially sensitive, facilitate illegal activities or security threats, etc.). This introduces subjectivity as to what should be released, and also creates potential anxiety for GoL staff in handling information requests. The Code of Conduct established under Executive Order No. 38 contains a number of provisions relating to the *non*-release of government information and so may encourage public servants to err on the side of caution in order to meet their obligation to adhere to the Code. In the government institutions interviewed, all FOI requests are reviewed by the Minister/Managing Director to determine whether or not information can be released. This referral of requests to over-stretched senior officials may mean that requests are not dealt with in a timely manner.

### **5.2.2 Transparency of legal frameworks and processes**

The commitments to transparency have been most effective in improving access to legislation, particularly recent legislation. However the overall legislative framework remains complex and it can be difficult to trace older legislation. In some instances, the status of older legislation and regulations is unclear (e.g. it is not clearly understood whether certain elements have

been repealed or are still in effect). This is particularly the case for legislation relating to land ownership, which is extremely complex. The work of the Land Commission will propose a new policy framework that is intended to lead ultimately to substantial revisions to the legislation governing land tenure to improve clarity and consistency.

In relation to the forestry sector, elements of the legal framework remain weak. During the period from 2005 to 2009, substantial reforms were carried out, with the passage of two new laws (the NFRL in 2006 and CRL in 2009) and a number of new regulations. Since that time, progress has been very slow, and a number of regulations anticipated under the new laws have still not been completed. This has led to some instances of fraud and lack of information about how the sector is governed. The large numbers of PUPs were issued without any specific regulation to set out procedures, requirements or limits for these permits having been developed, despite a clear statement in the NFRL that a regulation would be developed.

Below the level of laws and regulations, it is expected that standard operating procedures would be developed to establish clarity about how the different requirements will be realised. Unfortunately, for the majority of tasks, these do not seem to have been developed. Although the regulations tend to include a number of key procedural elements and requirements, without further guidance these may not be effectively implemented. It is often unclear precisely which teams within the FDA are responsible for carrying out particular tasks, which makes monitoring performance more challenging, and limits the ability to plan provision of resources effectively. The VPA process has started to work with several departments and divisions within the FDA to develop operating procedures for a number of aspects relating to regulation of commercial forestry activities.

### 5.2.3 Mechanisms for oversight of government agencies

The work of government agencies is overseen by a number of mechanisms. Most of these operate at national level, and it is unclear whether there is effective scrutiny of local government. This is an issue which will presumably be addressed as part of the process of decentralisation.

- The **General Auditing Commission (GAC)** and **Liberia Anti-Corruption Commission (LACC)** have both been established as autonomous agencies that report directly to the Legislature. Their roles are to uphold good financial management in GoL institutions through regular audits, and to carry out a range of activities designed to tackle corruption. Both the GAC and LACC have been praised for their effective work, but face capacity constraints in fulfilling their broad mandates. A weakness has also been identified by some observers, in that both the GAC and LACC lack the authority to follow up their recommendations directly. Any instances of gross misconduct are referred to the MoJ for prosecution, but follow up has been limited.
- Part of the role of the **Legislature** is to provide oversight of the activities of the Executive branch of government, and this is done through regular requests for financial and written reports to be submitted to the Senate and/or House of Representatives. Where there are particular matters of concern, GoL representatives may be summoned to hearings at the Legislature. This has happened recently in relation to concerns raised by communities about the non-disbursement of funds from the National Benefit Sharing Trust.
- The **media** acts as a watchdog of all branches of the government, including both the Executive and Legislature. The media in Liberia is generally free to express its views

and may be highly critical of senior officials. However; the majority of media outlets have connections to certain political parties/ actors, and there is often bias in reporting. There is also weak capacity in the media, so the standards of investigation and reporting are limited. Many reports indicate a low level of understanding of the legal framework or key issues in the sector.

- **Civil society organisations** are often viewed as the main watchdog of government, and several are well-known both nationally and internationally for conducting monitoring activities and producing high-quality reports.

### **5.3 ACTIVITY AND CAPACITY OF NON-STATE ACTORS**

---

#### **5.3.1 Civil society organisations (NGOs)**

There are a number of NGOs operating across Liberia, the majority of which have their headquarters in or around Monrovia. These include both international and national organisations which have interests in how Liberian forests are managed.

Several of the Liberian NGOs have strong skills in monitoring and advocacy, and have played a very important role in identifying governance failures in the forestry sector, such as the links between logging activities and conflict in the early 2000s, or the lack of transparency in issuance of Private Use Permits. For the purposes of developing the REDD+ preparation proposal, some Liberian NGOs have expressed interest in the initiative but emphasised the need to demonstrate commitment to full participation of stakeholders for them to feel comfortable engaging directly.

An **NGO Coalition** was established to support coordination and communication between Liberian NGOs working on natural resources and forestry. This coalition has been an effective network for information sharing and ensuring effective representation of civil society at national level. The capacity of the organisations in the NGO coalition varies, but there have been various efforts by some of the larger organisations to help develop capacity and provide training in relevant skills to other NGOs in the coalition.

In the forestry sector, the main international NGOs with a presence in Liberia are those working on conservation. **Fauna & Flora International (FFI)** is running a number of projects in and around protected areas, and has been involved in trying to establish REDD+ pilot projects in Liberia. FFI has traditionally had a close relationship with the FDA, and for several years the FFI team was based inside FDA offices and helped manage a project to rebuild FDA capacity to be able to manage the forestry sector once sanctions were lifted. **Conservation International (CI)** has also been working in Liberia for a number of years, with the aim of supporting conservation efforts. CI has generally worked less directly with the FDA, and is currently collaborating with some of the large international companies operating in Liberia.

#### **5.3.2 Communities**

The effective management of forests relies on the actions of communities in forested areas. However the existing capacity of communities to understand their rights and responsibilities under the legal framework, or those of government or logging companies, is limited. Literacy levels in rural areas are low, and the spread of information is slow due to the poor infrastructure for transport, telephones, or mass media. A number of projects are being implemented by NGOs and international projects (e.g. PROSPER) to help build the capacity of communities to understand the legal provisions and realise the benefits that they are entitled to.



Community interaction with the FDA is generally managed through a specific structure established by the community: a CFDC in or around commercial logging concessions; or a CFMB for community forest. These structures need substantial support to meet the demanding administrative requirements set out in the laws and regulations, in order to be able to establish the area of community forest or negotiate and receive the benefits from logging activities that they are entitled to. There is some concern that without receiving this support, the communities are vulnerable to manipulation by unscrupulous companies, which may use the communities to gain access to resources through mechanisms that have less government oversight. This appeared to be the case with the PUPs issued during 2010-2011.

### 5.3.3 Capacity of companies operating in the private sector

In order to pre-qualify as a potential commercial logging concession holder, companies were required to demonstrate a level of financial and technical capacity. This process was intended to ensure that the companies working in commercial forestry would have the expertise and resources to carry out sustainable forest management and comply with the required environmental and social obligations. However; a report produced by Liberian NGO the Sustainable Development Institute identified a number of failings in the pre-qualification process for companies bidding for concessions in 2008-2010. As a result, the companies that were able to succeed in the bidding process and were ultimately awarded concessions do not necessarily meet these criteria.

Most of the companies working in the sector have limited financial resources and are dependent on international backers. They may lack experience of managing forest concessions sustainably or complying with international environmental & social standards. The legislative reform in the forestry sector over the past decade has presented significant challenges to companies, as they have had to re-train staff to understand and implement the requirements of the new legislation in the sector.

### 5.3.4 Unions

There are two unions operating in Liberia which are of central importance to the success of any future REDD+ initiative. One of these is the **Liberia Chainsaw & Timber Dealers Union** (LICSATDUN), which estimates its membership at around 15,000 individuals spread across the country. LICSATDUN was established in 2008 and works to raise the profile and understanding of chainsaw logging. It has advocated on behalf of its members for the sector to be formalised and recognised under the legal framework, which is expected to be achieved through the Chainsaw Regulation. LICSATDUN also seeks funding / tries to identify training opportunities that will improve health & safety of workers, and build their understanding of sustainable forest management so that chainsaw logging can be carried out with less damage to the forest.

The other organisation that is particularly important for discussions about REDD+ is the **National Charcoal Union of Liberia** (NACUL). Their membership includes those working along the charcoal supply chain, from producers (mainly men in rural areas), through transport, to traders (the majority of whom are women). Currently the charcoal sector is poorly understood and not recognised under the legislative framework. It is currently unclear which government institution is responsible for regulating production or distribution charcoal, but FDA has made efforts to collect revenues from the sector. The Charcoal Union is aiming to build awareness and help compile information about the charcoal industry in Liberia, in recognition of its importance as a source of livelihood for many thousands of people across the country, the environmental damage being caused at present, and the high dependence of the Liberian population on charcoal as an energy source.



