

AN ACT CREATING THE ENVIRONMENT PROTECTION
AGENCY OF THE REPUBLIC OF LIBERIA

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Environment Protection Agency Act of Liberia

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SECTION 1 TITLE
ENVIRONMENT PROTECTION AGENCY ACT OF THE REPUBLIC OF LIBERIA

An Act to establish a monitoring, coordinating and supervisory authority for the sustainable management of the environment in partnership with regulated Ministries and organizations and in a close and responsive relationship with the people of Liberia; and to provide high quality information and advice on the state of the environment and for matters connected therewith.

WHEREAS Article 7 of Chapter II of the New Constitution of Liberia, which came into force and effect on January 6, 1986, may be interpreted to provide for full public participation of all citizens in the protection and management of the environment and natural resources of Liberia

AND WHEREAS THE BILL OF FUNDAMENTAL RIGHTS of the Constitution of Liberia guarantees every person in Liberia the right to life, and by extension, the right to a clean and healthy environment that supports that life

AND WHEREAS Liberia is committed to the pursuance of social and economic development but without undermining the ecosystem's renewal and re-supply process which is the underpinning of such development

AND WHEREAS Liberia is committed to the goal of sustainable development

AND WHEREAS there is the need to promote and support traditional and indigenous technologies for the conservation and sustainable use of natural resources and complement them with appropriately developed modern technologies

AND WHEREAS it is acknowledged that women play a vital role in conservation and sustainable environmental management and therefore the need for full participation of women at all levels of decision-making for the implementation of environmental protection policies and laws

AND WHEREAS international cooperation is essential in attaining global conservation of biodiversity for present and future generations

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

PART I – SHORT TITLE AND DEFINITION OF TERMS

Section 2
Short Title

This Act may be cited as the Environment Protection Agency Act.

Section 3

Definition of Terms

“Administrative Law Judge” means one who preside at an administrative hearing with power to administer oath, take testimony, rule on question of evidence, regulate course of proceedings and make agency determination of fact.

“Agency” means the Environmental Protection Agency established under section (4) of this Act;

“Aggrieved parties” means any person who is affected by an act or decision and includes both injuriously affected parties and interested parties.

“Appointed member” means a member of the Council and of the Board appointed by the President of the Republic of Liberia;

“Biological diversity” means the variability among living organisms from all sources including inter alia terrestrial ecosystems and aquatic ecosystems and the ecological habitants of which they are part and includes genetic diversity within species, between species and ecosystems;

“Biological resources” include genetic resources, organisms or parts thereof, populations, or any other biotic component or ecosystems with actual or potential use or value for humanity.

“Board” means the Board of Directors of the Agency established under section (12) of this Act.

“Chairman” means the Chairman of the Policy Council established under section (7) or Chairman of the Board of Directors of the Agency established under section (12) of this Act to be determined from context.

“Coastal zone” means any coastal areas declared to be a coastal zone under the laws of Liberia and international law;

“Council” means the Environmental Policy Council established under section (7) of this Act;

“County Environmental Committee” means the Coordinating Committee established under section (24) of this Act;

“County Environmental Action Plan” means the plan established under section (13) of this Act;

“Developer” means the proponent of a development project or activity that is subject to an environment impact assessment proves;

“Easement” means the right of use over the property of another for a special purpose;

“Ecosystem” means a dynamic complex of plant, animal, microorganism communities and their non-living environment interacting as a functional unit;

“Environment” means the physical factors of the surroundings of the human beings, indoors and outdoors, including land, water, atmosphere, climate, sound, odor, taste, biological factors of animals and plants and the social factors of aesthetics and includes both natural, built and cultural/historical environment;

“Environmental audit” means the systematic, documented, periodic and objectives evaluation of how all environmental organization, management and equipment are performing in utilizing and conserving the environment and its resources;

“Environmental Court: means the Environmental Court established under section (33) of this Act;

“Environmental easement” means a right created over land to make use lawful for the benefit of the environment.

“Environmental education” includes the process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the inter-relatedness among man, his culture and his biophysical surroundings;

“Environmental impact assessment” means a systematic examination of a project or activity that may have adverse and/or significant impact on the environment;

“Environmental inspector” means a person designated under section (200 of this Act;

“Environmental management” includes the protection, conservation and sustainable use of the various elements or components of the environment, and to direct activities of persons for sustainability;

“Environmental monitoring” means the continuous determination of actual and potential effects of any project, activity or phenomenon on the environment whether short term or long term;

“Environmental planning” means both long-term and short-term planning that takes into account environmental issues;

“Environmental resources” means both the renewable or non-renewable resources of the air, land and water including the living resources of flora and fauna and their aesthetical qualities;

“Environmental restoration order” means an order provided for under section (40) and (41) of this Act;

“Executive Director” means the head of the Agency established under section (16) of this Act:

“Financial year” means the period of twelve months designated by the Government of Liberia as fiscal year;

“Forests” means the natural resources defined in the National Forestry Law of Liberia;

“Fund” means the National Environment Fund established under section (45) of this Act;

“Genetic resources” means genetic material of actual or potential value;

“Indigenous” means originating in a particular region or environment and may be used to refer to traditional/local peoples and their practices in respect of their own settings.

“Intergenerational equity” means that the present generation should ensure that in exercising its right to beneficial use of the environment the health diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

“Line Ministry” means a ministry, agency, statutory corporation or authority in which any law vests or functions for the protection, conservation or management of any segment of the environment or whose activities may have an impact on the environment as defined in this Act;

“Media specific quality standards” means quality standards for air, water, soil;

“National Environmental Action Plan” means the plan provided for under section (30) of this Act.

“Natural resources” include resources of the air, land water, animals and plants including their diversity and aesthetic qualities;

“Negotiating ministry/agency” means the lead ministry or agency through whom a proposed donor-funded project is to be negotiated and or implemented;

“Noise” means any sound that is likely to be injurious to human health or the environment;

“Occupational air quality” means the concentration prescribed under or pursuant to the Environment Protection Law;

“Occupier” means a person in occupation or control of premises, and in relation to premises different parts of which are occupied by different persons, means the respective persons in occupation or control of each part;

“Owner” in relation to any premises means-

- a) The registered proprietor of the premises;
- b) The lessee, including a sub-lessee of the premises;

“Ozone layer” means the ozone layer defined in the Vienna Convention for the Protection of the Ozone Layer 1985 the layer of atmospheric ozone above the planetary layer.

“Person” means any individual, partnership, joint venture, association, or cooperation, trust, estate, government or state, branch, division, instrumentality, authority or agency or any organized group of persons whether incorporated or not.

“Polluter-pays principle” means generally that environmental management tools such as licensing and enforcement are fashioned such that the economic cost of pollution is passed on to the polluter and that the cost of cleaning up a segment of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law.

“Pollution” means an indirect or direct alteration of the physical, thermal, chemical, biological or radio-active properties of a segment of the environment by discharging, emitting or depositing substances or wastes so as –

- a) To affect any beneficial use adversely;
- b) To cause a condition which is hazardous or potentially hazardous to public health, safety, welfare or, to animals, birds, wildlife, fish or aquatic life or to plants.

“Practicable” means reasonably practical having regard, among other things, to local conditions and knowledge and the term “practicable means” include the provision and the efficient maintenance of plants and the proper use thereof, and the supervision by or on behalf of the occupier of any process or operation;

“Precautionary principle” means that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

“Premises” include messages, buildings, lands, and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;

“the President” means the President of the Republic of Liberia;

“Project” includes both project and policy that leads to projects, which have or are likely to have an impact on the environment;

“Proponent” means a person proposing or executing a project, policy, program or an undertaking specified under section 37 of this Act.

