

**Community Rights Law of 2008
(With Respect to Forest Lands)**



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**AN ACT ADOPTING A BILL FOR A COMMUNITY RIGHTS LAW WITH
RESPECT TO FOREST LANDS**

PREAMBLE:

WHEREAS our forests are among our greatest natural resources, an endowment from nature to the people of Liberia, belonging not just to this generation but to future generations;

WHEREAS under Article 5 of the 1986 Constitution of Liberia, it is mandated that the "Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government; preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;"

WHEREAS under Article 7, it is also mandated that "The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia;"

WHEREAS the National Forestry Reform Law of 2006 requires the Forestry Development Authority to, within one year of the effective date of the National Forestry Reform Law 2006, present to the Legislature for consideration and passage a comprehensive law governing community rights with respect to Forest Lands;

WHEREAS the purpose of the forest policy of Liberia is to conserve and sustainably manage all forest areas so that forests will continue to produce a complete range of goods and services for the benefit of all Liberians and contribute to poverty alleviation in the Nation;

WHEREAS the Government of the Republic of Liberia, consistent with the Constitution of Liberia and international conventions, protocols, and treaties, is committed to respecting and upholding the rights of populations to control and make decisions concerning the development or use of their lands and resources;

NOW THEREFORE, it is enacted by the House of Representatives and the House of Senate of the Republic of Liberia, in Legislature Assembled:

CHAPTER 1: GENERAL PROVISIONS

Section 1.1: Citation:

This Act constitutes, and shall be cited as, Part III of Title 23 of the Liberian Code of Laws Revised.

Section 1.2: Title

This Act shall be referred to as The Community Rights Law with respect to Forest Lands.

Section 1.3: Definitions

Words used in the singular form in this law shall be deemed to import the plural, and vice versa, as the case may require. For the purpose of this law, the following definitions shall apply:

Authority: The Forestry Development Authority (FDA), created by an Act of Legislature on November 1, 1976.

Bid Premium: The difference between the area fee and the land rent bid fee written in the submission of a successful bidder.

By-Laws: A set of regulations, including internal rules, procedures and guidelines, prepared by a body recognized under this law for the purpose of administering said body and performing the functions for which it is created and established.

Community: A self-identified and publicly or widely-recognized coherent social group or groups, who share 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 a clan.

Commercial Use: Any use of forest products or forest resources, other than direct use for personal purposes or household infrastructure development. Commercial use includes uses involving trade or any other disposition of forest products or forest resources for direct or indirect financial gains.

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 forestry matters.

Community-based Forest Management: Forest Management activities that are carried out by a community with respect to forest resources for which the community has customary tenure or other forms of proprietorship or guardianship.

Community Forestry: The governance and management of community forests by a community for commercial and non-commercial purposes to further the development of the community and enhance the livelihoods of community members.

Community Forest Contract: Contract co-entered into by a community and the Authority with another party or parties for large and small-scale commercial activities relative to community forest resources.

Community Forest Fund: A fund established by a Community Forest Management Body, with community knowledge and consent, to finance the management of community forest resources, or other agreed activities supporting community development.

Community Forest Land: Forested or partially-forested land traditionally owned or used by communities for socio-cultural, economic and developmental purposes. This term is inter-changeable with the term "community forest".

Community Forest Management Body: A body appointed by the Community Assembly to manage community forest resources.

Community Forest Resources: Anything practical, commercial, social, religious, recreational, educational, scientific, subsistence or other potential uses to humans that exists in a community forest, including but not limited to flora, fauna, and micro-organisms.

Community Land Area: An area over which a community traditionally extends its proprietorship and jurisdiction, and is recognized as such by neighboring communities.

Concession: For the purpose of this law, a contractual right granted by the Community and Authority to a private commercial enterprise, whether by negotiation, bidding or other legal means, to harvest and market forest resources for commercial gains. Concessions are ratified by the National Legislature or approve by the Community Forest Management body.