## 6 CONCLUSIONS

---

This report aims to cover a wide range of aspects of governance in the forestry sector. The purpose of the governance diagnostic exercise is to consider challenges for REDD+ implementation, but it is important to set this in the wider context of challenges facing the forestry sector as a whole. Much of the reform process and many of the initiatives in forestry in the past decade have tended to focus on one aspect or another of the sector: e.g. they target commercial logging activities, or aim to establish more protected areas. For the sector to move forwards there needs to be more focus on how to integrate these different aspects into a unified vision for how the forests will be managed. This strategy also needs to take into account the wider development strategy for Liberia, which envisages expansion of agriculture and mining activities, as well as increasingly decentralised decision-making across all branches of government. These dynamics present a number of cross-cutting challenges for the forestry sector, which need to be taken into account in planning activities for REDD+ implementation, or developing a strategy for the forestry sector as a whole.

1. The report highlights a number of instances where there is a significant gap between policy (in the form of sector strategies, regulations, etc.) and implementation. The achievements of the past decade in establishing progressive legal frameworks are significant, but the legacy of the civil conflict in Liberia means that the capacity of most institutions and organisations (both inside and outside government) to implement them is very weak. There is a need for training and skills development, as well as the resources and tools to work effectively. **Any strategies and policies developed in the sector should be ambitious and aim for progress, but equally need to take account of the existing capacity and whether the strategy is realistic to implement.** It is not helpful to have an excellent strategy if it is not clear how it will be possible to implement it, or what steps can be taken in the short or medium term to improve governance in the sector.
2. There is a need to move to better integration of different aspects of the forestry sector, to ensure that the agreed aims of participatory and sustainable forest management can be attained. At present, commercial and conservation forestry have mainly been envisaged as activities on state land, requiring consultation and mechanisms for benefit-sharing, but not always including the full participation of communities. **There needs to be more consideration of how local participation can be strengthened and how the forest areas can be managed through an integrated approach.** This is particularly important given the work of the Land Commission and possible changes in how land ownership is recognised, which may mean that commercial and/or conservation forestry is carried out mainly on community land. It's also important to think about how certain commitments can be most effectively met. For example the commitment to conserve 30% of the forested areas might be extremely challenging to create and sustain through creation of multiple new protected areas. It may prove more cost effective to develop conservation networks through existing concessions. Conservation and commercial activities both require the active participation of communities in the forested areas.
3. Any strategy for management of the forest needs to take into account the pressures put on the forest, many of which are outside the sector and beyond the scope of the FDA. The main factors identified in the REDD+ R-PP as causing deforestation are agricultural expansion, chainsaw logging to supply domestic timber demand, and production of charcoal. **Addressing the factors leading to forest loss means working**

closely with colleagues from agriculture and energy sectors, and those working on domestic market issues, who may already be working on these issues for different reasons. For example, the Ministry of Agriculture is implementing agricultural extension programmes to help farmers move away from slash & burn agriculture and create more stable plots. This can benefit the livelihoods of farmers as well as possibly leading to a decrease in deforestation rates.

4. **The strategy for forest sector governance also needs to look broadly at governance in Liberia.** For example, the discussions around developing and implementing a strategy for forest management across the country needs to take into account the process of decentralisation, where more decisions about development of various sectors will be taken at county rather than national level. Similarly, discussions about how to resolve conflicts and address grievances, or incidences of corruption, need to take into account the capacity of existing structures, and consider whether these are effective for their intended purpose.
5. Readiness for REDD+ implementation is being supported by the Forest Carbon Partnership Facility (FCPF, managed by the World Bank) with a US \$3.6million project starting in early 2013. This grant will provide funding for a range of activities relevant to REDD+ implementation, including support for stakeholder participation at national and local level. While this project has considerable resources, given the scale and range of activities to be undertaken the budget is quite limited. **It is very important to coordinate REDD+ funding with other relevant initiatives, to avoid duplication and ensure that resources are coordinated for maximum impact.** For example, activities in preparation for REDD+ implementation include work on revenue transparency, which may link to activities planned for VPA implementation or LEITI. Aspects relating to farming may also be reflected in work plans for projects being implemented by the Ministry of Agriculture.

---

## **Annex A: Sources**

- Bayol N. and Chevalier JF, 2004. Current State of the Forest Cover in Liberia. Forest Resources Management.
- Christie T. et al, 2007. Fragmentation and clearance of Liberia's forests during 1986-2000. Oryx Vol 4., pp. 539-543.
- FAOSTAT - Forestry Statistics database maintained by the UN Food & Agriculture organisation. Available online: <http://faostat.fao.org/>
- Forestry Development Authority, 2007. National Forest Management Strategy
- Forestry Development Authority, 2010. FDA Human Capacity Development Strategy
- Geoville Group & Metria AB, 2001. Forest resource assessments in Liberia, presentation December 2011.
- Kishor N and Rosenbaum K, 2012. Assessing and Monitoring Forest Governance: A user's guide to a diagnostic tool. Washington DC: Program on Forests (PROFOR)
- Ramsey A. & Robinson P. A History of Liberian Conservation. Available online: <http://www.liberianfaunaflora.org/FFI/Page.aspx?p=30&ix=3053&pid=3008&prcid=4&ppid=3008>
- Shearman PH, 2009. An Assessment of Liberian Forest Area, Dynamics, FDA Concession Plans, and their Relevance to Revenue Projections
- Sustainable Development Institute, 2010. Liberia: The Promise Betrayed
- Wily L, 2007. "So Who owns the Forest?" An investigation into forest ownership and customary land rights in Liberia.
- World Bank, 2012. Liberia Forest Sector Diagnostic: Results of a diagnostic on advances and learning from Liberia's six years of experience in forest sector reform.

---

## **Legislation referenced in the report:**

- Community Rights Law with respect to Forest Lands, 2009
- Environment Protection Agency Act ("EPA Act"), 2002
- Environment Protection and Management Law, 2002
- Executive Order No. 22: Protection of Whistleblowers, 2009
- Executive Order No. 38: Administrative Code of Conduct, 2012
- Forestry Development Authority Act ("FDA Act"), 1976
- Liberia Extractive Industries Transparency Initiative Act ("LEITI Act"), 2009
- National Forestry Reform Law, 2006
- Protected Forest Area Network Law, 2003

## **PART 2**

# **Findings and recommendations from multi-stakeholder workshop to assess key governance issues for REDD+ Implementation in Liberia**

Workshop held 22-23 April 2013

Corina Hotel, Monrovia, Liberia

---

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>1. OVERVIEW OF THE WORKSHOP</b> .....	<b>5</b>
1.1.1 WORKSHOP OBJECTIVES.....	5
1.2 OPENING STATEMENTS.....	5
1.3 OVERVIEW OF PRESENTATIONS .....	7
<b>2. FOREST GOVERNANCE DIAGNOSTIC EXERCISE</b> .....	<b>9</b>
2.1 THE DIAGNOSTIC TOOL AND ITS IMPLEMENTATION .....	9
2.2 RESULTS FROM SCORING THE INDICATORS .....	ERROR! BOOKMARK NOT DEFINED.
<b>3. ISSUES IDENTIFIED FROM THE QUESTIONNAIRE</b> .....	<b>16</b>
<b>4. NEXT STEPS AND ACTIONS FROM THE WORKSHOP</b> .....	<b>16</b>
<b>TABLE 1: MATRIX OF PRIORITIES FOR ACTION AND SUGGESTED NEXT STEPS</b> .....	<b>20</b>
<b>ANNEX 1: WORKSHOP AGENDA AND LIST OF PARTICIPANTS</b> .....	<b>25</b>

## Executive Summary

This report describes a workshop held in Monrovia from 22-23 April 2013. The purpose of the workshop was to provide participants a forum to discuss governance challenges in the Liberian forestry sector, and to identify how such challenges relate to future implementation of REDD+.

The workshop made use of a diagnostic tool developed by the Programme on Forests (PROFOR) managed by the World Bank. This utilized a questionnaire was developed for use in Liberia, to cover a wide range of aspects of forest sector governance. Participants worked in small multi-stakeholder working groups to agree on the most appropriate response for each of the questions. This questionnaire offered a framework for discussion and allowed participants to draw on their own knowledge and experience in analysing different aspects of forest governance.

Stakeholders discussed a variety of governance issues including participation, transparency, benefit sharing and dispute resolution. Participants were encouraged to identify priority issues and concrete steps that can be taken to strengthen key aspects of forest sector governance.

### Identifying priorities and next steps

The final sections of the workshop asked participants to identify the priority governance challenges, and agree possible next steps that could be taken to improve these, in the short-medium- and long-term. The following key issues were highlighted:

- The most significant issue identified was a *lack of capacity within the FDA and other government agencies to implement and enforce policies*. This poses a severe constraint on resolving other governance challenges in the sector. The participants noted however that there are a number of upcoming or ongoing initiatives – including components within USAID-funded programmes PROSPER and GEMS, support for implementation of the VPA, and projects funded by the FAO – which aim to build specific elements of the FDA's capacity.
- Another priority issue identified was a *need to improve inter-sectoral coordination*, in order to ensure that competing demands for land use can be balanced in a sustainable manner. The actions identified to improve inter-sectoral working need to focus both on the senior level (e.g. Ministers, Directors) to ensure that policies are consistent, but should also be carried out at the technical level, to share information and ideas between teams working on similar issues.
- Workshop participants also noted the *importance of resolving land tenure disputes* in Liberia, and the importance of the work of the Land Commission on developing policies to clarify land ownership categories and establish frameworks for land use planning and management.
- A number of priorities were highlighted relating to *adequate access to information, participation, consent and benefit sharing with communities in forested areas*.



