

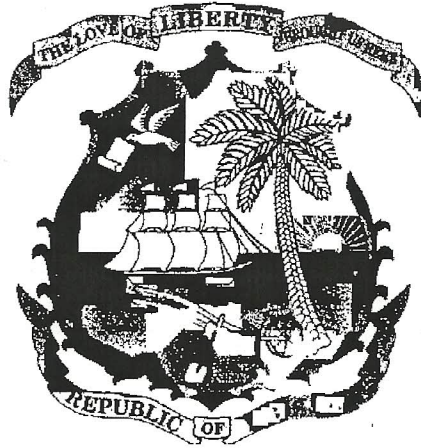
**AN ACT TO ESTABLISH THE COMMUNITY RIGHTS
LAW OF 2009 WITH RESPECT TO FOREST LANDS**

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**AN ACT TO ESTABLISH COMMUNITY RIGHTS LAW
OF 2008 WITH RESPECT TO FOREST LANDS**



Community Rights Law of 2008

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**AN ACT TO ESTABLISH COMMUNITY RIGHTS LAW OF 2008 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 Senate and House of Representatives 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 21 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 chiefdom.

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.

Medium-scale commercial use: Commercial activities of forest resources which may be export or domestic oriented in their market for the sale 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 communities.

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 shall be classified as Community Forest Land.
- c. All deeds mentioned in section 2:3b that have already been authenticated and certificated by the Ministry of Lands, Mines and Energy or the Land Commission shall be classified as Community Forest Land.
- d. Forest land and customary land as are recognized under this law.

Section 2.4: Procedure for Acquisition of Community Forest

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 the connected 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.