“Public participation” means, in keeping with the peoples’ right to know the potential impacts of decisions being made, the information relating to the right of any person to receive effective notice with relevant information and to review and comment on major decisions with such comments being taken into consideration at the decision making stage; and involves open, ongoing two-way communication, both formal and informal between decision makers and stakeholders – those interested in or affected by the decisions.

“Public record” means a record, memorial of some act or transaction, written evidence of something done, or document, considered as either concerning or interesting to the public, affording notice or information to the public or open to public inspection; any documentation prepared, owned, used or retained by any ministry or agency in pursuance of law or in connection with the transaction of public business;

“Published notice” means notice that shall be placed in at least one daily newspaper of major national circulation, and/or one newspaper having a district circulation, and shall be broadcast on a popular local station in English and at least one vernacular language relevant to the venue; and shall be disseminated as widely as is practicable by Environmental County officers through the county and district environmental committees, NGOs and CBOs.

“Regulations” means rules and regulations made under this Act.

“Standard” means the limits of pollution established under this Act or under the regulations made under this Act or any other law;

“Sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;

“Sustainable use” means present use of the environment or natural resources which does not compromise or impose on the ability to use the same by future generations or degraded the carrying capacity of supporting ecosystems;

“Trust fund” means the Trust Fund established under section 50 of this Act;

“Waste” means any substance that may be prescribed as waste or any matter, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment;

“Wise use” means sustainable use of natural resources.

PART II – ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION AGENCY OF LIBERIA

Section 4

The Environmental Protection Agency

- 1) There is hereby established under the Executive Branch of Government, an autonomous body to be known as the Environment Protection Agency of Liberia in this Act to be referred to as “the Agency”.
- 2) The Agency shall be a body corporate with perpetual succession and a common seal.

- 3) The Agency shall, in its own name be capable of suing and being sued and doing, suffering all acts, things as bodies corporate may lawfully do or suffer.

Section 5

Powers of the Agency

The Agency shall be the principal authority in Liberia for the management of the environment and shall co-ordinate, monitor, supervise and consult with relevant stakeholders on all activities in the protection of the environment and sustainable use of natural resources.

Section 6

The Functions of the Agency

- 1) The agency is empowered to carry out the following functions;
 - a) Co-ordinate, integrate, harmonize and monitor the implementation of environmental policy and decisions of the Policy Council by the Line Ministries;
 - b) Propose environmental policies and strategies to the Policy Council and ensure the integration of environmental concerns in overall national planning;
 - c) Collect, analyze and prepare basic scientific data and other information pertaining to pollution, degradation and on environmental quality, resource use and other environmental protection and conservation matters and undertake research and prepare and disseminate every two years a report on the state of the environment in Liberia;
 - d) Build the capacity of line Ministries, authorities and organizations through the exchange of data and information, and to render advice, technical support and training in environment and national resource management so as to enable them to carry out their responsibilities effectively;
 - e) Ensure the preservation and promotion of important historic, cultural and spiritual values of natural resources heritage and, in consultation with indigenous authority, enhance indigenous methods for effective natural resource management;
 - f) Promote public awareness through public participation in decision making and formal and non-formal education about the protection and sustainable management of the environment, and to allow at minimal or no costs, access o environmental information and records made in connection with this Act;
 - g) Integrate scientific mechanisms and technical requirements in environmental management in order to develop indicators for environmental changes and progress of environ mental sustainability in accordance with this Act;

- h) Encourage the use of appropriate environmentally sound technologies and renewable sources of energy and natural resources;
- i) Create categories of fiscal and economic instruments with line Ministries in order to discourage pollution and encourage clean production and minimal generation of waste in industrial processes and at consumer level;
- j) Establish environmental criteria, guidelines, specifications and standards for production processes and the sustainable use of natural resources for the health and welfare of the present generation, and in order to prevent environmental degradation for the welfare of the future generations;
- k) Identify projects, activities, policies, and programs for which environmental impact assessment must be conducted under this Act;
- l) Review and approve environmental impact statements and environmental impact assessment submitted in accordance with this Act;
- m) Investigate reports of pollution and other related matters;
- n) Initiate and co-ordinate actions required in a state of environmental emergency or any other situation which may pose serious threat to the environment and public health;
- o) Monitor and assess projects and activities including activities being carried out by relevant ministries and bodies to ensure that the environment is not degraded by such activities and that environmental management objectives are adhered to and adequate early monitoring on impending environmental emergencies is given;
- p) Exercise or perform any of the pollution control functions with the relevant ministries and organizations;
- q) Review sectoral environmental laws and regulations and recommend for amendments and to initiate proposals for the enactment of environmental legislation in accordance with this Act or any other Act;
- r) Function as the national clearinghouse for all activities relating to regional and international environment-related conventions, treaties and agreements, and as national liaison with the secretariat for all such regional and international instruments;
- s) Improve efficiency of financial processes under multilateral agreements by prioritizing and harmonizing host and donor priorities in programmes, project preparation and design;

- t) Review project documents for donor-sponsored environment-related projects to ensure and/or recommend to the negotiating ministry or agency, the inclusion of strategies and activities for capacity building of nationals;
 - u) Advise the State and participate in the process of negotiating, ratifying or acceding to relevant regional and international environmental agreements;
 - v) Enter into regional cooperation for the management of shared natural resources and the harmonization of environmental laws and standards;
 - w) Perform such other functions as the government may assign the Agency or as are incidental to or conducive to the exercise by the Agency of any of the functions provided for under this Act;
- 2) Notwithstanding the functions enumerated under sub-section (1), all sectors of the population has the duty to protect the environment, and the Agency may in the performance of its functions under subsection (1) and by published notice delegate any of its functions to a Ministry, Agency, Organization, a Technical Committee or any public officer.
 - 3) In the delegation of its powers the Agency shall not be relieved of its responsibilities under the Act.
 - 4) To enable the performance of its functions under subsection (1), the Agency shall require each Ministry or Agency charged with the management of any segment of the environment under any law to submit:
 - a) Annual reports of its operations; and
 - b) Such other reports and may be required for the purposes of this Act.

Section 7

The National environment Policy Council

- 1) There shall be a body called the National Environment Policy Council of Liberia, which shall be the ultimate policy-making body on the environment, in this Act referred to as the "Policy Council" or "Council".
- 2) The Policy Council shall consist of the members appointed by the President from Line Ministries and members representative of third respective authorities and organizations as specified in Annex I of this Act;
- 3) The Chairman of the Policy Council shall be a Minister appointed by the President and the Chairman, with approval by the membership of the Policy Council, shall select the Vice Chairman;

Section 8

Functions of the Policy Council

- 1) The Policy Council on the environment shall:
 - a) Be responsible for policy formulation and directions for the purpose of this Act;
 - b) Set priorities for national goals and objectives for the protection of the environment;
 - c) Promote co-operation among Line Ministries, local authorities, the private sector, non-governmental organizations engaged in environmental protection programs and the public;
 - d) Approve the Audited Report and Accounts of the Agency as provided for under Section (48) of this Act;
 - e) From time to time, give directions to the Board on matters of policy and the Board shall comply with those directions; and
 - f) Perform any other function that may be assigned under this Act.

- 2) The Chairman of the Board and the Executive Director shall be ex-officio members of the Policy Council.

