

Report on the National Benefit Sharing Trust Board's Retreat held at Estella Hotel, Gbarnga

August 11-13, 2011

SUPPORTED BY USAID'S LAND RIGHTS AND COMMUNITY FORESTRY PROGRAM (LRCFP)

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INTRODUCTION

The Forestry Development Authority Board's approval of Regulation 114-10 in July 2011, and the support provided by USAID's LRCFP, enabled the National Benefit Sharing Trust Board (NBSTB) to organize a retreat at Estella Hotel, Gbarnga during August 11-13, 2011. The retreat was chaired by the NBST Board Chairman, Mr. Kulah Jackson. Eleven (11) Board members attended the retreat. Two members from Community Forest Development Committees (CFDCs) and three non-voting observers on the Board were not able to attend the meeting. A number of outputs/results from the Board's meeting are found in Attachments 1-5.

Background

With the end of Liberia's 14-year civil strife in 2003, the priority has been resuscitating the national economy based on the extraction of natural resources which include timber and minerals. A significant pointer in this direction was the enactment of the National Forestry Reform Law (NFRL) in 2006, the installation of a related National Forestry Policy and Implementation Strategy in 2006 and the promulgation of NFRL-associated ten-core regulations (in particular Regulation 106-07) in 2007. The law and its implementing regulations provide the framework for the establishment of a Trust which will manage the sharing of benefits with communities affected by logging concessions. Two types of benefit accrue to affected communities: (i) a proportion (30%) of land rental fees paid by concessionaires to government and (ii) material and financial benefits from Social Agreements entered into between communities and concessionaires. In compliance with the NFRL and implementation regulations, affected communities in the vicinity of logging concessions have formed representative CFDCs to interact with government and logging concessionaires and to manage both types of benefits from commercial forestry.

In the first half of 2009, the Forestry Development Authority (FDA) established a Benefit Sharing Mechanism Working Group (BSMWG) made up of representatives from the affected communities' CFDCs. USAID's LRCFP developed a report and

recommendations on benefit sharing in March 2010 based on an intensive round of consultations with state and non-state actors in the forestry sector. The BSMWG reviewed the recommendations in depth at meetings in Monrovia and agreed on a set of proposed Regulations for the establishment of a National Benefit Sharing Trust to manage on behalf of, and distribute funds to, affected communities through CFDCs. Consistent with the draft Regulations 114-10, an elect NBST Board was constituted during the first quarter of 2011 and it comprises representatives of CFDCs, logging industry, traditional chiefs, Ministries of Finance and Internal Affairs, FDA, civil society, international donors and international non-governmental organizations and two appointed *ex-officio* members. In July 2011, the Regulations (114-10) were finally approved by the FDA Board and this enabled the NBST Board-elect to begin operations.

Objectives

With support from USAID's LRCFP, the NBST Board met at Estella Hotel, Gbarnga in Bong County during 11-13 August 2011 to:

1. Engage its members in detailed discussion on Liberia's Benefit Sharing Scheme relative to its smooth implementation;
2. Derive the next course of actions for the NBST Board in terms of consolidating the gains made as well as improving other aspects of the scheme that may not have been carried out successfully;
3. Discuss and enhance knowledge amongst diverse members on issues relating to the scheme and the entire benefit allocation activities of the NBST Board;
4. Outline and deliberate on Resolution 114 – 11, especially as it relates to other regulations that have already been issued by the FDA; and
5. Review and discuss the role of the various stakeholders (the Government, the Civil Society Organizations, the Affected Communities, and the Private Sector as well as Development Partners) in order to consolidate current gains and ensure the sustainability of the National Benefit Sharing Trust.

Expected Results/Outputs

The expected results of the retreat were as follows:

1. Focused work plan for the NBST crafted;
2. Provisions of Regulation 104-10 understood by Board members relative to the NFRL's ten-core regulations;
3. Roles of various Board members understood;
4. Procedures for accessing funds from the Trust understood by Board members; and
5. Platform for further discussion at the next NBST Board's retreat established.

PROGRAM OF THE RETREAT

DAY ONE: 12 AUGUST 2011

On the first day, the following activities on the NBST Agenda took place.

