

AN ACT ADOPTING THE 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)

APPROVED: SEPTEMBER \_\_\_\_, 2006

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## **AN ACT ADOPTING THE NATIONAL FORESTRY REFORM LAW OF 2006**

WHEREAS, our forests are among our greatest natural resources, an endowment from nature to the people of Liberia;

WHEREAS, our forests are part of the Nation's heritage, belonging not just to this generation but to our children and to our children's children;

WHEREAS, we want our forests to provide our People with sustaining and sustainable benefits, based on the integration of community, conservation, and commercial forest management;

WHEREAS, past instances by both Liberians and non-Liberians of political patronage, corruption, tax evasion, violations of the rights of local communities, and lack of transparency have resulted in the mismanagement of the forests, even fueling conflict; and

WHEREAS, the Forestry Reform Monitoring Committee established by the President of the Republic of Liberia in February 2006 has recommended fundamental reforms to the forest laws;

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

Section 1. Sections 16 through 23 of An Act Creating the Forestry Development Authority, as amended, are repealed.

Section 2. Part II of Title 23 of the Liberian Code of Laws Revised is amended to read, as follows:

### **PART II. NATIONAL FORESTRY REFORM LAW**

#### **CHAPTER 1. GENERAL PROVISIONS**

##### **Section 1.1 Title Citation**

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

##### **Section 1.2 Short Title and Name**

This Act may be referred to as the National Forestry Reform Law of 2006.

##### **Section 1.3 Definitions**

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

**Afforestation:** The establishment of a tree plantation on an area that has not recently carried forest.

**Annual Coupe:** The portion of Forest Land subject to a Forest Management Contract or Timber Sale Contract that can be sustainably harvested each year, as specified in that contract, the Code of Forest Harvesting Practices, or controlling Regulations.

**Annual Harvesting Certificate:** A certificate issued by the Authority under Chapter 5 of this Law.

**Artificial Regeneration:** Creation of a plantation dominated by a single tree species.

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

**Biodiversity:** The varying number and forms of living things and their interaction within their habitats.

**Blind Trust:** A trust in which the settlor or the creator of the trust places his investment under the control of an independent trustee to avoid a conflict of interest.

**Board of Directors:** The Board of Directors of the Authority.

**Buffer Strip:** An area of land separating the Operations areas of two Holders to prevent mutual interference.

**Buffer Zone:** A transitional zone (such as a Communal Forest, Game Reserve, or Multiple Sustainable Use Reserve) surrounding a more strictly protected zone, intended for low-impact sustained human use to reduce the impact of outside human disturbance, to protect the boundaries from encroachment, and to preserve the natural state of the more strictly protected zone it surrounds.

**Code of Forest Harvesting Practices:** A set of standards for environmentally sound forest use prepared by the Authority pursuant to Section 8.1 of this Law.

**Commercial Use:** Any use of Forest Products or Forest Land, other than direct use for personal purposes or infrastructure development. Commercial Use includes uses involving Trade or any other disposition of Forest Products or Forest Land for direct or indirect financial benefits.

**Communal Forest:** An area set aside by statute or regulation for the sustainable use of Forest Products by local communities or tribes on a non-commercial basis.

**Community Forestry:** The governance and management of Forest Resources in designated areas by communities for commercial and non-commercial purposes to further their livelihoods and development. "Community" in the sense of community forestry means a group of local residents who share a common interest in the use and management of Forest Resources, with traditional or formal rights to the land and the forests on it.

Conservation: The sustainable management and protection of Forest Resources to achieve maximum environmental, social, economic, and scientific benefits for present and future generations.

Conservation Corridor: The use of a Game Reserve, Multiple Sustainable Use Reserve, or any other Protected Area category to ensure that large blocks of the Protected Forest Area Network remain contiguous for the purpose of maximum genetic exchange between blocks.

Contract Effective Date: The date on which the requirements of Section 5.3(f) of this Law are satisfied.

Controlled Hunting Area: An area designated by the Authority under Section 9.9 of this Law.

Cultural Site: An area, set aside pursuant to Chapter 9 of this Law, for the preservation and enjoyment of features with a local or national cultural significance.

