

ENVIRONMENTAL CODES, LAWS AND POLICIES PERTAINING TO THE RIO CONVENTIONS IN LIBERIA

BIODIVERSITY CONSERVATION



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Morris Boimah Kamara, Sr.
NATIONAL CONSULTANT

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INTRODUCTION

Background

The publication is an outcome of a consultancy to produce and distribute updated environmental codes, laws and relevant texts pertaining to the Rio Conventions implementation in Liberia from 2006 to 2019. The Liberia Environmental Protection Agency (LEPA) and United Nations Development Programme (UNDP) is implementing a Global Environment Facility (GEF) funded Cross - Cutting Capacity Development (CCCD) project which aim to support the Government of Liberia strengthen national capacities to meet global environmental obligations with the framework of the sustainable development priorities.

The goal of the assessment is to improve the implementation of the three (3) Rio Conventions (United Nations Convention on Biological Diversity, United Nations Framework Convention on Climate Change, and United Nations Convention to Combat Desertification) through development of national capacities to better coordinate and generate information related to the implementation of these Conventions.

The Conventions derived from the June 1992 Earth Summit held in Rio de Janeiro and entered into force December 1993. Liberia ratified them between March 1998 and November 2002, and domesticated implementation through national policies on environment, forestry & wildlife and land management.

United Nations Convention on Biological Diversity

The Convention on Biological Diversity (CBD) is an international legally-binding treaty with three main goals: conservation of biodiversity; sustainable use of biodiversity; fair and equitable sharing of the benefits arising from the use of genetic resources. Its overall objective is to encourage actions, which will lead to a sustainable future. The Convention covers biodiversity at the ecosystems, species and genetic resources levels and also biotechnology, including through the Cartagena Protocol on Biosafety. In fact, it covers all possible domains that are directly or indirectly related to biodiversity and its role in development, ranging from science, politics and education to agriculture, business, culture and much more.

United Nations Framework Convention on Climate Change

Framework Convention on Climate Change (FCCC) is an international environmental treaty with the objective to "stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system". Preventing "dangerous" human interference with the climate system is the ultimate aim of the FCCC. The framework sets non-binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms, but outlines how international "protocols" or "Agreements" may be negotiated to specify further action towards the objective of the FCCC.

United Nations Convention to Combat Desertification

Convention to Combat Desertification (CCD) is the sole legally binding international agreement linking environment and development to sustainable land management. The CCD addresses specifically the arid, semi-arid and dry sub-humid areas, known as the drylands, where some of the most vulnerable ecosystems and peoples can be found. The 2018-2030 Strategic Framework of the CCD is the only comprehensive global commitment to achieve Land Degradation Neutrality (LDN) in order to restore the productivity of degraded land, improve the livelihoods, and reduce the impacts of drought on vulnerable populations.

**NATIONAL FORESTRY AND WILDLIFE POLICIES
MAINSTREAMING UNITED NATIONS CONVENTION ON
BIOLOGICAL DIVERSITY**

**NATIONAL FORESTRY REFORM LAW OF 2006, AMENDING THE NATIONAL FORESTRY
LAW OF 2000, AS AMENDED AND AMENDING AN ACT CREATING THE FORESTRY
DEVELOPMENT AUTHORITY, AS AMENDED**

1 General Provisions

- 1.1 This Act constitutes and shall be cited as Part II of Title 23 of the Liberian Code of Laws Revised.
- 1.2 This Act may be referred to as the National Forestry Reform Law of 2006.
- 1.3 Indexing of Monetary Amounts to Account for Inflation:
 - (a) Where this Law expresses monetary amounts in United States dollars, these are United States dollars as valued on January 1, 2006.
 - (b) The Authority from time to time shall publish guidelines to account for inflation to maintain in real terms the value that the amounts represent. The Authority may use a domestic price index as set by the Central Bank of Liberia or an international price index, as appropriate.
- 1.4 For any amounts expressed in United States dollars owed to the Government under this Law, the Government shall also accept payment of the equivalent value in Liberian dollars.

2 Ownership and Use of Forest Resources

- 2.1 Ownership of Forest Resources:
 - (a) All Forest Resources in Liberia, except as provided in Subsection (b) of this Section, are held in trust by the Republic for the benefit of the People.
 - (b) The following types of Forests Resources are neither owned nor held in trust by the Republic:
 - (i) Forest Resources located in Communal Forests; and
 - (ii) Forest Resources that have been developed on private or deeded land through artificial regeneration.
 - (c) The Prospection, use, transport, processing, Trade, and export of all Forest Resources and Forest Products are subject to this Law.
- 2.2 The Authority is the representative of the Government in any matters concerning the use of forest-related Government property, including the use of Forest Land and the harvest or other use of Forest Resources. In carrying out its responsibility under this Section, the Authority shall collaborate with other Government agencies and local communities as necessary.
- 2.3 Non-Interference
 - (a) No Person shall intentionally and unreasonably interfere with the lawful exercise of rights granted under any Forest Resources License.
 - (b) A violation of this Section is punishable under the Economic Sabotage provisions of the Penal Law.

3 Administration of the Law

3.1 Objectives of Forest Management

- (a) The Authority shall exercise its powers under this Law to assure sustainable management of the Republic's Forest Land, Conservation of the Republic's Forest Resources, protection of the Republic's Environment, and sustainable development of the Republic's economy, with the participation of and for the benefit of all Liberians, and to contribute to poverty alleviation in the Nation.
- (b) To protect the Environment, the Authority shall take a precautionary approach to the exercise of its powers under this Law. Where there are threats of serious or irreversible damage to the Environment, the Authority shall not rely on a lack of full scientific certainty as a reason for postponing cost-effective measures to prevent environmental degradation.

3.2 To ensure compliance with this Law, the Authority shall conduct investigations that are necessary, appropriate, and in keeping with the laws of the Republic.

3.3 In granting Forest Management Contracts and Timber Sale Contracts, the Authority shall follow the requirements of the Public Procurement and Concessions Act and other applicable laws.

3.4 Annual Audit

- (a) The Authority shall conduct an annual audit of the activities occurring pursuant to each Forest Management Contract, Timber Sale Contract, single Forest Use Permit, and Private Use Permit to ensure that the Holder is in compliance with this Law, its regulations, and terms of the license.
- (b) As part of each audit, the Authority shall prepare a report containing
 - (i) Location and ownership of the land subject to the Forest Resources License,
 - (ii) Volume and location of wood available for harvest under the Annual Coupe,
 - (iii) Volumes and monetary values of the harvested Forest Resources, processed Forest Products, and exported Forest Products, in total and by species, produced under the Forest Resources License,
 - (iv) Amounts of any fees and taxes assessed, and the amounts paid,
 - (v) Nature and monetary value of benefits provided to local communities, in total and by community, and
 - (vi) Charges of violations and the arrests, settlements, and convictions associated with Operations under the Forest Resources License and associated commerce in forest products; penalties, if any, assessed or agreed to; and the penalties actually paid.

4 Policy and Planning

4.1 Planning in General

- (a) To the extent practicable, the Authority shall manage all Forest Resources according to the policies mandated under Section 4.3 of this Law and the strategies mandated under Section 4.4 of this Law.
- (b) The policies mandated under Section 4.3 of this Law and the strategies mandated under Section 4.4 of this Law take effect upon approval by the Board of Directors.
- (c) The Authority shall manage all Forest Resources in a manner consistent with the Environment Protection Agency Act of November 26, 2002, the Environment Protection Law of November 26, 2002, and all other applicable environmental laws.

4.2 Forestry Management Advisory Committee:

- (a) The Authority shall appoint at least seven and no more than twelve people to constitute a Forestry Management Advisory Committee that shall advise the Authority on forestry policy.
- (b) Unless the Authority adopts Regulations setting forth other provisions, the following requirements apply:
 - (i) In making appointments to the Committee, the Authority shall:
 - (A) Select at least one member from among nominees advanced by each of the following types of stakeholders within the Republic: registered civil society organizations (local, regional, or national); professional forester associations; forest labor organizations; logger associations; universities or other academic institutions; and the Environmental Protection Agency; and
 - (B) Ensure that the interest of women and youth are fairly represented.
 - (ii) Each member shall serve a three-year term, and the Authority may reappoint them.
 - (iii) The Authority shall name one member of the Committee to serve as chairperson.
 - (iv) The Committee shall convene at the request of the chairperson or the Authority.
 - (v) The Authority may ask the Committee for advice as a group, or as individuals, and the Authority shall make available to the public copies of any written advice or comments received from the Committee or from individual Committee members.
 - (vi) Any member of the Committee disagreeing with the majority on any matter may submit dissenting views to the Authority.
- (c) Upon request of the Committee, or an individual member, the Authority shall provide the Committee with plans, contracts, surveys, or other information in the Authority's possession, and shall make employees of the Authority available on a reasonable basis to assist the Committee.

4.3 The Board of Directors shall adopt and from time to time revise a National Forest Policy that reflects sound Forestry principles and promotes the sustainable management of the forests of the Republic.

4.4 National Forest Management Strategy:

- (a) The Authority shall prepare, and from time to time revise, a National Forest Management Strategy reflecting the Policy mandated under Section 4.3 of this Chapter and any national land, economic, or development plans in effect.
- (b) In the Strategy, the Authority shall classify all Forest Lands in the Republic according to their legal status and potential suitable use.
- (c) To the extent practicable, the Authority shall base its classifications on the best data available concerning Forest Resources.
- (d) In the Strategy, the Authority shall identify:
 - (i) Specific areas that the Authority finds suitable to offer for Commercial Use under a Forest Management Contract or Timber Sale Contract pursuant to Chapter 5 of this Law,
 - (ii) Specific areas that the Authority intends to propose for protection under Chapter 9 of this Law or that otherwise merit protection,
 - (iii) Specific areas that the Authority intends to propose for management as Communal Forests or for purposes of Community Forestry, and
 - (iv) Any other land use classifications that the Authority finds would assist it in the administration of its duties under this Law.
- (e) FDA management shall offer the public and the Forestry Management Advisory Committee mandated under Section 4.2 of this Law the opportunity to comment on a full draft of the Strategy and on any revision that the Board of Directors deems significant.
- (f) FDA management shall submit the Strategy and any subsequent revision to the Board of Directors for review.
- (g) The Board of Directors may approve the FDA management's submission or remand it to the management with instructions for revisions or additional vetting under Subsection (e) of this Section.

4.5 Validation

- (a) Before committing an area identified in the National Forest Management Strategy to a proposed land use, the Authority shall validate the suitability of the area for the proposed land use.
- (b) For purposes of Subsection (a) of this Section, committing an area to a proposed land use means designating the area for commercial, conservation, or community use, or for a combination of permissible uses.
- (c) To validate the suitability of an area, the Authority shall establish and follow a standard process that includes collection and analysis of local Forestry, ecological, and socio-economic data and preparation of a written report on the suitability of the area for the proposed use.
- (d) The FDA management shall offer the public and the Forestry Management Advisory Committee the opportunity to comment on a full draft of the report before submitting it to the Board of Directors.
- (e) The Board of Directors may either approve the FDA management's report or return it to the management with instructions for revision or additional vetting under Subsection (d) of this Section.

- (f) If the report is approved by the Board of Directors, the Managing Director shall undertake the necessary steps to implement the recommendations contained in the report through use of one or more appropriate land management tools.

5 COMMERCIAL AND OTHER USE OF FOREST RESOURCES

5.1 Basic Prohibitions and Regulatory Powers:

- (a) No Person shall undertake Commercial Use of Forest Resources without permission from the Authority granted under this Chapter.
- (b) The Authority may grant the permission required under Subsection (a) of this Section only through Forest Management Contracts, Timber Sale Contracts, Forest Use Permits, or Private Use Permits, as provided for in this Chapter.
- (c) A Person receiving permission from the Authority under this Chapter receives a revocable license to harvest or use Forest Resources subject to the terms of the license and all applicable legal requirements.
- (d) The Authority may by Regulation require permission for non-commercial forest uses and may by Regulation control any activity involving Forest Land, Forest Resources, or Forest Products.
- (e) The Authority shall require Persons involved in activities regulated by the Authority to post bonds to assure performance of work, and the Authority shall further require that the performance bonds assure payment of fees, redress of injuries, compensation of employees, reclamation of land, and return of property, subject to the conditions of Paragraphs (i) and (ii) of this Subsection.
 - (i) The Authority shall set out the requirements for the bonds and their distribution, along with objective formulas or methods for calculating the amounts of the bonds, by Regulation.
 - (ii) The Authority shall apply the requirements for the bonds in an evenhanded and objective fashion to every Person meeting the requirements.
- (f) The Authority shall, by Regulation or otherwise, undertake measures to institutionalize the participation of communities in forest management. Such measures may include, but are not limited to:
 - (i) Recognition and protection of community land tenure rights,
 - (ii) Formulation of a code of conduct to govern relationships between Holders and communities,
 - (iii) Requirement to complete a social agreement between Holders and communities that defines the parties' respective rights, roles, obligations, and benefits with respect to one another,
 - (iv) Provision for security of access by communities to non-timber Forest Products and other Forest Resources, and
 - (v) Provision of technical assistance to community foresters.

5.2 Basic Qualifications

- (a) The Authority shall establish standard qualifications for Persons wishing to obtain permission to conduct commercial forest Operations.

- (i) For competitive bidding processes under Sections 5.3 and 5.4 of this Law, the Authority may specify the standard qualifications in the form of prequalification requirements adopted in accord with the laws governing public concessions.
 - (ii) For Forest Use Permits under Section 5.5 of this Law, the Authority shall specify the standard qualifications in the Regulation governing the permit.
 - (iii) For Private Use Permits under Section 5.6 of this Law, the Authority shall specify the standard qualifications by Regulation.
- (b) In addition to the standard qualifications established under Subsection (a) of this Section, the following Persons shall not seek or hold permission to conduct commercial forest Operations:
- (i) An individual who is less than eighteen years old.
 - (ii) A Person who has been adjudged insolvent or bankrupt during the prior five years under the laws of Liberia or any other country, except under a plan of reorganization approved by the courts of Liberia, or of such other country and permitted under the laws of Liberia, and with respect to which such Person is in compliance.
 - (iii) A Person who is not qualified, by registration or otherwise, to do business in Liberia.
 - (iv) A Person who has been convicted of, or who has pleaded no contest to, a felony in the last five years.
 - (v) The President of Liberia, the Vice President of Liberia, any member of the National Legislature, Justices of the Supreme Court and Judges of subordinate courts of record, Cabinet Ministers, Managing Directors of Public Corporations and Agencies, and Superintendents or Persons holding equivalent positions in foreign countries.
 - (vi) An employee of the Authority, a member of its Board of Directors, or a Government official exercising authority under the Public Procurement and Concessions Act or any other law governing public contracting.
 - (vii) A Person associated through investment, ownership, effective control, or other similar means with an individual covered under Paragraphs (iv), (v), or (vi) of this Subsection.
- (c) If an individual triggers the prohibition under Subsection (b) of this Section by assuming a Government office or position after having previously obtained permission to conduct commercial forest Operations, the individual (or, in the case of Paragraph (vii) of Subsection (b), a Person affected by the prohibition through association with the individual) shall promptly arrange an assignment of the permission (or in the case of permission held through a business entity, a transfer of ownership) to an entity outside the Person's influence and control, such as an unrelated individual or a Blind Trust, and the Authority shall cooperate in granting necessary approvals for a reasonable assignment or transfer.
- (d) Every Government official prohibited from obtaining permission to conduct commercial forest Operations under Subsection (b) of this Section, whose salary equals or exceeds the base salary of a Regional Forest Officer, shall file an annual report with the Authority declaring for the previous calendar year any instance of the Person or the Person's spouse, parent, sibling, or child having traded, as principal or agent, in commercial quantities of Timber or other Forest Products, or holding any financial interest in any Forest Products, or in any contract for working any forest, whether in or outside the Republic.

5.3 Forest Management Contracts

- (a) The Authority may award Forest Management Contracts in accordance with the requirements of this Section and those in the Public Procurement and Concessions Act or its successor legislation governing public concessions.
- (b) Forest Management Contracts must meet all of the following requirements:
 - (i) land involved must be identified as a potential concession in the National Forest Management Strategy in effect at the time the concession is offered and must be validated under Section 4.5 of this Law,
 - (ii) land involved must not include private land,
 - (iii) contract must require the Holder to perform actions necessary for sound, long-term forest management, including inventories, preparation of management plans, and annual operations plans,
 - (iv) contract must require the Holder to prepare all environmental impact assessments required under the laws governing environmental protection,
 - (v) contract must require the Holder to submit a business plan to the Authority and to demonstrate to the Authority's satisfaction that the Holder has the technical and financial capacity to manage the forest sustainably,
 - (vi) contract must require the Holder to establish a social agreement with local forest-dependent communities, approved by the Authority that defines these communities' benefits and access rights,
 - (vii) contract must require the Holder to pay the Government the fee that the Holder bid in the concession process, in addition to any other applicable taxes and fees, for the privilege of harvesting or using Forest Resources,
 - (viii) basic term of the contract must approximate the length of a forest rotation on the land based on a sustainable yield of Timber products, although the contract may be terminated sooner for cause,
 - (ix) land area subject to the contract must be at least 50,000 hectares and no more than 400,000 hectares, and
 - (x) Annual Coupe must allow the Holder to harvest every suitable area once during the term of the contract.
- (c) No Holder shall fell trees before the Felling Effective Date.
- (d) No Holder shall fell trees unless the Holder possesses a valid Annual Harvesting Certificate.
- (e) The Authority shall issue to a Holder an Annual Harvesting Certificate only after all of the following conditions have been met for the year:
 - (i) The Holder has an approved annual operations plan
 - (ii) The Holder has an approved forest management plan that covers the specific area to be harvested, and
 - (iii) The Holder has met the previous logging season annual audit requirements.
- (f) No Forest Management Contract is effective until the contract has been:
 - (i) Signed by the President; and
 - (ii) Ratified by the Legislature during the legislative session in which the contract has been presented.

- (g) In an effort to reestablish a vibrant domestic Forestry sector, the Government shall accept bids on Forest Management Contracts covering a land area of between 50,000 and 99,999 hectares only from qualified bidders that demonstrate at least 51% ownership by Liberian citizens. However, if no qualified Liberian bidders present tenders for the contract or secure the contract during one bidding cycle, the Authority may re-bid the contract through a process open only to qualified bidders that demonstrate 51% ownership by Liberian citizens.
- (h) All Forest Management Contracts covering 100,000 hectares to 400,000 hectares shall be open to all Liberian as well as international investors.
- (i) Every five years, beginning five years from the effective date of this Law, the Authority shall review the preference for Liberian bidders established under Subsection (g) of this Section and present to the Legislature a written report on the economic impacts of the preference on the Liberian Forestry sector.

5.4 Timber Sale Contracts

- (a) The Authority may award Timber Sale Contracts in accordance with the requirements of this Section and those in the Public Procurement and Concessions Act or its successor legislation governing public concessions.
- (b) Timber Sale Contracts must meet all of the following requirements:
 - (i) The contract must be consistent with the National Forest Management Strategy in effect when the contract is awarded and the area must be validated under Section 4.5 of this Law.
 - (ii) The land involved must not include private land.
 - (iii) The basic term of the contract must not be more than three years.
 - (iv) The land area subject to the contract must be no more than 5,000 hectares.
 - (v) The contract must require the Holder to prepare an annual operations plan.
 - (vi) The contract must require the Holder to pay the Government the fee that the Holder bid in the concession process, in addition to any other applicable taxes and fees, for the privilege of harvesting or using Forest Resources.
- (c) No Timber Sale Contract is effective until it is signed by the Authority.
- (d) No Holder shall fell trees before the Felling Effective Date.
- (e) No Holder shall fell trees unless the Holder possesses a valid Annual Harvesting Certificate.
- (f) The Authority shall issue to a Holder an Annual Harvesting Certificate only after the Authority has approved the Holder's annual operations plan.
- (g) The Government shall accept bids on Timber Sale Contracts only from qualified bidders that demonstrate at least 51% ownership by Liberian citizens.
- (h) Every five years, beginning five years from the effective date of this Law, the Authority shall review the preference for Liberian bidders established under Subsection (g) of this Section and present to the Legislature a written report on the economic impacts of this preference on the Liberian Forestry sector.
- (i) Consistent with the land planning requirements of Chapter 4 of this Law, the Authority may award Timber Sale Contracts for the purpose of allowing Forest Land to be cleared for agriculture or for the establishment of plantations.
- (j) In awarding a Timber Sale Contract under Subsection (i) of this Section, the Authority shall:

- (i) Take into account the terms of any existing contract, deed, or similar instrument pertaining to the ownership or management of the Forest Land to be covered by the Timber Sale Contract; and
- (ii) Respect established contractual and property rights, if any, under these instruments to the greatest extent possible, consistent with the purposes of this Law.

5.5 Forest Use Permits

- (a) The Authority may adopt Regulations allowing it to issue Forest Use Permits, subject to the requirements of this Section.
- (b) The Authority shall include in Forest Use Permits sufficient conditions to ensure the Conservation of Forest Resources.
- (c) The Authority may issue Forest Use Permits only for the following Commercial Uses:
 - (i) Production of charcoal;
 - (ii) Tourism;
 - (iii) Research and education;
 - (iv) Wildlife-related activities;
 - (v) Harvest of small amounts of Timber for local use within the County or community; and
 - (vi) Harvest or use of non-timber Forest Products.
- (d) Regarding fees for Forest Use Permits:
 - (i) The Authority shall award the Permit through a concessions process under the Public Procurement and Concessions Act if the value of the Forest Resources to be used under the permit exceeds ten thousand United States dollars during the term of the permit.
 - (ii) In all other cases, the Authority shall offer Forest Use Permits free of charge, at a price fixed by Regulation, or at a rate fixed in Regulation based on the amount of Forest Resources harvested or used.
- (e) Forest Use Permits must fall under one of the following categories:
 - (i) Single permits, which the Authority issues upon application by qualified Persons and which are limited in duration to no more than two years.
 - (ii) General permits, which the Authority issues in a Regulation and which any qualified Person may then use, although the terms of the permit may require that the Person register, give notice, or take other steps as a condition of using the permit.
- (f) The Authority shall, by Regulation, restrict issuance of Forest Use Permits to specified classes of Persons, such as subsistence farmers, forest-dependent communities, residents of a particular county or district, academic researchers, artisans, and Persons undertaking tourism, eco-tourism, and similar Conservation based activities.
- (g) If a Forest Use Permit allows the Holder to exercise exclusive use of a Forest Resource in a particular area, the area involved must be less than 1,000 hectares and must be validated under Section 4.5 of this Law.
- (h) No Person shall harvest Forest Resources on private land under a Forest Use Permit without the Land Owner's permission.

5.6 Private Use Permits and Other Commercial Use on Private Land

- (a) No Person shall undertake Commercial Use of Forest Resources on private land without satisfying the requirements of this Section.
- (b) If the Commercial Use is covered under a Forest Use Permit that the Authority has issued under Section 5.5 of this Law, the Person must be in compliance with the Forest Use Permit and must have the permission of the Land Owner.
- (c) If the Commercial Use is not covered under a Forest Use Permit that the Authority has issued under Section 5.5 of this Law:
 - (i) If the Person is not the Land Owner, the Person must have permission from the Land Owner in writing.
 - (ii) The Person must have a valid Private Use Permit from the Authority.
 - (iii) The Person must have a valid Annual Harvesting Certificate from the Authority.
- (d) The Authority shall attest to a Private Use Permit only if all of the following conditions are satisfied:
 - (i) The applicant is the Land Owner or the applicant has written permission from the Land Owner to undertake the Commercial Use,
 - (ii) The Commercial Use is consistent with the classification of the land in the Strategy adopted under Section 4.4 of this Law, and the Authority has validated the classification locally under Section 4.5 of this Law,
 - (iii) The applicant is not disqualified from obtaining a Forest Resources License under Section 5.2 of this Law.
 - (iv) The applicant presents the Authority with a business plan and demonstrates to the Authority's satisfaction that the applicant has the technical and financial capacity to manage the forest sustainably
 - (v) The applicant has prepared a five-year land management plan satisfactory to the Authority and has complied with all legal requirements for environmental impact assessment,
 - (vi) The applicant and the Land Owner commit in writing to a social agreement that shall be attested to by the Authority and that defines benefits and access rights for local forest-dependent communities.
- (e) The Authority shall limit the term of a Private Use Permit to the time necessary to carry out the activities described in the management plan, and in no case longer than the expected
- (f) The Authority shall issue the Holder of a Private Use Permit an Annual Harvesting Certificate only after the Authority has approved the Holder's annual Operations plan.
- (g) No Person shall conduct Operations on private land in violation of the Forest Management Guidelines or the Code of Forest Harvesting Practices that the Authority adopts under Section 8.1 of this Law.
- (h) No Person shall conduct Operations on private land that are inconsistent with the land management plan required under Subsection (d) of this Section or the annual Operations plan required under Subsection (f) of this Section.

5.7 Fees Related to Private Use Permits

- (a) If the Holder of a Private Use Permit fails to pay any stumpage or Forest Products fees that the Authority assesses under a Private Use Permit, the Government may seek the fees from the Land Owner, and the Land Owner has a right to be indemnified by the Holder.
- (b) Regarding land rental fees under Section 14.2(b) (ii) of this Law, the Authority may assess these fees if directly tied to services, such as permit administration, however the Authority shall not assess Land Owners or Holders of Private Use Permits area based land rental fees.
- (c) Regarding stumpage fees under Section 14.2(b) (i) of this Law, on private lands where Forest Resources have been artificially regenerated, the Authority shall reduce the stumpage fees by fifty percent, and on private lands where Forest Resources are not artificially regenerated, the Authority shall assess stumpage fees at the same rates as on public lands.
- (d) Regarding Forest Products fees under Section 14.2(b) (iii) of this Law, the Authority shall assess fees for Forest Products harvested on private lands at the same rates as for Forest Products harvested on public lands.

5.8 Publication of Payments

- (a) Each Holder of a Forest Management Contract or a Timber Sale Contract shall, no later than on March 15 (for the months of July through December) and September 15 (for the months of January through June), ensure that a notice containing the following information is published in a newspaper of general circulation in Monrovia:
 - (i) The Holder's name;
 - (ii) A brief description of the area covered by the Holder's Forest Resources License;
 - (iii) A list of all payments and other considerations provided by the Holder to the Government under the Forest Resources License; and
 - (iv) The date of each payment.

6 Contractual Aspects Of Forest Resources Licenses

6.1 Termination of Forest Resources Licenses

- (a) The Authority may terminate Forest Resources Licenses on any of the following grounds:
 - (i) Felling of trees before the Felling Effective Date.
 - (ii) Felling of trees not covered by a valid Annual Harvesting Certificate.
 - (iii) For Forest Management Contracts, failure to complete all Pre-Felling Operations within twelve months of the Contract Effective Date, and for Timber Sale Contracts, failure to complete all Pre-Felling Operations within 90 days of the date of signature by the Authority.
 - (iv) Failure to satisfy, consistent with the terms of a Forest Resources License, any financial obligations to the Government (including payment of taxes, rents, or fees) or to local communities, except when such failure is due to Force Majeure, as the term is defined by Section 6.3 of this Law.
 - (v) For licenses granting exclusive use of Forest Resources in a particular area, abandonment of operations for a period of twelve months or more.

- (vi) Assignment to a third party of the whole or part of the license without the consent of the Authority.
- (vii) Knowing misrepresentation to the Government by the Holder of any facts material to the issuance or use of the license.
- (viii) Intentional extraction of any natural resource or Forest Product not authorized by the license or otherwise expressly permitted by the Government.
- (ix) Intentional misclassification or mislabeling of Forest Products for any purpose.
- (x) Failure to comply with any provision of this Law or of any Regulation promulgated under this Law.
- (xi) Any material breach of a Forest Management Contract or Timber Sale Contract, or any failure to satisfy the conditions of a Forest Use Permit or Private Use Permit.
- (xii) Payment of a bribe, gratuity, facilitation money, kickback, or other form of compensation or benefit with the intent to secure or avoid Government action relating to Forest Resources.

6.2 Assignment and Transfer of Forest Resources Licenses

- (a) No Person shall assign a Forest Resources License without prior, written approval of the Authority.
- (b) Any assignment of a Forest Resources License without prior, written approval of the Authority is void.
- (c) The Authority shall not approve an assignment or transfer of a Forest Resources License to a Person who fails to satisfy the basic qualifications set forth in Section 5.2 of this Law.
- (d) The Authority may establish by Regulation additional standards governing assignments and transfers.

6.3 Force Majeure

- (a) As used in this Section, Force Majeure means acts of God, accidents, wars (whether declared or not), invasions, acts of public enemies, hostilities, unforeseen restrictions on trade or other activities of a Person imposed by any sovereign, embargoes, blockades, revolutions, riots, civil commotion, sabotage, strikes and similar labor related disputes (if not cured for more than 60 days), fires, explosions, earthquakes or other natural disasters, expropriation of facilities or goods, epidemics, and any similar cause beyond the reasonable control of the Person.
- (b) A Holder that cannot meet its obligations to the Government due to Force Majeure shall give notice in writing to the Authority as soon as practicable and in that notice shall describe the obligations affected and the specific nature of the Force Majeure. If a Holder finds that Force Majeure makes delivery of the notice to the Authority impractical, the Holder may deliver the written notice to the Permanent Mission of Liberia at the United Nations Headquarters. The Holder shall provide the Mission with an explanation of why the notice is made to the Mission and a request that the Mission forward the notice to the Authority. The Mission shall forward the notice to the Authority as soon as practicable.
- (c) Upon receiving notice and finding that the Holder's failure to meet obligations is due to Force Majeure, the Authority shall suspend those obligations during the continuance of the inability.
- (d) The Holder shall remedy the inability as quickly as possible.
- (e) The Authority shall extend the affected Forest Resources License for the time the Holder is affected by Force Majeure.

- (f) The Holder shall not invoke Force Majeure to excuse or delay the payment of monetary obligations that accrued before the commencement of Force Majeure, and the Authority shall not suspend those obligations.
- (g) The Government may invoke Force Majeure to suspend its obligations to a Forest Resources License Holder.
 - (i) If the Government invokes Force Majeure, it shall, as soon as practicable, give the Holder written notice of the nature of the Force Majeure and the obligations affected. By written notice to the Authority, a Holder may name an agent to receive notice if circumstances prevent direct communication from the Government to the Holder.
 - (ii) The Government shall remedy the inability as quickly as possible and, if fairness demands, shall extend the affected Forest Resources License for the time the Government is affected by Force Majeure.

7 RELATIONS BETWEEN NEIGHBORING FOREST AREAS

7.1 Works of Common Interest

- (a) The Authority shall, after consultation with affected Holders, declare common access routes between and through areas subject to Forest Resources Licenses.
- (b) After receiving notice from the Authority of a declaration of a common access route, a Holder shall not deny or impede the use of the route by any Person.

7.2 Encroachment

- (a) No Holder shall encroach upon a Forest Land for which the Authority has granted exclusive license to another Holder.
- (b) The transfer or transit of Forest Products from the Forest Land of one Holder through the area of another Holder is not Encroachment.
- (c) A Holder that has suffered injury due to an Encroachment may seek damages from the encroacher.
- (d) In addition, the Authority may seek penalties from encroachers for violation of this Law.

7.3 Establishment of Buffer Strips

- (a) To reduce the possibility of Encroachment or interference with Holders, the Authority may establish Buffer Strips in which no Person may undertake Commercial Use of Forest Resources.
- (b) Except as provided in Subsection (c) of this Section, no Person shall be entitled to compensation on account of the establishment of a Buffer Strip.
- (c) The Authority shall not assess land rental fees for any land included in Buffer Strips.

8 Environmental Protection

8.1 Environmental Requirements

- (a) The Authority shall, in consultation with the Environmental Protection Agency, prepare and, from time to time review, and if necessary revise, Forest Management Guidelines and a Code

of Forest Harvesting Practices, outlining environmentally sound practices in accord with internationally accepted principles and practices.

- (b) The Forest Management Guidelines and the Code of Forest Harvesting Practices, or any revision to the Guidelines and Code, take effect upon approval of the Board of Directors.
- (c) No Person shall conduct activities on public or private Forest Land in violation of the Guidelines or Code.
- (d) No Person shall waste Forest Resources, expose natural resources to damage, destroy the long-term productivity of Forest Land, or significantly harm the forest Environment, unless:
 - (i) The action is necessary in an emergency to save a human life, prevent significant bodily harm, or prevent a major injury to property; or
 - (ii) The action has been approved under the environmental impact assessment laws of the Republic.
- (e) No provision of this Law limits the requirements or coverage of the environmental impact assessment laws of the Republic.

8.2 Sustainable Management and Utilization of Forest Resources

- (a) The Authority shall monitor Forest Lands to ensure that all use, harvest, and transport of Forest Resources is lawful and based on a sustainable yield, as established by Regulation of the Authority.
- (b) The Government shall not grant title over Forest Land to private parties without giving public notice, allowing 60 days opportunity for public comment, and obtaining written approval from the Authority.
- (c) The Government shall not grant Class B or Class C Mineral Rights in Protected Areas or Proposed Protected Areas.
- (d) The Government shall not grant Class A Mineral Rights in National Forests or Proposed Protected Areas unless:
 - (i) The Authority has concurred with the grant;
 - (ii) The Authority has written appropriate guidelines for maximum protection of the Environment and sustainable management of the forest during exercise of the grant; and
 - (iii) Compliance with the guidelines is a condition of the grant.
- (e) The prohibitions in Subsections (c) and (d) of this Section are in addition to the prohibitions on mining contained in Chapter 9 of this Law.

8.3 Environmental Rehabilitation, Reforestation, and Afforestation

- (a) The Authority, within two years of enactment of this Law, shall:
 - (i) Identify suitable sites for reforestation and afforestation.
 - (ii) Develop a national strategy to address deforestation and promote silvicultural practices that will expand and enrich the national forest endowment.
 - (iii) The Authority shall identify and protect Wetlands and areas with fragile soils on Forest Lands, and require every Holder to identify and protect Wetlands and areas with fragile soils where that Holder is conducting Operations.

- (iv) The Authority shall promote the planting of Indigenous Species of trees.
 - (v) As appropriate, the Authority in its contracts shall obligate industry to promote forest enrichment planting and improved forest quality through best practices silvicultural treatment.
 - (vi) The Authority shall establish a central seed bank and other aids to forest tree culture, as necessary.
- 8.4 If the Authority makes contracts to carry out the reforestation strategy under this Chapter, it shall monitor, supervise, and evaluate each year the work done under those contracts and make the evaluations available to the Legislature and the public.
- 8.5 The Authority shall collaborate with the appropriate agencies in carrying out the following:
 - (a) The Authority in collaboration with municipal authorities and estate holders, and in consonance with municipal ordinances, shall plant trees or encourage the planting of trees in municipalities for recreational, aesthetic, and pollution control purposes.
 - (b) No Person shall destroy, trim, prune, or fell a tree on public land in a municipality without written consent of the Authority.
- 8.6 To inform the people of Liberia about their Environment and to galvanize awareness, support, and action in Authority may plan and execute programs befitting the day.

9 Protected Forest Areas Network and Wildlife Conservation

- 9.1 Protected Forest Areas Network and Conservation Corridors:
 - (a) The Authority shall establish a Protected Forest Areas Network, together with Conservation Corridors, and incorporating existing National Forests, to cover at least 30 percent of the existing forested area of Liberia, representing about 1.5 million hectares.
 - (b) To conserve Forest Resources within the Protected Forest Areas Network, the Authority shall promote and undertake research in the Network on socio-economic conditions and on the distribution, habitat, and population of Wildlife.
 - (c) The Authority shall seek the advice of the Forestry Management Advisory Committee created under Section 4.2 of this Law, and of other scientists, professionals, and members of non-governmental organizations, on the management of the Network and the promulgation of appropriate Regulations for the Conservation of the Environment within the Network.
- 9.2 The Authority shall propose for presidential and legislative approval appropriate Protected Forest Area types and categories, based on Appendix I (list of categories) and Appendix II (selection criteria) of the Protected Forest Area Network Law of October 10, 2003.
- 9.3 Based on the results of surveys, scientific research, and other relevant data and information, and following public notice and a 60-day opportunity for public comment, the Authority may submit to the President a proposal to establish one or more National Forests, National Parks, Nature Reserves, or Strict Nature Reserves, setting forth:
 - (a) A description of the proposed boundaries for the area;
 - (b) An assessment of the Wildlife, natural, cultural, and other resources in the area;

- (c) An assessment of the existing state of human disturbances and resource utilization in the area;
 - (d) A summary of any consultations held with Government agencies and Persons affected by the proposed establishment, and especially the views of local communities; and
 - (e) Any other data and information gathered as a result of environmental impact assessment processes.
- 9.4 The President shall, upon approval of any proposal submitted by the Authority under Section 9.3 of this Law, deliver the proposal for establishment of a National Forest, National Park, Nature Reserve, or Strict Nature Reserve to the Legislature.
- 9.5 The Legislature may, upon consideration of any proposal for the establishment of a National Forest, National Park, Nature Reserve, or Strict Nature Reserve, enact legislation establishing the National Forest, National Park, Nature Reserve, or Strict Nature Reserve.
- 9.6 Within one year of the establishment of a National Forest, National Park, Nature Reserve, or Strict Nature Reserve, the Authority shall clearly mark the boundary between the established Protected Area and the surrounding lands.
- 9.7 No National Forest, National Park, Nature Reserve, or Strict Nature Reserve shall be abolished or alienated, nor shall its boundaries be modified, except by act of the Legislature, following consultation with the Authority.
- 9.8 The Authority shall, as soon as practicable after the establishment of a National Forest, National Park, Nature Reserve, or Strict Nature Reserve, prepare and publish, and thereafter review and republish every five years, a comprehensive management plan for the Protected Area in accordance with internationally accepted standards.
- 9.9 The Authority shall, by Regulation, identify and establish within the Protected Forest Areas Network, protected forest area categories, other than National Forests, National Parks, Nature Reserves, and Strict Nature Reserves, including, but not limited to, Game Reserves, Controlled Hunting Areas, Communal Forests, and other Buffer Zones, as Conservation Corridors to facilitate sustainable protected forest management and Biodiversity protection.
- 9.10 Protected Forest Area Regulations and Prohibitions:
 - (a) The Authority shall, in consultation with local communities, Counties, and other local authorities, issue Regulations governing activities in Protected Forest Areas.
 - (b) No Person shall:
 - (i) In a Strict Nature Reserve, pursue activities other than Conservation management and research.
 - (ii) In a National Park, Nature Reserve, or Game Reserve, prospect, mine, farm, hunt, fish, extract Timber or non-timber Forest Products, or take any other action except those for management or non-consumptive uses, such as tourism, recreation, and research.
 - (iii) In Communal Forests, prospect, mine, farm, or extract Timber for Commercial Use.
 - (iv) In Cultural Sites, prospect, mine, farm, hunt, or extract Timber or Non-Timber Forest Products.

- (v) In a National Forest, prospect for minerals, undertake Class B or C mining, or farm.
- (vi) In a Multiple Sustainable Use Reserve, farm or extract Timber for Commercial Use.
- (c) The Authority shall, in collaboration with local communities, non-governmental organizations, and interested international organizations, undertake efforts to provide alternative livelihoods for communities adversely affected by the establishment or maintenance of Protected Forest Areas.

9.11 Wildlife Conservation

- (a) The Authority may:
 - (i) Conserve, manage, and, by Regulation, control the use of Wildlife.
 - (ii) By Regulation, control hunting to achieve sustainable harvests.
 - (iii) By Regulation, control trade in Wildlife.
 - (iv) Promote awareness of Wildlife Conservation in cooperation with other Government agencies and civil society.
 - (v) By Regulation, establish requirements for the issuance of Hunting and Wildlife trading certificates and licenses.
- (b) The Authority shall manage Wildlife for the benefit of the people of Liberia in accordance with Liberia's obligations under international conventions and agreements to which Liberia is a party and consistent with internationally accepted principles of ecologically-based Wildlife management.
- (c) The Authority shall, within one year of the effective date of this Law, present to the Legislature for consideration and passage a comprehensive framework law for Wildlife Conservation and protection.

9.12 The Authority shall:

- (a) Review the population, distribution, and status of Liberia's Wildlife and identify categories of animals and plants that are threatened or in danger of extinction.
- (b) Establish and maintain a list of animals and plants that are threatened or in danger of extinction in Liberia under Paragraph (i) of this Subsection.
- (c) No Person shall hunt, capture, or trade any species identified in the list established and maintained by the Authority under Subsection (a) of this Section.
- (d) This Section shall not apply to any Protected Animal that has been born or lawfully placed in captivity and for which the owner has obtained a certificate to that effect from the Authority.
- (e) The Authority may authorize the capture, removal, and transfer of any species identified in the list established and maintained by the Authority under Subsection (a) of this Section, if such activity is for the purpose of captive breeding, propagation of the species, its safety, and the safety of humans, scientific research, or educational purposes.

- (f) No Person shall possess any Protected Animal, whether live or dead, or any part thereof, without a certificate of legal ownership issued by the Authority. The burden of proving lawful possession of any protected animal or any part thereof shall lie with the Person in possession. The Authority may issue a certificate of legal ownership for any Protected Animal where the Authority is satisfied that such animal was lawfully obtained under the authority of a valid license or permit or by other lawful means, or was raised in captivity.
- (g) Any officer so authorized by the Authority may hunt or capture any Wild Animal, including any Protected Animal, anywhere in Liberia, including in a National Park, Nature Reserve, Game Reserve, or Controlled Hunting Area, where: (i) Such Hunting or capture has been requested by the Authority in the interest of research, management, or administration (ii) necessary for the safety of the public or the protection of crops, livestock, or other property; or (iii) to prevent undue suffering by any animal.
- (h) No Person shall provide guide services for hunters without a valid Professional Hunting License. The Authority may, by Regulation, provide for the issuance of Professional Hunting Licenses.
- (i) No Person shall keep in captivity any live animal without a valid Wild Animal permit issued by the Authority. (i) The Authority may, by Regulation, establish procedures for the issuance of Wild Animal permits. (ii) The Authority shall cancel a permit where a Wild Animal is not kept and cared for humanely or in accordance with the conditions prescribed by the permit. (iii) The Authority is authorized to take possession of any Wild Animal from any Person who has not obtained a valid permit. The Authority may thereafter release the animal, donate the animal to a zoological institution or other appropriate facility, or dispose of the animal in a humane manner, in the discretion of the Authority.
- (j) Any diseased, live Wild Animal seized or confiscated by the Authority may be quarantined, humanely destroyed, or delivered to the appropriate governmental agency.
- (k) No Person shall trade in Wildlife without a valid Wildlife trading license issued by the Authority. The Authority may, by Regulation, establish procedures for the issuance of Wildlife trading licenses.
- (l) The Authority shall, by Regulation, establish appropriate Hunting methodologies, allowable yield and off-take, trade and transport procedures for commercial and noncommercial Hunting activities, and any related licensing fees.

10 Community Rights and Forest Management

10.1 Community Empowerment

- (a) To manage natural resources based on principles of Conservation, Community, and Commercial Forestry, and to ensure that local communities are fully engaged in the sustainable management of the forests of Liberia, the Authority shall by Regulation grant to local communities user and management rights, transfer to them control of forest use, and build their capacity for sustainable forest management.
- (b) The Regulations promulgated under this Chapter must, at a minimum:
 - (i) Specify rights and responsibilities of communities with respect to ownership and uses of Forest Resources;
 - (ii) Establish mechanisms to promote informed community participation in forest-related decisions.

- (iii) Create a framework that allows communities fair access to Forest Resources; and
 - (iv) Establish social, economic, and technical procedures for capacity building to ensure that communities can equitably participate in and equitably benefit from sustainable management of the forests.
- (c) In addition to satisfying the other requirements of this Section, the Authority shall, within one year of the effective date of this Law, present to the Legislature for consideration and passage a comprehensive law governing community rights with respect to Forest Lands.

11 Rights of Land Owners and Occupants

- 11.1 The rights of Land Owners and Occupants affected by the granting of Forest Resources Licenses, if any, are governed by this Chapter.
- 11.2 No Land Owner shall undertake any Prospection, logging, or Hunting, except pursuant to this Law and the accompanying Regulations.
- 11.3 Where the Government has granted permission for the use of Forest Resources, no Land Owner or Occupant has a right to bar that use; however, the Land Owner or Occupant shall be entitled to just, prompt, and adequate compensation for any diminution in the value of his property occasioned by the use.
- 11.4 Procedure on Refusal of Land Owner to Allow Operations:
- (a) If a Land Owner refuses to grant permission to the Holder of a Forest Resources License to conduct Operations, the Holder may petition the Authority to intervene, setting forth all relevant facts and circumstances, including any financial offers made to the Land Owner or Occupant.
 - (b) The Authority shall, by Regulation, establish appropriate procedures for the hearing and determination of these petitions.
- 11.5 No Holder shall take any of the following actions on Forest Land without express, written permission from the Authority:
- (a) On land not covered by the Holder's license, clear trees, shrubs, or other obstacles, or cut wood.
 - (b) Build hydropower facilities or otherwise harness the power of moving water.
 - (c) Build electrical plants.
 - (d) Build or operate facilities for the preparation, concentration, or chemical treatment of wood.
 - (e) Develop roads, canals, pipelines, channels, conveyors, or other above-ground conduits for the purpose of transporting products beyond the land subject to a valid Forest Resources License.
 - (f) Create or develop seaports, river ports, or airports.

12 Public Use of Holder Infrastructure

12.1 Use of Infrastructure:

- (a) The Government and third parties may use infrastructure of any kind installed or developed on Forest Land by the Holder of a Forest Resources License if: (i) the use does not hinder or interfere with the Holder's operations; and (ii) the user provides the Holder with fair compensation when appropriate.
- (b) The Authority may by Regulation establish further rules governing the use of infrastructure by the Government and third parties.

12.2 The Government may construct roads, highways, railways, telegraph and telephone lines, and other instrumentalities of transportation or communication within a Holder's Operations area if:

- (a) The Government does not unreasonably interfere with the Holder's activities; and
- (b) The Government compensates Persons for any damages caused, including property damage, lost profits, and other economic losses.

12.3 Assets

- (a) All fixed assets installed by Holders on Government-owned Forest Land become the property of the Government upon termination of rights under a Forest Resources License.
- (b) All moveable assets of Holders remain the property of Holders upon termination of rights under a Forest Resources License.

12.4 Holders shall dispose of construction materials, materials from the demolition of assets, and other wastes in a lawful and environmentally responsible manner.

13 Trade in Forest Resources

13.1 International Trade in Wild Animals, Protected Animals, and Wildlife

- (a) **Export of Wild Animals:** No Person shall export from Liberia any Wild Animal, including a Wild Animal kept as a pet, except pursuant to a valid permit issued by the Authority and a certificate issued by the Ministry of Agriculture or the Ministry of Health & Social Welfare certifying that the animal is in good health and free of all communicable diseases.
- (b) **Export of Protected Animals:**
 - (i) No Person shall export, re-export, or attempt to export or re-export any Protected Animal in Liberia, or as listed in Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), except for purposes of scientific research, including breeding in captivity.
 - (ii) The Authority shall not issue an export permit for any Protected Animal unless the Authority is satisfied:
 - (A) That the animal has been lawfully obtained;
 - (B) That the export will not be detrimental to the survival of the species;

- (C) That if CITES or the laws of the importing country require an import permit, an import permit has been issued by the competent authority of the importing country; and
 - (D) That such animal will be prepared and shipped so as to minimize any risk of injury to health and to prevent cruel treatment.
 - (iii) Import of Wildlife: No Person shall import or attempt to import into Liberia any Wildlife, except pursuant to a valid permit issued by the Authority, a valid export permit issued by the competent authority of the country of export, and, in the case of a Wild Animal, a certificate issued by the Ministry of Agriculture or the Ministry of Health & Social Welfare certifying that the animal is in good health and free of all communicable diseases.
- 13.2 The Authority may by Regulation establish rules governing the fabrication, sale, transport, and use of household and personal goods derived from Wild Animals.
- 13.3 All producers and exporters of Timber shall maintain main offices in Monrovia and sub-offices in areas of operation, and operate banking accounts in a local bank.
- 13.4 To ensure the availability of quality Timber and wood products on the Liberian market, all Timber producers shall market a minimum of five to ten percent of their production locally, as appropriate.
- 13.5 Chain of Custody:
- (a) To facilitate verification of applicable taxes and fees and legal origin of Timber prior to the issuance by the Authority of any export permit, the Authority shall establish and maintain a Chain of Custody System for all Timber.
 - (b) To the extent practicable, the Chain of Custody System shall be consistent with internationally-recognized standards.
 - (c) The Authority may delegate management of the Chain of Custody System to a qualified contractor, subject to oversight by the Authority.
 - (d) The Authority shall, by Regulation, provide for the operation of the Chain of Custody System, and the Regulation shall declare the beginning date of operation for the System.
 - (e) On and after the beginning date declared under Subsection (d) of this Section, no Person shall import, transport, process, or export Timber unless the Timber is accurately enrolled in the Chain of Custody System.
 - (f) The Authority shall, by Regulation, identify internationally-accepted standards for certification of Timber that all Holders must satisfy.
- 13.6 Scaling and Grading of Timber and Forest Products:
- (a) The Authority may, by Regulation, establish standards for the scaling and grading of Timber and other Forest Products to complement the rigor of the Chain of Custody System established and maintained under Section 13.5 of this Law.
 - (b) To the extent practicable, the Authority shall harmonize its scaling and grading standards with those in common use internationally.
- 13.7 After the Authority has established standards under Section 13.6 of this Law, no Person shall export Timber or Forest Products except in conformity with the standards.

13.8 Export Permits:

- (a) No Person shall export Forest Products without an export permit from the Authority.
- (b) The Authority, in collaboration with the Ministries of Finance and Commerce, may issue export permits for Forest Products.
- (c) The Authority shall not issue an export permit without confirming that all taxes and fees relating to the Forest Products subject to the permit have been paid.

14 Fiscal Provisions

14.1 All Holders of Forest Resources Licenses are subject to the revenue and finance laws of general application in the Republic.

14.2 Forestry Fees:

- (a) For the purposes of this Section, the term “Ministry” means the Ministry of Finance, or if its revenue collection duties are assigned to another entity, that entity; and “Central Bank” means the Central Bank of Liberia, or its successor entity assigned to hold the general revenues of the Republic.
- (b) In conformance with Section 2108 of Phase One of the Reform Tax Code of Liberia, and in collaboration with the Ministry, the Authority may, by Regulation, establish fees of the following types:
 - (i) Stumpage fees, which are fees associated with the harvest of Forest Resources, including fees based on the kind and amount of Forest Resources harvested.
 - (ii) Land rental fees, which are fees associated with the use of Forest Land, including administrative fees and area-based fees tied to Forest Resources Licenses.
 - (iii) Forest Product fees, which are fees associated with the production, registration, transport, transfer of ownership, use, or export of Forest Products.
- (c) In establishing fees, the Authority shall:
 - (i) Consult with relevant institutions.
 - (ii) Structure the fees to encourage domestic processing of wood while maintaining a fair rate of fees for forest sector activities.
 - (iii) Revise the fees as necessary to reflect changing economic conditions.
 - (iv) Keep the public informed about the fees by publishing and making readily available a single schedule of all forest-related fees, in plain language, and updating that schedule promptly after any change to the fees.
- (d) Persons owing fees assessed under this Section or otherwise assessed in connection with a Forest Resources License shall pay the amount owed by deposit to a bank account designated for this purpose by the Authority, in conjunction with the Central Bank and the Ministry of Finance.
- (e) The Government shall allocate and distribute fees collected annually pursuant to this Section as follows:
 - (i) Ten percent of stumpage fees to support operational costs for the Protected Forest Areas Network established by Chapter 9 of this Law.

- (ii) Thirty percent of land rental fees to communities entitled to benefit sharing under Forest Resources Licenses; thirty percent of land rental fees to Counties; and forty percent of land rental fees to the Ministry of Finance to hold as part of the general revenues of the Republic in accordance with Section 7 of the Reform Tax Code.
 - (iii) Ten percent of Forest Product fees to support operational costs for the Protected Forest Areas Network established by Chapter 9 of this Law.
 - (f) The Authority shall by Regulation establish a fair and transparent procedure for allocating fees to communities and to Counties under Subsection (e) of this Section.
 - (g) The Ministry and the Central Bank shall provide the Authority with access to timely and correct information concerning all payments made pursuant to this Section.
 - (h) The Authority shall make a current and complete list of its fees collected and distributed under this Section available to the public through the Internet, and the Authority shall provide Persons with a printed copy of the list on request. The list must include:
 - (i) The total amounts due and paid under each Forest Resources License for each type of fee; and
 - (ii) The total amounts allocated and distributed under Subsection (d) of this Section to communities, to Counties, to the Ministry of Finance, and to support operational costs for the Protected Forest Areas Network.
- 14.3 The National Investment Commission, in collaboration with the Authority, shall consider, review, and decide upon requests for investment incentives for Holders of Forest Resources Licenses in keeping with the provisions of the laws governing investment incentives.

15 Banking And Currency Protocol

15.1 Establishment and Operation of Accounts

- (a) The Authority may establish one or more bank accounts, as necessary, in conjunction with the Central Bank and the Ministry of Finance.
- (b) The establishment and operation of these accounts must be consistent with the laws and regulations concerning the Central Bank.

16 Measures for the Promotion of Forestry and Wildlife Activities

16.1 The Authority shall encourage scientific research and education regarding Forestry, particularly concerning natural forest improvement, plantation management, Wildlife Conservation, and Forest Products, and may engage directly in research and training activities.

16.2 Scientific Data:

- (a) As a condition of funding or granting permission for privately conducted inventories, surveys, and other research, the Authority shall require the researchers to provide the Authority with all data and reports from the research.
- (b) A researcher submitting data or reports under this Section may request that the Authority withhold the information from public release as confidential business information, and the Authority shall process the request under Section 18.15 of this Law.

16.3 Shrinking Forest Resource Base

- (a) Except as the Authority may provide by Regulation, no Person shall engage in shifting cultivation or construct settlements in National Forests, National Parks, Nature Reserves, or other Protected Areas, or in Proposed Protected Areas.
- (b) Without permission of the Authority, no Person shall engage in shifting cultivation or construct settlements on any other Forest Land designated as high forest in the National Forest Management Strategy.

17 Dispute Resolution

- 17.1 The Authority may include provisions for appropriate resolution of disputes in Forest Management Contracts and Timber Sale Contracts and may, by Regulation, establish additional procedures for dispute resolution with respect to the management of Forest Resources.

18 Miscellaneous

- 18.1 A Holder of a Forest Resources License shall indemnify the Government against any successful claim asserted by any other Person for damages caused to the Person by the Holder.
- 18.2 All Holders and Operators shall encourage the transfer of technology to ECOWAS citizens, particularly foresters, to the fullest degree possible and in accordance with the labor laws of the Republic.
- 18.3 Unless otherwise limited by contractual agreement, international conventions that the Government has ratified, this Law, or other laws and regulations of the Republic, Holders of Forest Management Contracts and Timber Sale Contracts may:
- (a) Dispose of their property and organize their businesses as they wish.
 - (b) Hire and dismiss employees and contractors within the scope of the labor laws.
 - (c) Enjoy reasonable access to raw materials in the area subject to the license.
 - (d) Enjoy freedom of movement of personnel and equipment within the Republic.
 - (e) Import goods and services not available in the Republic and transfer into the Republic any necessary funds.
 - (f) Dispose of their products on international markets.
- 18.4 While acting within the scope of their professional activities, foreign employers and employees are subject to the laws of Liberia and the Rules and Regulations promulgated under those laws without discrimination of any kind whatsoever.
- 18.5 If the Government concludes agreements with other states applying to the transport of Timber or Forest Products, the Government shall grant the advantages arising out of such agreements to all Holders on the same terms, without discrimination.
- 18.6 Processing Rights:
- (a) Holders of Forest Management Contracts and Holders of Timber Sale Contracts may establish mills within the Republic for conditioning, treatment, refining, and processing of Timber and wood-derived Forest Products, subject to any requirements that the Authority may, by Regulation, establish.

- (b) The Authority shall require Persons bidding on Forest Management Contracts to demonstrate their capacity and strategy for increasing value-added industries in the Republic.
 - (c) The Authority shall promote value-added processing of Timber and wood-derived Forest Products within the Republic by Holders and by other Persons in the private sector by requiring, in all Forest Management Contracts, that Holders' business plans include a strategy for enhancing domestic processing.
 - (d) The Authority, within five years of the effective date of this law, shall evaluate the value added industry and its impact on the economy and, if necessary, shall propose additional policies to provide incentive for the creation of value added industry.
- 18.7 The Authority may, by Regulation, establish rules requiring Persons to report the purchase, sale, conditioning, treatment, refining, transportation, import, or export of Timber and Timber Products.
- 18.8 Holders of Forest Management Contracts or Timber Sale Contracts may install industrial infrastructure necessary for and incidental to their Operations, in accordance with this Law, its accompanying Regulations, and any other laws concerning industrial activity in the Republic.
- 18.9 The following are offenses punishable under the Penal Law as economic sabotage:
- (a) For an Operator or Holder to conduct Operations beyond the Granted Area specified in a Forest Resources License.
 - (b) For an agent or employee of the Authority to grant permission to harvest or use Forest Resources in contravention of any provision of this Law.
 - (c) For an agent or employee of the Authority to grant permission to harvest or use Forest Resources in a manner inconsistent with the status of a Protected Area or Proposed Protected Area.
 - (d) For an agent or employee of the Authority to release confidential business information protected under Subsection (c) of Section 18.15 of this Law.
- 18.10 Holders shall carry out extraction activities in such a manner as to ensure sustainable development of the Forest Resources base. Holders shall follow standard technical procedures accepted by the Timber industry worldwide, as recognized by this Law and accompanying Regulations.
- 18.11 When issuing permission to use Forest Land or to harvest or use Forest Resources, the Authority shall make such permission subject to the existing rights of other Persons.
- 18.12 Renewal:
- (a) No Person shall have a right to renew a Forest Resources License.
 - (b) The Authority shall not renew Forest Management Contracts or Timber Sale Contracts.
 - (c) The Authority shall not renew individual Forest Use Permits that allow the Holder to exercise exclusive use of a Forest Resource in a particular area.
- 18.13 Holders of Forest Resources Licenses shall submit to the Authority such reports as their contracts, permits, and any supporting Regulations may require.

18.14 Termination of Commercial Forest Uses:

- (a) Forest Management Contracts, Timber Sale Contracts, Forest Use Permits, and Private Use Permits terminate by the lapse of time, by surrender or abandonment by the Holder, or by termination by the Government.
- (b) When a Forest Management Contract, Timber Sale Contract, Forest Use Permit, or Private Use Permit terminates:
 - (i) The rights and permissions granted to the Holder revert to the Government without charge.
 - (ii) The Holder remains liable to the Government for all outstanding taxes, duties, fees, and other levies due to the Government, and for any lawful obligations incurred during Operations.

18.15 Public Access to Information:

- (a) The Authority shall grant and facilitate free public access to read and to copy all documents and other information in its possession, including all audits, all Forest Resources License fee invoices and fee payment information, business and forest management plans, strategies, resolutions from the Board of Directors, public comments, reports, inventories, regulations, manuals, databases, contract maps, and contracts, with the following information redacted:
 - (i) Information whose release is likely to promote illegal use of natural resources.
 - (ii) Information whose release could threaten the continued existence of a sensitive environmental resource, such as an endangered species.
 - (iii) Confidential business information that the Authority must protect under Subsections (b) through (d) of this Section.
 - (iv) Information whose release is likely to interfere with law enforcement.
 - (v) Information whose release is likely to interfere with the fair and competitive functioning of a procurement or concessions process.
 - (vi) Information that the Authority is prohibited from releasing under provisions of other laws.
 - (vii) Personnel files and information regarding employees and applicants for employment, except for vacancy announcements, organizational charts, personnel directories, and information on pay grades or compensation.
 - (viii) Communications between the Government and its attorneys, the work product of Government attorneys, and communications aimed at the settlement of a dispute (but not including an agreement ending a dispute).
 - (ix) Information whose release is likely to compromise national security.
- (b) A Person submitting information to the Authority may accompany the information with a letter to the Authority identifying any part of the information that the Person considers to be confidential business information, explaining why the secrecy of the information is necessary to protect the commercial interests of the Person, and requesting that the Authority not release that information to the public. The Person submitting information bears the burden of supporting the request for secrecy.

- (c) The Authority shall not release to the public the specific information covered in a request under Subsection (b) of this Section unless at least one of the following exceptions applies:
 - (i) The information is contained in a bid or a document required by law to be made public.
 - (ii) The information concerns the amount and type of Timber a Person has harvested, the amount of forest-related taxes or fees and penalties or fines paid or owed to the Government, or the amount a Holder has spent or owes on community benefits.
 - (iii) The Authority gives the Person a written finding explaining why the Authority finds that the Person has failed to demonstrate that keeping the information confidential is reasonably necessary to protect the commercial interests of the Person.
 - (iv) The Authority gives the Person a written finding explaining why the Authority has concluded that, on balance, there is an overriding law enforcement, environmental protection, human rights, defense, or other national interest in making the information public.
 - (v) A court compels the Authority to release the information.
 - (vi) At least two years have passed since the submission of the information and the Authority finds that keeping the information confidential is no longer reasonably necessary to protect the commercial interests of the Person.
- (d) A Person may ask a court to review a written finding made under Subsection (c) of this Section, and the court may void the finding if it is unsupported in fact.
- (e) As far as practicable, the Authority shall maintain the documents described in Subsection (a) of this Section on the Internet and freely accessible to the public.

18.16 Security Personnel

- (a) No Holder shall employ armed security personnel to work in, on, or around the Forest Land that is the subject of the Holder's Forest Resources License.
- (b) Any security personnel employed in, on, or around the Forest Land that is the subject of the Holder's Forest Resources License must satisfy each of the following requirements:
 - (i) Be a citizen of Liberia.
 - (ii) Have no conviction for an offense involving violence, threats of violence, rape, murder, or use of a deadly weapon.
 - (iii) Be free of credible allegations of human rights violations, crimes against humanity, or war crimes.
- (c) A Holder employing security personnel in, on, or around the Forest Land that is the subject of the Holder's Forest Resources License shall ensure that these personnel receive appropriate training and supervision.
- (d) A Holder is strictly liable for any injury or damage that security personnel cause while acting within the scope of their duties.
- (e) The Authority shall evaluate compliance with the requirements of this Section and include this information in its annual report made under Section 20.11 of this Law.
- (f) Nothing in this Section shields Holders or security personnel from the application of the criminal laws of the Republic.

18.17 Nothing in this Law limits the scope or application of the labor laws of the Republic.

19 Regulations

19.1 The Authority may issue from time to time Regulations as well as standard agreements and procedural manuals and codes for the efficient implementation of this Law. The Authority may issue Regulations concerning any matter subject to this Law, including, without limitation, the following:

- (a) Any measure that needs to be efficiently regulated under this Law;
- (b) The manner and content of applications, notice, and recordkeeping, and any other matter concerning documents or information under this Law;
- (c) The allocation, monitoring, enjoyment, transfer, or termination of Forest Management Contracts, Timber Sale Contracts, Forest Use Permits, and Private Use Permits;
- (d) The fees, payments, or taxes under control of the Authority through this Law or the laws on taxation;
- (e) Activities in Protected Areas and Proposed Protected Areas;
- (f) The valuation, sampling, measurement, and testing of Forest Resources;
- (g) The health, safety, and welfare of individuals on Forest Lands, including the safety of commercial Operations and the reporting of accidents;
- (h) The protection of Forest Land from fire, insects, and diseases;
- (i) The powers and duties of Forest Officers in conducting inspections, seizing property, and arresting individuals;
- (j) The prevention and punishment of waste of Forest Resources or degradation of the Environment;
- (k) The preparation of plans and environmental assessments;
- (l) The resolution of disputes and levy of penalties for offenses related to this Law and the accompanying Regulations;
- (m) The transparent administration of the National Forest Policy and the peaceful involvement of the public in forest governance.

19.2 Duty of Authority to Consult:

- (a) The Authority shall publish Regulations proposed to be issued for at least 60 days prior to their effective date in order to allow for public comments on all such proposed Regulations. The Managing Director shall collect and summarize all comments, and refer them along with the proposed Regulations to the Board of Directors for its comments and advice not later than fourteen days before their effective date.
- (b) The Authority shall by Regulation establish further procedures for the public vetting of Regulations to be issued by the Authority.