1. Power Point Presentation on Finalizing Operational Guidelines

On behalf of Sandra Nichols of the Environmental Law Institute, Washington D.C who could not attend the retreat due to logistical setbacks, Dr. Solomon Mombeshora made a

PowerPoint presentation on “*Finalizing the Operational Guidelines.*” The presentation was on the whole well received and it stimulated debate on matters relating to transparency and accountability as well as the land rights. After an animated debate, members of the Board noted the following things:

- Matters of transparency and accountability should be viewed as on-going enterprises that have no cut-off point. Through continuous practice, the Board can attain the highest standards of transparency and accountability. These issues are relevant to all stakeholders on the Board.
- Land issues should be left to the Land Commission which recently started doing its work. The Board will continue to focus specifically on land rental fees and the disbursement of the fees to affected communities through CFDCs.

Trust Board members agreed to discuss the Operations Framework in detail on the following day after having read it to the letter during the night.

2. Analysis of NBST Regulation 114-10

Lawrence Greene made a presentation on the salient points of Regulation 114-10. The Trust Board discussed the following issues:

Section 13. Secretariat to the Trust Board

The Trust Board expressed concern that the two members of staff provided for in the Regulation will not be enough to manage the affairs of the Trust Board. To function effectively and efficiently the Trust Board requires the following personnel:

- Administrator
- Finance and administration assistant
- Monitoring and evaluation assistant
- Driver
- Office assistant
- The Board agreed to increase the number of staff from two to five provided additional funds are secured from donors.
- The Board agreed to write to the Ministry of Finance to get permission to open bank accounts.
- Signatories to the Trust Accounts shall be
 - ✚ Chairman and Treasurer, and in their absence the following officials will sign;
 - ✚ Co-Chairman (on behalf of Chairman) and Secretary (on behalf of Treasurer).

Section 14. Accrual of Funds

- The Trust Board noted the following:
 - Section 14(d) creates doubt in the minds of the logging industry and community representatives about the payment of land rental fees to affected communities;
 - Holders always pay Government land rental fees in advance every year;
 - The Trust Board was established to ensure that affected communities benefit from the portion of land rental fees that are due to them.
- The idea stated in Section 14(d) that “*Affected communities shall not receive any land rental fee where the Holder has not paid any land rental fee payment due*” should therefore not arise.

- The Trust Board noted that Section 14(d) could be used by those in authority as an excuse for not paying the proportion of land rental fees that are due to affected communities;
- To prevent such a possibility, the Trust Board agreed to recommend to the FDA Board to amend Section 14(d) of Regulation 114-10 so that it reflects advance payments by Holders.

3. Consideration of Roles of Trust Board Members

- Lawrence Greene outlined the composition of the NBST Board and the roles of each stakeholder grouping namely CFDCs and Paramount Chiefs; Logging Industry; Government as represented by FDA and Ministries of Finance and Internal Affairs; Civil Society; International Donors and NGOs and local *ex-officio* members.
- The two *ex-officio* members, Mr. James Sherman (professional forester) and Mrs. Josephine Kieh (a student representative), were nominated by the FDA but they were not able to attend this meeting because they had not yet received their letters of nomination.

4. Schedule of Trust Board's Meetings

Consistent with Regulation 114-10, the Trust Board agreed to meet once every quarter. The actual dates of meetings will be advised by the Chairman of the Trust Board.

DAY TWO: 13 AUGUST 2011

On the second day, the Trust Board discussed the Operations Framework, the work plan, and budget.

5. Operations Framework

- The Chairman, Mr. Kulah Jackson, led the reading of the Operations Framework. Dr. Mombeshora screened the document on the wall using a projector and acted as the scribe capturing the amendments that the Trust Board agreed on. The Trust Board passed the amended version together with the checklist and application form for use by CFDCs. The amended version is found in Attachment 4.
- Trust Board members agreed to invite CFDC applications for funds after opening bank account(s) and receiving payments of land rental fees from the Ministry of Finance.
- The procedures to be followed will be highlighted again during the Trust Board's meetings at three Regional Centers to which CFDCs will be invited.

6. Trust Board's Work Plan

The Chairman, Mr. Kulah Jackson, presented the Trust Board's work plan for the period July 2011 – June 2012. Board members suggested corrections which Dr. Mombeshora captured and displayed for all to see. The approved version is found in Attachment 5.

7. Trust Board's Budget

The Treasurer, Mr. Rudolph Merab, presented the Trust's budget for the period July 2011– June 2012. The proposed budget amounts to **US\$179, 135.00** (see Attachment 6) most of which will be sought from donors.