Encroachment: An infringement of or interference with another's exercise of exclusive rights pursuant to a Forest Resources License.

Environment: Includes the surrounding living and non-living things, and their interrelationships.

Environmental Rehabilitation: The restoration of the Environment to its former capacity.

Felling Effective Date: The date on which the Authority certifies that the Holder has completed all Pre-Felling Operations.

Forest Land: A tract of land, including its flora and fauna, capable of producing Forest Resources, not including land in urban areas, land in permanent settlements, and land that has been in long-term use for non-shifting cultivation of crops or livestock in a manner that precludes producing Forest Resources.

Forest Management Contract: A long-term Forest Resources License issued by the Government under Section 5.3 of this Law that allows a Person to manage a tract of Forest Land and harvest or use Forest Products.

Forest Officer: An employee of the Authority to whom the Authority has assigned inspection or enforcement duties.

Forest Product: Any material or item derived from Forest Resources.

Forest Resources: Anything of practical, commercial, social, religious, spiritual, recreational, educational, scientific, subsistence, or other potential use to humans that exists in the forest Environment, including but not limited to flora, fauna, and micro-organisms.

Forest Resources License: Any legal instrument pursuant to which the Authority allows a Person, subject to specified conditions, to extract Forest Resources or make



other productive and sustainable use of Forest Land. Includes, without limitation, Forest Management Contracts, Timber Sale Contracts, Forest Use Permits, and Private Use Permits.

Forestry: The science, art, and practice of Conservation of Forest Resources.

Game Reserve: An area, set aside pursuant to Chapter 9 of this Law, to protect an important feature for Wildlife or to allow the recovery or growth of Indigenous Species.

Government: The Government of the Republic and all branches, sub-divisions, instrumentalities, authorities, and agencies thereof.

Granted Area: Any Forest Land area covered by a Forest Resources License.

Holder: A Person who holds a valid Forest Resources License.

Hunting: The act of killing, capturing, taking, trapping, injuring, shooting at, lying in wait for, willfully disturbing, or molesting any Wild Animal, or any attempt to do so.

Indigenous Species: A plant or animal that is native to Liberia.

Land Owner (or Owner): A Person who owns land by legal title.

Managing Director: The Managing Director of the Authority.

Mineral Rights: The rights subject to the Minerals and Mining Laws of Liberia.

Multiple Sustainable Use Reserve: An area, set aside pursuant to Chapter 9 of this Law, to allow sustainable uses of Forest Resources, including subsistence uses.

National Forest: An area, set aside pursuant to Chapter 9 of this Law, for sustainable regulated commercial Forest Product extraction, Hunting, and the preservation of essential environmental functions performed by the forest.

National Park: An area of sufficient size to form a complete ecological unit, set aside pursuant to Chapter 9 of this Law, for the preservation and enjoyment of features that have outstanding natural beauty, or cultural or biological significance.

Nature Reserve: An area that does not represent a complete ecological unit, set aside pursuant to Chapter 9 of this Law, for the preservation and enjoyment of features that have outstanding natural beauty, or cultural or biological significance, and which may require some management intervention.

Occupant: A Person who is in lawful possession of land.

Operation: Any activity or process carried out pursuant to a Forest Resources License.

Operator: A Person harvesting or making Commercial Use of Forest Resources under a Forest Resources License, including a Person working as an employee, contractor, or other agent for a Holder.

Person: Any individual, partnership, joint venture, association, corporation, trust, estate, un-incorporated entity, community, government, or state, and any branch, division, political sub-division, instrumentality, authority, or agency thereof.

Pre-Felling Operations: Posting of any required performance bond and preparation of the initial annual operations plan, and for a Forest Management Contract also preparation of a forest management plan, preparation of an environmental impact assessment, and execution of a social agreement.

Private Use Permit: A Forest Resources License issued by the Government under Section 5.6 of this Law to allow Commercial Use of Forest Resources on private land.

Professional Hunter: A Person certified and licensed by the Authority to guide clients for Hunting.

Proposed Protected Area: An area that the Authority has identified as suitable for designation as a Protected Area under an approved National Forest Management Strategy pursuant to Chapter 4 of this Law.