These aspects will be particularly important activities under the REDD+ readiness programme which is being supported by the FCPF.

Workshop participants agreed that to ensure such activities are carried out effectively, lessons should be drawn from, and activities coordinated with, other initiatives. For example, REDD+ consultation activities may draw on experiences from the multi-stakeholder VPA process, consultations on the draft Land Policy, and the LEITI; and should work with these other initiatives to coordinate messages and resources, for example through joint workshops.

# 1 OVERVIEW OF THE WORKSHOP

---

## 1.1 OVERVIEW

---

A two day workshop was held at the Corina Hotel in Monrovia, Liberia on 22-23 April 2013, to conduct a participatory diagnostic exercise of forest governance challenges relevant to the implementation of REDD+ in Liberia. Officiating the opening were the Managing Director of FDA and the Acting Country Representative of the Work Bank-Liberia office.

This section of the workshop report provides an overview of the objectives of the workshop and the issues discussed. The agenda and participants list are included as Annex 1 of this report.

### 1.1.1 Workshop objectives

The objective of the workshop was to provide participants with an opportunity to discuss governance challenges in the Liberian forestry sector, and identify how these relate to future implementation of REDD+. Participants were invited to highlight priority issues that should be addressed, and identify actions that could help to improve forest governance in Liberia.

### 1.1.2 Workshop structure and process

The workshop presentations provided participants an overview of the REDD+ readiness process in Liberia, of forest governance challenges identified in the background report, and an introduction to the aims and methods to be used in the workshop. This is summarised in sections 1.2 and 1.3 of this report.

Participants then formed small multi-stakeholder working groups to work through a forest governance questionnaire. The questionnaire provided a structure for participants to discuss a wide range of issues relevant to the forest sector, and reach agreement on the current status of the issues. The issues discussed are described in Section 2 of this report, followed by charts that show the scoring of the indicators.

Continuing in the small multi-stakeholder working groups, participants identified 3-5 priority issues that they considered to be the most important to future implementation of REDD+ in Liberia, which therefore require attention during the REDD+ readiness phase. Each working group set out short-medium- and long-term actions which should be implemented to tackle these priority issues. Each group presented the priorities and actions identified in a plenary session, for discussion and agreement on next steps and priorities for REDD+ readiness. The final outputs are shown in a matrix in Section 3 of this report.

## 1.2 OPENING STATEMENTS

---

Two key personalities representing the FDA and the Work Bank presented words of encouragement and support for the workshop and its outcomes.

### **1.2.1 Forestry Development Authority**

The Managing Director of the FDA, Hon. Harrison Karnwea, Sr. formally opened the workshop on behalf of the Liberian Government. In his presentation, he welcomed participants to the workshop and reiterated that the purpose of the event was to take a critical look at existing and ongoing work on Reducing Emissions from Deforestation and Forest Degradation (REDD+) and the linkage to forest governance in Liberia.

He expressed FDA support for sustainable forest and land management, which is critical to the growth and sustenance of Liberian society and the world at large. However, REDD+ implementation brings challenges such as coordination between sectors. In addition the REDD+ approach will need to take into account existing sectors laws and policies and need to ensure that these laws and the outcome of this workshop will not hamper positive developments to date. He suggested that the level of knowledge and diverse skills and experience of participants would allow a critical assessment of forest sector governance issues, and that recommendations from the meeting would be incorporated into REDD+ preparatory programs and future interventions. He urged that the current support from the FCPF be a catalyst for initiating and demonstrating Liberia's commitment to a holistic approach to sustainable forest management and encouraged FCPF to support FDA in next steps after the workshop.

### **1.2.2 World Bank-Liberia office**

Speaking on behalf of the World Bank, Madam Coleen Littlejohn acknowledged that the Government of Liberia has designed and begun to implement significant reforms in the sector, including the National Forestry Reform Law, the National Forest Management Strategy to promote the 'three Cs' approach for balanced commercial, community and conservation uses of Liberia's forests and the Community Rights Laws. She recognized that there were challenges along the way that have limited the success that could have been achieved in the sector, and these indicate the need for more work in the governance of natural resources.

The FCPF of the World Bank is supporting the Forestry Development Authority (FDA) in this exercise to assess forest governance and monitoring for Reducing Emissions from Deforestation and Forest Degradation (REDD+). Liberia has been participating in REDD+ and has completed its roadmap for REDD+ readiness and is now the recipient of the US\$ 3.6 million grant to support its readiness activities which will help enhance capacities that are relevant for better management of forest resources.

Readiness for REDD+ means setting up systems for addressing and monitoring drivers of deforestation and forest degradation through an inclusive and informed process. Good governance is cross-cutting and embedded in the key pillars of REDD+ readiness which include the preparation of the REDD+ Strategy and development of the Institutional arrangements for REDD including for benefit sharing. Another key pillar is monitoring and reporting and setting up a baseline to measure REDD+ performance.

### ***1.3 OVERVIEW OF PRESENTATIONS***

---

The workshop aimed to cover a wide range of issues relevant to forest sector governance, while encouraging participants to focus particularly on aspects that are important for future implementation of REDD+ in Liberia. The workshop began with three presentations, aiming to “set the scene” for discussions between participants. A final (fourth) presentation introduced the governance diagnostic tool to be used at the workshop, which is described in the next section of this report.

#### **1.3.1 Status of REDD+ in Liberia**

This presentation highlighted that Liberia is currently in the REDD-readiness phase, meaning that a range of activities are being undertaken to put systems and safeguards in place that would be required for Liberia to participate in any REDD-type mechanism in the future. The nature of these activities is framed in the REDD-Readiness Preparation Proposal (R-PP) which was finalised in early 2012. A grant from the FCPF will fund a number of the activities outlined in the R-PP. The REDD-Readiness process is expected to be coordinated by a team of three dedicated staff, located within the offices of the FDA, EPA and MoPEA.

#### **1.3.2 REDD+ process at the international level**

The UNFCCC has encouraged countries to reduce emissions from deforestation and forest degradation. In addition, it may create a “REDD+ mechanism” to support such efforts by providing economic incentives for protection of forest resources. International discussion around creation of such an incentive mechanism is currently focused on financing for results. In this case, countries who wish to participate would need to manage the use of forests sustainably, including managing the expansion of the drivers of deforestation and forest degradation, for example mining and agricultural activities.

International agreements on REDD+ require the full and effective participation of stakeholders, including those who live in and around the forest. They also require a system of safeguards to ensure that environmental and social concerns are addressed, that benefits are shared, and that disputes can be resolved effectively. Ensuring that all these requirements are met will require significant capacity, resources and commitment. All countries interested in REDD+ are working on how to put these requirements into practice, so while Liberia has its own unique context, it is facing similar challenges to other REDD+ countries.

#### **1.3.3 Forest sector governance challenges in Liberia**

This presentation summarized the background report prepared for the workshop. Forest governance is challenging in many countries, but in Liberia the low capacity of many government and non-government actors makes progress particularly difficult. Liberia has undergone very significant reforms since the UN Security Council imposed sanctions on Liberian timber in 2003, and these are still in the early stages of implementation. In addition, much of the pressure being placed on Liberia’s forests is coming from activities and sectors which are outside the control of the FDA. Expansion of mining and commercial agriculture, dependence of many people on slash-and-burn agriculture, and charcoal as their main source of energy, are all contributing to loss of forest resources. Therefore, ensuring sustainable management of forests will rely not only on the improved capacity of

the FDA, but also significant improvement in the FDA's ability to engage with and possibly influence decisions being made in other government agencies.

## 2 FOREST GOVERNANCE DIAGNOSTIC EXERCISE

---

To understand the scope of forest governance it is useful to begin with its definition. Thus, forest governance comprises mechanisms, processes, and institutions (formal and informal) through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences. It is geared to the management of the resources of the sector to sustain and improve the welfare and quality of life for those whose livelihood depends on the sector. Forest governance covers many things: traditional culture as well as modern bureaucracy, private markets as well as public laws.

Key features of good forest governance include adherence to the rule of law, transparency and low levels of corruption, stakeholder inputs in decision-making, accountability of all officials, low regulatory burden and political stability. This indicates that the responsibility for fostering good forest governance lies collectively with the *government and with "relevant" stakeholders*. A participatory diagnostic exercise (as described in 2.1 below) can be helpful to identifying the strengths and weaknesses in forest governance as well as the interventions required for improvements.

### 2.1 THE DIAGNOSTIC TOOL AND ITS IMPLEMENTATION

---

The diagnostic tool is based on two steps: the preparation of a background report to help inform discussions; followed by scoring of a set of governance indicators during a multi-stakeholder workshop. The background report comprises the best available information on the status of forest governance in Liberia. It was circulated to all the participants to the workshop, several weeks prior to the event.

