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PEOPLE, RULES AND ORGANIZATIONS SUPPORTING THE PROTECTION OF ECOSYSTEM RESOURCES (PROSPER)

SIMPLE LANGUAGE GUIDE TO THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS IN LIBERIA

DECEMBER 2016

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PEOPLE, RULES AND ORGANIZATIONS SUPPORTING THE PROTECTION OF ECOSYSTEM RESOURCES (PROSPER)

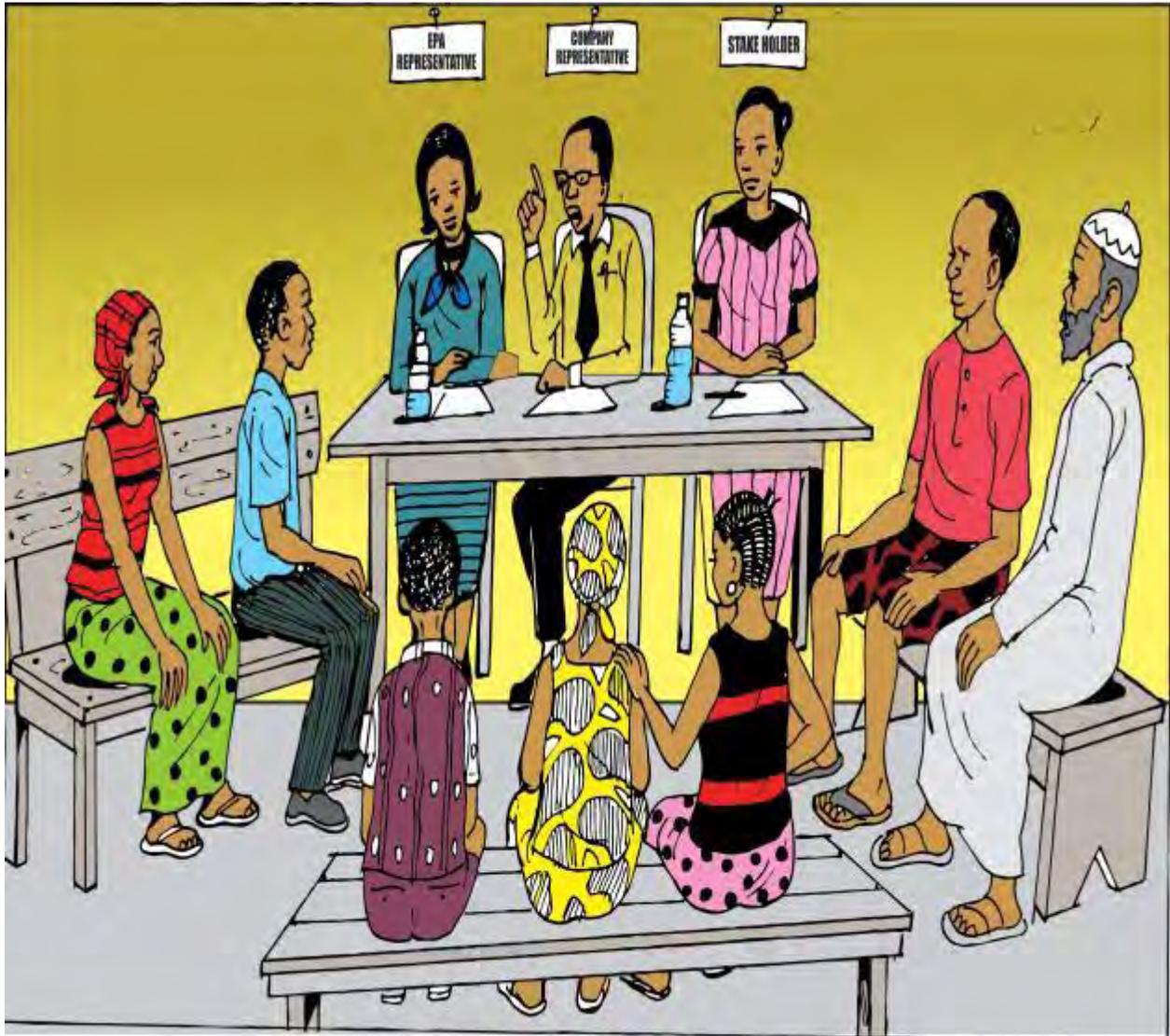
SIMPLE LANGUAGE GUIDE TO THE ENVIRONMENTAL
IMPACT ASSESSMENT PROCESS IN LIBERIA

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

SIMPLE LANGUAGE GUIDE TO THE EIA PROCESS IN LIBERIA



A TOOL FOR LOCAL COMMUNITY AWARENESS & PARTICIPATION

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PURPOSE OF THE GUIDE

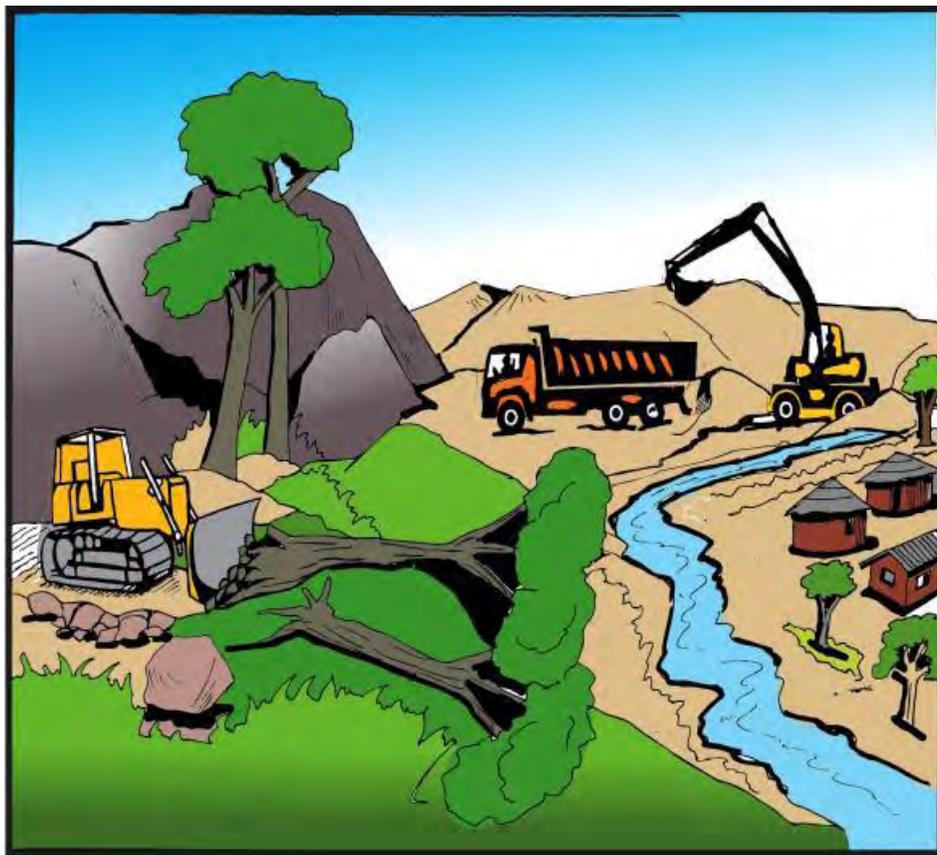
This guide is to be used by literate community members to tell community people about how they can have their say on projects that affect them and their environment, such as mining, agriculture, or forestry projects. The guide also talks about the laws that protect the environment (**Environmental Protection Agency Act of 2002, the Environment Protection and Management Law of 2003, and the Environmental Impact Assessment Procedural Guidelines of 2006**).

The guide will help local people to know **how the EIA Permit process works**. They will get to learn about **what they can do in the EIA process**. They will also **learn about the role of other groups** such as the government and NGOs.

