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3 **AN ACT**  
4 **TO CREAT TITLE 23 OF THE LIBERIAN CODE OF LAW REVISED**  
5 **ESTABLISHING COMMUNITY RIGHTS**  
6 **WITH RESPECT TO OWNERSHIP AND USE OF FOREST LAND**  
7 **RESOURCE**  
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10 WHEREAS, our forests are among our greatest natural resources, an  
11 endowment from nature to the people of Liberia, belonging not just to this  
12 generation but to future generations;

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

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

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

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

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

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44 **NOW THEREFORE, It is enacted by the House of Representatives and the**  
45 **House of Senate of the Republic of Liberia, in Legislature Assembled:** *h*

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**CHAPTER-1: THE ACT**

**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 Titles and Commencement**

This Act shall be referred to as The Community Rights law with respect to Forest Lands and shall come into force after passage by the National Legislature and subsequent printing in the hand bills.

**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:

**Assisting agencies:** Governmental or nongovernmental organizations providing technical or financial support and services to communities and/or the Forest Development Authority.

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

**By-laws:** For the purposes of this law, a set of regulations prepared by a Community Forest Management Body to administer the said committee and to regulate the management of its community forest.

**Commercial use:** Any use of forest products or forest land, other than direct use for person purposes or infrastructure development. Commercial use includes uses involving trade or any other disposition of forest products or forest land for direct or indirect financial benefits.

**Community:** A self-defined group of local residents or a settlement of people who, while claiming to be unique in culture, customs and traditional practice and share a common interest in the use and management of forest resources in the locality where they have traditional or formal rights to the land and the forests thereon.

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**Community Assembly:** An annual meeting of all adult residents of the community at which the time the annual development agenda of the community is discussed and approved for implementation by the Community Forest Mangement Authority (CFMA)



**Community-based forest management:** Forest management activities, including their planning, that are carried out by local communities on forest lands to which they have customary tenure rights or other form of ownership or guardianship.

**Community Forest Land:** Forested or partially-forested land traditionally owned or used by communities for socio-cultural, economic, and development uses. This term is interchangeable with "community forest."

**Community Forest Management Authority (CFMA):** The body elected by the Community Assembly to be responsible for community forest land management.

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

**Community Member:** For the purposes of this law, a person whose primary residence is within a particular community land area, or a person who has his or her origin in the community but is residing outside.

**Concession:** A right granted to a private commercial enterprise, whether by negotiation, bidding, or  

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otherwise, to cut down or otherwise exploit forest trees for commercial gain.

Customary

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

Forest Land: Land with standing trees or land set aside for the purpose of forestry.

Non-timber forest products:

Resources or products (other than industrial round wood and derived sawn timber, wood chips, wood based panels and pulp), 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, storage and fodder, medicine, biochemicals, as well as animals, birds, reptiles and fishes, for food and feather.

Person:

Any natural or legal person, any agency or body of the Government of Liberia, and any public body including Community Forest Management Authorities.

Small-scale commercial use:

Commercial activities conducted on forest lands which are not conducted by registered or unregistered corporations, which are predominantly local in their markets for sale and delivery of forest products, and which do not generate total revenue greater than that specified by regulation as determined by the Authority in consultation with small-scale forest users.

195 **CHAPTER-2: OBJECTIVES**

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197 **Section 2.1**

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To achieve the goals of the national forest policy statement, the following specific objectives will be pursued:

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a. Integrate and balance commercial forestry, community forestry and forest conservation activities to optimize the economic, social and environmental benefits from the forest resource;

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b. Conserve a representative sample of forest ecosystems so that important environmental functions are maintained;

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c. Contribute to the national development goals of poverty alleviation and increased food security by increasing the opportunities for forest-based income generating activities;

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d. Grant more equitable access to forest resources so that the potential for future conflict is reduced and the benefits from forestry development are shared throughout Liberian society; and

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e. Ensure that all stakeholders participate in the formulation of forestry policies and in the conservation and management of the forest resource.

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221 **Section 2.2**

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For the purpose of respecting citizen rights to forest land and to promote good governance within the forest sector, the objectives of this law are to:

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a. Recognize and secure the rights of communities with respect to ownership, occupation, and use of customary forest lands;

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b. Establish a framework that enables communities to assume self-reliant and autonomous management of forest land under clear rules and obligations;

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c. Specify the duties of the Government of Liberia and specifically its representative, the Forest Development Authority, to ensure that the rights of forest land communities are respected and upheld.



- d. Identify the procedures and limitations through or under which any party, including the Forest Development Authority, is bound to pursue forest-related activities so as not to jeopardize or interfere with community forest land rights;
- e. Provide clear mechanisms through which contested access, rights, terms of agreement or other matters affecting community forest lands or land under community guardianship will be mediated and resolved, including channels through which any aggrieved person or community may seek redress for violations of the law; and
- f. To invigorate local economies and foster conservation through community-based forest management and enterprise for the benefit of present and future generations.

**CHAPTER-3: RIGHTS AND PRINCIPLES**

**Section 3.1**

Implementation of this law shall be guided by the fundamental rights and principles described in this Chapter.

**Section 3.2**

For the purposes of this law, forest growing naturally on land is attached to the land and may be referred to as "forest lands" or "forests" with no differentiation in meaning with respect to property rights. The right of forest land ownership includes timber and any above-ground resources.

**Section 3.3**

Customary land ownership whether held by individuals, families or collective groups of persons in accordance with local tradition and custom is a lawful category of land ownership and shall be upheld and recognized as a property right protected under law.

**Section 3.4**

Any decision, agreement, or activity affecting the status or use of community forest land shall not proceed without the prior, free, informed consent of the affected community as obtained through a public meeting of the Community Assembly or, where permitted, by written approval of the Community Forest Management Authority with jurisdiction over the affected forest land. This provision applies to decisions to enter into carbon-offset, avoided deforestation, or other non-utilization commitments.