ATTACHMENTS

Attachment 1: List of participants at the NBST Board's Retreat

Attachment 2: The Retreat's Agenda

Attachment 3: Finalizing the Operational Guidelines

Attachment 4: Operations Manual Adopted by the Trust Board

Attachment 5: Work Plan for Period July-September 2011

Attachment 6: Budget for Period July 2011 – June 2012

Attachment # 1:

List of Participants at the National Benefit Sharing Trust Board's Retreat

Estella Hotel, Gbarnga, Bong County

August 11-13, 2011

No.	Name	Institution
1	Kulah L. Jackson	Board Chairman-NGO Coalition
2	Rudolph J. Merab, Sr.	Board Treasurer-Logging Industry
3	Willie L. Tokpah	Board Member-Chief, Ministry of Internal Affairs
4	Momoh S. Taylor	Board Member-Chief, Ministry of Internal Affairs
5	John D. Kantor	FDA
6	Michael M. Roberts	Board Member-CFDC, Cape Mount
7	Richie Garley Grear	Public Relations Office-FDA
8	Joseph J. Tally	FDA
9	Lawrence Y. Greene	FDA
10	Ekema A. Witherspoon	Board Secretary-Ministry of Internal Affairs
11	William V. Page	Board Member-CFDC Rivercess
12	George P. Desuah	Board Member-CFDC Grand Bassa
13	K. Jlayteh Sayor	Board Member-FDA
14	James F. Kollie	FDA
15	Vanie Sao	FDA
16	Matthew T. Walley	Board Member-CFDC Rivercess
17	Kederick F. Johnson	FDA (Representing Managing Director)
18	Kofi Abedu-Bentsi, Sr.	Board Member-Ministry of Finance
19	Benjamin J. Koffa	LRCFP
20	Papa Conneh	FDA
21	Dr. Solomon Mombeshora	LRCFP

Attachment # 2:

The Retreat's Agenda

<i>S/N</i>	<i>Activity</i>	<i>Time Frame</i>	<i>Facilitator /Resource Person</i>
<u>FIRST DAY: August 11</u>			
Arrival & Lodging			
1	Arrival	1700 – 2030 hours	Participants
2	Lodging of Participants	1830 – 2100 hours	Retreat's Secretariat & Participants
3	Dinner	1900 – 2045 hours	Participants
<u>SECOND DAY: August 12</u>			
4	Registration & Breakfast	0800 – 0900 hours	Retreat's Secretariat & Participants
5	Opening Ceremony (Special Statement - 5 minutes each)	0905 – 0930 hours	<ul style="list-style-type: none"> - ARD's Representative - NBST Board's Chair - FDA's Managing Director - Bong County's Superintendent
6	Self Introduction	0930 – 940 hours	Participants
7	Introduction of the Retreat	940 – 950 hours	NBST Board's Secretary
8	Coffee Break	1015 – 1045 hours	Participants
9	Adoption of Work Programme/Agenda	1050 – 1055 hours	Participants
10	In-depth Discussion of Regulation 114-10	1100 - 1230 hours	Mr. Benedict Sagbe Legal Counsel, FDA
11	Questions & Answers	1235 – 1315 hours	Participants
12	Lunch Break	1320 – 1450 hours	Participants
13	In-depth Discussion of Draft Operations Manual Outline drafted by Mr. Waugh	1455 – 1555 hours	Sandra Nichols of ELI

14	Questions & Answers	1600 – 1700 hours	Participants
15	Coffee Break	1705 – 1735 hours	Participants
16	In-depth Discussion of Draft Operations Manual Outline drafted by Mr. Waugh (Cont'd)	1740 – 1840 hours	Sandra Nichols of ELI
17	Questions & Answers	1845 – 1945 hours	Participants
18	Rap up of 1 st Day Session	1950 -2020 hours	The Retreat's Secretariat
19	Dinner	2020 – 2100 hours	Participants
Departure of Participants to respective s lodging			
<u>THIRD DAY: April 13</u>			
20	Arrival	0800 - 0830 hours	Participants
21	Breakfast	0815 - 0900 hours	Participants
22	Review of Yesterday Session	0905 - 0935 hours	The Retreat's Secretariat
23	Finalization & Adoption of Operations Manual	0940 - 1025 hours	Sandra Nichols of ELI & NBST Board's Chair
24	Questions & Answers	1030 - 1100 hours	Participants
25	Coffee Break	1105 - 1150 hours	Participants
26	Review of the Role, Functions & Mandate of the various sectors represented on the Board	1155 - 1300 hours	Lawrence Y. Greene Technical Manager/Community Forestry, FDA & Sandra Nichols of ELI
27	Questions & Answers	1305 - 1350 hours	Participants
28	Lunch	1400 - 1500 hours	Participants
29	Presentation, Discussion & Adoption of Board's Annual Work Plan	1505 - 1630 hours	Kula L. Jackson, Chair National Benefit Sharing Trust Board

