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EXTRAORDINARY

THE GOVERNMENT OF THE REPUBLIC OF LIBERIA ANNOUNCES THAT THE FORESTRY DEVELOPMENT AUTHORITY (FDA), PURSUANT TO ITS MANDATE UNDER THE COMMUNITY RIGHTS LAW OF 2009, HAS ISSUED ON MAY 17, 2017 A REGULATION HEREIN UNDER:

**REGULATION TO THE COMMUNITY RIGHTS LAW OF 2009
WITH RESPECT TO FOREST LANDS AS AMENDED**

BY ORDER OF THE PRESIDENT

**MARJON V. KAMARA
MINISTER OF FOREIGN AFFAIRS**

**MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

Forestry Development Authority

Republic of Liberia



**Regulation to the Community Rights Law of
2009 with Respect to Forest Lands, as Amended**

Published: May 17, 2017

FORESTRY DEVELOPMENT AUTHORITY



REGULATION TO THE COMMUNITY RIGHTS LAW OF 2009 WITH RESPECT TO FOREST LANDS, AS AMENDED

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CONTENTS

PREAMBLE

CHAPTER 1: GENERAL PROVISIONS

- Section 1.1: Purpose
- Section 1.2: Definitions
- Section 1.3: Compliance with statutes and international treaties
- Section 1.4: Compliance with other standing regulations
- Section 1.5: Land ownership issues
- Section 1.6: Access to information
- Section 1.7: Participation of civil society organizations
- Section 1.8: Offences and penalties
- Section 1.9: Due process and right to judicial appeal

CHAPTER 2: ESTABLISHMENT OF AN AUTHORIZED FOREST COMMUNITY

- Section 2.1: Permission to operate as an Authorized Forest Community
- Section 2.2: Application for Authorized Forest Community status
- Section 2.3: Criteria for designation of Authorized Forest Community
- Section 2.4: Payment of application fee
- Section 2.5: Socio-economic survey and resource reconnaissance
- Section 2.6: Notice to communities for socio-economic survey and resource reconnaissance
- Section 2.7: Demarcation and mapping of specified area
- Section 2.8: Notice to communities for demarcation and mapping
- Section 2.9: Posting of preliminary results from socio-economic survey and resource reconnaissance, and demarcation and mapping
- Section 2.10: Objection by third parties and resolution of objections
- Section 2.11: Provisional authority to organize as an Authorized Forest Community
- Section 2.12: Community Forest Management Agreement with Authority
- Section 2.13: Approval of Authorized Forest Community status

CHAPTER 3: COMMUNITY FOREST GOVERNANCE

- Section 3.1: Role of the Community Assembly
- Section 3.2: Duties and powers of the Community Assembly
- Section 3.3: Qualification for Community Assembly membership
- Section 3.4: Election of Community Assembly members
- Section 3.5: Place of meeting for election of Community Assembly members
- Section 3.6: Notice of general meeting to elect Community Assembly members
- Section 3.7: Executive Committee of the Community Assembly

- Section 3.8: Supervision of elections of Community Assembly members and officers of the Executive Committee
- Section 3.9: Tenure of Community Assembly members and officers of the Executive Committee
- Section 3.10: Meetings of the Community Assembly
- Section 3.11: Adoption of Authorized Forest Community constitution and bylaws
- Section 3.12: Appointment of Community Assembly committees
- Section 3.13: Duties and powers of the Executive Committee of the Community Assembly
- Section 3.14: Meetings of the Executive Committee of the Community Assembly
- Section 3.15: Adoption of internal rules of the Executive Committee
- Section 3.16: Recognition of existing institutions

CHAPTER 4: COMMUNITY FOREST MANAGEMENT BODY

- Section 4.1: Establishment of Community Forest Management Body
- Section 4.2: Qualification for Community Forest Management Body membership
- Section 4.3: Selection and appointment of Community Forest Management Body members
- Section 4.4: Leadership of the Community Forest Management Body
- Section 4.5: Adoption of internal rules of the Community Forest Management Body
- Section 4.6: Tenure of Community Forest Management Body members
- Section 4.7: Duties and powers of the Community Forest Management Body
- Section 4.8: Compensation and benefits of Community Forest Management Body members
- Section 4.9: Request for assistance by the Community Forest Management Body
- Section 4.10: Final approval of application for Authorized Forest Community status
- Section 4.11: Development and approval of community forest rules

CHAPTER 5: PRIMARY AND SECONDARY USERS' RIGHTS AND RESPONSIBILITIES

- Section 5.1: Membership rights
- Section 5.2: Primary users' rights
- Section 5.3: Primary users' responsibilities
- Section 5.4: Secondary users' rights and responsibilities

CHAPTER 6: DUTIES AND POWERS OF THE AUTHORITY

- Section 6.1: Jurisdiction of the Authority
- Section 6.2: Duties and powers of the Authority
- Section 6.3: Sanction powers of the Authority

CHAPTER 7: COMMUNITY FOREST MANAGEMENT AGREEMENT

- Section 7.1: Signature of Community Forest Management Agreement
- Section 7.2: Attachments to Community Forest Management Agreement
- Section 7.3: Community review of Community Forest Management Agreement
- Section 7.4: Notice for review of Community Forest Management Agreement
- Section 7.5: Acceptance of terms of Community Forest Management Agreement
- Section 7.6: Duration of Community Forest Management Agreement
- Section 7.7: Approval or rejection of renewal of Community Forest Management Agreement
- Section 7.8: Automatic renewal of Community Forest Management Agreement
- Section 7.9: Termination of Community Forest Management Agreement

CHAPTER 8: COMMUNITY FOREST MANAGEMENT PLAN

- Section 8.1: Preparation of the Community Forest Management Plan
- Section 8.2: Duration and review of the Community Forest Management Plan
- Section 8.3: Monitoring and enforcement of the Community Forest Management Plan

CHAPTER 9: MANAGEMENT OF COMMUNITY FOREST FUNDS

- Section 9.1: Establishment of financial accounts
- Section 9.2: Sources of funds
- Section 9.3: Fund governance
- Section 9.4: Fund management
- Section 9.5: Disbursement procedures
- Section 9.6: Financial accounting
- Section 9.7: Financial reporting
- Section 9.8: Financial audits

CHAPTER 10: COMMERCIAL ACTIVITIES

- Section 10.1: Preconditions for commercial harvesting of forest resources
- Section 10.2: Small-scale commercial activities
- Section 10.3: Medium-scale commercial activities
- Section 10.4: Large-scale commercial activities
- Section 10.5: Advice and approval of the Authority

CHAPTER 11: FISCAL PROVISIONS

- Section 11.1: Payment of land rental by third-parties

- Section 11.2: Payment of land rental by third-parties under small-scale commercial use contracts
- Section 11.3: Payment of land rental by third-parties under medium-scale commercial use contracts
- Section 11.4: Payment of land rental by third-parties under large-scale commercial use contracts
- Section 11.5: Payment of taxes
- Section 11.6: Payment of stumpage and severance fees
- Section 11.7: No fees to be collected by the Authority for customary user rights
- Section 11.8: Authority as tax agent of Liberian Revenue Authority

