Joint Implementation Committee of the Liberia-EU FLEGT Voluntary Partnership Agreement

Aide Memoire

Session of the 10th Joint Implementation Committee, June 12-15, 2023, Monrovia

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Introduction

1. The 10th Joint Implementation Committee Meeting (JIC) to oversee the implementation of the FLEGT Voluntary Partnership Agreement (VPA) between Liberia and the European Union (EU) was held in Monrovia from June 12-15, 2023. The meeting was co-chaired by Hon. Harrison S. Karnwea Sr., Chair of the Board of the Forestry Development Authority (FDA), Republic of Liberia, and Ambassador Laurent Delahousse, Head of the EU Delegation to Liberia. The technical discussions were co-chaired by Hon. C. Mike Doryen, Managing Director of the FDA, and Montse Pantaleoni, Team Leader Green Team at the EU Delegation. A full list of participants is attached as Annex 1 of this Aide-Memoire.

2. In his welcome remarks, Hon. C. Mike Doryen noted the importance of JIC meetings for forest governance. Hon. Doryen highlighted that although targets around the VPA process may appear ambitious, the JIC provides a necessary forum to work towards those targets. The Managing Director particularly welcomed the participation of community representatives and civil society. He expressed his desire for open and respectful JIC discussions, which are reflective of the partnership underpinning the VPA.

3. In his opening remarks, Hon. Harrison Karnwea welcomed the EU and Liberia to the Tenth meeting of the JIC. He welcomed the accomplishments of broader VPA objectives over the last ten years and identified transparency as one of the key achievements of the VPA in Liberia. Hon. Karnwea expressed regret that Liberia has not yet started the issuance of FLEGT licenses and emphasized that the forestry sector should benefit all stakeholders. Hon. Karnwea further expressed the need for broader market recognition of verified legal timber beyond EU export markets.

4. In his opening remarks, Ambassador Laurent Delahousse thanked the Government of Liberia for hosting this year's JIC and echoed remarks of His Excellency President George Weah during the opening of the recent Forest and Climate Resilience Forum. In his remarks, the President highlighted that the Government of Liberia shall remain unrelenting in its efforts towards sustainable forest management and shall ensure that forest resources benefit all Liberians. The Ambassador reminded the JIC that carbon finance, conservation funding and VPA implementation are linked because they all require meeting standards on good governance and stakeholder participation. In line with the Global Gateway strategy, in coordination with other donors and as part of a Team Europe Initiative, the Ambassador also announced that the EU is increasing its support to VPA implementation in Liberia.

5. Hon. Samuel D. Tweah, Minister of Finance and Development Planning indicated that the VPA reflects the EU and Liberia's joint commitment to promote sustainability and good forest

governance. The Minister highlighted that Liberia's forests should not only be considered a resource base for commercial forestry. Liberia's forests also serve to sequester carbon, harbour biodiversity, and directly benefit its people. The Minister also reminded the JIC that Article 6 of the Paris Agreement requires strong forest governance and that President Weah committed to halt deforestation in Liberia at the last United Nations Conference of the Parties meeting (COP26).

6. Hon. Frank Musah Dean, Minister of Justice concluded the opening session by re-confirming his Ministry's support to the partnership reflected in the VPA and to the shared goal of increased forest protection. The Minister committed to strengthen collaboration with the FDA and other relevant government agencies towards the full implementation of the Voluntary Partnership Agreement.

High-Level Opening Session: Progress on Benefit Sharing since the last JIC

7. In his opening remarks the Minister of Finance anticipated the increased importance of carbon sequestration and conservation. He also recognized the role of communities as gatekeepers of Liberia's forests and emphasised the government's efforts to reinforce mechanisms that allow for more direct payments of benefits to communities. The Minister of Finance announced significant progress towards the conclusion of a Memorandum of Understanding (MoU) providing for these payments to be made through the Forest Sector Revenue Transitory Account.

8. The National Benefit Sharing Trust Board (NBSTB) outlined the structure of the Trust Board and its key policies, including the legal requirement to publish and share reports covering their activities. The Board agreed to include their last publicized report in Annex 2 of this Aide Memoire. The Board further outlined that from 2016 until 2022, it has supported 53 community level projects corresponding to a total budget of just under $2 million USD. Although some challenges remain, the work of the NBSTB has significantly improved governance around the funding of community projects.

9. The National Union of Community Forest Development Committees (NUCFDC's) expressed their appreciation for the ongoing dialogue with the Ministry of Finance and Development Planning (MFDP) as well as the constructive engagements with the Legislature's Joint Committee on Forestry, Agriculture and Fisheries. The NUCFDCs made the following recommendations on benefit sharing:

    - the NBSTB should be considered as a possible mechanism for all forest related community benefit sharing payments,
    - the National Budget should include provisions to cover operational costs of the NBSTB,
    - the proposed amendment to the National Forestry Reform Law around benefit sharing should be prioritized by the National Legislature,
    - existing community projects like clinics and schools should be operationalized and sustained by the relevant government ministries, agencies and partners
    - outstanding community benefit sharing payments should be transferred without obstruction or further delay.

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4

10. The Legislature's Joint Committee on Forestry, Agriculture and Fisheries outlined their role to oversee the implementation of laws and the Committee's ongoing efforts to improve Liberia's benefit sharing mechanism. The importance of transparency was emphasized and requested that relevant government agencies, and the National Benefit Sharing Trust Board share reports and information regarding payments of community benefits more regularly with the Committee.

11. The EU welcomed the news of the MoU providing for a more direct disbursement of benefit sharing payments through the transitory account. The Ministry of Justice clarified that the MoU still requires key signatures, so will be shared with the JIC within two weeks. Participants were also reminded of the distinction between the NBSTB benefit sharing mechanism for Community Forest Development Committees (CFDCs) versus direct payment mechanisms associated with Community Forestry Management Bodies (CFMBs). The EU and Liberia affirmed the importance of transparency and agreed that there is a need for increased monitoring of community forestry payments and community projects.

Integration of Community Forestry into the VPA Legality Matrix

12. The EU Ambassador communicated in his opening remarks that progress on reviewing the legality matrix to include community forestry is an important objective for this JIC. The EU indicated however that the updating of the legality matrix is not a pre-requisite for enforcement of Liberia's community forestry laws. The legality verification of timber from commercial use community forests is already required, by law in Liberia while the amendment of the matrix is in process.

