

FORESTRY DEVELOPMENT AUTHORITY
REGULATION NO. 5
REGULATION ON ASSISTANCE TO OWNERS
OF PRIVATE FOREST LANDS

WHEREAS, the Act Creating the Forestry Development Authority (FDA-ACT), approved November 1, 1976, published December 20, 1976, obligates FDA to offer technical assistance to all those engaged in forestry activities and assist the owners of timber land in applying sustained yield forest management (Section 3 (f) and 4 (d); and

WHEREAS, the Act Adopting a New Revenue and Finance Law of the Republic of Liberia, approved May 24, 1977, published June 20, 1977, in its Chapter 20 requires any person who on privately owned land cuts timber for commercial use to pay certain forest fees and taxes; and

WHEREAS, said FDA-ACT charges the FDA with the responsibility for the collection of these forest revenues (Section 4 (i) and 9); and

WHEREAS, said FDA-ACT has conferred upon the FDA the power to promulgate, issue, amend and rescind forestry rules and regulations to assure the accomplishment of all the policies and objectives of the FDA (Section 4 (j) and (n)); and

NOW, THEREFORE, the Forestry Development Authority does hereby rule and regulate:

PART I. DEFINITIONS

Section I. Definitions:

In this Regulation the following words have the meaning indicated unless the context otherwise requires:

- (a) FDA - Forestry Development Authority;
- (b) Owner - Anyone, individual, group or corporation, who owns real property in the Republic of Liberia under a valid deed according to the laws of general application;
- (c) Commercial Use - Any use other than direct use for personal purpose including uses involving barter, trade or any other disposition of forest products for which remuneration is received;
- (d) Operations' Plan - An outline of the sequence of activities intended;
- (e) Concessionaire - Any company that has concluded a valid forest concession agreement with the Government of Liberia;
- (f) Operator - Any individual or company without a valid forest concession agreement with the Government of Liberia intending to engage in or already engaged in tree felling and harvesting for remuneration;
- (g) FDA-Regulation No.4 Control of Non-Concession Forest Operators Approved March 21, 1979, published in "FDA Newsletter", Vol. II, No. 2 of March 23, 1979.

PART II. GENERAL RULES

Section 2. Notification of FDA:

Any Owner who intends to make Commercial Use of his forest land shall first notify FDA in writing explaining his plans and intentions so that FDA can determine the appropriate assistance to the Owner.

Section 3. Assistance by FDA:

3.1 Upon receipt of a notification according to Section 2 above, FDA shall in writing and/or meetings clarify and determine with the Owner the scope, requirements, finances, advantages and disadvantages of the Owner's plans and intentions with a view to jointly decide whether

- a) Management of the Owner's forest land in order to achieve sustained or continuous yield and income from it (see Part III of this Regulation), or
- b) Clearcutting of all merchantable trees (salvage operation) (see Part IV of this Regulation)

is in the Owner's best interest.

3.2 Subject to the laws of general application, the Owner shall be free to implement the FDA's considered expertise and recommendations.

Section 4. Owner's Title:

The FDA shall especially make the Owner understand that he can plan forest operations only if his title and deed to his forest land are in order under the laws of general application and that no act or assistance rendered by FDA to him under this Regulation shall be understood or construed to be a legal confirmation by or opinion of FDA regarding the Owner's property rights.

Section 5. Owner's Boundaries:

Subject to Section 4 above, the FDA shall have the right to request the Owner to clearcut and demarcate the boundaries of the forest land prior to the commencement of any operations by the Owner in order to permit reasonable planning.

PART III. FOREST MANAGEMENT

Section 6. Management Plan:

In the event the Owner decides according to Section 3 a) above to manage his forest land in order to achieve sustained or continuous yield and income from it, FDA shall assist him to jointly draw up a forest management plan suitable for the Owner's forest land, if possible.