APPENDIX: STEPS IN ESTABLISHING AN AUTHORIZED FOREST COMMUNITY

PREAMBLE

WHEREAS, the National Forestry Reform Law of 2006 establishes a transparent framework for the use, management and protection of forest resources that integrates the commercial, community and conservation priorities of Liberia;

WHEREAS, the National Forest Policy and Strategy seeks to sustainably manage all forest lands so that forest resources can contribute to livelihoods and the economic development of the country, and in a way that ensures the availability of these resources for future generations;

WHEREAS, the Community Rights Law of 2009 with Respect to Forest Lands (“Community Rights Law”) provides a legal framework, which empowers communities located in or around forests to access, manage, use and benefit from forest resources, to sustain their livelihoods and pursue economic development;

WHEREAS, the first Regulation to the Community Rights Law, promulgated in 2011, did not accurately reflect what was established in the Community Rights Law;

WHEREAS, there is a need for the Forestry Development Authority (“the Authority”) to amend the Regulation to the Community Rights Law, to ensure that the spirit and letter of the Community Rights Law is accurately reflected in the regulatory regime;

WHEREAS, the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, will determine the rules and procedures for the establishment of forest communities to access, manage, use and benefit from forest resources within the Republic of Liberia; and

WHEREAS, the Regulation to the Community Rights Law, as Amended, will also provide means for forest communities to participate in the reforestation, rehabilitation and conservation of forest resources and wildlife in Liberia;

NOW, THEREFORE, the Forestry Development Authority hereby issues the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, to facilitate the effective and efficient implementation of the Community Rights Law, as follows:

CHAPTER 1: GENERAL PROVISIONS

Section 1.1: Purpose

The purpose of this Regulation is to establish rules and procedures for the establishment, management, access and use of community forests in Liberia. The objectives are as follows:

- a) To facilitate implementation of the Community Rights Law;

- b) To clarify the rights, roles and duties of the Authority;
- c) To clarify the rights, roles and duties of communities engaged in the community forestry program;
- d) To establish rules and procedures to enable communities to exercise ownership of community forests, and to access, manage, use and benefit from the forest resources therein; and
- e) To ensure the sustainable management of forest resources within community forests throughout the country.

Section 1.2: Definitions

In this Regulation, the following terms have the meaning indicated:

- a) **Adjacent Community:** A community that is neighboring, nearby, adjoining or bordering a community that has either applied to become or been approved as an Authorized Forest Community.
- b) **Authority:** The Forestry Development Authority, or any of its departments acting on behalf of and in the name of the institution.
- c) **Authorized Forest Community:** A community that has the right to access, manage, use and benefit from a specified area of forest resources, after it has met all regulatory requirements, including management and technical specifications, as established and verified by the Authority, and which has signed a Community Forest Management Agreement with the Authority.
- d) **Bylaws of the Authorized Forest Community:** The rules and processes governing the internal operations of the Authorized Forest Community.
- e) **Commercial Use:** Any use of forest products or forest resources, other than direct use for personal purposes or household infrastructure development. Commercial use includes trade or any other disposition of forest products, forest resources, or rights over such, for direct or indirect financial gains.
- f) **Community:** A self-identified and publicly or widely recognized coherent social group, or groups, that shares common customs and traditions, irrespective of administrative and social sub-divisions, residing in a particular area of land over which members exercise jurisdiction, communally by agreement, custom or law. A community may thus be a single village or town, or a group of villages or towns or chiefdoms.
- g) **Community Assembly:** The collectivity of resident adult members of a community aged 18 years and above, representative of gender and all social groupings within the community, organized into a body that meets at least twice a year to consult and take decisions on community matters.
- h) **Community Forest:** A forested or partially forested area traditionally owned or used by a community for socio-cultural, economic and development purposes.
- i) **Community Forest Management Agreement:** The written agreement issued by the Authority, and signed between an Authorized Forest Community and the Authority, that establishes the terms under which the community accesses, uses, manages, protects and benefits from forest resources in a sustainable manner, on a specified area of forest resources.

- j) **Community Forest Management Body:** The five-member body appointed by the Community Assembly to manage the day-to-day affairs of the Authorized Forest Community.
- k) **Community Forest Management Plan:** The plan developed by the Community Forest Management Body, in collaboration with members of the Authorized Forest Community, establishing how a specified area of forest resources will be accessed, used, managed and protected, as approved by the Authority.
- l) **Community Forest Rules:** The specific rules and/or guidelines issued by the Community Forest Management Body concerning the sustainable management and use of forest resources in a community forest.
- m) **Constitution of the Authorized Forest Community:** The organic law adopted by the Authorized Forest Community through its Community Assembly, which sets out the broad purpose, objectives and principles of the community forestry program and the rights and obligations of community members relative to the program.
- n) **Executive Committee of the Community Assembly:** The elected officials of the Community Assembly, who are authorized to oversee the Community Forest Management Body between sittings of the Community Assembly.
- o) **Forest Resources:** Anything of practical, commercial, social, religious, spiritual, recreational, educational, scientific, subsistence, or other potential use to humans that exists in the forest environment, including but not limited to flora, fauna, and micro-organisms.
- p) **Large-Scale Commercial Activities:** Commercial activities undertaken in community forests that are 50,000 hectares or larger, involving the sale and delivery of forest products, which are produced predominantly for international export.
- q) **Livelihood Activity:** An activity through which community members secure the necessities of life.
- r) **Medium-Scale Commercial Activities:** Commercial activities undertaken in community forests that are between 5,001–49,999.99 hectares, for the purpose of supplying the domestic and/or international market with both timber and non-timber forest products.
- s) **Primary Users:** Individuals who are members of an Authorized Forest Community, which has signed a Community Forest Management Agreement with the Authority.
- t) **Secondary Users:** Individuals who are not members of an Authorized Forest Community, but who have been granted permission to access and use forest resources in a community forest by an Authorized Forest Community, consistent with the Community Forest Management Plan and community forest rules.
- u) **Small-Scale Commercial Activities:** Commercial activities undertaken in community forests that are 5,000 hectares or smaller, involving the sale and delivery of forest products, which are produced predominately for the local market.
- v) **Socio-Economic Survey and Resource Reconnaissance:** The survey of the socio-cultural environment and economic resources in an area of forest resources, which the community applying for Authorized Forest Community status claims as

its community forest, for purposes of self-identification and management planning.

- w) **Sustainable Forestry:** The management and/or usage of forest resources in a form or manner that ensures that the resources continue to be in existence and available for use by future generations.
- x) **Third-Party:** A natural or legal person that is not party to a Community Forest Management Agreement, who wishes to sign an agreement with an Authorized Forest Community for the use of the Authorized Forest Community's forest resources, for commercial or conservation purposes.