13. The FDA announced that Liberia's technical review of the JIC Seven Member Committee proposal is ongoing. The Liberian Implementation Committee (LIC) has acknowledged receipt of the EU comments and confirmed that Liberia is in the process of analysing the areas identified by the EU for discussion. These discussion areas include the status of Standard Operating Procedures, linkages between Commercial Use Contracts (CUCs) and the Community Rights Law and the status of non-gazetted regulations. The FDA further welcomed the EU's proposal of an open dialogue on the issue of confiscated timber, as this is of particular concern to both parties. The Ministry of Justice added that the Government of Liberia's analysis of EU comments is ongoing with experts from relevant government agencies.

14. The EU expressed its disappointment that the review is not complete and urged for a deadline for completion and sharing of Liberia's feedback on the EU's comments. Liberia agreed to submit these comments by the 1st of September 2023. The EU proposed that regular technical follow up meetings be held on the legality matrix review. Liberia agreed to participate in a meeting scheduled for the 30th of June 2023. The EU further reminded of the VPA commitment to organise two JIC meetings per year.

Progress, Challenges and Pathways to Achieving Compliance

15. As a follow up to the ninth JIC, the Ministry of Justice (MOJ) and the Forestry Development Authority (FDA) presented the final draft of the Government of Liberia's (GOL) Roadmap to Compliance in the Forest Sector. MOJ indicated that the government's internal consultations

on the draft Roadmap had been finalized. However timelines in the Roadmap will need to be updated as implementation progresses. The EU and Liberia agreed that the finalized Roadmap to Compliance, would be submitted in writing within two days of the 10th JIC, and attached as Annex 3 of this Aide Memoire.

16. The MOJ noted that the finalized Roadmap took various information sources into account, including independent audit reports, FDA's non-compliance registry, investigation reports, FDA Board resolutions, and documented sector violations. MOJ highlighted that the implementation methodology of the Roadmap covers three key areas:

    - Investigation – inspection and monitoring
    - Enforcement - fines and litigation and
    - New /Revised laws – regulations, codes and guidelines

    MOJ explained that the implementation of the Roadmap will require close collaboration between FDA and key government institutions[1], as well as coordination with the third party monitor (currently Société Générale de Surveillance - SGS).

17. The Ministry of Justice indicated that the Government's first priority in the Roadmap is to utilize the Compliance and Enforcement Handbook. FDA and MOJ highlighted that in addition to the finalized Roadmap, the Government of Liberia has already taken several actions to improve compliance in the forest sector:

    - The FDA Board has passed resolutions on key regulations including the Chainsaw Regulation
    - The FDA has sent a communication directing companies to respect the minimum diameter cut limits (awaiting their re-inclusion into the Code of Forest Harvesting Practices).
    - The FDA has issued a ban on blockwood export, and established that any blockwood brought to Monrovia for export, should be considered illegal.

18. The FDA emphasized that the operational dormancy of logging companies is a major compliance issue because of the accrual of outstanding tax arears to the government and to forest communities. The FDA indicated that they have declared three companies[2] dormant, and within one week, procedures will begin with the FDA Board and the National Legislature to terminate the contracts of those companies. The FDA also indicated that the concession review currently underway in collaboration with Norway's Liberia Forest Sector Project may provide further guidance around next steps for dormant concessions. FDA indicated that they will continue to engage dormant companies and finalize decisions on dormant contract terminations by the end of year.

19. MOJ also highlighted that in addition to the compliance issues outlined, the government needs to further investigate holders of Forest Management Contracts (FMCs) who have outstanding arrears but have successfully acquired commercial use contracts with Community Forest Management Bodies (CFMB). Often these companies operate under a different name, evading taxes and benefits owed to the government and to communities. In response to community concerns on illegal rubber plantations by foreign nationals within a forest concession, with or

[1] Ministry of Justice, Liberia Revenue Authority, Ministry of Internal Affairs, Ministry of Finance and Development Planning, Ministry of Labor, and the Environmental Protection Agency

[2] Atlantic Resources, Alpha Logging, and EJ and J (EJ and J has officially notified FDA of their dormancy)

without local involvement, the FDA indicated action would be taken against the individuals involved. FDA and MOJ also agreed that the current cutting cycles outlined in laws around various types of concessions in Liberia may require further scientific research.

20. The JIC reflected on the fact that the Government's Roadmap to Compliance was developed as part of GOL's response to the reccomendations from the Timber Sales Contract A2 / Renaissance Forensic Investigation. [3] FDA confirmed that the court ruled in favour of Renaissance Group Inc (RGI) in its case against the Government of Liberia. The FDA verified that the remaining logs amount to 4,919.755 m^3. FDA further confirmed that as of June 12, 2023, Renaissance has shipped 446 m^3. FDA indicated that 4,473.755 m^3 . is remaining to be shipped. FDA indicated that the Legality Verification Department (LVD) has been mandated to put in place monitoring mechanisms to ensure that there is no further harvesting or logging outside of the volume of logs covered by the court ruling. MOJ further reminded the JIC, that all Timber Sales Contracts have been cancelled by the government, so Renaissance does not legally have a concession area from which to operate.

21. Communities and civil society requested that any records available on the Renaissance shipment be annexed to this Aide Mémoire.

22. FDA committed that it's Legal Counsel would attend the monthly Project Board meeting of the LVD and third-party monitor (currently SGS), in order to improve information dissimenation internally and externally on sector non compliances.

23. At the 8th JIC, the Government of Liberia and National Union of Community Forestry Management Bodies acknowledeged that interference from local government and the local elected officials is hindering operations and causing conflict around commercial use community forestry. After this was highlighted, the Ministry of Internal Affairs (MIA) held a series of town hall meetings in four different counties involving community governance structures, partner companies and local authorities. The MIA highlighted that their role in compliance in Liberia's forest communities is primarily to prevent conflict/violence and improve the functioning of local governments / traditional authorities.

24. MIA outlined that key issues that emerged from these consultations included the failure of logging companies to live up to social obligations, unrealistic demands and committments made around social responsibility, and local officials feeling that they have not been consulted by community governance structures. To prevent potential conflict in commercial use community forests, the MIA reccomended that potential partner companies liase with the MIA to ensure they are engaging with the appropriate members of the local government and traditional /community leadership. FDA also strongly condemned recent incidents of violence and vandalism against timber companies.