*Handwritten initials/signature*

283 **Section 3.5**

Forest resources must be developed and managed so as to:

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a. Sustain and maximize the potential yield of their economic, social and environmental benefits;

b. Ensure the fair and equitable distribution of their economic, social, and environmental benefits to members of society;

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c. Promote community-based forest management;

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d. Conserve biological diversity, ecosystems and habitats;

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e. Conserve natural resources and environmental services;

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f. Encourage the active participation among members of society, including women and ethnic minorities, who have a vital role to play in forest management; and

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g. Conserve heritage and cultural resources and promote aesthetic, cultural and spiritual values.

304 **Section 3.6**

The Government of Liberia shall promote and support community-based forest management, and will review the implementation of this law every five years, to ensure that an increasing proportion of forest land is brought under sustainable, community authority and day-to-day management, and to enable the Forest Development Authority to refine its role as facilitator and regulator of best practice as implemented by citizens and communities, not itself.

313 **Section 3.7**

In managing their forest lands, a community shall have the right to autonomy and control over use, protection, or development of community forest resources.

317 **Section 3.8**

The Government of Liberia shall take all steps necessary to assist communities that seek to survey and register community land areas as collective entitlements.

321 **Section 3.9**

Citizens of Liberia and interested civil society organizations shall have the right to:

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a. Meaningfully participate in decision making processes concerning the management and planning of forests;

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**Section 3.10**

**Section 3.11**

**CHAPTER-4: COMMUNITY TENURE OF FOREST LANDS**

**Section 4.1**

- b. Access information relating to the implementation of this law consistent with Article 15 (C) of the Constitution of Liberia, the provisions of Section 101 of the Environmental Protection Law of 2002 and Section 18.15 Public Access to Information of the National Forestry Reform Law of 2006;
- c. Notice concerning amendments to this law or regulations adopted pursuant to this law and/or the National Forestry Reform Law of 2006; and
- d. Access, protect, and/or receive fair compensation for genetic resources, intellectual property and indigenous traditional knowledge or products.

Human rights and due respect for community forest rights shall be addressed in all matters relating to community participation and the status and use of community forest land. Observance shall be given to the Constitution of the Republic of Liberia and international treaties, conventions, agreements and protocols which Liberia has signed or ratified, and special attention shall be given to the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September, 2007; Agenda 21 of the Convention on Biological Diversity, concluded at Rio de Janeiro on 5 June, 1992, and the International Covenant on Economic, Social and Cultural Rights (1976) entered into Liberian law in 2004.

The duty to apply at all times and give effect to the principles and rights listed in this Section applies to any person exercising powers or functions or making decisions under this law.

All forest lands, except forest lands identified under Section 4.4 of this law, are owned by local communities. Immediate as of the signature of this bill by the president of Liberia, the FDA shall in consultation with affected communities and upon their request zone community forest area for management purposes for the sustainable management of forest resources: The above management regimes shall be reviewed by Forestry Development Authority after five years following enactment of this law to ensure that an increasing proportion of forest land is brought under sustainable, local community authority and day-to-day management.



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Section 4.2

A Community land areas shall be established as follows:

- a. Each town council, village council, or other fully representative body of the community (hereinafter "representative body") shall work with surrounding communities to identify the boundaries of the community's customary lands, hereinafter called a "community land area;"
- b. The representative body shall subsequently file a map or documentary evidence other than a map that is sufficiently clear to identify the boundaries of the community land area with the County Superintendent; and
- c. The representative body must attach to the map or other documentary evidence referred to in Section 4.1(b) evidence in the form of written minutes documenting agreement with neighboring communities as to the boundaries of the community land area.

Section 4.3

Upon fulfilling the requirements of Section 4.2, the community shall be recognized to hold customary ownership of the community land area regardless of whether its tenure has been formalized in registered collective entitlements.

Section 4.4

Upon fulfilling the requirements of Section 4.1, or if customary ownership has been registered under Aborigines Deed or Public Land Sale Deed, the community may proceed to identify and assume management of forest lands in the community land area through the procedures set forth in this Act.

Section 4.5

Community forest land includes forests land and other natural resources that fall within ecosystems, land and water areas traditionally recognized by a community that have not been legally alienated from community tenure through any of the following procedures:

- a. Registration as fee simple or long leasehold estates to other than a traditional-owning community;
- b. Alienation through customary arrangements;
- c. Purchase of public land with the consent of Tribal Authorities through Public Land Sale Deeds;
- d. Subsequent Deeds of Transfer ✓

- e. Voluntary sale to the Republic of Liberia;
- f. Previous purchases by Colonization Societies; or
- g. Involuntary compulsory purchase by the Government of Liberia for public purpose as effected through due legal process of adjudication and payment of compensation in accordance with procedures laid out in The Land Registration Law 1974 or as effective under prior legislation and in accordance with the National Constitution and international conventions and best practices.

**Section 4.6**

For the avoidance of doubt, any government forest or other designated forest area shown to have been acquired without due legal procedure, including payment of compensation are required under the law in force at the time the land was alienated, shall be considered customary property of the communities to which ownership is restored.

**Section 4.7**

In communities where forest lands have been cultivated by a community member with subsistence/permanent or cash crops over a period of time, but the land has not been alienated from community ownership, the customary ownership by said communities of forest land shall be recognized as a property right with title whether or not this ownership is formally registered as either an Aborigines Deeds or Public Land Sale Deed. Community ownership of forest land areas shall not interfere with community member or household usufructuary rights.