20 Offenses and Penalties

20.1 General Enforcement and Offenses:

- (a) A court may issue an injunction to enforce any provision of this Law against any Person, including the Authority.
- (b) A Person who contravenes any of the following provisions of this Law, or any Regulation implementing any of these provisions, is guilty of an offense and is liable upon conviction to fines, imprisonment, and other penalties as provided in Section 20.7 of this Law:
 - (i) Section 5.1(a), regarding Commercial Use of Forest Resources without permission.
 - (ii) Section 5.2(b), (c), and (d), regarding holding of interests in the forest sector.
 - (iii) Section 6.2(a), regarding assignment or transfer of Forest Resources Licenses.
 - (iv) Section 7.2(a), regarding Encroachment.
 - (v) Section 8.1(c) and (d), regarding environmental requirements.
 - (vi) Section 8.5(b), regarding harm to urban trees.
 - (vii) Section 9.1- Regarding activities in Protected Areas.
 - (viii) Section 9.12(b), (d)(i), (f)(i), (g)(i), and (i)(i), regarding Wildlife
 - (ix) Section 11.2, regarding development of Forest Resources on private or deeded lands.
 - (x) Section 11.5, regarding unauthorized actions by Holders on Forest Land.
 - (xi) Section 12.4, regarding disposal of wastes.
 - (xii) Section 13.1(a), (b), (i), (c), and (d), regarding export and import of Wildlife.
 - (xiii) Section 13.3, regarding location of offices and bank accounts.
 - (xiv) Section 13.5(e), regarding participation in the chain of custody system.
 - (xv) Section 13.7, regarding scaling and grading of Timber and Forest Products for export.
 - (xvi) Section 13.8(a), regarding export permits.
 - (xvii) Section 14.2(d), regarding payment of fees.
 - (xviii) Section 16.3, regarding protection of the forest resource base.
 - (xix) Section 18.16 regarding employment of security personnel.

20.2 Contraband:

- (a) Upon conviction under Section 20.1(b) of this Chapter, a court may order the forfeiture of all Forest Products and weapons, equipment, and vehicles used in contravention of the Law, or if the Government cannot locate and take possession of those items, a court may order the forfeiture of a sum of money equivalent to the value of those items.
- (b) The court shall direct the sale or disposal of any contraband forfeited under this Section, and the court shall transfer any sums collected under this Section to the Central Bank.

20.3 Liability of Holders:

- (a) Holders of Forest Resources Licenses and Persons having permits or licenses under Chapter 9 of this Law are liable to the Republic for acts committed in contravention of this Law by themselves, their Operators, employees, agents, contractors, or subcontractors.
 - (b) When multiple Persons jointly hold a Forest Resources License, their liability for acts or omissions pertaining to the license is joint and several.
- 20.4 Law enforcement officers, members of plant protection forces, private security officers, Forest Officers of the Authority, and private individuals shall promptly report to the Government offenses under this Law and the accompanying Regulations.
- 20.5 Sworn Forest Officers may conduct visits, searches, and seizures pursuant to the laws of Liberia.
- 20.6 False Representations:
 - (a) No Person shall:
 - (i) Forge documents or reports submitted to the Authority.
 - (ii) Make material, false representations to obtain any permission from the Authority.
 - (iii) Destroy, move, or alter a boundary marker of a Protected Area or an area subject to a Forest Resources License.
 - (b) A court may subject a Person convicted of a violation of Subsection (a) of this Section to a fine of up to ten thousand United States dollars (\$10,000), or imprisonment for up to twelve months, or both.
- 20.7 A court may subject a Person guilty of an offense under Section 20.1(b) of this Chapter to the following penalties:
 - (a) A fine of up to ten thousand (\$10,000) United States dollars or twice the economic benefit that the Person obtained through the violation, whichever is greater.
 - (b) For knowing violations or violations resulting from gross negligence, one or both of the following:
 - (i) A fine of up to twenty-five thousand (\$25,000) United States dollars or three times the economic benefit that the Person obtained through the violation, whichever is greater.
 - (ii) Imprisonment for up to twelve months.
 - (iii) For violations resulting in damage to Forest Resources or the Environment, an additional fine of twice the reduction in market value of the damaged property, twice the cost of restoring the Forest Resources, or twice the cost of Environmental Restoration, whichever is the greatest.
- 20.8 Continuing Offenses and Repeat Offenders:
 - (a) Any offense continuing for more than one day shall be deemed a continuing offense subject to a separate penalty for each day of the offense.
 - (b) A court, in determining the nature and extent of any penalty imposed pursuant to this Chapter, and the Authority, in assessing the nature and extent of any administrative penalty imposed pursuant to this Chapter, shall take into account any past violations of this Law or the accompanying Regulations by the offender.

20.9 Other Offenses and Penalties:

- (a) The Authority shall, by Regulation, establish all other Forestry-related offenses and penalties not expressly provided for in this Chapter.
- (b) If the Authority finds evidence that would reasonably support the bringing of charges against a Person for an offense under this Law, and if that Person agrees in writing to accept administrative punishment for the offense, the Authority may assess an administrative penalty for the offense equal to the sum of the following:
 - (i) A fine set by the Authority of not more than five thousand (\$5,000) United States dollars.
 - (ii) The reasonable expense that the Authority incurs in seizing, storing, maintaining, or removing articles seized in connection with the offense.
 - (iii) All fees that would have been due to the Government if the Person had acted in compliance with this Law.
 - (iv) An amount equal to the damages to natural resources and the Environment caused by the offense.
- (c) Where the Authority has seized property in connection with an offense punished under this Section, if the property belongs to the offender, the Authority may either release the property to the offender on payment to the Government of the value of the property or the Authority may deliver the property to a court, which shall treat the property as forfeited contraband under Section 20.2(b) of this Law.
- (d) Unless a court finds that the administrative penalty that the Authority assesses under Subsection (b) of this Section substantially undervalues the severity of the offense, payment of the administrative penalty to the Government bars further civil or criminal proceedings against that Person under this Law in respect to that offense.

20.10 Citizen Suits and Civil Enforcement

- (a) A Person harmed by a violation of any provision of this Law, the accompanying Regulations, or the Code of Forest Harvesting Practices, may bring an action against any responsible Person except the Government and its employees, and in response a court may award civil damages and injunctive relief, as the court deems appropriate.
- (b) Any Person harmed or injured when a Holder violates any condition or requirement of a Forest Management Contract or a Timber Sale Contract may seek remedy from a court of competent jurisdiction within the Republic of Liberia.
- (c) A Person may bring an action against the Government to compel the Government to comply with this Law, the accompanying Regulations, and the Authority's internal procedural manuals, and a court may grant appropriate injunctive relief.
- (d) In response to non-compliance with this Law, if the Government does not take steps to cure or penalize the non-compliance, any third party may give the Authority and the non-compliant Person notice of intent to sue and 60 days later may bring an action against the Person, and the court may grant such relief as would be appropriate if the Government were seeking damages and penalties for non-compliance.
- (e) In response to fraud against the Government related to the use of the Republic's Forest Resources, or in response to a failure to pay all Forestry-related taxes and fees due to the

Government, a third party may bring an action to compel payment to the Government of the amount defrauded or unpaid.

- (f) In suits brought under Subsections (c), (d), and (e) of this Section, if the plaintiff substantially prevails, the court may require the defendant to pay compensation to the plaintiff for reasonable legal expenses incurred.
- (g) The Authority may, by Regulation, establish procedures to compensate or reward third parties that provide information leading directly to the apprehension or conviction of Persons violating this Law or the accompanying Regulations.
- (h) In suits brought under Subsections (d) and (e) of this Section, the court shall allow the Government to intervene as of right; however, failure of the Government to join the suit does not affect the court's jurisdiction.
- (i) In cases where a third party gives notice under Subsection (d) of this Section and the Government responds by bringing an enforcement action before a court, the third party may intervene as of right in the enforcement action and is eligible for any payment available under Subsection (f) or (g) of this Section as if it had originated the action.

20.11 Annual Report

- (a) Each year, the Authority shall submit to the Board and make available to the public an enforcement report listing:
 - (i) The names of all Persons identified by the Authority as violators under this Chapter in the past calendar year;
 - (ii) The date the Authority detected any violation by each Person;
 - (iii) A description of the nature of each violation;
 - (iv) All enforcement actions taken by the Government or any court against any Person in connection with each violation;
 - (v) The penalty assessed by the Government or any court against each Person for each violation; and
 - (vi) The penalty collected by the Government or any court for each violation.
- (b) The Authority shall also include in the report its evaluation, made under Section 18.16(e) of this Law, of Holders' compliance with security personnel requirements.

21 Regional and International Forestry Initiatives and Conventions

- 21.1 Liberia being a member of the regional and international Timber community and a party to various regional and international initiatives and conventions, the Authority is hereby empowered to ensure that Liberia supports and adheres to all Forestry initiatives to which Liberia is a party, and to all Forestry-related conventions that Liberia has ratified. The Authority further shall pay keen attention to all other regional and international initiatives and conventions that seek to foster the sustainable management of tropical Forest Resources.

22 Transitional

- 22.1 The Advisory Committee created under the Protected Forest Area Network Law is disbanded and its duties are assumed by the Forestry Management Advisory Committee, as noted in Section 9.1(c) of this Law.

22.2 Dedicated Funds:

- (a) The Environment Conservation and Protection Fund and the reforestation account created under prior versions of the National Forestry Law are dissolved.
- (b) The Government shall disburse any funds placed in that Fund and that account to support operational costs for the Protected Forest Areas Network established by Chapter 9 of this Law.

23 Effective Date and Severability

23.1 This Act shall take effect immediately upon publication in handbill.

23.2 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

AN ACT TO ESTABLISH THE LAKE PISO BASIN MULTIPLE SUSTAINABLE USE RESERVE

1 Title

1.1 This Act shall be known as the Lake Piso Basin Reserve Act of 2010.

2 Metes, Bounds and Description

2.1 The Lake Piso Basin Multiple Sustainable Use Reserve is located in Western section of Liberia in Grand Cape Mount and Bomi Counties. It lies within Latitudes 6°30'0" - 6°54'0" North of the Equator and Longitudes 10°54'0" - 11°24'0" West of the Greenwich Meridian.

2.2 Metes and bounds:

The boundary line commences at the point where the Po River enters the Atlantic Ocean (6°30'11.17" N - 10°55'33.02" W); thence a line runs along the Po River in the Eastern direction for 21,427 meters to the point where the Monrovia - Tubmanburg motor road crosses the Po River (6°29'28.54" N - 10°48'39.19" W); thence a line runs along the Klay – Tubmanburg motor road in the North-Western direction for 14,462 meters to a point (6°35'10.33" N - 10°53'19.89" W); thence a line runs N 65° W for 25,151 meters to a point near Kaweja (6°40'58.15" N - 11°05'35.63" W); thence a line runs along the Kaweja - Teh motor road in the Western direction for 5,780 meters to the point Jundu Town (6°42'25.37" N - 11°08'09.87" W); thence a line runs N 34° W for 13,878 meters to the Town of Saima (6°48'37.86" N - 11°12'23.27" W); thence a line runs N 52° W for 29,521 meters to the point on the Mano River which serves as the boundary between Liberia and Sierra Leone (6°58'26.92" N - 11°24'59.09" W); thence a line runs along the Mano River in the Southern direction for 16,666 meters to the point where the Mano River enters the North Atlantic Ocean; thence a line runs along the coast of the North Atlantic Ocean in Eastern direction for 86,228 meters to the point of commencement (6°30'11.17" N - 10°55'33.02" W), embracing 97,159 hectares of topographical terrain and no more.

3 Designated Protected Area Category

The area identified by the metes, bounds and description in Section 2.2 of this Act shall be managed as a protected area for the sustainable use of natural resources, conservation of ecosystems and habitat and sustainable livelihoods and designated as a Multiple Sustainable Use Reserve.

4 Management of the Reserve

The said Reserve shall be a permanent component of the Protected Area Network, managed in accordance with laws of Liberia and international best practices governing conservation of natural resources and subject to such rules and regulations as may from time to time be transparently promulgated by the Authority to accomplish the management objectives to protect natural ecosystems of the Lake Piso basin and promote sustainable use of natural resources in the boundaries as shall be demarcated for the Reserve.

5 Boundary Demarcation

In accordance with Chapter 9 Section 9.6 of the National Forestry Reform Law of 2006, within one year of the establishment of a National Forest, National Park, Nature Reserve, or Strict Nature Reserve, the Authority shall clearly mark the boundary between the established Protected Area and the surrounding lands.

6 Management Plan

The Authority shall as soon as applicable following the establishment of the Reserve by the Legislation prepare and publish a comprehensive management plan in consultation with relevant stakeholders as prescribed by Chapter 9 Section 9.8 of the National Forestry Reform Law of 2006 and as revised; and taking into consideration biodiversity, socio-economic, cultural and traditional issues related to the multiplicity of stakeholders depending on the natural resources of the Reserve and the necessity for inter-sectoral collaboration such as for aquatic resources and wetlands management.

7 Conflicts Between Laws

The implementation of this Act is subject to relevant requirements of the National Forestry Reform Law of 2006 and as revised and/or amended.

8 Severability

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

9 Effective Date

This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOT WITHSTANDING

AN ACT FOR THE ESTABLISHMENT OF THE GOLA FOREST NATIONAL PARK

1 Title

- 1.1 This Act may be cited as the "Gola Forest National Park Act of 2015,"

2 Establishment, Location and Description

- 2.1 There is hereby established within the Executive Branch of Government the Gola Forest National Park which shall be supervised and managed by the Forestry Development Authority. The Gola Forest National Park lies within Latitude (OT 42°3 5.1" ~O 100 42°42.0") North of the Equator and Longitude ~07°12'S 8.9"-011 °00'51.9") West of the Greenwich median and It is located in Gbarpolu and Grand Cape Mount Counties (Northwestern-Liberia).

- 2.2 The metes and bounds of the Gola Forest National Park shall be as follows:

Commencing at a point marked (Latitude 287417 - Longitude 819011) on the surface of the earth: thence a line runs Due East for 16,680 meters to a point (Latitude 304251 - longitude 818979); thence a line runs along the tributary of the Mana River for 14,730 meters to a point (Latitude 314658 - Longitude 820622); thence a line runs Due North for 8,050 meters to a point (Latitude 314625 - Longitude 828672); thence a line runs N22 degree W for 1,490 meters to a point (Latitude 313216 - Longitude 8299261); thence a line runs along the tributary of the Mana River for 1,900 meters to a point (Latitude 312650 Longitude 830195); thence a line runs Due North 3,330 meters to a point (Latitude 312650 - Longitude 830161); thence a line runs Due East for 2,840 meters to a point (Latitude 312547 - Longitude 833485); thence a line runs along the tributary of the Mana River for 5850 meters to a point (Latitude 319731 Longitude 835760); thence a line runs Due North 2,220 meters to a point (Latitude 319731 - Longitude 837951); thence a line runs N 31 degree W for 1,720 meters to a point (Latitude 318357 - Longitude 838964); thence a line runs Due North for 4,280 meters to a point (Latitude 318116 - Longitude 843260); thence a line runs N 64 degree W for 550 meters to a point (Latitude 318725 - Longitude 843650); thence a line runs along the Wuelula Creek for 2,380 meters to a point (Latitude 319013 - Longitude 845786); thence a line runs N 59 degree W for 670 meters to a point (Latitude 318357- Longitude 847527); thence a line runs along the tributary of the Morro River for 7,090 meters to a point (Latitude 315941 - Longitude 852437); thence a line runs S 68 degree W for 3,730 meters to a point (Latitude 315948 - Longitude 852443); thence a line runs Due South for 8,400 meters to a point (Latitude 279270 - Longitude 814929); thence a line runs along the tributary of the Mana River for 5,690 meters to a point (Latitude 278145 Longitude 809130); thence a line runs S 56 degree E for 3,220 meters to a point (Latitude - Longitude 806515); thence a line runs Due South for 2,980 meters to a point (Latitude 279896 - Longitude 803580); thence a line runs along the Kuinja Creek eastward for 2,770 meters to a point (Latitude 282512 - Longitude 803006); thence a line runs Due South for 4,920 meters to a point (Latitude 282611 Longitude 798091); thence a line runs along the Mafa River for 7,130 meters to a point (Latitude 288022 - Longitude 802281); thence a line runs Due North for 16,700 meters to a point of commencement, embracing a total of 88,873 hectares/219,605 acres afforest land AND NO MORE.

- 2.3 The land described in 2.2 constituting the Gola Forest National Park shall be Government land.

3 Boundary Demarcation

- 3.1 In accordance with Chapter 9 section 9.6 of the National Forestry Reform Law of 2006, within one year of the establishment of the Gola Forest National Park, the Authority shall clearly mark the boundary between the established Gala Forest National Park and the surrounding lands.

4 Management of the Gola Forest National Park

- 4.1 The Authority shall, as soon as practicable after the establishment of the Gala Forest National Park, prepare and publish, and thereafter review and republish every five years, a comprehensive management plan for the Gola Forest National Park in accordance with internationally accepted standards taking into consideration biodiversity, socio-economic, cultural and traditional issues related to the multiplicity of stakeholders depending on the natural resources of the park.
- 4.2 The Authority shall, in consultation with local communities, counties and other local authorities issue regulations governing activities in the Gola Forest National Park.

5 Conflict between Laws

- 5.1 The implementation of this Act is subject to relevant provisions of the Protected Area Establishment Act of 2003 and the National Forestry Reform Law of 2006 and as revised or amended.

6 Effective Date

- 6.1 This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

AN ACT ESTABLISHING THE GREBO NATIONAL FOREST AS GREBO-KRAHN NATIONAL PARK

1 Title Citation and Name

- 1.1 This Act constitutes and shall be cited as An Act for the Establishment and Management of the Grebo-Krahn National Park.
- 1.2 This Act may be referred to as the Grebo-Krahn National Park Act.

2 Metes, Bounds and Description

- a) *The Grebo-Krahn National Park is located in Southeastern Liberia, particularly Grand Gedeh and River Gee Counties. It lies within latitudes 5°10'0"N and 5°60'0"N and longitudes 7°20'0"W and 7°50'0"W. The Grebo-Krahn National Park is divided into two separate areas, the Northern area and the Southern area.*
- b) *The Northern area commences at a point (653551, 651812) on the Cavalla River, at the border between Liberia and Cote d'Ivoire; thence a line runs 94.26 chains S 47° W to a point (652166, 650517); thence S 83° E for 503.27 chains to a point (653476, 640478); thence S 41° E for 103.34 chains to a point (655051, 639121); thence S 39° E for 310.07 chains to a point (659911, 635211); thence N 88° E for 114.25 chains to a point (662208, 635292); thence S 03° W for 17.57 chains to a point (662191, 634939); thence S 01° E for 46.09 chains to a point (663118, 634925); thence due North for 74.27 chains to a point (663105, 636419); thence N 32° E for 394.97 chains to a point (674674, 604946) where it meets the Cavalla River and follows the River south to a point (674674, 604946); thence N 17° W for 739.44 chains to a point (660403, 609142) where it meets the Dugbe River and follows the River North to a point (653336, 621568); thence N 65° W for 15.90 chains to a point (653199, 621857); thence N 63° E for 4.69 chains to a point (653283, 621900); thence N 52° E for 284.02 chains to a point (657775, 625431); thence N 51° W for 305.84 chains to a point (653878, 630192); thence N 83° W for 106.98 chains to a point (653624, 632329); thence N 01° W for 156.47 chains to a point (650477, 632398); thence N 36° W for 343.30 chains to a point (644860, 636416); thence S 87° W for 345.59 chains to a point (637919, 636022); thence N 17° E for 314.43 chains to a point (639758, 642074); thence N 35° E for 407.95 chains to a point (644514, 648762); thence N 61° W for 229.30 chains to a point (648548, 650999); thence N 89° W for 144.48 chains to a point (648495, 653905) on the Cavalla River and follows the Cavalla River south easterly to the point of commencement embracing 212,434.3 acres of land and no more.*
- c) *The Southern area commences at a point (671106, 582866) on the Cavalla River, at the border between Liberia and Cote d'Ivoire; thence a line runs N 83° W for 114.27 chains to a point (670847, 585150); thence N 32° W for 87.99 chains to a point (669339, 586077); thence N 83° W for 334.60 chains to a point (668511, 592757); thence N 77° E for 342.47 chains to a point (675225, 594303) on the Cavalla River and follows the Cavalla River south easterly to the point of commencement embracing 25,157.25 acres of land and no more.*
- d) *Combining the northern and southern areas the Proposed Grebo-Krahn National Park embraces a total of 237,591.55 acres of land and no more.*

The area identified by the metes, bounds and description herein comprising of a total of 237,591.55 acres shall be managed as a protected area for the sustainable use of natural resources, conservation of

ecosystems and habitats and sustainable livelihoods and designated as a National Park. The land described in section 2 constituting the Grebo-Krahn National Park shall be Government land.

3 Establishment of the Grebo-Krahn National Park

There is hereby established within the Executive Branch of Government, the Grebo-Krahn National Park which shall be supervised and managed by the Forestry Development Authority.

4 Management of the Grebo-Krahn National Park

The Grebo-Krahn National Park shall be a permanent component of the Protected Area Network, manage by the FDA in accordance with the laws of Liberia and. international best practices governing conservation of natural resources. The Management of the Park shall be subjected to' such rules and regulations as may from time to time be transparently , promulgated by the FDA to accomplish the intent of this Act, which is to protect the natural ecosystems of the Grebo-Krahn National Park and promote sustainable use of natural resources in the boundaries as shall be demarcated.

5 Boundary Demarcations

In accordance with Chapter 9 Section 9.11(c) of the National Forestry Reform Law 0[2006 within one year of the enactment of this Act, the FDA shall clearly mark the boundary between the Grebo-Krahn National Park and its surrounding areas using transparently prescribed regulations or procedures and based on all relevant data gathered in preparation to gazette the Grebo-Krahn National Park.

6 Management Plan

- 6.1 The Authority shall, as soon as practicable after the establishment of the Grebo-Krahn National Park, prepare and publish, and thereafter review and republish every five years, a comprehensive management plan for the Grebo-Krahn National Park in accordance with internationally accepted standards taking into consideration biodiversity, socio-economic, cultural and traditional issues related to the multiplicity of stakeholders depending on the natural resources of the Grebo-Krahn National Park.
- 6.2 The Authority shall, in consultation with local communities, counties and other local authorities issue regulations governing activities in the Grebo-Krahn National Park.

7 Conflicts between Laws

The implementation of this Act is subject to the relevant provisions of the National Forestry Reform Law of 2006 and the National Wildlife Conservation and Protected Areas Management Law as revised and/or amended.

8 Effective Date

- 8.1 This Act shall take effect immediately upon publication in handbill.

ANY LAW TO THE CONTRARY NOT WITHSTANDING

AN ACT ADOPTING THE NATIONAL WILDLIFE CONSERVATION AND PROTECTED AREA MANAGEMENT LAW OF LIBERIA

1 General Provisions

- 1.1 This Act constitutes, and shall be cited as An Act Adopting the National Wildlife and Conservation Protected Area Management Law.
- 1.2 This Act may be referred to as the National Wildlife Law of 2012

2 Objectives and Policies

2.1 Objectives

- (a) To provide, within the framework of national legislation, including the National Environmental Protection and Management Act and the Forestry Reform Law 2006, for the establishment of conservation areas and the management of wildlife.
- (b) To provide for the protection of wildlife and wildlife management throughout the Republic.
- (c) To provide for co-operative governance in the establishment of conservation areas and management of wildlife.
- (d) To effect a national system of conservation areas in Liberia as part of a strategy to manage and conserve its biological diversity.
- (e) To provide for a representative network of conservation areas on state land, private land and community lands.
- (f) To promote sustainable utilization of conservation areas for the benefit of people, in a manner that would preserve the ecological character of such areas.
- (g) To promote participation of local communities in the management of conservation areas and wildlife, where appropriate; and
- (h) To facilitate an integrated management of conservation and wildlife.

2.2 The implementation of this Act shall be based on the following guidelines:

- (a) The flora and fauna species in its wild habitat in Liberia, except as provided in Subsection 2.2(b) of this Section is held in trust and regulated by the Republic for the benefit of the people of Liberia and humanity.
- (b) The wildlife and natural areas of Liberia are an important wealth and heritage of the Republic and are to be conserved so that diversity of species are maintained at optimum levels commensurate with other form of land use, in order to support sustainable use of wildlife for the benefit of the people of Liberia.
- (c) The Authority shall manage wildlife and their habitats in and outside of protected areas for the benefit of the people of Liberia in accordance with Liberia's obligations under international conventions and agreements to which Liberia is a party and consistent with internationally accepted principles of ecologically-based wildlife management.
- (d) It is the declared policy of the Republic of Liberia to:
 - i. Manage wildlife and natural areas for the benefit, utility, and enjoyment of ail people in accordance with internationally accepted principles of ecologically based management.

- ii. Enhance the social and economic benefits by sustainable wildlife management as a source of protein, revenue generation and employment thus ensuring that wildlife resources flow to people who depend on the forests of Liberia.
- iii. Protect, preserve and manage wildlife that are endemic, rare, threatened or endangered by extinction.
- iv. Ensure the maintenance of habitats necessary to meet the requirements of specific wildlife species.
- v. Prohibit the introduction of alien and/or invasive species of plants and animals that may be potentially harmful into the wild habitats of Liberia.
- vi. Conserve the natural habitat and species status of wildlife in Liberia by protecting areas of outstanding scenic, natural, scientific, recreational and other values through the establishment of National Parks, Nature Reserves, game reserves and other conservation and wildlife management areas.
- vii. Ensure that any measures instituted for wildlife management and protection in Liberia are based on scientific investigation and best practice such as monitoring of species and habitat conditions and where applicable, appropriate traditional knowledge and practices.
- viii. Promote and provide education about wildlife and nature conservation to all sectors of the Liberian society;
- ix. Implement, where relevant and feasible international treaties, conventions, agreements or other instruments to which Liberia is a party.
- x. Collaborate with regional neighbors to create integrated trans-boundary biodiversity conservation and wildlife management areas including peace parks and, corridors for mutually shared migratory wildlife species.
- xi. Promote or facilitate public and rural community's participation in the conservation of wildlife and protected area management; recognize and encourage the role of traditional authorities, traditional knowledge and cultural values in protected area and wildlife management.
- xii. Ensure that women and youth are integrated into the development and implementation of conservation and wildlife management.
- xiii. Transfer as much of wildlife management in and outside of protected areas as is feasible and practicable to communities, private land owners and voluntary associations organized for the purpose.
- xiv. Provide support and create incentives for sustainable conservation and wildlife management at community level.
- xv. Take into account the views of local governments and communities affected or likely to be affected by protected areas and wildlife management measures.

2.3 Regardless of land proprietorship, all matters pertaining to protected areas, conservation areas and wildlife management are subject to this Act and without prejudice to the generalities of subsection 2.2(a) of this Act recognizes the following categories:

- (a) Lawful ownership by private landholders who have been licensed by the Authority to farm or manage wildlife species based on regulations.
- (b) Ownership vested by certificate, license or use right-granted under this Act.
- (c) Ownership of dead protected animals or cut protected plants is invested in the Republic of Liberia, except where ownership has been vested by certificate, license or use rights granted under this law.

- (d) An animal killed or trophy acquired by a wildlife officer in the execution of that staff's duties, is the property of the Government.
- (e) Regardless of land proprietorship, all matters pertaining to protected areas, conservation areas and wildlife management are subject to this Act.

3 Institutional Arrangement

- 3.1 Forestry Development Authority established by Act of the Legislature in 1976 Act with the mandate to manage Liberia's forest estate and existing prior to the coming into force of this Act shall serve as the implementing agency for the purposes of this Act.
- 3.2 The Managing Director shall act on behalf of the Government of Liberia in the execution of the Authority's mandate in respect of this Act.
- 3.3 The functions of the Authority and relevant agencies as related to protected areas and wildlife management include but not limited to:
 - (a) Promote the conservation of biological diversity in Liberia;
 - (b) The sustainable management of wildlife and conservation areas;
 - (c) Develop and recommend wildlife management policies of Liberia in collaboration with and participation of relevant ministries, agencies and civil society and forest dependent communities;
 - (d) Acting as the focal agency for the transparent implementation of all conservation and wildlife management policies in Liberia and where relevant, in collaboration with other government agencies;
 - (e) In accordance with Chapter 5 of this Act recommend areas, based on best social, scientific data available, to be classified and declared as wildlife management and conservation areas and components of Protected Area Network;
 - (f) Develop conservation areas and wildlife management plans and strategies in and outside of protected areas;
 - (g) Identify and address linkages between protected area management and external factors such as community development;
 - (h) Develop well-defined users rights that are consistent with the conservation objectives of the protected/conservation area;
 - (i) In consultation with relevant ministries, agencies and civil society and forest dependent communities establish rules and regulations on the sustainable management and harvesting of wildlife in Liberia;
 - (j) In collaboration with relevant ministries and agencies insure wildlife conservation in the extractive industries such as logging and mining operations;
 - (k) Control all trade in Wildlife and specimens thereof;
 - (l) Collaborate with relevant lead agencies and adjacent communities to develop eco-tourism in and around conservation areas;
 - (m) Establish policies, procedures, regulations in a participatory manner for the sustainable use of wildlife by and for the benefit of wildlife-dependent communities;
 - (n) Promote public participation in decision making relating to planning and management of protected areas and wildlife management areas;

- (o) In collaboration with and participation of communities, develop benefit and responsibility sharing arrangements or mechanisms;
 - (p) Mitigate as much as possible the differing objectives between livelihood and conservation;
 - (q) Enable local communities to identify areas and provide necessary support to them to develop the capacity and institutional structures to manage wildlife areas for conservation and livelihood needs;
 - (r) Grant leases, concessions, and access for conservation-compatible economic activities such as wildlife-based tourism in a way that will maximize benefits to local communities and the nation in conformity with the wildlife policy of Liberia;
 - (s) Promote scientific research and knowledge of wildlife in Liberia;
 - (t) Ensure that Environmental Impact Assessment is conducted in conservation areas as provided for in the Environment Protection and Management Law of Liberia
 - (u) Disseminate information and promote public awareness of wildlife conservation and management strategies and the role of conservation in economic development and poverty reduction;
 - (v) Collaborate with educational institutions to encourage training in wildlife management;
 - (w) Develop strategies for funding wildlife protection such as fees for services, license, rights and other use permits;
 - (x) Ensure the implementation of conservation treaties, conventions and agreements to which Liberia is Party;
 - (y) Promote trans-boundary conservation area and wildlife management to sustainably manage shared wildlife; and
 - (z) Any other function that ensures the conservation of wildlife in Liberia for current and future generations.
- 3.4 The function of the Authority and its relevant divisions for protected area and wildlife management are subject to the supervision of the Board of Directors of the Authority and the Forest Management Advisory Committee established under Section 4.2 of the National Forestry Reform Law of 2006.
- 3.5 The Authority shall, in collaboration with county government, community and private landowners, establish an institutional framework for the decentralization of conservation and wildlife management and the incorporation protected areas and wildlife issues in the agenda of District and Community level Environmental Committees or other local level bodies designated for the conservation and management of protected areas.
- (a) County/local government The Authority shall collaborate with county/local government authorities and establish an institutional framework for the Integration of conservation and management of protected areas into county development plans.
 - (b) Protected Area Management Advisory Council (PAMAC) The Authority may, if practicable, in collaboration with relevant stakeholders establish a PAMAC for each protected area created or one PAMAC for a County or Region where there are more than one protected areas established. The PAMAC may incorporate any existing protected area advisory committee in the area.

- i. The Authority shall propose the initial membership of the PAMAC which should include but not limited to representatives from county government, district, community, relevant line ministries/agencies as is appropriate and nongovernmental and community organizations. The membership should be an odd number and of a workable size based on the extent of its jurisdiction.
- ii. The Authority shall ensure that the final membership of the PAMAC, its functions, rules and regulations are decided transparently and with the participation of relevant stakeholders.

4 Compliance with International Conservation Conventions

- 4.1 The Authority shall ensure that provisions of relevant international conservation conventions/treaties to which Liberia is a party be enforced in an appropriate and feasible to achieve the objective of this Act.
- 4.2 Without prejudice to the generalities of Section 4.1, and notwithstanding that the salient provisions of the international instruments mentioned in Section 4.1 have been incorporated in the provisions of the Environment Protection and Management Law and this Act, to ensure full compliance with the biodiversity conservation and wildlife management-related provisions of these international instruments to which Liberia is Party, the Authority in collaboration with focal agencies for the Conventions as well as relevant line ministries is to:
 - (a) Ensure integration of sustainable utilization of natural resources into national strategies, plans and programmes, such as development plans and the poverty reduction strategy;
 - (b) Protect and integrate where practicable, traditional knowledge about conservation and protecting wildlife species;
 - (c) Create economically and socially sound incentives for conservation and sustainable usage of Liberia's forest related resources;
 - (d) Collaborate with the EPA in governing access to genetic resources;
 - (e) Collaborate with the EPA in promoting biosafety;
 - (f) Promote regional and international cooperation in the conservation of biodiversity to ensure biodiversity conservation and utilization in cases of some areas beyond the jurisdiction of Liberia and on matters of mutual interest in the West African region;
 - (g) Adopt an ecosystems approach to biodiversity conservation and management;
 - (h) Collaborate with EPA in the conservation and sustainable use of biodiversity of wetlands, taking account of important aspects and values of the wetlands other than habitat for waterfowls including rare, vulnerable and disappearing plant and animal species; and
 - (i) Integrate natural and cultural heritage sites in the Protected Area Network
- 4.3 Institutional Arrangement for the Implementation of CITES:
 - (a) Without prejudice to the generalities of section 4.1, in accordance with Article IX (a) of CITES, the Forestry Development Authority is designated as the Management Authority for the implementation of CITES;
 - (b) Establishment of a National CITES Scientific Authority:
 - i. The CITES Authority shall in line with Article IX establish a National CITES Scientific Authority (CSA) composed of: the University of Liberia and the Forestry Development Authority.

- ii. The names of the specialists appointed under subsection 2(a) of this Act shall be published by notice in accordance with government public notice procedures/practice.
 - iii. The CITES Management Authority and Scientific Authority appointed under this Act shall in the performance of their respective functions consult relevant competent authorities and lead agencies.
- (c) The Functions of the Management Authority shall include:
- i. The issuance of CITES export, re-export, import permits or certificates.
 - ii. Convening meetings of the Scientific Authority.
 - iii. Preparation of CITES annual reports providing information on import and export and traded species.
 - iv. Preparation of CITES biannual reports on legislative regulatory and administrative measures taken to enforce the Convention.
 - v. Communicating with CITES secretariat, Parties to the Convention or any other lead agency or person performing similar or related functions.
 - vi. Development and issuance of regulations and guidelines for domestic trade, export, re-export, import in a wildlife species and species listed in accordance with CITES provisions and the protection of endangered species of wild fauna and flora.
 - vii. The publication in a gazette and by notice, the amendment of the list of species as contained in the appendices to the CITES as they occur from time to time.
- (d) The functions of the CSA shall include:
- i. To advise the Authority on the observance of the provisions of CITES.
 - ii. To monitor the status of indigenous species and export data, in order to recommend suitable remedial measures to limit the export of specimens, to maintain that species throughout its range at a level consistent with the role in the ecosystem and well above the level at which that species might become eligible for inclusion in Appendix I of CITES.
 - iii. To gather and analyze information on the biological status of species affected by trade.
 - iv. To assist in the preparation of proposals necessary to amend CITES Appendices.
 - v. To review proposals to amend the appendices submitted by other Parties to CITES and make recommendations as to how to assist in the preparation to amend the Appendices;
 - vi. To advise the Authority as to whether or not scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established by CITES, and other standards of any stricter national requirements.
 - vii. To advise the Authority on the issuance of permits for export or certificates for introduction from the sea for Appendix I and II of CITES, stating whether or not the actions will be detrimental to the survival of the species in question.
 - viii. To advise Authority on the issuance of permits for exports for the species of the second schedule to the Wildlife Conservation Regulations, the species of the I, II or III Appendices to CITES, re-export of the species of the I, II, or III Appendices to CITES, internal trade of the above species, stating whether or not the export, re-export, internal trade will be for purposes not detrimental to the survival of the species in question.
 - ix. To advise the Authority on the issuance of permits for imports or transit of appendix I species of CITES, or those of the first and second schedules to the Wildlife Conservation Regulations, stating whether or not the import or transit will be for purposes not detrimental to the survival of the species concerned.

- x. To base its findings and advice on the scientific review of available information on the population status, distribution, population trend, harvest, and other biological and ecological factors, as appropriate, and trade information relating to the species concerned.

5 Conservation Area and Wildlife Management

5.1 Specific objectives of establishing a national protected areas network are to:

- (a) Ensure that a viable network of sites representative of territorial and marine natural ecosystems that occur in Liberia are dedicated to the protection and maintenance of biological diversity-and of natural and associated cultural resources.
- (b) Ensure that viable populations of ail indigenous wild species including migratory species are adequately conserved and that rare, endangered and endemic species are specially protected.
- (c) Protect and maintain ecological and life sustaining processes such as water catchments protection, soil conservation, genetic diversity and natural forest as carbon sinks.
- (d) Provide opportunities for research, education, recreation and tourism.
- (e) Generate economic activity in and around protected areas and promote the sustainable use of wildlife.
- (f) Enhance rural development by integrating protected area management into local economies.
- (g) Protect and maintain cultural and archaeological resources.

5.2 In accordance with Chapter 5 of this Act the Authority shall in a transparent and participatory manner and in consultation with communities to be affected, identify and target areas for protection and establish Protected Forest Areas Network and Conservation Corridors, designating protected area management categories appropriate to the sustainable forest and wildlife management in Liberia while taking into account rural community's needs, rights to community forest lands and forest resources, wildlife management and related ecotourism activities.

5.3 As mandated under the Forestry Reform Law of 2006 and now incorporated in this Act, the Authority, while taking the rights of forest communities and private landowners into account, shall establish a Protected Area Network, together with corridors and incorporating existing national forests and community forest lands with consent of the community, to cover at least 30 percent of the existing forested area of Liberia, representing about 1.5 million hectares.

5.4 To conserve forest resources and services within the Protected Forest Areas Network, the Authority shall:

- (a) Promote and undertake research in the Network on the socio-economic conditions of adjacent communities and on the distribution, habitat, and population of Wildlife.
- (b) Promote community-based participation in the management of the Protected Forest Area Network and wildlife management areas and forests on community forest lands as well as the participation of NGOs and the private sector in forest conservation.
- (c) Support communities to establish and maintain community-based forest management that meets their livelihood needs while accomplishing conservation objectives.
- (d) Seeks the advice of the Forestry Management Advisory Committee created under Section 4.2 of the National Forestry Reform Law 2006, and of other scientists, professionals, and members of non-governmental organizations, forest dependent communities, on the management of the Network and the promulgation of appropriate Regulations for the conservation of the environment within the Network and wildlife management Areas.

5.5 For the establishment of the Protected Forest Area Network, the Authority shall undertake surveys of areas of aesthetic, ecological or scientific interest and shall in collaboration with relevant line ministries and agencies, and in consultation with forest-dependent communities and civil society, based on agreed criteria, select and propose for presidential and legislative approval appropriate conservation and wildlife management categories.

(a) The following protected area categories shall be established by legislative actions:

- i. Habitat Species Management Area
- ii. Multiple Sustainable Use Reserve
- iii. National Forest Reserve
- iv. National Parks
- v. Natural Monument
- vi. Nature Reserve
- vii. Protected Landscape/Seascape
- viii. Strict Nature Reserve

(b) By regulations, the Authority shall establish the following protected forest areas at its own initiative or upon request of local communities, private land owners and relevant agencies:

- i. Buffer Zones
- ii. Communal Forests (as defined in this Act)
- iii. Community Resource Management Area
- iv. Community Wildlife Management
- v. Conservation Corridor
- vi. Controlled Hunting Area
- vii. Game Reserves
- viii. Marine Reserve or Park
- ix. Multiple Sustainable Use Management Area
- x. Wildlife Sanctuary

(c) The Authority may establish other protected area categories deemed necessary for the protection of biodiversity, in collaboration with the Environmental Protection Agency (EPA) and relevant agencies.

- (d) The Authority shall recognize traditional protected areas such as sande/bush schools, sacred sites, ancestor homes, and areas left for windbreak and watershed protection on community forest lands as components of the protected forest areas except that these areas are managed by the communities with agreed support from the Authority.
- (e) The Authority may propose for legislation, or establish by regulation, any protected area category listed in this Act as Trans-Boundary Conservation Area or Trans-Boundary Peace Park.

5.6 Protected Area Establishment:

- (a) Based on results of surveys, research, consultations and public notice, the Authority shall submit to the President of Liberia proposal to establish protected area categories listed in 5.5(a) of this Act setting forth the followings:
 - i. Clear statement as to the purpose of the protected area and management category.
 - ii. Description of the boundaries and report of stakeholder engagement indicating community feedback and agreement.
 - iii. Existing land use activities in the area.
 - iv. Assessment of the wildlife, natural, cultural, and other significant resources in the area.
 - v. Assessment of human disturbances and resource utilization.
 - vi. Identification of stakeholders/communities to be affected by the protected area establishment.
 - vii. Report of social and ecological consequences for the conservation area.
 - viii. A statement of potential for community management or co-management and benefits to local community.
 - ix. Plan for prompt, adequate and fair compensation of communities and/or private individuals for loss of rights, titles, interests, franchises, claims, and privileges.
- (b) Upon the receipt of the proposal, the President may issue a presidential proclamation designating the recommended areas as targeted protected areas and providing for measures for their protection until such time when the Legislature shall have enacted a law establishing said Protected Area.
- (c) Notwithstanding the establishment of the initial component of the Protected Forest Area Network, the Authority may collaborate with government agencies and partners to propose for inclusion in the Network additional forested areas with outstanding features, anthropological significance and biodiversity in accordance with provisions of this Act.
- (d) The Authority shall, for the purpose of establishing and managing protected areas, conduct protected area establishment stakeholder consultations at various levels (national, county/regional and community) to increase awareness of the protected area establishment and gather feedback.
- (e) The Authority shall design and effect consultation procedure that should ensures stakeholders awareness of the proposed protected area and gather inputs based on strategy that:

- i. Promotes transparent decision-making.
 - ii. Takes the capacity and interests of the different groups of stakeholders into account.
 - iii. Relevant to the creation of the stakeholders-supported protected area network.
 - iv. Solicits affected community feedback and partnership at the initial stage of the protected area creation process.
 - v. Encourages the exercising of real decision-making powers by providing the means for incorporating stakeholders' feedback into the planning process.
- (f) Upon the effective date of this Act, and subsequent to the establishment of additional protected areas, the Authority shall have in place a community consultation process designed by involving as many stakeholders as possible and incorporating lessons learned from protected area creation in Liberia.
- 5.7 The President shall, upon approval of any proposal submitted by the Authority under 5.2(a) of this Act, deliver to the Legislature for the establishment of a protected area.
- 5.8 The Legislature, upon consideration of proposal submitted by the President, may enact legislation establishing said protected area.
- 5.9 Within one year of the establishment of a protected area by the Legislature, the Authority shall, based on data and information submitted, clearly mark the boundary, between the established protected area and the surrounding areas.
- 5.10 The Authority, within six (6) months of the effective date of this Act, shall in consultation with relevant stakeholders establish regulations and/or procedures for the demarcation of protected area boundaries which shall not be limited to:
- (a) Community awareness raising process.
 - (b) Timeframe for the demarcation.
 - (c) Community involvement.
 - (d) Boundary marking process and design.
 - (e) Community concerns/conflict handling procedure
- 5.11 No protected area established by Legislative action shall be abolished, alienated, or boundaries shall be modified, except by act of the Legislature.
- 5.12 The Authority shall, as soon as practicable after the establishment of a Protected Area by the Legislature prepare and publish, and thereafter review every five years with full public participation and republish at least every ten years, a comprehensive management plan for the Protected Area in accordance with internationally accepted standards.
- 5.13 Requirement for Protected Area Management:

- (a) It is mandatory that management plans for each protected area are prepared by the Authority in collaboration with affected communities and approved by the Board of Directors;
 - (b) While a management plan is in effect for a Protected Area pursuant to this section, such plan shall be considered to have the status of regulations issued under this Act; and
 - (c) The Authority will manage the Protected Area in collaboration with relevant stakeholders in accordance with that management plan that may be revised as necessary or according to regulation and no activities may be undertaken, allowed, authorized or condoned in that Protected Area if they are not in compliance with that plan.
- 5.14 The Authority shall issue regulations, or guidelines, for implementation of a protected area management plan. The management plan of a protected area may contain the followings:
- (a) Description of the purpose and significant resources that warrant its inclusion in the protected area network of the country;
 - (b) Description of the area's exceptional resources.
 - (c) Development of economic opportunities within and adjacent to the protected area in terms of the integrated development plan framework.
 - (d) Development of local management capacity and knowledge exchange.
 - (e) Financial and other support to ensure effective administration and implementation of a co-management agreement.
 - (f) May be simplified for conservation areas established by regulation such as on private land, community-based conservation and wildlife management areas so long as the content of the management plans is consistent with the sustainable management of conservation and wildlife areas.
- 5.15 The Authority may, to allow for compatible human activities within a Protected Forest Area, identify and designate management zones describing activities permitted within each zone.
- (a) Management Zones and Description
 - i. Protected Zone: To protect the natural qualities of the site.
 - ii. Ecological or closed Zone: To provide maximum protection to site from all human interference.
 - iii. Wildlife Zone: To retain large areas of undeveloped land for wilderness experience.
 - iv. Multiple-use Zone: To provide for the sustained production of wild resources from a near natural ecosystem.
 - v. Special-use Zone: To provide sites for supportive programmes such as captive breeding, plant nurseries etc.
 - vi. Development Zone: To provide areas for administration buildings and visitor support services.
 - vii. Cultural (traditional use) Zone.

- viii. Traditional protected area management zone: areas where the use of traditional management knowledge and practices would be appropriate.
 - ix. any other category
 - (b) The description, objectives, management strategy development allowed, and the extent of public use for each of the categories of management zones shall form part of this Act.
 - (c) The Authority may enter into concession contract with a private person or community for the management of a protected area in its entirety, for specified wildlife management or to conduct activities permitted in a zone such as for the development, provision of maintenance and operation of infrastructural and other facilities in a protected area subject to conditions specified in the management plan of the protected area and license requirements.
- 5.16 The Authority shall within one (1) year of the effective date of this Act, develop coherent Regulations to establish and manage conservation categories listed in Section 5.3.2 of this Act in a transparent manner with public participation and shall contain information supporting the proposal for establishment, provisions for management plans to reflect purpose and objective for the establishment that conservation area and provision for demarcation requirement specific to that proposed conservation area.
- 5.17 Protected Area Regulations and Prohibitions
- (a) The Authority shall, within one 1 year of the effective date of this Act in consultation with local communities, counties, other local authorities and civil society, develop and issue, in accordance with accepted international standards, Regulations governing activities permitted and prohibited in the various management categories of Protected Forest Areas, Conservation Areas and wildlife management areas.
 - (b) Protected Area Regulations shall include but not limited to the following:
 - i. General offences as relate to the management category;
 - ii. Permitting system for entry to protected, conservation, wildlife protected areas;
 - iii. Permitting system for resource harvesting where appropriate -- taking of wildlife;
 - iv. Strictly prohibited activities
 - v. Regulated activities under zone management
 - vi. Permitted tourist activities such as camping and picnicking
 - vii. Destruction/altering of habitat
 - viii. Fee structure for activities such as commercial photography or filming
 - ix. Sale of goods
 - x. Conducting research
 - xi. Construction

xii. Mining

5.18 Alternative Livelihood of Communities:

- (a) The Authority shall, based on the assessed community needs, actively solicit the support of non-governmental organizations, and interested international organizations, to undertake efforts to provide and/or build the capacity for alternative livelihoods for communities adversely affected by the establishment or maintenance of Protected Forest Areas and to integrate livelihood needs within the parameters of the purpose and objectives of the protected area.
- (b) The Authority may explore the feasibility of applying the social agreement requirement of Section 53 (vi) of National Forest Reform Law 2006 to protected forest area establishment and related management concessions, as provided for in Section 6.3 of the Act, as a means by which communities affected by protected areas establishment could have some of their livelihood and development needs met.

5.19 Environmental Impact Assessment of Protected Area:

- (a) Protected Area establishment and proposed development, commercial activities and management plans are subject to the Environmental Impact Assessment (EIA) requirements of the Environment Protection and Management Law of Liberia.
- (b) The Authority may develop protected-area- specific EIA guidelines or ensure that forest sector-specific EIA guidelines include adequate EIA requirements for protected areas and that the guidelines promote transparency and public participation of relevant conservation stakeholders in the process.

6 Wildlife Conservation

6.1 Wildlife Protection

- (a) The Authority shall ensure the protection of all wildlife species, known and unknown as part of an important natural heritage and a symbol of significance to the cultural values of the communities surrounding the protected areas, forest edge and the corridors joining key wildlife protected areas. In relation to the protection of wildlife outside protected areas the objectives shall be:
 - i. To ensure that viable populations of all indigenous wild species including migratory species, marine species, and mangrove species are adequately conserved and that rare, endangered and endemic species are specially protected.
 - ii. That indigenous species are maintained to support genetic pool and diversity essential for maintaining a viable wildlife population in the country.
 - iii. To provide opportunities for research, education, recreation and community eco-tourism opportunities as an incentive for local communities to participate in community-based wildlife management.
 - iv. To enhance rural development by diversification of community-based activities that depend on wildlife in the community lands and as an alternative and viable land use.
- (b) The Authority, in collaboration with communities, private land owners, occupants, concession holders, civil society and relevant line ministries, especially Ministry of Internal Affairs shall, in

a transparent and consultative manner develop/design/establish a regulatory regime for private land owner and community-based management/joint forest management of Protected Areas, forest conservation areas and wildlife management areas.

6.2 Wildlife Utilization:

(a) Regulatory Regime.

- i. Integrate traditional forest management practices.
- ii. Establish guidelines for communities, private land owners, occupants, concession holders.
- iii. Regulate management roles of management structures established in Chapter 3 of this Act.
- iv. Formulate the methodology for establishing community-based management systems.
- v. Benefit sharing arrangement/mechanisms.
- vi. Establish guidelines for participatory decision making.
- vii. Establish guidelines for consultations.
- viii. Establish procedures for requesting the Authority's support for community-based joint management of protected areas.

(b) For the purpose of sustainable management of Liberia's wildlife, the Authority shall establish regulations that govern all wildlife including fauna and flora, in protected areas and outside of protected areas. The Authority may by regulation:

- i. Control the use of Wildlife.
- ii. Establish a regime for nationally and internationally recognized protected species.
- iii. Control hunting to achieve sustainable harvest.
- iv. Control trade in Wildlife.
- v. Establish requirements for the issuance of hunting and wildlife trading certificates and licenses.

(c) The Authority shall by regulation and in consultation with relevant stakeholders establish appropriate hunting methodologies, allowable yield and off-take, trade and transport procedures for commercial and non-commercial hunting activities and any related licensing fees.

6.3 Wildlife Use Right:

(a) The Authority may establish through regulation, a permitting regime to define and implement Wildlife Use Rights application procedures (including criteria for eligible applicants), and prohibitions, with respect to the following activities:

- i. hunting
 - ii. agricultural/activities in multiple sustainable use reserves, buffer zones and community-owned forest areas;
 - iii. education and scientific activities
 - iv. non-timber forest product extraction
 - v. wildlife captive breeding and ranching
 - vi. Ecotourism.
- (b) Community Wildlife Use Rights shall be as prescribed under the Community Rights Law Related to Forest Lands upon publication in handbill.
- (c) The Authority may establish two categories of Wildlife Use Rights permit and fees for commercial and subsistence wildlife use to ensure sustainable harvesting resources.

6.4 Protected Wildlife Species

- (a) The Authority shall declare any wild plant or animal to be classified as a protected species based on best available data on the status of the species.
- (b) The Authority shall, for purpose of species classification, conduct biological surveys at least once every five years to:
- i. Review the population, distribution, and status of Liberia's wildlife and identify categories of animals and plants that are threatened with or in danger of extinction;
 - ii. Establish, maintain, and update a list of animals and plants, and, in collaboration, with The Ministry of Agriculture, aquatic species, that are threatened with or in danger of extinction in Liberia under Paragraph (i) of this Subsection.
- (c) The Authority shall promulgate regulations to:
- i. Establish categories of protection, including fully protected and partially protected, to apply to identified species;
 - ii. Establish a procedure and criteria for listing and delisting threatened and endangered species, including CITES Appendix I and II species.
 - iii. Establish a methodology for conducting species classification surveys, including provisions for data storage and public access within one year of the effective date of this Law.
- (d) Wildlife protection under this Law shall extend to species that migrate to or through the territory of the Republic of Liberia, and that are protected under any international convention or treaty to which Liberia is party.
- (e) Protected Species Control
- i. Except as provided in this Section, no person shall hunt, kill, capture, injure, harass, or trade any protected species, live or dead, or any part thereof, identified in the list established and maintained by the Authority under Subsection 6.3.(b)(ii) of his Law.

- ii. Section does not apply to any protected species that has been born, propagated, or lawfully placed in captivity and for which the owner has obtained a certificate to that effect from the Authority.
- iii. Any Officer the Authority authorized in writing to do so by the Authority may hunt or capture any Wild Animal, including any protected animal, anywhere in Liberia, including in a National Park, Nature Reserve, Game Reserve, or Controlled Hunting Area, where:
 - a) Such hunting or capture has been requested by the Authority in the interest of research and sustainable management;
 - b) The Authority has determined that such hunting or capture is necessary for the safety of the public or the protection of crops, livestock, or other property; or
 - c) The Authority has determined that such hunting or capture is necessary to prevent undue suffering by any animal.
- (f) The Authority may authorize the capture, removal, and transfer of any protected species identified in the list established and maintained by the Authority under Section 6.3(a) if such activity is for the purpose of captive breeding, propagation, safety of the species or of humans, scientific research, or educational purposes.
- (g) The Authority may issue a certificate of legal ownership or possession for any protected species where the Authority is satisfied that such species was lawfully obtained under the authority of a valid license or permit or by other lawful means, or was raised in captivity. The person in possession bears the burden of proving lawful possession of any protected animal or any part thereof.
- (h) The Authority shall promulgate regulations detailing the procedures, terms, and standards for issuing licenses and permits for the ownership, possession, capture, removal, or transfer of a protected species pursuant to this Section.
- (i) The Authority shall ensure that the hunting and trade of wild animal species is based on surveys mandated under Section 6.3 of this Law and available wildlife data from other sources.
 - i. The Authority shall establish a list and update it every five years pursuant to the findings of the surveys required by Section 6.3 of animals:
 - ii. Whose depletion would have negative ecological impacts and which should be given special protection; and
 - iii. Which, due to rapid natural replacement (recovery, regeneration), could be sustainably harvested for subsistence and regulated trade.
- (j) The Authority shall establish licensing standards or exemptions, as appropriate, for particular categories of hunters, including, but not limited to
 - i. Persons commercially remunerated for services related to hunting;
 - ii. Persons hunting for commercial purposes; and
 - iii. Persons hunting for subsistence purposes.

- a) The Authority shall issue licenses for categories of hunters pursuant to the standards or exemptions developed under subsection (c) of this Section.
 - b) The Authority shall promulgate hunting regulations using the information required by this section.
 - c) The Authority shall educate the public about the findings of the surveys, particularly regarding which species can be sustainably harvested.
- (k) Keeping wild animals without a valid permit is prohibited. The Authority shall, by Regulation, establish procedures and standards for the issuance of Wild Animal possession permits.
 - i. The Authority shall, by Regulation, establish procedures and standards for the issuance of Wild Animal trading licenses.
 - ii. The Authority shall cancel a permit where a Wild Animal is not kept and cared for humanely or in accordance with the conditions prescribed by the permit.
 - iii. The Authority may take possession of any Wild Animal from any Person who does not possess a valid permit. The Authority may thereafter release the animal, donate the animal to a zoological institution or other appropriate facility, or dispose of the animal in a humane manner, in the discretion of the Authority.
- (l) The Authority may quarantine, humanely destroy, or deliver to the appropriate governmental agency for investigation any diseased live Wild Animal seized or confiscated.

6.5 Wildlife Management Planning

- (a) The Authority shall, within one year of the effective date of this Law and every five years thereafter, develop a plan for improving the status of regulated wildlife populations, in particular protected species, based on the information generated by the surveys mandated by Section 6.3.
- (b) This plan must be developed through a participatory process and must include provisions for stakeholder participation in wildlife conservation and management Wildlife Management Planning.

7 Private Sector Participation in Wildlife Management

7.1 Collaborative Management

- (a) The Authority, in collaboration with communities, private landowners, occupants; forest resources license holders, civil society, and relevant line ministries, especially the Ministry of Internal Affairs, and other constituents of Liberian society shall, in a transparent and consultative manner, develop a policy for private landowner- and community-based management/joint forest management of Protected Areas, conservation areas, and wildlife management areas.
- (b) The Authority shall promulgate such regulations as are necessary to implement the policy established in collaboration with the stakeholders.
- (c) The regulatory regime as mandated in above shall:

- i. Consider and integrate, as appropriate, traditional forest management practices;
- ii. Establish guidelines for communities, private landowners, occupants, concession holders, and civil society to participate in the implementation of wildlife management and protected area regulations;
- iii. Establish protocols and standards for public participation in activities including, but not limited to, the management of protected areas, provision of services, ecotourism, construction and management of hotels, sport hunting, management of species in protected areas, and the management of protected forest areas for carbon sequestration;
- iv. Further define and regulate the roles of management structures consistent with Chapter 3 of this Law;
- v. Establish the methodology for establishing community-based management systems;
- vi. Establish a protocol for benefit sharing;
- vii. Set guidelines for stakeholder consultations and participatory decision-making; and
- viii. Establish procedures for requesting the Authority's support for community-based/joint management of protected areas.

7.2 Establishment of Conservancy

- (a) The Authority shall promulgate regulations elaborating procedures and standards for the establishment of conservancies. Conservancies may be established with any management approach valid for other protected areas under this Law.
- (b) Authority shall assist private landowners, communities, and legal land occupiers to establish conservancies for conservation of natural resources and wildlife management on private land.

7.3 The Authority shall require all holders of forest resources licenses to include wildlife management in their management plans, including, but not limited to, measures ensuring that no hunting or transportation of illegally acquired wildlife takes place in company vehicles or on logging roads.

8. Trade in Wild Animals, Protected Animals, and Wildlife Products

8.1 No Person shall export from Liberia any Wild Animal, including a Wild Animal kept as a pet, except pursuant to a valid permit issued by the Authority and a certificate issued by the Ministry of Agriculture or the Ministry of Health & Social Welfare certifying that the animal is in good health and free of all communicable diseases.

8.2 Export of Protected Animals

- (a) No Person shall export, re-export, or attempt to export or re-export any protected wildlife species in Liberia, or as listed in Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), except for purposes of scientific research, including breeding in captivity.

- (b) The Authority shall not issue an export permit for any protected wildlife species unless the Authority is satisfied (i) that the species has been lawfully obtained (ii) that the export will not be detrimental to the survival of the species (iii) that if CITES or the laws of the importing country require an import permit, an import permit has been issued by the competent Authority of the importing country and (iv) that such animal will be prepared and shipped so as to minimize any risk of injury to health and to prevent cruel treatment.
- 8.3 No Person shall import or attempt to import into Liberia any Wildlife, except pursuant to a valid permit issued by the Authority, a valid export permit issued by the competent Authority of the country of export, and, in the case of a Wild Animal, a certificate issued by the Ministry of Agriculture or the Ministry of Health & Social Welfare certifying that the animal is in good health and free of all communicable diseases.
- 8.4 The Authority may by Regulation establish rules governing the fabrication, sale, transport, and use of household and personal goods derived from Wild Animals and establish standards with those in common use internationally.
- 8.5 After the Authority has established standards under Section 6.1 of this Law, no Person shall export products derived from wild animals except in conformity with the standards.
- 8.6 Export Permit
 - (a) No Person shall export wildlife flora and fauna species without an export permit from the Authority.
 - (b) The Authority, may issue export permits for wildlife flora and fauna species meeting mandated requirements.
 - (c) The Authority shall not issue an export permit without confirming that all taxes and fees relating to wildlife subject to the permit have been paid.
- 8.7 The Authority shall ensure that all permits and licenses related to the import and export of protected wildlife species are also required for CITES Appendix I-II listed aquatic species that are harvested from the sea within Liberia's jurisdiction.
- 8.8 The Authority shall cancel any revoke where it discovers information provided for the purpose of being granted the permit is false or misleading.

9 Measures For The Promotion Of Wildlife Activities

9.1 Conservation and Wildlife Research

- (a) The Authority shall encourage scientific research and education related to wildlife Conservation, and wildlife species, and may engage directly in related research and training activities.
- (b) The Authority shall encourage research and education related to traditional knowledge concerning forest conservation and wildlife management with the objective that such knowledge shall be integrated into sustainable wildlife management in Liberia.

9.2 Scientific Data

- (a) As a condition of funding or granting permission for privately conducted inventories, surveys, and other research the Authority shall require the researchers to provide the Authority with all data and reports from the research.

- (b) A researcher submitting data or reports under this Section may request that the Authority withhold the information from public release as confidential business information, and the Authority shall process the request under Section 18.15 of the National Forest Reform Law 2006.

10 Establishment of Conservation and Wildlife Fund

10.1 The Authority shall in consultation with relevant stakeholders, establish a Fund to be known as the Conservation and Wildlife Fund for the administration of protected areas, wildlife conservation and management activities, and enforcement of this Law.

10.2 Source of Fund for Conservation and Wildlife Management

- (a) Government of Liberia budgetary appropriation by the Legislature
- (b) Voluntary contributions by institutions, organizations and individuals
- (c) Donations, grants, endowments
- (d) Payment of fees for utilization of conservation and wildlife related services, facilities, etc.

10.3 The Authority shall promulgate regulations detailing the use and management of the Fund.

11 Offenses and Penalties

11.1 General Enforcement and Offenses

- (a) A court of competent jurisdiction may issue an injunction to enforce any provision of his law against any person, including the Authority.
- (b) A person who contravenes any of the provisions of this Law, or any Regulation implementing any provision of the Law, is guilty of an offense and is liable upon conviction to fines, imprisonment and other penalties as established by the Authority.
- (c) Offenses that are criminal in nature shall be referred to the appropriate judicial authority.
- (d) Any offenses and penalties prescribed are specific to this Law and penalties for related offenses under National Forest Reform Law 2006 are cumulative.

11.2 Specific Offences and Penalties

	Offense/Violation	Penalty
1	Possession of weapon in protected area	US\$50.00 - US\$200.00, or 30 days - 6 months imprisonment.
2	Hunting in a National Park.	US\$1,000.00 - US\$2,000.00, or 6 months - 1 year imprisonment.
3	Hunting or killing of elephant, hippopotamus, and leopard.	US\$5,000.00 - US\$10,000.00, or 2 years - 4 years imprisonment.
4	Hunting or killing other protected animals without permit/license.	US\$250.00 – US\$5,000.00, or 4 months – 6 months imprisonment.
5	Cutting of trees or farming in a National Park.	US\$250.00 – US\$500.00, or 30 days imprisonment.
6	Fishing in a National Park or Nature Reserve.	US\$100.00 - US\$150.00, or 60 days – 100 days imprisonment.
7	Possession of live wild animal without permit/license.	US\$100 – US\$150.00, or 3 months imprisonment.

8	Hunting in a game reserve without permit/license.	US\$250.00 – US\$500.00, or 4 months – 6 months imprisonment.
9	Hunting without permit/license.	US\$250.00 – US\$500.00, or 1 year imprisonment.
10	Trophy hunting and export of protected wild animal without permit/license.	US\$5,000.00 – US\$10,000.00, or 4 years imprisonment.