Section 9

Tenure of Office for Policy Council Members

- 1) Members representative of organization and authorities in the Policy Council shall hold office for a period of 7 years from the date of appointment and shall be eligible for re-appointment upon expiration of the term of office, except that the tenure of members representing government ministries and agencies, non-governmental organizations and community-based organizations shall be conditioned by their term with the represented institutions;

- 2) The President may terminate the appointment of a member of the Council, including the Chairman, on grounds that the member:
 - a) Is unable to execute his functions by reasons of health;
 - b) Is convicted of a criminal offence and sentenced to imprisonment without the option of a fine;

- c) Is absent from three consecutive meetings of the council without permission of the Chairman;
 - d) Conducts himself in a manner deemed by the Council, to be inconsistent with objectives of this Act.
- 3) An appointed member of the council may resign his office by notice of resignation to the Chairman; and in the case of the Chairman, by notification to the President.

Section 10

Meetings of the Policy Council

- 1) The Policy Council shall at least once a year, and as often as it may deem necessary for the transaction of its business at such time and place as the Chairman of the Policy Council may determine.
- 2) Two-thirds of the members of the Policy Council shall form a quorum at a meeting of the Council;
- 3) The Chairman shall preside at the meetings of the Policy Council and in his absence the Vice Chairman shall preside, and in the absence of both the Chairman and the Vice Chairman, the members present at the Council meeting shall elect one of their member to preside;
- 4) Any question before the Council at a meeting shall be decided by a simple majority vote of the members present and voting, and in the event of an equality of votes the Chairman or the person presiding shall have a casting vote;
- 5) The Chairman, in consultation with other members of the council, may invite any person to attend and deliberate on matters before the Council, but that person shall have no right to vote;
- 6) The Executive Director shall keep minutes of each meeting of the Policy Council;
- 7) The Council may determine its rules of procedure; and
- 8) The Minutes kept under subparagraph (6) shall be confirmed by the Policy Council at the next meeting and signed by the Chairman of that meeting.

Section 11

Disclosure of Interest of Policy Council Members

- 1) A member of the Policy Council who has a direct or indirect personal interest in a matter being considered or about to be considered by the Policy Council shall, as

- soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Policy Council;
- 2) A disclosure of interest under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Policy Council and the member making such disclosure, unless the Policy Council determines in respect of that matter, shall not:
 - a. Be present during the deliberations on the matter by the Policy Council;
 - b. Take part in the decision of the Policy Council
 - 3) Where there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberation for a matter in which he has disclosed a personal interest, the other members present may:
 - a) Postpone the consideration of that matter until a quorum without that member is realized; or
 - b) Proceed to determine the matter as if there was a quorum.
 - 4) Any member or representative of an organization who knowingly contravenes this provision and fails to disclose his/her interest in the matter before the Policy Council may be subject to termination of membership.

Section 12

The Board of Directors of the Agency and Membership

- 1) There shall be a body called the Board of Directors of the Agency, which shall be the supervisory body of the Agency, in this Act referred to as the "Board".
- 2) The Board shall consist of the members specified in the Annex II or this Act.
- 3) The Members of the Board of Directors shall:
 - a) Be appointed by the President subject to the advice of the Policy Council;
 - b) Consist of a Chairman, Vice Chairman and seven other members drawn from the bodies specified in the Annex II to this Act;
 - c) The members of the Board, except those appointed from Line Ministries shall serve for a period of five years and shall be eligible for re-appointment for a further term;
 - d) The members appointed under this section shall be persons who qualify by virtue of their knowledge and experience in environmental management, with gender balancing; and

- e) The Executive Director of the Agency shall serve as secretary to the Board.

Section 13

Functions of the Board

The functions of the Board shall be:

- 1) To oversee the implementation and successful operation of environmental policy and functions of the Agency;
- 2) To interpret policies, review and approve the Agency's strategic plans for implementation of the policies;
- 3) To provide guidance to the Executive Director and the Staff of the Agency;
- 4) To approve the annual budget of the Agency and advocate for State budget allocation for the agency;
- 5) To solicit funding and approve the investment and expenditures of any grant, donations and the funds established under the Act;
- 6) To monitor and evaluate the performance of the Agency against budgets and plans;
- 7) To establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of staff, administrative matters and financial matters;
- 8) To determine and approve such expenses and allowances for the Councils and Committees established under this Act;
- 9) Comply with directives from the Policy Council; and
- 10) To undertake any other duties assigned to it by this Act.

Section 14

Meetings of the Board

- 1) The Board shall meet quarterly and as often as it may deem necessary to conduct the business of the /Agency in a timely manner;
- 2) The Chairman shall preside at all meetings of the Board; and in his absence the Vice Chairman shall preside; in the absence of both the Chairman and the Vice Chairman, the Board shall elect one of its members to preside;

- 3) Five members of the Board shall form a quorum.

Section 15

Disclosure of Interest of Board Members

The requirement for disclosure of Board members shall be the same as required for the members of Policy Council as stated under section 11 of this Act:

PART III – ORGANIZATION AND ADMINISTRATION OF THE AGENCY

Section 16

The Executive Director

- 1) There shall be an Executive Director who is a person with wide environmental knowledge and recognized comment to sustainable management of the environment, appointed by the President from a list of three names recommended by the Council, except that the President may appoint an interim Executive Director pending the formation of the Council;
- 2) The Executive Director shall serve for a period of 7 years and shall be eligible for re-appointment, except that there shall be appointed an interim Executive Director;
- 3) The Executive Director shall have security of tenure but shall cease to hold office if he:
 - a) Resigns;
 - b) Is found guilty of gross misconduct on the advice of the Board and the approval of the Policy Council;
 - c) Is unable to discharge the functions of his office for health reasons.

Section 17

Functions of the Executive Director

- 1) The Executive Director shall be the Chief Executive Officer of the Agency and shall be responsible for the day-to-day operations of the Agency;
- 2) Subject to the provisions of this Act and the general supervision and control of the Board, the Executive Director shall be responsible for the management of funds, property and business of the Agency and for the administration, organization and control of the staff of the Agency;
- 3) The Executive Director shall, from time to time, keep the Board and the Policy Council informed of the progress and activities of the agency;

- 4) The Executive Director shall be responsible to the Board.

Section 18

The Appointment of the Deputy Executive Director and Heads of Departments

- 1) The Board shall appoint the Deputy Executive Director and the Heads of Departments based on environment-related experience and expertise, and taking gender balancing into consideration;
- 2) The Deputy Executive Director shall assist the Executive Director in the performance of his functions;
- 3) The Heads of Departments may be invited to sit at board meetings as may be required to deliberate on matters relating to their department an/or the Agency in general;
- 4) The Deputy Executive Director and Heals of Departments shall serve on such terms and conditions as the Board may deem appropriate;
- 5) The Executive Director, Deputy Executive Director and the heads off Departments shall form the management team of the Agency;
- 6) The Board, in collaboration with the Agency, shall establish the duties and responsibilities for each department head.

Section 19

Appointment of other Staff of the Agency

- 1) The Board shall, in consultation with the executive Director and the Legal Department of the Agency, appoint the Principal Prosecutor for the Environmental Court;
- 2) The Board shall advise the agency on the selection and appointment of the County Environmental Officers;
- 3) The Management of the Agency shall appoint other officers and employees s of the Agency with relevant experience and expertise, and taking gender balancing into consideration and the Executive Director shall advise the Board on such appointments;
- 4) Civil servants may be transferred or seconded to the Agency;
- 5) The Board shall, on the advice of the Executive Director, from time to time, determine the terms and conditions of service of the officers and the employees of Agency.