Section 1.3: Compliance with statutes and international treaties

All forestry programs managed by communities shall conform to the National Forestry Reform Law of 2006, the Community Rights Law, and other statutes of Liberia, as well as to all relevant international treaties and conventions, which have been ratified by the National Legislature.

Section 1.4: Compliance with other standing regulations

All forestry programs managed by communities shall conform to the Ten Core Regulations, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant regulations.

Section 1.5: Land ownership issues

The Land Authority shall address all land ownership issues. Accordingly, this Regulation addresses and relates only to issues of community ownership, control, access, management and use of forest resources.

Section 1.6: Access to information

All information and documents related to community forestry are public unless explicitly restricted by law or regulation.

Section 1.7: Participation of civil society organizations

In all of its activities, the Community Assembly, the Executive Committee of the Community Assembly and the Community Forest Management Body shall operate with openness, inclusiveness and accountability.

All residents aged 18 and above can participate in activities of the community forestry program, under policies issued by the Community Assembly and rules issued by the Community Forest Management Body.

All meetings of a Community Assembly shall be open to civil society organizations, as observers.

Section 1.8: Offences and penalties

Offences relating to the improper or illegal use of community forest resources, or funds derived from community forest resources, shall be addressed, and penalties imposed, in the manner prescribed in Chapter 7 of the Community Rights Law.

- a) Fines imposed on Authorized Forest Communities by the Authority for failure to comply with this regulation shall not exceed USD\$5,000;
- b) Fines imposed on individual members of Authorized Forest Communities by the Community Forest Management Body, or Community Assembly, for failure to comply with community forest rules shall not exceed USD\$2,000.

Offences that are established under Chapter 20 of the National Forestry Reform Law of 2006 shall be addressed in the manner prescribed therein, or under the appropriate regulations.

Offences that are criminal in nature shall be referred to the appropriate judicial authority, as per Chapter 7, Section 7.4 of the Community Rights Law.

Administrative orders shall be imposed in accordance with the Chapter 82 of the Executive Law, also known as the Administrative Procedure Act.

Section 1.9: Due process and right to judicial appeal

The Authority or a Community Forest Management Body shall impose sanctions consistent with the due process of law, as enshrined in the Constitution of the Republic of Liberia and all applicable statutes and regulations. This shall include the right to appeal to a court of competent jurisdiction.

CHAPTER 2: ESTABLISHMENT OF AN AUTHORIZED FOREST COMMUNITY

Section 2.1: Permission to operate as an Authorized Forest Community

Pursuant to the Community Rights Law, communities have the right to access, manage, use and benefit from their forest resources, once the Authority has verified and attested that the community has met all regulatory requirements, including management and technical specifications, and the community and the Authority have formally signed a Community Forest Management Agreement.

Section 2.2: Application for Authorized Forest Community status

A community applying for Authorized Forest Community status shall include in its application the location of the area of forest resources and information on the community's way of life, particularly as it relates to the usage, preservation and development of forest resources in the area.

Section 2.3: Criteria for designation of Authorized Forest Community

For any community to be designated a Authorized Forest Community for the purpose of managing a community forest, the following objectives shall be stated in its application:

- a) To manage and use forest resources in a sustainable manner, and maintain the forest as an ecosystem;

- b) To encourage and build upon existing community traditions, which promote the preservation of the forest and sustainable forest management practices;
- c) To promote environmental conservation and ensure biological diversity; and
- d) To work closely with the Authority to ensure the success of the community forestry program.

Section 2.4: Payment of application fee

A community applying for Authorized Forest Community status shall pay a non-refundable application fee of two-hundred-and-fifty United States dollars (USD\$250).

Section 2.5: Socio-economic survey and resource reconnaissance

With the consent and involvement of community members, the Authority shall undertake a socio-economic survey and resource reconnaissance covering the area of forest resources the community wants to use as its community forest. Representatives of adjacent communities shall also be invited to cooperate with the Authority in the socio-economic survey and resource reconnaissance.

The socio-economic survey and resource reconnaissance shall generally cover the area, forest resources in the area, and the people and their livelihoods, including their relationship to the area and forest resources. The report of the socio-economic survey and resource reconnaissance shall be shared with the community applying for Authorized Forest Community status, as well as adjacent communities.

Section 2.6: Notice to communities for socio-economic survey and resource reconnaissance

At least thirty (30) days notice shall be given to the community and adjacent communities before the socio-economic survey and resource reconnaissance is conducted. Notice shall be given in the form or forms in which communities usually receive public information. The Authority shall serve a copy of the notice to the recognized leaders of the community applying for Authorized Forest Community status and recognized leaders of adjacent communities.

Section 2.7: Demarcation and mapping of specified area

The Authority, in collaboration with the community and, where necessary, other relevant government ministries and agencies, shall demarcate the area of forest resources proposed as a community forest. From the data collected during the demarcation, a map depicting the exact area delimited, showing landmarks and adjacent areas, shall be produced, and physical markers indicating the boundaries of the community forest established.

Section 2.8: Notice to communities for demarcation and mapping

At least thirty (30) days notice shall be given to the community and adjacent communities before the demarcation and mapping is conducted. Notice shall be given in the form or forms in which communities usually receive public information. The Authority shall serve a copy of the notice to the recognized leaders of the community applying for Authorized Forest Community status and recognized leaders of adjacent communities.

Section 2.9: Posting of preliminary results from socio-economic survey and resource reconnaissance, and demarcation and mapping

For a period of at least thirty (30) days, the preliminary results from the socio-economic survey and resource reconnaissance, and the demarcation and mapping shall be posted in and around the area of forest resources being proposed as a community forest, for review by community members and members of adjacent communities.

Section 2.10: Objection by third parties and resolution of objections

Third parties, including members of adjacent communities, may object to the designation of a specified area of forest resources as a community forest. All such objections shall be investigated and acted upon by the Authority within thirty (30) days of receipt, if they relate solely to forest resources.

Objections relating to issues that go beyond forest resources shall be investigated and acted upon within ninety (90) days by the Authority and other relevant government bodies, including, but not limited to, the Land Authority; the Ministry of Internal Affairs; the Ministry of Agriculture; and the Ministry of Justice.

Section 2.11: Provisional authority to organize as an Authorized Forest Community

Following the identification, assessment and demarcation of the community forest, and the resolution of all associated disputes, the Authority shall give provisional permission to the community to organize itself into an Authorized Forest Community, for the purpose of managing the specified area of forest resources.

Section 2.12: Community Forest Management Agreement with Authority

The Authorized Forest Community and Authority shall enter into a Community Forest Management Agreement, which shall elaborate the relationship between the two parties and establish the terms under which the forest resources in the specified area are to be managed and used by members of the Authorized Forest Community.