Customary Land: Land, including forest land, owned by individuals, groups, families, or communities through longstanding rules recognized by the community. To be recognized as customary land, it is not necessary for the land to have been registered under statutory entitlements.

Executive Committee of the Assembly: Elected officials of the Assembly authorized to supervise the Community Forestry Management Body between sittings of the Assembly.

Forest Land: A tract of land, including its flora and fauna, producing or capable of producing forest resources, or land set aside for the purpose of forestry, but not including land in permanent settlements and land that has been in long-term use for non-shifting cultivation of crops or raising livestock.

Large-scale commercial use: Commercial activities of forest resources which are predominantly export oriented in their market for the sales and delivery of forest products, and which generate total revenue in excess of that specified by regulation as determined by the Authority in consultations with Community Assembly.

Non-timber Forest Products: Resources or products that may be extracted from forest lands and are utilized within the household or are marketed or have social, cultural or religious significance. These include plants and plant materials used for food, fuel, fiber, storage and fodder, medicine, bio-chemicals, as well as mammals, birds, reptiles, fishes and invertebrates.

Person: Any natural person, private entity, non-governmental organization, civil society organization, agency of the Government of Liberia, or any public body, including a community forest management body.

Small-scale commercial use: Commercial activities of forest resources which are predominately local in their markets for the sale and delivery of forest products, and which do not generate total revenue and/or occupy a land area greater than that specified by regulation as determined by the Authority in consultation with Community Assembly.

Timber: Industrial round wood and derived sawn lumber, wood chips, wood based panels and pulp for household use or commercial purposes.

CHAPTER 2: OBJECTIVES AND GUIDING PRINCIPLES

Section 2.1: Objectives

In accordance with the mandate laid down in Chapter 10 of the National Forestry Reform Law of 2006, the intent of this Act is to empower communities to fully engage in the sustainable management of the forests of Liberia, by creating a legal framework that defines and supports community rights in the management and use of forest resources.

Specific Objectives are to:

- a. Define rights and responsibilities of communities to own, manage, use and benefit from forest resources whether by customary, statutory, or other tenure systems, hereafter referred to as community forest resources;
- b. Establish mechanisms to promote informed and representative community participation in matters related to Community Forest Resources; and
- c. Define the roles and responsibilities of the Authority as the regulatory authority, promoter, and protector of community rights in respect to Community Forest Resources.

Section 2.2: Guiding Principles

The implementation of this Act shall be guided by the following principles:

- a. All forest resources on community forest lands are owned by local communities.
- b. All forest resources in Liberia, regardless of land proprietorship, shall be regulated by the Authority for the benefit of the people, except forest resources located in community forests and forest resources that have been developed on private or deeded land through artificial regeneration.
- c. Any decision, agreement, or activity affecting the status or use of community forest resources shall not proceed without the prior, free, informed consent of the said community.
- d. Recognition of community land tenure rights shall apply to tenure systems recognized by the Constitution and laws of the Liberia.
- e. All matters related to land tenure and proprietorship shall be dealt with by the Land Commission in accordance with national land policies issued and legislations enacted.

- f. The Authority shall perform its duties in a fair and impartial manner to ensure that all communities equitably benefit from the Authority's technical assistance and support in the management of community forest resources.
- g. All forest resources must be regulated, protected, managed and developed so as to:
- Sustain and optimize the potential yield of their economic, social and environmental benefits;
 - Ensure the fair and equitable distribution of their economic, social and environmental benefits to members of society;
 - Promote community-based forest management with the vision of granting communities the right to manage forest resources;
 - Develop the capacities and capabilities of communities to enable them equitably participate in and equitably benefit from sustainable management of forests;
 - Conserve natural resources, biological diversity, ecosystems and habitats;
 - Encourage the active participation of all members of the society.
 - Promote aesthetic and cultural values of the Liberian society.