11.3 Any Person who, within two years following conviction for an offense against the provisions of this Law and related Regulations shall:

- (a) be liable to a fine of not less than US\$500.00 and not more than US\$1,000.00, or a term of imprisonment not less than one year and not more than two years,
- (b) suffer the permanent confiscation of any weapon or device used in the commission of such offense

11.4 Any officer of the Authority who is convicted of an offense against the provisions of this Law shall, in addition to prosecution under this Law be subject to disciplinary action including suspension without pay and dismissal

12 Miscellaneous Provisions

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

12.2 The Authority shall within one year of the effective date of this Act, if not before, ensure that provisions requiring regulations are identified and put into place processes for achieving the requirement.

13 Effective Date

13.1 This Act shall take effect immediately upon publication into handbill.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND TITLE 23, NATURAL RESOURCES LAW, LIBERIA CODES OF LAW
REVISED, BY REPEALING SUBCHAPTER B, FISH RESOURCES AND TO AMEND TITLE
30, PUBLIC AUTHORITY LAW TO CREATE THE NATIONAL FISHERIES AND
AQUACULTURE AUTHORITY**

1. General Provisions

1.1 This Act shall be cited as the National Fisheries and Aquaculture Act.

1.2 Application

(a) This Act, unless the contrary intention appears, applies to:

- i. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
- ii. all fishing and related activities and any other activity or matter falling within the scope of this Act and its Implementing Regulations;
- iii. all persons, vessels, vehicles, aircraft, export facilities or craft or other place engaged in or otherwise connected with any activity falling within the scope of this Act and its Implementing Regulations;
- iv. all persons (including non-citizens), and all vessels (including foreign vessels):
 - a) in relation to the Fisheries Waters; and
 - b) in relation to areas beyond national jurisdiction:
- v. Following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
- vi. as required pursuant to this Act or international conservation and management measures, or permitted by international law or any international agreement; and

(b) All Liberian fishing vessels and all persons on board or dealing with or having any relevant relationship to them or persons on board, in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

2 Objective, Principles and Policy

2.1 The objective of this Act shall be to ensure the long-term management, conservation, development and sustainable use of the fisheries and aquaculture resources and related ecosystems for the benefit of the people of the Republic of Liberia.

2.2 All authorities, responsibilities and functions under this Act and its Implementing Regulations should be exercised in a manner consistent with the following principles:

(a) All fisheries and aquaculture resources, and its natural habitat of the Republic of Liberia, are the natural assets, heritage, and sovereign rights of the Liberian people. The Government shall

exercise jurisdictional and consequential custody of these resources for the benefit of present and future generations.

- (b) Fisheries and aquaculture resources shall be used sustainably to achieve socioeconomic benefits including economic growth, human resource development, employment creation and ecological balance.
- (c) Management measures shall be based on the best scientific evidence available to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors including fishing patterns, the interdependence of stocks and relevant international standards.
- (d) The precautionary and ecosystem approaches shall be applied to the management and development of the fisheries and aquaculture, at a standard that is equal or superior to agreed international standards, and that take into account the need to conserve habitats and biodiversity.
- (e) Management measures for fishing and related activities shall minimize:
 - i. Wastes, by-catch, discards, regulatory discards, economic discards and catch by lost or abandoned gear.
 - ii. Pollution originating from fishing vessels or vessels engaged in related activities.
 - iii. Negative impact by gear and harvesting methods on the fishery resources.
 - iv. Catch of non-targeted species.
- (f) Resources shall be allocated consistent with national standards and, among other things, to promote employment and develop the fisheries and aquaculture sectors of the Republic of Liberia.
- (g) The standard of optimum utilization of resources shall be applied and adapted to value creation, markets and industries in relation to the fisheries and aquaculture sectors.
- (h) The best available data and information concerning activities falling within the scope of this Act as well as fisheries and aquaculture resources shall be collected and shared in a timely manner, as appropriate.
- (i) Over-fishing and excess capacity shall be prevented or eliminated and levels of fishing effort managed so they do not exceed those commensurate with sustainable use of fishery resources.
- (j) Customary fishing rights shall be recognized and access for customary fishing ensured.
- (k) The interests of artisanal and subsistence fishers shall be taken into account, including their participation in management of their respective fisheries.

- (l) Conservation and management measures, including those agreed by a regional fisheries management organization in which the Republic of Liberia is a member, shall be implemented and enforced through effective monitoring, control and surveillance.
- (m) The Republic of Liberia shall effectively implement international agreements and relevant international law and cooperate effectively with other States and organizations in the management and development of fisheries and aquaculture.

2.3 National Fisheries and Aquaculture Policy

- (a) There shall be a National Fisheries and Aquaculture Policy as promulgated by the Director General in consultation with the Board, taking into account the objective and principles of this Act and its Implementing Regulations.
- (b) The Director General shall submit the National Fisheries and Aquaculture Policy to the Cabinet for approval.
- (c) The National Fisheries and Aquaculture Policy shall be reviewed, and as necessary revised at least once every five (5) years.

3 Establishment of The Authority

3.1 Establishment of the Authority

- (a) There is hereby established the National Fisheries and Aquaculture Authority of Liberia ("Authority"), which shall be responsible for the conservation, management and development of Liberia's fisheries and aquaculture resources in accordance with this Act.
- (b) The Authority shall be an autonomous agency of the Government and shall be under the general supervision and direction of the Director General. The Authority shall be governed by a Board of Directors.
- (c) The Authority shall be a body corporate with perpetual existence and a common seal and shall, in its corporate name, be capable of: (i) Suing and being sued; (ii) Taking, purchasing, charging and disposing of movable and immovable property, and doing any other act or thing which may or be done by a body corporate.
- (d) The common seal of the Authority shall not be affixed to any instrument except pursuant to a resolution of the Board and the affixing of the seal shall be attested by two members of the Board.
- (e) The Authority shall have its headquarters in Monrovia and may establish such offices in the counties as may be appropriate.

3.2 **Functions of the Authority**

- (a) The National Fisheries and Aquaculture Authority shall have the following functions and responsibilities:
- i. Manage fisheries and aquaculture activities and promote the conservation management and sustainable use of the fisheries and aquaculture resources.
 - ii. Conserve and manage the fisheries and aquaculture environment, including water quality and biodiversity.
 - iii. Develop and implement plans, policies and strategies within the scope of this Act.
 - iv. Act on behalf of the Government in relation to any domestic or international agreement or arrangement relating to fisheries, related activities, aquaculture and any other matter falling within the scope of this Act and its Implementing Regulations, including access agreements and fisheries management agreements, to which the Republic of Liberia is or may become a Party.
 - v. Responsible for the issuance of license, authorizations and accreditation to qualified persons and companies in accordance with this Act and its Implementing Regulations.
 - vi. Collect, analyze and maintain registers, data and information relating to fisheries and aquaculture resources and activities for public reference.
 - vii. Undertake monitoring, control and surveillance as appropriate in collaboration with relevant agencies including cooperation, agreements or arrangements with other States or relevant international, regional or sub-regional organizations.
 - viii. Approve and arrange or facilitate research on any matter within the scope of this Act and its Implementing Regulations, including regionally based cooperative research.
 - ix. Provide training in fisheries and aquaculture and promote the extension of higher education in human resource development in the fisheries and aquaculture sectors.
 - x. Participate in the planning and execution of projects, programs or other activities related to matters within the scope of this Act and its Implementing Regulations.
 - xi. Raise revenue through fees, fines, investments and other means in accordance with this Act and its Implementing Regulations, including to accept and receive subscriptions, donations, devices and bequests, whether of movable or immovable property and whether absolute or unconditional for the general or special purposes of the Authority or subject to any trust.
 - xii. Have the power to levy fines, receives fees, and any grant, gifts donations or endowments and make legitimate disbursements thereof in the performance of the functions mandated to it by this Act; provided that gifts (of whatever kind or nature), grants donations and

endowments shall be strictly of an official nature and shall be deemed the assets of the Authority.

- xiii. Enter into contracts with other bodies, institutions, organizations and persons, within or outside Liberia as the Authority may consider desirable or appropriate, in effectuation and furtherance of the purposes of which the Authority is established.
 - xiv. Facilitate investment in commercial fisheries and aquaculture, in collaboration with relevant agencies, persons or bodies.
 - xv. Liaise as appropriate with stakeholders including national and local level governments and communities-, other States, regional and international organizations, institutions, experts and industry representatives on matters falling within the scope of this Act.
 - xvi. Establish procedures or regulations necessary for the implementation relative to this Act as well as all aspects of fisheries and aquaculture management.
 - xvii. Undertake the development of appropriate fisheries and aquaculture infrastructure, including identifying and promoting construction of any works deemed necessary for the sustainable development and economic utilization of fisheries and aquaculture resources.
 - xviii. Perform such other functions and responsibilities as may be necessary to carry out the objectives, principles and provisions of this Act and its Implementing Regulations.
- (b) The Director General may establish as approved by the Board, such Committees or other institutional arrangements as may be appropriate to carry out its functions and responsibilities.

3.3 Appointment of the Director General

- (a) On the recommendation of the Board, the President shall appoint a Director General with the consent of the Senate, who shall hold an advanced degree from a recognized university in: (i) Natural resources or environmental management, development or science. (ii) Fisheries studies, aquaculture studies, including fisheries or aquaculture governance, management, development or science; (iii) Oceanography (iv) Any other area which the Board is satisfied is relevant, to the position and has at least seven years of experience in a senior management position.
- (b) The Director General shall hold office for a term of four (4) years, which may be renewed for one additional term of four (4) years and no more.

3.4 Functions of the Director-General

- (a) The Director-General shall be the Chief Executive Officer responsible for the day to day management of the Authority under the supervision of the Board of Directors.
- (b) Without prejudice to the generality of the foregoing, the Director General shall:

- (a) Be responsible for carrying out the functions, managing the affairs and exercising the powers of the Authority.
- (b) Ensure the effective and fair interpretation, application and implementation of this Act and its implementing regulations.
- (c) Ensure efficient and effective administration of the Authority, including through the preparation of annual budgets and work plans as well as the development strategies for the Authority.
- (d) Prepare the annual Human Resources Management Plan, for the approval of the Board, to guide the management of the human resources of the Authority.
- (e) Recommend to the Board the recruitment of competent human resources for the Authority.
- (f) Identify marketing and investments opportunities for the fisheries and aquaculture sectors; g. by directive of the Board.
- (g) Negotiate agreements on behalf of the Authority for the management, conservation, use and exploitation of fisheries and aquaculture resources.
- (h) Develop and publish such regulations, circulars, and guidelines necessary for the implementation of this Act and the management of fisheries resources.
- (i) Perform such other functions as the Board may require from time to time.

3.5 Appointment of Deputy Director Generals

- (a) There shall be established within the Authority two Deputy Director Generals appointed by the President with the consent of the Senate. One deputy director shall be responsible for administration and the other shall be responsible for technical services. They shall assist the Director General in the day to day activities of the Authority. The Deputy Director Generals shall hold comparable qualifications as the Director General.
- (b) The Deputy Director General for Administration shall hold office for a term of four (4) years while the Deputy Director General for Technical Services shall hold office for a term of five (5) years. A Deputy Director General may be reappointed for one additional term of four (4) years and no more.

3.6 Functions of the Deputy Director General for Administration

- (a) The Deputy Director for Administration shall:
 - i. Assist the Director in the day to day administration of the Authority.
 - ii. Handle the administration functions of the Authority in consultation with the Director General and such other staff as may be necessary.

- iii. Coordinate and ensure the timely preparation and implementation of the institutional capacity building and community mobilization.
- iv. Assist the Director General to prepare an annual work program and updated budget, procurement plan and monitoring and evaluation plan for approval annually.
- v. Maintain necessary documentation and accounts giving the detailed facts of all expenditures related to the Authority.
- vi. Also perform such other functions as may be delegated to him by the Director General.

3.7 Functions of the Deputy Director General for Technical Services

- (a) The Deputy Director for Technical Services shall:
 - i. Assist the Director General in coordinating and working with relevant ministries, local government authorities and institutions, international agencies, nongovernmental organizations, community-based organizations and local communities in order to ensure the smooth execution of the Authority's activities.
 - ii. Shall be the principal deputy and shall act in his absence and such other period when the Director General becomes temporarily incapacitated.
 - iii. Ensure the proposed project activities within the Authority are screened against environmental guidelines in order to identify those classified environmental impact assessment (EIA) category B for further review and monitoring of the implementation of the appropriate mitigation measures.
 - iv. In coordination with the Director General, supervise technical activities of the Authority, including fisheries and aquaculture field activities in the counties and other pilot sites and ensure that monitoring is carried out efficiently, rapidly, and in a transparent manner.
 - v. Participate in all fisheries and aquaculture project reviews.
 - vi. In consultation with the Human Resource Department recruit specialists as needed and prepare the terms of reference for key consultant services to be recruited through the project.
 - vii. Ensure constant communication and feedback from staff on project implementation and progress.
 - viii. Perform such other functions as may be delegated to him by the Director General.

3.8 Vacation from Office

- (a) Notwithstanding the fixed tenure of service, a Director General or his Deputies may resign his or her office upon due written notice to the President. The resignation shall take effect as of the date of receipt or acknowledgement of the letter of resignation by the President.
- (b) The President shall, on the recommendation of the Board, remove a Director General or Deputy Director General from Office for good and sufficient cause stated therein, including prolonged sickness or absence, conviction of a felony or misdemeanor, or being otherwise unable or unfit to discharge the duties of his/her office.
- (c) The President shall nominate someone to fill the vacancy created by the death of a Director General or Deputy Director General within sixty days, provided however that the person filling

the vacancy shall only serve the unexpired term, but may upon the expiration of the unexpired term be nominated for a full term to the position.

- (d) The same procedures for appointment shall apply to the filling of any vacancy created by reason of any of the factors listed above.

3.9 Other Staff

- (a) The Director General on the advice and approval of the Board may establish such other departments, divisions, sections and units, as may be necessary for the day to day management of the Authority.
- (b) The Director General, as necessary for the proper and effective performance of the functions of the Authority, shall implement a competitive employment process.

3.10 Establishment, functions, powers and duties of the Board of Directors

- (a) There shall be a Board of Directors of the Authority, which shall have the following functions;
 - (i) Establish and adopt the necessary policies and procedures to ensure the efficient functioning of the Authority.
 - (ii) Provide general control over and be accountable to the President for the exercise of the functions and powers of the Authority.
 - (iii) Provide guidance to the Director General on all matters pertaining to the conservation, management, development, and sustainable use of fisheries and aquaculture resources.
 - (iv) Provide recommendations to the Director General for overall policy in matters within the scope of this Act and its Implementing Regulations.
 - (v) Shall review and approve recommendations from the Director General on proposed Access Agreements under this Act and its Implementing Regulations.
 - (vi) Approve the annual budget, financial plan, and Human Resources Management Plan of the Authority and otherwise provide oversight for all financial matters.
 - (vii) Endorse the required annual reports of the Authority and perform such other duties as may be provided in this Act and its Implementing Regulations.

3.11 Appointment, Membership, and Tenure of the Board

- (a) The President shall appoint nine (9) persons as members of the Board of the Authority based on their integrity, gender, knowledge, expertise, and experience. Non statutory members of the Board shall hold office for a period of four years. All non-statutory members of the Board shall be appointed by the President with the consent of the Senate.
- (b) The members of the Board of Directors shall consist of:
 - i. The Minister of Agriculture (Chairman)

- ii. Ministry of National Defense
 - iii. Ministry of Finance and Development Planning
 - iv. Ministry of Commerce & Industry
 - v. Liberia Maritime Authority
 - vi. Four (4) members selected from the public.
 - vii. The Director General shall serve as ex-officio and Secretary of the Board but shall have no voting rights.
- 3.12 Upon the constitution of the Board of Directors, the Board shall meet to formulate policies and procedures to govern the activities of the Authority consistent with this Act.
- 3.13 Board Fees, Remuneration and Allowances
- (a) Members of the Board selected from the public shall receive Board remuneration as are approved in the Authority's annual budget in accordance with the policy of the Government.
 - (b) Statutory members of the Board shall not be entitled to Board remuneration.
- 3.14 Fisheries and Aquaculture Associations ("Association") may be established in accordance with this Act and its Implementing Regulations for the purpose of exercising rights and responsibilities within a designated area relating to information and decision making for fisheries and aquaculture conservation, management and sustainable use.

4 Fisheries and Aquaculture Management and Use

- 4.1 Conservation and Management Measures
- (a) In giving effect to its responsibilities for fisheries and aquaculture conservation and management pursuant to this Act and its implementing Regulations, the Authority shall develop, recommend to the Board of Directors, implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fisheries and aquaculture resources in accordance with the principles for fisheries and aquaculture management set out in this Act.
 - (b) Conservation and management measures shall be developed, to the extent possible, taking into account consultations with stakeholders, and may be implemented inter alia through Fisheries and Aquaculture Management Plans, regulations, public notice, as a condition of license, in writing, or otherwise as provided in this Act.
- 4.2 The Director General shall draw up Fisheries and Aquaculture Management Plans consistent with the objective and principles of this Act for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders in the development of each Plan.

4.3 Subsistence Fishing

- (a) Liberian citizens and persons who are entitled to reside and work in Liberia may undertake subsistence fishing within the Fisheries Waters.
- (b) The Authority may, by public notice, prohibit subsistence fishing in specified areas where it is necessary for reasons of health, environmental protection or fisheries conservation and management.
- (c) Any person who undertakes subsistence fishing, except in accordance with subsection (a) or in contravention of a public notice issued pursuant to subsection (b), commits an offence and shall be liable for a fine not exceeding the maximum amount described in the Implementing Regulation.

4.4 Artisanal Fishing

- (a) Artisanal fishing may be undertaken only by Liberian citizens and persons who are entitled to reside and work in Liberia pursuant to regional and international agreement to which Liberia is party or has consented to, and who hold a valid and applicable artisanal fishing license and artisanal fishing vessel registration issued in accordance with applicable Liberian laws or international laws to which the Republic is a Party.
- (b) Any person who undertakes artisanal fishing except in accordance with subsection (1) or in contravention of a public notice issued pursuant to subsection (1) commits an offence and shall be liable for a fine not exceeding the maximum amount described in the Implementing Regulation.

4.5 The Inshore Exclusion Zone shall be reserved solely for the use of subsistence, artisanal and semi-industrial fishing activities in line with this Act and its Implementing Regulations.

4.6 The Authority may, in accordance with the objective and principles of this Act, by public notice establish aquaculture, marine and inland fishing zones based upon, *Inter alia*: vessel size; engine use; engine size or horsepower; fishing gear; the period and/or duration of the fishing trip; and/or other criteria it deems appropriate, and shall ensure that such zones comply with the requirements of this Act and its Implementing Regulations relating to the Inshore Exclusion Zone.

4.7 Designation or Landing Sites and Ports:

- (a) The Authority shall designate landing sites for use by local fishing vessels and ports for use by all industrial fishing vessels and all foreign fishing vessels, and shall give public notice of such designations.
- (b) Landing sites designated in accordance with subsection (a), together with related land, buildings and facilities shall be used principally for fisheries purposes including the landing of fish from fishing vessels including fish transport vessels, as well as the onward processing and sale of such fish.

- 4.8 Fisheries and Aquaculture conservation and management measures may be prescribed or imposed by public notice in accordance with this Act and its Implementing Regulations.
- 4.9 The Authority shall develop strategies and, as appropriate, Fisheries and Aquaculture Management Plans, guidelines and regulations for the application of license, conservation, management and sustainable use of fisheries and aquaculture occurring in the inland waters of the Republic of Liberia.
- 4.10 Special Management Area
- (a) The Authority, in consultation with the Forestry Development Authority, Environmental Protection Agency, Land Authority, Liberia Maritime Authority, Ministry of Foreign Affairs, Ministry of Justice and Ministry of Defense as appropriate, may, with the objective of conservation, management, and sustainable use of fisheries and aquaculture resources, by Notice in the Gazette, declare any area of the Fisheries Waters and adjacent areas, including protected areas under any other laws, to be Special Management Areas for the purpose of:
 - i. Implementation of conservation and management measures.
 - ii. Protecting or regenerating fisheries and aquaculture resources and marine ecosystems including breeding grounds and flora or fauna under threat of extinction.
 - iii. Promoting scientific study and research.
 - iv. Preserving and enhancing the natural beauty of such an area.
 - v. Community co-management.
 - vi. Promoting sustainable livelihoods for local fishing communities.
 - vii. Other purposes in accordance with the objectives and principles of this Act.
 - (b) The notice declaring the Special Management Area shall specify the area, boundaries, purpose, objective, mandate for total or partial regulation, management measures, decision-making responsibilities, procedures for the coordination of stakeholders, procedures for conflict resolution, procedures for monitoring and review, and fines and penalties.
- 4.11 Collaboration on Establishment of Protected Areas for River, Lakes and Wetlands
- (a) The Authority may consult with the Environment Protection Agency pursuant to Environmental Protection and Management Law of the Republic of Liberia to promote the issuance of guidelines and prescription of measures for the protection of rivers, lakes, and wetlands.
 - (b) The Authority may, in collaboration with the Environment Protection Agency and after consultation with the Board and relevant communities, propose that any area of a river, lake or

wetlands be declared a Protected Area in accordance with the Environmental Protection and Management Law of the Republic of Liberia.

5 Requirements for Activities by Foreign Fishing Vessels and Persons

5.1 Fisheries and Aquaculture

- (a) The Director General may, on behalf of the Government of the Republic of Liberia and in accordance with the provisions of this Act, other applicable laws, any applicable international agreement and national policies, including regulations and strategies, and taking into account the advice of the Board, permit access to foreign fishing vessels in the Fisheries Waters for fishing or fishing related activities.
- (b) Fisheries and Aquaculture access may be granted, and licenses or authorizations may be issued in accordance with subsection (a).

6 Financial Provision

- (a) The Authority shall prepare an annual budget which shall be approved by the Board with the consent of the Minister of Finance and Development Planning in consultation with the Legislature.
- (b) The Authority shall not spend monies beyond its approved budget without proper authorization from the Board and the Minister of Finance and Development Planning in consultation with the Legislature.
- (c) The Authority shall be funded with monies collected from its activities that will be deposited into a transitory account managed by the Authority and the Ministry of Finance and Development Planning and distributed as follows:
 - i. For the first five (5) years the ratio of distribution shall be sixty percent (60%) to the Authority and forty percent (40%) to the Government.
 - ii. For the next five (5) years the ratio shall be fifty percent (50%) for the Authority and fifty percent (50%) for the Government/
 - iii. Thereafter, the ratio shall be forty percent (40%) for the Authority and sixty percent (60%) for the Government.
- (d) The monies of the Authority shall be expended in accordance with this Act, with authorization from the Board and the Minister of Finance and Development Planning in consultation with the Legislature for payments for the operations and activities of the Authority, including the following:
 - i. Discharge of expenses, obligations and liabilities of the Authority.

- ii. The remuneration for the staff of the Authority and for allowances to the members of the Board.
- iii. Contracts for technical consultants, observers, researchers and other personnel activities or operations which support the functions and programs of the Authority.
- iv. Travel expenses relating to official business.
- v. Training and education courses or programs for purposes relating to the objectives, functions and programs of the Authority.
- vi. Financial assistance for management and development activities in the Counties consistent with the functions of the Authority.
- vii. Grants to institutions, agencies, associations or other organizations for the purpose of promoting fisheries conservation and management.
- viii. Rewards for information leading to convictions for offences under this Act and the implementing regulations in accordance with such requirements as may be prescribed.
- ix. Purchase of capital items necessary to carry out the functions and duties of the Authority.
- x. Contributions to donor aid projects as agreed with the donor agency.
- xi. The Authority may make such investments as the Board may approve.
- xii. Such other purposes as are consistent with the functions and powers of the Authority as the Board, after consultation with the Director General, shall determine.

7 Repeals, Transitional Provisions and Effective Date

- 7.1 From and immediately upon publication of this Act, Title 23, Natural Resources Law, Sub Chapter B - Fish Resources, is hereby repealed.
- 7.2 From and immediately upon publication of this Act and the establishment of the Authority, Executive Order No. 84 pertaining to the management of the Liberia Fisheries Resources shall cease to have any legal effect Section
- 7.3 This Act shall take effect immediately upon publication into handbill.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

NATIONAL FORESTRY POLICY AND IMPLEMENTATION STRATEGY

1. Guiding principles

Poverty alleviation: the forestry sector must make an appropriate contribution to achievement of the Millennium Development Goals, especially in terms of reducing poverty, protecting the environment and increasing food security. With respect to poverty alleviation, it is important that the policy should protect vulnerable and marginalized groups that depend on forests for their livelihoods.

Public participation and awareness: experience has shown that policy implementation is likely to be improved with increased public participation in the sector and partnership between government, the private sector, communities and other stakeholders. As part of this, it is also important to raise public awareness of the contribution of the sector to society and the potential consequences of mismanaging forests.

Inter-sectoral collaboration: experience also suggests that forestry policy will be more effective if it is formulated and implemented in agreement with other relevant branches of government (such as agriculture, mining, energy and environment). It is also essential that the policy conforms to broader national development goals so that it will receive the political support necessary for implementation.

Regional and international co-operation: a number of issues in the forestry sector can only be addressed effectively at the international level. Therefore, it will be important for Liberia to agree on these issues with neighboring countries (Sierra Leone, Guinea and Cote d'Ivoire).

Capacity building: implementation of this policy will require a strengthening of financial, human and technical capacity amongst all relevant stakeholders and institutions. In particular, the issue of the financial sustainability of the forestry administration should be addressed.

Rule of law: in view of the current situation in Liberia, it will also be essential to pay particular attention to strengthening forest governance and law enforcement and resolve a number of issues regarding land tenure.

National policy commitment: commitment from the government to implement reforms is a key pre-requisite for the success of any new forestry policy.

Monitoring and evaluation: the development and implementation of this policy should be seen as the first step in a continuous process of planning, implementation, monitoring and evaluation of the sector. Progress should be reviewed periodically, in consultation with all stakeholders, to revise and implement any changes that might be necessary in light of future developments.

2. National Forestry Policy Statement

The national forestry policy statement includes a broad aim for the future direction of the sector and number of specific objectives that the government will strive to achieve in the immediate post-conflict period.

2.1 Aim:

To conserve and sustainably manage all forest areas, so that they 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, while maintaining environmental stability and fulfilling Liberia's commitments under international agreements and conventions.

2.2 Objectives

1. To ensure that commercial forestry, community forestry and forest conservation activities are integrated and balanced to optimize the economic, social and environmental benefits from the forest resource.

2. To conserve a representative sample of forest ecosystems so that important environmental functions are maintained.
3. To contribute to the national development goals of poverty alleviation and increased food security by increasing the opportunities for forest-based income generating activities.
4. To 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.
5. To ensure that all stakeholders participate in the formulation of forestry policies and in the conservation and management of the forest resource.
6. To maximize the contribution of the sector to income, employment and trade through the development of appropriate processing activities.
7. To ensure that forestry development contributes to national development goals and international commitments (including regional cooperation and trans-boundary issues) and is coordinated with other relevant branches of government.
8. To ensure that activities in the forestry sector (including forest management, plantation development, harvesting, conservation and industrial development) are based on sound scientific and technical principles.

2.3 Implementation strategy

The forestry policy objectives are of equal priority and achieving some will require relatively more effort than others. All future public plans, programs and projects in the sector will be directed towards meeting these objectives. They will be implemented within the framework set-out below, which include activities that will benefit the conservation, community and commercial uses of forests, as well as a number of crosscutting activities.

3. Strategy for Commercial Forestry

The strategy for commercial forestry will focus on improving forest concession management, reforestation and forest plantation development and modernization of the wood processing industry.

3.1 Forest concession management

Background: In forest concessions, sustainable forest management should maintain the capacity of the forest to produce future harvests. In addition to this, it must also be economically viable and, wherever possible, provide social and environmental benefits or, at the very least, seek to minimize or eliminate any negative impacts of forest management. The government is responsible for the regulation and monitoring of the sector, while forest concessionaires are responsible for forest management and reporting on their operations.

Historically, forest concession management in Liberia has suffered from a lack of basic information about appropriate forest management and harvesting practices and the rules and regulations governing forest concessions have been poorly designed and weakly enforced.

Rationale: Establish transparent and efficient forest concession system that will result in sustainable forest management in forest concessions. This will contribute to objectives 1, 3, 4, 7 and 8 of the forestry policy.

Interventions

- 3.1.1 *Develop and implement a set of rules and procedures for forest management in concessions, including a logging code and a new forest concession contract that sets out requirements for the following: forest management plans; environmental impact assessment; legal and financial qualifications; and local participation in the sector.*
- 3.1.2 *Demarcate forest concession boundaries and implement a transparent and competitive concession allocation system.*
- 3.1.3 *Develop and implement an effective production monitoring system.*
- 3.1.4 *Develop and implement a mechanism to share the benefits from forest concession activities between the government, private sector and local communities.*
- 3.1.5 *Develop and implement procedures for awarding concessions or licenses to local communities and local, small-scale enterprises (see also activity 6.1.1).*

Responsibilities: The Forestry Development Authority will be responsible for most of the above activities in consultation with the private sector and local communities. Their role will be to facilitate the developments described above and monitor and control (enforce) the established rules and procedures. In addition, forest certification will be encouraged, to strengthen the monitoring of operations.

3.2 Reforestation and forest plantation development

Background: Reforestation and forest plantation development can provide new sources of wood for the processing industry and other forest products (e.g. fuelwood, building poles and non-wood forest products). In addition, enrichment planting in degraded forests and tree planting on degraded land, farmland and around urban areas can improve the environment and provide opportunities for income and employment generation. Over the last 30 years, the Forestry Development Authority has been responsible for forest plantation establishment and management and has created around 11,000 hectares of forest plantations. In addition, they have encouraged local people to plant trees in agroforestry schemes to promote income generation and food security. The success of public sector tree planting has been limited by poor site-species selection and inadequate management, resulting in poor yields and low economic returns. In addition, local people have been hired as labor to plant and care for trees rather than being taken on as partners in forest plantation development and sharing the benefits from such developments.

Rationale: The following activities will aim to reduce the pressure on natural forests and provide new opportunities for income generation by expanding the area of forest plantations and agroforestry schemes to create new, financially viable sources of forest products for processing and local use. This will contribute to objectives 1, 3 and 8 of the forestry policy.

Interventions

- 3.2.1 *Develop and implement a national reforestation program, based on sound scientific and technical principles (best practices) and including realistic annual targets for new planting, enrichment planting and agroforestry.*
- 3.2.2 *Develop appropriate mechanisms and incentives to encourage involvement of the private sector and local communities in reforestation.*
- 3.2.3 *Encourage tree planting for environmental improvement and income generation in green belts within and around urban areas.*

Responsibilities: The private sector, individuals, local communities and community-based organizations

will be responsible for reforestation in the future. The role of government will be to create an enabling environment for forest plantation development and to facilitate tree planting for social and environmental benefits, by providing technical advice and other incentives for tree planting. The government will also be responsible for monitoring tree planting activities to ensure that they follow best practices.

3.3 Modernization of the wood processing industry

Background: The wood processing industry can be a source of investment and employment in the Liberian economy and should contribute to value added in the sector. However, historically log production has been export-orientated and focused upon a few very high valued species. This dependence on a limited range of species (and harvesting above the sustainable yield in recent years) has probably affected the sustainability of forest management. Even in the period prior to the recent civil conflict there were few large-scale processing plants and not all forest concessionaires installed sawmills. Sawmills produced lumber primarily for export with residual production for domestic markets. Only three plywood/veneer plants were constructed and these operated for a short period before being destroyed or looted along with much of the rest of the installed wood processing capacity.

Rationale: The wood industry will need to be rebuilt and it is expected that the majority of new investment will be as a result of the allocation of forest concessions. The following activities are aimed at promoting value added in the wood industry, increasing the utilization of lesser-used and lesser-known timber species and ensuring improvements in efficiency in the industry. This will contribute to objectives 6, 7 and 8 of the forestry policy.

Interventions

- 3.3.1 *Create an adequate legal and regulatory framework for the wood industry.*
- 3.3.2 *Ensure access to export markets.*
- 3.3.3 *Provide market intelligence and other information to the wood industry.*
- 3.3.4 *Promote training programs in the wood industry.*
- 3.3.5 *Ensure that the export of round logs is discouraged to encourage more local processing.*
- 3.3.6 *Encourage the production of diversified wood products, such as treated and kiln-dried sawn wood, wood based panels, pulp and paper.*
- 3.3.7 *Encourage the development of the cottage industry, such as rattan processing.*

Responsibilities: The private sector will be responsible for investing in new wood processing plant and equipment. The government will be responsible for encouraging investment and ensuring compliance with all relevant laws (e.g. through the revision of concession contracts and monitoring procedures). It will also help to increase international market access for logs and wood products through inter-governmental negotiations with trading partners. However, the government must ensure that processing capacity does not exceed the sustainable yield from the forest resource and that a balance is achieved between domestic and export demand for forest products. The government and private sector will provide funding for technical assistance and training both to the formal wood industry and to the informal sector (e.g. local carpenters).

4. Strategy for Community Forestry

4.1 Community forest management

Background: For the large number of people who live in rural areas, forests and trees have always been an integral part of their livelihoods. With appropriate management, they can be used both as a sustainable source of forest products and as areas that are protected for important social and cultural uses. The Liberia Code of Law (1956) permitted the creation of government reserves, native authority reserves, communal

forests and national parks, but few native authority reserves and communal forests materialized. Consequently, the government managed the entire forest estate and the issues of community forest management were never properly addressed.

Community forest management will present a number of challenges in Liberia, because the government and other institutions have very little understanding or experience with the management of common property resources. To overcome these challenges, it will be essential to assess the needs and perceptions of local communities and individuals.

Rationale: The following activities will encourage local communities to sustainably manage their forests by creating rights, transferring control and building capacity for forest management within local communities. This will contribute to objectives 1, 3, 4 and 5 of the forestry policy.

Interventions

- 4.1.1 Establish a framework for community forest management that allows communities to maximize benefits from all potential uses of forests and to grant user and management rights and responsibilities to them (see also activity 5.1.5).*
- 4.1.2 Empower local communities to identify opportunities, set objectives and local management rules and liaise with government and other interested stakeholders.*
- 4.1.3 Provide extension and technical assistance in community forest management.*
- 4.1.4 Locate and practice community forestry on communal land.*

Responsibilities

Local communities will be responsible for community forest management. The role of government will be to create an enabling environment for community forest management and to co-ordinate activities. In collaboration with non-governmental and community-based organizations, government will also facilitate community forest management by providing technical advice and extension services and enforcing the agreed rights and responsibilities of local communities.

4.2 Bushmeat and hunting

Background: Liberians have always been very dependent on bushmeat as a source of protein and, in recent years, it is believed that hunting for bushmeat has accelerated rapidly. This increase can be attributed to greater demand from urban areas and neighboring countries and the high level of income that can be quickly achieved from hunting. In addition, the civil unrest has weakened the government's ability to control these activities. For example, it is now estimated that prohibited or fully protected wildlife species account for about 35 percent of bushmeat sales and partially protected species account for a further 40-50 percent.

Rationale: The following activities aim to re-establish control over bushmeat hunting, to bring the level of hunting down a sustainable level and stop the hunting of protected species. This will contribute to objectives 1, 2, 5, 7 and 8 of the forestry policy.

Interventions

- 4.2.1 Enforce the ban on hunting of all protected wildlife species in Liberia.*
- 4.2.2 Design and implement programs to support income generating activities in rural communities as an alternative to commercial hunting.*
- 4.2.3 Design and launch a national awareness campaign about bushmeat and hunting issues.*

Responsibilities: Government, in collaboration with non-governmental and community based organizations, will be responsible for implementing these activities. The role of government will be to facilitate and co-ordinate activities (e.g. through revising and enforcing legislation in this area). Non-governmental and community-based organizations will play a significant role in implementing programs and liaising between government and rural people.

4.3 Wood energy and non-wood forest products

Background: Liberia has never been more dependent on wood energy as a source of national and household energy supplies than at present. The continued absence of a functioning national electricity grid or cost-effective alternatives for the majority of both urban and rural people means that the dependence upon fuelwood and charcoal is unlikely to be lessened in the short term. Likewise, non-wood forest products often fulfill vital safety net functions in rural livelihoods and could further contribute to poverty alleviation as additional sources of household income and small business development. However, the lack of an adequate regulatory framework and clear access and utilization rights has prevented the rational exploitation of these resources by forest and rural communities, as well as the private sector. In particular the commercialization of charcoal and non-wood forest products has largely been restricted by petty (and often unenforceable) regulations.

Rationale: The following activities are intended to improve household wood energy access and utilization and enhance the contribution of non-wood forest products to livelihoods and the economy. This will contribute to objectives 1, 3, 5 and 6 of the forestry policy.

Interventions

- 4.3.1 Ensure adequate legal and regulatory frameworks for the production and commercialization of fuelwood, charcoal and non-wood forest products.*
- 4.3.2 Conduct periodic market surveys and provide market information on wood energy and non-wood forest products.*
- 4.3.3 Encourage rural extension services to promote the use of wood energy and non-wood forest products as an alternative livelihood for rural communities and the adoption of improved technology in the production and utilization of wood energy.*

Responsibilities: The government, private sector, non-governmental and community-based organizations will be responsible for revising legislation and regulations governing wood energy and non-wood forest product use. The government, non-governmental and community-based organizations will assist by implementing market surveys and providing rural extension programs.

5. Strategy for Forest Conservation

Background: Forest conservation includes the management of specific sites of high conservation value and the integration of conservation objectives into all aspects of forest management. The strategy for forest conservation will focus on wildlife and protected area management, management of wetlands and mangroves and the development of ecotourism and nature tourism.

5.1 Wildlife and protected area management

Background: Liberia contains two of West Africa's three largest remaining rainforest blocks. These blocks contain many plants and animal species that are endemic and whose survival is severely threatened outside Liberia. They have also been identified by international agencies as a "biodiversity hot spot" and, therefore, a priority for global conservation efforts.

There are currently two strictly protected areas in Liberia: Sapo National Park (established in 1983); and East Nimba Nature Reserve (established in 2003). In addition to these, six other protected areas have been proposed and the government has committed to establishing a biologically representative network of protected areas covering at least 30 percent of the existing forest area (Protected Forest Act, 2003). Currently, the main threats to Liberia's protected areas are agricultural encroachment and uncontrolled hunting, fishing, logging and mining.

Rationale: The following activities are intended to ensure effective conservation and management of wildlife resources. This will contribute to objectives 2, 5, 7 and 8 of the forestry policy.

Interventions

- 5.1.1 Collect and analyze biological and socio-economic information to determine the status of existing and proposed protected areas and finalize the establishment of an appropriate protected areas network.*
- 5.1.2 Increase community participation in wildlife management in all forest areas and, in particular, through collaborative management of protected areas.*
- 5.1.3 Increase public awareness of forest conservation issues (see also activity 7.2.3).*
- 5.1.4 Strengthen and improve alternative livelihood opportunities to reduce rural dependence on forests and wildlife (see also activity 6.2.2).*
- 5.1.5 Improve co-operation with neighboring countries to address trans-boundary conservation issues (see also activity 8.4.3).*

Responsibilities: The government and non-governmental organizations will be responsible to support and implement the scientific and technical aspects of wildlife and protected area management. They will support and facilitate community participation in wildlife management and raised public awareness in collaboration community-bases organizations.

5.2 Management of wetlands and mangroves

Background: The coastline of Liberia includes a few areas of wetlands and mangroves, which provide subsistence and economic benefits to the local population and are of some importance for biodiversity conservation. In addition, Liberia has acceded to the RAMSAR Convention on Wetlands. Liberia's wetlands and mangroves provide a habitat for several protected species as well as commercially useful species of plants and animals. They also protect the coastline from erosion and are used to provide other goods and services such as fuelwood. Liberia's wetlands and mangroves have been degraded in recent years, largely due to uncontrolled collection of fuelwood and construction materials.

Rationale: The following activities are intended to identify and protect the remaining wetlands and mangroves under a multiple-use management regime. This will contribute to objectives 1, 5, 7 and 8 of the forestry policy.

Interventions

- 5.2.1 Assess the current status of wetlands and mangroves, to determine the extent of the resource and its ecological integrity.*
- 5.2.2 Develop and implement a national wetland and mangrove management plan.*
- 5.2.3 Increase public awareness of the importance and value of wetlands and mangroves (see also activity 7.1.3).*

- 5.2.4 *Provide technical and financial support to local communities for the management of wetlands and mangroves, including training and the development and implementation of community-based management programs.*

Responsibilities: The government, non-governmental and community-based organizations will be responsible for implementing these activities. The role of government will be to provide scientific and technical advice and financial support for management activities. This will include the government agencies responsible for fisheries as well as forestry.

5.3 Development of ecotourism and nature tourism

Background: Much of ecotourism and nature tourism is focused on forests and their related wildlife. The development of such activities presents emerging challenges and opportunities for forest management. For example, the development of ecotourism and nature tourism can generate much-needed income and employment for rural communities without the harvesting of forest and wildlife resources.

Rationale: The following activities are intended to strengthen the opportunities for the development of ecotourism and nature tourism so that income and employment in the sector will increase. This will contribute to objectives 2, 3 and 6 of the forestry policy.

Interventions

- 5.3.1 *Establish park entrance user fees and use the revenue collected to invest in tourism-related infrastructure in parks.*
- 5.3.2 *Develop and implement a marketing strategy to promote ecotourism and nature tourism in Liberia.*
- 5.3.3 *Encourage private sector investment in community-based ecotourism and nature tourism.*
- 5.3.4 *Integrate ecotourism and nature tourism into rural development and forest management plans.*

Responsibilities: The government will be responsible to facilitate these developments, in collaboration with the private sector, non-governmental and community-based organizations.

6. Cross-Cutting Activities

Number of cross-cutting activities will also be implemented to strengthen the overall framework to develop the forestry sector. These will include activities such as land tenure, ownership and land use planning; public administration (including financial management); research, information, education and training; and legislation and law enforcement.

6.1 Land tenure, ownership and land use planning

Background: Forests are the most important natural assets for many rural people and access to forest resources is recognized as a crucial element in enabling them to achieve their goals of cultural survival and social and economic development. Insecure land tenure discourages investment in forest management, encourages over-exploitation and can lead to conflicts over access. Successive governments in Liberia have gradually increased government control over land and natural resources, which has led to many of the problems described above.

Land-use planning is the systematic assessment of the economic, social and environmental benefits of alternative land uses, to identify and select suitable land uses on any particular site. It also includes the development of processes to assess and manage the conversion of land from one use to another. Competing uses for land include: forestry; agriculture; mining; and urban and infrastructure development. It is generally

accepted that there has been inadequate land use planning in Liberia, leading to environmental degradation and conflicts over land use.

Rationale: The following activities aim to clarify land tenure and ownership and improve land use, to support sustainable forest management and reduce conflicts over land. This will contribute to objectives 1, 2, 4 and 7 of the forestry policy.

Interventions

- 6.1.1 In collaboration with other government agencies, establish a system for classifying and defining forest land use and produce maps showing the total forest estate and the allocation of forest areas according to this classification.*
- 6.1.2 Review the existing laws on forest land tenure and ownership and, within the forest estate, identify, classify and map forest areas by ownership and define the ownership and management rights and responsibilities of different forest users.*
- 6.1.3 Develop a process and procedures for managing land use change, so that the suitability of proposals to convert forest to other uses can be assessed and agreed.*
- 6.1.4 Maintain collaboration between government agencies with responsibilities for land use and land use planning.*

Responsibilities: These activities will be implemented by all stakeholders with an interest in land issues, with a particular responsibility vested in the National Legislature. The role of government will be to co-ordinate and facilitate the dialogue between stakeholders and to enforce any agreed rules and procedures.

6.2 Public administration

Background: Public administration of the forestry sector includes the design, implementation, monitoring and evaluation of policy. This may include an enforcement function and it can include direct activities in the sector (such as the management of forest resources, provision of technical advice and collection and dissemination of information). Nowadays, it also usually includes facilitating dialogue with and amongst different stakeholders in the sector.

The goal of a forestry administration is to steer future developments in a direction that meets the many and diverse demands of society. To do this in a way that is efficient and fair, it is important that the forestry administration is open, transparent and accountable and encourages public participation in the policy process. This is often referred to as “good governance”.

The main branch of government responsible for the forestry sector in Liberia is the Forestry Development Authority. Historically, it played a major role in the development of the sector by performing a wide range of regulatory and management functions. However, as a result of the political and civil conflict, the capacity of the Forestry Development Authority has been eroded by the theft and destruction of infrastructure and equipment and the attrition of skills and staff motivation. Corruption and poor governance has also weakened its ability to carry out the functions described above.

Rationale: The following activities aim to strengthen the forestry administration and will contribute to all of the objectives of the forestry policy.

Interventions

- 6.2.1 Introduce sound financial management, including independent oversight of expenditure and revenue collection, regular revision of forest charges and adequate funding to implement forestry policy.*

- 6.2.2 *Improve transparency and accountability, by strengthening the monitoring, evaluation and reporting of all activities.*
- 6.2.3 *Raise the level of performance of Forestry Development Authority staff to ensure independence, accountability and professional management.*
- 6.2.4 *Improve public participation in the sector through consultation with all relevant stakeholders about the future design and implementation of policy.*
- 6.2.5 *Increase efficiency by decentralizing decision making and delegating authority (where this is feasible and appropriate) and minimizing the costs of complying with forest laws and regulations.*

Responsibilities: The above activities will be implemented by the Forestry Development Authority, in consultation with all relevant stakeholders. Gradually, over time, the role of the Forestry Development Authority will shift from operational activities towards more of a focus on policy, supervision, oversight and regulation of the sector. It is also expected that civil society and independent entities will eventually play a greater role in monitoring.

6.3 Research, information, education and training

Background: Scientific and technical knowledge is the foundation for sustainable forest management. It is essential that this knowledge should be accumulated and disseminated to all stakeholders in the sector. Currently, there is very little information about forest management and silviculture in Liberia and much of the documentation of earlier research programs (undertaken in the 1970s and 1980s) has been lost. In addition, the country suffers from a lack of specialized knowledge and trained manpower in all aspects of forest management and wood processing.

Rationale: The following activities will support sustainable forest management by improving the collection and dissemination of information and increasing the skills of all stakeholders in the Liberian forestry sector. This will contribute to objectives 1, 2, 5, 6 and 8 of the forestry policy.

Interventions

- 6.3.1 *Update and restore the infrastructure (buildings, equipment and facilities) for research, education and training.*
- 6.3.2 *Create an up-to-date forest information database to monitor sustainable forest management (including: forest resources; production; consumption; and other information) and establish a program to collect, update and disseminate this information often.*
- 6.3.3 *Update the skills of all stakeholders to raise forest management to an international standard, through professional and on-the-job training.*
- 6.3.4 *Assess the needs for research to support forest management, harvesting and processing and commission research in high priority areas.*

Responsibilities: Most of the above activities will be implemented by the main research, education and training institutes in Liberia, drawing on the existing capacities and expertise available in other West African countries. In addition, government and the private sector will collaborate in some activities, especially the collection and dissemination of information and training by the private sector. The role of government will be to support (i.e. fund) and coordinate these activities.

6.4 Legislation and law enforcement

Background: Implementation of the above policy will require a review of existing legislation and, most likely, the amendment of some legislation. In addition to this, there will also be a need to strengthen the procedures for law enforcement.

Rationale: The following activities will support the implementation of this policy and contribute to all of the objectives set-out above.

Interventions

- 6.4.1 Review and, where necessary, update all existing forest legislation (including laws, regulations, administrative rules and procedures) so that they support the aim and objectives of this policy.*
- 6.4.2 Strengthen forest law enforcement, through training and adequate funding of forest law enforcement activities and stricter penalties for illegal activities.*
- 6.4.3 Improve co-operation with neighboring countries to strengthen forest law enforcement with respect to illegal and unreported trade in forest and wildlife products (see also activity 7.1.5).*
- 6.4.4 Develop and introduce a process for public consultation, adjudication of disputes (ombudsman) and public reporting of forest law compliance.*

Responsibilities: The above activities will be implemented by the Forestry Development Authority and Ministry of Justice, in consultation with other relevant stakeholders. The role of government will be to facilitate the dialogue and implement any necessary changes.

NATIONAL FISHERIES AND AQUACULTURE POLICY & STRATEGY OF LIBERIA

1. Policy Framework

The policy framework points to the direction of the fisheries and aquaculture policy and does this through an explicit statement of the overarching long term vision, an overall sector goal, the essential actions to achieve the vision (mission), the principles that will guide the actions, and the objectives and strategies for sustainable development and management of the fisheries, on a sustainable basis.

1.1 Vision

To harmonize the varied and numerous long term expectations of the primary, secondary and tertiary stakeholders, looking into the future, up to 2030, and recognizing the strengths, weakness, opportunities and threats of the fisheries sector, a clear and unambiguous vision statement is crystallized as follows:

A modern, vibrant and sustainably managed fisheries sector, capable of:

- Provide increased profitable fisheries employment opportunities while offering an enabling environment for upgrading technical skills for enhanced value added fisheries vocations/
- Engage participatory fisheries management institutions based on community and stakeholder structures for the creation of opportunities for socio-economic development.
- Contributing to Gross Domestic Product, national food and nutritional security and improving living conditions, by upgrading and adopting appropriate, modern and efficient fisheries capabilities for increased fish production while reducing losses through illegal fishing.
- Deriving net benefits from a vibrant fish trade supported by value addition systems and fisheries infrastructure for fish landing and export, as well as efficient fishing input supply and distribution systems.

1.2 Overall Goal

Sustainably managed and economically viable fisheries that generate prosperity for present and future generations yet unborn.

1.3 Mission

An improved institutional and legislative framework for fisheries management; adaptive research; community and stakeholder participation in capture and culture-based fisheries management and development; effective international, regional, sub-regional and bilateral cooperation for fisheries management; enhanced monitoring, control and surveillance capabilities; and improved fish quality and value addition technologies for enhanced economic returns in fisheries.

1.4 Principles

Equity and Gender: In carrying out the mission, cognizance will be given to the active participation of women, youth and the elderly in decision making and sharing of responsibilities and benefits. Government's actions will be guided by the principle of equity in all aspects of the sector. Inter and intra-generational equity, through resource management and environmental protection, gender equity in participatory management processes, and the user pays principle, where users of common property natural resources pay for access to contribute to cost of management, are best practices for guidance of policy actions.

Sustainability: The long-term sustainable use of fishery resources is a prerequisite for gaining maximum benefits for Liberia for both present and future generations. Sustainability implies maintaining essential ecosystem functions and preserving a healthy habitat. This is consistent with the ecosystem approach to fisheries and the code of conduct for responsible fisheries, both of which provide for a holistic approach to the responsible use of fishery resources. In the case of uncertainty the precautionary principle is applied and actions taken to reduce the risk of serious harm to fish stocks habitat and the environment in general.

Transparency: Transparency is an essential principle for underpinning good governance of the fisheries sector. It helps to guarantee fairness in the distribution of benefits and helps prevent corrupt practices, a requirement of the Constitution. Transparency implies accountability and openness in access to information, in the elaboration of plans, and in decision making.

Optimality: The best long-term use of available fisheries resources for the benefit of Liberians should be made in balance with the broader set of ecosystem services. Gaining the most out of this valuable renewable resource for Liberia implies a level of conservation that ensures that the biomass be conserved at a level approximating optimum productivity, that the species composition is maintained, and that, in the long-term, value addition takes place in Liberia rather than abroad. Benefits shall accrue to Liberians in the form of an appropriate balance between better nutrition, improved livelihoods, and revenue and foreign exchange.

Inclusiveness: Participation across the range of management functions shall include, as far as is practically possible, the involvement of key stakeholders in the fisheries and aquaculture sectors. This includes sharing of power, rights and responsibility with fishers and other stakeholders who can enrich the management process with more direct knowledge of, and involvement with, the fisheries and the resources they utilize.

Decentralization: The government's policy of decentralization is relevant to policy implementation as responsibility for management of fisheries resources is devolved to the country authorities concomitant with national resources allocation mechanisms to ensure benefits reach the counties for maximization of fisheries management participation at the local level.

Securing Small Scale Fisheries (SSF) access: The FAO SSF Guidelines provide the basis for consultation for securing access to resources by small-scale fisheries communities and giving those resources stewardship responsibilities, reflecting this need for combining livelihood security and environmental sustainability.

1.5 Policy Objectives

1. Sustainably managed fisheries resources and associated ecosystems, with fishers and other stakeholders' participation, harnessing the huge fisheries potential of the country, to promote, social, economic and environmental benefits.
2. Aquaculture sector developed in an orderly manner through good sector governance, established by supporting legal and institutional framework, an enabling aquaculture business environment, and highly trained, knowledgeable and skilled workers and farmers, meeting national fish demand deficits and for export to foreign remunerative markets for foreign exchange.
3. Fisheries management and development capacities strengthened for sustenance of a viable and vibrant fisheries sector through, up-scaling of the capacity of BNF, adaptive research, capacity building for fisheries operators and investment promotion, supported by a robust funding mechanism.

4. Enhanced value addition in fisheries encouraging and increasing fish exports for improved foreign exchange earnings as well as increased employment opportunities in fish processing and related industries through creating an enabling environment for post-harvest and trade opportunities, with appropriate quality control processes to support export to value added international markets.

2. National Fisheries and Aquaculture Strategy

2.1 Sustainable management of fisheries resources and associated ecosystems

Sustainably managed fisheries resources and associated ecosystems, with fishers and other stakeholders' participation, harnessing the huge fisheries potential of the country, to promote, social, economic and environmental benefits to the citizenry.

Background: Policy Context: All the key indicative fish species of the fisheries management units of the country are either fully exploited or over-exploited. The biomass levels are unable to sustain fish harvests at maximum sustainable yield levels due to illegal fishing and unauthorized transships in the industrial sector while the artisanal fisheries suffers mainly from open access due to absence of co-management arrangements and systems for governance. Liberia still has to formalize arrangements, in accordance with the UN Conventions (1982: 1995), to seek, international, regional and sub-regional cooperation for management of the abundant shared fish stocks in its EEZ and adjacent high seas, and bilateral cooperation for transboundary stocks to enhance socio-economic development. Even though MCS mechanisms have been initiated more still has to be done to reduce IUU fishing to which Liberia loses over US\$12.0 million annually.

Strategies

- 2.1.1 **Restoring fish biomass capacities to produce at maximum sustainable yield levels. Ensure sustainability of fish production from the fisheries management units of Liberia to enable fisheries resources contribute meaningfully to local economies, measures will be taken to restore the key indicative fish species to biomass capacities that can produce at maximum sustainable yield levels.**

Interventions

- 2.1.1.1 *Elaborate and adopt a National Plan of Action for the management of fishing capacity, in line with the FAO International Plan of Action.*
- 2.1.1.2 *Establish priorities for routine in-depth monitoring and assessments of the fisheries management units of Liberia and prepare, implement and routinely update fisheries management plans to include measures to restore production to maximum sustainable yield levels.*
- 2.1.1.3 *Strengthen the licensing and vessel registration regime to conform to the fisheries management units and ensure that fishing capacity that is in excess of sustainable, economically viable and optimal levels in the management areas is avoided, so as to encourage favorable economic conditions to promote responsible fisheries and maximize benefits.*
- 2.1.1.4 *Prioritize and protect access by the legitimate small scale fishers to the fishery resources that are shared with the industrial fleet by ensuring that allocation of allowable catches or fishing effort to the industrial sector takes into account the needs of the small scale fishers.*
- 2.1.1.5 *Establish a national committee for fishing licensing, and in consultation with the organized stakeholder associations for the fisheries management units, to determine access and use restrictions as well as multi-year licensing schemes that ensure inclusion and security of local stakeholders as a priority.*

- 2.1.2 **Conserve aquatic ecosystems associated with fish production. Fish production cannot be sustained without conserving the associated ecological processes therefore the aquatic environment will be protected including the habitats and bio-diversity.**

Interventions

- 2.1.2.1 *Incorporate the principles of the ecosystem approach and its human dimensions to fisheries management systems.*
- 2.1.2.2 *Monitor aquatic biodiversity and key habitats through periodic assessments so as to identify critical changes and their origin.*
- 2.1.2.3 *Reduce by-catch, discards, and destructive fishing practices through the introduction of incentives and gear replacement schemes and to encourage the use of selective, environmentally safe and cost effective fishing gears and techniques.*
- 2.1.2.4 *Promote and declare marine protected areas for purpose of sustainability and genetic conservation in line with coastal zone management.*
- 2.1.2.5 *Strengthen the regulatory framework and conduct sensitization programs with the aim of protecting and enhancing the productivity of the mangroves and wetlands.*
- 2.1.2.6 *Seek and strengthen inter-agency collaboration in order to adopt and implement regulations aimed at aquatic environmental protection and reduction of negative impact of other policies on fisheries.*
- 2.1.3 **The top down central management approach to fisheries management has perpetuated open access to the artisanal fisheries with disastrous effects leading to too many fishers chasing too few fish therefore government will embark on a participatory fisheries management approach (co-management) for effective management of the artisanal fisheries, using fisheries management institutions based on community and stakeholder structures.**

Interventions

- 2.1.3.1 *Use co-management institutions for allocation and management of fishing rights, including adaptable participatory monitoring and enforcement mechanisms for management of the inshore fisheries.*
- 2.1.3.2 *Provide the legal framework to support, the existence and operations of the locally based participatory management institutions, the declaration of co-management areas (TURFs), co-management agreements, and allocation and utilization of proceeds of fishing rights;*
- 2.1.3.3 *Undertake routine boat registration/embossment and fishermen registration campaigns to determine total effort in the co-managed fishery area.*
- 2.1.3.4 *Provide and implement capacity building programs to upscale skills and expertise of the co-management associations (CMA) for management.*
- 2.1.3.5 *Support the establishment of the necessary infrastructure for effective operations including structures for administration, fish landing site clusters, fisheries community centers, processing and value addition, service centers and marketing centers.*
- 2.1.3.6 *Establish oversight, coordination and harmonization co-management governance structures to promote co-management arrangements to include, a national network of Co-Management Associations, a National Co-Management Advisory Body, and a new Co-Management Office at the BNF.*
- 2.1.4 **Promote International cooperation for management of shared stocks: Position the country to benefit from the exploitation of the large offshore (including the tuna and tuna-like species) and the inshore pelagic fish species in its EEZ and the adjacent high seas as well as the transboundary stocks, government will promote international**

cooperation in the management of such shared fish stocks by adopting and implementing provisions and obligations of international, regional, sub-regional conventions and bi-lateral agreements on shared stocks for optimization of the contribution of marine fish resources to socio-economic development, on a sustainable basis.

Interventions

- 2.1.4.1 *Being in the ICCAT Convention Area, actively seek membership of ICCAT and domesticate the provisions, or obligations, of the organization as well as those of the 1982 Convention on the Law of the Sea and the 1995 Fish Stocks Agreement, to safeguard the nation's rights to economic benefits derived from exploitation of the tuna and tuna-like species in its EEZ and the adjacent high seas of the Atlantic Ocean.*
- 2.1.4.2 *Promote the negotiation of long-term fishing rights with distant water fishing states (DWFs) and/or foreign flagged fishing companies through well-structured and beneficial access agreements for the industrial fisheries.*
- 2.1.4.3 *Establish a national working committee for improved management of shared pelagic and demersal fish resources to enable information/data on such resources be routinely and timely submitted to the FAO/CECAF working groups and conversely to receive and implement scientific advice to maximize the contribution of small pelagic fish stocks to socio-economic development of the country.*
- 2.1.4.4 *Continue to collaborate with the FCWC and ATLAFCO to ensure, through appropriate management, the conservation and optimum utilization of the living marine resources covered by the Conventions and encourage sustainable development of fisheries based on such resources while still actively cooperating with the SRFC especially in the area of reduction of illegal fishing in the sub-region.*
- 2.1.4.5 *Cooperate with Sierra Leone for sustainable management of the common fisheries resources of Sherbro through a joint management authority as well as a joint scientific body working through a work plan with indicators and reference points for monitoring of the performance of the fishery. It may be necessary to review and/or synchronize the fisheries regulations of both countries to achieve the management objectives.*
- 2.1.5 **Implementing effective Monitoring, Control and Surveillance (MCS) mechanisms to prevent IUU fishing: To implement effective mechanisms that encourage, enforce and monitor compliance government will adopt innovative and appropriate technology and tools; appropriate enforcement hardware; information sharing and cooperation at local, national, regional and international levels, and risk assessment to prevent IUU fishing in a cost-effective and practical manner.**

Interventions

- 2.1.5.1 *Develop and implement a national action plan, in accordance with the FAO International plan of action to prevent, deter and eliminate IUU fishing.*
- 2.1.5.2 *Support and strengthen the inter-agency institution, the MCS Coordinating Committee, to be effective in its work in reducing illegal fishing in the Liberian fisheries waters.*
- 2.1.5.3 *Implement a cost effective MCS system involving a reasonable mix of land, sea and air based capabilities that provides the greatest chance of ensuring compliance of operators. These capabilities include: at-sea observer program, vessel monitoring system, port inspections, vessel registers and logbooks, sea and air patrols.*
- 2.1.5.4 *Encourage community participation in MCS by strengthening and supporting the pilot community surveillance program of the Robertsport Co-Management Association to consummation for lessons learnt to enable replication across the coastline.*
- 2.1.5.5 *Establish a follow through mechanism and institute deterrent fines and penalties to curb or discourage indulgence in illegal fishing activities.*

- 2.1.5.6 *Establish clear penalty scheme for varying levels of illegal fishing activities*
- 2.1.5.7 *Conform to ICCAT recommendations by denying or cancellation of permits to fish to any vessel that is on the ICCAT IUU fishing vessels or any contracting party's list of IUU vessels.*
- 2.1.5.8 *Accede to the Agreement on Ports States Measures (APSM) and operationalize a Port State Measures Scheme that is cost effective to combat IUU fishing by local and foreign vessels.*
- 2.1.5.9 *Support mechanisms for bi-lateral, sub-regional and regional cooperation to combat IUU fishing by working with neighboring countries, the FCWC, SRFC and Manu River Union such as joint operations, sharing of assets and information and cooperation on training and expertise.*
- 2.1.5.10 *Adopt a system that monitors catches and facilitates regional and international efforts to ensure that fish imports particularly transshipped fish are legal.*
- 2.1.6 **Developing and promoting conflict management mechanisms and structures for sustainable management of the fisheries resources. Conflicts occur in both artisanal and industrial fisheries over access, harvest regulations, competition with other users for resource use, unsustainable use and unfair distribution of benefits within and between fleet. Government will adapt conflict management mechanisms and encourage artisanal and industrial license holders to submit to these mechanisms to facilitate harmonious and sustainable utilization of fisheries resources for socio-economic development.**

Interventions

- 2.1.6.1 *Encourage and support best possible participatory processes for planning and implementing management or policy interventions to minimize conflicts.*
- 2.1.6.2 *Establish effective mechanisms within the larger planning and management process, for addressing latent, emerging and manifest conflicts as they are realized.*
- 2.1.6.3 *Establish and build the capacity of a national conflict management committee for management of all fisheries conflicts except within the jurisdiction of the CMAs in the artisanal fisheries.*
- 2.1.6.4 *Establish and build the capacity of CMA conflict management sub-committees on alternative conflict management mechanisms to address conflicts in the artisanal fisheries.*
- 2.1.6.5 *Establish a mechanism for the transfer of cases which are beyond the capacity of the CMAs for consideration by the national fisheries conflict management body.*
- 2.1.6.6 *Adopt and apply the best alternative to a negotiated agreement (BATNA) as a guide for stakeholders to understand conflict and analyze how best to address their interest.*

2.2 Development of aquaculture to meet local fish demand deficits and for foreign exchange

Aquaculture sector developed in an orderly manner through good sector governance, established by supporting legal and institutional framework, an enabling aquaculture business environment, and highly trained, knowledgeable and skilled workers and farmers, meeting national fish demand deficits and for export to foreign remunerative markets for foreign exchange

Background: The aquaculture sub-sector, which includes Mari culture, is poorly developed and weakly organized resulting in limited benefits in food or livelihood. The common constraints of lack of seed and feed and inadequate extension and outreach have hampered any real progress in the sector over recent years, although some isolated and externally supported activities have shown some degree of promise. If this promise is capitalized and best practice is applied to develop; safe; responsible; hygienic; and economically farmed fish and crustaceans, aquaculture could contribute to local food requirements, stimulate national and local economies and generate employment through the export of suitable species. The vast enabling potential of the nation, blessed with perennial water bodies, lakes, rivers, estuaries and creeks and the fact that Liberia is the third highest rainfall country in the world makes water availability for development of

culture-based fisheries an asset. Also the huge discharge of fresh water into the inshore areas of the sea minimizes the salinity content and provides a huge potential to promote inshore Mari culture especially for high valued shrimps and oysters adding immense socio-economic benefits to the nation.