30	Any Other Business	1635 - 1700 hours	Participants
31	Coffee Break	1700	Participants
Departure to Respective Homes			

Attachment # 3:

Finalizing Operational Guidelines for Liberia’s National Benefit Sharing Trust and Checklist for Approving Applications

Written by Sandra Nichols (ELI) & Presented by Dr. Solomon Mombeshora (LRCPF)

✿ Underlying Themes

- the board is the ultimate authority for the guidelines within forestry and other laws of Liberia
- need an official binding version of the guidelines

✿ Review the Draft Operational Guidelines, considering...

- What is in the law, or regulations that, is not currently in the Operational Guidelines?
- What is currently unclear in the Operational Guidelines?

✿ Is More Clarification Needed?

- For part 16 of the reg, what is the standards for performance evaluation for subsequent awards
- Need to elaborate arbitration process (part 21 of the law)
 - standard for performance basis for subsequent awards (part 16 of the reg)
 - b. Need to elaborate arbitration process (part 21 of the law)

✿ **Do Other Issues Need to be Elaborated?**

- Publicizing schedule of payments
- Describe process for updating guidelines and stewardship of the official version

✿ **Land Tenure Policy Reform**

- This is the real story
- Decision was made to address the “surface” issue of forest management instead of the fundamental issues of ownership
- Still being addressed... a potential remaining powder keg?

✿ **Local Ownership of Pivotal Decisions**

- Liberian civil society brought the attention of the international community to forest management and equity issues from before the end of the war
- The LFI supported the government of Liberia from the start
- This meant ceding control of ultimate outcomes

✿ **Public Participation**

- Liberia’s conflict history heightened the importance of getting broad-based support for forest sector reforms
- U.S. funded programs have emphasized this
- Balance between pushing things through to respond to urgent needs and consulting the population... evolution of process through transition
- Change is evident

✿ **Coordination within & beyond U.S. assistance programs**

- LFI coordinated its work through synchronized joint missions, quarterly meetings (including video conference), and proximate work spaces
- Model approach for collaboration between national and international organizations
- More efficient use of funding and technical support

✿ **Prioritizing Commercial, Community, & Conservation Forestry Needs**

- USAID efforts in Liberia comes under “Economic Growth” objective, focused on market revitalization
- Desire to lift sanctions meant further pressure to start commercial forestry
- Creates tension with community and conservation objectives?
- Community Rights Law passed in 2009; question as to where community forests can be designated given how much land has been allocated for commercial concessions

- National wildlife conservation and protected area law still not finalized

Balancing Power and Responsibility: Calibrating Reforms to Reasonable Expectations

- Suitability of new forestry law to existing capacity?
- Drafting a comprehensive law is only a start; need to make sure it can be implemented
- The rush to restart commercial timber sector may have overwhelmed FDA's capacity
- U.S. assistance has shifted away from core operational support and towards larger funded projects
- Capacity-building efforts aimed at FDA and local communities have helped fill in the gap

Change Takes Time

- Although much has been accomplished, issues with accountability and transparency still remain
- FDA needs ongoing support as it implements the Forestry Law, Community Rights Law, and other legal tools

Coordination v. Conflicting Objectives

- Not all groups agree on the best course of action
- Thorough coordination will not always unify all objectives
- Need to build sufficient support to withstand actions that undermine efforts

Attachment # 4

OPERATIONS FRAMEWORK ADOPTED BY THE NBST BOARD ON 13 AUGUST 2011

1. Introduction

1.1. This Operations Manual, based upon FDA Regulation 114-10, guides the implementation of the National Benefit Sharing Trust through its governing Board.

1.2. The Manual constitutes the rules of procedure for Board activities.

1.3. Section 12 provides for revisions to the Manual.

2. Background

2.1. The National Forestry Reform Law of 2006 (NFRL) establishes a transparent framework for the use, management, and protection of forest resources that balances the commercial, community, and conservation priorities of the Republic. It allocates a percentage of land rental fees collected from forestry operations to the counties and affected communities in order to ensure that the people most affected by timber extraction also share in its benefits.

2.2. Liberian law requires that procedures for allocating and distributing financial benefits to Counties and local communities are transparent and accountable.