Section 20

Designation of Environmental Inspectors

The Agency may by published notice designate its officers and duly qualified public officers/civil servants whether by name of title or office, to be environmental inspectors within such Counties and District limits and subject to such matter as may be specified in the notice.

Section 21

Powers and Duties of Environmental Inspectors

- 1) An environmental inspector may, in the performance of his duties under this Act or any regulations made under this Act, at all reasonable times and without warrant enter any land, premises or vessel for inspection to determine whether the provisions of this Act are being complied with;
- 2) Notwithstanding sub-section (1), if there is reasonable basis for entering the premises at hours other than business hours, for example on probable cause that the facility or project is acting illegally during non-business hours, an environmental inspector is authorized to enter the premises;
- 3) An environmental inspector may, upon properly identifying him/herself, review performance records, take samples and perform other monitoring and inspection activities necessary to fulfill his or her duties;
- 4) A person is strictly liable for refusing entry to an environmental inspector or allowing the inspector to conduct record reviews, sampling, or other monitoring and inspection activities, which may be required based on established and published rules, regulations, standards and guidelines for the implementation of this Act;
- 5) The Agency shall establish the conditions, rules and regulations governing the qualifications, performance, powers and duties of the Environmental Inspectors established under this Act.

Section 22

Offences Relating to the Obstructing of Environmental Inspectors

Any person who-

- a) Hinders or obstructs an environmental inspector in the exercise of his duties under this Act;
- b) Fails to comply with the lawful order or requirements made by an environmental inspector in accordance with this Act or regulations made in pursuant of this Act;

- c) Refuses an environmental inspector entry upon any land or into any premises vessel or vehicle which he is empowered to enter by this Act;
- d) Impersonates an environmental inspector;
- e) Refuses an environmental inspector access to records kept in accordance with this Act;
- f) Fails to state or wrongly states his name or address to an environmental inspector in the course of his duties under this Act;
- g) Misleads or gives wrong information to an environmental inspector under this Act;
- h) Fails, neglects or refuses to carry out an improvement order issued by an environmental inspector under this Act;
- i) Commits a felony in the second degree and is liable on conviction, to imprisonment for a period not exceeding 10 years or to a fine not exceeding 10,000 US DOLLARDS or to both.

Section 23

Technical Committees

- 1) The Board shall, on the advice of the Executive Director, appoint as many Technical Committees as it considers necessary to give advice on such subjects relating to the environment;
- 2) Without prejudice to the general effect of subsection (1), the Board shall appoint, under that subsection:
 - a) A technical Committee on Lands and Mines;
 - b) A Technical Committee on Pollution;
 - c) A Technical Committee on Health and Sanitation;
 - d) A Technical Committee on Environmental Impact Assessment;
 - e) A Technical Committee on Biotechnology;
 - f) A Technical Committee on Forestry/Agriculture/Wildlife; and
 - g) A Technical Committee on Marine and Coastal Ecosystem.
- 3) Each technical Committee shall advise the Agency and conduct its affairs in accordance with the powers and procedures laid down in the instrument appointing it;

- 4) The Board shall specify in writing the terms of reference of each Technical Committee appointed by it under sub-section (2);
- 5) A person appointed to serve on a technical committee shall serve in his personal capacity and shall have such qualifications and experience as may be prescribed;
- 6) The terms and conditions of service of the members of a Technical Committee shall be specified in their instruments of appointment.
- 7) The Executive Director shall designate from among the staff of the Agency, a Secretary to the Technical Committees;
- 8) Each Technical Committee shall adopt its own rules and procedure.

Section 24

County Environment Committees

- 1) The policy Council shall provide guidelines to the agency for the establishment of a committee on the environment in every County, in this Act referred to as a County Environment Committee.
- 2) The County Environment Committee shall consist of members as set out in Annex III of this Act;
- 3) The functions of the County Environment Committee shall include the following:
 - a) Collaborate with and facilitate the activities of the Line Ministries in the County relating to the management of the environment and natural resources;
 - b) Ensure that the environmental concerns of the County and the local populations are integrated in all plans and projects approved by the Government at County level;
 - c) Promote dissemination of information about the environment through education and outreach programmes;
 - d) Coordinate with the Agency on the design and implementation of community environmental projects and all issues relating to environmental management;
 - e) Create District Environmental Committees within the County to enable it to carry out its functions at community level;
 - f) Advise and receive reports of the District Environmental Committees on environmental outreach programmes and other matters pursuant to this Act;

- g) Prepare a state of the environment report of the County every 5 years;
 - h) Prepare a County Environment Action Plan in accordance with this Act;
 - i) Report to the Agency on all matters relating to the environment and natural resources in the County under its jurisdiction; and
 - j) Submit such reports as the Agency may require.
- 4) The County Environment Committee shall meet at least once in every three months;
 - 5) The County Environment Committee shall follow such procedure at its meetings as may be prescribed by the Agency;
 - 6) A County Environment Committee shall elect its own officials from amongst its members which shall include the Chairman, Vice Chairman, Treasurer; and elections shall be conducted by, and under the guidance and supervision of the County Environment Officer;
 - 7) The officials shall be elected every 3 years and may be eligible for re-election.

Section 25
County Environmental Officer

- 1) The Agency shall appoint a County Environmental Officer for each County;
- 2) The functions of the County environmental Officer shall be to:
 - a) advise the County Environment Committee on all matters relating to the management of the environment and natural resources;
 - b) function as the Secretary to the County Environment Committee;
 - c) liaise with the Agency on all matters relating to the environment;
 - d) compile such reports to the Agency as may be prescribed;
 - e) promote environmental awareness through dissemination of information, public education and campaigns;
 - f) conduct public hearings on environmental impact assessment in the County and the District as prescribed in this Act;
 - g) ensure that the views and concerns of all groups within the local population are represented at public hearings on environment and natural resource management decisions; and

- h) assist the District Environmental Committees in the performance of their functions.

Section 26

District Environment Committees

- 1) The County Environment Committee shall create District Environmental Committees in accordance with the guidelines provided by the Agency to enable it to carry out its functions at community level;
- 2) District Environmental Committees shall consist of members as set out in the Annex IV of this Act;
- 3) The functions of the District Environmental Committees shall include the following:
 - a) Promote environmental awareness through dissemination of information and public education campaigns;
 - b) Mobilize the people within the district to conserve natural resources through self help;
 - c) Mobilize the people within the district to restore degraded environmental resources through self help;
 - d) Mobilize the people within the district to improve their natural environment through self help;
 - e) Create awareness of the people within the district to enhance, preserve and protect their indigenous knowledge and the cultural and spiritual values on biodiversity;
 - f) Monitor all activities within the district to ensure that such activities do not have any significant impact on the environment;
 - g) Report any events or activities which have or are likely to have significant impact on the environment to the District Environment Officer; and
 - h) Perform such other functions as may be prescribed by the County Environment Committee in consultation with the Agency.
- 4) The District Environmental Committee shall elect its officials from amongst members which shall include the Chairman, Vice Chairman, Treasurer;
- 5) The members and officials shall be elected every 3 years and may be eligible for re-election; and elections shall be conducted by, and under the supervision of the County Environmental Officer; and

- 6) The District Environment Committee shall meet at least once in every three months.