Members of local communities often know very much about places and resources that are important to them. They also may have a way of knowing how project activities can affect the water, land, forest and air around them. The constitution of Liberia and EPA's laws allows for people to work with the Government so that their concerns are considered in the EPA permit process. This guide is intended to **help community people work with companies and the Government to make sure that their environment is protected during and after companies operation**.

MODULE I: WHAT CAN A COMMUNITY EXPECT WHEN A COMPANY SET UP A PROJECT (MINING, FORESTRY, AGRICULTURE, ETC.) NEARBY

In certain cases, the government can give private companies the right to manage Liberia's resources (land, trees, and minerals). An agreement is signed to make sure that resources are taken care of for the good of Liberia. This is called a **concession agreement**.





In many cases, the Agreement says that the company has to help the people that live in the area. They do this through **social agreements** with local communities. The company may also put money into a County Development Fund (CDF) for the county government to use for the good of the people.

It is important for local communities to know about these companies and projects for several reasons:

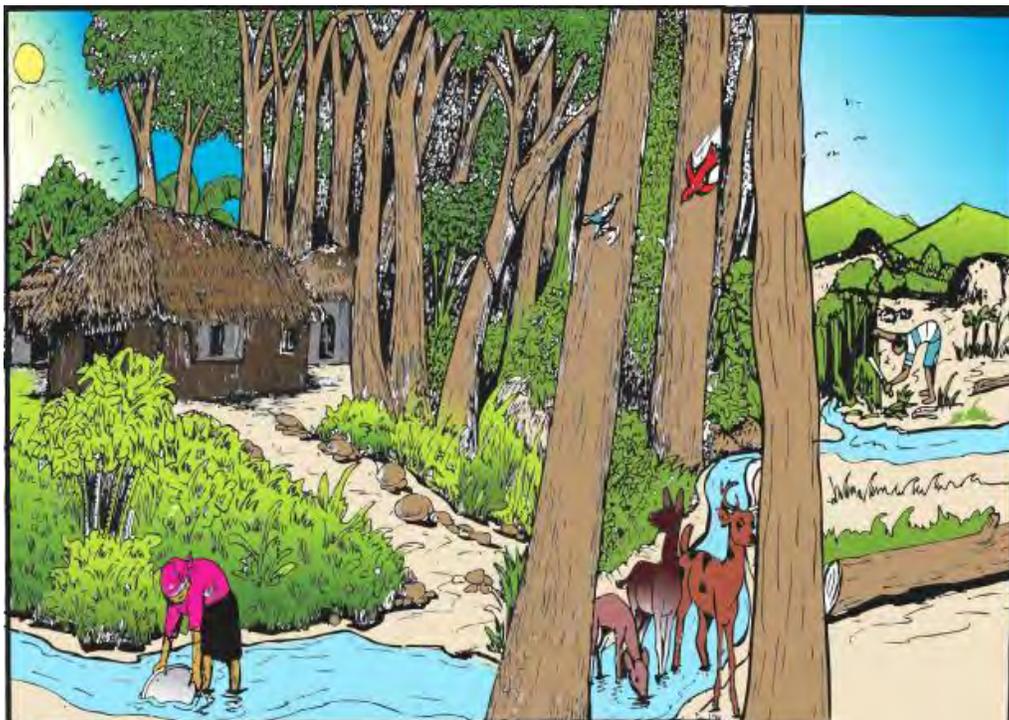
- A company is a legal business.
- Companies spend money to get resources through their agreement with the government.
- Companies have these agreements so that they can sell and make a profit from these resources.

