

# Forestry Development Authority

Regulations to the Community Rights Law with Respect to Forest Lands



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*Forestry Development Authority Regulation No. 114-10: Procedures to Access and Manage Funds on Behalf of Affected Communities by Community Forestry Development Committees*

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## **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 forestry resources can contribute to livelihood and economic development of the country but that this is done in a way that will ensure the availability of these resources for future generations;

**WHEREAS**, the Community Rights Law of 2009 with Respect to Forest Lands (“Community Rights Law”) provides the legal framework that empowers local communities located in or near forest lands to access, manage, use and benefit from forest resources on those lands for sustenance and livelihood improvements as well as for community development;

**WHEREAS**, there is need for the Forestry Development Authority, within the context of its forestry regulatory powers, to issue regulations for implementing the Community Rights Law;

**WHEREAS**, the Regulation to the Community Rights Law will determine the rules, guidelines and procedures for the establishment of forest communities to access, manage, use and the benefits of forest resources within the Republic of Liberia; and

**WHEREAS**, the regulation will also provide means for forest communities to participate in the reforestation, rehabilitation and conservation of forest and wildlife resources in Liberia;

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

## Chapter 1: General Provisions

### Section 1. Purpose

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

- To facilitate implementation of the Community Rights Law of 2009 with Respect to Forest Lands;
- To clarify the rights, roles and duties of the Forestry Development Authority and Communities engaged in community forestry management programs;
- To establish procedures to enable communities to access, manage, use and benefit from forest resources;
- To clarify Forest Communities' use rights and obligations under Community Forest Agreements; and
- To ensure the sustainable management of community forest resources throughout the country.

### Section 2. Definitions

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

- **Adjacent Community:** a community that is neighboring, nearby, adjoining or bordering a community that has either applied for or been approved as an Authorized Forest Community status.
- **Authority:** The Forestry Development Authority or any of its departments acting on behalf of and in the name of the Institution.
- **Authorized Forest Community:** is a community approved and authorized by the Authority to access, use, manage, and benefit from forest resources within a specified area in an agreeable and sustainable manner. Also referred to as a Forest Community.

- **Community Forest Agreement:** a written agreement between a community and the Forestry Development Authority that spells out the understanding between a community and the Authority relative to a community forestry program within a specific geographic area.
- **Community Forest:** Forested or partially-forested land traditionally owned or used by a communities for socio-cultural, economic and development purposes, ranging in size from 1 to 49,999 hectares.
- **Community Forest Management Body (CFMB):** is a five-member body selected by the Community Assembly to manage the day-to-day affairs of the community forestry program.
- **Forest Community:** See definition of Authorized Forest Community.
- **Community Assembly Constitution:** is the organic law adopted by the 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.
- **Community Assembly By-Laws:** are the rules and processes established by the Community Assembly on the internal operations of the Assembly relative to such things as notices, quorum for meetings, decision-making methods, and processes for electing, removing and replacing officers, etc.
- **Community Forest Management Rules:** are specific rules and/or guidelines issued by the Community Forest Management Body concerning the sustainable use of community forest resources.
- **Community Forestry Management Operational Handbook:** a document prepared and adopted by the Community Forest Management Body that prescribes internal operational principles, rules and procedures regarding the operations of the Community forestry program.

- **Forest Management Plan:** a plan approved and authorized by the Authority, under which a community accesses, manages, uses, and controls forest resources on a specified forest land.
- **Large-scale commercial activities:** commercial activities undertaken on community forest land areas more than 49,999 hectares.
- **Medium-scale commercial activities:** commercial activities undertaken on community forest land areas between 5,000 – 49,999 hectares.
- **Primary Users:** Individuals who are members of an Authorized Forest Community that is a party to a Community Forest Agreement with the Authority.
- **Secondary Users:** Individuals who are not members of an Authorized Forest Community that is a party to a Community Forest Agreement with the Authority, but can access and use community resources consistent with the Community Forest Management Plan and the Community Forestry Rules.
- **Small-scale commercial activities:** commercial activities undertaken on community forest land areas not more than 5,000 hectares.
- **Socio-economic Survey:** survey of the social and economic resources of the area specified for a community forestry program to determine its social and economic characteristics and profile to be used in determination of the needs and challenges of the community and in management planning.
- **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.

### **Section 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 of 2009 With Respect to Forest Lands, and other statutes of Liberia, as well as to all international treaties on sustainable forest management to which Liberia is either a signatory or has acceded.

### **Section 4. Compliance with other standing regulations**

All forestry programs managed by communities shall conform to the ten core regulations and other relevant regulations.