Section 7. Forestry Consultancy:

7.1 Upon request of the Owner, FDA shall, if possible, also render consultancy services to the Owner in all other aspects of the management and utilization of the Owner's forest land and forest resources, including but not limited to, the hiring of qualified staff, the organization of Operations, the acquiring, use and maintenance of machinery, the processing and marketing of forest products.

7.2 Consultancy services to be rendered according to Section 7.1 above shall be clearly identified and defined in a Consultancy Agreement which shall be concluded between FDA and the Owner.

7.3 FDA shall have the right to change the Owner for FDA's consultancy services.

PART IV. FOREST CLEARCUTTING (SALVAGE)

Section 8. Operations Plans:

8.1 In the event the Owner decides according to Section 3 b) above to clearcut (salvage) all merchantable trees on his forest land, he shall submit to FDA an Operation's Plan for FDA's prior approval.

8.2 FDA shall assist the Owner in the drawing up of the Operations' plan or in its improvement, as the case may be.

Section 9. Owner's Operations:

9.1 In the event the Owner intends to implement the Operations' plan himself, he shall, prior to any operations apply for and acquire the permit required according to FDA-Regulation No. 4 on Registration of Non-Concession Forest Operators.

9.2 Upon receipt of the Owner's application for said Permit, FDA shall together with the Owner and the Ministry of Finance determine an arrangement, which shall take into account the Owner's individual circumstances, for the Owner's payment of the forest fees and taxes according to the Revenue and Finance Law and said arrangement shall be condition and part of the said Permit.

Section 10. Contract with a Concessionaire:

10.1 In the event the Owner intends not to implement the Operations' plan by himself, he shall first offer the contract to a concessionaire in the environs of the Owner's forest land and both parties shall negotiate in good faith but shall be free to accept or refuse the offer of the other.

10.2 The Owner shall, prior to any operations by a Concessionaire notify FDA of any contract offer made, accepted or rejected and shall file a copy of any contract, for FDA's prior approval.

10.3 FDA shall have the right to refuse approval of the Owner's contract with a Concessionaire in, but not limited to, the event that the Concessionaire has defaulted in his contractual obligations toward Government, especially is in arrears with any payments of forest fees, taxes or land rentals.

Section 11. Contract with Operator:

11.1 In the event the Owner cannot conclude a contract with any Concessionaire to implement his Operations' Plan, the Owner shall have the right to offer the contract to an Operator, provided, however, that such Operator shall have a valid Permit according to FDA-Regulation No.4 on Registration of Non-Concession Forest Operators.

11.2 The Owner shall, prior to any operations by an Operator, notify FDA of any contract offer made, accepted or rejected and shall file a copy of any contract for FDA's prior approval.

11.3 Upon receipt of a contract for approval according to Section 11.2 above, FDA shall together with the Operator, the Owner and the Ministry of Finance determine arrangement, which shall take into account the individual circumstances, for the payment of the forest fees and taxes according to the Revenue and Finance Law, and said arrangement shall form an integral part of the contract between Owner and Operator.

Section 12. Duties of Owner, Concessionaire and Operator:

12.1 The Owner, Concessionaire or Operator, as the case may be, shall implement the Operations' Plan approved by FDA as laid down in Section 8 above according to best forestry and logging practices and standards.

12.2 Whoever implements the approved Operations' Plan shall immediately notify FDA of the actual commencement and the site of operations as well as of any temporary suspension or cessation thereof.

Section 13. Duties of FDA:

Upon notification of commencement of operations according to Section 12.2 above, FDA shall nominate and send an FDA Scaler to the site of operations to undertake the assessment of the production as required by the Revenue and Finance Law and the FDA-Act.

PART V. REPEALERS AND EFFECTIVE DATE

Section 14. Repealers:

All prior rules and regulations concerning commercial use of privately owned forest lands are hereby repealed.

Section 15. Effective Date:

This Regulation shall become effective on April 15, 1979 and shall be announced in the public media and be published in the FDA Newsletter.

Monrovia, Liberia, March 23, 1979.

Arthur K. Johnson

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ACTING MANAGING DIRECTOR

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