- Projects can last a long time and take many years. Some agreements are 10 years, some are 25 years and some are 99 years.
- Companies with a concession agreement may use land and other resources that people have depended on for their farming, hunting, settlements.
- Projects can bring many strangers to the area to look for jobs; these strangers can cause conflict within the community for land, water, health services, etc.
- Projects can have an impact on the way community people live, what they do to get money. Projects can also change peoples' culture and practices.
- New roads and other structures (school, markets, entertainment centers) constructed by companies can make businesses and other opportunities to come to the communities.
- Projects may cause impacts that affect drinking water, forest livelihood of communities, air and wildlife that people depend upon.
- Projects may create conditions for palaver amongst two or more communities, or between the company and communities, and amongst other groups.

MODULE 2: WHAT IS AN ENVIRONMENT & SOCIAL IMPACT ASSESSMENT (EIA) AND HOW IS IT IMPORTANT FOR COMMUNITIES WHERE COMPANIES COME TO WORK

UNIT 2.1: WHAT DO COMMUNITIES NEED TO KNOW ABOUT ENVIRONMENT

The environment is the place we live and carry on various activities to make our living. It includes everything that makes up our surroundings and affects our ability to live in our communities—the air we breathe, the rivers and creeks that flow around us, the soil on which we farm, the forest and animals around us, and much more.



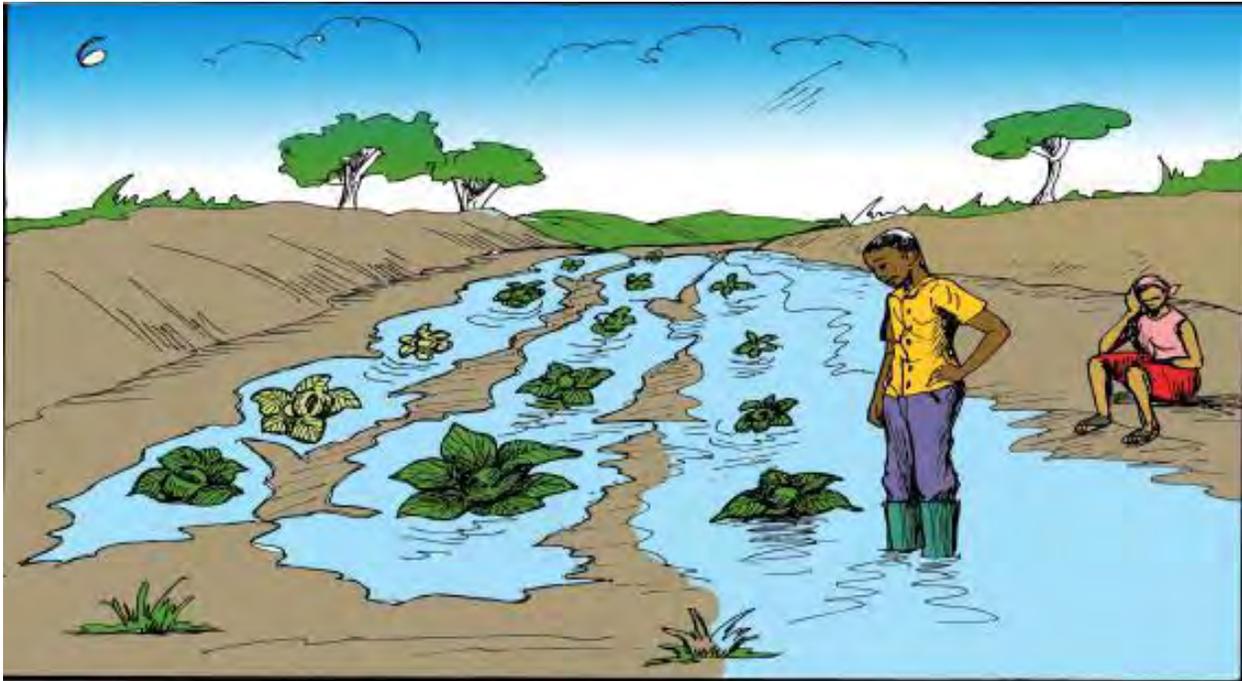
The environment is made of both living and non-living things. The living things such as humans, animals and plants depend on other living things and non-living things such as water, air and soil in order to survive.