### **Section 5. Land ownership Issues**

All land ownership issues, with respect to lands with forest resources, shall be left to be addressed by the relevant institutions of government including the Lands Commission, the Ministry of Lands, Mines and Energy, the Ministry of Internal Affairs, the Ministry of Agriculture, and the Ministry of Public Works. Accordingly, this regulation addresses and relates to only issues of community access, management, use, and control of forest resources.

### **Section 6. Access to Information**

All information and documents related to community forestry are public unless explicitly restricted in the law and regulations.

### **Section 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 8. Penal Provisions**

Any community or person that breaches any provision of this regulation is subject to sanctions by the Authority and the criminal justice system. Sanctions imposed may either be a fine, or imprisonment, or suspension, or revocation of the status of a community. However, no monetary fine for a breach of any provision of this regulation shall be more than United States Five Thousand Dollars (US\$5, 000), no suspension shall be for more than two years, and no imprisonment shall exceed five (5) years.

Any person who violates forest management rules established by the Community Forest Management Body shall be subject to sanctions by the Body and the criminal justice system. Sanctions imposed may either be a fine, or imprisonment, or suspension from using or benefitting from community forestry resources. However, no monetary fine for a violation of any community forestry rule shall be more than United States Two Thousand Dollars (US \$2,000), no suspension shall be for more than one (1) year and no imprisonment shall be more than two (2) years. Examples of violations include, but are not limited to, obstructing the monitoring of a community forestry program either by the Community Forest Management Body or the Authority; damaging or destroying boundary marks, signboards and other symbols of identification of a community forest; actions that prohibit or impede the implementation of the forest management plan; and doing anything that damages the condition of the community forest. There may be other types of violations for which either the Authority or a Community Forest Management Body may impose sanctions.

## **Section 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 and statutes of Liberia. An aggrieved person or community may challenge the decision of the Authority or the Community Forest Management Body in a court of competent jurisdiction.

## **Chapter 2: Establishment of an Authorized Forest Community**

### **Section 1. Permission to operate as an Authorized Forest Community**

Pursuant to the powers of the Authority under the Act creating it, the 2006 NFRL, and the 2009 CRL, the Authority shall have the powers to grant a community the right to access, manage, use and benefit from forest resources on a specified area of land. Only the Authority has powers to grant rights to a community to plan and implement a forest management program.

### **Section 2. Initiation of the establishment of forest communities**

The establishment of an Authorized Forest Community shall be initiated either by a community or the Authority. Whichever option is used, the establishment of an Authorized Forest Community shall be activated through the submission of a written request by the Community to the Authority.

### **Section 3. Application for Authorized Forest Community status**

A community applying for an Authorized Forest Community status shall contain in its application the location of the forest land area 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 4. Criteria for designation of an Authorized Forest Community**

For any community to be designated an Authorized Forest Community for the purpose of managing a forestry program, the following

objectives must be sought by the community and described in its application:

- Sustainable use of the forest resources to maintain the forest ecosystem;
- Acknowledgement and encouragement of diverse community traditions in the preservation, utilization and management of forest resources;
- Conservation of the environment and biological diversity; and
- Creation of cooperation and partnership between the state and the community.

#### **Section 5. Payment of Application Fee**

A community applying for Authorized Forest Community status shall pay a non-refundable application fee of United States Two Hundred and Fifty Dollars (US \$250).

#### **Section 6. Socio-economic survey and resource reconnaissance**

With the consent and involvement of community members, the Authority shall access and undertake a socio-economic profile reconnaissance survey of the area which the community wants to use for its forestry program. Representatives of adjacent communities shall also be allowed to cooperate with the Authority in the socio-economic reconnaissance survey.

The survey shall generally cover the land, resources on the land, the people and their livelihoods, including their relationship to the land and its forest resources. The report of the survey shall be shared with the community as well as the adjacent communities.

#### **Section 7. Notice to communities for socio-economic survey**

A 30-day notice shall be given to the community and adjacent communities prior to the period of the socio-economic survey. The

notice shall be given in the form or forms in which the community usually receives public information. A copy of the notice shall be served on the recognized leader of the community by the government.

### **Section 8. Survey, demarcation and mapping of specified area**

In collaboration with the community, the Authority shall survey and demarcate the community forest area over which a community wants to be given management and user rights. A map scaled 1:5000, depicting the exact area delimited and showing adjacent areas shall be produced as a result of the survey and demarcation processes. Cornerstone pegs may also be planted on the ground to identify the metes and bounds of the forest land. The Authority may identify other relevant government agencies to involve in the demarcation process, including but not limited to, the Ministry of Internal Affairs, the Ministry of Lands, Mines and Energy, the Land Commission, and the Ministry of Agriculture.