**Section 4.8**

The Ministry of Lands, Minerals and Energy, in cooperation with the Authority, shall investigate the procedure through which existing National Forests and other protected area forests were proclaimed and should it be found that the procedure of adjudicating and extinguishing customary ownership and payment of compensation was not properly fulfilled in accordance with the law at the time, it shall reclassify the area as a customarily-owned National Forest, National Park or National Wildlife Reserve as appropriate. Communities may petition the Authority to investigate the status of particular National Forest areas to determine whether it is appropriate to classify the area as under customary ownership.

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470 Section 4.9  
471 The Authority may recommend to the President the  
472 appropriation of a forest land area from customary to  
473 Government tenure where it can demonstrate reasonable  
474 grounds that the forest cannot be satisfactorily conserved or  
475 otherwise managed, but shall do so strictly in accordance with  
476 Article 24 of the Constitution and adjudication procedures laid  
477 out in Chapter 8 of Title 29 of the Liberian Codes Revised and  
478 any other principles which assure the dispossessed community  
479 receives full and adequate compensation at current market  
480 values for the loss of the forestland and the wildlife, wood and  
481 non-wood assets and access to future farmland that will result.

482 Section 4.10  
483 As to such time when the Legislature may determine otherwise  
484 by adopting and enacting a comprehensive land Tenure and  
485 Decentralization legislation and establishing a Future Land  
486 Commission, Chapter Four of this law shall govern  
487 community tenure on forest lands.  
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## 491 CHAPTER-5: COMMUNITY POWERS AND DUTIES

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493 Section 5.1  
494 Before assuming decision-making or management authority  
495 concerning community forest lands, communities shall elect  
496 a 5-member Community Forest Management Body (CFMB)  
497 comprising a Chairperson, a Vice Chairperson, a Secretary, an  
498 Assistant Secretary, and a Treasurer, all for a tenure of two  
499 years. Any member may be re-elected as many times as  
500 members of the community deem necessary. The CFMB will  
501 serve as the lawful management authority of customarily-  
502 owned community forest lands, which have been duly  
503 registered according to the provisions of Chapter 4 of this law.  
504 The terms of reference of each members of the CFMB shall be  
505 defined in the By-Laws and Constitution of the Community.  
506 CFMB s are accountable to and subject to the oversight of the  
507 Community Assembly.

508 Section 5.2  
509 In circumstances where a community has identified its  
510 community land area but not yet established a (CFMB). the  
511 FDA may, with the written permission of the Community  
512 Assembly, serve as a temporary manager of community forest  
513 lands until the respective (CFMB). is formed ✓  
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518 Section 5.3

The functions of the CFMB as a body are:

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- a. To make decisions related to forest resource management on behalf of the community and to regulate forest land uses;
- b. To communicate with or present community views to the government of Liberia, the Authority, third parties, civil society organizations, development partners, and neighboring communities on behalf of community members;
- c. To lead identification of the various forest land areas within the community land area and to zone these forest land areas as appropriate for different uses and access arrangements;
- d. To develop and implement a community forest management plan;
- e. Provide for communities to determine, through their own rules, a quorum for community meetings;
- f. To draft community forest rules that will apply to community and non-community members;
- g. To issue permits or licenses, charge and collect fees as guided by this law;
- h. To consider and render decisions on, and negotiate terms for, requests for non-commercial and small-scale commercial forest use, access, management or other actions related to the community forest land, as guided by this law;
- i. To apprehend and fine any person or entity that violates community forest by-laws or rules; and
- j. To administer the Community Forest Fund (CFF) and to use or distribute funds following approval of the Community Assembly

561 Section 5.4

The CFMB must be established and maintained as follows:

- a. The CFMB shall not be established until the community land area has been identified and documented with the County Superintendent pursuant to Section 4.2;
- b. The Community Assembly shall determine the composition and number of persons to serve on the CFMB, however, the CFMB shall be representative of the various social and demographic features of the communities.
- c. Each CFMB member shall be subject to a mid-term review of his or her performance. In the event that any CFMB member fails to fulfill his or her duties as described under this law, or engages in misconduct, that member may be subject to recall by the Community Assembly. If any CFMB member is recalled, the Community Assembly shall promptly elect a new member to replace the recalled member;
- d. The Community Assembly shall decide whether and to what extent CFMB members will be compensated or reimbursed for performing their duties; and
- e. At its first meeting, the CFMB shall elect a chairperson, secretary, and treasurer.

588 Section 5.5

589 Within seven days following the first meeting of the CFMB, the  
590 chairperson shall register the CFMB with the county  
591 superintendent and the district office of the FDA. The registry  
592 shall include the name of each CFMB member. The CGMB  
593 shall be incorporated. There is no requirement that a CFMB be  
594 incorporated or otherwise be established as a formal legal entity  
in order to exercise its authority.

595 Section 5.6

596 CFMBs are legal persons capable of all acts that a legal  
597 person may undertake, including generating and expending  
598 funds in their own name, jointly possessing property, opening  
599 and managing bank accounts, entering into contracts of all  
600 types with third parties, and seeking mediation of disputes  
601 through traditional means, and if necessary, filing suits or  
602 complaints with the appropriate authorities, suing, and being  
603 sued.