Section 2.13: Approval of Authorized Forest Community status

For an applicant community to be approved by the Authority as an Authorized Forest Community, the following requirements must be satisfied:

- a) An application shall have been submitted to the Authority by the community;
- b) The required application fee shall have been paid;
- c) The community shall have cooperated with the Authority in the socio-economic survey and resource reconnaissance;
- d) The community shall have cooperated with the Authority in the demarcation and mapping of the area; and
- e) The community shall have signed a Community Forest Management Agreement with the Authority.

CHAPTER 3: COMMUNITY FOREST GOVERNANCE

Section 3.1: Role of the Community Assembly

The Community Assembly shall be the highest decision-making body of the Authorized Forest Community. It shall be comprised of representatives from all groups within the Authorized Forest Community, including men, women, youth and members of the various ethnicities.

Section 3.2: Duties and powers of the Community Assembly

The functions, responsibilities and powers of the Community Assembly are as follows:

- a) Meet twice a year to discuss and take decisions on community forestry matters;
- b) Elect officers of the Community Assembly to the Executive Committee;
- c) Receive, review and adopt reports submitted by the Executive Committee of the Community Assembly and other subordinate committees;
- d) Appoint members to the Community Forest Management Body;
- e) Receive, review and adopt reports of the Community Forest Management Body;
- f) Approve Community Forest Management Plans and budgets drafted by the Community Forest Management Body;
- g) Ensure sustainable management of community forest resources; and
- h) Ensure that incomes from community forest resources contribute to the development of the community and the wellbeing of community members, according to the vision of the Community Assembly.

Section 3.3: Qualification for Community Assembly membership

Representatives to the Community Assembly shall be Liberians, at least 18 years of age, residing within the Authorized Forest Community. The Community Assembly shall be comprised of representatives from all groups within the Authorized Forest Community, including men, women, youth and members of the various ethnicities.

In a multi-settlement community, all settlements within the community shall be represented in the Community Assembly. Each settlement in a community may establish additional criteria for membership to the Community Assembly for their own representatives.

Section 3.4: Election of Community Assembly members

Members of the Authorized Forest Community shall elect representatives to the Community Assembly, from their respective settlements, by secret ballot. Election shall be by a simple majority of attendees of a properly publicized and scheduled general meeting of the community or settlement.

Two (2) members of the County Legislative Caucus shall be selected by members of the caucus to represent it on the Community Assembly. One such member shall be the representative of the constituency in which the community applying for an Authorized Forest Community status is located.

Section 3.5: Place of meeting for election of Community Assembly members

A general meeting for purposes of electing representatives to the Community Assembly, and officers of the Executive Committee of the Community Assembly, shall be held in a suitable place such as a town hall, school building, church or mosque, or a palaver hut within the community.

Section 3.6: Notice of general meeting to elect Community Assembly members

A general community meeting for the purpose of electing representatives to the Community Assembly shall be organized. Notice about the general meeting shall be posted at least thirty (30) days prior to the meeting and given in the form or forms in which communities usually receive public information. Notice shall include the time, date, location and purpose of the meeting.

Section 3.7: Executive Committee of the Community Assembly

Each Community Assembly shall elect from its membership an Executive Committee to manage its affairs. The officers to be elected as part of the Executive Committee are Chairman, Vice Chairman, Secretary, and Finance Officer. The two (2) legislative members of the Community Assembly shall also be members of the Executive Committee. A simple majority shall elect the officers of the Executive Committee of the Community Assembly through secret ballot.

The Executive Committee shall oversee the functions of the Community Assembly when the Community Assembly is not in session. All decisions of the Executive Committee shall be subject to review by the Community Assembly.

Section 3.8: Supervision of elections of Community Assembly members and officers of the Executive Committee

The Authority shall supervise the election of representatives to the Community Assembly, and officers of the Executive Committee of the Community Assembly. Representatives of at least two (2) civil society organizations shall be invited to witness the elections and validate that they have been conducted in a free, fair and transparent manner.

Section 3.9: Tenure of Community Assembly members and officers of the Executive Committee

Community Assembly members and officers of the Executive Committee of the Community Assembly shall serve five (5) year terms, for a maximum number of two (2) terms.

Section 3.10: Meetings of the Community Assembly

The Community Assembly shall meet at least twice a year to discuss and take decisions on community forestry matters. All meetings shall be within the boundaries of the Authorized Forest Community, at a time convenient for the majority of Community Assembly members, taking into account the predominant livelihood activities of the community.

Notice about upcoming Community Assembly meetings shall be posted at least thirty (30) days in advance, and shall be given in the form or forms in which the community usually receives public information.

Section 3.11: Adoption of Authorized Forest Community constitution and bylaws

The Community Assembly shall adopt a constitution and set of bylaws to govern and direct the activities of the Community Assembly and members of the Authorized Forest Community. The constitution and bylaws shall, among other things, determine the internal rules of the Community Assembly on such issues as tenure, roles and responsibilities, the removal and replacement of officers, and sanctions that may be applied to Authorized Forest Community members for the violation of community forest rules.

Section 3.12: Appointment of Community Assembly committees

The Community Assembly may appoint working committees, permanent or temporary, as it deems necessary.

Section 3.13: Duties and powers of the Executive Committee of the Community Assembly

The main role of the Executive Committee shall be to oversee the activities of the Community Forest Management Body. This includes:

- a) Making policies and providing strategic direction to the Community Forest Management Body;
- b) Approving Community Forest Management Plans and budgets drafted by the Community Forest Management Body;
- c) Ensuring that community forestry funds are managed transparently and accountably;
- d) Receive and review quarterly reports submitted by the Community Forest Management Body on the management of the community forest;
- e) Account to the Community Assembly on the performance of the Community Forest Management Body; and
- f) Undertake all other functions usually performed by Executive Committees of this nature.

Section 3.14: Meetings of the Executive Committee of the Community Assembly

The Executive Committee shall meet at least once every quarter, and as frequently as official duty may require. Meetings shall be held within the community at a suitable time and place, as agreed upon by officers of the Executive Committee.

Section 3.15: Adoption of internal rules of the Executive Committee

The Executive Committee shall adopt internal rules to govern its operations.

Section 3.16: Recognition of existing institutions

In some communities, there already exists Community Forestry Development Committees. The Community Assembly shall take all steps necessary to incorporate Community Forestry Development Committees in to the new institutional arrangements.

CHAPTER 4: COMMUNITY FOREST MANAGEMENT BODY

Section 4.1: Establishment of Community Forest Management Body

The Community Assembly shall establish a five-member Community Forest Management Body to manage the day-to-day affairs of the Authorized Forest Community. The Community Forest Management Body shall include at least one woman. No member of the National Legislature shall be a member of a Community Forest Management Body.

Section 4.2: Qualification for Community Forest Management Body membership

Each Community Assembly shall establish a set of criteria for selection and appointment to the Community Forest Management Body.

