

MARBON AUTHORIZED COMMUNITY FOREST BY-LAWS

These are the rules and regulations enacted by the Community Assembly, which provide a framework for the operation and management of the Authorized Forest Community, as required by Chapter 4, Section 4.1 (j) of the Community Rights Law of 2009 with Respect to Forest Lands (CRL).

Article I – The Community Assembly: *Membership*

Section 1: *Membership*

Members of the Community Assembly shall be representatives of the towns and independent villages within and nearby the area of forest resources that makes up the Community Forest.

Section 2: *Rights of Membership*

All members of the Community Assembly shall have equal rights to participation and decision-making regarding the work of the Community Assembly. This right shall include, but not be limited to, the right to vote, hold office, attend meetings, participate in discussions, and participate in decision-making.

Section 3: *Election of Community Assembly Members*

Community Assembly members shall be elected by their various constituencies. The elections shall be by secret ballots. Elections shall be by a simple majority of attendees of a properly publicized and scheduled general meeting of the community or constituency for the purpose of selecting representatives to the Community Assembly

Section 4: *Tenure of Community Assembly Members*

Members of the Community Assembly will be elected for five (5) year terms, for a maximum number of two (2) terms.

Section 5: *Responsibilities of Community Assembly Members*

As representatives of the individual towns and villages within or nearby the Community Forest, members of the Community Assembly have a responsibility to:

- (a) Solicit and listen to the concerns and demands of their constituents, with regard to the management of Community Forest resources;

- (b) Faithfully advocate for the interests and expressed wishes of their constituents, with regard to Community Forest resources; and
- (c) Accurately report to their constituents on the proceedings of the Community Assembly, upcoming issues, decisions taken, and any other relevant matter related to the management of Community Forest resources.

Section 6: Removal of Community Assembly Members by Electing Community – Vote of No Confidence

Members of the Community Assembly who are found to be incapable of effectively performing the duties of their office may be removed by a vote of 44 of attendant community members, at a properly publicized and scheduled general meeting of the community. Prior to such a vote, the member of the Community Assembly shall be informed in writing as to why a vote of no confidence is being taken, and given an opportunity to respond to any charges before the vote is held.

Article II – The Community Assembly: *Meetings*

Section 1: Regular Community Assembly Meetings

Regular Community Assembly meetings shall be held at least twice a year. At the end of each Regular Community Assembly meeting members shall agree upon the date, location and time of their next meeting

Section 2: Special Community Assembly Meetings

The Executive Committee shall call a Special Community Assembly meeting, following submission of a written request by at least one-tenth of the Community Assembly members. The Executive Committee may also call a Special Community Assembly meeting in order to address critical issues arising from the execution of its forest management responsibilities, which requires the urgent attention of the membership. At Special Community Assembly meetings, only those matters stated on the agenda, as included in the notice of the meeting, may be addressed by the membership.

Section 3: Date, Time and Location of Special Assembly Meetings

The Executive Committee shall determine when and where Special Community Assembly meetings are to be held. All Special Community Assembly meetings shall be at a designated location within the Forest Community, at a convenient date and time, taking into consideration the responsibilities and livelihoods of members.

Section 4: Notice of Regular and Special Community Assembly Meetings

Notice of every Regular Community Assembly meeting shall be given to all members by way of announcement through all common and available media at least thirty (30) days prior to the meeting, and shall include the time and location of the meeting, as well as a proposed agenda. Notice of every Special Community Assembly meeting shall be given to all members by way of announcement through all common and available media at least ten (10) days prior to the meeting, and shall include the time and location of the meeting, as well as a proposed agenda.

Section 5: Minutes of Community Assembly Meetings

The Secretary of the Executive Committee shall record the minutes of all Community Assembly meetings. At the beginning of each Community Assembly meeting, the minutes of the previous meeting shall be reviewed and approved by Community Assembly members.

Section 6: Quorum

A quorum for Community Assembly meetings shall be two-thirds of all members of the Community Assembly.

Section 7: Decision-Making

Where consensus cannot be achieved, decisions at Community Assembly meetings shall be made by a simple majority vote, unless specified otherwise

Section 8: Attendance and Punctuality

Community Assembly members are expected to attend and be on time for all properly publicized and scheduled meetings (Regular and Special).