2.3. Chapter 14, Section 14.2(e) and (f) of the NFRL and the National Forest Policy specify that the Forest Development Authority shall allocate and disburse fees to Affected Communities.

2.4. Part Three, Section 32 of Authority Regulation 106-07 specifies that thirty percent of land rental fees from forest concessions be disbursed through the National Benefit Sharing Trust (NBST) in coordination with the Central Bank and the Ministry of Finance. At its inception, the Trust shall hold in trust, manage, and disburse to Community Forestry Development Committees thirty percent of the land rental fees earmarked for Affected Communities pursuant to Section 31 of Authority Regulation 106-07.

2.5. The FDA Forest Development Authority has therefore developed, through an open and consultative process, regulations to implement the provisions of the NFRL and related FDA regulations. This document provides guidance on the implementation of the NBST. By adoption of the Board of the National Benefit Sharing Trust, it will provide the formal rules under which the Trust will operate.

3. Guiding Principles

3.1. Transparency. The Board will conduct its business with full transparency. Board minutes and the annual independent audit will be a matter of public record.

3.2. Accountability. The Board will be accountable in the first instance to the affected communities and their representatives in its actions, and will conduct its business with the highest professional standards.

3.3. Results – the Board will seek the best possible outcomes from its work, and will document factors leading to success and barriers to success, with a view to continuous learning. The Board will be mindful of Liberia’s innovation and its global significance.

4. Functions of the Board

4.1. The primary function of the Trust is the disbursement of the thirty percent of land rental fees collected by Government from the forest concessions that are earmarked for affected communities. It is the obligation of the Board to disburse these fees fairly and equitably, once it has determined that the recipients are legitimate representatives of the affected communities and that the proposed uses of the funds are for the public benefit, and not for private gain. Criteria and indicators for disbursement are addressed in part 7, below.

4.2. The Trust Board, at the written request of Affected Communities, may supervise the Cubic Meter Fees established under Section 34 of Authority Regulation 105-07 and designated for use in social agreements. In its supervisory role, the Board may act as a repository for these funds on behalf of the Community Forestry Development Committees (CFCDs). The Board may, upon request by affected communities, provide a forum for any issue related to Cubic Meter Fees, including disputes, and may intervene on behalf of an Affected Community on any issue related to Cubic Meter Fees.

4.3. The NBST has no role in the management or distribution of the County Forestry Development Fund.

4.4. The NBST will commission an annual independent audit required by Section 33(e) of Authority Regulation 106-07.

5. Composition of the Board

5.1. Regulation 114-10 stipulates that the Board shall consist of 16 members, that is, 13 voting members and three observers/*ex-officios*.

5.2. Board members are to be nominated and elected by registered stakeholders as stipulated by the Regulation, with the exception of the Paramount Chief representatives, who are to be elected by an assemblage of Paramount Chiefs.

5.3. A quorum of eight members the Board, including at least three CFDC representatives, is required for any Board decision.

5.4. Should the board change, the quorum will be at least 60% of the membership.

6. Officers of the Board

6.1.1. The Board will, at its first substantive meeting, elect a Chair, Treasurer, and Secretary for a period of two years. Officers will be limited to two consecutive terms. Chair: the Chair will convene and preside at meetings of the Board.

6.1.2. Treasurer: the Treasurer will supervise the accounts of the Trust, will provide a quarterly financial statement to the Board, and will liaise with and support the independent Auditor.

6.1.3. The Secretary will provide minutes to meetings of the Board and supervise the records of the Board.

7. Operations of the Board

7.1. Disbursements

7.1.1. The principal function of the Board is to transfer funds collected by the government from land rental fees to affected communities under controlled conditions to ensure that the intent of the law is met. It is important to be clear that the disbursements are not grants; the funds are a legal entitlement. The role of the Board is to ensure that the funds are disbursed to the intended beneficiaries and will be used for public rather than private goods.

7.1.2. The Board will determine a Schedule of quarterly payments based upon its analysis of available funds and projected income. It will notify CFDCs of funds available upon application.

7.1.3. Criteria and indicators for projects

- Projects must be located within the affected community(ies). Physical activities such as construction, and events, must take place within the defined affected communities.
- Projects must be realistic and achievable within proposed timeframes. Proposals must identify clear indicators of success. Applicants should demonstrate their capacity to implement through realistic assessments of costs, materials required, time required, and personnel required.
- Projects must be developed by the community(ies). Evidence of participation by key groups, especially women, should be provided.
- Projects must benefit the community(ies) rather than individuals. Evidence for community support must be provided.
- Assets of the project are to be the property of the community; a plan for asset management, or a credible and equitable plan for disbursement of the assets, should be provided for any assets at the end of the project.