The heart of the workshop consisted of the multi-stakeholder groups, scoring a forest governance questionnaire/ indicator set. The questionnaire comprised 97 questions/ indicators, customized to the context of preparing for REDD+ readiness in Liberia. Framing the analysis around the scoring of these indicators encourages an organized assessment and avoids the risk of overlooking important aspects of governance.

The indicators themselves are organized in concordance with the three pillars of the FAO-PROFOR framework shown in Figure 1. The three pillars correspond to:

- How the building blocks of governance—laws, policies, and institutions—appear “on paper”;
- How policy and implementing decisions are made; and
- How well the various components of governance work in practice.

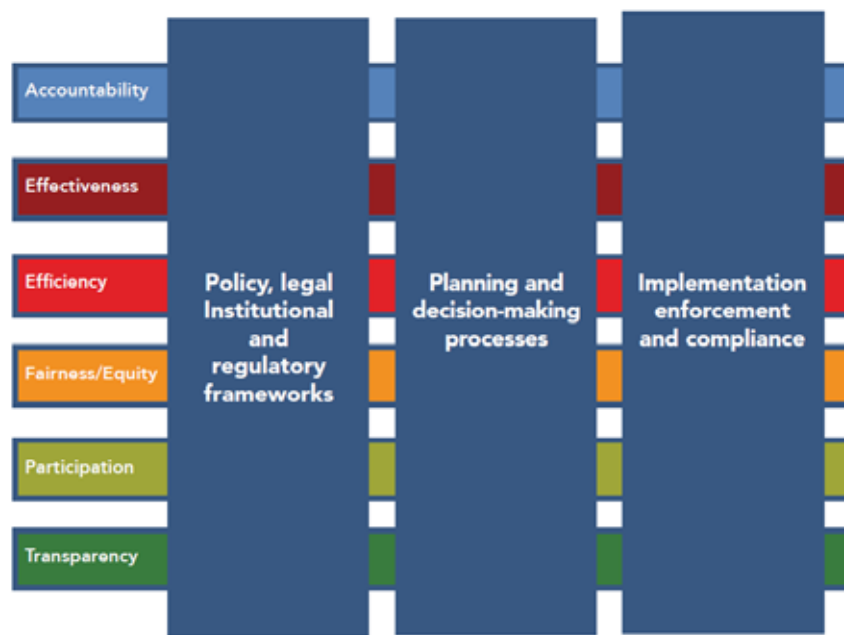
The indicators are all “actionable”. That is to say, the set of choices for scoring each indicator presents a range of conditions, from quite undesirable to desirable. Selecting something less than the most desirable choice indicates an opportunity for action to improve governance. Being actionable, the indicators are inherently normative. There are good and bad scores. The norms reflect widely held views of good governance. In most cases, the indicators reflect six common principles of good governance, built into the FAO-PROFOR framework:

- Accountability—that people and institutions should be accountable for their actions,



- Effectiveness—that the mechanisms of governance should achieve the ends they are intended to achieve,
- Efficiency—that governance should work with a minimum of waste,
- Fairness/equity—that the benefits and burdens of the forest resource should fall in a way generally viewed as just,
- Participation—that all interested people should have an opportunity to be heard or to influence government decisions that affect the forest—and
- Transparency—that information about the forest and how it is governed should be reasonably available to all.

Figure 4: Pillars and Principles of Forest Governance



The 50 or so participants to the workshop represented various stakeholder groups—government ministries, civil society organizations, the private sector, representatives from county governments, development partners, etc. (a full list of participants is provided in Annex 1). Participants were divided into 3 sub-groups, each of which itself was multi-stakeholder in character. Each group was tasked to score approximately 32 questions with the help of a sub-group facilitator and a rapporteur. To the extent possible, each group was requested to come up with a consensus-based score for each indicator.

Through this approach, each stakeholder representative in a sub-group would propose a score based on her/his own expert knowledge and perception of a particular governance component. At the beginning the scores are expected to be divergent. Then, through the process of facilitated discussions, group members reconsider, adjust, recalibrate and agree on a common score. This score, agreed by all group members, closely captures the actual

state of governance, as perceived by the group.<sup>4</sup> For those questions where the group score falls below the highest possible, there is a governance weakness and the extent of the shortfall is illustrative of the level of effort needed to improve that aspect of governance to acceptable levels.

The questionnaire and the responses and comments identified by workshop participants are available on request.

## ***2.2 RESULTS FROM THE SCORING OF INDICATORS***

---

The three sub groups were divided along the three pillars shown in Figure 1, with each group discussing the indicators relating to their pillar. The results from the group discussions, wherein the workshop participants scored the specific indicators for each of the governance pillars are presented in the form of bar charts, Figures 2-5 below. Each figure shows the governance gap measured as the difference between desired level for the indicator and the actual scores assigned by the stakeholders at the workshop in the group.

Each bar chart is color-coded to depict the governance gaps as follows:

Red: gap is greater than 50%

Yellow: gap is less than 50% but greater than 33%

Green: gap is less than 33%

Absence of a bar indicates no gap was identified for that indicator.

It is useful to highlight a few findings based on the scoring. In general most attributes of forest governance scored at the workshop could be improved. However, there are notable strengths (as judged by no gaps or very low gaps), although only in a few governance areas. Some of these are: the importance given to sustainable forest management in Liberia's forest law, public participation (in the legal framework as well as in actual opportunities provided by FDA), support to forest certification and effectiveness of informal conflict resolution mechanisms. The biggest governance gaps (over 66% gap) occur in areas such as security of access to forest resources and their ownership (especially carbon rights), extent of community management of forests, national and sub-national coordination, and inventory information and should arguably be the focus of attention. Corruption is perceived to be a serious problem and several of the specific indicators on corruption indicated large gaps, notably those related to codes of conduct to address corruption for public servants and resistance of government systems and procedures to corruption (figure 5). Clearly the country needs to develop or strengthen such systems. Finally, the scoring exercise highlights the fact that the most extensive gaps are to be found in Pillar 3-dealing with the implementation, compliance and enforcement issues of governance (figure 4), i.e., weak on-the-ground implementation of laws, regulations, rules and policies. Thus, there is a need in Liberia, to enhance the skills and capacity of personnel (in FDA in particular) to deliver on the ground and close the "governance gap" in implementation especially.

---

<sup>4</sup> The possibility that group members may not reach consensus was recognized and group facilitators were instructed to record any such lack of agreement. In practice, there was no lack of consensus on any of the questions.

Figure 2: PILLAR 1-POLICY, LEGAL, INSTITUTIONAL AND REGULATORY FRAMEWORKS (Q1-Q29, SCORED BY GROUP 1)