25. The FDA and the EU highlighted that in addition to interference from local authorities, there is also ongoing evidence of interferance from members of the National Legislature. FDA added that there are emerging issues around local government authorities setting up separate forest committees and collecting fees from pitsawers / chainsaw millers in order to grant them access to the forest. The FDA proposed the restablishment of a task force modeled after FAO's[4] previous National Forest Forum. It was reccomended that key line ministries, civil society,

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[3] Report of the Independent Panel's Forensic Investigation into Irregularities in Operations of Timber Sales Contract A2, Grand Bassa County, Liberia

[4] United Nations Food and Agriculture Organisation

commnuities, independent media, and other law enforcement agencies be engaged on this forum through a Memorandum of Understanding. Civil society agreed to FDA's suggestions, recommending that the ongoing sustainability of the body be considered in advance of its establishment. FDA highlighted that they would provide funding for the convening of the Forest Forum Meetings but indicated that resources and logistics are needed to further engage on non compliances in collaboration with the Ministry of Internal Affairs.

26. The MIA outlined that there are significant delays in the holding of CFMB elections, and that this is also affecting compliance. The FDA indicated that the Authority has responded to this concern by fast tracking CFMB elections. The National Union of CFMBs presented a summary of their monitoring tool they will put in place to improve governance, benefit sharing and prevent conflict around commercial use community forestry. The NUCFMBs highlighted that the monitoring tools were tested in five communities last year and shared with CFMB Chief Officers. A sample of the NUCFMB monitoring tool will be attached in Annex 4 of this Aide Memoire. In concluding the discussion on compliance, the EU and Liberia expressed their concern that the Liberia Timber Association was not present during the session to present their perspective on non-compliance management.

Progress on implementation of VPA transparency requirements

27. SDI presented the 2022 VPA Transparency Gap Assessment, outlining that Liberia's commitment to transparency is enshrined in a number of laws and regulations which are reinforced in the VPA's Annex IX. The assessment found that although most documents exist, access is often difficult and only 12 of the 52 documents identified in Annex IX of the VPA are currently available on Government of Liberia websites. The assessment's key recommendations are included as Annex 5 of this Aide Memoire. Following discussion on possible measures to increase availability of key information in support of benefit sharing it was agreed that the LVD monthly reports would be shared with stakeholders in the LIC untill they can be made available online. The GoL requested that civil society increase efforts to coroborate and validate forest information with relevant agencies and agreed to share the monthly reports by LVD and SGS.

28. The FDA outlined that the study visit by the LVD to the Ghana Forestry Commission provided the opportunity to exchange views on VPA implementation. The LVD reported on differences and similarities they observed including different levels of centralisation, wood tracking software and real time reporting. The visit also allowed for exchanges on the issue of confiscated timber and on the design and integration of a public portal.

29. The Multi-Stakeholder Forest Governance Accountability Program (MFGAP) demonstrated the potential features of a sample public portal designed with help from the Environmental Investigation Agency. The design of any to be developed portal will need to be compatible with LiberTrace and will need to consider that LiberTrace does not rely on real time data. Consultations have allowed to identify information needs of stakeholders and produce a map-based sample design linking to various online information sources. MFGAP hopes this sample design can support further dialogue with stakeholders to improve content, approach and/or design ahead of possible development and role out. The EU and Liberia reiterated their commitment to increasing transparency in line with the VPA and its annex IX. FDA requested further consultations with the MFGAP team on the design and content of the portal.

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Progress and Challenges around Forest Tax Collection and Arrears

30. During his opening remarks Hon. Karnwea emphasized that timber companies should be able to be profitable. In view of an increase in containerized timber exports, he identified the need to fund further port infrastructure and to deepen collaboration between the Liberian Port Authorities and FDA.

31. LRA's Natural Resource Tax Section informed the JIC of the procedure to approve of tax installment plans. This procedure involves approval by the LRA Commissioner based on an application and after analysis of the applicant's tax obligations has shown he is not capable of paying immediately. The EU pointed out that the lack of full payment before export does not conform to the underlying principle of the VPA that legality be verified before timber is exported and that this may have negative impacts on community benefit sharing payments.

32. LRA communicated that a task force was set in 2016 with FDA and SGS allowing coordination on issues including communications on awarded tax stipulations and the registration of payments and invoices. The strengthened collaboration with FDA and the recent launch of the Liberia Integrated Tax Administration System (and its anticipated interface with LiberTrace) will allow to further enhance coordination and data reconciliation. LRA informed the JIC on progress of the current process to reconcile forest tax collection data; after internal reconciliation between LRA and FDA, results need to be communicated to affected companies before it its possible to share the outcomes of the reconciliation more widely. When the reconciliation is finalized over the next three months, LRA share the reconciled data with the JIC. The private sector asked to extend the two-week period to allow affected companies to answer. The LRA clarified that the data reconciliation covered all forest fees invoiced and paid for FMCs and TSCs from the year 2009.

33. FDA informed the JIC of the investigation into the cancelation of invoices in LiberTrace conducted by the FDA legal office and its outcome will be submitted to FDA management for subsequent action. It has been difficult to establish amounts of outstanding payments while the Forest Tax Collection reconciliation has not concluded. The FDA agreed that this investigation should be concluded within the coming three months. The EU indicated that the outcomes of this investigation are important as they may have resulted in cancelations of land rental fee payments to communities affecting benefit sharing arrangements.

34. The NUCFDC extended their appreciation for the clarificaiton of numbers in relation to benefit sharing in the last JIC Aide Memoire. These have helped clarify the total amounts of land rental fees accrued by FMCs as well as the amounts paid and subsequently disbursed to the the NBSTB for the period 2009 – 2021. The NUCFDC reported that a total of $58.43 million USD was invoiced to the holders of the seven FMCs in Liberia, of which $32.99 million has been paid by those contract holders. This means that CFDCs are entitled to a total of $9.9 million USD. So far $3.1 million USD have been transferred to the NBSTB while $6.8 million USD remains outstanding as arrears to be paid by the Government of Liberia. The FDA noted that these figures have not yet been reconciled by LRA and MFDP.

35. The NUCFDC summarized the impacts of company dormancy on communities: Three out of seven FMC holders have been inactive for more than five years (LTTC, Atlantic Resources and EJ & J) with only two FMC holders currently operational (Euro Logging and Geeblo Logging). Two companies no longer have offices or staff based in Liberia (Atlantic Resources and Alpha Logging). The NUCFDC therefore recommends that the monthly reports from LVD and the Commercial Department at FDA be shared with members of the National Multi

Stakeholder Monitoring Committee and that recommendations from the ongoing concession review be fully implemented and enforced.

36. In his response the FDA Managing Director reminded of his directive to commence the cancellation procedure of the FMCs of Atlantic Logging, Alpha Logging and EJ&J. With or without the results and recommendations from the concession review, FDA will take the necessary next steps towards dormant concession cancellation. The NBSTB raised concern around the status of benefits owed by companies once cancelled. The Government of Liberia clarified that outstanding payment owed would still be due to communities regardless of company cancellation.