Section 2.3: Community Forest Land Classification

- a. Forest land areas ranging from 5,001 hectares to 49,999 hectares may be designated as Community Forest Land.
- b. Forest land holders with Aborigines Grant Deeds, Public Land Deeds, Public Land Sale Deeds, Tribal Land Deed Certificate and Warranty Deeds authenticated and certificated by the Ministry of Lands, Mines and Energy or the Land Commission shall be classified as Community Forest Land.
- c. All deeds mentioned in section 2:3b that have already been authenticated and certificate by the Ministry of Land and Mines and Energy or the Land Commission shall be classified as Community Forest Land.

Section 2.4: Procedure for Acquisition of Community Forest

- a. The community forest land shall be identified, validated and recommended by the Forestry Development Authority for approval by the Community Forest Management body.

CHAPTER 3: COMMUNITY RIGHTS AND RESPONSIBILITIES

Section 3.1: Community Rights

- (a) Communities have the right to control the use, protection, management, and development of community forest resources under regulations developed by the Authority in consultations with Community Assembly.
- (b) Communities have the right to enter into Small-Scale Commercial contracts with respect to the harvesting of timbers and non-timber forest products on community forest lands under regulations issued by the Authority.
- (c) Communities have the right to negotiate and enter into social contracts with concessionaires licensed by the Authority to engage in forestry activities on community forest lands.
- (d) Community will have the rights to at least 55% of all revenues/income generated from large-scale commercial contracts between communities, the Authority and third parties for harvesting of timbers on community forest land.
- (e) Communities have the right to full management of forest resources having met management and technical specifications based on regulations and guidelines issued by the Authority.

Section 3.2: Community Responsibilities

- (a) Communities have the responsibility for managing community forest resources in an environmentally sustainable manner under regulations and guidelines issued by the Authority.
- (b) Communities have the responsibility of preparing Community Forest Management Plans in keeping with requirements and specifications contained in regulations and guidelines issued by the Authority.
- (c) Communities have the responsibility of ensuring full (individual, segmental, collective) membership participation in the management of community forest resources.
- (d) Communities have the responsibility of ensuring transparency and accountability in community forest resources management.

- (e) Communities have the responsibility of reporting and accounting to the Authority and other relevant agencies, through their appropriate organs, on the effective and efficient management of community forest resources as prescribed by guidelines issued by the Authority.
- (f) Communities have the responsibility of ensuring that incomes and other benefits derived from the management of community forest resources contribute to the development of the communities as directed by their community Assemblies and the Executive Committee of the Assembly.

Chapter 4: COMMUNITY FOREST MANAGEMENT

- (a) The Community Assembly shall be the highest decision-making body of the Community with respect to community forestry matters.
- (b) The Community Assembly shall include members of the legislature from the county where the communities are located, a Chairman, Vice Chairman, Secretary, and Financial Officer, as well as other leaders it may deem necessary for the effective and efficient operations of the Assembly. The Community Assembly shall elect its officers.
- (c) The functions, responsibilities and powers of the Community Assembly are as follows:
 - Convene meetings of the Assembly;
 - Elect officers of the Assembly;
 - Approve of annual budget;
 - Appoint members of the Community Forest Management Body;
 - Receive and review reports of the Executive committee;
 - Receive and review 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.
- (d) The Community Assembly shall meet at least two times a year to consult and take decisions on the community forestry matters.
- (e) The Executive Committee of the Assembly shall comprise members of the legislature from the county where the Communities are located and the four elected officials, including Chairperson, Vice Chairperson, Secretary and a Finance Officer.