If a member or official of the Community Assembly is absent, and unable to provide a reasonable explanation, the following action will be considered;

- (a) Being absent for the first time – verbal warning
- (b) Absent for two consecutive meetings – written warning
- (c) Absent for three consecutive meetings – CA membership will be suspended, pending the decision of the community who the member represents.

Section 9: Comportment during Community Assembly Meetings

Community Assembly members shall treat each other with courtesy and respect, in keeping with their role as community representatives.

Article III – The Executive Committee:*Officers of the Community Assembly*

Section 1: *Qualifications to Serve on the Executive Committee*

Officers of the Executive Committee must possess the requisite skills, capacity, and experience to effectively perform their duties, be in good social and moral standing, and be able to speak and write simple English.

Section 2: *Elections*

Officers of the Executive Committee shall be elected by Community Assembly members, through secret ballot, at a Regular Community Assembly meeting.

Section 3: *Tenure*

Officers of the Executive Committee shall be elected for five (5) year terms, for a maximum number of two (2) terms.

Section 4:*Removal of Executive Committee Officers – Vote of No Confidence*

Members of the Executive Committee of the Community Assembly who are determined to be incapable of effectively performing the duties of their office may be removed by a two-thirds (2/3) majority vote of the Community Assembly, at a properly constituted Special meeting of the Community Assembly. Prior to such a vote, the member of the Executive Committee shall be given an opportunity to respond to any charges that they are unable to effectively perform their duties.

Section 5:*Death, Incapacitation, Relocation or Resignation of an Officer of the Executive Committee*

In case of the death, incapacitation, relocation or resignation of an officer of the Executive Committee, the CA shall conduct a by-election within 60 days to fill the position.

Article IV – The Community Forest Management Body

Section 1: *Qualifications to Serve on the Community Forest Management Body*

Members of the CFMB must possess the requisite skills, capacity, and experience to effectively perform their duties, be in good social and moral standing, and be able to speak and write simple English.

Section 2: Procedures for the Selection and Appointment of the Community Forest Management Body

The five (5) members of the CFMB shall be selected and appointed using the following procedure:

- (a) Advertisements for the positions on the CFMB will be publicized using the means usually employed to inform community members of important issues;
- (b) Interested persons shall submit their applications to the Chairperson of the Executive Committee;
- (c) The Executive Committee shall review applications, conduct interviews, and select and appoint the five best-qualified candidates, for onward submission to the Community Assembly.

Section 3: Election of Chief Officer, Secretary and Treasurer

From the five (5) members selected to serve on the CFMB, the Community Assembly shall elect, through secret ballot, and by simple majority, the Chief Officer, Secretary, and Treasurer

Section 4: Tenure

Members of the CFMB shall serve for a period of five (5) years. No member of the CFMB may serve for more than two terms. To ensure institutional knowledge is developed and retained, the terms of the members of the first body shall be staggered as follows:

- Chief Officer – 5 years
- Secretary – 4 years
- Treasurer – 3 years
- Other two – 2 years

Section 5: Remuneration of CFMB Officers

The rate at which CFMB members are compensated shall be determined by the Executive Committee, in line with established policies and procedures.

Section 6: Removal of CFMB Officials – Vote of No Confidence

Members of the CFMB who are found to be incapable of effectively performing the duties of their office may be removed by a two-thirds majority vote of the Community Assembly, at a properly constituted Special meeting of the Community Assembly. Prior to such a vote, the member of the CFMB shall be given an opportunity to respond to any charges that they are unable to effectively perform their duties. In the event a member's employment with the CFMB is terminated, all relevant Liberian labor laws shall be followed.

Section 7: Removal of CFMB Officials – For Cause

Section 7A: Investigation. Where there are credible allegations that a member of the CFMB has mismanaged community forest resources, engaged in misconduct, or misappropriated community forest funds, the Executive Committee, with the technical support of the FDA, shall conduct an investigation and prepare a comprehensive report. During the investigation, the CFMB member shall be temporarily suspended.

Section 7B: Removal from Office. If after investigation and/or financial audit it is determined that the CFMB member has mismanaged community forest resources, engaged in misconduct, or misappropriated community forest funds, the CFMB member's employment shall be terminated. All relevant Liberian labor laws shall be followed.