### **Section 9. Notice to communities for demarcation and mapping survey**

A 30-day notice shall be given to the community and adjacent communities prior to the date of the demarcation survey. The notice shall be given in the form or forms in which the communities usually receive public information. A copy of the notice shall be served on the recognized leaders of the communities by the government. Particularly, adjacent communities shall be consulted in determining community borders.

### **Section 10. Posting of preliminary survey and demarcation report**

For a period of 30 days, the preliminary draft of the survey and demarcation report shall be posted in the community and shared with adjacent communities for the purpose of their review and comments prior to the finalization of the report.

### **Section 11. Objection by third parties and resolution of objections**

Third parties may object to the designation of a specified area for community forestry program. All such objections shall be investigated and acted upon by the Authority within 30 days of receipt of their comments if they relate solely to forest resources matters; or by a combination of other relevant agencies such as FDA, MIA, MOA, Lands Commission, Ministry of Justice, and MLME within 90 days if they concern forest resources and other issues such as lands, survey, demarcation and mapping.

### **Section 12. Preliminary consideration of Forest Community**

Following the identification, assessment and demarcation of the forest area, as well as the resolution of all associated conflicts that may arise, the Authority shall give preliminary permission to the community to organize itself into an Authorized Forest Community consistent with the provisions in Chapter 4 of the Community Rights Law, and Chapter 3 of this regulation, for the purpose of undertaking a community forestry management program.

### **Section 13. Community Forest Agreement with Authority**

A contract that spells out the understanding between a community and the Authority relative to a community forestry program within a specific geographic area shall be entered into between the Community and the Authority.

### **Section 14. Approval of Authorized Forest Community Status**

For an applicant community to be approved by the Authority as an Authorized Forest Community, the following criteria should have been met:

- An application should have been filed to the Authority by the community;
- The required application fee has been paid;
- The community should have cooperated with the Authority in the socio-economic
- survey;
- The community should have cooperated with the Authority in the survey and
- demarcation of the area;
- The Community shall have entered into a Community Forest Management Agreement
- with the Authority.

## **Chapter 3: Community Forest Governance**

### **Section 1. Establishment of a Community Assembly**

Powers to lead and govern an Authorized Forest Community shall be through the establishment of a Community Assembly. The Community Assembly shall be the highest decision-making body of the community with respect to community forestry. The assembly shall be broad based, with representation of men, women, youths, and all ethnic groupings making up the community. Only a community pre-qualified by the Authority shall be eligible to establish a Community Assembly.

### **Section 2. Duties of the Community Assembly**

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

- Convene meetings of the Assembly;
- Elect officers of the Assembly to the Executive Committee;
- Approve annual budget of the Community Forest Management Body;
- Appoint members to the Community Forest Management Body;
- Receive and review and adopt reports of the Executive and Standing Committees of the Assembly;
- Receive, review and pass on reports of the Community Forest Management Body;
- Ensure sustainable management of community forest resources; and
- Ensure that incomes from community forest resources contribute to the development of the community and well-being of community members according to the vision of the Community Assembly. Such a vision should, however, be consistent with the

County Development Agenda, the Poverty Reduction Strategy, and the National Vision when formulated.

### **Section 3. Qualification for Assembly Membership**

Members of the Community Assembly shall be Liberians, at least 18 years of age, and residing within the given community. Representation on the Assembly shall be broad based including men, women, and youths. In a multi-settlement community, all sub-divisions of the community shall be represented in the Assembly. Each Community may establish additional criteria for membership to the Community Assembly.

### **Section 4. Elections of Assembly Members**

Community Assembly members shall be elected by their various constituencies. The elections shall be by secret-ballots. Elections shall be by a simple majority of attendees of a properly publicized and scheduled General Meeting of the community or constituency for the purpose of selecting representatives to the Assembly. 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 5. Place of Meeting for Election of Community Assembly**

A general meeting for purposes of organizing the Community Assembly (electing Community Assembly representatives and officers) shall be held in an ideal place such as a town hall, a school building, a church or mosque, or a *palava* hut within the community.

## **Section 6. Notice of Scheduled General Meeting**

A general community meeting for the purpose of organizing a Community Assembly as well as all Community Assembly Meetings shall be based on public notices issued at least 30 days prior to the meeting. All such notices shall be placed in public places in the community, or processed through the normal means of mass communication with community members, including but not limited to national and community radio stations, town criers, or door-to-door visitations.