- (f) The Executive Committee of the Assembly shall supervise the work of the Community Forestry Management Body between sittings of the Assembly. The Executive Committee shall report to the full Community Assembly.
- (g) The oversight responsibilities of the Executive Committee over the Community Forest Management Body 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.
 - Receive and review periodic operational reports of the CFMB;
 - Account to the Assembly on the performance of the CFMB; and
 - Uphold and protect community forestry rights.
 - All other things the Committee deem necessary.
- (h) The Executive Committee shall meet at least once every quarter and as frequently as official duty may demand.
- (i) The Community Assembly may appoint other Committees, permanent or temporary, or recognize the existence of existing Committees as it may deem fit. However, in all such instances, the Assembly shall ensure that there are no duplication of functions, responsibilities and powers of Committees.
- (j) The Community Assembly shall adopt a vision of community forest management and approve a set of Constitutions and By-laws to govern community forestry operations. The Constitution and By-laws shall prescribe the tenure, qualifications and a code of conduct for individual Assembly members & officers, Management Body members and the oversight role of the Executive Committee over the CFMB. These by-laws shall be consistent with the Constitution and laws of Liberia as well as regulations of the Authority.

Section 4.2: Community Forestry Management Body

- b. A-five (5) member Community Forestry Management Body shall manage the day-to-day activities of community forest resources. At least one member of the Body shall be a woman. The body shall have a Chief Officer, a Secretary and a Treasurer.
- c. The Body and its officers shall be appointed by and report to the Community Assembly. In the Absence of the sitting of the Assembly, the CFMB shall report to the Executive Committee of the Assembly.
- d. The functions, responsibilities and powers of the CFMB are as follows:

- Implement policies of the Community Assembly and its Executive Committee;
 - Periodically report to the Executive Committee of the Assembly on the management of community forest resources;
 - Make decisions related to community forest resources on behalf of the community;
 - Represent the community in all matters related to community forest resources;
 - Develop and implement a community forest management plans under guidelines and specifications issued by the Authority;
 - Consider and render decisions on, and negotiate terms for, requests for non-commercial and commercial forest resources use, access, management or other actions related to community forest resources, as guided by this law and regulations issued by the Authority;
 - If deemed necessary by the Community Assembly, establish a community forest fund, to hold 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 the executive committee of the Assembly;
 - Ensure that community forest resources are managed in an environmentally sustainable manner; and
 - Ensure good governance and accountability in community forest management.
- e. The CFMB shall adopt by-laws, subject to approval of the Executive Committee of the Assembly, to govern its activities. These by-laws shall be consistent with the Constitution and laws of Liberia and regulations of the Authority, as well as local and international best practices in community forestry management.

Section 4.3: Accountability for Community Forest Funds

- (a) Where necessary and approved by the Executive Committee, the CFMB shall establish a Community Forest Fund for the purpose of depositing and disbursing funds accrued from forestry related activities, including fees and fine
- (b) Incomes to the Community Forest Funds shall be partly sourced from funds generated from commercial uses of forest resources according to an equitable revenue sharing formula prescribed by the Government that takes into account the community, district, county, and the national government.
- (c) The Community Forest Fund shall be kept in a commercial bank or, in the absence of a bank accessible to the community, with a reliable community or community-based institution approved by the Executive Committee of the Assembly.
- (d) Funds generated from community forest resources shall be shared between forestry management activities and community development activities as determined by the Community Assembly on an annual basis.
- (e) The CFMB shall ensure, under regulations and guidelines issued by the Authority, that financial management of community forestry resources are transparent and accountable, including clear provisions for budgeting, expenditure approvals, and periodic external audits, in keeping with international best practices with respect to community forestry.

(f) Chapter 5: Duties and Powers of the Forestry Development Authority

The duties and powers of the Authority are as follows:

- Maintain a register of community forestry governance and management entities at levels of the Authority and serve as a repository of community forest management plans and other documents related to community forest resource governance and management entities;
- Provide and assist communities seek and access technical assistance and support for management of forest resources;
- Support building of the capacities of communities to sustainably manage their forest resources; and
- Undertake the following activities including, but not limited to:
 - Assist communities document community forest resources ;

- Facilitate the establishment of community forest management structures as provided for in Sections 4.1 – 4.3 of the NFRL of 2006.
- Provide minimum standards for and assist in drafting model forest management plans, forest rules, forest agreements, and other technical documents for use by CFMBs;
- Provide guidance to community forest land zoning and appropriate forest resources uses within zones;
- Provide guidance to CFMBs in forest land restoration or reclamation, or other extractive or non-extractive forest land uses;
- Provide guidance on setting and collecting community forest user fees; and
- Undertake other actions designed to successfully implement this law and any applicable regulations.