Emerging Trends Affecting Forest Governance and Compliance

37. The EU and Liberia discussed emerging forest governance challenges in Liberia and possible next steps to tackle illegal logging. The FDA outlined there are currently challenges around illegally containerized wood shipments prepared by legitimate and illegitimate sector operators. FDA noted that often the contents of these illegal containers are intentionally mislabled as 'General Merchandise' by companies wishing to evade timber legality checks and relevant taxes.

38. FDA indicated that the Government of Liberia needs to work towards consensus on a long-term solution involving a special seal that FDA would need to provide on each timber container, in order to verify legality. FDA outlined that despite the challenges with illegally containerized timber, they have taken several mitigating measures in the interim to address the problem:

    - FDA has made several arrests and currently has two ongoing court cases against individuals ; FDA has taken action against unregistered companies illegally engaging in this practice
    - LVD held a working session for shipping lines, Liberia's port logistics company (APM Terminals), customs and other relevant agencies to review the export documentation required for legal shipments.
    - LRA has agreed to strengthen inspections at the National Port Authority through the government's service provider and
    - FDA has amended her procedures to reflect that any containerized timber shipment must have written consent in advance from the FDA.

39. FDA also recommended that the Authority and relevant line agencies have a day and night shift staff presence at the Freeport of Monrovia. The Government noted that recent cases of large drug shipments using Liberia as a transit point has also led to increased inter-agency collaboration including with the Drug Enforcement Agency (DEA) in the National Port Authority of Monrovia. The Government of Liberia reiterated its willingness to work together to strengthen governance around this issue. FDA reiterated the need for inter-agency presence for loading and sealing of timber containers. The EU recommended that future independent audits under their support include audits of LiberTrace. The EU and Liberia agreed that one of the future independent audits under their support should focus on illegally containerized timber.

40. Civil society led discussions around another emerging issue: illegal companies harvesting in forests where communities do not yet have a governance structure. Civil society recommended that adjacent communities be made aware and lessons are shared among nearby communities. Civil society also highlighted that supporting communities without a governance structure is becoming more difficult because these forest communities often feel suspicious that civil society will interfere in benefits community members could obtain from illegal timber.

41. The EU and Liberia regretted the absence of the private sector from discussions on emerging forest governance issues. The FDA suggested that considering the low number of forest sector operaters, that the Liberia Timber Association may be having challenges around effective representation and funding.

Presentation of Current and Planned EU -funded VPA Implementation support

42. The EU outlined the components of a variety of support to VPA Implementation in Liberia with outputs from the French Development Agency (AFD) , the Eticwood Consortium and the European Forest Institute (EFI). Eticwood outlined that their program components will support sustainable forest management. Their outputs include support to key stakeholder meetings, independent forest monitoring, FLEGT Facilitation, Forest Management Planning and a relaunching of the Independent Audit function. The JIC was also reminded of the existence of the JIC level independent audit working group, and the need to reactivate its oversight, once support around the independent audit begins.

43. EFI outlined components in the EU's recent signing of 15 million Euro forest sector support with the Government of Liberia. EFI outlined that they are not the only part of the overall support, and that other institutional implementers are also foreseen under the support. EFI highlighted that their component would focus on accelerated VPA implementation, improved forest governance and transparency. While EFI admitted that project plans and consultations are still taking place, they outlined that consultations so far have revealed the need to possibly support mock audits around the LiberTrace system, support to the legality matrix amendment, and improved development of community forestry management plans.

44. The Government of Liberia expressed its disappointment that components under the AFD/Eticwood's support focused mainly on civil society and media institutions, and there was less support planned to the government on sector challenges. FDA – LVD also requested that specific logistical support to the LVD be considered under EU support programs. The EU and Liberia agreed that further consultations should be had around all sector support before the design of key project deliverables under the EU support are finalised.

45. Liberia and the EU agreed that the next JIC will be held in the first quarter of 2024.

Date: 15/06/2023

Signed: Head of Delegation of the European Union in Liberia

Ambassador Laurent Delahousse

and

Date: 15-06-2023

Signed: Chair of the Board of the Forestry Development Authority

Hon. Harrison S. Karnwea Sr.

ANNEX 1

List of Stakeholders and Participants

Participating Stakeholder Groups:

The Government of Liberia (GoL)

1. Forestry Development Authority (FDA)
2. Ministry of Agriculture (MoA)
3. Ministry of Finance & Development Planning (MFDP)
4. National Authorizing Office (NAO/MFDP)
5. Ministry of Labour (MoL)
6. Ministry of Justice (MoJ)
7. National Bureau of Concessions (NBC)
8. Environmental Protection Agency (EPA)
9. Liberia Revenue Authority (LRA)
10. Ministry of Internal Affairs (MIA)
11. National Legislature

Private Sector

1. Liberia Timber Association (LibTA)

Civil Society Organizations

1. NGO Coalition of Liberia
2. National Union of Community Forest Development Committees (NUCFDC)
3. National Union of Community Forest Management Bodies (NUCFMB)
4. Independent Forest Monitors (CS IFM)
5. Sustainable Development Institute (SDI)
6. National Benefit Sharing Trust Board (NBSTB)

International Partners

1. European Union (EU)
2. Agence Française de Developpment (AFD)
3. European Forest Institute (EFI)
4. Eticwood
5. Forest Governance and Markets Program (FGMC)
6. Foreign Commonwealth and Development Office (FCDO)
7. The Palladium Group
8. Multi-Stakeholder Forest Governance and Accountability Project (MFGAP)

Support Team

1. VPA Secretariat/FDA
2. MFGAP
3. FLEGT Facilitation

4. AFD
5. EFI

Observers

1. British Embassy
2. World Bank
3. UNDP
4. USAID
5. Embassy of Ireland
6. Norway Ministry of Climate
7. Society of the Conservation of Nature Liberia
8. FAO
9. ClientEarth
10. Fern

Participants List:

European Union Team

NAME	INSTITUTION
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Madam. María Winnbust	EU Delegation
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Mr. James M. Kermue Jr	Embassy of the United Kingdom
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Madam. Barbara AVELINO	Eticwood
Madam. Solene COMA	AFD
Mr. Christophe COTTET	AFD
Liberian Delegation	
Hon. Harrison S. Karnwea, Sr.	Chairperson/FDA Board

Hon. C. Mike Doryen	Managing Director/FDA
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Hon. Samuel Tweah	Minister/MFDP
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Mr. Edward S. Kamara	FDA
Mr. William Pewu	TM- Commercial /FDA
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Mr. Morris Sheriff	FDA
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Mr. Samuel K. D. Kwennah (Virtual)	NGO- Coalition
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Mr. Matthew T. Walley	NUCFDC
Mr. Brooks Douai	NUCFDC
Mr. Andrew Y.Y. Zelemen	NUCFDC
Mr. Saye Thompson	President, NUCFMB
Mr. Bonathan Walaka	NUCFMB

