

Terms of Reference for the Strategic Environmental and Social Assessment (SESA) for the REDD+ Readiness Preparation process in Liberia

Introduction

1. Liberia is facing challenges related to deforestation and loss of forest resources from various drivers of deforestation and forest degradation. Forest resources are endangered due to shifting cultivation from traditional agricultural practices and plantation areas that are already stressed due to various factors including inadequate management regimes. The Government intends to establish REDD+ policies to address this situation in collaboration with other stakeholders. It is within this context that Strategic Environmental and Social Assessment (SESA) is seen as an important component in the preparation of the national REDD+ policy. SESA is a tool that seeks to integrate social and environmental considerations into the policy-making process, leading to sustainable policies and programs. Liberia has a detailed Environmental Protection Act and associated regulations, which guide the conduct of environmental activities, assessments, impacts and audits. The development of SESA will be informed by an analysis of these regulations and by the requirements of the relevant World Bank safeguards policies.

2. The SESA will include findings from previous work such as the national Strategic Environmental Assessment (SEA) conducted in the forestry sector; an analysis of the legal, environmental and social framework by the Environmental Law Institute (ELI); and opportunities and risks related to REDD+ readiness preparation. The SESA will involve consultations with key stakeholders and interest groups, including forest-dependent people. It will give special consideration to livelihoods, rights (including those of forest dependent people), biodiversity, cultural heritage, gender, special protection of vulnerable groups in society, capacity development and governance.

Objectives

3. The objective of these Terms of Reference (ToR) is to ensure a comprehensive and participatory Strategic Environmental and Social Assessment (SESA) that can integrate environmental and social considerations into Liberia's REDD+ readiness process in a manner consistent with Liberian environmental laws and regulations and the World Bank's environmental and social safeguard policies.

Links between the SESA and the REDD+ Strategy

4. The SESA contributes to the REDD+ Readiness process in Liberia by assessing how REDD+ strategy options address environmental and social priorities associated with current patterns of land use and forest management. Gaps identified through this assessment would lead to adjustments in the REDD+ strategy options to close the gaps. Also, the SESA will provide an Environmental and Social Management Framework (ESMF) that will outline the procedures to be followed for managing potential environmental and social impacts of specific policies, actions and projects during the implementation of the REDD+ strategy that is finally selected.

Activities to be undertaken

5. The SESA team will undertake the following activities:

Consultation and Participation Activities

6. During the formulation of the Readiness Preparation Proposal (R-PP), extensive stakeholder analysis was carried out to identify key stakeholders. Notwithstanding, the Consultant at the start of the assignment shall conduct a stakeholder gap analysis to identify any relevant stakeholders that might not have been considered during the R-PP development phase. Important among them are community-level representatives, paramount chiefs, pit sawyers, the private sector, firewood and charcoal producers, women's organizations and forest concessionaires. The consultant shall then prepare a comprehensive set of consultation and participation activities for the SESA based on these ToR, a review of the consultation and participation plan prepared during the development of the R-PP, and other experiences¹ and literature which may be relevant for the Liberian context such as the "Mainstreaming Social and Environmental Considerations into the Liberian National Forestry Reform Process"² and the report on "Insecurity of Land Tenure, Land Law and Land Registration in Liberia"³. In carrying out this activity, the consultant shall ensure that the SESA consultation and participation activities are in line with the Consultation and Participation Master Plan (and Framework) of the REDD+ readiness process. The Consultant shall coordinate as needed with other teams assisting the government of Liberia in the implementation of this Master Plan.

National Validation Workshop

7. The Consultant will prepare a SESA work plan, which will include the SESA consultation and participation activities. The consultant will coordinate with the team in charge of the preparation of the REDD+ strategy options the preparation of the work plan to avoid duplications and ensure consistency of timelines in particular for consultation activities. The SESA work plan shall be subject to broad stakeholder validation in a national workshop. The validation workshop is crucial in defining the legitimacy of all subsequent stakeholder consultation and participation processes. Existing platforms and all key stakeholder groups related to forest management in Liberia should therefore be considered. Ample notice shall be given to relevant stakeholder groups and platforms which, as much as possible, shall nominate their own representatives to participate.

8. The workshop should be held at a place that is readily accessible to the stakeholder groups coming from different parts of the country. The format and facilitation of the workshop should also ensure that all stakeholders feel comfortable to voice their concerns and that all inputs are considered. Legitimacy and representativeness of stakeholder groups as well as feedback mechanisms for the SESA process are among the issues that should be discussed. Criteria for

¹ For example, the National Forestry Forum and the County Forestry Forums have developed a platform for consultations on forestry issues in Liberia. The potential of using this platform for the SESA consultations should be assessed by the Consultant to ensure that the legitimacy of the C&P activities is not compromised.