Section 7C: Sanctions. In addition to being removed from office, the CFMB member shall be permanently banned from serving in any of the bodies tasked with community forest governance, and may be subject to fines under the Authorized Forest Community by-laws, as per Chapter 1, Section 8 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended. The CFMB member may also be subject to criminal prosecution under the Liberian penal code, following referral by the Executive Committee of the offence/s to the FDA.

Section 7D: Due Process. Before the investigation is concluded the CFMB member shall be given an opportunity to respond to all allegations, in keeping with the due process of law.

Section 7E: Appeal. As per Chapter 1, Section 9 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, a CFMB member who has been found guilty of an offence and subjected to punitive measures may appeal to a court of competent jurisdiction.

Article V – Management of Community Forest Funds

Section 1: *Banking*

Bank accounts will be opened at a local commercial bank by the CFMB, following authorization by the Executive Committee.

Section 2: *Signatories to Community Forest Bank Accounts*

There shall be three (3) authorized signatories from the CFMB for each of the community's bank accounts: The Chief Officer as the first authorized signatory; the Treasurer as the second authorized signatory; and another community member as the third authorized signatory. The Executive Committee shall approve the third signatory. All withdrawals from an account of the community shall require at least two signatories.

Section 3: *Disbursement of Forest Community Funds*

All disbursements shall be made as provided by the approved budget. The Community Forest Management Body shall authorize specific expenditures, through its Chief Officer and Treasurer. The Executive Committee shall set further guidelines for the disbursement of funds, such as expenditure limits above which approval by the Executive Committee is required. The petty cash level shall be set by the Community Forest Management Body and petty cash shall be disbursed only upon the authority of the Chief Officer and Treasurer

Section 3A: *Petty Cash Threshold*

The petty cash threshold of the Authorized Forest Community shall be USD\$ 450.00 or its equivalence in Liberian Dollars.

Section 4: *Financial Reporting*

The CFMB shall make quarterly financial reports to the Executive Committee and the FDA. The report shall explain sources and uses of funds within each given quarter. They shall also present balances in the various community accounts

Section 5: *Financial audits*

The Executive Committee shall appoint either an accounting firm or a qualified accountant to audit the accounts of the community forestry program on an annual basis. The cost of the annual audit shall be included in the annual community forestry budget. The report of the audit shall be submitted to the Executive Committee for review and appropriate action

Article V – Authorized Forest Community Members

Section 1: *Obligations of Authorized Forest Community Members*

In addition to being bound by all national laws and regulations, Authorized Forest Community members are legally bound by the **Marbon Community Forest Constitution and By-Laws**

Section 2: Offences

Under the current by-laws, a member of the **Marbon Community Authorized Forest** commits an offence when they:

- (a) Illegally enter the [Marbon]Community Forest;
- (b) Obstruct the monitoring of a community forestry program either by the CFMB or the FDA;
- (c) Damage or destroy boundary marks, signboards and/or other symbols of identification of the [Marbon] community forest;
- (d) Act to prohibit or impede the implementation of the CFMP, or a provision thereof; or
- (e) Willingly damage the forest resources of the [Marbon]Authorized Forest Community

Section 3: Sanction of Authorized Forest Community Members

Section 3A:

Investigation and Report All allegations that a member of the Authorized Community Forest has committed an offence shall be submitted to the CFMB in writing. The CFMB shall investigate all credible allegations and compile a written report, which it will submit to the Executive Committee for consideration.

Section 3B:

Notice of Hearing The Executive Committee shall give reasonable notice of the upcoming hearing to the member of the Authorized Forest Community, alleged to have committed an offence. Notice shall be provided in writing and include the details of the alleged offence, together with the location, date and time of the hearing.

Section 3C:

Hearing

The Executive Committee shall provide the member of the Authorized Forest Community alleged to have committed an offence with an opportunity to review the report submitted by the CFMB, present any relevant evidence in their defense, call witnesses, and respond to all of the allegations, in accordance with the due process of law.

Section 3D:

Sanctions A Forest Community member found to be guilty of an offence may be subject to fines under these by-laws, as per Chapter 7, Section 7.1 of the Community Rights Law of 2009 with Respect to Forest Lands, and Chapter 1, Section 8 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended.