604 **Section 5.7** A CFMB shall not reclaim registered individual property and  
605 shall ensure that no activities on community forest land infringe  
606 on individual property rights.  
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608 **Section 5.8** Prior to conducting any forest management activity, the CFMB  
609 shall draft and adopt binding rules or by-laws concerning a)  
610 internal procedures, b) conflict of interest procedures, and c)  
611 community consultation procedures. Drafts of each set of rules  
612 or by-laws required in this subsection must be presented and  
613 explained to the Community Assembly, and approved by the  
614 Community Assembly, before they are adopted by the CFMB.  
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The CFMB internal procedures shall set forth management  
616 rules for the CFMB (including procedures for decisionmaking),  
617 procedures for electing and removing CFMB members, and  
618 procedures for resolving internal disputes.  
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621 **Section 5.9** The CFMB may adopt additional rules concerning its  
622 management if appropriate. All management rules shall be  
623 based on principles of openness, impartiality, and non-  
624 discrimination. No rule or by-law may deny any community  
625 member the right to appeal decisions of the CFMB.  
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627 **Section 5.10** The CFMB shall maintain copies of all forest land-related rules  
628 and by-laws and make them available for inspection by any  
629 member of the community free of charge or condition.  
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631 **Section 5.11:** The duties of the CFMB include:  
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633 a. Ensuring that forest lands are managed sustainably so that  
634 future generations will benefit from the community's forest  
635 endowment;  
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637 b. Following its own internal rules as well as established  
638 procedures for consultation with community members;  
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640 c. Ensuring good governance and accountability, including  
641 providing regular (at least quarterly) reporting to the  
642 Community Assembly of its operation and activities, and  
643 transparent accounting of the Community Forest Fund; and  
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645 d. Upholding and protecting community rights.

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647 **Section 5.12** A CFMB may seek technical guidance, day-to-day forest  
648 management support, or financial assistance from any person,  
649 the Government of Liberia and its agencies, or third parties  
650 such as civil society organizations, NGOs, or development  
651 agencies. 

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**Section 5.13**

On request by the Authority, but no more frequently than one time per year, each CFMB shall prepare an annual report on the status of community forest land.

**Section 5.14**

Unless a CFMB specifically provides otherwise through the community forest management plan or forest rules or by-laws, the basic rights and responsibilities of community members are:

- a. The right to exercise existing rights to enter, occupy, use and harvest non-timber forest products jointly with all other members of the community, in a sustainable manner in accordance with the terms of any by-laws, rules or agreements applicable to that community forest land;
- b. The duty to comply with the terms and conditions of any permit or license subject to which any specific activity within the community forest reserve may be carried out by any member of the community;
- c. The duty to assist in implementing the community forest management plan, including undertaking any communal work connected to community forest land management;
- d. The duty to comply with and assist in the enforcement of any rules set out in any agreement or any forest by-laws or rules made by the CFMB;
- e. The right to exclude non-members of the community from community forest lands, other than those non-members who have obtained a permit or license to enter and use or harvest the forest or its produce and are exercising their privileges in accordance with the terms of the said permit or license; and
- f. The duty not to assign, alienate, or otherwise transfer for value or donate any existing rights exercisable within the community forest lands held or acquired by virtue of being a community member to a person who is not a member of the community except in accordance with the terms of an agreement and any rules made thereunder.

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695 CHAPTER-6:

FORESTRY DEVELOPMENT AUTHORITY POWERS AND DUTIES

696 Section 6.1

697 The Department for Community Forestry within the Forestry  
698 Development Authority shall be headed by an Assistant Managing  
699 Director to be appointed by the President of Liberia. The duty of the  
700 Department of Community Forestry is to assist communities to bring  
701 forest lands within their community land area under active local  
702 management, to improve their conservation, and to ensure their  
703 sustainable management and utilization.

704 Section 6.2

705 The Department of Community Forestry has a duty to protect  
706 the tenure of forest land communities and shall ensure that any  
707 agreements entered into or actions taken by the Authority or  
708 Government of Liberia or Assisting Agencies, with regard to  
709 forests and forest enterprises do not interfere with community  
710 land tenure, forest access and forest use unless agreed upon by  
the community forest land owners.

711 Section 6.3

712 The Department shall maintain a register of Community Forest  
713 Management Authorities at the district office level and serve as  
714 a repository for community forest management plans and other  
documents lodged by a CFMB.

715 Section 6.4

716 As part of its duty to assist communities in managing their  
717 forest land resources, the Department shall conduct activities  
including, but not limited to:

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- a. Assisting communities to map or otherwise document their community land areas;
  - b. Drafting model forest management plans, forest rules, forest agreements, and other technical documents for use by communities or a CFMB;
  - c. Providing assistance or guidance concerning community forest land zoning and appropriate uses within those zones;
  - d. Providing assistance or guidance to a CFMB, individuals, or forest user groups seeking to undertake forest land enterprises, forest land restoration or reclamation, or other extractive or non-extractive forest land uses or programs;
  - e. Providing assistance or guidance for establishing Community Forest Funds and/or creating accountable administrative entities and procedures to enable communities to effectively implement the provisions of this law;
  - f. Providing guidance on setting and collecting appropriate fees and/or taxes for licenses and permits;
  - g. Seeking funding from the Government of Liberia, domestic or international funding agencies, or other appropriate entities to assist in implementing this law.
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- h. Any other action or program designed to implement this law and any applicable regulations.
- i. Any activity conducted by FDA under this sub-section shall be undertaken with the prior knowledge and consent of the appropriate CFMB or Community Assembly. FDA shall conduct activities under this subsection in a fair and impartial manner so that all communities may benefit from the Authority's technical and financial assistance.

747 **Section 6.5**

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Communities may petition the FDA to be designated as the lawful management authority or guardian for forest lands outside of, but immediately adjacent to, the community land area. If the FDA grants the petition, the CFMB shall amend the community forest management plan and applicable forest rules before any activities may occur in the non-community forest land area. To ensure that any decision under this subsection does not infringe on community forest land rights and ownership, the Authority shall provide notice to and consult with adjacent and otherwise interested communities prior to rendering its decision.

758 **Section 6.6**

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The FDA shall draft and adopt regulations setting forth the procedures by which communities may assume lawful management authority or guardianship of non-community forest lands immediately adjacent to their respective community land areas.

763 **Section 6.7**

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In any action taken under this law, the Government of Liberia, the Authority and other line agencies must respect the autonomy of the community to manage its forest land areas.