Prospection: All investigations for purposes of discovering the existence, location, quantity, quality, characteristics, or commercial value of Forest Resources.

Protected Animal: An animal that the Authority has listed under Chapter 9 of this Law as threatened or in danger of extinction in Liberia.

Protected Area: Any area set aside under Chapter 9 of this Law as a National Forest, Nature Reserve, National Park, Strict Nature Reserve, or other special category for Conservation purposes.

Reforestation: The establishment of a tree plantation in a previously forested area that has been affected by cutting, fire, or some other act of tree removal.

Republic: The Republic of Liberia.

Strict Nature Reserve: An area possessing outstanding or representative features, ecosystems, or species, set aside pursuant to Chapter 9 of this Law, primarily for scientific research or environmental monitoring, and requiring strict protection and minimum intervention.

Timber: Cut wood or logs.

Timber Sale Contract: A short-term Forest Resources License issued by the Government under Section 5.4 of this Law that allows a Person to harvest Timber from a specified tract of Forest Land.

Trade: To sell, buy, barter, exchange, offer, or expose for sale Forest Products.

Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wild Animal: Any animal (vertebrate or invertebrate) and insects of every description, not including domesticated animals.

Wildlife: All flora, fauna, and micro-organisms existing in their natural state within a forest ecosystem.

#### **Section 1.4 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.

#### **Section 1.5 Currency for Payments**

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.

### **CHAPTER 2. OWNERSHIP AND USE OF FOREST RESOURCES**

#### **Section 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.

#### **Section 2.2 Use of Forest Land**

a. 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.

b. In carrying out its responsibility under this Section, the Authority shall collaborate with other Government agencies and local communities as necessary.

### **Section 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.

## **CHAPTER 3. ADMINISTRATION OF THIS LAW**

### **Section 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.

### **Section 3.2 Authority to Investigate**

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

### **Section 3.3 Application of Procurement Laws**

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.

### **Section 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 the terms of the license.

b. As part of each audit, the Authority shall prepare a report containing:

(i) The location and ownership of the land subject to the Forest Resources License;

- (ii) The volume and location of wood available for harvest under the Annual Coupe;
- (iii) The 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) The amounts of any fees and taxes assessed, and the amounts paid;
- (v) The nature and monetary value of benefits provided to local communities, in total and by community; and
- (vi) The charges of violations and the arrests, settlements, and convictions associated with Operations under the Forest Resources License and associated commerce in Forest Products; the penalties, if any, assessed or agreed to; and the penalties actually paid.

## **CHAPTER 4. POLICY AND PLANNING**

### **Section 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.

### **Section 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 interests 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.

#### **Section 4.3 National Forest Policy**

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.

#### **Section 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. The 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. The 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.

#### **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.

## **CHAPTER 5. COMMERCIAL AND OTHER USE OF FOREST RESOURCES**

### **Section 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 even-handed 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.



## Section 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 pre-qualification 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.

### **Section 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) The 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) The land involved must not include private land.

(iii) The 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) The contract must require the Holder to prepare all environmental impact assessments required under the laws governing environmental protection.

(v) The 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) The 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) 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.

- (viii) The 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) The land area subject to the contract must be at least 50,000 hectares and no more than 400,000 hectares.
  - (x) The 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.
  - (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.

#### **Section 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.

### **Section 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.

#### **Section 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 rotation age of the forest.

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.

#### **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.

### **Section 5.8 Publication of Payments**

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:

- a. The Holder's name;
- b. A brief description of the area covered by the Holder's Forest Resources License;
- c. A list of all payments and other considerations provided by the Holder to the Government under the Forest Resources License; and
- d. The date of each payment.

## **CHAPTER 6. CONTRACTUAL ASPECTS OF FOREST RESOURCES LICENSES**

### **Section 6.1 Termination of Forest Resources Licenses**

The Authority may terminate Forest Resources Licenses on any of the following grounds:

- a. Felling of trees before the Felling Effective Date.
- b. Felling of trees not covered by a valid Annual Harvesting Certificate.
- c. 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.
- d. 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.
- e. For licenses granting exclusive use of Forest Resources in a particular area, abandonment of operations for a period of twelve months or more.
- f. Assignment to a third party of the whole or part of the license without the consent of the Authority.
- g. Knowing misrepresentation to the Government by the Holder of any facts material to the issuance or use of the license.
- h. Intentional extraction of any natural resource or Forest Product not authorized by the license or otherwise expressly permitted by the Government.