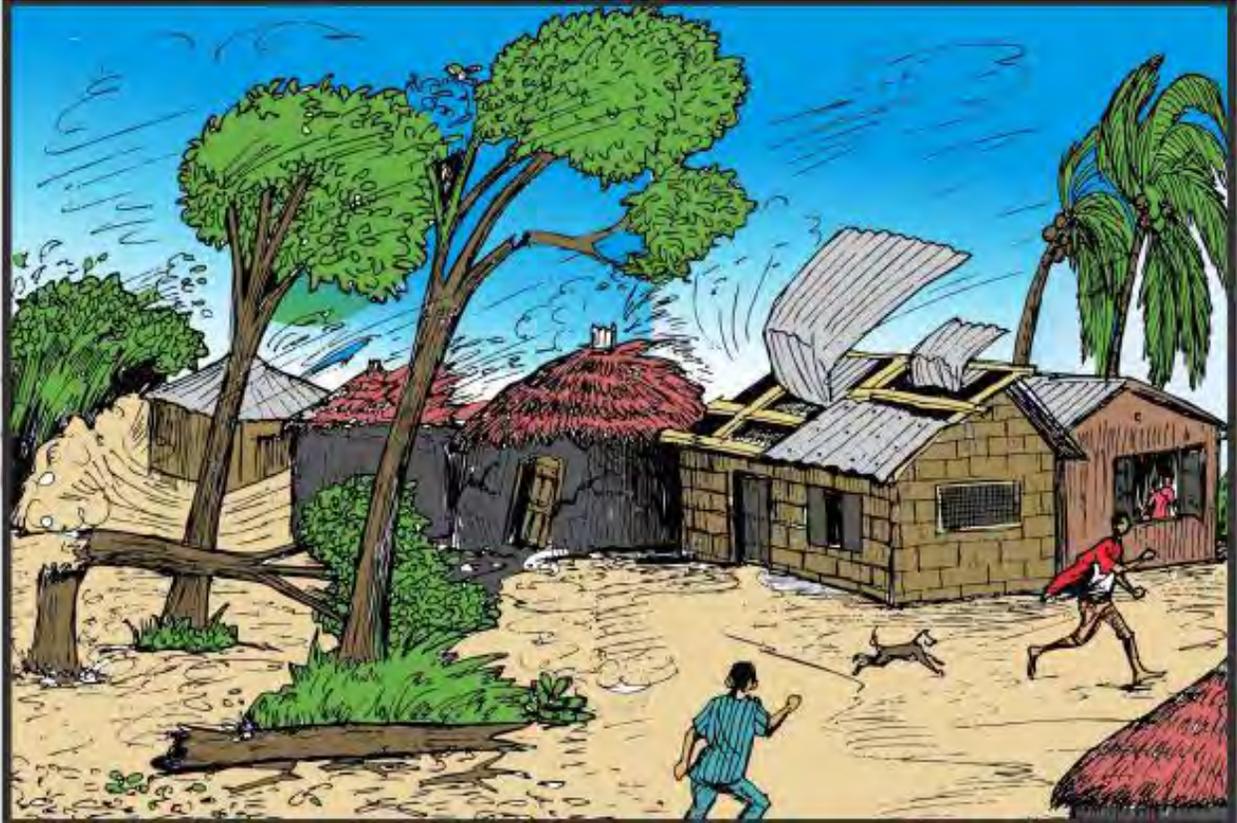
Without sunshine, rain and soil there will be no plants. Animals and people will have no food to eat. The forests around us help to give us clean water and clean air. We depend on the forest for food, Poro and Sande societies, country medicine and things that we collect from it to sell for money (kola nut, palm wine, palm nut, rattan, dry meat).

Overall we depend on our environment for so much. This means that if anything bad happens in our environment, it will affect us in so many ways.

Lately, government, community people, NGOs and other book people have been looking at the ways that companies and people affect the environment. They have found that we are finishing our forests, making our rivers and creeks dirty, spoiling our air and causing other problems that are bad both to our communities and to ourselves.

Take a few minutes and think about the way the rainy and dry season has been acting over the last few years; think about the heavy storms that break down people houses and the floods that spoil farms and burst into our communities after heavy rains.





It is therefore good that we ourselves and companies that work in our surrounding take good care of our environment. This will make sure that people who do things in our surrounding do not spoil our environment (water, air, forest, animals).

MODULE 3: WHAT ARE THE LAWS THAT PROTECT OUR ENVIRONMENT

UNIT 3.1: THE LAW THAT CREATED THE EPA AND THE LAW RESPONSIBLE FOR PROTECTING ENVIRONMENT

In 2003, our government (the President and lawmakers that represent us) made several laws to make sure that company and people keep the environment safe.

The first of these laws is the one that made the Government office called Environmental Protection Agency (EPA). The EPA was formed to make sure that it looks over the environment. Like the police, the EPA is supposed to make sure that companies and people who work in our surroundings do not spoil our water, forest and air. The EPA also guides companies and people on how to do things in the environment.