## **Section 7. Supervision of Assembly Members' Elections**

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

## **Section 8. Executive Committee of the Assembly**

Each Community Assembly shall elect an Executive Committee to manage the affairs of the Assembly. The officers to be elected as part of the Committee shall include a Chairman, Vice Chairman, Secretary, and Finance Officer, as well as other leaders that may be deemed necessary by the Community for the effective and efficient operations of the Assembly. None of the two (2) representatives of the National Legislature shall hold a leadership position of the Community Assembly.

Elected officials of the Community Assembly, and other members so designated, shall constitute the Executive Committee of the Community Assembly. The two (2) legislative members of the Community Assembly shall also be members of the Executive Committee. The Executive Committee shall perform the functions of the Community Assembly when the Assembly is on recess (not in session). All decisions of the Executive Committee shall be subject to review by the Community Assembly whenever the Assembly meets.

Election of officers of the Assembly shall be by secret ballot in free and fair elections by a simple majority of members of the Assembly. The elections shall take place at a meeting of the Assembly.

### **Section 9. Meetings of the Assembly**

The Community Assembly shall meet at least two times a year to consult and take decisions on community forestry matters. All meetings shall be within the community and at a time convenient for most Assembly members taking into account the predominant livelihood activities of residents of the community. All meetings of the Community Assembly shall be by official notification through means generally accepted by community members. Official notification shall be at least 30 days prior to the scheduled meeting.

### **Section 10. Adoption of Assembly Constitution and By-Laws**

A Community Assembly shall adopt a Constitution and set of by-laws to govern and direct activities of the Assembly. The by-laws shall determine internal operational rules of the Assembly on such issues as tenure of officers; roles and responsibilities of officers; removal and replacement of officers, among other things determined by the Community.

### **Section 11. Appointment of Assembly Committees**

A Community Assembly may appoint working committees, permanent or temporary, as it may deem necessary to support the activities of the Assembly.

### **Section 12. Duties of the Executive Committee**

The oversight responsibilities of the Executive Committee over the Community Forest Management Body (CFMB) shall be as follows:

- Make policies and provide strategic directions to the CFMB;
- Approve forestry management plans and budgets of the CFMB;
- Ensure transparency and accountability in the management of community forestry funds;
- Ensure LEITI compliance of community forestry activities;
- Receive and review quarterly operational and monitoring and evaluation reports of the CFMB;
- Account to the Assembly on the performance of the CFMB;
- Uphold and protect community forestry rights; and
- Undertake all other functions usually performed by executive committees of this nature.

### **Section 13. Meetings of the Executive Committee**

The Executive Committee shall meet at least once every quarter and as frequently as official duty may demand. Meetings of the Executive Committee shall be within the Community and at a reasonable time and place as agreed upon by committee members.

### **Section 14. Adoption of Executive Committee Internal Rules**

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

### **Section 15. Recognition of Existing Institutions**

In some communities, there already exists Community Forestry Development Committees. The Community Assembly shall take note of the existence of such bodies and shall take all steps necessary to subsume, integrate, incorporate, and/or include them in the new institutional arrangements in ways generally acceptable to the Community Assembly.

## **Chapter 4: Community Forest Management**

### **Section 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 community forestry program. The Body shall comprise at least one woman. No member of the National Legislature shall be a member of a Community Forest Management Body.

### **Section 2. Qualification for Body Membership**

Each Community Assembly shall establish a set of criteria for membership to its Community Forest Management Body.

### **Section 3. Appointment of Body Members**

The Community Assembly shall, based on a predetermined set of criteria agreed by the Assembly, recruit, select, and appoint the five-member Community Forest Management Body. The appointment of committee members shall be transparent and fair.

### **Section 4. Body Leadership**

From among the five members of the Forest Management Body, the Assembly shall determine through secret balloting the Chief Officer, the Secretary, and the Treasurer.

### **Section 5. Adoption of Forest Management Body Internal Rules**

The Community Forest Management Committee shall adopt its own internal rules to guide its operations.