- i. Intentional misclassification or mislabeling of Forest Products for any purpose.
- j. Failure to comply with any provision of this Law or of any Regulation promulgated under this Law.
- k. 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.
- l. 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.

### **Section 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.

### **Section 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.

## **CHAPTER 7. RELATIONS BETWEEN NEIGHBORING FOREST AREAS**

### **Section 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.

### **Section 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.

### **Section 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.

## **CHAPTER 8 ENVIRONMENTAL PROTECTION**

### **Section 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.

### **Section 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.

### **Section 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.
- b. 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.
- c. The Authority shall promote the planting of Indigenous Species of trees.
- d. As appropriate, the Authority in its contracts shall obligate industry to promote forest enrichment planting and improved forest quality through best practices silvicultural treatment.
- e. The Authority shall establish a central seed bank and other aids to forest tree culture, as necessary.

### **Section 8.4 Monitoring Contracts**

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.

### **Section 8.5 Urban Forestry**

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.

### **Section 8.6 National Tree Planting Day**

To inform the people of Liberia about their Environment and to galvanize awareness, support, and action in this respect, the second Friday in May of every year is “National Tree Planting Day,” and the Authority may plan and execute programs befitting the day.

## **CHAPTER 9. PROTECTED FOREST AREAS NETWORK AND WILDLIFE CONSERVATION**

### **Section 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.

### **Section 9.2 Authority to Propose the Appropriate Protected Forest Area Category**

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.

### **Section 9.3 Authority to Transmit Proposal to President**

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.

### **Section 9.4 President to Transmit Proposal to Legislature**

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.

### **Section 9.5 Legislature to Enact Legislation Establishing National Forests, National Parks, Nature Reserves, and Strict Nature Reserves**

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.

### **Section 9.6 Demarcation of Boundaries**

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.

### **Section 9.7 Modification of Boundaries or Abolishment**

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.

## **Section 9.8 Management Plans**

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.

## **Section 9.9 Game Reserves, Controlled Hunting Areas, Buffer Zones, Conservation Corridors, and Other Protected Forest Area Categories**

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.

## **Section 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.

### **Section 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.

### **Section 9.12 Protected Animals, Hunting, and Trade in Wildlife**

a. Survey. The Authority shall:

- (i) 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.
- (ii) 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.

b. Hunting of Protected Animals:

- (i) 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.
- (ii) 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.

c. Hunting or Capturing of Protected Animals for Scientific and Educational Purposes:



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, the safety of humans, scientific research, or educational purposes.

d. Possession of Protected Animals:

(i) 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.

(ii) 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.

e. Hunting by Officers of the Authority:

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) Such Hunting or capture is necessary for the safety of the public or the protection of crops, livestock, or other property; or

(iii) Such Hunting or capture is necessary to prevent undue suffering by any animal.

f. Professional Hunting Licenses:

(i) No Person shall provide guide services for hunters without a valid Professional Hunting License.

(ii) The Authority may, by Regulation, provide for the issuance of Professional Hunting Licenses.

g. Permits to Keep Wild Animals:

(i) No Person shall keep in captivity any live animal without a valid Wild Animal permit issued by the Authority.

(ii) The Authority may, by Regulation, establish procedures for the issuance of Wild Animal permits.

(iii) 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.

(iv) 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.

h. Diseased Animals:

Any diseased, live Wild Animal seized or confiscated by the Authority may be quarantined, humanely destroyed, or delivered to the appropriate governmental agency.

i. Wildlife Trading Licenses:

(i) No Person shall trade in Wildlife without a valid Wildlife trading license issued by the Authority.

(ii) The Authority may, by Regulation, establish procedures for the issuance of Wildlife trading licenses.

j. Regulations:

The Authority shall, by Regulation, 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.