Mr. Isaac Saylay	NUCFMB
Mr. William T. Nyhdro	NBC
Mr. Serkeh W. Togba	NBC
Mr. Glenn H. Lee	NBC
Mr. Lemuel Payedoo	NAO/MFDP
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Mr. Abraham Billy (Virtual)	CSO
Mr. Roberto T. Kollie	NBSTB
Mr. Cesare Columbo	LibTA
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Mr. Jeremaih G. Sokan	EPA
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ANNEX 2

NBSTB Financial Report

National Benefit Sharing Trust Board
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Cash Balances of Community Forestry Development Committees (CFDCs) as at May 31, 2023

No.	COUNTY	CONCESSION AREA	CASH BALANCE	
			USD	LD
1	Lofa	FMC-A	47,733.66	10,049,936.59
2	Gbarpolu	FMC-A	27,853.33	5,476,654.53
3	Grand Kru	FMC-P	21,948.81	7,121,426.51
4	Maryland	FMC-P	6,004.51	2,117,795.07
5	RiverGee	FMC-P	(126.41)	106,203.07
6	Grand Gedeh	FMC-I	21,558.75	6,227,376.21
7	Sinoe	FMC-I	14,733.25	4,365,865.15
8	Rivercess	FMC-B	21,127.43	3,271,951.68
9	Grand Gedeh	FMC-F	27,005.46	6,929,171.38
10	RiverGee	FMC-F	25,082.92	8,257,529.09
11	Grand Gedeh	FMC-K	41,455.72	12,426,943.44
12	Rivercess	FMC-K	17,205.90	5,770,728.01
13	Nimba	FMC-K	54,009.80	16,194,063.90
14	Rivercess	FMC-C	20,631.32	4,878,678.79
15	Cape Mount	TSC A9	820.56	347,265.96
16	Grand Bassa	TSC A2	1,315.91	238,059.67
17	Cape Mount	TSC A10	820.56	183,629.17
18	Gbarpolu	TSC A7	827.09	528,500.33
19	Cape Mount	TSC A15	1,360.38	471,171.02
20	Gbarpolu	TSC A6	698.27	159,970.77
21	Cape Mount	TSC A16	1,360.38	471,171.02
22	Cape Mount	TSC A11	1,284.41	613,928.95
23	Grand Bassa	TSC A3	1,142.47	244,314.52
	Total		**355,854.48**	**96,452,334.83**

Prepared by: _____ Verified by: _____
Finance & Admin Officer **Head of Secretariat**

Attested by: _____ Approved by _____
Treasurer, NBST Board **Chairperson, NBST Board**

ANNEX 3

Non-Compliance RoadMap

REPUBLIC OF LIBERIA

GOVERNMENT OF LIBERIA'S COMPLIANCE ROADMAP FOR THE FOREST SECTON

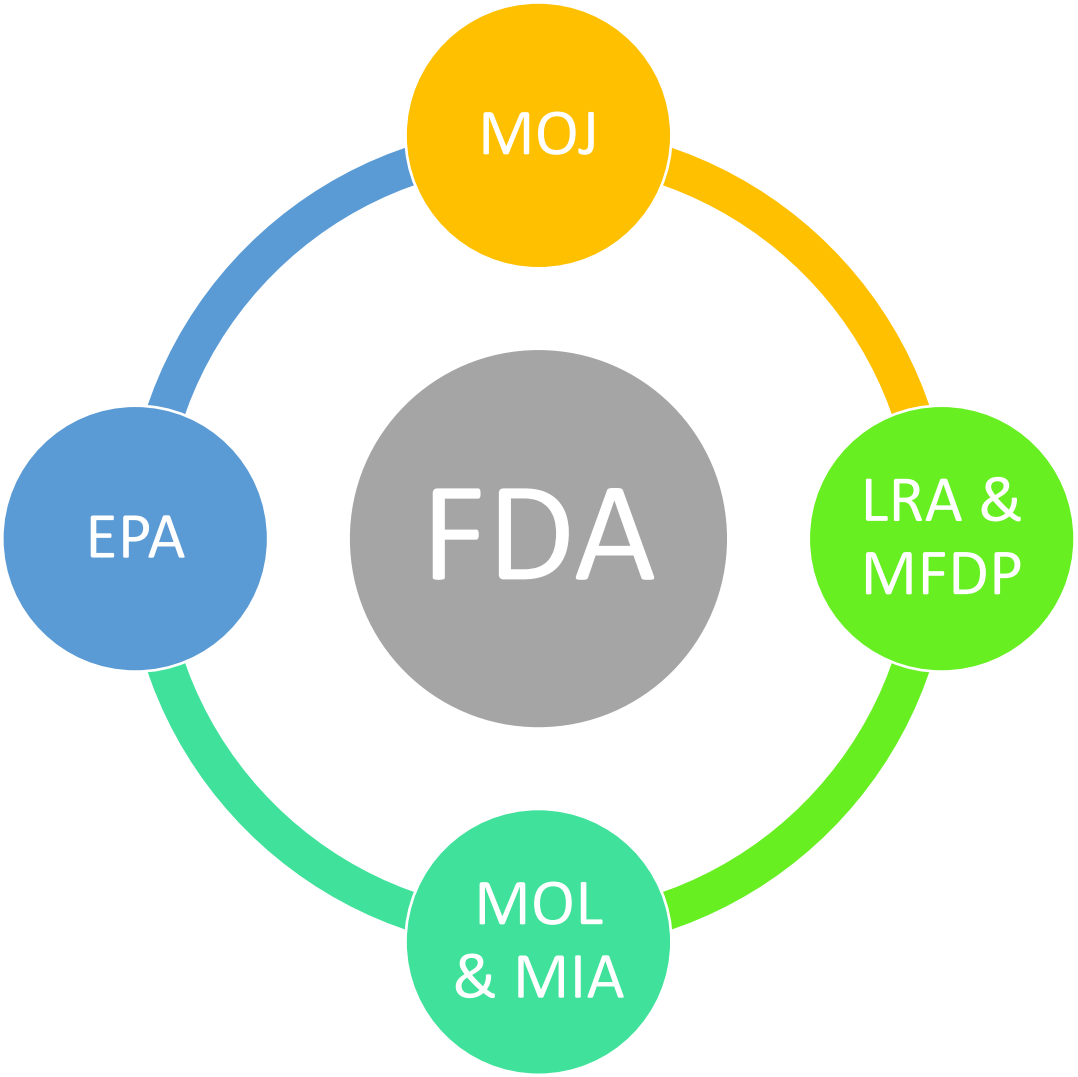
PRESENTED TO THE JOINT IMPLEMENTATION COMMITTEE MEETING OF THE EU-LIBERIA VOLUNTARY PARTNERSHIP AGREEMENT