² A Strategic Environmental Assessment for Implementation of the 3Cs of the Forest Reform Law 2006, Forestry Development Authority, published by the World Bank (September 2010), Washington DC.

³ World Bank 2008, Report No. 46134-LR, Environmental and Natural Resources (AFTEN), Africa Region.

including new stakeholders in future consultation and participation activities would be also agreed as well as the rules to be followed to reach agreements in the course of SESA implementation. Views, comments and agreements from the validation workshop should be used by the consultants to finalize the SESA work plan. The plan shall then be publicly disclosed via the Executive mansion, EPA, FDA and Lingo websites. For reaching out to local communities a summary of the work plan will be communicated by radio in a culturally sensitive format.

Identification of key environmental and social issues

The Consultant will suggest key environmental and social issues in forest areas in Liberia to inform the selection of environmental and social priorities. The identification of key issues should be based on analytical work using spatial analysis, case studies and participatory rural appraisal methods. Spatial analysis will be applied in mapping and for overlaying different sets of information to identify critical areas of concentration of environmental and social issues. Case studies will be used to show opportunity costs of different land uses including environmental and ecosystems valuation. Case studies will also help to dig deeper into key issues, inter-sectoral linkages and potential trade-offs in key areas. Participatory rural appraisal would be the main vehicle for identifying key environmental and social issues at the community level. Most of data requirements are already available in Liberia. Relevant information sources are LISGIS, FDA and environmental NGOs. Primary data on forest cover for the Liberia reference scenario will be used in SESA forest mapping. The Consultant will generate primary data through consultations, case studies and participatory rural appraisal methods in selected forest communities.

For scoping key environmental issues in forest areas the following steps will be followed:

- 1.- Construction of a base map (first layer), using information on forest cover, river basins, water bodies, and salient biodiversity characteristics, including biodiversity hotspots and protected areas.
- 2.- Mapping of main economic activities in forest areas and surroundings including but not limited to logging, farming, agriculture, mining and tourism. The mapping will include information on geological provinces and main production projects under implementation or likely to be implemented in the following five years (second layer).
- 3.- Mapping of existing infrastructure and identification of proposed road, rail, and power projects under investigation or implementation (third layer).
- 4.- Superimposition of these three layers of information to define critical areas under potential environmental stress in forest areas.
- 5.- Looking deeper into specific environmental issues by using participatory rural appraisal methods and case studies agreed with EPA in consultation with FDA in selected communities and areas of interest.

Likewise, the following steps will be followed to scope for key social issues in forest areas:

- 1.- Construction of a base map (first layer) of communities in and around forest areas, including key demographic indicators such as number of inhabitants, gender and age structure, and ethnicity of the populations.

2. - Poverty and vulnerability map including income levels of the population (second layer).
- 3.- Mapping of access and land tenure rights that shall include concessions or other existing titling rights for natural resources such as tree tenure rights or extractive industries concessions or contracts such as mining (third layer).
4. - Superimposition of these three layers of information to define critical social issues in forest areas.
- 5.- Looking deeper into specific social issues by using rural appraisal methods and case studies to document critical interactions and synergy of these different social factors affecting sustainable forest management in Liberia.

Building on the evidence and results of these analyses, the consultant will produce a scoping report of key environmental and social issues in forests areas in Liberia. The report will

- i. identify environmental and social hotspots and discuss their main characteristics;
- ii. discuss in a sample of key forest areas land use trade-offs by analyzing the opportunity cost of conserving forests versus developing these areas into alternative land uses such as mining or agriculture; and,
- iii. analyze critical institutional, legal, regulatory, policy and capacity gaps underlying the key environmental and social issues identified.

The scoping report will inform the public consultations to be undertaken with key stakeholders for the selection of environmental and social priorities.

Selection of environmental and social priorities

In line with the consultation and participation plan of the SESA, the key environmental and social issues resulting from the mapping and analytical work shall be reviewed and prioritized by a representative sample of communities in the critical areas identified from the mapping exercise. Stakeholder engagement at this level shall be in the most widely spoken language of the area, as well as in Liberian English. The prioritization will then be validated at the regional level by community representatives, and the Community Forestry Development Committees (CFDCs), National Rural Women Networks and the Paramount Chiefs in the CFDC areas.