This other law is called the Environmental Protection & Management Law of Liberia (EPML). This law has several cornerstones including the following:

- Every Liberian citizen have the right to take part in talking about the environment and making decision on anything that affects them in their surrounding.
- Whatever development that is done in our environment today should not affect the future of our children and grandchildren, and other people that will come after us.
- Anyone that causes damage to the environment is responsible to pay for the damage caused.
- Everyone should be very careful of anything that they do in the environment.

The law gives the EPA power to take care of the environment and punish people who spoil our environment and its surrounding.

Part III, Section 8 of the Law (EPML) says that before anyone or company can carry on a project or activity in the country, that person or company should get PERMIT from the EPA.

This part of the law talks about the list of project or activities that need to get PERMIT. This list includes mining, logging, agriculture plantation, building big roads and big buildings, taking care of plenty animals, etc.

UNIT 3.2: THE LEGAL BASIS OF AN EIA WITHIN THE LIBERIAN CONTEXT

3.2.1 What is Environmental and Social Impact Assessment

Environmental impact assessment is used to make people to understand how the project will affect the people and their surroundings. How it will affect the trees, the water, the animals and the air. It is used by the Government to decide whether the project should go on or not.

The REASON for Environmental impact assessment is to:

- Make sure that the owner of the project or company understands what impact the project will have on the environment and the local communities.
- Make sure that the owner is responsible to make sure that nothing bad happens to the environment and local communities.
- Make sure that the Company takes care of the soil, water, air and other things that may be affected in a bad way by their project.
- Make sure that the environment is properly taken care of throughout the time of the project and afterward.
- Help government to decide whether the project should go on or not.
- Show how the environment should be taken care of and how to watch (monitor) over the water, soil, air and people when the project is taking place.
- Make sure that community people and other stakeholders are allowed to say what they think about the project.

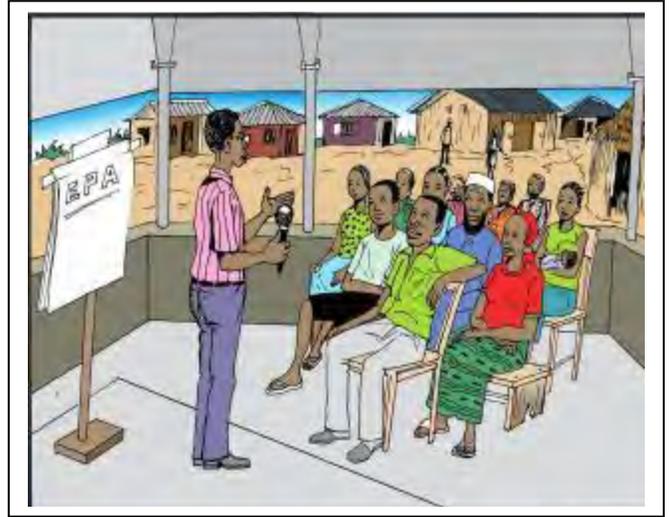
3.2.2 The Environmental Impact Assessment Procedural Guidelines

Remember that the law (EPML) gives the EPA power to protect the environment. Using this law, the EPA developed ways (Environmental Impact Assessment Procedural Guidelines of 2006) in which certain people can study the environment. This study is called Environmental and Social Impact Assessment (EIA) and the people who carry on these studies are called EIA Team.

Whenever the team comes to study the environment, they are supposed to find out how projects or activities will be carried out by companies. They also look at how these project or activities can affect people and their surroundings.

These teams that can study the environment are supposed to have special training and license to know about the project. They should also know about how the project will affect water, soil, air, forest, animal, noise, people way of life and practices, etc.

It is the work of the EIA team to come up with ideas on how to make sure that the project or activities do not cause harm to the people and their surroundings.



MODULE 4: THE ROLE AND RESPONSIBILITIES OF GOVERNMENT INSTITUTIONS AND OTHER ACTORS (CIVIL SOCIETY, NGOS, ETC.) IN THE CONDUCT OF AN EIA

UNIT 4.1: GOVERNMENT THROUGH THE EPA

Government is the people that we elect to look after the country and everything that belong to the public. The Government has ministries and groups that it uses to do its work. The EPA is a Government office that looks after the environment.

The work of the EPA in the EIA process is to:

A. Advise Government

- EPA's key role is to give Government advice on whether or not they need environmental impact assessment (EIA) before a project can go ahead.

B. See to it that EIA is done the right way

- Make sure that the company apply to carry on the EIA and agree on how the EIA will be done (what will be study, how long, what time of the year, who will take part in the meetings, etc.).
- Make sure that the company hires trained and qualified EIA team to carry on the study – experts should be hired that know about the environment and the people.
- Make sure that the EIA team informs the community, other government agencies (e.g. FDA, Ministry of Lands and Mines, Ministry of Agriculture) about the project.
- Make sure that the EIA follows other laws about forest, culture, water, air, etc.

C. Look at report and decide on whether to give permit or not

- Look at the EIA report and say whether it is alright, after talking with the communities, NGOs and other government agencies.
- Accept or say no to the project or ask that the EIA be redone.