Section 27

District Environment Officer

- 1) The Agency shall appoint a District Environment Officer for each District;
- 2) The functions of the District Environment Officer shall include the following:
 - a) To advise the district Environment Committee on all matters relating to the management of the environment and natural resources;
 - b) To function as the Secretary to the District Environment Committee;
 - c) To liaise with the County Environment Officer and agency on all matters relating to the environment;
 - d) To compile such reports to the Agency as may be prescribed;
 - e) To promote environmental awareness through dissemination of information, public education and campaigns;
 - f) To assist the County Environment Officer to conduct public hearings on environmental impact assessment in the County and the district as prescribed in this Act; and
 - g) To ensure that the views and concerns of all groups within the District are represented at public hearings on environment and natural resource management decisions.

Section 28

Role of Line Ministries and Establishment of Environmental Units

- 1) Each Line Ministry shall establish and environmental unit to:
 - a) Ensure responsibility for compliance by that Line Ministry with the requirements of this Act;
 - b) Make comments on environmental impact assessment in accordance with section (37) of this Act:
 - c) Liaise with the Agency on matters involving environmental management and all matters with respect to which co-operation or shared responsibility is desirable or required under this Act;

- 3) each Ministry or authority charged with the management of any segment of the environment under any law shall submit to the Agency:
 - a) Annual reports of its operations; and
 - b) Such other reports as may be required for the purposes of this Act.
- 4) Each Line Ministry shall carry out its functions and duties in connection with the environment as prescribed in any law provided that such law does not conflict with the provisions of this Act;
- 5) Where a Line Ministry suspects or detects any contravention of an environmental law beyond its sphere of responsibility, it shall through its environmental unit forthwith inform the Executive Director of the Agency and the relevant Line Ministry.

Section 29

Amendment of Existing Sectoral Laws

- 1) Each Line Ministry shall ensure that any laws, rules and regulations on the protection and management of the environment, or the conservation and utilization of natural resources existing immediately before the coming into operation of this Act, shall be amended to facilitate the operation of this Act, and shall for the time being apply subject to such modification as may be necessary to give effect to this Act.
- 2) Without prejudice to the generalities of sub-section (1), the Ministry of Internal Affairs is encouraged to ensure that laws, rules and regulations for the protection and management of the environment and natural resources are integrated into the Rules and Regulations Governing the Interior and are disseminated to local authorities.

PART IV - ENVIRONMENTAL PLANNING

Section 30

Environmental Planning at National Level

- 1) The Agency shall, in every five years, in consultation with the Line Ministries and County Environmental Committees, prepare a National environmental Action Plan, the first of which shall be prepared two years following the effective date of this act and shall be submitted to the Council for consideration and approval;
- 2) The National Environmental Action Plan shall:
 - a) Contain all matters affecting the environment and provide general guidelines for the management and protection of the environment and natural resources of Liberia well as the strategies for preventing, controlling, or mitigating any deleterious effects;

- b) Be the basis for national environment planning and implementation of development programmes;
 - c) Recommend appropriate economic and fiscal incentives as instruments for environmental protection to be incorporated into the planning and operational processes of the economy and recommend areas for environmental research and outline methods of utilizing research information;
 - d) Recommend methods for building national awareness on the importance of sustainable use of the environment and natural resources for national development;
 - e) Take into account County Environment Action Plans as provided for under section (31) of this Act;
 - f) Identify and recommend policy and legislative approaches for preventing, controlling or mitigating specific as well as general adverse impacts on the environment;
 - g) Be disseminated to the public;
 - h) Without prejudice to subsection (1), be reviewed and modified from time to time to take into account emerging knowledge and realities;
 - i) Be in such form and contain other matters as the agency may prescribe.
- 3) The National Environment Action Plan shall be binding on all Line Ministries, public organizations, agencies, companies, non-governmental organizations and all persons.

Section 31
Environmental Planning at County Level

- 1) A County Environmental Committee shall, in consultation with the Agency and in addition to its existing role, prepare every five years, a County Environment Action Plan, the first of which shall be prepared two years following the effective date of this Act, and shall be revised every 5 years or such other period as, national planning, or the Committee, in consultation with the Agency, be considered necessary;
- 2) The County Environment action Plan shall:
 - a) Be in conformity with the National Environmental Action Plan;
 - b) Identify environmental problems in the County;
 - c) Be binding on all District Committees and persons within the County;

- d) Be disseminated to the public; and
- e) Contain such matters as may be prescribed.

PART V- ENFORCEMENT AND CONTROL

Section 32

Right and Responsibility to a Clean and Healthy Environment

- 1) Every person in Liberia has the right to a clean and healthy environment and a duty to take all appropriate measures to protect and enhance it through the Agency, the judicial process, the Environmental Court established under this Act and any appropriate organizations established for the purpose in accordance with this Act and any other written law;
- 2) Without prejudice to the generality of subsection (1) and in addition to the appeal provision of section (36) (4) of this Act, any person may bring an action under this Act to:
 - a) Prevent, stop or discontinue any act or omission to act which is deleterious or injurious to any segment of the environment or likely to accelerate unsustainable depletion of natural resources;
 - b) To compel any ministry, agency, public authority, organization and any public officer to take measures to prevent or discontinue any act or omission deleterious to the environment;
 - c) To require that any on-going activity be subjected to an environment audit in accordance with the provisions of this Act;
 - d) To require that the ongoing activity be subjected to environmental monitoring in accordance with this law;
 - e) To compel the person responsible for the environmental degradation to restore the degraded environment as far as it is practicable to its immediate condition prior to the damage;
 - f) To provide compensation for any victim of pollution and the cost of beneficial uses lost as a result of an act of pollution and other losses the are connected with or incidental to the foregoing; and
 - g) Apply for a court order for the taking of other measures that would ensure that the environment does not suffer any significant damage.
- 3) The Agency shall recommend to the Legislature for enactment the rules and procedures by which any person may seek protection of the environment by appealing directly to he

Agency for regress, taking the case to any specialized body established by this Act, or through the judicial process;

- 4) The Minister of Justice shall, in consultation with the Agency take action to ensure compliance with any orders of the court relating to this section.

Section 33

Establishment of the Environmental Court of Appeals

- 1) There is established on the level of the Judicial Circuit, a specialized Intermediate Court to be known as the Environmental Court of Appeals and be referred to herein as "the Appeals Court", which shall have jurisdiction of all appeals from the Environmental Administrative Court established under this Act;
- 2) An appeal may be taken from the judgment and decisions of the Appellate Court to the supreme Court;
- 3) The Appeals Court may regulate its own procedure, except that it shall conform to established judicial appellate procedures;
- 4) The Appeals Court shall be comprised of five experienced judges with knowledge of national and international environmental law, appointed by the President from a list of at least seven names recommended by the Policy Council, to hold office for a term of 7 years and be eligible for re-appointment;
- 5) The sittings of the Appellate Court shall be in the Capital City of Monrovia and shall be presided over by three of the five appointed judges and shall convene twice a year: in June and again in November;
- 6) A Judge who has direct interest in a matter, which is subject of the proceedings before the Court, shall disqualify herself/himself from the proceeding of the Court with respect to that matter;
- 7) The position of "Chief Judge" or Chairman is to rotate according to rules prescribed by the members of the Appeals Court;
- 8) There shall be a registrar and other staff necessary to the functioning of the Appeals Court who shall be employees of the Agency.