Strategies

- 2.2.1 **Establishing the legal framework for development of responsible aquaculture: A cross-country survey of aquaculture legislations shows that aquaculture laws provide for regulation of access to aquaculture resources, fish health, registration and or licensing of aquaculture activities; wild collection and importation of seeds and regulation of their translocation or movement of live fishes within the country. They include provisions for collection of information and statistics as well as environmental management regulations. The Government of Liberia will collaborate with the private sector to review the various aquaculture legislations with a view of providing a harmonious legal framework for development of responsible aquaculture.**

Interventions

- 2.2.1.1 Review existing fisheries legislation and provide for definition of aquaculture to enable implementation of the provisions of the fisheries and aquaculture policy.
- 2.2.1.2 Review other sector related legislations to provide for regulation of aquaculture activities.
- 2.2.1.3 Harmonize related legislations to provide for orderly development of aquaculture.
- 2.2.1.4 Create the environment for participation of private sector in the formulation of the enabling legislation.
- 2.2.2 **Strengthening the institutional framework for development of aquaculture: Aquaculture has remained undeveloped for such a long time, partially due to lack of an organized and sustained institutional support. A strengthened institutional framework is the entry point to development of aquaculture. In this regards both strong public and private institutions are necessary to be promoted. Government will therefore establish a ‘special purpose vehicle’ to coordinate the implementation of this policy and strategy through public and private stakeholders association for full collaborative partnership.**

Interventions

- 2.2.2.1 *Upgrade the capacity of BNF to be able to deliver technical support and aquaculture services to farmers at county and district levels.*
- 2.2.2.2 *Establish an effective coordination among public institutions involved in aquaculture administration.*
- 2.2.2.3 *Promote cooperation among line Ministries with a bearing on aquaculture to optimize the benefits of aquaculture.*
- 2.2.2.4 *Promote public investment in aquaculture for launching the expansion of the aquaculture sub-sector.*
- 2.2.2.5 *Encourage the establishment of effective farmer representative organizations to facilitate the process of public involvement in the development of the sub-sector.*
- 2.2.2.6 *Support the development of partnerships between farmer organizations, donors and NGOs to enhance development of aquaculture.*

- 2.2.3 **Setting up an enabling environment for development of Aqua- business for growth of the sub-sector: Promotion of aquaculture desires an enabling environment to stimulate growth. The enabling environment for aquaculture business requires a good mix of sets of policies, institutions, support services, and other factors. Government will create such an environment where aquaculture enterprises will thrive on commercial basis.**

Interventions

- 2.2.3.1 *Provide financial services and incentives for promotion of smallholder aquaculture as a business.*
- 2.2.3.2 *Identify areas of high potential aquaculture zones where land based aquaculture can be a permitted land use and ecologically sustainable.*
- 2.2.3.3 *Ensure the availability and access to inputs, including fish seed and feed as well as credit.*
- 2.2.3.4 *Improve access to markets for fish products by maintaining standards, market data and improvement of road transport networks.*
- 2.2.3.5 *Establish aquaculture research and technology development capability for the growth of the aquaculture sector.*
- 2.2.3.6 *Support cost effective aquaculture extension services to fish farmers in collaboration with the private sector and farmers/industry organization.*
- 2.2.3.7 *Build capacity of the private and public sector institutions to produce and disseminate good quality information on aquaculture for facilitation of sound decision making.*
- 2.2.3.8 *Institutionalize a collaborative service between BNF and the Veterinary Service to launch a National Aquatic Health Capacity Development Program to cope with outbreaks of serious infectious diseases among aquatic animals to protect such animals and facilitate trade in aquatic animals along the their products and byproducts, both nationally and internationally.*
- 2.2.3.9 *Promote the safety and quality of the farmed fish products by ensuring the application of safety and control mechanisms such as the statutory hazard analysis critical control point (HACCP) methodology,*
- 2.2.3.10 *Seek to target women and the youth in active involvement in aquaculture activities for promotion of the sub-sector.*

- 2.2.4 **Improving capacity for aquaculture promotion through human resource development and training: The existing situational context for aquaculture in Liberia is one with a critical human resource shortage within and outside BNF. Current capacities are below the needs of emergent commercial aquaculture operations. Government will therefore improve capacity through human resource development and through training.**

Interventions

- 2.2.4.1 *Undertake a needs assessment for field, managerial and scientific personnel to prepare and implement a human resource development plan.*
- 2.2.4.2 *Develop a curriculum to incorporate aquaculture training and education at all levels.*
- 2.2.4.3 *Offer practical and tailored training opportunities in collaboration with non-state actors for individual and group fish farmers.*

2.3 Strengthening of fisheries management and development capacities for sustenance of a vibrant fisheries sector

Fisheries management and development capacities strengthened for sustenance of a viable and vibrant fisheries sector through, up-scaling of the capacity of BNF, adaptive research, capacity building for fisheries operators and investment promotion, supported by a robust funding mechanism.

Background: The mandate and the existing legislative framework for management of the fisheries resources of the nation are outmoded and need urgent revision. There is need to upscale the status of BNF, to a more pro-active statutory agency/body still operating under the Ministry of Agriculture. The up-scaled status will enable it to provide the enabling mechanisms for planning and policy making, promotion of investments in the sector, provision of a sustainable source of funding¹ and be able to institute adaptive research programs to support improvement of all facets of the fishing industry. A legislative framework for existing and emerging national responsibilities (e.g. MCS, co-management arrangements, fisheries management and development fund) needs to be passed while regional and international provisions need domestication to enable BNF provide the much needed services for a modern and self-sustaining fishery, capable of delivering profitable benefits for socio-economic development.

Strategies

- 2.3.1 Revising the legislative framework to support fisheries management and development: The existing legislative framework (the Natural Resources Act, 1956) is weak and outmoded and therefore the need to revise or provide a new legislative framework to support existing and emerging national fisheries management and development responsibilities as well as provide the opportunity to domesticate sub-regional, regional and international obligations/provisions that Liberia is signatory to.**

Interventions

- 2.3.1.1 *Establish an enabling legislative framework.*
 - 2.3.1.2 *Upscale status of the Bureau of National Fisheries to a statutory agency/authority operating within the Ministry of Agriculture to respond to emerging fisheries responsibilities.*
 - 2.3.1.3 *Legitimize the establishment of a fisheries management and development fund for sustainability of the fisheries sector.*
 - 2.3.1.4 *Support the functions and responsibilities of fisheries inspectors, observers, and other authorized officers as well as for compliance with provisions of the vessel monitoring system, air and sea patrols, including safety at sea and search and rescue operations.*
 - 2.3.1.5 *Support co-management arrangements to include, declaration of TURFs, co-management agreements, allocation of fishing rights, community surveillance, utilization of proceeds of fishing rights allocated and composition of the co-management structures.*
 - 2.3.1.6 *Set fisheries management in the context of international, regional and sub-regional obligations and treaties that Liberia is signatory to which requires domestication of the provisions into national regulatory frameworks to meet international standards.*
- 2.3.2 Up-scaling the capacity of the Bureau of National Fisheries (BNF): In order to carry out existing and emerging national fisheries responsibilities effectively and in a timely manner, government will re-structure the Bureau of National Fisheries to promote a more commercially-oriented operation with an advisory body and a well-defined decision making process that still operates under Ministerial guidance to provide the much needed services to sustain the fisheries sector.**

Interventions

- 2.3.2.1 *Upgrade the capacity of the Bureau to undertake adaptive research in socioeconomics, fisheries resources, ecosystem and environment, aquaculture and post-harvest and quality control, for improvement of the fishing industry.*
- 2.3.2.2 *Upgrade and support the Bureau to fulfill its MCS obligations by establishing a National Fisheries Monitoring Center, with a modern vessel monitoring system operating 24/7, linked to coastal stations strategically located along the coast, an operational fisheries observer program graduating into a regional observer status, an expanded and well trained fisheries inspectorate working in all the ports of the country.*
- 2.3.2.3 *Establish a Policy and Planning Service (with all the required Units) and build capacity to effectively collect and analyze fisheries data for timely dissemination, conduct effective monitoring and evaluation of the performance of the fishing industry, develop fisheries policies for approval by government and to make it up to the task of leading fisheries investment promotion drive.*
- 2.3.2.4 *Establish a Technical Division (Service) to be linked to research for adoption and dissemination of research findings through demonstrations and extension.*
- 2.3.2.5 *Assess the existing manpower needs, prepare and implement a capacity building program to build capacity of staff and recruit qualified staff to fill in vacancies established to meet the emerging responsibilities discerned.*
- 2.3.2.6 *Upgrade the capacity to support co-management arrangements by establishing a Co-Management Service to promote activities and build capacities of the co-management associations to manage the fisheries in designated areas to provide socio-economic benefits to members.*
- 2.3.3 **Implementing a comprehensive adaptive research program for improvement of the industry: The fisheries sector is be-deviled with multi-faceted challenges and requires continuous nurturing and monitoring for sustained improvement. Government will develop and implement a comprehensive adaptive research program on various aspects of the fisheries to include, biological, ecological, social, economic, nutritional and technological research to adequately respond to the needs of the fisheries sector to enable it contribute to growth.**

Interventions

- 2.3.3.1 *Develop and implement a fisheries and aquaculture research plan that supports and strengthens national research capabilities to meet acknowledged natural, social and economic scientific standards, where appropriate through cooperation with agencies and organizations, as well as local and international universities.*
- 2.3.3.2 *Strengthen fisheries research, to support the determination of the status of the main marine and freshwater stocks and fisheries including timely and reliable statistics on catch, landings and fishing effort in order to determine the biologically sustainable yields.*
- 2.3.3.3 *Conduct research on traditional fisheries management strategies and develop ways to incorporate lesson learning and best practice into current systems of co-management.*
- 2.3.3.4 *Conduct research to assess the effects of climate or environment change on fishery and aquaculture systems including fish stocks, aquatic ecosystems and the people that depend on them.*
- 2.3.3.5 *Ensure that the economic, social, marketing and institutional aspects of fisheries are adequately researched and that comparable data are generated for ongoing monitoring, analysis and policy formulation.*

2.3.3.6 *Undertake research and technological development for improved aquaculture, particularly in identifying economically and environmentally suitable species for farming and sources of feed and seed.*

2.3.4 **Implementing comprehensive capacity building and advisory programs for the fisheries sector: Government will prepare and implement comprehensive capacity building and advisory programs so as to build human resource capacity to increase levels of skills and expertise for the fisheries.**

Interventions

- 2.3.4.1 Prepare and implement a plan to address the human capacity needs, to include, on the job training, non-formal education, education and development programs, aimed at government and non-government stakeholders in the industry.
 - 2.3.4.2 Actively seek resource personnel and facilitate participation of non-state actors in the provision of training, financially support training programs identified in the plan, and provide incentives to encourage the participation of the targeted stakeholders to strengthen skills and build capacity for better opportunities in fisheries.
 - 2.3.4.3 Encourage fisheries agreements that provide capacity building opportunities locally, regionally or internationally to enhance the participation and competitiveness of beneficiaries in fishing and culture-based operations or management.
 - 2.3.4.4 Introduce a condition of preferential employment for Liberians in fishing access agreements when the environment is feasible, for employment generation and enhanced capacity building.
 - 2.3.4.5 Build capacity for new fisheries enterprises as well as alternative income generation activities by enabling participation and support beneficiaries to adopt and practice such new fisheries vocations by facilitating access to credit and markets.
 - 2.3.4.6 Support and implement a fisheries curriculum or syllabus at all stages of formal education up to the university level to enhance fisheries capacity building on a sustainable basis.
- 2.3.5 **Promoting sustainable fisheries investments Government will promote and encourage private sector: Investments that are environmentally, socially and economically sustainable in the fisheries sector to enhance the contribution of fisheries to the economy.**

Interventions

- 2.3.5.1 Undertake studies to identify constraints of the fisheries sector that may limit investments and spear head the implementation of institutional reforms needed to simplify and streamline processes to facilitate fisheries investments.
- 2.3.5.2 Ensure that information is accessible to the public in a transparent manner that permits monitoring and evaluation of the effectiveness of the management regimes and supports participation and investment in the sector while promoting responsible users and user participation in management processes.
- 2.3.5.3 Negotiate terms and conditions for fisheries concessions or contracts for management of infrastructures including Built, Own, Operate and Transfer (BOOT) investments.
- 2.3.5.4 Promote the development of credit and micro-credit schemes to encourage investment in fisheries.
- 2.3.5.5 Study and implement a fuel subsidy mechanism to be linked with responsible fishing for the artisanal fisheries to promote investment in the sub-sector.
- 2.3.5.6 Conduct robust feasibility, development and financial studies (including aquaculture) for potential large investments into the sector and to utilize these studies to attract suitable potential investors and joint venture partners into the planning and development process of the fishery sector.
- 2.3.5.7 Create in cooperation with the Ministry of Commerce and Industry, and the National Investment Commission a business environment that encourages investment in fish value addition and support

- industries and attracts foreign direct investment through ensuring a fair partnership with foreign players and investors.
- 2.3.5.8 Prepare and offer investors in fisheries, incentives for identified ventures that are socially and environmentally sustainable for example to reduce license fees for firms and investors that process all catch locally or employ a business model based on fishing methods with lower environmental impacts.
- 2.3.6 **Setting up sustainable funding mechanisms for fisheries development and management: To financially support the new and expanded responsibilities of the fisheries sector government will work out and operationalize sustainable funding mechanisms for efficient and effective management of the fisheries resources.**

Interventions

- 2.3.6.1 Revise the existing mechanism for generating fishing license revenues by adopting a system that is transparent, calculable and devoid of sustained monitoring techniques, in order to maximize rent from the fisheries. Adoption of the flat fee and a multiplier based on vessel characteristics will eliminate the uncertainties due to faulty estimation and monitoring of total catches, none or underreporting, discards, upgrading and illegal transshipments.
- 2.3.6.2 Revise the procedure of 50% down payment to full payment of license fees before commencement of fishing to streamline and foster revenue flows and projections.
- 2.3.6.3 Implement a license scheme for transshipment vessels (fish carriers) to expand the revenue source for fisheries development.
- 2.3.6.4 Devise and implement an enabling flexible fish import tariff system which protects the local fishing industry for job creation and sustainable revenue flow by allowing fish imports only at short periods of fish shortage and targeting fish for only local consumption.
- 2.3.6.5 Introduce tax reliefs to importers of fishing inputs to stimulate the environment for genuine importers to take up supply and distribution of these inputs as a business.
- 2.3.6.6 Establish and operationalize a fisheries management and development fund.

2.4 Enhancement of Value addition, marketing and fish trade for improved foreign exchange earnings and employment opportunities

Enhanced value addition in fisheries, encouraging and increasing fish exports for improved foreign exchange earnings as well as increased employment opportunities in fish processing and related industries through creating an enabling environment for post-harvest and trade opportunities, with appropriate quality control processes to support export to value added international markets.

Background: The value chain in fisheries involves harvesting and primary processing generally undertaken as quickly as possible after catching and secondary processing after which wholesalers bring the processed products to retailers where the consumer purchases the fish. The processing and wholesale are typically the largest value contributors in the fisheries value chain, often contributing between 20 and 60 percent of the retail value of the product. Fishing operations, on the other hand, tend to be the lowest contributor, proving between 10 and 25 percent of the final retail value. Consequently, Liberia is committed to develop a fish processing industry that provides increased employment and better salaries for Liberians. In addition various support industries are required, such as production of packaging, transport and factory maintenance so the potential for job creation is far wider than just the fishing itself. Processing and associated industries will also contribute to government revenue through taxation and this can bring in valuable foreign currency.

Strategies

2.4.1 Improving economic returns through establishment of post-harvest infrastructure: For net benefits of post-harvest fisheries to be enhanced, government has to improve post-harvest infrastructure.

Interventions

2.4.1.1 *Establish fish landing site clusters at all major fish landing sites to increase the economic value of fish products through improved hygiene and sanitary condition and marketing facilities.*

2.4.1.2 *Establish the import and export terminal in Mesurado to promote fish export and also from the fish landing site clusters established to enhance the earnings from artisanal and industrial fisheries.*

2.4.1.3 *Support the artisanal fisheries to increase the value of fish by provision of facilities for ice storage on board artisanal craft.*

2.4.2 Establishing national safety and quality assurance systems to enhance safety and quality of fish: To ensure the quality and safety of fish and fish products are suitable to local and international consumers, government will establish effective national safety and quality assurance systems to protect consumer health and prevent commercial fraud.

Interventions

2.4.2.1 *Adopt, sensitize and implement a capacity building program on quality and safety assurance systems based on Hazard Analysis and Critical Control Points (HACCP) and Total Quality Management (TQM).*

2.4.2.2 *Build the capacity of the BNF for adoption of the Codex Alimentarius for inspections and quality control of fish and fish products.*

2.4.2.3 *Strengthen the capacity of the BNF to sensitize and enforce the Fish Products Regulations passed.*

2.4.2.4 *Introduce quality, standards, metrology and testing (QSTM) infrastructure to ensure maintenance of set standards of quality.*

2.4.3 Promoting value addition, fish marketing and trade opportunities: Government will develop an enabling environment for improved post-harvest value addition and trade opportunities initiated by an assessment of needs and opportunities leading to an agreed development plan for post-harvest and trade improvements in fisheries.

Interventions

2.4.3.1 *Encourage packaging and develop fish products that add value to fish and fish products to improve the marketed value.*

2.4.3.2 *Promote eco-labeling of targeted export oriented fish to enhance the commercial value at international markets.*

2.4.3.3 *Establish a national competent laboratory at Mesurado for certification of fish to enhance fish export to major international fish markets to increase the economic value.*

2.4.3.4 *Encourage the establishment of value addition enterprises at Mesurado and build capacity to meet international standards to gain entry into foreign remunerative fish markets.*

2.4.3.5 *Create the enabling environment that provides timely information to private sector on fish prices at national and international fish markets, through internet, radio bulletins, and market review reports for timely informed decision making.*

2.4.3.6 *Establish curricula to provide training in business and marketing skills at the tertiary level to enhance capacity for fish trade at national and international levels.*

3 Implementation framework

3.1 Institutional arrangements

3.1.1 Government

Government's role in the implementation arrangement is critical in as much as the review and approval of the fisheries and aquaculture policy for onward consideration by Parliament is concerned. The overall oversight responsibility for implementation rests on the President of the Republic whose mandate is to brief and consult cabinet on regular basis on progress for the necessary national intervention. To be able to do this effectively, implementation plans, annual progress reports as well as monitoring and evaluation reports should routinely reach the Office of the President through the Ministry of Agriculture.

3.1.2 Ministry of Agriculture

The Bureau of National Fisheries is technically directly under the Office of the Minister of Agriculture but operationally, the Deputy Minister of Technical Services exercises oversight responsibility over it. Being a technical wing of the Ministry, the Agricultural Coordination Committee (ACC) will provide technical assistance in coordinating, implementation, monitoring and evaluation of policy implementation. Generally, MOA will have oversight responsibility for: facilitation of passing of relevant fisheries legislation (the New Fisheries Act and Regulations); maintain an enabling institutional framework including establishment of a Fisheries Authority and regularization of the fisheries management and development fund to promote development of the fisheries sector; facilitation of the development, dissemination and promotion of research, technology and information; and provide phytosanitary and zoo-sanitary inspection services for fish export and imports.

3.1.3 Central Fisheries Management Institution (BNF)

The enhanced responsibilities of the Bureau of National Fisheries, highlighted by the activities of the West Africa Regional Fisheries Program in Liberia show the inevitable need for re-structuring the Bureau to make it ready and effective for implementation of the policy. In this regard, clearly the need arises to have seven major divisions which are herewith referred to as Services:

Research Services: This should focus on adaptive research for the improvement/upgrading of the industry. Five Units are proposed under the Research Services:

- (a) Fisheries Resources Unit
- (b) Socio-economics Unit
- (c) Ecosystem and Environment Unit
- (d) Aquaculture, and
- (e) Post-Harvest and Quality Control Unit.

MCS Services: During the 3 years of implementing the WARF Program in Liberia it has emerged as a major task of the Bureau which when managed could bring into coffers immense financial benefits for socio-economic development of the country. It requires maintaining a fisheries monitoring center with the state of the art vessel monitoring system, managing an observer program with a view of upgrading to a regional observer status, expanding and up-scaling the fisheries inspectorates at the port and at sea. Four units are relevant:

- (a) Industrial MCS Unit
- (b) Small-Scale MCS
- (c) Port Control (fisheries inspections) and
- (d) At Sea Observers.

Policy and Planning Services. Responsible fisheries development cannot succeed without these services. Ability to collect and analyze fisheries data for timely dissemination is key to the development of the sector.

This requires in-built mechanisms for monitoring and evaluation of performances and means to effect recommendations for change also on a timely basis. The Bureau requires the capacity to develop general policies for approval by Government. Policy capacity to lead consultations, analyses and monitoring of overall sector performance against an approved plan is extremely essential. Four units are of relevance under these services:

- (a) Information and Statistics
- (b) Liaison, Cooperation and Investment Promotion
- (c) Monitoring and Evaluation, and
- (d) Sector Planning;

Administration: This is the coordinating wing to provide support to the various services and their units. Three units are proposed:

- (a) Finance and Procurement
- (b) human resources, and
- (c) Legal services.

As a result of implementing the program for reduction of illegal fishing in Liberia it has become very dire to encompass a legal unit to support the Ministry of Justice in the gathering of evidence and prosecutions. It requires a dedicated legal wing to facilitate judicious adjudication of cases.

Technical Services: This service is the operational wing of the Bureau which should intimately link with the research services for adoption and dissemination of research findings. It is the primary service to ensure effective fisheries management in all the counties. It needs therefore to be provided with enough and suitable personnel to implement its varied operational responsibilities. It requires that the presence of the Bureau in all counties, in which case, outstations are necessary. Three units are discerned:

- (a) Demonstrations
- (b) Extension, and
- (c) Outstations.

Within these units subject matter specialist for marine, inland fisheries and aquaculture will operate.

Aquaculture: Importance should be given to aquaculture due to the huge potential in this area, including existence of perennial rivers, lakes, creeks and estuaries. Another consideration is that the country is recorded as the third highest rainfall country in the world and further provides the opportunity for rain water storage for aquaculture purposes. The effect of the discharge from the rivers on the inshore area is to dilute the saline concentration and creates another potential for mariculture, especially for shrimp culture. The Aquaculture Services will work with stakeholders in the area for development and management of culture based fisheries to contribute substantially to fish production in the country. The units are:

- (a) Fish Feed Development
- (b) Nursery Management
- (c) Laboratory Services
- (d) Demonstrations
- (e) Aquaculture Extension
- (f) Administration.

Fisheries Co-Management Office (FCMO): Due to the importance given to fishermen's participation in the artisanal sector, establishment of a Division or Service responsible for co-management arrangements and networks should be an added value to BNF institutional arrangement. It is proposed that CMAs be formed in all 15 counties that being the case two Units are needed:

- (a) Inland and

(b) Marine.

A *National Co-Management Advisory Body* is necessary, whose composition and functions would have been ratified by legislation. The advisory body will provide guidance to the FCMO and a National Network of Co-Management Associations expected to be set up by the 15 CMAs which would have been established. The network will facilitate and guide member CMAs on allocation and management of fishing rights in the artisanal area.

The *Fisheries Management Board* appointed according to statutes to advise the Minister of Agriculture for the regulation and management of the utilization of the fishery resources as well as coordination of the policies in relation to them. The composition could be representatives from

- (a) Fisheries university,
- (b) Research institution
- (c) Artisanal fisheries- the national CMA network
- (d) LAFA
- (e) Industrial fisheries
- (f) Liberia Maritime Authority
- (g) Liberia Coast Guard
- (h) Ministry of Justice
- (i) Ministry of Gender
- (j) Ministry of Agriculture

3.1.4 County level

County Administration

The administration will provide the enabling environment for stakeholders' participation in planning, monitoring and evaluation and enforcement of fisheries regulations. The administration will provide access to information so that the same information base is available to all parties interested in fisheries management and development.

County Agricultural Coordinating Committee

Through the County Agricultural Coordinating Committee a forum will be provided to work with other agencies in the agricultural sector which is chaired by the County Agricultural Officer. It provides the opportunity for fisheries plans to be discussed and prepared at the county level for onward submission to the central Office as well as monitoring and evaluation of fisheries programs.

County Fisheries Office

The out-station office will coordinate, administer and supervise fisheries responsibilities in the county and will collaborate with other agencies and institutions interested in fisheries work. Data collection will be undertaken in collaboration with the CMAs established in addition to advising on fishing rights allocation, effort control and participatory monitoring of resources on negotiated indicators. It will be the liaison between the central office and the county

3.1.5 National Collaborating Institutions

Monitoring Control and Surveillance Coordinating Committee (MCSCC):

It is essential to define also the legal framework within which the Monitoring, Control and Surveillance Coordinating Committee will operate and its relationship with the Bureau of National Fisheries. The functions of the MCS CC should be dedicated to fisheries surveillance activities and financially and legally

independent from security or enforcement activities of the Liberia Coast Guard. The composition must be spelt and given effect as follows: Liberia Maritime Authority, National Port Authority, Bureau of National Fisheries of the Ministry of Agriculture, Ministry of Defense, Bureau of Customs and Excise of the Ministry of Finance, Ministry of Justice including the Bureau of Immigration and Naturalization, the Prosecution Department and the Liberia National Police).

National Maritime Security Committee

The committee was established by the President for developing and implementing the nation's maritime security strategy; implementing, enforcing and reviewing all related activities consistent with maritime security-related International Maritime Organization (IMO) conventions, protocols and treaties to which Liberia is a signatory; and planning for maritime security incidents and coordinating the response(s) of the various stakeholder. The committee comprises: both, the Ministry of Justice and Liberia Maritime Authority as co-chairs, the Ministry of Foreign Affairs, the Ministry of National Defense, the Liberia National Coast Guard, the Ministry of Agriculture, the National Port Authority, the National Security Agency, the Ministry of Finance, the National Oil Company of Liberia, the National Port Authority, the Environmental Protection Agency, and the Office of the National Security Advisor.

3.1.6 Other Government Institutions

National Investment Commission (NIC): The investment promotion drive for the fisheries sector will be handled in collaboration of the National Investment Commission. The Commission already co-operated with the BNF for the extension of the Mesurado fishing pier lease from 10 to 25 years and has indicated its willingness to take up the new challenge in fisheries investment promotion.

Ministry of Commerce and Industry (MCI): The Ministry of Commerce and Industry will spear head the sensitization drive to get Liberians' participation in the establishment of value addition facilities at the designated land located at Mesurado. It could be helpful in facilitating credit for the realization of the facilities.

Universities involved in fisheries work: A fisheries curriculum is being developed at the University of Liberia and that will provide the man power for fisheries extension and research. The adaptive research programs will be jointly undertaken and results shared. The Cottegton University has an aquaculture program and will be involved in training of managers as well as short courses for capacity building for aquaculture. In the future it will be possible for the Central Agricultural Research Institute (CARI) to be involved in aquaculture capacity building and adaptive research programs.

Forestry Development Agency (FDA): responsible for forestry and forests related conservation including mangroves which are used for fish preservation. It will be essential in sensitization on minimization of use and introduction of fuel efficient and energy saving systems in the fisheries.

Environmental Protection Agency (EPA): responsible for environmental monitoring and management including limiting of excessive exploitation and pollution of the fisheries waters. Its supervision of the preparation of ESIA's and ESMPs is even more relevant in the establishment of fisheries infrastructure.

Liberia Institute Statistics and Geo Information Systems (LISGIS): responsible for data management including fisheries data and works already closely with the Statistics Division for estimation of contribution of fisheries to GDP.

Ministry of Justice (MOJ): responsible for adjudication of cases particularly, infringements of the fisheries regulations.

Ministry of Lands, Mines and Energy (MLME), Lands Commission and Ministry of Internal Affairs: concern land issues for fisheries development, acquisition, surveys and facilitation of land titles.

Ministry of Finance: will work to provide the mechanisms for revenue management and projections.

Ministry of Health (MOH) and Standards Board (SB): will be responsible for fish sanitary certification through the competent laboratory to be established for fish imports and exports.

Ministry of Youth and Sports (MYS) and Ministry of Gender and Development (MGD) will mobilize the disadvantage groups comprising, the youth, women and other vulnerable groups for engagement in aquaculture and post-harvest activities.

Ministry of Education (MOE) and Ministry of Information, Culture and Tourism (MICAT) will be involved in curriculum development and sensitization for capacity building for fisheries education programs.

3.1.7 Role of Non-Governmental Organizations (NGOs)

These organizations will facilitate additional financial inflows into the sector and further strengthen the sector and accelerate development by lending support to partnership arrangements. Through the yearly accreditation mechanism instituted by the MOA, all NGOs will plan their activities to conform to the MOAs expectation and will provide annual progress reports for coordination, monitoring and evaluation. Capacity building to enhance knowledge, technical skills and capacities of fisheries beneficiary groups will be encouraged, as well as promotion of gender development activities and promotion of the welfare and advancement of other disadvantaged and vulnerable groups.

Local NGOs

Faimaba Fisheries Development Cooperation is involved in aquaculture work in the country and will partner the new Bureau of National Fisheries in promotion of aquaculture development and extension.

Liberia Artisanal Fishermen Association: This is a legally registered association with accreditation from the Ministry of Agriculture and has members in all the 9 coastal counties. Having members being part of the CMA arrangement, will work through the Co-management office of the new Bureau of National Fisheries.

Liberia Marketing Association (LMA): responsible for creation of markets and will be involved in the planning and setting up of the fish landing site cluster markets.

Liberia Credit Union National Association (LCUNA) will provide the enabling environment for provision of credit to fisheries stakeholders.

Agricultural Industry Training Bureau (AITB) will provide training needs of fisheries stakeholders as well.

International NGOs

Environmental Justice Foundation is currently interested in curbing illegal fishing activities in the country and will collaborate on MCS matters.

United Nations Mission in Liberia (UNMIL), is the current partner of the Bureau of National Fisheries in the execution of air patrols to combat illegal fishing in the fisheries waters of Liberia.

Fauna & Flora International (FFI) is interested in conservation issues and biodiversity programs which includes fisheries.

TRYGGT collaborates with *BNF* on monitoring of illegal fishing vessels in the Liberia fisheries waters.

BRAC, CATALYST, CARITAS are international NGOs interested in aquaculture extension and development.

3.1.8 Role of Banks

There will be need to provide financial services and credit for development of fisheries and aquaculture activities to which the relevance of commercial banks come to prominence. The Afriland Bank, the LBDI and the Central Bank will play a part in the fisheries and aquaculture policy implementation as already in other areas of agriculture they play a commendable role in extension and management of credit facilities.

3.1.9 Role of Private Sector

Private sector will be the engine of growth. Currently private sector participation is restricted to importation, cold storage and retail. Ten companies are involved namely, Caroline Frozen Foods, Cheaitou Brothers, Dalian Hailian Sea Products, Dong Yong Fisheries, Fresh Frozen Food Inc., Sierra Fishing Company, Snokr CFR, Unique Food Liberia, Ltd., and West Africa Enterprise. Only one company (Global Ocean Fisheries Corporation) is involved in fishing in the Liberia fisheries waters with 4 fishing trawlers. These companies will be actively engaged in post-harvest and value addition as well as sustainable fisheries implementation plans.

3.1.10 Role of Development Partners

The main role of Development Partners is to provide support to the sector to fill funding gaps in the implementation plan. The donor community comprises bilateral, multilateral and regional organizations. The main regional or sub-regional partner organizations are the, ECOWAS, FCWC, SRFC and the Manu River Union. The other international partners in the fisheries sector include, EU, IFC, the World Bank, USAID, SIDA, JICA, GIZ, and the FAO. The Development Partners will support MOA in the re-structuring of BNF, support upgrading of the capacities, and the needs assessment programs by funding of recruitment of experts, building of enabling infrastructure including the setting up of the fisheries institution for award of BSc Degrees.

3.2 Monitoring and Evaluation

A Monitoring and Evaluation (M & E) Unit of the New BNF and will be tasked, in consultation with stakeholders of the fisheries sector, to establish a results monitoring framework to support policy implementation. At the onset, outcome indicators would be established for monitoring of performance of policy implementation. It will require also the establishment of targets/milestones and an agreement on the form the reports expected would be generated. The Unit will carry out yearly participatory M&E programs to determine effectiveness and impact of the policies on fish production and availability, marketing and value addition as well as gaps to be filled. As part of the M&E system, provision will be made for early warning systems to enable early mitigation and restitution interventions to avert serious dislocations during policy plan implementation.

3.3 Management framework for the Fisheries Management Units of Liberia

The operationalization of the policy framework includes the preparation of a management framework for each of the five fisheries management units of Liberia with the overall objective being sustainable management of the fisheries resources and associated ecosystems.

3.4 Action Plan for the Policy Framework

The plan of implementation of the policy framework is attached as Appendix III. The plan indicates the specific actions (interventions) to be taken, the delivery date and the lead agency or institution responsible, to achieve the expected outcomes in Appendix I. The plan also shows the linkage of the interventions to the strategy and ultimately to the policy objective.

CODE OF FOREST HARVESTING PRACTICES

1 Introduction

The Code contains practices and sets standards, which have been developed based on research and practical experience in tropical forests. A literature research was completed to review a number of existing codes to help guide approaches, illustrations and content. After completion of the initial desktop study and updating the Code accordingly, the initial draft underwent robust field testing with inputs given by a wide range of representatives, from FDA, other ministries, civil society and the logging industry.

Objectives

- *To provide forest operators with a set of guidelines and standards for improved forest harvesting practices that improve standards of logging/utilization and reduce environmental impacts, and so contributing to the conservation of forests.*
- *To provide a sound foundation to comply with Liberian legality requirements related to forestry.*

2 FOREST MANAGEMENT PLANNING

2.1 Harvesting Practices and the Management of Risk

This Code follows a risk-based approach in managing performance indicators in forestry. In recent years, a “triple bottom line” approach in business has become standard practice for companies striving to manage their business responsibly. The three factors encompassing the triple bottom line are economic, environmental and social values. These values have thus also been adopted in the Code, but are further refined as follows:

- Economic values: Subdivided into Productivity [P] and Quality [Q]
- Environmental values [E]: No further subdivision
- Social values: Subdivided into Safety and health [S], and Social [So]

The five refined values are in fact a reflection of the key performance areas in any logging operation. If an organization performs according to desired outcomes (targets), then the company is in fact acting responsibly and adhering to the triple bottom line principle. The five performance areas identified have been configured into the acronym SPEQS, for ease of use.

These performance indicators are largely also reflected in the internationally defined Reduced Impact Logging (RIL) guidelines that are used to describe most harvest codes today. Compliance with safety, environmental and social regulations are also required by forestry operations in Liberia.

Operators are thus obliged to comply with the above requirements. As explained above, the Code also addresses the key performance areas of productivity and quality. As these do not necessarily relate to legal requirements, the productivity and quality guidelines mostly have the status of a recommendation. Throughout the Code every guideline has been tagged with the performance indicators relevant to it in parentheses at the end of the sentence.

2.1.1 A risk-based approach to forestry

The Code considers three inputs in harvesting operations, which are combined to produce a desired output:

- Men (Humans)
- Machines

- Materials

These three inputs (known as the 3M's) are always present in the work environment in the forest. The risks in the work environment are placed in one of three categories:

- Climate
- Site features
- Terrain

The work environment thus consists of hazards that pose various levels of risk to each harvesting job in the forest. Safety, Environmental and Social Risk Assessments are tools used to control intolerably high risks by defining mitigation measures for such hazards. Separate to the Code, such a baseline risk assessment exists for key harvesting jobs in the forest. The Code compliments the baseline risk assessment by elaborating and expanding on control measures that are required to mitigate intolerably high risks. The Code shall thus be used as a reference document in all cases when on-site risk assessments are completed for logging operations, as it contains control measures to mitigate intolerably high risks encountered in the field. This risk management approach is typically referred to as “Hazard Identification, Risk Assessment and Control Measures”, or abbreviated to HIRAC.

The operators use defined control measures in their harvesting operations during the full management cycle. The management cycle typically consists of four elements, known as the Deming model:

- Planning;
- Doing (implementing);
- Checking (monitoring);
- Acting.

This is abbreviated to the PDCA management cycle in the Code. The combine concepts SPEQS, HIRAC and PDCA facilitate and guide high-performing harvesting operations in Liberia.

2.2 Planning Requirements

Broad scale planning or land use validation is carried out by the FDA in consultation with concerned stakeholders prior to forest resource allocation in order to determine forest areas which may be designated as commercial forest areas, protected areas or multiple use forest areas.

Forest areas designated for sustainable forest management by applying the Liberian selective cutting system must be managed according to a 25-year rotation/ cutting cycle. For these areas, the following planning levels are obligatory:

- Strategic planning (25 years) covering the background, conditions and plans for the entire contract area.
- Detailed planning for operations covering activities to be carried out within a 5-year period.
- Annual planning covering the previous year's activities and operational plans for the following year including block plans.

All these planning activities shall be made in accordance with this Code. Good planning at the operational level has been shown to significantly reduce both operational costs of the operator and the environmental, social and safety risks of timber harvesting.

Two types of field inventories shall be required for proper sustainable forest management planning:

- First, the forest operator shall complete a general inventory of the entire contract area to provide basic data on forest resource and sustainable forest management practices including yield regulation.
- Second, the operator shall complete pre-harvesting enumeration to define the harvestable trees and associated risks to achieve annual harvesting targets.

Respective planning guidelines, standard operation procedures, work instructions and mapping requirements for each planning level are issued by the FDA.

For forest areas designated for conversion into another land use (TSC and PUP), the Code requires operators to prepare at least annual harvesting plans defining trees to be harvested in compliance with environmental, social and safety planning requirements as set out herein. For these areas, other planning requirements are issued by the FDA.

2.3 General Safety and Health Planning Requirements

2.3.1 Camp hygiene

a) Semi-permanent logging camps (usually no more than 5 years)

Logging camps shall comply, as a minimum, with the requirement of the ILO Code for Safety and Health in Forestry. This includes the following [S]:

- Housing for single workers without families shall not exceed two people, to allow workers a minimum of privacy;
- Houses need to be safe, dry, with sufficient ventilation and have lockers for keeping personal belongings;
- Canteen, taking into consideration the size of the camp;
- Covered kitchen facilities;
- Storage facility for food;
- Sufficient supply of potable water;
- Sufficient sanitary facilities (bathrooms, showers, toilets or latrines), separated from sleeping and dining areas and from kitchen facilities and storage areas for food, complying with hygienic requirements, equipped and located in accordance with the cultural environment of the workers;
- Facilities for washing and drying clothes;
- Storage facility for general materials;
- Separate storage facility for any inflammable, chemical or explosive substances at a safe distance from the living quarters;
- Recreational facilities considering scale and intensity and agreed in collaboration with workers;
- Means of control of rodents and harmful insects in case of infestation outbreaks;
- Lighting in houses with safe and legal electrical wiring; generators should be repaired as soon as practicable;
- Waste disposal facilities (See paragraph 2.3.4: waste management);
- First aid facility for emergencies with a nurse/ first aider available.

b) Survey camps and mobile camps (several weeks)

Survey camps are temporary camps constructed in the forest and are usually only used for a few weeks while survey teams are at work. Mobile camps are often used during road construction. The following rules apply to survey and mobile camps [SE]:

- Sleeping quarters shall be constructed at least 20m from the nearest water body;
- A waste pit shall be dug at least 50m from the stream and all waste shall be dumped in the waste pit. The waste pit shall be covered with at least 30cm of soil when the camp is abandoned;
- Toilet facilities shall not be closer than 50m from the nearest water body.

2.3.2 Construction of workshops

Workshops shall be constructed according to the specifications set out in the approved ESIA prepared for the company. Additionally:

- Workshops shall be located at least 100 m away from any watercourse or water body on a stable surface;
- For toxic waste, see waste management under paragraph 2.3.4;
- Hydrocarbon (fuel and oil) storage shall include bonding. The bund wall shall allow for containment of at least the contents of the largest tank within the bonded area [SE].

2.3.3 Hazardous chemicals (spraying of logs with pesticides)

All pesticides (e.g. preservatives, pesticides and herbicides) shall be used in accordance with the Material Safety Data Sheets (MSDS) for the particular chemical. Chemicals shall only be used when necessary to achieve defined management aims and in strict accordance with the manufacturer's instructions. Furthermore [SE]:

- Hazardous chemicals shall be stored in a well-drained area at least 100m from any watercourse or any inhabited building;
- Hazardous chemicals shall be stored in a locked, dry, well-ventilated storeroom. Wet products are to be stored separately from dry products;
- All entrances shall be clearly marked with a sign reading "warning – hazardous chemical storage - authorized persons only" or equivalent;
- All containers used in the transport, storage and use of toxic chemicals shall be leak proof, marked as "hazardous" and clearly labeled with the contents' name.
- Access to the storerooms of toxic materials should be restricted to authorized personnel;
- Recommendation: Containers should not be stored on the floor, but are to be elevated above the floor on pallets or other means, to allow regular inspection and rapid identification of leaks;
- Recommendation: Concrete bunds with a capacity of twice the storage capacity of the largest storage container be provided around all storage facilities;
- Equipment used for applying chemicals shall not be washed in watercourses;
- Excess chemicals are to be either removed from the forest or chemically treated (neutralized) in an approved manner;
- Empty containers shall be safely disposed and not reused:
 - Triple rinse the container;
 - Punch holes in it;
 - Flatten the container (optional).

2.3.4 Waste management

Waste management shall be dealt with according to the specifications set out in the approved ESIA prepared for the company. Furthermore [S]:

- Hazardous waste (hydrocarbons, batteries and fluorescent tubes/bulbs) shall be specifically addressed in the waste management plan;

- Waste pits shall be used for non-hazardous inorganic waste disposal (e.g. plastic, metal, glass);
- Waste pits should be used for organic waste disposal (food waste and paper);
- Waste pits should be burnt out from time to time to prolong their useful life.
- Waste pits shall be located at least 100 meters from any water body and at least 1m above the groundwater table;
- The area should be fenced off and signs should be erected identifying waste pits;
- Waste pits should be covered with at least one (1) m of soil once they reach the end of their useful life;
- Toxic materials shall never be disposed of into watercourses or lakes.

2.3.5 Lightning strikes

When caught in a thunderstorm, run to the nearest building, motor vehicle or fully enclosed ROPS equipment cab immediately. Being anywhere outside is not safe. Furthermore [S]:

- If inside a motor vehicle or fully enclosed ROPS equipment cab, do not step outside of the vehicle or off the equipment to move to another shelter;
- Shut down all operations, turn off the engine, close all doors and raise all windows.
- Do not touch any radio or telephone;
- Sit squarely in the seat with your hands in your lap and your feet flat on the floor mat;
- Do not touch any metallic objects connected to the outside of the vehicle. Do not touch any door or window handles, control levers, foot pedals, steering wheels, cab interior walls and any other metal objects;
- Remain in your safe location for 15 minutes after the last sight of lightning or the last sound of thunder.

2.3.6 First aid and emergency response

Employers have the main responsibility for safety and health in forestry work. They shall install and maintain work systems and methods which are safe and without risk to health. Employees shall take responsibility for their own safety and those of others at the worksite. Furthermore [S]:

- Each logging team shall be familiar with the emergency response procedure in the case of accidents;
- All machine operators shall receive the necessary training and instruction to ensure competency to safely operate equipment for the job they are assigned to do;
- Operators should know what the job requirements are, what other machines are working in the area, and be aware of any hazardous conditions that may arise;
- A fully equipped first-aid kit shall be provided to every logging crew and located close to where felling crews are working;
- At least one formally trained First Aider shall be present at each worksite at all times.

2.3.7 Protective clothing (PPE) and safety equipment

PPE requirements shall meet the requirements stipulated in the ILO - Code of Practice on Safety and Health in Forestry Work.

2.4 Productivity Performance Guidelines (recommended)

Productivity requirements stipulated in the Code are not compulsory to follow, but rather recommendations to guide operators in improving their efficiencies. Productivity is defined as outputs/inputs and the following is recommended for each of these.

Outputs

Outputs can be identified for each job. Some examples of outputs are [P]:

- Felling: Trees/day;
- Log production: m³ /species/day;
- Transport: Loads/day;
- Right of way felling: meters per day;
- Bulldozer right of way route opening up: km's per day;
- Grader blading: km's per day.

Inputs

- Humans:
 - Chainsaw and machine operators that are well trained and skilled in the competencies of felling, extracting and loading of tropical timber.
- Machines:
 - Chainsaws, skidders and loaders are correctly specified for the tree/log size in the forest;
 - Chainsaws are checked for operability prior to leaving the camp each morning and unserviceable saws are not sent to the forest;
 - Forest machines undergo a pre-startup inspection every morning and faults are addressed;
 - Daily targets are set for chainsaw operators, skidding machines operators and loader operators for the felling/crosscutting of trees, extracting tree lengths and loading of logs.
- Materials:
 - Operators are advised to closely monitor fuel consumption. A suggested ratio to measure fuel use by various equipment types is m³ of logs or km's of road per liter of fuel consumed.

2.5 Environmental and Social Performance Requirements

Environmental and social performance requirements are based on the different functions Liberian forests provide. Basically, there are three main groups of functions, i.e. economic, ecological and social, each one including a number of sub-functions. Forest functions have different impacts on forest management. Some functions exclude all types of forest operations, others only commercial timber harvesting or road construction, and others impose only minor management restrictions.

Functions and sub-functions may overlap or exclude each other. But in general, all forest functions of strictly protective nature (herein named “protection”) are not compatible with log production. Functions of restrictive nature (herein named “conservation”) are partly compatible with log production. If functions should overlap during identification, the more restrictive management prescriptions must be applied for mapping and planning.

The commercial forest area shall be divided into non-timber production and timber production zones according to the restrictive nature of the functions as shown in Table 5 below. The sub functions listed in the table are not exhaustive. For particular situations, the FDA may require forest operators to observe additional functions or may impose stronger management restrictions for conservation areas.

The identification of forest functions is done in an iterative planning process at all three planning levels, i.e. contract area, compartment and annual logging coup. It involves various steps and procedures as described in the forest management planning guidelines issued by the FDA.

2.5.1 Exclusion zones

Exclusion zones in commercial forests are areas where logging is strictly prohibited for the purpose to protect environmental and social interests.

a) Soil protection areas [E]

Soil Protection areas are all areas with an average slope gradient above 40%. These areas are extremely sensitive to soil erosion and degradation. The disturbance to vegetation cover following timber harvesting could result in severe soil erosion, loss of nutrients, and siltation of down-stream water systems. Extreme forms of soil degradation may lead to landslides and flash floods.

The construction of access roads to adjacent harvestable areas is permitted within soil protection areas, if access is otherwise impossible. However, road construction has to follow particularly strict standards as reflected in the Code, including the use of excavators, establishment of extensive drainage system, etc. (See section 5)

b) Riparian buffer protection areas [E]

Riparian buffers are located along the banks of rivers and creeks, and around the perimeter of lakes and swamps. Streamside vegetation stabilizes banks and often contains a high plant and animal diversity. They provide critical habitats and migration corridors for many mammal and bird species, and maintain ecologically important vertical and horizontal linkages throughout the forest landscape.

The objective for the protection of riparian areas is to prevent the negative impacts of forestry operations on stream channel stability, water quality and aquatic ecosystem productivity and diversity, and to protect species diversity associated with riparian areas. Table 6 provides buffer strip distances.

Watercourses are divided into 3 categories:

- Permanent streams: >30m from bank to bank.
- Creeks: 10m to 30m from bank to bank;
- Rivers: >30m from bank to bank.

The width of a watercourse is to be measured from bank-to-bank during normal wet season (i.e. the period of peak water flow), and may include flood plains and swamps (also see water supply protection and flood control conservation areas).

All riparian buffers shall be identified during pre-harvest inventory work and must be indicated on block maps. Block inspections carried out by the FDA shall validate the location of the identified buffers before forest operations commence.

No logging and no skid trails shall be allowed in riparian buffers. Access roads are permitted as long as bridges are constructed. In the event of trees being accidentally felled into stream channels and other waterbodies, they shall be winched out.

c) Ecosystem protection areas [E]

Ecosystem protection areas include High Conservation Value (HCV) forests and other areas which contain rich ecosystems and ecological niches such as limestone or granite rocks, cliffs, swamps and wetland.

Ecosystem protection areas shall be identified during multi-resource inventory work with the help of remote sensing techniques and based on local knowledge.

d) Water supply protection areas [E, So]

Water supply protection areas are in the immediate vicinity of reservoirs, dams, springs, wells and other facilities for domestic water supply. They shall be identified and protected in order to prevent surface runoff, soil erosion, siltation and pollution of water resources.

Water is one of the most valuable natural resources and clean potable water is an indispensable asset for human society. The protection of water resources, therefore, is a priority in natural resource management. Water-related forest functions focus on the conservation of the cleanliness of the groundwater and surface water bodies, and the maintenance of continuous water supply.

A buffer zone with a radius of at least 50 m around the perimeter of the water source shall be established and indicated on block maps.

e) Plant and animal protection areas [E]

Plant and animal protection areas are areas where rare, threatened and endangered plants and animals (mammal and bird- fish, insects, invertebrates?) species occur. In the case of animal species, this refers to areas where such species breed, nest, reproduce or otherwise depend on and where their protection has highest priority.

Plant and animal protection areas shall be identified as defined by the FDA and/or based on wildlife studies undertaken during the multi-resource inventory. These studies shall include information provided by the local population, forestry staff and forest inventory teams. Plant and animal protection areas shall be excluded from logging. Furthermore, no other human interferences shall be allowed except activities compatible with the purpose of protection.

f) Protected Area buffer protection [E]

Protected Area buffers are strips of forest along the periphery of Proposed and Declared Protected Areas neighboring the commercial forest area. Their purpose is to prevent negative impacts as a result of adjacent logging operations.

The location and width of the buffer depends on the type of the Protected Area: around National Parks and Nature Reserves, the buffer is 50 m. around other protected areas the buffer is XXXX? No felling and no skid trails are allowed in the buffer.

Protected Area buffers shall be indicated on block maps. In the event that trees are accidentally felled into the buffer, they have to be winched out.

g) Local use areas [So]

Local use areas are forests which are, and have been, traditionally and intensively used by the local population, and which are an integrated and indispensable component of their subsistence. These areas include forest land reserved for community land allocation and areas that are traditionally used to provide resources for livelihoods.

The location and size of local use areas created for each community residing within or adjacent to commercial forest areas must be validated by the affected communities and approved by the FDA. A buffer of at least 100 meters in width shall be maintained to the edge of cultivated areas and settlements.

h) Cultural site protection areas [So]

Cultural site protection refers to areas which have a significant cultural value, e.g. religious sites, graveyards, archaeological sites, historical sites, rare topographic formations, viewpoints, waterfalls, etc.

These cultural places shall be protected from logging damages by a buffer strip around their outer perimeter at least 100 m in width.

2.5.2 Conservation zones

The identification of conservation zones is not mandatory but recommended. Forest operators interested in forest certification or who wish to benefit from payment for environmental services schemes may be requested to identify conservation areas. If so, the location of conservation zones must be justified in the long-term forest management plan.

Logging operations shall be restricted in conservation areas in terms of logging intensity (road construction and harvestable volume / tree species), logging equipment to be used and schedule of operations depending on the conservation objective. Recommended management restrictions are provided for each of the following conservation area.

a) Flood control conservation areas [E]

Flood control conservation areas include forests which are capable of storing excess water during the rainy season and to maintain the flow velocity of excess water below critical levels. The extensive exploitation of such forests would result in downstream flooding.

Flood control conservation areas include all areas along alluvial rivers subject to temporary flooding from the outer edge of the riparian buffer strips to the edge of the active flood plain. They also include inland fresh water swamps in catchment areas upstream of flood-prone areas.

Recommended management restriction: Reduced logging intensity (roads and harvestable volume)

b) Water catchment conservation areas [E, So]

Water catchment conservation areas include forests surrounding the headwaters of streams. The water retention capacity of these forests prevent high surface water run-off. Therefore, water catchment conservation is essential to ensure the continuous supply of clean water to meet downstream domestic, industrial and agricultural uses.

Identification criteria may include critical watersheds or catchment areas, water catchments feeding hydropower plants or water reservoirs, poorly drained or waterlogged sites, moist areas and swamps.

Recommended management restriction: No logging and machinery movement during the wet season (from May to November).

c) Wildlife habitat conservation areas [E]

This includes corridors for animal movement from the commercial forest areas to adjacent Proposed and Declared Protected Areas as well as between identified exclusion zones within commercial forest areas.

Identification criteria should include: type and number of wildlife species and their protection status, habitat size (dependent on species), and actual habitat condition (degree of disturbance).

Recommended management restriction: No harvesting activities during breeding and mating season.

2.5.3 Protection of plant and animal species

The listing of Liberian protected plant and animal species is maintained, regularly updated and published by the FDA as the national focal point of the Convention on International Trade of Endangered Species (CITES). The listing considers IUCN's red list species including rare, threatened and endangered species.

Around all protected tree species identified in sustainably managed forest areas, a protective buffer of 10-meter radius the tree shall be applied.

The same protective buffer of 10-meter radius shall be applied to seed/ mother trees. A listing of seed/ mother tree species to be protected is provided by the FDA which may vary depending on the management objective and location of the commercial forest area.

The location of all protected and seed/ mother tree species shall be shown on block maps. Furthermore, all forest operators shall apply appropriate measures aiming at mitigating illegal hunting practices and trade of bush meat of protected species by enforcing and monitoring directives prohibiting all employees and workers to –

- possess and/or transport firearms, bush meat and/ or hunters in company vehicles, even outside the commercial forest area;
- hunt outside of any designated hunting area within the commercial forest area;
- hunt protected animals;
- use traps;
- engage in trade of bush meat in company camps, worksites or elsewhere.

2.6 Quality Performance Guidance (Recommended)

"Quality" encompasses 3 elements:

- Log specifications [Q]:
 - The operator should have a set of log specifications available for the products that he/she intends to produce in the forest. The log specifications make it possible to optimize value and minimize waste in the forest.
- Minimizing waste during logging operations (Figure 6) [Q]:
 - Minimization of wood waste during felling, extraction and log making;
 - Avoid leaving merchantable logs behind in the forest.
- Presentation of trees/logs [Q]:
 - Direction: This is the direction that trees/logs are placed from one job to the next. For example, the direction of felled trees in relation to complimenting the extraction distances;
 - Indexing: This refers to how good stacks are indexed from one job to the next. For example, the accuracy of indexing of a log load on a logging truck can influence the stability and safety of the logging truck;
 - Size: This refers to the size of the piles, bunches, stacks etc. that is prepared from one job to the next. For example, the number of logs presented for extraction by a skidder in a single trip.

2.7 Social Responsibility Performance Requirements

2.7.1 Land and forest use rights and responsibilities

All forest operators shall be expected to respect legal or customary rights to land and forests, as well as respect for cultural, traditional and local values and customs. Refer to paragraph 2.5.1, Table 6 for buffer zone parameters for cultural, spiritual and historic sites, and villages, farms, settlements. This is also further described under section 2.5.1 g) Local use areas and section 2.5.1 h) Cultural site protection areas [So].

Forest Management Contracts and Timber Sales Contracts provide the contract holders and operators with a right to operate in a given area. Contract holders should immediately inform the FDA of any illegal forestry activity in their contract area.

Social agreements between contract holders and affected local forest communities define and describe the codes of conduct and other agreements concerning forest access, forest use rights and responsibilities, benefit sharing arrangements, the use of local labor, compensation for crop damage, etc., between the two

parties. They also describe conflict management arrangements [So].

2.7.2 Cultural tenure areas

Areas that fall under cultural tenure of local communities shall be excluded from the harvesting plan area and in some cases depending on the size and location of the cultural tenure, they may be removed from the contract area prior to awarding a contract [So].

2.8 Planning Requirements Related to Tree Felling

2.8.1 Chainsaw safety

All chainsaws shall be maintained in good working order and all safety devices shall be operational at all times. Specifically, all chainsaws should be equipped with [S]:

- a) separate handles for both hands when wearing gloves;
- b) an on/off switch which is reachable with the right hand on the throttle whilst wearing gloves;
- c) a throttle control lock-out which prevents the chain-saw from being started unexpectedly, because two levers have to be pressed simultaneously;
- d) a rear handle guard for protection of the right hand;
- e) an anti-vibration system, consisting of rubber shock absorbers between the engine block and handles;
- f) a chain brake, which is activated manually by the front handle guard and by means of a non-manual mechanism in the case of kick-back;
- g) a chain catcher;
- h) a spiked bumper, which allows the weight of the saw to rest on the log securely during crosscutting;
- i) a front handle guard for protection of the left hand from the chain;
- j) a chain guard for avoiding injuries during transport (optional).

The relevant PPE has been defined and described earlier in Table 5.

Note that:

- Felling shall only commence once the FDA has given its authorization. All commercial trees included in the approved yield shall have been marked for felling and their predetermined felling direction indicated [SPEQ];
- Seed trees and protected trees shall also be marked [E];
- Each felling crew should include at least two members (main chainsaw operator and an assistant) [P];
- Felling shall commence when forest road and log landing construction is completed, and when skid trails have been marked on the ground [P];
- All chainsaw operators shall be familiar with the harvest area and have discussed the block plan with the bush manager and/or their supervisor [SPEQS];
- The felling crew shall take both the harvesting map and the file of information on trees to be harvested into the forest [SPEQS];
- Felling shall not occur within protected or exclusion areas and their respective buffer strips [E];
- Felling is not allowed on slopes steeper than 40% [E];
- Felling should commence at the far end of the block and proceed along the main skid trail towards the log landing [E].

2.8 Planning Requirements Related to Extraction Operation

2.9.1 Extraction equipment safety

All heavy equipment should undergo regular maintenance to achieve and maintain safety standards and good working condition [SP].

All heavy machinery shall be equipped with [S]:

- A safety cab with a Roll Over Protection Structure (ROPS) and Falling Object Protection Structure

(FOPS);

- Access to and exit from machinery designed to provide hand and footholds of a convenient height and spacing;
- Securely mounted seats and seat belts;
- Rear portion of cabs fitted with protective wire mesh (except loaders, excavators and graders);
- Securely guarded pulleys, shafts, belts and fan blades;
- Engine emergency stopping devices that are clearly marked and easily accessible from the normal operating position;
- Parking brakes shall be capable of keeping the machine and its rated load stationary on all slopes likely to be encountered;
- Fire extinguisher or 5-gallon container filled with water (operators shall be trained in their use).

No modifications should be made to a machine that [S]:

- Interferes with operator visibility;
- Interferes with access to and exit from the machine;
- Interferes with the ROPS or FOPS structure of the cab.

2.9.2 Landing location

Landings are planned once the road network has been defined for log extraction. Landings are then placed at strategic locations along designated logging roads to facilitate extraction and improve skidder productivity, minimize environmental damage, facilitate cross cutting and allow for the safe loading of logs onto trucks. Furthermore:

- All merchantable trees shall be felled from the log landing site and extracted before clearing (these trees will be part of the approved yield from the block) [P];
- Log landings shall be well drained. Proper drainage requires [E]:
 - A domed surface to prevent the ponding of water;
 - Drains to channel runoff to vegetated areas;
- Log landings should have designated entry (skidder) and exit (log loader) points [SP];
- Skid trails should approach landings from below to avoid directing runoff of water to the landing. This will reduce the amount of mud and water entering log landings from skid trails or roads [PE];
- Debris and waste should be placed so as not to restrict drainage of the landing [E].
- Log landings should be located at such intervals as to minimize the number and total length of skid trails, but they should normally not be less than 250 m and not more than 1000 m apart [P];
- Log landings should be located:
 - at least 30 m from the edge of buffer strips (e.g. 50m from the bank of a creek) so that mud and debris do not enter watercourses [E];
 - on a gentle sloping elevated area, or on ridges or benches, in order to facilitate free drainage at all times, reduce the amount of side cutting, and encourage uphill skidding to disperse runoff into surrounding vegetation [E];
 - at sites that accommodate efficient skidding patterns and directions [E];
- Trees on the road construction site that are marked and felled, should be deposited on a temporary roadside landing and integrated into the production process [P];
- The size of a log landing will depend on the expected volume and number of logs to be stockpiled. It should be large enough to facilitate the sorting of logs, to allow for entry (skidder) and exit (loader) points. A log landing should not exceed 2500 m² in size and a maximum of 4 landings within a 100 ha or 1 km² block [E].

2.9.3 Skid trail layout and construction

a) Skid trail location

Skid trail design and layout follows on from landing construction.

- The design of the skid trail network should be based on an assessment of the following factors:
 - Location and density of roads and log landings [P];
 - The number and location of trees to be harvested [P];
 - The logging equipment used [P];
 - The minimization of watercourse crossings [E];
 - The avoidance of soils with low load bearing capacity [PE].
- The total area occupied by skid trails should not exceed a total linear distance of 200 m per hectare [E];
- Skid trails shall not be constructed in areas excluded from harvesting and buffer strips [E];
- The maximum allowable gradient for skid trails is 45% where a dozer and 6x6 skidder is used and 35% where a 4x4 skidder is used for extraction [E];
- Skidding on slopes greater than 45% (dozer) and 35% (skidder) is only permitted/ allowed for short distances (less than 20 m) where adequate provision for drainage is possible to prevent excessive erosion [E];
- Uphill skidding is recommended since this gives operators better control over the movements of the log, and also tends to encourage the greater dispersion of runoff water into the surrounding area and not onto the skid trail [PE];
- All skid trails should be as straight as possible to minimize damage to residual trees, to prevent damage to the log being extracted, and to maximize skidding efficiency [PE];

b) Preparing skid trails

There are 3 key steps in preparing skid trails [SPESo]:

- The proposed skid trail layout in a block shall first be mapped (first picture);
- Skid trails are then marked in the field using tape (second picture). Watercourse crossings shall also be marked as such on the tree location map and on the ground;
- Skid trails shall be opened by a crawler tractor or skidder. The construction of skid trails should not require any earthworks and the maximum skid trail width is 4 meters. Avoid damaging trees above 20cm dbh during skid trail construction (third picture);

c) Watercourse crossings

- Crossings should be constructed in dry weather [E];
- Watercourse crossings should be selected in places where stream banks are low and the watercourse bed is firm [E];
- Width of the crossing should be not more than four meters [E];
- Buffer strip vegetation should not be otherwise disturbed [E];
- Skid trails should cross waterways at right angles with straight approaches of at least 10 m on either side [E].

2.10 Weather Limitations on Logging Operations

Skidding, loading and hauling when conditions are wet cause extreme damage to soil and water, is inefficient and often dangerous [E]. Furthermore:

- Areas most likely to be workable in wet weather are those with less than 20% slope and on stable

- soil types (such as brown/white sand and laterite) [E];
- The annual plan should specify wet and dry weather blocks [E];
- Skidding, loading and hauling should be avoided during the peak of the rainy season (July to September) [E].

3 IMPLEMENTING (DOING) FORESTRY OPERATIONS

3.1 Field Servicing and Maintenance

Field servicing is required to allow for productive and safe operating conditions. Furthermore:

- Field fuel tanks, refueling points, chemical mixing points and maintenance areas shall be located:
 - In well-drained areas such as log landings or road junctions [E];
 - Outside areas excluded from harvesting and their buffer strips [E];
 - No closer than 100m to any habitation [SSo];
 - More than 50m away from any watercourse [E];
- Spillage should be avoided during refueling or repairs [E];
- Adequate equipment – e.g. hand pumps – should be provided and used [P];
- Engine oil shall not be dumped in the harvesting areas, but collected and removed to the designated waste disposal facilities [E];
- All containers used in the transport, storage and use of toxic materials shall be leak proof, marked as “hazardous” and clearly labeled with the contents’ name [SE];
- Workshop mechanics and other workers shall be provided with and wear protective clothing, hearing protection, eye protection, respirators, and/or gloves, as appropriate for the equipment being used (e.g. welding, angle grinding) [S];
- Fire risk shall be minimized by [S]:
 - All machines and chainsaws should be fitted with spark arrestors. Machinery should be clear of surplus oil and fuel;
 - Any rubbing, damaged, frayed, kinked or leaking hydraulic hoses and fittings should be replaced;
 - Refueling shall only be carried out in designated areas where the ground is clear of all inflammables for a distance of 5 meters in all directions from the machine;
 - All welding activities shall be done at least 10 meters away from flammable materials;
 - No fire shall be left unattended in the forest, and fires for cooking or other purposes shall only be lit in designated areas cleared of flammable material within a 5 m radius around the fire.