- Projects must not directly benefit or indirectly support political activities or processes. Political activities and processes are defined as benefiting a political party, candidate for election or the operations of political institutions such as elected bodies.
- Project funds must be managed through accountable, transparent, and participatory means. Evidence should be provided for accountability mechanisms. Financial management and monitoring and evaluation should be described in detail; evidence should be provided of gender balance in financial management, monitoring and evaluation.

7.1.4. CFDCs will apply for funds using the application form provided as Appendix 2. The information provided will assist the Board in ensuring that the funds are used according to the intent of the Forest Reform Act and regulations.

7.1.5. In order to safeguard the interests of the Government and the Affected Communities a Checklist using criteria derived from regulations, laws, and best practices in benefit sharing. The checklist is provided as Appendix 1. The Board will use the checklist to evaluate community applications, and will reject or return applications for revisions if they do not meet Board criteria.

7.1.6. A CFDC may submit multiple applications, and have multiple open projects, provided they do not exceed the amount available as determined by the Schedule of Payments.

7.2. Staffing

7.2.1. The Board shall recruit and employ the necessary qualified persons to assist in managing the funds. The staff will support the officers of the Board by maintaining records, including minutes of meetings, reports and financial accounts, and assisting the Board Chair in convening meetings.

7.3. Operational funds

7.3.1. Five percent of the revenues from the land rental fee apportioned to the NBST will be available for Trust operations. These funds will be administered by the Trust Board.

8. Accountability

8.1. The NBST will commission an annual independent audit required by Section 33(e) of Authority Regulation 106-07.

8.2. The Board shall establish a Monitoring and Evaluation Committee and a Project Technical Review Committee to address accountability and adaptive management. These Committees will be made up of six (6) members each with Chairpersons elected by the whole Board.

8.3. The Monitoring and Evaluation Committee will develop a Monitoring and Evaluation Plan for the Trust, in order to:

8.3.1. Determine the effectiveness of the Trust and of the community uses of funds

8.3.2. Document successes, failures, and lessons from implementation

8.3.3. Undertake an annual review of the Operations Manual

8.3.4. Recommend to the Board, through its Chair, of recommended revisions in the Operations Manual and as appropriate, Regulations (See Revisions, Section 12 below). In particular, determine whether the CFDCs are subject to the procurement rules of the Liberian Public Procurement and Concessions Act, and if not, determine the best practice in procurement applicable to the CFDCs and NBST.

9. Reporting

9.1. Every three months, with the assistance of the Monitoring and Evaluation Committee, provide a report to all Community Forestry Development Committees detailing the financial status of the Fund. The report shall include the Trust's income and expenditures for that respective quarter.

9.2. Every six months the Board shall publish and make available to the press a report detailing the activities and financial status of the Trust Board. The report shall include Trust Board decisions, complaints levied against the Trust; Trust Board meeting minutes, income and expenditures, and the independent audit report.

10. Communications and outreach

10.1. The Board will develop a communications and outreach strategy to:

10.1.1. Inform the public of its work

10.1.2. Develop strong working relations with the CFDCs and affected communities

10.2. Elements of the strategy may include participation in radio talk shows, production of press releases, posters and publications describing success stories and lessons learned.

11. Development of new mechanisms

11.1. The Trust Board may agree to be vested with the authority, through subsequent legal instruments, to manage and serve as the distribution mechanism for additional revenue sources that may arise from new forms of benefits, including but not limited to, carbon concessions, payments for ecosystem services, and agricultural concessions.

11.2. Additional funds under separate authorities, and backed by different legal instruments, shall maintain separate accounts and operational rules, and separate operations manuals.

12. Revisions

12.1. Revisions to this Operations Manual are anticipated on the basis of experience gained in its execution. Therefore, the Board shall; based on information provided through its monitoring and evaluation system; make changes such as are required.

12.2. The Board should give a minimum of four weeks after publication of proposed changes for a public comment before acting on proposed revisions. Proposed changes must be circulated to the CFDCs within 10 working days of the notification of the Board members.