Chapter 6: Commercial Activities on Community Forest Lands

Section 6.1: A community may enter Small-Scale Commercial use contracts with other parties to engage in Small-Scale Commercial enterprises for timber and/or non-timber forest products on community forest lands. Said use contract shall not be allocated on competitive basis.

Section 6.2 The Community Forest Management Body in collaboration with the Authority, may enter into large-Scale Commercial use contracts for timber products guided by the following sustainable Forest Management standards:

- a. The selection of company shall be on a competitive basis that is, applying national and international competitive bidding for large scale commercial activities.
- b. Compliance with the Core Regulations for Commercial logging;
- c. These contracts in Section 6.2 (a) shall be approved by the President of the Republic of Liberia and ratified by National Legislature;
- d. The Authority and the Community Forest Management Body shall formulate regulations for any other category of contracts not covered by this provision cited above.

Section 6.3 No commercial activities shall occur on community forest lands until:

- 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 Forestry Management Plan that includes the envisage commercial activities;
- d. A 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 6.4 Under the terms of these contracts, land rental as specified in Regulation 107-07 Section 33 (a) and (b) shall be paid according to that regulation. Bid premiums as specified in Section 33 (e) shall be paid to the community.

Section 6.5: Commercial contracts shall contain provisions that protect non-timber forest products, water collection points and cultural norms and practices such as sacred sites, medicinal plants sites, and animal sanctuaries identified in the community forest management plan consistent with Chapter 8 of the NFRL of 2006 on environmental requirements.

Section 6.6 Other emerging or novel commercial activities, related to community forest resources, shall be regulated by the Authority in consultation with communities and other relevant agencies of government.

Chapter 7: Offences and Penalties

Section 7.1: Any person or operator who violates forest rules or applicable by-laws established by a community forest management body shall be reported to the local authority and subjected to a penalty in keeping with the by-law and constitutions of the said community.

Section 7.2: Where there are reasonable allegations that a Community Forest Management Body or any of its members is mismanaging community forest resources or has engaged in misconduct or misappropriation of the Community Forest Funds, the Executive Committee, with the technical support of the Authority, shall conduct an investigation and prepare a comprehensive report.

Section 7.3: If the investigation concludes that there has been mismanagement of forest resources by a Community Forest Management body, the report shall include in a clear description of the actions that must be taken by the Community Forest Management Body to rectify or resolve the problems identified. If the Community Forest Management body fails to rectify the problems outlined in the report within 90 days of receiving the investigation report, the Executive Committee shall request the Authority to take over management of the community forest resources for up to six months. During the period it

is exercising temporary management of the community's forest resources, the Authority must actively work with the community to restore the Community Forest Management body as soon as practicable.

Section 7.4: Other offences that are criminal in nature shall be referred to the appropriate judicial authority.

Section 7.5: Any person harmed by a violation of any provision of this law, may bring an action against any responsible Person in a court of competent jurisdiction.

Chapter 8: Dispute Resolutions

Any dispute arising between two or more communities, communities and Authority, communities and third parties, about the access to or management of community forest resources may be resolved through customary dispute resolution mechanisms or by the application of The Arbitration Laws of Liberia as found in Chapter 64 of the Civil Procedure Law.

Chapter 9: Miscellaneous Provisions

Section 9.1: Conflicts between Laws

Where there are conflicts of law existing between the National Forest Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands, the Community Forestry Law takes precedence and becomes binding.

Section 9.2 Severability

If a court finds any portion of this Law invalid, the court shall strike only the portion that is invalid and preserve the remainder.

Section 9.3: Effective Date

This Act shall take effect immediately upon publication in handbill.

ANY LAW TO THE CONTRARY NOTWITHSTANDING