3.2 Felling

Felling operations create a working platform for extraction. Felling operations should thus follow the prescriptions given in the block plan. Furthermore:

- Felling should cease when [S]:
 - winds prevent accurate and safe directional felling;
 - ground conditions are too slippery to allow the felling crew to move safely and quickly away from the falling tree;
- Felling tempo should always consider the stock in the forest to allow for timely removal of volumes cut at any one time [Q];
- Feller shall always keep the saw chain sharp before felling and sharpen regularly [P];
- Depth gauges on saw chains shall not be filed down outside the prescribed manufacturer specifications [S];
- Chainsaw operators should always have an assistant and shall never work alone in case of accidents [S];
- No persons should approach closer to the feller than twice the height of the tree being felled, unless the feller has acknowledged that it is safe to do so [S].

3.2.1 Directional felling

Chainsaw operator and assistant shall be trained in directional felling. Furthermore:

- The operator should, whenever practicable, apply directional felling to achieve the following objectives:
 - Fell trees away from exclusion zones, buffer strips and watercourses. If it is not possible to fell the tree away from the buffer strip or watercourse, then it shall not be harvested [E];
 - Where trees inadvertently fall into a watercourse or its buffer strip, the crown as well as any accompanying logging debris should be pulled clear, unless unacceptable damage to the bank or buffer strip is likely to occur [E];
 - Avoid damage to the felled tree (by cross-felling, falling on obstacles, downslope felling), minimize damage to designated seed trees and other protected trees [EQ];
 - Facilitate easy log extraction, thereby minimizing ground disturbance [P];
 - Prevent trees from hanging up in adjacent canopy trees [SP];
 - Minimize canopy openings by felling into gaps formed by previous felled trees or natural tree fall [E];
 - Avoid blocking the skid trail [P];
 - Increase work safety [S].

3.2.2 Sizing up the tree

- Felling crews should check trees suspected of being unsound before felling [EQ];
- Once cutting of a tree is started, that tree should be felled, even if it is found during felling to be unsound [S];
- Operators should clear undergrowth and debris away from the base of the tree to provide an adequate and safe working space. Clear two escape paths on the side opposite from the intended direction of fall and at about a 45° angle opposite the line of fall (Figure 22) [S];
- All vines/lianas attached to the selected trees or trailing from the canopy should be cut as far as practicable. This is to improve safety by preventing nearby trees from being pulled over or broken when the harvested tree falls [S];
- Felling direction and corresponding escape routes shall take into consideration vines that are attached to trees at canopy level [S];
- The stump height should be as low as practical to maximize saleable volume [Q]:
 - In cylindrical trees without buttresses, approximately 30 cm;
 - Buttressed trees should be cut at a height not greater than the point at which buttresses can be trimmed to provide a diameter equal to that immediately above the buttressed section – normally around waist height;
- Chainsaws should not be operated above shoulder height because of the risk of kickback and the resulting backward rotation of the guide bar [S];
- The logs and the stump are numbered and recorded with species and number of the harvesting block according to the standard operation procedures issued by the FDA [Q].

3.2.3 Felling techniques

There are many techniques for felling a tree, each with specific cutting sequences and safety instructions depending on the shape and height of buttresses, trunk straightness, slope and terrain conditions, trunk decays, etc., which is reflected in literature. Any of these techniques may be used provided that chainsaw operators have been trained and found competent by an institution that is recognized in providing training for the felling of tropical trees.

The following illustrations show standard felling techniques for trees of various diameters.

- (1) Felling trees should be done according to the standard cutting sequence [SPQ]:
 - Make the bottom notch cut. Stand facing away from the felling direction;
 - Make the top notch cut in reverse order. Make sure that the cuts meet.

- (2) Making the back cut in trees with a diameter up to double the guide bar length [SPQ]:
- Insert the chainsaw, leading with the bottom edge of the bar (pulling chain) to avoid kickback;
 - Continue the cut until the right hinge width is reached. Before making the swing part of the felling cut, saw back about the width of the guide bar. In this way the hinge will not be severed;
 - Make the swing cut, being careful not to saw the hinge on the other side;
- (3) Making the back cut in trees with a diameter more than double the guide bar length [SPQ]:
- Insert the chainsaw in the center of the directional notch, leading with the bottom edge of the bar (pulling chain) to avoid kickback;
 - Continue with the back cut by inserting and swinging the chainsaw, and ensure that the hinge is thicker than normal to compensate for the insert cut into the notch;
 - The use of machines to pull trees while they are being cut shall never be permitted [S].

3.2.4 Hung-up trees

Cut-up and hung-up trees are a potentially fatal hazard, and should be taken down immediately using an authorized method. Failure to comply is extremely dangerous, as it increases the risk of serious injury. When taking down hung-up trees, workers should strictly observe the following. They should not [S]:

- work under the hung-up tree;
- fell the holding tree;
- climb the hung-up tree;
- cut lengths from the butt of the hung-up tree except for small timber with less than 20 cm base diameter;
- fell another tree onto the hung-up tree.

For the safe treatment of hung-up trees, use a skidder or bulldozer winch to pull the cut-up or hung-up tree down [S];

- When felling wind thrown trees, the operator shall be trained in special cutting techniques for such trees [S].

3.3 Log Preparation

The preparation of logs is at the core of the revenue that will be generated from the produced logs. Log preparation includes both the activity of cross cutting as well as log marking.

3.3.1 Cross cutting of logs

A great deal of revenue can be made or lost through the quality of cross cutting that takes place.

Furthermore:

- Give clear instructions on qualities, lengths and diameter for bucking at felling site and conversion at landing [Q];
- Long log preparation should be carried out at the stump; thereafter shorter logs are prepared at the landing. This ensures that most of the non-commercial parts of the tree remain in the forest [PE];
- Where long logs may cause excessive damage to the forest during skidding, then the long log should be cross cut prior to skidding [E];
- Recommendation: Logs may be placed on an elevated area to facilitate cross cutting (see Figure 30) [PQ].
- The chainsaw operator shall ensure that any cross cuts on the felled tree are cut through so as to

- avoid splitting during extraction [Q];
- Operators should cross cut trees to obtain the maximum volume, consistent with the highest value of merchantable logs. All buttress flutes, knots and branches should be trimmed flush with the main stem [Q];

Recommendation: S-hooks or plates may be used before extraction as necessary on logs susceptible to end splitting and to maintain quality [Q];

- When cross cutting:
 - Avoid cutting with the upper tip of the guide bar as kick-back is caused by this part of the guide bar being intercepted or accelerated by a stem, branch or another object [S];
 - Always evaluate the distribution of tension and compression at the crosscutting point before applying the cut and position yourself on the compression side [SQ];
 - Always cut first on the side which is under compression and then the side which is under tension [SQ];
 - Always work on the upside of the slope when cross cutting [S];
 - Use appropriate working techniques to avoid timber wastage through shattering or splitting of the trunk [Q].

3.3.2 Log marking

Log markings enable logging operators, service providers, and costumers to locate and control all harvesting and extraction activities over space and time. Logs shall be marked according to the applicable standard operation procedures of the FDA.

3.4 Skidding

Skidding follows after long logs have been prepared at the stump. Skidders and dozers are typically used for this function.

- Winches shall be fitted to all extraction machines [PE].
- The following rigging and chocking techniques should be applied:
 - 39m of 22mm or 31m of 25mm wire rope for the main cable on the winch drum of the extraction machine (independent wire rope core) [SP];
 - A cast ferrule at the end of the cable on the winch drum [SP];
 - Chockers should be long enough to cover the diameter of the largest tree being extracted, plus an additional 2m to reach the main cable. Cable diameter should vary from 22mm (39m in length) to 25mm (31m in length) [P];
 - Always choke the log by threading the choke from top to bottom (not the other way around) [P];
 - Use various chocking configurations to move logs out of tight spots [P];
- When winching in a load, the skidder should be directly aligned with the load being winched [SP];
- Recommendation: When winching the load, apply the 3 x H rule. The distance of the log load from the skidder should be 3 x the height of the distance from the ground to the winch drum. This improves the traction of the machine [P];
- Skidder and dozer blades shall be raised when traveling and skidding [S];
- Skidding should not be carried out in site conditions where the stability of the machine cannot be assured e.g.: skidding across steep slopes outside the design specification of the machine [S];
- No loose objects should be carried on the skidder unless a space is provided for that purpose and the object can be firmly fixed into place [S];
- The operator shall always be on the lookout for people around the machine and shall immediately stop the operation when someone moves into the danger zone [S].
- Operators should reverse along skid tracks towards the concentrated log on the skid trail, and head or butt haul to reduce travel distance [P];

- Recommendation: Avoid skidding along or across primary and secondary forest roads [P];
- Skidding should be avoided during the height of the rainy season (July to September) [PE];
- Machine access shall be prohibited in all exclusion zones [E];
- Trees felled inadvertently into a buffer strip should be extracted carefully to minimize disturbance to the buffer strip. If trees fall inadvertently into watercourses or their buffer strips, the tree head as well as any accompanying logging debris should be pulled clear [E];
- No harvesting debris shall be pushed into exclusion areas or their buffer strips [E];
- The wheeled skidder should never move off the skid trail, especially when all logs are concentrated along the skid trail during the pre-skidding [E];
- Logging machinery should not cross watercourses except where indicated in the annual operation and block plans and after crossing points have been properly constructed [E];
- Lesser value and/or lower grade logs shall be used in the construction of crossings where needed [P];
- Water crossings shall be controlled to minimize sedimentation of water bodies [E];
- Crossings shall be removed after completion of the operation. Crossing material should be placed more than 10 meters away from the high bank. Its removal should not disturb the watercourse banks [E];
- Skidding should cease when:
 - Soils are saturated and turbid water or mud is flowing down a skid trail [PE];
 - Turbid water or mud is flowing from a skid trail or road into a watercourse [PE];
 - Any affected section of the trail or road shall not be by-passed by opening up a new trail/road alongside or close by [E].

3.4.1 Recommencement of operations

Soils need to be allowed to drain after heavy rainfall events before forest operations recommence. Furthermore:

- Skidding, loading and trucking operations may recommence only after water or mud ceases to flow on affected skid trails, landings and forest roads [PE].

3.5 Log Landing Operations

3.5.1 Log storage

- The logging supervisor shall ensure that only trees approved in the yield are felled, and all merchantable timber is extracted from the stump area and brought to the log landings before the logging season ends [PQ];
- Logs should be stockpiled in well-drained log landings and shall be sorted in such a manner as to facilitate their inspection and scaling by FDA chain-of-custody staff and other authorized monitors [Q];
- Logging operations on the landing shall cease when [E]:
 - Water is ponding on the surface of the log landing;
 - Soils are rutted to the extent that the depth of mud is greater than the rim of wheeled machinery or reaches the final drive on tracked machinery;
- Avoid skidding across the roadway because this may lead to deterioration of the road formation and (road) drainage facilities [PE];
- The use of heavy machinery on saturated soils should be minimized to limit erosion, ponding, rutting, mixing and the compaction of the soil [E];
- Log landings should not be bladed off to keep them operational [E];
- Logs stored at the landing should be sprayed with permissible fungicides and insecticides to protect against bio-deterioration. All pesticides shall be used in accordance with chemical use described in

- paragraph 2.3.3 [SQ];
- Furthermore:
 - Workers applying hazardous chemicals must receive training and full information on the risks involved and in the use of protective equipment and first-aid techniques [S];
 - Workers handling chemicals must wear protective clothing as recommended on the container label. It is the company's responsibility to ensure that its workers use all protective clothing provided [S];
 - Chemicals must always be utilized with the proper equipment, as recommended by the manufacturer [S];
 - The equipment must function properly and be free from leaks and blockages [S];
 - Worker should be allowed to bath or properly clean themselves with water immediately after returning from work [S];

3.5.2 Loading

Loading in forest harvesting is to facilitate the evacuation of extracted timber that has already been cross cut, classified, sorted and scaled. Furthermore:

- Vehicles with rubber tires or excavator type front-end loaders should be used for loading and unloading logs [P];
- Trucks shall not be overloaded [S];
- Any protruding limbs bark or trailing material shall be removed before the truck departs the loading point [SQ];
- Pit loading is limited and shall only be permitted for logs that cannot be loaded or unloaded by vehicles with rubber tires or excavator type front-end loaders. The pit used shall immediately be refilled with the same excavated material removed [E];
- All loads shall be secured with at least two load binders [S];
- All employees shall keep a distance of at least 20 meters away from loading truck during loading operations [S].

3.6 Road Transport

Transporting logs shall be completed by truck from the bush landing/processing sites to its final destination/point of delivery. Trucking is often the most expensive activity in logging and therefore efficient and effective use of trucks is economically advantageous. Furthermore:

- Trucking shall be halted when:
 - Trucks cannot move unassisted along the roads because of slippery conditions [SPE];
 - Turbid water or mud runs in wheel ruts, and forestry roads are rutted to the extent that the depth of mud is greater than halfway of the rim of wheeled machinery [PE];
- For cost and safety reasons, the truck should be roadworthy and vehicle brakes and steering should always be in good technical condition [SP];
- Service trucks according to the service schedule recommended by the manufacturer and keep maintenance records thereof [SP];
- For efficiency and safety, the trailer unit should be loaded onto the tractor before traveling unloaded [P];
- Personnel should be able to operate equipment and vehicles without impediment (no vehicles or other operational equipment should be used if the operator has been drinking alcohol, taking drugs, or has a physical impediment or condition that may cause the driver to perform in an unsafe manner) [S];
- Unauthorized passengers, bush meat, fire arms or protected wildlife shall not be transported on logging trucks [E];
- Speed limits shall be observed [S].

4 Harvest Control, Monitoring, Inspection and Assessment

Harvesting assessment is a systematic checked to determine or verify that harvesting operations followed the annual harvest plan and achieve its technical, financial and environmental objectives while complying with established standards of management plan guidelines [SPEQS]. Monitoring and assessment are thus key elements of responsible forest management for the forest operator to conduct. Furthermore:

- The forest operator identifies and monitors key performance indicators for all logging activities on the various logging teams. This includes the setting of SPEQS performance targets for each of the identified indicators and measuring actual performance against the set targets. Where there are intolerably high variations, it is recommended that the operator takes corrective steps [SPEQS];
- The FDA and forest operator shall provide opportunity for independent monitoring and evaluation [SPEQS]:
 - Before harvesting commences, to evaluate the quality of planning;
 - During harvesting through the monitoring and control of operations;
 - After harvesting by means of internal and external assessment.
- All monitoring requirements established in FMC, TSC, PUP, and CFMA shall be implemented and regulated under the supervision of the FDA contracting officers, the LVD inspectors and auditors and inspectors from the EPA and MOL [SPEQS].

5 Roads Used for Logging

5.1 Introduction

Roads are vital for successful forest management. Roads allow access for the various forest management activities and allow the cost-effective transport of timber. However, roads can also cause large environmental impacts due to erosion of the surface and road drainage structures. Balancing the need for access into the forest, while minimizing environmental impacts, is one of the greatest forest management challenges.

With good planning and responsible management, it is possible to put in place a forest road network, which allows adequate access and minimizes environmental impacts.

An acceptable forest road from an economic perspective is one that provides a suitable driving surface according to the traffic requirements, at a time when the traffic needs to use the road. An acceptable forest road from an environmental perspective is one that does not excessively erode and contaminate water sources. Because all roads cause impacts, it is always desirable to create surfaces that are stable to minimize erosion and keep the overall road density as low as is practically possible.

Roads in the Code are those purposely built to facilitate logging operations with their corresponding standards. Other roads may exist in the concession, (those specified in the social agreements for example). Other standards may apply in such cases, e.g. MPW road standards.

5.1.1 Road classification

Three road classes exist in Liberia logging operations.

a) Primary forest roads

These should be permanent, all-weather public roads that provide access to the FMC or CFMA area. Ideally, they should be capable of carrying high log volumes (>2000 m³ per week) and be in service throughout the year.

b) Secondary forest roads

These are roads that provide access to a logging compartment, connecting tertiary roads and log landings to primary roads. They will carry log volumes of approximately 1,000 to 2,000 m³ per week and can be

either permanently in service or for a few years.

c) Tertiary roads

These are roads that are used for the extraction of timber from the block and that provide access to neighboring blocks between secondary roads. They are usually of a temporary nature, and are constructed according to the specific needs of a block.

5.1.2 Road planning

Road planning should focus on locating the road in the most appropriate location, minimizing the density of roads as far as possible, creating a road surface condition suitable for log transport and minimizing erosion from the road surface and drainage structures. In planning the location of roads the following factors shall be considered:

- Secondary and tertiary forest roads shall avoid all protected and exclusion areas and their respective buffer strips [E];
- Roads should preferably be kept away from the edges of buffer strips unless not practically or environmentally possible, except at designated watercourse crossing points. No part of the road reserve or corridor should be in the buffer strip [E];
- Where possible, secondary roads shall be located on well-drained soils and slopes where drainage will move away from the road. This will help to ensure that the road surface maintains sufficient strength to carry log trucks over time [E];
- Roads should preferably follow the natural terrain to minimize steep road gradients and the use of cuts and fills [PE].
- Roads should be located on ridges as much as possible. This also facilitates uphill skidding [PE];
- Efforts should be made to avoid the following locations [E]:
 - o areas that require full bench cuts;
 - o steep (>45%) areas;
 - o very flat terrain where drainage is more difficult to control;
 - o water bodies such as swamps, marshes, landslides;
 - o highly erosive soils;
- Efforts should be made to minimize the number of watercourse crossings [E];
- If possible, secondary roads should be constructed a few months ahead of log truck use to ensure that the road has time to stabilize [PE].

5.1.3 Survey requirements for inspection

The contractors responsible for the road construction shall survey and mark the center of proposed roads and all proposed watercourse crossings on maps and in the field [QE].

a) Road standards

Road construction costs are influenced by the standard of road being built. Road standards are the parameters which determine into which class a road will fall. Road standards need to be viewed as guidelines, as the specifications for each road will differ depending on the local conditions, season and log transport requirements.

b) Timing of construction

The opening of primary and secondary forest roads shall take place in the dry season. Final shaping and grading should be carried out towards the end of the rainy season [PEQ].

c) Roadway construction

Bulldozers and excavators are used for road construction. Bulldozers can generally be used where side slopes are not excessive as the loss of side-cast material is not a concern. Modern bulldozers can create satisfactory road templates. Excavators are more suitable on steep slide slopes as it is easier to control the

movement of cut soil, and can load material onto trucks for movement if necessary. However, excavators cannot push material like a bulldozer can. Therefore, careful attention must be given to machine selection. The construction of primary and secondary forest roadways should consider the following:

- All trees within the clearing width should be felled. Merchantable stems should be processed and stored for extraction if possible. Non-merchantable stems and logging residues should be removed outside of the planned roadway and preferably placed in the road reserve [P].
- Where residues are excessive, some material may need to be placed outside of the road reserve. Care should be taken not to damage trees outside of the road reserve [PE].
- Trees outside of the road reserve which have or could become hazardous due to the road construction activities (damaged roots or unstable) should to be felled [S].
- Stumps within the roadway shall be removed and placed in a suitable location as per the other biomass indicated above [Q].
- Organic material should not remain in the roadway. This material cannot be compacted and results in road failure when it decomposes. Organic material also absorbs moisture which reduces road strength [Q].
- Topsoil may be stockpiled for use in road stabilization (cut and fill batters) or road rehabilitation [PQ].
- Before earthworks, the road center line shall again be established [PQ].
- Drainage structures should be completed immediately after the earthworks [P].
- Where necessary, soil stabilization should take place throughout the entire road construction process [E].
- All road drainage works shall be completed before gravelling work commences [PE].
- Gravelling should be added to primary roads and recommended for secondary roads [Q].
- Where possible, gravel should be compacted with appropriate compaction equipment. If this is not possible, the road should either be given sufficient time to settle before use, or wheeled machines and trucks should try and travel over the entire width of the carriage way when the road is first used [Q].

d) Side slopes

Even though the road itself should not have a gradient steeper than 15%, the side slopes of roads may be steeper (not exceeding 45%). In such circumstances, additional construction is required to mitigate the impact of the roads:

- When constructing side cut roads, the maximum slope upon which they can be built shall depend on how stable the soils are and which soil stabilization techniques are used, but it should not exceed 45% slope [E];
- Recommendation: Use excavators for road construction in steep areas [PEQ];
- Full bench construction should be adopted instead of half bench construction (cut and fill) when there is a high risk of cut material being lost down the fill slopes [EQ];
- Cuts and fills should be balanced in gentle terrain so that as much of the excavated material as is practical can be deposited in the roadbed fill sections [PE];
- The cut and fill batter angles should not be so steep that soils cannot be stabilized, resulting in possible erosion. The angle will depend on the inherent erodibility of the soil and possible fill batter stabilization methods used. Long, erodible batter slopes could possibly be benched if required [E];
- Recommendation: Trees at the top of steep cut batters should be cleared given that erosion or wind-blow is likely to occur [SE].

e) Road grades

- Primary and secondary forest roads shall not be constructed with grades (slopes) of more than 10% and 15% respectively since drainage is difficult to control on steep slopes [EQ]. However:
- Steeper grades are permitted for short sections (<20 m) if this shortens construction significantly or reduces earthworks, provided that adequately drainage or other acceptable water slowing or soil stabilization techniques are used [P].

f) Road widths

Every effort shall be made to minimize the width of forest roads. Road widths depend on the class of road, the type of soils and the forest through which the roads are to be constructed. The widths of the various components of the roads are included in Table 8, above [E].

- Passing spots shall be provided on narrow roads where necessary [P];
- Where side cutting is not necessary, earthworks should be limited to the width for the roadbed plus side drains on either side [P].

g) Curves

On all primary and secondary roads, curves should follow the topography; i.e. along the contour.

- Curve widening (Figure 56) may be required on corners to allow for off-tracking of trailers [S];
- Recommendation: Shoulders may need to be cleared on the inside of the curve to obtain the required sight distance to ensure traffic safety [S];
- The minimum radius of the curve is related to the visibility and the speed the vehicles will be traveling on the road [S].

5.2 Drainage

Completed roads can quickly be destroyed through a lack of drainage or drainage maintenance. Soil damage is caused by one or a combination of two factors, namely speed and volume of water. The objective of drainage systems is to mitigate either the velocity of water, or the volume of water, or both. Water thus needs to be removed from the road surface as quickly as possible and then diverted away from the road at regular intervals.

5.2.1 General

In all phases of forest road preparation, adequate drainage shall be constructed to ensure the stability of the roads and so to reduce their impact on the environment. Wherever practical, permanent drainage should be installed in advance of other construction to keep works as dry as possible. Temporary drainage shall be provided where there is likely to be a significant delay in installing permanent drainage. Figure 57 provides examples of road surface templates to ensure adequate drainage off the road.

5.2.2 Methods of drainage

On both primary and secondary roads, a crowned road surface shall be required. This is to ensure that water drains freely from the road. Additionally:

- Side drains shall be installed alongside all roads, constructed to a minimum depth of 30 cm below the level of the crown of the road. This removes water that has collected from the road surface or from the cut batter [EQ];
- Turnout drains shall be constructed at an appropriate spacing. Turnout drains are used to remove water from side drains before the water has gained excessive speed or built up excessive volume (Figure 58) [EQ];
- Crossroad culverts should be used where turnout drains are not possible. They are used to remove water from side drains before the water has gained excessive speed or built up excessive volume [EQ];
- For roads constructed on highly erodible soils on slopes, drains may require special treatment such

as lining with gravel or stones, log or rock bars, as well as stepping and frequent outlets to reduce scouring. Besides preventing erosion, many of these interventions also slow water down and therefore reduce its erosive forces. Installing protective devices or obstacles that slow water down should always be regarded as secondary to installing sufficient turnout and culvert drains [EQ];

- Earth fills should have adequate drainage to prevent water build up and ponding behind the fill [EQ];
- Where unstable cut batters occur, it may be necessary to install catch drains above the cut batter to intercept surface runoff and prevent it eroding the cut batter [EQ].

5.2.3 Location and spacing between drains

Turnout drains or culverts shall be spaced to remove water from the side drain before excessive volume and speed occur. Culverts are typically installed where it is not possible to install turnout drains – usually due to topographic restrictions, where water needs to be channeled to the downslope side of the roadway. Turnout drains and culverts thus fulfil the same function – to divert water away for the side drain. Before spacing is considered, the following locations should require turnout drains or culverts:

- Immediately below areas of seepage into side drains – this prevents constant water from flowing in the side drain, which will eventually penetrate into the road surface [EQ];
- Immediately prior to the road going down a steep grade – this prevents excessive water from flowing down steep grades and causing erosion [EQ];
- Immediately above bedrock that limits side drain depth – when water in the ditch erodes to the bedrock, the water then begins to erode the cut batter and road shoulder. Therefore, a minimum quantity of water should be allowed to flow in this section of the side drain [EQ];
- Culverts are required immediately above areas of cut batter instability – this prevents water from eroding the toe of the cut batter and causing the cut batter to fail [EQ];
- Low points in the road [EQ];
- 20-50 m before watercourse crossings [EQ].

Once the above locations have been determined, additional turnout or culvert drains need to be installed according to local conditions (Figure 60). The distance between drains is influenced by the erodibility of the soil in the side, the grade of the road, the type of rainfall occurring and the size of culverts used.

5.2.4 Drain out-flow

- Turnout drains should be used to avoid side drains from draining directly into watercourses. Rather turnout drains should be installed some 20-50 m before meeting a watercourse to divert water into the surrounding vegetation. Where turnout drains are not practicable, drainage diversion using culverts shall be used [EQ];
- Recommendation: Silt traps may be considered in side drains at all four corners of watercourse crossings if sediment flow into water courses will be problematic [EQ];
- Recommendation: In steep terrain, silt traps may be considered at the end of turnout drains if appropriate [EQ].

5.3 Road Maintenance

For all primary and secondary forest roads, maintenance shall be carried out regularly using a grader.

Road maintenance is divided into preventative and on-demand maintenance. Preventative maintenance is important for primary roads, as the roads need to be passable throughout the year. Secondary roads should have a combination of preventative and on-demand maintenance, while tertiary roads will have on-demand maintenance. Before roads can be maintained, one needs to be able to identify road defects and understand the underlying causes of the defects. Defects can occur on the roads travelling surface (e.g. potholes, corrugations, erosion, loss of surfacing material, oversize material), in the drainage structures (e.g. erosion, siltation, blocked culverts, damaged structures) and on the roadside (e.g. failing cut or fill batters, excessive

vegetation). Road defects should be addressed while they are still small, and this also reduces the potential environmental impact. Furthermore:

- The camber on the road surface shall always be maintained, using the correct blading techniques [Q];
- Surfacing gravel or loam should not be pushed to the road edge or into drains [EQ];
- Soil, vegetation and other materials that would obstruct water flow should be cleared from side drains [Q];
- Turnout drains, culverts and bridges shall be kept clear and in a good working condition at all times [EQ];
- Bridge decking, foundations and sidewalls should be repaired when faulty [E];
- Any debris that has been pushed into the watercourse shall be removed [E];
- Water should flow freely under bridges [E].

5.4 Watercourse Crossings

5.4.1 Types of Water crossing

Type of crossing	Description
Bridges	Bridges shall be used for road crossings of all rivers and creeks. They may also be used for other watercourses.
Culverts (or pipes)	Culverts shall be used for crossing gullies and other waterways if bridges are not constructed.

Log clusters are not permitted for crossing any watercourse in any situation

5.4.2 Construction of watercourse crossings

a) Location of crossings

Watercourses shall always be crossed at right angles to the watercourse direction. Additional criteria for selecting the location of crossing points are that sites:

- Are immediately downstream of straight and stable watercourse sections [E].
- Have easy high bank access [E].
- Do not require deep box cuts [E].
- Require minimum alteration to the high bank [E].

b) Earthworks

- In the construction of roads and bridges, river and creek beds shall not be filled in [E];
- All earthworks shall be carried out so as to minimize soil from entering the watercourse [E];
- All soil shall be removed to outside the buffer strip or alternatively should be placed in road fills [E];
- Temporary crossings are permitted to allow equipment involved with the construction of the crossing to be moved to the other side, provided that:
 - If possible, the width of the temporary crossing should be limited to 4 meters [E];
 - The temporary crossing is made on the final crossing alignment, so as to reduce disturbance to watercourse banks and buffer strip vegetation [E];
- During bridge construction; oil, chemicals, excess concrete and other waste should not enter the watercourse [SE].

5.5 Bridges

- Bridges should be sufficiently elevated to allow wet season flood flows to pass without damage to the crossing or its foundation [PE];
- The bridge span should extend at least 120% of the width of the watercourse measured from bank to bank; i.e. extend beyond the river or creek channel by 10% on either side [Q];
- All approaches shall have a straight and level alignment for a minimum of 20 meters on either side [Q].

5.5.1 Bridge construction

In constructing timber bridges, the following criteria shall be considered:

- All parts of timber bridges should be constructed using durable timbers with high strength such as Dahoma, Irvingia, Klainodoxa, Ekki, or other species as recommended by the FDA. Decks should be constructed with durable sawn timber of the same species [Q].
- Soil fill or covering shall not be used unless the stringers are completely covered with branches and leaves and have guard logs on both sides [E].
- Recommendation: Foundations may be excavated to a solid base and not formed by pushed material [Q]
- The bridge shall be well anchored to prevent it from washing away (see Figure 71) [Q]
- The stream banks adjacent to the bridge should be stabilized using wing walls of durable logs or other equivalent construction where there are signs of scouring and excessive erosion [EQ].

5.5.2 Culverts

- Culverts should be set at or marginally below the level of the natural watercourse bed [EQ];
- They may have an earth fill but are to have stable abutments to the level of the running surface to prevent soil entering the watercourse [E];
- Simple log culverts should be constructed for small seasonal water flow crossing the road. They should consist of a minimum of three logs, of which two are the basic layer with the third log on top and covered with gravel [PEQ];
- Straight logs and durable species shall be used for the construction of log culverts [EQ];
- Culverts shall be laid at a grade that will minimize silting up and excessive scouring at the discharge end [EQ];
- They should have an opening with a diameter of 45 cm or larger depending on the wet-season flood-flow level [Q];
- In flat, swampy areas log lengths used for culverts shall be at least 120% of the width of the roadway to minimize siltation of the culvert [EQ];
- In steep areas where there is a risk of erosion at the culvert outlet, this shall be mitigated by the use of logs or rocks;
- Recommendation: Provisions may be made at culvert inlets and outlets to minimize erosion caused by flow entering or discharging; silt traps of logs and/or rocks may be required in places where high water flows are expected (see Figure 74) [EQ];
- Recommendation: Culverts may not discharge over fills without adequate protection (e.g. rip rap, geotextile). If required, silt traps may be constructed in side drains at culverts to prevent siltation and blocking. Log culverts shall ensure that backfill is retained;
- Culverts shall be kept open during the rainy season [EQ].

5.6 Gravel Pits

Forest roads are typically built from local materials that must support heavy log trucks and should have a surface that, when wet or when extremely dry, will provide adequate traction for vehicles. In many cases, the native soil material is too soft, too unstable or impossible to compact (white sand). Surfacing both improves structural support and reduces road surface erosion. Gravel, crushed aggregate, or loam is the most common improved surface materials used.

Use of local material sources, usually gravel pits, can produce major cost savings, compared to the cost of hauling materials from different sources. Gravel pits can have major adverse environmental impacts, including sediment from a large denuded area and impacts on wildlife. Gravel pit planning, location and development should be done with care.

- The extraction of gravel or loam from road cutting areas during the formation of the road is preferred to the development of large gravel pits [PE];
- All merchantable trees shall be harvested on the proposed gravel pit site (these will be included in the approved yield) [P];
- When opening the pit, topsoil should be stored for later use during rehabilitation [E];
- When planning the pit operation, thought should be given as to the sequence of operation during the pit, the calculated the quantity of material available, space for loading machines and haulage vehicles, safety aspects and pit rehabilitation [SP];
- The base of the pit shall be drained at all times. Drains shall not directly enter watercourses, and due to the area exposed, it may be necessary to use a silt trap where water exits the pit [PE];
- The face of the pit shall be maintained in a stable condition at all times. Steep unstable slopes may need to be benched [S];
- At least one side of the pit shall have a slope gentle enough to allow wildlife that has entered the pit to safely exit it again [E].

6 POST-HARVEST ACTIVITIES

Rehabilitation of logged areas is required to prevent further deterioration of the logged area and downstream soil and water values and to encourage forest regeneration. All areas should be left in a clean and tidy condition.

6.1 Block Closure

Blocks shall be closed once the logging of the approved yield has been completed. Furthermore:

- No re-entry permit shall be issued for a compartment that has reached its expiry date after 5 years [E];
- However, in a 5-year compartment period, a re-entry permit can be issued for blocks not completed in the previous year [E];
- Logging operations in a specific block should be completed in a single logging season. The only exception to this rule that may be applied is when weather or market conditions have prevented the approved yield to be felled and extracted. In such cases the FDA shall provide an extension to complete harvesting operations [E];
- All refuse introduced to the forest e.g. pieces of wire rope, packing material, bottles, containers, etc. shall be removed from the forest, placed in a refuse pit, buried and covered to a level surface [SE];
- Fuel and oil drums, used oil filters, oily rags, empty grease gun cartridges, worn machinery parts, paint tins, etc. shall be removed to a designated disposal area; or returned to the supplier.

6.2 Road Closure

- The primary and secondary forest road network shall be maintained in good condition [EQ];
- There should be no ruts in the surface and the road surface should be crowned [EQ];
- Likewise, all side drains, turnout drains and culverts that will not be removed shall be left in good working condition.
- Roads not to be used until the next rotation shall be closed to all traffic by placing a large log across the roadway across the roadway. For roads that are being decommissioned log culverts and temporary bridges shall be removed to allow unobstructed water flow [E].

6.3 Log Landings

All closed log landing sites should be restored so that proper drainage occurs. Furthermore:

- All areas where water may pond shall be drained [E];
- Bark, debris and topsoil should be disbursed evenly across the site to assist in stabilization.
- The site shall be cleaned of all refuse including oil/fuel drums, wire rope, tires and machinery parts [E].

6.4 Temporary Stream Crossing Closure on Skid Trails

- Temporary skid trail crossings of waterways and gullies shall be removed after completion of harvesting operation in the block [E];
- Removal should not disturb the watercourse banks [E];
- All material used in the construction of temporary crossings (Figure 81) shall be moved at least 10 meters away from the watercourse [E];
- Action shall be taken to restore water flow to its original watercourse where necessary [E];
- On steep gradients and sensitive soils, water bars may be required until skid trails have stabilized [E].

6.5 Gravel Pits

Gravel pits shall be decommissioned by:

- Stabilizing steep cuts [E];
- Re-grading the drain on the uphill side and ensuring that runoff cannot enter the pit [E];
- Draining the surface of the pit if water is likely to pond [E].

6.6 Logging Camps

Logging camps shall be closed by taking the following steps:

- The site shall be cleaned of all refuse including oil/fuel drums, wire rope, tires and machinery parts, as well as building materials, and all biodegradable waste shall be buried [SE];
- All areas where water may pond shall be drained (but drains are not to empty directly into watercourses) and drains shall be cleared regularly until the campsite has stabilized [E];
- Recommendation: Campsites may be ripped at 90° to the drainage direction to promote natural re-vegetation. Bark and debris should be disbursed evenly across the site to assist in stabilization [E];
- Discarded machinery shall be removed from the contract area to the designated waste disposal facilities [E].

Forestry Development Authority
Regulation No. 101-07
Public Participation in Promulgation of Regulations, Codes and Manuals

1 Purpose and Forest Management Stakeholder List

1.1 This regulation:

- (a) Establishes transparent and participatory procedures that the Authority shall follow in adopting or amending Regulations, Codes, and Manuals.
- (b) Establishes procedures that the Authority shall follow to ensure broad public access to Regulations, Codes, and Manuals and to all Supporting Documents and Information, to the greatest extent permitted by law.

1.2 Forest management stakeholder list:

- (a) The Authority shall maintain a list of persons known to the Authority to be interested in forest management in the Republic, including businesses in the forest sector, community leaders, government officials, civil society organizations, international donors, persons who have expressed interest to the Authority about forest policy, and other concerned individuals.
- (b) For each person on the list, the list must indicate a physical address, electronic address, or other reliable way to send written notice to the person.
- (c) The Authority shall make a reasonable effort to keep names and addresses on the list current and shall add or remove a person from the list at the person's request.
- (d) This Section is intended to facilitate prompt and efficient communication between the Authority and stakeholders; accordingly, this Section may not be interpreted to limit public access to information or participation in Forestry decision-making processes.

2 Regulations – Generally; Effects; Adoption; Amendment

2.1 Generally:

- (a) The Authority shall adopt, and as necessary amend, Regulations to ensure the sustainable management of the Republic's forests and to implement the requirements and policies of the National Forestry Reform Law of 2006, as amended.
- (b) The Authority may adopt or amend Regulations jointly with another Ministry or Agency, so long as the Authority does so in accordance with the procedures established by this Part.
- (c) If a court strikes down any provision of a Regulation as contrary to law, the remaining provisions of the Regulation remain in effect.

2.2 Effects:

The Authority and all persons shall be bound by the requirements of a properly promulgated Regulation with respect to the subject matter addressed by the Regulation.

2.3 Procedure for Adopting New Regulations:

- (a) The Authority shall initially prepare each new Regulation as a proposed Regulation.
 - (b) The Authority shall submit each proposed Regulation for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.
- (1) The Authority shall prepare a newspaper advertisement and a radio announcement containing:
 - (A) A brief summary of the proposed Regulation;
 - (B) The beginning and end dates of the public review and comment period;
 - (C) The dates, times, and locations of regional public meetings to be convened by the Authority to receive public comment on the proposed Regulation;
 - (D) The address or location of any Authority office where the public may review a copy of the proposed Regulation, free of charge, during regular business hours; and
 - (E) An invitation to the public to submit written or oral comments on the proposed Regulation, at any Authority office, during regular business hours, or at a regional public meeting convened by the Authority for this purpose.
 - (2) The Authority shall run the advertisement required by Paragraph (b)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (b)(1) of this Subsection on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
 - (3) The Authority shall make available, upon request by any person, paper or electronic copies of the proposed Regulation, according to Section 41 of this Regulation.
 - (4) The Authority shall provide written notice of the proposed Regulation to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.
 - (5) The Authority shall convene no fewer than three regional public meetings on the subject of the proposed Regulation.
 - (A) At each regional public meeting, the Authority shall (i) describe to meeting participants the proposed Regulation and its purpose (ii) allow each participant an opportunity to comment—orally, in writing, or both—on the proposed Regulation; and (iii) Record all public comments so that the Authority may consider and respond to them.
 - (B) The Authority shall conduct each regional public meeting in English and at least one local vernacular.
 - (C) The Authority shall open each regional public meeting to all members of the public, including, but not limited to, community members, industry representatives,

government officials, members of civil society organizations, and the press

- (D) The Authority shall use its best efforts to involve women, youth, and other historically excluded groups in each regional public meeting.
- (E) The Authority shall select the location for each regional public meeting so as to ensure maximum public participation. Factors that the Authority may consider include (i) proximity to Forest Lands and communities likely to be most affected by the proposed Regulation (ii) ease of access by community members and (iii) whether the venue is sufficiently large to accommodate all participants who are likely to attend.
- (F) The Authority shall advertise the purpose, date, time, and location of each regional public meeting at least 15 days in advance. The Authority shall advertise each regional public meeting as follows:
 - (6) By notifying local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads;
 - (A) By running radio advertisements in the area of the regional public meeting;
 - (B) By posting signs in English and at least one local vernacular at the nearest Authority regional office; and
 - (C) By any other method that the Authority may devise to ensure maximum public participation, tailored to the specific locality and community needs.
- (c) At the close of the public review and comment period for a proposed Regulation, the Authority shall:
 - (1) Prepare a document summarizing the substance of all public comments; and
 - (2) Revise the proposed Regulation, as necessary, in response to the public comments received.
- (d) Not later than 14 days prior to the effective date of the proposed Regulation, the Authority shall present the comment summary document and the revised proposed Regulation to;
 - (1) The Board; and
 - (2) The Forestry Management Advisory Committee.
- (e) The Board and the Committee shall review the comment summary document and the revised proposed Regulation and provide to the Authority their respective comments, if any, in writing. Taking into account the comments received during the public review and comment period from the Board, the Committee, and all other sources, the Authority shall:

- (1) Prepare a final Regulation; and
- (2) Prepare an accompanying justification document that:
 - (A) Explains how the Regulation was changed, if at all, in response to public comments; and
 - (B) For each public comment that resulted in no change to the Regulation, explains why the Authority reached this decision.
- (f) Following signature by the Managing Director, the Regulation takes effect on the date established by the Regulation.
- (g) Not later than ten days after the effective date, the Authority shall provide paper copies of the Regulation, the comment summary document, and the justification document to each local government official and community leader contacted by the Authority for purposes of organizing and convening regional public meetings during the public review and comment period.

2.4 Amendments to Regulations:

- (a) The Authority shall initially prepare each amendment to a Regulation as a proposed amended Regulation.
- (b) Subject to the conditions established by Paragraphs (1) and (2) of this Subsection, if the Authority believes that a proposed amended Regulation would materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority shall amend the Regulation by following the procedure established by Section 23 of this Regulation.
 - (1) The proposed repeal of any Regulation, in its entirety, is deemed to result in a material alteration of rights and responsibilities.
 - (2) Notwithstanding whether material rights or responsibilities would be altered by the proposed amended Regulation, the Authority may choose to follow the procedure established by Section 23 of this Regulation.
- (c) If the Authority believes that a proposed amended Regulation would not materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the amendment is deemed minor and the Authority may amend the Regulation by following the procedure established by Section 25 of this Regulation.

2.5 Procedure for minor amendments to regulations:

- (a) The Authority shall submit each proposed amended Regulation for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.
- (b) The Authority shall prepare a newspaper advertisement and radio announcement containing:
 - (1) A summary of the proposed amended Regulation;
 - (2) A statement that the Authority believes the proposed amendment to be minor;
 - (3) The beginning and end dates of the public review and comment period for the

proposed amended Regulation;

- (4) The address or location of any Authority office where the public may review a copy of the proposed amended Regulation, free of charge, during regular business hours; and
- (5) An invitation to the public to submit written or oral comments on the proposed amended Regulation, at any Authority office, during regular business hours.
- (c) The Authority shall run the advertisement required by Subsection (b) of this Section in a newspaper of general circulation in Monrovia, and the radio announcement required by Subsection (b) of this Section on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
- (d) The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed amended Regulation, according to Section 41 of this Regulation.
- (e) The Authority shall provide written notice of the proposed amended Regulation to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.
- (f) At the close of the public review and comment period, the Authority shall:
 - (1) Prepare a document summarizing the substance of all public comments; and
 - (2) Revise the proposed amended Regulation, as necessary, in response to the public comments received.
- (g) Not later than 14 days prior to the effective date of the proposed amended Regulation, the Authority shall present the comment summary document and the revised proposed amended Regulation to the Board, and the Authority *may* submit the comment summary document and the revised proposed amended Regulation to the Forestry Management Advisory Committee. The Board (and the Committee, if the Authority chooses to consult with the Committee) shall review the comment summary document and the revised proposed amended Regulation and provide to the Authority their respective comments, if any, in writing.
- (h) Taking into account the comments received during the public review and comment period from the Board (and, if consulted, the Committee) and all other sources, the Authority shall:
 - (1) Prepare a final Regulation; and
 - (2) Prepare an accompanying justification document that:
 - (A) Explains how the Regulation was changed, if at all, in response to public comments; and
 - (B) For each public comment that resulted in no change to the Regulation, explains why the Authority reached this decision.
- (i) Following signature by the Managing Director, the Regulation takes effect on the date established by the Regulation.

3 Codes and Manuals

- 3.1 The Authority shall adopt, and as necessary amend, Codes that regulate and give guidance to all persons engaged in forest-sector activities, and Manuals that regulate and provide detailed guidance to Authority staff.
- 3.2 The Authority shall adopt, and as necessary amend, Codes and Manuals in accordance with the procedure established by this Part.
- 3.3 The Authority may adopt or amend Codes or Manuals jointly with another Ministry or Agency, so long as the Authority does so otherwise in accordance with the procedure established by this Part. If a court strikes down any provision of a Code or Manual as contrary to law, the remaining provisions of the Code or Manual remain in effect.
- 3.4 The Authority and all persons are bound by the requirements of a properly promulgated Code with respect to the subject matter addressed by the Code. The Authority is bound by the requirements of a properly promulgated Manual with respect to the subject matter addressed by the Manual.
- 3.5 The Authority shall resolve any conflict between a Regulation and either a Code or a Manual in favor of the Regulation. The Authority shall resolve any conflict between a Code and a Manual in favor of the Code.
- 3.6 The Authority shall initially prepare each new Code in the form of a proposed Code. The Authority shall submit each proposed Code for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection. The Authority shall prepare a newspaper advertisement and a radio announcement containing:
 - (a) A brief description of the purpose and contents of the proposed Code
 - (b) The beginning and end dates of the public review and comment period;
 - (c) The address or location of any Authority office where the public may review a copy of the proposed Code, free of charge, during regular business hours; and
 - (d) An invitation to the public to submit written or oral comments on the proposed Code, at any Authority office, during regular business hours.
- 3.7 The Authority shall run the advertisement required by Paragraph (b)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (b)(1) of this Subsection on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
- 3.8 The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed Code, according to Section 41 of this Regulation. The Authority shall provide written notice of the proposed Code to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation. At the close of the public review and comment period for a proposed Code, the Authority shall:
 - (a) Prepare a document summarizing the substance of all public comments; and
 - (b) Revise the proposed Code as necessary in light of the public comments received.

- (c) Not later than 14 days prior to the effective date of the proposed Code, the Authority shall present the comment summary document and the revised proposed Code to the Board and the Forestry Management Advisory Committee.
 - (d) The Board and the Committee shall review the comment summary document and the revised proposed Code and provide to the Authority their respective comments, if any, in writing.
- 3.9 Taking into account the comments received during the public review and comment period from all sources, and from the Board and the Committee, the Authority shall prepare final Code; and accompanying justification document that explains how the Code was changed, if at all, in response to public comments. For each public comment that resulted in no change to the Code, explains why the Authority reached this decision. Following signature by the Managing Director, the Code takes effect on the date established by the Code.
- 3.10 The Authority shall initially prepare each amendment to a Code as a proposed amendment to a Code. This document shall contain:
 - (a) The name of the Code to be amended.
 - (b) Any language (or a summary of the language) proposed to be added to the existing Code.
 - (c) Any language (or a summary of the language) proposed to be stricken from the existing Code.
 - (d) A brief description of the purpose of the proposed amendment.
- 3.11 Subject to the conditions established in this Subsection, if the Authority believes that a proposed amendment to a Code would materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority shall amend the Code by following the procedure established by Section 3.4 of this Regulation. The proposed repeal of a Code, in its entirety, is deemed to result in a material alteration of rights and responsibilities. Notwithstanding whether material rights or responsibilities would be altered by the proposed amendment to a Code, the Authority may choose to follow the procedure established by Section 3.4 of this Regulation. If the Authority believes that a proposed amendment to a Code would not materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority may amend the Code by following the procedure established by Section 3.6 of this Regulation.
- 3.12 The Authority shall submit each proposed amendment to a Code for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection. The Authority shall prepare a newspaper advertisement and a radio announcement containing:
 - (a) A summary of the proposed amendment, as described in Subsection 35(a) of this Regulation.
 - (b) A statement that the Authority believes the proposed amendment to be minor; The beginning and end dates of the public review and comment period.
 - (c) The address or location of any Authority office where the public may review a copy of the proposed amendment, free of charge, during regular business hours.
 - (d) An invitation to the public to submit written or oral comments on the proposed amendment, at

any Authority office, during regular business hours.

- 3.13 The Authority shall run the advertisement required by Subsection (b) this Section in a newspaper of general circulation in Monrovia, and the radio announcement required by Subsection (b) of this Section on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement at least one time. The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed amendment, according to Section 41 of this Regulation. At the close of the public review and comment period, the Authority shall:
- (a) Prepare a document summarizing the substance of all public comments.
 - (b) Revise the proposed amendment as necessary in light of the public comments received.
- 3.14 Not later than 14 days prior to the effective date of the proposed amendment, the Authority shall present the comment summary document and the revised proposed amendment to the Board, and the Authority *may* submit the comment summary document and the revised proposed amendment to the Forestry Management Advisory Committee. The Board (and the Committee, if the Authority chooses to consult with the Committee) shall review the comment summary document and the revised proposed amendment and provide to the Authority their respective comments, if any, in writing.
- 3.15 Taking into account the comments received during the public review and comment period from the Board (and, if consulted, the Committee) and all other sources, the Authority shall prepare a final Code and accompanying justification document that Explains how the Code was changed, if at all, in response to public comments. For each public comment that resulted in no change to the Code, explains why the Authority reached this decision. Following signature by the Managing Director, the Code, as amended, takes effect on the date established by the Code.
- 3.16 The Authority shall initially prepare each Manual or Manual amendment as a proposed Manual or Manual amendment. The Authority shall make a determination whether the proposed Manual or Manual amendment involves a high degree of public interest or controversy, based on the following factors:
- (a) The degree of interest already expressed in the subject by stakeholders, the press, or the public.
 - (b) The degree of interest or controversy attached to similar proposals in the past.
 - (c) The magnitude of change the proposal represents compared to present policy.
 - (d) The likelihood that the proposal will have a significant impact, good or bad, on stakeholders, the public, or the environment.
- 3.17 If the Authority determines that the Manual or Manual amendment involves a high degree of public interest or controversy, the Authority shall allow a period of public comment on the proposal as follows:
- (a) The Authority shall send a brief description of the proposal, along with an invitation to view the full proposal and comment on it, to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.

- (b) The Authority shall make copies of the proposal available to all interested persons, in both electronic and printed form, according to Section 4.1 of this Regulation.
 - (c) The Authority shall accept written comment on the proposal for a period of at least 30 days.
- 3.18 The Authority may substitute an alternative process that provides at least as much opportunity for notice and comment, such as combining public review of a Manual with public review of a Code or Regulation, or public review of an environmental impact assessment or land management plan of national interest. If the Authority receives comments on a proposal, the Authority shall analyze the comments and employ them in the revision of the proposed Manual or Manual amendment.
- 3.19 The Authority shall submit the proposed Manual or Manual amendment to the Board together with a written statement explaining whether the proposal involves a high degree of public interest or controversy; the general nature and content of comments that the Authority received on the proposal, if any; and any changes that the Authority has made to the proposal in response to comments. The Manual or Manual amendment becomes effective upon approval by the Board, unless the Board in its approval sets a later date.

4 Public Access to Regulations, Codes, Manuals, and Supporting Documents and Information

- 4.1 The Authority shall maintain at all of its offices complete and accurate paper copies of the National Forestry Reform Law of 2006, as amended, and all Regulations, Codes, and Manuals, as amended, and all publicly released drafts of proposals for, or proposed amendments to, Regulations, Codes, and Manuals.
- (a) The Authority shall maintain a public area in all its offices where these materials are available for inspection by any person during normal business hours, without prior request.
 - (b) The Authority shall, upon request, offer paper copies of these materials for sale to the requesting person at a cost not exceeding one United States dollar (US \$1) for every 20 pages of copies.
- 4.2 The Authority shall maintain at its headquarters in Monrovia complete and accurate electronic copies of the National Forestry Reform Law of 2006, as amended; and all Regulations, Codes, and Manuals, as amended; and all publicly released drafts of proposed amendments or additions to Regulations, Codes, and Manuals.
- (a) The Authority shall make these materials freely available on the Internet.
 - (b) The Authority shall make these materials freely available by electronic mail (email), upon request by any person.
- 4.3 The Authority shall retain, for at least five years, all Supporting Documents and Information upon which the Authority has relied in adopting or amending any Regulation, Code, or Manual.
- 4.4 The Authority shall, upon written request, make available for inspection by any person, at no cost, any Supporting Documents and Information upon which the Authority has relied in adopting or amending any Regulation, Code, or Manual, subject to the conditions set forth in this Subsection.
- (a) Within 30 days of receiving a written or oral request, the Authority shall make Supporting Documents and Information available for inspection. The Authority shall permit inspection during normal business hours at its headquarters offices in Monrovia or at the Authority

regional office nearest the residence or principal place of business of the requesting person.

- (b) The Authority shall make Supporting Documents and Information available for inspection in whatever format (paper or electronic) they have been maintained in the ordinary course of business, unless the requesting person indicates a preference for paper or electronic copy—in which case the Authority shall accommodate this preference.
- (c) The Authority shall, upon request, offer paper copies of Supporting Documents and Information for sale to the requesting person at a cost not exceeding one United States dollar (US \$1) for every 20 pages of copies.
- (d) The Authority shall not make available for public inspection documents and supporting information exempted from public release under Section 18.15 of the National Forestry Reform Law of 2006, as amended.

5 Repeals and Effective Date

- 5.1 This Regulation repeals no existing regulations.
- 5.2 This Regulation is effective on September 11, 2007. The Authority shall announce this Regulation and make it available to the public and the media.

Forestry Development Authority
Regulation No. 102-07
Regulations on Forest Land Use Planning

1 Purpose and Duties

1.1 Purpose

- (a) The purpose of forest land use planning is to establish the suitability of Forest Lands for sustainable land use allocations through a participatory process, based on local validation that optimizes the benefits of forest land allocation to Liberian society as a whole.
- (b) The Authority shall conduct forest land use planning activities in a manner that advances and balances each of the following national priorities to the greatest possible extent: economic development; benefit to forest-dependent communities; and protection of the Republic's Environment and natural resources.

1.2 Duties of the Authority

- (a) The Authority shall develop a National Forest Management Strategy consistent with the requirements of this Regulation.
- (b) The Authority shall implement the Strategy by proposing and validating Forest Land Use Actions following the procedure established by this Regulation.
- (c) Subject to the conditions established by Paragraphs (1) and (2) of this Subsection, the Authority shall report to the National Land Use Commission its progress in developing a National Forest Management Strategy and validating Forest Land Use Actions to implement the Strategy.
 - (1) The Authority shall make progress reports to the Commission at least once every three months.
 - (2) This Subsection applies only if the Commission has been duly constituted under law.
- (d) The Authority shall collect and maintain in a forest land use database all available socio-economic, biological, and physical data pertaining to Forest Land in the Republic, subject to the conditions established by Paragraphs (1), (2), and (3) of this Subsection.
 - (1) The Authority shall, when possible, collect and maintain data that is geographically quantifiable.
 - (2) The Authority may collect and maintain any form of data for scientific and economic planning purposes.
 - (3) The Authority shall collaborate with the Liberia Institute for Statistics and Geo-information Services (LISGIS) and may rely on data provided by LISGIS.
- (e) The Authority shall respect customary and statutory land tenure rights in connection with all forest land use planning activities undertaken or sanctioned by the Authority.
- (f) The Authority shall seek guidance on matters of land tenure, as necessary, from the Forestry

Management Advisory Committee and any governmental entity that may be established to address land tenure issues in Liberia.

2 Prohibitions and Activities Consistent with Forest Management Strategy

2.1 Prohibitions

- (a) The Authority shall neither advertise nor award any Forest Resources License until the Authority has:
 - (1) Adopted a National Forest Management Strategy pursuant to the requirements of this Regulation; and
 - (2) Validated the Forest Land Use Action under which the Forest Resources License would be advertised or awarded.

2.2 Activities to Be Consistent with Strategy; Exceptions

- (a) The Authority shall ensure that all activities it undertakes or approves are consistent with the National Forest Management Strategy, subject to the exceptions established by Subsections (b) and (c) of this Section.
- (b) The Authority may undertake or approve an activity that is inconsistent with the Strategy when the activity is allowed under a final Forest Land Use Action approved by the Board pursuant to this Regulation.
- (c) The Authority may take emergency action inconsistent with the terms of the National Forest Management Strategy subject to the conditions established by Paragraphs (1) and (2) of this Subsection.
 - (1) The Authority may take emergency action inconsistent with the terms of the Strategy only to the extent that the emergency action is necessary to protect life, health, or property from an imminent and substantial threat.
 - (2) After taking emergency action under this Subsection, the Authority shall, within ninety days, review the Strategy to determine whether amendment of the Strategy has become necessary.

3 Development of National Forest Management Strategy Document; Contents; Consultations and Adoption; Amendment

3.1 Development of Strategy

- (a) The Authority shall develop a National Forest Management Strategy.
- (b) The Authority shall consult with the Forestry Management Advisory Committee throughout the process of developing the Strategy.

3.2 Contents of Strategy

- (a) The Authority shall ensure that the National Forest Management Strategy:

- (1) Classifies all Forest Land in the Republic into one or more Forest Land Use Categories; and
 - (2) Includes one or more Forest Land Suitability Maps depicting the classification made pursuant to this Subsection.
- (b) The Authority shall base the classifications required by Subsection (a) of this Section on its consideration of:
- (1) The desired End States for particular Forest Land;
 - (2) Any relevant data, including data maintained in the forest land use database, data maintained by the Liberia Institute for Statistics and Geo-information Services (LISGIS), and data from any other source, provided that the Authority reasonably believes that the data is sound and has been obtained from a credible source; and
 - (3) All public comments received during the national-level and regional-level consultations required by this Part.

3.3 National and Regional Consultations

- (a) Prior to adopting a National Forest Management Strategy, the Authority shall undertake national-level and regional-level consultations pursuant to this Section.
- (b) The Authority shall conduct a national-level consultation by convening a public meeting to present and solicit comment on the proposed Strategy.
- (c) Following the national-level consultation, the Authority shall conduct regional-level consultations by convening at least one public meeting for each relevant geographic region to present and solicit comment on the proposed Strategy as it pertains to that region. The Authority shall delineate geographic regions for purposes of this Subsection based on political boundaries, geographic boundaries, or as it may otherwise deem appropriate.
- (d) After the national-level and regional-level consultations required by Subsections (b) and of this Section are completed, the Authority shall convene a final national-level public meeting to report on all public comments received to date on the proposed Strategy and to accept any additional public comments.
- (e) For each public meeting that it convenes under this Section, the Authority shall:
 - (1) Prepare a newspaper advertisement and a radio announcement containing—
 - (A) A brief description of the proposed Strategy;
 - (B) The date, time, and location of the public meeting to be convened by the Authority to receive public comment on the proposed Strategy;
 - (C) The address or location of any Authority office where the public may review a copy of the proposed Strategy, free of charge, during regular business hours; and
 - (D) An invitation to the public to submit written or oral comments on the proposed

Strategy, at any Authority office, during regular business hours, or at a public meeting convened by the Authority for this purpose.

- (2) Provide written notice of the public meeting to all persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.
- (3) Run the advertisement required by Paragraph (e)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (e)(1) of this Subsection on a radio station with national coverage and on local community radio stations.
- (4) The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
- (5) Make available, upon request by any person, paper or electronic copies of the Strategy, and the Authority also shall make the Strategy freely available according to Section 41 of Authority Regulation No. 101-07, concerning public participation.
- (6) During the public meeting:
 - (A) Describe to meeting participants the proposed Strategy and its purpose.
 - (B) Allow each participant an opportunity to comment—orally, in writing, or both—on the proposed Strategy.
 - (C) Record all public comments so that the Authority may consider and respond to them.
- (7) The Authority shall conduct each public meeting in English and at least one local vernacular.
- (8) Open the public meeting to all members of the public, including, but not limited to, community members, industry representatives, government officials, members of civil society organizations, and the press.
- (9) Use its best efforts to involve women, youth, and other historically excluded groups in the public meeting.
- (10) Advertise the purpose, date, time, and location of each public meeting at least 15 days in advance.
- (11) Advertise the public meeting as follows:
 - (A) By notifying local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads.
 - (B) By running radio advertisements in the area of the public meeting.

- (C) By posting signs in English and at least one local vernacular at the nearest Authority regional office.
- (D) By any other method that the Authority may devise to ensure maximum public participation, tailored to the specific locality and community needs.

3.4 Adoption of Strategy

- (a) The National Forest Management Strategy shall not take effect until the Authority has:
 - (1) Completed all consultations required by Section 43 of this Regulation and revised the Strategy as necessary in response to comments received during the consultations.
 - (2) Presented the Strategy to the Forestry Management Advisory Committee for review and comment and revised the Strategy as necessary in response to comments received from the Committee.
 - (3) Obtained written approval from the Board.

3.5 Amendment of Strategy

- (a) The Authority may amend the National Forest Management Strategy if:
 - (1) New data has become available, substantially altering one or more of the assumptions on which the Strategy is based.
 - (2) The Strategy no longer reflects national land use priorities.
 - (3) A provision of the Strategy is inconsistent with the National Forestry Policy.
 - (4) A provision of the Strategy is inconsistent with a National Development Plan.
- (b) At least once every five years, the Authority shall vet the Strategy at the regional level, subject to the requirements of Section 43 of this Regulation, to determine whether the Strategy should be amended pursuant to Subsection (a) of this Section.
- (c) The Strategy, as amended, shall not take effect until the Authority has:
 - (1) For an amendment that is likely to result in an irretrievable commitment of Forest Lands or Forest Resources to a Commercial Use:
 - (A) Satisfied the national-level consultation requirements established by Section 43 of this Regulation;
 - (B) Satisfied the regional-level consultation requirements established by Section 43 of this Regulation for any region that will be directly affected by the amendment; and
 - (C) Revised the Strategy as necessary in response to comments received during the consultations.

- (2) For all amendments:
 - (A) Presented the Strategy to the Forestry Management Advisory Committee for review and comment and revised the Strategy as necessary in response to any comments received from the Committee; and
 - (B) Obtained written approval from the Board.

4 National Forest Management Strategy to be consistent with National Forestry Policy, National Development Plan

4.1 National Forestry Policy

- (a) The Authority may adopt or amend a National Forest Management Strategy only when a National Forestry Policy is in force.
- (b) The Authority shall ensure that the Strategy is consistent with the National Forestry Policy in effect at the time of the Strategy's adoption or amendment.

4.2 National Development Plan

- (a) The Authority may adopt or amend a National Forest Management Strategy in the absence of a National Development Plan.
- (b) The Authority shall ensure that the Strategy is consistent with the National Development Plan, if any, in effect at the time of the Strategy's adoption or amendment.

5 Local Validation

5.1 Proposed Forest Land Use Actions

- (a) The Authority shall implement the National Forest Management Strategy with respect to a specific area of Forest Land through a Forest Land Use Action.
- (b) Each Forest Land Use Action proposed by the Authority shall:
 - (1) Be based on the suitability determinations made in the National Forest Management Strategy and on any relevant Forestry, ecological, socio-economic, and other data available to the Authority;
 - (2) Commit an area of Forest Land to a commercial, community, or conservation use, or to a combination of uses;
 - (3) Recommend one or more management tools for the area (for example, issuance of a Forest Resources License, creation of a Protected Area, creation of a Community Forest); and
 - (4) Include approximate metes and bounds for the area.
- (g) The Authority shall not propose a Forest Land Use Action that would allow Commercial Use unless each of the following conditions is satisfied:

- (1) The area to be committed to Commercial Use does not include any part of a Protected Area or Proposed Protected Area, deeded or tribal land, or an area known to contain mineral deposits of substantial commercial value.
- (2) The area to be committed to Commercial Use contains sufficient Timber volume to support the Commercial Use to be permitted.
- (3) If the area to be committed to Commercial Use includes customarily held Forest Land, a Community Forestry Development Committee has granted prior, informed consent to the Commercial Use, in writing, on behalf of Affected Communities.
- (h) The Authority shall validate each proposed Forest Land Use Action through the local validation procedure established by this Part before implementing the Forest Land Use Action.