Section 34

Establishment of the Environmental Administrative Court

- 1) There is established a special adjudicatory Environmental Administrative Court to be referred to in this Act as "the Court" before which complaints relating to the environment may initiate and appeals on Agency decisions heard;

- 2) The Court shall have power to:
 - a) Subpoena and summon any person to give evidence in any proceedings before the Court or to produce to the Court any document relevant to the proceedings before it; and
 - b) Confirm, vary, amend or alter a decision made by the Agency or an environmental inspector or reverse or substitute such decision for any decision which is just and equitable and which is in the interest of the protection and management of the environment or the conservation and sustainable utilization of natural resources.
- 3) The Court shall be comprised of:
 - a) A senior legal expert with experience of not less than 10 years in legal practice and legal education who shall be referred to as "Administrative Law judge" and who shall be the presiding officers of the Court;
 - b) A Lawyer with professional qualifications in environmental law and experience;
 - c) A Lawyer with professional qualifications in environmental law and experience;
 - d) Two persons with environmental science and environmental management qualification and experience; and
 - e) The Court may maintain a pool of persons of experience and relevant expertise from which persons to be referred to as "Commissioners of the court" shall be selected, on as need bases, to provide technical advice that will assist in reaching a decision on the wide range of issues that may come before the Court.
- 4) Members of the Court shall be appointed by the President from a list of at least two names for each position submitted by the Agency in consultation with the Chairman of the Board and Chairman of the Policy Council;
- 5) Members of the Court, except for "Commissioners of the Court" shall hold office for a term of 7 years and shall be eligible for re-appointment;
- 6) The Court may regulate its own procedure, except that it shall conform to established rules for adjudicatory hearings and that quorum shall be three members;
- 7) There shall be a Registrar and other staff of the Court who shall be employees of the Agency;
- 8) A member of the Court who has a direct interest in a matter, which is the subject of the proceedings before the Court shall disqualify herself/himself from the proceedings of the Court in respect of that matter.

Section 35

Rotational Sittings and Proceedings of the Environmental Administrative Court

- 1) The Court shall be a rotating court of records with sittings in the Capital City of the five regions of Liberia once every four months each year: January, May, and September;
- 2) The Court shall have its sittings in the Capital City of Monrovia during the months of April and October each year;
- 3) Members, under the leadership of the Administrative Judge of the Court and in collaboration with the Agency, shall determine and by published notice designate the appropriate venue for deliberations;
- 4) The proceedings of the Court shall be open to members of the public except where the Court for good cause, otherwise directs;
- 5) The Court shall not be bound by strict rules of evidence and shall admit as evidence any relevant matter, which in its opinion shall assist it to arrive at a just and equitable decision for the advancement of the objects of this act; and
- 6) A person aggrieved by the decision of the Court may, within 30 days from the date of the decision of the Court, take the case to the Court of Appeals established under this Act.

Section 36

Appeals to the Environmental Administrative Court

- 1) Any person who is aggrieved by decisions made by the Agency or by regulations made under this Act may appeal to the Court for redress;
- 2) Where an act or omission to act has caused or is likely to cause harm to human health or the environment, any person, including the Agency, on their own behalf may bring an action before the Court to ensure compliance with this Act;
- 3) The head of the Agency and officers may be named as defendants in a case before the Court;
- 4) Without prejudice to any other law relating to service of documents, a document served on the Agency may be served by leaving it in the office of the Executive Director of the Agency; and
- 5) The Agency shall establish by published notice guidelines and procedures for actions brought before the Court.

Section 37

Environmental Impact Assessment

- 1) The Agency shall require that an environment impact assessment be undertaken on all projects, policies, programmes and activities specified by the Agency in consultation with relevant ministries and agencies and published by notice;
- 2) A developer, or project proponent, shall not commence, carry out, execute, implement or conduct a project or activity for which an environmental impact assessment is required unless an environmental impact assessment has been concluded and an environmental regulations made there under;
- 3) A licensing or permitting agency or authority under any law in force in Liberia shall not issue a license for any project for which an environmental impact assessment is required under the Act, unless the applicant produces to the licensing agency or authority an environmental impact assessment license or permit issued under this Act and the regulations made there under; and
- 4) The Agency shall establish all rules, regulations and procedures relating to the implementation of the environmental impact assessment requirement under this Act, and which shall be reviewed five years after implementation date to assure their effectiveness.

Section 38

Offences Relating to Environmental Impact Assessment

- 1) Any person who: -
 - a) Fails to comply with the environmental impact assessment process as established by law, rules or regulations under this Act; and/or
 - b) Fraudulently makes a false statement in connection with any of the requirements under this Act commits a felony in the second degree and is liable on conviction, to imprisonment for a period not exceeding 10 years or to a fine not exceeding 25,000US DOLLARS or to both.
- 2) Notwithstanding sub-section (1), any activity subject to an EIA process that begins without completing the EIA process shall be subject to sanctions and remedies including tearing down of construction, restoration of site and revocation of any authorization.

Section 39

Monitoring and Auditing Environmental Effects

- 1) The Agency shall, in consultation with the relevant Line Ministries, establish by published notice all rules, regulations and procedures relating to the monitoring and auditing of:
 - a) All environmental elements with a view of making an assessment of a possible change in the environment and their possible environmental impact; and
 - b) The operation of an industry, project or activity with a view to determining its immediate and long-term effects on the environment.

Section 40
Environmental Restoration Order

- 1) The Agency shall issue to any person, in respect of any matter relating to the management of the environment and natural resources, an environmental restoration order for the purposes that include but not limited to:
 - a) Restoring degraded environment and natural resources;
 - b) Preventing further damage to the environment;
 - c) Preventing pollution;
 - d) Compensation for damage to the environment; and
 - e) Cleanup of waste or refuse.
- 2) The Agency shall establish:
 - a) Terms and conditions of the environmental restoration order;
 - b) The delegatory power of the agency as relate to Environmental Inspectors;
 - c) The conditions under which an Environmental Inspector may enter any premises for the purpose of enforcing an environmental restoration order or inspect activities on the premises to determine effect on the environment;
 - d) All rules, regulations and procedures relating to the implementation of section (40) of this Act pertaining to environmental restoration orders.

Section 41
Offences Relating to Restoration Orders

Any person who fails or refuses to comply with the environmental restoration order made under the Order commits an offence and is liable on conviction to imprisonment for a period not exceeding 10 years or to a fine not exceeding 25,000 US DOLLARS or both.

Section 42

The Environmental Easement Order

- 1) The Agency may, if and when deemed necessary, establish the requirements for Court-issued environmental easement orders to facilitate environmental conservation and enhancement by imposing certain obligations on the use of land for the benefit of the environment;
- 2) An environmental easement may be imposed so as to:
 - a) Preserve flora and fauna;
 - b) Preserve the quality and flow of water in a dam, lake, river or aquifer;
 - c) Preserve any outstanding geological, physiographical, ecological, archaeological, or historical features of the burdened land;
 - d) Preserve a view;
 - e) Preserve open space;
 - f) Permit persons to walk in a defined path across the burdened land;
 - g) Preserve the natural contours and features of the burdened land;
 - h) Prevent, or restrict the scope of any activity on the burdened land which has as its objects the mining and working of minerals or aggregates;
 - i) Prevent or restrict the scope of any agricultural activity on the burdened land;
 - j) Create and maintain works on burdened land so as to limit or prevent harm to the environment.

Section 43

Environmental Protection Standards, Guidelines and Procedures

- 1) The Agency shall, in collaboration with the relevant Line Ministry and/or Agency, establish standards, guidelines and procedures for:
 - a) Media-specific environmental quality: air, water, soil;
 - b) Pollution control, toxic substances, hazardous waste and licensing;
 - c) Solid waste management;

- d) Protection of Liberia's wildlife and natural resources;
- e) Protection of Liberia's biodiversity, natural heritage and ozone layer.