Appendix 1

(Revised Appendix 1 to Operations Manual for National Benefit Sharing Trust Fund ‘

(rev April 2011)

Checklist for Evaluation of Applications By Board

Yes	No	
		PART 1 - WHO BENEFITS
		<i>If there are any “no” answers to part 1, return the application for clarification</i>
		1. Does the application state clearly what communities will benefit? (10a)
		2. Does it state why the communities want the project? (10a)
		3. Does it document how key stakeholders participated in the development of the proposal and how they will benefit? (10b)
		4. Were women involved in project planning? Will women be involved in project implementation? (10c)
		PART 2 - PROJECT ADMINISTRATION
		<i>If there are any “no” answers to part 2, return the application for clarification</i>
		1. Does the application state how the project will be sustained and who will control the assets? (9a, 9b)
		2. Is there a realistic estimate of costs? (6)
		3. Are criteria for success clearly defined? (11)
		4. Is it clear who will have access to and will be accountable for all funds spent? (9c)

		PART 3 - MONEY MATTERS
		<i>If there are any “no” answers, reject the proposal.</i>
		1. If fees will be charged, does the application make clear that the communities understand and accept that there will be fees? (8a, 8b)
		2. Do any revenues from the project go into the community bank account with clear guidance on how they are to be used? (9a)
		3. Will funds be used exclusively for non-political purposes? (9d)
		4. Will funds be used exclusively for public benefit (as opposed to personal benefit)? (10a-d)

Appendix 2

**Revised Appendix 2 to Operations Manual for the National Benefit Sharing Trust Fund:
Application for Funds from the National Benefit Sharing Trust**

Please answer the following questions. You may include attachments if you run out of space, or wish to include supporting documentation.

1. Name of CFDC applying for funds:

2. Name of Proposed Activity:

3. Location of Proposed Activity

Be specific about where money will be spent.

4. Brief Description

Describe what the funds will be used for.

5. Work Plan

Please provide a work plan describing who is responsible for different tasks, a schedule showing when the tasks will take place, and a procurement plan showing what goods and services must be purchased.

5a Who – list people responsible for different tasks

5b What – list the tasks and the outputs (what is produced)

5c When – list the schedule

6. Procurement

Detail all goods and services being purchased. Provide multiple bids for every item over L\$ 500, or explain why procurement from a sole source is justified.

7. Will the project earn revenues?

Yes (if yes, please describe).

No

8. Fees

8a Will beneficiaries have to pay a fee for the benefits?

Yes (if yes, please describe)

No

8b Have beneficiaries agreed to the fees?

Yes (if yes, please give evidence below)

No

9. Financial management

9a. How will assets and revenues be managed?

Please describe how project funds, income from the project, and the assets of the project will be managed.

9b What will happen to the assets after the project ends

Describe who will own and who will control anything purchased, built or made, and any expected earnings. Under what conditions could the assets change ownership?

9c Responsible parties

Please name the person or persons responsible for the funds and all persons having access to the funds.

9d Uses of funds for political purposes

Will the project be used for any political purpose such as to support a candidate or a party in an election?

Yes (if yes please explain)

No

10. Beneficiaries

10a Describe the beneficiaries and say how they will benefit

List communities that will benefit and their proximity to the project site. Indicate how they think they will benefit from the project. Show which of them are within the affected community zone. If you wish, you can attach a map.

10b Describe how stakeholders were engaged in proposal development.

10c How will women benefit?

Describe how women participated in design, and how they will benefit from the project?

10d Are project assets used for public or private benefit? (Do the assets mainly benefit individuals or the community?) Explain

11 Indicators of success

Please say how you will know when the project is finished and whether or not it is successful.

Name of CFDC members submitting this application

Please give names, affiliations, and contact information for the responsible party and those assisting in the preparation of this application.

Witnesses

Please list three witnesses to this application from the affected communities with their mark; alternatively, you may include letters of support for the project from beneficiary communities.

Attachment #5:

WORKPLAN FOR THE PERIOD JULY – SEPT 2011

BENEFIT SHARING TRUST BOARD’S WORKPLAN AUG – SEPT 2011

Goal: To ensure that fees paid by companies are fairly and equitably distributed to legitimate representatives of affected communities.