5.2 Procedure for Validating Proposed Forest Land Use Actions

- (a) For each proposed Forest Land Use Action, the Authority shall convene one or more local public meetings for communities located within and immediately adjacent to the Forest Land that would be affected by the Forest Land Use Action, to assess potential local impacts and to evaluate alternatives.
- (b) The Authority shall select the location for each local public meeting so as to ensure maximum community participation. Factors that the Authority may consider include, without limitation:
 - (1) Proximity to Forest Lands and communities likely to be most affected by the proposed Forest Land Use Action;
 - (2) Ease of access by community members; and
 - (3) Whether the venue is sufficiently large to accommodate all participants who are likely to attend.
- (c) The Authority shall advertise the purpose, date, time, and location of each local public meeting at least 15 days in advance, using the following methods:
 - (1) Notification of local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads;
 - (2) Running a radio announcement that satisfies the requirements of Subsections (d) and (e) of this Section;
 - (3) Posting signs in English and all relevant local vernaculars at any Authority regional office located within or immediately adjacent to the Forest Land that would be affected by the Forest Land Use Action;
 - (4) Providing written notice to all persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation

- (5) Any other method that the Authority may devise to ensure maximum local participation, tailored to the specific locality and community needs.
- (d) For each local public meeting, the Authority shall prepare a radio announcement containing:
 - (1) A brief summary of the proposed Forest Land Use Action to be discussed at the meeting;
 - (2) The date, time, and location of the meeting; and
 - (3) An invitation to the public to submit written or oral comments on the proposed Forest Land Use Action, at any Authority office, during regular business hours, or at the meeting.
- (e) The Authority shall run the radio announcement required by Subsection (d) of this Section on one or more radio stations (national radio stations, community radio stations, or both), as needed, to ensure full coverage of the affected communities. The Authority shall run the announcement at least two days per week, for no fewer than two consecutive weeks.
- (f) At each local public meeting, the Authority shall—
 - (1) Describe to participants the proposed Forest Land Use Action;
 - (2) Allow each participant an opportunity to comment—orally, in writing, or both, on the proposed Forest Land Use Action; and
 - (3) Record all public comments so that they may be fully considered by the Authority.
- (g) The Authority shall conduct each local public meeting in English and at least one local vernacular.
- (h) The Authority shall open each local public meeting to the public, including community members, industry representatives, government officials, members of civil society organizations, and the press.
- (i) The Authority shall use its best efforts to involve women, youth, and other historically excluded groups in each local public meeting.
- (j) Following the local public meeting or meetings convened to validate a proposed Forest Land Use Action, the Authority shall:
 - (1) Collect any additional Forestry, ecological, socio-economic, and other relevant data required to validate the proposed Forest Land Use Action.
 - (2) Prepare a document summarizing the substance of all public comments; and
 - (3) Prepare a Justification Document for the proposed Forest Land Use Action that responds to the public comments received. The Authority shall ensure that the Justification Document:

- (1) Includes boundaries for the area subject to proposed Forest Land Use Action that are, to the extent feasible, easily identifiable on the ground.
 - (2) Addresses all ecological, economic, cultural, and social issues that have been identified by any person with respect to the area.
- (i) The Authority shall validate the Justification Document as follows:
 - (1) Pursuant to the requirements of Subsections (a) through (j) of this Section, the Authority shall present the Justification Document for comment at one or more additional local public meetings.
 - (2) The Authority shall present the Justification Document to the Forestry Management Advisory Committee for review and comment.
- (j) Taking into account the comments received from the public, the Committee, and all other sources, the Authority shall prepare a final Justification Document setting forth the Forest Land Use Action for the area and submit it to the Board for approval.
- (k) The Board may approve the final Forest Land Use Action, modify it, or require the Authority to undertake further validation activities under this Part.

5.3 Environmental Impacts: Coordination with Environmental Protection Agency

- (a) The Authority shall use its best efforts to identify adverse environmental impacts that could result from a suitability determination under the National Forest Management Strategy or from implementation of any proposed Forest Land Use Action.
- (b) The Authority shall work with stakeholders in connection with all activities required by this Regulation to identify means of minimizing or mitigating adverse environmental impacts identified under Subsection (a) of this Section.
- (c) To the extent feasible, the Authority shall coordinate its activities under this Regulation with the Environmental Protection Agency.

5.4 Requirement of Continued Stakeholder Involvement in Planning

- (a) The Authority shall adopt a formal procedure for ensuring continued stakeholder involvement in the land use planning processes established by this Regulation, specifically, ensure a defined community role in:
 - (1) Identifying further potential uses for Forest Lands; and
 - (2) Monitoring and evaluating the implementation of each approved Forest Land Use Action.

6 Repeal and Effective Date

6.1 This Regulation repeals no existing regulations.

6.2 This Regulation is effective on September 11, 2007. The Authority shall announce this Regulation and make it available to the public.

Forestry Development Authority
Regulation No. 103-07
Regulations on Forest Bidder Qualifications

1 General Provisions

1.1 For purposes of this Regulation, concessions fall into four (4) Categories of Forest Resources Licenses:

- (a) Major Forest Utilization Permit (FUP)
- (b) Timber Sale Contract (TSC)
- (c) Ordinary Forest Management Contract (FMC-1)
- (d) Large Forest Management Contract (FMC-2)

2 Debarment and Suspension

2.1 In addition to the Government-wide debarment list kept by the Public Procurement and Concessions Commission under Section 44 of the Public Procurement and Concessions Act, as amended, the Authority shall keep a list of debarred Persons and a list of suspended Persons.

2.2 Effect of Listing

- (a) If a Person is on the list of debarred Persons or the list of suspended Persons, the Person is ineligible to bid on a Forest Resources License offered through a concessions process.
- (b) If the Person is a corporate entity, all of the following are also ineligible to bid on a Forest Resources License offered through a concessions process:
 - (1) Any corporation that owns a portion of the listed corporate entity.
 - (2) Any corporation that is owned in part or in full by the listed corporate entity.
 - (3) Any corporation that shares board members with the listed corporate entity.
- (c) If the Person is a natural person, any corporation for which the Person is a Significant Individual is also ineligible to bid on a Forest Resources License offered through a concessions process.

2.3 Standards for Listing

- (a) The Authority shall place on the list of debarred Persons all Persons involved in any way with the use, management, or harvesting of Forest Resources who have aided or abetted civil disturbances involving the use of weapons.
- (b) The Authority shall place on the list of suspended Persons those who have defaulted on their financial obligations related to forest use.
- (c) The standard of proof for listing is clear and convincing evidence.

2.4 Procedure for listing:

- (a) Any Person, including the Authority, may petition the Authority to add Persons to the list of debarred Persons or the list of suspended Persons.
- (b) The Authority shall make a prompt and thorough investigation of the allegations in the petition.
- (c) The Authority shall notify the Persons being investigated either directly or, if the Authority cannot locate the Persons, through an advertisement in a newspaper of general circulation.
- (d) The Authority shall allow the Persons being investigated fair opportunity to present evidence in the investigation.
- (e) The Authority shall publish a draft summary of its findings from the investigation in an advertisement in a newspaper of general circulation.
- (f) In that advertisement, the Authority shall invite the public to submit additional evidence bearing on the listing.
- (g) No sooner than 60 days after publishing its draft summary, the Authority shall publish in a newspaper of general circulation a final summary, a decision on listing, and a statement of reasons.
- (h) Upon publishing its decision on listing, the Authority shall make any necessary additions to the list of debarred Persons or the list of suspended Persons.
- (i) The Authority shall inform the Public Procurement and Concessions Commission of any change that the Authority makes to the list of debarred Persons or the list of suspended Persons.

2.5 Removal from the Lists

- (a) The following are the only routes for removal from the suspension or debarment lists:
 - (1) The Authority shall remove a Person from the debarment list if three years or more have passed since the date of listing.
 - (2) The Authority shall remove a Person from the suspension list if the cause of the suspension has been remedied.
 - (3) The Authority shall remove a Person from either list if a court of competent jurisdiction of the Republic orders the Authority to remove the Person from the list.
- (b) Upon petition of any listed Person, the Authority shall consider whether the Person is entitled to removal under Subsection (a) of this Section.
- (c) Upon reaching a decision on removal with respect to any Person, the Authority shall make any necessary changes to the list of debarred Persons or the list of suspended Persons.
- (d) Persons removed from the suspension or debarment lists remain subject to the prequalification requirements contained in Part Three of this Regulation.

2.6 Appeal and Petition to the Board

- (a) Any Person may appeal a decision of the Authority under Sections 24 or 25 of this Regulation to the Board.
- (b) If the Board finds that the Authority's decision is inconsistent with its statement of reasons, is procedurally flawed, or is otherwise contrary to law, the Board may reverse the action of the Authority.
- (c) Any Person may petition the Board to direct the Authority to act without further delay on a listing or removal decision.
- (d) If the Board finds that the Authority has unreasonably delayed action on a listing or removal petition, the Board may direct the Authority to expedite action on the petition.
- (e) Within ten days of receipt of notice of a final, written decision of the Board under this Section, the Person may file a notice of appeal in a court of the Republic with competent jurisdiction. The person shall also file a copy of the notice of appeal with the Board.

3 Qualification Process

3.1 Pre-qualification Requirement for Bidders

- (a) Only Persons with a valid prequalification certificate issued under Part Four of this Regulation may submit bids for Forest Resources Licenses offered as concessions.
- (b) All bids must include a notarized and unaltered copy of the bidder's valid prequalification certificate.

3.2 Additional Use of Two Envelope Bidding in Some Tenders

- (a) Before preparing Concession Bid Documents for a Forest Resources License offered as a concession, the Authority shall determine whether the concession involves special technical or financial demands beyond the normal technical and financial demands for managing a forested areas.
- (b) If the concession involves special technical or financial demands, the Authority shall offer the concession using a two-envelope bidding system, as described in Part Five of this Regulation.

4 Prequalification

4.1 Applications for Prequalification

- (a) Persons wishing to prequalify must submit an application on an official form provided by the Authority; the Authority shall create a standard form for applications and provide it to Persons for the fee prescribed under Authority Regulation 107-07.
- (b) Applications must include or indicate the following:
 - (1) The applicant's name and contact information.
 - (2) The Category of Forest Resources License for which the applicant wishes to prequalify.
 - (3) If the applicant is facing an impending bidding deadline, the date of the deadline.

- (4) The answers to the questions in Schedule I of this Regulation.
 - (5) A copy of a business plan demonstrating technical and financial capacity to hold a Forest Resources License in the desired Category.
 - (6) If the applicant is seeking to prequalify for an Ordinary FMC or a Large FMC, a demonstration of capacity and strategy for increasing value-added industries in the Republic.
 - (7) If the applicant is seeking to prequalify for a Large FMC, a demonstration of expertise or experience in forest management as required under Section 45(c) of this Regulation.
 - (8) A statement by the applicant swearing or affirming, under penalty of perjury, that the information in the application is correct to the best of the applicant's knowledge.
- (c) A Person may apply to the Authority for prequalification at any time.
 - (d) The Authority shall promptly forward applications to the Prequalification Review Panel described in Section 42 of this Regulation for review.

4.2 Prequalification Review Panel

- (a) The Authority shall appoint a standing Panel to judge applications for prequalification.
- (b) The Authority shall keep seven members on the Panel, as follows:
 - (9) One representative of the National Investment Commission, appointed with the approval of the Executive Director of the Commission.
 - (10) One representative of the Ministry of Justice, appointed with the approval of the Minister of Justice.
 - (11) One representative from the Ministry of Finance, appointed with the approval of the Minister of Finance.
 - (12) One representative from civil society, chosen after consultation with civil society groups on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.
 - (13) One expert on forest management or commercial logging from the Authority's staff.
 - (14) One expert on forest management or commercial logging not from the Authority's staff.
 - (15) The head of the Authority's Procurement Unit.
- (c) The Authority shall designate one member of the Panel to serve as chair and one to serve as vice chair.

- (d) The Head of the Authority's Procurement Unit shall serve as secretary of the Panel.
- (e) Members shall serve a term of one year, subject to reappointment.
- (f) If a member leaves before the end of a term, the Authority shall appoint a similarly qualified individual to serve the remainder of the term.

4.3 Meetings and Records of the Panel

- (a) The Panel shall meet at the following times:
 - (1) At the call of the Authority, at the Authority's discretion.
 - (2) At the call of the Authority, as the Authority is required in response to a petition under Subsection (b) of this Section.
 - (3) At times determined by the Panel itself, under Subsection (c) of this Section.
- (b) The Authority shall call the Panel in response to a petition as follows:
 - (1) During the first two weeks after the Authority invites bids for a particular concession, any Person lacking a valid prequalification certificate for that Category of concession may submit with its application for prequalification a petition to the Authority to call the Panel to review prequalification applications.
 - (2) In response to a petition received under this Subsection, the Authority shall call the Panel to meet at least ten days before bids for that concession are due.
 - (3) The Authority may arrange a single meeting of the Panel to satisfy multiple petitions.
- (c) The Panel may set additional meeting times and may recess a meeting in progress until the next business day.
- (d) Except in the case of meetings continuing after a recess, the Authority shall give at least 48 hours' notice of any meeting to the Panel members and to Persons whose applications may come before the Panel.
- (e) The Panel may open or close its meetings to applicants, the press, and the public; however, all records, documents, and other information produced by the Panel belong to the Authority and are subject to Section 18.15 of the National Forestry Reform Law of 2006, regarding public access to information.
- (f) Five members of the Panel constitute a quorum to do business, and the Panel shall make its decisions by majority vote of the members present.
- (g) The Panel shall keep records of which members are present at meetings and how they vote.
- (h) Members shall recuse themselves on matters in which they have a personal financial stake, and the chair shall consider recused members to be absent for the purpose of determining the presence of a quorum or the outcome of a vote.

4.4 Powers and Duties of the Panel

- (a) The Panel shall review applications for prequalification to bid on concessions of Forest Resources Licenses and shall approve or reject them by applying the standards in Section 45 of this Regulation.
- (b) The Panel shall give priority to reviewing applications from Persons seeking prequalification for concessions with approaching bid submission deadlines.
- (c) The Panel shall not unreasonably delay approval or rejection of any application.
- (d) After the Panel approves or rejects an application, it shall promptly give the applicant notice of its decision.
- (e) Notices of approval must include a prequalification certificate indicating the Category for which the applicant is prequalified and the date of approval.
- (f) Notices of rejection must include a short statement of reasons why the application was rejected.

4.5 Standards for Prequalification

- (a) The Panel shall apply the following standards when reviewing applications for prequalification certificates:
 - (e) The objective, yes-or-no criteria set out in Schedule I of this Regulation; and
 - (f) An evaluation of the bidder's business plan to determine whether the applicant has the general capability to carry out Operations under that Category of Forest Resources License.
- (b) For concessions in the Ordinary FMC and Large FMC Categories identified in Section 2 of this Regulation, the Panel shall reject applicants unless they demonstrate capacity and strategy for increasing value-added industries in the Republic.
- (c) In addition, for concessions in the Large FMC Category identified in Section 2 of this Regulation, the Panel shall reject applicants unless they either:
 - (1) Demonstrate experience in successfully implementing sustainable forest management by presenting a certificate of "Certification of Sustainable Forest Management," issued by an internationally recognized certification system, and demonstrate that the company will employ expertise in long-term sustainable management of tropical forests in Liberia; or
 - (2) Present evidence of retaining employees, consultants, or subcontractors with experience and expertise in sustainable forest management.

4.6 Prequalification Certificates

- (a) Prequalification certificates (issued to successful applicants under Section 44(d) (1) of this Regulation) are specific to the applicant and are non-transferable.
- (b) For a prequalification certificate to be valid with respect to bidding on any particular concession for a Forest Resources License, the following must be true:

- (1) The prequalification certificate was issued for the same Category of Forest Resources License for which it is being presented;
- (2) The prequalification certificate was issued within three years of the deadline for the bid;
- (3) The standards for prequalification, set forth in this Regulation, have not changed since the Panel issued the prequalification certificate; and
- (4) The facts that the bidder stated in the prequalification application have not materially changed.

4.7 List of Prequalified Persons

- (a) In January and July of each year, the Authority shall publish in two newspapers of national circulation a list of all Persons issued prequalification certificates during the previous three years.
- (b) The Authority shall keep at its headquarters a list of Persons issued prequalification certificates in the last three years and shall allow the public to examine the list, without charge, during normal business hours.
- (c) Being named on a list under this Section is not evidence of prequalification for purposes of bidding; a bidder must possess a valid prequalification certificate under Section 46(b) of this Regulation.

5 Two-Envelope Bidding

5.1 Process and Standards for Two-Envelope Bidding:

- (a) When the Authority offers a concession under a two-envelope bidding system, the Authority shall disclose in the Concession Bid Documents the standards that will be used to evaluate the contents of the first envelope, subject to the requirements of this Section.
- (b) These standards must consist of the following:
 - (1) Whether the bidder demonstrates the ability to carry out Operations under the specific Forest Resources License being offered, including the capability to satisfy the special technical or financial demands that led the Authority to call for two-envelope bidding;
 - (2) For concessions in the Ordinary FMC Category or the Large FMC Category identified in Section 2 of this Regulation, whether the bidder demonstrates the ability and presents a practical strategy for increasing value-added industries in the Republic under this concession;
 - (3) For concessions in the Large FMC Category identified in Section 2 of this Regulation, whether the bidder demonstrates the ability to manage the concession sustainably, in the light of the special circumstances of the concession; and
 - (4) Whether the bidder has a valid prequalification certificate under Section 46(b) of this Regulation.
- (c) To establish its ability to meet the standards, the bidder shall submit the following in the first

envelope:

- (1) A copy of a business plan and other supporting documents demonstrating technical and financial ability to carry out Operations under the Forest Resources License, including, for concessions in the Ordinary FMC Category or the Large FMC Category identified in Section 2 of this Regulation, demonstration of the ability and presentation of a practical strategy for increasing value-added industries in the Republic under this concession;
 - (2) For concessions in the Large FMC Category identified in Section 2 of this Regulation, evidence of management capacity as described in Section 45(c) of this Regulation plus evidence of ability to address any special challenges of sustainable management identified in the Concession Bid Documents;
 - (3) A notarized and unaltered copy of the bidder's valid prequalification certificate under Section 46(b) of this Regulation; and
 - (4) A statement by the bidder swearing or affirming, under penalty of perjury, that the information in the bid is correct to the best of the bidder's knowledge.
- (d) In the second envelope, the bidder shall submit the amount that it proposes to pay for the concession.
- (e) The Authority shall specify in the Concession Bid Documents the procedure for opening and reviewing the contents of the two envelopes.

6 Repeal and Effective Date

- 6.1 These regulations repeal no existing regulation.
- 6.2 These regulations are effective on September 11, 2007 and the Authority shall announce them and make available to the public.

Forestry Development Authority
Regulation No. 104-07
Regulations on Tender, Award, and Administration of Forest Concession Contracts

1 General Provisions

- 1.1 When allocating commercial access to Forest Resources, the Authority and its staff aim to:
- (a) Act as trustee of a national asset, in a professional, transparent, and non-discriminatory manner, without personal interest or aim of self-enrichment.
 - (b) Provide social and economic benefits for forest-dependent communities and the nation as a whole.
 - (c) Assure sustainable development and conservation of the forests.
- 1.2 In offering and administering FMCs, TSCs, and Major FUPs, the Authority shall follow the standards and procedures found in the Public Procurement and Concessions Act, as amended; the National Forestry Reform Law of 2006, as amended; the regulations, codes, manuals, and guidelines of the Authority; and any other applicable law.
- 1.3 If the Authority receives credible information that a Person should be debarred from public contracting under Section 44 of the Public Procurement and Concessions Act, as amended, the Managing Director shall ask the Public Procurement and Concessions Commission to debar the Person.

2 Preliminary Matters

- 2.1 Selection of Areas to Offer for FMCs and TSCs
- (a) The Authority shall only seek to offer FMCs or TSCs on areas that meet all three of the following criteria:
 - (1) The area has been identified in the National Forest Management Strategy as suitable for Commercial Use, under Section 4.4 (d) (i) of the National Forestry Reform Law of 2006 and any applicable regulations;
 - (2) The Authority has validated the area locally, under Section 4.5 of the National Forestry Reform Law of 2006 and any applicable regulations; and
 - (3) The Authority has found the area suitable for offering in a pre-feasibility assessment, under Section 103 of the Public Procurement and Concessions Act, involving forest inventories, biological studies, and socio-economic assessment of the area.
 - (b) In addition to the requirements found in the National Forestry Reform Law of 2006, the Authority shall only seek to offer FMCs and TSCs on areas that have all of the following characteristics:
 - (1) The area is reasonably contiguous.

- (2) The area is large enough to sustain the commercial purposes of the contract.
 - (3) The area is small enough to be practically managed by a single contract Holder.
 - (4) The area excludes lands in Protected Areas Ordinarily Closed to Commercial Use or Proposed Protected Areas, unless the Authority makes a written finding explaining why the Commercial Use would be compatible with the lands' protected status.
 - (5) The area excludes lands where the Authority does not have the power to grant permission to harvest Forest Resources. As far as practical, the area excludes lands that are unsuited to the commercial purposes of the contract.
- (c) Additional Standard for TSCs.
- (1) The Authority shall only offer TSCs on Forest Lands whose prior use, present condition, or planned future use makes them unsuitable for management under FMCs.
 - (2) The Authority shall not offer TSCs covering more than 5,000 hectares.

2.2 Identification of Affected Communities; Pre-Implementation Community Consultations

- (a) Before seeking a Certificate for Concession with respect to an area, the Authority shall conduct preliminary consultations with Affected Communities pursuant to this Section.
- (b) The Authority shall give notice of its intent to conduct consultations with representatives of Affected Communities by:
 - (1) Publication of a notice in a newspaper of general circulation in the area, if one exists; publication of a notice in a newspaper of general circulation in Monrovia; and announcement on national radio stations and community radio stations with coverage in the area; and
 - (2) Sending written notice to Persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.
- (c) The Authority shall identify as an Affected Community each community—
 - (1) Located within the geographic area that will be subject to the Forest Resources License;
 - (2) Located adjacent to the geographic area that will be subject to the Forest Resources License;
 - (3) Whose members use Natural Resources located in the geographic area that will be subject to the Forest Resources License;
 - (4) Determined to be affected through the local validation process established by Part Six of Authority Regulation No. 102-07, concerning forest land use planning; or

- (5) That, for any other reason, the Authority reasonably believes will be affected by activities conducted under the Forest Resources License.
- (d) The Authority shall maintain a list of Affected Communities for each area subject to an FMC, a TSC, or a Major FUP.
- (e) Any individual who believes that the Authority should have identified the individual's community may ask the Board to review the decision of the Authority not to include the community.
 - (1) Following receipt of a request under this Subsection, the Board shall determine whether the community satisfies the definition of an Affected Community set forth in Section 1(a) of this Regulation.
 - (2) The Board shall issue any determination made under this Subsection in writing.
- (f) For purposes of conducting preliminary consultations with Affected Communities under this Section, the Authority shall consult with Community Forestry Development Committees that satisfy the requirements of Part Six of Authority Regulation No. 105-07, concerning major pre-felling operations, or with an interim representative selected under Subsection (g)(2) of this Section.
- (g) If the Authority determines that one or more Affected Communities is not represented by a Community Forestry Development Committee, the Authority shall use its best efforts to ensure that the unrepresented Affected Communities are brought under the representation of existing or new Community Forestry Development Committees.
 - (1) The Authority may take steps to facilitate the prompt establishment of a new Community Forestry Development Committee to represent an unrepresented Affected Community.
 - (2) The Authority may, in coordination with civil society organizations, facilitate a process of participatory selection of an interim representative for an unrepresented Affected Community, until that Affected Community can be represented by a Community Forestry Development Committee.
- (h) The Authority shall maintain a list of Community Forestry Development Committees representing Affected Communities subject to each potential FMC, TSC, or Major FUP.
- (i) The Authority shall consult with Community Forestry Development Committees representing the Affected Communities, concerning the Forest Resources License proposed for the area. The Authority shall use its best efforts to understand the priorities and concerns of all Affected Communities with respect to the proposed Forest Resources License.
- (j) Social Agreements:

- (1) The Authority shall not proceed with offering a proposed FMC or TSC unless the Authority has obtained free prior informed consent, in writing, from Community Forestry Development Committees representing all Affected Communities identified under this Section, to negotiate in good faith a social agreement with the winning bidder and subject themselves to independent arbitration should those negotiations not reach a satisfactory conclusion.
- (2) If the Authority fails to obtain agreement under Paragraph (1) of this Subsection from Community Forestry Development Committees representing all Affected Communities, the Authority may reconsider the terms of the proposed FMC or TSC.
- (k) Community Forestry Development Committees may seek the assistance of experts, legal counsel, civil society organizations, or any other Person to help them effectively represent the interests of Affected Communities in consultations under this Section.

3 Offering of Concessions

- 3.1 In compliance with Section 87(3) of the Public Procurement and Concessions Act, as amended, prior to commencing any activity for the purpose of offering a specific concession, the Managing Director shall request the Minister responsible for Economic Affairs to issue a Certificate of Concession.
- 3.2 The Authority shall prepare the Concession Procurement Plan required under Sections 77 and 79 of the Public Procurement and Concessions Act, as amended, and submit the Plan to the Public Procurement and Concessions Commission.
- 3.3 Consistent with the requirements of Authority Regulation No. 103-07, the Authority shall assess bidder qualifications through a prequalification process and, in special cases, a two- envelope bidding system.
- 3.4 Standard contracts:
 - (a) In consultation with the Ministry of Justice, the Authority shall develop a standard contract for Timber-based FMCs and a standard contract for TSCs.
 - (b) In the concession bid documents required under Section 104 of the Public Procurement and Concessions Act, as amended, the Authority shall include all the additional specific provisions or conditions the Authority expects to include in the final contract, including provisions identifying the lands subject to the concession; requirements for the installation of wood processing facilities, if any; and requirements for forest certification, if any.
 - (c) As early as is practical in each bidding process, the Authority shall submit the appropriate contract, with the intended specific conditions, to the Inter-Ministerial Concessions Committee for endorsement under Section 117 of the Public Procurement and Concessions Act, as amended.

3.5 Documents related to offering concessions:

- (a) The Authority shall prepare the concession bid documents required under Sections 104 and 105 of the Public Procurement and Concessions Act, as amended, which documents shall also include a concession prospectus outlining the forest quality and general expectations for the management of the area, and identifying known social issues.
- (b) In addition to selling copies of these documents for fees set out in Authority Regulation No. 107-07, concerning certain forest fees, the Authority shall allow Persons to review copies of these documents without charge at the Authority's headquarters, Regional offices, and other places where the Authority elects to make public copies available for review.

3.6 In addition to the means of notification required under Sections 106 and 107 of the Public Procurement and Concessions Act, as amended, the Authority shall also provide General Notices of Investment Opportunity, Expressions of Interest, and Requests for Proposals to Persons on the forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.

4 Interested Parties and Bidding

4.1 Investigation of area by interested parties:

- (a) The Authority shall, without charge, allow any Person to enter and inspect the area that the Authority proposes to offer under an FMC or TSC.
- (b) As part of the invitation for bids for an FMC or TSC, the Authority may state reasonable inspection conditions to protect Forest Resources and the interests of communities in the area.
- (c) Compliance with inspection conditions is a criterion for award of the concession, and the Government shall not award a concession to a Person who violates the inspection conditions.

4.2 Liberian ownership and national and international competitive bidding

- (a) For FMCs covering less than 100,000 hectares, and for all TSCs:
 - (1) The Authority shall apply the Liberian ownership requirements found in Sections 5.3(g) and 5.4(g) of the National Forestry Reform Law of 2006; and
 - (2) The Authority may award the contracts through national competitive bidding, unless Section 97 of the Public Procurement and Concessions Act, as amended, requires international competitive bidding.
- (b) The Authority shall offer FMCs covering more than 100,000 hectares through international competitive bidding.

- (c) If the Public Procurement and Concessions Commission has established criteria under Section 99 of the Public Procurement and Concessions Act to allow for a Margin of Preference for Domestic and Liberian Businesses, the Authority shall include a Margin of Preference in the criteria for examination or evaluation of bids.
- (d) If Liberian ownership requirements, national competitive bidding, or a Margin of Preference for Domestic and Liberian Businesses apply to a concession:
 - (1) The Authority shall indicate that in the concession bid documents.
 - (2) Each bidder shall include with its bid a declaration, sworn or affirmed under penalty of perjury, stating whether the bidder qualifies under the applicable business ownership criteria.

4.3 Bidder's bond:

- (a) A Person submitting a bid for an FMC or TSC shall include with the bid a bidder's bond, valid for at least 12 months, in the amount specified in Subsection (b) and of the kind specified in Subsection (c) of this Section.
- (b) The amount of the bidder's bond for a particular contract is one sixth the annual area fee expected to be imposed under Section 33 of Authority Regulation No. 107-07, concerning certain forest fees, rounded up to the nearest thousand United States dollars.
- (c) The following are acceptable as bonds:
 - (1) A bond, issued by a company authorized to issue sureties in Liberia.
 - (2) A letter of credit or manager's check from a reputable bank operating in Liberia, payable to the Government.
- (d) The bidder shall also submit a name (of the bidder or the bidder's agent) and an address in Monrovia for the Authority to use when returning the bond.
- (e) By the end of the second business day after the selection of a winning bidder, the Authority shall return the bonds of the unsuccessful bidders.
- (f) Within 30 days after the selection of the winning bidder, the winning bidder may reclaim the original bond by depositing the bond amount in cash with the Central Bank of Liberia or other bank officially designated to hold the Authority's accounts and presenting the proof of deposit to the Authority.
- (g) Upon timely presentation of proof of deposit under Subsection (f) of this Section, the Authority shall return the original bond to the winning bidder.

- (h) If the winning bidder fails to offer proof of deposit within 30 days after selection, the Authority shall draw on the bond and deposit the funds with the Central Bank of Liberia or other bank officially designated to hold the Authority's accounts.
- (i) If the winning bidder and the Government execute an FMC or TSC, the Authority shall arrange to credit the deposited funds towards any amounts the winning bidder owes the Government under the contract.
- (j) If the winning bidder is not ready, willing, and able to execute a contract, the funds become the property of the Government as liquidated damages for the expenses incurred due to the failure to execute the contract.
- (k) If the winning bidder is ready, willing, and able to execute a contract, but the Government fails to execute the contract, the Authority shall arrange to return the deposited funds to the winning bidder, upon the bidder's request.

4.4 **Fair and open competition**

- (a) No Person shall engage in behavior intended to suppress fair and open competition in bidding on a Forest Resources License, including:
 - (1) Bid rigging, in which a group of potential bidders arrange in advance who will submit the best bid among them, including:
 - (A) Bid suppression.
 - (B) Complementary bidding, where some Persons agree to submit bids that are known to be unacceptable.
 - (C) Bid rotation, where bidders agree to take turns being the successful bidder.
 - (2) Market division, where a group of bidders agree among themselves which of them will bid on particular contracts based on geographic area, predominant tree species, time, or other factors, and so reduce competition.
 - (3) Price fixing, in which a group of bidders attempt to lower, fix, or maintain the bid amount or other aspects of the concessions contract, including agreements to:
 - (A) Establish and adhere to certain bid amounts.
 - (B) Hold firm to particular positions in contract negotiations.
 - (C) Adopt a standard formula for arriving at bids.
 - (D) Maintain bid differentials reflecting species, resources, sizes, or quantities offered.

(E) Follow a maximum bid schedule.

- (b) The Government shall not award an FMC or TSC to any Person who has violated the prohibition in Subsection (a) of this Section in the course of that particular bid, and the Authority shall terminate the existing permits and contracts of any Persons found to have violated the prohibition.

4.5 Reserve bid:

- (a) The Authority shall engage an independent third party to calculate and hold in confidence a reserve bid for each contract put up for public bid.
- (b) The independent third party shall calculate the reserve bid according to a formula to be developed by the Authority and the independent third party.
- (c) The independent third party shall guard the reserve bid from discovery by bidders, the Authority, and the public and shall first disclose the reserve bid at the place and time slated for bid opening under Section 110 of the Public Procurement and Concessions Act, as amended, after submission of all bids.
- (d) Any action intended to disclose the reserve bid before the time specified in Subsection (c) of this Section constitutes the offense of economic sabotage under the Penal Code.

4.6 From time to time the Authority shall organize workshops to train potential bidders on how to participate effectively in the tender system.

5 Bid Evaluation

5.1 The Authority shall propose and the Government shall use only the following criteria for final evaluation of the bids:

- (a) Whether the bidder is debarred, disqualified, or suspended from bidding, either under the provisions of the Public Procurement and Concessions Act, as amended, or under the provisions of Authority Regulation No. 103-07, concerning bidder qualifications; and if the bidder is not debarred, disqualified, or suspended.
- (b) Whether the bidder is properly qualified pursuant to Authority Regulation No. 103-07 (as demonstrated by the bidder through presentation of a notarized copy of a valid prequalification certificate and, if the Authority is using a two-envelope bidding system for the bid, through the contents of the bidder's first envelope); and if so.
- (c) Whether the bidder has met all other substantive and procedural requirements in the bidding competition, including the various requirements in Part Four of this Regulation; and if so.
- (d) Whether the bid is equal to or greater than the reserve bid, set under Section 45 of this Regulation; and if so.

- (e) The amount of the bid, adjusted using any applicable Margin of Preference for domestic bidders set by the Public Procurement and Concessions Commission.

6 Post-Evaluation Matters

6.1 Performance bond:

- (a) Successful bidders and Holders of FMCs and TSCs shall post an annual performance bond to assure payment of amounts due the Government, including taxes, fees, damages, and penalties.
- (b) Successful bidders for FMCs shall post the initial performance bond within 90 days after successfully concluding negotiations for the bid with the Negotiation Team, and successful bidders for TSCs shall post the initial performance bond within 30 days after successfully concluding negotiations for the bid with the Negotiation Team.
- (c) The Authority shall state the amount of the initial performance bond in the concession bid documents.
- (d) The Authority shall set the performance bond according to the following formula:
 - (1) The Authority shall select a minimum level as follows:
 - (A) 25,000 United States dollars for TSCs;
 - (B) 150,000 United States dollars for FMCs covering less than 100,000 hectares;
 - (C) 250,000 United States dollars for all other FMCs.
 - (2) The Authority shall estimate the expected annual Government revenue from the concession, not including the land rental fee, for the next full year of contract operation.
 - (3) The Authority shall multiply the expected annual Government revenue by 50 percent and round the resulting figure up to the nearest thousand.
 - (4) If the amount calculated under Paragraph (3) of this Subsection is more than 1,000,000 United States dollars, the performance bond is 1,000,000 United States dollars.
 - (5) If the amount calculated under Paragraph (3) of this Subsection is less than the minimum level selected under Paragraph (1), the performance bond is the minimum level selected under Paragraph (1).
 - (6) In all other cases, the performance bond is the amount calculated under Paragraph (3) of this Subsection.
- (e) The bidder or Holder may post the performance bond in any of the following forms:
 - (1) A letter of credit or manager's check from a bank licensed to do business in Liberia.

- (2) A bond issued by a company licensed to issue sureties in Liberia.
 - (f) The Government may seek to collect on the performance bond if the bidder or Holder is in arrears in any amount owed to the Government.
 - (g) If the bidder or Holder fails to post a performance bond, the Government shall not grant the bidder or Holder permission to use or harvest Forest Resources and shall suspend any existing permissions until the bidder or Holder posts the necessary bond.
- 6.2 Signing the contract and granting permission to use or harvest forest resources:
- (a) The Government shall not sign an FMC or a TSC until the winning bidder is in good standing regarding all taxes, fees, bonds, and other financial obligations to the Government.
 - (b) The Authority shall not grant the Holder of an FMC permission to harvest Timber until all the following have occurred:
 - (1) Under Section 5.3(f) of the National Forestry Reform Law of 2006, the President has signed the contract and the Legislature has ratified it.
 - (2) The Holder has satisfied its obligations under Authority Regulation No. 105-07, concerning major pre-felling requirements.
 - (3) The Holder has signed the contract.
 - (4) The Holder has met all requirements for operational planning and environmental assessment.
 - (c) The Authority shall not grant the Holder of a TSC permission to harvest Timber until all of the following have occurred:
 - (1) The Holder has satisfied its obligations under Authority Regulation No. 105-07, concerning major pre-felling requirements.
 - (2) The Holder and the Authority have signed the contract.
 - (3) The Holder has met all requirements for management or operational planning and environmental assessment.

7 Administration of the Contract

7.1 Standards for assignment of contracts:

- (a) A Person shall not assign or transfer an FMC or TSC or any interest, rights, privileges, or obligations under such a contract without prior written approval from the Authority.

- (b) Upon receiving a request for approval of an assignment or transfer, the Authority shall conduct a diligent investigation of the capacity and character of the proposed new Holder and shall direct the proposed new Holder to submit a business plan demonstrating financial and technical capacity to carry out the obligations under the FMC or TSC.
- (c) If the proposed new Holder meets all the requirements for prequalification in Authority Regulation No. 103-07 (and if the Authority awarded the contract under a two-envelope bidding process, if the proposed new Holder also meets all the standards for first-envelope bids established by the Authority for the original award under that Regulation), and if the proposed new Holder meets all applicable Liberian ownership requirements, the Authority may approve the assignment or transfer.
- (d) After an assignment or transfer, the new Holder is liable for all taxes, fees, debts, and obligations owed to the Government under the contract, including unpaid taxes, fees, debts, and obligations incurred by the previous Holders, and the previous Holders remain secondarily liable for all taxes, fees, debts, and obligations under the contract, including future obligations.
- (e) For the purposes of this Section, the term “assign” includes the admission into partnership of any third party in the activities and operation of forest management or harvest under this contract, as well as the mortgaging of any rights, privileges, liabilities, or obligations granted or imposed by this contract.
- (f) If the Authority initially awarded the FMC or TSC under a Margin of Preference for Domestic and Liberian Businesses and the new Holder is not eligible to claim the Margin of Preference, the Authority shall increase subsequent concession payments to remove the Margin of Preference.

7.2 Conformity with plans and assessments

- (a) Except as provided in Subsections (c) and (d) of this Section, the Holder of an FMC or TSC shall undertake only activities under the contract that are described in forest management plans or annual operational plans approved by the Authority.
- (b) Except as provided in Subsection (c) of this Section, the Holder of an FMC or TSC shall not take an action that it knows or reasonably should know carries a risk of significant environmental impact, unless the environmental impact has already been disclosed, discussed, and allowed under an environmental impact assessment approved by the Environmental Protection Agency.
- (c) The prohibitions in this Section do not apply to emergency actions taken:
 - (1) In response to fire or other significant threats to property;
 - (2) To prevent or reduce a significant risk of damage to the environment; or
 - (3) To prevent or abate a threat of significant injury or death to people.

(d) The prohibitions in Subsection (a) of this Section do not apply to activities undertaken before the Authority has approved a forest management plan or annual operations plan if both of the following are true:

(1) The activities do not include commercial harvest of Forest Resources.

(2) The Authority has consented to the activities in writing.

7.3 Responsible Practices

(a) The Holder of an FMC or TSC shall follow internationally recognized, modern safety precautions in all activities, as are used elsewhere by others under comparable conditions, and shall comply with safety instructions that the Government gives in writing.

(b) Unless otherwise agreed to by the Authority or local police in writing, when the Holder of an FMC or TSC conducts Operations adjacent to or on roads and trails open to public travel, the Holder shall maintain temporary traffic controls to assure safety, subject to Paragraphs (1) and (2) of this Subsection.

(1) The Holder shall maintain temporary traffic controls only in coordination with the Liberian National Police.

(2) The Holder shall not employ checkpoints of any kind.

(c) The Holder of an FMC or TSC shall employ internationally recognized, modern measures for the protection of general health and safety of its employees and all other Persons having legal access to the contract area, and shall comply with reasonable public health instructions given in writing by the Government.

(d) The Holder of an FMC or TSC shall give preference to competent and qualified ECOWAS citizens in the selection of employees to conduct its Operations, and shall not import unskilled labor from outside of the ECOWAS nations.

(e) The Holder of an FMC or TSC shall comply with all training and employment obligations required by law or regulation.

7.4 Sustainable Practices

(a) The Holder of an FMC or TSC shall conduct Timber harvests in accordance with generally accepted silvicultural practices and in accordance with all regulations, codes, and guidelines issued by the Authority.

(b) The Holder of an FMC or TSC shall cooperate with the Authority on technical studies and research to improve forest practices and increase knowledge about forests.

- (c) The Holder of an FMC or TSC shall carry out Operations in accordance with the terms and conditions of the contract and in a manner that promotes the sustained development of Forest Resources and environmental protection for the common good of the people of Liberia, as provided for in applicable laws, statutes, rules, and regulations of Liberia.

7.5 Recordkeeping and Inspections

- (a) By signing the contract, the Holder of an FMC or TSC consents to the Government conducting annual audits of operations and other reasonable inspections necessary to determine compliance with the contract conditions and all applicable laws.
- (b) The Holder of an FMC or TSC shall retain all records necessary to demonstrate compliance with the contract during the duration of the contract and for five years after the contract terminates.
 - (1) The Holder shall take reasonable steps to safeguard the records necessary to demonstrate compliance, including, as appropriate, keeping duplicate copies in a separate location to guard against loss.
 - (2) The Holder shall not invoke an act of God or third parties to excuse a violation of recordkeeping requirements.
- (c) The Holder of an FMC or TSC shall keep its business records and any other required records in the English language, with financial information expressed in United States dollars.
- (d) This Section does not limit obligations for recordkeeping or inspection under other laws or regulations.
- (e) The Holder may identify records containing confidential business information and request that the Government not make public the confidential business information, and the Government shall honor that request if the Authority finds that the information meets the requirements for protection in Section 18.15 of the National Forestry Reform Law of 2006.

7.6 Restrictions on Use of Information from Internal Audits and Third Party Audits

- (a) This Section applies to internal audits and third party audits that a Person arranges to verify the Person's compliance with forest-related contract and legal requirements or with forest certification standards.
- (b) If those audits bring to light evidence of unlawful activities, the records of the audits are not admissible in court as evidence supporting imposition of penalties so long as the Person audited and the audit meet all the following conditions:
 - (1) The audit was a private effort conducted in the ordinary course of business—that is, no arm of the Government initiated or participated in the audit, and the audit was part of an ongoing program to assure quality control, environmental performance, or compliance with legal or certification requirements.

- (2) The Person did not institute the program in bad faith to avoid prosecution or to give a false impression of the quality or lawfulness of the Person's actions.
- (3) The unlawful activity occurred despite the Person's good-faith effort to comply with the contract or the law.
- (4) The Person reported the unlawful activity to the Authority promptly after becoming aware of it.
- (5) The Person made the report as a matter of voluntary, good-faith cooperation with the Authority—that is, the report was not otherwise required by law and was not prompted by knowledge of a forthcoming or ongoing inspection, investigation, enforcement action, or lawsuit.
- (6) The Person cooperated with the Authority in any investigation carried out subsequent to the report.
- (7) The Person took timely steps to halt the unlawful activity, repair or give compensation for any injury done by the unlawful activity, and prevent the unlawful activity from recurring.
- (8) The Person does not have a history of engaging in repeated unlawful activity of this type.

7.7 Changing Circumstances

- (a) During the duration of an FMC or TSC, the Holder shall continue to meet the prequalification requirements set out in Schedule I of Authority Regulation No. 103-07, concerning bidder qualifications (and in the case of an FMC or TSC awarded through a two- envelope bidding system, the Holder shall also continue to meet the requirements that the Authority set out for first-envelope bids under that Regulation).
- (b) In addition to direct non-compliance with those requirements, and non-compliance caused by a change in circumstance (including a change in management or ownership), if any individual violates a pledge made in support of prequalification or a bid, or if any sworn document in support of prequalification or a bid is inaccurate or incomplete, the Holder is deemed to be out of compliance with those requirements.
- (c) If a Holder is out of compliance with those requirements, the Holder shall report the non-compliance to the Authority within five business days after the Holder discovers, or reasonably should have discovered, the non-compliance.
- (d) If the Holder is unable to come into compliance within 30 days after the Holder discovers, or reasonably should have discovered, the non-compliance, or if the Holder fails to report the non-compliance in a timely fashion, the Authority may suspend or terminate the license.

8 Major Forest Use Permits

8.1 Treatment of major FUP:

- (a) The Authority shall award Major FUPs through a concessions process.
- (b) In awarding and administering Major FUPs, the Authority shall apply the procedural and substantive requirements in this Regulation that apply to TSCs, except for the following:
 - (1) The Authority may use forms of contract other than the standard contract for TSCs required under Section 34 of this Regulation.
 - (2) Bidders for Major FUPs do not need to post bidder's bonds under Section 43 of this Regulation.
 - (3) Winners of Major FUPs do not need to post performance bonds under Section 61 of this Regulation.
 - (4) Holders of Major FUPs shall follow health and safety practices identified by the Authority in the permit as practical and within the economic reach of the Holder, instead of the internationally recognized standards required of Holders of TSCs and FMCs under Section 73 of this Regulation.
 - (5) The area covered under a Major FUP allowing exclusive rights for Timber harvest must be less than 1,000 hectares, instead of the 5,000-hectare limit for TSCs under Section 21(c)(2) of this Regulation.
- (c) The Authority shall not offer multiple Forest Use Permits as a substitute for a single Major FUP, a TSC, or an FMC, in an effort to avoid requirements that this Regulation or other regulations or laws place on Major FUPs, TSCs, or FMCs.

8.2 This Regulation repeals no existing regulations.

8.3 This Regulation is effective on September 11, 2007. The Authority shall announce this Regulation and make it available to the public.

**Forestry Development Authority
Regulation No. 105-07**

Regulations on Major Pre-Felling Operations under Forest Resources Licenses

1 Purpose

- 1.1 This Regulation describes certain social, environmental, and forest management planning obligations that a Holder of a Forest Resources License must satisfy prior to felling trees.

2 Requirement for Certification by the Authority

- 2.1 No person shall fell a tree under any Forest Resources License until the Authority certifies that the Holder has completed all Major Pre-Felling Operations.
- 2.2 In addition to satisfying all other Pre-Felling Operations required of Holders of Forest Resources Licenses, the FMC Holder shall prepare a forest management plan, as required by Part Five of this Regulation.
- 2.3 Where appropriate, the Holder may rely on a single public meeting to help satisfy multiple requirements of this Regulation.
- 2.4 Certification by the Authority
- (a) To obtain certification by the Authority of all Major Pre-Felling Operations, the Holder shall submit to the Authority a request for certification, together with complete copies of all of the following:
- (1) Executed social agreement. A complete copy of one or more executed social agreements, bearing the verifiable signatures of members of Community Forestry Development Committees that represent all Affected Communities with respect to the area to be logged under the Forest Resources License.
- (2) Environmental impact assessment and approval by EPA.
- (A) A complete copy of the environmental impact study for the Forest Resources License, performed by the Holder under Section 14 of the Environmental Protection and Management Law, as amended, and approved by the Environmental Protection Agency; and
- (B) The environmental impact assessment approval issued to the Holder by the Environmental Protection Agency.
- (3) Approved forest management plan. For FMCs, a complete copy of the forest management plan for the area subject to the FMC, approved by the Authority.
- (b) The Holder may submit the documents required under Subsection (a) of this Section to the Authority separately, or in a single package; however, the Authority shall not consider a request for certification from the Holder prior to receipt of all required documents.

- (c) When the Authority has certified that the Holder has performed all Major Pre-Felling Operations, the Authority shall issue to the Holder a written certification, the date of which becomes the Holder's Felling Effective Date.

3 Social Agreement

3.1 Duty to Negotiate Social Agreement; Duration

- (a) The Holder shall negotiate one or more social agreements for the benefit of all Affected Communities with respect to the area to be logged under the Forest Resources License.
- (b) A social agreement negotiated and executed under this Regulation has a duration of five years (for FMCs) or three years (for TSCs).
 - (1) The Holder shall ensure that at all times, for the duration of the Forest Resources License, a social agreement for the benefit of all Affected Communities is in force with respect to the area to be logged.
 - (2) The Holder may not fell trees unless a social agreement for the benefit of all Affected Communities is in force with respect to the area to be logged.

3.2 Affected Communities; Representation by Community Forestry Development Committees

- (a) The Holder shall give notice of its intent to conduct negotiations with representatives of Affected Communities by:
 - (1) Publication of a notice in a newspaper of general circulation in the area, if one exists; publication of a notice in a newspaper of general circulation in Monrovia; and announcement on national radio stations and community radio stations with coverage in the area; and
 - (2) Sending written notice to Persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.
- (b) The Holder shall identify as an Affected Community each community—
 - (1) Maintained on the list of Affected Communities identified by the Authority during the concession allocation process or the local validation process for the Forest Resources License; and
 - (2) Any other community:
 - (A) Located within the geographic area that will be logged under the Forest Resources License;
 - (B) Located adjacent to the geographic area that will be logged under the Forest Resources License;
 - (C) Whose members use Natural Resources located in the geographic area that will be logged under the Forest Resources License;

- (D) Determined to be affected through the local validation process established by Part Six of Authority Regulation No. 102-07, concerning forest land use planning, with respect to the area that will be logged under the Forest Resources License; or
 - (E) That, for any other reason, is likely to be affected by the Operations of the Holder.
- (c) The Holder shall maintain a list of Affected Communities for its Forest Resources License.
- (d) Any individual who believes that the Holder should have identified the individual's community may ask the Authority to review the decision of the Holder not to include the community.
 - (1) Following receipt of a request under this Subsection, the Authority shall determine whether the community satisfies the definition of an Affected Community set forth in Section 1(a) of this Regulation.
 - (2) The Authority shall issue any determination made under this Subsection in writing and notify the Holder and the requesting individual of its determination.
- (e) For purposes of this Regulation, the Holder may negotiate and enter into social agreements for the benefit of Affected Communities only with a Community Forestry Development Committee that satisfies the requirements of Part Six of this Regulation, or with an interim representative selected under Subsection (f)(2) of this Regulation.
- (f) If the Holder determines that one or more Affected Communities is not represented by a Community Forestry Development Committee, the Holder shall report this determination to the Authority, which shall use its best efforts to ensure that all Affected Communities are brought under the representation of existing or new Community Forestry Development Committees.
 - (1) The Authority may take steps to facilitate the prompt establishment of a new Community Forestry Development Committee to represent an unrepresented Affected Community.
 - (2) The Authority may, in coordination with civil society organizations, facilitate a process of participatory selection of an interim representative for an unrepresented Affected Community, until that Affected Community can be represented by a Community Forestry Development Committee.
- (g) The Holder shall maintain a list of Community Forestry Development Committees representing Affected Communities for its Forest Resources License.
- (h) The Holder shall negotiate one or more social agreements with Community Forestry Development Committees representing the Affected Communities for the Holder's Forest Resources License.

- (i) Community Forestry Development Committees may seek the assistance of experts, legal counsel, civil society organizations, or any other person to help them effectively represent Affected Communities in negotiating or administering a social agreement with the Holder.

3.3 Contents of Social Agreement

- (a) A social agreement negotiated between a Holder and one or more Community Forestry Development Committees must contain all of the following elements:
 - (1) A code of conduct that governs:
 - (A) The rights (including access rights) and responsibilities of members of the Affected Communities; and
 - (B) The rights and responsibilities of the Holder and the Holder's employees, contractors, and other associates.
 - (b) The Authority shall make model codes of conduct freely available on the Internet and shall, upon request, provide paper or electronic copies of model codes of conduct to Holders, Community Forestry Development Committees, and Affected Communities.
 - (1) A description of the financial benefit that the Affected Communities will receive from the Holder, subject to the minimum requirement established by Section 34 of this Regulation.
 - (2) A requirement that the Holder pay the amount of the negotiated financial benefit on a quarterly basis into an interest-bearing escrow account that the Holder shall maintain in trust on behalf of all Affected Communities.
 - (3) A requirement that the Holder release funds from the escrow account for the benefit of an Affected Community only upon written request by a Community Forestry Development Committee, and only if:
 - (A) The request satisfies the requirements of Part Six of this Regulation; and
 - (B) The Authority consents to the request.
 - (4) A practical mechanism for resolving disputes that may arise between the Holder and members of Affected Communities.
- (c) Subject to the requirements and limitations of this Section, the Holder and Community Forestry Development Committees may agree to terms that are tailored to the local context.

- 3.4 The total annual financial benefit provided by the Holder for the benefit of all Affected Communities with respect to logging under the Forest Resources License, under one or more social agreements, must equal or exceed US \$1 per cubic meter of Logs harvested annually under the Forest Resources License, based on verifiable information recorded in the chain of custody system.

3.5 Public Meetings with Affected Communities and Execution of Social Agreement

- (a) In negotiating a social agreement with Community Forestry Development Committees, the Holder shall afford each Community Forestry Development Committee and the Affected Communities that it represents the opportunity to participate in at least one public meeting, facilitated and attended by the Authority, to ask questions about and express views on community rights and benefits under the Forest Resources License.
 - (1) At each public meeting, the Holder shall:
 - (A) Describe to participants the Forest Resources License and its likely effects on the community;
 - (B) Respond to participant questions about the Forest Resources License; and
 - (C) Allow each participant an opportunity to comment—orally, in writing, or both—on the Forest Resources License.
 - (2) The Holder shall conduct each public meeting in English and any local vernacular necessary to ensure community understanding.
 - (3) The Holder shall open each public meeting to all members of the public, including, but not limited to, community members, industry representatives, government officials, members of civil society organizations, and the media.
 - (4) The Holder shall use best efforts to involve women, youth, and other historically excluded groups in each public meeting.
 - (5) The Holder shall select the location for each public meeting so as to ensure maximum participation by Affected Communities. Factors that the Holder may consider include:
 - (A) Proximity to Forest Lands and communities likely to be most directly affected by the Forest Resources License;
 - (B) Ease of access by community members; and
 - (C) Whether the venue is sufficiently large to accommodate all participants who are likely to attend.
 - (6) The Holder shall advertise the purpose, date, time, and location of each public meeting at least 15 days in advance.
 - (7) The Holder shall advertise each public meeting as follows:
 - (A) By notifying local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors,

Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads;

- (B) By running radio advertisements in the area of the public meeting;
 - (C) By posting signs in English and any necessary local vernacular at the nearest Authority regional office; and
 - (D) By any other method that the Holder may devise to ensure maximum participation by Affected Communities, tailored to the specific locality and community needs.
- (b) The Holder shall ensure that the social agreement is signed in duplicate originals, with the Holder retaining one original version and the Community Forestry Development Committee representative retaining the other original.

3.6 Oversight and Attestation by the Authority

- (a) The Holder shall submit its executed social agreement to the Authority for attestation.
 - (b) Upon receipt of an executed social agreement, the Authority shall review it for completeness, accuracy, and conformity with the requirements of the National Forestry Reform Law of 2006, this Regulation, the Forest Management Guidelines, the Code of Forest Harvesting Practices, and the terms of the Holder's Forest Resources License.
 - (c) If the Authority requires additional information to determine whether the executed social agreement is complete, accurate, and in conformity with law, or whether the agreement represents the will of the Affected Communities, the Authority may request further information from the Holder, from Community Forestry Development Committees, or from any other source.
 - (d) If the Authority determines that the social agreement is incomplete, inaccurate, or otherwise not in conformity with law, the Authority shall reject the agreement and provide to the Holder and the Community Forestry Development Committee a written explanation of the reason for its decision.
- (1) The Authority shall decline to attest to a social agreement on reasonable suspicion of inadequate public consultation, including either of the following:
- (A) Negotiations between the Holder and Community Forestry Development Committees omitted the interests of one or more Affected Communities.
 - (B) The signature made on behalf of a Community Forestry Development Committee was not knowingly and voluntarily given.

- (2) The Holder may seek to remedy any insufficiencies in the social agreement identified by the Authority and, after further negotiations with the Community Forestry Development Committees and execution of a new agreement, submit a revised social agreement to the Authority for review.
- (e) If the Authority determines that the social agreement is complete, accurate, and in conformity with law, the Authority shall attest to the agreement.
- (f) The Authority shall promptly conduct any review required by Subsection (b) of this Section and shall not withhold attestation to a social agreement that substantially satisfies the requirements of this Part.

3.7 Dispute Resolution

- (a) In the event that the Holder and a Community Forestry Development Committee cannot in good faith agree to the terms of a social agreement under this Part, the Authority shall use best efforts to resolve outstanding differences between the Holder and the Community Forestry Development Committee.
- (b) If the Holder and the Community Forestry Development Committee cannot, with the assistance of the Authority, resolve their differences, either may request non-binding, third- party mediation, the expense of which shall be borne by the Holder.
- (c) If the Holder or the Community Forestry Development Committee is dissatisfied with the results of the mediation, either may request binding arbitration, the expense of which shall be borne by the Holder.
- (d) Either the Holder or the Community Forestry Development Committee may appeal the result of the binding arbitration to a court of competent jurisdiction in the Republic.

4 Environmental Impact Assessment

4.1 Section 41. Duties of the Holder

- (a) The Holder shall comply with the requirements of the 2003 Environment Protection and Management Law, as amended, including the requirements of:
 - (1) Completing an environmental impact statement under Section 14 of that Law; and
 - (2) Obtaining an environmental impact assessment license from the Environmental Protection Agency.
- (b) Because Forest Lands covered by Forest Resources Licenses must have previously been deemed suitable for Commercial Use, the Holder shall focus its environmental analysis on mitigating the potential adverse environmental effects of its Operations on Natural Resources and the health of residents in Affected Communities.

4.2 Duties of the Authority

- (a) Although the Holder alone bears the responsibility of satisfying the requirements of the Environment Protection and Management Law, as amended, with respect to the impacts of the Holder's Forest Resources License, the Authority shall use best efforts to ensure that, through coordination with the Environmental Protection Agency and a broad process of community consultation during the local validation process, the Environmental Protection Agency has deemed any area to be offered by the Government for a Forest Resources License suitable for Commercial Use.
- (b) To further clarify the relationship between the Authority and the Environmental Protection Agency, and thereby more effectively implement this Part, the Authority may seek to enter into a Memorandum of Understanding with the Agency pertaining to environmental impact assessment.

5 Forest Management Planning

5.1 Preparation of Forest Management Plan

- (a) The FMC Holder shall prepare a forest management plan covering the entire area subject to the contract.
- (b) In developing the plan required by this Part, the Holder shall ensure that the plan conforms to the requirements, including the requirements for public consultation, of the following:
 - (1) The Forest Management Guidelines issued by the Authority; and
 - (2) The Code of Forest Harvesting Practices issued by the Authority.
- (c) In developing the plan required by this Part, the FMC Holder may seek input and guidance from the Authority to ensure that the plan incorporates sound forestry principles and addresses any concerns that the Authority may have.
- (d) The FMC Holder shall submit its completed forest management plan, together with any supporting documents or other information, to the Authority for approval.

5.2 Approval by the Authority

- (a) Upon receipt of a forest management plan, the Authority shall review it for completeness, accuracy, and conformity with the requirements of the National Forestry Reform Law of 2006, this Regulation, the Forest Management Guidelines, the Code of Forest Harvesting Practices, and the terms of the Holder's FMC.
- (b) If the Authority requires additional information to determine whether the forest management plan is complete, accurate, and in conformity with law, the Authority may request the information from the Holder or any other source.

- (c) If the Authority determines that the plan is incomplete, inaccurate, or otherwise not in conformity with law, the Authority shall reject the plan and provide to the Holder a written explanation of the reason for its decision.
 - (1) The Authority may reject the plan for inadequate public consultation under the Forest Management Guidelines.
 - (2) The Holder may seek to remedy any insufficiencies in the plan identified by the Authority and resubmit the plan.
- (d) If the Authority determines that the forest management plan is complete, accurate, and in conformity with law, the Authority shall provide the Holder with a written approval of the Plan.
- (e) The Authority shall promptly conduct any review required by Subsection (a) of this Section and shall not withhold approval of a forest management plan that substantially satisfies the requirements of this Part.

6 Community Forestry Development Committee

- 6.1 Only Community Forestry Development Committee established under this Part may make a request for disbursement of funds under a social agreement.
- 6.2 Community Forestry Development Committees
 - (a) A Community Forestry Development Committee must consist of at least five members who are residents of the community or communities that the Committee represents.
 - (b) All members of a Community Forestry Development Committee must be freely and fairly elected by residents of the community or communities represented by the Committee.
 - (1) The Authority shall work with civil society organizations and the public to develop uniform standards by which membership elections are to take place.
 - (2) The Authority and civil society organizations, upon request by community members, may help to facilitate membership elections.
 - (c) A Community Forestry Development Committee must provide a means for all residents that it represents, including women and youth, to have their views heard and considered.
 - (d) A Community Forestry Development Committee must be incorporated under the laws of the Republic.
 - (e) The Authority shall maintain a list of Community Forestry Development Committees.

- (f) The Authority may, in consultation with civil society organizations and the public, issue additional guidelines governing the development and structure of Community Forestry Development Committees.

6.3 Consensus among Affected Communities; Consent of Authority

- (a) Prior to making a request for disbursement of funds under a social agreement, a Community Forestry Development Committee shall provide written notice to the Authority and the Holder of its intent to make the request.
- (b) The Authority shall consent to a request for disbursement of funds under a social agreement unless one or more Affected Communities with respect to the area to be logged under the Forest Resources License, as represented by their respective Community Forestry Development Committees, object to the request.

7 Repeals and Effective Date

7.1 These regulations repeal no existing regulation.

7.2 Effective Date

- (a) This Regulation is effective on September 11, 2007. The Authority shall announce these regulations and make it available to the public.

Forestry Development Authority
Regulation No. 106-07
Regulations on Forest Benefit Sharing

1 General Provisions

- 1.1 This Regulation implements the requirement of the National Forestry Reform Law of 2006 that the Authority establish a fair and transparent procedure for allocating a designated percentage of land rental fees to Counties and to communities entitled to benefit sharing under Forest Resources Licenses.
- 1.2 The Authority shall coordinate all of its activities under this Regulation with the Central Bank and the Ministry of Finance.

2 Benefit Sharing with Counties

- 2.1 In coordination with the Central Bank and the Ministry of Finance, the Authority shall ensure that a sum equal to 30 percent of all land rental fees collected is distributed for the benefit of all of the Republic's Counties.
- 2.1 In coordination with the Central Bank and the Ministry of Finance, the Authority shall allocate the amount set forth in Section 21 of this Regulation in equal proportion among all 15 Counties in the Republic.
- 2.2 Deposit to County Forestry Development Funds
 - (a) Each County wishing to receive an allocation of funds under Section 14.2(e)(ii) of the National Forestry Reform Law of 2006 shall maintain a County Forestry Development Fund, consistent the requirements of Section 24 of this Regulation.
 - (b) Annually, the Authority, in coordination with the Ministry of Finance, shall arrange for one-fifteenth of the amount established in Section 21 of this Regulation to be deposited in each County Forestry Development Fund. The Authority shall notify the public of the fact and amount of all deposits made under this Subsection, as follows:
 - (1) The Authority shall run an advertisement in a newspaper of general circulation in Monrovia, and a radio announcement on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
 - (2) The Authority shall provide written notice to all persons on any forest management stakeholder list maintained pursuant to Authority Regulation No. 101- 07, concerning public participation.
 - (3) The Authority shall provide written notice to all signatories to each County Forestry Development Fund.
 - (c) Deposit of funds to a County Forestry Development Fund under this Section is the sole means by which the Government shall transfer funds to a County under the benefit-sharing mechanism of the National Forestry Reform Law of 2006.
- 2.3 The Authority shall make no disbursement to a County Forestry Development Fund under this Part

unless the County meets all of the following requirements:

- (a) The County expends the funds contained in its County Forestry Development Fund only in support of services or activities in the public interest that benefit the residents of the County, subject to the requirements of Subsections (b), (c), and (d) of this Section.
- (b) The County matches any expenditure from the County Forestry Development Fund with a contribution of cash, in-kind services (such as labor), or property that is equal in value to the expenditure.
- (c) The County manages and accounts for payments into, and disbursements from, the County Forestry Development Fund as part of the ordinary and established budgetary process for the County.
- (d) Annually, the County provides a detailed accounting to the Authority on its Fund, listing all receivables and disbursements. The Authority shall report to the public all information received from the Counties under this Subsection, as follows:
 - (1) The Authority shall run an advertisement in a newspaper of general circulation in Monrovia, and a radio announcement on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
 - (2) The Authority shall provide written notice to all persons on any forest management stakeholder list maintained pursuant to Authority Regulation No. 101- 07, concerning public participation.
 - (3) The Authority shall provide written notice to all signatories to each County Forestry Development Fund.