PRESENTED BY MINISTRY OF JUSTICE & FORESTRY DEVELOPMENT AUTHORITY

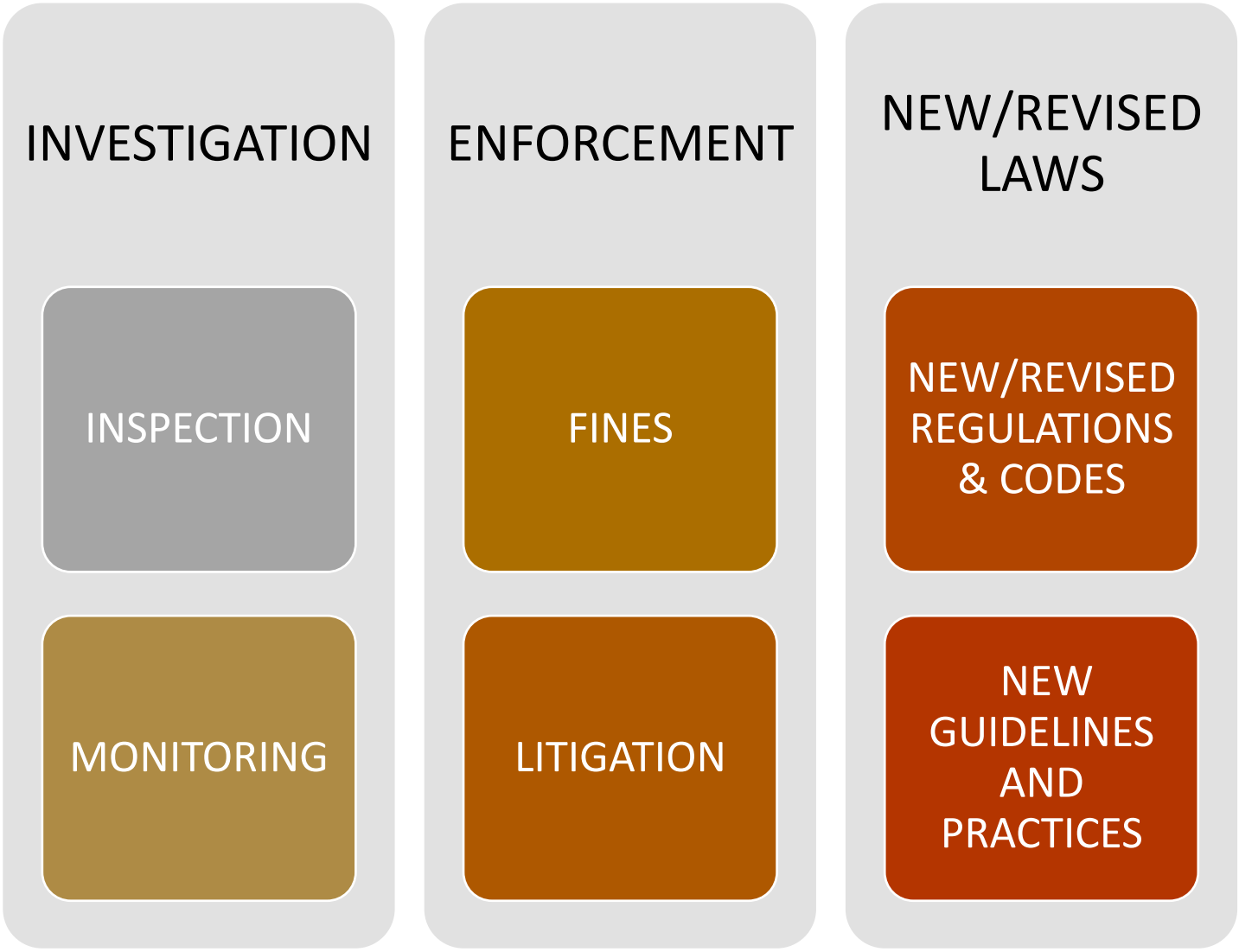
JUNE 12, 2023
MONROVIA CITY HALL, MONROVIA, LIBERIA

INDEPENDENT AUDIT REPORTS
NON COMPLIANCE REGISTRY
INVESTIGATION REPORTS
COMPLIANCE ROAD MAP
FORWARD PLANNER
BOARD RESOLUTIONS
COMPLAINT/INFORMATION OF VIOLATIONS

IMPLEMENTED THROUGH THE COLLABORATION OF THE FOLLOWING ENTITIES OF GOVERNMENT:



IMPLEMENTATION METHODOLOGY



COMPLIANCE ROADMAP

No.	THEMATIC AREAS (DELIVERABLES)	KEY ACTIVITIES	STATUS	STATUS SUMMARY	COMPLETION
1	Implementation of Enforcement and Compliance Handbook	Approval and Publication of Compliance and Enforcement Handbook on FDA website	ONGOING	Handbook approved by FDA Board; ongoing preparation for printing of 200 copies and upload on website	August 2023
		Development of templates to aid in the usage of the Compliance and Enforcement Handbook	ONGOING	Some templates have already been developed, including • Matrix of Offenses and corresponding penalties • Regional Office Suspicious Violation Reporting Form • Regional Monthly Reporting Form	September 2023
		Conduct regional training of relevant FDA personnel in the usage of the Compliance and Enforcement Handbook	PENDING	Concept Note prepared, budget approved, funding being sourced	December 2023
2	Accelerating the finalization of new regulations to support VPA implementation process	Official Gazette and publication of Chainsaw Milling Regulations and PUP Regulations.	PENDING	Approved regulations sent to Ministry of Foreign Affairs and ministry of State and obtain Official Gazette	September 2023