Section 4.3: Selection and appointment of Community Forest Management Body members

The Community Assembly shall, based on predetermined criteria, select and appoint the five-member Community Forest Management Body. The selection and appointment of Community Forest Management Body members shall be transparent and fair.

Section 4.4: Leadership of the Community Forest Management Body

From among the five members of the Community Forest Management Body, the Community Assembly shall determine through secret ballot, and by simple majority, the Chief Officer, the Secretary, and the Treasurer.

Section 4.5: Adoption of internal rules of the Community Forest Management Body

The Community Forest Management Body shall adopt its own set of internal rules, once they have been reviewed and approved by the Executive Committee of the Community Assembly.

Section 4.6: Tenure of Community Forest Management Body members

Members of the Community Forest Management Body shall serve five (5) year terms, for a maximum number of two (2) terms. However, to ensure continuity for the purpose of institutional knowledge, the terms of the first body shall be staggered as follows:

Chief Officer – 5 years

Secretary – 4 years

Treasurer – 3 years

Other two – 2 years

Section 4.7: Duties and powers of the Community Forest Management Body

The duties and powers of the Community Forest Management Body are as follows:

- a) Implement policies of the Community Assembly and its Executive Committee;
- b) With the involvement of community members and approval of the Executive Committee, prepare and implement the Community Forestry Management Plan;
- c) With the involvement of community members and approval of the Executive Committee, prepare and implement community forestry rules;
- d) Operate in accordance with the terms and conditions established in the Community Forestry Management Agreement, Community Forest Management Plan, community forestry rules, and other relevant legislation and regulations;
- e) Represent the community in all matters related to the community forest program, including in negotiations related to the community forestry program and forest resources;
- f) Stop and immediately inform the nearest Authority Office about any forestry related offense occurring within the community forest;
- g) Report quarterly to the Executive Committee on the management of the community forest;
- h) Submit quarterly financial reports to the Executive Committee;
- i) Develop and implement Community Forest Management Plans under guidelines and specifications issued by the Authority;
- j) Establish a community forest fund, to hold and expend monies generated from the use of community forest resources and other related sources;
- k) Administer the community forest fund with respect to the receipt and expenditure of monies according to sound financial management principles and practices, following the approval of a budget by the Executive Committee;
- l) Develop annual budgets for approval by the Executive Committee, and manage the budgets;
- m) Ensure that community forest resources are managed in a sustainable manner, including conserving and protecting wildlife within the community forest; and
- n) Ensure good governance and accountability in community forest management, and perform other functions as are necessary and consistent with the functions of a Community Forest Management Body.

Section 4.8: Compensation and benefits of Community Forest Management Body members

The Executive Committee of the Community Assembly shall decide the compensation and benefits for Community Forest Management Body officers, subject to final approval by the Community Assembly.

Section 4.9: Request for assistance by the Community Forest Management Body

The Community Forest Management Body may request financial and technical assistance from the Authority, relevant public institutions, or other sources to assist it in preparing Community Forest Management Plans, enhancing the knowledge and skills of Community Forest Management Body officers, and implementing community forestry programs.

Section 4.10: Final approval of application for Authorized Forest Community status

Following the establishment of the Community Assembly and the Community Forest Management Body, the Authority shall give final approval to the application of the community, with regard to Authorized Forest Community status.

Section 4.11: Development and approval of community forest rules

The Community Forest Management Body shall develop community forest rules, which shall govern how members of an Authorized Forest Community may use the forest resources. The community forest rules shall be submitted to and approved by both the Executive Committee of the Community Assembly and the Authority.

CHAPTER 5: PRIMARY AND SECONDARY USERS' RIGHTS AND RESPONSIBILITIES

Section 5.1: Membership rights

Any Liberian citizen aged 18 years and above, of either sex, resident in a community, who wishes to participate in the community forest program shall be eligible to do so. An individual can participate in one Authorized Forest Community at a time.

Section 5.2: Primary users' rights

The rights of primary users of an Authorized Forest Community shall include the following:

- a) The right to harvest and utilize timber and non-timber forest products for subsistence and livelihood purposes for households;
- b) The right to harvest, process, transport and sell timber and non-timber forest products as provided by the Community Forest Management Plan;
- c) The right to practice agriculture, as provided by the Community Forest Management Plan;
- d) The right to participate in community forestry programs, including, but not limited to, electing members of the Community Assembly;
- e) The right to share in benefits derived from the community forestry program, directly and indirectly; and
- f) The right to appeal decisions which impact these rights.

Section 5.3: Primary users' responsibilities

The duties and responsibilities of Authorized Forest Community members are as follows:

- a) Comply with all relevant laws and regulations;
- b) Comply with rules and decisions issued by the Authority and the Community Forest Management Body;
- c) Contribute to the development of the Community Assembly constitution and bylaws, the community forest rules, and the Community Forest Management Plan;

- d) Ensure that community forest resources are managed in a sustainable manner;
- e) Ensure effective monitoring of the use of community forestry resources; and
- f) Assist in conserving, protecting and planting trees to ensure sustainability of forest resources and the environment for the benefit of future generations.

Section 5.4: Secondary users' rights and responsibilities

All persons who are not members of an Authorized Forest Community may access, harvest and use timber and non-timber resources only as governed by the Authorized Forest Community's Community Forest Management Plan and community forest rules. All secondary users are equally responsible for following this Regulation, the Community Forest Management Plan and the community forest rules.

CHAPTER 6: DUTIES AND POWERS OF THE AUTHORITY

Section 6.1: Jurisdiction of the Authority

The Authority has jurisdiction over community forestry management and shall serve as the lead agency for community forestry. The Authority shall have the power to officially demarcate community forest boundaries, issue and sign Community Forest Management Agreements, grant Authorized Forest Community status, and coordinate with other government institutions and relevant parties to implement community forestry programs.

Section 6.2: Duties and powers of the Authority

The Authority shall have the following duties and powers:

- a) Establish standards to determine whether and how to accept or reject an application for Authorized Forest Community Status, issue and sign Community Forest Management Agreements, grant Authorized Forest Community Status, and/or take temporary control of an Authorized Forest Community;
- b) In collaboration with the community applying for Authorized Forest Community status, adjacent communities, and relevant government institutions, conduct socio-economic surveys and resource reconnaissance, and demarcate and map areas of forest resources proposed by communities as community forests;
- c) Establish standards to review and approve Community Forest Management Plans;
- d) Develop guidelines to govern community forestry management;
- e) Monitor and evaluate all community forestry programs;
- f) Facilitate the resolution of conflicts, upon request by an Authorized Forest Community;
- g) Establish and manage a Community Forest Central Registry, to include maps of community forests, constitutions and bylaws of Authorized Forest Communities, Community Forest Management Agreements, commercial agreements with third-parties, and other relevant documents;
- h) Assist in building the capacity of Authorized Forest Communities in sustainable community forest management; and
- i) Assist in securing financial and technical assistance for forest communities in support of their community forestry management programs.