Section 3E:

Appeal to the Community Assembly. A member of the Authorized Forest Community found guilty of an offence by the Executive Committee shall have the right to appeal the decision at the next Community Assembly meeting. The member of the Authorized Forest Community shall provide written notice to the Executive Committee, through the CFMB, that they intend to appeal. The Community Assembly may, by a three-quarters majority vote, adjust or reverse the decision.

Section 3F:

Appeal to a Court of Law. As per Chapter 1, Section 9 of the Regulation to the Community Rights Law of 2009 with Respect to Forest Lands, as Amended, all members of the Authorized Forest Community have the right to appeal to a court of competent jurisdiction.

Article VI– Amendment

The Community Assembly may amend these by-laws at any of its regular meetings, provided the proposed amendment has been circulated one meeting prior to the meeting at which the amendment is to be voted upon. Amendment shall be by a vote of 44 members of the Community Assembly membership.

Article VII – Conflicts with other Laws

The Constitution of Liberia, the Community Rights Law of 2009, and the National Forest Reform Law of 2006, in this order, take precedence over the **Marbon** Forest Community By-Laws.

MARBON COMMUNITY FOREST CONSTITUTION

We the member of (**Marbon**) Authorized Forest community of Grand Cape Mount County Republic of Liberia do here by establish this constitution for the governance of our community we, as an authorized Forest Community with the goal of sustainably managing our forest while benefiting from its resources hereby established in this constitution the organizational structure of our governance bodies and the power and the responsibilities of those bodies as require by Chapter 4, Section 4.1 (j) of the Community Rights Law of 2009 with Respect to Forest Lands (CRL).

Article I – Name

The Name of our organization shall be the (**Marbon**) Authorized Forest Community, hereafter referred to as the Authorized Forest Community for short “SCF”

Article II – Objectives

The objectives of the (**Marbon**) Authorized Forest Community are as follows:

- (a) To support biodiversity and promote the sustainable use of the natural resources for the benefit of the Authorized Forest Community, the nation, and the environment;
- (b) To create public awareness of the economic, sustainable, environmental, cultural and recreational value of the resources of the (**Marbon**) Community Forest, through information campaigns, to include meetings, workshops and the distribution of educational documents;
- (c) To manage the (**Marbon**) Community Forest resources in a way that improves the well-being of all community members;
- (d) To work in close collaboration with national and international forestry organizations to build the capacity of all members of the Authorized Forest Community;
- (e) To solicit financial, technical, and material assistance from national and international organizations in order to ensure sustainable and effective management of forest resources;
- (f) To engage in any other activity that will contribute to the improvement of the livelihood of the (**Marbon**) Community through the sustainable management of forest resources.

Article III – Motto and Logo

Section 1: *Motto*

The Motto of the Authorized Forest Community shall be “*the Forest, our heritage*”

Section 2: *Logo*

The Logo of the Authorized Forest Community shall be/depict: **Three trees with the community’s name.**

Article IV – Technical Description of Community Forest Lands

The MARBON COMMUNITY FOREST

Article V – Rights and Responsibilities of the Authorized Forest Community

Section 1: *Rights*

Within the framework of the Community Rights Law of Liberia of 2009, the Authorized Forest Community affirms its right to:

- (a) Manage and develop its community forest resources under regulations issued by the FDA;
- (b) Pursue conservation programs independently or with the assistance of third-parties, to safeguard the sustainable livelihoods of Authorized Forest Community members;
- (c) Negotiate and enter into commercial contracts to sustainably harvest timber and non-timber products in its Community Forest, in order to benefit from revenues generated.

Section 2: *Responsibilities*

Rights carry with them responsibilities. Accordingly, the Authorized Forest Community affirms its responsibility to:

- (a) Manage its forest resources in a sustainable manner under regulations issued by the FDA;
- (b) Ensure full participation of Authorized Forest Community members in decisions over forest resources;

- (c) Ensure that revenues from forest resources are used for the benefit of all Authorized Forest Community members; and
- (d) Report to the FDA and other relevant institutions (public or otherwise), on the effective, efficient and sustainable management of its forest resources

Article VI – Community Assembly

Section 1: Establishment

In compliance with the Community Rights Law of 2009, this Constitution hereby establishes the (pleas insert CF name) Community Assembly to provide oversight on all Authorized Forest Community activities. The Community Assembly shall be the supreme decision-making body of the Authorized Forest Community.