OBJECTIVE	ACTIVITY	Status/what is to be done?	Outcome	Duration												
				July			August			September						
To ensure that a fair and transparent procedure for allocating a designated percentage of land rental fees to counties and to communities entitled to benefit under forest resource licenses	Meet with ADR to seek funding for the hosting of the NBST retreat slated for the 11 - 13 th of August 2011 in Gbarnga, Bong County	Proposal is drafted and submitted to ARD Follow up with ARD on the status of the proposal	Funding is available for the hosting of the retreat. Report drafted and sent to the relevant stakeholders.				X	X	X	X	X	X	X	X	X	X
	Meeting with affected communities in the various regions of the Country	NBST should draft a proposal to be submitted to donors for funding.	Affected communities are fully aware of the procedures involve in accessing funds from the NBST							X	X	X	X	X	X	X
Hold town hall meetings and radio talk shows on local communities radio stations																

	<p>Communities have submitted their proposals to the NBST</p>	<p>media</p> <p>Proposals are reviewed by the project technical revision committee (PTRC)</p>	<p>correction and funding for the project approved</p>												
	<p>Monitoring and Evaluation</p> <p>Visit project communities (recipient of the fund under the NBST)</p>	<p>Review the project documents along with the communities representatives to ensure that the projects are fully implemented</p>	<p>The NBST are cognizant of the status of the project</p>									X	X	X	X
	<p>Reporting</p>														
	<p>Provide a written report to the CFDC</p>	<p>Meet with the M&E committee of the NBST to gather information from the field</p>	<p>CFDC's are aware of the financial status of the fund</p>												X

Attachment # 6:

BUDGET FOR THE PERIOD JULY 2011 – JUNE 2012

THE NATIONAL BENEFIT SHARING TRUST'S BUDGET					
JULY 2011 TO JUNE 2012					
<i>DESCRIPTION</i>	<i>Notes</i>		FOREST MGMT CONTRACT	TIMBER SALES CONTRACT	TOTAL
SOURCES OF INCOME:					
<i>Income from Land Rental Fees</i>	1		44,250	1,031	\$45,281.00
<i>Provision of Donor Funding/GOL</i>	2				<u>\$133,854.00</u>
TOTAL INCOME					<u>\$179,135.00</u>
EXPENDITURE:					
		FREQ.	QTY	UNIT COST	TOTAL
Personnel Cost					
<i>SALARIES for Sec. Staff</i>	3	12	1	1,825	\$21,900.00
<i>Staff insurance (15% of salary total)</i>					\$3,285.00
<i>BOARD STEPINS</i>	4	4	16	150	\$9,600.00
Total Personnel Cost					\$34,785.00
Goods and Services					
<i>FUELS & LUBRICANTS (VEH. & GEN)</i>	5	25	10	60	\$15,000.00
<i>M&Rs(VEHICLE & GENERAL)</i>	6	1	1	3,850	\$3,850.00
<i>BOARD QUARTERLY MEETINGS</i>	7	4	1	6,500	\$26,000.00
<i>WORKSHOP, TRAININGS & CONFER.</i>	8	3	1	3,500	\$10,500.00
<i>COMMUNICATION(TELEPHONE)</i>	9	12	48	5	\$2,880.00
<i>ADVERTISEMENT</i>	10	17	1	700	\$11,900.00
<i>OFFICE SUPPLIES</i>	11	12	1	300	\$3,600.00
<i>INSURANCE</i>	12	1	1	2,770	\$2,770.00
<i>LOCAL TRAVEL COST</i>	13	12		240	\$14,400.00

			5		
<i>INDEPENDENT AUDIT(S)</i>	<i>14</i>	<i>1</i>	<i>1</i>	<i>5,000</i>	<i>\$5,000.00</i>
<i>Total Goods and Services</i>					<i>\$95,900.00</i>
<i>Capital Expenditure</i>					<i>-</i>
<i>VEHICLE</i>	<i>15</i>	<i>1</i>	<i>1</i>	<i>36,000</i>	<i>\$36,000.00</i>
<i>GENERATOR</i>	<i>16</i>	<i>1</i>	<i>1</i>	<i>2,500</i>	<i>\$2,500.00</i>
<i>FURNITURE, FIXTURE & FITTINGS</i>	<i>17</i>	<i>1</i>	<i>1</i>	<i>4,850</i>	<i>\$4,850.00</i>
<i>COMPUTER AND ASSOC.</i>	<i>18</i>	<i>1</i>	<i>3</i>	<i>1,100</i>	<i>\$3,300.00</i>
<i>OFFICE RENTAL</i>	<i>19</i>	<i>6</i>	<i>1</i>	<i>300</i>	<i>\$1,800.00</i>
<i>Total Capital Expenditure</i>					<i>\$48,450.00</i>
<i>Grand Total</i>					<i>\$179,135.00</i>