2.4 Duties of the Authority

- (a) A regional manager of the Authority shall advise the County on the operations of the County Forestry Development Fund.
- (b) The Authority, in coordination with the Central Bank and the Ministry of Finance, shall from time to time conduct audits of the County Forestry Development Funds to ensure their effective, fair, and transparent operation.
- (c) Upon request by a County, the Authority shall provide other technical assistance in carrying out the requirements of this Part.
- (d) The Authority shall, as necessary, seek the assistance of experts, legal counsel, civil society organizations, or any other person to assist the Authority in effectively carrying out its duties under this Section.

3 Benefit Sharing with Communities

- 3.1 In coordination with the Central Bank and the Ministry of Finance, the Authority shall ensure that a sum equal to 30 percent of all land rental fees collected is distributed to Affected Communities through the National Community Benefit Sharing Trust mechanism established by this Part.

- 3.2 In coordination with the Central Bank and the Ministry of Finance, the Authority shall distribute the amount established by Section 31 of this Regulation to the National Community Benefit Sharing Trust, on a quarterly basis.
- 3.3 National Community Benefit Sharing Trust:
- (a) The purpose of the National Community Benefit Sharing Trust is to:
 - (1) Hold in trust and manage all funds received for the sole benefit of Affected Communities.
 - (2) Receive and review applications for funds submitted by Community Forestry Development Committees on behalf of Affected Communities.
 - (3) Disburse funds to Community Forestry Development Committees to undertake projects on behalf of the Affected Communities they represent.
 - (b) The Trust Board is composed as follows:
 - (1) One representative of a civil society organization.
 - (2) One local Paramount Chief selected by his peers from a forest-dependent community;
 - (3) One representative from the Government of Liberia;
 - (4) One logging industry representative;
 - (5) One representative of an international non-governmental organization; and
 - (6) One representative of an international donor organization.
 - (c) No member of the Trust Board shall receive remuneration or any other form of compensation for serving on the Board.
 - (d) Subject to broad public participation and comment, the Trust shall, in consultation with the Authority, relevant government agencies, local community representatives from Affected Communities, and civil society organizations, draft and adopt bylaws and guidelines for the operation and management of the Trust.
 - (e) The Trust shall obtain an independent audit of its accounts at least annually.
 - (f) Subject to broad public participation and comment, the Trust shall, in consultation with the Authority, relevant government agencies, local community representatives from Affected Communities, and civil society organizations, develop a manual of procedures and guidelines governing how it will allocate funds to and among Affected Communities, including how it will evaluate requests for funds submitted by Community Forestry Development Committees, and how it will ensure the fair allocation of limited funds among Community Forestry Development Committees.
 - (g) The Trust may hire staff to conduct its day-to-day operations, including District-level staff to

assist the Trust in evaluating local requests for disbursement of funds submitted by Community Forestry Development Committees on behalf of Affected Communities.

- (h) None of the following individuals shall directly benefit from funds distributed by the Trust while in the service of the Republic:
 - (1) The President.
 - (2) Senators.
 - (3) Representatives.
 - (4) Ministers, heads of public agencies and public corporations, and their deputies, assistants, and all directors.
 - (5) Security and military personnel.
 - (6) Judicial officers, including Justices of the Supreme Court and all lower court judges.
 - (7) Local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads.
- (i) Civil society organizations, members of Affected Communities, and international organizations may provide independent monitoring of the creation and operation of the Trust.
- (j) The Authority shall solicit national and international technical and financial assistance through bilateral or multilateral means to provide support for—
 - (1) The creation and operation of the Trust; and
 - (2) The independent monitoring activities identified in Subsection (i) of this Section.

3.4 Requests by Community Forestry Development Committees

- (a) Only a Community Forestry Development Committee may request from the National Community Benefit Sharing Trust disbursement of funds for projects to be undertaken on behalf of one or more Affected Communities.
- (b) A Community Forestry Development Committee may request disbursement of funds only if the Committee satisfies the requirements of Section 62 of Authority Regulation No. 105- 07, concerning social agreements.
- (c) A Community Forestry Development Committee requesting disbursement of funds must present a written project proposal to the National Community Benefit Sharing Trust that includes all of the following:
 - (1) A detailed description of the need for the project, including who will benefit.
 - (2) A detailed description of how the project will be carried out.

- (3) A budget including the total amount requested and a breakdown of that amount into categories (for example, labor and materials).

4 Transparency

4.1 Reporting

- (a) Within 60 days after the end of each fiscal year, the Authority shall compile in writing, and make available for public inspection, a report containing the following information for the preceding year:
 - (1) The amount of money disbursed by the Government to each of the 15 Community Forestry Development Funds under this Regulation, and the date of each disbursement.
 - (2) The amount of money disbursed to the National Community Benefit Sharing Trust under this Regulation, and the date of each disbursement.
 - (3) The total amount of money disbursed by the Trust to Community Forestry Development Committees, and a breakdown of those disbursements by project, date, and Affected Community.
 - (4) A list of all complaints received from the public in connection with Community Forestry Development Funds, the National Community Benefit Sharing Trust, or any Community Forestry Development Committee.
- (b) If any person makes a reasonable claim to the Authority that the report contains an error, the Authority shall promptly investigate the claim and make necessary corrections to the report and any copies of the report in its possession.
- (c) The Authority shall make copies of the report available subject to the requirements of Section 41 of Authority Regulation No. 101-07, concerning public participation.

5 Repeals and Effective Date

- 5.1 This Regulation repeals no existing regulations.
- 5.2 This Regulation is effective on September 11, 2007 and the Authority shall announce and make it available to the public.

Forestry Development Authority
Regulation No. 107-07
Regulations on Certain Forest Fees

1 General Provision

1.1 Definition of Fee Classes

- (a) In conformance with Section 2108 of Phase One of the Reform Tax Code of Liberia, as amended, and Section 14.2 of the National Forestry Reform Law of 2006, as amended, the Authority's fixed fees fall into the following three classes:
 - (1) Stumpage fees.
 - (2) Land rental fees.
 - (3) Forest product fees.
- (b) "Stumpage fees" are fees associated with the harvest of Forest Resources, including fees based on the type and amount of Forest Resources harvested.
- (c) "Land rental fees" are fees associated with the use of Forest Land and include administrative fees and area-based fees assessed under a Forest Resources License.
- (d) "Forest product fees" are fees associated with the production, processing, registration, transport, transfer of ownership, or export of Forest Products.

1.2 Estimation of FOB Market Prices

- (a) The Authority shall develop a list of estimated market prices of Forest Products derived from the tree species listed in Schedule I of this Regulation, as various kinds and grades of Logs and Wood Products, FOB Monrovia. The Authority shall revise the list at the start of each logging season and may revise the list more frequently in response to changing markets.
- (b) The Authority shall base the estimates on the actual market prices in Liberia, other African countries, and international markets.
- (c) In developing the list, the Authority shall consult with the Forest Management Advisory Committee established under the National Forestry Reform Law of 2006, as amended.
- (d) The Authority shall submit the list to the Board for approval.
- (e) Upon approval by the Board, the list becomes the standard for calculation of stumpage fees and establishes the minimum price guidelines for the assessment of forest product fees under this Regulation. The list remains in force until the Board approves a replacement list following the procedure required by this Section.

- (f) The Authority shall make copies of the list in force available to the public in the same manner that it makes regulations, codes, and manuals available to the public under Section 41 of Authority Regulation No. 101-07, concerning public participation.
- 1.3 In assigning estimated prices, the Authority shall apply timber grades in use under the Authority's chain of custody system.
- 1.4 Other Fees
 - (a) This Regulation is not intended to contain an exhaustive list of fees that the Authority may impose.
 - (b) The Authority reserves the right to impose other fees by regulation.

2 Stumpage Fees

- 2.1 For the purposes of 2.2 of this Regulation:
 - (a) The tree species listed in Schedule I of this Regulation are each classed into the category (A, B, or C) indicated in the column labeled "Class (stumpage fee)" of Schedule I.
 - (b) Tree species not listed in Schedule I are classed into category C.
- 2.2 Log stumpage fee:
 - (a) For purposes of this Section, when a tree is felled under a Forest Resources License, the Holder of the license is deemed the person felling the tree.
 - (b) Any person felling a tree shall pay to the Government a log stumpage fee, based on the merchantable volume harvested, according to the following formulas:
 - (1) For category "A" species, 10 percent of the market price of the harvested logs, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (2) For category B species, 5 percent of the market price of the harvested logs, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (3) For category C species, 2.5 percent of the market price of the harvested logs, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (c) On private lands where the trees have been artificially regenerated, the fees in Subsection (b) of this Section are reduced by half.
 - (d) The person felling the tree shall pay the log stumpage fee no later than 30 days after the tree is cut, or sooner if required by a Forest Management Contract or Timber Sale Contract, and in any case before any part of the tree is exported.
 - (e) The fee under this Section does not apply to trees cut solely to produce poles or fuelwood.

3 Land Rental Fees

3.1 The Authority shall charge the following fees to provide and process forms and documents related to the competitive bidding process for Forest Management Contracts and Timber Sale Contracts:

- (a) For a prequalification application, ten United States dollars (US \$10).
- (b) For a prospectus, ten United States dollars (US \$10).

3.2 Contract Administration Fee:

- (a) For each Forest Management Contract and Timber Sale Contract, the Holder shall pay to the Government an annual administrative fee of one thousand United States dollars (US\$1000).
- (b) The fees under this Section are due upon signing the contract and on the anniversary date of signing for each year the contract is in effect.
- (c) If, on its anniversary date, the contract has less than a year to remain in effect, the Holder shall pay a prorated fee as follows:
 - (1) For a contract with fewer than 120 days remaining, no fee.
 - (2) For a contract with at least 120 days but fewer than 240 days remaining, five hundred United States dollars (US\$500).
 - (3) For a contract with 240 or more days remaining, one thousand United States dollars (US\$1000).
- (d) The Government shall withhold signing of a Forest Management Contract or Timber Sale Contract until presented proof by the Holder that the initial contract administration fee has been paid.

3.3 Area Fee

- (a) Each Holder of a Forest Management Contract shall pay the Government an annual area fee equal to two dollars and fifty cents United States dollars (US \$2.50) for every hectare of land subject to the contract.
- (b) Each Holder of a Timber Sale Contract shall pay the Government an annual area fee equal to one dollar and twenty-five cents on the United States dollar (US \$1.25) for every hectare of land subject to the contract.
- (c) The fees under this Section are due upon signing the contract and on the anniversary date of signing for each year the contract is in effect.
- (d) If, on its anniversary date, a contract has less than a year to remain in effect, the Holder shall pay a prorated fee as follows:
 - (1) For a contract with fewer than 120 days remaining, no fee.

- (2) For a contract with at least 120 days but fewer than 240 days remaining, one half the fee specified in Subsection (a) or (b) of this Section.
- (3) For a contract with 240 or more days remaining, the full fee specified in Subsection (a) or (b) of this Section.
- (e) The fees under this Section are separate from, and in addition to, the land rental bids offered as part of the competitive bidding process for awarding contracts.
- (f) The Government shall withhold signing of a Forest Management Contract or Timber Sale Contract until presented proof by the Holder that the initial annual area fee has been paid.

3.4 Annual Coupe Inspection Fee

- (a) The Holder of a Forest Management Contract or Timber Sale Contract shall pay the Government an annual coupe inspection fee of fifty United States dollars (US \$50) per square-kilometer block of area subject to harvest operations under the annual coupe plan.
- (b) Payments under this Section are due when the Holder submits an annual coupe plan for approval.
- (c) The Authority shall not approve the annual coupe plan before the Holder has paid the inspection fee, and shall withhold approval if the Holder has any other amounts past due under this Regulation or under the Holder's contract.

4 Forest Product Fees

- 4.1 Persons seeking waybills for transportation of Forest Products within the Authority's chain of custody system shall pay the Government one hundred and fifty United States dollars (US \$150) for each book of ten waybills.

4.2 Timber Export License Fee and License

- (a) No person shall export Forest Products from Liberia without a timber export license.
- (b) The Authority may prescribe application forms for timber export licenses.
- (c) Persons wishing to obtain a timber export license shall pay the Government a fee of one hundred United States dollars (US \$100) for each license.
- (d) Upon receipt of a completed and signed application, proof of payment of the timber export license fee, and proof of payment of any other export-related fees imposed under this Part of this Regulation, the Authority shall determine through the chain of custody system whether all other Authority-administered fees related to the Forest Products have been paid.
- (e) If the chain of custody system database verifies payment of these other fees, the Authority shall issue the applicant a timber export license.
- (f) Each timber export license is valid for one shipment of Forest Products, of the amounts, types, and chain of custody system identifiers described on the application form, confined to a single vehicle, vessel, or aircraft.

- 4.3 For the purposes of 4.4 and 4.5 of this Regulation:

- (a) The tree species listed in Schedule I of this Regulation are each classed into the category (A, B, or C) indicated in the column labeled “Class (forest product fees)” of Schedule I.
- (b) Tree species not listed in Schedule I are classed into category C.

4.4 Log Export Fee

- (a) Any person exporting one or more Logs shall pay to the Government a log export fee according to the following formulas:
 - (1) For Logs from category “A” species, 10 percent of the market price of the Log, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (2) For Logs from category B species, 5 percent of the market price of the Log, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (3) For Logs from category C species, 2.5 percent of the market price of the Log, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
- (b) No person shall export a Log without proof of payment of the log export fee.

4.5 Wood Product Export Fee

- (a) Any person exporting Wood Products covered in the list approved under Section 3 of this Regulation shall pay to the Government a wood product export fee according to the following formulas:
 - (1) For Wood Products from category A species, 5 percent of the contract price of the Wood Products, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (2) For Wood Products from category B species, 2.5 percent of the contract price of the Wood Products, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
 - (3) For Wood Products from category C species, 1.5 percent of the contract price of the Wood Products, FOB Monrovia, as determined in the list approved under Section 3 of this Regulation.
- (b) If the Wood Products include material from more than one species mixed in a way that makes it difficult to determine the amount from each species, the Government shall calculate the Wood Products export fee at the highest rate that applies to any species in the mix.
- (c) No person shall export Wood Products without proof of payment of the Wood Products export fee.

4.6 Sawmill Permits

- (a) In this Section, “sawmill” means any mechanized facility processing wood in any manner (except for a facility producing only charcoal), and includes facilities producing sawn lumber; partially sawn, barked, or shaped logs or cants; veneer; plywood, particleboard, or related bonded wood products; wood chips; sawdust; pulp; cardboard; or paper.

- (b) No person shall operate sawmill without the permit required under this Section.
- (c) Operators of sawmills processing 1500 cubic meters or more of wood per year shall obtain a Class A annual operator's permit from the Authority and pay to the Government an annual fee of two thousand five hundred United States dollars (US \$2500).
- (d) Operators of sawmills processing at least 750 but less than 1500 cubic meters of wood per year shall obtain a Class B annual operator's permit from the Authority and pay to the Government an annual fee of one thousand United States dollars (US \$1000).
- (e) Operators of sawmills processing less than 750 cubic meters of wood per year shall obtain a Class C annual operator's permit from the Authority and pay to the Government an annual fee of seven hundred and fifty United States dollars (US \$750).
- (f) Fees under this Section are due on the start date of the sawmill operation and on each anniversary of sawmill. The Authority shall request proof of payment of the fee before issuing or renewing a permit under this Section.

5 Transparency

5.1 Disclosure

- (a) Every six months, the Authority shall compile in writing, and make available for public inspection, a disclosure document containing the following:
 - (1) The names of persons assessed fees during the previous six months under this Regulation, along with the amounts and dates of the fees assessed for each person named and the basis for those fees, including identification of the species and volumes of Forest Resources or Forest Products involved and the Forest Resources License under which the Forest Resources were harvested;
 - (2) The names of persons assessed bid payments to the Government under Forest Management Contracts or Timber Sale Contracts during the previous six months, and the amounts and dates of the assessments for each person named; and
 - (3) The amounts of such fees and payments owed but unpaid since the effective date of this Regulation, together with the name of each person owing fees or payments and that person's amount in arrears.
- (b) If any person makes a reasonable claim to the Authority that the disclosure document contains an error, the Authority shall promptly investigate the claim and make necessary corrections to the disclosure document and any copies of the document in its possession.
- (c) The Authority shall make copies of the disclosure document, offer them for public review at the Authority's headquarters and electronically through the Internet, and offer paper copies for sale to the public at a cost not exceeding one United States dollar (US \$1) for every twenty pages of the document.

6 Late Payment

6.1 Definitions

- (a) In this Part, “amounts” means fees due under this Regulation and money due to the Government under Forest Management Contracts or Timber Sale Contracts.
- (b) In this Part, in the case of a permit that is obtained late or not obtained at all, the amount is due on the date the person should have obtained the permit.
- (c) In this Part, the “standard interest rate” is the market rate published by the Central Bank as used for delinquent taxes under Section 11 of Phase One of the Reform Tax Code of Liberia, as amended.

6.2 Persons owing amounts past due for 30 days or fewer may pay the amounts in full without interest or penalty.

6.3 Penalties and Interest

- (a) On amounts past due more than 30 days, the Authority shall assess and the Government shall collect a penalty of five percent.
- (b) On amounts past due more than 60 days, the Authority shall assess and the Government shall collect interest at the standard interest rate, compounded monthly, on all amounts and penalties past due, with interest accruing on both the amounts past due and the penalty, from the date that the amounts were due.
- (c) To facilitate collection of debt, the Authority may waive penalties under this Section if the person in arrears pays all amounts due, with interest, within one year of the amounts coming due.
- (d) Subsection (c) of this Section does not apply if anyone has filed a lawsuit to collect the amounts.

6.4 Prohibitions on Felling, Processing, Trade, and Export

- (a) If a person owes amounts past due for log stumpage fees, that person shall not fell trees, process Forest Products, trade in Forest Products, or export Forest Products until the person has paid all amounts, penalties, and interest due.
- (b) If a person owes amounts past due for export-related fees due under Part Four of this Regulation, that person shall not trade in Forest Products or export Forest Products until the person has paid all amounts, penalties, and interest due.
- (c) The Authority shall issue administrative orders to enforce the prohibitions in this Section, and the courts may enforce those orders or enforce the prohibitions directly under the courts’ inherent powers.
- (d) If wood or Wood Products harvested under a Forest Resources License are exported without paying the required log stumpage or export fees, the Authority may terminate the Forest Resources License or suspend the Forest Resources License until the fees are paid.

7 Payment

- 7.1 Persons owing money under this Regulation shall pay the amount owed by deposit to a bank account designated for this purpose by the Authority, in conjunction with the Central Bank and the Ministry of Finance.
- 7.2 The Authority shall inform the Central Bank, or other bank managing the accounts of the Authority, if by law the Bank must hold any of the funds in special accounts, including trust funds for the benefit of conservation or local communities.

8 Repeals and Effective Date

- 8.1 The following provisions are repealed:
- (a) Regulation 23, Section IV (a), concerning administrative fees for concessionaires.
 - (b) Regulation 21, Section V, concerning fees for replacement of canceled hammers.
 - (c) Regulation 21, Section IV, concerning fees for annual coupe inspections.
 - (d) Regulation 21, Section III, concerning fees for timber export permits.
 - (e) Regulation 23, Section IV (b), concerning Forest Survey permits.
 - (f) Regulation 23, Section IV (E), concerning sawmill operator's permits.
 - (g) Regulation 23, Section IV (F), concerning lumber dealers.
 - (h) Regulation 23, Section IV (G) concerning furniture producers.
 - (i) Regulation 24, Sections I through IV, concerning minor forest products permits.
- 8.2 This Regulation is effective on September 11, 2007 and the Authority shall announce and make it available to the public.

Forestry Development Authority
Regulation No. 108-07
Regulations on Establishing a Chain of Custody System

1 Purpose

- 1.1 The Regulation provides for the establishment and operation of a transparent, nationwide Chain of Custody System under the supervision of the Authority. This system will:
- (a) Ensure that illegal Logs, Timber, and Wood Products are identified and that they do not enter the Chain of Custody;
 - (b) Ensure that all Holders of Forest Resources Licenses are in compliance with laws and regulations governing block maps, annual yield limits, and Chain of Custody requirements;
 - (c) Ensure that all forest fees are accurately assessed and timely remitted to the appropriate authorities;
 - (d) Facilitate the certification of legal origin for all Logs and Timber originating in the Republic;
 - (e) Generate reliable information on national Timber flows that can be used both to inform sound management and oversight of the forest sector and to provide a basis on which to issue reliable Timber legality verification statements and permits (for purposes of export); and
 - (f) Promote good governance and law enforcement by strengthening Authority staff capacity and encouraging adherence to the rule of law by all Persons working in, and affected by, the forest sector.

2 Establishment, Administration, Prohibitions and Responsibility of the Authority

2.1 Establishment, Scope, and Administration:

- (a) The Authority shall establish and operate a Chain of Custody System to track Logs, Timber, and Wood Products from forest to processing to domestic market or export.
- (b) The Authority shall establish and maintain an electronic Chain of Custody database containing:
 - (1) Information on all Logs, Timber, and Wood Products tracked under the Chain of Custody System; and
 - (2) Information on forest-sector fees assessed and paid on all Logs, Timber, and Wood Products, and in connection with any associated Forest Lands.
- (c) The Authority may delegate, in whole or in part, day-to-day operation of the Chain of Custody System and maintenance of the Chain of Custody database to a private contractor, subject to oversight and auditing by the Authority.
- (d) The Chain of Custody System established by this Regulation shall begin operation on September 30, 2007.

2.2 Logging activities outside of chain of custody system prohibited:

- (a) No person shall harvest Timber for Commercial Use without:
 - (1) Being in full compliance with the terms of the Forest Resources License under which the harvesting activity is to occur;
 - (2) Entering the Timber in the Chain of Custody System using forms and means established under this Part; and
 - (3) Marking the Timber and the stump with the identification assigned by the Authority through the Chain of Custody System.
- (b) No person shall process Logs, Timber, or Wood Products into a substantially different form without satisfying all of the following requirements:
 - (1) Being in full compliance with any regulation governing processing requirements, as well as with the terms of any required licenses and permits;
 - (2) Ensuring that the processed Logs, Timber, or Wood Products are:
 - (A) Properly marked with identification as required by Section 24 of this Regulation.
 - (B) Accompanied by a waybill as required by Part Three of this Regulation.
 - (3) Entering the processed Logs, Timber, or Wood Products in the Chain of Custody System using forms and means established under this Part and any other Authority regulation.
- (c) No person shall transport or possess the following unless it has been entered into the Chain of Custody System, using forms and means established under this Part, and bears identification prescribed by the Authority through the Chain of Custody System:
 - (1) Unprocessed Logs.
 - (2) More than three cubic meters of Wood Products, except for recently processed Wood Products at the site of processing.
- (d) No person shall attach false or misleading identification to Logs, Timber, or other Wood Products.

2.3 Forms:

- (a) The Authority shall publish, and from time to time revise, standard forms and instructions for the entry of information into the Chain of Custody database.
- (b) The information collected for initial entry into the database must be sufficient to identify, for each tracked item, the place of harvest (including the stump), the person authorized to harvest, the Forest Resources License under which the harvest was made, the stem number on the stem map, the tree species, the volume of the item, and its unique identification mark.
- (c) The Authority may provide for entry of data through paper forms or electronic forms.
- (d) If the data entered into forms or reported to an authorized agent affects or reflects the amount

of forest fees owed to the Government, the Authority shall require the person providing the data to swear to or affirm the accuracy of the data, under penalty of perjury.

- (e) In consultation with the Forestry Management Advisory Committee and persons identified on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation, the Authority may from time to time issue or revise standard forms to implement any aspect of the Chain of Custody System.

2.4 Identification—Assignment and Marking

- (a) The Authority shall establish, and from time to time revise, standard methods for assigning identification to Logs, Timber, and Wood Products, and for properly marking the Logs, Timber, and Wood Products with this identification.
- (b) The Authority shall publish a document listing the current standard methods for assigning identification and for marking Logs, Timber, and Wood Products with this identification.
- (c) For Logs, the Chain of Custody System must assign a unique identification to each Log, and the stump must be marked with the assigned tree number.
- (d) For Timber and Wood Products other than Logs, the Chain of Custody System must assign unique identification either to each individual item, or to a group of items physically packed, joined, or otherwise bundled together for sale or transport. Where a single identification is assigned to a group of items, the Chain of Custody System must include safeguards allowing persons to determine easily whether any items have been added to or removed from the group.

2.5 The Authority shall cooperate with forest certifiers in seeking to make the Republic’s Chain of Custody System supportive of, or acceptable as, a wood tracking system for use in forest certification.

2.6 In measuring the volume of Logs and Timber for purposes of assessing forest fees, or for entering the Logs or Timber into the Chain of Custody System, all persons shall use the prevailing version of the Association Technique Internationale des Bois Tropicaux (ATIBT) Rules of Mensuration for gross or solid volume.

2.7 The prevailing version of the Association Technique Internationale des Bois Tropicaux (ATIBT) “Grading rules for tropical logs and sawn timber” governs grading within the Republic of Liberia.

2.8 Information on Forest Fees and Cooperation with Fiscal Authorities:

- (a) The Government shall mark each receipt for payment of forest fees assessed by the Authority with a unique identification number to facilitate tracking of the receipts in the Chain of Custody database.
- (b) The Authority shall design the Chain of Custody database so that the identification number for a particular Log or group of Wood Products links to all of the following information:
 - (1) The place where the Log or group of Wood Products was harvested, and whether land rental fees have been paid for the year of harvest;
 - (2) Whether stumpage fees have been paid; and

- (3) Whether forest products fees (including export fees) have been paid for processed wood bundles, and whether the standing tree positions of the logs feeding into these wood bundles can be sourced.
 - (c) Any person in possession of proof of payment of any of the fees listed in Subsection (b) of this Section may present the proof to the Authority or its agent, and, upon being satisfied that the proof is genuine, the Authority or its agent shall enter the payment information in the Chain of Custody database.
 - (d) The Authority shall include in the Chain of Custody System safeguards to ensure that persons cannot mistakenly or fraudulently rely upon a proof of payment to cover Logs, Timber, or Wood Products not legitimately covered by the payment.
- 2.9 Every six months, the Authority shall use the Chain of Custody database to reconcile reported volumes of Logs, Timber, and Wood Products moving through the Chain of Custody System, as follows:
- (a) By comparing volumes harvested (by species) with initial volumes of standing timber available for harvest in the annual coupe;
 - (b) By comparing volumes transported and stored (by species) with volumes harvested;
 - (c) By comparing volumes processed (by species) with volumes transported; and
 - (d) By comparing volumes sold and exported (by species) with volumes harvested, transported, and processed.

3 Transport

- 3.1 Transport or Acceptance of Logs, Timber, or Wood Products without Waybills Prohibited
- (a) No person shall consign Logs, Timber, or Wood Products for transport upon public roads; send Logs, Timber, or Wood Products to a facility for processing; or send Logs, Timber, or Wood Products to a port for trans-shipment or export, unless the person has completed a waybill for the load of Logs, Timber, or Wood Products.
 - (b) No person shall transport a load of Logs, Timber, or Wood Products upon the public roads; transport Logs, Timber, or Wood Products to a facility for processing; or transport Logs, Timber, or Wood Products to a port for trans-shipment or export, unless the person:
 - (1) is in possession of a valid transporter registration issued by the Authority and renewed annually; and
 - (2) is in possession of a completed waybill for that specific load of Logs, Timber, or Wood Products.
 - (c) No person shall accept delivery of a load of Logs, Timber, or Wood Products unless the load is accompanied by a completed waybill.
- 3.2 A waybill is deemed completed only if it includes all of the following information:

- (a) The place of harvest of the Logs, Timber, or Wood Products.
- (b) The Chain of Custody identification numbers of the Logs, Timber, or Wood Products.
- (c) The total volume of all Logs, Timber, or Wood Products (specifying individual standard dimensions), by species.
- (d) The day, month, and year that the Logs, Timber, or Wood Products were loaded, and the day, month, and year that they are scheduled to arrive.
- (e) The place where the Logs, Timber, or Wood Products were loaded.
- (f) The planned route of transport from loading to destination.
- (g) The destination of the shipment.
- (h) The printed name and signature of:
 - (1) The person (or the person's authorized agent) who harvested the Logs, Timber, or Wood Products;
 - (2) Upon acceptance of the load, the person accepting the Logs, Timber, or Wood Products for transport (the truck driver); and
 - (3) Upon delivery of the load, the person delivering the Logs, Timber, or Wood Products (the truck driver).
- (i) Above each of these signature lines, the waybill must include the following declaration:
"By signing this waybill, I swear or affirm, under penalty of perjury, that I have made a reasonable effort to ensure the accuracy of the information entered here and that the contents are accurate to the best of my knowledge."
- (j) The printed names of the business or individuals authorized to transport or accompany the Logs, Timber, or Wood Products, and the license plate number of the transporting vehicle.

3.3 Copies

- (a) Each waybill form must consist of one original and four copies, to be distributed as follows:
 - (1) The person consigning the shipment shall retain one copy and give the original to the Authority.
 - (2) The person transporting the shipment shall keep one copy and give two copies to the recipient of the shipment, and the recipient shall later give the second copy to the Authority following delivery of the shipment.
- (b) The Authority shall make books of blank, numbered waybills available upon payment of the fee specified in Authority Regulation No. 107-07, concerning certain forest fees.

- 3.4 If the Government discovers Logs, Timber, or Wood Products in transport without a proper waybill, but the Logs, Timber, or Wood Products bear Chain of Custody identification, the Government shall

arrange to return the Logs, Timber, or Wood Products to the place of harvest and bill the harvester for the reasonable costs of the return.

3.5 Transport by Night:

- (a) No person shall transport Logs, Timber, or Wood Products on public roads during the night, from fifteen minutes after sunset until fifteen minutes before sunrise, unless the shipment is accompanied by written permission from the Authority, specifically permitting that particular shipment to be transported by night.
- (b) If the Government discovers Logs, Timber, or Wood Products being transported in violation of this Section, they are deemed abandoned, even if registered in the Chain of Custody System, and the Government shall seize the Logs, Timber, or Wood Products and transfer custody to the Authority, which shall arrange for their sale or disposal, as if they had been abandoned, pursuant to Subsections (e) through (h) of Section 51 of this Regulation.

4 Export and Import

4.1 Before exporting Logs, Timber, or Wood Products, a person shall register with the Authority as an exporter and renew the registration annually.

4.2 Cooperation of Port and Customs Officials in Export

- (a) Government officials in charge of ports and customs shall not allow bulk shipments of Logs, Timber, or Wood Products to be loaded on vehicles, vessels, or aircraft for export unless the officials verify all of the following:
 - (1) The Logs, Timber, or Wood Products are entered into the Chain of Custody System.
 - (2) The Chain of Custody database indicates that all stumpage fees, land rental fees, and forest product fees (including export fees) have been paid.
 - (3) The Chain of Custody database indicates that the Logs, Timber, or Wood Products have not already been exported.
- (b) Government officials shall promptly and fully inform the Authority of the export of all Logs, Timber, and Wood Products covered under the Chain of Custody System.
- (c) Government officials shall promptly notify the Authority of any irregularities in shipment that may suggest illegal activity or a problem with the Chain of Custody System or database.
- (d) The Authority may issue standard forms to facilitate reporting under this Section.
- (e) The requirements of this Section apply to all ports of entry in the Republic, including all border crossings (with Ivory Coast, Sierra Leone, and Guinea), seaports, and airports.

4.3 Under-Pricing

- (a) No person shall underprice a load of Logs, Timber, or Wood Products.
- (b) The Authority may decline to issue an export permit or, at any time, revoke an existing export permit covering a load of Logs, Timber, or Wood Products, where the Authority has

determined, based on current market information or declared prices contained in export contracts, that the load of Logs, Timber, or Wood Products is underpriced.

4.4 Person importing Logs, Timber, or Wood Products shall abide by the following conditions:

- (a) Before importing Logs, Timber, or Wood Products, the person must register with the Authority as an importer and renew the registration annually.
- (b) The person must arrange for the Authority to scale each shipment at the entry port, assign each item or group of items an identification number, and enter the Logs, Timber, or Wood Products into the Chain of Custody System.
- (c) For Logs, the person must follow the requirements for waybills set forth in Part Three of this Regulation, indicating the port and date of entry, along with all other required information, to the extent known.
- (d) The person must possess credible information about the source of all Logs, Timber, or Wood Products, to be assured of their legal origin.

5 Abandoned Logs, Timber, and Wood Products

5.1 Abandoned Logs, Timber, and Wood Products

- (a) If the Government discovers abandoned Logs, Timber, or Wood Products, it shall promptly notify the Authority.
- (b) If the Authority discovers abandoned Logs, Timber, or Wood Products within the area covered by a valid Forest Resources License:
 - (1) The Authority shall notify the contract Holder, and the Holder may claim the Logs, Timber, or Wood Products only by meeting both of the following requirements within seven business days:
 - (A) Demonstrating to the satisfaction of the Authority that the Logs, Timber, or Wood Products originated within the area covered by the Holder's Forest Resources License and can be traced to specific, marked stumps; and
 - (B) Registering the Logs, Timber, or Wood Products in the Chain of Custody System.
 - (2) If the Holder fails to meet the requirements of this Subsection, the Authority shall seize the Logs, Timber, or Wood Products.
- (c) If the Authority discovers abandoned Logs, Timber, or Wood Products in a Communal Forest, a Community Forest, or on deeded lands outside of any area covered by a valid Forest Resources License:
 - (1) The Authority shall notify the community or deed holder, and the notified person may claim the Logs, Timber, or Wood Products by registering them in the Chain of Custody System within seven business days.
 - (2) If the notified person does not register the Logs, Timber, or Wood Products within seven

business days, the Authority shall seize them.

- (d) If the Authority discovers abandoned Logs, Timber, or Wood Products on land not covered by Subsections (b) or (c) of this Section, the Authority shall seize them.
- (e) The Authority shall transport all seized Logs, Timber, or Wood Products to a safe location and, within 5 business days, petition a court sitting in the county where the Logs, Timber, or Wood Products were seized to verify that they are abandoned and oversee their disposal by public auction.
- (f) The winner of the public auction may take possession of the Logs, Timber, or Wood Products after presenting to the court proof of payment to the Central Bank of Liberia of the auction price and, in the case of Logs or Timber, the stumpage fee.
- (g) Payment of sums required under Subsection (f) of this Section extinguishes all claims of other persons to the Logs, Timber, or Wood Products.
- (h) Upon request of the winner of the public auction, the Authority shall enter the Logs, Timber, or Wood Products in the Chain of Custody System, with an appropriate notation indicating that they were deemed abandoned and sold at auction.
- (i) If no one bids for abandoned Logs, Timber, or Wood Products, the court shall arrange to have the Authority give them to a local community or civil society organization for non-commercial use.

6 Access and Accuracy

6.1 All information contained in the Chain of Custody database is a matter of public record, and the Authority shall allow members of the public convenient means to search and review the information at Authority offices during normal business hours.

6.2 Corrections

- (a) Any person wishing to correct or contest information contained in the Chain of Custody database may present evidence to the Authority and request a change in the database.
- (b) The Authority shall, in writing, approve or deny the request, giving reasons for the decision, within ten business days of receiving the request.
- (c) If the Authority approves the request, the Authority shall make the requested change in the database within 24 hours of granting approval.
- (d) If the Authority denies the request or fails to act within the time limits established by this Section, the person making the request may ask a court to consider evidence from the person, the Government, or any other interested party, and, if appropriate, the court may order the Authority to correct the database.

7 Forest Monitoring

7.1 Monitoring by Civil Society, Communities, and Independent Third Parties

- (a) The Authority, in coordination with civil society organizations and other persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation, shall develop guidelines on the monitoring of areas subject to Forest Resources Licenses and areas used for wood processing activities.
 - (b) Except as otherwise allowed by law, no person shall interfere with representatives of civil society organizations, forest-dependent communities and other communities affected by Operations, or independent third parties seeking to:
 - (1) Obtain information with respect to any aspect of the Chain of Custody System;
 - (2) Verify the accuracy of information provided by the Authority, the Holder of a Forest Resources License, or any other person, with respect to any aspect of the Chain of Custody System; or
 - (3) Personally inspect any forest area, forestry facility, or shipment of Logs, Timber, or Wood Products that is the subject of a Forest Resources License.
 - (c) Authority staff and Holders of Forest Resources Licenses shall, upon request, use best efforts to assist representatives of civil society organizations, forest-dependent communities and other communities affected by Operations, and independent third parties seeking to perform any of the activities described in Subsection (b) of this Section.
- 7.2 It shall be the policy of the Authority to move over time toward a formal system of Independent Forest Monitoring.

8 Repeals and Effective Date

- 8.1 The following regulations are repealed, in their entirety:
- (a) Regulation 1, concerning waste of forest resources, including abandonment of Logs.
 - (b) Regulation 3, concerning waybills.
- 8.1 This Regulation is effective on September 11, 2007 and the Authority shall announce and make it available to the public.

Forestry Development Authority
Regulation No. 109-07
Regulations on Penalties

1 General Provisions

1.1 Purpose:

- (a) This Regulation implements Chapter 20 of the National Forestry Reform Law of 2006.
- (b) Except as expressly provided, this Regulation does not limit the right of the Authority or any court to enforce any provision of any law, regulation, related agreement, permit, license, or order, and to pursue all remedies available under law, including, without limitation, injunctive relief and modification of the terms of agreements, permits, and licenses.

1.2 Annual enforcement report:

- (a) Annually, the Authority shall publish the enforcement report required by Section 20.11 of the National Forestry Reform Law of 2006.
- (b) The Authority shall make the report freely available on the Internet and, upon request by any person, the Authority shall provide paper or electronic copies of the report at no charge.

2 Information, Evidence and Referral

2.1 When a person has committed a violation, the Authority shall use best efforts to gather and protect information and evidence tending to prove the violation, especially where the information or evidence tends to show any of the following:

- (a) That the violation was committed knowingly or with gross negligence, under Section 20.7(b) of the National Forestry Reform Law of 2006.
- (b) That the violation resulted in damage to Forest Resources or the Environment, under Section 20.7(c) of the National Forestry Reform Law of 2006.
- (c) That the violation was a continuing offense, under Section 20.8(a) of the National Forestry Reform Law of 2006.
- (d) That the violator is a repeat offender, under Section 20.8(b) of the National Forestry Reform Law of 2006.

2.2 Referral:

- (a) Except as provided in Subsection (b) of this Section, the Authority shall promptly refer violations of the National Forestry Reform Law of 2006 and its regulations to the Ministry of Justice for enforcement. The Authority shall use best efforts to provide such assistance as the Ministry of Justice may reasonably require to investigate and prosecute referred matters.
- (b) In lieu of making a referral, the Authority may resolve the violation through the assessment of an administrative penalty under Part Four of this Regulation.

3 Reporting and Investigation of Violations

3.1 Section 31. Violations of Forestry Laws and Regulations

- (a) Authority staff shall promptly notify the Managing Director of:
 - (1) Any offense committed under Section 20.1(b) of the National Forestry Reform Law of 2006.
 - (2) Any violation of the regulations, codes, guidelines, or manuals issued by the Authority.
 - (3) Any other violation of the laws of the Government of Liberia as they relate to the forest sector.
- (b) The Managing Director shall promptly investigate any offense or violation brought to his attention by Authority staff under Subsection (a) of this Section, or by any other person, and notify other Government agencies or ministries as necessary.
- (c) The Managing Director shall promptly report all allegations of violations resulting in physical injury or significant economic harm to employees of contract Holders to the Ministry of Justice and the Ministry of Labor.

3.2 The Authority may from time to time establish new Forestry-related offenses and penalties.

4 Assessment of Administrative Penalties

4.1 The Authority may impose an administrative penalty for an offense, rather than referring the offense to the Ministry of Justice, if all of the following conditions are satisfied:

- (a) The offense did not result in physical injury to any person;
- (b) The offense did not significantly harm the interests of a local community;
- (c) The offense did not result in damage to Forest Resources or the Environment exceeding 10,000 United States dollars in value;
- (d) The violator consents to imposition of the administrative penalty; and
- (e) The conduct giving rise to the offense does not support a felony criminal charge.

4.2 The total amount of the administrative penalty may not exceed the amount prescribed by Section 20.9(b) of the National Forestry Reform Law of 2006.

4.3 Issuance of Notice of Penalty Assessment

- (a) To assess an administrative penalty, the Managing Director shall provide for personal service of a written notice of penalty assessment on the violator.
- (b) A notice of penalty assessment shall, for each violation:

- (1) Describe the nature of the violation with reasonable particularity;
- (2) Indicate the total amount of the penalty for the violation;
- (3) Explain that each day of a continuing violation constitutes a separate violation;
- (4) Indicate when the penalty payment is due;
- (5) State that the violator may, within thirty days of receipt of the notice of penalty assessment, make a written request to the Managing Director for an administrative hearing; and
- (6) Advise the violator of his or her right to an appeal.

4.4 Payment; Request for Hearing

- (a) Within 30 days of receiving the notice of penalty assessment, the violator shall—
 - (1) Tender payment to the Authority;
 - (2) Submit a written request for an administrative hearing; or
 - (3) Tender payment together with a written request for a hearing, in which case payment will be accepted as conditional upon a final decision.
- (a) The Managing Director shall promptly acknowledge to the violator and the Board, in writing, all payments received.
- (b) When the violator requests a hearing, the penalty assessment is deemed stayed as of the date of the request, pending service on the violator of a final, written decision or other settlement of the matter.
 - (1) A violator waives the right to a hearing when the violator provides a written waiver of hearing to the Managing Director;
 - (2) The violator fails to request a hearing within 30 days of receiving a notice of penalty assessment; or
 - (3) The violator fails to attend a scheduled administrative hearing of which the violator had written notice.

4.5 Within ten days of receipt of notice of a final, written decision of the Managing Director, the violator may file a notice of appeal in a court of the Republic with competent jurisdiction. The violator shall also file a copy of the notice of appeal with the Managing Director.

- 4.6 If the violator fails to pay an administrative penalty within 60 days of receipt of a notice of penalty assessment (where no hearing was requested), or within 60 days after receipt of a final, written decision (where a hearing was requested), and has not filed a notice of appeal, the Managing Director shall request that the Ministry of Justice begin an action to recover the amount of the assessment, together with interest and any additional fine that may be lawfully assessed for non-compliance.

5 Repeals and Effective Date

- 5.1 The following provisions are repealed:

- (a) Regulation No. 1, Section 7, concerning penalties for waste of forest resources.
- (b) Regulation No. 3, Section 24, concerning penalties for waybill and scaling violations.
- (c) Regulation No. 4, Section 7, concerning penalties for unpermitted forestry operations.
- (d) Regulation No. 14, Section V, concerning penalties for non-compliance with export rules.
- (e) Regulation No. 17, Section III, concerning penalties with respect to Niangon logs.
- (f) Regulation No. 18, Section III (2), concerning penalties for export of logs from banned tree species.
- (g) Regulation No. 19, Section IV (b), concerning penalties with respect to charcoal production and export.
- (h) Regulation No. 25, Section VI, concerning penalties for disturbing wildlife, protected species, and protected areas.
- (i) Regulation No. 26, Section VIII (a), (d), concerning penalties for pit sawing.

- 5.2 This Regulation is effective on September 11, 2007 and the Authority shall announce and make it available to the public.

Forestry Development Authority
Regulation No. 110-07
Regulations on Rights of Private Land Owners

1 Purpose and Effect

- 1.1 This Regulation establishes the responsibilities of the Operator with respect to the rights of Private Land Owners and provides for a right of compensation to Land Owners harmed as a result of Operations.
- 1.2 Effect:
- (a) This Regulation does not limit the Government's authority to bring suit against, or otherwise seek redress from, an Operator:
 - (1) For violation of any law or regulation; or
 - (2) Under the law of tort or contract.
 - (b) This Regulation does not limit the liability of an Operator in any legal action instituted by a Private party, subject to the conditions set forth in Paragraphs (1) and (2) of this Subsection.
 - (1) A Private Land Owner's recovery of compensation from an Operator under this Regulation for harm caused to the Land Owner by Operations bars the Land Owner from instituting any legal action based on the same harm.
 - (2) A Private Land Owner may obtain no more than one recovery for each harm caused to the Land Owner by any Operations.
 - (c) Nothing in this Regulation may be construed to allow the Operator to interfere with any tribe, town, person, or group of persons, or with the legal or customary rights of any tribe, town, person, or group of persons to use or access Timber or Forest Products.
- 1.3 Section 4. Alternatives to Written Notice
- (a) Where this Regulation requires the Authority to provide written notice, the Authority shall ensure that the notice is fully understood by each party to whom the notice is directed. As necessary, the Authority may employ alternative means of notice suitable to the local or community context.
 - (b) Where this Regulation requires a party to provide the Authority or another party with written notice, the Authority shall, upon request, assist the party in preparing the notice.
 - (c) The Authority shall not reject any claims, petitions, attempts to provide written notice, or other submissions made pursuant to this Regulation solely on the ground that the writing is insufficient.

2 Duty of Operator to Prevent Harm, Compensation Required and Procedures

- 2.1 Prevention of harm to private property
- (a) The Operator shall take all measures necessary to prevent harm to the property of Private Land

Owners resulting from Operations, without limitation.

- (b) If Operations cause harm to the real property of a Private Land Owner, or to personal property located on that real property, the Operator shall promptly and fully compensate the Private Land Owner for the damage, injury, or loss.
 - (1) The Operator is liable for harm caused to the Private Land Owner by the acts or omissions of any contractor, employee, or other agent of the Operator.
 - (2) The Operator is liable for harm caused to the Private Land Owner, regardless of the degree of care exercised by the Operator or the Operator's agent.

2.2 Compensation—Informal Negotiation

- (a) The Operator shall, within 48 hours of when the Operator realizes, or reasonably should have realized, that Operations have caused harm to the Private Land Owner's property—
 - (1) Notify the Land Owner in writing of the incident; and
 - (2) Offer to enter into informal negotiations with the Private Land Owner, with the aim of achieving full, fair, and prompt monetary compensation for the harm caused.
- (b) If agreement cannot be reached between the Operator and the Private Land Owner, the Land Owner may invoke the procedure established by Section 23 of this Regulation.

2.3 Compensation: Dispute Resolution by the Authority

- (a) The Private Land Owner may, within 30 days of when the Land Owner realizes, or reasonably should have realized, that Operations have caused harm to the Land Owner's property, submit a written notice of claim to the nearest office of the Authority.
- (b) The notice of claim must contain the following information—
 - (1) A brief description of the property;
 - (2) A brief description of the alleged damage to the property;
 - (3) The name of the owner of the property;
 - (4) A monetary estimate of the damage caused; and
 - (5) The name of the Operator.
- (c) The Private Land Owner may attach supporting documents, or provide additional information, if any, tending to support the claim.
- (d) The Authority shall, within three business days of receiving the claim, conduct an inspection of the property to assess the nature and extent of the alleged damage.
- (e) The Authority shall, within ten business days of receiving the claim, issue a written notice to the Operator and the Private Land Owner to appear on a date, and at a time and location, specified in the notice.

- (1) The Authority shall attach to each notice a copy of the notice of claim and supporting documents, if any, submitted by the Private Land Owner.
- (2) The specified date shall be at least 30 days, but no more than 60 days, from the date the notice issued.
- (3) The specified location may be the nearest office of the Authority or the nearest office of a local government official or community leader, but in no event may the location be farther than five miles from the property.
- (f) On the specified day, the Managing Director or his representative shall hear the Private Land Owner and the Operator, or their respective representatives, and after considering any facts and argument presented by each, determine—
 - (1) Whether the Operations of the Operator caused the harm and damage alleged; and,
 - (2) If so, in what amount.
- (g) Upon making this finding, the Managing Director or his representative shall assess the amount that the Operator shall pay to the Private Land Owner and record all findings in a written order. The Operator shall pay the assessed amount to the Land Owner within ten days of the date of the written order.
- (h) If the Managing Director or his representative is unable to resolve a dispute as to the nature or extent of the interest in, or ownership of, the land, or the extent or valuation of the damage caused by the Operator, or if the decision of the Managing Director or his representative is unacceptable to the Operator or the Land Owner, then either may bring suit in a court of competent jurisdiction in Liberia.
- (i) The Private Land Owner is not required to seek compensation under the procedure established by this Part and may instead pursue other legal remedies.

3 Duty of Operator to Negotiate for right-of-Way , Compensation Required and Procedures

3.1 Seeking Rights-of-Way

- (a) The Operator, in carrying out lawful, Forestry-related activities, may enter into negotiations with a Private Land Owner to secure a lease, easement, or other form of right-of- way required for the activities.
- (b) If the Operator is unable to reach a satisfactory agreement with a Private Land Owner over the terms of such right-of-way, the Operator may file a petition with the Authority.
- (c) The petition must contain the following information—
 - (1) A description of the property required for the right-of-way;
 - (2) The name of the owner of the property, or an indication that this information cannot be obtained;
 - (3) The type of right-of-way requested by the Operator; and

- (4) A description of the negotiations, if any, undertaken to date.
- (d) The Operator may attach supporting documents or provide additional information, if any, tending to support the petition.
- (e) The Authority shall, within ten business days of receiving the petition, issue a notice, in writing, to the Private Land Owner and the Operator to appear on a date, and at a time and location, specified in the notice.
 - (1) The Authority shall attach to each notice a copy of the petition and supporting documents, if any, submitted by the Operator.
 - (2) The specified date shall be at least 30 days, but no more than 60 days, from the date the notice issued.
 - (3) The specified location may be the nearest office of the Authority or the nearest office of a local government official or community leader, but in no event may the location be farther than five miles from the property.
- (f) On the specified day, the Managing Director or his representative shall hear the Operator and the Private Land Owner, or their respective representatives, and after considering any facts and argument presented by each, shall determine—
 - (1) Whether granting a right-of-way is necessary and appropriate; and,
 - (2) Upon so finding, the amount that the Operator shall pay to the Private Land Owner for:
 - (A) Any loss of the right to use the property for the duration of the grant of right of-way; and
 - (B) Any damages arising out of the loss or destruction of property resulting from granting the right-of-way to the Operator.
- (g) If the Managing Director or his representative is unable to resolve a dispute as to the nature or extent of the interest in or ownership of the property, or the amount of compensation payable by the Operator, or if the decision of the Managing Director or his representative is unacceptable to the Operator or the Land Owner, either may bring suit in a court of competent jurisdiction in Liberia.
- (h) If the Managing Director is unable to resolve a dispute as to the nature or extent of the interest in, or ownership of, the land, or the amount of compensation payable by the Operator, or if the decision of the Managing Director is unacceptable to the Operator, the Operator may file an indemnity bond, in an amount designated by the Managing Director or his representative, and may then enter upon the property and undertake Forestry-related activities immediately, subject to later determination by a court of competent jurisdiction of the amount of compensation due the property owner.

3.2 Section 32. Limitations

- (a) The Authority shall not grant any lease, easement, or other form of right-of-way, if doing so would substantially interfere with Operations under a previously-issued Forest Resources License held by another Operator.

- (b) The Operator shall enter upon Private property pursuant to this Part only to the extent necessary to conduct Operations.

4 Repeals and Effective Date

- 4.1 This Regulation repeals no existing regulations.
- 4.2 This Regulation is effective on September 11, 2007 and the Authority shall announce and make it available to the public.

**Forestry Development Authority
Regulation No. 111-08**

Regulations on Commercial Extraction of Non-Timber Forest Products (NTFPs)

1 General Provisions

- 1.1 In allowing the exploitation and utilization of Non-Timber Forest Products as part of the Forest Resources of Liberia, the Authority and its staff aim to:
- (a) Act as trustee of the Republic's Forest Resource, in a professional, transparent, and non-discriminatory manner, without personal interest or aim of self-enrichment.
 - (b) Provide social and economic livelihoods, cultural and religious benefits for forest-based-communities and Liberia's populace in general.
 - (c) Assure sustainable development and conservation of the forest and its genetic resources for the present and the future generation.
- 1.2 For the purpose of this Regulation, all biological resource derived products that are non-timber, harvested from forest, forested lands and small arborous and fibrous plants and animals shall be herein referred to as Traditional and Potential NTFPs in Liberia, unless the context otherwise requires.

2 NTFPS Management and Commercialization

- 2.1 NTFPs have important social and economic values, especially to people living in the rural communities. The communities have often depended on NTFPs for income and sustenance. NTFPs have the potential to contribute to hunger eradication and poverty alleviation, protecting human health, the environment and biodiversity resources. It is an emerging product of commerce with potential to contribute significantly to economies of Liberia. Henceforth, it is regulated that:
- (a) production/exploitation and utilization should be sustainable (both commercial and non-commercial);
 - (b) Forest use permit holders harvesting NTFPs within any community should provide compensation/ return some of the benefits to the community before lifting of the products to the market;
 - (c) Forest Use Permit Holder Shall pay extraction fees to the Government for the harvesting/collection of NTFP from the forest as shown in schedule three;
 - (d) Any forest use permit holders harvesting NTFPs in any area where the product is naturally grown shall bring along a written agreement with the local communities;
 - (e) Resident community members/producer groups may sustainably harvest NTFPs from their forest lands for use within the community, or for commercial purposes within the community as will be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006).
- 2.2 Annual Administrative/ Registration Fees.

- (a) Non-Refundable Annual Administrative/Registration Fee shall be levied on all Forest Use Permit Holders engaging in extraction/harvest of Non-Timber Forest Products as specified in section 2 (b), unless the context otherwise require.
- (b) Administrative/Registration fee for Forest Use Permit shall be levied based on the type of the activities in exploiting and processing as well as the nationality.
- (c) Community-based NTFP producers are exempt from national Administration/Registration Fees;
- (d) Community-forest management bodies may levy fees on NTFP production by community members which will be credited to a Community Forestry Fund used for community forest management or related development activities within the community. The Fund and its governance will be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006).
- (e) All NTFPs exporters shall follow the below procedures to be able to export any of the products.
 - (1) Letter of intent to FDA Management
 - (2) Present copies of Articles of Incorporation and Business Registration Certificates
 - (3) Fill in the NTFPs Exporters Annual Registration Form;
 - (4) Pay Exporters' Annual Registration Fee of USD 250.00 into Government Revenue

2.3 Unit of Measurement for NTFPs in Liberia

- (a) The FOB value for each NTFP shall be determined based on the unit of measurement of the product.
- (b) All measurement for tax determination and statistical information shall use these units.

3 Non-Timber Forest Product Fees

3.1 NTFP extraction/harvesting fee

- (a) The Authority shall levy forest Resource extraction fee from Forest Use Permit holders for the selected NTFPs species that are harvested for commercial purpose in a quantity greater than allowable quantity in section 26 of this Regulation.
- (b) The resources extraction tax shall be collected or paid to the Government for all NTFPs in Liberia.
- (c) The fee attached to each species or product shall be adjusted as the market dictates. Community-based NTFP producers are exempted from national extraction/harvesting fees.
- (d) Taxes shall be levied on National and International traders of NTFPs.

- (e) Local Producer of NTFPs shall pay extraction/harvesting fee or tax to the Community Development Committee or Community Forest Management Body.
- 3.2 No trader shall transport any of the below NTFPs for commercial purpose without valid Waybill:
 - (a) Fibrous/Ligneous products.
 - (b) Specialty wood species/products.
 - (c) Construction products.
 - (d) Biomass –based products.
- 3.3 All Waybills for transporting of NTFPs shall be obtained from the FDA Central Office or any of the Regional Offices.
- 3.4 The Community Development Committee or Forest Management Body shall be encourage by the Authority to harvest NTFPs in a sustainable way.
- 3.5 Only exempted quantity of NTFPs as prescribed by this regulation shall be transported without Waybill.
- 3.6 Any Waybill issued for transporting NTFPs shall indicate the following:
 - (a) Name of trader, area (s);
 - (b) Where the product is harvested;
 - (c) The quantity of the product;
 - (d) Name of the product;
 - (e) Date, the destination;
 - (f) Name of buyer and the amount of harvesting fees (Government and Community benefit).
- 3.7 Trader seeking waybill to transport NTFPs within Liberia shall pay into Government revenue five dollars per copy of waybill or fifty United State Dollars (USD 50.00) for a booklet of ten copies.
- 3.8 NTFPs Export License and Fees:
 - (a) No trader shall export NTFPs from Liberia without valid NTFPs export Permit
 - (b) The Authority may prescribe application for NTFPs export Permit.
 - (c) NTFPs export permit fee shall not exceed fifty United States Dollars (USD 50.00) for each permit.
 - (d) Each of the NTFPs export permit shall only be issued upon the Presentation of contract which details the species/products, quantity, destination, FOB unit price in contract.

- (e) NTFPs Export permits shall only be issued upon a proof of payment of taxes/ fees owed to the government;
- (f) NTFPs Export Permit issued shall be valid for only one shipment.
- (g) All NTFPs export permit shall be valid for the period of sixty days effective the date of issuance;
- (h) Export Permit shall be renewed only once and the fee for renewal shall be charged 50% of the fee for the original export permit issued.

3.9 For the purpose of 3.11, 3.12, and 3.13 of this Regulation:

- (a) The defined NTFP species and products in section 3 shall be grouped into seven (7) categories to facilitate the determination of taxes and fees.
- (b) NTFPs species and products not listed in the seven (7) groups shall be classified under the grouping of other species/products.

Grouping of species and products

No	Species	Products examples
1	Fibrous/Ligneous products	Bamboo, rattan, raphia palm, fibrous leaves, trunks and grasses
2	Food Products	(1) Vegetable-based products: trunks, buds, roots, tubers, flowers, fruits, nuts, spices, oilseeds, and fungi. (2) Animal Products: bee honey, wild meat, snail, insects etc.,
3	Medicinal Plants/herbs	Leaves, bark, twigs, trunks, roots and flowers, seeds/fruits
4	Extractive Products	Gum, resin, latex, Oleoresin, dye, fat oil
5	Specialty wood species/products	Cam wood, Carved products from afzelia and Iroko, , turning, utensil, bowls, containers,
6	Construction products	Rafter, Poles/Post
7	Biomass –based products	Charcoal, Firewood, Bio-fuel
7	Other species/Products	Tree species, toxic plants, wrapping leaves,

3.10 Forest Used/Export Permits holders exporting unprocessed NTFPs shall pay NTFPs Export fee according to the following categories:

Unprocessed NTFP fees

No	Species/Products		% of FOB Unit Price
1	Fibrous Products		10
2	Food Products		10
3	Medicinal Plants:	a. leaves, fruits. Seeds, nuts, flower	10
		b. twigs, bark, trunks, roots	15

4	Extractive Products	10
5	Construction products (Rafter, Poles/Post)	10
6	Specialty wood Species (cam wood, etc.)	15
7	Other Species and Products	7.5

3.11 Forest Used/Export Permit holders exporting Semi-Processed NTFP shall pay 5% of the cost of FOB unit value for each of the categories.

3.12 Processed (Finished Products) NTFPs Export Fee:

- (a) Forest Used Permit holder exporting processed/finished products from Liberia shall pay 2.5% of the FOB unit value.
- (b) Forest Used Permit holder allowed to export Biomass Energy products, including firewood, charcoal and bio-fuel shall pay 10% of the FOB unit price.

3.13 NTFPs restricted from export:

- (a) Species that are gaining importance both on national and international markets and with potential to pose threats to their sustainability;
- (b) Species whose value-adding is advantageous to the development of the rural economy;
- (c) Products whose export will lead to shortage in supply for domestic consumption and increase in the price for the population;
- (d) The species in this section shall include but not limited to the following:
 - (1) Unprocessed Rattan species
 - (2) Unprocessed Raphia palm products;
 - (3) Unprocessed Selected medicinal plants/animals
 - (4) Wood Charcoal
 - (5) Fuel wood

3.14 Processing Industry Permit

- (a) “Processing Industry” as mentioned in this section shall be defined as any degree of processing facility to either undertake semi-processing or manufactured/finished products of NTFPs including carbonization of charcoal, bio-fuel production, Cottage industry, Handicrafts etc.
- (b) No one shall operate NTFPs processing Industry without permit under this section.
- (c) For ease of identification, NTFPs processing industry shall be classified into 3 major categories in this Regulation Unless otherwise:

- (1) Village-level handcrafts/household crafts
 - (2) Cottage Industry
 - (3) Industrial Processing
- (d) Village-level craftsmen shall be free from processing industry permit fee but should be registered with the local authority for statistical purpose
 - (e) Operators of Cottage industry shall obtain NTFPs processing permit from the Authority and pay to the Government annual fee of seventy (USD 75.00) United States Dollars.
 - (f) Operators of Industrial Processing Facility shall obtain NTFPs processing Permit from the Authority and pay to the Government annual operational fee of three hundred and fifty United States Dollars (USD 350.00).
 - (g) Fees under this section are due on the date the industry commences operation and on each anniversary date of the following years.

3.15 Quantity of Products exempted from fees/charges

- (a) The quantity of products in Schedule 6 below are exempted from all taxes and charges;
- (b) All NTFP being transported shall NOT be taxed as long as the quantity does not exceed that which is described in the schedule 6.
- (c) All NTFP species/products destined for education, training and research purposes. However, such products shall be accompanied by document duly signed by the Authority;

Schedule 6. Quantity of products exempted from taxation

No	Species/Product	Unit	Allowable Quantity
1	Bamboo Culms	Culm	30
2	Rattan cane	Cane	10
3	Bitter roots for furniture	Pcs	5
4	Piassava	Bundle	1
5	Raphia	fronds	10
6	Chewing Stick	Pcs	5
7	Rafter/Pole	Pcs	10
8	Fire wood	Bundles	5
9	Palm/Raphia cabbage	Pcs	5
10	Raphia/Palm wine	Liters	8
11	Honey	Liters	4
12	Charcoal	Bag	5
13	Specialty wood species/products	Pcs	3
14	All other edible food products	Kg	1
15	Community made handicraft Finished products	pc	4

4 Sustainability Measures and Community Benefits

4.1 Silvicultural measures:

- (a) The Silvicultural measures for NTFPs shall only be applicable in forested land where the contract holder has been granted a forest use permit by the Authority.
- (b) To maintain the perpetuation of NTFPs resource base, anyone with the intention to commercialize any of these resources within any sustainable forest management area and the species are threatened of extinction , shall make a legal commitment to provide silvicultural prescriptions.
- (c) All silvicultural prescriptions undertaken for NTFP regeneration/cultivation/domestication shall be done in consultation and collaboration with the local communities and with technical advice from the Authority.
- (d) All NTFP species to be used for propagation/cultivation shall be of indigenous types. Any exotic species to be cultivated shall meet the approval of the Authority and EPA.
- (e) Sustainable use of NTFPs at community level whether under a Forest Use Permit or by community members will fall under the purview of the Community Forestry Management Body to be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006)

4.2 Species for silvicultural prescriptions:

- (a) Any NTFPs whose regeneration and maturity for next harvest is difficult to attain;
- (b) Any NTFP species of which the harvest requires the removal/felling of the entire standing species;
- (c) NTFP species that is threatened of extinction in a particular locality (Rattan species);
- (d) Specialty wood species (e.g. Cam wood and other wood species used for carving, bark used for culinary medicines, roots of medicinal- based, etc.).

4.3 As the NTFPs are largely natural forest oriented and the rural communities' livelihoods sustenance are dependent on the forest resources, it is paramount that harvesting and commercialization of NTFP respect their concerns:

- (a) All NTFPs processing Industries shall be located within the affected communities;
- (b) Preference for labor recruitment in extraction and processing industry shall be given to the local community members;
- (c) As community's benefits, any one harvesting NTFPs under a Forest Use Permit from a particular community shall pay the equivalent of 25% of the harvesting fee to the Community Development Committee or Community Forestry Management Fund to be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006).

- (d) No Waybill shall be given to any NTFP traders/buyer except he /she produce a duly signed payment receipt from the community's Development Committee or Community Forest Management Body as defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006). The copy of this receipt must be recorded together with the haulage waybill to every FDA manned Check point.
- (e) 30% of revenues from fines collected from FDA resulting from information provided by communities will be returned to the Community Development Committee or Community Forestry Management Fund to be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006)

5 Abandoned NTFP and Offenses and Penalties

5.1 All NTFPs harvested or processed for commercial purpose from the forest shall be immediately removed to a storage facility, or dispose of, in order to avoid deterioration and waste of the forest resource.