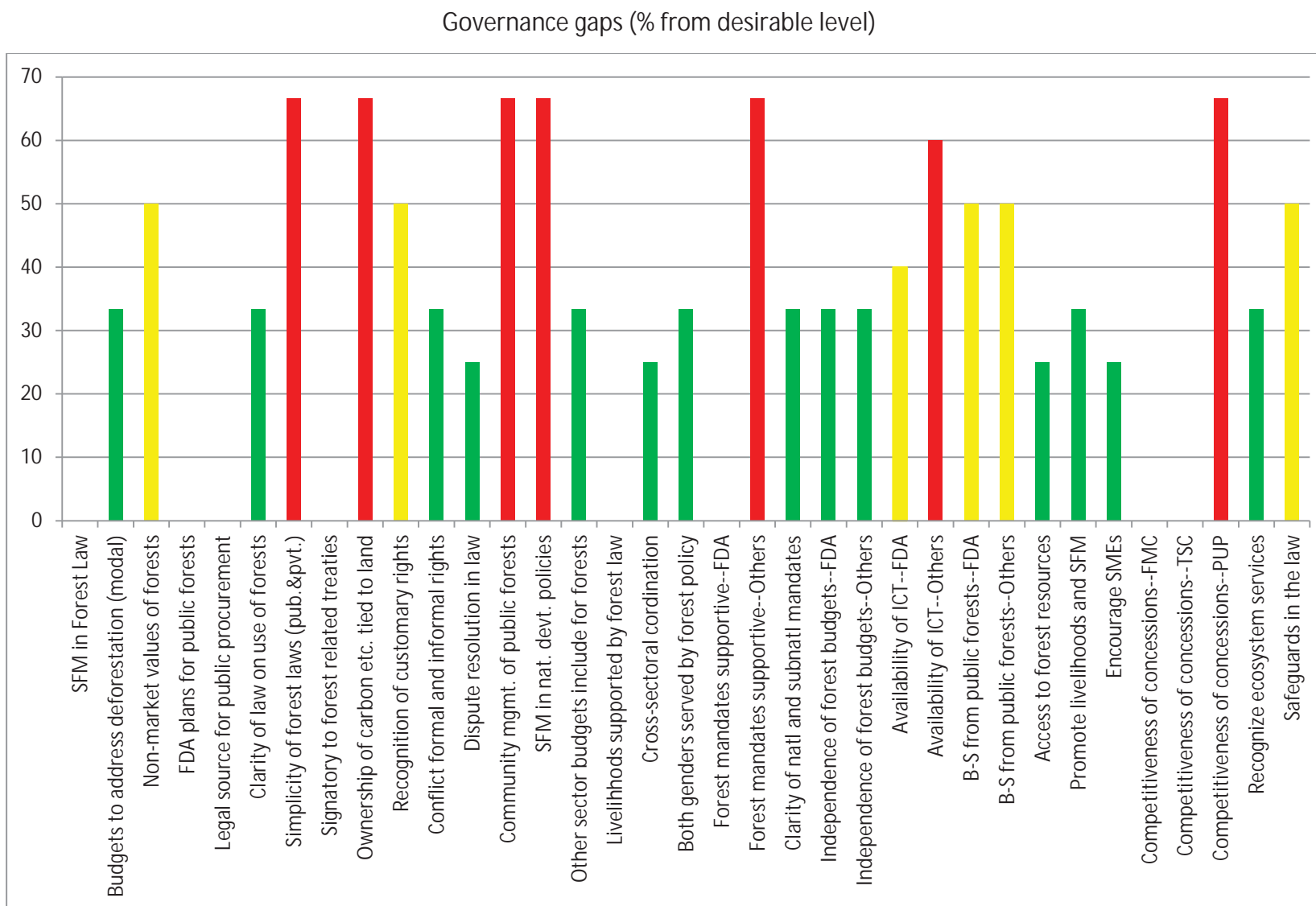


Figure 3: PILLAR 2-PLANNING AND DECISION-MAKING PROCESSES (Q30-Q52, SCORED BY GROUP 2)

Governance Gaps (% from desirable level)

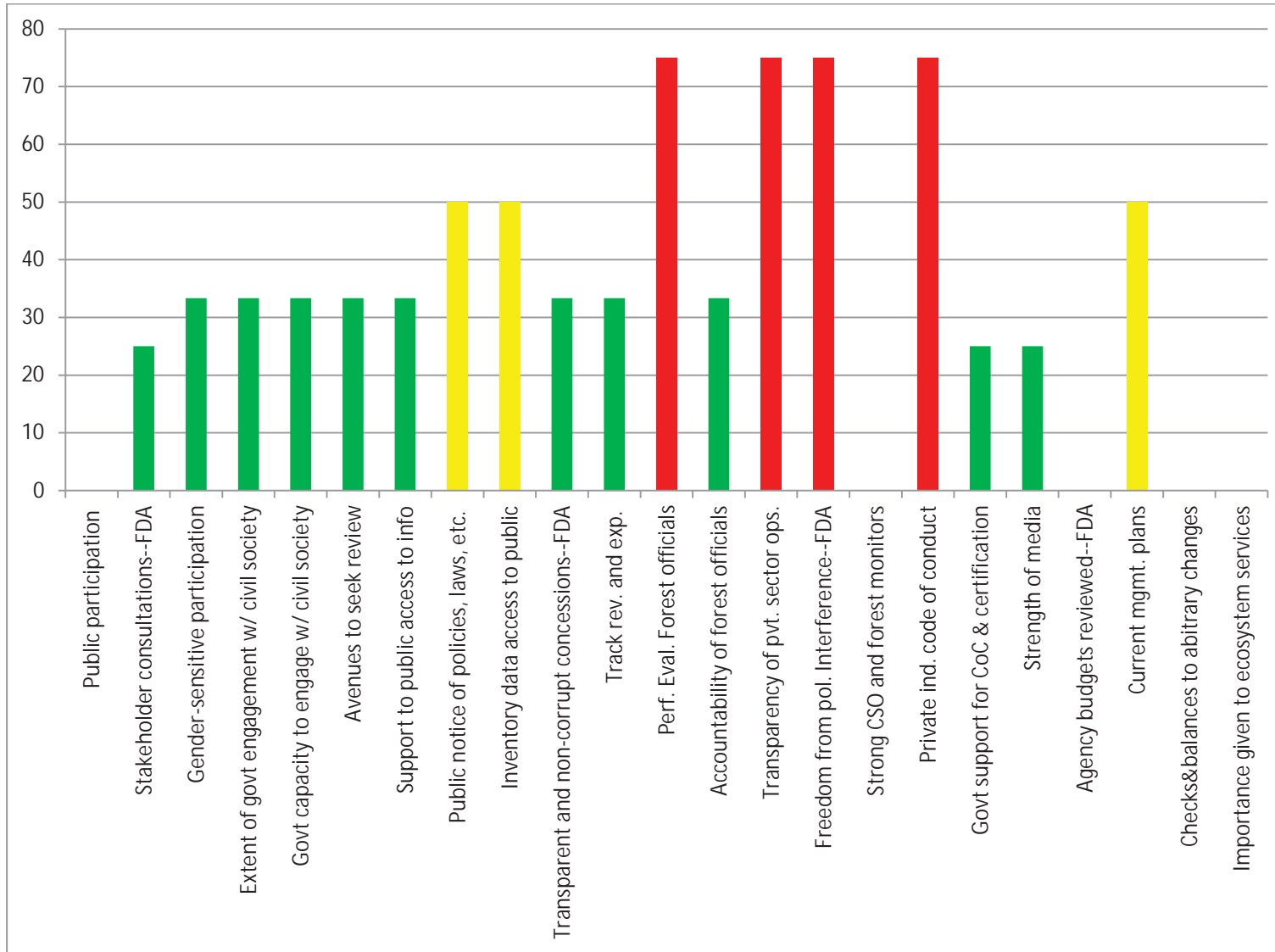
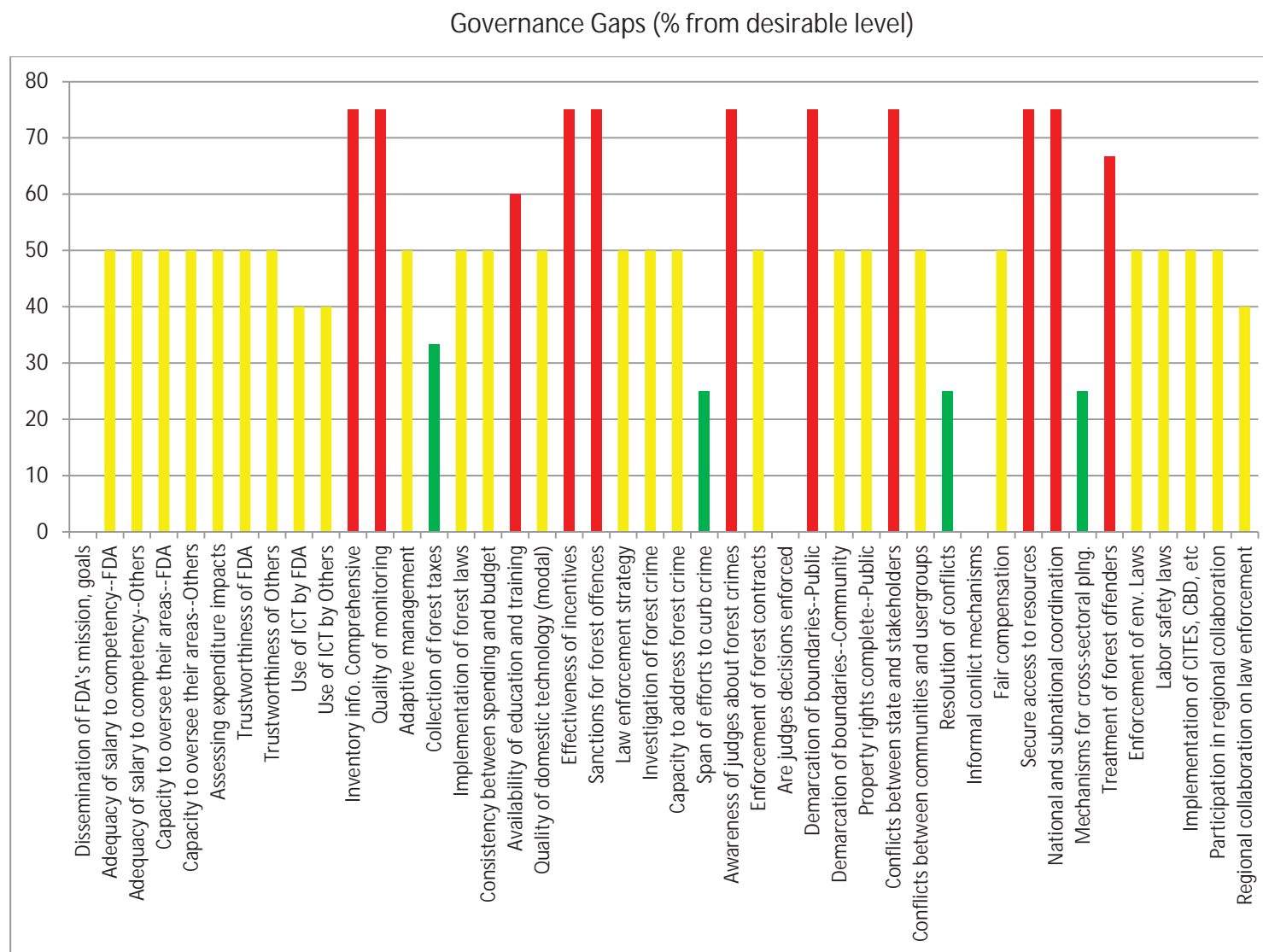
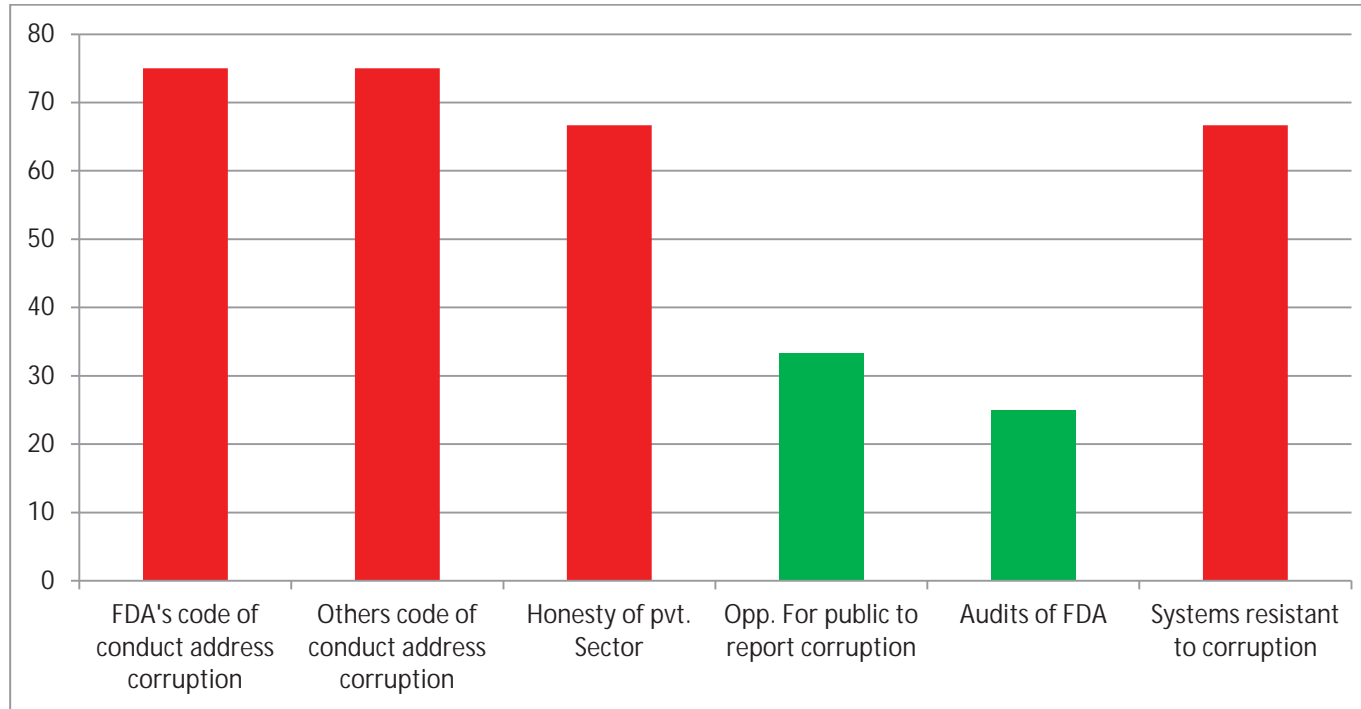