## **CHAPTER 10. COMMUNITY RIGHTS AND FOREST MANAGEMENT**

### **Section 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.

## **CHAPTER 11. RIGHTS OF LAND OWNERS AND OCCUPANTS**

### **Section 11.1 Rights of Land Owners and Occupants**

The rights of Land Owners and Occupants affected by the granting of Forest Resources Licenses, if any, are governed by this Chapter.

### **Section 11.2 Obligation to Observe this Law and Regulations**

No Land Owner shall undertake any Prospection, logging, or Hunting, except pursuant to this Law and the accompanying Regulations.

### **Section 11.3 Government's Power to Permit Use**

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.

### **Section 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.

### **Section 11.5 Specific Authorization Required**

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.

## **CHAPTER 12. PUBLIC USE OF HOLDER INFRASTRUCTURE**

### **Section 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.

### **Section 12.2 Government Construction**

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.

### **Section 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.

#### **Section 12.4 Disposal of Construction Materials**

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

### **CHAPTER 13. TRADE IN FOREST RESOURCES**

#### **Section 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.

##### **c. 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.

### **Section 13.2 Household and Personal Goods Derived from Wild Animals**

The Authority may by Regulation establish rules governing the fabrication, sale, transport, and use of household and personal goods derived from Wild Animals.

### **Section 13.3 Processing of Timber Products**

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.

### **Section 13.4 Timber Products in Domestic Trade**

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.

### **Section 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.

### **Section 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.

### **Section 13.7 Adherence to International Market Requirements**

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.

### **Section 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.

## **CHAPTER 14. FISCAL PROVISIONS**

### **Section 14.1 Income and Other Taxes**

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

### **Section 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.



### **Section 14.3 Incentives**

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.

## **CHAPTER 15. BANKING AND CURRENCY PROTOCOL**

### **Section 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.

## **CHAPTER 16. MEASURES FOR THE PROMOTION OF FORESTRY AND WILDLIFE ACTIVITIES**

### **Section 16.1 Forestry Research**

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.

### **Section 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.

### **Section 16.3 The 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.

## **CHAPTER 17. DISPUTE RESOLUTION**

### **Section 17.1 Settlement of Disputes**

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.

## **CHAPTER 18. MISCELLANEOUS**

### **Section 18.1 Indemnity for Damages**

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.

### **Section 18.2 Transfer of Technology**

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.

### **Section 18.3 Fundamental Rights**

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.

### **Section 18.4 Non-Discrimination**

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.

### **Section 18.5 Trans-Border Agreements**

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.

### **Section 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.

### **Section 18.7 Declaration**

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.

### **Section 18.8 Industrial Infrastructure**

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.

### **Section 18.9 Economic Sabotage**

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.

### **Section 18.10 Development of National Forestry Resources**

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.

### **Section 18.11 Existing Rights**

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.

### **Section 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.

### **Section 18.13 Reporting**

Holders of Forest Resources Licenses shall submit to the Authority such reports as their contracts, permits, and any supporting Regulations may require.

### **Section 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.

### **Section 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.

#### **Section 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.

#### **Section 18.17 Application of Labor Laws**

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

### **CHAPTER 19. REGULATIONS**

#### **Section 19.1 Power to Issue**

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.

### **Section 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.

## **CHAPTER 20. OFFENSES AND PENALTIES**

### **Section 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 9.10(b), 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.

### **Section 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.

### **Section 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.

#### **Section 20.4 Reporting of Offenses**

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.

#### **Section 20.5 Search, Seizure, and Visits**

Sworn Forest Officers may conduct visits, searches, and seizures pursuant to the laws of Liberia.

#### **Section 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.

#### **Section 20.7 General Penalties**

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.

c. 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 greatest.

### **Section 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.

### **Section 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.

### **Section 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.

#### **Section 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.

## **CHAPTER 21. REGIONAL AND INTERNATIONAL FORESTRY INITIATIVES AND CONVENTIONS**

### **Section 21.1 Initiatives and Conventions**

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.

## **CHAPTER 22. TRANSITIONAL**

### **Section 22.1 Advisory Committee**

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.

### **Section 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.

## **CHAPTER 23. EFFECTIVE DATE AND SEVERABILITY**

### **Section 23.1 Effective Date**

This Act shall take effect immediately upon publication in handbill.

**Section 23.2 Severability**

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

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**