Section 6.3: Sanction powers of the Authority

In accordance with Chapter 7 of Community Rights Law, the Authority may take temporary control of an Authorized Forest Community, if, after investigation, it determines that the Community Forest Management Body is mismanaging community forest resources; has clearly set out the actions that must be taken to rectify or resolve the problem identified in a report; has provided the Community Forestry Management Body with an opportunity to rectify or resolve the problem identified; and, at the end of a 90 day period, determines that the Community Forest Management Body has failed to rectify or resolve the problem.

After these conditions have been satisfied, the Executive Committee shall request that the Authority take over management of the community forest resources for up to six months. During the period it is exercising temporary management of the community forest resources, the Authority must actively work with the community to restore the Community Forest Management Body as soon as practicable.

This shall be in addition to the power of the Authority to impose penalties upon community members for committing offences under the National Forestry Reform Law of 2006, and to refer community members to the criminal justice system for prosecution.

CHAPTER 7: COMMUNITY FOREST MANAGEMENT AGREEMENT

Section 7.1: Signature of Community Forest Management Agreement

Once the community applying for Authorized Forest Community status has formed its Community Assembly, selected and appointed the Community Forest Management Body, and adopted a constitution, governing bylaws and community forest rules, the Authority shall issue a Community Forest Management Agreement for review and signature. In order to be approved for participation in the community forestry program, the Community Forest Management Body shall, following review by members of the applicant community, agree to and sign a Community Forest Management Agreement with the Authority.

Section 7.2: Attachments to Community Forest Management Agreement

Attached to the Community Forest Management Agreement shall be the following:

- a) A copy of the summary of the socio-economic survey and resource reconnaissance;
- b) A map showing the area of forest resources which the community will have access to, manage and use, together with specific coordinates;
- c) A list of the officers of the Executive Committee of the Community Assembly;
- d) A list of the members of the Community Forest Management Body;
- e) The constitution and bylaws of the Authorized Forest Community; and
- f) Other relevant documents, as may be determined by the Authority.

Section 7.3: Community review of Community Forest Management Agreement

The Community Forest Management Body shall present to the community the Community Forest Management Agreement for review at a mass meeting.

Section 7.4: Notice for review of Community Forest Management Agreement

Notice for the mass meeting at which the Community Forest Management Agreement will be reviewed shall be announced and posted in public places, including at, but not limited to, the offices of the Community Forest Management Body, school buildings, and local government offices. This notice shall be announced and posted at least fifteen (15) days prior to the date of the mass meeting.

Section 7.5: Acceptance of terms of Community Forest Management Agreement

If the community accepts the terms of the Community Forest Management Agreement, the Community Forest Management Body shall formally request that the Authority schedule a date for the signing of the Community Forest Management Agreement.

Section 7.6: Duration of Community Forest Management Agreement

A Community Forest Management Agreement shall be in effect for a period of fifteen (15) years, from the date it is signed between the Forestry Development Authority and the Community Forest Management Body. One year prior to the expiration of the Community Forest Management Agreement, the Community Forest Management Body shall submit a written request to the Authority to renew the Community Forest Management Agreement for an additional fifteen (15) years. The Community Forest Management Agreement can be renewed as many times as the Authorized Forest Community would like, as long as its members continue to meet all technical and legal requirements.

Section 7.7: Approval or rejection of renewal of Community Forest Management Agreement

At least 60 days prior to the expiration date of the Community Forest Management Agreement, the Authority shall provide an answer to the Community Forest Management Body's request to renew the Community Forest Management Agreement. The Authority may reject the request for renewal by issuing a written finding, based on the monitoring and evaluation reports required under Chapter 8, Section 2, that the Authorized Forest Community and its component governance institutions have not complied with the Community Forest Management Agreement, Community Forest Management Plans, or relevant laws and regulations.

Section 7.8: Automatic renewal of Community Forest Management Agreement

If the Authority fails to provide an answer to the Community Forest Management Body's request to renew the Community Forest Management Agreement at least 60 days prior to its expiration date, the Community Forest Management Agreement shall be automatically renewed for another period of fifteen (15) years.

Section 7.9: Termination of Community Forest Management Agreement

The Community Forest Management Agreement may be terminated prior to the expiration date, based on one of the following conditions:

- a) Written agreement between the Community Forest Management Body, at least two-thirds of the Community Assembly members, and the Authority;
- b) The Government of Liberia decides to exercise its power of eminent domain over a community forest, or a part thereof. Where the Government of Liberia makes such a decision, it shall comply with the constitutionally established procedure for the expropriation of private property, which, at a minimum, shall require that reasons for the expropriation are given; that there is prompt payment of just compensation; that the community is able to challenge the Government's decision to expropriate the community forest, or part thereof, or the compensation offered; and that when the Government ceases to use the community forest, or decides not to use it for the purpose for which the community forest was expropriated, rights over the community forest shall be returned to the community.

CHAPTER 8: COMMUNITY FOREST MANAGEMENT PLAN

Section 8.1: Preparation of the Community Forest Management Plan

After the approval of the Community Forest Management Agreement, the Community Forest Management Body, with the participation of community members, shall prepare a Community Forest Management Plan.

The Authority shall issue guidelines to the Community Forest Management Body on the requisite content and standards of the Community Forest Management Plan, together with a proposed planning schedule.

The Community Forest Management Body may request technical assistance from the Authority, institutions, donors, or individuals with skills in community forest management or other relevant technical areas to develop the Community Forest Management Plan.

The Community Forestry Management Body shall first submit the Community Forest Management Plan to the Executive Committee and the Community Assembly for review and approval, before it is forwarded to the Authority for final review and approval.

Section 8.2: Duration and review of the Community Forest Management Plan

A Community Forest Management Plan shall be in effect for the duration of the Community Forest Management Agreement.

The Community Forest Management Plan shall be reviewed every five (5) years, or earlier if necessary. At the end of each 5-year period the Community Forest Management Body shall review the Community Forest Management Plan and submit a report to the Authority, stating whether or not the Community Forest Management Plan accurately

reflects how the Authorized Forest Community uses or plans to use its forest resources. If the Community Forest Management Body or the Authority determines that the Community Forest Management Plan does not accurately reflect how the Authorized Forest Community uses or plans to use its forest resources, the Community Forest Management Plan shall be revised, consistent with existing legal requirements.

Section 8.3: Monitoring and enforcement of the Community Forest Management Plan

The Community Forest Management Body shall monitor and enforce the Community Forest Management Plan, with the assistance of community members and civil society organizations, unless an agreement for the use of the Authorized Forest Community's forest resources has been made with a third-party, in which case the third-party assumes responsibility for implementing the Community Forest Management Plan and managing the area of forest resources under the agreement signed with the Authorized Forest Community.