Section 2: Composition of the Assembly

Section 2A: Membership.

Voting members of the Community Assembly shall be made up of representatives from towns and independent villages (villages that are not sub-units of towns), which are part of the Authorized Forest Community.

Section 2B: Town and Village Representatives

Each town and village will select two members to represent their interests at all Community Assembly meetings.

Section 2C: Tenure of Community Assembly Members

Community Assembly members shall serve five (5) year terms, for a maximum number of two (2) terms.

Section 2D: Representatives of the National Legislature

Two (2) members of the Grand Cape Mount County Legislative Caucus shall be selected by members of the caucus to represent it on the (MARBON) Community Assembly. One such member shall be the representative of the constituency in which the [MARBON] Community Forest is located. Members of the National Legislature shall have no voting rights, but may observe and provide advice.

Section 3: Leadership of the Assembly

The leadership of the Community Assembly shall be made up of the two (2) members of the National Legislature, described in Section [refer to Article VI, and section referencing “Representatives of the National Legislature”] (above), and four (4) officers elected from the membership of the Community Assembly: a Chairperson, Vice-Chairperson, Secretary, and Treasurer. Together they will be known as the Executive Committee.

Section 4: *Subsidiary Bodies*

The Community Assembly may appoint other committees, permanent or temporary, or recognize the existence of existing committees as it may deem fit. However, in all such instances, the Community Assembly shall ensure that functions, responsibilities and powers of the committees do not overlap or conflict.

Section 5: *Powers and Functions*

The powers and functions of the Community Assembly shall be to:

- (a) Meet at least twice a year to discuss and take decisions on community forestry matters;
- (b) Elect officers of the Community Assembly to the Executive Committee;
- (c) Receive, review and adopt reports submitted by the Executive Committee of the Community Assembly and other subordinate committees;
- (d) Appoint members to the Community Forest Management Body;
- (e) Receive, review and adopt reports of the Community Forest Management Body;
- (f) Approve Community Forest Management Plans and budgets drafted by the Community Forest Management Body;
- (g) Ensure sustainable management of community forest resources; and
- (h) Ensure that incomes from community forest resources contribute to the development of the community and the wellbeing of community members, according to the vision of the Community Assembly.

Section 6: *Headquarters of the Assembly*

The Community Assembly shall be headquartered at Darblo Clan, Gola Konneh District, Grand Cape Mount County.

Section 7: Meetings

The Community Assembly shall meet at least twice a year to consult and take decisions on Authorized Forest Community matters, and how resources generated from the Community Forest are to be allocated. All Community Assembly meetings will be held within the territory of the Authorized Forest Community at a place chosen by consensus at the previous Community Assembly meeting.

Article VII – The Executive Committee

Section 1: Composition of the Executive Committee

Section 1A: Administration

The core membership of the Executive Committee shall be made up of four (4) officers elected from the Full Membership of the Community Assembly: a Chairperson, Vice Chairperson, Secretary, and Treasurer. The Executive Committee is responsible for the administration of the Community Assembly. Each officer retains full voting rights in the Community Assembly.

Section 1B: Representatives of the National Legislature

The Executive Committee shall include the two (2) members of the National Legislature, described in [refer to Article VI, and section referencing “Representatives of the National Legislature”] (above). Members of the National Legislature shall not be entitled to vote in Community Assembly meetings, but may observe and provide advice.

Section 1C: Co-Opted Members

The Community Assembly may appoint additional members with special skills, such as accountants, foresters, and lawyers, to the Executive Committee, if it decides that these persons will enhance community forestry management. Co-opted members shall not be entitled to vote in Community Assembly meetings, but may observe and provide advice.

Section 2: Election and Tenure of Executive Committee Officers

Members of the Community Assembly shall elect the officers of the Executive Committee by secret ballot, for five (5) year terms. No officer of the Executive Committee may serve for more than two (2) terms.