- (a) Any NTFP harvested, but not removed from the area of harvest for more than two consecutive months shall be declared by the Authority as abandoned;
- (e) Any consignment of NTFPs transported and stored in a depot for commercial purpose unprotected from rain or any agent that will cause it to deteriorate for more than three consecutive months shall be declared Abandoned by the Authority;
- (f) All processed NTFPs shall be allowed to be stored for a period not more than six months. Otherwise, it will be declared as Abandoned;
- (g) All NTFPs destined for export but are stored at export depot shall be removed within three months. After this period, they will be declared Abandoned;
- (h) All abandoned NTFPs owners shall be serve a written letter of notice by the Authority to remove all products within a period of two weeks;
- (i) All Abandoned NTFPs shall be auction by the Authority and the fund be deposited into Government revenue account. The owner of the abandoned product shall be given a copy of the flag receipt for the auction product.

5.2 Offenses and Corresponding Penalties

- (a) Any NTFP Forest Use Permit holder , processor, trader, transporter, exporter that violate any of the sections of the regulation or commit any offense shall be subject to imposition of monetary fines, forfeiture of property, termination of contract, invocation of permit and other measures by the Authority.
- (b) Community Forest Management Bodies may determine offences and penalties, and levy fines on NTFP harvesting and use by community members which will be credited to a Community Forestry Fund used for community forest management or related development activities within the community. The Fund and its governance will be defined in the Community Rights Law for Forest Lands which is mandated in the Forest Reform Law (2006).

Offenses and Penalties

	OFFENSES	PRESCRIBED PENALTIES
1	Undertaking NTFPs operation for commercial purpose without being duly registered/licensed by the Authority.	All products shall be confiscated and fine of 2 times the normal registration fee shall be paid.
2	Exporting NTFPs without Export License.	Permit shall be withheld until the fine of five times the export license fee, and Twice the FOB Price for the products exported is paid
3	Transporting NTFPs without legally issued Waybill;	Confiscate the product and publicly auction the same.
4	Understating of FOB unit Price in the Export Contract.	Shall Pay two time the FOB unit price for the product before export
5	Declassification of NTFPs for export;	The product shall be confiscated and fine three times the extraction fee and twice the FOB unit price before export.
6	Harvesting of NTFPs without the permission of the local communities.	The product shall be confiscated and fine three times the extraction fee.
7	Under-quantification of consignment;	The product shall be confiscated and fine three times the extraction fee.
8	Abandoning harvested transported and processed NTFPs for more than stipulated time.	Shall pay twice the extraction fee as first warning. The product shall be auctioned upon failure to remove or find a market after four weeks
9	Carelessly or willfully damaging of any NTFPs.	Shall be made to pay the extraction fee per species/product.
10	Refusal to provide silvicultural prescription for selected NTFPs.	Permit shall be withheld and operations suspended for four consecutive months.
11	Clandestine harvesting or exporting of restricted NTFPs;	1 st : permit shall be withheld. 2 nd : Shall be fined five times the extraction and three time the export (FOB Unit Price) fees
12	Commercializing NTFPs while holding a Gratis Permit.	Revoke the Gratis Permit and pay fine equal three times the extraction fee on the consignment.

6 Repeals and Effective Date

6.1 The following provisions are repealed:

- (a) Regulation 23, Section 1 through IV, concerning Utilization of Minor Forest Products.
- (b) Regulation 20, Section I through II, concerning Restricted Export of Minor forest Products.

6.2 This regulation is effective on December 1, 2009. The Authority shall announce and made it available to the public.

**Forestry Development Authority
Regulation No. 111-10**

Regulations on Procedures to Access and Manage Funds on Behalf of Affected Communities

1 General Provisions

- 1.1 This Regulation implements the requirements of the National Forestry Reform Law of 2006 that the Authority establishes a fair and transparent procedure for allocating a designated percentage of land rental fees to counties and to communities entitled to benefit sharing under Forest Resources Licenses.
- 1.2 The Trust shall be financed by the following:
 - (a) Thirty Percent (30%) of land rental fees received for the benefit of Affected Communities; and
 - (b) Grants and donations from donor.

2 Governance of the Trust

- 2.1 Pursuant to 3.3(c) of Authority Regulation 106-07, Trust Board members shall not receive any compensation for its services on the Trust Board.
- 2.2 The Trust Board shall be composed of thirteen (13) persons as follows:
 - (a) Two (2) Paramount Chief;
 - (b) One (1) representative of the Authority;
 - (c) One (1) representative of civil society organizations;
 - (d) One (1) logging industry representative;
 - (e) One (1) representative of the Ministry of Finance;
 - (f) One (1) representative of the Ministry of Internal Affairs;
 - (g) Six (6) representatives of the Union of Community Forestry Development Committees, one (1) from each of the three (3) regions recognized by the Union of CFDCs;
 - (h) The International donor organizations and the international non-governmental organizations shall both have one representative on the Board. However such representatives shall sever as observers to the proceedings of the Board and therefore in this light cannot be permitted to vote and shall not contribute to the quorum even though they may take active part in any proceeding.
 - (i) Two (2) appointed ex officio members shall be permitted to sit on the Trust Board. Such members shall not be permitted to vote and shall not contribute to the quorum. Nominations shall be proposed at the first sitting of the Trust Board by the Authority and approved by a two-thirds majority.

2.3 Election of the Trust Board

- (a) The representatives of the three (3) government institutions shall be found through the seconding of a nominee by their respective institution based on a request for said nomination from the FDA to the respective government institution.
- (b) The Paramount Chief's Representatives: The representative of the paramount chief shall be done in consultation with the National Traditional Council of Liberia with the FDA and the Ministry of Internal Affairs supervising the process. Affected communities in each county shall select one Paramount Chief from among themselves, who will gather with their peers to select from among themselves their representatives to the Board. The selected individuals must reside within an Affected Community during their tenure on the Board.
- (c) Civil Society Organizations' Representative: All Civil Society Organizations on the stakeholder registry set up under Section 19 of this Regulation will be invited to submit nominations for election as Trust Board Members.
- (d) The Union of Community Forestry Development Committees' Representatives: The representative of the Union of Community Forestry Development Committees shall be done in consultation with the leadership of the Union with the FDA and the Civil Society Organizations supervising the process.
- (e) Two (2) persons from each of the three (3) regions recognized by the Union of CFDCs shall be selected to represent the Union on the Board. The selected individuals must reside within an Affected Community during their tenure on the Board.
- (f) Elections or selection for each category of Board Member shall be the responsibility organizations/institutions within said category, however non-voting member of the Board may witness the election procedure and results.

2.4 Term Limit

- (a) Board members shall be elected every three (3) years as herein provided.
- (b) The terms of the Board Members shall be staggered to ensure that turnover is limited.
 - (1) At the first meeting of the Board, initial terms should be established by lottery, with six (6) members having three (3) year terms and seven (7) members having two (2) year terms.
 - (2) At least three (3) of the members having the three (3) year terms must be representative of the Union of CFDC.
- (c) Board members shall serve not more than two (2) terms and may serve such terms either consecutively or non-consecutively.

2.5 The Trust Board shall nominate a Chairman, Co-Chairman, Secretary, Treasurer, and such other officers as the Board may deem necessary.

2.6 The Trust Board shall meet at least once every calendar quarter, but the Chairman of the Board may call a special meeting at any time he or she deems necessary. Special meetings may also be called upon written request of any four (4) members of the Board.

2.7 Eight (8) elected board members are required to constitute a quorum, of which one (1) must be a representative of the various government institutions and three (3) must be representative of the Union of CFDC. No decision shall be made by the Board without a quorum. Should a number of board is to be changed, the quorum shall be adjusted to approximately sixty percent (60%) of the elected board.

2.8 The Trust Board shall:

- (a) Hold in trust, manage, and supervise the land rental fee funds received for the benefit of Affected Communities.
- (b) Receive and review applications for funds submitted by Community Forestry Development Committees on behalf of Affected Communities.
- (c) Disburse funds to Community Forestry Development Committees for projects/programs approved for the Affected Communities.
- (d) Track the Land Rental Fees paid by Holders to ensure that the Communities receive their benefits.
- (e) Supervise the Cubic Meter Fees received for the benefit of the Affected Communities.
- (f) Commission an annual independent audit as required by Section 33(e) of Authority Regulation 106-07.
- (g) Every three (3) months, with the assistance of the Monitoring and Evaluation Committee, provide a report to all Community Forestry Development Committees detailing the financial status of the Fund. The report shall include the Trust's income and expenditures for that respective quarter.
- (h) Provide to the public every six (6) months, a report detailing the activities and financial status of the Trust Board. The report shall include Trust Board decisions, complaints levied against the Trust; Trust Board meeting minutes, income and expenditures, and the independent audit report;
- (i) At the written request of a Affected Community may supervise the Cubic Meter Fee established under Section 34 of Authority Regulation 105-07. In its supervisory role, the Trust Board may advise CFDC on receipt and collection of the Cubic Meter Fee and act as repository and forum for complaints issued by Affected Communities on any issue related to Cubic Meter Fees. It may also intervene on behalf of an Affected Community on any issue related to Cubic Meter Fees, based on a written request.
- (j) The Trust may be vested with the authority, through any subsequent legal instrument, to manage and serve as the distribution mechanism for new revenue sources that may arise from new forms of benefits, including but not limited to, carbon concessions, payment for ecosystem services, and agricultural concessions.

2.9 The Trust Board shall:

- (a) Establish a Project Technical Review Committee to thoroughly review Community Forestry Development Committee project proposals for financial feasibility, market acceptance, organizational capacity, and past performance on similar projects.
 - (b) Develop guidelines and templates to determine, among other things, how Community Forestry Development Committee funding requests are evaluated and how the Trust account will be managed.
 - (c) Based upon the recommendations of the Project Technical Review Committee, review and endorse project proposals submitted by Community Forestry Development Committees.
 - (d) Transfer funds from the Trust escrow account to the Community Forestry Development Committee accounts for the implementation of approved projects.
 - (e) Establish a Monitoring and Evaluation Committee to evaluate project successes, Community Forestry Development Committee reporting, and Trust reporting.
 - (f) Review and act upon progress reports submitted by the Community Forestry Development Committees based upon the recommendations of the Monitoring and Evaluation Committee.
 - (g) Receive requests from and, to the best of its ability, provide assistance to, Affected Communities and/or Community Forestry Development Committees that cannot resolve disputes between the Affected Community, a Committee, a Holder, and/or the government.
 - (h) Serve as an advocate for Affected Communities if new policies are being discussed that might affect the revenues of Affected Communities.
- 2.10 The Trust Board shall establish a Secretariat of not more than two (2) persons to assist the Board perform its functions. The activities of the Secretariat and any administrative costs of the Trust Board shall be funded annually by not more than five percent (5%) of the Trust principle for each respective year.

3 Fund Disbursement Procedure

3.1 Accrual of Funds

- (a) It is possible that funds allocated to a Community Forestry Development Committee are not immediately used. Given that the funds are distributed to the Community Forestry Development Committees on a pro rata basis consistent with land rental fees paid for a given Forest Resource License, the funds are considered the property of the Affected Community, and are to be held in trust until such time as the Committee requests the funds.
- (b) Community Forestry Development Committees shall be entitled to receive thirty percent (30%) of land rental fees where Holders have paid the entire amount of fees due. If a Holder has failed to pay its land rental fee in full, the Committee is entitled to whatever amount the Holder has paid in any given year.

- (c) If the Community Forestry Development Committee represents an Affected Community covering the entire concession, then the Community is entitled to thirty percent (30 %) of the entire land rental fee. However, if the Community Forestry Development Committee represents a Community that covers only part of the concession (when a concession is divided into more than one Committee) then the Affected Community is entitled to thirty percent (30 %) of the land rental fee for that proportion of the contract area under its jurisdiction.
- (d) Affected Communities shall not receive any land rental fee where the Holder has not paid any land rental fee payment due.
- (e) The Trust Board shall not disburse more than seventy-five percent (75%) of the principal in the first two (2) years of the Trust Fund coming into operation; thereafter, the principal and one hundred percent (100%) of the interest accruing may be applied to finance community projects.

3.2 Distribution of and Accessing the Benefit

- (a) The Holder shall pay its land rental fee to the Ministry of Finance annually.
- (b) The Ministry of Finance, in collaboration with the Authority and the Central Bank of Liberia, shall establish an escrow account for purposes of the Trust at the Central Bank.
- (c) In conformity with Section 32 of Authority Regulation 106-07, the Authority shall transfer thirty percent (30%) of the money within the land rental fee account on a quarterly basis into the Trust account.
- (d) A Community Forestry Development Committee may request disbursement of funds only if the Committee satisfies the requirements of Section 62 of Authority Regulation 105-07.
- (e) Community Forestry Development Committees shall submit written project proposals to the Trust Board requesting funds for a specified project. These project proposals shall include the following:
 - (1) A detailed description of the need for the project and its beneficiaries (including the specific towns or villages to be benefited);
 - (2) A detailed description of how the project will be implemented and the timeframe for completion; and
 - (3) A budget that includes the total cost of the project, giving a breakdown of the amount for labor, materials, transportation, etc.
- (f) Each Community Forestry Development Committee shall open an account in any recognized local commercial bank.
- (g) There shall be three (3) authorized signatories for each Community Forestry Development Committee's bank account:
 - (1) First Principal Authorized Signatory;

- (2) Second Principal Authorized Signatory; and
 - (3) Third Principal Authorized Signatory.
- (h) All withdrawals from the account shall require the authorization of the First and either the Second or the Third Authorized Signatory. A withdrawal authorized by only the Second and Third Authorized Signatories shall not be considered valid, or shall be declared null and void unless the withdrawn was taken with the prior written approval of the Trust Board.
 - (i) Prior to the award of a project, the Community Forestry Development Committee shall, with input from their Affected Community, draft a Constitution that will ensure transparent and accountable management of funds.
 - (j) The Community Forestry Development Committee shall submit to the Trust Board a progress report every three (3) months regarding the status and/or completion of the project. The Trust Board, through the Monitoring and Evaluation Committee, may evaluate the progress of and satisfactory completion of a project on an ad-hoc basis.

3.3 Performance Based Awards

- (a) Initial awards shall be based on written project proposals and accompanying budgets. All initial awards are subject to availability of funds for given contract areas.
- (b) Any subsequent award to Community Forestry Development Committees shall be performance based and contingent upon satisfactory implementation of any previous award.
- (c) In the event that the Trust Board, through an evaluation process undertaken by the Monitoring and Evaluation Committee, identifies inadequate performance of a project, the Trust Board, in consultation with the Community Forestry Development Committee, shall endeavor to solicit training opportunities with a strategic partner to improve the Community Forestry Development Committee's ability to implement its projects. Following receipt of training and upon recommendation of the respective Affected Community and the Monitoring and Evaluation Committee, a Community Forestry Development Committee may submit a new proposal.

- 3.4 In conformity with 3.3(h) of Authority Regulation 106-07, individuals, companies and other entities debarred from doing business with the Government of Liberia shall not participate in the Trust or its projects. The Trust Board may itself debar individuals, companies or other entities from participation in the Trust or its projects if it can prove failure to avoid malfeasance on the part of the person or entity.

4 Safeguards

4.1 Transparency and Public Access to Information

- (a) The Trust Board, its administration, and related Committees shall operate under an assumption of openness and inclusiveness.

- (b) The Trust Board shall make available all proposed regulations, guidelines, and monitoring and evaluation reports for public review and comment. Copies will be available at all district offices and the headquarters of the Authority. Notice of the availability of these documents shall be published in a newspaper of general circulation.
 - (c) All meetings of the Trust Board shall be open to the public. The Trust Board shall publish announcements of Trust Board meetings in a newspaper or over the radio of general circulation no less than two (2) weeks in advance.
 - (d) All reports, materials for comment, or notifications of meetings shall be distributed in good time and as cheaply and widely as possible. The Trust Board shall consider the use of an SMS (text) notification system to disseminate relevant information.
- 4.2 The Trust Board shall maintain a register of stakeholders. The register shall be updated quarterly. Any private or civil society organization in good standing under Liberian law that expresses interest in writing to the Trust Board or its Secretariat shall be inscribed in the register. Registered stakeholders will receive Trust Board mailings.
- 4.3 **Public Forum**
- a. In conjunction with the Authority, the Trust Board shall convene an annual National Forest Forum.
 - b. The Forum shall be open to the public without restriction, and shall have an open agenda, which shall include, in addition to a formal Board meeting, opportunities for stakeholders to air grievances and share successes and failures. Lessons learned from the monitoring and evaluation process will also be discussed.
 - c. Subject to the availability of resources and when possible, the Trust shall support County Forest Forums.
- 4.4 The Trust Board will receive requests from and, to the best of its ability, provide assistance to, Affected Communities and/or Community Forestry Development Committees that cannot resolve disputes between the Affected Community, a Community Forestry Development Committee, a Holder, and/or the government.
- (a) It will establish binding independent arbitration procedures that it will propose as a regulation in accordance with Section 17.1 of the National Forestry Reform Law of 2006.
 - (b) Such binding procedures will provide a fair and transparent mechanism for the management of disputes within the Trust Fund.

5 Repeals and Effective Date

- 5.1 This Regulation repeals no existing regulation.
- 5.2 This regulation is effective on January 10, 2011. The Authority shall announce this regulation and make it available to the public and the media.

**Forestry Development Authority
Regulation No. 112- 08**

Regulations on Forest Products Processing and Marketing

• **General Provisions**

- 1.1 In allowing the sustainable utilization of forest resources, promoting Primary processing, value-added products and marketing, as well as providing measures to reduce the devaluation and wastage of timber resource as part of the Forest Resources of Liberia, the Authority and its staff aim to:
- (a) Act as trustee of the Republic's Forest Resource, in a professional, transparent, and non-discriminatory manner, without personal interest or aim of self-enrichment;
 - (b) Provide social and economic livelihoods, cultural and religious benefits for forest-based-communities and Liberia's populace in general;
 - (c) Assure sustainable development and conservation of the forest and its timber resources for the present and the future generation.

2 Processing Industry, Qualifications, Environmental & Occupational Health and Safety Measures

- 2.1 For the purpose of this regulation, any mechanical equipment other than Chainsaw used to transform tree from its natural state to usable timber product shall herein referred to as processing facility in Liberia. The processing facilities shall be placed into the categories as in Appendix 1, unless the context otherwise requires.
- 2.2 Those without FMC & TSC holders permit and wishing to operate any of the categories of processing (Section 6) shall meet the following conditions:
- (a) For Category A, B, D, E and F
 - (1) Provide the Authority letter of intent indicating:
 - (A) Name of the Business enterprise,
 - (B) Address of the business;
 - (C) Proposed location of the processing facility.
 - (D) Payment of Annual Registration Fees to the government revenue;
 - (E) Purchase copy of the Regulation;
 - (F) Provide copies of all processing machines CATALOGUE to the Authority for verification;
 - (G) The site for STATIC processing facility shall be inspected by the Authority before the construction commence;
 - (b) All other Processing Categories other than "A", "B", "D", "E" & "F"

- (2) Present letter of intent to the Authority indicating:
 - (A) The name of the Business enterprise.
 - (B) Address of the business.
 - (C) Proposed location of the processing facility.
 - (D) Copies of Article of Incorporation and Business Registration Certificate.
 - (E) Complete the Timber Processing Registration Form.
 - (F) Payment of Annual Registration Fees.
 - (G) Purchase copy of the Regulation.
 - (H) Provide copies of all processing machines CATALOGUE to the Authority for verification;
- 2.3 Those without FMC & TSC permit wishing to operate timber processing facility in Liberia shall pay to the Government of Liberia the following Annual registration fees according to the classes in section 8 of this regulation in Appendix 2., unless the context otherwise requires.
- 2.4 Processing Procedures and Requirements:
 - (a) No processing shall commence without recording of in-put volume by the FDA assigned processing scaler.
 - (b) All processing permit holders shall provide the Authority a monthly statistical data of the following:
 - (1) In-put and output volume statistics of the processing facility indicating the recovery rate, the designated export quality, local sales and donations.
 - (2) Quantity of kiln-dried and chemically treated wood products including the designated kiln-dried and treated export wood products as well as the local sales of products;
 - (3) Production cost of the current month of production including the fuel consumptions, labor Processing Industry, Qualifications, Environmental & Occupational Health and Safety Measures cost, etc.
 - (4) Statistics of accident and fatal death within the processing mill.
 - (5) Constraints and type of conflict with local community members.

2.5 To control the efficiency of primary processing facilities and improve recovery rate of production, all Category “A” and Category “B” Processing Permit Holders shall observe the below requirements, unless the context otherwise requires.

- (a) Only Band Saw blade or other advanced technologies will be preferable as head- ridge for primary breakdown of saw logs.
- (b) Large Circular Saw blade may be only required for re-sawing.
- (c) Mobile band or circular sawmill with high recovery rate over 45% of Input volume should be permitted for primary breakdown.
- (d) All Mighty- mites with circular saw blade must have high recovery rate more than 45% of the input volume otherwise it will not be allowed in these Categories.
- (e) No Chainsaw milling shall be permitted in all categories of Processing unless the context otherwise requires.

2.6 Environmental Impact Measures and Occupational Health and Safety:

- (e) All Categories of Processing Permit holders shall observe the following Environmental Impact measures:
 - (1) All wood processing facilities shall be built 35 meters away from Watercourse.
 - (2) All wood processing permit holders shall ensure that the processing waste are not emptied in any watercourse by any means.
 - (3) No wood processing permit holder shall openly burn wood waste in any residential areas.
 - (4) No wetland shall be used for disposing of wood waste.
 - (5) No internationally banned chemical shall be used for wood treatment.
 - (6) No chemical waste from wood processing facility shall be disposed or made to be disposed in any watercourse;
- (f) All Categories of Processing Permit holders shall observe the following Occupational Health and Safety
 - (1) Provide personal protective Equipment for all workers at job site.
 - (2) Make available Medical and first Aid at processing site all the time.
 - (3) Never spray chemical closer to processing plant will workers are on duty. It is preferable to spray chemicals after the working hours.
 - (4) Observe all ergonomics guidelines at worksite to avoid unnecessary injuries to workers;
 - (5) Install fire safety equipment at wood processing industries;

3 Classification of Processed products, Units and Marketing Wood Products

- 3.1 For the purpose of this regulation, any one that engage in the trade/ market of locally transformed timber tree from its natural state to usable wood product shall herein referred to as Wood Product Dealer in Liberia. The processed wood products shall further be classified into categories.
- 3.2 To standardize the collection of statistical data on processed wood products and for fair revenues collection in Liberia, the units of measurement of category of Processed Wood products shall be as in Appendix 4, unless the context otherwise requires.
- 3.3 Qualification and Procedures to market Processed Wood Products:
- (a) All applicants for Timber Marketing Permit shall fulfill the following requirements.
 - (1) Must be legally registered Business entity in Liberia;
 - (2) Only Registered Wood Depots will be permitted to trade in retail price of all locally produced wood products.
 - (3) Only Timber Trader with shaded roof timber depot shall be issued Permit to locally sell timber and timber products.
 - (b) All applicants wishing to trade processed timber products in Liberia shall meet the following conditions:
 - (1) Provide the Authority a letter of intends indicating:
 - (A) Name and address of the dealer.
 - (B) Category of product to trade.
 - (C) Location of the timber depot/store.
 - (D) source of product to be traded,
 - (E) Copies of Article of Incorporation and Legal Business Registration Certificate.
 - (F) Complete the Timber Trading Registration Form.
 - (G) Pay the Annual Registration Fees.
 - (H) Purchase copy of the Regulation.
 - (I) Allow for the inspection of the proposed wood depot before the permit is issued.
- 3.4 All Wood Dealers wishing to engage in retailing of timber products in Liberia shall pay a yearly registration fees according to the category of products.

4 Wood Products Protective Measures and Marketing Categories

4.1 Wood products Protective Measures:

- (a) All construction wood products intended for sale shall be protected from direct sunlight and rain.
- (b) Wood product intended for sale shall be properly stored under a shade with enough ventilation.
- (c) All wood products should be stock-piled with stakes in between under a well ventilated shed to avoid discoloration and loss of value.
- (d) Wood products (construction) shall be periodically treat with recommended preservatives to reduce risk of insect and fungi attack.
- (e) No timber or timber product shall be stock-piled in a damp/wet area. In a case the place is damp during the wet season, timber should rest on a cross-band at least one foot above the ground-level.

4.2 In order to control and monitor the movement of legal wood products through Chain of Custody System, the following are regulated:

- (a) All wood products moving from the source of production designated for export shall be accompanied by FDA Processed Product Waybill at the cost of US\$15.00 per copy according to Regulation 107-07 Section 41. The Waybill sheets shall be duly signed by authorized FDA Scaler/ Personnel.
- (b) All processed wood products from TSC or FMC holder designated for local market or gratis shall carry both FDA and the producers waybills duly signed by the company's representative and FDA Scaler assigned.
- (c) All Waybills (FDA and Producer) shall indicate the following features:
 - (1) Name of the producer.
 - (2) Type of processed product
 - (3) Species type.
 - (4) Quantity of product (bundle/pieces).
 - (5) Volume of product.
 - (6) Destination of the product.
 - (7) Signatures of FDA and Company's representative.

- (d) Waybill accompanying the loaded truck shall be shown to FDA Officer at each check-point for inspection.
- (e) Waybills accompanying a truck load of processed wood product shall be distributed according to the following:
 - (1) Original sheet of the copy shall be given to the buyer/Transporter ;
 - (2) Second sheet of the copy shall be retained to the FDA Check-point /port of export;
 - (3) Third copy for the truck driver of the consignment;
 - (4) Fourth sheet of the copy shall be retained by Authorized FDA scaler/Personnel at the place of loading/processing site;
 - (5) Fifth sheet of the copy remained with producer/seller

4.3 Wood products marketing

(a) Domestic/Local Timber trade

- (1) Only legally registered dealer shall undertake the marketing of processed wood products;
- (2) All wood product dealers shall measure and sell wood products in accordance with section 16 of this regulation;
- (3) Any legally registered wood product dealer whose product depot is not fully protected from direct sunlight and rain shall be denied a permit;
- (4) All woods or wood products produced through Category “C”, “G” and “H” processing facilities are to be sold in the domestic/local market;
- (5) Only Authorized Wood Depots shall be allowed to trade in retail price of all locally produced wood products in Sections 15 of this regulation;
- (6) All local wood dealers shall be required to provide the Authority a quarterly purchase and sales of wood products statistics. Failure shall be denied a permit.

(b) International Wood Product Marketing

- (1) Only wood or wood products produced through category “C”, “G”, “H,” facilities are NOT legible to be exported through the Chain of Custody System of Liberia.
- (2) All wood products exporter shall meet all necessary export requirement before any shipment is carried on.
- (3) Wood or wood products designated for export shall be assessed by and through the Authority/Chain of Custody.

- (4) Wood and wood products designated for export shall be kept under well ventilated storage shed.
 - (5) Wood products at storage depot shall be spray with internationally accepted preservative at least once bi-weekly (depending on the species and the weather).
 - (6) All wood products exporters shall provide the Authority copies of Bill of lading and the manifest after every shipment. Failure will lead to a denial of export permit.
- 4.4 In the Authority effort to protect the domestic wood processing industries, all processed wood Importers shall observe the following requirement as Business entity of the Republic of Liberia:
- (a) Provide the Authority copy of the Business Registration Certificate.
 - (b) Obtain Wood Products Importing Registration Form.
 - (c) Pay Annual Registration fees of US\$500.00.
 - (d) Application to the Authority for Processed Wood Import Request Form shall indicate the followings:
 - (1) Product(s) to be imported.
 - (2) Quantity of the product.
 - (3) Volume of the product.
 - (4) Grade (quality) of the product.
 - (5) Country of origin of product
 - (6) FOB/CIF Unit Value of the Product.
 - (e) Obtain Processed Wood Products Import Request Form from the Authority.
 - (f) Provide the Authority copies of bill of lading upon receipt of the cargo. Failure will lead to denial of further permits.

5 Abandoned Processed Wood Products, Offenses and Penalties

- 5.1 All processed wood products for commercial purpose shall be immediately removed to a storage facility or dispose of in order to avoid deterioration and waste of the forest products.
- (a) Any wood that is processed, but not removed and stored under a protective shed for more than two consecutive months shall be declared by the Authority as abandoned.

- (b) Any consignment of wood product transported and stored in a depot for commercial purpose unprotected from rain or any agent that will cause it to deteriorate for more than two consecutive months shall be declared Abandoned by the Authority.
 - (c) All processed wood products shall be allowed to be stored without chemical treatment for a period not more than three months. Otherwise, it will be declared as Abandoned.
 - (d) All processed wood products designated for export but are stored at export depot shall be removed within nine (9) months. After this period, they will be declared Abandoned.
 - (e) All abandoned processed wood products owners shall be serve a written letter of notice by the Authority to remove all products within a period of thirty (30) days.
 - (f) All Abandoned Processed wood products shall be auction by the Authority and the fund be deposited into Government revenue account. The owner of the said abandoned product shall be given a copy of the flag receipt for the auction product.
- 5.2 Any wood processing, local dealer, exporter and import permit holders, that violate any of the sections of the regulation or commit any of the below mentioned offenses shall be subject to imposition of monetary fines, forfeiture of property, termination of contract, invocation of permit and other measures by the Authority.

6 Repeal and Effective Date

- 6.1 The following provisions are repealed:
- (a) Regulation 23, Section I through IV, concerning Utilization of Minor Forest Products.
 - (b) Regulation 20, Section I through II, concerning Restricted Export of Minor Forest Products.
 - (c) Regulation No. 107-07 section 46, concerning Sawmill Permit
- 6.2 This regulation is effective on July 10, 2009. The Authority shall announce this regulation and make it available to the public and the media.

**Forestry Development Authority
Regulation No. 113-08
Regulation on Environmental Impact Assessment**

1 General Provisions

- 1.1 These regulations are promulgated and issued by the Forestry Development Authority (FDA) in pursuant to Chapter 19, Section 19.1 of the National Forestry Reform Law of 2006.
- 1.2 The purpose of these regulations is to implement Chapter 19, section 19.1 (g), (h), (j) and (k) of the National Forestry Reform Law of 2006. The environmental Impact Assessment is intended to help the general public and Government official make decisions with the understanding of the environmental consequences of their decisions, and take actions consistent with the goal of protecting, restoring, and enhancing the environment. In addition, these regulations are intended to:
 - (a) Integrate the EIA process into the early planning of forestry project to insure timely consideration of environmental factors in order to avoid delays; and
 - (b) Identify at an early stage the significant environmental issues requiring further study and de-emphasize insignificant issues, thereby defining the Environmental Impact Statement (“EIS”).

2 Application

- 2.1 These regulations shall apply to all Forestry Projects.
- 2.2 These Regulations may be cited as the Forestry Development Authority Regulation on the Environment and shall come into force pursuant to section 19.2 of the National Forestry Reform Law of 2006, after its approval by the Board of Directors.

3 Environmental Management Plan

- 3.1 Anyone who intends undertaking a forestry project shall produce a comprehensive Environmental Management Plan (EMP) which shall include:
 - (a) Initial Environmental Impact Assessment (EIA) including Scoping and Screening;
 - (b) A description of the project including the location of the project;
 - (c) An identification of the environmental setting; and
 - (d) A discussion of ways to mitigate the significant impacts identified.
- 3.2 Within thirty (30) days of accepting the preliminary documents in term of Section 6, the Authority shall:

- (a) Advise the proponent that further or additional investigation is required before a decision can be reached and instruct the proponent to prepare an Environmental Impact Statement in pursuant to Section 8 and an Environmental Mitigation Plan and Implementation Strategy in term of Section 9.
 - (b) When the Authority is satisfied that the EMP discloses sufficient mitigation measures to address the anticipated impacts, decide that the information contained in the preliminary document is sufficient to issue a clearance.
- 3.3 In reaching a decision in term of Sub-Regulation (I), the Authority shall have regard to the preliminary report and comments of EPA and other line Institutions

4 Environmental Impact Process

- 4.1 The proponent shall in accordance with international best practice, prepare an Environmental Impact Statement (EIS) which shall contain the following information:
 - (a) Summary of Environmental Impact Statement.
 - (b) Description of the purpose, scope and need for the project.
 - (c) Description of the environmental setting
 - (d) Environmental Impacts Statement of the proposed project and alternatives
 - (e) Organizations and Persons Consulted.
 - (f) Standards of Adequacy for the Environmental Impact Statement.
- 4.2 The proponent shall, in accordance with international best practice, prepare an Environmental Mitigation Plan and Implementation Strategy which shall include:
 - (a) Project objectives.
 - (b) Description of actions to be carried out for mitigating any adverse social and environmental effects.
 - (c) Period within which the mitigation measures shall be implemented.
 - (d) Cost estimate for mitigation actions.

5 Monitoring

- 5.1 In accordance with the polluter pays principles the proponent of any Forestry Project must bear all cost from complying with 5 of the Regulation.
- 5.2 In consultation with the EPA, the FDA shall monitor compliance with:

- (a) The provisions of the Environmental Mitigation Plan and Implementation Strategy in accordance with Regulation 4.2.
 - (b) The condition of the EIA permit as provided for by the EPA.
- 5.3 In accordance with Chapter 19.1 (i) Forest (EIA) Officer may enter any forestry project site to inspect relevant equipment and records, and interview staff for the purposes of enforcing this regulation.
- 5.4 The proponent must within six months (Timber Sale Contract) and twelve months (Forest Management Contract) of implementing the project, and thereafter every one year for TSC and five years for FMC, conduct an Environmental Audit.
- 5.5 The Environmental Audit shall be carried out by at least two appropriately qualified persons, preferably who were members of the team that prepared the assessment document and finding be submitted to the Authority and EPA for evaluation.

6 Miscellaneous Provisions

- 6.1 In the implementation of forestry project, the proponent may be charged for breach of provision of this regulation.

7 Effective Date

- 7.1 This regulation take effect on December 1, 2009. The Authority shall announce this regulation and make it available to the public.

Forestry Development Authority
Regulations to the Community Rights Law of 2009 with Respect to Forest Lands

1 General Provisions

- 1.1 The purpose of this regulation is to establish rules, guidelines and procedures for the establishment, management and use of community forests in Liberia. The objectives are as follows:
 - (a) To facilitate implementation of the Community Rights Law.
 - (b) To clarify the rights, roles and duties of the Authority.
 - (c) To clarify the rights, roles and duties of communities engaged in the community forestry program.
 - (d) To establish rules and procedures to enable communities to exercise ownership of community forests, and to access, manage, use and benefit from the forest resources therein.
 - (e) To ensure the sustainable management of forest resources within community forests throughout the country.
- 1.2 All forestry programs managed by communities shall conform to the National Forestry Reform Law of 2006, the Community Rights Law, and other statutes of Liberia, as well as to all relevant international treaties and conventions, which have been ratified by the National Legislature.
- 1.3 All forestry programs managed by communities shall conform to the Ten Core Regulations, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant regulations.
- 1.4 The Land Authority shall address all land ownership issues. Accordingly, this Regulation addresses and relates only to issues of community ownership, control, access, management and use of forest resources.
- 1.5 All information and documents related to community forestry are public unless explicitly restricted by law or regulation.
- 1.6 Participation of civil society organizations:
 - (a) In all of its activities, the Community Assembly, the Executive Committee of the Community Assembly and the Community Forest Management Body shall operate with openness, inclusiveness and accountability.
 - (b) All residents aged 18 and above can participate in activities of the community forestry program, under policies issued by the Community Assembly and rules issued by the Community Forest Management Body. All meetings of a Community Assembly shall be open to civil society organizations, as observers.

- 1.7 Offences relating to the improper or illegal use of community forest resources, or funds derived from community forest resources, shall be addressed, and penalties imposed, in the manner prescribed in Chapter 7 of the Community Rights Law.
- (a) Fines imposed on Authorized Forest Communities by the Authority for failure to comply with this regulation shall not exceed USD\$5,000.
 - (b) Fines imposed on individual members of Authorized Forest Communities by the Community Forest Management Body, or Community Assembly, for failure to comply with community forest rules shall not exceed USD\$2,000.
 - (c) Offences that are established under Chapter 20 of the National Forestry Reform Law of 2006 shall be addressed in the manner prescribed therein, or under the appropriate regulations.
 - (d) Offences that are criminal in nature shall be referred to the appropriate judicial authority, as per Chapter 7, Section 7.4 of the Community Rights Law.
 - (e) Administrative orders shall be imposed in accordance with the Chapter 82 of the Executive Law, also known as the Administrative Procedure Act.
- 1.8 The Authority or a Community Forest Management Body shall impose sanctions consistent with the due process of law, as enshrined in the Constitution of the Republic of Liberia and all applicable statutes and regulations. This shall include the right to appeal to a court of competent jurisdiction.

2 Establishment of Authorized Forest Community

- 2.1 Pursuant to the Community Rights Law, communities have the right to access, manage, use and benefit from their forest resources, once the Authority has verified and attested that the community has met all regulatory requirements, including management and technical specifications, and the community and the Authority have formally signed a Community Forest Management Agreement.
- 2.2 A community applying for Authorized Forest Community status shall include in its application the location of the area of forest resources and information on the community's way of life, particularly as it relates to the usage, preservation and development of forest resources in the area.
- 2.3 For any community to be designated a Authorized Forest Community for the purpose of managing a community forest, the following objectives shall be stated in its application:
- (a) To manage and use forest resources in a sustainable manner, and maintain the forest as an ecosystem.
 - (b) To encourage and build upon existing community traditions, which promote the preservation of the forest and sustainable forest management practices
 - (c) To promote environmental conservation and ensure biological diversity.
 - (d) To work closely with the Authority to ensure the success of the community forestry program.
- 2.4 A community applying for Authorized Forest Community status shall pay a nonrefundable

application fee of two-hundred-and-fifty United States dollars (USD\$250).

2.5 Socio-economic survey and resource reconnaissance:

- (a) With the consent and involvement of community members, the Authority shall undertake a socio-economic survey and resource reconnaissance covering the area of forest resources the community wants to use as its community forest. Representatives of adjacent communities shall also be invited to cooperate with the Authority in the socioeconomic survey and resource reconnaissance.
- (b) The socio-economic survey and resource reconnaissance shall generally cover the area, forest resources in the area, and the people and their livelihoods, including their relationship to the area and forest resources. The report of the socio-economic survey and resource reconnaissance shall be shared with the community applying for Authorized Forest Community status, as well as adjacent communities.

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

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

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

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

2.10 Objection by third parties and resolution of objections:

- (a) Third parties, including members of adjacent communities, may object to the designation of a specified area of forest resources as a community forest. All such objections shall be investigated and acted upon by the Authority within thirty (30) days of receipt, if they relate solely to forest resources.
- (b) Objections relating to issues that go beyond forest resources shall be investigated and acted upon within ninety (90) days by the Authority and other relevant government bodies, including, but not limited to, the Land Authority; the Ministry of Internal Affairs; the Ministry of Agriculture; and the Ministry of Justice.

2.11 Following the identification, assessment and demarcation of the community forest, and the

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

- 2.12 The Authorized Forest Community and Authority shall enter into a Community Forest Management Agreement, which shall elaborate the relationship between the two parties and establish the terms under which the forest resources in the specified area are to be managed and used by members of the Authorized Forest Community.
- 2.13 For an applicant community to be approved by the Authority as an Authorized Forest Community, the following requirements must be satisfied:
 - (a) An application shall have been submitted to the Authority by the community.
 - (b) The required application fee shall have been paid.
 - (c) The community shall have cooperated with the Authority in the socio-economic survey and resource reconnaissance.
 - (d) The community shall have cooperated with the Authority in the demarcation and mapping of the area.
 - (e) The community shall have signed a Community Forest Management Agreement with the Authority.

3 Community Forest Governance

- 3.1 The Community Assembly shall be the highest decision-making body of the Authorized Forest Community. It shall be comprised of representatives from all groups within the Authorized Forest Community, including men, women, youth and members of the various ethnicities.
- 3.2 The functions, responsibilities and powers of the Community Assembly are as follows:
 - (a) Meet twice a year to discuss and take decisions on community forestry matters.
 - (b) Elect officers of the Community Assembly to the Executive Committee.
 - (c) Receive, review and adopt reports submitted by the Executive Committee of the Community Assembly and other subordinate committees.
 - (d) Appoint members to the Community Forest Management Body.
 - (e) Receive, review and adopt reports of the Community Forest Management Body.
 - (f) Approve Community Forest Management Plans and budgets drafted by the Community Forest Management Body.
 - (g) Ensure sustainable management of community forest resources.
 - (h) Ensure that incomes from community forest resources contribute to the development of the community and the wellbeing of community members, according to the vision of the

Community Assembly.

3.3 Qualification for Community Assembly membership:

- (a) Representatives to the Community Assembly shall be Liberians, at least 18 years of age, residing within the Authorized Forest Community. The Community Assembly shall be comprised of representatives from all groups within the Authorized Forest Community, including men, women, youth and members of the various ethnicities.
- (b) In a multi-settlement community, all settlements within the community shall be represented in the Community Assembly. Each settlement in a community may establish additional criteria for membership to the Community Assembly for their own representatives.

3.4 Elections of Community Assembly Members:

- (a) Members of the Authorized Forest Community shall elect representatives to the Community Assembly, from their respective settlements, by secret ballot. Election shall be by a simple majority of attendees of a properly publicized and scheduled general meeting of the community or settlement.
- (b) Two (2) members of the County Legislative Caucus shall be selected by members of the caucus to represent it on the Community Assembly. One such member shall be the representative of the constituency in which the community applying for an Authorized Forest Community status is located.

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

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

3.7 Executive Committee of the Community Assembly:

- (a) Each Community Assembly shall elect from its membership an Executive Committee to manage its affairs. The officers to be elected as part of the Executive Committee are Chairman, Vice Chairman, Secretary, and Finance Officer. The two (2) legislative members of the Community Assembly shall also be members of the Executive Committee. A simple majority shall elect the officers of the Executive Committee of the Community Assembly through secret ballot.
- (b) The Executive Committee shall oversee the functions of the Community Assembly when the Community Assembly is not in session. All decisions of the Executive Committee shall be subject to review by the Community Assembly.

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

- 3.9 Community Assembly members and officers of the Executive Committee of the Community Assembly shall serve five (5) year terms, for a maximum number of two (2) terms.
- 3.10 Meetings of the Community Assembly:
- (a) The Community Assembly shall meet at least twice a year to discuss and take decisions on community forestry matters. All meetings shall be within the boundaries of the Authorized Forest Community, at a time convenient for the majority of Community Assembly members, taking into account the predominant livelihood activities of the community.
 - (b) Notice about upcoming Community Assembly meetings shall be posted at least thirty (30) days in advance, and shall be given in the form or forms in which the community usually receives public information.
- 3.11 The Community Assembly shall adopt a constitution and set of bylaws to govern and direct the activities of the Community Assembly and members of the Authorized Forest Community. The constitution and bylaws shall, among other things, determine the internal rules of the Community Assembly on such issues as tenure, roles and responsibilities, the removal and replacement of officers, and sanctions that may be applied to Authorized Forest Community members for the violation of community forest rules.
- 3.12 The Community Assembly may appoint working committees, permanent or temporary, as it deems necessary.
- 3.13 The main role of the Executive Committee shall be to oversee the activities of the Community Forest Management Body. This includes:
- (a) Making policies and providing strategic direction to the Community Forest Management Body.
 - (b) Approving Community Forest Management Plans and budgets drafted by the Community Forest Management Body.
 - (c) Ensuring that community forestry funds are managed transparently and accountably.
 - (d) Receive and review quarterly reports submitted by the Community Forest Management Body on the management of the community forest.
 - (e) Account to the Community Assembly on the performance of the Community Forest Management Body.
 - (f) Undertake all other functions usually performed by Executive Committees of this nature.
- 3.14 The Executive Committee shall meet at least once every quarter, and as frequently as official duty may require. Meetings shall be held within the community at a suitable time and place, as agreed upon by officers of the Executive Committee.
- 3.15 The Executive Committee shall adopt internal rules to govern its operations.

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

4 Community Forest Management Body

- 4.1 The Community Assembly shall establish a five-member Community Forest Management Body to manage the day-to-day affairs of the Authorized Forest Community. The Community Forest Management Body shall include at least one woman. No member of the National Legislature shall be a member of a Community Forest Management Body.
- 4.2 Each Community Assembly shall establish a set of criteria for selection and appointment to the Community Forest Management Body.
- 4.3 The Community Assembly shall, based on predetermined criteria, select and appoint the five-member Community Forest Management Body. The selection and appointment of Community Forest Management Body members shall be transparent and fair.
- 4.4 From among the five members of the Community Forest Management Body, the Community Assembly shall determine through secret ballot, and by simple majority, the Chief Officer, the Secretary, and the Treasurer.
- 4.5 The Community Forest Management Body shall adopt its own set of internal rules, once they have been reviewed and approved by the Executive Committee of the Community Assembly.
- 4.6 Members of the Community Forest Management Body shall serve five (5) year terms, for a maximum number of two (2) terms. However, to ensure continuity for the purpose of institutional knowledge, the terms of the first body shall be staggered as follows:
- (a) Chief Officer – 5 years
 - (b) Secretary – 4 years
 - (c) Treasurer – 3 years
 - (d) Other two – 2 years
- 4.7 The duties and powers of the Community Forest Management Body are as follows:
- (a) Implement policies of the Community Assembly and its Executive Committee.
 - (b) With the involvement of community members and approval of the Executive Committee, prepare and implement the Community Forestry Management Plan.
 - (c) With the involvement of community members and approval of the Executive Committee, prepare and implement community forestry rules.
 - (d) Operate in accordance with the terms and conditions established in the Community Forestry Management Agreement, Community Forest Management Plan, community forestry rules, and other relevant legislation and regulations.

- (e) Represent the community in all matters related to the community forest program, including in negotiations related to the community forestry program and forest resources.
 - (f) Stop and immediately inform the nearest Authority Office about any forestry related offense occurring within the community forest.
 - (g) Report quarterly to the Executive Committee on the management of the community forest.
 - (h) Submit quarterly financial reports to the Executive Committee.
 - (i) Develop and implement Community Forest Management Plans under guidelines and specifications issued by the Authority.
 - (j) Establish a community forest fund, to hold and expend monies generated from the use of community forest resources and other related sources.
 - (k) Administer the community forest fund with respect to the receipt and expenditure of monies according to sound financial management principles and practices, following the approval of a budget by the Executive Committee.
 - (l) Develop annual budgets for approval by the Executive Committee, and manage the budgets.
 - (m) Ensure that community forest resources are managed in a sustainable manner, including conserving and protecting wildlife within the community forest.
 - (n) Ensure good governance and accountability in community forest management, and perform other functions as are necessary and consistent with the functions of a Community Forest Management Body.
- 4.8 The Executive Committee of the Community Assembly shall decide the compensation and benefits for Community Forest Management Body officers, subject to final approval by the Community Assembly.
- 4.9 The Community Forest Management Body may request financial and technical assistance from the Authority, relevant public institutions, or other sources to assist it in preparing Community Forest Management Plans, enhancing the knowledge and skills of Community Forest Management Body officers, and implementing community forestry programs.
- 4.10 Following the establishment of the Community Assembly and the Community Forest Management Body, the Authority shall give final approval to the application of the community, with regard to Authorized Forest Community status.
- 4.11 The Community Forest Management Body shall develop community forest rules, which shall govern how members of an Authorized Forest Community may use the forest resources. The community forest rules shall be submitted to and approved by both the Executive Committee of the Community Assembly and the Authority.

5 Primary and Secondary Users' Rights and Responsibilities

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

participate in one Authorized Forest Community at a time.

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

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

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

- (a) Comply with all relevant laws and regulations.
- (b) Comply with rules and decisions issued by the Authority and the Community Forest Management Body.
- (c) Contribute to the development of the Community Assembly constitution and bylaws, the community forest rules, and the Community Forest Management Plan.
- (d) Ensure that community forest resources are managed in a sustainable manner.
- (e) Ensure effective monitoring of the use of community forestry resources.
- (f) Assist in conserving, protecting and planting trees to ensure sustainability of forest resources and the environment for the benefit of future generations.

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

6 Roles and Powers of the Authority

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

6.2 The Authority shall have the following duties and powers:

- (a) Establish standards to determine whether and how to accept or reject an application for Authorized Forest Community Status, issue and sign Community Forest Management Agreements, grant Authorized Forest Community Status, and/or take temporary control of an Authorized Forest Community.
 - (b) In collaboration with the community applying for Authorized Forest Community status, adjacent communities, and relevant government institutions, conduct socio-economic surveys and resource reconnaissance, and demarcate and map areas of forest resources proposed by communities as community forests.
 - (c) Establish standards to review and approve Community Forest Management Plans.
 - (d) Develop guidelines to govern community forestry management.
 - (e) Monitor and evaluate all community forestry programs.
 - (f) Facilitate the resolution of conflicts, upon request by an Authorized Forest Community.
 - (g) Establish and manage a Community Forest Central Registry, to include maps of community forests, constitutions and bylaws of Authorized Forest Communities, Community Forest Management Agreements, commercial agreements with third parties, and other relevant documents
 - (h) Assist in building the capacity of Authorized Forest Communities in sustainable community forest management.
 - (i) Assist in securing financial and technical assistance for forest communities in support of their community forestry management programs.
- 6.3 In accordance with Chapter 7 of Community Rights Law, the Authority may take temporary control of an Authorized Forest Community, if, after investigation, it determines that the Community Forest Management Body is mismanaging community forest resources; has clearly set out the actions that must be taken to rectify or resolve the problem identified in a report; has provided the Community Forestry Management Body with an opportunity to rectify or resolve the problem identified; and, at the end of a 90 day period, determines that the Community Forest Management Body has failed to rectify or resolve the problem.
- 6.4 After these conditions have been satisfied, the Executive Committee shall request that the Authority take over management of the community forest resources for up to six months. During the period it is exercising temporary management of the community forest resources, the Authority must actively work with the community to restore the Community Forest Management Body as soon as practicable.
- 6.5 This shall be in addition to the power of the Authority to impose penalties upon community members for committing offences under the National Forestry Reform Law of 2006, and to refer community members to the criminal justice system for prosecution.

7 Community Forest Management Agreement

- 7.1 Once the community applying for Authorized Forest Community status has formed its Community

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

- 7.2 Attached to the Community Forest Management Agreement shall be the following:
- (a) A copy of the summary of the socio-economic survey and resource reconnaissance.
 - (b) A map showing the area of forest resources which the community will have access to, manage and use, together with specific coordinates.
 - (c) A list of the officers of the Executive Committee of the Community Assembly.
 - (d) A list of the members of the Community Forest Management Body.
 - (e) The constitution and bylaws of the Authorized Forest Community.
 - (f) Other relevant documents, as may be determined by the Authority.
- 7.3 The Community Forest Management Body shall present to the community the Community Forest Management Agreement for review at a mass meeting.
- 7.4 Notice for the mass meeting at which the Community Forest Management Agreement will be reviewed shall be announced and posted in public places, including at, but not limited to, the offices of the Community Forest Management Body, school buildings, and local government offices. This notice shall be announced and posted at least fifteen (15) days prior to the date of the mass meeting.
- 7.5 If the community accepts the terms of the Community Forest Management Agreement, the Community Forest Management Body shall formally request that the Authority schedule a date for the signing of the Community Forest Management Agreement.
- 7.6 A Community Forest Management Agreement shall be in effect for a period of fifteen (15) years, from the date it is signed between the Forestry Development Authority and the Community Forest Management Body. One year prior to the expiration of the Community Forest Management Agreement, the Community Forest Management Body shall submit a written request to the Authority to renew the Community Forest Management Agreement for an additional fifteen (15) years. The Community Forest Management Agreement can be renewed as many times as the Authorized Forest Community would like, as long as its members continue to meet all technical and legal requirements.
- 7.7 At least 60 days prior to the expiration date of the Community Forest Management Agreement, the Authority shall provide an answer to the Community Forest Management Body's request to renew the Community Forest Management Agreement. The Authority may reject the request for renewal by issuing a written finding, based on the monitoring and evaluation reports required under Chapter 8, Section 2 that the Authorized Forest Community and its component governance institutions have not complied with the Community Forest Management Agreement, Community Forest Management Plans, or relevant laws and regulations.
- 7.8 If the Authority fails to provide an answer to the Community Forest Management Body's request to

renew the Community Forest Management Agreement at least 60 days prior to its expiration date, the Community Forest Management Agreement shall be automatically renewed for another period of fifteen (15) years.

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

8 Community Forest Management Plan

8.1 Preparation of the Community Forest Management Plan:

- (a) After the approval of the Community Forest Management Agreement, the Community Forest Management Body, with the participation of community members, shall prepare a Community Forest Management Plan.
- (b) The Authority shall issue guidelines to the Community Forest Management Body on the requisite content and standards of the Community Forest Management Plan, together with a proposed planning schedule.
- (c) The Community Forest Management Body may request technical assistance from the Authority, institutions, donors, or individuals with skills in community forest management or other relevant technical areas to develop the Community Forest Management Plan.
- (d) The Community Forestry Management Body shall first submit the Community Forest Management Plan to the Executive Committee and the Community Assembly for review and approval, before it is forwarded to the Authority for final review and approval.

8.2 A Community Forest Management Plan shall be in effect for the duration of the Community Forest Management Agreement. The Community Forest Management Plan shall be reviewed every five (5) years, or earlier if necessary.

- (a) At the end of each 5-year period the Community Forest Management Body shall review the Community Forest Management Plan and submit a report to the Authority, stating whether or not the Community Forest Management Plan accurately reflects how the Authorized Forest Community uses or plans to use its forest resources.
- (b) If the Community Forest Management Body or the Authority determines that the Community Forest Management Plan does not accurately reflect how the Authorized Forest Community

uses or plans to use its forest resources, the Community Forest Management Plan shall be revised, consistent with existing legal requirements.

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

9 MANAGEMENT OF COMMUNITY FOREST FUNDS

- 9.1 An Authorized Forest Community shall establish bank accounts for the purpose of receiving and disbursing funds for operations of the community forestry program, as well as for implementing community development projects and programs.
- (a) Accounts in the name of the community forest management program shall be opened at a bank, or banks, approved by the Executive Committee.
 - (b) At least two separate bank accounts shall be opened: one for the operations of the community forestry management program, and the other for the implementation of community social development projects.
 - (c) Other accounts may be opened if the Community Forest Management Body deems it necessary, subject to approval by the Executive Committee.
- 9.2 The sources of funds for the financial accounts of the community, as may be applicable, shall be as follows:
- (a) 55% of the one-time bid premium payment, when the Public Procurement and Concessions Act is used by an Authorized Forest Community to identify and contract with a third party.
 - (b) Royalties, fees, and charges, as established under Chapter 3 and Chapter 6 of the Community Rights Law.
 - (c) Fees and charges from community forest activities, as established by the Authorized Forest Community bylaws and community forest rules.
 - (d) Penalty fees paid by community members who breach the bylaws and community forest rules.
 - (e) Grants and other financial assistance sourced from donors and third parties.
- 9.3 The Executive Committee shall supervise the management of community funds. The Executive Committee shall approve budgets from which expenditures for community forestry operations and community social development are required. The Executive Committee shall report to the Community Assembly on community fund governance.
- 9.4 The Community Forest Management Body shall be responsible for the financial management of the community forestry program. The Community Forest Management Body shall prepare an annual budget covering operations of the community forestry program, community social development projects and other activities, as well as obligations to the national government such as taxes. The

budget shall be submitted to the Executive Committee for approval.

9.5 Disbursement procedures:

- (a) All disbursements shall be made as provided by the approved budget. The Community Forest Management Body, through its Chief Officer and Treasurer, shall authorize specific expenditures.
- (b) The Executive Committee shall set further guidelines for disbursement, such as expenditure limits above which approval by the Executive Committee is required. The petty cash level shall be set by the Community Forest Management Body, and petty cash shall be disbursed only upon the authority of the Chief Officer or Treasurer.
- (c) There shall be three (3) authorized signatories for each of the community's bank account as follows: (i) the Chief Officer as the first authorized signatory; (ii) the Treasurer as the second authorized signatory; and (iii) another community member as the third authorized signatory. The Executive Committee shall approve the third signatory.
- (d) All withdrawals from an account of the community shall require at least two signatories, the first and either the second or third signatories. In the absence of the first signatory, the second and third principal signatories may make withdrawals.

9.6 Financial accounting

- (a) The Community Forest Management Body shall adopt a generally accepted accounting system that is compatible with the accounting system used by the Liberian Revenue Authority.
- (b) The Authority shall provide technical assistance to Authorized Forest Communities in developing and implementing appropriate accounting systems to be used by Community Forest Management Bodies.
- (c) The fiscal year to be adopted by an Authorized Forest Community shall be from July 1 to June 30.

9.7 Financial reporting:

- (a) The Community Forest Management Body shall submit quarterly financial reports to the Executive Committee of the Community Assembly and the Authority. Reports shall explain sources and uses of funds within each given quarter, and shall present balances in the various community accounts.
- (b) Whenever the Community Assembly meets, the Community Forest Management Body shall report through the Executive Committee to the Assembly on the finances of the community forestry program.

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

10 Commercial Activities

- 10.1 In accordance with Chapter 6, Section 6.4 of the Community Rights Law, timber and non-timber forest products may not be harvested, processed, or transported for commercial purposes, by communities or third-parties, until the following conditions have been met:
- (a) The community has organized its Community Assembly.
 - (b) The Community Assembly has appointed the Community Forest Management Body.
 - (c) The Community Forest Management Body has developed a Community Forest Management Plan that includes the envisaged commercial activities.
 - (d) The Community Forest Management Plan has been approved by the Executive Committee, the Community Assembly and the Authority.
 - (e) The Community Forest Management Plan is being implemented.
- 10.2 Small-scale commercial activities shall cover community forests of 5,000 hectares or less, and involve the sale and delivery of forest products, produced predominantly for the local market. Small-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.
- (a) Small-scale commercial activities can take place in community forests that are larger than 5,000 hectares, as long as the single contiguous area in which the small-scale commercial activities take place does not exceed 5,000 hectares. Only one single contiguous area may be designated for small-scale commercial activities in any one Authorized Forest Community.
 - (b) As per Chapter 6, Section 6.1 of the Community Rights Law, communities may themselves undertake small-scale commercial activities, or they may contract with a third-party to do so on their behalf.
- 10.3 Medium-scale commercial activities shall cover community forests that are between 5,001 and 49,999.99 hectares, for the purpose of supplying the domestic and/or international market with both timber and non-timber forest products. Medium-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.
- (a) Medium-scale commercial activities can take place in community forests that are larger than 49,999.99 hectares, as long as the single contiguous area in which the medium-scale commercial activities take place does not exceed 49,999.99 hectares. Only one single contiguous area may be designated for medium-scale commercial activities in any one Authorized Forest Community.
 - (b) As per Chapter 6, Section 6.2 of the Community Rights Law, communities may themselves

undertake medium-scale commercial activities, or they may contract with a third-party to do so on their behalf. A third-party business agent shall not be permitted to operate on more than 149,997 hectares at any time.

- (c) Although the Community Rights Law does not require that the competitive bidding process under the Public Procurement and Concessions Act be used, it does allow communities to use the process if they so wish.
- 10.4 Large-scale commercial activities shall cover community forests that are between 50,000 and 250,000 hectares, and involve the sale and delivery of forest products, produced predominantly for international export. Large-scale commercial activities shall be limited to the sustainable harvesting of timber and/or non-timber forest products, and shall be governed by the Community Forest Management Plan, which shall in turn comply with all relevant provisions of the National Forestry Reform Law of 2006, the Ten Core Regulations, the regulation on chainsaw milling, the Code of Forest Harvesting Practices, the Forest Management Guidelines, and all other relevant laws and regulations.
- (a) As per Chapter 6, Section 6.3 of the Community Rights Law, communities may themselves undertake large-scale commercial activities, or they may contract with a third party to do so on their behalf. A third-party business agent shall not be permitted to operate on more than 250,000 hectares at any time.
 - (b) As per Chapter 6, Section 6.3(a) of the Community Rights Law, all large-scale commercial use contracts shall be subject to competitive bidding under the Public Procurement and Concessions Act and, in accordance with Chapter 6, Section 6.3(c) of the Community Rights Law, shall be approved by the President of the Republic of Liberia and ratified by the Legislature.
- 10.5 Before a commercial agreement between an Authorized Forest Community and a third party can be signed, the Authority shall first review and approve it.
- (a) If, following review, the Authority determines that the proposed commercial agreement does not conform to best industry practices, or does not offer fair market price for the community's forest resources, the Authority shall advise the community on how the commercial agreement needs to be amended before it can be approved. The Community Forest Management Body and Executive Committee of the Community Assembly shall hear the advice of the Authority, and attest that they have received and understood the advice provided.
 - (b) The Authority shall review, determine whether or not to approve the proposed commercial agreement and, if appropriate, provide advice on how the commercial agreement needs to be amended within fifteen (15) working days of the commercial agreement being submitted. If the Authority fails to review, officially approve and, if appropriate, provide advice on how the proposed commercial agreement needs to be amended within fifteen (15) working days of submission, the community may either provide the Authority with more time to complete the review of the proposed commercial agreement, or it may consider the requirement for review and approval of the proposed commercial agreement satisfied.

11 FISCAL PROVISIONS

- 11.1 When a community enters a commercial agreement with a third-party to undertake small-, medium- or large-scale commercial activities on its behalf, the third-party shall pay land rental, as established

by Chapter 6, Section 6.5 of the Community Rights Law.

- 11.2 Third-parties who enter into small-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Timber Sales Contracts. Fifty-five percent (55%) of this land rental fee shall be paid directly to the community, while the remaining forty-five percent (45%) shall be paid to the national government.
- 11.3 Third-parties who enter into medium-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Timber Sales Contracts. Fifty-five percent (55%) of this land rental fee shall be paid directly to the community, while the remaining forty-five percent (45%) shall be paid to the national government.
- 11.4 Third-parties who enter large-scale commercial use contracts with communities shall pay land rental fees at the same rate as is required under Forest Management Contracts. As per Chapter 3, Section 3.1(d) of the Community Rights Law, at least 55% of the land rental fee for the area covered by the commercial agreement shall be paid directly to the community, while the remaining balance shall be paid to the national government.
- 11.5 The commercial harvesting of forest resources in community forests, whether undertaken by the community or a third-party, be it small-, medium- or large-scale, shall be subject to all relevant taxes, as established by the National Forestry Reform Law of 2006, the Ten Core Regulations, and all other relevant laws and regulations.
- 11.6 All timber harvested for commercial purposes shall be subject to stumpage and severance fees, and shall be paid in accordance with the National Forestry Reform Law of 2006 and the Ten Core Regulations. All non-timber forest products harvested for commercial purposes shall be subject to fees, as determined by the Liberian Revenue Authority in consultation with the Authority.
- 11.7 The Government of Liberia shall not collect fees from community members for the customary use, as defined by the Community Forest Management Plan and community forest rules, of timber and non-timber forest products. Customary use is here limited to the use of timber and non-timber forest products by members of the Authorized Forest Community for non-commercial purposes. Members of Authorized Forest Communities may still be subject to fees for the use of timber and non-timber forest products, as determined by the community forest rules.
- 11.8 The Government of Liberia may request the Authority to serve as an agent of the Liberian Revenue Authority. In this capacity the Authority shall ensure that all taxes, fees and charges levied on forestry operations and products under community forestry programs, as determined by law and relevant regulations, are duly and timely paid to the Liberian Revenue Authority by persons and entities concerned. The agency powers of the Authority, however, shall not include the levying of taxes, fees and other charges, or the re-scheduling of such taxes, fees and charges.

REFERENCES

- Forestry Development Authority.** 2008 Forestry Development Authority Regulation No. 112-08 on Forest Product Processing and Marketing, Monrovia
- Forestry Development Authority.** 2008, Forestry Development Authority Regulation No. 113-08 on Environmental Impact Assessment Regulation, Monrovia
- Forestry Development Authority.** 2007, Forestry Development Authority Ten Core Regulations, Monrovia
- Forestry Development Authority.** 2007, National Forestry Policy and Implementation Strategy, Monrovia
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