CHAPTER 9: MANAGEMENT OF COMMUNITY FOREST FUNDS

Section 9.1: Establishment of financial accounts

An Authorized Forest Community shall establish bank accounts for the purpose of receiving and disbursing funds for operations of the community forestry program, as well as for implementing community development projects and programs.

Accounts in the name of the community forest management program shall be opened at a bank, or banks, approved by the Executive Committee.

At least two separate bank accounts shall be opened: one for the operations of the community forestry management program, and the other for the implementation of community social development projects.

Other accounts may be opened if the Community Forest Management Body deems it necessary, subject to approval by the Executive Committee.

Section 9.2: Sources of funds

The sources of funds for the financial accounts of the community, as may be applicable, shall be as follows:

- a) 55% of the one-time bid premium payment, when the Public Procurement and Concessions Act is used by an Authorized Forest Community to identify and contract with a third party;
- b) Royalties, fees, and charges, as established under Chapter 3 and Chapter 6 of the Community Rights Law;
- c) Fees and charges from community forest activities, as established by the Authorized Forest Community bylaws and community forest rules;

- d) Penalty fees paid by community members who breach the bylaws and community forest rules; and
- e) Grants and other financial assistance sourced from donors and third parties.

Section 9.3: Fund governance

The Executive Committee shall supervise the management of community funds. The Executive Committee shall approve budgets from which expenditures for community forestry operations and community social development are required. The Executive Committee shall report to the Community Assembly on community fund governance.

Section 9.4: Fund management

The Community Forest Management Body shall be responsible for the financial management of the community forestry program. The Community Forest Management Body shall prepare an annual budget covering operations of the community forestry program, community social development projects and other activities, as well as obligations to the national government such as taxes. The budget shall be submitted to the Executive Committee for approval.

Section 9.5: Disbursement procedures

All disbursements shall be made as provided by the approved budget. The Community Forest Management Body, through its Chief Officer and Treasurer, shall authorize specific expenditures.

The Executive Committee shall set further guidelines for disbursement, such as expenditure limits above which approval by the Executive Committee is required. The petty cash level shall be set by the Community Forest Management Body, and petty cash shall be disbursed only upon the authority of the Chief Officer or Treasurer.

There shall be three (3) authorized signatories for each of the community's bank account as follows: (i) the Chief Officer as the first authorized signatory; (ii) the Treasurer as the second authorized signatory; and (iii) another community member as the third authorized signatory. The Executive Committee shall approve the third signatory.

All withdrawals from an account of the community shall require at least two signatories, the first and either the second or third signatories. In the absence of the first signatory, the second and third principal signatories may make withdrawals.

Section 9.6: Financial accounting

The Community Forest Management Body shall adopt a generally accepted accounting system that is compatible with the accounting system used by the Liberian Revenue Authority.

The Authority shall provide technical assistance to Authorized Forest Communities in developing and implementing appropriate accounting systems to be used by Community Forest Management Bodies.

The fiscal year to be adopted by an Authorized Forest Community shall be from July 1 to June 30.

Section 9.7: Financial reporting

The Community Forest Management Body shall submit quarterly financial reports to the Executive Committee of the Community Assembly and the Authority. Reports shall explain sources and uses of funds within each given quarter, and shall present balances in the various community accounts.

Whenever the Community Assembly meets, the Community Forest Management Body shall report through the Executive Committee to the Assembly on the finances of the community forestry program.

Section 9.8: Financial audits

The Executive Committee shall appoint either an accounting firm or a qualified accountant to audit the accounts of the community forestry program on an annual basis. The cost of the annual audit shall be included in the annual community forestry budget. The report of the audit shall be submitted to the Executive Committee for review and appropriate action.

CHAPTER 10: COMMERCIAL ACTIVITIES

Section 10.1: Preconditions for commercial harvesting of forest resources

In accordance with Chapter 6, Section 6.4 of the Community Rights Law, timber and non-timber forest products may not be harvested, processed, or transported for commercial purposes, by communities or third-parties, until the following conditions have been met:

- a) The community has organized its Community Assembly;
- b) The Community Assembly has appointed the Community Forest Management Body;
- c) The Community Forest Management Body has developed a Community Forest Management Plan that includes the envisaged commercial activities;
- d) The Community Forest Management Plan has been approved by the Executive Committee, the Community Assembly and the Authority; and
- e) The Community Forest Management Plan is being implemented.

Section 10.2: Small-scale commercial activities

Small-scale commercial activities shall cover community forests of 5,000 hectares or less, and involve the sale and delivery of forest products, produced predominantly for the local market. Small-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.

Small-scale commercial activities can take place in community forests that are larger than 5,000 hectares, as long as the single contiguous area in which the small-scale commercial activities take place does not exceed 5,000 hectares. Only one single contiguous area may be designated for small-scale commercial activities in any one Authorized Forest Community.

As per Chapter 6, Section 6.1 of the Community Rights Law, communities may themselves undertake small-scale commercial activities, or they may contract with a third-party to do so on their behalf.

Section 10.3: Medium-scale commercial activities

Medium-scale commercial activities shall cover community forests that are between 5,001 and 49,999.99 hectares, for the purpose of supplying the domestic and/or international market with both timber and non-timber forest products. Medium-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.

Medium-scale commercial activities can take place in community forests that are larger than 49,999.99 hectares, as long as the single contiguous area in which the medium-scale commercial activities take place does not exceed 49,999.99 hectares. Only one single contiguous area may be designated for medium-scale commercial activities in any one Authorized Forest Community.

As per Chapter 6, Section 6.2 of the Community Rights Law, communities may themselves undertake medium-scale commercial activities, or they may contract with a third-party to do so on their behalf. A third-party business agent shall not be permitted to operate on more than 149,997 hectares at any time.

Although the Community Rights Law does not require that the competitive bidding process under the Public Procurement and Concessions Act be used, it does allow communities to use the process if they so wish.

Section 10.4: Large-scale commercial activities

Large-scale commercial activities shall cover community forests that are between 50,000 and 250,000 hectares, and involve the sale and delivery of forest products, produced predominantly for international export. Large-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.

As per Chapter 6, Section 6.3 of the Community Rights Law, communities may themselves undertake large-scale commercial activities, or they may contract with a third-party to do so on their behalf. A third-party business agent shall not be permitted to operate on more than 250,000 hectares at any time.

As per Chapter 6, Section 6.3(a) of the Community Rights Law, all large-scale commercial use contracts shall be subject to competitive bidding under the Public Procurement and Concessions Act and, in accordance with Chapter 6, Section 6.3(c) of the Community Rights Law, shall be approved by the President of the Republic of Liberia and ratified by the Legislature.

Section 10.5: Advice and approval of the Authority

Before a commercial agreement between an Authorized Forest Community and a third-party can be signed, the Authority shall first review and approve it.