766 **Section 6.8**

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In exercising its powers and duties under this law the Authority may delegate in whole or part its responsibilities and duties to an assisting agency to provide technical assistance and support to communities to manage community forest resources. However, for the duration of such a mandate the Authority shall retain the primary responsibility to fulfill its duty under this law and remain accountable for any breaches of that duty.


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774 **CHAPTER-7: POWERS AND DUTIES OF ASSISTING AGENCIES**

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776 **Section 7.1**

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Any assisting agency, through written agreement with a CFMB and in consultation with the FDA, may be contracted with or delegated authority to engage in certain activities, including but not limited to 

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**Section 7.2**

- a. Building the capacity of a CFMB or community to manage forest land on its own behalf through technical support, financial support, and/or training;
- b. Assisting communities and/or a CFMB in day-to-day administration of forest lands and implementation of forest management plans;
- c. Monitoring forest land activities and the operations of CFMB s; or
- d. Serving as a mediator in resolving disputes concerning forest land management.

In the performance of its mandate, an assisting agency shall:

- a. Be guided by an overriding principle of non-interference in the operation and management of the Community Forest Management Body;
- b. respect the autonomy of communities; and
- c. Recognize communities as custodians and owners of community forest resources and forest areas.

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**CHAPTER-8: COMMUNITY FOREST MANAGEMENT PLANS AND FOREST RULES**

**Section 8.1**

Each CFMB, in consultation with the community, must prepare a five-year plan for the management of community forest lands. A Community Forest Management Plan is intended to be a simple plan that can be prepared without complex technical means and that describes how the forest will be used, managed, and protected. At a minimum, the plan shall contain:

- a. A map or documentary evidence other than a map sufficiently clear to identify the community land area;
- b. A map or documentary evidence other than a map sufficiently clear to identify community forest lands;
- c. A map or documentary evidence other than a map sufficiently clear to identify forest zones;
- d. A clear description of the activities that are permitted in each forest zone. ✓

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**Section 8.2**

- e. Community forest rules;
- f. A description of sanctions, penalties or fines that will be imposed for violations of the community forest rules.

With respect to the forest zoning referenced in Sections 8.1, the Community Forest Management Plan must at a minimum identify Community Permanent Forest Areas within the community forest lands. Community Permanent Forest Areas consist of land that will remain forested and will not be inhabited or permanently cleared for agriculture. Within each Community Permanent Forest Area, the CFMB shall review the condition of the forest and identify areas as suitable and available for any or all of the following activities:

- a. Timber or salvage extraction;
- b. Commercial uses other than timber or salvage extraction; and
- c. Non-commercial activities.

In addition, the CFMB may designate Community Protected Areas in accordance with this Chapter.

When designating forest zones under section 8.1, the FDA may assist communities to evaluate the suitability of community forest land areas for these purposes; however, the CFMB and Community Assembly retain ultimate discretion as to zoning decisions.

**Section 8.3**

If the CFMB chooses, it may include additional information in the Community Forest Management Plan, including:

- a) A description, to the best of existing knowledge, of local communities residing in the community land area and their relationship to the forest, including their practices and customs regarding forest resources;
- b) A description, to the best of existing knowledge, of the current biological, environmental, geological, and cultural resources of the community forest lands;
- c) A description or inventory of forest resources;
- d) A description of the environmental, social, and economic objectives to be achieved in the management of the forest.

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873 e) A description of the opportunities for restoration or reforestation; or

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877 f) Any other information the CFMB deems pertinent to include in the community forest management plan.

878 **Section 8.4**

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882 A draft of the Community Forest Management Plan shall be presented and explained to the Community Assembly. The plan shall not be made final and/or implemented until it has been approved by the Community Assembly.

883 **Section 8.5**

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886 The CFMB shall submit a draft of the Community Forest Management Plan to the FDA for technical review and guidance prior to final approval by the Community Assembly.

887 **Section 8.6**

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894 The CFMB shall ensure that copies of the Community Forest Management Plan are easily accessible to the public and shall lodge a copy with the respective district office of the FDA. The CFMB shall also file a copy of recorded minutes from the Community Assembly meeting reflecting that the Community Forest Management Plan has been approved by the Community Assembly.


895 **Section 8.7**

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900 A **CFMB** may designate community protected areas (CPA) within community forest land areas. The purpose of a CPA is to permanently protect natural and/or socio-cultural qualities of the forest resources within that area. The following activities are prohibited in a CPA:

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- a. commercial felling of trees or other commercial extractive activities;
  - b. cultivation of land for agricultural use;
  - c. grazing of domesticated animals;
  - d. lighting fires for the purpose of clearing land or destroying vegetation;
  - e. disposal of organic, chemical, or industrial wastes of any type; and
  - f. any other activities identified by the CFMB and included in the Community Forest Management Plan.

913 **Section 8.8**

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916 A CFMB may consider the following factors when designating a CPA:

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- a. The area has already been designated as, or part of, a national forest protected area;
  - b. The area is a sacred forest; 

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**Section 8.9**

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**Section 8.11**

**Section 8.12**

**Section 8.13**

**Section 8.14**

- c. The area is environmentally fragile, is important to preserving or restoring biodiversity, or contains a particularly rare or endemic habitat or species that community seeks to permanently protect; or
- d. There are threats to the area from mining, poaching and other extractive activities.

Designating a CPA, the CFMB shall ensure that sufficient forest lands will remain in the community land area to provide community members access to and use of forest resources.

The CFMB shall include in the Community Forest Management Plan requirements for proper management and protection of any CPA it designates.

The Forest Development Authority in consultation with various community assemblies and civil society organizations shall develop regulations setting forth the procedure that may be used by communities to formally register Community Protected Areas.

If a community land area includes forest lands within the National Protected Forest Area Network, the community and its CFMB shall be presumed to be the appropriate entity to assume management or guardianship of such forest lands within the Network.