### **Section 6. Tenure**

The Community Forest Management Body shall have a term of five (5) years. Each member shall be eligible for appointment for only one additional term. 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 7. Functions, responsibilities and powers of the CFMB**

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

- Implement policies of the Community Assembly and its Executive Committee;
- With the involvement of Community Assembly, prepare and implement Community Forestry Management Body Operational Handbook;
- With the involvement of the community members and approval of the Executive Committee, prepare and implement the Community Forest Agreement;
- With the involvement of the community members and approval of the Executive Committee, prepare and implement the Community Forest Management Plan;
- With the involvement of community members and approval of the Executive Committee, prepare and implement community forestry rules/guidelines;
- Operate in accordance with the terms and conditions in the Community Forest Agreement, Management Plans, Community forestry rules, and other relevant legislations and regulations;

- Represent the Community in negotiations related to community forestry resources and program;
- Stop and immediately inform the nearest Authority Office about any forestry offense occurring within the community's forest area;
- Report quarterly to the Executive Committee of the Assembly on the management of community program;
- Submit quarterly financial reports to the Executive Committee;
- Represent the community in all matters related to community forest program;
- Develop and implement community forest management plans under guidelines and specifications issued by the authority;
- Establish a Community Forest Fund, to hold and expend monies generated from the use of community forest resources and other related sources;
- 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 of the Assembly;
- Develop annual budgets for the approval of the Executive Committee and manage the budgets;
- Ensure that community forest resources are managed in an environmentally sustainable manner, including conserving and protecting wildlife within the Community Forest; and
- Ensure good governance and accountability in community forest management as well as perform other functions as are necessary and consistent with the functions of a Community Forest Management Body.

## **Section 8. Compensation and Benefits**

The Executive Committee shall decide the compensation and benefits for Community Forest Management Body members.

### **Section 10. Request for Assistance**

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 Forest Management Plans, enhancing the knowledge and skills of Community Forest Management Body Members, and implementing community forestry programs.

### **Section 11. Final Approval of Application of Authorized Community**

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 for the status of an Authorized Forest Community.

### **Section 12. Approval of Community Forest Rules**

Community forest rules shall be developed by the Community Forest Management Body. These rules shall guide and direct community members' activities concerning forest resources on the land. The community forest rules shall be submitted to and approved by both the Executive Committee and the Authority.

## **Chapter 5: Primary and Secondary Users' Rights and Responsibilities**

### **Section 1. Membership Rights**

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

### **Section 2. Primary Users' Rights**

The Primary User Rights of Authorized Forest Community members shall include the following:

- The right to harvest and utilize timber and non-timber forest products for sustenance and livelihood purposes for households;
- The rights to harvest, process, transport and sell non-timber and non-wood forest products as provided by Community Forest Management Plan;
- The rights to harvest, process, transport and sell timber forest products as provided by the Community Forest Management Plan;
- The right to practice allowable agriculture as provided by the Community Forest Management Plan;
- The rights to participate in community forestry programs, including electing members of the Community Assembly, as provided by the Assembly Constitution and By-Laws, and rules of the Community Forest Management Body;
- The right to share in benefits derived from forest resources management, either directly or indirectly
- The right to appeal decisions which impact members' rights; and
- The rights granted under the Community Forest Agreement.

### **Section 3. Primary Users' Responsibilities**

Rights carry with them attendant responsibilities. The roles, duties and responsibilities of authorized forest communities and Community Members are as follows:

- Follow the regulations, instructions and decisions of the Authority and the Community Forest Management Body;
- Contribute to the development of: the Community Assembly Constitution and By-laws, the community forest rules, the community forest management plan;
- Help ensure that community forest resources management occurs in a sustainable manner;
- Help ensure effective monitoring of the use of community forestry resources; and
- Assist in conserving, protecting and planting trees to ensure sustainability of forest resources and the environment for the benefit of future generations.

#### **Section 4. Secondary User rights and responsibilities**

All persons who are not members of communities that have Community Forest Agreements, may access, harvest, and use timber and non-timber resources only as governed by the Community Forest Management Plan and the Community Forest Rules. All secondary users are equally responsible for following Plan and Rules in addition to this Regulation.

## **Chapter 6: Roles and Powers of the Authority**

### **Section 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 give official recognition to the demarcation of community forest boundaries, recognize and terminate an Authorized Forest Community, and coordinate with other government institutions and relevant parties on the implementation of community forestry programs.

### **Section 2. Roles and duties of the Authority**

The Forestry Development Authority shall have the following roles and duties:

- Assess and demarcate a forest area for establishing a Community Forest;
- Establish standards for and determine whether to recognize, reject or terminate Authorized Forest Communities
- Establish standards for review and approval of Community Forest Management Plans;
- Develop guidelines related to Community Forestry Management;
- Monitor and evaluate Community Forestry Management Programs;
- Facilitate the resolution of conflicts upon request by an Authorized Forest Community;
- Establish and manage a Community Forest Central Registry, including main documents such as Maps of Community Forests; Constitutions and By-Laws of Community Assemblies;
- Assist in building the capacity of Authorized Forest Communities in sustainable community forest management; and

- Assist in securing financial and technical assistance for forest communities in support of their community forest management programs.