UNIT 4.2: NGOS AND CIVIL SOCIETY

An NGO (Non-Government Organization) is a group that does not work for the Government. They get money from other people and groups in order to help communities get better. They do not work to make profit.

Civil Society is a mix of several groups of NGOs and community groups that support communities.

NGOs and civil society can give support to communities during an EIA by doing the following:

- Seek information about the project by talking to government and the EIA team.
- Look at how the EIA is being done.
- Look at how the project can benefit or affect the community and the environment.
- Provide information to community and advise community about the project and the EIA.
- Take part in EIA meetings and share their views.



UNIT 4.3: COMMUNITIES

A community is a group of people living in the same place and having plenty things in common. When a project takes place in a community area the people of the community are the ones who feel the impact of the project.

During an EIA the community role is as follows:

A. Rights of the community

- The communities have right and interest in the condition of the environment (air, water, etc.) and need to know how the project will affect their surrounding.
- Take part in EIA meetings and provide their opinion on how they think the project will affect them.
- Talk about their benefits and rights that are in the project agreement.

B. Getting Information

- Ask for information about the project from the government, company, EIA team and other stakeholders.
- Have meetings in the communities to talk about the project with their representatives.

C. Getting Advice and understanding the issues

- Talk with NGOs and other people who can advise them properly;
- Agree on the issues that are important to the communities;
- Identify how the project will affect them and how to solve the problems that may come with the project;
- Make sure that the issues they talked about are mentioned in the EIA reports and are taken care of to their satisfaction; and
- Ask for a public meeting where the EPA and other government offices can meet and discuss about the project.

MODULE 5: WHAT A COMMUNITY NEEDS TO KNOW ABOUT THE PROJECT

Community people need to know everything about the project. They need to know how the project will affect or benefit them. This will allow them to discuss with the Company and the Government about their concerns.

These are some important questions community people need to ask:

5.1 PROJECT LOCATION AND OWNERSHIP

- Where is the project going to take place?
- What company is it?
- Who owns the company?
- Where is the company from?
- What will the company be doing?
- What will be the role of the community in the project?

5.2 IMPACTS OF THE PROJECT

- Will the project affect how the community people get money?
- Will the project affect community water supplies (wells, creeks, etc.)?
- What are the experiences of the same kinds of projects in other communities?
- Will people lose their land and other properties? If yes, how will they be paid legally for their losses?

5.3 BENEFITS OF THE PROJECT

- If the project land belongs to the community, how was the land obtained and how can the community benefit from the use of the land?
- What are the benefits of the project to the community?
- How will the benefits be shared?
- What happens if the benefits are not paid?
- What can communities do if they have problems with the company?

MODULE 6: HOW COMMUNITIES CAN TAKE PART IN AN EIA PERMIT ISSUANCE

An EIA Permit is a paper that says the company is allowed to go ahead with the project.

The EIA permit talk about all the things that the company needs to do or not do to protect the environment and people.

The EPA issues permits and inspects project to make sure the companies do what the permit say.

Community people have a very important role to play in the issuance of the EIA permit because of their position as the project host or stranger father.

A. Take part in the EIA

- The EIA permit process allows citizens to know and take part in making decision about proposed activities affecting the kind of environment of their community.
- Before the EPA give a company permit to operate, the law says that EPA must talk to the community people, NGOs and other government people (Public Hearing). These kinds of meeting are held in community, city or county halls where community representatives are invited

B. Say what they think about the project

- During this HEARING, community people can tell the EPA what they think about the project. They can also talk about what needs to be done to protect their environment and the community.

C. Help in deciding about the permit

- The EPA can use information from the community when it is issuing permit to the company.
- The EPA can also use information from the community people as reason for not giving permit. This can happen if the issues raised by the community people are serious and sufficient.
- Community representatives can make sure that the permit conditions seek to protect their environment. This can be done by always talking with the EPA people during the EIA permitting process.

MODULE 7: PROCEDURES/ STEPS IN EIA

There are several steps a company must follow in order to get an EIA permit in Liberia. These steps are as follows:

A. APPLICATION:

The Company must first write the EPA to ask for an EIA permit if the project is listed amongst activities that need PERMIT.

Along with the EIA application, the Company must submit a **Project Brief**.