The CFMB, in consultation with the community, shall draft rules or by-laws that are binding on all parties seeking to use or access community forest lands, including the community members themselves. When such rules/by-laws are registered with the FDA, along with recorded minutes reflecting that the Community Assembly has approved such rules, they may have the effect of subsidiary statutory regulation and therefore capable of being upheld by a competent Court of jurisdiction or in the civil court system.

The Forest Rules shall address, at a minimum:

- a. forest activities or uses that are freely permitted to be conducted by community members without a permit or license;
- b. forest activities or uses that require a permit or license; and
- c. forest activities or uses that are not permitted

965 Section 8.15

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The CFMB has authority to issue permits to community members or non-community members to use or collect forest resources for non-commercial purposes, however no fee or tax may be collected for issuing a permit. Prior to issuing any permits, the CFMB shall, in consultation with the community, develop a list of activities that will be allowed on community forest lands under a permit. The list of activities shall be maintained and periodically updated by the CFMB and be made available to the public for inspection free of charge or condition.

976 Section 8.16

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Every permit shall specify:

- a. the name and address of the person or organization to which the permit has been granted;
- b. the activity or activities authorized by the permit;
- c. the date of issue of the permit;
- d. the date of expiry of the permit;
- e. the date by which any activity authorized by the permit must be commenced;
- f. the forest zone or part thereof where the authorized activities may be undertaken;
- g. the conditions subject to which the permit is granted; and
- h. such other matters as may be prescribed.

993 Section 8.17

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The CFMB is authorized to issue licenses and collect fees for small-scale commercial use and shall designate such other specific activities, including hectares of community forest land and/or when the value of forest resources to be designated in a community guideline to be covered by such licenses as it may deem appropriate and necessary. Fees imposed for such small-scale commercial use shall be directly deposited into a the Community Forest Fund by the person on whom the fees are imposed and a receipt obtained.

1003 Section 8.18

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Every license shall specify:

- a. the name and address of the person or organization to which the license has been granted;
- b. the activity or activities authorized by the license;
- c. the date of issue of the license;
- d. the date of expiry of the license;
- e. the date by which any activity authorized by the license must be commenced;
- f. the forest zone or part thereof where the authorized activities may be undertaken.

- g. the conditions subject to which the license granted;
- h. the fees, royalties and other charges that must be paid in connection with the grant of a license or the undertaking of any activities authorized by the said license; and
- i. such other matters as may be prescribed.

**Section 8.19**

In exercising its authority to issue permits and licenses, the CFMB shall comply with all applicable laws or regulations of the Republic of Liberia.

**CHAPTER—9: COMMUNITY FOREST FUND**

**Section 9.1**

Communities, through their CFMB, have the right to receive and control all revenue from commercial activities or enterprises occurring on community forest lands that are licensed pursuant to Chapter 8.

**Section 9.2**

Each CFMB shall establish a Community Forest Fund, maintained in a financial account or accounts in a commercial bank or post office, for the purpose of depositing and disbursing funds accrued from any forest-related activity or enterprise undertaken or authorized by the CFMA, including fees and fines.

**Section 9.3**

The Community Assembly shall designate three persons, including one current member of the CFMB, whose signatures will be required prior to any withdrawal or expenditure of funds maintained in the Community Forest Fund. At no time will there be more than one signatory who is also a current member of the CFMB.

**Section 9.4**

Members of the CFMB and any signatories to the Community Forest Fund account(s) shall be held to the same fiduciary and ethical standards as government officials in managing and administering the Fund.

**Section 9.5**

Each CFMB shall develop an annual budget reflecting projected income and expenditures from the Community Forest Fund. Each budget and any proposed expenditures from the Community Forest Fund shall be approved by the Community Assembly before being implemented. Funds disbursed from the Community Forest Fund shall be shared between funding of forestry activities and other community development activities as follows.

- a. Monies spent for forestry activities shall be no less than 40 percent of annual expenditures; and
- b. Monies spent for other community development activities shall not exceed 60 percent of annual expenditures.

**Section 9.6**

The CFMB shall provide regular (at least quarterly) reports to the Community Assembly on income and expenditures from the Community Forest Fund.

**Section 9.7**

The FDA shall establish the "County Forest Trust" for each county where community forest right is established ("Forest Trust") to pool funds for the purpose of promoting community forestry in the county and to cover administrative costs for providing technical and/or financial support to community forest programs. The Forest Trust may also serve to temporarily hold funds on behalf of a CFMB, pending disbursement.

**Section 9.8**

The County Forest Trust shall be financed by revenue derived from community forest land areas as established by the Authority through regulations adopted in consultation with forest land communities, budgetary support from the Government of Liberia, and financial support, grants, loans or donations from development agencies, civil society organizations, nongovernmental organizations, or individuals.

**Section 9.9**

The County Forest Trust shall be managed by Trustees appointed by the President of Liberia, consisting of the following persons, including a member of the County Legislative Caucus as ex-officio to the respective County Trust:

- a. 18 community representatives (including Paramount Chiefs and other elders) from across the county;
- b. One youth representative from the county appointed by the President One senior representative from the Ministry of Agriculture;
- c. One senior representative from the Ministry of Finance;
- d. One representative from a local civil society organization concerned with natural resource conservation in Liberia;

**Section 9.10**

No fewer than five (5) of the Trustees shall be women.

**Section 9.11**

The Trustees shall elect from among their number a Chairperson who shall hold office for ~~two~~ years but shall be eligible, subject to remaining a Trustee, to be re-elected for one further term of ~~two~~ years.

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1108 Section 9.12

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1113 Section 9.13

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1139 Section 9.14

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1150 Section 9.15

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1155 Section 9.16

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A Trustee shall hold office for <sup>three</sup> ~~four~~ years and, except where his or her membership is terminated for misconduct or other sufficient reason, shall be eligible to be reappointed for one further term.