Figure 4: PILLAR 3-IMPLEMENTATION, ENFORCEMENT AND COMPLIANCE (Q53-Q91, SCORED BY GROUP 3)



**Figure 5:** PILLAR 3 (SUB-COMPONENT)- MEASURES TO ADDRESS CORRUPTION (Q92-Q97, SCORED BY GROUP 2)

Governance Gaps (% from desirable level)





### **3 ISSUES IDENTIFIED FROM THE QUESTIONNAIRE**

---

Based on the scoring of the questionnaire, participants were asked to identify issues, based on challenges in the forestry sector and the importance of issues in the context of REDD+ where urgent action is necessary and propose next steps to move these forward in the short, medium and long term. The issues set out below illustrate the results/outcomes from discussions within the breakout groups to identify the importance of particular issues for possible future implementation of REDD+ in Liberia. For this reason the issues do not necessarily fully reflect the prioritization suggested by the scoring as reported in Figures 2-5 above.

#### **Group one: Pillar One: Policy, Legal, Institutional and Regulatory Framework**

This pillar covers a number of sub-headings: forest related policies and laws, legal framework to support and protect land tenure, ownership and use rights, and concordance of broader development policies with forest policies, institutional frameworks, financial incentives, economic instruments and benefits sharing. Critical issues identified in relation to REDD+ included:

- 1. Legal framework to support and protect land tenure, ownership and use rights:** a) Extent to which the legal framework recognizes and protect forest related property rights including rights to carbon; b) Extent to which legal framework recognizes customary and traditional rights of forest dependent communities, local communities and traditional forest users; and c) Consistency between formal and informal rights to forest resources. The lack of policy on land ownership was highlighted as the main problem as such policy will deal with property rights and ownership.
- 2. Concordance of broader development policies with forest policies:** a) Extent to which forest laws support and enable sustainable livelihoods of forest dependent communities. The group perception on this issue suggested contradiction in the laws (CRL and NFRL) in relation to sustainable livelihood and benefit sharing; and b) Consistency of forest policies with policies on climate change mitigation and adaptation. The REDD+ strategy development for Liberia is not integrated into forest policies; however, climate change policies are on the books.
- 3. Financing incentives, economic instrument and benefits sharing:** a) Legal provisions and mechanism that support equitable sharing of forest revenue (sharing benefits or income from public forest with the local communities); equity in the distribution of access to forest resources, rights and rents. They viewed access to resources as unfair to forest dependent communities; b) Existence of economic incentives and policies to promote increased value-added and sustainable utilization of timbers and non-timber forest products; and c) Existence and adequacy of safeguards against social and environmental harm from forest related policies and activities.

#### **Group II: Pillar 2: Planning and Decision Making processes**

The pillar considered the participation of stakeholders in the planning and decision making processes of forest-related policies, transparency and accountability, stakeholder capacity

and action and quality of decision making. Critical issues identified in relation to REDD+ included:

1. **Stakeholder Participation:** a) Extent to which stakeholder processes ensure the participation of women in forest-related decision-making processes. Women participation, inputs and decision making were regarded as low and often unrecognized as crucial to the process of forest management; and b) Existence and effectiveness of conflict resolution and grievance mechanisms. The group acknowledged that grievance mechanisms were dormant and lacked qualities that clearly outline processes to redress, and accountability of decision makers.
2. **Transparency and accountability:** a) Quality, Timeliness, Comprehensiveness and Accessibility of forest-related information available to stakeholders, including public notice of pending forest agency actions: there is no process that gives public notice of proposed forest policies program, law and projects. The sector has a huge information dissemination gap as needed laws, policies, contracts are rarely available to stakeholders. The attempt by FDA to open an information shop has not remedied the gap.
3. **Stakeholder capacity and action:** a) Extent to which government encourages corporate entities and business operating in the forest sector to comply with recommended international codes of conducts, standards and safeguard. The present safeguards provide ways of reducing illegal logging and trade (VPA for example); however, government has not ratified the VPA. REDD+ program consideration in national safeguard certification and chain of custody is urgent.
4. **Quality of decision making:** a) Public forests long-term management plans are current and regularly updated. FDA does not have any comprehensive operational or strategic plan that considers a long-term management plan.

### **Group III: Implementation, Enforcement and Compliance**

This pillar considered administration of forest resources, forest related law enforcement adjudication, administration of land tenure and property rights, cooperation and coordination and measures to address corruption. Critical issues identified in relation to REDD+ included:

1. **Administration of forest resources:** a) Adequacy of staff capacity and effectiveness of agencies tasked with forest administration: FDA as a lead agency in the forest sector lack the capacity to administer and enforce laws and policies. The group acknowledged logistic, human and finance as areas of handicaps for the agency. Additionally, the lack of systems to assess impact and outcomes of public forestry expenditures is another critical issue; b) Appropriate and Consistency of application of penalties for breaches of forest law and regulation: the group presented the argument that this issue was linked to the capacity and willingness of judiciary and law enforcement agencies to deal with cases of forest crime effectively. The sectors lack the will power to apply penalties for breaches of the laws especially by concessions and the lack of understanding of the law by the judiciary further exacerbates the issue of enforcement and compliance.

2. **Administration of land tenure and property rights:** a) Comprehensiveness and Accuracy of documentation and accessibility of information related to forest tenure and rights. Forest boundaries are not clearly surveyed and demarcated on the ground and property rights records are not complete and are marked by fraud. In the case where government extinguishes rights to land, there is no effective and fair compensation mechanism for affected rights-holders; an example given was the new phenomenon of agro-oil plantation in Liberia.