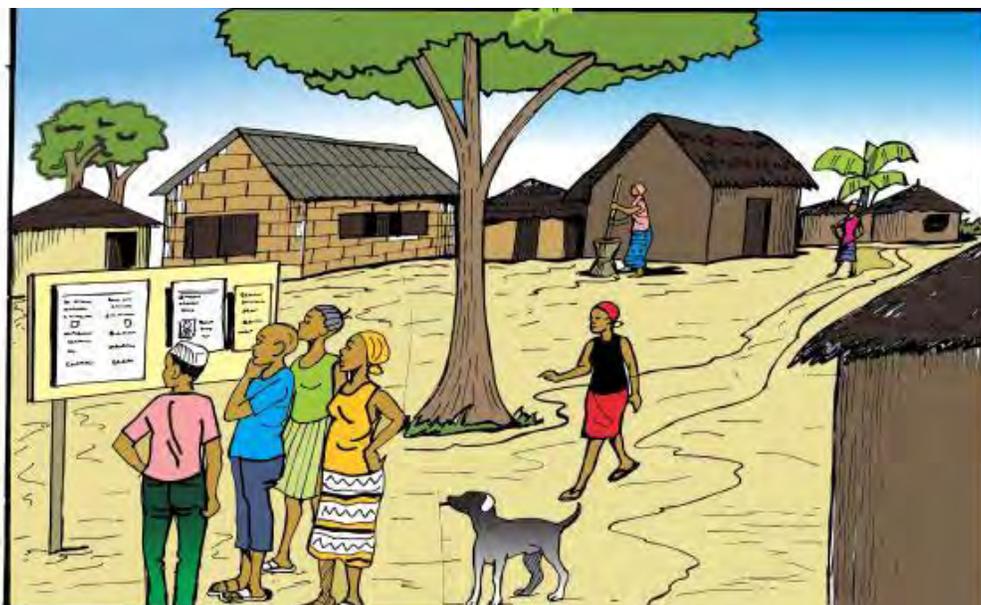
A project brief is a document that talks about the project. It talks about where the project is located, what will be done during the project and how many people will be employed. It also talks about how the project will affect the environment and how the impacts will be taken care of.

B. NOTICE OF INTENT:

The notice of intent is information that the company puts in the ***newspaper, radio stations and communities*** to explain about the project.

This information allows people to know about where the project will take place, what activities will take place, how many people will be employed and what benefits people will get.

It is the first real chance for the community to know about the project and begin to ask questions.



C. SCREENING

This is the point where the EPA looks at the application and the Project Brief and shares it with other government ministries for their views.

From screening the Project Brief the EPA can do the following:

A. **Issue the Company a permit to operate.**

- If the EPA is satisfy that the Project Brief has all the information it needs to make decision;
- That the project has low impact or that the ways to reduce the impact are enough.

B. **Ask the company to move to the next step in the EIA process**

- If the EPA is not satisfied with the Project Brief because there is much left to be known about the project. **If this happens the Company will have to prepare a full EIA.**

D. SCOPING

When the EPA decides that the company needs to do a full EIA, the company needs to submit a **scoping report** as the first step.

This report talks about the following:

- How the EIA will be done;
- Who are those that the EIA team will be talking to;
- What will be study – water, soil, air, plants and animals, how the people live, business, etc.;
- What are the main project impacts; and

- Who are the EIA team members and what are their qualifications.

During this period the EIA team carries on meetings with the communities and all the different groups. These meetings allow the team to understand the issues and plan for the main EIA study.

At this stage community people can begin to ask about those questions that were left on their mind when they listened or read the NOTICE OF INTENT.

People can ask questions about maps and locations, project activities, possible effect of project on communities.

This report is submitted to the EPA. When the EPA agrees that it is satisfied with the report, then the EIA team can begin to prepare the main EIA report

E. EIA REPORT

When an EIA is to be done, the EIA team hired by the company will do the complete EIA study and prepare the EIA report.

The EIA report should talk about the impact of the project on the following:

- ***What the environment looks like before the project start***
 - People, communities and their way of life;
 - Water, soil and air; and
 - Plants and animals.
- ***How the project will impact the environment***

The report must also have a **PLAN** of how the impacts of the project will be solved. This plan is called **ENVIRONMENTAL MANAGEMENT PLAN**.

This plan explains what will be done to solve the impact. It talks about who is responsible to do it and what time it will be done.

After this report is done, the company has to send **10 copies to the EPA**. The EPA then has to send this report to other **government ministries and the communities** for their views.

According to the Law, the communities and other government ministries have **30 days** to say what they think about the report to the EPA by **writing**.

After the EPA receives the views of the community and the other government offices, the EPA can ask for everyone (community people, EPA, other government offices, the company people, NGOs) to meet in a **public meeting**.

The public meeting is held in a place near or in the affected community. The people at this meeting can say what they think about the project.

Based on this meeting and all the other discussions, the EPA will decide as follows:

- Agree for the project to go on just like that;

- Agree for the project to go on under certain condition;
- Ask for other studies, documents or information; or
- Say no to the project.

The EPA has **3 MONTHS** in which it can give permit for project that need EIA.

If the project does not need an EIA, the EPA has 15 days to issue permit.

MODULE 8: HOW COMMUNITIES CAN BENEFIT FROM A PROJECT, WHICH MAY IMPACT THEM

When projects take place they bring benefits to the government and different groups of local people and their communities.

The types of benefits that people can get from a project (mining, logging, plantation) at the local level, directly and indirectly include:

- Direct cash payments;
- Jobs;
- The company and its workers can buy goods and services locally;
- The company can build road, bridges, schools, clinic, etc.; and
- The company can make other voluntary contributions to the communities.