If, following review, the Authority determines that the proposed commercial agreement does not conform to best industry practices, or does not offer fair market price for the community's forest resources, the Authority shall advise the community on how the commercial agreement needs to be amended before it can be approved. The Community Forest Management Body and Executive Committee of the Community Assembly shall hear the advice of the Authority, and attest that they have received and understood the advice provided.

The Authority shall review, determine whether or not to approve the proposed commercial agreement and, if appropriate, provide advice on how the commercial agreement needs to be amended within fifteen (15) working days of the commercial agreement being submitted. If the Authority fails to review, officially approve and, if appropriate, provide advice on how the proposed commercial agreement needs to be amended within fifteen (15) working days of submission, the community may either provide the Authority with more time to complete the review of the proposed commercial agreement, or it may consider the requirement for review and approval of the proposed commercial agreement satisfied.

CHAPTER 11: FISCAL PROVISIONS

Section 11.1: Payment of land rental by third-parties

When a community enters a commercial agreement with a third-party to undertake small-, medium- or large-scale commercial activities on its behalf, the third-party shall pay land rental, as established by Chapter 6, Section 6.5 of the Community Rights Law.

Section 11.2: Payment of land rental by third-parties under small-scale commercial use contracts

Third-parties who enter into small-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Timber Sales Contracts. Fifty-

five percent (55%) of this land rental fee shall be paid directly to the community, while the remaining forty-five percent (45%) shall be paid to the national government.

Section 11.3: Payment of land rental by third-parties under medium-scale commercial use contracts

Third-parties who enter into medium-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Timber Sales Contracts. Fifty-five percent (55%) of this land rental fee shall be paid directly to the community, while the remaining forty-five percent (45%) shall be paid to the national government.

Section 11.4: Payment of land rental by third-parties under large-scale commercial use contracts

Third-parties who enter large-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Forest Management Contracts. As per Chapter 3, Section 3.1(d) of the Community Rights Law, at least 55% of the land rental fee for the area covered by the commercial agreement shall be paid directly to the community, while the remaining balance shall be paid to the national government.

Section 11.5: Payment of taxes

The commercial harvesting of forest resources in community forests, whether undertaken by the community or a third-party, be it small-, medium- or large-scale, shall be subject to all relevant taxes, as established by the National Forestry Reform Law of 2006, the Ten Core Regulations, and all other relevant laws and regulations.

Section 11.6: Payment of stumpage and severance fees

All timber harvested for commercial purposes shall be subject to stumpage and severance fees, and shall be paid in accordance with the National Forestry Reform Law of 2006 and the Ten Core Regulations. All non-timber forest products harvested for commercial purposes shall be subject to fees, as determined by the Liberian Revenue Authority in consultation with the Authority.

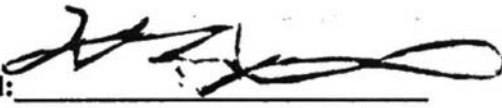
Section 11.7: No fees to be collected by the Authority for customary user rights

The Government of Liberia shall not collect fees from community members for the customary use, as defined by the Community Forest Management Plan and community forest rules, of timber and non-timber forest products. Customary use is here limited to the use of timber and non-timber forest products by members of the Authorized Forest Community for non-commercial purposes. Members of Authorized Forest Communities may still be subject to fees for the use of timber and non-timber forest products, as determined by the community forest rules.

Section 11.8: Authority as tax agent of Liberian Revenue Authority

The Government of Liberia may request the Authority to serve as an agent of the Liberian Revenue Authority. In this capacity the Authority shall ensure that all taxes, fees and charges levied on forestry operations and products under community forestry programs, as determined by law and relevant regulations, are duly and timely paid to the Liberian Revenue Authority by persons and entities concerned. The agency powers of the

Authority, however, shall not include the levying of taxes, fees and other charges, or the re-scheduling of such taxes, fees and charges.

Signed:  _____

Hon. Harrison S. Karnwea, Sr.
The Managing Director
Forestry Development Authority (FDA)

APPENDIX: STEPS IN ESTABLISHING AN AUTHORIZED FOREST COMMUNITY

Step 1. The community submits to the Authority its application for Authorized Forest Community status, together with a USD\$250 non-refundable application fee. The application shall:

1. Describe the location and area of the forest resources being proposed as a community forest;
2. Provide information about the way in which the community uses its forest resources; and
3. State the following objectives:
 - i. To manage and use forest resources in a sustainable manner, and maintain the forest as an ecosystem;
 - ii. To encourage and build upon existing community traditions, which promote the preservation of the forest and sustainable forest management practices;
 - iii. To promote environmental conservation and ensure biological diversity; and
 - iv. To work closely with the Authority to ensure the success of the community forestry program.

Step 2. The Authority gives thirty (30) days notice to the community and adjacent communities that a socio-economic survey and resource reconnaissance is to be conducted.

Step 3. At the end of the thirty (30) days notice period the Authority conducts the socio-economic survey and resource reconnaissance.

Step 4. The Authority gives thirty (30) days notice to the community and adjacent communities that the boundaries of the proposed community forest are to be demarcated and mapped.

Step 5. At the end of the thirty (30) days notice period the Authority demarcates and maps the area of forest resources that the community claims as its community forest, in collaboration with the community, adjacent communities, and relevant government agencies.

Step 6. The Authority posts in and around the community for a period of thirty (30) days the results of the socio-economic survey and resource reconnaissance, and the demarcation and mapping. The Authority invites members of adjacent communities to review the results.

Step 7. The Authority assists the community to resolve disputes, if any.

Step 8. Following the resolution of any disputes, the Authority gives permission to the community to organize itself into an Authorized Forest Community. The community proceeds to elect members of the Community Assembly, Executive Committee, and appoint members of the Community Forest Management Body.

Step 9. Members of the community then review the Community Forest Management Agreement, issued by the Authority. Once members of the community are satisfied, the Community Forest Management Body signs the Community Forest Management Agreement with the Authority. The following shall be attached to the Community Forest Management Agreement:

- a) A copy of the summary of the socio-economic survey and resource reconnaissance;
- b) A map showing the area of forest resources which the community will have access to, manage and use, together with specific coordinates;
- c) A list of the officers of the Executive Committee of the Community Assembly;
- d) A list of the members of the Community Forest Management Body;
- e) The constitution and bylaws of the Authorized Forest Community; and
- f) Other relevant documents, as may be determined by the Authority.

The Community Forest Management Agreement is valid for a period of fifteen (15) years.

Step 10. After the Community Forest Management Body and Authority sign the Community Forest Management Agreement, the Community Forest Management Body may approach the Authority, and other government bodies for assistance in the preparation of the Community Forest Management Plan.

Step 11. Once the Authority reviews and approves the Community Forest Management Plan, the Community Forest Management Body proceeds to implement it. The Community Forest Management Body periodically reports on its activities and the community forest program to the Executive Committee of the Community Assembly, the Community Assembly, and the Authority.



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