Section 3: Powers and Functions

Between sittings of the Community Assembly, the Executive Committee of the Community Assembly shall supervise the work of the CFMB. The oversight responsibilities of the Executive Committee over the CFMB shall be as follows:

- (a) Making policies and providing strategic direction to the Community Forest Management Body;
- (b) Approving Community Forest Management Plans and budgets drafted by the Community Forest Management Body;
- (c) Ensuring that community forestry funds are managed transparently and accountably;
- (d) Receive and review quarterly reports submitted by the Community Forest Management Body on the management of the community forest;
- (e) Account to the Community Assembly on the performance of the Community Forest Management Body; and
- (f) Undertake all other functions usually performed by Executive Committees of this nature

Section 4: *Meetings and Reporting*

The Executive Committee shall meet at least once every three months, or as often as is required. The Executive Committee shall report on all of its activities at Regular meetings of the Community Assembly

Article VIII – Community Forest Management Body

Section 1: *Establishment of a Community Forestry Management Body*

In compliance with the Community Rights Law of 2009, this Constitution hereby establishes the (**Marbon**) CFMB, to oversee the day-to-day management of the Authorized Forest Community's forest resources.

Section 2: *Composition of the CFMB*

The CFMB shall be made up of five (5) members, at least one of which shall be a woman. These shall be a Chief Officer, Secretary, Treasurer, and two (2) others to be determined by the Community Assembly. Unless there are no suitably qualified candidates, all members of the CFMB shall be residents of the Forest Community. Where no suitably qualified candidates can be found, the Executive Committee may authorize non-residents to serve on the CFMB. None of the five (5) members of the CFMB shall be a member of the Community Assembly, a government official, or a member of the

National Legislature.

Section 3: *Selection, Appointment, and Tenure of Members of the CFMB*

Members of the Community Assembly shall select and appoint CFMB members for five (5) year terms. No CFMB member shall serve for more than two (2) terms.

Section 4: *Election of Leadership of the CFMB*

From among the five officers of the Community Forest Management Body, the Community Assembly shall elect through secret ballot, and by simple majority, the Chief Officer, the Secretary, and the Treasurer.

Section 5: *Powers and Functions of the CFMB*

The Community Forest Management Body shall have the following powers and functions:

- (a) Implement policies and decisions of the Community Assembly;
- (b) Develop and implement CFMPs;
- (c) Prepare and submit an annual work plan and budget to the Community Assembly for approval;
- (d) Implement the approved budget and manage the Community Forest Fund;
- (e) Manage the day-to-day activities of the Authorized Forest Community;
- (f) Ensure compliance with all relevant legal requirements relating to the community forestry program;
- (g) Negotiate and oversee commercial arrangements with third parties;
- (h) Represent the Authorized Forest Community in all forestry matters;
- (i) Periodically report to the Executive Committee and Community Assembly.

Section 6: *Meetings and Reporting*

Members of the CFMB shall meet as often as is required in order to perform their duties. Whenever the Executive Committee and Community Assembly meet, the CFMB shall

report on all of its activities. At meetings of the Community Assembly, the CFMB shall report directly to the full Community Assembly.

Article IX – Management of Community Forest Funds

Section 1: *Establishment of Accounts*

The CFMB shall establish and administer two separate bank accounts, authorized by the Executive Committee: one for the operations of the community forestry management program and the other for the implementation of community social development projects.

Section 2: *Use of Community Forest Funds*

Funds generated from community forest resources shall be shared between forestry management activities and community development activities, as determined by the Community Assembly on an annual basis.

Section 3: *Financial Management*

The CFMB shall ensure that community forest funds are managed in an accountable and transparent manner, under clear provisions for budgeting, expenditure approvals, and annual external audits. As part of its responsibility, the CFMB shall keep an accurate financial record of all financial transactions and shall prepare from these records financial statements in both standard and simplified versions, compatible with the accounting system being used by the Liberia Revenue Authority, for presentation to the Community Assembly.

Article X – Amendment

The Community Assembly may amend this Constitution at any of its regular meetings, provided the proposed amendment has been circulated one meeting prior to the meeting at which the amendment is to be voted upon. Amendment shall be by a vote of two-thirds (2/3) of the Community Assembly membership.

Article XI – Conflicts with other Laws

The Constitution of Liberia, the Community Rights Law of 2009, and the National Forest Reform Law of 2006, in this order, take precedence over the (Marbon) Authorized Forest Community's Constitution.