In parallel, institutional stakeholders identified in the SESA work plan such as research and academia, Environmental Protection Agency (EPA), Forestry Development Authority (FDA), Ministries of Agriculture; Gender and Development; Youth and Sports; Lands, Mining and Energy and Civil Society Coalitions on environment and natural resources management and the private sector will review and prioritize environmental and social issues through culturally sensitive means of consultation, like focus groups. A national workshop will be convened to discuss the results of the prioritization undertaken by the institutional stakeholders to reach a common set of priorities agreed by all institutional stakeholders at the national level (including the REDD+ Technical Working Group and the FDA). The selected environmental and social priorities of institutional stakeholders and those of the forest communities will be reported either separately, if they are different from each other, or integrated into one set of priorities for the communities and institutional stakeholders, if they are similar or identical.

The Consultant will prepare a report on the selection of priorities by the SESA stakeholders. The report shall then be publicly disclosed by publishing it at the websites of the Executive Mansion, Forestry Development Authority (FDA), the World Bank and the Environment Protection Agency (EPA). It should also be published at the Lingo website and the inforshops of FDA as well as the Talking Drum (www.thetalkingdrum.com).

Assessment of candidate REDD+ strategy options vis-à-vis previously defined priorities

The Consultant will assess the extent to which candidate REDD+ Strategy options address the previously defined' environmental and social priorities and take into account in their formulation the opportunity cost of forests. When the REDD+ strategy options address partially or do not address some of the priorities and/or are unresponsive to forest opportunity costs, the gaps will be identified and specific recommendations will be made to refine the REDD+ strategy options to close these gaps. In this way, priority environmental and social considerations and to some extent forest valuation will be integrated into the preparation of the REDD+ strategy. The expected output is revised REDD+ strategy options.

The revised REDD+ strategy options shall be assessed against the environmental and social impacts that they may induce or create during their implementation. These environmental and social impacts will be identified vis-a-vis the World Bank environmental and social safeguard policies. For example, one of the REDD+ strategy options may induce involuntary resettlement of forest communities and farmers located in a specific region of Liberia, which will activate World Bank OP 4.12. In such a situation, the Consultant shall provide recommendations to refine further the REDD+ strategy options in order to eliminate or minimize this risk. If some residual risk still remains, it will be dealt with in the Environmental and Social Management Framework (ESMF) prepared to manage risks during implementation of the REDD+ strategy.

Validation of the assessment

In coordination with and under the lead of the team in charge of preparing the REDD+ strategy, the refined REDD+ strategy options shall then be subjected to a national validation workshop. Coordination between the team in charge of the preparation of the REDD+ strategy options and the SESA team would be ensured by the REDD+ Technical Working Group. Participants from all key stakeholders should be invited to the national validation workshop including those whose work/livelihoods are likely to impact on or be impacted upon by the strategy options. Care should be taken to include women, migrant farmers and any otherwise marginalized groups in line with the consultation and participation plan of the SESA and the REDD+ strategy. The validation workshop should be organized in such a way that there will be parallel validation by the different key stakeholders, before a plenary session. This will empower "weaker" stakeholders by ensuring they can freely express and promote their views. Where necessary, a local dialect should be used in the stakeholder specific session, to allow for proper articulation of concerns by all key stakeholders.

Environmental and Social Management Framework (ESMF)

The Consultant will prepare an initial draft ESMF suitable for disclosure and public consultations that would involve the following minimum tasks:

- a) A description of the **indicative REDD-plus strategy option(s)**, its main social and environmental considerations, and the various risks involved in its implementation.
- b) An outline of the **legislative, regulatory, and policy regime** (in relation to forest resources management, land use, community customary rights, etc.) that the strategy will be implemented within, drawing from the information available from the Draft REDD+ Strategy to be provided by the REDD+ Technical Working Group.
- c) A description of the **potential future impacts**, both positive and negative, deriving from the project(s), activity(-ies), or policy(-ies)/regulation(s) associated with the implementation of the REDD+ strategy options, and the geographic/spatial distribution of these impacts.
- d) A description of the arrangements for implementing the specific project(s), activity(-ies), or policy(-ies)/regulation(s) with a focus on the procedures for (i) screening and assessment of site-specific environmental and social impacts; (ii) the preparation of time-bound action plans for reducing, mitigating, and/or offsetting any adverse impacts; (iii) the monitoring of the implementation of the action plans, including arrangements for public participation in such monitoring.
- e) An analysis of the particular institutional needs within the REDD+ implementation framework for application of the ESMF. This should include a review of the authority and capability of institutions at different administrative levels (e.g. local, district, provincial/regional, and national), and their capacity to manage and monitor ESMF implementation. The analysis should draw mainly from the REDD+ implementation framework of the Draft REDD+ Strategy.
- f) An outline of recommended capacity building actions for the entities responsible for implementing the ESMF.
- g) Requirements for technical assistance to public- and private-sector institutions, communities, and service providers to support implementation of the ESMF.
- h) An outline of the budget for implementing the ESMF.