Section 44

Economic Instruments for Environmental Management

- 1) Without prejudice to the provisions of the Income Tax Act of Liberia or any other law relating to tax, the Minister of Finance shall on the recommendations of the Policy Council include in the annual budget economic instruments to ensure an appropriate pricing of environmental resources and that the costs of pollution are paid by the Polluter;
- 2) The instruments shall include:
 - a) Tax incentives to encourage use of environmentally sound technology in production processes;
 - b) Tax incentives to encourage behavior including conservation of natural resources and the prevention or abatement of pollution;
 - c) Tax disincentives to discourage or deter bad environmental behavior that causes pollution and or leads to the depletion of environmental resources;
 - d) User fees to ensure that those who use environmental resources pay proper value for the utilization of the resources;
 - e) Customs and excise waiver in respect of imported capital goods which prevent or substantially reduce pollution caused by an activity; or
 - f) Bounds to ensure the reclamation, restoration and rehabilitation of the environment;
 - g) Tax rebates to industrial or other establishments that invest in plant, equipment and machinery for recycling and reuse of water, water use and conservation, prevention of floods, afforestation and for using renewable resources as a substitute for hydrocarbons.
- 3) Notwithstanding subsection (2), economic instruments, such as subsidies to the private sector, should not encourage over-investment in sector that are likely to have high adverse environmental impact, particularly subsidies in areas to include:
 - a) Exploitive equipment;
 - b) Expansion of cultivation and harvesting operations beyond sustainable levels;
 - c) Inefficient harvest techniques; and

- d) Any other damaging subsidies.

PART IV - FINANCIAL PROVISIONS

Section 45

Establishment of the National Environmental Fund

- 1) There is hereby established the National Environment fund into which all monies received by the Agency shall be paid in the first instance and out of which all payments shall be made;
- 2) The sources of the Fund shall consist of payments of:
 - a) State budget allocations to consolidate the fund;
 - b) All fees charged by the Agency under this Act;
 - c) Contributions and donations presented by national and foreign bodies for the purposes of environment and development and which are accepted by the Board of Directors;
 - d) Fines and compensations by court rulings or which are agreed upon for damages affecting the environment;
 - e) The return from research and experimental projects undertaken by the Agency;
 - f) Remuneration for services rendered by the Agency to third parties;
 - g) Fees on permits issued by the Agency in the performance of its functions under this Act.

Section 46

Objective of the Fund

- 1) The objective for which the Fund is established is the protection, enhancement and management of the environment and natural resources in Liberia.
- 2) The resources of the fund shall be allocated for expenditures in order to achieve the objectives of this Act.

Section 47

Administration and Operation of the Fund

- 1) The Board of Directors shall be responsible for the administration of the Fund;

- 2) The Board of Directors may on the advice of the Executive Director provide funding to any Line Ministry in pursuance of the objectives of this Act;
- 3) The County Environmental Officers and appointed members of the County Environment Committees and the District Environment Committees shall on the approval of the Executive Director, and under the guidance of the Financial Department, administer the Fund to facilitate the functions of the County Environment Committees and the District Environment Committees.
- 4) No expenditure shall be made out of the Fund of the Agency unless the budget has been approved by the Board.

Section 48
Accounts, Audit and Annual Reports

- 1) The Agency shall keep proper books of accounts and records in respect of income and expenditure, assets and liabilities and all affairs of the Agency;
- 2) The annual accounts of the Agency shall be audited by the Auditor General or a qualified auditor appointed by the Auditor General;
- 3) The Agency shall, not later than three months before the beginning of the Government's regular budgetary season, cause to be prepared and submitted to the Board for its approval estimates of income and expenditure for the following fiscal year.
- 4) The Agency shall within 3 months after the financial year, prepare and submit:
 - a) To the Board of Directors
 - i. An annual report in respect of that financial year containing;
 - ii. Such financial statements as the Board of Directors may require;
 - iii. A report on the operations of the Fund; and
 - iv. Any other information which the Board of Directors may require.
 - b) To the Auditor General:
 - i. Accounts of the Fund for the Fiscal Year;
 - ii. An annual report in respect of that Fiscal Year;
- 5) The Auditor General shall, within two months after receipt of the Accounts and Annual Report, submit an opinion on them to the Council;
- 6) All records of the accounts, audits and annual reports under this section shall be available to the public upon request to the Agency;
- 7) The financial year of the Agency shall be the period of 12 months in conformity with the Government's fiscal year.

Section 49

Refundable Performance Bonds Deposit

- 1) The Agency shall create a register of those natural resource extractive activities and industrial plants which are likely to have adverse significant effect on the environment and are subject to refundable performance deposit bonds;
- 2) The activities listed in the Annex V to this Act are subject to refundable performance bonds deposit;
- 3) The deposit bonds shall be refunded to the operator of the activity industrial plant or other undertaking after such duration and observance of good environmental practice to the satisfaction of the Agency, nevertheless the refund of the bond does not release the operator from liability for any future damage caused by the activity;
- 4) Any interest accruing from monies deposited as part of the refundable performance deposit bonds and invested in the Trust Fund shall be for the benefit of the Fund;
- 5) The agency may after giving notice to the operator, confiscate a deposit bond where the operator is in breach of the provisions of this Act;
- 6) Any appeals against the Agency under this section shall be made to the Environmental Court.

Section 50

Establishment of a Trust Fund

- 1) The agency shall establish a Trust Fund for the sources of the Trust Fund shall consist of payments of:
 - a) Refundable performance bonds deposit for reclamation, rehabilitation and restoration of the environment;
 - b) Such proportion of fees or fines as may be determined by the Agency;
 - c) Such proportion of fees and levied from industry and other projects; and
 - d) Any contributions for the purposes of restoration of the environment.
- 2) The Agency shall invest the Trust Funds in securities which the Board may from time to time approve;

- 3) Any interest accruing from monies deposited as part of a deposit performance bond and invested in the trust Fund shall be for the benefit of the Fund.

Section 51

Offences Relating to the Funds Established Under Part VI

- 1) Any person who misappropriates or fraudulently appropriates the Funds established under Part VI of the Act, or any portion thereof, whether for personal gains or in the mistaken interest of Agency or other persons, commits an offence and is upon conviction liable to a fine of 50,000US DOLLARS, or to imprisonment for a period not exceeding 20 years or both;
- 2) Notwithstanding sub-section (1), any person who misappropriates or fraudulently appropriates the funds established under Part VI of the Act, or any portion thereof, may, in addition or in the alternative to criminal penalty, be ordered to restore lost funds and for good cause be relieved of all duties and responsibilities for the management of the Funds
- 3) The court may impose a combination of two or more penalties depending in the gravity of the offence.

PART VII- MISCELLANEOUS

Section 52

Common Seal of the Agency

- 1) The common seal of the Agency shall be such device as the Board may determine and shall be kept in the custody of the Executive Director;
- 2) The common seal of the Agency shall not be affixed on any document except as prescribed by the Board, and shall be authenticated by the signatures of Executive Director and the Chairman of the Board;
- 3) In the absence of the Chairman, a Board member shall be designated by the Board to authenticate the common seal in the place of the Chairman, and in the absence of the Executive Director, the Deputy Director or the person delegated to perform the functions of the Executive Director shall authenticate in the place of the Executive Director;
- 4) The signatures of the Chairman, Executive Director or any other member of the Board under this section shall not require the signature of any person as witness;
- 5) A contract or instrument, which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Agency by the Executive Director or any other person authorized by the Board;

- 6) Every document purporting to be:
 - a) An instrument issued by the Agency and sealed with the common seal of the Agency authenticated in the manner prescribed under this section; or
 - b) A contract or instrument entered into or executed under subsection (5), shall be received in evidence without further proof as such, as an instrument duly issued or a contract or instrument entered into or executed as the case may be unless the contrary is proved.