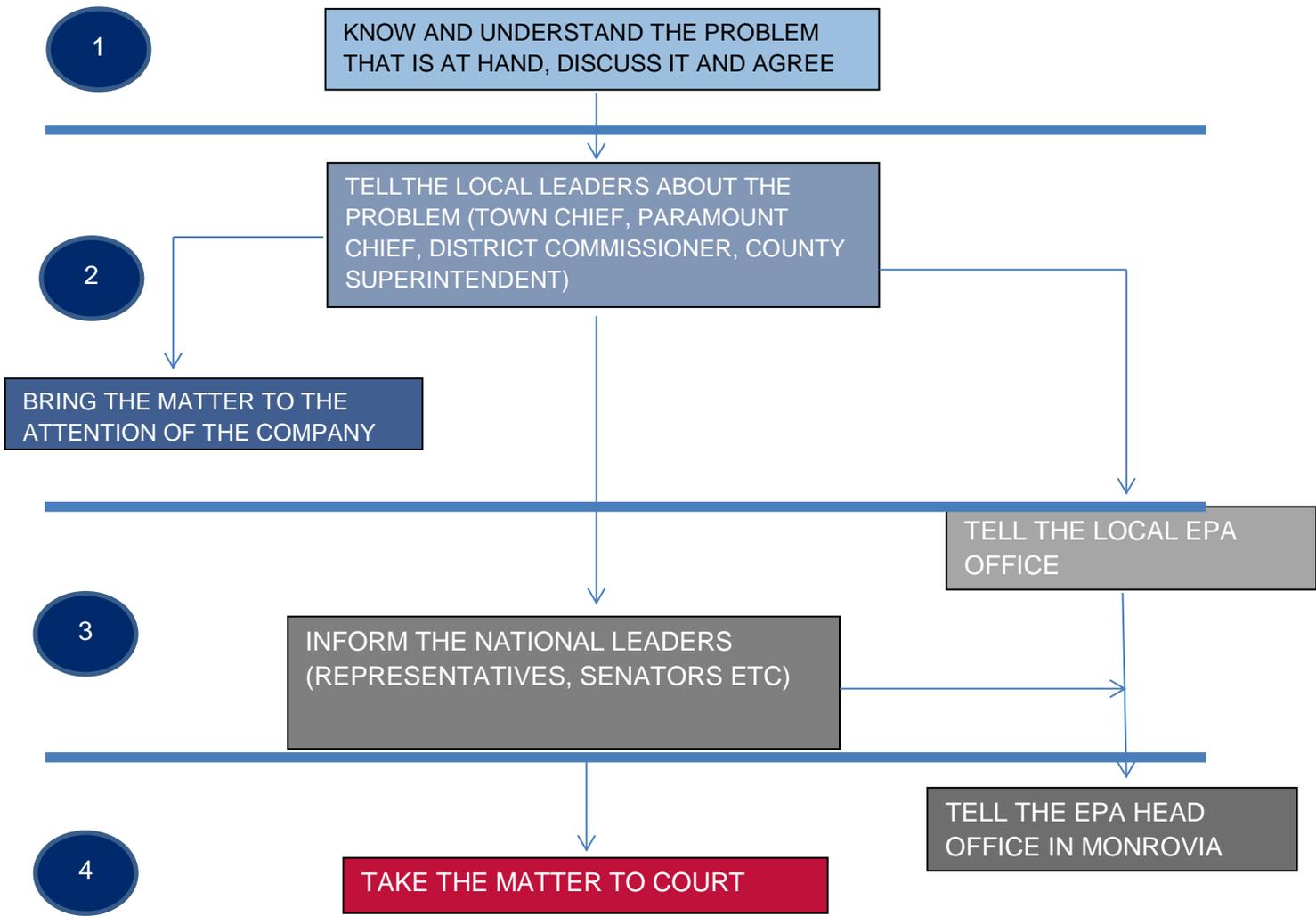
In many agreements in Liberia today, the companies are required to give Liberian companies and employees the first choice. It is important for community people to ask questions about the kinds of jobs they can get in the company.

Community people can also discuss with the company what they expect from them. The community people should talk to the company so that they can agree on finding ways and time to talk to each other always. This will make sure that communities know at any time the plans and activities of the company.

MODULE 9: SOLUTIONS AVAILABLE TO COMMUNITIES IF THERE ARE NEGATIVE IMPACT FROM PROJECT ACTIVITIES/ ACTIONS A COMMUNITY CAN TAKE TO ENSURE THE LAW IS RESPECTED.

Communities have several actions they can take to make their demands heard if they feel that project is having a bad impact on them, or if the company is not following what is in the ENVIRONMENTAL PERMIT/ following the law.

Below is a step of actions communities can take to make sure the problem is solved:



Among the possible actions to take communities can to use the media to make sure other people, government and other organizations know their concerns.

The Constitution of Liberia gives people the right to protest peacefully. This means that they can meet and express their views to the government and company without damaging properties or affecting other people.



To carry on such a protest the Justice Ministry and the Police need to be informed so that they can make sure there is law and order during the protest.

Protest can have good side and bad side!

Protest can make people give attention to you and listen to your problems.

Protests can also get out of control with some people getting hurt, properties getting damage and sometimes people getting arrested and sent to jail.

For these reasons it is better to solve problems using the 4 other steps listed above. Protest should be the last way to solve issues when all the other ways fail.

REFERENCES

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