3. **Cooperation and coordination:** a) Extent to which other government agencies (land, mineral, agriculture, transportation, communication, environmental protection, finance, etc) coordinates and cooperates with forest agencies concerning forest. Coordination within the forest sector is weak and usually where attempts are made to host coordination meeting, it is poorly attended. Each agency deals with the forest differently which is marked by cross-sector boundaries conflict and b) Effectiveness of cross-border cooperation in the management of common forest resources and in other forest-related international activities. The group perceived this issue as weak and not fully coordinated.

## 4 NEXT STEPS AND ACTIONS FROM THE WORKSHOP

---

Based on the REDD focussed discussions participants in the different sub-groups selected twelve main priority issues. Some of these issues were overlapping and so the final list of priority actions identified was condensed down into nine main areas. These areas and the actions identified are shown in a matrix as reported in Table 1.

While identifying actions that should be taken to strengthen forest governance, participants reflected on a number of processes and projects on-going in Liberia, which may help to move these forward. The REDD+ readiness activities will support some aspects directly, but other actions identified go far beyond REDD+ and are being taken forward by specialist government agencies. Participants reflected on the need to ensure close collaboration between different initiatives in order to make the most efficient use of resources (funds, technical expertise and time). In this regard, an additional column has been added to the matrix of priority issues and actions, to highlight ongoing or planned initiatives which are relevant to the identified actions and where linkages should be made.

**TABLE 1: MATRIX OF PRIORITIES FOR ACTION AND SUGGESTED NEXT STEPS**

Summary of Groups Priority issues			
Time frame	Suggested actions	Responsible actors	Existing Initiatives and Linkages
<b>Issue: Land use and ownership</b>			
<b>Short term plan</b>	Consultation on land ownership between landowners, Gov, CSOs	Land Commission	Work of the LC on draft land policy. USAID-funded projects on land conflict resolution (LCRP) and community forestry (PROSPER).
	Map land conflict	Land Commission	Work of the LC. USAID-funded projects on land conflict resolution (LCRP) and community forestry (PROSPER).
	Land suitability study and map	Land Commission	Work of the LC and MoLME. Linkages to MoPEA and NIC. Activities under Section 2a of R-PP
	Coordination meeting (MIA, LISGIS, FDA, MLME, MoA)	Ministry of Lands, Mines and Energy and Land Commission	Land Commission trying to convene these meetings
<b>Medium term plan</b>	Understand/ analyze conflict causes	MoJ	Draw on support from LCRP project, and work of Land Commission and FDA community department.
	National land use policy	LC	Will need to involve line ministries, NIC, MPEA and secure support of Executive Mansion/ Cabinet.
<b>Long term plan</b>	Land tenure reform (with land laws and land policy)	LC and Law Reform Commission	
<b>Issue: Safeguards (social, environmental, security of investment, gender, equity)</b>			
<b>Short term plan</b>	Conduct ESIA	EPA and FDA	Strategic environmental & social assessment (SESA) being undertaken as part of REDD-readiness (Section 2d of R-PP).
	Review existing safeguards and examine their relevance for REDD+	RTWG, FDA, EPA	Part of SESA (Section 2d of R-PP)
	Consultation on findings of ESIA with stakeholders	EPA and FDA	Activities planned under Sections 1b and 2d of the R-PP
	Develop additional safeguards to bridge the gaps	RTWG, FDA, EPA	REDD-readiness will also reflect on monitoring environmental and social impacts (Section 4b of R-PP)

<b>Medium term plan</b>	Environmental and social impact mitigation plan, validated by stakeholders	EPA	Activities planned under Sections 1b and 2d of the R-PP
	Develop National standards/system, including: FPIC standards Conflict resolution	RTWG, REDD standards committee	These should be mainstreamed throughout the REDD+ strategy
<b>Long term plan</b>	Integrate safeguard policies into forest-related activities	FDA and EPA	
	Implementation of safeguards	RTWG, REDD standards committee	
<b>Issue: Community access, livelihoods and benefit sharing</b>			
<b>Short term plan</b>	Identification of affected stakeholders and mapping	FDA	Activities under Section 1b of R-PP Identification of stakeholders should draw on work done as part of VPA process, the National & County Forest Forums, land policy consultations
	Consultation with stakeholders on benefit sharing	FDA	Section 1c of the R-PP includes this. Linkage should be made with work done by PROSPER and the VPA process on benefit sharing.
<b>Medium term plan</b>	Communicate forest access and benefit sharing mechanisms	CSOs	Sections 1b and 1c of the R-PP focuses on this. Linkage should be made with work done by PROSPER and the VPA process on benefit sharing.
<b>Long term plan</b>	Establishment of benefit sharing access frameworks and institutional and legal frameworks	FDA (Community Forestry Division)	Support indicated under Section 2c of the R-PP
<b>Issue: Policy and incentives for sustainability</b>			
<b>Short term plan</b>	Create awareness among policy makers, forest sector stakeholders	FDA, EPA and MPEA	R-PP team, RTWG and CSOs engaging in debate on REDD+ should also help to raise awareness amongst stakeholders.
	Cost benefit analysis of REDD+ activities	FDA, EPA and MPEA	
	Promoting coordination in Planning	MPEA	RTWG can promote this and communicate the need for inter-sectoral coordination in the context of REDD+
	Revive NCC Secretariat	FDA, EPA and MPEA	RTWG can promote this with GoL agencies and the Legislature
<b>Medium term plan</b>	Develop strategy for value added processing	FDA	NIC and MPEA should be engaged as this relates to Liberia's wider development strategy (Agenda for Transformation/ Vision 2030)
	Develop synergies between existing policies on	FDA	RTWG can provide technical support to FDA SPU to do this



	REDD		
	Strategy for implementation	FDA, EPA and MPEA	
Long term plan	Revive NCCSC	FDA and MPEA	RTWG can promote this with GoL agencies and the Legislature
	Implement existing policies to boost revenue and sustainability	FDA	NIC and MPEA should be engaged as this relates to Liberia's wider development strategy (Agenda for Transformation/ Vision 2030)
	Budget to be allocated to support implementation of the above	MOF & FDA	
<b>Issue: Availability of information to stakeholders</b>			
Short term plan	Training Dissemination of information to communities	FDA/REDD Technical Working Group (RTWG) and SESA	Sections 1b and 1c of the R-PP focus on information sharing and training. This should be coordinated with other initiatives to disseminate information: e.g. the VPA process, PROSPER, work of CSOs, work of Land Commission, work of FDA community department, county forest forums, work of CFDCs.
	Awareness/Communication at community level	FDA/RTWG and SESA	As above.
Medium term plan	Training to continue – type to be defined	FDA/RTWG	
	Develop a website to post programme activities and make information more accessible	FDA/RTWG	Described under Section 1b of the R-PP This should be harmonised with the FDA website, linking to websites for VPA, LEITI, etc as appropriate
Long term plan	Training	FDA/RTWG	This may also engage with the Forestry Training Institute (FTI) and universities to draw on their expertise and facilities
	Information shops—beyond Monrovia to the lower levels	FDA/RTWG	This should engage with regional FDA offices and county authorities
<b>Issue: Current management plans for public forests</b>			
Short term plan	Institute and activate the inter-sectoral coordination that will bring all actors together	FDA will initiate the discussion on holding the Inter-sectoral coordination meeting	RTWG can support this as they carry out the SESA process, and through holding regular RTWG meetings (which engage representatives from different sectors).

	Reassess forest land policy in relation to REDD+ program	RTWG will collate and review all forest land policy to identify synergies and to align the REDD+ program and map forest land for REDD+ projects	Section 2a of the R-PP will support this
	Map forest land and plan public forest management	FDA & M L&M & LIGIS will lead the process	Actors responsible is unclear
	Hold consultation meetings on the results of the reviewed policies and proposed map	RTWG will lead the regional consultation on the proposed action	Section 1b of the R-PP will support this. Linkages should be made with the emerging work of the Land Commission on draft policies for land ownership and management
<b>Medium term plan</b>	Develop forest map after the review and consultation	FDA will finalize the mapping process	
	Develop forest management plan and policy in relation to REDD+	FDA & RTWG will lead the process (forest management plan)	
<b>Long term plan</b>	Finalize Boundary demarcation	FDA to lead the process	
	Finalize Policy review	FDA & RTWG	
	Make available copies of finalized documents to all stakeholders	FDA & RTWG	This is also part of the transparency requirements of the NFRL, LEITI and VPA
<b>Issue: Women's participation in forest management</b>			
<b>Short term</b>	Include Climate Change Gender Action Plan into Ministry of Gender and Development Action Plan Consultation	Ministry of Gender and Development	
<b>Medium term</b>	Pilot implementation of gender activities in Climate Change and Gender Action Plan	RTWG and MoG&D	
<b>Long term</b>	Assessment of pilots and scale up	RTWG and MoG&D	
<b>Issue: Grievances</b>			
<b>Short term plan</b>	Assessment of existing Grievance mechanisms	RTWG/SESA Working groups	Section 1c of R-PP Information may be gathered from a variety of GoL agencies and non-government stakeholders.
	Identify gaps in the context of anticipated	RTWG/SESA Working groups	Section 1c of R-PP