The Trustees shall:

- a. establish one or more separate accounts in a commercial bank into which all monies received by the Forest Trust shall be paid in and out;
- b. keep books of accounts and maintain proper records of its operations in accordance with accepted accounting standards;
- c. prepare annual estimates of income and expenditures and adhere to any such estimates;
- d. ensure that the operations of the Forest Trust are exercised in an economical and efficient manner;
- e. manage the resources of the Forest Trust in a prudent and businesslike manner;
- f. prepare and publish an annual report, which shall include:
  - g. an account of the operations of the Forest Trust during the year covered by the report;
  - e. a set of audited accounts;
  - f. appoint such staff as seems to the Trustees to be appropriate and necessary to ensure that the matters referred to in this section are implemented;
  - g. take all such other action that will advance the objects and purposes of the Forest Trust.

Subject to public participation and comments, the Trustees shall draft and adopt by-laws and guidelines for the operation and management of the Forest Trust, which shall include but not be limited to:

- a. provisions exempting Trustees from receiving remuneration or compensation for their service;
- b. term limits and renewal of term; and
- c. reporting on a quarterly basis and auditing the Forest Trust on an annual basis.

The Trustees in consultation with the public and appropriate agencies shall draft a detailed manual of procedures and guidelines on how the funds will be managed.

Government officials identified in Section 5.2(b)(i-vii) of the National Forestry Reform Law, as well as local officials receiving remuneration from the Government of Liberia, shall

not receive any disbursement from the Forest Trust as direct or indirect beneficiaries while they are serving in said capacities.

The FDA may solicit national and international technical and financial assistance through bilateral or multilateral means to provide support for the establishment and implementation of the Forest Trust.

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1160 **Section 9.17**  
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1167 **CHAPTER-10:**  
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**ROCEDURES FOR ISSUANCE OF CONCESSION RIGHTS TO COMMUNITY FOREST AREAS**

1170 **Section 10.1**  
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The Forest Development Authority shall retain authority to issue contracts for commercial uses, other than small-scale commercial uses that are licensed by CFMBs pursuant to Section 8.17, that will occur on community forest lands.

1175 **Section 10.2**  
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No concession or contract to harvest timber, engage in commercial activities or conduct other activities on community forest land shall be granted by FDA until:

- a. each affected community has elected a CFMB;
- b. a CFMB Plan has been drafted and approved by the Community Assembly; and
- c. the Community Forest Management Plan has been implemented for at least one year;
- d. there is a written agreement between the community and FDA as to how revenue will be shared and the community has established a Community Forest Fund as described in Chapter 9.

1180 **Section 10.3**  
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No concession to harvest timber or conduct other activities on community forest land may be granted by FDA without the full, fair, and informed consent of the Community Assembly in the affected community or communities. All contracts for commercial uses or non-utilization agreements that involve community forest land shall contain a written certification from the applicable CFMB that the Community Assembly has approved the contract or agreement.

1190 **Section 10.4**  
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Prior to issuing any contract for commercial uses on community forest lands, the FDA shall in consultation with the public and other line agencies issue regulations containing guidelines for revenue sharing agreements. At a minimum, the regulations shall specify the minimum percentage of revenue generated by licenses or other concessions granted, or services rendered, that will be remitted to communities for deposit in the respective Community Forest Fund.

1206 **Section 10.5**

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The FDA shall provide to each community with which it has executed a revenue sharing agreement an audited balance sheet within 90 days of the end of the Authority's fiscal year that reports the revenue generated by commercial activities on the community forest lands and the payments made during the fiscal year to the community.

1212 **Section 10.6**

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Prior to issuing any contract or agreement for commercial uses (including Timber Sale Contracts and Forest Management Contracts) on community or non-community forest land the FDA shall, in consultation with the affected communities, include terms and conditions in the contract or agreement to protect customary rights to access and use the forest lands under the Forest Resource License. The contract must clearly identify/document and contain terms and conditions to protect:

- a. cultural norms and practices, such as ceremonial or societal activities or taboo days;
- b. areas that shall not be logged or otherwise disturbed to protect community resources such as sacred sites, medicinal plant sites, water collection points hunting and/or fishing areas, non timber forest product collection areas, and other sites of value to the community;
- c. areas where community members engage in subsistence agriculture activities;
- d. travel routes;
- e. villages and roads; and
- f. any other customary resource or practice identified by the Community Assembly (or Assemblies).

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1236 **Section 10.7**

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To the extent practicable, the location of community resources identified in Section 14.3 shall be mapped and included in the contract accompanying the Forest Resources License. A copy of the map shall also be distributed to the affected communities.

1242 **Section 10.8**

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The civil enforcement provisions of Section 20.10(b) of the National Forestry Reform Law of 2006 shall apply to all contract terms or conditions required under this Chapter 

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**CHAPTER-11:**

**COMMUNITY ACCESS TO AND USE OF NON-COMMUNITY FOREST AREAS**

**Section 11.1**

Individuals or community groups do not have any right to enter or use forest lands owned by a community other than their own. Access to and use of forest lands under another community's ownership may occur only under an agreement, permit or license issued by the CFMB with jurisdiction over the forest lands at issue.

**CHAPTER-1:**

**OFFENCES AND PENALTIES RELATING TO COMMUNITY FOREST LAND**

**Section 12.1**

Any person or operator who violates forest rules or applicable by-laws established by a CFMB shall be subject to a penalty or fine. Each Community Assembly shall issue community rules and by laws registered with the FDA designating offences and penalties relating to community forest lands.

**Section 12.2**

Community members are authorized to refer individuals and all material, equipment, vehicles, and funds used or gained in the conduct of illegal activities to relevant authorities.