		Publish PUP and Chainsaw Regulations on FDA website	PENDING	Approved Regulations already published on FDA Website; Official Gazetted copies to be published upon gazettement	September 2023
		Conclude processes leading to the finalization of the Transit and Imported Timber Regulations	PENDING	Sourcing funding to commence public notice and consultations	October 2023
3	Update of the Legality Matrix	LIC Technical Committee review of the draft revised Legality Matrix, including EU comments	ONGOING	Liberia Implementation Committee (LIC) technical Sub-Committee continues to review EU comments; other concerns have been identified by sub-committee. Technical Sub-committee has reviewed 80 comments and is completing review of remaining comments for submission to LIC by end of July. LIC approved draft will be submitted to the EU by August 2023.	August 2023
		EU and Liberia to finalize revised Legality Matrix	PENDING	Liberia review is still ongoing.	September 2023
4	Amend the Revised Code of Forest Harvesting Practices (CFHP,2017) to include the Minimal diameter cut limit	FDA to draft amendment to the CFHP, 2017, to include APPENDIX A regulating minimum Diameter Cut Limits	PENDING	• In 2022, FDA circulated Directive to concessionaires reinstating the diameter cut limit prescribed in the earlier CFHP. Appendix A is being implemented by directive of the Managing Director.	December 2023

				• FDA to commence review of the process required for amending the CFHP pursuant to the FDA Ten Core Regulations	
5	Implementation of financial and other obligations to communities as per signed Social Agreements and Forest licenses	Conduct assessment to determine the causes and extent of non-compliance with each social agreement (including CFMAs) entered between communities and license holders	PENDING	Have not commenced	December 2023
6	EPA inspections of forest concessions	Meeting with EPA to find a means by which regular and unhindered field inspections of forestry operations can be carry out	PENDING	Direct and exclusive engagements to commence	September 2023
		Commencement of quarterly field inspections of forestry operations across the four forestry regions of Liberia	PENDING	Commencement contingent on the engagement meeting with EPA	December 2023
7	MOL inspections of forest concessions	Meeting with MOL to find a means by which regular and unhindered labor field inspections of forestry operations can be carryout	PENDING	Direct and exclusive engagements have not commenced	September 2023
		Commencement of quarterly field inspections of forestry operations across the four forestry regions of Liberia	PENDING	Commencement contingent on the engagement meeting with EPA	December 2023
8	Declaration felling and crosscutting in LiberTrace as and when done	FDA to send out a directive to all operators/licensees/concessionaires, to submit a	ONGOING	Notice has been sent to all operators to submit a monthly felling,	ROUTINE

		monthly felling, cross-cutting and transport report (November 2022)		cutting and transportation report	
		FDA to from time to time verify monthly felling and cross-cutting reports to be submitted by operators/licensees/concessionaires; (quarterly from January)	PENDING	Monthly felling, cutting, and transport reports are yet to be received; reports will be reviewed when submitted	September 2023
		FDA to impose fines for false declarations	PENDING	Based on the verification of reports to be submitted	December 2023
9	FDA-LVD sharing of pertinent Information with Communities, civil society organizations and key Government institutions	Land rental fee payments, benefit sharing and other relevant information to be published on the FDA website or otherwise made available through monthly email reports to CFMBs and LRA.	PENDING	Modalities are being put in place through sectorial consultations between FDA and LRA	September 2023
		LiberTrace viewing rights to LRA, MOJ and other stakeholders.	PENDING	MFGAP is supporting the building of information sharing portal	December 2023
10	Publication of key documents by the FDA as per the NFRL and the VPA.	Certain FDA Board Resolutions to be made public or at least certified copies of the Board Resolutions to be made available particularly, as relates to the passage of regulations and policy (and the revocation/repeal of previous instruments.	ONGOING	Some Board resolutions have already been published	ROUTINE
11	Enforcement and Compliance	LVD to update Compliance Register monthly	PENDING	Records of non-compliances are being collated	September 2023
		FDA to address issues raised in compliance register	ONGOING	FDA is routinely addressing issues raised on existing Registry	ROUTINE
12	Harmonization of CFMAs cutting cycle (15 years) and FMCs cutting cycle (25 years)	Hire the services of a technical expert to conduct an assessment	ONGOING	MFGAP hired legal consultant has reported to the JIC on the complexities of	December 2023

		of the Liberian forest to determine the average cutting cycle that will lead to sustainable forestry;		harmonizing the cutting cycles	
		Conduct an economic analysis to determine the extent of the liability to be incurred by Government if the cutting cycle is changed/harmonized from 15 years upward	PENDING	Have not started	October 2023
13	Taxes and other fees owed by FMCs	FDA and LRA to submit to the LIC a detailed strategy to recover unpaid taxes from all delinquent FMCs	PENDING	FDA and LRA are reconciling the tax obligations of operators	September 2023
		FDA and LRA to enforce applicable laws on the collection of taxes and other fees owed by FMCs	ONGOING	Routinely done	ROUTINE
14	Dormant concessions to be terminated consistently with law	FDA to communicate with all dormant Concession holders informing them of the dormancy of their operations and inviting them to a conference	PENDING	Initial processes have begun consistent with FMCs	December 2023
		Start filing petitions for cancelation or declaratory judgment, in order to repossess the concession area.	PDENDING	Contingent upon the fulfillment of all required non-judicial processes	December 2023
		All dormant concessions cancelled and forest repossessed	PENDING	Contingent upon Court Orders/judgment	March 2024
15	Benefits to Communities (Payments)	Revise the Forestry Transitory Account MOU to include the NBSTB to ensure the timely and hindered remittance of Affected Communities'	COMPLETED	MOU has been revised and signed by all parties thereto	July 2023

		30% share of Land Rental Fees to the NBSTB through the use of the existing Forestry Transitory Account			
		Agreement between FDA and MFDP for payment arrangement of balance to be paid to Communities	PENDING	SOME PORTIONS OF THE ARREARS HAVE BEEN Paid BY THE GOVERNMENT	November 2023
		Companies to submit bank receipts as evidence of payments to communities prior to request for export permits.	ONGOING	LVD is ensuring that companies submit receipts of payments to communities prior to issuance of Export Permit	ROUTINE
16	Ensuring Renaissance, Inc. ship logs consistent with the court's judgement	FDA/LVD to verify every Export Permit to ensure that only logs subject to the court's ruling are captured therein for export. No log that is not a subject of the court's ruling must be shipped	ONGOING	So far, only logs subject of the court's ruling have been shipped	Until all logs in question are shipped

ANNEX 4

Quarterly Monitoring Tool for Implementation of Forest Governance Agreements and Plans

Introduction:

The monitoring tool for implementation of forest governing agreements plans is designed and developed by the NUCFMB as a useful guide to monitor forest agreements in accordance with the Community Rights Law (CRL) and the Community Forest Management Agreements (CFMA).

The tool specifies a number of practices and procedures that the CFMBs should carry out to improve community forest governance.

Community Forest Management Body (CFMB) information

Regional Coordinators should complete this section before they hand the checklist to each forest community in their area. The community can then update edit any changes.