	REDD+ needs		
	Consultations	RTWG/SESA Working groups	Section 1c of R-PP
<b>Medium term plan</b>	Develop grievance mechanisms and address gaps	RTWG/SESA Working groups	These should be coordinated with work being undertaken by MoJ, MoLME and Land Commission on resolving land disputes
	Pilot mechanism	RTWG/SESA Working groups	
<b>Long term plan</b>	Implementation and scale up	FDA and relevant agencies	
<b>Issue: Capacity of forest sector</b>			
<b>Short term</b>	Training to address capacity needs	FDA International partners	DFID capacity building support project for VPA implementation will provide some training. This should be coordinated with training described in Sections 1b and 1c of the R-PP
	Conduct capacity need assessment	FDA International partners	Work underway under 2 DFID-funded projects related to the VPA to conduct capacity needs assessments
<b>Medium term</b>	Provision of resource capacity	FDA International partners	DFID capacity building support project for VPA implementation will provide some needs to training. R-PP identifies needs for specific elements related to REDD+. FDA to coordinate these and several projects that are ongoing, e.g. FAO supporting on information management, USAID GEMS project on administration.
	Introduce periodic assessment of sector capacity needs	FDA to lead with support from other parties	
	Review HR systems and policies	FDA to lead	FDA will need to consult with GSA and MOF
	Forest cover mapping and inventory initiated	FDA and LISGIS to lead with support from FCPF for forest cover mapping	
<b>Long term</b>	Ongoing staff training on: Geo-Information systems management and GIS Strategic planning	FDA and LISGIS	DFID capacity building support project for VPA implementation will provide some needs to training
	Forest inventory Communication on REDD – Training of trainers (working with the communication plan in REDD roadmap)	FCPF have resources to support training on communications related to REDD+	

## ANNEX 1: WORKSHOP AGENDA AND LIST OF PARTICIPANTS

---

### REDD+ Forest Governance Workshop Agenda (April 22-23, 2013)

Venue: Corina Hotel, Monrovia.

Time	Main Activity	Details
<b>Day 1</b>		
8.30 am	Participants arrival and registration	
9.00 am	Opening session	
9:00 am		Welcoming remarks by organizers and sponsors FDA: Managing Director: Hon. Harrison Karnwea Sr. World Bank: Acting Country Manager: Madam Coleen Littlejohn
9:25 am		Introduction of participants
9:45 am		Workshop agenda, objectives and expected outcomes (Facilitator: James F. Tellewoyan)
10:00 am		Update on REDD+ process in Liberia (FDA) : Peter Mulbah and Saah A. David Jr.
10:15 am		Workshop purpose in relation to REDD+ globally (World Bank)
10:25 am		Overview of background paper on forest governance in Liberia (Consultant) Anna Horton
10:40 am		Application of PROFOR forest governance diagnostic tool, and rationale (World Bank)
11:00 am	Introduction to group discussions	Facilitator gives instructions for formation and group work, scoring and identifying priority issues and monitoring governance outcomes
11.15 am	<b>Coffee/Tea</b>	
11.30 am	Group discussions	Discussions in break out groups to score the indicators.
<b>1.00 pm</b>	<b>Lunch</b>	
2.00 pm	Group discussions continue	Scoring of indicators continues
4.00 pm	<b>Coffee/Tea</b>	
<b>4:15 -5.30 pm</b>	Group discussions continue. Scoring concludes	Each group's reporter submits the group's scoring in writing to the facilitator
	End of day 1	

<b>Day 2</b>		
8:30 am	Group discussions in breakout groups	Discussion on priorities and appropriate measures to address the gaps
<b>10.00 am</b>	<b>Coffee/Tea</b>	
10:30 am	Viewing of group outputs	Facilitator has posted the group reports on the meeting room walls. Groups are expected to view outputs of other groups to provide feedback during group presentations on specific topics
11:00 am	Group presentations in plenary Groups 1 and 2,3	Reporters present their group's work. Feedback and discussion after each group presentation. Format for presentations is as follows: <i>Presentation: 15 min</i> <i>Feedback from all the other groups: 10 min</i> <i>Open discussion: 15 min</i>
<b>1:00 pm</b>	<b>Lunch</b>	
2:00 pm	Group presentations in plenary Group 4	Reporters present their group's work. Feedback and discussion after each group presentation.
2:40 pm	Plenary: Summary of group discussions	Workshop facilitator
<b>3:00 pm</b>	<b>Coffee/Tea</b>	
3:30 pm	Plenary continues	-Feedback on facilitator's summary -Way forward
4:30 pm	Critique of questionnaire	Organizers conduct open discussion: What is missing from the tool? What is redundant? Suggestions for improvement, etc.
4:45 pm	Closing session	Closing remarks by organizers and sponsors

## Participants List April 22-23, 2013

	Name	Organization	Position
1.	Harrison S. Karnwea, Sr.	FDA	Interim Managing Director
2.	Coleen R. Littlejohn	World Bank	Senior Operations Officer
3.	Anyaa Vohiri	EPA	Executive Director
4.	Kederick F. Johnson	FDA	Deputy Managing Director – Operations
5.	Joseph Tally	FDA	Acting Technical Manager, Commercial Department
6.	Victoria Cole	FDA	Manager, Law Enforcement
7.	J. Samuel A. Weeks, Sr.	FDA	Strategic Planning Officer
8.	Ophelia Darlos	FDA	Data Analyst
9.	Anthony Vanwen	FDA	Manager, Public Relations
10.	Saah A. David, Jr.	FDA	Acting REDD+ Coordinator
11.	Zinnah Mulbah	EPA	Acting SESA Coordinator
12.	Emmet Crayton	MOGD	
13.	Victor E. Helb, Sr	Land Commission	Commissioner, Land Use & Management
14.	Thomas T. Davis	LISGIS	Director
15.	Jonathan Yiah	SDI	Coordinator
16.	Peter G. Mulbah	SADS	Executive Director
17.	Julie T. B. Weah	Foundation for Community Initiatives	Executive Director
18.	Arthur T. Karngebea	LICSATDUN (Chainsaw Union)	Secretary
19.	George Weamie	NACUL (Charcoal Union)	President
20.	Junius Gailor	NACUL (Charcoal Union)	Consultant
21.	Kumeh Assaf	UNDP	National Climate Change policy Advisor
22.	Aminata Tucker	Bomi	Gender coordinator
23.	Mama Garyah	Lofa	Chair Lady Zorzor District
24.	Saye Thompson	Nimba	CFMB
25.	Matthew T. Walley	Rivercess	Chairman CFDC
26.	Edith F. Kubah	Grand Gedeh	Gender Coordinator/Secretary of Cross border Women Credit Union
27.	Bessie Worlo	Maryland	Advisor/Rural Women
28.	Zubah W. Kponeh	Lofa	Chairman, BCFMB
29.	Anna Halton		consultant
30.	James Tellewoyan	Bong	Facilitator
31.	Haddy Jatou Sey	World Bank	Senior Social Development specialist
32.	Neeta Hooda	World Bank	FCPF
33.	Nalin Kishor	World Bank	Sr. Natural Resources Economist PROFOR/SND Forest Team
34.	Soikan Meitiaki	World Bank	Safeguards Specialist for



			Anglophone Africa FCPF countries
35.	Sachiko Kondo	World Bank	
36.	Lemu E. Makain	World Bank	Team Assistant
37.	Chloe Fussell	Global Witness	campaigner
38.	Jennifer Talbot	USAID	Forest Advisor
39.	Carlos Battaglini	European Union	Natural Resource
40.	Anthony T. Koffa	FDA	Wildlife Law Enforcement
41.	Jekeh F. Koiyan	CEIO	Chairman ways & Means
42.	Julius Kamara	LICSATDUN	President
43.	Sonpon D. Freeman	Land Commission	Focal Person
44.	Charles O. Smith	SADS	Program Asst.
45.	Clare Brogan	IDL	FLEGT VPA Adviser
46.	J. Victor Kelgbeh	Sinoe	Chairman/ CFMB
47.	Francios Beavarain	Independent	Consultant
48.	Kofi Ireland	UNMIL	Civil Affairs Officer
49.	Ignitius K. Jaye	FDA	Act. Manager GIS
50.	Boakai Zolu	NTCL	Vice Chair for CW & CR
51.	Tarweh Sarnor	NTCL	Office Asst.
52.	James Z. Bargon	LISGIS	GIS Technician
53.	Eddie S. Tarowal	AOCD	Program officer
54.	Bill G. Miller	MPEA	Desk-officer
55.	Jefferson P. Dahn	EPA	Acting Climate Change Coordinator
56.	Calvin Brooks	Love FM	Reporter
57.	Pero M. K. Kerkula	Center for Global Environment	Executive Director
58.	Christopher Neyor	Morweh Energy	CEO
59.	Roland J. Lepol	MOA	National Coordinator, Climate Change Adaption Project



Forest Carbon Partnership Facility  
1818 H St NW  
Washington, DC 20433, USA

[fcfsecretariat@worldbank.org](mailto:fcfsecretariat@worldbank.org)  
<http://www.forestcarbonpartnership.org>