### **Section 3. Regulatory Role of the Authority**

Under Section 5.1(d) of the Forestry Reform Law, the Authority has the right to promulgate regulations to control any activity involving Forest Land, Forest Resources, or Forest Products Accordingly, community forests must be managed consistent with the promulgated regulations of the Authority except where these regulations contradicts the CRL.

### **Section 4. Revocation and Sanctions Powers of the Authority**

The authority, in accordance with Chapter 5 of the Community Rights Law, shall have the powers to revoke the authorized status of a community engaged in community forestry if it finds that forestry resources are being seriously damaged, or if the Community Forest Management Body is not complying with provisions of the Community Rights Law, or this Regulation, or the other Standing Regulations, or that the community forestry program being implemented seriously breaches the terms of the Agreement between the Community and the Authority, or other required and approved planning and policy documents.

The Authority also shall have powers to impose fines, suspensions and sanctions on persons and forest communities as provided for under Chapter 1, Section 8 of these regulations. The Authority and the justice system can also cause a violator of the law and the regulation to go to jail for a period specified by a court of competent jurisdiction.

## **Chapter 7: Community Forest Agreement**

### **Section 1. Preparation of Community Forest Agreement**

In order to be approved for participation in the Community Forestry Program under the Community Rights Law of 2009 and this Regulation, an Authorized Forest Community shall prepare and negotiate a Community Forest Agreement with the Authority. The Community Forest Management Body shall prepare the draft based on a template or guidelines provided by the Authority.

### **Section 2. Attachments to Draft Community Forest Management Agreement**

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

- A description of the community, with a map showing the demarcated forest land area which the Community will have access to, manage and use, with specific coordinates;
- A list of the Executive Committee of the Community Assembly;
- A list of the Community Forest Management Body Members;
- The Community Assembly Constitution and By-Laws;
- The Community Forestry Management Body By-Laws;
- List of principal forest resources in the area; and
- Other relevant documents as may be determined by the Authority.

### **Section 3. Community Review of Community Agreement**

The Community Forest Management Body shall present to the Community the draft of the Agreement for review at a mass meeting of the Community. Prior to the meeting, the draft agreement shall be announced or posted in public places, including offices of the Forest

Management Committee, school buildings, local government offices, and school buildings.

#### **Section 4. Notice for Review of Draft Community Forest Agreement**

Notice for the review of the Draft Community Forest Agreement shall be announced or posted in public places, including offices of the Forest Management Committee, school buildings, local government offices, and school buildings. This notice shall be at least 15 days prior to the date of the review.

#### **Section 5. Negotiation with the Authority**

The draft Community Forest Agreement shall be sent to and negotiated with the Authority. Upon mutual satisfaction of both parties, a date shall be set for the signing of the Agreement.

The Community Forest Management Body shall represent the community in the negotiations of the draft agreement with the Authority.

#### **Section 6. Duration of Community Forest Agreement**

A Community Forest Agreement shall be in effect for not more than a period of fifteen (15) years from the date of approval by the Forestry Development Authority. One year prior to the expiration of the Agreement, the Community Forestry Management Body shall submit a written request to the Forestry Development Authority to renew the Agreement for an additional fifteen (15) year term. The Agreement can be renegotiated for renewal as many times as the community would like.

## **Section 7. Approval or Rejection of Renewal of Agreement**

The request for renewal shall be approved by the Authority at least 60 days prior to the expiration date of the agreement. The Authority may reject the request for renewal by sending a written finding to the Community Forestry Management Body, based on the monitoring and evaluation reports required under Chapter 8 Section 7, with participation of the Community Forestry Management Body, certifying the reasons and evidence that the activities of the Authorized Forest Community were found not to comply with the Community Forest Agreement, or the Community Forest Management Plan, or other relevant regulations.

## **Section 8. Automatic Renewal of Agreement**

If the Authority does not give a response to the request to renew the Community Forest Agreement at least 60 days prior to its expiration date, the Agreement shall be renewed automatically for another period of fifteen (15) years.

## **Section 9. Termination of the Community Forest Agreement**

The Community Forest Agreement may be terminated prior to the expiration date based on one or more conditions as follows:

- Written agreement between the parties;
- Agreement between the Community Forestry Management Body and at least 2/3 of the Community Assembly members;
- A determination that after a notice of non-compliance with or serious violation of the terms and conditions in the Community Forest Agreement and/or the Forest Management Plan by the Authorized Forest Community and an opportunity to remedy the situation for a specified period has been missed and the offence of non-compliance or serious violation continues;

- An undertaking by the Government that there is another purpose which provides a higher social and public benefit to the community and/or people of Liberia.