Name of Chief Officer:

Contact phone:

Contact email (if available):

Name of Community Forest:

Number of hectares:

Office Location:

District:

County:

Period covered by this report: Start (day – month – year): End (day – month – year):

COMMUNITY FOREST MANAGEMENT STRUCTURE

Does the Authorised Forest Community have a written and approved by-laws and a constitution? Yes☐ No☐

Does the CFMB meet as provided for in the by-laws and constitution? Yes☐ No☐

When was the *most recent meeting*? (day – month – year)

Is the agenda for meetings developed and shared with members of the CFMB at the start of each meeting? Yes☐ No☐

What were some of the decisions and resolutions from the *most recent meeting*:

Are the **minutes** of each meeting prepared after the meeting? Yes☐ No☐

If yes, have you provided the latest **meeting minutes** to NUCFMB? Yes☐ No☐

If not, can you provide them to NUCFMB now? Yes☐ No☐

Does the CFMB have five members on its leadership structure? Yes☐ No☐

If yes, are all five CFMB members active? Yes☐ No☐

If not, explain why some are inactive:

Are there females on the CFMB leadership? Yes☐ No☐

If yes, how many? *If no*, any reasons why?

Do you have a Community Forestry Management Plan (CFMP)? Yes☐ No☐

If yes, what date was it finalised? (day – month – year)

Have you provided a copy of the **CFMP** to NUCFMB? If not, can you provide one now? Yes☐ No☐ *If no*, why not?

Has the CFMB established a community forest fund? Yes☐ No☐

CONSERVATION ACTIONS

Is this a Conservation (and/or Carbon) community forest? Yes☐ No☐

If not, do you have any conservation zones in the forest? Yes☐ No☐

If yes, do you have any support or income from conservation (and/or Carbon)? Yes☐ No☐

If yes, please provide the name of the support or income source:

THIRD PARTY CONTRACTING

Is there an existing contract with any logging operators? Yes☐ No☐

If no, are there plans to enter into a CUC with a contractor? Yes☐ No☐

If you answered 'no' to these two question you can jump to the next page.

If yes, there is a contract, what is the logging company's name?

What date was the contract signed? (day – month – year)

What date is it due for review? (day – month – year)

Was the contract approved by the Executive Committee? Yes☐ No☐ *If no*, why not?

Have you provided a copy of the **contract** to NUCFMB? If not, can you provide one now? Yes☐ No☐ *If no*, why not?

Were you ever given a copy of the **ESIA** (Env. & Social Impact Assmnt)? Yes☐ No☐

If yes, what date was the ESIA completed? (day – month – year)

Is the logging operation active? Yes☐ No☐ *If no*, why not?

Were you ever given a copy of the **annual harvesting certificate?** Yes☐ No☐ *If yes*, did you give it to NUCFMB? Yes☐ No☐

Benefits Provided

Is the CFMB receiving benefits – either from the Contractor or from a conservation supporter – on behalf of the community? Yes☐ No☐

If you have a conservation CFMA, please skip the questions that do not apply.

BENEFIT TYPE	Total amount due: (years x area x 1.25 x 55%)	Amount received to date:	Amount currently owed:
Land rental fees	$	$	$
Cubic meter fees	$	$	$

	Total volume harvested to date:	Date of most recent operations:	Have you received harvest data?
Volume harvested	m^3	(day – month – year)	Yes ☐ No ☐

TYPE OF PROJECT	Give details about what (if anything) was promised?	What has been delivered?
Workers' housing		
Road construction		
Bridge construction		
Schools (e.g. buildings, equipment, teachers)		
Health care (e.g. clinics, drugs, medical staff)		
Latrines		
Hand pumps		
Other structures		
Human resources (jobs)		
Forest Guards		

Scholarships

Other

COMMUNITY PROJECTS

Apart from projects built by the logging company or conservation supporter (above)

Does the community have annual work plan? Yes☐ No☐ *If no*, why not?

Has the community started or completed any projects of its own? Yes☐ No☐

Please provide the following details for each project, for example, school, clinic, guest house, town hall, palaver hut, hand pumps, latrines, CFMB office etc.:

Name of first project:

Did the Community Assembly (CA) pass a resolution to approve disbursement? Yes☐ No☐

If yes, how much did the CA approve? *If no*, why not?

$

Date approved: Date work started:

Has this project been completed? *If yes*, what date was it finished? Yes☐ No☐

If no, what stage has it reached?

If yes, what was the actual final cost? Was the final cost the same as the budget? If not, why not?

$

Name of second project:

Did the Community Assembly (CA) pass a resolution to approve disbursement? Yes☐ No☐

If yes, how much did the CA approve? *If no*, why not?

$

Date approved: Date work started:

Has this project been completed? *If yes*, what date was it finished?

Yes☐ No☐

If no, what stage has it reached?

If yes, what was the actual final cost?

$

Was the final cost the same as the budget? If not, why not?

If you have more than two projects, please use extra pages.

INTERNAL FINANCIAL CONTROL

Name (s) of signatory (ies) to community account: 1.

2.

3.

Name of banking institution:

How many dollars has the community withdrawn ***in the last 3 months***? $

Do you have register for cash flow?	Yes☐	No☐	*If no*, why not?
Do you have request voucher?	Yes☐	No☐	*If no*, why not?
Do you have place for keeping all documents safely?	Yes☐	No☐	*If no*, why not?
Do you have valid bank statements?	Yes☐	No☐	*If no*, why not?

Who completed this checklist?

Name:

Position:

Contact phone (if different from Page 1):

Contact email (if different from Page 1):

Date today:

Signature:

ANNEX 5

Liberia VPA Transparency Gap Assessment – Nov 2022

Recommendations

For the EU

1. Support the FDA to improve and maintain a record management system so that documents and data contained in Annex IX are regularly published.

2. Provide technical assistance to the FDA to modify its current website so that it has the capacity to upload voluminous documents and data.

3. Allocate funding to support CSOs working in the sector on how to effectively use the FOI Act in requesting for public information.

For the Government/FDA

1. Increase the number of staff working in the information and communications department so that documents are compiled and collated in a timely manner for publication on the website

2. Decentralize decision-making processes so that the decision to respond to requests for information is not rested solely on the Managing Director

3. Publish public information on the FDA website in a timely manner and ensure that copies are available at the regional offices that can be accessed by communities

For CSOs:

1. Make use of the FOI Act to make requests for public information in keeping with the procedures outlined in the law.

2. Educate NUCFMBs, NUCFDCs and communities on how to use the FOI Act to make requests for public information.

3. Find alternative channels such as town hall meetings or forums for disseminating public information to local communities