The final draft ESMF suitable for inclusion in the R-Package will contain specific sections addressing the requirements of applicable World Bank safeguard policies, including as relevant:

- i. Environmental Management Framework (EMF) to address any potential environmental impacts, including cumulative and/or indirect impacts of multiple activities;
- ii. Involuntary resettlement and/or restriction of access to natural resources having adverse livelihood impacts (e.g. Process Framework);
- iii. Stakeholder engagement and dispute resolution framework; and

Consultation on and disclosure of the ESMF

The generation of a draft ESMF needs to be preceded by the preparation of the ESMF ToR for which inputs are solicited through their public disclosure. In putting together the draft ESMF,

extensive stakeholder consultation shall be done, particularly in the critical areas as identified through the prioritization and mapping exercise. The draft document should also be subject to broad stakeholder consultations and inputs. Eventually, a representative sample of communities in the critical areas should be enabled to participate in a public hearing on the ESMF which should be held in a readily accessible community or district capital. Community-based organizations and NGOs operating in these areas should participate in the public hearing, which should also be held in the local dialect widely spoken in the specific area. Special efforts should be made to engage the Paramount Chiefs in the critical areas separately.

The SESA consultation and participation plan would include a special section on the consultation of the ESMF which should involve community and institutional stakeholders in a manner consistent with Liberian Law and the World Bank safeguard and disclosure policies. Copies of the document should be made available to the public through the websites of the Executive Mansion, EPA, FDA, World Bank, Lingo and the Talking Drum. It should also be available at the FDA inforshops. Hard copies should also be available at the offices of the EPA, FDA and the Counties of the identified critical areas. Copies should also be sent to relevant public sector institutions, NGO Coalition (on Environment and Natural Resources) and the private sector to solicit inputs and comments.

Composition of SESA Team

The SESA process will be undertaken by a consortium made up of members of an international consulting company and of a Liberian consulting company or local NGO. The international consultant company should lead the SESA's analytical work, have proven experience in applying World Bank safeguard policies and be responsible for the quality control of the whole SESA process. The local consultant is expected to lead the consultation and public participation process and contribute to SESA's analytical work.

The minimal technical expertise required for the SESA will include the following:

1. **Team leader** should have proven experience in leading sector or national reviews or assessments of public policies or development strategies. At least 15 years' experience, of which 10 years are relevant experience in developing countries, is required. This expert should have at least 2 years of experience in Western African countries. Experience in Liberia is desirable. S/he must have academic training in natural resources management, environmental or social sciences. Experience in SEA or SESA is desirable.
2. **Natural resource/forestry specialist** should have at least 10 years of experience in forest management, including timber and non-timber projects. At least two years of experience in forestry projects in Liberia is required. Knowledge on the legal, regulatory and institutional framework of natural resources in Liberia including mining and agriculture is desirable.
3. **Social development specialist** should have at least ten years of experience on forest communities and indigenous peoples. Familiarity with social issues associated with forests in Africa and the World Bank social safeguard policies is required. At least three years of experience in Western Africa is required including experience in applying participatory rural appraisal. Experience in Liberia is desirable.
4. **Stakeholder engagement specialist** should have at least five years of experience in Liberia. Proven knowledge of stakeholders at the national, regional and local level on forest and land

use in Liberia is required. S/he may know at least one local language or dialect widely spoken by rural communities in Liberia.

5. **Environmental Specialist** should be able to cover all environmental issues of the project. S/he may have at least 10 years of experience in environmental assessment in developing countries. Familiarity with environmental issues associated with forests in Africa and the World Bank environmental safeguard policies is required. Experience in environmental valuation is desirable. Priority will be given first to experience in Liberia and then in developing countries.
6. **Mapping specialist** should be able to cover all mapping requirements of the SESA. Experience of at least 5 years and proven experience on mapping and GIS techniques is required.

All members of the team should be fluent in English. Specific technical inputs on legal, infrastructure development projects, gender and environmental and natural resources valuation should be provided by the Consultant as needed.