If the Government of Liberia desires to terminate a Community Forest Agreement for another purpose that provides a higher social and public benefit to the community and/or people of Liberia, then the Authority shall give the Community Forest Management Body a written notice six (6) months prior to the date of termination. Such notice of termination shall include the reasons for termination. Within this period, the Authority shall hold discussions and negotiate with the Community Forest Management Body to determine a fair way to underwrite identified community losses.

## **Chapter 8: Community Forest Management Plan**

### **Section 1. Preparation of the Community Forest Management Plan**

After the approval of the Community Forest Agreement, the community Forestry Management Body shall prepare a Community Forest Management Plan (“Plan”) with participation of Community members. A 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 Forest- Management Body shall submit the Plan to the Authority for approval. Guidelines, including plan contents, standards, and a timeline for the preparation procedures for Community Forest Management Plans shall be issued by Authority.

### **Section 2. Duration of Forest Management Plan**

Community Forest Management Plans shall be in effect throughout the duration of the Community Forest Agreement. The Plan shall be reviewed every 5 years or earlier if necessary. The Community Forest Management Body shall monitor and evaluate the Plan with the participation of community members and any civil society organizations. Revision of the Plan shall be made if the review recommends same. The Authority may require the Community Forest Management Body to modify the Community Forest Management Plan consistent with prevailing conditions and the requirements of the Community Rights Law and other applicable laws, policies, and plans, to ensure the sustainability of the community forest.

## **Chapter 9: Commercial Activities**

### **Section 1. Small-scale commercial activities**

Small scale commercial activities shall cover forest land areas of not more than 5,000 hectares. These shall be commercial activities undertaken by community members either collectively or singly in support of livelihoods. These shall involve timber and non-timber forest products extracted for sale in the domestic Liberian market. Small scale commercial activities shall not be limited to a specific land area. They may occur over any or all parts of the community forest land. Because small scale commercial activities are undertaken by communities themselves, they shall not be subject to the competitive processes required by the Public Procurement and Concessions Act. They shall, however, be governed by Community Forestry Rules established by the Community Forest Management Body with the participation of community members. Where applicable, they shall also be subject to the fiscal provisions of the Government of Liberia as managed by the Ministry of Finance.

### **Section 2. Medium-scale commercial activities**

Medium-scale commercial activities shall cover forest land areas between 5,000 – 49,999 hectares. These activities shall cover both timber and non-timber products. These commercial activities shall seek to market forest products to either the domestic market or international market, or both. Medium-scale commercial activities shall be undertaken either directly by community members for their collective benefits or, by third party business agents, on behalf of the community, under a commercial venture arrangement. Whether undertaken by the community or a third-party business agent on behalf of the community, medium scale commercial activities shall be governed by the 2006 National Forest Reform Law and its

implementing regulations and other laws, regulations, and guidelines, particularly with respect to the following: forest management plans, sustainable forest management, chain of custody, the Voluntary Partnership Agreement (VPA), the Liberia Extractive Industry Transparency Initiative (LEITI), and relevant fiscal provisions. When medium-scale commercial activities are to be sourced out to a third-party business agent on behalf of the community, the relevant provisions of the Public Procurement and Concessions Act regulations shall apply. A third party business agent shall not be permitted to operate more than **149,997 hectares** at a time and shall be subject to the rules and regulations of a Forest Management Contract (FMC) as required by the 2006 National Forestry Reform Law and its implementing regulations.

### **Section 3. Large-scale commercial activities**

Large-scale commercial activities shall cover forest land areas of more than 49,999 hectares. These activities shall involve only timber products. These commercial activities shall seek to market timber forest products to international markets. Large-scale commercial activities shall be undertaken either by communities themselves or by third-party business agents on behalf of the community. Large-scale commercial activities undertaken by a third party business agent on behalf of the community shall be in compliance with the relevant provisions of the Public Procurement and Concessions Act. Large-scale commercial activities shall also be governed by the 2006 National Forestry Reform Law and its implementing regulations and other relevant laws, regulations, and guidelines, specifically with respect to the following: forest management plans, sustainable forest management, the chain of custody, the Voluntary Partnership Agreement (VPA), the Liberia Extractive Industry Transparency Initiative (LEITI), and relevant fiscal provisions. A third-party business agent shall not be permitted to operate more than **250,000**

**hectares** at a time and shall be subject to the rules and regulations of a Forest Management Contract (FMC).

#### **Section 4. Special Prohibitions**

An Authorized Forest Community may not harvest, process, transport or sell timber forest products until the following things have been duly undertaken:

- The Community Assembly has been organized and its Constitution and By-Laws
- adopted;
- The Community Forest Management Body has been appointed and is in place
- functioning;
- The Community Forest Management Body has prepared and adopted its Community
- Forest Management Rules;
- The Forest Management Body has prepared and the Authority has approved the Forest
- Management Plan; and
- The Authority has approved detailed project proposals for the harvesting of timber.