**Accountability of Community Forest Management Authorities**

**Section 12.3**

Where there are allegations that a CFMB or any of its members is mismanaging community forest lands or has engaged in misconduct or misappropriation of the Community Forest Fund, the FDA shall order the Department of Community Forestry to conduct an investigation and prepare a report which shall consist of:

- a. the location of the community forest and name of involved communities;
- b. a description of the allegations of mismanagement or misconduct made against the CFMB;
- c. a report on the present condition of the community forest;
- d. an evaluation of whether the CFMB has fulfilled its responsibilities and a conclusion whether there has been severe mismanagement or misconduct by the CFMA. The evaluation must set forth the factual basis for the FDA's

conclusion and shall include any documentary evidence supporting the conclusion; and  
e. any other information deemed relevant to the investigation.

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1301 **Section 12.4**  
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If the investigation concludes that there has been severe mismanagement or misconduct by a CFMB, the FDA shall include in the investigation report a clear description of the actions that must be taken by the CFMB and the community to rectify or resolve the problems identified in the report. If the CFMB or community fails to take action or to rectify the problems outlined by the FDA within 90 days of receiving the investigation report, the FDA may take over management of the community forest land for up to six months. During the period it is exercising management of the community's forest lands, FDA must actively work with the Community Assembly to restore local forest land management authority as soon as practicable.

1315 **Section 12.5**  
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Any decision rendered by the Authority pursuant to Subsection 12.4 shall be subject to judicial review.

1319 **CHAPTER-13: DISPUTE RESOLUTION**  
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1321 **Section 13.1**  
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Any dispute arising between two or more communities about the access to or management of a community forest may be resolved through customary dispute resolution mechanisms. Under such circumstances, the dispute may be arbitrated by:

- i. the paramount chief, who may seek the non-binding advice of the Authority, if all communities belong to the same district or chiefdom, or
- ii. the Superintendent of the county, who may seek the non-binding advice of the Authority, if the communities belong to different districts within the county,
- iii. the Minister of International Affairs, who may seek the non-binding advice of the Authority, if the communities belong to different districts with in several different counties

Either party may appeal an arbitration decision by submitting their claim to a court of competent jurisdiction within 60 days of receiving the arbitration decision.

1345 Section 13.2

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(5)  
Any aggrieved person<sup>(5)</sup> or other recognized legal entity shall have the right to seek administrative and/or judicial review of any decision or action taken by any party that violates this Act.

**CHAPTER-14: MISCELLANEOUS & REGULATIONS**

**Section 14.1**

The Forestry Development Authority may issue from time to time Regulations as well as standard procedural manuals and codes for the efficient implementation of this Law.

**Application of National Forestry Reform Law of 2006**

**Section 14.2**

Except where prohibited, exempted or limited by this Act, the Forestry Development Authority, Community Forest Management ~~Authorities~~ and Assisting Agencies shall follow the requirements of the National Forestry Reform Law of 2006, associated regulations, manual of procedures and other applicable laws.

**Section 14.3**

Notwithstanding section 14.2, the following provisions of the National Forestry Reform Law of 2006 is hereby integrated as an integral part of this law:


- Section 18.15 Public Access to Information**
- Section 20.10 Citizen Suits and Civil Enforcement**

**Section 14.4**

Where there is a conflict of law existing between the National Reform Forest law of 2006 and the Community Rights law with respect to Forest lands, the Community Rights laws takes precedent and becomes binding. In that regard, the *below listed provisions of the National Forestry Reform Law of 2006 is hereby amended to ensure consistency with the Community rights law . as follows . In no way is this a final list:*

- \*Section 2.1/2.2: Ownership and use of forest resources--amend to reflect community ownership
- \*Section 4.5: Zoning
- \*Section 5.1(a) and (b)
- \*Section 5.3 (b): must exclude community land areas
- \*Chapter 9: Protected Forest Area Network

**Section 11.3:**

Communities have a right of prior informed consent 

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**MISCELLANEOUS**

**Section 14.5**

Where, by any provision of this Act, a party is required to take action or make a decision "in consultation with" a community or the public concerned, the following principles of effective public participation shall be followed:

- a. engage the public early in the decision-making process;
- b. provide adequate notice of proposed activities to the public concerned;
- c. provide reasonable timeframes for all phases of public participation;
- d. provide all relevant information to the public concerned;
- e. provide opportunities for the public to submit written or oral comments;
- f. take due account of public comments;
- g. inform the public of the final decisions with the reasons supporting the decision.

**Section 14.6**

Where, by any provision of this act, a notice or other information is to be published or given such publicity as will bring it to the attention of all persons likely to be affected by it, that duty shall be construed as requiring: -

- a. where the notice relates to a community forest or to a matter affecting community members, a copy of the notice or other information to be:
  - i. affixed in a conspicuous place on or as near as may be to the community forest to which it relates; and
  - ii. affixed in a conspicuous place at the offices of the village council and in such other public places in the village as the village council shall direct; and
  - iii. summarized and communicated orally to the community members at a meeting of the community assembly and at such other meetings as, may be convened for that purpose.

**Section 14.7**

To maintain efficiency, fairness and transparency in the execution and administration of contracts issued under this law the Public Procurement and Concessions Commission and the Authority, in consultation with the public and affected forest

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land communities, shall develop regulations establishing the method by which the CFMNB, in collaboration with FDA shall issue contracts or agreements for procurement or licensing up to 75,000 hectares. The regulations shall be simple enough for communities to use and understand, but shall ensure integrity and fairness of the contracting process.

**Section 14.8**

Any contract or agreement that is authorized to be executed under the provisions of this law that is not subject to Public Procurement and Concessions Act of 2005 shall be governed by the regulations adopted under **Section 14.7**.

**Section 14.9**

**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.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**