Section 53
Regulations

- 1) The Legislature may, on the recommendations of the Agency and upon consultation with the Line Ministries, make regulations providing for matters that are required or permitted by this Law to give full effect to the purposes and objectives of this Law;
- 2) Regulations made under subsection (1) shall include provision for:
 - a) Establishment of the Environmental Court;
 - b) Civil procedure for suits under section 5 of the Law;
 - c) The issue, amendment and revocation of any license issued under this Law;
 - d) Fees and levies to be charged under this Law;
 - e) Measures required or permitted to be prescribed under this Law;
 - f) The protection of any particular species of fauna and flora; and
 - g) For any other regulations made under this Law.

Section 54
Rules of Construction

- 1) The provisions of this Act shall be liberally construed to promote the sustainable protection and management of the environment and natural resources of Liberia;
- 2) Reference to sections in this Act or to other laws of Liberia shall mean those sections or other laws as shall be amended from time to time;
- 3) Unless the context otherwise requires, words importing the singular include plural and vice versa, and words importing gender or neuter include both genders and the neuter; and

- 4) The word "including" means including but not limited to the items listed as included.

Section 55

Transition

- 1) In recognition of the comprehensiveness of this act and the need for capacity building, a transition period may be required to phase the act into full implementation; accordingly, the Agency shall have the duty and responsibility to establish a transition mechanism such as an inter-sectoral team, a consultancy team, or a combination of both, within 3 months after the effective date of this act, to assist in developing a transition plan with timelines for full implementation of the Act;
- 2) Notwithstanding sub-section (1), this Act has the full forces of its effective date.

Section 56

General Penalty

Any person who commits an offence against any provision of this Act or regulations made there under for which no other penalty is specifically provided is liable on conviction to imprisonment exceeding 50,000 US DOLLARS or to both.

Section 57

Consistency with other Laws

Where any written law is inconsistent with any of the provisions of this Act the written law shall be invalid to the extent of the inconsistency.

Section 58

Severability

If any provision of this Law or application thereof to any person or Circumstances is held invalid, the invalidity shall not affect other provisions or applications of this law, which can be given effect without regard to the invalid provisions or applications and to this end the provisions of the law are severable.

ANNEXES TO THE ENVIRONMENT PROTECTION AGENCY ACT

ANNEX I (Section 7) MEMBERS OF THE NATIONAL POLICY COUNCIL

1. The Policy Council shall consist of the following members:

- a) The Chairman who shall be a Minister appointed by the President;
- b) Two Members of the Senate from environment-related Committees;
- c) Two members of the House of Representatives from environment-related Committees;

A representative from the relevant staff of each of the following ministries, agencies, organizations or institutions;

- d) The Association of Architect and Engineers;
- e) The Ministry of Agriculture;
- f) The Liberia National Bar Association;
- g) The Liberia Chamber of Commerce;
- h) The Council of Chiefs
- i) Ministry of Gender and Development
- j) The Ministry of Health and Social Welfare;
- k) The Ministry of Commerce and Industry/Bureau of Standards
- l) The Ministry of Lands, Mines and Energy;
- m) The Ministry of Planning and Economic Affairs;
- n) The Ministry of Transport
- o) The Ministry of Public Works;
- p) The Ministry of Information, Culture and Tourism;
- q) The Ministry of Education;

- r) Bureau of Maritime Affairs;
 - s) Forestry Development Authority;
 - t) The Ministry of Rural Development
 - u) The Ministry of Internal Affairs;
 - v) Liberian Electricity Corporation;
 - w) Liberian Petroleum Refinery Corporation;
 - x) Liberia Water and Sewerage Corporation;
 - y) The University of Liberia
 - z) One representative - Federation of Liberian youth (FLY)
 - aa) One representative - Liberia National Student Union (LINSU)
 - bb) Head of the Liberia Interfaith Council;
 - cc) One representative of all environment-related Non-governmental Organizations selected by the NGO memberships or from their umbrella organization;
 - dd) Liberian Marketing Association
 - ee) One eminent female known in Liberia for her exemplary work and dedication to environmental protection, including the role of women, and/or poverty alleviation;
- 2) The Agency may, if it deems it necessary for the purpose of balance, appoint two persons to the Council from sources outside the above list;
 - 3) The Legislature may, on the recommendation of the Council, by notice published, amend ANNEX I to this Act.

ANNEX II (Section 12)

MEMBERS OF THE BOARD OF DIRECTORS

- 1) The Board shall consist of no more than nine persons to include:
 - a) Governor of the Central Bank (financial expert);

- b) A member of the Liberia National Bar Association (legal expert);
 - c) An Industrialist (private industry);
 - d) The Minister of Commerce and Industry;
 - e) The Minister of Planning and Economic Affairs;
 - f) One representative of one of the universities in Liberia from a department of environment-related sciences (an academician);
 - g) One prominent woman; and
 - h) The Executive Director of the Agency who shall be an ex-officio member without voting rights;
- 2) The President may with recommendation by the Agency appoint two additional persons as is necessary to provide expertise and or capacity that is found to be lacking on the Board;
 - 3) The President shall appoint the Chairman of the Board from amongst the above members;
 - 4) The Legislature may, on the recommendation of the Council and by notice published amend the ANNEX II to this Law.

Annex III (Section 24)

Members of the County Environment Committee

- 1) A County Environment Committee shall comprise of the following members:
 - a) County Superintendent;
 - b) Mayor of the County Seat;
 - c) Mayors of Statutory Districts;
 - d) District Commissioners of the County
 - e) A Paramount Chief from each District;
 - f) The County Environment Officer who shall be an ex-officio member and shall serve as the Secretary and advisor to the Committee;
 - g) Two women representatives from the County;

- h) One youth representative from the County;
 - i) Two members of the Legislative Caucus representing the County shall be Ex-Officio members.
- 2) The Legislature may, on the recommendation of the Council, and by notice published, amend the ANNEX III to this Law.

ANNEX IV (Section 26)

Members of the District Environment Committee

- 1) Members of the District Environment Committee shall comprise of:
- a) The District Commissioner;
 - b) Statutory Superintendent;
 - c) City Mayors of each District
 - d) Paramount Chiefs of the District;
 - e) The Clan Chiefs;
 - f) Dean/Chief of Elders;
 - g) One youth representative
 - h) Two women representative
 - i) District Land Commissioner;
 - j) District Health Officer;
 - k) District agriculture Officer;
 - l) Chief/Master farmer;
 - m) Chief/Mater Hunter;
 - n) District Forestry Officer;
 - o) District Educational Officer;

- p) Two Chief Herbalists/medicine person: one male and one female.
- 2) Members of the House or Representatives from the District shall be Ex-Officio members;
- 3) The Legislature may, on the recommendation of the Council, and by notice published, amend ANNEX IV to this Law.

ANNEX V (Section 48)

- 1) Matters for Environmental Bonds as shall be advised by the Agency shall include:
 - a) **Mining**
All Applicants and holders of Mining Licenses under the New Minerals and Mining Law of Liberia.
 - b) **Forestry**
All Applicants and holders of Forest Utilization Licenses under the Forestry Act.
- 2) ANNEX V is to be completed on further consultations with sectoral ministries and agencies, and amendments published.