Further, an Authorized Forest Community may not:

- Use the community forest in the form of a concession;
- Sell or transfer their rights granted in a Community Forest Agreement to a third party; or
- Harvest forest products and non-timber forest products in a manner that violates the terms and conditions of the approved Community Forest Management Plan.

## **Section 5. Consent of Authority**

Agreement with third-party businesses for medium-scale and large-scale commercial activities on community forest lands shall be made with the advice and consent of the Authority.

## **Chapter 10: Management of Community Forest Funds**

### **Section 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 established as determined by the Community Forest Management Body and approved by the Executive Committee.

### **Section 2. Sources of Funds**

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

- The 55% of bid premiums paid to the community;
- Fees and charges from other community forest activities;
- Grants and other financial assistance sourced from donors and third parties; and
- Penalty fees paid by community members who breached community forest rules.

### **Section 3. Fund Governance**

The Management of the Community Funds shall be supervised by the Executive Committee of the Community Assembly. The Committee shall approve budgets from which expenditures for community forestry operations and community social development shall be made.

The Executive Committee shall report to the Assembly on community fund governance.

#### **Section 4. Fund Management**

Financial management and accounting of the community forestry program shall be managed by the Community Forest Management Body. The 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 of the Community Assembly for approval.

#### **Section 5. Disbursement Procedures**

All disbursements shall be made as provided by the approved budget. Specific authorization of expenditures shall be made by the Community Forest Management Body through its Chief Officer and Treasurer. 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 third signatory shall be approved by the Executive Committee. 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 6. Financial Accounting**

The Community Forest Management Body shall adopt a generally accepted accounting system that is compatible to the accounting system being used by the Ministry of Finance. The Authority shall provide technical assistance to 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 – June 30.

## **Section 7. Financial Reporting**

The Community Forest Management Body shall make quarterly financial reports to the Executive Committee of the Community Assembly and the Authority. The report shall explain sources and uses of funds within each given quarter. They shall also 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 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 11: Fiscal Provisions**

### **Section 1. Equal Treatment of Commercial Forest Products**

All community forest commercial products for domestic and international markets shall be treated in the same manner as commercial forest products for the domestic and international markets.

### **Section 2. Applicability of Liberian Tax Laws**

As with commercial forest products, the Liberian tax laws of general application shall apply to community forest commercial products. Accordingly, taxes and fees levied on commercial forest products by the Government of Liberia, acting through the Ministry of Finance, shall be applicable to community forest commercial products.

### **Section 3. Payment of Stumpage and Severance Fees**

Harvesters of timber products shall pay stumpage or severance fees in accordance with the Ten Core Regulations of the 2006 National Forestry Reform Law. Harvesters of commercial nontimber products shall pay taxes and/or fees as determined by the Ministry of Finance in consultation with the Authority.

### **Section 4. Payment of Land Rental**

Third-party medium-scale commercial timber producers shall pay land rental fees at the same rate as those paid under Timber Sales Contracts, in accordance with the Ten Core Regulations of the 2006 National Forestry Reform Law. Fifty-five percent (55%) of this area tax shall be paid to the community, while the balance forty-five percent (45%) goes to the National Government. Third-party large-scale commercial timber producers shall pay land rental fees at the same rate as those paid under Forest Management Contracts, in accordance with the Ten Core Regulations of the 2006 National Forestry Reform Law. Fifty-five percent (55%) of this area tax shall be

paid to the community, while the balance forty-five percent (45%) goes to the National Government.

### **Section 5. Authority as Tax Agent of Ministry of Finance**

The Government of Liberia acting through the Ministry of Finance may request the Authority to serve as an agent of the Ministry of Finance. In this capacity, the Authority shall ensure that all taxes, fees and charges levied on forestry operations and/or products under community forestry programs as determined by law or relevant regulations are duly and timely paid to the Ministry of Finance by persons and entities concerned. The agency powers of the Authority, however, shall not include the levying of taxes, fees and other charges and the re-scheduling of such taxes, fees and charges.

### **Section 6. No Fees for Customary User Rights**

No fees shall be required for any customary user rights of an Authorized Forest Community under the terms and conditions of a Community Forest Agreement or Community Forest Management Plan, except as determined by the Community Forest Management Rules established by the Community Forest Management Body.